

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
February 8, 2011**

A regular session of the Winchester Common Council was held on Tuesday, February 8, 2011 in the Council Chambers, Rouss City Hall. Vice-President Art Major called the meeting to order at 7:00 p.m.

PRESENT: Councilor Evan Clark, John Hill, Les Veach and John Willingham; Vice-President Art Major; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor (7)

ABSENT: President Jeff Buettner; Councilor John Tagnesi (2)

INVOCATION – Reverend Rich Reifsnnyder of First Presbyterian Church delivered the invocation.

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

APPROVAL OF MINUTES – January 11, 2011 Special Meeting, January 11, 2011 Regular Meeting, January 22, 2011 Council Retreat, and January 25, 2011 Work Session

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

Vice-President Major welcomed Boy Scout Troop 45 and stated the troop attended the meeting as part of earning the Citizens in Community badge.

REPORT OF THE MAYOR

Mayor Minor stated in December of 1991, City Council passed a resolution designating February 11th of each year as “Charles Broadway Rouss Day”. Mr. Rouss was born on that date and graciously assisted this community during the late 1800’s. He contributed \$30,000, almost half of the price, toward the cost of this beautiful city hall, complete with a public auditorium. Council named City Hall in his honor. He also donated at least \$25,000 to the city’s various fire companies, including the Union Steam Fire Company, which was later renamed in his honor. When he died in 1902, Rouss was worth nearly \$10 million. He didn’t keep his fortune to himself, however, and his philanthropy was felt throughout the community. He left money for public buildings and bought Thatcher Spring (now known as Rouss Spring down near the Visitor Center) which allowed the city to build its first water plant. He also gave funds to the Winchester Memorial

Hospital and money for the fence and mortuary chapel at Mount Hebron Cemetery where he is buried with his wife, their son, and his parents.

Mayor Minor announced this year's annual Rouss Day activities and tours have been re-scheduled for Saturday, May 21st, when the weather will presumably be more favorable for outdoor events. Please stay tuned for more details as that date approaches.

REPORT OF THE CITY MANAGER

City Manager Jim O'Connor stated the O'Sullivan's investment made by the City and the State is complete. One hundred percent of the subcontractors being used on the site are from the Winchester area. The improvements will create 160 new jobs and additional personal property taxes from the new equipment. The new electrical feed to the water plant is improved and complete with a back up generator fully operational. The expansion and improvements at the Opequon Water Reclamation Facility are complete for increase capacity for future development in the community. Mr. O'Connor informed Council an update on actions taken since the Council Retreat will be presented at the February 15th Work Session. He also announced the Parks & Rec Department will be holding a Parents Night Out on Friday, February 11th, from 6 p.m. to 10 p.m.

REPORT OF THE CITY ATTORNEY

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

PUBLIC HEARINGS

Motion to remove O-2009-43 pertaining to the street vacation of approximately 0.4560 acres of Spring Street from the table

Councilor Veach moved to remove O-2009-43 from the table. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

O-2009-43: Second Reading – AN ORDINANCE TO VACATE AND CONVEY APPROXIMATELY 0.4560 ACRES OF SPRING STREET TO JDC WINCHESTER, LLC.

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

Councilor Willingham moved to adopt the ordinance. The motion was seconded by Councilor Clark.

Economic Development Director Jim Deskins informed Council of a slight change in the document to meet the proffer condition of closing Spring Street but does not remove the other proffer conditions that still have to be complied with.

Councilor Willingham moved to amend the ordinance to include the changes. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

The ordinance was 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>
Councilor Clark	Nay
Councilor Hill	Aye
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Absent
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Absent

O-2010-72: Second Reading - AN ORDINANCE TO AMEND AND REENACT SECTION 9-2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO CONDITIONAL USE PERMITS FOR MULTIFAMILY DWELLING UNITS TA-10-613

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

Councilor Veach moved to adopt the ordinance. The motion was seconded by Vice-Mayor McInturff.

