

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
November 13, 2007**

A regular session of the Winchester Common Council was held on Tuesday, November 13, 2007 in the Council Chambers, Rouss City Hall. President Charles Gaynor called the meeting to order at 7:30 p.m.

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

ABSENT: Mayor Minor. (1)

INVOCATION – Reverend Maren Betts, First Presbyterian Church, pronounced the invocation.

PLEDGE OF ALLEGIANCE – President Gaynor led councilors and citizens in the Pledge of Allegiance.

APPROVAL OF MINUTES – Councilor Major moved that the minutes of the October 9, 2007 Regular Meeting be approved as presented. *The motion was seconded by Councilor Coyne and unanimously approved by voice-vote.*

REPORT OF PRESIDENT

- Presentation of the Weldon Cooper Certificate to Commissioner of Revenue John G. Russell.

Kathy Black, Commissioner of Revenue for Shenandoah County, presented John G. Russell the Weldon Cooper Certificate for achieving the status of Master Commissioner of Revenue.

- Motion to adopt a Resolution honoring Wilbur Keeler.

The motion was seconded by Councilor Helm then unanimously approved by voice-vote. Councilor Helm and Director of Environmental Maintenance Tom Hoy will present Mr. Keeler with the Resolution.

- Public Hearing: AN ORDINANCE TO REPEAL SECTION 5.01 OF THE CITY'S CHARTER PERTAINING TO THE BIENNIAL BUDGET AND RE-ADOPT SECTION 5.01 OF THE CITY'S CHARTER TO PROVIDE FOR AN ANNUAL BUDGET.

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: 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.

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: AN ORDINANCE TO ADOPT DIVISION 4 OF ARTICLE IV, SECTION 14-83 OF THE WINCHESTER CITY CODE PERTAINING TO THE ESTABLISHMENT OF PARKING SPACES FOR PERSONS WITH A DISABILITY.

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: An appeal of decision by the Board of Architectural Review denying the demolition of properties located at 404, 406, 412 ½ & 414, and 418 South Kent Street.

President Gaynor stated he received a telephone call concerning time limits on this issue. He agreed to extend the time so that there is equal time for each side of the situation.

Don Crigler, architect for the Rose Memorial Foundation, stated he would like to go over the project as it was presented to the BAR so Council has the benefit of seeing the presentation. The four properties of concern are along the east side of South Kent Street. The overall project involves other properties that have been rehabbed and renovated and are not before you today. This is a blend of demolition requests to build new properties as well as renovation and rehab. The four properties under consideration are 404, 406, 412 & 414, and 418. As most of you know, the current condition of the properties is fair to poor. Robert Rose has a proposal to demolish these properties to build affordable housing here in the city as single family homes that will be homeownership. That request was denied to us at the BAR. One property, 408-410, was approved for demolition which was a small property that actually was never a single family home. He stated he is sure Council has reviewed the '76 Inventory that was done for the City. All of the properties on that inventory that we are requesting demolition were listed as deteriorated and the architecture significance of most of them were average. The only property above that rating was 418 which is the small house on the end. That particular house at the time was deteriorated but its condition was good in terms of architectural significance. The proposed properties for demolition would be replaced with houses designed to fit into the vernacular of the South Kent Street area. Mr. Crigler showed designs of the replacement houses and stated the BAR saw the designs in their considerations. Mr. Crigler offered to answer any questions Council may have for him now or later.

Councilor Masters asked what the cost of the new homes will be. Mr. Crigler stated the projected sales prices are going to range between \$200,000.00 and \$240,000.00 for a new sale. It is not low cost housing but it is affordable housing. Right now, we are proposing two car garages and completely fenced yards in the

rear. Some of those issues are designed because of the current conditions on South Kent Street and when trying to rehab and renovate properties in a marginal neighborhood; security is a main issue. They would be small single families with an average square footage of about 1500 square feet. They would be a three bedroom, 2 ½ bath lot with no basement **on** a crawl space. The replacement homes are modest homes.

Councilor Helm asked if there is a timeframe for reconstruction attached to and married to the application. Mr. Crigler stated they do not have a timeframe at this point. The first application was brought to the BAR in April of this year. It went back to the board with a public hearing in July and has been delayed since then. As you know, market conditions will drive the construction timeframe. As the architect, he cannot speak as to exactly when they will be done.

Councilor Nelson asked what the exterior materials will be. Mr. Crigler stated the materials will be siding that will have to comply with the BAR recommendations and regulations which would be wood siding or we have been approved in the past for Hardiplank. The houses will be built to standards for new construction in the historic district.

Councilor Nelson asked if they will blend in aesthetically into the community. Mr. Crigler stated they would. Most of the houses on Kent Street are vernacular style houses. Most have porches. Almost all of the new houses being proposed have various size front porches on them and covered areas. The next step is to go through the Planning Commission because we need to try to make these fit into the architecture on Kent Street. The current zoning has no bearing on what's actually been built on Kent Street. We are going to have to go back through the Planning Commission and be back here to get approval on such items as keeping the houses close together, keeping porches, and keeping them closer to the street. The current zoning ordinances require houses to have 10 foot side yards and 25 foot front yards which almost nothing on Kent Street has. We will be back before you again on those regulations as well and some of that is to fit into the community.

Councilor Nelson asked why refurbishing what is there not an option. Mr. Crigler stated that if you take a close look at most of the houses, they have very little architectural significance in terms of style. They are in such bad condition because there has been little to no maintenance done on the houses after the inventory in 1976. Everything on the exterior of the houses will have to be taken off and replaced to sell the houses. There are three and four different types of siding on some of the houses. The brick four-square has brick on the front, a beaded siding on the side, and then asphalt shingles that imitate brick as well. Most of the houses have mismatched windows that have been put in over time by rental tenants wherever they could get materials. Most of the materials on the houses will have to be taken off and replaced. Most of the stairways don't comply with current standards.

