

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
December 9, 2008**

A regular session of the Winchester Common Council was held on Tuesday, December 9, 2008 in the Council Chambers, Rouss City Hall. President Charles Gaynor called the meeting to order at 7:00 p.m.

PRESENT: Vice-Mayor Jeff Buettner; Councilor Michael Butler, Evan Clark, Tim Coyne, Richard Helm, Art Major, Stewart Masters and L.D. "Rick" Nelson; President Charles Gaynor; Vice-President Carolyn Griffin; Mayor Elizabeth Minor. (11)

ABSENT: None. (0)

MOMENT OF SILENCE - President Gaynor 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 – October 14, 2008 Special Meeting and November 11, 2008 Regular Meeting

Councilor Butler moved to approve the minutes from the October 14, 2008 Special Meeting and the November 11, 2008 Regular Meeting. *The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.*

MOTION TO APPROVE AN AMENDMENT TO THE AGENDA – Vice-President Griffin made a motion to approve the amendment to the agenda. *The motion was seconded by Mayor Minor and defeated with a negative vote from Councilor Coyne.*

REPORT OF PRESIDENT

- Recognize the Excel Program participants in attendance.

City Manager Brannon Godfrey recognized the participants in the year long program.

- Public Hearing: Request of Shenandoah Mobile Company for a Conditional Use Permit to construct a wireless communications tower at 2625 Valley Ave (Section 290, Double Circle 7, Lot 28) zoned Highway Commercial, B-2 District with Corridor Enhancement, CE District overlay. CU-08-14

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:04 p.m.

- **Public Hearing:** Renewal of Conditional Use Permit (CU-07-10) to operate a nightclub at Goodfellow's, LLC, located at 821 North Loudoun Street (*Section 134, Double Circle 5, Lot 6*), which is zoned Highway Commercial (B-2) District.

Mark Stivers, representative for Goodfellow's, stated in October, council voted to continue this matter until tonight's meeting. There were also some pending matters that were before the city and the ABC board. A hearing with the ABC board yesterday resulted in an amendment on part of the state agency to certain matters that will be taken up in the form of an application for a conversion of a temporary license to distribute mixed beverages to a permanent license. As a consequence of some of the amendments that occurred and more information that transpired in the course of the meeting on a matter that could not be disclosed as of yesterday, he is requesting the matter be tabled for 90 days until all information could be considered by the board. At the hearing, the ABC Hearing Officer stated the information will not be available until January 25, 2009 at the earliest and the 90 days will allow time for consideration.

Vice-President Griffin moved to table the matter for 90 days. *The motion was seconded by Councilor Nelson then unanimously approved by voice-vote.*

- **Public Hearing:** AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-26 OF THE WINCHESTER CITY CODE PERTAINING TO ONE-WAY STREETS.

John Knauss of 123 W. Monmouth stated he did not see the proposal but he did talk to a gentleman about it. He thinks it is terrible to consider spending a quarter of a million dollars on a project just to change the direction people will be driving. He suggested that some consideration should be given to make a commercial road and the rest residential. Cameron Street would be commercial and have all of the truck traffic on it and Braddock would return to being residential again. He does not think consideration has been given to the entire cost of the project. Everything will need to be changed. When Piccadilly Street was changed, enough room was not given for trucks to turn without waiting on other cars to move. He feels these types of things have not been considered.

Phillip Parsons of 628 Butler Avenue stated his comments are not on the roads but to invite City Council and members of the city to the John Handley High School Christmas Concert to be held on Sunday, December 14th at 3 p.m. It will be the first public performance by the band in the new auditorium and we would like to have you there.

