

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
March 27, 2012
City Council Chambers – Rouss City Hall**

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Hill, John Tagnesi, Les Veach, and Ben Weber; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor; Vice-President John Willingham (9)

ABSENT: None (0)

President Buettner called the meeting to order at 6:52 p.m.

Presentation: Draft Long Range Transportation Plan

Planning Director Tim Youmans presented a brief summary of the Draft Long Range Transportation Plan. He stated a public input meeting will be held March 29th at the Our Health Campus beginning at 5 p.m. Mr. Youmans reviewed a list of the candidate projects included in the long range plan and other priority city projects not included in the draft CLRP. The projects include the South Loudoun Drainage Improvement, the extension between Pleasant Valley and Battaile Drive, the exit 311 Battaile Drive interchange, the extension of Taft Avenue to Route 11, the extension of Jubal Early Drive, the completion of Meadow Branch Avenue, and Battaile Drive/Monticello Avenue. Mr. Youmans stated part of the reason there is so little funding is 79% of the funding has to go to maintenance.

O-2012-09: AN ORDINANCE TO VACATE A PORTION OF SPRING STREET RIGHT-OF-WAY ADJACENT TO 1462 GREYSTONE TERRACE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY SV-12-78

Mr. Youmans presented the request by Mr. Allen to convey a portion of the Spring Street right-of-way. The property is an irregular portion of property behind the Goodwill. Mr. Allen is not in control of the timing of this request. It depends on someone coming in and developing the property. State code allows 12 months for a vacation and staff recommends an extension of that for a developer to construct the cul-de-sac at the end of Greystone Terrace. Easements would be required at the time of the vacation due to the utilities. Mr. Youmans stated Council recently used \$0.50 per square foot with residential property but he did not need a decision on the compensation at this point. He did ask if Council would like to use internal or external viewers for the viewers report.

Vice-President Willingham moved to forward O-2012-09 to Council with \$0.50 a square foot. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

O-2012-12: AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO SIGN A PERFORMANCE AGREEMENT BY AND BETWEEN THE CITY OF WINCHESTER, THE ECONOMIC DEVELOPMENT AUTHORITY, AND RUBBERMAID COMMERCIAL PRODUCTS, LLC, AND TO APPROPRIATE

\$300,000 AND ESTABLISH A RESERVE OF \$400,000 FOR THE LOCAL MATCH TO THE GOVERNOR'S OPPORTUNITY FUND

Economic Redevelopment Director Jim Deskins presented the ordinance to authorize an agreement with the EDA and Rubbermaid and to appropriate funds to match the Governor's Opportunity Fund. He stated the City is being asked to provide a \$700,000 incentive to Rubbermaid to expand in Winchester and to acquire the GE Plant in Frederick County. The \$700,000 incentive would be over a 3 year fiscal period based on investments made.

Vice-President Willingham moved to forward O-2012-12 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

CU-12-44: Conditional Use Permit – Request of Adrian Zhang dba 360 Night Club for a conditional use permit for nightclub use at 2250 Valley Ave (*Map Number 270-01-4*) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay.

Interim Zoning Administrator Aaron Grisdale presented the request for a nightclub at 2250 Valley Avenue. He stated the property has plenty of off street parking but lighting and security is a concern in the rear portion of the property. The conditions from the Planning Commission include a requirement for lighting approved by the Chief of Police and night club use until 2 a.m.

Councilor Clark asked why the lighting in the rear is required if no public activity will occur in the back. Mr. Grisdale stated it is due to the close proximity to another night club to the rear of the property. The Planning Commission was concerned with loitering in the rear of the property and citizens going from one night club to the next.

Councilor Veach asked if condition #2 is redundant with condition #9 that requires all local and state laws be complied with. Mr. Grisdale stated condition #2 could be deleted.

Vice-President Willingham moved to forward CU-12-44 to Council without condition #2. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

CU-12-63: Conditional Use Permit – Request of Celebrating Patsy Cline, Inc. for reapproval of a conditional use permit, to include a request to modify conditions imposed with the existing permit, for a museum at 608 South Kent Street (*Map Number 213-01-M-17*) zoned Limited High Density Residential (HR-1) District.

