

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
November 11 2008**

A regular session of the Winchester Common Council was held on Tuesday, November 11, 2008 in the Council Chambers, Rouss City Hall. President Charles Gaynor called the meeting to order at 6:59 p.m.

PRESENT: Councilor Michael Butler, Evan Clark, Tim Coyne, Richard Helm, Art Major and L.D. "Rick" Nelson; President Charles Gaynor; Vice-President Carolyn Griffin; Mayor Elizabeth Minor. (9)

ABSENT: Vice-Mayor Jeff Buettner; Councilor Stewart Masters. (2)

2. **INVOCATION** – Reverend Doug Sasser of First United Methodist Church pronounced the invocation.
3. **PLEDGE OF ALLEGIANCE** – Mayor Minor led the councilors and citizens in the Pledge of Allegiance.
4. **APPROVAL OF MINUTES** – October 14, 2008 Regular Meeting

Vice-President Griffin moved to approve the minutes of the October 14, 2008 meeting. *The motion was seconded by Councilor Butler and unanimously approved by voice-vote.*

5. **MOTION TO APPROVE AN AMENDMENT TO THE AGENDA** - Vice-President Griffin made a motion to approve the amendment to agenda. *The motion was seconded by Councilor Helm and unanimously approved by voice-vote.*

6. **REPORT OF PRESIDENT**

- Motion to approve a resolution honoring Jerome Daily.

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

Councilor Butler read the resolution honoring Mr. Daily and wished him well in his retirement.

Vice-Mayor Buettner arrived at 7:02 p.m.

- Motion to approve a resolution honoring William Harden.

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

Councilor Helm read the resolution honoring Mr. Harden and wished him well in his retirement.

- Motion to approve a resolution honoring Dan Hoopes.

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

Councilor Butler read the resolution honoring Mr. Hoopes and wished him well in his retirement.

- Department of Social Services Advisory Board Annual Partnership Award presentation.

Carla Taylor, Director of Social Services, and the Social Services Advisory Board presented Michelle and John Acconero an award of appreciation for their success in raising foster children in their home.

- Public Hearing: An Ordinance to Approve the Transfer of Property between the City of Winchester, the Frederick County School Board, and/or Frederick County in furtherance of the Hope Drive extension project.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:13 p.m.

- Public Hearing: An Ordinance to Amend and Re-Adopt Sections 10-17, 10-30, 10-32, 10-46 and 10-48 of the Winchester City Code Pertaining to Fire Prevention and Protection.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:13 p.m.

- Public Hearing: Request of Old Post Office LLC for a conditional use permit for an adult activities center at 40 W. Piccadilly Street (Section 173, Double Circle 1, Block G, Lot 1) zoned Central Business, B-1 District with Historic Winchester, HW District overlay. CU-08-13

President Gaynor announced the request has been withdrawn.

- Public Hearing: To provide interested citizens an opportunity to appear before the Council and state their views on approval or disapproval of the budget supplemental appropriations for Fiscal Year ending June 30, 2009.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:14 p.m.

- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-26 OF THE WINCHESTER CITY CODE PERTAINING TO ONE-WAY STREETS.

Councilor Coyne requested that those who would like to speak regarding the change in traffic on Piccadilly Street be able to at this public hearing. President Gaynor stated he would invite them to come at that time. Councilor Helm suggested incorporating it into the Public Open House that is scheduled for December 2nd from 4-7 p.m. in the Exhibit Hall. Utilities Director Perry Eisenach agreed that it would be done.

6. REPORTS OF STANDING COMMITTEES

6-1 FINANCE AND ADMINISTRATION

Chairman Buettner presented the following items.

- Motion to approve the FY2009 Budget Amendments and Transfers.

The motion was seconded by Councilor Butler.

Councilor Coyne stated he is voting against this for the same reason he voted against the police pay plan. It takes money out of the reserved. He is also concerned that the payment for Handley was only for two years and this is the third year.

Councilor Helm asked if that is true about the money for Handley. Chairman Buettner stated there is some debate about that but he remembers it was for three years.

The motion passed 9/1 with Councilor Coyne voting in the negative.