Councilor Clark asked if the structure at 404 is entirely brick or if it is one of the homes with multiple types siding. Mr. Crigler stated it does have multiple types

of exterior skins. There is a small portion in the front that appears to be a masonry structure and there has been an addition on the back. It is not true to the original house. It has been made into a fairly poor example of a four-square.

Councilor Coyne asked if Mr. Crigler could address the properties current listing for sale. Mr. Crigler stated they are for sale. There is a certain ordinance in the City that, should we run into trouble on other aspects, as long as we have them for sale and no one wants to buy them after a certain period of time, we can demolish them. Councilor Coyne stated it becomes "by right". Mr. Crigler stated that is correct and that is the reason they are for sale.

Councilor Masters asked how, in Mr. Crigler's opinion, the condition of these homes compared to the row homes that were previously renovated down the street. Mr. Crigler stated that unfortunately he did not see those homes prior to the construction but has walked them since then and they were nicely done. One of the differences is those homes, notwithstanding market conditions, were for sale at market rates. We are trying to provide housing and we can't exceed a certain limit based on average income in the City of Winchester. If we spend more money renovating, we are not going to get it back. In these particular homes, it is probably safe to say we would spend more money renovating to be able to sell them. If we are trying to sell an affordable house, we can't do it. Down the street, they can raise the prices and run up the renovation cost. Because we are trying to sell affordable houses with VHDA financing, we are at a certain limit. Someone else may be able to renovate and sell them at a higher price. We are trying to keep the price down.

Franklin Wright of 126 N. Braddock Street stated he represents Preservation of Historic Winchester. "PHW is a public service organization of more than 40 years dedicated to assuring the quality of life for tomorrow, as our charter says, represented by the best of the area's past. Over the 40 years of our existence, we have participated in the preservation and restoration and ownership of sites, buildings, structures, and objects significant to the cultural, social, political and economical history of Winchester. Over that span, PHW has acquired more than 80 properties, attached preservation covenants and returned the properties to private ownership. Most of those properties were in a deteriorated condition when we bought them and were literally rescued from oblivion. Now, they contribute to the historical heritage of Winchester. One only need to drive down Loudoun Street, Cameron Street, and yes even Kent Street to appreciate what has been saved. PHW and the historic district are sometimes viewed by developers as an impediment to their plans to knock down and build new. Rather than an impediment, the preservation of Winchester's heritage is vital to the city's future. It is a drawing card to many people who seek more than a cookie cutter community to live and work. While some have lamented Winchester's aging housing stock, in fact, the strongest trend of the future in housing development is a traditional town plan which incorporates and highlights old stuff. PHW is not a newcomer to Kent Street. Over the years, we have acquired 23 properties on Kent Street plus 5 immediately adjoining Kent Street. We have obtained protective covenants. When we learned of the Rose Foundation's plans, we reached out to them more than six months ago to explore all of the possible options, not only for

Rose's plan phase 3 which you saw a representative example here but also for phases 1 and 2. Among the options, we explored with the Rose Foundation preserving 4 of the 6 structures. There is some confusion about the number of structures. Tonight it was said to be four, but it depends on how you count the duplex. The duplex, 412 ½ and 414, appears to us to be two houses built at different times though they adjoin. However you count, that determines the number of properties we are talking about. We also talked about PHW partnering with the Rose Foundation in restoring 1 or more of those buildings ourselves. We also talked about the possibility of PHW indemnifying Rose with Rose's concern they were not able to sell these properties at a profit. We talked about our willing to underwrite that effort. Finally, we made an offer for all of the properties. We would buy them and take care of renovating them. We would return them to the market for sale and Rose Foundation would not have to mess with it. They could take their money and continue to do their good work. Rather than respond to that offer to purchase them all, Rose Foundation stepped back from the table, declared an agreement could not be reached, and proceeded with their request to demolish all of the properties. Not just the 4 they initially said they were going to do, but all 6 of them. This, of course, backed away from all compromise. Let me be clear, PHW does not advocate the preservation of any old building or old buildings at any cost. That has not been our position and we do not now take that position. In fact, we have agreed not to oppose Rose Foundation's proposal to demolish 507 South Kent Street. We have not opposed their proposal to demolish 122 East Cecil Street or 124 East Cecil Street because we determined those buildings are structurally unsound and infeasible to repair. For the same reasons, we have not opposed other property owners who wanted to demolish 120 East Cecil or 314 South Kent Street. What we will oppose is the demolition of structurally sound historic buildings capable of restoration - a standard that is objective and enforceable and the one applied by the BAR. Not one of these homes is significant in and of itself. The concern is the houses together form a streetscape. They form an irrevocable streetscape that has been part of the city for over 100 years. What is being proposed now is that these be clear cut; they be knocked down in a row and be replaced with some designs that you were shown. It doesn't matter how good the designs are, it will never appear the same. It will always appear that something happened there. That row of houses, whatever is replaced, will never be the same. Of even greater concern to us as an organization and should be to you is what will replace these buildings. Mr. Crigler stated he presented plans to the BAR. In fact, he did and he presented them to us too and we talked about them at length over the course of six months. We made suggestions and he was willing to accept those suggestions. But the problem, the problem facing the BAR and the problem that may face you, is who says they are going to be replaced. Admittedly, if Rose Foundation puts up something, they have to get BAR approval. But what if they knock them down and don't replace them. There is no remedy that I am aware of." He urged council to consult with the City Attorney to see if he does not agree there needs to be enforcement of what people come forward to do and say this is what we are going to do. As an example, the first block of South Braddock Street where an old barn like structure was torn down because of bad structural condition. Mr. Wright presented council with the proposal made to the BAR for a mixed commercial/residential structure when approval for demolition was given. Now, we have a new owner of the

