

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
January 25, 2011  
City Council Chambers – Rouss City Hall**

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

**ABSENT:** President Jeff Buettner (1)

Vice-President Major opened the meeting at 5:32 p.m.

**Presentation:** CAFR – Billy Robinson, Brown, Edwards & Company, L.L.P.

Billy Robinson stated things went well for a first audit. The City and School staffs were very helpful during the process. Mr. Robinson presented a summary of the reports submitted on the agency's findings, the required communication with those charged with governance document, and several graphs prepared on the findings.

During the discussion, Mr. Robinson stated the city will probably want to look at consolidating some current funds into the general fund to give a more usable product in the report and to comply with some general fund classification changes expected next year. He also stated the City's debt policy is in a traditional range. The impact of the housing market pain has been more in this area than in others. However, the City has been operating on a more conservative basis than some other localities.

**Presentation:** DSS Annual Report – Carla Taylor & Allyson Pate

Allyson Pate, chairman of the Social Services Advisory Board presented a summary of the DSS Annual Report.

Social Services Director Carla Taylor presented a summary of the status of the department and its' goals.

After a brief discussion, Vice-President Major stated he would like to see where cuts would be made and the impacts on the department from the state recommended cuts so it can be relayed to the delegates.

**Presentation:** OTDB – Marilyn Finnemore & David Smith

Marilyn Finnemore, Chairman of the Old Town Development Board, presented an update on the priorities set up for 2010 and the new priorities for 2011.

During the discussion, Mr. David Smith, member of the OTDB, stated an expanded, regular transportation route between Shenandoah University and the downtown area is needed to bring students downtown on a regular basis. In order to hold more events, a variety of places, both inside and out, are needed. The OTDB is asking Council to provide 100% of the funding for an Events Coordinator and the new visitor's center.

Vice-President Major directed Mr. O'Connor to look into the cost and feasibility of the transportation routes. He also requested Mr. O'Connor speak with OTDB Director Karen Helm regarding what the goals are for downtown.

**Motion** to remove R-2010-30 pertaining to the Affirmative Finding on the Packer Street Connection from the table (tabled on 6/29/10)

Councilor Willingham moved to remove R-2010-30 from the table. *The motion was seconded by Councilor Veach 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 stated the original approval provided for a 5 year wait period for lots 1-3 in phase 2 to be completed and after an affirmative finding was approved by Council for public safety. The resolution was tabled to allow a property owner pay for a traffic study and environmental study. Based on the analysis of staff and a professional engineer, the connection should meet the requirements for public safety and convenience. Staff is also recommending traffic calming measures in the area.

Mayor Minor moved to forward R-2010-30 to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

**SD-10-742:** Subdivision - Request of Marsh & Legge Land Surveyors, PLC for final subdivision approval for a subdivision with right of way dedication at 128, 132, and 136 Weems Lane zoned Highway Commercial (B-2) District.

Mr. Youmans presented the request to subdivide the properties to put a 50 foot street through the middle lot and give the extra 100 feet to one of the lots. The applicant is asking for a waiver of a detailed plan. The future plan would be to extend the street out to Valley Avenue. The improvements would be bonded to be done in the future.

Councilor Veach moved to forward the request to Council. *The motion was seconded and unanimously approved by voice-vote.*

**O-2011-01:** First Reading - AN ORDINANCE TO CONDITIONALLY REZONE 629 CEDAR CREEK GRADE (Map Number 270-1-1) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE)

DISTRICT OVERLAY, B-2 WITH CE AND PLANNED UNIT DEVELOPMENT (PUD) OVERLAY, HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH CE AND PUD OVERLAY, AND HR WITH PUD OVERLAY TO B-2 WITH CE DISTRICT OVERLAY AND HR WITH PUD OVERLAY; AND, TO REVISE PROFFERS ASSOCIATED WITH CONDITIONAL ZONING OF 633 CEDAR CREEK GRADE (*Map Number 270-1-1A*) ZONED B-2 WITH CE AND PUD OVERLAY. RZ-10-712 The request amends some of the zoning proffers for 629 and 633 Cedar Creek Grade and better aligns zoning district boundaries with current and proposed property boundaries. The Comprehensive Plan calls for a combination of major commercial, open space, and high density residential use.

Mr. Youmans stated the request is to rezone the property to accommodate changes made by the applicant to phase 3 of the development. The parking lot will be kept for the existing office building but some of it will go away for a recreation building. The overlaying and underlying zoning will align with the property line.

Councilor Clark moved to forward O-2011-01 to Council. The motion was seconded by Councilor Veach then unanimously approved by voice-vote.

**R-2011-03:** Resolution – Authorize the acceptance of the Get Alarmed Virginia Grant in the amount of 300 smoke alarms and \$500 for installation devices

Fire Chief Scott Cullers stated the money provided from the grant will be used for installation bags. The grant is very specific on who receives the smoke alarms and must allow for a home safety inspection. The grant provides 10 year alarms.

