

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
June 21, 2011  
City Council Chambers – Rouss City Hall**

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

**ABSENT:** None (0)

President Buettner called the meeting to order at 6:02 p.m.

**Items for Discussion:**

**Presentation:** Access Independence

Donald Price stated Access Independence is a Center for Independent Living that looks for equal rights, equal access, and equal opportunity. One in five people have a disability. Access Independence provides services to the community and does a lot of empowering people with disabilities in homes, communities, jobs, and life. They like to educate individuals and remove social barriers. The center has several members of the community and serves 180 residents from Winchester. One of the big issues with people who have disabilities is labor and the number of people who do not work. He stated there should be some improvement for downtown businesses for handicapped people who cannot get around. Houses with no accessibility or the wrong slope should also be looked at.

**Presentation:** Police Department Annual Report

Chief Kevin Sanzenbacher gave an executive summary of highlights from 2010. He stated the response time for an officer to get to the scene of a serious call is 4.28 minutes. He noted that there were no averages available nationwide for police response time for emergencies to compare to. However, in the Fire Department model for an urban area, the response time is expected to be an average of 6 minutes.

Chief Sanzenbacher stated one of the major accomplishments last year was getting the Timbrook Youth Reporting Center house open with the help of several departments within the City. He said 80% of the employees passed the first fitness assessment. For those who did not pass, they used the grant they received last year and had remedial training and they are seeing positive results from that. He stated through the grants last year they were able to buy the officers more tasers among other things. He listed the issues they have for 2011. Chief Sanzenbacher thanked City Council for the pay raises. He said that technology

advances are one thing that will help the officers. For example, their goal is to have an officer fill out a report and hit a button and send it to the office, without ever having to leave the car. He said they are having issues with filling job vacancies based on the salary.

Councilor Willingham asked about the IT vacancy and if there was any way we can leverage existing resources to help out. Chief Sanzenbacher said they really need someone that understands the laptops to go beyond where they are at. He said the last six months they have been holding their own. He also mentioned that there have been a number of grants they could have pursued, but could not simply because of all the technology.

Councilor Willingham said he did not realize there were 30 active members putting in 30 hours of volunteer time each week and said that was fantastic. He asked if there were any other ways or creative ideas to show our appreciation to these individuals, including the volunteer fire fighters.

Chief Sanzenbacher stated they have an annual dinner which recognizes their service at that point. However, there is no stipend or anything like that for them so this could be something to consider.

**R-2011-19:** Resolution – Authorize the city to accept a grant from the Bureau of Justice Assistance to assist with the purchase of Bullet Resistant Vests

Chief Kevin Sanzenbacher stated a vest generally lasts 5 years before the protection compactly starts to diminish. The federal grants will pay for half the vests that have to be replaced each year. He said this will be a combined effort between the Sheriff's department and the Police department.

President Buettner moved to forward R-2011-19 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**O-2011-28:** AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 6-134 OF THE WINCHESTER CITY CODE REGARDING DERELICT BUILDINGS, ADOPT SECTIONS 27-39.1 THROUGH 27-39.3 REGARDING ABATED DERELICT PROPERTY, AND AMEND AND RE-ADOPT SECTIONS 27-29 THROUGH 27-30 REGARDING SUBSTANTIALLY REHABILITATED PROPERTY

Ann Burkholder, Commissioner of Revenue, stated this item and the following item fit together. She explained when this ordinance was first put in; it was a little bit of a housekeeping issue. In 2009, the intention was to pass the ordinance but instead Council passed an ordinance saying we have to pass an ordinance which was counter active to the intent of the ordinance. She stated they have to act quickly to resolve the other abatements if we have to pass an ordinance for each one. So really this is a little bit of a cleanup through there because the city parties have been interpreting the ordinance as the way it was

intended compared to the way it was literally written. She said she would like to clean up this ordinance.

Councilor Hill moved to forward O-2011-28 to Council. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

**O-2011-29: AN ORDINANCE TO APPROVE DERELICT PROPERTY ABATEMENT REAL ESTATE TAX EXEMPTION FOR 661-663 MILLWOOD AVENUE**

Ann Burkholder, Commissioner of Revenue, stated this is a follow up from the previous item. They read the ordinance as they were working with the property owner at 661-663 Millwood Avenue. That is when they realized they were not reading the code literally and this one got caught in the middle so with the existing code they have to pass the ordinance.