property and changed market conditions. The new owner is saying they don't think it is feasible to put up that building. They have come back to the BAR and want to put up a parking lot. Mr. Wright presented the new proposal made to the BAR that was approved for a parking lot and a retaining wall. "We support the Community Development Committee's objective to have owner occupied affordable housing on Kent Street. We are believers in that. We believe that owner occupied buildings are maintained better and will insure the future of that street. We also think these houses can be done affordably. That is why we made the offer to Rose Foundation to buy them. We would rehab them. We would turn around and sell them. Of course, they are not obligated to sell them to us, but we did make an offer. Others have made offers to purchase the buildings as soon as they came on the market just last week. Maybe that was just a ploy to try to say they have had them on the market. The price they are asking is well beyond anyone's estimation of what the properties could be worth or what you can turn around and sell them for after rehabbing those houses or building new houses. To avoid what happened on Braddock Street to the 400 block of South Kent Street where six houses are proposed for demolition that may never be replaced, what can the city do to insure that we don't end up with trash strewn lots instead of the present 100 year old buildings?" He would hope that Council would require a legal and enforceable proffer or performance bond to insure that promises are kept before you demolish these buildings. "You can't go back and get them. We can't say 'oh, oops, we made a mistake.' Once they are gone, they are gone. We are here to say there is no reason for them to be gone. We are here to say these are worth saving and can be saved, can be economically saved and still meet the goals of the city. Historian Arnold Toynbee concluded that "a society's quality and durability can be measured by the 'respect and care given its elderly citizens." The same might be said of the respect and care of these historic buildings. Each of us, each citizen in this room and each citizen represented, act as stewards for the legacies we've been left and given to us by those who have gone before us. This city has been given by its ancestors a historical legacy richer than most. Previous City Councils have recognized this and created a historic district, adopted rules by which it shall be governed, and a Board of Architectural Review to administer its policies. As a result, many properties have been rescued and the historic district is a jewel and the crown of this city. Why are you being asked to set aside those considerations and approve the irrevocable destruction of a row of historic houses in one of the city's gateways? The BAR faithfully applied the guidelines it was instructed by you to use. It carefully reviewed the evidence submitted to it and it rendered the proper decision. It is not appropriate to demolish these buildings. You have heard nothing from Mr. Crigler that indicates why the BAR reached an incorrect conclusion. You are being asked on appeal to apply the same standards as the BAR. Your ordinance says this City Council on appeal applies the same standards as the BAR and they are asking you to conclude the opposite. Not on any error of procedure or the application of an improper standard, mainly because the opponent thinks he can get a different result."

President Gaynor notified Mr. Wright that he has been more than fair on time and Mr. Wright needed to wrap up his comments.

Mr. Wright urged each of the Council members to consider that if they choose this path to overturn the BAR that they should also consider the article in The Winchester Star showing the examples of the success with the City's Spot Blight Program including 518 South Kent Street which was in far worse condition than any of these proposed for demolition. A success story is possible for these houses and he asked Council to deny the appeal.

Warren Hofstra of 506 W. Leicester Street stated he knew many of those present through his position at Shenandoah University as a professor of history. He has spent a considerable amount of his career teaching and writing about the history of Winchester. It's not as a professor of history that he is addressing council tonight but as a member of the board for the Department of Historic Resources in Richmond. He has been on the board for eight years and chair for the last four years. He is not here as a spokesperson for the board and does not represent policies of the department. He speaks tonight for himself as a citizen and a volunteer for this board and he wanted to share his experiences and the causes he has undertaken as a member of this board. "It has been a remarkable experience over these years to see communities transform through the tools of historic preservation. Take Harrisonburg for example. Many of you may understand the reasons why Harrisonburg was so slow to adopt the tools of historic districts and historic preservation. It was about 5 years ago we began receiving nominations from Harrisonburg for individual buildings listed on the National Register for Historic Places. In historic districts, these have made a tremendous difference for the streetscape and quality of life in the community of Harrisonburg. The people there have truly created a renaissance of preservation, restoration, and improvement for the community life using the tools available to them through local tax abatement programs and through Federal and State Tax Credit programs, through the National Register, and Virginia Landmark Commission listing. Another example is the City of Culpeper. If you are like him and sometimes take the long way to Richmond, go down 522 and stop for breakfast or lunch in Culpeper and spend some time to sense the vitality and vigor of the community. What has happened there is that preservation has taken over and made such a profound difference in the streetscape and the quality of life of the people in Culpeper. He has to admit that he is a little nervous tonight or more fearful, that perhaps this hearing or consideration is somewhat pro forma. In that, council has collectively made up its mind on how to proceed on Kent Street. He is also fearful that this is only the tip of the iceberg, only the beginning of the process which will lead to proposals and demolition throughout the historic district for blighted properties. He wants to assure you that this does not have to take place. A good place to stop now and consider what can be done is tonight. He stands before council tonight with years of experience working on just this problem and seeing what other communities have done with blighted properties in historic districts to achieve three goals: one is affordable housing, two is homeownership, and three is historic preservation. He has met with the director and staff at the Department of Historic Resources and they stand ready to assist and to work with the City of Winchester in achieving these goals. He would like to present an alternative for tonight and even prepared a draft of a resolution that would open up a different avenue for Kent Street and the historic district so that we can preserve it and not lose it." He proceeded to read:

Whereas the fabric and integrity of National Register Historic Districts are maintained by the aggregate of contributing properties no matter how individually historic any particular property might be; and

Whereas the demolition of any contributing structure to a National Register Historic District threatens the viability of the entire district; and

Whereas the demolition of a significant number of historic structures in the National Register District could lead to the delisting of the district from the National Register, and

Whereas existing tax credit and abatement programs of the Winchester City government, the Commonwealth of Virginia, and the United States federal government are adequate and advantageous for achieving the three goals of (a) affordable housing, (b) homeownership, and (c) historic preservation, the demolition of restorable structures in the Winchester National Register Historic District is inadvisable at this time, and

Whereas a large number of citizens of the Winchester community, local business men and women specializing in historic preservation rehabilitation and most importantly the staff of local preservation organizations such as Preservation of Historic Winchester and the staff of the Virginia Department of Historic Resources stand ready and willing to assist the City of Winchester in restoring properties in the National Register Historic District for the purposes of (a) affordable housing, (b) homeownership, and (c) historic preservation; therefore be it

Resolved that the City Council of Winchester, Virginia recommends that threatened properties on South Kent and throughout the Winchester National Register Historic District be restored, not demolished, as the primary strategy of achieving (a) affordable housing, (b) homeownership, and (c) historic preservation and the Planning Department and other city agencies be directed to work with all private and public entities to achieve these purposes.

