

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
January 24, 2012
City Council Chambers – Rouss City Hall**

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Tagnesi, Les Veach and John Willingham; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor (7)

ABSENT: Councilor John Hill; Vice-President Art Major (2)

Items for Discussion:

2011 CAFR – Mary Blowe

Finance Director Mary Blowe introduced Billy Robinson of Brown, Edwards & Company, L.L.P. Mr. Robinson presented the highlights of the Comprehensive Annual Financial Report and reviewed the Financial Analysis Report for FY11.

Revenue Report for first half of FY12 – Mary Blowe

Ms. Blowe stated the revenues after 6 months of the fiscal year are still strong. Personal property is down a bit but sales tax is strong. The Juvenile Detention Center Commission adjusted their fund balance policy so the City will be getting a credit of about \$42,000.

O-2012-01: AN ORDINANCE TO COMPREHENSIVELY AMEND THE WINCHESTER ZONING ORDINANCE TO CORRECT SCRIVENER ERRORS IN SECTION NUMBERING TA-11-692 - Tim Youmans

Planning Director Tim Youmans stated the purpose of the ordinance is to correct some of the numbering.

Vice-Mayor McInturff moved to forward O-2012-01 to Council. *The motion was seconded by Councilor Willingham then unanimously approved 7/0.*

CU-11-678 Request of Charles Zarou dba IJ Canns American Grille for a conditional use permit for nightclub use at 3111 Valley Ave (*Map Number 329-01-12*) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay. – Tim Youmans

Mr. Youmans presented the request to hold live entertainment in a proposed 2500 square foot addition to the restaurant. The applicant has requested the hours of operation be up to midnight on Friday and Saturday but the Planning Commission's condition allows them to go up to 1:30 on those nights.

Councilor Willingham moved to forward CU-11-678 to Council. *The motion was seconded by Councilor Veach then unanimously approved 7/0.*

CU-11-702 Request of Emad Khezam and Ali Tajalli dba Alibaba Hookah Bar for a conditional use permit for nightclub use and to modify conditions of an existing conditional use permit for hookah establishment use at 932 Berryville Avenue (*Map Number 176-07-3*) zoned Highway Commercial (B-2) District. – Vince Diem

Zoning Administrator Vince Diem presented the request from the applicant to modify the conditions of the existing CUP after staff discovered some of the current conditions were not being adhered to. The applicant is requesting to serve alcohol and have applied for an ABC license but it has not been approved yet. An application for food service with the Health Department has not been filed. The original CUP prohibited the sale and consumption of alcohol. Critics have cited that the Hookah Bar is being treated differently than other establishments that serve alcohol in the city. The City's position is the other establishments are licensed by the ABC and the Department of Health and exist as restaurants. Mr. Diem stated no building permits are on file or have been applied for to make alterations for the ventilation system to follow the Clean Air Act. There are no police incidents on file for loud music or disorderly conduct for the events that have occurred in the establishment.

Councilor John Hill arrived at 6:38 p.m.

Mr. Diem reviewed the options for Council to approve, deny, or approve the nightclub but deny the alcohol as recommended by the Planning Commission.

Councilor Tagnesi moved to follow the Planning Commission's recommendation. The motion was seconded by Councilor Clark.

Vice-Mayor McInturff stated he can go on with the Planning Commission's recommendation however, at some point, Council needs to not adopt the attitude of its easier to beg for forgiveness than ask for permission. This body has to hold these establishments accountable and take a stand.

Councilor Willingham asked what denying the alcohol would mean. Mr. Diem stated the applicant would need to reapply but that there were things required that are not in place that would need to be in place before getting an ABC license.

Councilor Veach stated the last CUP approved in May restricted alcohol and since then they have made several violations. He asked if it was clear then that the nightclub was not allowed. Mr. Diem stated it was.

The motion to forward the Planning Commission's recommendation passed 6/2 with President Buettner and Councilor Veach voting in the negative.

Motion to provide preliminary approval of the proposed FY13 Operating Budget for the OWRP subject to the adoption of the FY13 Appropriations Ordinance – Perry Eisenach

Utilities Director Perry Eisenach presented the proposed operation budget for the Opequon Water Reclamation Facility so it can be forwarded to the Service Authority. He stated the increases are due to a 6% increase from Rappahannock Electric and the improvements made to the facility.

Councilor Clark moved to forward the operating budget to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

R-2012-04: Resolution – Authorization of the application for operating assistance in the amount of \$400,080 and capital expenditure assistance in the amount of \$396,000 with the Federal Transit Administration – Perry Eisenach

Mr. Eisenach presented the request to authorize the application for operating assistance for the Transit Department.

Councilor Willingham moved to forward R-2012-04 and R-2012-05 to Council. *The motion was seconded by Councilor Clark then unanimously approved 8/0.*

R-2012-05: Resolution – Authorization for the application for operating assistance in the amount of \$129,379 and capital assistances in the amount of \$79,200 with the Virginia Department of Rail and Public Transportation – Perry Eisenach

See the above motion.

R-2012-02: Resolution – Approval of a refund in the amount of \$34,640.13 to Comcast of CA/MD/PA/ VA/WV LLC for overpayment of Business Personal Property Taxes – Ann Burkholder

Ms. Blowe stated the request was based on a report ran where it was obvious the company was billed and had paid twice.