Councilor Hill moved to forward O-2011-29 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**O-2011-31: AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-27(A)(1) OF THE WINCHESTER CITY CODE PERTAINING TO SPECIAL SPEED LIMITS ON CERTAIN STREETS**

Perry Eisenach, Public Services Director, stated he received a request from the residents on Glaize Avenue to lower the speed limit. Since there are a lot of cars parked and kids on the street, the citizens requested a speed limit of 10 mph. However, he personally thinks 15 mph would be the right speed.

Vice-President Major made a motion to forward O-2011-31 to Council. *The motion was seconded by Mayor Minor then approved 8/1 with Councilor Hill voting in the negative.*

**Valley Ave Project**

Perry Eisenach, Public Services Director, stated he wants to make sure Council is still in agreement with the Valley Avenue Project the way it was proposed before they get started. He presented a recap of the primary purpose of the project which is to replace the sidewalk. He stated they have awarded the contract to a contractor who is in the middle of finishing their current job and should be here the first part of August. In this project, there are a lot of Siberian Elm trees in poor health. Mr. Eisenach introduced the new arborist Jen Hammer. He stated the previous arborist, Tim Stern, reported the trees are in poor health and are past the end of their life. On the east side of Valley Avenue, there are 43 existing trees and 19 are proposed to be removed and replaced with 37 new trees that will not grow into the power lines. He stated they are coordinating with Shenandoah Valley Electric Cooperative on this project which will save \$26,600. On the west side between Jefferson and Bellview, there are 41 existing trees and 11 trees are

proposed to be removed all of which are Siberian Elms. Three Siberian Elms will stay and 43 trees will be planted. In the last section in front of Handley, there are 17 existing trees that are to be replaced and 18 trees will be planted in their place. This section is also the only section that all the curb and gutter is to be replaced as well.

Mayor Minor asked how long it will take to plant the new trees. Mr. Eisenach stated this fall they will all be planted and they will be 4-5" caliber trees, like the ones planted on Braddock, Cameron and Piccadilly Streets.

Councilor Tagnesi asked, "With this new sidewalk construction in front of Handley, why are we not using that same construction all the way down Valley Avenue?" Mr. Eisenach stated if they were to dig down that much, they would be cutting a lot of roots and a majority of the existing trees would die.

President Buettner stated with the elevation they would probably run into a lot of lateral problems as well. Mr. Eisenach said they possibly could.

Councilor Clark asked about the trees on the east side under the electric lines are varieties that will not grow as tall as the Siberian Elms. Mr. Eisenach agreed. Councilor Clark asked if Mr. Eisenach has had a chance to meet with the people who are petitioning against this project. Mr. Eisenach said he personally has not, but has heard about the petition.

Councilor Veach asked, "About the trees on the east side and how they are supposed to be shorter so they do not grow into the power lines, but do we still expect some contribution of the canopy over the street like we do now?" Mr. Eisenach said they would.

Councilor Willingham said it is always difficult to cut trees clearly this size and change the site lines that everyone has grown accustomed to. Councilor Willingham also said when you look at a couple of things, one is that the Arborists who are experts in their field in determining if these trees are healthy or not tell us that they are not and we have a Tree Commission that we appoint to review and to help Council make decisions. He also stated on the east side and west side combined there is a net of 50 trees to be planted. He also said at the end of the day this is a good solution, not a perfect solution, but it will do.

President Buettner had a conversation with Patrick Farris and talked about how the Tree Commission voted the way they did. President Buettner said he does not see any other way to do this since the trees are at the tail end of their life.

Councilor Tagnesi reported at the Handley briefing given by the Garden Club a couple of citizens objected and his comment to them was "You want to keep those trees so you can enjoy them for the next 4 to 5 years to prevent the new trees from being enjoyed by everyone else for the next 100 years".

Councilor Clark said the one statistic he did hear from an Arborist who was in the audience that evening was something like 50 to 60% of trees that are planted by organizations that are not gardening clubs die within the first 2 years. Councilor Clark said the water bags are a good effort, but if there is not a plan for maintenance and especially watering them the first two years, then these trees are likely to die and wanted to make sure there is a plan for maintenance and watering for these trees. Mr. Eisenach said the maintenance was included in the contract.