Mr. Hofstra continued by stating he offers the resolution to council as an alternative for tonight or whenever you make this decision. He offered to answer any questions council had on his experiences.

Larry Belkin of 436 N. Braddock Street stated it may be unnecessary for him to address council at this point but he does have a question. As a member of the BAR, the appeal process that council is undertaking right now requires council to consult with the BAR before rendering any decision. That is a part of the Zoning Ordinance and he was wondering if that is actually going to take place. If not, he will address council now with his comments which are comments as an individual but certainly relate to his experience on the board. He is hopeful that there will be the consultation as prescribed in the Zoning Ordinance and that all seven members would have a chance to talk to you about how we came to our

conclusions so you will be informed on what we did and why we did it before rendering your decision.

President Gaynor stated that council is obliged by 6 or 7 criteria that will be reviewed when it comes to the committee meeting. Councilor Coyne confirmed there are 6 criteria according to Mr. William's letter.

Vice Mayor Buettner stated he was under the impression that by receiving the minutes of the BAR meeting, it was acceptable as their answer.

Vice-President Griffin stated that when it comes time for her committee report, we were going to ask that BAR minutes be submitted as their report to council.

President Gaynor stated to answer Mr. Belkin's question, council will not be meeting with the BAR members.

Mr. Belkin stated he appreciated the honest answer. There is a requirement that we explain our decision in writing. But, there is also second requirement in the appeal and he quoted "Council should consult the Board of Architectural Review before rendering any decision." He stated he would have thought that would have meant that we would have an opportunity, the seven of us, to meet with you in some format. He thinks it is an important enough issue. If in fact, council is determined that it should not happen, in spite of what is written here, he would go on with his comments although they are personal.

President Gaynor asked him to go ahead with his comments.

Vice-Mayor Buettner stated he was at the P&D meetings and not a single BAR member attended the meetings.

President Gaynor stated it is not that council is ignoring anybody but he thinks they have had the opportunity.

Mr. Belkin stated he would speak very directly and as quick as he can. He has a different take on all of this than what has been brought forward. He sees this as not an issue of a group of properties but an issue of the enforcement of the Zoning Ordinance because the historic district is an overlay district within the zoning ordinance. It was set up so that the Kent Street corridor was included, the previous Council that established it obviously thought the Kent Street corridor was worthy of preservation. If that policy has in fact changed and if public policy no longer recognizes the advisability of preservation on Kent Street, the appropriate course, in his judgment, would be to amend the zoning ordinance and redefine the boundaries of the historic district to exclude the Kent Street corridor. This is very similar to other situations you have had in the past. If in fact that was a mistake, the borders can be modified. But, if it was not a mistake and this Council supports the previous Councils that included the Kent

Street corridor in the historic district, then it seems to him incumbent on this Council to enforce the ordinance on Kent Street just like it would on any other area within the historic district. When you sit in judgment, use the criteria that we looked at and the requirement that all properties over 75 years old be protected as long as they are contributing properties. All of those properties are contributing properties to that streetscape. He thinks it will be difficult for you with good conscience and with integrity to rule other than what we have ruled on the BAR. Now, if in fact you would go that course in any case and say these properties do not get the same consideration that other properties within the historic district get, in a way what you are doing is corrode the affect of the zoning ordinance and the historic district portion of the zoning ordinance. It would be better to exclude those properties completely by modifying the boundary rather than begin a course that would undoubtedly lead to numerous appeals and numerous requests for demolition within the historic district. First on Kent, then on Cecil, then on Clifford, and it will spread through. The precedent you will set will provide evidence to people that the zoning ordinance regarding historic preservation is not uniformly applied. That there are A districts and there are B districts and it is a very dangerous precedent to set. So when you sit in judgment of these and apply the standards, consider that other possibility as well. If public policy has changed, instead of twisting the zoning ordinance to try to ignore what is written in there and permitting this demolition, which cannot be justified, just take the Kent Street corridor out of this district. Keep the historic district an area in which people know they do not have the option to demolish properties by right. We get people all of the time who tell us they would prefer to demolish their properties but they know they can't because they are in the historic district. The second point he wanted to make is that in his experience of 5 years on the BAR, they have had a number of cases where people have come before us and said "we have no choice, this is the only thing we can do, and you must approve this." When we have not approved it, they have miraculously taken out plan B and plan B is what the ordinance will permit. Mr. Belkin addressed Mr. Crigler and stated you will never, you are an architect and I am an architect, you will never admit there is a plan B but I believe there is a plan B. There is a plan B if you uphold what we determined, you will see the Rose Foundation will come back with a plan for renovation, perhaps additions. We suggested to them that they put additions on behind the houses to enlarge them, preserve the front and expand the rear. There are a lot of possibilities. We have been burned in the past by approving demolitions and then people don't follow through with their promise; they just showed us a pretty picture. Please make your decision very carefully and give priority to the integrity of the ordinance which is very strict.

President Gaynor thanked Mr. Belkin for being a member of the BAR along with the other BAR members present at the meeting. He stated Council appreciates all of their hard work.

Lawton Saunders of 407 West Monmouth Street and chair of the BAR stated that he has been on the BAR for 6-7 years and this has been one of the toughest things they have had to decide. The BAR made a decision and there are a lot of things that could go either way. He does not think it is BAR against City Council. The BAR has some very strict and narrow things to look at and Council has to use the same criteria the BAR used. There are other things that could be considered with how they fit into the community. The long and short of it is he wanted to say the BAR has worked very hard. They tried to be arbitrary about the whole thing. There have been times where it was said they didn't really review the buildings, which we did. We did a very thorough job going through them. The public hearing, we talked and talked about this. We were missing a couple of people when we had the vote but we put the vote off and had to have it that day even though there were planned vacations. Everybody on BAR has worked hard on this and he doesn't want it to be BAR against Council. They have tried to work with Council and hope it all works out.

