

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
August 14, 2007**

A regular session of the Winchester Common Council was held on Tuesday, August 14, 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, Vice-President Griffin, Mayor Minor, and Vice Mayor Buettner. Councilors Butler, Clark, Helm, Major, Masters, and Nelson (10)

ABSENT: Coyne (1)

INVOCATION – Rabbi Jonathon Brown gave the invocation with a special mention of Mary Blowe who was in the hospital.

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 July 10, 2007 Regular Meeting and July 24, 2007 Work Session be approved as presented. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

REPORT OF PRESIDENT

- Public Hearing: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF WINCHESTER, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$7,200,000, TO PROVIDE FUNDS FOR CERTAIN PUBLIC IMPROVEMENTS.

Councilor Buettner stated this was the final amount to be spent. It included the \$5.7 million to Handley High School and \$1.5 million to the Senior Center project.

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 A 600 SQUARE FOOT PORTION OF WOOLEN MILL LANE PUBLIC ALLEY RIGHT OF WAY AND ASSEMBLE IT IN WITH THE ADJACENT TIMBROOK PARK PROPERTY AT 305 E PICCADILLY ST AND 314 WOODSTOCK LANE **SV-07-04.**

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 AMENDING SECTION 8-2 OF THE WINCHESTER ZONING ORDINANCE TO ESTABLISH MOTOR VEHICLE PAINTING, UPHOLSTERING, AND BODY AND FENDER WORK AS A CONDITIONAL USE IN THE HIGHWAY COMMERCIAL, B-2 DISTRICT. **TA-07-04.**

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:35 p.m.

- Public Hearing: AN ORDINANCE AMENDING ARTICLE 14.2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO STANDARDS AND GUIDELINES AND DEVELOPMENT INCENTIVES IN THE CORRIDOR ENHANCEMENT DISTRICT. **TA-07-03.**

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:35 p.m.

- Public Hearing: AN ORDINANCE TO AMEND A ZONING PROFFER PERTAINING TO THE SITE LAYOUT PLAN ASSOCIATED WITH A CONDITIONAL REZONING OF 1800-1850 HARVEST DRIVE CONDITIONALLY ZONED HIGHWAY COMMERCIAL, B-2 DISTRICT. **RZ-07-06.**

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:36 p.m.

- Public Hearing: AN ORDINANCE TO CREATE THE WINCHESTER NATURAL RESOURCES ADVISORY BOARD.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:36 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.

Vice-Mayor Buettner moved to table the public hearing. The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

FINANCE AND ADMINISTRATION

Chairman Buettner presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF WINCHESTER, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$7,200,000, TO PROVIDE FUNDS FOR CERTAIN PUBLIC IMPROVEMENTS.

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

MEMBER

VOTE

Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	absent
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-19 OF THE WINCHESTER CITY CODE TO PROVIDE ADDITIONAL TAX CREDITS FOR THE DISABLED.
- First Reading, by title: AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY OWNED BY HABITAT FOR HUMANITY WINCHESTER-FREDERICK COUNTY, INCORPORATED, EXEMPT FROM CITY TAXATION PURSUANT TO SECTION 58.1-3651 OF THE CODE OF VIRGINIA.
- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 21-1, 21-25, 21-30, 21-31, 21-33, 21-41, 21-46 AND 21-47 OF THE WINCHESTER CITY CODE PERTAINING TO PURCHASING AND PROCUREMENT.
- Motion to adopt a Resolution providing for the issuance and sale of general obligation public improvement bonds, series 2007, of the City of Winchester, Virginia, in a maximum principal amount not to exceed \$7,200,000, heretofore authorized, and providing for the form, details and payment thereof.

Councilor Butler seconded the motion.

Councilor Helm asked if the bonds could be tied to specific projects. Mr. Williams stated he did not believe that would be a problem.

The motion was unanimously approved by voice-vote.

- Motion to adopt the Northwestern Community Services Fiscal Year 2008 Performance Contract.

