

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
July 14, 2009**

A regular session of the Winchester Common Council was held on Tuesday, July 14, 2009 in the Council Chambers, Rouss City Hall. President Jeffrey Buettner called the meeting to order at 6:59 p.m.

PRESENT: President Jeff Buettner; Vice-Mayor Michael Butler; Councilor Evan Clark, John Hill, Milt McInturff and John Willingham; Vice-President Art Major; Mayor Elizabeth Minor (8)
ABSENT: Councilor Les Veach (1)

MOMENT OF SILENCE – President Buettner led the citizens and councilors in a moment of silence.

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

APPROVAL OF MINUTES – April 28, 2009 Special Meeting, June 9, 2009 Regular Meeting, June 17, 2009 Special Meeting, and June 23, 2009 Special Meeting.

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

REPORT OF PRESIDENT

- Motion to approve a resolution honoring Gary Longerbeam.

Vice-Mayor Butler moved to table the resolution until Mr. Longerbeam could be present. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- Motion to approve a resolution honoring Archie L. Ritenour.

Vice-President Major moved to table the resolution until Mr. Ritenour could be present. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

- Public Hearing: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 25-30 AND 25-31 OF THE CITY CODE TO INCREASE THE AGGREGATE LAW LIBRARY AND COURTHOUSE MAINTENANCE FEE AND ADOPT SECTION 25-29 OF THE CITY CODE TO AUTHORIZE A COURTHOUSE COMPLIANCE FEE IN ACCORDANCE WITH HOUSE BILL 2311

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:01 p.m.

- Public Hearing: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 21-25 OF THE WINCHESTER CITY CODE PERTAINING TO PURCHASING AND PROCUREMENT

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:02 p.m.

- Public Hearing: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 25-17 OF THE WINCHESTER CITY CODE REGARDING THE COMPOSITION; APPOINTMENT; AND TERM OF MEMBERS OF THE OLD TOWN DEVELOPMENT BOARD

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:02 p.m.

- Public Hearing: AN ORDINANCE AMENDING ARTICLE 20 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE BOARD OF ZONING APPEALS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:06 p.m.

- Public Hearing: AN ORDINANCE TO AMEND, CREATE AND ADOPT; SECTIONS 6-132 THROUGH 6-134 OF THE WINCHESTER CITY CODE, REGARDING SPOT BLIGHT ABATEMENT AND DERELICT BUILDINGS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:06 p.m.

- Public Hearing: Request of Christina Thompson for a Conditional Use Permit for a Neighborhood Convenience Establishment at 715 South Kent Street (Map 213-01-H-14) zoned Limited High Density Residential (HR-1) District. CU-09-05

Richard Greenfield of 119 E. Germain Street stated he is opposed to the request. This is a high density residential area that a convenience store will break completely. It also sets a precedent for other exceptions. He does not think a convenience store is necessary in that particular neighborhood. There are other areas which are walkable that the residents can go to. Plus, people have cars so there is no need for a convenience store. He bought into a house that needed a lot of work which is now a showcase on the street. The street itself is beginning to go upscale. Kent is beginning to go upscale. He thinks a convenience store is not an upscale move. It is absolutely the wrong direction to go. The Patsy Cline Museum will be a fine attraction, it's cultural and historic. He doesn't think people who come to the Patsy Cline Museum will want to turn around to see a convenience store across the street with whoever

gathers around there because convenience stores tend to be hangouts. He stated this is not the right move. .

Christina Thompson of 715 S. Kent Street stated she and her husband are not putting in a convenience store. They are looking at a market that would assist other individuals within the vicinity of the local area to maybe provide their own business there in a section of the store front. It would be for a farmer or a small merchant that would otherwise not be able to go out on their own. They are trying to support the community and provide a variety of items that you would find in a marketplace at the same time. In the future, if the business is successful or tourism picks up, they would like the opportunity to put in a café. They are looking at more staple items that would actually be needed on a regular basis for the market.

With no further citizens to address Council, the President closed the hearing at 7:06 p.m.

- Motion to authorize the President to execute an emergency procured contract with Springsted Inc., for City Manager recruitment services.

