

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
February 23, 2010
City Council Chambers – Rouss City Hall**

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)

Vice-President Major called the meeting to order at 5:30 p.m.

New Business:

R-2010-09: Resolution – Support of Local Automobile Dealership Franchises

Vice-Mayor Butler moved to forward R-2010-09 to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

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

Parks and Recreation Director Brad Veach stated the proposal has been modified to take \$75,000.00 out of the Parks Fund Balance and Winchester Baseball has committed to raise an additional \$75,000.00. The City was not awarded the grant but staff was prepared for that possibility. Staff feels the event will have a big impact on the Winchester area through hotels, restaurants and tourism. Staff will have an opportunity to see a World Series event in Purcellville this year to see how they handle the event. Mr. Veach stated he is confident the event will be a success based on similar events hosted in the past. The community is already reaching out to the Department to see how they can help. He requested Council approve the resolution being presented.

City Manager Jim O'Connor stated the Parks Board had no objections to the proposal. If Council is agreeable, he asked that the resolution be approved at tonight's Council meeting to move forward on the process.

Councilor Clark moved to forward R-2010-10 to tonight's Council meeting. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

CU-09-172: Conditional Use Permit - DFC Architects, PC for a two family dwelling at 314 South Kent Street (Map Number 193-01-T-3) zoned Limited High

Density Residential (HR-1) District with Historic Winchester (HW) District overlay.

Planning Director Tim Youmans presented the request to demolish a single family residence and to rebuild a two family residence. The applicant has received approval for demolition from the Board of Architectural Review. Mr. Youmans presented the site plan and elevations for the new structure. The applicant is in favor of an easement for the Green Circle Trail if needed. The Planning Commission has recommended approval with conditions.

CU-09-286: Conditional Use Permit - Barton Chasler for a two family dwelling at 527 North Loudoun Street (Map Number 153-01-D-15) zoned Limited High Density Residential (HR-1) District.

Mr. Youmans stated the request is for a CUP on a structure that has already been converted into a two family residence. Inspections are needed for the change of use and to building codes for the second residence in the building. The Planning Commission has recommended approval with conditions. One of the conditions is to create additional parking but off street parking is not required to be paved. The additional parking for the second unit will be entirely in the rear yard. Mr. Youmans also presented the floor plans for both units.

O-2010-06: Ordinance - AN ORDINANCE TO AMEND ARTICLES 1, 6, 7, 8, 9, 10, 13, AND 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A CONDITIONAL USE PERMIT FOR SHORT-TERM LOAN ESTABLISHMENTS TA-10-21

Zoning Administrator Vince Diem stated this is a staff sponsored text amendment endorsed by the Planning Commission in regards to short-term loan establishments in the city. These establishments can put an economic drain on a community and typically target lower income areas. The ordinance would not impact existing establishments unless they would expand or change location. The ordinance does provide a definition and further differentiates these establishments from more common banking institutions.

Councilor Willingham asked what the overall intent of the ordinance is. Mr. Diem stated the intent is to give the Planning Commission and City Council an opportunity to review this type of establishment in the city and to give conditions on how they can operate in the city to help make sure they are not targeting certain neighborhoods.

Councilor Clark moved to forward O-2010-06 to Council. *The motion was seconded by Councilor Veach then approved 7/1 with Councilor Willingham voting in the negative.*

CU-09-02: Conditional Use Permit - Request of Richard Oram & Debra Johnson for a Conditional Use Permit for nightclub use on upper level at 101 North Loudoun Street, which is zoned Central Business (B-1) District, with Historic Winchester (HW) District special overlay. (This is a one-year review, based on the imposed conditions.)

Mr. Diem stated staff has reviewed the Calls for Service with the Police Department and have determined the establishment has not exceeded the number of calls allowed. There are also no issues with ABC licensing, business licensing or taxes. The recommendation is to renew the CUP every 5 years.

After a brief discussion regarding tracking systems, Vice-President Major directed staff to run a Calls for Service report for each nightclub use on a monthly basis to track the number of calls.

CU-09-147: Conditional Use Permit - Request of Stephanie Levenson on behalf of Sweet Caroline's of Winchester for a Conditional Use Permit for nightclub use at 29 West Cork Street, which is zoned Central Business (B-1) District, with Historic Winchester (HW) District special overlay. (This is a six-month review, based on the imposed conditions.)

Mr. Diem stated there are no issues with the ABC licensing or taxes and licensing with the Commissioner of Revenue. The establishment has not exceeded the number of Calls for Service either. The recommendation is to review the CUP in 5 years.

CU-09-198: Conditional Use Permit - Request of Milano's, LLC on behalf of the subject property owner for a Conditional Use Permit for nightclub use at 107 West Boscawen Street, which is zoned Central Business (B-1) District, with Historic Winchester (HW) District special overlay. (This request was tabled for six months at the September 2009 Planning & Development Committee meeting.)

