

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
January 26, 2010
City Council Chambers – Rouss City Hall**

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

ABSENT: Vice-Mayor Michael Butler (1)

President Buettner called the meeting to order at 5:36 p.m.

Items for Discussion:

Presentation: 2009 Annual Audit Report – Joel Knopp

Joel Knopp of Didawick & Knopp, P.C. presented the highlights of the Comprehensive Annual Financial Report.

Update: CU-04-06: Conditional Use Permit – Five year review of CUP issued to New Life Center, Inc. for an addition to a recovery center at 315 East Cork Street.

Zoning Administrator Vince Diem presented a revised staff report for CU-04-06. When Council approved the CUP in 2004 there were three conditions that limited occupancy, required staff review and approval of the site plan, and required a five year renewal. Edgell has responded to staff concerns with jaywalking and security. However, there is an additional concern that they are not licensed with the Department of Behavioral Health and Development Services or the Department of Corrections. Mr. Diem presented suggested conditions for Council to consider for approval.

Councilor Willingham asked if the definition of use determines if the facility should be licensed or not. Mr. Diem stated it is his understanding that the decision is ultimately up to the Department of Behavior Health and Development Services or the licensing office of the state. They review the services provided and determine whether licensing is required.

Councilor McInturff asked if the CUP covered the entire recovery facility or just the addition put on 5 years ago. Mr. Diem stated at the time of application, they were operating under a non-conforming use that was grandfathered. The expansion request caused them to go under a rezoning. The facility was considered a halfway house and the CUP was attached to that. The CUP includes the entire facility.

Councilor Willingham asked if a rezoning was required or not. Mr. Williams stated if the operation is consistent with the rezoning, it would not be required. If it is operating as a Special Care Hospital, a rezoning would be required. He suggested Edgehill establish with Mr. Diem where they fit into the zoning use.

After further discussion, President Buettner asked Mr. Youmans, Mr. Diem, Mr. O'Connor, the applicant, and the applicant's attorney to work through the process of determining the operation's use.

Discussion: Budget Schedule and Committee

City Manager Jim O'Connor recommended a Budget Committee consisting of staff and three members of Council to finalize the FY11 Budget before presenting it to Council. Mr. O'Connor introduced Patrick Barker of the Economic Development Commission who requested an opportunity to speak to Council regarding the consideration of funding.

President Buettner asked Vice-President Major and Mayor Minor to serve on the committee along with himself. He asked Mr. Barker to attend the committee meeting for that discussion.

CU-09-434: Conditional Use Permit - Request of Scott Rosenfeld for nonresidential parking in a front yard on a dual frontage lot at 804 Amherst Street (Map Number 171-01-18) zoned Residential Office (RO-1) District with Historic Winchester (HW) District overlay.

Planning Director Tim Youmans stated the property has two public street frontages although it is not a corner lot. A CUP is required to have parking in a front yard. It is not possible to have parking in the side or rear of this property. The entry drive would be on Amherst that exits onto Whittier Avenue. A garage structure will block most of the parking from Whittier so it would not impact the adjacent properties. The Planning Commission recommended approval with conditions.

Councilor Les Veach moved to forward CU-09-434 to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

R-2010-05: Resolution – Approval for the Utilization of Social Media Technology

Economic Redevelopment Director Jim Deskins stated there are two items before Council. The first is a resolution to authorize the use of social media and the second is the policy regarding media relations and how we would coordinate the use of it. An additional "Whereas" will be added to the resolution to adopt the media relations policy.

Assistant City Manager Anne Lewis stated the policy identifies the Public Information Officer as the Media Relations Manager.

Councilor Clark stated his concern that it is a two-way stream of information. There may be negative feedback posted that stays on the page for all to see. Ms. Lewis stated she has consulted other localities that have reserved the right to delete certain statements.

Councilor Willingham moved to forward R-2010-05 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

O-2010-01: Ordinance – AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2010

Finance Director Mary Blowe stated most of the items have already been seen through previous Council actions or grants.

Mayor Minor moved to forward O-2010-01 to Council. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

O-2010-02: Ordinance – AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 10 OF THE WINCHETER CITY CODE PERTAINING TO FIRE PREVENTION AND PROTECTION

Fire & Rescue Chief Frank Wright stated the department is amending Chapter 10 to add the supplement of the Fire Code into it. This will also clean up some language.

