

**MINUTES OF THE COMMON COUNCIL  
IN REGULAR SESSION  
February 27, 2007**

A regular session of the Winchester Common Council was held on Tuesday, February 27, 2007 in the Council Chambers, Rouss City Hall. President Charles T. Gaynor called the meeting to order at 7:30 p.m.

**PRESENT:** President Gaynor, Mayor Minor, and Vice Mayor Buettner. Councilors Clark, Coyne, Helm, Major, Masters, Nelson. (9)

**ABSENT:** Vice-President Griffin and Councilor Butler (2)

Deputy Clerk Robin Link introduced Cody Doland, an Administration Intern.

**INVOCATION** – Rev. George Fletcher, First Baptist Church pronounced the invocation.

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

President Gaynor presented a motion to amend the agenda to add a “Motion to approve resolutions of appreciation to Senator H. Russell Potts, Delegate Clifford “Clay” Athey Jr., and Delegate Beverly Sherwood,” to the Finance and Administration Committee report. *The motion was unanimously approved by voice-vote.*

**APPROVAL OF MINUTES** – Councilor Coyne moved that the minutes of the January 9, 2007 Regular Meeting and January 31, 2007 Special Meeting be approved as amended:

- January 9, 2007 Regular Meeting Minutes- Strike the word “unanimously” on page 2.

Councilor Coyne made a motion to amend two items on page four of the December 12, 2006 Regular Meeting minutes to read as follows:

Councilor Coyne made a motion to amend the ordinance by changing the councilors’ salaries to \$100 instead of \$300 per month and the mayor’s salary to \$200 per month. *The motion was seconded by Councilor Pate and defeated by a voice-vote of 11-1.’*

- Change “a” to “no” on page 3- “Councilor Coyne stated that no break in access will be noted in the deed.”

*The motion was seconded by President Gaynor and unanimously approved by voice-vote.*

Assistant City Manager Craig Smith introduced Sibongiseni Buthelezi, a visitor from Johannesburg, South Africa through ICMA.

President Gaynor called upon Roy Walker. Mr. Walker introduced that the Troop 2 Boy Scouts from First Presbyterian Church were present to earn their “Citizenship in the Community Merit Badge.”

**REPORT OF PRESIDENT**

President Gaynor announced that this meeting had been designated and advertised as a public hearing on the following:

- Public Hearing: AN ORDINANCE TO REZONE APPROXIMATELY A 4,356 SQUARE FOOT PORTION OF A PARCEL (Section 271, Double Circle 4, Lots 8B and 9B) SITUATED ALONG THE WEST SIDE OF PAPERMILL ROAD BETWEEN 2245 AND 2253 PAPERMILL ROAD FROM HIGH DENSITY RESIDENTIAL, HR DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT. **RZ-06-04** – The Comprehensive Plan calls for high-density residential and commercial use in the area.

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:37 p.m.*

- Public Hearing: AN ORDINANCE TO CONDITIONALLY REZONE 1.0473 ACRES OF UNDEVELOPED LAND FROM HIGHWAY COMMERCIAL, B-2 DISTRICT TO COMMERCIAL INDUSTRIAL, CM-1 DISTRICT AT 140 WEEMS LANE (Section 271, Double Circle 1, Lot 3) ZONED HIGHWAY COMMERCIAL, B-2 DISTRICT AND TO CONDITIONALLY REZONE A 4.8281 ACRE PORTION OF UNDEVELOPED LAND FROM LIMITED INDUSTRIAL, M-1 DISTRICT TO COMMERCIAL INDUSTRIAL, CM-1 DISTRICT AT 144 WEEMS LANE (Section 271, Double Circle 1, Lot 4) ZONED LIMITED INDUSTRIAL, M-1 DISTRICT AND COMMERCIAL INDUSTRIAL, CM-1 DISTRICT. **RZ-06-03** The Comprehensive Plan calls for commercial and light industrial uses.