The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

- Motion to authorize the City Manager to enter into a Memorandum of Understanding between the United Way and the City of Winchester regarding allocation of funds.

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

- Motion to amend the lease agreement with Shenandoah Valley Discovery Museum to extend construction commencement to January 1, 2008 with two additional automatic six month extensions with a completion date of January 1, 2009.

The motion was seconded by Councilor Nelson then unanimously approved by voice-vote.

- Motion to appoint _____ as an At-Large member of the Winchester School Board for an unexpired term ending June 30, 2008.

Vice-Mayor Buettner moved to table the motion. The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

- Motion to appoint Angela Jones as a member of the Northwestern Community Services Board for a three year term expiring December 31, 2009.

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for James J. Baretta, Jr. as a member of the Northwestern Community Services Board.

The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

PLANNING AND DEVELOPMENT

Chairman Griffin presented the following:

- Viewers Report for: AN ORDINANCE TO VACATE PORTIONS OF PAPERMILL ROAD RIGHT OF WAY AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTIES AT 3217 PAPERMILL ROAD AND 2900 SHAWNEE DRIVE. **SV-07-02.**

The Viewers Report noted there would be no inconvenience.

- Second Reading, by title, for adoption: AN ORDINANCE TO VACATE PORTIONS OF PAPERMILL ROAD RIGHT OF WAY AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTIES AT 3217 PAPERMILL ROAD AND 2900 SHAWNEE DRIVE. **SV-07-02.**

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, 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	absent
Vice-President Griffin	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 viewers for: AN ORDINANCE TO VACATE A 600 SQUARE FOOT PORTION OF WOOLEN MILL LANE PUBLIC ALLEY RIGHT OF WAY AND ASSEMBLE IT IN WITH THE ADJACENT TIMBROOK PARK PROPERTY AT 305 E PICCADILLY ST AND 314 WOODSTOCK LANE **SV-07-04.**

The motion was seconded by Councilor Nelson then unanimously approved by voice-vote.

- Second Reading, by title, for adoption: AN ORDINANCE AMENDING SECTION 8-2 OF THE WINCHESTER ZONING ORDINANCE TO ESTABLISH MOTOR VEHICLE PAINTING, UPHOLSTERING, AND BODY AND FENDER WORK AS A CONDITIONAL USE IN THE HIGHWAY COMMERCIAL, B-2 DISTRICT. **TA-07-04.**

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, 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	absent
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 AMENDING ARTICLE 14.2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO STANDARDS AND GUIDELINES AND DEVELOPMENT INCENTIVES IN THE CORRIDOR ENHANCEMENT DISTRICT. **TA-07-03.**

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
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Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	absent
Vice-President Griffin	Aye
Councilor Helm	Nay
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 A ZONING PROFFER PERTAINING TO THE SITE LAYOUT PLAN ASSOCIATED WITH A CONDITIONAL REZONING OF 1800-1850 HARVEST DRIVE CONDITIONALLY ZONED HIGHWAY COMMERCIAL, B-2 DISTRICT. **RZ-07-06.**

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, 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	absent
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 6-132 OF THE WINCHESTER CITY CODE PERTAINING TO SPOT BLIGHT ABATEMENT IN ORDER TO COMPLY WITH THE REQUIREMENTS OF CODE OF VIRGINIA §36-49.1:1 AS AMENDED.
- A motion to approve the request of Winchester Public Schools for a one-year re-approval per Section 18-17-5 of the Zoning Ordinance for 29 modular classrooms at Handley High School at 338 Handley Boulevard.

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

- Motion to re-appoint Dan Troup as a member of the Industrial Development Authority for a four year term expiring August 31, 2011.

The motion was seconded by Councilor Helm then unanimously approved by voice-vote.

- Motion to appoint _____ as a member of the Industrial Development Authority for a four year term expiring August 31, 2011.

Vice President Griffin stated a name will be filled in next month.

