

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
May 11, 2010**

A regular session of the Winchester Common Council was held on Tuesday, May 11, 2010 in the Council Chambers, Rouss City Hall. President Jeffrey Buettner called the meeting to order at 7:05 p.m.

PRESENT: President Jeff Buettner; Vice-Mayor Michael Butler; Councilor Evan Clark, John Hill, Milt McInturff, Les Veach and John Willingham; Vice-President Art Major; Mayor Elizabeth Minor (9)

ABSENT: None (0)

MOMENT OF SILENCE – President Buettner led the councilors and citizens in a Moment of Silence.

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

APPROVAL OF MINUTES – March 30, 2010 Work Session, April 6, 2010 Work Session, April 13, 2010 Regular Meeting, and April 20, 2010 Work Session

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

REPORT OF THE MAYOR

R-2010-19: Resolution – John Handley High School Technology Class

Councilor Willingham moved to approve R-2010-19. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Mayor Minor presented the resolution to Jim Robertson and his students.

Mayor Minor stated she would like to take a moment to thank City staff for their extra effort and personal sacrifices they made during the past week for a successful Shenandoah Apple Blossom Festival. She also thanked all the festival volunteers who make this such a wonderful tradition.

Mayor Minor stated last year at this time, the 2009 Virgo Travel and Tourism Award for “Best Visitor Center of the Year” was presented to the Winchester-Frederick County Convention and Visitors Bureau, which manages the center. This year, she was proud to be a part of the Virginia Association of Convention & Visitors Bureaus 2010 Virgo

Award presentation to the Shenandoah Apple Blossom Festival during the Pumps and Pearls event. The Festival received top honors as the “Destination Event of the Year”. The Winchester-Frederick County CVB submitted the Shenandoah Apple Blossom Festival because of the Festival’s positive and long-standing economic impact to the Winchester-Frederick County community over the past 82 years. She was so pleased that they received this recognition.

Mayor Minor stated in an effort to increase public safety, we will be installing stop signs at three (3) intersections in the downtown area during the week of May 17 which will convert these intersections to all-way stops. These three intersections are Amherst/Stewart, Braddock/Amherst, and Braddock/Fairfax. Staff analyzed each intersection very carefully and found that the sight distance at each is significantly limited. This change will make the intersections safe for both motorists and pedestrians. Please drive carefully and be alert for these traffic changes.

Mayor Minor congratulated Winchester Police Detective Frank Myrtle for being honored as the Law Enforcement Officer of the Year by the Winchester Exchange Club. She also congratulated Trish Ridgeway, Executive Director of the Handley Regional Library for being recognized as the Outstanding Library Director by the Virginia Public Library Directors Association. She stated we are proud that both have been recognized for their dedication to their professions and truly appreciate them both.

Mayor Minor presented a proclamation she signed honoring National Preservation Month.

REPORT OF THE CITY MANAGER

City Manager Jim O’Connor stated he did not have a report to present.

REPORT OF THE CITY ATTORNEY

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

PUBLIC HEARINGS

O-2010-10: Second Reading – AN ORDINANCE TO ADD SECTION 2-112 TO THE WINCHESTER CITY CODE PERTAINING TO ASSISTANT CITY ATTORNEYS, SPECIAL COUNSEL, OUTSIDE COUNSEL, AND SUPPORT STAFF TO THE OFFICE OF THE CITY ATTORNEY

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

Vice-Mayor Butler moved to adopt the ordinance. *The motion was seconded by Councilor Willingham then 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	Aye

O-2010-13: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 29-11 AND 29-13 OF THE WINCHESTER CITY CODE PERTAINING TO AN INCREASE IN WATER AND SEWER RATES.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:16 p.m.

Vice-President Major moved to adopt the ordinance. *The motion was seconded by Vice-Mayor Butler then 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	Aye

O-2010-15: Second Reading – AN ORDINANCE TO CONDITIONALLY REZONE 0.752 ACRES OF LAND AT 812 AND 830 AMHERST ST FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO RO-1 DISTRICT WITH HW DISTRICT OVERLAY WITH PROFFERS; AND 0.635 ACRES AT 825 AND 829 WHITTIER AVENUE FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH HW DISTRICT OVERLAY TO RO-1 DISTRICT; AND 0.062 ACRES AT 835 WHITTIER AVENUE FROM LR DISTRICT WITH HW DISTRICT OVERLAY TO LR DISTRICT. RZ-10-48

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:18 p.m.

