

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
June 28, 2011  
City Council Chambers – Rouss City Hall**

**PRESENT:** Councilor Evan Clark, John Hill, John Tagnesi, Les Veach and John Willingham; Vice-President Art Major; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor (8)  
**ABSENT:** President Jeff Buettner (1)

Vice-President Major called the meeting to order at 6:00 p.m.

**Items for Discussion:**

**Presentation:** Amendment to Redistricting of Voter Wards – Joyce Braithwaite & Tim Youmans

Voter Registrar Joyce Braithwaite stated the amendment is simply to name the new precinct in the 4<sup>th</sup> ward.

City Attorney Anthony Williams stated the amendment is being presented so Council can think of a name between now and the next meeting.

Councilor Clark suggested naming the precinct Middle Road in case the voting location would move.

**Presentation:** MPO Long Range Transportation Plan – Tim Youmans

Planning Director Tim Youmans presented a brief summary of the MPO Long Range Transportation Plan including the Vision Plan Projects, the Governor's Fund Projects (SYIP), and a timeline for the LRTP revision.

**O-2011-33:** AN ORDINANCE TO CONDITIONALLY REZONE 1.06 ACRES OF LAND AT 201 SPRING STREET, INCLUDING A PORTION OF VACATED RIGHT-OF-WAY, FROM MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT TO HIGHWAY COMMERCIAL (B-2) DISTRICT; AND TO REVISE PROFFERS ASSOCIATED WITH CONDITIONAL B-2 ZONING AT 222 SPRING STREET RZ-11-274 – Tim Youmans

Mr. Youmans presented a review of the subject area. He stated the request is to change the existing proffers and to rezone 201 Spring Street from MR to B2. A 50 foot wide no build area will run along the back of the residential lots with an additional 50 foot wide restricted building area where buildings cannot be higher

than 35 foot tall. The current zoning also includes a 75 foot parking buffer. The Planning Commission recommended approval subject to the revised proffers.

Vice-President Major requested more information on the fence being used. He stated the neighbors on Greystone Terrace are concerned about the appearance of the fence and about emergency access. He has discussed the emergency access issue with both the Police and Fire Chiefs and they do not think it will be necessary. He would like to see options for more landscaping buffers in that area. The applicant stated if emergency access is not a concern, they can look at a more intense buffer but it would not be the same as the other areas around the cul-de-sac.

Vice-President Major stated the original language in the proffers included no dumpsters or HVAC equipment in the no build zone and asked if that could be included. The applicant stated he is not opposed to including the language.

Vice-President Major asked if the 75 foot no parking buffer could be modified to include no parking stalls in that area. The applicant stated if a driveway can be in that area, they can do away with parking stalls.

Councilor Willingham moved to forward O-2011-33 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**O-2011-34:** AN ORDINANCE TO REZONE A 0.82 ACRE PORTION OF LAND AT 1804-1850 ROBERTS STREET FROM LIMITED INDUSTRIAL (M-1) DISTRICT TO HIGHWAY COMMERCIAL (B-2) DISTRICT. RZ-11-276 - Tim Youmans

Mr. Youmans presented the rezoning request at 1804-1850 Roberts Street to B2 for commercial development. He stated the Planning Commission recommended approval.

Councilor Tagnesi moved to forward O-2011-34 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**CU-11-289:** Conditional Use Permit – Request of Dale Massey dba Piccadilly’s Public House & Restaurant for renewal of a conditional use permit for nightclub use, to include the addition of outdoor entertainment, at 121-125 East Piccadilly Street (Map Numbers 173-01-P-7 & 8) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. – Tim Youmans

Mr. Youmans presented the request to renew the CUP for nightclub use at Piccadilly’s Public House and Restaurant. The applicant is requesting a change in the number of days for indoor entertainment, new outdoor entertainment on the patio area limited to 10 days a month, and a changed in the ending times on Friday and Saturday night for indoor entertainment. The Planning Commission recommended approval subject to conditions.

Mayor Minor moved to forward CU-11-289 to Council. The motion was seconded by Councilor Veach.