Ben Weber of 17 W. Boscawen Street stated as a member of the Old Town Development Board he represents a majority of the board who voted in favor of returning Braddock and Cameron Street back to two way traffic. As we all know, change is a very difficult thing to take place any time in society

especially in a downturned economy. He wants to remind people that two way traffic is not a bad thing. We have seen it work very well to the success of many businesses for greater exposure on Piccadilly Street. It is also an environmental solution to stop people from continuously driving around that loop waiting for a parking spot in front of a certain store. We can have people drive on a two way street and slow traffic down on Cameron Street which has become a race course on many occasions. He commended Perry, the Engineering Department, and the staff for an extremely well done program the other evening that showed the three options. In regards to the cost element, it is obvious that we are in the process of updating and improving some of the light signals in the areas so there is already money set aside in the budget. Now is the time to make these changes, not later. He would encourage all of the members of council to vote in favor of the amendment of Braddock and Cameron Street returning to two way streets.

James Ambrose of 805 S. Braddock Street stated he is opposed to this because of the parking that will be lost in front of his home and other people's houses. Taking away the parking will affect the resale value and make the homes worthless. If the city does this and people lose parking in front of their own homes, the city should reimburse the people the money that is lost. He understands change is a good thing but we have seen traffic come down Braddock before but it causes issues with tractor trailers. There is also a lot of parking for delivery services that will be lost and needs to be looked at for the businesses.

John Lewandowski of 723 National Avenue stated he is the president of the Disabled Veterans Committee on Housing. He has spoke with Mayor Minor, Craig Smith and a few others about the program. One of the veterans they are trying to get into a home is present at the meeting tonight. The property is presently in an Industrial zoned area on North Cameron and Loudoun Streets and they would need a Conditional Use Permit to do this. The committee has search for 8 months to find an appropriate piece of property and he would like Council to stand behind them to get this variance done. He also requested Council ease up on some of the fees that are involved in the projects from his committee. President Gaynor informed Mr. Lewandowski this should come through the Planning & Development Committee before coming to Council to follow proper channels. Everyone on Council would like to help but this is the first we have heard of this proposal and are not prepared to discuss it this evening.

Sam Leinbach of 317 Fairmont Avenue stated this is a pretty plan but it is 25 years out of date. In that time, we have had GE, Hood on the south end of town, two or three truck distribution centers on the south end of town, Fort Collier on the north end of town and a few other industrial parks on the other side of North Loudoun Street come in. There is a huge amount of truck traffic already with most of it going north on Cameron Street. Going from three

lanes to one lane will make it a parking lot like the Dulles toll way at 4 in the afternoon. If you had another street like Kent Street to make six lanes, it would be fine but this is going to be a tough thing to do with all of the trucks. He also questions the timing with reduced revenues in the city, real estate assessments down 25%, and the tax base down. This is something we should consider not doing and assess whether we can move the trucks around at a later date.

John Shepard of 219 East Piccadilly Street stated he is against two way streets on Cameron and Braddock. He is familiar with localities near Buffalo, NY, Carlisle, PA, and Charlottesville, VA. All of these cities have one way streets and plan to keep them. We have to be careful for what we wish for. If we make it two way traffic, consequences will happen. The truck traffic has already been mentioned. The issues with one way traffic moving more efficiently than two ways traffic is wrong. If North Cameron is a speed way, it is a police problem and he hopes the police are doing what needs to be done there. He came to the presentation last week and was very impressed with the quality of the presentation. He is still opposed to it because he thinks the consequences will bring problems we do not anticipate.

Paul Whitemore of 30 E. Piccadilly Street stated he is deadly opposed to making it two way streets. He is from Boston and never had problems with one way streets. They are the biggest tourist traps in the world. He asked if anyone has thought of the safety factors involved and invited them to look at the hazards he sees every day on Piccadilly Street with emergency vehicles trying to get through. The economy is tough. He is starving on Piccadilly Street right now but he is going to make it because he has will power and is a good salesman. He asked how we can spend this kind of money when people are out of work. The truckers block Piccadilly Street already trying to maneuver around the corners and other cars. We should be working on the sidewalks instead. He stated his tax dollars are going to waste if Council does this. Please don't waste our tax dollars right now. Give the money to the needy instead of making two way streets.