Cathy Shore of 128 Shirley Street and a member of BAR stated Larry Belkin said everything she would feel. The only thing she could add is she has been on BAR for 3 years and has seen many things come where people want to do something, we give it to them and they come back and do something different or never do what they said. I would strongly not want this to be a precedent. Her biggest concern is that this would continue to be a pattern should Council move to overrule the BAR's recommendation.

Mark Lore, BAR member, stated he was not planning to speak tonight because he got to speak at the BAR meeting when they made the decision. The point he would make is to underline the importance to give these properties a chance to be evaluated by the market, as Frank Wright and others have pointed out, to see if there is a way. As has proved on Loudoun Street, a house he has owned for a number of years that was in much worse shape than these are now but is now a comfortable one family house, and many other properties in the historic district that were in terrible shape but were rehabilitated using market mechanisms and have added to the attractiveness and to the historic fabric of the downtown historic district. He doesn't feel the process has been given even a ghost of a chance in this case. The for-sale signs went up a few days ago. There is a procedure established by the State of Virginia that if followed rigorously in terms of offering these for a reasonable price, if a sale does not occur, it does not matter what the BAR or the City of Winchester thinks, the state law applies. We haven't been through that process and he fails to see why it can't be done. Particularly in the situation where we have a vibrant historic district and both the PHW and other individuals ready to talk about purchasing and rehabilitating the properties.

President Gaynor asked if any of the other BAR members were present to speak. He stated that 4 of the members addressed Council and that constitutes a majority.

Councilor Coyne asked Mr. Saunders to what extent did the BAR considered 14-6-2.6 dealing with the economics of the area in their discussions. Mr. Saunders stated they did discuss it. This is one of the things that make this a discussion. If you look there are 6 items in the code that must be considered to determine whether or not you can demolish or not. We talked about the retention of the buildings, the general welfare by maintaining the increasing real estate value, generating business, creating new positions and making the City a more attractive and desirable place to live. This is part of the decision and something that the BAR discussed.

Councilor Masters addressed Frank Wright about page 2 of the letter he sent to Council in regards to affordable housing that states "it is my understanding that the Rose Foundation has asked to be released of that obligation." Councilor Masters asked if Mr. Wright still stands by that remark. Mr. Wright stated it is still his understanding from the many discussions he had with the Rose Foundation that Ms. Vivian Jackson who was the owner of the properties and who gave them to the Rose Foundation with the understanding they would turn around and make them affordable housing. In the course of this negotiation, he asked if they said Ms. Jackson had released them from the obligation to have affordable housing or even owner occupied housing. He stated he may have misunderstood but his understanding was Ms. Jackson said "no longer are you bound by the word you gave me to make them affordable or to make them owner occupied."

Mr. Crigler stated he believes the discussion came up for one of the properties on Kent Street which is 320 South Kent, which is actually a duplex that we had planned to convert into a single family. Due to the size of the structure, that particular structure would be very difficult to renovate, which we plan to do, and be able to get under the window of affordable housing. He believes the context of the discussion was only for that one property and none of the others.

Pat Zontine of 1218 Rodes Circle stated when talking about the economics of the project and the desire for affordable housing. Something that occurred to her is that if you renovate historic properties in the State of Virginia, even if it is for residential use and not commercial use, you are eligible for a tax credit. This would enable whoever does the renovation to hold the prices down. It is basically what enabled you to do Handley High School and she is sure the George Washington Hotel is using massive tax credits to afford to do that building from both the federal and state. But, the state credits would apply to houses on South Kent Street. Depending on the size of the tax credit, it would help to keep the cost down when you turned around to sell them. Mr. Crigler stated he didn't think you could keep the costs down if you renovated. But if demolished and you put up new construction, there are no tax credits for that. That is

something to keep in mind in terms of your goals of creating affordable housing for owner occupied.

President Gaynor addressed Mr. Wright and Mr. Crigler in regards to their use of the term affordable housing. He asked that once they get a definition narrowed down to please share it with City Council because it is something they have been struggling with for 3-4 years now.

David Edwards of the Northern Regional Preservation Office submitted the following letter:

For forty years now, the City of Winchester, Preservation of Historic Winchester, and the Virginia Department of Historic Resources have been partners in the promotion of historic preservation in the city. The city led the way in designating the local Winchester Historic District and establishing the Board of Architectural Review. In 1976, the Winchester Historic District was listed on the Virginia Landmarks Register and the National Register of Historic Places. In 1999, Winchester joined only a dozen other local governments in Virginia in becoming a Certified Local Government, a designation by the Department of Historic Resources that enable the city to apply for funding for a variety of preservation projects.

The largest and most varied historic district in the Shenandoah Valley, the Winchester Historic District has a rich collection of well-preserved eighteenth, nineteenth, and twentieth century historic architecture that includes not only fine examples of public, commercial, and industrial buildings, but a cross section of residential architecture ranging from grand houses on Washington Street to modest working-class dwellings on Kent Street. The city's BAR has worked hard to preserve the historic character of the district and it shows in the district's well preserved buildings and streetscapes.

Now the city is faced with a challenge – either support the BAR in its decision to protect an entire block of buildings on South Kent Street or allow the Rose Foundation to demolish a part of the city's irreplaceable architectural heritage. The buildings on Kent Street are modest worker's houses in need of repair and renovation, but not beyond salvage and rehabilitation. A number of other buildings along Kent Street recently have been renovated with much success and have contributed to the dynamic economic upturn of this section of town. The Department of Historic Resources offers programs and services specifically aimed at the preservation of such humble dwellings because we feel they are an important part of the historic district and provide a better understanding of the social and architectural legacy of the city's working class, a group of citizens that are often overlooked at Winchester's more than two centuries of history. Owners of historic buildings throughout the historic district have taken advantage of state and federal rehabilitation tax credits to successfully renovate buildings and there is no reason they cannot be used to rehabilitate the block of dwellings in question.

