

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
April 13, 2010**

A regular session of the Winchester Common Council was held on Tuesday, April 13, 2010 in the Council Chambers, Rouss City Hall. President Jeff Buettner called the meeting to order at 7:00 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)

MOMENT OF SILENCE – President Buettner led the councilors and citizens in a Moment of Silence.

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

APPROVAL OF MINUTES – March 9, 2010 Regular Meeting, March 23, 2010 Special Meeting, and March 23, 2010 Work Session

Vice-President Major moved to approve the minutes as presented. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

REPORT OF THE MAYOR

R-2010-18: Resolution – National Volunteer Week

Vice-President Major moved to approve R-2010-18. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

Mayor Minor stated this week is dedicated as honoring National Public Safety Telecommunications. In the City's 9-1-1 center, 14 professional staff is trained to answer your emergency. 24 hours a day, 365 days a year, this dedicated team dispatches police or fire and rescue personnel to aid you in your most vulnerable time. A highly stressful career, we honor our staff and thank them for the great work they do.

Mayor Minor stated April is National Child Abuse Prevention month. Every child is precious and deserves to grow up in a healthy, safe, nurturing environment free from the threats, dangers, and harmful effects of child abuse and neglect. Child abuse and neglect impacts our entire society and can cause traumatic psychological, emotional and physical harm which can lead to poor outcomes, detrimental behaviors and mental and physical illness for children and adults. You can help reduce child abuse and neglect in

Winchester by volunteering at schools, sports teams, and other programs that sponsor healthy, supportive relationships with children. She encouraged all citizens to recognize that prevention starts with each of us.

Mayor Minor stated she is pleased to announce that Winchester Police Detective Charles Barlow has been selected to receive one of the 2010 Governor's Advisory Board Awards for Exemplary Contributions to Child Abuse and Neglect. Detective Barlow was nominated by the Winchester Department of Social Services and the award will be presented at the opening session of the annual social services conference on Thursday, April 22.

Mayor Minor stated the Downtown Utility Infrastructure Improvements project has transformed Cameron, Braddock, and Piccadilly Streets. She hopes everyone is as pleased as she is with the new sidewalks, beautiful amenities, ease of traffic flow, and improved water and sewer service.

Mayor Minor stated the Doo Dah Day and Shenandoah Apple Blossom Festival events are annual rites of Spring for our community. Please enjoy the festivities and have a safe and Happy Bloom!

REPORT OF THE CITY MANAGER – Mr. Jim O'Connor stated he did not have a report to present.

REPORT OF THE CITY ATTORNEY – Mr. Anthony Williams stated he did not have a report to present.

ANNOUNCEMENT: The members of the Douglas Community Learning Center Steering Committee

President Buettner announced the members of the Douglas Community Learning Center Steering Committee will be Maggie Lee, Carmen Crawford, and Kevin Wilson from the North End; Allison Pate from the Boys and Girls Club; Mel Thomas and the incoming vice-chair of the School Board; Evan Clark and Les Veach from City Council with John Hill as the alternate; Councilor Art Major will be the Chair; Jim O'Connor, Anthony Williams and Brad Veach from the City and Dr. Rick Leonard from the Schools.

PUBLIC HEARINGS

O-2010-02: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 10 OF THE WINCHESTER CITY CODE PERTAINING TO FIRE PREVENTION AND PROTECTION

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:07 p.m.

Vice-President Major moved to adopt the ordinance. *The motion was seconded by Councilor Clark then 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 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-2010-03: Second Reading - AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURES(S) AND PROPERTY LOCATED AT 146-148 NORTH LOUDOUN STREET SBA-10-01

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

Vice-President Major moved to adopt the ordinance. *The motion was seconded by Councilor Willingham then 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 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-2010-05: Second Reading – AN ORDINANCE TO ADOPT SECTIONS 21-15 AND 2-99 OF THE WINCHESTER CITY CODE PERTAINING TO SIGNATURE AUTHORITY, PURCHASING AND PROCUREMENT

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

Vice-President Major moved to adopt the ordinance. *The motion was seconded by Councilor Willingham then 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 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-2010-06: Second Reading - AN ORDINANCE TO AMEND ARTICLES 1, 6, 7, 8, 9, 10, 13, AND 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A CONDITIONAL USE PERMIT FOR SHORT-TERM LOAN ESTABLISHMENTS TA-10-21

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

<u>MEMBER</u>	<u>VOTE</u>
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	Nay
President Buettner	Aye

O-2010-08: Second Reading – TO AMEND AND RE-ADOPT SECTION 28-10 OF THE CITY CODE REGARDING DISPLAY OF BUSINESS LICENSE AND MAINTENANCE OF RECORDS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:10 p.m.

