

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
August 24, 2010  
City Council Chambers – Rouss City Hall**

**PRESENT:** President Jeff Buettner; Vice-Mayor Michael Butler; Councilor John Hill, Milt McInturff, Les Veach and John Willingham;  
Mayor Elizabeth Minor (7)

**ABSENT:** Councilor Evan Clark; Vice-President Art Major (2)

President Buettner called the meeting to order at 5:31 p.m.

**New Business:**

**Discussion/Approval** – CSB Annual Performance Contract - Millard “Buddy” Hall, Executive Director of Northwestern Community Services

Mr. Buddy Hall presented a summary of the services provided by the Northwestern Community Services to the citizens of Winchester and others in the region.

Vice-Mayor Butler moved to forward the CSB Annual Performance Contract for approval. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

**Discussion** – Request for additional funding for Winchester-Frederick County Historical Society – George Schember & Cissy Shull

George Schember asked Council for an additional \$15,000 for the annual budget to cover the cost of minimum wage over the last few years. The museums do not make a lot of money from visitors but someone in the city is through meals and lodging.

Cissy Shull stated the Historical Society is celebrating its 80<sup>th</sup> anniversary this year. The current Schoolgirl Sampler exhibit at Hollingsworth Mill is getting a lot of attention. The museums have built a lot of good will but their funds are limited.

Mr. Schember stated a few years ago, Council was asked to transfer funds from the capital improvements to operations because it is easier to raise money for capital expenses. This year, \$35,000 was raised to renovate exhibits at the Stonewall Jackson Museum. He stated this has been a great partnership over the years and asked the City to continue to contribute this money over the next few years.

President Buettner asked City Manager Jim O'Connor what interaction the Historical Society had with the Tourism or Marketing Departments. Mr. O'Connor stated the interaction was very limited.

President Buettner stated this has been a tough year for everyone. He asked that Mr. O'Connor meet with Mr. Sember to see what other assets can be leveraged for this.

**Motion** – Approval of 2009 U.S. Department of Housing and Urban Development Consolidated Annual Performance Evaluation Report. (CAPER) – Martha Shickle, NSVRC

Martha Shickle stated an evaluation is done each year on the CDBG and HOME programs which is submitted to HUD. She presented a summary of the programs targeted towards the City of Winchester. She stated \$648,000 was available for community development projects of which \$137,000 was spent.

Councilor Veach moved to forward the CAPER for approval. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**O-2010-47:** AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 27, ARTICLE II, DIVISION I OF THE WINCHESTER CITY CODE REGARDING IMPOSITION OF REAL PROPERTY TAX

Commissioner of Revenue Ann Burkholder stated the City has conducted a biannual tax assessment according to State Code but it has not been addressed in City Code.

City Assessor Will Rice stated the major changes in the ordinance are to do away with the Board of Assessors, to allow the Assessor's and Commissioner's offices to certify the land books, and to consolidate to one Board of Equalization time frame to prevent the constant need to change tax bills.

Councilor Veach moved to forward O-2010-47 to Council. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

**O-2010-52:** AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-8 OF THE WINCHESTER CITY CODE REGARDING REFUNDS OF ERRONEOUSLY ASSESSED TAXES

Ms. Burkholder stated Council is authorized by State Code to allow the Treasurer to issue refunds up to \$2,500.00 but City Code does not. This ordinance aligns City Code with State Code.

Councilor McInturff moved to forward O-2010-52 to Council. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

**O-2010-48: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 27-31 THROUGH 27-37 OF THE WINCHESTER CITY CODE REGARDING APPLICATION, REVOCATION AND REVIEW OF PROPERTY TAX EXEMPTION BY DESIGNATION AND CLASSIFICATION**

Ms. Burkholder stated State code changes have allowed localities to put a tighter control on tax exemptions. This would allow tax exemption requests to go to the City Assessor rather than City Council. Council would have the right to designate additional classifications for the Assessor to grant exemptions. Under the proposal, the reason for the tax exemption would also be noted in the records.

Councilor Willingham asked if you would still go through the review if you have an existing exemption. Ms. Burkholder stated all exemptions would go under the review. The bulk of the exemptions still fit unless there has been a change in use or ownership.