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:38 p.m.*

- Public Hearing: AN ORDINANCE AMENDING ARTICLE 1.2 OF THE ZONING ORDINANCE PERTAINING TO THE DEFINITIONS OF BOARDING HOUSE, ROOMING HOUSE AND TOURIST HOME. **TA-06-06**

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

- Public Hearing: An appeal of decision by the Board of Architectural Review denying the paint color of Tutu Pink located at 24 E. Piccadilly Street.

*Alicia Pearson, 123 Battlefield Drive, Winchester, VA 22602, owner of Tutu Pink was present and passed around a petition to Councilors and let them know if they had any questions that she was available to answer them.*

*The President declared the public hearing closed at 7:40 p.m.*

- Public Hearing: An appeal of decision by the Board of Architectural Review denying the request for approval of restoring the existing porch base and adding an iron railing to 618 S. Loudoun Street.

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:44 p.m.*

- Public Hearing: To provide interested citizens an opportunity to appear before the Council and state their views on approval or disapproval of the budget supplemental appropriations for Fiscal Year ending June 30, 2007.

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:42 p.m.*

- Motion to appoint Tim Machado as a member of the Community Development Committee for a three-year term expiring December 31, 2009. *The motion was seconded by Councilor Helm and unanimously approved by a voice-vote.*
- Motion to re-appoint Jeff Buettner, Ron Mislowsky, and Cheryl Connolly as members of the Community Development Committee for three-year terms expiring December 31, 2009. *The motion was seconded by Councilor Helm and unanimously approved by a voice-vote.*
- Call on Mike Butler to present two Resolutions.

In Mike Butler's absence, President Gaynor called upon Richard Helm to present a resolution to Garland Miller.

President Gaynor temporarily suspended the regularly scheduled order of the Agenda to allow for the immediate presentation of the Community Services Committee Report.

## **COMMUNITY SERVICES**

Vice-Chairman Helm presented the following:

- Motion to adopt a resolution honoring Garland Miller. *The motion was seconded by President Gaynor and unanimously approved by a voice-vote.*
- Motion to adopt a resolution honoring Gary Cristy. *The motion was seconded by President Gaynor and unanimously approved by a voice-vote.*
- Motion to adopt a resolution for additions to our approved street lane mileage of Virginia Department of Transportation. *The motion was seconded by Vice-Mayor Buettner and unanimously approved by a voice-vote.*
- Announced the term expirations of Jack McDonald, Terry Walker, and Debbie Lewis as members of the Parks and Recreation Board effective April 30, 2007, and directed the Clerk of Council to advertise the vacancies. All members were eligible for re-appointment.

## FINANCE AND ADMINISTRATION

Chairman Buettner presented the following:

- First Reading, by title: AN ORDINANCE TO INITIATE AND ESTABLISH THE PROCESS FOR GRANTING A FRANCHISE BY THE CITY OF WINCHESTER, VIRGINIA, TO PROVIDE A CITY-WIDE WIRELESS NETWORK FOR INTERNET ACCESS AND TO USE THE PUBLIC RIGHT-OF-WAY AND OTHER PUBLIC PLACES IN FURTHERANCE THEREOF.
- Motion to approve a Resolution to adopt the certified corporate Resolution for depository authorization for BB&T Bank. *The motion was seconded by Mayor Minor and unanimously approved by a voice-vote.*
- Motion to adopt a Resolution establishing committees of council members. *The motion was seconded by Councilor Major and unanimously approved by a voice-vote.*
- Motion to adopt a transit Resolution authorizing an application to the Virginia Department of Rail and Public Transportation for state aid to public transportation for Fiscal Year 2007. *The motion was seconded by Councilor Helm and unanimously approved by a voice-vote.*
- Motion to approve the Fiscal Year 2007 Budget Supplemental Appropriations. *The motion was seconded by Councilor Nelson and unanimously approved by a voice-vote.*
- Motion to approve resolutions of appreciation to Senator H. Russell Potts, Delegate Clifford “Clay” Athey Jr., and Delegate Beverly Sherwood. *The motion was seconded by Councilor Helm and unanimously approved by a voice-vote.*

President Gaynor stated his appreciation to everyone who helped with cost of competing funds.

