

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
September 27, 2011
City Council Chambers – Rouss City Hall**

PRESENT: Vice-President Art Major; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor; Councilor John Tagnesi, Les Veach and John Willingham (6)

ABSENT: President Jeff Buettner; Councilor Evan Clark and John Hill (3)

Vice-President Major called the meeting to order at 5:59 p.m. He stated due to time constraints he asked Mary Blowe to present on the Eat for Education issue first.

Items for Discussion:

Presentation: Eat for Education program – Mary Blowe

Finance Director Mary Blowe presented a summary on the Eat for Education program the City of Roanoke implemented that increased their meals tax by 2% for two years and devoted the funding to education.

Councilor Hill arrived at 6:01 p.m.

Ms. Blowe stated the increase would be for all restaurants in the city. Currently the city's meals tax is at 5% which is the state average.

Vice-President Major stated at the last Ad Hoc meeting, it was decided to bring it back to Council to decide our parameters before turning it over to the School Board. Council would need to decide if this would be a permanent or temporary increase and how we want to move forward.

Mayor Minor stated she liked that Roanoke had specific earmarks for what the money could be used for and suggested doing the same.

Councilor Veach asked if business dropped when the cigarette tax was increased recently as was the concern. Ms. Blowe stated it seems to be right on target when comparing FY11 to FY12.

Councilor Veach stated he would like to hear back from the schools on how they would use the money and what they would do for funding if the program was only for 2 years.

Vice-Mayor McInturff stated he agrees with having a 2 year plan and then reviewing it for renewal. However, he does not want to create a situation where we are behind the 8 ball. Roanoke had a good showing of working with the parents. He suggested having a good marketing plan to get everyone on board. He stated it is a tough time to increase taxes of any type so it needs to be clear what the money would go for.

Councilor Tagnesi suggested phasing in the program by increasing 1% the first year and 2% the second year.

Councilor Clark arrived at 6:09 p.m.

Councilor Willingham stated he agrees with everyone. He has heard from restaurant owners regarding raising the taxes on their businesses. Council is making strides with the Ad Hoc Committee with the School Board but he is hearing a lot of comments on how the money will be spent. He suggested tabling the conversation to flush out more ideas and questions. He has not heard from a lot of parents only businesses.

Vice-President Major directed staff to add the item to the next work session and asked Council to come back with suggestions on how it should be drafted to the School Board.

Presentation: Millwood Avenue Traffic Diversion Proposal – Jim Deskins

Economic Development Director Jim Deskins stated the city entered into an MOU with Shenandoah University in 2009 to improve the entrance into the city and Shenandoah University among other means to further the economic development and quality of life. Gorove/Slade has completed a preliminary study which was accepted by Council. Staff would like to discuss three items tonight to include the proposed scope, funding, and the preparation of a resolution to be approved at the October Council meeting.

Utilities Director Perry Eisenach presented a revised scope to base an engineering study on. He stated the scope was broken into surveying, roadway design, traffic engineering and plat preparations for the right of ways. It has been set up to utilize the traffic engineering firm the city has used over the past few years but there are other ways to achieve the end result.

City Attorney Anthony Williams stated before the project came to council level, he drafted an agreement that made the contract to be done on a reimbursement arrangement. This would allow the city to control the engineering firm. Mr. Williams presented 3 options for funding that could be used with the reimbursement option as the first one. The second option tells SU to have the work done, bring the results back to the city, and SU pays for it. The problem with the second option is it does not give the city control. The last option is a

shared management arrangement which provides some city control. He asked Council which option would be preferable.

Councilor Tagnesi stated he could only support option 1 based on the phone calls he has received.

Vice-Mayor McInturff stated he is not in favor of option 1 or 2. He expressed his concern with the wording “control of information” and suggested using “sharing information” instead. He stated he is leery of using city money and waiting to be reimbursed and is inclined to go with option 3.

Councilor Willingham asked what the city role would be under the shared option. Mr. Williams stated it would depend on what level of involvement Council wanted. The vision is more of an oversight and SU doing the procurement.