Charles Greeb of 612 Dulles Circle stated he has been following the issue of eliminating the one way streets in Winchester and find no adequate explanation of his concerns. These streets have served a useful purpose from their beginnings in the early 1970s. One way streets have a long history in urban areas which have streets laid out in grids such as in Old Town Winchester. When streets run in every direction and every configuration, one way streets do not work. That is why we have been unable to resolve traffic problems with the east and west traffic as readily as we did with the Route 11 corridor. This leaves us with a confusing traffic pattern. However, the pattern is intended primarily to move north/south traffic which it does admirably particularly for those on the south side who have business to attend to in the central part of the city. He lives on the south side and values the time savings

he has received from the one way streets for decades. These streets move traffic efficiently as they were intended to do. Spending \$1 million dollars to fix a non-existing problem is not what we expect our Council to do especially in times like these. As a footnote, an idea he noted was expressed tonight the in town businesses would benefit from restoring traffic and would encourage stops for in town shopping. It escapes him how promoting inefficiency would stimulate business. Until we find a way to provide free off street parking for these businesses, there is not a solution to remedy the problem which they have.

Scott Arthur, Senior Vice President of BB&T, stated BB&T is the largest private employer in the downtown area with 115 employees. Their two training labs at the campus serve 1250 employees who bring revenue to the downtown merchants and parking garages. He is not here to debate one way versus two way traffic because they feel a decision to pursue two ways traffic is going to be made. However, he wants to discuss the impact of the design choices that have been proposed. The design for option C which includes a number of diagonal parking spaces in front of their building would be too dangerous for all concerned. However, options A and B do present a framework that could work for their downtown Cameron Street location. This would assume the final design would include appropriate breaks in the traffic pattern that allows the proper ingress and egress to their existing facility to include the drive thru facility, the main branch facility and the employee parking lot. BB&T would appeal to Council to move slowly on the adoption of the specific Cameron Street option and encourage them to meet with business owners, residents and all citizens concerned on a block by block basis to create a design that takes into consideration the unique structure of each block on Cameron Street. He thanked the City for the open house held last week showing the different options for Cameron and Braddock Streets. He had a very good discussion with Perry Eisenach, the City's Public Services Director, regarding their concerns. Thank you for the opportunity to speak to Council tonight.

Glen Burke of 605 South Stewart Street stated he sat on the other side for a long time and realizes Council hears the negative side of these stories especially from the constituents. Council needs to hear all of the concerns but good, bad or indifferent; he knows a good decision will be made. He is speaking in support of two way traffic for a lot of reasons. To be consumer friendly, residential friendly, tourist friendly and economic friendly, we need to have two way streets. There was a time he would not drive on Piccadilly Street to go to Route 7 from Stewart Street because it was one way. You need to move people through Winchester at a slow, safe rate of speed. Winchester is like an apple. The downtown area is the core that needs to be preserved, protected and progressing to move forward. The rest of the city is the delicious part of the apple that we need to assist when they need help. The skin of the apple is Frederick County. We need to take care of this apple. We

need to remember as a community we are competitive with other localities in the state and nation. We need to remain economically viable. There have been six new businesses opened up in the downtown urban area. There is a revitalization to draw people downtown in Winchester and a lot of good things are happening with the new parking garage and opening of these businesses. You are going to have young couples wanting to live, work and play in downtown Winchester. The City is making such great process and he would like to see the progress continue and go in the proper direction of two way traffic. He appreciates the boldness of this Council and of the city staff to look at this issue and to make a decision.

Jane Drumheller of 837 Whittier Avenue stated there is a lot to be done with our roads and water system which will be very costly. Taxes were raised last year. Taxes were raised this year. A lot of people are on fixed income and a lot of people are losing their jobs. To spend tax payers' money in this way is really irresponsible especially at this time. There are so many things that are needed. With two way traffic, there is no where to go to get out of the way for the fire trucks and ambulances with parking on each side. There is no where to go with cars parked on each side. When it is one way, people start to pull over. She does not want her tax money spent to fix something that doesn't need fixing when in a few years it will be changed back again for another million dollars because it doesn't work.

