

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
February 23, 2010**

A regular session of the Winchester Common Council was held on Tuesday, February 23, 2010 in the Council Chambers, Rouss City Hall. Vice-President Art Major called the meeting to order at 7:01p.m.

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

MOMENT OF SILENCE – Vice President Major 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.

Vice-President Major moved to add the resolution to host the Cal Ripken/Babe Ruth World Series to the agenda and to delete item O-2009-43 regarding the Spring Street vacation. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

Vice-President Major amended his motion to add a third item for a resolution to oppose the House Appropriation Committee proposed cuts in arts funding in Richmond. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

The main motion was unanimously approved by voice-vote modifying the agenda.

APPROVAL OF MINUTES – December 22, 2009 Work Session, January 12, 2010 Regular Meeting, and January 26, 2010 Special Meeting.

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

REPORT OF THE MAYOR

Mayor Minor expressed her gratitude to all of the Public Works employees and everyone who helped with the snow removal. She stated they did a fabulous job!

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 stated the Downtown Utility Infrastructure Improvement Project progresses well on Piccadilly Street. All of the new water main in Piccadilly has been installed. Contractors are currently working on finishing service line replacements. Sidewalk replacements will start during the next week (as weather allows...). In spite of all the snow, we are still on schedule to have the project completed before Apple Blossom.

Mayor Minor announced there will be a public meeting for Comprehensive Plan at John Handley High School on February 24, 2010.

REPORT OF THE CITY MANAGER

City Manager Jim O'Connor announced the Budget Committee meeting will be held Friday, February 26th, at noon in the Exhibit Hall.

REPORT OF THE CITY ATTORNEY

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

PUBLIC HEARINGS

O-2009-41: Second Reading – AN ORDINANCE TO CHANGE CITY CODE §14-68 WHEN PARKING METERS SHOULD BE OPERATED TO REFLECT METER ENFORCEMENT ON HOLIDAYS RECOGNIZED BY THE COMMONWEALTH OF VIRGINIA AND TWO DAYS OF THE ANNUAL SHENANDOAH APPLE BLOSSOM FESTIVAL.

No citizens came forward to address Council concerning this issue and the Vice-President declared the public hearing closed at 7:08 p.m.

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	Aye
Councilor Willingham	Aye
President Buettner	Absent

O-2009-42: Second Reading – AN ORDINANCE TO AMEND ARTICLE 8 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SPECIAL PROVISIONS

FOR SIDE AND REAR YARDS FOR COMMERCIAL CENTERS WITHIN THE HIGHWAY COMMERCIAL (B-2) DISTRICT. TA-09-359

No citizens came forward to address Council concerning this issue and the Vice-President declared the public hearing closed at 7:10 p.m.

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	Aye
Councilor Willingham	Aye
President Buettner	Absent

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

This item was deleted from the agenda at the beginning of the meeting.

CU-09-267: Conditional Use Permit – Nightclub request for Mi Salvador Restaurant at 930 Berryville Avenue.

Dan O’Hara, manager of Navy Federal Credit Union, asked if a determination of the establishment’s occupancy level had been approved. Zoning Administrator Vince Diem stated the night club use would not increase the occupancy level. Additional improvements to the building would need to be made based on the Building Code for that to occur.

Mr. O’Hara stated the main entrance and exit for the night club will be through the Credit Union’s driveways and expressed his concern for the property and for the security of the building. Mr. Diem stated the CUP only applies to their request for live or amplified music.

With no further citizens to address Council, the Vice-President declared the public hearing closed at 7:15 p.m.

Councilor Veach moved to approve CU-09-267. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

CU-09-360: Conditional Use Permit – Operation of extended stay lodging facility at 1347 Berryville Avenue.

No citizens came forward to address Council concerning this issue and the Vice-President declared the public hearing closed at 7:15 p.m.

Councilor Willingham moved to deny CU-09-360. The motion was seconded by Mayor Minor.

Councilor Clark stated he is having trouble understanding why individuals in extended stay situations may cause more trouble than someone staying over night. Mr. Diem stated the hotel/motel use is by right however, staff and the Planning Commission were uncomfortable with expanding the use given the concerns and history of incidents that have occurred there.

The motion to deny CU-09-360 passed 7/1 with Councilor Clark voting in the negative.

CU-09-434: Conditional Use Permit - Request of Scott Rosenfeld for nonresidential parking in a front yard on a dual frontage lot at 804 Amherst Street (Map Number 171-01-18) zoned Residential Office (RO-1) District with Historic Winchester (HW) District overlay.