Councilor Willingham asked if there would be an opportunity for Mr. Eisenach to answer questions if there was a committee. He stated he wants to provide the flexibility to SU but still be able to manage and have a good product we can count on. Mr. Williams stated it would be more of a quality control. Councilor Willingham stated he can support it if we have staff involved.

Councilor Veach stated he likes the shared management. He does not want to have to wait for reimbursement or use tax payer funds.

Vice-President Major stated option 3B is the direction to move forward with.

Councilor Clark asked if there was any part or oversight the City would not have if SU procures the firm and study. Mr. Williams stated the City would not supervise the work being done for SU but it would have insight to answer questions for Council.

Interim City Manager Craig Gerhart stated for clarity, the committee would have oversight but would expect staff to have an active overview of the work.

Councilor Clark stated he has received citizens’ requests for measurements of the land involved in the area of Millwood to be closed and the land for the right hand turn lane and an estimate of the value of the land for the Millwood property. Mr. Deskins stated they would have that information in the next step of the phase.

Mr. Williams stated if there are not objections to the agreement, President Buettner asked for Council to review the items on the non-engineering issues to see if that is how council wants to go.

Vice-Mayor McInturff asked if the wording “preservation of historic Winchester Armory” could be changed. He feels it is unfair to tell them what they can do and moved to amend the language to “preservation of the memory of the historic

Winchester Armory.” *The motion was seconded by Councilor Veach then approved 8/0.*

Vice-President Major expressed his concern over the last item for minimal landscaping.

Councilor Clark stated he made the comment based on the citizen concerns regarding the illustrations in the power point shared with Council. It was meant to point out that if that is what they wanted, they could have done that at anytime.

Vice-President Major stated the landscaping and signage around existing buildings has nothing to do with what we are trying to do and asked if Councilor Clark wanted it addressed. Councilor Clark stated it is.

Councilor Willingham moved to amend the item to read “City input on the design to guide how the proposed city gateway features, including signage and landscaping, will appear from the road” and to eliminate the last bullet. *The motion was seconded by Vice-Mayor McInturff then approved 8/0.*

Mr. Deskins asked for permission to prepare a resolution reflective of this conversation to present back to Council at its next regular meeting along with the accompanying documents and the agreement to keep this process moving

Councilor Veach moved to direct staff to prepare the document as Mr. Deskins requested. *The motion was seconded by Councilor Willingham then approved 8/0.*

Presentation: Cal Ripken World Series Follow-Up – Brad Veach

Parks and Recreation Director Brad Veach presented an update on how the Cal Ripken World Series went and the economic impact on the City. He stated staff spent nearly 18 months planning the event in partnership with Winchester Baseball. The success of the event relied heavily on a core number of volunteers that expanded as the event occurred. Although the operation revenues were \$32,000 less than the expenditures, the economic impact based on an economic impact multiplier of 2.37 was \$771,148.19.

R-2011-44: Resolution – Approval of Reclassification of Existing Officers within the Fire & Rescue Department – Chief Scott Cullers

Mr. Gerhart requested this item be removed from the agenda.

MS-11-554 Request of Green Frog LLC and Shenandoah Valley Electric Cooperative, Inc. for a two lot subdivision at 144 Weems Lane including exceptions of public street improvements along proposed Shingleton Lane zoned Commercial Industrial (CM-1) District. – Tim Youmans

Planning Director Tim Youmans stated minor subdivisions do not typically come to Council but there are some exceptions in the request. The applicant is requesting to use an unnamed public right of way but would prefer not to do the sidewalks, curbs, gutters and widening of the pavement. This would be a replacement facility for the substation located on the east side of South Loudoun Street just north of the Handy Mart.

Councilor Veach moved to forward MS-11-554 to Council. *The motion was seconded by Mayor Minor then approved 8/0.*

R-2011-46: Resolution – Approval to Name a Public Street as Shingleton Lane – Tim Youmans

Mr. Youmans presented the resolution to name the public street in connection with the minor subdivision above.