Vice-Mayor McInturff moved to amend section b to read “Conversion, reconstruction, or rehabilitation of an existing structure in the Primary and Secondary Downtown Assessment Districts as defined in Section 25-1, Winchester City Code, as amended, to mixed-use, multifamily dwellings which do not otherwise conform to the minimum floor area regulations identified in Section 9-3-1 of this article; provided that the occupancy requirements of Sections 18-4-2, 18-4-3, 18-4-4, and 18-4-5 are adhered to”. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

The ordinance was 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>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye

Councilor Tagnesi	Absent
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Absent

O-2010-73: Second Reading - AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 8, 9, AND 10 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS AND USE PROVISIONS FOR HOOKAH ESTABLISHMENTS TA-10-639

Marilyn Heath of 221 Roszel Road stated she spoke to the Planning Commission in December and would like to reiterate a few facts and add a few others. She is a former respiratory therapist, a physical therapist, the wife of an Ear, Nose and Throat doctor, a concern citizen and most importantly, the mother of two teenage sons. She knows hookahs are not well known in our culture because it is a more of a Middle Eastern device that has been used for many centuries elsewhere. A few years ago, they started spreading from California across the United States. They are aimed mostly at the 18 to mid-20 year old crowds and have been built mostly around college towns and universities. They also tend to be more male oriented. A recent survey reported up to 20% of college students have used a water pipe in the past month. A 2006 Canadian study found that 7% of children in grades 7 through 12 reported they had used a water pipe with 3% in the last 30 days. Hookahs are associated with the drug culture with marijuana being smoked through such water devices during the 1960s. The public is not well educated in this area because of our culture not including this particular item. It's new and it's trendy and it is an adventure for the youth. They think it is less dangerous than cigarettes. The cooling feeling that comes from the water filtration is thought to be less irritating and to filter the chemicals. Of course, this is not so. There are a lot of studies to look at including an article by Dr. Hurt from the Mayo Clinic who reported hookah smoking is not safer than cigarette smoking. The tobacco is no less toxic in a hookah pipe and the water in a hookah does not filter out the toxic ingredients in the tobacco smoke. Hookah smokers may actually inhale more tobacco smoke than the cigarette smoker does because the large volume of smoke they inhale in a smoking session which can last as long as 60 minutes. While research in adult hookah smoking is still emerging, evidence shows that it imposes many dangers. Several of them are hookah smoke contains high levels of toxic compounds that include tar, carbon monoxide, heavy metals, and cancer causing chemicals. In fact, hookah smokers are exposed to more carbon monoxide than cigarette smokers. As with cigarette smoking, hookah smoking is linked to lung and throat cancers, heart disease and other serious illnesses. Hookah smoking delivers about the same amount of nicotine as cigarette smoking does therefore leading to tobacco dependence. Hookah smoke poses dangers with second hand smoke. Hookah smoking by pregnant women can result in low birth weight babies. Plus, hookah pipes used in hookah cafes may not be cleaned properly which risks the spread of infectious diseases such as tuberculosis, herpes, and hepatitis. The Surgeon Generals report this past year that was in the Winchester Star on December 13th stated that even 1 cigarette is 1 too many. Tobacco smoke begins poisoning immediately as more than