Vice-Mayor McInturff moved to forward R-2012-02 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

R-2012-03: Resolution – Authorize the acceptance of up to \$15,000.00 in reimbursement from the US Secret Service associated with the investigation of financial crimes – Chief Kevin Sanzenbacher

Police Chief Kevin Sanzenbacher stated an officer was deputized in October to work with the US Secret Service on financial investigations. This request is to approve a reimbursement from the US Secret Service for that work.

Councilor Veach moved to forward R-2012-03 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

R-2012-01: Resolution – Authorization to enter into a Memorandum of Understanding with the Virginia State Police relating to regional interoperability – Lynn Miller

Emergency Management Coordinator Lynn Miller presented the request to enter into a MOU for the adoption of an interim agreement for equipment until a permanent agreement can be crafted and brought back to Council.

Mayor Minor moved to forward R-2012-01 to Council. *The motion was seconded by Councilor Willingham then unanimously approved 8/0.*

Motion to nominate Chief Scott Cullers to the Virginia Emergency Response Council to serve as a member of the Local Emergency Planning Committee – Lynn Miller

Mr. Miller presented the request to nominate Chief Cullers to the Virginia Emergency Response Council to serve as a member of the LEPC.

Vice-Mayor McInturff moved to forward the nomination to Council. *The motion was seconded by Councilor Veach then unanimously approved 8/0.*

O-2012-02: AN ORDINANCE TO CONVEY 317 S. CAMERON STREET TO THE ECONOMIC DEVELOPMENT AUTHORITY FOR DISPOSITION – Jim Deskins

Economic Redevelopment Director Jim Deskins presented an ordinance to convey 317 S. Cameron Street to the EDA. He stated the property is the former Detox Center that is jointly owned by the City and the County.

Councilor Veach moved to forward O-2012-02 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

R-2012-06: Resolution – Approval of the conveyance of 317 S. Cameron Street by the Economic Development Authority to Anne Palmer – Jim Deskins

Mr. Deskins presented the resolution to approve the conveyance of 317 S. Cameron Street for a sales price of \$395,000.00 to Anne Palmer.

Vice-Mayor McInturff moved to forward R-2012-06 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

Discussion regarding Minor League Baseball – Jim Deskins

Mr. Deskins presented an update on the proposed Minor League Baseball Stadium. He stated the EDA met on January 23rd and agreed to request from Council 12 acres of Jim Barnett Park to build a stadium for a minor league team. A press conference was held at 10 a.m. to inform the public. At 6 p.m., staff met with the Parks Board to answer any questions they may have. Since then, staff has been active to address questions raised regarding traffic impacts. Staff has also had discussions with ambassadors of the different user groups and has decided there is a need to have a focus group of the user

groups that would meet weekly to address any concerns as they come up. To keep an open communication with the public, staff has opened a webpage that will be populated with information and updates on activity as the process moves forward. The architect has been contacted to see how to put the stadium in the park without impacting the facilities already in the park. That information will be shared with the user groups and Council. Mr. Deskins requested an approval to schedule an information meeting for February 7th and additional time to discuss the EDA's request on the February 14th regular meeting of Council.

President Buettner stated there are 3 users for Bridgeforth Field right now. Any issues that would impact them need to be resolved by February 14th. This item needs to move forward but we also need to answer these questions before something comes up that can't be resolved. Mr. Deskins stated staff intends to address that issue through the user group's weekly meetings to find satisfactory solutions.

Mr. Gerhart stated he hopes there is not but there may be a few issues that may not be able to be resolved. Mr. Buettner stated no is an answer but we need to know where those no's are.

Mayor Minor stated this has been a tough decision but she believes it would be a huge boost for the Winchester economy and tourism. There are a lot of hurdles and bases to cover but we must start somewhere.

Councilor Willingham stated from a timeline perspective, even though you are meeting regularly, it may not be resolved by the time Council meets. Mr. Gerhart stated that is correct. Until there is a basic site plan, there is not a lot of work that can be done on the traffic plan.

Councilor Hill asked if the website and community meeting will be the only opportunity for the public to speak out or will there be others. Mr. Deskins stated it will depend on what happens at the meeting. Depending on the sense of that meeting, more meetings may be needed.

President Buettner asked for a matrix or grid to see how schedules will overlap. Mr. Deskins stated that will be something that comes out of the user group meetings. President Buettner also stated that the contract needs to state that if the minor league team is no longer using the stadium, the land automatically reverts back to the city.

Councilor Veach asked where the funds are coming from. Mr. Deskins stated the funds will come from the operation of the stadium. The city is fortunate to take advantage of pending legislation that will allow us to keep all of the sales tax generated from the stadium.

Mr. Gerhart stated it would be all of the sales tax except ½% for transportation. Councilor Willingham moved to authorize the February 7th meeting and to put an item on the February 14th agenda. *The motion was seconded by Councilor Veach then unanimously approved 8/0.*

Report of Liaisons

Submitted Written Reports

Fire & Rescue Department

Police Department

Adjourn

Councilor Willingham moved to adjourn the meeting at 7:14 p.m. *The motion was seconded by Vice-Mayor McInturff then unanimously approved 8/0.*