- Announce the resignation of Terry Stone as a member of the Board of Building Code Appeals effective July 1, 2007.
- Motion to appoint William Aikins as a member of the Board of Building Code Appeals for an unexpired five-year term ending December 31, 2008.

The motion was seconded by Councilor Major then unanimously approved by voice-vote.

- Announce the resignation of David McClure as an alternate member of the Board of Building Code Appeals effective March 7, 2007.
- Motion to appoint Hunter Hurt as an alternate member of the Board of Building Code Appeals for an unexpired one-year term ending December 31, 2007.

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

- Motion to direct the Clerk of Council to prepare Certificates of Appreciation for Terry Stone and David McClure as members of the Board of Building Codes Appeals.

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Richard Pifer as a member of the Industrial Development Authority.

The motion was seconded by Councilor Major then unanimously approved by voice-vote.

- Announce the term expirations of Dave Sweeney, Kimberly Sowers, Steve Northcutt, Patricia Ridgeway, and John Keller as members of the Old Town Development Board expiring October 31, 2007, and direct the Clerk of Council to advertise the vacancies. Mr. Sweeney, Ms. Sowers, and Mr. Northcutt are eligible for re-appointment. Ms. Ridgeway and Mr. Keller are not eligible for re-appointment.
- Announce the resignation of John B. Schroth as a member of the Old Town Development Board effective June 22, 2007 and direct the Clerk of Council to advertise the vacancy.
- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for John B. Schroth as a member of the Old Town Development Board.

The motion was seconded by Councilor Butler then unanimously approved by voice-vote.

COMMUNITY SERVICES

Chairman Butler presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO CREATE THE WINCHESTER NATURAL RESOURCES ADVISORY BOARD.

Councilor Butler motioned to amend the ordinance as presented.

President Gaynor stated he would like to identify the board’s area of concern more closely. He does not want to create more levels of bureaucracy.

Councilor Helm stated the language of the ordinance states the board can only advise at the request of Council. He added this would be a new layer of expertise we can recruit.

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

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

- Motion to adopt a Resolution honoring Irene P. Cox.

The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

- Motion to appoint Megan Dellinger to the Lord Fairfax EMS Council for an unexpired three year term ending June 30, 2009.

The motion was seconded by Councilor Major then unanimously approved by voice-vote.

- Motion to re-appoint John B. Schroth as a member of the Frederick-Winchester Service Authority to a three year term expiring August 31, 2010.

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

NEW BUSINESS

Mayor Minor complimented the Police Department on a great job with National Night Out.

Mayor Minor stated the construction on the Senior Center Project is going smoothly. The pre-engineered building design is complete and the project should be completed by July of 2008.

Mayor Minor announced that 2057 people went through the Visitor's Center in the month of July. The Tourism Department has joined the Tennessee Motor Coach Association who featured Winchester as a place to visit in their brochure. Mayor Minor added there will be 68,000 rack cards placed in various locations along I-81 and 30,000 in AAA offices in southern and eastern Pennsylvania.

Vice President Griffin wanted to draw the Councilors attention to a flyer they received in their folders announcing a class to be put on by City Attorney, Anthony Williams, regarding FOIA and Robert's Rules of Orders.

President Gaynor requested that Assistant City Managers Craig Smith and Anne Lewis prepare a proclamation to remember Bob Sager.

President Gaynor stated the Police Department and City Hall have been receiving telephone calls regarding the illegal immigration issues and what is being done about it. President Gaynor read a press release statement prepared by Police Chief Eric Varnau, and City Attorney Anthony Williams explaining that adopting an ordinance on this matter would only restate what is currently being enforced by the Police Department. Until the Federal Government empowers localities to properly address the issue, the City will continue its efforts on the local level.

Vice-President Griffin reminded the Councilors about the kick-ball tournament at 8:30 pm this Saturday night at the City's Employee Picnic.

ADJOURNMENT –With no further business, Vice-President Griffin moved to adjourn the meeting at 8:32 p.m. *The motion was seconded by Mayor Minor and unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council