

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
January 28, 2014
Exhibit Hall – Rouss City Hall**

PRESENT: President John Willingham; Councilor Jeff Buettner, Evan Clark, John Hill, and John Tagnesi; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach (9)

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 there was anyone wishing to address Council. Seeing none, he closed the public comments at 6:01 p.m.

3.0 Items for Discussion:

3.1 Presentation: Comprehensive Annual Financial Report

Billy Robinson of Edwards & Company, LLP, presented the Comprehensive Annual Financial Report from the recently completed audit. He stated a modified report was issued showing the level net position for the City is low but the Schools is high but that is the nature of how it is reported. He informed Council that pension standard reporting changes are coming in 2015.

3.2 Presentation: Indian Alley and W. Cork St revisions to support Pocket Park

Phil Glaize, President of the Discovery Museum, presented a proposal for bus parking and a pocket park. He asked Council to allow a bus loading area with a curb bump out on the corner of Indian Alley and Cork Street. The bump out would force vehicles to exit Indian Alley from the Cork Street Parking Lot which is commonly done now due to a lack of visibility from Indian Alley. A triceratops dinosaur head would be placed in the middle of the bump out for children to climb on creating a pocket park. These changes would be at the expense of the Discovery Museum. The City would lose one metered parking spot on Cork Street but there would be no loss of parking spots in the Cork Street Parking Lot. The

museum is asking the City to install a raised crosswalk from the Old Town Mall to the Discovery Museum.

Councilor Weber arrived to the meeting at 6:26 p.m.

Council gave consent for the Discovery Museum to proceed with the proposal through the ordinance process.

3.3 Presentation: E. Cork St Gateway Enhancements

Planning Director Tim Youmans presented a proposal to enhance the fences along the side of properties along Cork Street between Pleasant Valley Road and East Lane. Along with the new fencing, new 5 foot sidewalks would be installed west of Shenandoah Street. The sidewalks would be replaced as is east of Shenandoah Street. Staff would work with the property owners on upgrading the fences for a small area of their property for the sidewalk expansion. If the City were to pay 100% of the cost for all of the properties, it would be approximately \$14-17,000.00.

Council gave consent to move forward with the proposal.

3.4 Presentation: 2013 Downtown Events Evaluation

Downtown Manager Jennifer Bell presented a brief summary of the events and highlights accomplished in 2013 as the Old Town Development Boards' annual report. Each event had an attendance rate of 1200 – 5000 people with a total of 42,000 people in the downtown area. An increase of \$6,200 in parking revenue and \$75,683 in meals tax revenue was reached in 2013 over 2012 due to the new events. She stated the areas of improvement that were noted were better communication, more diversity, and the need to market more to the events. The OTDB recommends a Special Event policy be developed to state the goals and priorities, determine the difference in public and private events, who should pay, etc. Ms. Bell stated this is something the OTDB is willing to work on at their upcoming retreat if Council desires.

Vice-President McInturff asked how the Shenandoah Apple Blossom Festival vendors' taxes are collected. Commissioner of the Revenue Ann Burkholder stated a 1969 resolution by Council granted permission to Apple Blossom to handle the concession licenses. This hinders the Commissioner from collecting the taxes.

Councilor Weber asked if taxes were paid on other events. Ms. Burkholder stated it depends on the event and the nature of sponsorship.

Vice-President McInturff asked if this Council were to rescind the resolution, would it give the Commissioner the ability to level the playing field. Ms. Burkholder stated it would.

- 3.5 R-2014-02:** Resolution – Authorize the refund of \$12,078.51 to Piedmont Medical Laboratory for prorated Business License Taxes, the refund of \$10,420.84 to Riddleberger Brothers, Inc. and the refund of \$46,811.11 to Integrity Home Mortgage Corp. for prorated and erroneously paid Business License Taxes

Commissioner of the Revenue Ann Burkholder presented the request to refund prorated business license taxes to Piedmont Medical Laboratory in the amount of \$12,078.51 and prorated and erroneously paid business license taxes to Riddleberger Brothers, Inc. in the amount of \$10,420.84 and Integrity Home Mortgage Corp. in the amount of \$46,811.11.

Vice-Mayor Veach moved to forward R-2014-02 to Council. *The motion was seconded by Councilor Hill then unanimously approved 9/0.*

- 3.6 O-2014-03:** AN ORDINANCE TO AMEND CHAPTER 8 AND CHAPTER 27 PERTAINING TO THE ESTABLISHMENT OF THE WINCHESTER ENTERPRISE ZONE AND ITS RELATED INCENTIVES

Director of Economic Redevelopment Jim Deskins presented the ordinance to formally adopt the boundaries and incentives for the Enterprise Zone. The City is offering 14 local incentives and 2 incentives from the State. The benefits from the State would include getting \$800.00 for 5 years for each employee added that you keep and getting allocations for real estate rehabilitations.