Vice-President Major moved to send O-2010-02 forward to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

R-2010-02: Resolution – Approval of New Streets to the City's Street Inventory. Resulting in an increase of approximately \$21, 400 per year from VDOT.

Utilities Director Perry Eisenach stated the City receives money from VDOT each year for the number of streets. This resolution adds the 7 new streets that were developed last year to our inventory.

Councilor Clark moved to forward R-2010-02 to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

R-2010-03: Resolution – Authorizing the application for FY11 Federal Operating Assistance for Transit

Transit Director Renee Wells stated each year a resolution is approved to agree to file an application for Federal operating funds. The amount is estimated but it is the same amount listed in last year's application. We received more than the estimated amount last year.

Councilor Veach moved to forward R-2010-03 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

R-2010-04: Resolution – Authorizing the application for FY11 State Operating Assistance for Transit

Ms. Wells stated this is the same type of resolution except for State funding. The amount does include a 10% decrease in funds expected from the State.

Vice-President Major moved to forward R-2010-04 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

O-2010-03: Ordinance - AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURE(S) AND PROPERTY LOCATED AT 146-148 NORTH LOUDOUN STREET

Zoning Administrator Vince Diem stated the property has been given a preliminary determination of being blighted. He presented a summary of the current condition of the property. The Fire Marshall declared the building as unfit for fire fighters to enter. There have also been previous concerns with broken store front windows and graffiti. The property owner has been verified as being solely responsible but they have not been responsive to attempts to contact. Staff recommends the property be demolished.

Councilor Clark asked if the property owner has been given opportunities to respond. Mr. Diem stated they have had opportunities. Previously, they would respond every six months to a year but that contact has stopped.

Mr. Diem stated the top portion of the front of the building is cast iron. Staff would encourage some sort of relationship with the preservation society or another firm to make it available for another property or purpose.

Councilor Veach moved to forward O-2010-03 to Council. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

O-2010-04: Ordinance – AN ORDINANCE TO APPROVE THE APPLICATION OF WINCHESTER MEDICAL CENTER FOR TAX EXEMPT STATUS BY CHARITABLE ORGANIZATION PURSUANT TO 27-33 OF THE WINCHESTER CITY CODE

City Assessor Will Rice stated this is an application from Winchester Medical Center for real estate tax exemption on the new Diagnostic Center.

Councilor Veach expressed his concern that the ordinance states the tax exemption is for WMC and not the Diagnostic Center.

Councilor Veach moved to forward O-2010-04 with the amendment that Diagnostic Center be added to the ordinance. *The motion was seconded by Councilor Willingham then approved 7/1 with Vice-President Major voting in the negative.*

R-2010-05: Resolution – Authorizing the City Manager to execute an adoption agreement with ICMA-RC to establish a 401 Plan

This item was approved at the Special Meeting held prior to this meeting.

O-2010-05: Ordinance – AN ORDINANCE TO ADOPT SECTIONS 21-15 AND 2-99 OF THE WINCHESTER CITY CODE PERTAINING TO SIGNATURE AUTHORITY, PURCHASING AND PROCUREMENT

Finance Director Mary Blowe stated the ordinance cleans up the procurement code for the city manager authorizations.

Mayor Minor moved to forward O-2010-05 to Council. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Executive Session: MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO 2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR CONSULTATION WITH LEGAL COUNSEL REGARDING MATTERS CURRENTLY IN LITIGATION FOR STATUS UPDATE AND TO DISCUSS LEGAL STRATEGY AND OPTIONS FOR RESOLUTION AND HANDLING.

Councilor Willingham moved to convene into executive session at 7:06 p.m. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Upon returning at 8:07 p.m., council members approved a motion to return to open meeting and 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>
President Buettner	Aye
Vice-Mayor Butler	Absent
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye

Councilor Veach
Councilor Willingham

Aye
Aye

Councilor Willingham moved to send forward the nominations of Perry McAlister to the Lord Fairfax EMS Council, Larry Omps to the Industrial Development Authority, and Tim Coyne and Art Major to the Frederick-Winchester Service Authority. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Adjournment

Mayor Minor moved to adjourn the meeting at 8:08 p.m. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*