Councilor Willingham moved to adopt the ordinance. *The motion was seconded by Councilor McInturff then 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	Aye

O-2010-16: Second Reading – AN ORDINANCE TO REVISE WINCHESTER CITY CODE §14-55 VOLUNTARY PAYMENT OF PARKING FINE

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:19 p.m.

Councilor Willingham moved to adopt the ordinance. *The motion was seconded by Vice-President Major then 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	Aye

O-2010-18: Second Reading - AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY OF WINCHESTER LOCATED AT 29-35 E. BOSCAWEN STREET (FORMER LOCATION OF WINCHESTER DSS) TO THE WINCHESTER INDUSTRIAL DEVELOPMENT AUTHORITY AND SEEK TO FACILITATE RENOVATION THROUGH A PRIVATE DEVELOPER BY MEANS INCLUDING BUT NOT LIMITED TO THE FORMATION OF A PUBLIC PRIVATE PARTNERSHIP

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

Councilor Veach moved to adopt the ordinance. The motion was seconded by Vice-President Major.

Mr. Williams stated the first reading contained an agreement drafted by him but it was not discussed with the IDA. The IDA's attorney has redrafted the agreement and the only substantial change is on page 28, subsection 9. This does not agree with the previous agreement regarding the improvements to the heating/cooling equipment. Mr. Williams recommended moving forward with deleting the last sentence.

Vice-Mayor Butler moved to amend the agreement with Mr. Williams' recommendation. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

The ordinance 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	Aye

PUBLIC COMMENTS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:22 p.m.

CONSENT AGENDA

O-2010-19 : First Reading - AN ORDINANCE TO AMEND ARTICLES 1, 6, 8, 9, 10 AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES AND PARKING REQUIREMENTS FOR CREMATORIES TA-10-111

Vice-Mayor Butler moved to forward the item for Second Reading. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

NEW BUSINESS

R-2010-21: Resolution - CDBG FY10 Annual Action Plan

Vice-President Major moved to approve R-2010-21. *The motion was seconded by Councilor Veach.*

Councilor Clark asked how the funds will be divided. Social Services Director Carla Taylor stated the Action Plan puts the funds into priorities and percentages. The actual projects were also recommended by the Community Development Committee but the timing and actual dollar amounts are unknown at this time.

The motion was unanimously approved by voice-vote.

R-2010-25: Resolution – CDBG FY08/Fy09 Amendments

Councilor Veach moved to approve R-2010-25. The motion was seconded by Councilor Clark.

Vice-President Major moved to amend the resolution to reallocate \$20,000.00 from Homeowner Rehabilitation portion to the Public Service portion specifically for the Child Advocacy Center and to reallocate \$20,000.00 from the Public Facilities/Neighborhood Improvements portion to the Special Economic Development Activities portion specifically for Northwest Works. The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

The amended resolution was then unanimously approved by voice-vote.

R-2010-23: Resolution – Appointing Authorizing Agents for a \$55,000 Hazardous Materials Team Grant

Vice-President Major moved to approve R-2010-23. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

R-2010-24: Resolution – Emergency Medical Services Week

Councilor Willingham moved to approve R-2010-24. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

R-2010-26: Resolution – Amendment to Conditional Use Permit at 715 South Kent Street for operation of a Neighborhood Convenience Establishment

Councilor Willingham moved to approve R-2010-26. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

President Buettner requested a motion to add an Executive Session to the agenda. *The motion was made by Councilor Willingham and seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR CONSULTATION WITH LEGAL COUNSEL AND STAFF TO DISCUSS LEGAL STRATEGY AND SETTLEMENT ALTERNATIVES FOR A MATTER CURRENTLY IN LITIGATION AND A MATTER PENDING LITIGATION.

Councilor Clark moved to convene into executive session. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

Councilor Willingham moved to reconvene in open session. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

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:

MEMBER	VOTE
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	Aye

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

Councilor Willingham moved to accept the commissioner's certification and accept the proposal of settlement and compromise regarding case number: CL09-450 for the Property identified as tax map ID number 250-04-A-16. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

ADJOURNMENT

Councilor John Willingham moved to adjourn the meeting at 8:06 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council