

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
May 22, 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 6:02 p.m.

Items for Discussion:

R-2012-37: Resolution – Authorize Fire and Rescue Chief to execute all necessary documents for the “Fee for Service” Revenue Disbursement Memorandum of Understanding – Chief Scott Cullers

Chief Scott Cullers presented the resolution for the Fee for Service disbursements.

Captain Eddie McClellan stated the program started in 2006. Since then, the department has guaranteed \$175,000 to each station and will continue to do so. However, the salaries and benefits of the personnel hired for the program have outgrown being aligned with the program. He stated the stations will see an increase for protective clothing, fuel and maintenance costs as well. There is a possibility that if projections are not met, there may be a need to come up with funding from additional sources to make up the \$175,000.

Vice-President Willingham moved to forward R-2012-37 to Council. *The motion was seconded then unanimously approved by voice-vote.*

O-2012-22: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 7.1-1 OF THE WINCHESTER CITY CODE PERTAINING TO SERVICE FEES FOR EMERGENCY MEDICAL TRANSPORT – Chief Scott Cullers

Captain McClellan stated the service fees were increased once in 2008 since the beginning of the program. Winchester is currently 18% lower than other localities surveyed. Shenandoah County set their rates at 25% above what Medicare charges and staff is asking to do the same. Staff is also asking to set a floor that our rates would not drop below even if Medicare drops. He stated 4% of the net profits in 2011 came from out of pocket expenses of the city’s residents. The remainder came from insurance companies.

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

CU-12-95: Conditional Use Permit – Request of the Economic Development Authority for a conditional use permit for a neighborhood convenience establishment at 443 North Loudoun Street (*Map Number 173-01-I-25*) zoned High Density Residential (HR) District with Historic Winchester (HW) District overlay. – Tim Youmans

City Planner Will Moore presented the request to allow a large accessory structure at the rear of the property be a commercial storage unit instead of the personal storage units of the tenants of the boarding house. He reviewed the conditions set by the Planning Commission regarding advertising/marketing, hours of operation, and ownership of property.

Vice-President Willingham moved to forward CU-12-95 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

O-2012-20: AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 8, 9, 10, 11 AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, USE PROVISIONS AND PARKING PROVISIONS FOR ARENAS, AMPHITHEATERS, AND STADIUMS **TA-12-187** – Tim Youmans

Planning Director Tim Youmans stated the ordinance is a response to a staff observation that the city does not have a definition for arenas, amphitheaters, and stadiums. An accessory use could be used but it is not allowed in any of the districts. The definitions were added to some of the zoning districts in response to the effort of drawing a baseball team to the city.

Vice-President Willingham moved to forward O-2012-20 to Council with the amendment to remove “live” in the amphitheater definition. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

O-2012-21: AN ORDINANCE TO VACATE APPROXIMATELY 4,500 SQUARE FEET OF PUBLIC RIGHT-OF-WAY AT THE SOUTH END OF ROBERTS STREET AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY **SV-12-251** – Tim Youmans

Mr. Youmans stated this request was originally approved in 2003. The applicant still owns all of the land and has received approval for a site plan. He asked if Council would like to honor the sales price established in 2003 of \$2.50 per square foot. It would be less expensive than the current commercial rate but there would be encumbrances with it as well.

Vice-President Willingham moved to forward O-2012-21 to Council. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

R-2012-40: Resolution – Certify the VRS member contributions for Plan 1 employees of the City of Winchester – Joel Davis

Human Resources Director Joel Davis presented R-2012-40 and R-2012-41 to certify the Schools and City VRS rates for employees.

Councilor Tagnesi moved to forward R-2012-40 and R-2012-41 to Council. *The motion was seconded by Councilor Weber then unanimously approved by voice-vote.*

R-2012-41: Resolution – Certify the VRS member contributions for the Plan 1 employees of the Winchester Public Schools – Joel Davis

Included in the previous vote.

Presentation: Millwood Avenue Geometry Design Plan – Shenandoah University

Mitch Moore, Vice President of Advancement for Shenandoah University, presented a summary of the project to date. He thanked the TRC members for their work. They have worked with the property owners to make it a better design. He addressed the technical questions that Council previously asked SU to answer.

Evan Wyatt of Greenway Engineering presented the Millwood Avenue Geometry Design Plan.

Vice-President Willingham asked Utilities Director Perry Eisenach to comment on the storm water pond. Mr. Eisenach stated the storm water dumps out of a pipe and runs through the street currently. From a storm water management perspective, the plan is a benefit to the city.

Councilor Clark asked about traffic stacking in the morning and evening hours with the additional traffic light. Mr. Wyatt stated the study took existing counts and inflated them for future growth. It then ran simulation models for the peak hours to determine turn lane distances, light location, and light timing.

Vice-President Willingham moved to forward R-2012-36 and R-2012-38 to Council and asked that written proof be provided of the property owners' agreement. *The motion was seconded then unanimously approved by voice-vote.*

R-2012-36: Resolution – Endorsement of the Millwood Avenue Geometry Design Plan and encourage Shenandoah University to proceed with final roadway plans and resolution of non-traffic engineering issues – Tim Youmans

Included in the previous vote

R-2012-38: Resolution – Endorsement of the proposal to modify the “Limited Access Line” on Jubal Early Drive between Millwood Avenue and Pleasant Valley Road as necessary to construct proposed improvements – Tim Youmans

Included in the previous vote

R-2012-39: Resolution – Request all right-of-way from previous projects still owned by the Virginia Department of Transportation within the City of Winchester be conveyed to the City – Tim Youmans

Mr. Youmans presented the resolution to request all previous projects right-of-ways be conveyed to the City from VDOT.

Councilor Tagnesi moved to forward R-2012-39 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

EXECUTIVE SESSION: MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND 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 OF CERTAIN BOARDS AND COMMISSIONS.

Vice-President Willingham moved to convene in executive session at 7:34 p.m. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Vice-President Willingham moved to reconvene in open session at 7:58 p.m. *The motion was seconded by Councilor Weber 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 Willingham moved to appoint Allyson Pate (Ward 1 At-Large) and Richard Bell (Ward 1 At-Large) as members of the School Board and direct the Deputy Clerk to advertise the public hearings to receive public comment on the appointment of same. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

Vice-President Willingham moved to reappoint one position on the Shenandoah Area Agency on Aging, one position on the Tree Commission, one position on the Winchester Parking Authority, three positions on the Parks and Rec Board, one position of the Frederick-Winchester Service Authority, two positions on the Lord Fairfax EMS Council, one position on the Old Dominion Alcohol Safety Action Program Board, and one position on the Old Dominion Community Criminal Justice Board. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

Report of Liaisons

Submitted Written Reports

Finance Department

Adjourn

Mayor Minor moved to adjourn the meeting at 8:00 p.m. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*