### **Special Event Coordinator**

David Smith from the Old Town Development Board put together several different options to give an idea of what can be accomplished and what the cost and revenue would be like to the city, not including tax. Mr. Smith said they presented this to the Council to look over it and to see if they had any questions.

Mayor Minor asked if Council is to determine that option. Karen Helm from the Old Town Development Board said this is a starting point and they would like advice from Council.

President Buettner stated he had in his mind the ROI when Council is looking at the options and sees this as a start as different venues come to line. President Buettner asked if this was put out to another RFP or is this just the initial. Ms. Helm explained the process they went through to work with the City's purchasing agent Steve Corbit who recommended following up with the one company. Ms. Helm said they were looking for adult events, kid events, and they also want to strengthen existing events.

There was a discussion about the City breaking even with the revenue and how if events are promoted correctly, this would be ideal.

City Manager Jim O'Connor said it was not for certain what was wanted, so they did not put out to bid a well defined project. He explained what it meant to bid out for a best value concept and also said "Our concept at first was to just vision we are going to have big events on the mall." So the best value gave an alternative to talk to the vendors to see if they had an option or alternative for that. The best value was not based on price, but what the concept was.

There was a discussion about meals tax and setting a base on that. Ms. Helm said they have not entered into a formal contract. There was a discussion about protecting the City and making sure the vendor does what it says it will. David Smith said the company they will hopefully be dealing with has an investment within the City and have seen what they have done. He said they would rather take a chance with someone they know versus someone they do not know.

There was a discussion about the way the process was handled and preventing these road bumps in the future as well as a discussion concerning the events and attracting the various crowds and what some of the events entailed.

City Attorney Anthony Williams discussed the BVA, Best Value Acquisition or Best Value Assessment and RFP or Request for Proposal, differences and said in giving a short answer whether or not this is premise; he recommended taking this information as given and using that to formulate an actual RFP and make that our standard processing to make a decision.

Mr. Smith had a concern about the BVA and the information that has been put in there for the public to bid and asked if there would be a conflict of interest for the City. Mr. Williams said the City is not bound to any solicitation for bids.

There was a discussion on doing what they can to get more people downtown and enjoy more activities and they are comfortable in the way things are going. Council suggested for Ms. Helm, Mr. Smith and Mr. O'Connor to come up with an RFP and to present this again to Council.

**O-2011-21: AN ORDINANCE TO AMEND AND RE-ADOPT CERTAIN PROVISIONS OF THE PUBLISHED WINCHESTER CODE OF ORDINANCES PURSUANT TO THE CITY'S COMPREHENSIVE CODE REVIEW**

Mr. Williams said this is a follow up from last meeting. He presented the provisions of the published Winchester Code of ordinances and the ordinance to amend and re-adopt the Winchester City Charter.

There was a brief discussion concerning Section 2-63 and Section 2-61 about how to revise these sections.

Councilor Tagnesi made forward O-2011-21 and O-2011-23 to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

**O-2011-23: AN ORDINANCE TO AMEND AND RE-ADOPT THE WINCHESTER CITY CHARTER**

*See above*

**Report of Liaisons**

Councilor Willingham said the MPO or The Frederick-Winchester Metropolitan Planning Commission is working on a draft revision list, and hopefully in the next couple of Council sessions himself or someone else will hopefully have some additional information. He said there has been a big shift from the funding of the urban fund and secondary road projects. The MPO will have some other

discussions with the chairman and is really leaning towards certain projects on these lists; a list of priorities, how roads are funded, historically relied upon urban funds to do a lot of projects with. Next year they are going to have to figure out a different way regionally to better get a list of the projects on there. He said they may have a discussion of transportation needs for the City and the content of the regional transportation.

**Executive Session:** Motion to convene in Executive Session Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the purpose of conducting interviews and discussion and consideration of information regarding the employment, assignment, and appointment of the interim City Manager. In accordance with the provisions of Section 2.2-3712(B) of the Code of Virginia, such proceedings shall commence within fifteen days at an undisclosed location and shall be concluded in accordance with Section 2.2-3712(D) of the Code of Virginia after selection and appointment.

Vice-Mayor McInturff made a motion to convene in executive session within fifteen days at an undisclosed location regarding the employment, assignment, and appointment of the interim City Manager at 7:42 p.m. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

### **Adjourn**

Vice-Mayor McInturff made a motion to adjourn the meeting at 7:43 p.m. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*