John Morrison of 126 Hawthorne Drive stated he worked on a report about 10 years ago with Councilors Helm and Griffin on downtown parking and street use. From working on the report and having a business on Piccadilly for 25 years, he has something to offer on the situation. He believes there is a mood in the city for two way traffic on Cameron and Braddock Streets but he is not sure it is actually supported by the kind of evidence created 10 years ago or a review done 6 years ago. At the end of that review, Councilor Helm asked if parking and traffic flow would be better by converting to two way traffic and the answer was it would not be positive traffic flow. He believes the current statements for better traffic flow are based on opinions and not facts. He encourages Council not to be weighed by ideas but to look at the evidence that was collected over the years. He was also surprised to hear the Public Services Director had not read the study and suggested he at least read the summary to have an idea of what has been done and approved by Council. When Piccadilly was made two ways, the citizens were promised an opportunity to come in front of Council to address the situation but that hearing has never been held. He is not opposed to two ways on Cameron Street but Braddock Street is probably overly congested. The loss of parking spaces is going to be severe. He is concerned that in terms of Piccadilly Street, they lost half of the parking spaces on the block. We lost the opportunity for 90 people to park there between 9 and 5 based on the information in this study. It channeled people down there but it doesn't mean they can stop and park. He would ask that Council looks very carefully at

how they have given away parking spaces for various reasons over a period of time but have not updated them. What is the Winchester Parking Authority doing to regularly review these spaces to make sure we maximize the on street parking we have because people don't always park in the parking garages to do business downtown. He asked that Council be very careful to have a plan for using every spot. The second thing to look at is whether you can make a right hand turn at the intersection of Cameron and Piccadilly Street. He has been hit twice by a car turning onto Piccadilly and was almost hit again yesterday. He gets the feeling downtown that there is no policing for how people act at intersections these days. There needs to be some policing or some other way to keep people in order in terms of how people drive. He has not seen a policeman on Piccadilly for 3-4 months. Lastly, he agrees with a lot of the people here. He is a businessman that is losing a lot of business to the economy. Is this the best use of a half million to a million dollars? He looks at the infrastructure on Piccadilly Street and believes it has been abandoned by the city. He understands planning for the future but he has been hearing that for 25 years.

Jan Geiser of 604 South Cameron Street stated as a resident on Cameron Street she would like to invite anyone to come live with her for 24 hours to experience what they endure with the parking and traffic. It is parallel parking in front of her house which is very difficult now and can't imagine what it will be like with two way traffic. Plus, she is entering traffic as she exits her vehicle which is a concern. She also has a business and is sympathetic to the businesses but it is important to look at the residents and the challenges they face. She is also sympathetic to our Rescue & Fire Department. Cameron Street is one of the main thoroughfares that needs to be kept open for them. Snow removal is such a challenging factor that can be crippling at times. She asked if the Sanitation Department had been consulted about the challenges with trying to get around the trucks and the gridlock it causes. She hopes all of these concerns will be looked at before any decisions are made along with the money issue.

John Crandall, business owner on Cameron Street, stated his personal concern is when he purchased and renovated the building, he created some off street parking in good gesture. Unfortunately, the parking necessitates them to back out onto Cameron Street. They can do it relatively easy with the one way traffic on Cameron. The two way traffic will block them in with southbound traffic causing it to be unsafe and eliminating the parking for their staff. More generally, his concern is two ways traffic on Cameron will slow traffic down and further the gridlock on the street. The downtown area will be more congested and people will avoid driving through it. It is a mistake to take serviceable one way roads and make them two ways.

Peter Landgora of North Braddock stated this seems to be a very big project requiring a lot of detailed planning. Based on the information he has seen, he

is not clear on how much of the planning has happened. He is not against it or for it but he is not clear of what the goal is. It seems to him the goal hasn't been clearly formulated. It seems with the technology available today, it would be very easy to assess traffic flow and volume in all of the streets and do a network model that explains what would happen if certain changes were made. With spending this amount of money, you would want to do a model like that first. He has heard the traffic for the library will be reduced and asked if that is something we want when the library does not have a lot of public traffic already. Generally speaking, he feels the goals have not been clearly formulated and the plans are not very clear. If the plans are clear, they have not been presented very clearly to the public.