Councilor Veach moved to adopt the ordinance. *The motion was seconded by Vice-Mayor Butler then 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 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-2010-07: Second Reading – AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURE(S) AND PROPERTY LOCATED AT 119-129 NORTH LOUDOUN STREET SBA-09-01

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:11 p.m.

Vice President Major moved to adopt the ordinance. *The motion was seconded by Mayor Minor and then 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 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-2010-09: Second Reading – AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN PURSUANT TO SECTION 6-133 OF THE

WINCHESTER CITY CODE, FOR THE STRUCTURE(S) AND PROPERTY
LOCATED AT 501-519 WEST JUBAL EARLY DRIVE SBA-10-02

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:14 p.m.

Mayor Minor moved to adopt the ordinance. *The motion was seconded by Councilor Willingham and then 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 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-2010-10: Second Reading - AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 2-64 OF THE WINCHESTER CITY CODE PERTAINING TO READING OF ORDINANCES PRIOR TO ADOPTION TO FACILITATE THE USE OF A CONSENT AGENDA FOR FIRST READINGS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:17 p.m.

Councilor Willingham moved to adopt the ordinance. *The motion was seconded by Councilor Clark and then 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 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-2010-17: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-171 OF THE WINCHESTER CITY CODE REGARDING CIGARETTE TAXES

Paul Whitmore owner of the Winchester News Stand located at 30 East Piccadilly Street stated he has been on that street for 6 years and has seen 6 businesses close down between Braddock and Loudoun Streets. There is a possibility that another 4 businesses will close with the economy and all of the work done on the street. Last year, he kept his business open out of his own pocket because of the economy. He had a losing year and cannot believe that anyone made money last year. Right now, there are at least 4 businesses that are hurting. All of the “mom and pop” stores in the Winchester area are hurting. If you raise the cigarette tax 15 cents a pack, it will help him to close his doors. Through the 4 years of owning the Winchester News Stand, he has raised close to \$367,000 for the education through the Commonwealth of Virginia Lottery Fund. You are hurting the little person. The big guy can get in his car and drive to the county to buy that pack of cigarettes 25 cents cheaper. The little guy who depends on the traffic trolley to get around cannot afford to go to the county. With his retirement and social security, he can sustain all of what is happening. He has been able to keep his store open because his daughter is the manager, his son-in-law is the night man, and he works 7 a.m. to 10 p.m. on Mondays and Tuesdays. Any of the big stores such as Sheetz, 7-11, and Handimart are not hurting as bad as the little guys are going to be. There are about 12 different stores in the area that the 15 cents will hurt. He begged Council to please give it a lot of thought before approving something like this and to think of the little guys it will hurt.

Bob Clator of HN Funkhouser stated they run the local Handimart stores. The last time Council raised the cigarette tax; it caused the revenue in their stores located in the city to go down 12% and increases their sales in the county by 8%. The other 4% probably went to the big box stores like Costco and Walmart. They not only lost cigarette sales but gasoline sales, deli sales and inside store sales because people were willing to make that second stop to buy their cigarettes. Smokers buy routinely and they are smart so they can understand when they save money. When business people want to raise revenues, they lower prices and run sales and specials that increase revenues. There is not a person in here that would say to increase revenues you would raise prices above the competition. He would ask that Council not raise the cigarette tax because it is simply raising the price making us non-competitive. It will force our customers to once again go to the county or to Costco and it will take away all of the revenue from in the city.

David Cavallaro representative of the Winchester Business Association stated a lot of local business merchants have come to him with concerns about this proposed increase. This certainly could drive business away from Winchester so at the end of the day we will be losing not winning.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:23 p.m.

Mayor Minor moved to adopt the ordinance. *The motion was seconded by Councilor Veach.*

Mayor Minor stated she feels the tax will have an adverse impact on the stores in the city and she will be voting against it.

