

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
May 25, 2010
City Council Chambers – Rouss City Hall**

PRESENT: President Jeff Buettner; Vice-Mayor Michael Butler; Councilor Evan Clark, Milt McInturff and John Willingham; Mayor Elizabeth Minor (6)

ABSENT: Councilor John Hill and Les Veach; Vice-President Art Major (3)

President Buettner called the meeting to order at 5:30 p.m.

Executive Session: MOTION TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION, CONSIDERATION, AND INTERVIEWS OF PROSPECTIVE CANDIDATES FOR APPOINTMENT TO THE SCHOOL BOARD PURSUANT TO §2.2-3711(A)(1).

Councilor Willingham moved to convene in executive session. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

Vice-Mayor Butler moved to reconvene in open session at 6:40 p.m. *The motion was seconded by Councilor Willingham 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:

MEMBER	VOTE
Vice-Mayor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Absent
Vice-President Major	Absent
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Absent
Councilor Willingham	Aye
President Buettner	Aye

New Business:

Discussion: Green Circle – Steve Bauserman

Steve Bauserman presented a summary on the history of the Green Circle project and where the committee wants to go in the future. He suggested the following needs to be done for the Green Circle:

- Visually defined and marketed to the citizens and visitors
- Integrated into projects and planning
- Outside funding (non-city) should be maximized
- Coordinated into ordinances and procedures
- Defined with initial routes
- Expanded Green Circle Committee
- Green Circle enhancement funds used for consultants
- Work with EDC to determine who complete, hosts, and maintains website

Councilor Willingham asked about the cost to complete to Green Circle. Mr. Bauserman stated that aside from the Town Run portion, most of the rest will be on existing land. The section that includes the Meadow Branch extension is currently preferred.

Vice-Mayor Butler said the problem is that the plan has been an economically driven process. It has not been the most comprehensive planning process or approach. We need to incorporate this into future planning rather than doing bits and pieces. We have to be sure to find the money to keep this on a long term approach and do it cost effectively. We have the roads and such.

R-2010-27: Resolution – Sidewalk Replacement Project Administration Agreement with VDOT

Utilities Director Perry Eisenach presented a standard VDOT agreement to secure \$1 million of state funds for sidewalk replacement projects over the next two years. He stated Council has approved \$500,000 for FY11 and staff will ask for an additional \$500,000 for FY12. Staff will look at the entire city for priorities in sidewalk replacement. Valley Avenue between Handley and Bellview and Millwood between Kent and Pleasant Valley are two areas on the top of the list. He is looking at school areas as well. The construction will begin this fall at the earliest.

After a brief discussion, Council asked for a list of where sidewalks should be installed plus older areas where citizens have been asking for repairs.

Councilor Willingham moved to forward R-2010-27 to Council. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

R-2010-28: Resolution – FY2011 VDOT Revenue Sharing Funds

Mr. Eisenach stated the next application for revenue sharing can be submitted June 18th. He presented several projects that could be eligible for the funds including the Amherst Street Utility Project scheduled to begin in the fall of 2011. Mr. Eisenach recommended the funds be used in the utility project to help reduce future rate increases.

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

R-2010-29: Resolution – Acceptance of grant funding for Automated License Plate Reader

Police Chief Kevin Sanzenbacher stated the resolution authorizes the acceptance of \$17,000.00 from State grant funds to purchase an Automated License Plate Reader that will notify the officer with information attached to a license plate number such as stolen vehicles, crimes, etc.

Vice-Mayor Butler moved to forward the resolution to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

R-2010-30: Resolution - Approval for Packer Street Connection to W. Cedarmeade Avenue Affirmative Finding

Planning Director Tim Youmans presented a summary of the project and the surrounding area. He stated the 2004 approval had two conditions regarding phase 2 attached to it. One condition was to extend Packer Street to Cedarmeade and to develop 3 lots after a 5 year delay. The second condition stated the extension could only be completed after an affirmative finding by Council. The developer has asked for the approval to develop lots 1 and 2 as part of phase 2.

