

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
December 27, 2011
City Council Chambers – Rouss City Hall**

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)

Vice-President Major called the meeting to order at 6:00 p.m.

Items for Discussion:

CU-11-630: Conditional Use Permit - Request of DBL Holdings, LLC for a conditional use permit for a two-family dwelling at 386-388 Charles Street (*Map Number 174-01-Q-27*) zoned Limited High Density Residential (HR-1) District.

Planning Director Tim Youmans presented the request for a two family dwelling at 386-388 Charles Street. He stated the BZA granted the needed variances and the Planning Commission recommended approval.

Councilor Veach moved to forward CU-11-630 to Council. *The motion was seconded by Councilor Hill then unanimously approved 7/0.*

O-2011-55: AN ORDINANCE TO REZONE AN APPROXIMATELY 1.0 ACRE PORTION OF LAND AT 110-140 KEATING DRIVE (*Map Number 149-01-6*) FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO RESIDENTIAL OFFICE (RO-1) DISTRICT WITH CE DISTRICT OVERLAY. The Comprehensive Plan calls for medical and general office uses on the periphery of the Medical Center District.
RZ-11-669

Mr. Youmans stated this request to rezone a portion of Keating Drive is related to the rezoning approved earlier this month. Due to the shared access, a portion of the Sacred Heart Catholic Church property must be rezoned the same way.

Councilor Willingham moved to forward O-2011-55 to Council. *The motion was seconded by Vice-Mayor McInturff then unanimously approved 7/0.*

O-2011-53: AN ORDINANCE TO AMEND AND RE-ENACT SECTION 5-14 OF THE WINCHESTER CITY CODE, PERTAINING TO KEEPING LIVESTOCK AND FOWL WITHIN THE CITY LIMITS

Zoning Administrator Vince Diem presented the privately sponsored request to keep chickens on single family dwelling parcels within the city. He stated there are a number of localities throughout the country that are engaging in this opportunity and provided a copy of a research paper that compared some of the localities and the pros and cons. He stated there are two sides of the issue. One side is against it for reasons such as noise and smell and the other side wants the opportunity for cost savings over retail prices. This ordinance would allow the ability to regulate animal enclosures, animal control issues, permits and fees, outside slaughtering, and the spread of disease. Staff did meet with Dr. Charles Devine of the Health Department to vet out the concerns regarding possible risks for disease. Roanoke does allow chickens within the city limits and have received little or no complaints.

Mayor Minor stated she can't see how allowing chickens will help towards Council's goals of moving Winchester forward.

Councilor Willingham asked if other cities allow chickens by-right or through a permit process. Mr. Diem stated it is by-right unless they want to go over the number of chickens allowed. Councilor Willingham asked if staff has looked at allowing this on co-op farms instead of private residences. Mr. Diem stated that has not been considered. Since this came as a privately sponsored ordinance, staff wanted to vet out the citizen's proposal first. Councilor Willingham stated he would not support this as by-right but would look at other opportunities.

Councilor Hill stated he grew up in an area where chickens were raised responsibly but he is concerned people will not be responsible now. There is the possibility that roosters will be brought in and chicken fights will occur. He is not sure he would support this as it is now.

Councilor Veach asked if staff had any idea on the number of interested citizens. Mr. Diem stated a hand full of citizens have expressed interest either through the applicant or a member of Council.

Councilor Clark stated he is personally aware of many families with chicken coops in the surrounding area. Most of them are responsible and are interested in sustainability. He offered to provide Council with names of the individuals so they can get more information. He also expressed his interested in having chickens at his house and suggested Council look at the success found in other localities.

Councilor Clark moved to forward O-2011-53 to Council. The motion was seconded by Vice-President Major.

Vice-Mayor McInturff stated he does not see the pros in doing this in Winchester. He expressed his concern with enforcement of citizens who don't follow the rules and with the impacts on property values. He stated he would take a different look but he cannot support this citywide.

The motion was defeated 2/5 with Councilors Hill, Veach, and Willingham, Vice-Mayor McInturff and Mayor Minor voting in the negative.

Executive Session - MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF the ACQUISITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF INVESTMENT OF PUBLIC FUNDS WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED AND PURSUANT TO §2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION PERTAINING TO THE APPOINTMENT OF SPECIFIC PUBLIC OFFICERS AND APPOINTEES INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS BY COMMON COUNCIL.

Vice-Mayor McInturff moved to convene in executive session at 6:28 p.m. *The motion was seconded by Councilor Willingham then unanimously approved 7/0.*

Councilor Willingham moved to reconvene in open session at 7:39 p.m. *The motion was seconded by Mayor Minor then unanimously approved 7/0.*

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:

<u>MEMBER</u>	<u>VOTE</u>
President Buettner	Absent
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

Vice-Mayor McInturff moved to forward to Council a resolution authorizing the City Manager to terminate the city's contract with the Mercer Group on mutual agreed terms with the Mercer Group and the Manager is further authorized and directed to execute the attached agreement with Springsted Incorporated for completion of the City Manager search. *The motion was seconded by Councilor Willingham then unanimously approved 7/0.*

Councilor Willingham moved to forward the nomination of Bill Pifer as a member of the Winchester Airport Authority. *The motion was seconded by Mayor Minor then unanimously approved 7/0.*

Adjourn

Vice-Mayor McInturff moved to adjourn the meeting at 7:40 p.m. *The motion was seconded by Councilor Willingham then unanimously approved 7/0.*