

Planning & Development Committee
October 27, 2009
MINUTES

PRESENT: President Jeff Buettner; Vice-Mayor Michael Butler; Councilor Evan Clark, John Hill, Milt McInturff, Les Veach and John Willingham; Vice-President Art Major; Mayor Elizabeth Minor (9)

ABSENT: None (0)

Approval of Minutes – September 22, 2009

Mayor Minor moved to approve the minutes of the September 22, 2009 meeting. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Items for Discussion -

- Education Initiative Update – Susan Utt, Northern Shenandoah Valley Adult Education

Ms. Utt stated she received her water bill last week and appreciated the flyer that was included in the mailing. She would still like the program to be promoted but has a different need right now. The higher unemployment has increased the class size tremendously. A new class will be opening at the Douglas Learning Center but they cannot handle the numbers right now. Frederick County is the sole provider for funding the GED test and with the budget cuts has asked that they cut back and reduce the number of GED tests given this year. Ms. Utt asked that Council begin thinking of ways to partner with the other localities to serve the citizens. This request is different from the past because the program is being challenged by its own success.

- Motion to convene in executive session pursuant to §2.2-3711(A)(3) and §2.2-3711(A)(1) of the Code of Virginia for consultation with legal counsel and the discussion of a personnel matter.

Vice-President Major moved to convene into executive session. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

Councilor Veach moved to reconvene in open session. *The motion was seconded by Mayor Minor 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	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

- Planning & Development
 - Motion to table AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURE(S) AND PROPERTY LOCATED AT 119-129 NORTH LOUDOUN STREET – Ward 1 (Tabled for 1 month at September P&D Meeting)

Vice-President Major moved to table the ordinance. *The motion was seconded and passed 6/3 with Vice-Mayor Butler, Councilor McInturff and Councilor Willingham voting in the negative.*

- RZ-09-254 AN ORDINANCE TO REZONE 0.191 ACRES OF LAND AT 208-218 EAST FAIRFAX LANE (Map Number 174-01-G-17) FROM LIMITED HIGH DENSITY RESIDENTIAL (HR-1) DISTRICT TO RESIDENTIAL BUSINESS (RB-1) DISTRICT. The Comprehensive Plan calls for logical expansion of the RB-1 area on an incremental basis along the periphery of the existing RB-1 District. RB-1 zoning yields up to 19 units per acre. Six existing units are proposed to be rehabilitated. – Ward 2

Planning Director Tim Youmans described the property and the surrounding area. The current zoning does not permit multi-family use. Staff looked at rehabilitating the property under the current proposal and determined it would take longer for the applicant to accomplish what he wants to. Rezoning the property to RB1 would not change the boundary of the Historic District Overlay. The applicant converted the proposal to a proffered rezoning due to some concerns from the Planning Commission that now recommends approval.

Vice-President Major moved to send RZ-09-254 forward to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

- CU-09-217 Request of Larry Hammack for a conditional use permit for a Neighborhood Convenience Establishment at 1009 Franklin Street (Map Number 196-10-4) zoned High Density Residential (HR) District. – Ward 3

City Planner Will Moore stated the owner has allowed a basement coin operated laundry facility be used by those other than the residents of the property. The applicant immediately brought in an application for consideration. The applicant manages four other properties in the area whose residents do not have access to a vehicle so the services would be a benefit to them as well. The proposal is to operate as he has been before the permit from 9:30 a.m. – 11:00 p.m., seven days a week. A condition to maintain proper security and lighting has been added. There is a small parking area in the rear of the property. In addition to the permit, the applicant would need to apply for a change of use with the building official which may require some improvements to the building. The applicant is required to follow through with that process. The Planning Commission recommended approval.

Vice-President Major moved to send CU-09-217 forward to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

- CU-09-262 Request of Maureen Keeler for a conditional use permit for a Family Day Care Home at 97 Christopher Drive (Map Number 195-13-32) zoned Medium Density Residential (MR) District. – Ward 3

Councilor McInturff stated he will be abstaining from any comment due to owning property close to this address.

Zoning Administrator Vince Diem stated the applicant intends to provide day care to possibly more than 5 children and may be up to 12. By right, the applicant can care for up to 5 children without a conditional use permit. The applicant has provided proof of a license from the State and Social Services. This is an in home operation that does not require additional off street parking. The applicant occupies the homes as a single family dwelling. A number of citizens spoke highly of the applicant and in favor of the proposal at the public hearing. The Planning Commission recommends approval.