Vice-President McInturff moved to forward O-2014-03 to Council. *The motion was seconded by Councilor Weber then unanimously approved 9/0.*

- 3.7 R-2014-01:** Resolution – Authorizing the execution of the Winchester Enterprise Zone Local Incentives Grants Funding Agreement between the City of Winchester and the Winchester Economic Development Authority

Mr. Deskins presented the funding agreement for the Enterprise Zone Local Incentives which allows the EDA to fund the rebates and get reimbursed by the City once it is invoiced.

Vice-President McInturff moved to forward R-2014-01 to Council. *The motion was seconded by Councilor Tagnesi then approved 9/0.*

3.8 Presentation: Update on the Taylor Hotel project

Mr. Deskins reported the Taylor Hotel is done. The Certificate of Occupancy was received, the tenants have moved in, and the restaurant is opening this spring. Construction has begun on the fly tower. One of the apartments in the tower is pre-leased and staff has a letter of intent for the other apartment and retail space. The entertainment venue should be open in May. Staff is working on the management contract for the venue along with the guidelines on who, what, and when it can be used.

3.9 Discussion: Storm Water Utility – Operation and Maintenance Needs

Utilities Director Perry Eisenach presented the operation and maintenance needs for the stormwater program. He stated the biggest impact is the Virginia Stormwater program that the state is requiring the City to take over.

Councilor Buettner left the meeting at 8:08 p.m.

This will require resources and staff the City does not have. A new position will be requested in the budget to help with the flood insurance program, infrastructure improvements, and a data base of property impervious areas. The estimate for this position is \$85,000 a year. The City will also need to increase the street sweeping operations by 50% and will need to add another position to do that. This will be an estimated cost of \$75,000 a year along with the purchase of a sweeper. The current operations costs are about \$250,000 a year and are paid through the maintenance funds from VDOT. Engineering spends about \$300,000 a year on stormwater through the Utility Fund. GIS and Parks spend about \$600,000 a year out of the General Fund. All of this could be paid for out of a Stormwater Fund freeing up the other funds. He stated the current operation is reactive due to the size of the crew. Staff is recommending developing a crew dedicated to stormwater so the system operates like it should. If the utility is approved, staff will recommend a 3 person crew in FY16.

3.10 O-2013-40: AN ORDINANCE TO AMEND CHAPTER 9 – “WATER PROTECTION” OF THE WINCHESTER CITY CODE PERTAINING TO REGULATIONS OF THE VIRGINIA STORMWATER MANAGEMENT PROGRAM (*Implementation of applicable provisions of the Virginia Stormwater Management Plan*)

Mr. Eisenach stated this ordinance was originally brought to Council in November and must be in place by July 1st to take over the program from the State. The General Assembly is making more changes so he would like to hold it and bring it back in April.

4.0 EXECUTIVE SESSION

- 4.1 MOTION TO CONVENE IN EXECUTIVE SESSION 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 OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS.

President Willingham stated he would entertain a motion to add legal counsel to the executive session tonight. *The motion was made by Vice-President McInturff, seconded by Councilor Hill, then unanimously approved 8/o.*

Vice-President McInturff moved to convene into executive session at 8:34 p.m. *The motion was seconded by Councilor Clark then unanimously approved 8/o.*

Vice-President McInturff moved to reconvene in open session at 9:45 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved 8/o.*

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:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Absent
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

President Willingham stated he would entertain a motion to add a motion to rescind the decision of an April 8, 1969 motion which granted Apple Blossom permission to handle all concession licenses during the Apple Blossom Festival for succeeding years. *The motion was made by Vice-President McInturff, seconded by Vice-Mayor Veach, then unanimously approved 8/0.*

Vice-President McInturff moved to approve rescission of the April 8, 1969 decision granting Apple Blossom permission to handle all concession licenses during the Apple Blossom Festival for succeeding year. *The motion was seconded by Councilor Tagnesi then unanimously approved 8/0.*

5.0 Liaison Reports

No reports were presented.

6.0 Monthly Reports

- 6.1** Finance Department
- 6.2** Fire & Rescue Department
- 6.3** Police Department

7.0 Adjourn

Vice-President McInturff moved to adjourn the meeting at 9:47 p.m. *The motion was seconded by Councilor Clark then unanimously approved 8/0.*