Councilor Willingham moved to approve the authorization. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

- First Reading, by title: AN ORDINANCE TO AUTHORIZE THE ALLOCATION AND EXPENDITURE OF FUNDS FOR CITY MANAGER RECRUITMENT SERVICES
- Floyd Sadler of 34 Wolf Street stated it was brought to his attention that Zuckerman's Recycling only recycles a small percentage of the plastics collected by the City from its citizens. About 40-70% of the plastics are thrown in the landfill. The only thing that Zuckerman's recycles in a plastic sense is type 1 and type 2 coke bottles because they can receive the deposit money for them. He has spoken with Zuckerman's and the City's Recycling Manager but has been tossed between both of them. There are other facilities that will recycle the other types of plastic. Not only does Zuckerman's not recycle type 4 plastics but they do not recycle all of type 1 plastics such as the clear sandwich containers, ketchup bottles, and any other items that are not coke or water bottles that have a 3 cent deposit on it. Everything else goes directly to the landfill. The citizens of the City thought the items they have been washing for the past few years have been recycled when they were not. It is aggravating because he and his wife are big recyclers and they believe a lot of City Council and a lot of governments want to go green but the City of Winchester needs to do more with their recycling if they want to talk green. He is looking locally at Waste Management who possibly recycles all types of plastics but Zuckerman's refuses to recycle any other type of plastic other than coke bottles because there is no market for it. The citizens don't recycle their plastic because there is a market for it, they recycle because it is good for the earth and they are trying to save what resources are left in this world that we have not already depleted. He volunteered his services to Zuckerman's to help find someone to purchase the city's plastic but was basically told they were not interested. He has taken it in his own hands to find a company that will purchase or

receive the plastic from the city. One company said they will only take a 30,000 pound minimum which is a lot of plastic but there has to be another way of doing it. There is a lot of recyclable plastic going into the landfill when the purpose of recycling is to save the landfill. Paper biodegrades in 3 years where plastic biodegrades in 75 years. Chipped up plastic only takes 15 years instead of 75 years. If they are not going to do it, we need to find a better recycling facility. The citizens he has spoken to are extremely aggravated with the idea the plastics they thought were being recycled are going to the landfill. He has contacted the Winchester Star about this issue but has not heard back from them yet. He would like to take pictures at Zuckerman's to see how much of it is going to recycling and how much to the landfill. Zuckerman's stated they accept plastics from the surrounding area so he wonders how many cities in the area are going to be just as aggravated as the citizens he has spoke with about it. He asked what City Council can do about this.

President Buettner recommended Mr. Sadler contact Councilor Les Veach, Public Services Committee Chair, to see what can be done about this.

REPORTS OF STANDING COMMITTEES

FINANCE AND ADMINISTRATION

Chairman Major presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 25-30 AND 25-31 OF THE CITY CODE TO INCREASE THE AGGREGATE LAW LIBRARY AND COURTHOUSE MAINTENANCE FEE AND ADOPT SECTION 25-29 OF THE CITY CODE TO AUTHORIZE A COURTHOUSE COMPLIANCE FEE IN ACCORDANCE WITH HOUSE BILL 2311

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	Absent
Councilor Willingham	Aye
President Buettner	Aye

- Motion to approve the restructure of the Parking Authority Staff.

Councilor McInturff moved to table the proposal and send it back to the Finance Committee. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

- Motion to adopt a Resolution establishing a schedule of regular and alternate dates for each Council meeting for the period beginning July 1, 2009 and concluding June 30, 2010.

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

- Motion to adopt a Resolution establishing a schedule of regular and alternate dates for each First Reading Meeting for the period beginning July 1, 2009, and concluding June 30, 2010.

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

- Motion to appoint Irvin Shendow as a member of the Winchester Regional Airport Authority to a four year term expiring June 30, 2013.

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

- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Jerry Partlow as a member of the Winchester Regional Airport Authority.