Councilor Willingham moved to send CU-09-262 forward to Council. The motion was seconded by Mayor Minor.

Vice-President Major moved to amend CU-09-262 to include that any concerns of the citizens be addressed in a timely manner. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

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

- Discussion on AN ORDINANCE TO AMEND AND RE-ENACT SECTION 18.1 OF THE WINCHESTER CITY CODE REGARDING THE WINCHESTER PARKS AND RECREATION BOARD BY REMOVING SUBSECTION 2 – Appointment of Handley High School Students to the Parks & Recreation Advisory Board.

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

- Discussion on the termination of the Elk Street Park lease between the City of Winchester and the Daniel J. Farrar Lodge #458.

Parks and Recreation Director Brad Veach stated the Parks and Rec Department and Board have been talking with the Elks Lodge since early summer to try to work out a deal. The Board felt it was inappropriate to pay rent for a piece of property to put a park on it. This property also has tax exempt status. The City leased the property in 1982 and renewed the lease in 2004. The Elks Lodge have requested a 5 year extension on the lease at \$0 for the first year and then negotiable each year after. The Board and staff recommend not continuing the lease. The equipment on the site was purchased from Department of Justice money and can be donated to a non-profit organization or it can be used on the property. The equipment can be offered to the Elks Lodge if they want to maintain it on their own.

City Attorney Anthony Williams stated this item was brought forward because of the tax exempt issue. The property will be on the renewal list. This is for discussion only and no action is required.

Mr. Veach stated the Board and staff feel confident in their decision because of the improvements made in the parks in the north end of the city.

Councilor Clark asked if the proposal would be reconsidered if the Elks Club would maintain \$0 rent for 5 years. Mr. Veach stated it would be reconsidered but the Board and staff has reservations about leasing the land

and not owning it. The City is still responsible for providing the equipment and maintaining it.

Councilor Clark asked about the proposal for the equipment and shelter. Mr. Veach stated it would be donated to the lodge.

- Motion to send forward a resolution to approve a request to apply for the Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$506,000 to replace athletic field lighting at Bridgeforth and Rotary Fields in Jim Barnett Park.

Mr. Veach stated he would like to ask Council to approve a resolution authorizing application to the EECBG grant. The grant funds would replace the outdated athletic field lights on Bridgeforth and Rotary Fields. The current lighting is fairly inadequate for the level of play on those fields.

Councilor Butler asked if this is a matching grant. Mr. Veach stated he is asking for the full amount but it could be a match.

Vice-President Major moved to send the resolution forward to Council. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

- Motion to send forward a resolution to accept the award for Bulletproof Vest Partnership (BVP) Grant Program in the amount of \$3,748.00. The funds will reimburse the City 50% of the purchase cost for 17 vests.

Police Chief Kevin Sanzenbacher stated the approval of the resolution authorized the City Manager to accept the funds.

Councilor Willingham moved to send the resolution forward to Council. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

- Motion to send forward a resolution to approve a request to apply for the Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$50,000-\$100,000 to convert to propane injection systems on select fleet vehicles with no matching funds required.

Public Works Director Tom Hoy stated this request comes from the City Manager to retrofit vehicles. The amount includes vehicles from the Schools so it will probably be closer to \$98,000.00. The fueling station will be located next to the current diesel station.

Councilor Willingham asked if the proposal was discussed with localities in the region. Mr. Hoy stated there is not time to do so. The City has completed 60% of the grant process and has the permit process complete.

Vice-President Major moved to send the resolution forward to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- Motion to send forward a resolution to eliminate furlough days from the FY2010 Budget and to reinstate Christmas Eve (December 24, 2009) as a paid holiday for City of Winchester employees.

Interim City Manager Robert Noe stated the funds will be available from the existing budget without the need for supplemental appropriations.

Mayor Minor moved to send the resolution forward to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

- Pending Appointments for Boards and Commissions

No nominations were brought forward.

Submitted Reports

- Withdrawal of Spring Street Vacation SV-09-01 (Previously tabled May 26, 2009 P&D meeting)

Adjourn

Vice-President Major moved to adjourn the meeting at 7:14 p.m. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*