Mr. Diem stated there is an amendment to this application to have the CUP for only 107 Boscawen Street and not 111 Boscawen as well. The Calls for Service have not exceeded the amount in the 6 month period since being tabled at the September 2009 Planning and Development Committee. There are also no issues with the ABC and the applicant is current with taxes and licensing through the Commissioner of Revenue.

Councilor McInturff asked if BAR has approved the design on the front glass. Mr. Diem stated he did not find a Certificate of Appropriateness from BAR for the alteration. He will work with the applicant to arrange it immediately.

Spot Blight Abatement - 119-129 North Loudoun Street - Taylor hotel

Mr. Diem stated the request follows an initial tabling from Council on October 27, 2009. The emergency stabilization has been completed and the roof over the one story addition has been removed along with some mechanical items. Staff's position is that the applicant has not performed with their timeline and asks that Council continue with the Spot Blight process.

Councilor Clark asked if the applicant has corresponded with staff. Mr. Diem stated correspondence was received today stating they are in negotiations for sale of the property but we have not received verification.

Vice-Mayor Butler moved to proceed with the Spot Blight. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Spot Blight Abatement – 501-519 West Jubal Early Drive - Ervin Medical Office building.

Mr. Diem stated the building was partially constructed but remains incomplete. Initially staff felt comfortable with working with the representative. However, since the preliminary determination of blight was issued last summer, the property owner has said they are not responsible. In the meantime, the first lien holder submitted an abatement plan. Staff issued a letter in January stating the plan has not been completed. The recommendation is to move forward with the Spot Blight process.

Vice-Mayor Butler moved to forward the request for Spot Blight Abatement. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

Presentation: Historic Winchester District Guidelines Review

Mr. Diem stated the committee formed at Council's request to review the Historic Winchester District Guidelines met for a number of months from July to December and have provided several recommendations. One of the recommendations is to revise and re-publish the Historic Winchester District guidelines. A grant will be applied for to cover 50% of the costs while Preservation of Historic Winchester will pay 25% and the City will pay the remaining 25%.

Discussion: Ordinance to amend and re-adopt Chapter 31 - Vehicles for Hire of the Winchester City Code

Police Chief Kevin Sanzenbacher stated the Taxi Cab Coalition has proposed amendments to the City's ordinance. Chief Sanzenbacher provided a written report included in the packet. His main concern is the coalition wants several items taken out of the PD and pushed onto the City Manager's Office and City

Council as to the need and number of taxi cabs in operation in the city. He feels that is a job for the market to decide not Council. He has other smaller objections as well. He also expressed concern that this is not the work of the coalition. Several of the companies have reported they did not participate in the ordinance as presented right now.

O-2010-08: Ordinance – To amend and re-adopt section 28-10 of the City Code regarding display of Business License and Maintenance of Records

Mr. O'Connor stated this ordinance originated from the Commissioner of Revenue. The intent is to require business licenses be displayed in the establishment.

Councilor McInturff moved to forward O-2010-08 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

R-2010-11: Resolution – Adoption of the Emergency Operations Plan 2010 Edition

Emergency Management Coordinator Lynn Miller stated the City is in a 4 year cycle of rewriting and adopting the Emergency Operations Plan. The purpose of the plan is to coordinate emergencies in the City. Staff is also required to review and exercise the plan on an annual basis. The plan will be continually modified on a 6 month schedule for updates.

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

Vice-President Major moved to forward all of the following nominations for appointment. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

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

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

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

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

Appointment: Motion to nominate John Crandall to be appointed as a member of the Winchester-Frederick County MPO: Citizens Advisory Committee for an indefinite term.

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

Recommendation: Motion to send forward the recommendation for Pamela Bell to serve on the Local Emergency Planning Commission as a media member for an indefinite term.

Recommendation: Motion to send forward the recommendation for Archie McKay to serve on the Local Emergency Planning Commission as a member at large for an indefinite term. Mr. McKay has been serving at a media member.

Tracy Marlat of the Shenandoah Arts Council addressed Council to ask for a resolution supporting the arts. She stated the House in Richmond is proposing the State funding for the arts be cut by 50% in FY11 and completely eliminated in FY12.

Councilor Clark moved to forward the resolution to tonight's Council meeting. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Vice-President Major moved to convene in executive session pursuant to 2.2-3711(A)(7) of the Code of Virginia for consultation with legal counsel regarding a matter of potential/pending litigation to discuss legal strategy and options for resolution and handling. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote at 6:44 p.m.*

Upon returning, council 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
President Buettner	Absent
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

Adjournment

Councilor Willingham moved to adjourn the meeting at 6:53 p.m. The motion was seconded by Councilor Veach then unanimously approved by voice-vote.