Carolyn Duff of 218 South Braddock Street stated when she moved from Stonebrook, they looked at a lot of houses but chose to purchase one that provided off street parking. She liked other houses more but there was no parking except for on the street. Her current house has 3 parking spaces in the back off Indian Alley. If Council wants to encourage people to move downtown and wants to increase the residential base, we need to be looking at parking as an issue. She would not have bought a house downtown if she had to park on the street and Council needs to remember that when they are taking away parking spaces. She has heard many people say it will increase business downtown. She has lived here seven years and doesn't think traffic and traffic flow is the issue. She has spoken with natives who never come downtown because they can't depend on a business being open to do their shopping downtown. In her opinion, the issue is not traffic flow to increase business. She may be wrong but she would like more study to be done with the residents view points to the loss of parking. She and her husband sit on their front porch and watch traffic get turned the wrong way sometimes. She imagines a nightmare when the 18 wheelers are going both ways. She thinks there is too much 18 wheeler traffic downtown anyway and that should be looked at first. Her recommendation would be to look at the studies and put more thought into it first.

Kay Ambrose of North Braddock stated she was speaking as a parent and grandparent who on a daily basis gets small children in/out of a car seat and on/off a school bus. With one way traffic on Braddock Street, it is still difficult to get her grandchildren out of the car seat. With two way traffic, the cars have no where to go. There will be limited space to get a 4, 5, and 6 year old in the car. Those with children know it is not always an easy task. She asked Council to please take the children getting on/off the school bus and parents putting children into car seats into consideration. It may seem trivial to some of you but as a grandparent, it scares her. In one way traffic, the cars have room to get over. In two way traffic, the cars are stuck in a straight line.

Shelley Sealove of 214 S. Braddock stated she would prefer the two way plan not occur because of the difficulty already in that block. From the plan she

looked at, they would lose 6 parking spaces within a half a block of her business which would cause a lot of difficulty with her clients finding parking. She also feels the traffic would slow down tremendously. From being in Winchester for a long time, she is used to the traffic pattern of going north on Cameron and south on Braddock. It is a nice ride and there is comfort knowing to make a turn you just get in the correct lane. She believes the traffic will slow down considerably and more accidents will occur.

Jody Allison, executive director of Grace Lutheran Pre-School at 614 South Braddock Street, asked if this does go through that Council looks at their situation. They have about 90 cars coming through their driveway from Indian Alley that exit onto Braddock Street at about 8:45 a.m. and again at noon. She also asked that Council looks at putting the stop light back up at Amherst and Braddock Street to help the situation too.

Mike Miller of 1569 Whittier stated he has the great pleasure of working in downtown Winchester for the past 20 years for the same employer. The two way traffic on Piccadilly is a great example of what it will do. It creates gridlock. He has seen countless time when it takes 3-4 light changes to get from Cameron Street to Washington Street. The added gridlock will make traffic flow much more inefficiently downtown and will deter people from coming downtown to spend money. Overall, it will adversely affect the merchants and chase tax revenue dollars to the county. He also asked that Council consider the added danger for pedestrians crossing two way traffic and the people making left hand turns across traffic.

With no further citizens to address Council, President Gaynor closed the public hearing at 8:00 p.m.

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

President Gaynor stated this item was not brought forward under the Public Services Report because it came through the process during the general council meetings. He then asked Perry Eisenach, Director of Public Services, if he wanted to address Council concerning this matter.