6-2 PLANNING AND DEVELOPMENT

Chairman Griffin presented the following items.

- Motion to deny the request of Old Post Office LLC for a conditional use permit for an adult activities center at 40 W. Piccadilly Street (Section 173, Double Circle 1, Block G, Lot 1) zoned Central Business, B-1 District with Historic Winchester, HW District overlay. CU-08-13

Chairman Griffin stated this has been withdrawn.

- Motion to appoint William D. Wiley as a member of the Planning Commission to an unexpired term ending December 31, 2010.

The motion was seconded by Councilor Nelson then unanimously approved by voice-vote.

- Motion to appoint Dick Helm as a member of the Winchester Parking Authority to a five year term ending May 31, 2013.

The motion was seconded by Councilor Coyne then unanimously approved by voice-vote.

- Announce the resignation of William D. Wiley as a member of the Board of Zoning Appeals effective December 31, 2008 and direct the Clerk of Council to advertise the vacancy.

6-3 PUBLIC SERVICES

Chairman Helm presented the following items.

- Second Reading, by title, for adoption: An Ordinance to Approve the Transfer of Property between the City of Winchester, the Frederick County School Board, and/or Frederick County in furtherance of the Hope Drive extension project.

The motion was approved 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	Absent
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

Chairman Helm reminded the councilors about the Public Services Committee meeting scheduled for Thursday, November 13, 2008, at 7:30 a.m.

6-4 COMMUNITY SAFETY

Chairman Butler presented the following items.

- Second Reading, by title, for adoption: An Ordinance to Amend and Re-Adopt Sections 10-17, 10-30, 10-32, 10-46 and 10-48 of the Winchester City Code Pertaining to Fire Prevention and Protection.

The motion was approved 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	Absent
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

6-5 HEALTH, EDUCATION AND WELFARE

Chairman Coyne presented the following items.

- Motion to reappoint Robert Geiser as a member of the Northwestern Community Services Board to a three year tem expiring December 31, 2011.

The motion was seconded by Councilor Nelson then unanimously approved by voice-vote.

- Motion to appoint Brian Wigley as a member of the Northern Shenandoah Valley Disability Services Board to an unexpired term ending January 31, 2009.

The motion was seconded by Councilor Clark then unanimously approved by voice-vote.

- Motion to appoint Lois Wismer as a member of the Shenandoah Area Agency on Aging Board to a four year term ending September 30, 2012.

The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

7. **NEW BUSINESS**

- Report of the Mayor.

Mayor Minor stated as Reverend Sasser mentioned in his invocation, today truly is a time to honor our veterans who have sacrificed so much to serve and protect our country. We are all so thankful for the freedoms we have and the men and women who have served and continue to serve to preserve those freedoms – We honor you and thank you.

Mayor Minor stated the Northeast Infrastructure Project is progressing along East Lane at this point. When finished, it will have curbs and sidewalks. We continue to thank all the citizens, business owners and the public who utilize these important roadways for their patience and cooperation.

Mayor Minor stated she is pleased to announce the dedication of the Active Living and Recreation Center will be held on Monday, December 15. The community is invited to attend! If you have not visited, this is an opportune time to see the latest addition to our public facilities. More details will be advertised soon.

- **MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO 2.2-3711(a)(3), (6), AND (7) OF THE CODE OF VIRGINIA TO DISCUSS THE ACQUISITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE AND THE EXPENDITURE OF PUBLIC FUNDS IN FURTHERANCE THEREOF WHEREIN DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE CITY'S BARGAINING POSITION AND FINANCIAL INTEREST, AND CONSULTATION WITH LEGAL COUNSEL.**

President Gaynor moved to convene in executive session. *The motion was seconded by Vice-President Gaynor then unanimously approved by voice-vote.*

President Gaynor moved to reconvene in open session. *The motion was seconded by Councilor Major then unanimously approved by voice-vote.*

Upon returning, committee members approved a motion to return to open meeting and 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 Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Absent
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

8. ADJOURNMENT

Vice-President Griffin moved to adjourn the meeting. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council