7,000 chemicals in each puff rapidly spread through the body to cause cellular damage in nearly every organ. Heart problems were particularly pointed out this year. There is also the addiction possibility. Alcohol is legal to drink at age 21 but we already have many problems with that in schools with underage drinking and car accidents. Smoking is legal at age 18 but it is not well regulated. The Winchester Star reported on January 21st that Virginia failed across the board on tobacco prevention, controlled spending, cessation, taxes, and smoking restrictions in the Annual State of Tobacco Control Report by a national non-profit group. Not addressed in a lot of the studies and articles is brain maturity. A lot of people will say we have our freedom to choose. However, this is aimed at our young people ages 18 to the mid 20s. A couple of years ago, All State Insurance put out a report that dealt with brain maturity. The report looked at images to see what it is like over the years. In the presence of peers, even college students, young adults in their late teens and early 20s, exhibit behavior similar to that in adolescence. This is consistent to new findings from studies in brain maturation which suggests regions of the brain that control relatively more sophisticated thought processes like those balancing risk and reward are still maturing through late adolescence and early adulthood, perhaps as late as age twenty-five. In order to understand and address adolescent risk taking, the role of the peer group must be considered. For reasons that are not yet clear, the presence of peers may actually sharpen an adolescent's natural appetite for risk taking. Hookah bars are really for this bonding and group type of thing. She stated the report goes on to discuss the neuroscience report and the fact that appealing to the adolescent's logic does not work because that portion of the brain is not well developed at this point. Now that we know about this stuff and other cities who have tried to pass ordinances for smoke and noise issues, she asked how it can be regulated. We have our choices and freedoms but we also have the freedom to say no. We need to be responsible and accountable for our freedoms or everything turns into chaos. Winchester is known as an All-American City but in the last several years, it has been called the drug capital of the Shenandoah Valley. She asked Council if that is what they want our community called. Council has sub-committees that deal with public safety and the health, education and welfare for our community. She stated the mission of the City is "to provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners." She does not believe hookah bars do that. It is time to be far sided not short sided and use facts and logic reasoning and not the dollar or trendy behavior.

Peter Johnson of 221 Roszel Road stated he is an Ear, Nose and Throat physician. One of his major endeavors is to try to cure people who manage to contract head and neck cancer. Most head and neck cancer is caused by smoking or some other form of tobacco use. Whatever he can do to discourage people from using tobacco is in the right direction. Cancer in general is an ugly disease to treat. It tends to be very disfiguring when they do the surgery. It is a particularly miserable way to die and unfortunately he sees people die this way often enough that it really breaks his heart. He strongly encouraged Council to vote against the hookah bar.

No further citizens came forward to address Council concerning this issue and the Vice-President declared the public hearing closed at 7:24 p.m.

Councilor Willingham moved to adopt the ordinance. The motion was seconded by Councilor Hill.

Councilor Clark stated the health risks of tobacco are well known but it is legal to smoke tobacco in Winchester. It is not being consistent to dictate the method of how people choose to ingest drugs and in this case tobacco that are legal in the State of Virginia and the United States. He is going to support this motion because he thinks it is discriminating against the route of which people ingest tobacco.

Mayor Minor stated she is very much opposed to this rezoning for the hookah establishment. Her doubts have certainly been reinforced with the letters from physicians and concerned citizens that we have all received. She does think Council would be allowing and promoting a habit that is very detrimental to one's health. We have the opportunity now to do something about it and in all good conscience she can not put it forward.

Councilor Veach stated the mission statement Council wrote says to provide a safe community and when he hears all of the health concerns about the hookah bar and tobacco use, he does not see that as providing a safe community especially to our youth. He doesn't see it as giving them an opportunity to make a wise decision. He does not see this as a solution but a problem in search of a solution so he is not going to support it at all.

Councilor Hill stated he is going to support the ordinance because of the concerns Mr. Clark mentioned. He feels we need to support those individuals who want to make the choice of using this device for smoking legal tobacco.

Councilor Willingham asked the Zoning Administrator Vince Diem for clarification that the ordinance is establishing a definition of a hookah establishment and the requirement for a conditional use permit to open one. Mr. Diem stated he is correct.

Vice-President Major stated he will support the ordinance but he does not think this is the proper use of zoning to regulate this type of behavior. It may be the easy way to do it right now but it does not solve the problem. Right now, there is nothing to stop someone from opening a tobacco establishment and allowing people to smoke hookahs. This does nothing to stop that. It would stop defining something we want to regulate. He agrees with the health concerns mentioned tonight but we have to remove ourselves from taking the easy way out. If we approve this, we define what a hookah establishment is, have some control over where they can be located geographically in the city based on zoning, and require a conditional use permit so we can put requirements on an establishment. Without doing this, we give up that right. The two reasons he will support this is to have control under a conditional use permit and prevent discriminating a segment of business.

