

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
March 13, 2007**

A regular session of the Winchester Common Council was held on Tuesday, March 13, 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, Vice-President Griffin, Mayor Minor, and Vice Mayor Buettner. Councilors Butler, Clark, Coyne, Helm, Major, Masters, Nelson. (11)

ABSENT: None. (0)

INVOCATION – Rev. Elizabeth Lewis, Westminster-Canterbury pronounced the invocation.

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

APPROVAL OF MINUTES – Councilor Butler moved that the minutes of the February 27, 2007 Regular Meeting be approved as presented. *The motion was seconded by Councilor Coyne and unanimously approved by voice-vote.*

President Gaynor presented a motion to amend the agenda as follows:

Report of President

- Call on Donald Miles of the Electoral Board to report on regulation changes.

Finance and Administration Committee

- Second Reading, by title, to amend and adopt: 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.

(TEXT AMENDMENT ONLY)

6. The Grantee will not use the privileges granted by this Franchise to provide the functional equivalent of ~~a cable system or cable service.~~ *video services licensed by the Federal Communications Commission that are provided by a cable system or cable service.*

Community Service Committee

- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ADOPT SUBSECTION (B) OF SECTION 16-32 OF THE WINCHESTER CITY CODE CONCERNING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND

POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES.

Vice-President Griffin made a motion to add the above items to the agenda. *The motion was unanimously approved.*

REPORT OF PRESIDENT

- President Gaynor called on Donald Miles of the Electoral Board to give an overview on regulation changes and requested authorization to submit a letter to delay the replacement of voting machines.

Vice-President Griffin made a motion authorizing the Electoral Board to send a letter to Governor Tim Kaine delaying the implementation of replacing machines. *The motion was seconded by Vice-Mayor Buettner and unanimously approved by voice-vote.*

President Gaynor called upon Roy Walker. Mr. Walker introduced the Boy Scouts from First Presbyterian Church that could not attend the February 27, 2007 Regular Meeting to earn their "Citizenship in the Community Merit Badge."

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

- Public Hearing: 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.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:48 p.m.

- Public Hearing: Request of Dale A. Massey for re-approval of a conditional use permit for a nightclub at 125 East Piccadilly Street zoned Central Business, B-1 District with Historic Winchester, HW overlay. **CU-07-01**

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

- Motion to approve a resolution honoring Phillip E. Lewis. *The motion was seconded by Councilor Coyne and unanimously approved by voice-vote.*

Councilor Butler presented a resolution to Phillip E. Lewis.

FINANCE AND ADMINISTRATION

Chairman Buettner presented the following:

- Second Reading, by title, for adoption: 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.

Assistant City Manager Craig Smith clarified the text amendment as it pertained to FCC license content.

President Gaynor requested that the City provide a free wireless area for students to use.

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

Chairman Buettner made a motion to approve the following text amendment for this ordinance. The motion was seconded by Vice-President Griffin.

(TEXT AMENDMENT ONLY)

The Grantee will not use the privileges granted by this Franchise to provide the functional equivalent of a cable system or cable service; *video services licensed by the Federal Communications Commission that are provided by a cable system or cable service.*

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	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye

Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- First Reading, by title: AN ORDINANCE TO AMEND SECTION 7-17 OF THE WINCHESTER CITY CODE BY CHANGING THE POLLING LOCATION OF THE FIRST WARD FROM HANDLEY LIBRARY TO THE FELLOWSHIP HALL OF THE FIRST CHRISTIAN CHURCH OF WINCHESTER AT 75 MERRIMANS LANE.