Councilor Willingham expressed his concern with a 3 month review period for an applicant who has been operating correctly before and asked if a separation can be made between the indoor and outdoor entertainment. Mr. Youmans stated the 3 month period will get the applicant through the outdoor entertainment time of the year instead of a 6 month period that would cause the review to occur in February.

Vice-President Major asked if the outdoor entertainment does not work and Council decides to pull the permit, will it also stop the indoor entertainment as well. Mr. Williams stated staff will need to establish an indoor and outdoor use. Zoning Administrator Vince Diem stated in this situation the CUPS are on two different parcels and can be differentiated by the addresses.

*The motion was unanimously approved by voice-vote.*

**O-2011-30:** AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN AND TO DECLARE A PUBLIC NUISANCE PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURES(S) AND PROPERTY LOCATED AT 1873 VALLEY AVENUE – Vince Diem

Zoning Administrator Vince Diem requested the item be tabled.

Councilor Willingham moved to table O-2011-30. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**O-2011-35:** AN ORDINANCE TO AMEND SECTION 15.1 OF THE WINCHESTER ZONING ORDINANCE TO REFLECT THE UPDATED STATEMENT OF INTENT; AND ARTICLE 18-8-9 TO REFLECT EXPANDED SIGNAGE PROVISIONS INTENDED TO RECOGNIZE INCREASING HEIGHT AND FOOTPRINT OF THE MEDICAL CENTER BUILDINGS TA-11-303 – Vince Diem

Mr. Diem stated the applicant has amended the text amendment to retract article 15.1 regarding the Statement of Intent. He continued to state that as the hospital continues to grow, the current sign provisions limit the applicant on the amount of signage. The applicant is looking at variations of sign height allowed based on the size of the building. The Planning Commission recommended approval.

Mayor Minor moved to forward O-2011-30 to Council. The motion was seconded by Vice-Mayor McInturff.

Councilor Clark expressed his concern with the need to have a 1000 square foot sign on the building to say Valley Health/Winchester Medical Center when citizens have passed several signs along the entranceway.

Vice-Mayor McInturff asked Mr. Williams if anything needed to be done to strike Section 15 from the ordinance. Mr. Williams replied stating during the Work Session is sufficient.

*The motion was approved 6/0 with Councilors Tagnesi and Willingham abstaining.*

**O-2011-36:** AN ORDINANCE TO AMEND SECTIONS 4-1, 4-2, 5-1, 5-2, 5.1-1, 5.1-2, 7-1, 7-2, 9-1, and 9-2; AND, ADOPT ARTICLE 13.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO COTTAGE HOUSING DEVELOPMENT DESIGN STANDARDS AND USE PROVISIONS TA-11-125 – Vince Diem

Mr. Diem presented the request for another housing choice within the city. The cottage houses would be built around a common area with shared parking, trash collections, etc. The housing would appeal to aging seniors and young professionals. These houses would be built smaller, approximately 800-900 square feet, but not cheaper. Contractors and developers in the area have already shown interest in the proposal.

Vice-Mayor McInturff asked if any ADA requirements have been considered due to the size of the homes. Mr. Diem stated he received a letter from John Lewandowski, Chairman of the Housing for Disabled Veterans, asking that a percentage of the housing be dedicated to ADA. He stated it could be built into the house costs.

Mr. Williams stated in regards to the ADA standards, he would need to look at enabling legislation to allow us to mandate it first.

Councilor Willingham moved to forward O-2011-36 to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

**O-2011-19:** AN ORDINANCE TO AMEND AND REENACT SECTION 18-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO HOME OCCUPATION STANDARDS Note: Referred back to the Planning Commission by City Council at its May 24, 2011 work session. TA-11-204 – Vince Diem

Mr. Diem stated staff and the applicant returned to the Planning Commission to review draft 4. The Planning Commission voted 4/2 to forward the draft recommending denial due to concerns with the impact on residential neighborhoods. The commission did encourage staff to present a text amendment to allow the activity in accessory structures.

Councilor Willingham stated he likes the ability to approve or deny applications on an individual basis through a CUP and this draft removes the signage. He stated he would support it.

Mr. Diem stated this applicant also has off street parking and an accessory structure.

