

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
June 8, 2010**

A regular session of the Winchester Common Council was held on Tuesday, June 8, 2010 in the Council Chambers, Rouss City Hall. President Jeff Buettner called the meeting to order at 7:00 p.m.

PRESENT: President Jeff Buettner; Vice-Mayor Michael Butler; Councilor Evan Clark, John Hill, Milt McInturff, Les Veach and John Willingham; Mayor Elizabeth Minor (8)
ABSENT: Vice-President Art Major (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 – May 4, 2010 Special Session, May 11, 2010 Special Session, May 11, 2010 Regular Session, May 18, 2010 Special Session, and May 4, 2010 Work Session

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

REPORT OF THE MAYOR

Presentation: Margaret Nichols Risk Management Leadership Award - Greg Dickie, VML Membership Director

Greg Dickie, VML Membership Director, presented Mayor Minor and Steve Corbit, Risk Manager, the Margaret Nichols Risk Management Leadership Award for the City's excellent loss ratio and compliance with all risk management requirements of the VML Insurance Programs.

R-2010-33: Resolution – Retirement of Frank E. Wright

Mayor Minor presented the resolution to Frank Wright in honor of his retirement.

Councilor Willingham moved to adopt R-2010-33 honoring Mr. Wright. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Mayor Minor congratulated the local athletic teams especially from Shenandoah University and Handley High School. She stated the Hornet's Baseball Team won a school-record-tying 38 games, their first-ever USA South Conference Tournament, and a second consecutive South Region title. Handley High School sports gave outstanding performances this Spring, as well. Congratulations to those who competed in regional sport competition and good luck to all the athletes who are moving on to State competition.

Mayor Minor stated this year's Winchester All-American Soap Box Derby winners include Zack Michael in the Super Stock Division and Craig Genda in the Stock Division. These local champions from our race will represent the Winchester area in the All-American Soap Box Derby World Championship in Akron Ohio on July 24, 2010.

Mayor Minor gave a reminder about the upcoming road closure at Kent and Piccadilly Streets: CSX will replace the railroad track crossing surface at this intersection. She stated during this project, we are replacing the utility lines on E. Piccadilly between Kent Street and East Lane and on N. Kent between Piccadilly and Baker that are in proximity with the CSX railroad crossing. While we will use our best efforts to maintain traffic on Piccadilly and Kent while completing the majority of the utility work, the intersection of Kent/Piccadilly will be shut down entirely for approximately one week in mid-June. We apologize for any inconvenience this project may cause and we appreciate your patience and cooperation in this area.

Mayor Minor stated it is time to "dump the pump" and take a ride for FREE on Winchester's Transit Buses instead of driving a car. On June 17th, you can "go green" and make a difference:

- help improve the environment;
- save money consuming less gasoline;
- reduce our nation's overall dependence on foreign oil; and
- protect air quality by reducing smog-producing pollutants and greenhouse gases.

There is a bus on Boscawen Street near City Hall every ½ hour Monday thru Friday with our extended hours from 6 a.m. to 8 p.m. and Saturdays 9 a.m. to 5 p.m. Remember, ride the bus for FREE on June 17!

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 the SVEC is in the process of placing temporary liaisons from each locality's elected body or administration on their board. The individual will be asked to sign a confidentiality form. Mr. Williams asked that Council consider appointing someone tonight as the SVEC's first board meeting is June 24th. President Buettner stated he would like Mr. O'Connor to serve until he can speak to the councilors who have expressed interest.

EXECUTIVE SESSION: MOTION TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF PROSPECTIVE CANDIDATES FOR APPOINTMENT TO THE SCHOOL BOARD AND A PERSONNEL MATTER INVOLVING APPOINTMENT AND/OR ASSIGNMENT AND SALARY OF A SPECIFIC PUBLIC OFFICER OR EMPLOYEE OF THE CITY IN ACCORDANCE WITH §2.2-3711(A)(1).

