

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
January 7, 2014  
City Council Chambers – Rouss City Hall**

**PRESENT:** Councilor Jeff Buettner, Evan Clark, John Hill and John Tagnesi;  
Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-  
Mayor Les Veach; President John Willingham (8)

**ABSENT:** Councilor Ben Weber (1)

President Willingham called the meeting to order at 6:00 p.m.

**2.0 Public Comments:** (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone)

President Willingham asked if anyone wished to address Council. Seeing none, he closed the Public Comments at 6:01 p.m.

President Willingham stated he would entertain a motion to add a motion to authorize Mayor Minor to execute a letter on behalf of the City of Winchester requesting the reinstatement of Cost of Competing Adjustment (COCA) funding for K-12 support positions and a motion to add the discussion of personnel to the executive session. *The motion was made by Councilor Clark, seconded by Councilor Buettner, then approved 8/o.*

**3.0 Items for Discussion:**

**3.1 O-2014-02:** AN ORDINANCE TO ADOPT SECTIONS 14-15 OF THE WINCHESTER CITY CODE PERTAINING TO USE OF PHOTO-MONITORING SYSTEMS TO ENFORCE LAW AGAINST PASSING STOPPED SCHOOL BUSES (*Allows the use of video monitoring systems on school buses for the purpose is issuing citations to motorists*)

Vice-President McInturff moved to authorize Mayor Minor to execute the letter requesting the reinstatement of COCA funding. *The motion was seconded by Vice-Mayor Veach then approved 8/o.*

School Superintendent Rick Leonard presented the request to install monitoring systems on a few of the school buses in the high traffic areas. A pilot was completed last spring for an eleven day period and 25 violations were recorded of people not stopping for school buses. In October, the School Board authorized him to proceed with a contract

with American Traffic Solutions. In order to move forward, he asked Council to pass the ordinance allowing them to do so.

***Councilor Weber arrived at the meeting at 6:06 p.m.***

Mr. Leonard stated there is no upfront cost to anyone. The program is financed through the receipt of fines. The initial term of the agreement is 5 years with a payment structure of percentages.

Police Chief Kevin Sanzenbacher stated the citations would be taken care of through the vendor by utilizing the midnight shift.

Vice-President McInturff asked if the word “cars” should be changed to “vehicles” in the second paragraph. City Attorney Anthony Williams stated it should. He also suggested striking the wording “of not more than” from Section I.

Vice-President McInturff moved to amend O-2014-02 to change the word “cars” to “vehicles” in the second paragraph and to strike the phrase “of not more than” from section I. *The motion was seconded by Vice-Mayor Veach then approved 9/0.*

**3.2 Discussion of Storm Water Infrastructure Needs – Capital Improvement Plan**

Utilities Director Perry Eisenach reviewed the project categories for the storm water infrastructure needed in the Capital Improvement Plan. The first category includes mitigating flood issue projects to be done over the next 5 years on Valley Avenue near Tevis, Valley Avenue and Whitlock, and North Kent Street just north of Piccadilly Street by Liberty. The city currently has \$2.5 million of Revenue Sharing Funds to do the Valley/Tevis project and \$400,000 in Revenue Sharing Funds for the Valley/Whitlock project. Old storm infrastructure will also need to be replaced but will be smaller projects scattered throughout the city. He stated the next category is infrastructure related to storm water quality. Due to increasing regulations, some projects will be related to improving the quality of storm water such as enlarging retention ponds. Staff will know more about these projects once the regulations become more defined. He stated the next category is installing curbs, gutters and sidewalks where none currently exist. This will be done in conjunction with the Sidewalk Master Plan. He stated the last category is equipment used related to storm water such as street sweeping which will need to increase by 50% as compared to today. He would also replace dump trucks, a jet vacuum truck and a camera used to look at drains. He stated this is not an all inclusive list but an aggressive start totaling about \$25 million. The proposed funding source would be revenue bonds supported by the utility, VDOT Revenue Sharing funds, and \$2.8 million

for smaller projects and equipment from cash generated from the storm water and utility funds.

President Willingham asked about the City Municipal Center. Mr. Eisenach stated City Yards is an old facility and is at the end of its life. Public Works located at the end of Woodstock Lane is in the same condition. A Public Services Municipal Center would allow all of the departments to come together and be able to store equipment inside.