Councilor Willingham stated he concurs with Mayor Minor. In this economic condition, it is not a good time so he will also be voting no.

Councilor Butler stated it has been 17 years since Council raised the cigarette tax and Winchester has one of the lowest rates in the Commonwealth. Adding 15 cents puts some fear in the minds of some of the business people but we have just about risen taxes everywhere else we can. We have put the burden on a lot of people. He doesn't like doing it but the revenue picture is not good. The State has pushed the burden to the localities to find the revenue to fund required mandates. Unfortunately, this is a way to gain some revenue so he will be supporting it.

Councilor Veach stated the current tax rate is 10 cents a pack while the average is 35 cents in the state. He will be supporting the increase.

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 Butler	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Nay
Councilor McInturff	Aye
Mayor Minor	Nay
Councilor Veach	Aye
Councilor Willingham	Nay
President Buettner	Nay

CU-09-172: Conditional Use Permit - DFC Architects, PC for a two family dwelling at 314 South Kent Street (Map Number 193-01-T-3) zoned Limited High Density Residential (HR-1) District with Historic Winchester (HW) District overlay.

Dorothy Moore of 312 South Kent Street stated there are two property owners that live in their dwellings on that block. She is concerned the city is going to put a two family dwelling at 314 and asked if two families will be living there. As of now, there is limited parking on the street. She has owned her house for 22 years and has been using an alley that runs behind 312-318. She has spoken with an attorney and that is an easement that cannot be closed. She asked that someone explain what the two family dwelling means.

Planning Director Tim Youmans stated this is an existing structure that the Board of Architectural Review has approved for demolition. This would be a new structure which was subject to a public hearing at the Planning Commission. The Planning Commission approved the proposal for a two family unit on the east side of Kent Street just north of Cecil Street. The proposal meets all of the requirements for a two family dwelling on that lot fully or through approval of variances. The structure could be owner occupied in one of the units and rented out in the other.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:30 p.m.

Councilor Clark moved to approve CU-09-172. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

CU-09-286: Conditional Use Permit - Barton Chasler for a two family dwelling at 527 North Loudoun Street (Map Number 153-01-D-15) zoned Limited High Density Residential (HR-1) District.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:30 p.m.

Councilor Willingham moved to approve CU-09-286. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

CU-09-198: Conditional Use Permit - Request of Milano's, LLC on behalf of the subject property owner for a Conditional Use Permit for nightclub use at 107 West Boscawen Street, which is zoned Central Business (B-1) District, with Historic Winchester (HW) District special overlay. (This request was tabled for six months at the September 2009 Planning & Development Committee meeting.)

Johnny Lanzetta of Milanos, LLC at 107 West Boscawen Street stated it has been some time in the making but he was present to get a Conditional Use Permit to have a DJ/nightclub atmosphere at the restaurant and bar. They have jumped through all of the hoops that were needed to be jumped through and are up to par on all of the codes and ordinances. He asked that Council vote yes.

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

Vice-President Major moved to approve CU-09-198. *The motion was seconded by Councilor Willingham then passed 8/1 with Vice-Mayor Butler voting in the negative.*

CU-10-37: Conditional Use Permit - Request of Petrona Argueta dba Mi Ranchito Restaurant LLC for a conditional use permit for nightclub use at 2018 South Loudoun Street (Map Number 252-01-13) zoned Highway Commercial (B-2) District.

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

Councilor Willingham moved to approve CU-10-37. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