Mayor Minor moved to forward R-2011-46 to Council. *The motion was seconded by Councilor Clark then approved 8/0.*

CU-11-520 Request of Phazz One Ministries, Inc. for a conditional use permit for a private community center at 501 South Cameron Street (*Map Number 213-01-A-17*) zoned Residential Business (RB-1) District with Historic Winchester (HW) District overlay. – Vince Diem

Zoning Administrator Vince Diem presented the request for a private community center in the Historic Winchester district. He stated the applicant is currently operating a ministry with a by right use. One of the concerns raised in the community meetings for the Comprehensive Plan is that the city would become a magnet for dependent populations. Mr. Diem reviewed the conditions offered by the Planning Commission.

Councilor Willingham asked if Mr. Diem originally recommended denial. Mr. Diem stated he did but the he thinks the biggest concession made by the applicant was there would not be food services available there. This would eliminate possible lines wrapping around the property.

Councilor Willingham asked what the difference is between food service for sale and being able to provide food service now. Mr. Diem stated it is his understanding their philosophy is to provide a hand up not a hand out. Their food service will be limited to transportation to impoverish persons not necessarily food offered at the site.

Councilor Tagnesi stated the other comments at the Planning Commission meeting were that the property has been vacant for 3 years and the Knights of Columbus is only a few doors down and offers the same services.

Councilor Clark stated Social Services do not meet all the citizens' needs. This would be a wonderful addition to the city.

Councilor Hill stated this would offer a back up to Social Services in the community and would be a welcomed relief. There are many families in need of the services they are going to provide.

Councilor Veach stated there were several citizens concerned about the parking in the area at the Planning Commission meeting. Mr. Diem stated the concern was with visual obstruction at the corner. During the course of the hearing, there was a mutual agreement that the residents and employees would work together. -

Councilor Tagnesi stated there is a parking lot across the street for their use as well.

Vice-President Major asked what is specifically requiring the CUP if most of these services are already provided by churches. Mr. Diem stated in previous conversations, the uses described by the applicant best fit a private community center but he would have to go back and look at the definition.

Vice-President Major expressed his concern with the onsite meals and the density of the neighborhood.

A spokesperson for the applicant stated the reason they applied for a CUP is because people don't always go to a church for these services. As far as the meals, historically the meals have been prepared and delivered to those living in local hotels. They have been operating a soup kitchen on the second and fourth Sundays to develop relationships with people to encourage them to move on past social services. The lines of people can wait inside the big building.

Councilor Clark asked if it would be by right if the applicant said they were setting up a church in this building. Mr. Diem stated it would.

Councilor Clark moved to forward CU-11-520 to Council. *The motion was seconded by Mayor Minor then approved 7/1 with Councilor Veach voting in the negative.*

Motion to remove O-2010-24 regarding Spot Blight Abatement located at 630 North Loudoun Street from the table. (Tabled June 29, 2010 Work Session)

Mayor Minor moved to remove O-2011-24 from the table. *The motion was seconded by Councilor Veach then approved 8/0.*

O-2010-24: AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN AND ABATE A PUBLIC NUISANCE PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURE(S) AND PROPERTY LOCATED AT 630 NORTH LOUDOUN STREET – Vince Diem

Mr. Diem stated this item has appeared before Council before but remains unchanged and continues to deteriorate. A small amount of work has been done on the front porch by someone interested in purchasing the property but the sale has not been ratified. It is his opinion that if it sales in November, there is no timeline on when the new owner will take action and the process will have to start over. He presented a summary of the number of issues with the property.

Councilor Tagnesi moved to forward O-2010-24 to Council. *The motion was seconded by Councilor Clark then approved 8/0.*

O-2011-49: AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN AND ABATE A PUBLIC NUISANCE PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE FOR THE STRUCTURES(S) AND PROPERTY LOCATED AT 386-388 CHARLES STREET – Vince Diem

Mr. Diem presented a description of the property and its location. He stated the property has been the subject of code enforcement from 2007 to this year but the efforts have failed. He reviewed the number of issues with the property and requested approval for the Spot Blight Abatement Plan to be implemented.

Vice-Mayor McInturff moved to forward O-2011-49 to Council. The motion was seconded by Mayor Minor.

