

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
May 8, 2007**

President Gaynor asked for any additional bids granting a franchise to provide a city-wide wireless network. No additional bids were received. He announced that the current bids received were from Visual Link, Solutrea, and Ambriel.

A regular session of the Winchester Common Council was held on Tuesday, May 8, 2007 in the Council Chambers, Rouss City Hall. President Charles T. Gaynor called the meeting to order at 7:33 p.m.

PRESENT: President Gaynor, Vice-President Griffin, Mayor Minor, and Vice Mayor Buettner. Councilors Butler, Clark, Coyne, Helm, Major, Masters, Nelson. (11)

ABSENT: None. (0)

INVOCATION – Pastor Rudy Keyl, Grace Evangelical Lutheran Church pronounced the invocation.

PLEDGE OF ALLEGIANCE – Mayor Minor led councilors and citizens in the Pledge of Allegiance.

APPROVAL OF MINUTES – Vice President Griffin moved that the minutes of the April 10, 2007 Regular Meeting and the April 24, 2007 Special Meeting be approved as presented. *The motion was seconded by Councilor Coyne and unanimously approved by voice-vote.*

President Gaynor introduced Boy Scout Troop #45 from Sacred Heart Church that were present to earn their “Citizenship in the Community Merit Badge.”

REPORT OF PRESIDENT

- **Public Hearing: AN ORDINANCE TO VACATE PORTIONS OF IMPROVED N. CAMERON STREET AND E. PICCADILLY STREET RIGHTS OF WAY AND CONVEY THEM TO THE OWNER(S) OF THE ADJACENT PROPERTY AT 200 N. CAMERON ST. SV-07-01**

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:37 p.m.

- **Public Hearing: AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 9-80 AND 9-83 OF THE WINCHESTER CITY CODE PERTAINING TO STREAM BUFFERS.**

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:38 p.m.

- **Public Hearing: AN ORDINANCE TO AMEND SECTION 14-153 OF THE WINCHESTER CITY CODE CONCERNING EVENT PERMITTING.**

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:39 p.m.

- Public Hearing: AN ORDINANCE TO AMEND SECTION 14-150 OF THE WINCHESTER CITY CODE CONCERNING EVENT PERMITTING.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:39 p.m.

- Public Hearing: To receive nominations and citizen input on the appointment of one At-large representative to the Winchester School Board to fill one vacant term. The term will expire June 30, 2008.

Councilor Coyne presented a motion to continue the public hearing for the At-Large representative until the June 12, 2007 regular Council meeting while more applicants are being reviewed. *The motion was seconded by Vice-Mayor Buettner and unanimously approved by voice-vote.*

- Public Hearing: Request of Montgomery Engineering Group, Inc. for a Conditional Use Permit for a structure having roof pitches less than otherwise permitted by right at 3003 Valley Avenue zoned Highway Commercial, B-2 District with Corridor Enhancement, CE District overlay zoning. **CU-07-03**

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:40 p.m.

- Public Hearing: Comment on proposed 2008 Annual Action Plan for use of CDBG funds.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:41 p.m.

- Public Hearing: To provide interested citizens an opportunity to appear before the Council and state their views on approval or disapproval of the budget supplemental appropriations and transfers for Fiscal Year ending June 30, 2007.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:41 p.m.

- Motion to approve Council priorities for 2007-2008. *The motion was seconded by Vice-President Griffin. Councilor Helm said that none of the priorities should have priority over the other. President Gaynor commented that they were in no specific order. The motion was then unanimously approved by a voice vote.*
- Motion to adopt a resolution honoring Rodney W. Ruebush. *The motion was seconded by Vice-President Griffin. Councilor Clark then commented on the customer service Mr. Ruebush provided for him. The motion was then unanimously approved by a voice vote.*

Vice-Mayor Buettner presented the resolution to Rodney W. Ruebush.

- Motion to adopt a resolution honoring Lewis M. McDaniel. *The motion was seconded by Councilor Butler and unanimously approved by a voice vote.*

Councilor Butler presented a resolution to Lewis M. McDaniel.

- Call on the City Manager to open bids for: AN ORDINANCE TO INITIATE AND ESTABLISH THE PROCESS FOR GRANTING A FRANCHISE BY THE CITY OF WINCHESTER, VIRGINIA, TO PROVIDE A CITY-WIDE WIRELESS NETWORK FOR INTERNET ACCESS AND TO USE THE PUBLIC RIGHT-OF-WAY AND OTHER PUBLIC PLACES IN FURTHERANCE THEREOF.

City Manager Edwin Daley opened three bids and announced that the bids were available for public inspection.

President Gaynor asked if anyone present wanted to address Council.