I hope Winchester City Council will support the BAR in its efforts to preserve these buildings. Otherwise their demolition may set a precedent for the destruction of other buildings needing renovation throughout the district. They deserve another look and a chance to provide affordable

housing and at the same time preserve a part of the important fabric of the historic district. I invite the Rose Foundation and the city to call upon the Virginia Department of Historic Resources to assist them in the preservation of these resources.

The Department salutes the efforts of the city in the past to preserve the wonderful historic buildings with which the city is blessed. We look forward to continuing to work with the city and its citizens in recognizing and preserving Winchester's distinguished architectural heritage.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:40 p.m.

- Public Hearing: Motion to approve request of Shenandoah Mobile Company for a Conditional Use Permit to construct a wireless communications tower at 1921 South Loudoun Street zoned Commercial Industrial, CM-1 District. CU-07-07

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:41 p.m.

- Public Hearing: Motion to approve request of Caldwell and Santmyer, Inc. for a Conditional Use Permit for a structure exceeding an 8,000 square foot footprint and having roof pitches less than otherwise permitted by right at 110 Keating Drive zoned Low Density Residential, LR District with Corridor Enhancement, CE District Overlay zoning. CU-07-08

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:42 p.m.

- Receive recommendation by Assistant City Manager and Motion to approve the Assistant City Manager to revise and re-advertise wireless franchise request for proposal.

Assistant City Manager Anne Lewis stated all of the RFPs for a wireless franchise agreement have been nonviable or non-responsive. Ms. Lewis asked to be able to give more latitude in the RFPs and to put the RFP out for proposal again to allow those who would like to respond more latitude in their responses. She asked that the current proposals be rejected and she be given the authorization to re-advertise the RFP.

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

- Motion to adopt a Resolution opposing Allegheny Power's application for a rate increase.

Councilor Coyne motioned to amend the motion on the floor to pass the resolution and allow it to be circulated to Council for the IDA to be used in the upcoming SCC hearing on December 4th or 5th, 2007, opposing the rate increase.

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

Councilor Coyne motioned to pass the motion as amended. *The motion was seconded by Councilor Helm then unanimously approved by voice-vote.*

FINANCE AND ADMINISTRATION

Chairman Buettner presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO REPEAL SECTION 5.01 OF THE CITY’S CHARTER PERTAINING TO THE BIENNIAL BUDGET AND RE-ADOPT SECTION 5.01 OF THE CITY’S CHARTER TO PROVIDE FOR AN ANNUAL BUDGET.

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	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Absent
Councilor Nelson	Aye
President Gaynor	Aye

- Second Reading, by title, for adoption: 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.

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	Abstain
Councilor Coyne	Aye

Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Absent
Councilor Nelson	Aye
President Gaynor	Aye

- Motion to approve a consulting agreement for lobbyist services between Thomas Dick and the City of Winchester.

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

- Motion to approve a resolution requesting the General Assembly and Governor of Virginia take action to prevent exploitative payday lending practices in the Commonwealth.

Councilor Clark stated the Department of Defense has seen fit to pass a federal law that short term service members are not allowed to be charged rates which are currently being charged to citizens of Virginia and in this area in Winchester. Several other localities have taken action on this measure and he is please to be taking this up at this time.

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

- Motion to approve negotiated purchase amount for 218 Baker Street.

Councilor Masters stated he will not be able to support this. His reason being that he felt this does not rise to the level that he feels government should participate. He feels that government should provide services and be more responsive in that arena than in purchasing property. He knows there are going to be instances where he will eat his words but on this particular one, he is going to vote no.

President Gaynor stated the purchase price will be for \$74,000.00 demolished.

The motion was seconded by Vice-President Griffin then approved with a 9-1 vote with Councilor Masters voting against the motion.

PLANNING AND DEVELOPMENT

Chairman Griffin presented the following:

- Motion to reverse the decision by the Board of Architectural Review denying the request of D.F. Crigler for a Certificate of Appropriateness for demolition of the structures located at 404, 406, 412 ½ & 414, and 418 South Kent Street.

Vice-Mayor Buettner motioned to adopt the BAR minutes as their report to Council. *The motion was seconded by Councilor Major then unanimously approved by voice-vote.*

The motion to reverse the decision by the BAR was seconded by Councilor Major.

Councilor Masters stated at the last P&D Committee meeting he voted in support of the motion. He thinks he was in error and stated he reserves the right to change his thoughts. He found several readings last week, information that he was not aware of when he first made his decision. He felt tonight's presentation was really illuminating for him. As a participant of restoration projects and one who has received historic tax credits, he is acutely aware of the importance of this program, particularly the streetscape concept. After having ridden up and down Kent Street numerous times to look at these properties, he is acutely aware that these homes are modest and properly doesn't fit the parameter that others would consider blight but it is part of our history. He is of the opinion that we should do everything possible to try to capture that point of time and bring that community back. He will support the BAR decision to not allow the demolition of the property.

Councilor Clark addressed Mr. Wright and asked what price was offered to purchase the properties from the Rose Foundation. Mr. Wright stated the offer was for the 6 houses and was \$250,000.00. Councilor Clark asked what is the assessed value of the properties. Mr. Wright stated it is much in excess of that. Despite all of the talk about how deteriorated they are, the assessed value is exorbitant as together no where near that. He understands that KSR also made an offer on the properties in the \$300,000.00 area which was rejected without a counter from the Rose Foundation. He also understands the listing price is \$600,000.00 for all of the properties.