PUBLIC COMMENTS

Betty Jo Manuel of 223 Jefferson Street stated she has been a lifelong resident of Winchester and Frederick County and is proud to be so. On February 20, 2009, over 6,000 gallons of raw sewage entered her finished basement. She immediately called the City's Public Utility Department and was told that someone would be dispatched. When this was first reported to the City, she had approximately 2-3 inches of sewage on her basement floor. By the time the City worker arrived almost two hours after her initial and repeated phone calls, she had over two feet of sewage in her home. Once the representative of the City Utility Department arrived, he went to the man holes directly to the east and west side of her home and stated he found nothing unusual. He was actually leaving while sewage was entering her home at a quite alarming rate. Before he left, she pointed him to the man hole at the corner of Valley Avenue and Jefferson Street where they found the sewage overflowing. The utility worked inspected that man hole and within minutes he had the problem resolved. When asked by her housemate and private maintenance man if this was normal, he replied "no, this is one our end." After the backup, the City of Winchester had the sewage lines on Jefferson Street videoed. The DVD showed significant cracks and extreme root growth causing total blockages in some areas of the lines. The roots were so bad and extreme that a root cutter had to be used numerous times to get the small camera through the lines. However, what seems to her to be the real smoking gun is that 22 feet of footage seems to be missing midway through that DVD. How can the City offer her a full written report on city letterhead speaking about 377.7 foot area to 400.4 foot area, yet not offer her the footage. She has requested the footage from the location repeatedly but at her last request was given a CD labeled missing footage with the date of October 9, 2009. The footage she is seeking is the video from the date after her event, February 25, 2009. She has no interest in October footage and never requested it. Anne Lewis, Assistant City Manager, stated to her last evening that her Freedom of Information Act request has been fulfilled but in her mind it obviously has not. Where is the missing footage? Three city managers and 14 months later, there still has not been any resolution. The City insurer, Virginia Municipal League (VML), was told by the City that the back up was caused by a foreign object found in the City's sewer line and thus her VML claim was denied. Many friends and residents continue to reach out and ask her about the outcome of her personal disaster. For the record, she is here to say there has been absolutely no resolution. The old adage "you can't fight City Hall" seems to be true. She has tried to work in the system but thus far

the system has failed her miserably. She thanked Council for their time and concern.
7:35:46 PM

City Manager Jim O'Connor stated that for information purposes there is no film of the 22 feet. It was never recorded and we do not have any document in the municipal building to indicate it was there. We have given all the information we have.

President Buettner asked Mr. O'Connor to meet with Ms. Manuel to review how this was handled.

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

NEW BUSINESS

O-2010-10: First Reading – AN ORDINANCE TO ADD SECTION 2-112 TO THE WINCHESTER CITY CODE PERTAINING TO ASSISTANT CITY ATTORNEYS, SPECIAL COUNSEL, OUTSIDE COUNSEL, AND SUPPORT STAFF TO THE OFFICE OF THE CITY ATTORNEY

O-2010-13: First Reading – AN ORDINANCE TO AMEND AND RE-ENT SECTIONS 29-11 AND 29-13 OF THE WINCHESTER CITY CODE PERTAINING TO AN INCREASE IN WATER AND SEWER RATES.

MOTION: Motion to amend the title of Ordinance 2010-15 from: AN ORDINANCE TO CONDITIONALLY REZONE 2.762 ACRES OF LAND AT 812, 830, 844 AND 918 AMHERST STREET FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO RO-1 DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY; AND 0.222 ACRES AT 825 WHITTIER AVENUE FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH HW DISTRICT OVERLAY TO RO-1 DISTRICT WITH CE DISTRICT OVERLAY; AND 0.413 ACRES AT 829 WHITTIER AVENUE FROM LR DISTRICT WITH HW DISTRICT OVERLAY TO RO-1 DISTRICT; AND 0.062 ACRES AT 835 WHITTIER AVENUE FROM LR DISTRICT WITH HW DISTRICT OVERLAY TO LR DISTRICT; to instead read: AN ORDINANCE TO CONDITIONALLY REZONE 0.752 ACRES OF LAND AT 812 AND 830 AMHERST ST FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO RO-1 DISTRICT WITH HW DISTRICT OVERLAY WITH PROFFERS; AND 0.635 ACRES AT 825 AND 829 WHITTIER AVENUE FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH HW DISTRICT OVERLAY TO RO-1 DISTRICT; AND 0.062 ACRES AT 835 WHITTIER AVENUE FROM LR DISTRICT WITH HW DISTRICT OVERLAY TO LR DISTRICT.