Councilor Veach asked why Mr. Diem is recommending demolition of this property and not the Gavis property. Mr. Diem stated this property is unoccupied and the Gavis property is occupied. Mr. Gavis is making improvements although not at the pace we would like. There are some limitations on what we can do on an occupied property compared to an unoccupied property.

The motion was approved 8/0.

O-2011-50: AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN AND ABATE A PUBLIC NUISANCE PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURE(S) AND PROPERTY LOCATED AT 31 EAST PICCADILLY STREET – Vince Diem

Mr. Diem stated this is the location of the former dry cleaners site located at 31 East Piccadilly Street. Staff has attempted to contact the owner but the

notifications have come back returned. Mr. Diem reviewed the maintenance issues and building code violations and requested approval for demolition.

Vice-Mayor McInturff moved to forward O-2011-50 to Council. The motion was seconded by Councilor Hill.

Mr. Williams stated he believes the property has tax liens and suggested Mr. Diem confirms the owner's address with Treasurer Mark Garber.

The motion was approved 8/0.

R-2011-45: Resolution – Authorize the Acceptance of the Local Emergency Management Performance Grant for 2011 – Lynn Miller

Emergency Management Coordinator Lynn Miller stated this grant has been awarded to the City for over a decade in the amount of \$8,900. The proceeds are utilized for administrative uses.

Councilor Clark moved to forward R-2011-45 to Council. *The motion was seconded by Councilor Willingham then approved 8/0.*

R-2011-47: Resolution – Authorize the Application for the Virginia Information Technologies Agency Grant for 911 System Refurbishing – Kevin Sanzenbacher

Erin Elrod, Emergency Communications, presented two grants for approval. The first grant is to refresh the 911 phone system to upgrade the phones, software and hardware.

Vice-Mayor McInturff moved to forward R-2011-47 to Council. *The motion was seconded by Councilor Veach then approved 8/0.*

R-2011-48: Resolution – Authorize the Acceptance of Virginia Information Technologies Agency Grant Funding for Dispatcher Training – Kevin Sanzenbacher

Ms. Elrod stated the second grant is for \$2000 to be used for dispatcher training.

Councilor Willingham moved to forward R-2011 48 to Council. *The motion was seconded by Mayor Minor then approved 8/0.*

R-2011-49: Resolution – Permitting North Cameron Properties, LLC (Councilor Willingham) to compete as a bidder on RFP #200819 for relocation of OHND – Anthony Williams

Mr. Williams stated the DSS Director has been serving as the Director of OHND for a couple of years. She has been managing people located in the out building at the Timbrook building and has indicated the desire to relocate the services to

the DSS building for better management. The request is not for the move but because one of the bidders is from a company of which a member of Council is a part of. This is to allow the opportunity for the company to bid.

Councilor Veach moved to forward R-2011-49 to Council. The motion was seconded by Mayor Minor then approved 7/0 with Councilor Willingham abstaining.

O-2011-51: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-39 AND 6-24 OF THE WINCHESTER CITY CODE, REGARDING DERELICT PROPERTY ABATEMENT, TO CORRECT A SCRIVENER'S ERROR – Ann Burkholder

Commissioner of the Revenue Ann Burkholder stated when she brought forward the recent changes to the derelict properties an error was made in the numbering of the code sections.

Councilor Willingham moved to forward O-2011-51 to Council. *The motion was seconded by Councilor Clark then approved 8/0.*

Vice-President Major asked for a motion to add an executive session on the agenda.

Councilor Veach moved to add the executive session to the agenda. *The motion was seconded by Vice-Mayor McInturff then approved 8/0.*

MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS

Councilor Willingham moved to convene into executive session at 8:09 p.m. *The motion was seconded by Councilor Clark then approved 8/0.*

Councilor Clark moved to reconvene in open session at 8:29 p.m. *The motion was seconded by Councilor Willingham then approved 8/0.*

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>
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

Report of Liaisons

Submitted Written Reports

Spot Blight Abatement Update

Adjourn

Councilor Clark moved to adjourn at 8:30 p.m. *The motion was seconded by Councilor Willingham then approved 8/0.*