Mayor Minor moved to forward R-2011-03 to Council. *The motion was seconded by Councilor Willingham then approved by voice-vote.*

**R-2011-04:** Resolution – Approve agreement for VDOT Urban Program Projects

Utilities Director Perry Eisenach stated the item was discussed a few months ago for Projects on Urban Streets. This is the same program that widened South Loudoun and Papermill Road. During the last discussion, Council set the drainage concerns at South Loudoun and Abrams Creek as the top priority. VDOT is requesting a resolution be passed and a public hearing be held.

Councilor Willingham moved to forward R-2011-04 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**Motion:** Approval of Proposed Operation Budget for FY2012 for the Opequon Water Reclamation Facility

Mr. Eisenach stated the request is to approve the budget to be forwarded to the Service Authority for FY12. The budget is for \$124,000 less than the current year due to the conservative estimates on chemical use at the Opequon Plant.

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

**O-2011-02: First Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 29-18 OF THE WINCHESTER CITY CODE PERTAINING TO SEPARATE WATER AND SEWER CONNECTIONS**

Mr. Eisenach stated the request is from a local developer that owns the property where Kohls is located on Pleasant Valley. One water service line serves Kohls and Office Max. Kohls wants to purchase the property it occupies but the current code requires a separate meter for each lot. For the developer to sell, a new service line would have to be installed for the Office Max building which is cost prohibited. The proposal would allow only existing developments currently served by single water/sewer services to be subdivided with an agreement to stipulate responsibility for utility bills and maintenance of the service lines. There is a potential for problems to exist but staff wants to be receptive to the business community. If recorded as covenants with the properties, the City could be protected but problems could exist.

Vice-President Major asked how many other facilities are there like this in the city. Mr. Eisenach stated there is certainly the potential for others to come up. Staff has made developers put in separate lines in the past.

Councilor Willingham moved to amend the last sentence in paragraph b to read “and approved by the Utilities Director” after the word “submitted”. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

*The ordinance was moved forward to Council by a unanimous vote of approval.*

**O-2011-03: First Reading – AN ORDINANCE TO APPROVE THE APPLICATION OF THE CONGREGATIONAL COMMUNITY ACTION PROJECT (CCAP) FOR TAX EXEMPT STATUS BY RELIGIOUS ORGANIZATION PURSUANT TO 27-33 OF THE WINCHESTER CITY CODE**

Councilor Veach moved to table O-2011-03 to allow time for staff and CCAP to come up with an easier solution. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

**R-2011-05: Resolution – Authorizing the execution of an agreement with the EDA concerning the disposition of 29-35 East Boscawen Street**

Economic Development Director Jim Deskins stated the proposed resolution shows changes made to facilitate the transaction.

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

**O-2011-04:** First Reading – AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY OF WINCHESTER LOCATED AT 150 COMMERCIAL STREET (FORMER LOCATION OF WINCHESTER/FREDERICK CO. HEALTH DEPARTMENT) TO THE WINCHESTER ECONOMIC DEVELOPMENT AUTHORITY FOR DISPOSITION

Mr. Deskins stated the proposed ordinance is to convey the vacant Health Department building to the EDA for disposition.

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

**Report of Liaisons** – No reports were given at the meeting.

**Executive Session**

MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711 (A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF A PERSONNEL ISSUE RELATED TO THE FOLLOWING SUBJECT MATTER: ASSIGNMENTS, APPOINTMENTS, PROMOTION, PERFORMANCE, AND SALARIES OF SPECIFIC EMPLOYEES OF THE CITY OF WINCHESTER AND PURSUANT TO §2.2-3711(A)(3) AND (6) OF THE CODE OF VIRGINIA FOR DISCUSSION AND CONSIDERATION OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE, AND DISCUSSION OR CONSIDERATION OF THE INVESTMENT OF PUBLIC FUNDS RELATED TO REDEVELOPMENT AND REHABILITATION OF DILAPIDATED PROPERTY WITHIN THE CITY OF WINCHESTER WHERE COMPETITION OR BARGAINING IS INVOLVED, WHERE, IF MADE PUBLIC INITIALLY, WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY AND WHERE THE FINANCIAL INTEREST OF THE GOVERNMENTAL UNIT WOULD BE ADVERSELY AFFECTED.

Councilor Willingham moved to convene into executive session at 7:52 p.m. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Councilor Willingham moved to reconvene in open session at 8:34 p.m. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Upon returning at, 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:*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
President Buettner	Absent
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Willingham	Aye

### **Adjourn**

Councilor Willingham moved to adjourn the meeting at 8:34 p.m. *The motion was seconded then unanimously approved by voice-vote.*