The ordinance was 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>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Vice-Mayor McInturff	Nay
Mayor Minor	Nay
Councilor Tagnesi	Absent
Councilor Veach	Nay
Councilor Willingham	Aye
President Buettner	Absent

R-2011-04: Resolution – Approve agreement for VDOT Urban Program Projects

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

Councilor Willingham moved to approve the resolution. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

PUBLIC COMMENTS

Julie Staggers of 101 Cedarmeade Avenue stated she is here to talk for the Cedarmeade residents regarding the proposal to extend Packer Street to Cedarmeade Avenue. The residents of Cedarmeade are opposed to this proposal. Before Packer Street was developed several years ago, the residents had a nice field and forest to look at. Ms Staggers presented pictures of the area to show the trees that were cut down including a 200 year old tree in the area. She stated if that tree had been cut down in the downtown area, it would have been front page news but no one took notice of it since it was on Cedarmeade. The extension of Packer Street to Cedarmeade Avenue will create a cut through road that is going to be pretty busy. The road has been widen a bit from the original 14 feet by cutting down the surrounding trees which gives a view of the houses on Packer Street and the brush pile the developer created. When this extension was proposed seven years ago, Council told the residents curbs, gutters and sidewalks would be installed. She now understands that is not what is going to happen. If you look at York Road on any given day, kids are playing in it, it is a fairly narrow road, people tend to drive in the middle, and cars are parked on both sides of the road. This proposal will create a busier intersection at York and Valley Avenue where it is tough to make a left turn now. The location where Packer Street will meet Cedarmeade Avenue is very close to the railroad tracks and the driveway for the Frederick Douglas Elementary School. She can't image why the city would want to make it an even busier intersection. On any given day on Cedarmeade Avenue, there are cars parked on both sides of the street and kids are playing the in street since there is no other place to play. She asked if making a cut through road will make this a safety issue. She stated if this cut through road is made it will adversely affect the Worthington Wetland. The wetland has had some benefit.

Beforehand, the water backed up to the railroad tracks, onto Pleasant Valley Road and into the backyards of the homes on Russelcroft during the summer and winter months. None of this happens now because of the Worthington Wetland. This was at no cost to the city. The Opequon Watershed Group of Virginia Tech looked at the water and showed the water coming into the wetland was improved and helped filter out impurities. It also provides a good wildlife habitat and doesn't cost the city any maintenance money since you don't have to mow it. A lot of people use the trail as a walking trail even in the winter time. Mr. Worthington spent \$64,200.00 on creating the wetland. She asked how many citizens spend \$64,200.00 to get a project that benefits the residents as well as the city. She asked Council to not make any decisions to adversely affect the wetland. More importantly, Mr. Worthington kept his word and delivered this project as he promised. He even paid for a traffic study for the roads safety that the city should have done.

When Vice-President Major requested that Ms. Stagers wrap up her comments due to exceeding the time limit, she chose not to finish her statements.

David Worthington of 101 West Cedarmeade Avenue stated he owns the wetland area that Ms. Stagers mentioned that is adjacent to the proposed Packer Street extension. Seven years ago, he and a room of Cedarmeade residents fought the proposed extension of Packer Street as part of the new subdivision for the unsafe conditions it would cause in the neighborhood and especially for the children. City Council understood these concerns voiced at the Council meetings and on two separate occasions voted against extending Packer Street citing that the road did not provide for public safety and did not conform to section 5-32 of the Winchester Land and Subdivision ordinance. It was the neighborhood's understanding that Packer Street should not be extended to remain safe. Further concerns were that storm water might overtop or undermine the extension so there is an additional requirement that storm water do not exceed a 10 year event more than once in a 12 year period. Otherwise, the proposed Packer Street extension could not be constructed. In addition to these actions, City Council also approved and supported his idea of a natural area adjacent to the Packer trail. Members of City Council and the Mayor attended the ceremony establishing the natural area and spoke of how important this work was to the city and residents. Now, he stands before Council again to address the Packer Street extension. He stated the proposed extension will have detrimental affect on the natural area that he has worked hours to create. Simply put, roads and wetlands do not mix. He has spent his time and money to see that the natural area be a success and he is discouraged that the proposed endeavor will affect his extensive labors. In addition to the money, he has spent numerous hours of his own time tending to the area system plants, removing invasive species, cleaning up trash and debris that washed up in the area or left along the Packer trail. Unlike the developer who returns a profit from their endeavors, he spent his own money to protect an area for the city, the community, and its residents. To show how important the natural area is to the city and the community, he paid out of his own pocket to have an assessment conducted of the natural area. The assessment was performed by a recognized expert in the region and he hopes Council has looked at the report for tonight's discussion and to show the interest he has in this area and to understand what it means to the city. This report found that the natural area provided unique benefits that are not normally provided. These benefits