Councilor John Willingham moved to adopt the amendment to the title of O-2010-15. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

O-2010-15: First Reading – AN ORDINANCE TO CONDITIONALLY REZONE 0.752 ACRES OF LAND AT 812 AND 830 AMHERST ST FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO RO-1 DISTRICT WITH HW DISTRICT OVERLAY WITH PROFFERS; AND 0.635 ACRES AT 825 AND 829 WHITTIER AVENUE FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH HW DISTRICT OVERLAY TO RO-1 DISTRICT; AND 0.062 ACRES AT 835 WHITTIER AVENUE FROM LR DISTRICT WITH HW DISTRICT OVERLAY TO LR DISTRICT. RZ-10-48

O-2010-16: First Reading – AN ORDINANCE TO REVISE WINCHESTER CITY CODE §14-55 VOLUNTARY PAYMENT OF PARKING FINE

O-2010-18: First Reading - AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY OF WINCHESTER LOCATED AT 29-35 E. BOSCAWEN STREET (FORMER LOCATION OF WINCHESTER DSS) TO THE WINCHESTER INDUSTRIAL DEVELOPMENT AUTHORITY AND SEEK TO FACILITATE RENOVATION THROUGH A PRIVATE DEVELOPER BY MEANS INCLUDING BUT NOT LIMITED TO THE FORMATION OF A PUBLIC PRIVATE PARTNERSHIP

City Attorney Anthony Williams informed Council that he has been speaking with the Executive Director of the IDA and there may be some tweeks to what is contained in the package once the IDA does a thorough review of the document.

R-2010-15: Resolution – Authorization to accept \$47,399.25 in DUI Grant Funds

Vice-President Major moved to approve R-2010-15. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

R-2010-16: Resolution – Application for grant funding through the Virginia Department of Historic Resources to complete the Historic Winchester District architectural and historic survey

Councilor Clark moved to approve R-2010-16. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2010-17: Resolution – Providing for the issuance and sale of General Obligation Public Improvement Refunding Bonds, Series 2010, of the City of Winchester, Virginia, in a maximum principal amount of \$65,000,000, providing for the form, details and payment thereof and providing for the refunding of certain General Obligation Public Improvement Bonds of the City

Councilor Clark moved to approve R-2010-17. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

MOTION: Motion to approve new positions in Utilities for Fiscal Year 2011 and the proposed FY11 Operating Budget for the Opequon Water Reclamation Facility (OWRF).

Mayor Minor moved to approve the request for new positions and the proposed FY11 Budget. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

ANNOUNCEMENT: The term expirations of Howard Lewis, Harry Smith, John “Shep” Campbell, Dr. George White, and John Schroth as members of the Handley Board of Trustees effective June 30, 2010. Mr. Lewis, Mr. Smith, Mr. Campbell, and Mr. Schroth are eligible for re-appointment. Dr. White is not eligible.

ANNOUNCEMENT: The term expirations of Cynthia Ford, Jeff Webber, and Vince Di Benedetto as members of the Winchester School Board effective June 30, 2010. Ms. Ford and Mr. Di Benedetto are eligible for re-appointment. Mr. Webber is not eligible.

ANNOUNCEMENT: The term expirations of Dario Savarese, Julie Armel, and Greg Crawford as members of the Winchester-Frederick County Tourism Board effective June 30, 2010. Mr. Savarese and Ms. Armel are eligible for re-appointment. Mr. Crawford is not eligible.

EXECUTIVE SESSION: MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.23711(A)(1) OF THE CODE OF VIRGINIA FOR DISCUSSION OF A PERSONNEL MATTER INVOLVING CONSIDERATION OF ASSIGNMENT, APPOINTMENT, PROMOTION, OR RESIGNATION OF SPECIFIC PUBLIC OFFICERS OR EMPLOYEES OF THE CITY AND PURSUANT TO 2.2-3711(A)(5) AND (6) FOR DISCUSSION CONCERNING THE EXPANSION OF AN EXISTING BUSINESS OR INDUSTRY IN THE CITY WHERE NO PREVIOUS ANNOUNCEMENT HAS BEEN MADE OF THE BUSINESS' OR INDUSTRY'S INTEREST IN EXPANDING ITS FACILITIES IN THE COMMUNITY AND DISCUSSION OR CONSIDERATION OF THE INVESTMENT OF PUBLIC FUNDS WHERE COMPETITION OR BARGAINING IS INVOLVED, WHERE, IF MADE PUBLIC INITIALLY, THE FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED.

Councilor Willingham moved to convene in Executive Session at 7:51 p.m. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Councilor Willingham moved to come out of executive session at 8:29 p.m. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

Upon returning, 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:

MEMBER	VOTE
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

ADJOURNMENT

Councilor Willingham moved to adjourn the meeting at 8:29 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council