

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
March 24, 2015
Council Chambers – Rouss City Hall**

PRESENT: Councilor Evan Clark, John Hill and Corey Sullivan; Vice-President Milt McInturff; City Councilor Kevin McKannan and William Wiley; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (9)

ABSENT: None (0)

1.0 Call to Order – President Willingham called the meeting to order at 7:00 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 on this issue. Seeing none, he closed the public hearing at 7:00 p.m.

President Willingham stated he would entertain a motion to add to the agenda the discussion of O-2015-03 - AN ORDINANCE TO CONDITIONALLY REZONE 10.59 ACRES AT 200 MERRIMANS LANE (*Map Number 149-01- -7-A*), FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY (0.80 ACRES) AND CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT (9.79 ACRES) TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY RZ-14-663. *The motion was made by Vice-Mayor Veach, seconded by Councilor McKannan, and unanimously approved by voice-vote.*

3.0 Items for Discussion:

3.1 Presentation: Winchester Public School Board FY16 Budget Requests

School Board Chair Erica Truban presented a brief summary of the Winchester Public Schools 2016 budget.

Superintendent Dr. Mark Lineburg thanked Council for all of their support to the school system. He reviewed the various programs available in the schools and provided a comparison of the school system's SAT and ACT scores to the national and Virginia scores.

Ms. Truban reviewed a snapshot of the student demographics. She stated the daily attendance rate is 4,135 students with a 59% free/reduced lunch

participation rate. The English Language Learner (ELL) population has continued to grow from year to year. She also reviewed the transiency rate within the school system and explained the transiency rate is the number of students entering or exiting the school system during a given time period. VACDES has a 24% transiency rate followed by Quarles at 19.44% and Frederick Douglass at 18.71%. She stated the ELL students are a small amount of these percentages. Ms. Truban reviewed the School Board goals from the past years and stated they are in the process of developing a new strategic plan to frame the goals and priorities for the next 5 years. She also reviewed the current short term and on-going priorities including an associate's degree program that will be available beginning next year.

Dr. Lineburg stated three out of the four short term priorities and two of the on-going priorities relate directly to the budget. The big ticket items include shifting \$450,000 from the health insurance fund to the annual operating expenses, \$204,000 to cover a 6.62% increase in health insurance, \$376,000 cost of living increase, \$125,000 request from Northwestern Regional Education Programs (NREP), \$156,000 to purchase Chromebooks for the One to One Initiative, and \$155,000 for the JROTC Marine Program.

Finance Director Rick Miller reviewed each item of the budget requests and how the items will impact the local funding for a total of 1,360, 295. He also reviewed the two new grants available for funding.

Ms. Truban reviewed the capital requests to include the furniture and technology equipment for the new John Kerr Elementary School. She stated the costs could be split between two years and suggested doing 80% in 2016 and 20% in 2017.

3.2 Discussion: FY16 Proposed Budget Summary and Options

City Manager Eden Freeman stated after the budget presentation at the March 10, 2015 Work Session, there was a small discussion on the tax rate. Based on the feedback received, she presented three options for Council's consideration to gauge Council's thoughts on what tax rate is preferred. The three options are a revenue neutral tax rate of \$0.91, a tax rate of \$0.92, and a revenue neutral tax rate with the school funding at \$750,000 which will allow the City to add in a few more positions.

Vice-Mayor Veach stated knowing some of the taxes were changed last year, he is inclined to go with a revenue neutral rate of \$0.91 but he is concerned about the new expenses.

President Willingham stated the last property tax rate increase was in 2012 for \$0.10. It has not increased since then but some smaller taxes were increased last year. The revenue neutral budget allows the City to meet the demands the best it can.

Councilor Clark stated looking at the revenue options; he would support option 1 over option 3.

3.3 O-2015-08: AN ORDINANCE TO AMEND SECTION 27-10 PERTAINING TO REAL PROPERTY TAX RATE

Vice-Mayor Veach moved to forward O-2015-08 with a revenue neutral rate of \$0.91. *The motion was seconded by Councilor Hill then approved 8/1 with Vice-President McInturff voting in the negative.*

3.4 Discussion: Recommendation from the Park and Recreation Advisory Board to temporarily open the Skate Pavilion

Parks and Recreation Advisory Board member Shelly Lee presented the recommendation of the Parks Board to temporarily reopen the skate pavilion for three months with the requirement of helmet use.

Councilor Clark asked if the pavilion will be monitored. Ms. Lee stated it will be monitored by volunteer or light duty staff.

Councilor Wiley asked if the Parks Board discussed the liability risks. Ms. Lee stated a lot of the skaters do not have adult support at all. It was the 18 and older ones who were upset about not being able to skate how they wanted. The younger skaters are the ones who really want this second chance.