No citizens came forward to address Council concerning this issue and the Vice-President declared the public hearing closed at 7:20 p.m.

Vice-Mayor Butler moved to approve CU-09-434. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

O-2010-01: Ordinance – AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2010

No citizens came forward to address Council concerning this issue and the Vice-President declared the public hearing closed at 7:21 p.m.

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	Aye
Councilor Willingham	Aye
President Buettner	Absent

Public Comments:

John Shepard of 319 East Piccadilly Street asked if he has to shovel his sidewalks within 24 hours of a snow fall ending, isn't the City bound by the same ordinance. Many of the sidewalks have not been touched. His son attends John Handley High School and had to walk home last Friday from school. His son had to walk in the street half of the time because the sidewalks were impassable. The sidewalks on his property are clean down to the cement. Isn't the City bound by the same ordinance? The other issue is that it has been 14 years since the last huge snow storm in 1996. He would suggest that for snow removal budget money, the City agrees to escrow that money in the years in between the major storms so there is money when it is needed. From his perspective, snow removal only works if everyone works at it.

Vice-President Major stated any unspent money goes into reserves so in essence that is what we are doing. He agrees with the sidewalk issues and will have City staff look into it.

Jeff Fowler of 309 Courtfield Avenue stated he is a parent of a kindergartner at John Kerr Elementary and a preschooler who wants to attend John Kerr. He believes in his sons and believes their future is with Winchester Public Schools. He is concerned for the coming WPS budget. He worries that the economic trial may push us to prefer the present necessity over the long vision. If the purpose of education is for the development of independence, then education has its influence with all aspects of community life. For its earliest access and for its promise of achievement, education stands as the bedrock value, the value worthy of adequate funding. For his own view, schools must be considered first. He respects other services and commitments and does not mean to suggest that some are anything less than essential. He does suggest that learning and teaching are uniquely challenging – organic endeavors that require long-term commitments by visionary, perhaps selfless citizens. He worries that folks will place unrealistic expectations upon the educational system. If funding cuts for public education are significant, he fears institutional learning will regress in form and in practice to that of the old public school mission of a rank-and-sort factory with kids as products competing for limited resources and limited success. He knows the numbers are not committed yet. WPS is looking at a \$3.2 million shortfall compared to last year. In practice, such cuts will present as a reduction of adults in the buildings. The effect is clear – larger class sizes, greater student to teacher ratios, and less productive engagement and less achievement for all students. He hopes the adults can shield the fallout of this recession with respect to degree and bear a greater portion of the weight for our broader shoulders. We have already placed a high price on the financial backs of the younger generations. He hopes with great sincerity that we dare not add ignorance, isolation, and a learned inflexibility to that equation. He is here to support funding to Winchester Public Schools. Funding that allows for the preservation of student programming; maintains the current level of instructional personnel; and works to support more teachers with kids. He appreciates the economic challenge but also believes that education carries a cost that grows debt exponentially if deferred. He addressed Council directly to assert that WPS funding is his priority. Teachers in the classroom for kids are his priority. To that end, as a citizen of Winchester, he is willing to pay for education. By fee or tax, he asked to pay for education. He believes in his boys. He believes that Winchester's way forward is consistent with its history, consistent with its support of public education. A long tradition of more than a few generations seems but to agree.

AGENDA

O-2010-02: First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 10 OF THE WINCHESTER CITY CODE PERTAINING TO FIRE PREVENTION AND PROTECTION

O-2010-03: First Reading - AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURES(S) AND PROPERTY LOCATED AT 146-148 NORTH LOUDOUN STREET

Mr. Diem presented a report that stated the property is not a contributing structure in the Historic District.

O-2010-04: First Reading – AN ORDINANCE TO APPROVE THE APPLICATION OF WINCHESTER MEDICAL CENTER FOR TAX EXEMPT STATUS BY CHARITABLE ORGANIZATION PURSUANT TO 27-33 OF THE WINCHESTER CITY CODE **Withdrawn by Applicant**

O-2010-05: First Reading – AN ORDINANCE TO ADOPT SECTIONS 21-15 AND 2-99 OF THE WINCHESTER CITY CODE PERTAINING TO SIGNATURE AUTHORITY, PURCHASING AND PROCUREMENT

R-2010-02: Resolution – Approval of New Streets to the City’s Street Inventory. Resulting in an increase of approximately \$21, 400 per year from VDOT.