Councilor Willingham moved to forward O-2011-19 to Council. *The motion was seconded by Councilor Clark then approved 6/1 with Councilor Tagnesi voting in the negative and Vice-Mayor McInturff abstaining.*

**CU-11-272:** Conditional Use Permit – Request of Blanca Lopez dba Perlita’s Mexican Restaurant for a conditional use permit for nightclub use at 101 Weems Lane (Map Number 271-04-101) zoned Highway Commercial (B-2) District. – Vince Diem

Mr. Diem presented a nightclub request for Perlitas Mexican Restaurant. He stated the Planning Commission recommended approval with conditions consistent to other CUPs that have been approved.

Councilor Willingham moved to forward CU-11-272 to Council. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

Vice-President Major encouraged staff and the Planning Commission to look at the number of police calls condition. He expressed his concern that it is discouraging owners from calling the police when needed to prevent reaching the limit of calls.

**R-2011-22:** Resolution – To Initiate a Memorandum of Understanding with Trash/Waste Removal Service Providers Pertaining to the Hours of Operation. (Modification to O-2011-08: Pertaining to the Operation of Trash Trucks between the Hours of 11:00 PM and 6:00 AM – Vince Diem & Kevin Sanzenbacher

Mr. Diem presented the proposal to enter into an MOU with the identified vendors who remove trash from dumpsters in the city during the early morning hours. Staff have met with the vendors and they are receptive to the idea. The MOU would prevent the activity in a residential area between the hours of 10 p.m. and 6 a.m.

Mayor Elizabeth Minor moved to forward R-2011-22 to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

**O-2011-32:** AN ORDINANCE TO ADOPT SECTION 5-6.3 OF THE WINCHESTER CODE PERTAINING TO CONFINEMENT OF ANIMALS IN VEHICLES PROHIBITED

*Chief Kevin Sanzenbacher requested the item be pulled prior to meeting.*

**R-2011-24:** Resolution – Approve the application for Harley-Davidson Police Assistance Grant for the purchase of one Harley-Davidson Motorcycle –Deputy John Austin

Deputy John Austin presented the request to apply for the Harley-Davidson Police Assistance Grant to help reduce costs in serving papers and to use at other events in the city.

Councilor Willingham moved to forward R-2011-24 to Council. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

**R-2011-25:** Resolution – Approve the application for a One Time Equipment Grants from the Department of Criminal Justice Services –Deputy John Austin

Deputy Austin presented the request for a one time grant of \$35,000 to purchase equipment for the Sheriff's Department to increase the door control and ADA access at the courthouse.

Councilor Veach moved to forward R-2011-25 to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

**R-2011-23:** Resolution – Approval of the Schedule for the Regular Meetings and Work Sessions for FY12.

Councilor Willingham moved to forward R-2011-23 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**O-2011-21:** AN ORDINANCE TO AMEND AND RE-ADOPT CERTAIN PROVISIONS OF THE PUBLISHED WINCHESTER CODE OF ORDINANCES PURSUANT TO THE CITY'S COMPREHENSIVE CODE REVIEW – Anthony Williams

Mr. Williams presented revisions brought to his attention by staff to clarify language and the numbering of code sections to align with state code. He stated any amendment made to City Code since February will need to be added and Council will be given another disk.

Councilor Veach moved to approve the amendments. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Mr. Williams presented additional information on the proposed amendment to Section 2-61 in response to questions asked at the last work session. He asked if it was Council's desire to approve the amendment as originally presented or to amend the proposed language with one of the alternatives presented tonight.

Vice-President Major expressed his concern in regards to not receiving the information prior to the meeting and being asked to make a decision when Council did not have enough time to review the new information.

During a discussion where Mr. Williams explained that the original proposed amendment was presented to Council on a disk in a previous work session, Vice-President Major adjourned the meeting at 8:38 p.m.

**O-2011-23: AN ORDINANCE TO AMEND AND RE-ADOPT THE WINCHESTER CITY CHARTER – Anthony Williams**

**Report of Liaisons**

**Submitted Reports:**

Spot Blight Abatement

**Adjourn**