Vice-Mayor Buettner stated it is a tough decision. Attending the BAR meetings, it was a 3 to 2 vote to keep these structures, all but one. He respects the BAR members and thinks they are very informed in historic properties. He thinks it is reasonable to say you can apply these standards and come up with a different conclusion. The idea that we may or may not disagree with the BAR doesn't necessarily make us wrong. It just means we are looking at this differently and giving weight to parts of this heavier than others. He has been here for nine years and in that time he can only think of one time Council has overturned BAR. He thought it was the right thing to do then and looking back he still thinks it was the right thing to do. A lot of the arguments he has heard today, he heard at that point. Council would undermine the BAR. Council would open up a floodgate of people trying to get around BAR. None of that came into fruition. In fact, in 8 years, Council has not done it again. He thinks that is evidence that the process works. The BAR is a very important part of that process. They do a wonderful job looking at the historic character of our downtown. The fact that so few come to us shows the process working. For Council to be a rubber stamp whenever an appeal does come is wrong. He thinks Council needs to look at every issue that comes on appeal from the BAR to us on its own merit. He thinks Council should trust the members of the BAR and the applicant to weigh it and discuss it thoroughly without saying just because the BAR approved it we should also. He thinks it is

just as wrong to say Council will overturn everything BAR does which he has never heard anyone in this body say. He doesn't think any particular instance, because we do have a set of criteria we have to apply, sets precedent for something that may happen again. Any future decisions will be based on the same criteria we have applied. We have not had any discussions as far as removing Kent Street from the BAR's boundaries. Kent Street has some very vital historic structures. The whole community in essence is vital to our character as a city. He would be somewhat opposed to remove that but he doesn't think, in this particular instance, we can't as a body overturn the BAR's decision. He looked at the criteria we must apply, same as the BAR, "is the building of such historical interest that its disturbance would be a detriment to public interest." Not anyone at the BAR meeting indicated that these properties are of such historic interest that they are vital. The arguments for that he heard was that they were part of a whole streetscape. He thinks that is very vital. The two negative things he heard were the fact that these properties have been so altered over the years there is very little historic value left to them and that any sort of renovation would be astronomical to the point that they would not serve the purpose that Rose Memorial wanted them to have. He thinks it was referenced that someone had made an offer but the indication he has is that it would also be a demolition project and not a renovation project. He spent a good time looking at them, they are in rough shape. Is the building of such significance that it could be made into a national, state or local historic shrine, certainly not. Is it of such old and unusual design that it could not be reproduced, he doesn't think so. Would the retention of the building help preserve the historic character district? Yes, if they were renovated, taking the cost factor out of it, certainly it would lend itself to the historic character of the neighborhood. Would the retention of the building promote the general welfare by maintaining the increasing real estate values; general business, creating new positions, and it goes on to ask how it affects the economy of the area? When he reviews that, the retention does not. If they were to just sit there for 2 years, 4 years, or until something is done with them, they have a very negative impact on the community, on the street and on the district; if they are left to deteriorate. Do we take a leap of faith if we approve demolition, certainly we do. There is no doubt about that. If we uphold the BAR, we take a leap of faith that somebody is going to buy the properties and restore them and be able to find a tenant that will live there. Either way, you don't have a guarantee anything is going to happen. When he looks at it, he looks at it from a City Council perspective. The members of the BAR look at it from the BAR perspective. They are looking at the integrity of the historic district. That is their charge and he thinks they do a wonderful job at it. We look at it as how it will affect the city as a whole. When we talk about affordable housing, when we talk about streetscape, when we talk about getting traffic off of Kent Street, all of those things are things we would have been proud enough to have on Kent Street. He thinks the Rose plan will address those issues. Yes, he had an idea of how it would go but it was done after much thought, a lot of research, attending the BAR meetings, visiting the properties, and talking to neighbors. It is not something that he thinks is a given. He is not sure how this vote will turn out. He will vote to overturn the BAR because he thinks the properties of themselves are not of a historic nature and the economic value is such that the neighborhood would be better served with the project.

Councilor Major stated in the last page of Mr. Wright's letter, he wrote "be careful if the message to be sent is: yes, we do preserve things that we treasure, we just don't treasure the property on Kent Street." He wanted to make it very clear that is not the message we are sending, at least it is not the message he is sending. He has fought off demolition. He thinks it is the fact that we do value Kent Street, that he values Kent Street, that we support getting better houses than are there now. The implication that was made by a couple of people tonight that we are targeting Kent Street in some way is not valid.

Councilor Coyne stated he did vote at the Planning and Development meeting to send this up with emphasis of getting the discussion going. Not knowing, at that point, if he would vote in favor of the demolition. He has spoken with or heard from five members of the BAR himself and feels he has a pretty good sense although he was not able to attend any of the meetings and was not there for the deliberations. The bottom line is we are required to go back through the criteria and make our own decision. He appreciates all of the comments he has heard tonight. He struggles a bit with how to come about particularly where Mr. Wright's letter indicates that the properties themselves are not historically significant. He thinks that is a starting point and the first criteria we have to look at. We also have to consider the district and the impact on the streetscape. He is sensitive to all of that and appreciates those considerations. Where he comes down on it is the last criteria about promoting general welfare and he echoes some of the comments Mr. Buettner made. He thinks overall the area would be served better by the Rose plan. Granted, we do not have a guarantee. We can't extract a guarantee at this point because what is before us is simply a motion to approve, reverse or modify the BAR decision. We could do nothing. Rose could let the property sit for a year and then under blight, we could demolish those properties. Then, we would have absolutely nothing, no guarantee at all of what's going to go in there. They have a plan. We heard from Mr. Crigler tonight that it is their intention to go forward with that plan. It strikes him as a solid plan that would improve the general welfare of Kent Street, the city as a whole, and the historic district. He has great respect for all of the members of the BAR, what they do is not easy, but Council has to come to its own decision about what to do with this now. It is his intention to vote to reverse the decision of the BAR.