Councilor Clark stated he agrees they should be given this second try with the monitors present. The skaters realize this is their last chance to do this right or give up the opportunity.

Mayor Minor stated she would like to give them another chance and go along with the Parks Board.

Vice-President McInturff asked if the monitors will be filling out some type of report to get feedback on the numbers of kids and helmet use. Ms. Lee stated that will be a part of it so they can collect the data.

President Willingham asked why the city is trying to recreate the wheel when others are working successfully.

Councilor Clark moved to allow the Parks Board to move forward with the three month study period with monitors. The motion was seconded by Mayor Minor.

Vice-President McInturff asked how can the City back up and do what other parks do without helmets. City Attorney Anthony Williams stated because the park is not what it was when the safety consultant first looked at it previously; he recommended getting another opinion to see if the consultant would give a new recommendation.

President Willingham stated he is afraid this is actually setting the city up for failure knowing there are other options to explore before being sure this is the best option.

Councilor Clark asked if sovereign immunity would cover the city in situations as this. Mr. Williams stated he would like to reiterate that sovereign immunity will not protect the city when proceeding with something with a known danger. He always discourages localities from looking at other localities when looking at something. The facts that play into Winchester's case may not be the same in the other locality. The city had a safety consultant that said for what we have, we need to require helmets.

Councilor McKannan stated looking at the monitors that have been harassed in the past, the families that have had conflicts and the equipment going underutilized, he is willing to go along for three months but if it fails, he cannot go with it again.

Councilor Clark's motion was defeated 3/6 with President Willingham, Vice-President McInturff, Vice-Mayor Veach, Councilors Hill, McKannan, and Wiley voting in the negative.

O-2015-03 - AN ORDINANCE TO CONDITIONALLY REZONE 10.59 ACRES AT 200 MERRIMANS LANE (Map Number 149-01- -7-A), FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY (0.80 ACRES) AND CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT (9.79 ACRES) TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY RZ-14-663

Planning Director Tim Youmans stated there have not been a lot of changes since the March 10th Work Session. The notable difference is that on March 17th, staff received a revised proffer and a subdivision to the development plan. The revision in the development plan was limited to changing the designation of the trails. An easement agreement was not made with the Museum of the Shenandoah Valley so the need to have public access across this site to the MSV property was not needed. Mr. Youmans reiterated the trails were never intended to be City of Winchester trails. They would have been spurs off of the public trail system. The change to the proffers is in regards to the amount of \$330,000 previously referenced in the agreement for the construction of Meadow Branch Avenue. That proffer has been substituted with a proffer that is more general specifically that \$300,000 would be provided to the city to mitigate any impacts arising from the rezoning which could include public safety, public services, transportation, and parks and recreation but not specifically limited to those. So it would be a broad cash proffer that would be available without any stipulations in terms of the Meadow Branch Avenue construction.

President Willingham stated the language states within 30 days of a final unappealable, approved site plan and asked from a timing perspective, what the length of time would be between Council approving this and the approval of the site plan. Mr. Youmans stated the site plan would most likely be approved administratively.

President Willingham stated that after reviewing this and taking everything else into consideration, this change in language seems to better mitigate a lot of the impacts that he had concerns about from the last items before him.

Vice-Mayor Veach stated his concerns are consistent since they have not addressed the market rate rents, the safety concerns with elementary aged students right across the street, the compliance with the Comp Plan, and their own data from their own analysis clearly shows the number of students is unbelievable at 13. He is also concerned about the long term effects and financial impact on the citizens.

Vice-President McInturff stated the only significant change he saw was the \$333,000 road proffer to a \$300,000 cash proffer. If the road comes in higher than \$2.6 million dollars, it will be \$33,000 less that VDOT has to match causing a net loss to the City of \$66,000. Mr. Youmans stated staff should know the cost of the road by the end of the month which will be before Council's next meeting.

3.5 Presentation: Planning Department and Zoning & Inspections Department 2014 Annual Report

Mr. Youmans presented the 2014 Annual Report for the Planning Department and the Zoning & Inspections Department. He stated the numbers show success with the Comp Plan, the revitalization of parcels in the city, and the streamlined processes such as with the night clubs and telecommunication facilities. He anticipates a continued increase in the number of rezonings.

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 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)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, PERFORMANCE AND APPOINTMENT OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER.

Vice-President McInturff moved to convene into executive session at 8:52 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Vice-President McInturff moved to reconvene in open session at 9:03 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

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 Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

5.0 Monthly Reports

5.1 Fire & Rescue Department

5.2 Finance Department

6.0 Adjournment

Vice-President McInturff moved to adjourn the meeting at 9:03 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*