

**MINUTES OF THE COMMON COUNCIL  
IN REGULAR SESSION  
NOVEMBER 10, 2009**

A regular session of the Winchester Common Council was held on Tuesday, November 10, 2009 in the Council Chambers, Rouss City Hall. President Jeffrey Buettner called the meeting to order at 6:59 p.m.

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

**ABSENT:** None (0)

**INVOCATION** – Pastor Jim Utt of Grace Lutheran Church pronounced the invocation.

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

**APPROVAL OF MINUTES** – October 13, 2009 Regular Meeting, October 20, 2009 Special Meeting, October 20, 2009 Joint Meeting, October 27, 2009 First Reading Meeting and October 27, 2009 Special Meeting

Councilor Veach moved to approve the minutes as presented. The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.

**REPORT OF THE MAYOR**

**Proclamation:** Mayor Minor presented a proclamation honoring National Adoption Month to Carla Taylor, Director of Social Services.

Mayor Minor stated Braddock and Cameron Streets were converted to two-way traffic this past Saturday. It was an historic event – the last time traffic rode in both directions was 1951! We ask that everyone continue to be alert to the new traffic pattern. These utility infrastructure improvements are truly an asset to all of Winchester. We thank all the citizens, business owners and the public who utilize these important roadways for their patience and cooperation. We will have a reprieve over the holidays so everyone can enjoy the Christmas Parade on the new streets and sidewalks, shop downtown, and, of course, visit Santa. Phase II of the Downtown Utilities Infrastructure Improvement project will include Piccadilly Street. Work on Piccadilly Street is scheduled to begin January 4, 2010.

Mayor Minor stated the Northeast Infrastructure project will conclude soon as Berryville Avenue will be paved from Pleasant Valley Road to the light at CVS by Thanksgiving.

Mayor Minor stated the City is well into Leaf Pick-up Season. Please be aware of the posted no parking signs so that the crews can get to the leaves for pick up.

Mayor Minor stated this week we honor our veterans who have sacrificed so much to serve and protect our country. We are all so thankful for the freedoms we have and the men and women who have served and continue to serve to preserve those freedoms - God bless you and thank you.

### **REPORT OF THE CITY MANAGER**

Interim City Manager Robert Noe thanked Perry Eisenach, Director of Utilities, and his team for the work completed on Cameron and Braddock Streets. He also requested an executive session for two legal issues. President Buettner deferred the executive session to the end of the meeting.

### **REPORT OF THE CITY ATTORNEY**

City Attorney Anthony Williams stated he did not have anything to report.

### **PUBLIC HEARINGS**

**O-2009-35:** Second Reading – AN ORDINANCE TO REZONE 0.191 ACRES OF LAND AT 208-218 EAST FAIRFAX LANE (Map Number 174-01-G-17) FROM LIMITED HIGH DENSITY RESIDENTIAL (HR-1) DISTRICT TO RESIDENTIAL BUSINESS (RB-1) DISTRICT. **RZ-09-254**

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:06 p.m.*

*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:*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Vice-Mayor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

**O-2009-36:** Second Reading - AN ORDINANCE TO AMEND AND RE-ENACT SECTION 18.1 OF THE WINCHESTER CITY CODE REGARDING THE WINCHESTER PARKS AND RECREATION BOARD BY REMOVING SUBSECTION 2 – Appointment of Handley High School Students to the Parks & Recreation Advisory Board..

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:08 p.m.*

*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:*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Vice-Mayor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

**CU-2009-217:** Conditional Use Permit - Larry Hammack for a Neighborhood Convenience Establishment at 1009 Franklin Street (Map Number 196-10-4) zoned High Density Residential (HR) District.

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:09 p.m.*

Vice-President Major moved to approve CU-2009-217. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

**CU-2009-262:** Conditional Use Permit - Maureen Keeler for a Family Day Care Home at 97 Christopher Drive (Map Number 195-13-32) zoned Medium Density Residential (MR) District.

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:09 p.m.*

Councilor John Willingham moved to approve CU-2009-262. *The motion was seconded by Councilor Clark then approved 8/0/1 with Councilor McInturff abstaining.*

## **PUBLIC COMMENTS**

*No citizens came forward to address Council and the President declared the public comments closed at 7:10 p.m.*

**AGENDA****R-2009-55:** Resolution – Honoring the retirement of Terry Braithwaite

Vice-President Major moved to approve R-2009-55 honoring Mr. Braithwaite. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

**R-2009-54:** Resolution - Bulletproof Vest Partnership (BVP) Grant Program in the amount of \$3,748.00. The funds will reimburse the City 50% of the purchase cost for 17 vests.

Councilor Clark moved to approve R-2009-54 authorizing the acceptance of the BVP Grant Program funds. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**R-2009-56:** Resolution - Eliminate furlough days from the FY2010 Budget and to reinstate Christmas Eve (December 24, 2009) as a paid holiday for City of Winchester employees.

Mayor Minor moved to approve R-2009-56 to eliminate the furlough days and reinstate the paid holiday. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

**CA-2009-19:** Certificate of Appreciation - Philip Weber as a member of the Planning Commission.

Vice-President Major moved to approve CA-2009-19 honoring Mr. Weber. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**CA-2009-20:** Certificate of Appreciation - Susan Masters as a member of the Planning Commission.

Councilor Willingham moved to approve CA-2009-20 honoring Ms. Masters. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Councilor Willingham moved to convene into executive session for consultation with legal counsel and the acquisition of real property as described in §2.2-3711(A)(7) and §2.2-3711(A)(3) of the Code of Virginia. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

Upon returning, council members approved a motion to return to open meeting and each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

*A roll call vote was taken, the ayes and nays being recorded as shown below:*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Councilor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Councilor Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye

**ADJOURNMENT**

With no further business to discuss, the meeting was adjourned.

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Kari J. Van Diest  
Deputy Clerk of Council