

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
June 12, 2007**

A regular session of the Winchester Common Council was held on Tuesday, June 12, 2007 in the Council Chambers, Rouss City Hall. President Charles T. Gaynor called the meeting to order at 7:30 p.m.

PRESENT: President Gaynor, Mayor Minor, and Vice Mayor Buettner. Councilors Butler, Clark, Coyne, Helm, Major, Masters, and Nelson. (10)

ABSENT: Vice-President Griffin. (1)

INVOCATION – President Gaynor called for a moment of silence.

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

APPROVAL OF MINUTES –President Gaynor moved that the minutes of the May 8, 2007 Regular Meeting, May 16, 2007 Special Meeting, and May 29, 2007 Special Meeting be approved as presented. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

REPORT OF PRESIDENT

- Public Hearing: AN ORDINANCE TO ADD SECTION 2-50 TO THE WINCHESTER CITY CODE REGARDING VACANCIES/REMOVAL OF COUNCIL APPOINTEES.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:32 p.m.

- Public Hearing: 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

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:33 p.m.

- Public Hearing: 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**

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:34 p.m.

- Public Hearing: 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**

President Gaynor stated that this ordinance would not be discussed by council that night, but he said that it was still a public hearing. Therefore, citizens were able to speak on it.

Charles Pine Jr., 707 Kennedy Drive, Winchester, VA 22601, was present in opposition to the street vacation. Mr. Pine stated that the entrance to Rolling Hills has been there for over forty years and was purchased from the state by him and his father in 1973. Mr. Pine passed around current pictures of the area to the councilors showing them how the brick walls that he and his father had designed for the entrance were still there. He also stated that it once had trees and bushes that had since been removed. Mr. Pine expressed his concerns that the entrance to Rolling Hills would be “lined with used cars” if council decided to go through with Mr. Stutzman’s request. Mr. Pine also had a document from back when the land was considered to be in Frederick County. The document showed the lots and the entrance of Rolling Hills and it was approved by both Frederick County and the state of Virginia. Mr. Pine said his father thought they should also get the document approved by the City in case it was one day considered to be in the City. The document was approved by City Council and it was signed by Wendell Seldon, City Manager. Mr. Pine said that it showed that they were “trying to do the right thing.”

President Gaynor let Mr. Pine know that this ordinance was not going to a committee tonight and that it was going to go on to the Planning and Development committee then have another two weeks before its considered. He then thanked Mr. Pine for giving his summary.

No other citizens came forward to address council concerning this issue and the President declared the public hearing closed at 7:44 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 moved to keep this open this public hearing until the July 10, 2007 regular council meeting. He explained that they had received one résumé but with recent changes, the seat would have to be filled by someone from ward 2, 3, or 4. *The motion was seconded by Councilor Major and approved by voice-vote.*

- Public Hearing: Request of First Loudoun Street Corporation, LLC for a conditional use permit for multifamily dwellings within an existing structure at 200 North Cameron Street zoned Central Business, B-1 District with Historic Winchester, HW overlay. **CU-07-05**

No citizens came forward to address council concerning this issue and the President declared the public hearing closed at 7:46 p.m.

President Gaynor asked if anyone else present wanted to address council.

James Justice, 536 N. Cameron Street, Winchester, VA 22601, was present. Mr. Justice said that he had not had a chance to meet all of the Councilors but he wanted to invite them all to come up for a tour of the old Zeropak property to show them what was going on and what improvements they had made. He said that there should be a number of issues coming before council in the near future because of the “financial momentum” he had gathered and had started to process permits.

Gail Souther, 2540 Bradford Court, Winchester, VA 22601, was present to address council regarding home consortium funding. She wanted to applaud the home program in which first time home buyers could apply for funding. She was concerned that citizens whose housing needs were just as great, if not greater, were not being considered in the program. She said she was referring to those whose personal circumstances were such that they were not able to take on the responsibilities of home ownership such as the elderly, disabled, etc. She also spoke regarding the homeless or people in need of emergency or transitional housing saying that the lack of affordable rental units was “the barrier for them to get back on their feet again.”

President Gaynor then asked if anyone who did not sign in would like to address council. *With no further citizens wanting to address council, President Gaynor declared the Public Hearing section closed at 7:50 p.m.*

FINANCE AND ADMINISTRATION

Chairman Buettner presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO ADD SECTION 2-50 TO THE WINCHESTER CITY CODE REGARDING VACANCIES/REMOVAL OF COUNCIL APPOINTEES.

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
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- Motion to adopt a new Classification and Compensation Schedule to include a 5 percent increase to the minimums and maximums of each grade and to authorize a merit pool of 5 percent from which to award raises for classified employees.

Vice-Chairman Coyne made a motion to table this motion until the Finance and Administration committee meeting on June 13, 2007. *The motion was seconded by committee member Major and unanimously approved y 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.