Mayor Minor moved to forward O-2010-48 to Council. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

**O-2010-49: AN ORDINANCE TO ADOPT CHAPTER 32 OF THE WINCHESTER CITY CODE PERTAINING TO DONATIONS TO CHARITABLE NOT-FOR-PROFIT ORGANIZATIONS BY THE CITY OF WINCHESTER**

Finance Director Mary Blowe stated this is in response to the request from Council to review the process for outside agency budget requests. It is not much different than the current process but it does add more documentation to be provided and performance measures on how the service impacts city residents.

City Attorney Anthony Williams informed Council the language in subsection 31 is right out of State Code.

Mr. O'Connor stated all applications will be presented but those that do not follow the guidelines will be noted. The city would not audit the agency's books unless there was a reason to but this does give us the authority to do so.

After a brief discussion, President Buettner suggested staff continue to work out the details on how to assess the needs of the city.

**R-2010-49: Resolution – Amendment to CEMS pertaining to applicability grievance policy to the Assistant City Attorney**

Mr. Williams stated employees have the ability to grieve a decision made by a supervisor. However, certain positions are allowed to be exempt from that process. Currently, department heads are exempt. It is very common that Assistant City Attorneys are exempt because they may be called to prosecute a grievance and have access to confidential material.

Councilor Willingham moved to forward R-2010-49 to Council. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

**R-2010-50:** Resolution – Approval of classification for Assistant City Attorney

Interim Administration Director Josh Didawick stated the current classification does not meet the required experience and abilities desired for an Assistant City Attorney applicant. He suggested reclassifying the position to a higher pay grade. The increase is already in the current budget and will help with recruitment.

Councilor Willingham moved to forward R-2010-50 to Council. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

**R-2010-56:** Resolution – Approval of classification to establish System Project Manager position

Mr. Didawick stated the Police Department has a vacant Community Resource Officer position at a pay grade 13. A department director can decide if a position will stay vacant or be used more effectively. The Police Chief would like to take this position and establish a System Project Manager position. Given the duties of the position, it is suggested the position be classified at pay grade 16. Due to the open position and other vacancies in the department, the increase would not cause a budget restraint.

Vice-Mayor Butler moved to send R-2010-56 forward to Council. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

**R-2010-51:** Resolution – Application for Rescue Squad Assistance Fund Grant to purchase emergency medical equipment

Fire & Rescue Chief Scott Cullers stated the request is to submit for grant funding in the amount of \$13,500.00 for the purchase of a Lucas Chest Compression System to help with cardiac arrest patients.

Councilor Willingham moved to forward R-2010-51 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**R-2010-52:** Resolution – Approval of Virginia Resources Authority Loan for improvements at the Water Treatment Plant

Utilities Director Perry Eisenach introduced Chris Kulp, the city's bond counsel from Richmond. Mr. Eisenach stated the construction on the water treatment plant began in January. The construction is on schedule and should meet the deadline. Staff has submitted the application for \$12,000,000.00 which would leave \$5,000,000.00 for next year.

Mr. Kulp explained the process for loans through bonds. He stated the process would involve a public hearing and the adoption of a short ordinance plus an adoption of a resolution to execute the financing.

Councilor Willingham asked why the City does not take all of the money now instead of waiting until 2011. Mr. Kulp stated there are limitations to issuing bonds too early.

Councilor Willingham moved to forward R-2010-52 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**R-2010-53:** Resolution – Support to secure Wilderness Road State Byway Designation

Interim Tourism Director Sally Coates stated Council previously passed a resolution asking that Route 11 be designated the “Wilderness Road” from Winchester to Cumberland Gap. Each locality is now being asked to pass a resolution requesting the General Assembly designate the road a State Byway and that the General Assembly seek National Byway status for the road.