include overall water quality improvement, maintenance cost savings, habitat improvement, increase public awareness and ground water recharge. The report stated that because of the overall benefits provided by the natural area, the city and other public agencies should promote and protect similar areas. In addition to this report and again at his own cost, he paid for a traffic impact study on the proposed Packer Street extension. This report was prepared by a local expert who is certified as a Public Traffic Operations Engineer who has the skills and ability to investigate specialized applications such as these. While the report found more cut through traffic would use Wentworth instead of Packer, it did highlight that children congregate along the Packer trail and Cedarmeade Avenue and the implementation of a new intersection at Packer and Cedarmeade Avenue would potentially create a hazard for children at play. Should the Packer Street extension be realized, the report recommended increased signage, raised crosswalks, speed bumps placed every 500 feet on York Avenue and Packer Street, and that Packer Street should be narrowed. Consequently, even the traffic study recognized the safety impact on the neighborhood. In his opinion, the increased access to Packer by the completion of the extension is not worth the life threatening impacts it will have on the neighborhood children or the effects it will have on the natural area. If he were on Council, he would vote against it for these reasons. He has also not seen the action specified by the previous City Council to make York and Packer conform to section 5-32 of the Winchester Land and Subdivision ordinance or seen addressed a 10 year event as mentioned above. However, he is a pragmatist and has seen a shift in Council regarding this act. It is the neighborhood's opinion that this is a done deal. Consequently, if this Council should desire to support the Packer extension, he requested the following be agreed upon. First, the Packer Street extension be narrowed to a maximum of 20 feet in road width. Two, the street should start from the existing curb and gutter on the east side and there be no sidewalk on the east side of Packer Street that is adjacent to the railroad tracks. Three, a sidewalk should be placed on the west side of the road but be moved so it is adjacent to the narrow road. Four, these actions remove the road as far as possible away from the natural area. The sidewalk extension along Cedarmeade should be relocated to miss existing trees. All wires and underground utilities from the action should be kept away from the natural area. The city agrees to remove all trash generated from the Packer Street extension that falls in the way of waterway including the road adjacent to the sidewalk. Currently, he has been removing the trash at his own cost and the city has not been. This is not his preferred course of action but it appears that it is the desire of the Council and city to approve this action, he wants to reduce the impact to the residents of Cedarmeade especially its children and the natural area that he has spent so much time on. In addition to the above, if the city would extend Packer, he would also ask that the city also consider the following. One, the city waive the bond that he provided to the city for the maintenance of the natural area as he has shown to be a good steward of the land and met his obligations. Two, the city remove all or portions of the concrete trench in the natural area that is affecting continued water quality improvements and ground water recharge. The removal will be at his cost. He just asked to be allowed to remove it. In closing, he thanked Perry Eisenach, Tom Hoy, and Jim O'Connor for their actions and understanding of his positions on this matter and for meeting with him. He sincerely appreciated their efforts.

No further citizens came forward to address Council concerning this issue and the Vice-President declared the public hearing closed at 7:49 p.m.

CONSENT AGENDA

R-2011-03: Resolution – Authorize the acceptance of the Get Alarmed Virginia Grant in the amount of 300 smoke alarms and \$500 for installation devices

R-2011-05: Resolution – Authorizing the execution of an agreement with the EDA concerning the disposition of 29-35 East Boscawen Street

R-2011-06: Resolution – Approval of Regular Meeting Dates

R-2011-07: Resolution – Approval to re-classify and revise funding allocation for the Assistant City Attorney position

Councilor Clark moved to approve the items on the Consent Agenda. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

AGENDA

Motion to remove O-2010-70 pertaining to the street vacation of public alley at 519 and 523 Virginia Avenue from the table (tabled at the November 23, 2010 Work Session)

Councilor Veach moved to removed O-2010-70 from the table. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Mr. O'Connor informed Council the item was withdrawn by the applicant prior to the meeting.