Councilor Willingham moved to approve the certificate for Mr. Partlow. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

PLANNING AND DEVELOPMENT

Chairman Butler presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 25-17 OF THE WINCHESTER CITY CODE REGARDING THE COMPOSITION; APPOINTMENT; AND TERM OF MEMBERS OF THE OLD TOWN DEVELOPMENT BOARD

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	Absent
Councilor Willingham	Aye
President Buettner	Aye

- Second Reading, by title, for adoption: AN ORDINANCE AMENDING ARTICLE 20 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE BOARD OF ZONING APPEALS

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	Absent
Councilor Willingham	Aye
President Buettner	Aye

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND, CREATE AND ADOPT; SECTIONS 6-132 THROUGH 6-134 OF THE WINCHESTER CITY CODE, REGARDING SPOT BLIGHT ABATEMENT AND DERELICT BUILDINGS

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	Absent
Councilor Willingham	Aye
President Buettner	Aye

- Motion to approve the request of Christina Thompson for a Conditional Use Permit for a Neighborhood Convenience Establishment at 715 South Kent Street (Map 213-01-H-14) zoned Limited High Density Residential (HR-1) District. CU-09-05

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

- Motion to approve the request for re-approval of a temporary permit for two (2) conjoined structures at the Winchester Medical Center for use by the BioMed Department.

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

- Motion to direct the Clerk of Council to prepare Certificates of Appreciation for Rhonda Kriz and Kim Dodd as members of the Winchester-Frederick County Tourism Board.

Vice-President Major moved to approve the certificates for Ms. Kriz and Ms. Dodd. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for William Bayliss as a member of the Industrial Development Authority.

Councilor Willingham moved to approve the certificate for Mr. Bayliss. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- Announce the resignation of Steve Northcutt as a member of the Old Town Development Board and direct the Clerk of Council to advertise the vacancy.

PUBLIC SERVICES

In the absence of Chairman Veach, President Buettner presented the following:

- Motion to approve a resolution to modify the location for sidewalk replacements for the Revenue Sharing project with VDOT to coincide with upcoming utility replacement projects.

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

- Motion to approve resolution to support the application of \$1 million of Revenue Sharing Funds from the Virginia Department of Transportation.

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

- Announce the resignation of Andrew Hershey as a member of the Winchester Parking Authority and direct the Clerk of Council to advertise the vacancy.
- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Andrew Hershey as a member of the Winchester Parking Authority.

Councilor Clark moved to approve the certificate for Mr. Hershey. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

- Motion to appoint Gerald Crowell and Jim Giraytys as members of the Natural Resources Advisory Board for a three year term expiring July 31, 2012. (NRAB

members Woody Bousquet, Jim Lawrence, and David Worthington were appointed on July 8, 2008 for a three year term expiring July 31, 2011.)

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

COMMUNITY SAFETY AND SERVICES

Chairman Minor presented the following:

- Motion to approve a Governing Body Resolution appointing authorizing agents for a \$65,000 Hazmat Grant.

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

- Motion to nominate Martha Dreiling to the Local Emergency Planning Committee.

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

HEALTH, EDUCATION AND WELFARE

Chairman Willingham presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 21-25 OF THE WINCHESTER CITY CODE PERTAINING TO PURCHASING AND PROCUREMENT

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	Absent
Councilor Willingham	Aye
President Buettner	Aye

- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Velma Whitmire as a member of the Winchester School Board.

Councilor Clark moved to approve the certificate for Ms. Whitmire. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

- Motion to direct the Clerk of Council to prepare Certificates of Appreciation for Brian Wigley and Donald Price as members of the Northern Shenandoah Valley Disability Services Board.

Councilor Clark moved to approve the certificates for Mr. Wigley and Mr. Price. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

NEW BUSINESS

Report of the Mayor

Mayor Minor stated the Winchester Police Department is proud to coordinate National Night Out. This year's events will be held on August 4 from 6 - 7:30 pm. National Night Out is designed to heighten crime prevention awareness; generate support for, and participation in, local anticrime programs; strengthen neighborhood spirit and police-community partnerships; and send a message to criminals letting them know that neighborhoods are organized and fighting back. The events will be held at Highland Avenue Church, Montague Avenue Church, Cedarmeade Avenue Watch Group, the Old Town Mall and two other pending locations. Contact the Police Department for more information

Mayor Minor stated the City is looking forward to the arrival of our Interim City Manager Robert Noe on July 28, 2009. Bob brings years of experience in local government management. The recruitment for a City Manager is progressing well.

Mayor Minor stated she is an advocate for free enterprise and understands it is a prime time for garage sales. However, she reminded everyone to take the signs down afterward and do not put the signs in the city right of ways or on the poles.

ADJOURNMENT

Councilor Clark moved to adjourn the meeting at 7:31 p.m. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council