- 3.3 CU-13-593:** Conditional Use Permit – Request of Michael Bortz on behalf of T-Mobile Northeast, LLC, to upgrade existing telecommunications facilities with replacement antennas at 799 Fairmont Avenue (*Map Number 153-01-2*) zoned Limited Industrial (M-1) District

Director of Zoning & Inspections Aaron Grisdale presented the request by T-Mobil to remove 6 existing antennas and install 6 new antennas for a 4G upgrade. The CUP received a positive recommendation from the Planning Commission with the usual conditions placed on the facility.

Councilor Clark moved to forward CU-13-593 to Council. *The motion was seconded by Mayor Minor then approved 8/1 with Councilor Weber voting in the negative.*

- 3.4** Update regarding an appeal of the decision by the Board of Architectural Review (BAR-13-524) requiring the removal of vinyl siding and replacing with wood siding for the property located at 16 West Monmouth Street

Mr. Grisdale presented an appeal to a decision of the Board of Architectural Review. He provided a brief background summary of the case and described the process for the appeal scheduled for the January 14, 2014 Regular Council meeting.

City Manager Dale Iman announced that after this case, Will Moore will be taking over the administration of the Board of Architectural Review.

- 3.5 O-2014-01:** AN ORDINANCE TO AMEND SECTION 10-51 OF THE CITY CODE PERTAINING TO AMENDMENTS, ADDITIONS AND DELETIONS TO THE VIRGINIA STATEWIDE FIRE PREVENTION CODE (*Expansion of the required fire prevention code permits and to adopt a fire inspection fee schedule*)

Fire Chief Allen Baldwin and Fire Marshall Jeremy Luttrell presented the amendment to section 10-51 of the City Code to expand the fire code permits and inspection fees. This will allow the department to expand the inspection services to be able to identify violations and possibly prevent fires from occurring.

Councilor Clark moved to forward O-2014-01 to Council. The motion was seconded by Mayor Minor.

After a brief discussion on the impacts to businesses, President Willingham asked Councilor Clark if he would like to go ahead and vote on his motion or if he would prefer to have it brought back for more discussion. After Councilor Clark rescinded his motion, President Willingham directed staff to put O-2014-01 on the January 28, 2014 Work Session for more discussion.

### **3.6 City Manager Report**

City Manager Dale Iman reported on an FAA minimal ascent altitude issue for the communications tower. The FAA has not given information to the City yet but once staff has it, they will meet with the airport representatives. The FCC has granted a waiver of extension until January 2015. Mr. Iman distributed a flyer for Local Government Day in Richmond on February 6, 2014, and stated this is an opportunity for localities to go to Richmond and speak to the legislators. He asked Council to contact Kari Van Diest if they were interested in attending.

## **4.0 EXECUTIVE SESSION**

- 4.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF INVESTMENT OF PUBLIC FUNDS WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED AND PURSUANT TO §2.2-3711(a) (29) FOR THE PURPOSE OF DISCUSSION OF THE AWARD OF A PUBLIC CONTRACT INVOLVING THE EXPENDITURE OF PUBLIC FUNDS, INCLUDING INTERVIEWS OF BIDDERS OR OFFERORS, AND DISCUSSION OF THE TERMS AND SCOPE OF SUCH CONTRACT, WHERE DISCUSSION IN AN OPEN SESSION WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE CITY AND PURSUANT TO §2.2-3711(A)(40) FOR THE PURPOSE OF DISCUSSION OF RECORDS EXCLUDED FROM CHAPTER 37 OF TITLE 2.2 OF THE CODE OF VIRGINIA PURSUANT TO SUBDIVISION 3 OF § 2.2-3705.6 AND**

PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICES APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS

Vice-Mayor Veach moved to convene into executive session at 7:48 p.m. *The motion was seconded by Councilor Tagnesi then unanimously approved 9/0.*

Vice-President McInturff moved to reconvene in open session at 8:51 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved 9/0.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

*A roll call vote was taken, the ayes and nays being recorded as shown below:*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

## **5.0 Liaison Reports**

No reports were presented.

## **6.0 Monthly Reports**

- 6.1** Fire Department
- 6.2** Police Department

## **7.0 Adjourn**

Vice-President McInturff moved to adjourn the meeting at 8:52 p.m. *The motion was seconded by Mayor Minor then unanimously approved 9/0.*