Public Services Director Perry Eisenach stated there are three primary things that will happen when implementing the project. Eight signals would be affected and need to be modified. This is part of the city wide traffic signal upgrade that we are in partnership with VDOT to complete. The cost to make two way or one way signals is the same. We have the state money and need to spend it. If there ever is going to be an opportune time, it is now. We will need to pave and restripe both streets. If Council approves the project, Cameron and Braddock will be done this fiscal year. Both streets are not in

good shape and are on the list to do in the next 5 years. We get \$2.5 million from the state each year for street paving. Last, we need to make physical changes to North Cameron at Loudoun and Braddock at Boscawen. A conservative cost estimate is about \$250,000.00 that would require an appropriation from Council. There is a lot of work to make this happen but the \$250,000.00 is the only new appropriation. The rest is going to happen anyway.

President Gaynor asked how many parking spots would be lost. Mr. Eisenach stated if the design has turn lanes on Braddock Street, several would be lost. However, turn lanes are not needed at Braddock and Piccadilly so we would not lose any there. Cork and Braddock does need turn lanes. Cameron Street would not lose any parking spaces. In the downtown area, a few parking spaces would be lost just north of Piccadilly but from talking with Tim Youmans, Planning Director, the Winchester Towers proposed plans would cause those to be lost anyway.

President Gaynor asked about the area of Braddock Street between Handley and Pall Mall. Mr. Eisenach stated the way it was shown at the open house there would be some parking spaces lost up there but we could very easily shorten the turns lanes which would eliminate the need to lose those spaces.

Mayor Minor asked if any residents would lose their parking. Mr. Eisenach stated there would be a few parking spaces lost in the areas he just described. For the residents on North Braddock, there would be no spaces lost. There are no residences on Cameron that would lose their parking either.

Vice-Mayor Buettner asked if the signal lights would be similar to the ones installed on Pleasant Valley that are synchronized together and have pedestrian crossing as well. Mr. Eisenach stated they would. He added the congestion on Piccadilly Street is not because of the two way traffic but because the lights are not synchronized together.

Councilor Nelson asked how the Fire and Rescue concerns will be addressed. Mr. Eisenach stated he spoke with Chief Wright who has concerns about Rouse Fire Hall on Braddock Street. We are planning to put new technology in the signal at Braddock that will greatly assist when they need to come in and out of the fire station. This is going to happen regardless of the decision.

Councilor Major asked what the narrowest point on Braddock Street is. Mr. Eisenach stated he has measured it in several places and the narrowest point is 35.5 feet. In comparison, South Loudon by the elementary school is 34 feet and South Kent by Pall Mall is 32 feet. Braddock Street is wide enough especially if it is striped on both sides.

Councilor Coyne asked if the \$250,000.00 includes the option with the medians. Mr. Eisenach stated it does not include the medians. The medians do not have to be done right now. Option B could be looked at and then the medians could be added in the future if desired. Councilor Coyne stated the ordinance does not specify which option would be done. Mr. Eisenach confirmed it did not.

Councilor Masters stated a citizen from Stewart Street spoke at a committee meeting and reported approximately 2 million vehicles go up and down Stewart Street a year. There is already a lot of traffic on Braddock Street now. He was in favor of the project in hopes it would take traffic out of the residential area. With the issue of the refuse trucks, he asked how long people are going to be tied up on that street. There will be more people and only two lanes. People are going to be encouraged not to use Stewart Street as a pass through but to use Braddock or Cameron. He asked if traffic is going to be slowed down a lot or are people going to be able to get around. Mr. Eisenach stated as far as the refuse collection, we can look at the time of day for pickup so we are not picking up those streets during the rush hour to make it work. As far as moving traffic off of Stewart and Washington, he sees it as an advantage of doing this right now. Neither Cameron nor Braddock is close to capacity in terms of what two ways streets can carry safely in terms of congestion. The congestion is due to the traffic lights. The system has been modeled and it works well. He is confident the congestion will not be any worse than today.

Councilor Major asked Chief Wright if the rescue vehicles go down the other two way streets in the city. Chief Wright stated they can do it but Cameron and Braddock are the main north/south routes. His other concerns are parking the vehicles from Rouss Fire Hall while doing bay maintenance and traffic safety or congestion caused by the average 200 calls a year on Cameron Street. Councilor Major asked if those are the same issues they face on other two way streets in the city and Chief Wright stated it is.