Mr. Youmans presented the request to reapprove an existing CUP for a private house museum on Kent Street. He stated there were citizen comments made at the Planning Commission public hearing on the conditions set in 2009. A neighbor spoke on the second condition to take into account the neighbors. There have been complaints over the past years regarding the tour buses, employees not taking into consideration the neighbors, and employees parking in front along the street instead of where was indicated in the conditions. The

applicant has proposed conditions to change the hours of operation from 10 a.m. to 9 a.m. with no changes on the weekends. The fundraising times would end at 10 p.m. instead of 9 p.m. The applicant would like to hold 10 special events instead of 6. Mr. Youmans stated staff is recommending a start time of 9:30 a.m. However, staff is concerned about the parking for employees. This is a worthy historical site but consideration needs to be made for the neighbors. Mr. Youmans reviewed the staff suggestions for the conditions submitted by the applicant. He stated conditions 10 and 11 may not need to be included but he strongly suggested keeping #12.

Councilor Hill stated he is very concerned about the listening to citizens' complaints but not seeing resolutions. Mr. Youmans stated the complaints made known to city staff had to do with parking. The neighbor to the north made complaints but nothing was addressed.

Upon Councilor Hill's request, Abby Shartzshow of 606 S. Kent Street presented a brief summary of the issues she has experienced with the applicant and stated the manager has maintained an icy silence until recently. President Buettner asked that she put her concerns in writing.

Vice-President Willingham moved to forward CU-12-63 to Council with a 3 month review period. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

O-2012-10: AN ORDINANCE TO DECLARE A BLIGHTED PROPERTY AND ABATE A PUBLIC NUISANCE BY APPROVING AND ADOPTING A SPOT BLIGHT ABATEMENT PLAN PURSUANT TO SECTION 6-133 OF THE IWNCHESTER CITY CODE, FOR THE STRUCTURE AND PROPERTY LOCATED AT 31 EAST PICCADILLY STREET SBA-09-01

Mr. Grisdale presented the ordinance to abate the spot blight at 31 East Piccadilly Street. He stated the history of the property goes back to 2002 with violations. Staff has tried to maintain communications with the property owner with difficulty. The property was to change hands in October 2011 and a new letter was sent in November but no response has been received.

Vice-President Willingham moved to forward O-2012-10 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

R-2012-20: Resolution – Authorize the acceptance of Department of Motor Vehicles DUI Grant in the amount of \$40,514

Police Chief Kevin Sanzenbacher presented a resolution to authorize the acceptance of DUI grant funding for overtime hours.

Councilor Clark moved to forward R-2012-20 to Council. *The motion was seconded by Vice-President Willingham then unanimously approved by voice-vote.*

R-2012-21: Resolution – Approval of a naming rights policy for facilities and amenities with our City parks

Parks & Recreation Director Brad Veach presented a resolution approving a naming rights policy for facilities in the parks. He stated facilities have been named in the past but no policy has been created to provide guidelines and standards for the request. This will also allow Council to be involved in the process for endorsement or approval.

Vice-Mayor McInturff moved to forward R-2012-21 to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

O-2012-11: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 23-6 OF THE WINCHESTER CITY CODE PERTAINING TO THE POSTING OF NO TOBACCO SIGNS IN CITY PARKS

Mr. Veach presented an ordinance to amend the no tobacco signs in the parks for easier enforcement. He stated the ordinance established in 2010 did not include all types of tobacco on the signs.

Councilor Clark moved to forward O-2012-11 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2012-22: Resolution – Approval to enter into contract negotiations with USA Sports & Marketing Services

Old Town Director Karen Helm presented a resolution to enter into contract negotiations with an event coordinator for the downtown area. She stated one response came back from the RFP and asked to move forward with negotiations. No contract will be signed until it comes back to Council.

Councilor Veach moved to forward R-2012-22 to Council. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

FY2013 Budget Proposal

Interim City Manager Craig Gerhart presented a summary of the proposed FY13 Annual Budget.

Motion to add a closed session for the Acquisition of real property and investment of public funds

Vice-President Willingham moved to add the executive session to the agenda. *The motion was seconded by Councilor Tagnesi then unanimously approved by voice-vote.*

MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF INVESTMENT OF PUBLIC FUNDS WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE

PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED.

Vice-President Willingham moved to convene into executive session at 9:05 p.m. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

Vice-President Willingham moved to reconvene in open session at 10:00 p.m. *The motion was seconded by Mayor Minor 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:

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

Vice-President John Willingham moved to ask the Clerk to announce Randy Bryant's resignation from the School Board, thank him for his service, and advertise his position effective right now. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Report of Liaisons

Councilor Tagnesi announced the ROTC visit to Handley High School went well.

Submitted Written Reports

Finance Department

Adjourn

Mayor Minor moved to adjourn the meeting at 10:02 p.m. *The motion was seconded by Vice-President Willingham then unanimously approved by voice-vote.*