*The resolution was unanimously approved to be sent forward to Council.*

**O-2010-53:** AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN AND TO DECLARE A PUBLIC NUISANCE PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURE(S) AND PROPERTY LOCATED AT 319-321 SOUTH KENT STREET

Zoning Administrator Vince Diem stated the property is owned by Ms. Vivian Jackson in care of the Rose Memorial Foundation. The BAR previously granted demolition of the property. With the exception of BZA variances, all other approvals on the property have lapsed. Staff is recommending demolition of the property to abate the blight and place a lien on the property.

Mayor Minor moved to forward O-2010-53 to Council. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

**CU-10-397:** Conditional Use Permit: Request of Allen Cartwright, Jr. for a two-family dwelling at 362-364 Charles St (Map Number 174-01-Q-36) zoned Limited High Density Residential (HR-1) District.

Mr. Diem stated the request is the result of a positive response to blight. The property was originally built and used as a two family dwelling. Due to a lack of use for two years, the applicant was required to seek a BZA variance and a new Conditional Use Permit.

Vice-Mayor Butler moved to send CU-10-397 forward to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**O-2010-50: AN ORDINANCE TO AMEND AND REENACT SECTION 18-9 OF THE WINCHESTER ZONING ORDINANCE PERTAINING FENCES TA-10-386**

Mr. Diem stated the ordinance is the result of concerns made by citizens noticing barbed wire fences installed by neighbors that was not addressed in the Zoning Ordinance. The ordinance would not allow the reinstallation of barbed wire fences without an approved use or Conditional Use Permit.

Mayor Minor moved to forward O-2010-50 for perimeter use only. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

**O-2010-51: AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 3, 4, 5, 5.1, 6, 7, 13, 15, 16.1, 17, AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO URBAN GARDEN DEFINITIONS AND USE PROVISIONS TA-10-418**

Mr. Diem stated the ordinance was initiated by citizens asking what provisions would enable the use of a property for community gardens. The ordinance provides a definition for market gardens and community gardens. It also enables property owners to grow and sell produce from their front yard. It proposes to make use of non-conforming lots that are not usable otherwise and would allow for structures to be placed on the property for use with the gardens.

Mayor Minor moved to forward O-2010-51 to Council. *The motion was seconded by Vice-Mayor Butler then passed 6-1 with Councilor Willingham voting in the negative.*

**R-2010-55: Resolution - Acceptance of Urban Development Area Planning Grant**

Mr. Diem stated the City has been awarded a \$50,000.00 grant to rewrite the Zoning Ordinance. VDOT selects the consultant to work with each locality out of a preselected group.

Mr. Williams recommended Council direct the City Manager to proceed with the acceptance and then approve the resolution at the next meeting in order to meet a required deadline.

Councilor Veach moved to forward R-2010-55 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**R-2010-54: Resolution - Baker Street Revitalization Plan**

Economic Redevelopment Director Jim Deskins presented a summary of the revitalization plan including a summary, a description of the area, and a preliminary budget. The plan focuses its efforts in a one block area bound by Kent Street, Baker Street, West Lane and Fairfax Lane. The idea is to build upon the mission to improve the quality of life and safety of citizens in this area.

Vice-Mayor Butler moved to forward R-2010-54 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**Motion:** Forward the nomination of Donald Crawford as an alternate member of the Board of Zoning Appeals for a 5 year term expiring July 31, 2015.

Councilor Willingham moved to forward the nomination. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**Motion:** Forward the nomination of Susan Roberts as a member of the Parks and Recreation Board for a 3 year term expiring April 30, 2013.

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

Councilor Willingham moved to forward the nomination of Bob Pinner as a member of the Board of Architectural Review. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

**Discussion – Liaison Appointments**

*This item was not discussed during the meeting.*

**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 AND TO RECEIVE LEGAL ADVICE REGARDING A MATTER IN ACTUAL OR PENDING LITIGATION RELATED TO REAL PROPERTY TAXATION OF A SPECIFIC PROPERTY LOCATED IN THE CITY OF WINCHESTER.

Councilor Veach moved to convene into executive session at 7:41 p.m. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

Councilor Veach moved to reconvene in open session at 8:17 p.m. *The motion was seconded by Councilor McInturff 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	Absent
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Absent
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

### **Adjournment**

Councilor Willingham moved to adjourn the meeting at 8:18 p.m. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*