## PLANNING AND DEVELOPMENT

Vice-Chairman Nelson presented the following in Chairman Griffin’s absence:

- Second Reading, by title, for adoption: AN ORDINANCE TO REZONE APPROXIMATELY A 4,356 SQUARE FOOT PORTION OF A PARCEL (Section 271, Double Circle 4, Lots 8B and 9B) SITUATED ALONG THE WEST SIDE OF PAPERMILL ROAD BETWEEN 2245 AND 2253 PAPERMILL ROAD FROM HIGH DENSITY RESIDENTIAL, HR DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT. **RZ-06-04**

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

- Second Reading, by title, for adoption: AN ORDINANCE TO CONDITIONALLY REZONE 1.0473 ACRES OF UNDEVELOPED LAND FROM HIGHWAY COMMERCIAL, B-2 DISTRICT TO COMMERCIAL INDUSTRIAL, CM-1 DISTRICT AT 140 WEEMS LANE (Section 271, Double Circle 1, Lot 3) ZONED HIGHWAY COMMERCIAL, B-2 DISTRICT AND TO CONDITIONALLY REZONE A 4.8281 ACRE PORTION OF UNDEVELOPED LAND FROM LIMITED INDUSTRIAL, M-1 DISTRICT TO COMMERCIAL INDUSTRIAL, CM-1 DISTRICT AT 144 WEEMS LANE (Section 271, Double Circle 1, Lot 4) ZONED LIMITED INDUSTRIAL, M-1 DISTRICT AND COMMERCIAL INDUSTRIAL, CM-1 DISTRICT. **RZ-06-03**

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

- Second Reading, by title, for adoption: AN ORDINANCE AMENDING ARTICLE 1.2 OF THE ZONING ORDINANCE PERTAINING TO THE DEFINITIONS OF BOARDING HOUSE, ROOMING HOUSE AND TOURIST HOME. **TA-06-06**

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

- Motion to affirm the decision by the Board of Architectural Review denying the request of Alicia Pearson, Jane Bibb and Clorissa Bibb-Simpson (Owners of Tutu Pink) for a Certificate of Appropriateness for paint color on a structure located at 24 E. Piccadilly Street. *After much discussion, the motion was seconded by Councilor Helm and approved by a 6-3 voice-vote with Vice-Mayor Buettner, Councilor Major, and President Gaynor voting in the negative.*
  
- Motion to affirm the decision by the Board of Architectural Review denying the request of David McLaughlin for a Certificate of Appropriateness for restoring the existing porch base and adding an iron railing to 618 S. Loudoun Street. *The motion was tabled until further notice and was seconded by Mayor Minor and unanimously approved by a voice-vote.*
  
- Motion to appoint \_\_\_\_\_ to fill an unexpired four-year term on the Industrial Development Authority (aka EDA) expiring on August 31, 2007. *The motion was tabled until the March 2007 regular meeting and unanimously approved by a voice-vote.*
  
- Announce the term expirations of Tom McCabe and Richard Bell as members of the Board of Architectural Review effective April 30, 2007, and direct the Clerk of Council to advertise the vacancies. Mr. McCabe is eligible for re-appointment. Mr. Bell is not eligible for re-appointment.
  
- Announce the term expiration of Azmi Uthman as a member of the Board of Zoning Appeals effective April 30, 2007, and direct the Clerk of Council to advertise the vacancy. Mr. Uthman is eligible for re-appointment.

**NEW BUSINESS**

Mayor Minor reminded Councilors about the Eligibility Worker reception scheduled for February 28<sup>th</sup> at 3:30 p.m. in the Council Chambers.

Mayor Minor also reminded Councilors about the Employee Recognition Breakfast scheduled for March 16<sup>th</sup> at 7:30 a.m. at Lee-Jackson.

She also announced that Parks and Recreation held the ground breaking ceremony for the Senior Citizens Center at the War Memorial Building.

President Gaynor distributed a draft agenda for the Council Advance scheduled for March 9-10, 2007 at the Airlie Conference Center.

**ADJOURNMENT** – With no further business, the meeting adjourned at 8:29 p.m.

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Robin L. Link  
Deputy Clerk of the Common Council