Councilor Willingham moved to convene in executive session for the purposes stated. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Vice-Mayor Butler moved to reconvene in open session at 7:49 p.m. *The motion was seconded by Councilor Veach 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	Absent
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

Councilor Willingham moved to nominate the following people for consideration pursuant to §22.1-29.1 of the Code of Virginia for appointment to the Winchester School Board: David Heglas (Ward 1), Cynthia Ford (Ward 2), and Vince Di Benedetto (Ward 3). *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

Councilor Willingham moved to appoint Catherine Mattens as a member of the Parks and Recreation Board. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

Councilor Willingham moved to appoint Donna Wilkins Downing as a member of the Tree Commission. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

PUBLIC HEARINGS

O-2010-19 : Second 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

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:50 p.m.

Councilor Willingham moved to adopt O-2010-19. *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	Absent
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

PUBLIC COMMENTS

No citizens came forward to address Council.

CONSENT AGENDA (motion required to forward for Second Reading)

O-2010-22: First Reading - AN ORDINANCE TO CONDITIONALLY REZONE AN APPROXIMATELY 0.068 ACRE PORTION OF LAND AT 414 NORTH LOUDOUN STREET (*Map Number 173-01-L-7*) FROM HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL BUSINESS (B-1) DISTRICT WITH HW DISTRICT OVERLAY. The Comprehensive Plan calls for high density residential and light industrial uses in the area. RZ-10-178 (pages 7-14)

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

NEW BUSINESS

R-2010-27: Resolution – Sidewalk Replacement Project Administration Agreement with VDOT

Councilor Willingham moved to approve R-2010-27. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2010-28: Resolution – FY2011 VDOT Revenue Sharing Funds

Councilor Willingham moved to approve R-2010-28. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2010-29: Resolution – Acceptance of grant funding for Automated License Plate Reader

Vice-Mayor Butler moved to approve R-2010-29. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

R-2010-31: Resolution – Personal Property Tax Relief

Councilor Veach moved to approve R-2010-31. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

MOTION TO AUTHORIZE AND DIRECT THE CITY MANAGER, CITY ATTORNEY, AND STAFF TO INITIATE AND EFFECTUATE THE PROCESS FOR AMENDING AND RE-ADOPTING A FRANCHISE AGREEMENT AND FRANCHISE ORDINANCE FOR THE PROVISION OF ELECTRIC UTILITY SERVICES PURSUANT TO THE RECENT APPROVAL OF THE ACQUISITION OF THE ALLEGHENY POWER TERRITORY WHICH INCLUDES THE CITY OF WINCHESTER BY SHENANDOAH VALLEY ELECTRIC COOPERATIVE – THIS INCLUDES THE EXTENSION OF THE TERMS OF THE EXISTING AGREEMENT AND ORDINANCE TO SVEC DURING THE PERIOD OF FORMAL ADOPTION, AND EXECUTION OF THE WAIVER OF OBJECTION TO ENTRY OF THE ORDER OF THE SCC AUTHORIZING THE TRANSACTION.

Councilor Veach moved to authorize the process for amending a franchise agreement and ordinance. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Certificate of Appreciation: Lawton Saunders and Lawrence Belkin as members of the Board of Architectural Review

Mayor Minor moved to direct the clerk to prepare the certificate for Mr. Saunders and Mr. Belkin. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

Certificate of Appreciation: Jack MacDonald, Terry Walker and Debbie Lewis as members of the Parks and Recreation Board

Councilor Veach moved to direct the clerk to prepare the certificate for Mr. MacDonald, Mr. Walker, and Ms. Lewis. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

Certificate of Appreciation: Jeff Webber as a member of the Winchester School Board

Vice-Mayor Butler moved to direct the clerk to prepare the certificate for Mr. Webber. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Certificate of Appreciation: Julie Armel and Greg Crawford as members of the Winchester-Frederick County Tourism Board

Mayor Minor moved to direct the clerk to prepare the certificate for Ms. Armel and Mr. Crawford. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

Councilor Willingham moved to conclude the executive session for interviews and consideration of prospective School Board candidates and certify that the only matters discussed during the closed session were those matters authorized under the initial motion to convene in executive session. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

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	Absent
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

ADJOURNMENT

Councilor Willingham moved to adjourn the meeting at 7:55 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