Councilor Willingham moved to approve R-2010-02. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

R-2010-03: Resolution – Authorizing the application for FY11 Federal Operating Assistance for Transit

Councilor Clark moved to approve R-2010-03. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2010-04: Resolution – Authorizing the application for FY11 State Operating Assistance for Transit

Vice-Mayor Butler moved to approve R-2010-04. The motion was seconded by Councilor Clark then unanimously approved by voice-vote.

R-2010-06: Resolution – Approval for the Utilization of Social Media Technology

Mayor Minor moved to approve R-2010-06. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2010-07: Resolution – Approval of Council Regular Meeting and Work Session schedule.

Councilor Veach moved to approve R-2010-07. The motion was seconded by Councilor Clark then unanimously approved by voice-vote.

CU-04-06: Conditional Use Permit – Five year review of CUP issued to New Life Center, Inc. for an addition to a recovery center at 315 East Cork Street. (tabled at the January 12, 2010 meeting)

Councilor Veach moved to table CU-04-06 until July 1, 2011. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

R-2010-10: Resolution – Approval to host 2011 Cal Ripken-Babe Ruth League International 10 Year Old World Series

Councilor Veach moved to approve R-2010-10. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

R-2010-11: Resolution – Oppose House Appropriations Committee proposed cuts in Art Funding

Mayor Minor moved to approve R-2010-11. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Councilor McInturff moved to consolidate and approved the following appointments. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Appointment: Motion to re-appoint Perry S. McAlister as a member of the Lord Fairfax Emergency Medical Services Council for a 3 year term expiring June 30, 2012.

Appointment: Motion to re-appoint Larry Omps as a member of the Industrial Development Authority for a four year term expiring August 31, 2013.

Appointment: Motion to re-appoint Tim Coyne and Arthur Major as members of the Frederick-Winchester Service Authority for a three year term expiring August 31, 2012.

Appointment: Motion to appoint James R. O'Connor as the Clerk of Council.

Appointment: Motion to appoint James R. O'Connor as a member of the Juvenile Detention Commission for an indefinite term.

Appointment: Motion to appoint James R. O'Connor as a member of the Local Board of Social Services for an indefinite term.

Appointment: Motion to appoint James R. O'Connor as a member of the Winchester-Frederick County Metropolitan Planning Organization for an indefinite term.

Appointment: Motion to appoint James R. O'Connor as an ex-officio member of the Old Town Development Board for an indefinite term.

Appointment: Motion to appoint James R. O'Connor as the Administrative Advisory Member of the Planning Commission for a term that is coextensive with the term in office.

Appointment: Motion to appoint John Willingham as the Council Advisory Member of the Planning Commission for a term that is coextensive with the term in office.

Appointment: Motion to appoint James R. O'Connor as an ex-officio member of the Social Services Advisory Board.

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

Appointment: Motion to appoint Kevin McKannan and Stephen Slaughter, Jr. as members of the Planning Commission for a four year term expiring December 31, 2013.

Appointment: Motion to appoint Jack Phillips and Hunter Hurt as members of the Board of Zoning Appeals for a five year term expiring July, 31, 2014.

Appointment: Motion to appoint Mark Peter Lynch and Brandon Pifer to be as alternate members of the Board of Zoning Appeals for a five year term expiring June 30, 2014.

Appointment: Motion to re-appoint Ron Mislowsky, Cheryl Connolly, and Tim Machado as members of the Committee Development Committee for a three year term ending December 31, 2012.

Appointment: Motion to appoint John Crandell as a member of the Winchester-Frederick County MPO: Citizens Advisory Committee for an indefinite term.

Appointment: Motion to appoint William Buettin as a member of the Industrial Development Authority for a four year term ending August 31, 2013.

Motion to recommend Pamela Bell to serve on the Local Emergency Planning Commission as a media member for an indefinite term.

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

Motion to recommend Archie McKay to serve on the Local Emergency Planning Commission as a member at large for an indefinite term.

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

Announcement: Announce the term expirations of Lawton Saunders and Lawrence Belkin as members of the Board of Architectural Review effective April 30, 2010 and direct the Clerk of Council to advertise the vacancies. Mr. Saunders and Mr. Belkin are not eligible for re-appointment.

Announcement: Announce the term expirations of Jack McDonald, Terry Walker, and Debbie Lewis as members of the Parks and Recreation Board effective April 30, 2010 and direct the Clerk of Council to advertise the vacancies. Mr. McDonald and Ms. Lewis are not eligible for re-appointment. Mr. Walker is eligible.

ADJOURNMENT

Councilor Clark moved to adjourn the meeting at 7:41 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council