Councilor Nelson asked if Chief Wright would be in favor of median strips which could make it more difficult. Chief Wright stated obviously they could not go around them but he would work with whatever decision Council made.

Councilor Helm stated his concern is the efficiency of moving traffic. Downtown is not necessarily someplace people are destined to go and we need to be able to move people through. Businesses rely more and more on large truck access and those trucks do block a lane of traffic. We can't control when they are making deliveries even with loading zones. This is the first time he has heard that neither of these streets will exceed their capacity. He is not a fan of the concept because of the traffic issues and for the businesses but a definitive decision needs to be made to move forward one direction or another.

Councilor Butler stated there are positives and negatives on both sides of the issue and he is not sure that spending \$250,000.00 of our money right now is worth it. He doesn't see that the money being spent right now would give us a great advantage.

Councilor Coyne stated he thinks the two way is only one piece of what needs to be done downtown. We need to concentrate on monitoring the traffic. The parking garage will be a great improvement but it is not going to help the businesses whose customers don't park in the garage to walk down a couple of blocks. He shares concerns about the money but he views this more as an investment. We have invested a great deal in downtown and need to keep doing that. It is the engine that is going to drive the local economy. He understands the concerns and comments from the people who spoke tonight. People feel very strongly about this but he has faith in our staff. They have done an excellent job presenting this. They got the public comments. People showed up tonight to express their views. He is confident they are going to be able to work through the issues with Fire and Rescue, refuse collection and all the other things that come up over time if this passes. It will be up to the future Council to decide if there are medians and turn lanes. We are just asked to decide if they are going to go two ways a year from now.

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 Buettner	Aye
Councilor Butler	Nay
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Nay
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

President Gaynor stated there will be six councilors who will not be serving as of the first of the year and offered each one an opportunity to say a few words. In order of seniority, Vice-President Griffin, President Gaynor, and Councilors Coyne, Helm, Masters and Nelson proceeded with their farewell speeches.

6. REPORTS OF STANDING COMMITTEES

6-1 FINANCE AND ADMINISTRATION

Chairman Buettner presented the following:

1. First Reading, by title: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 7-2 THROUGH 7-4 AND SECTION 7-17 OF THE WINCHESTER CITY CODE TO ALLOW FOR THE ADDITION OF AN ADDITIONAL VOTING PRECINCT.
2. Motion to approve a resolution affirming the authorization to pick-up the Employee's Contribution to VRS for City of Winchester – 55222 Under §414(h) of the Internal Revenue Code.

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

3. Motion to appoint Christopher Martin, William Pifer, and Robert D. Powell as members of the Board of Real Estate Assessors for a one year term expiring December 31, 2009.

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

4. Motion to recommend to the Circuit Court that Cathy Shore, Sarah Webber, and Jimmie Shipp be appointed to the Board of Equalization of Real Estate Assessments for one-year terms expiring December 31, 2009.

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

6-2 PLANNING AND DEVELOPMENT

Chairman Griffin presented the following:

1. First Reading, by title: AN ORDINANCE AMENDING ARTICLE 14 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO EXCLUSIONS IN THE HISTORIC WINCHESTER (HW) DISTRICT TA-08-08
2. First Reading, by title: AN ORDINANCE AMENDING SECTION 18-6-6.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SPECIAL EXCEPTIONS FROM OFF-STREET PARKING AND LOADING REQUIREMENTS TA-08-09
3. Motion to approve the request of Shenandoah Mobile Company for a Conditional Use Permit to construct a wireless communications tower at 2625 Valley Ave (Section 290, Double Circle 7, Lot 28) zoned Highway

Commercial, B-2 District with Corridor Enhancement, CE District overlay.
CU-08-14

The motion was seconded by Mayor Minor.