Vice-Chairman Coyne made a motion to table this motion until the July 10, 2007 regular council meeting. *This motion was seconded by committee member Butler and unanimously approved by a voice-vote.*

- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Jimmy Kilbourne as a member of the Winchester Regional Airport Authority. *The motion was seconded by committee member Major and unanimously approved by a voice-vote.*
- Motion to direct the Deputy Clerk of Council to prepare a Certificate of Appreciation for Edwin Daley as a member of the Winchester- Frederick Metropolitan Planning Organization Policy Board, the Northern Shenandoah Valley Regional Commission, and the Old Town Development Board. *The motion was seconded by Mayor Minor and unanimously approved by a voice-vote.*

PLANNING AND DEVELOPMENT

Vice-Chairman Nelson presented the following in Chairman Griffin’s absence:

- Second Reading, by title, for adoption: 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**

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
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 AMENDING ARTICLES 1-2, 10-1, 11-1, AND 12-1 OF THE ZONING ORDINANCE PERTAINING TO THE DEFINITION OF BREWERY. **TA-07-01**

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
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- Motion to appoint Jim Deskins, Perry Eisenach, and Frank Wright as in-house viewers for: 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** *The motion was seconded by committee member Major and unanimously approved by a voice-vote.*
- Viewers Report 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**
- Second Reading, by title, for adoption: 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**

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
Councilor Helm	Abstain
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye

President Gaynor

Aye

- First Reading, by title: AN ORDINANCE TO CONVENTIONALLY REZONE A 0.2279 ACRE PORTION OF LAND FROM INTENSIVE INDUSTRIAL, M-2 DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT AT 2150 SOUTH LOUDOUN STREET ZONED INTENSIVE INDUSTRIAL, M-2 DISTRICT **RZ-07-05**
- First Reading, by title: AN ORDINANCE TO VACATE PORTIONS OF PAPERMILL ROAD RIGHT OF WAY AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTIES AT 2900 PAPERMILL ROAD AND 3217 SHAWNEE DRIVE **SV-07-02**
- Motion to approve the request of First Loudoun Street Corporation, LLC for a conditional use permit for multifamily dwellings within an existing structure at 200 North Cameron Street zoned Central Business, B-1 District with Historic Winchester, HW overlay. **CU-07-05** *The motion was seconded by committee member Major and unanimously approved by a voice-vote.*
- Motion to table for up to six months AN ORDINANCE TO APPROVE A SPOT BLIGHT ABATEMENT PLAN FOR THE ACQUISITION, REHABILITATION, AND RESALE OF 1315 S. LOUDON STREET PER VIRGINIA CODE SECTION 36-49.1:1. **SBA-06-09** *The motion was seconded by Mayor Minor and unanimously approved by a voice-vote.*
- Motion to re-appoint Greg Crawford as a member of the Winchester-Frederick County Tourism Board for a three year term expiring June 30, 2010. *The motion was seconded by committee member Coyne and unanimously approved by a voice-vote.*
- Motion to appoint Julie Armel and Dario Savarese as members of the Winchester-Frederick County Tourism Board for three year terms expiring June 30, 2010. *The motion was seconded by Mayor Minor and unanimously approved by a voice-vote.*
- Motion to direct the Clerk of Council to prepare Certificates of Appreciation for Jennifer Esler and Todd Thompson as members of the Winchester- Frederick County Tourism Board. *The motion was seconded by committee member Helm and unanimously approved by a voice-vote.*
- Motion to recommend that the Circuit Court appoint Wilborn Roberson as a member of the Board of Zoning Appeals for a five year term expiring April 30, 2012. *The motion was seconded by committee member Coyne and unanimously approved by a voice-vote.*
- Announce the term expirations of Dan Troup and Richard Pifer as members of the Industrial Development Authority expiring August 31, 2007, and direct the Clerk of Council to advertise the vacancies. Mr. Troup is eligible for re-appointment. Mr. Pifer is not eligible for re-appointment.

COMMUNITY SERVICES

Chairman Butler presented the following:

- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 9-34 AND 9-38 OF THE WINCHESTER CITY CODE PERTAINING TO EROSION AND SEDIMENT CONTROL.
- Motion to adopt a Resolution regarding commitment to achieve superior performance in treating the City's potable water supply. *The motion was seconded by committee member Masters and unanimously approved by a voice-vote.*
- Motion to adopt a Resolution to support an application of \$1 million of revenue sharing fund from the Virginia Department of Transportation.

Public Services Team Leader Perry Eisenach was asked to explain the motion. He said that it was required as part of an application to the state that, if the city was awarded it, the state would provide \$1,000,000 to assist in the traffic signal replacement projects. *The motion was seconded by committee member Coyne and unanimously approved by a voice-vote.*

- Announce the term expiration of John Schroth as a member of the Frederick- Winchester Service Authority expiring August 31, 2007 and direct the Clerk of Council to advertise the vacancy. Mr. Schroth is not eligible for re-appointment.

Chairman Butler made a motion to table the above item to allow for time to clarify the circumstances regarding Mr. Schroth's terms of appointment. *The motion was seconded by Mayor Minor and unanimously approved by a voice-vote.*

NEW BUSINESS

Mayor Minor did not have a report.

President Gaynor announced that at the next worksession he would like to conduct a survey regarding council's collective opinion on how the committees are working. He said that council said they would try this structure for a few months and they had so he felt it was time to get members' input.

ADJOURNMENT –With no further business, President Gaynor moved to adjourn the meeting at 8:06 p.m. *The motion was seconded by Councilor Coyne and unanimously approved by a voice vote.*

Cody A. Doland
Deputy Clerk of the Common Council