PLANNING AND DEVELOPMENT

Chairman Griffin presented the following:

- Motion to table until September 2007: AN ORDINANCE TO APPROVE A SPOT BLIGHT ABATEMENT PLAN FOR THE ACQUISITION, DEMOLITION AND RESALE OF 222 S. KENT STREET PER VIRGINIA CODE SECTION 36-49.1:1. **SBA-06-05** *The motion to table until September 2007 was seconded by Councilor Nelson and unanimously approved by a voice-vote.*
- First Reading, by title: AN ORDINANCE TO CONVENTIONALLY REZONE AN APPROXIMATELY 2.0 ACRE PORTION OF LAND FROM INTENSIVE INDUSTRIAL, M-2 DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT AT 1944 VALLEY AVENUE ZONED INTENSIVE INDUSTRIAL, M-2 DISTRICT. The Comprehensive Plan calls for both industrial and commercial uses in this area. **RZ-07-02**
- First Reading, by title: AN ORDINANCE TO REZONE APPROXIMATELY 39 ACRES CONTAINING APPROXIMATELY 47 PARCELS OF LAND, EITHER IN FULL, OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT, CE DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 300 FEET OF, THE VALLEY AVENUE RIGHT OF WAY. The Comprehensive Plan calls for urban design guidelines for private development along corridors leading into the City and within the City center. The Proposed CE District does not affect the land use of a property. Instead, the district regulates building aesthetics and site features for major tourist access routes leading to the City's Historic District. **RZ-06-02**
- First Reading, by title: AN ORDINANCE TO APPROVE THE SALE OF CITY PROPERTY LOCATED IN ROLLING HILLS ESTATES, CONTAINING .304 ACRES (13,242 SQUARE FEET), MORE OR LESS, MAP 289, BLOCK 1 PARCEL 1, SUFFIX 7, TAX MAP 289-7-1, TO BALAJI, INC.
- Motion to approve the request of Dale A. Massey for re-approval of a conditional use permit for a nightclub at 125 East Piccadilly Street zoned Central Business, B-1 District with Historic Winchester, HW overlay. **CU-07-01** *The motion was seconded by Councilor Helm and unanimously approved by a voice-vote.*
- Motion to approve the request of Painter-Lewis, PLC for subdivision approval of 5 lots in the Glen Lea Subdivision at 445 Fairmont Avenue zoned Low Density Residential, LR

District. **SD-07-01** *The motion was seconded by Councilor Coyne and unanimously approved by a voice-vote.*

- Motion to recommend to the Circuit Court that Azmi Uthman be re-appointed to the Board of Zoning Appeals. *The motion was seconded by Councilor Nelson and unanimously approved by a voice-vote.*
- Motion to appoint Dan Troup as a member the Industrial Development Authority (aka EDA) for an unexpired term ending August 31, 2007. *The motion was seconded by Mayor Minor and unanimously approved by a voice-vote.*
- Announce the term expiration of John Schroth as a member of the Winchester Parking Authority effective May 31, 2007, and directed the Clerk of Council to advertise the vacancy. Mr. Schroth was eligible for re-appointment.

Chairman Griffin recognized Suzanne Wilder, a reporter with The Winchester Star, who will be leaving the Winchester Star at the end of the week.

COMMUNITY SERVICES

Chairman Butler presented the following:

- First Reading, by Title: AN ORDINANCE TO AMEND AND RE-ADOPT SUBSECTION (B) OF SECTION 16-32 OF THE WINCHESTER CITY CODE CONCERNING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES.
- Motion to re-appoint Christian P. Schweiger and Rev. James Utt as members of the Social Services Advisory Board for four-year terms expiring March 31, 2011. *The motion was seconded by Councilor Masters and unanimously approved by a voice-vote.*

NEW BUSINESS

Mayor Minor announced that March was Social Worker month.

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

She also made an announcement about the Pinning Ceremony for the Winchester Police Officers who had recently been promoted to Sergeant, Lieutenant and Captain scheduled for Friday, March 16th at 2:00 p.m. in the Council Chambers.

Mayor Minor congratulated Councilor Butler, Councilor Helm, and WCT Channel 20 on their selection for a 2007 Tele Award for the EMS fee for service video.

She also wanted to thank all of the City employees for their contributions to the Lord Fairfax Food Drive. City employees contributed 617 pound of food, which would provide 500 meals for needy families.

President Gaynor announced that a Planning and Development Committee meeting would be held on April 4th, 2007 and a Finance and Administration Committee meeting would be held on March 28th, 2007.

President Gaynor also took the time out to thank Suzanne Wilder from The Winchester Star for her work with Council and also wished her the best of luck.

ADJOURNMENT – With no further business, the meeting adjourned at 8:07 p.m.

Robin L. Link
Deputy Clerk of the Common Council