Michael Phelps, 5095 Main Street, Stephens City, VA 22655, addressed Council because he was concerned about how a Councilor handled a problem in the water department. He had a tenant who tried to open an account and was denied because there was an outstanding bill for that property address. The outstanding bill on file was two accounts previous to this tenant.

President Gaynor then stated that he and Councilor Butler would look into it. Mr. Butler referred Mr. Phelps to Perry Eisenach and asked him to leave his number.

Charles Lillis, 428 Chestnut Street, Winchester, VA 22601, addressed council in opposition of the tax rate. Mr. Lillis proposed that someone who had lived in their house for 50 years or more should have no increase in their taxes.

President Gaynor responded by asking Mr. Lillis if he was aware of elderly tax relief. President Gaynor also said that they could not carry out what he was proposing due to state law. He also sympathized what Mr. Lillis talked about.

President Gaynor presented a motion to amend the May 8, 2007 Council Agenda by adding the following items to the agenda:

Finance and Administration Committee:

- Motion to appoint Anne Lewis Clerk Pro Tempore effective July, 1 2007.
- Motion to appoint President Gaynor to the MPO Policy Board

Vice-President Griffin moved the motion to amend the agenda and the motion was unanimously approved by voice-vote.

FINANCE AND ADMINISTRATION

Chairman Buettner presented the following:

- First Reading, by title: AN ORDINANCE TO ADD SECTION 2-50 TO THE WINCHESTER CITY CODE REGARDING VACANCIES/REMOVAL OF COUNCIL APPOINTEES.
- Motion to appoint Anne Lewis Clerk Pro Tempore effective July 1, 2007. *The motion was seconded by Vice-President Griffin and unanimously approved by a voice-vote.*
- Motion to appoint President Gaynor to the MPO Policy Board. *The motion was seconded by Mayor Minor and unanimously approved by a voice-vote.*
- Motion to appoint Anne Lewis to the city manager's position on the Old Town Development Board. *The motion was seconded by Vice-President Griffin and unanimously approved by a voice-vote.*
- Motion to appoint Evan Clark as a member of the Executive Committee of the Northern Shenandoah Valley Regional Commission. *The motion was seconded by Councilor Major and unanimously approved by a voice-vote.*
- Announced the following budget schedule:
Initial Presentation – 7:30 a.m., Wednesday May 16
Public hearing – 5:30 p.m., Tuesday May 29
Adoption – 5:30 p.m., Tuesday June 26
Additional committee meetings and work sessions will be scheduled as needed.

Chairman Buettner explained to citizens that the budget was reviewed before the decision was made to increase taxes.

- Motion to approve the proposed Community Development Block Grant 2008 Annual Action Plan. *The motion was seconded by Councilor Butler and unanimously approved by a voice-vote.*
- Motion to approve the Fiscal Year 2007 Budget Supplemental Appropriations and Transfers. *The motion was seconded by Vice-President Griffin and unanimously approved by a voice-vote.*
- Motion to appoint _____ as an At-large member of the Winchester School Board and for an unexpired term ending June 30, 2008. *Councilor Coyne made a motion to table until the June 12th, 2007 Council Meeting. The motion was seconded by Councilor Major and unanimously approved by a voice-vote.*

Councilor Helm stated that he did not vote or participate in item number four regarding the motion for the Old Town Development Board.

PLANNING AND DEVELOPMENT

Chairman Griffin presented the following:

- First Reading, by title: AN ORDINANCE TO CONVENTIONALLY REZONE 0.158 ACRES OF LAND FROM LIMITED HIGH DENSITY RESIDENTIAL, HR-1 DISTRICT TO EDUCATIONAL, INSTITUTIONAL AND PUBLIC USE, EIP DISTRICT AT 305 EAST PICCADILLY STREET ZONED LIMITED HIGH DENSITY RESIDENTIAL, HR-1 DISTRICT AND TO CONVENTIONALLY REZONE 1.14 ACRES OF LAND FROM LIMITED HIGH DENSITY RESIDENTIAL, HR-1 DISTRICT AND HIGH DENSITY RESIDENTIAL, HR DISTRICT TO EDUCATIONAL, INSTITUTIONAL AND PUBLIC USE, EIP DISTRICT AT 314 WOODSTOCK LANE ZONED LIMITED HIGH DENSITY RESIDENTIAL, HR-1 DISTRICT AND HIGH DENSITY RESIDENTIAL, HR DISTRICT. **RZ-07-04**
- First Reading, by title: AN ORDINANCE AMENDING ARTICLES 1-2, 10-1, 11-1, AND 12-1 OF THE ZONING ORDINANCE PERTAINING TO THE DEFINITION OF BREWERY. **TA-07-01**
- First Reading, by title: AN ORDINANCE TO VACATE PORTIONS OF LAKE DRIVE RIGHT OF WAY AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY AT 2705 VALLEY AVENUE. **SV-07-03**
- Motion to appoint Jim Deskins, Perry Eisenach, and Frank Wright as in-house viewers for: AN ORDINANCE TO VACATE PORTIONS OF IMPROVED N. CAMERON STREET AND E. PICCADILLY STREET RIGHTS OF WAY AND CONVEY THEM TO THE OWNER(S) OF THE ADJACENT PROPERTY AT 200 N. CAMERON ST. **SV-07-01** *The motion was seconded by Mayor Minor and approved by a voice-vote with Councilor Helm abstaining from vote.*
- Motion to approve the request of the Montgomery Engineering Group, Inc. for a Conditional Use Permit for a structure having roof pitches less than otherwise permitted by/right at 3003 Valley Avenue zoned Highway Commercial, B-2 District with Corridor Enhancement, CE District overlay zoning. **CU-07-03** *The motion was seconded by Councilor Buettner and unanimously approved by a voice-vote.*
- Motion to approve request of Patton Harris Rust & Associates for subdivision approval for a 6 lot subdivision at 201 E. Tevis Street zoned Commercial-Industrial, CM-1 District and Residential-Office, RO-1 District. **SD-07-03** *The motion was seconded by Mayor Minor and approved by a voice-vote with Councilor Helm abstaining from the vote.*
- Motion to appoint Tom Rockwood as a member of the Board of Architectural Review for a four year term expiring April 30, 2011. *The motion was seconded by Councilor Coyne and unanimously approved by a voice-vote.*
- Motion to recommend to the Circuit Court that _____ be appointed to the Board of Zoning Appeals for a five year term expiring April 30, 2012.
- Motion to re-appoint John Schroth as a member of the Winchester Parking Authority for a five year term expiring May 31, 2012. *The motion was seconded by Mayor Minor and unanimously approved by a voice-vote.*

Chairman Griffin announced the Kickball Tournament scheduled for August 18, 2007.

COMMUNITY SERVICES

Chairman Butler presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 9-80 AND 9-83 OF THE WINCHESTER CITY CODE PERTAINING TO STREAM BUFFERS.

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Abstain
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND SECTION 14-153 OF THE WINCHESTER CITY CODE CONCERNING EVENT PERMITTING.

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND SECTION 14-150 OF THE WINCHESTER CITY CODE CONCERNING EVENT PERMITTING.

Councilor Coyne presented a motion to amend the ordinance as presented to delete the words “except that a permit may be issued for an assembly or parade to be held within leased premises located within a public park.” *Councilor Major seconded the motion.*

Councilor Helm was concerned about how the lease agreement would be addressed with the discovery museum which allowed them to have fundraising with alcoholic beverages in the park.

Vice-Mayor Buettner stated that he shared the same concern as Councilor Helm but was willing to support Councilor Coyne’s amendment. Mr. Buettner mentioned that the discovery museum had not been built yet and would like to approve the ordinance then put something in place after the museum was built.

Councilor Helm apologized that the wording was added because of a misunderstanding.

President Gaynor stated that he would support Councilor Coyne’s motion and asked City Attorney Anthony Williams to repeat the motion.

The motion to amend the presented ordinance was unanimously approved by voice-vote with a roll call vote that proceeded to pass the ordinance.

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- Motion to adopt a resolution approving fiscal year 2008 for DEQ water supply planning funds. *The motion was seconded by Councilor Coyne and unanimously approved by a voice-vote.*
- Motion to adopt a resolution concurring with the action of the Frederick-Winchester Service Authority to issue revenue bonds in regard to the Parkins Mill Wastewater Treatment Plant Project. *The motion was seconded by Councilor Coyne and unanimously approved by a voice-vote.*

NEW BUSINESS

Mayor Minor congratulated the staff and volunteers for a great Apple Blossom this year. She also thanked all of the sponsors.

Mayor Minor invited all Councilors to attend the Human Services Mixer at the Piccadilly Brew Pub on Wednesday, May 9th at 5:30 p.m.

Vice-Mayor Buettner then presented a motion to go into closed session to discuss “Personnel Matters and seek advice from counsel” at 8:37 p.m. *The motion was seconded by Vice-President Griffin and unanimously approved by a voice vote.*

The regular Council Meeting reconvened at 8:58 pm.

Upon returning, committee members approved a motion to return to open meeting and 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>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

ADJOURNMENT –With no further business, Councilor Coyne moved to adjourn the meeting at 8:59 p.m. *The motion was seconded by Councilor Clark and unanimously approved by a voice vote.*

Cody A. Doland
Deputy Clerk of the Common Council