Councilor Helm stated he would not be a very good judge. He sees a lot of strength in both arguments. The progressive developer in him sees a lot of good things that can come from this project. To be candid, the skeptic in him sees a lot of bad things that might happen when we are talking about demolition without commitment of anything being approved. The streetscape is a valuable asset to that part of the city. He has to qualify that instantly by saying the opposite. Streetscape is not an asset to that part of the city. What will prevent us from having a vacant lot there? We have seen it happen before. As the present regulations are written, we do not have the mechanism to give the Board of Architectural Review a way to address that concern. He really thinks it is incumbent on all of us collectively to search for new guidelines to give this mechanism more teeth, more options, more places where we can come to a more suitable agreement. The one thing that disturbed him about some of the conversation was the concepts of affordability and homeownership are not part of

our zoning regulations. It can be a compelling argument but there is no linkage there as our present regulations are written. So the incentives that are there, while strong in some places, are not obligations. For some size projects, they don't apply. That is an economic factor that really doesn't fall into the criteria by which we are going to review this thing. You can look at the criteria and look at those buildings and say this is as good of a plan as we've seen in decades and if we don't take this, we have done a disservice to that part of town. But, he sincerely encourages the BAR and Preservation to sit down and work on the guidelines. You did it to start with. Preservation hatched this whole concept on his kitchen table 35 years ago. Please do it again. Please revisit that and work on developing some better and decent tools to handle this. It is not the last time we are going to see these issues. We are going to have to thank the BAR for what their decision was but he has to vote to overturn.

Councilor Clark stated the biggest thing for him in making this decision is Mr. Wright's letter that states none of these individual structures is especially significant. There is no particular architectural style that is striking. He thinks an untrained eye might not catch the fact the houses proposed by the Rose Foundation are made of newer materials in that they are going to match the streetscape on Kent Street. He thinks the current status of these houses is definitely a drain on Kent Street. Economically, which is one of your criteria for making a decision, he thinks it would be an extraordinarily expensive to rehab these houses to a point where someone would want to spend 250 – 300 thousand dollars to live at that address. Therefore, he is going to have to vote to overturn the decision of the BAR. He feels strongly as some of the people have mentioned that reasonable people can look at these criteria and come to two different decisions.

Councilor Butler stated he thinks he is the only member of Council that served on the BAR. He served on BAR for six years and during that time they voted both ways, to demolish structures as well as to deny demolition. During the last couple of months while this whole situation has lain out, he realized that you have to look at things differently as a member of BAR and as a member of Council. He knows how hard it is to be on BAR and want to do one thing but be bound by certain standards. It is even harder for Council looking at the guidelines but we have to look at the general overall good. He is going to vote for demolition. He is basing it on section 14-6-6.2 because he thinks retaining the structures would not add or promote the general welfare of that area. We are trying to redevelop that area. We are looking at making major improvements to the South Kent Corridor and he thinks it would make it.

Councilor Coyne stated he doesn't view this as precedent. He thinks this is a unique situation and a unique decision. Each one of those buildings bears a city sticker that they are condemned. The only reason they are being grouped is the one owner of those properties. He understands the impact to the streetscape but if we face more of these decisions, we will take them individually like we have done this one. He does not view it as precedent.

Councilor Masters stated that he feels very appreciative of the comments from both sides and he respects all those in coming to your decisions. The reason why he feels like he does is because we are dealing with a historic district. We must raise the level of scrutiny in why we do what we are doing. This is not about Conway Street or any other place. It is a historic district and once it is gone, it's gone.

The motion to reverse the decision by the BAR passed 9-1 with Councilor Masters voting against it.

- Motion to approve request of Shenandoah Mobile Company for a Conditional Use Permit to construct a wireless communications tower at 1921 South Loudoun Street zoned Commercial Industrial, CM-1 District. CU-07-07

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

- Motion to approve request of Caldwell and Santmyer, Inc. for a Conditional Use Permit for a structure exceeding an 8,000 square foot footprint and having roof pitches less than otherwise permitted by right at 110 Keating Drive zoned Low Density Residential, LR District with Corridor Enhancement, CE District Overlay zoning. CU-07-08

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

- Motion to reappoint Nate Adams and Kevin Talley as members of the Planning Commission for a four year term expiring December 31, 2011.

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

- Motion to reappoint Richard Demorest as a member of the Board of Building Code Appeals for a five year term expiring December 31, 2012.

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

- Motion to reappoint Boyd Pitcock and Hunter Hurt as alternate members of the Board of Building Code Appeals for a one year term expiring December 31, 2008.

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

- Motion to appoint Tim Machado as an alternate member of the Board of Building Code Appeals for a one year term expiring December 31, 2008.

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

PUBLIC SERVICES COMMITTEE

Chairman Helm presented the following:

- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ENACT SECTION 29-42 OF THE WINCHESTER CITY CODE PERTAINING TO THE ADJUSTMENT OF WATER AND WASTEWATER CHARGES.

COMMUNITY SAFETY AND SERVICES

Chairman Butler presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO ADOPT DIVISION 4 OF ARTICLE IV, SECTION 14-83 OF THE WINCHESTER CITY CODE PERTAINING TO THE ESTABLISHMENT OF PARKING SPACES FOR PERSONS WITH A DISABILITY.

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	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Absent
Councilor Nelson	Aye
President Gaynor	Aye

- Motion to appoint Tony Versley as a member of the Local Emergency Planning Committee for an indefinite term.

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

HEALTH, EDUCATION AND WELFARE

Chairman Coyne presented the following:

- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 2-8.1 OF THE WINCHESTER CITY CODE TO INCREASE THE NUMBER OF BOARD MEMBERS FROM SEVEN (7) TO NINE (9)
- Motion to appoint David Spence as a member of the Community Development Committee for an unexpired three year term ending December 31, 2008.

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

- Announce the term expirations of Carolyn Griffin and Skeeter Knee as members of the Community Development Committee expiring December 31, 2007 and direct the Clerk of Council to advertise the vacancies. Ms. Griffin and Mr. Knee are eligible for reappointment.

NEW BUSINESS

President Gaynor informed the Councilors that Director of Administration Sharen Gromling is polling the employees to see if they prefer floater holidays or a set holiday schedule.

Preside Gaynor stated that after discussing it with Vice-Mayor Buettner and Assistant City Managers Craig Smith and Anne Lewis, he made the decision to give the employees Christmas Eve as a holiday even though it will cost the City some money.

ADJOURNMENT – With no further business to discuss, Vice-President Griffin moved that the meeting adjourn at 9:25 p.m. *The motion was seconded by Councilor Major then unanimously approved by a voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council