Councilor Major moved to amend the motion to require a United States of America Flag be flown on the pole. *The motion was seconded by Councilor Butler then unanimously approved by voice-vote.*

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

4. Motion to approve/deny the renewal of Conditional Use Permit for Goodfellow's LLC for a nightclub at 821 N. Loudoun Street zoned Highway Commercial, B-2 District. CU-07-10

This item was tabled for 90 days previously in the meeting.

5. Motion to appoint Brian Hester as a member of the Board of Zoning Appeals to an unexpired term ending April 30, 2011.

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

6. Motion to re-appoint Ben Weber as a member of the Old Town Development Board to a three year term expiring October 31, 2011.

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

6-2 PUBLIC SERVICES

Chairman Helm presented the following:

1. Motion to approve a resolution authorizing safety improvements on Cedar Creek Grade.

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

2. Motion to uphold the city manager's decision to deny the request to remove a tree at 311 S. Stewart Street.

Councilor Major moved to table items 2 and 3. The motion was seconded by Councilor Helm then unanimously approved by voice-vote.

3. Motion to uphold the city manager's decision to deny the request to remove a tree at 310 Liberty Avenue.

Item was tabled in previous motion.

4. Motion to appoint Dick Helm and Shep Campbell as members of the Frederick-Winchester Service Authority to a three year term ending August 31, 2011.

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

City Attorney Anthony Williams stated he spoke with Councilor Helm and suggested Council make a motion to direct someone on staff to amend the city code for Tree Commission Appeals. Councilor Helm stated this has become an issue because the code stated an appeal of the city managers decision reverts to a 3 member panel of the overseeing committee. Mr. Williams stated that was the intention but the amendment was never made so the appeal still comes before Council. President Gaynor directed Mr. Williams to come up with a plan to solve this issue that fits with code and present it before Council next month.

5. Motion to appoint Tim Coyne as a member of the Frederick-Winchester Service Authority to an unexpired term ending August 31, 2009.

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

6-4 COMMUNITY SAFETY

1. First Reading, by title: AN ORDINANCE TO ADOPT SECTION 16-6.2 OF THE WINCHESTER CITY CODE PERTAINING TO BEGGING / PANHANDLING
2. Motion to approve a resolution recognizing the generosity of the Arthur J. and Nadine B. Collinson Trust.

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

6-5 HEALTH, EDUCATION AND WELFARE

Chairman Coyne presented the following:

1. Motion to approve route changes in the Transit System.

Councilor Coyne stated the committee recommended keeping the north route to the Salvation Army and Westminster Canterbury as it current is to allow for the collection of more data and review the information in 6 months.

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

2. Motion to appoint Lori Fountain as a member of the Community Development Committee for a three year term ending December 31, 2011.

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

3. Motion to appoint Angela Cain as a member of the Social Services Advisory Board for a four year term ending March 31, 2012.

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

4. Motion to appoint Ann Wigley as a member of the Social Services Advisory Board to an unexpired term ending March 31, 2009.

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

7. **NEW BUSINESS**

1. Report of the Mayor.

Mayor Minor invited everyone to attend the dedication ceremony for the Active Living and Recreation Center on December 15, 2008 at 4:00 p.m. She expressed her gratitude to all of the councilors who are leaving for their dedication and hard work. She stated they would be greatly missed. Mayor Minor wished a Merry Christmas and Happy New Year to all of the citizens on behalf of the City Council and the City of Winchester.

8. **EXECUTIVE SESSION**

1. MOTION TO CONVENE IN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AS DESCRIBED IN §2.2-3711(A)(1) OF THE CODE OF VIRGINIA WHICH IS HEREBY INCORPORATED AS IF SET FORTH FULLY HEREIN.

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

President Gaynor moved to reconvene in open session at 10:00 p.m. The motion was seconded by Vice-Mayor Buettner then unanimously approved by voice-vote.

Upon returning to the open meeting, 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	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

9. ADJOURNMENT

With no further business to discuss, the meeting adjourned at 10:00 p.m.

Kari J. Van Diest
Deputy Clerk of the Common Council