O-2010-70: First Reading - AN ORDINANCE TO VACATE A 150' LONG PORTION OF A PUBLIC ALLEY LOCATED BETWEEN 519 AND 523 VIRGINIA AVE AND CONVEY IT TO ONE OR MORE ADJACENT PROPERTY OWNERS SV-10-607

Withdrawn by the applicant prior to the meeting.

O-2011-01: First Reading - AN ORDINANCE TO CONDITIONALLY REZONE 629 CEDAR CREEK GRADE (*Map Number 270-1-1*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY, B-2 WITH CE AND PLANNED UNIT DEVELOPMENT (PUD) OVERLAY, HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH CE AND PUD OVERLAY, AND HR WITH PUD OVERLAY TO B-2 WITH CE DISTRICT OVERLAY AND HR WITH PUD OVERLAY; AND, TO REVISE PROFFERS ASSOCIATED WITH CONDITIONAL ZONING OF 633 CEDAR CREEK GRADE (*Map Number 270-1-1A*) ZONED B-2 WITH CE AND PUD OVERLAY. RZ-10-712 The request amends some of the zoning proffers for 629 and 633 Cedar Creek Grade and better aligns zoning district boundaries with current and proposed property boundaries. The Comprehensive

Plan calls for a combination of major commercial, open space, and high density residential use.

O-2011-02: First Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 29-18 OF THE WINCHESTER CITY CODE PERTAINING TO SEPARATE WATER AND SEWER CONNECTIONS

O-2011-04: First Reading – AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY OF WINCHESTER LOCATED AT 150 COMMERCIAL STREET (FORMER LOCATION OF WINCHESTER/FREDERICK CO. HEALTH DEPARTMENT) TO THE WINCHESTER ECONOMIC DEVELOPMENT AUTHORITY FOR DISPOSITION

R-2010-30: Resolution – Approval for Packer Street Connection to W. Cedarmeade Avenue Affirmative Finding

Vice-Mayor McInturff moved to approve the resolution. The motion was seconded by Councilor Veach.

Councilor Willingham requested Planning Director Tim Youmans speak on the issue and the areas that appear to have not been addressed since it the last time it came up.

Mr. Youmans presented a summary of the original plans for the extension and for what is currently planned after reviewing the traffic study. He also discussed a list of pros and cons for the extension.

Councilor Veach left the meeting at 8:06 p.m.

Vice-President Major requested City Attorney Anthony Williams and Public Utilities Director Perry Eisenach to prepare information on the bonding and storm drainage issues.

The motion passed 5/1 with Councilor Willingham voting in the negative.

SD-10-742: Subdivision - Request of Marsh & Legge Land Surveyors, PLC for final subdivision approval for a subdivision with right of way dedication at 128, 132, and 136 Weems Lane zoned Highway Commercial (B-2) District.

Councilor Clark moved to approve SD-10-742. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

Motion: Approval of Proposed Operation Budget for FY2012 for the Opequon Water Reclamation Facility subject to the adoption of the Appropriations Ordinance

Councilor Willingham moved to approve the proposed budget. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

Announcement: The term expiration of Brian Hester as a member of the Board of Zoning Appeals effective April 30, 2011 and direct the Clerk of Council to advertise the vacancy.

Announcement: The term expirations of Tim Bandyke and Tom Rockwood as members of the Board of Architectural Review effective April 30, 2011 and direct the Clerk of Council to advertise the vacancy.

Announcement: The term expirations of Krista Farris, John Elliot, and Tim Grove as members of the Parks and Recreation Board effective April 30, 2011 and direct the Clerk of Council to advertise the vacancy.

ADJOURNMENT

Mayor Minor moved to adjourn the meeting at 8:20 p.m. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council