Vice-Mayor Butler stated he was opposed to the development in 2004 but knew they were faced with certain legal issues so it went through. There was a lot of discussion about the extension and for various reasons it was not approved to continue to Cedarmeade. One of the main reasons was safety along York Avenue. York is a county street that was built before the annexation and is very busy with traffic and people walking. He is not convinced the extension is good to do. It will allow people to avoid traffic lights and cut through to Pleasant Valley Road. He still can't buy into it.

After a brief discussion, President Buettner directed the item be put on the June Work Session for further study.

RZ-10-178: AN ORDINANCE TO CONDITIONALLY REZONE AN APPROXIMATELY 0.068 ACRE PORTION OF LAND AT 414 NORTH

LOUDOUN STREET (*Map Number 173-01-L-7*) FROM HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL BUSINESS (B-1) DISTRICT WITH HW DISTRICT OVERLAY. The Comprehensive Plan calls for high density residential and light industrial uses in the area.

Planning Director Tim Youmans presented a summary of the proposal to rezone to the Central Business District (B-1) for an accessory operation and a description of the adjoining properties. He stated the Rescue Mission has included proffers with land use restrictions particularly limiting the manufacturing times between 8 a.m. and 6 p.m. Two property owners spoke at the Planning Commission public hearing to express their concerns regarding people cutting through neighboring properties to get to the mission.

Councilor Clark expressed his concern that the applicant's proffers are overly restrictive and suggested the applicant consider revising condition #3 regarding equipment horsepower and #7 regarding time limitations at night.

Councilor Willingham moved to forward RZ-10-178 to Council. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

R-2010-31: Resolution – Personal Property Tax Relief

Ann Burkholder, Commission of the Revenue, presented a proposal to increase the Personal Property Tax Relief Rate to 65%.

Councilor Willingham moved to forward the resolution to Council. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR CONSULTATION WITH LEGAL COUNSEL AND TO RECEIVE LEGAL ADVICE AND POSSIBLE DISPOSITION OF A MATTER IN LITIGATION AND PURSUANT TO §2.2-3711(A)(3) OF THE CODE OF VIRGINIA FOR CONSIDERATION OF THE DISPOSITION OF AN INTEREST IN REAL PROPERTY WHERE THE PUBLIC DISCLOSURE OF SUCH INFORMATION COULD HAVE AN ADVERSE EFFECT ON THE CITY'S BARGAINING POSITION.

Councilor Willingham moved to convene into executive session. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Councilor Clark moved to reconvene in open session to 8:24 p.m. *The motion was seconded by Vice-Mayor Butler 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:

MEMBER	VOTE
Vice-Mayor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Absent
Vice-President Major	Absent
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Absent
Councilor Willingham	Aye
President Buettner	Aye

Councilor Willingham move to forward the following motion to Council. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

MOTION TO AUTHORIZE AND DIRECT THE CITY MANAGER, CITY ATTORNEY, AND STAFF TO INITIATE AND EFFECTUATE THE PROCESS FOR AMENDING AND RE-ADOPTING A FRANCHISE AGREEMENT AND FRANCHISE ORDINANCE FOR THE PROVISION OF ELECTRIC UTILITY SERVICES PURSUANT TO THE RECENT APPROVAL OF THE ACQUISITION OF THE ALLEGHENY POWER TERRITORY WHICH INCLUDES THE CITY OF WINCHESTER BY SHENANDOAH VALLEY ELECTRIC COOPERATIVE – THIS INCLUDES THE EXTENSION OF THE TERMS OF THE EXISTING AGREEMENT AND ORDINANCE TO SVEC DURING THE PERIOD OF FORMAL ADOPTION, AND EXECUTION OF THE WAIVER OF OBJECTION TO ENTRY OF THE ORDER OF THE SCC AUTHORIZING THE TRANSACTION.

Adjournment

Councilor Willingham moved to adjourn the meeting at 8:25 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*