

Common Council for the City of Winchester, Virginia

Public Hearing and Public Comment Policy

A. Introduction

1. The Common Council for the City of Winchester, Virginia (“Council”) encourages all citizens to participate in public meetings. Although addressing Council is not an opportunity to have a discussion regarding the matter about which a citizen is speaking, such input provides Council with valuable information. To that end, it is important that everyone involved understands how the Council conducts, and the difference between, public hearings and public comments. Equally important, everyone should know, and follow, the rules applicable to speaking before Council.
2. Council aims to provide a high quality of service, in a safe and secure environment. These procedures are designed to achieve Council’s goal of conducting a streamlined and efficient meeting while preserving and protecting everyone’s constitutional rights, welfare, and safety.
3. Anyone desiring to speak on any item, whether a public hearing and public comment, should sign up at the podium placed at the entrance of Council Chambers, or such other place as may be designated by City staff at the meeting, and provide their name and address and identify the subject matter or item upon which they wish to speak.
4. Anyone unable to attend a Council meeting has the opportunity to submit a written public comment via the Public Comment Portal on the City’s website. If the public comment is received by 12:00 p.m. on the Monday prior to the meeting, it will be included in the agenda packet. Otherwise, it will be included in the next meeting’s agenda packet. Due to the volume of emails received by staff, public comments sent via email will not be included in an agenda packet.

B. Public Hearings

1. A public hearing is citizens’ opportunity to provide input on a specific transaction, application, amendment, and/or matter that is currently being considered by Council. Public hearing often involved land, zoning, conditional use permits, budgetary and financial matters, and the City Code. The public hearing procedures apply to all public hearings as may be required by City, state, or federal law, or as the Council may direct.
2. The following procedure shall apply to agenda items that involve a public hearing:
 - a. After the staff presentation, if applicable, the presiding officer shall open the public hearing and invite individuals to speak in order of sign-up.
 - b. Speakers should state their name and address or zip code for the record.

- c. Each individual shall have three (3) minutes to speak on the item.
- d. Speakers shall address only matters relevant to the public hearing item and not general or unrelated issues or matters.
- e. Speakers may not yield their time to another speaker.
- f. All comments shall be directed to Council.
- g. Once all speakers have been heard, the presiding officer shall close the public hearing.
- h. When a public hearing has been closed, the presiding officer may reopen the public hearing to allow for additional comments.
- i. When an Agenda item involves an applicant presentation along with staff, the applicant shall have up to ten (10) minutes to address Council and present written and/or oral comments. If desired, the applicant may work with staff to make their presentation via City media, audio-visual, technology, and resources.
- j. At that time, Councilors or members may direct questions to the applicant, speaker(s), staff members, or others as they may deem appropriate.

3. The following procedure shall apply for written comments involving a public hearing:

- a. Each individual may provide one comment per public hearing.
- b. Commentors will provide their name and address for the record.
- c. Each individual shall have 5,000 characters to express their comment, which is generally equivalent to three (3) minutes of verbal comment.
- d. Commentors shall address only matters relevant to the public hearing item and not general or unrelated issues or matters.
- e. All comments shall be directed to Council.
- f. No attachments, links, or other resources are permitted in written comments.

C. Public Comment

1. The public comment period is the public's opportunity to address any issues relevant to the City. The main purpose is to hear input from and the concerns of the public. These procedures shall apply to any meeting as may be required by City, state, or federal law, or as the Council may direct, whether before Council, the Planning Commission, or any other board or committee, as applicable.

2. The following procedure shall apply to the public comment period:

- a. The presiding officer shall call individuals to speak in order of sign-up and after all speakers who signed-in have finished, ask if there is anyone else who desires to speak.

- b. Speakers should state their name and address or zip code for the record.
 - c. Each individual shall have three (3) minutes to speak.
 - d. Speakers may not yield their time to another speaker.
 - e. Speakers should address their remarks to Council.
 - f. It is Council's practice to listen to speakers and not engage in dialogue.
 - g. Speakers shall not have access to the City's media, audio-visual, technology, or resources during public comment.
 - h. Powerpoint presentations, signs, banners, and other large or obstructive items are not allowed.
3. The following procedure shall apply for written public comments:
- a. Each individual may provide one public comment per Council meeting.
 - b. Commentors will provide their name and address for the record.
 - c. Each individual shall have 5,000 characters to express their comment, which is generally equivalent to three (3) minutes of verbal comment.
 - d. All comments shall be directed to Council.
 - e. No attachments, links, or other resources are permitted in written comments.

D. Guidelines for All Citizen Participation

1. Everyone is invited to speak and public hearings and public comment are not limited to residents of the City.
2. The presiding officer will provide additional time or other reasonable measures to any person needing an accommodation.
3. Speakers must address their remarks to Council, not to the audience or staff.
4. Speakers are not allowed to:
 - a. Disrupt and/or interfere with the process, function, and enjoyment of the meeting;
 - b. Harass or threaten violence toward Council, staff, or members of the public;
 - c. Use mobile communication devices so as to disrupt meetings. All mobile communication devices should be off or on silent mode during a meeting;
 - d. Campaign for public office or make campaign-related speech;
 - e. Promote private business ventures;
 - f. Advertise; or
 - g. Debate or engage with the audience.
5. Speakers are expected to be civil and respectful to everyone present. Personal attacks, abuse of staff, or abusive language directed at anyone, and the use of profanity is not welcome

and only serves to distract from the underlying issue or concern.

6. Except during ceremonial matters, the audience must not clap, snap fingers, stomp feet, jeer, boo, cheer, applaud, heckle, or make other noises that encourage, oppose, or otherwise interfere with others' First Amendment rights.

7. All members of the public shall remain seated during the meeting, unless directed to speak at the podium or table, or they are leaving the meeting.

8. Attendees shall refrain from conversations during the meeting and when entering and exiting the meeting in order to limit disruption of the meeting.

9. The public may not possess the following items in any public meeting:

- a. Large objects that may be used as a weapon, including, without limitation, batons, sticks, knives, or other cutting tools;
- b. Banners, signs, flags, placards, or other displays.
- c. Megaphones, bullhorns, whistles, or similar devices designed to emit loud noises;
- d. Laser pointers, flashlights, or other devices designed to emit light;
- e. Food or drink; and
- f. Selfie-sticks.

E. Enforcement

1. The presiding officer shall preserve order and decorum over all meetings and is authorized to unilaterally enforce compliance with this Policy by declaring individuals out of order and taking any of the following actions, as applicable:

- a. Point of Order;
- b. Turning off microphone and terminating speaking time;
- c. Removal of disruptive individuals;
- d. Clearing Council Chambers or other meeting spaces; and/or
- e. Recess.

2. Any person removed from a meeting shall not be allowed to return to that same meeting.

3. Any person previously removed from a meeting who again engages in disruptive behavior justifying removal may also be barred from attendance at future meetings for a specified and reasonable period of time, not to exceed 6 months. The presiding office shall make such prohibition in writing, which shall be provided to the individual, if possible.

4. Any individual banned from attendance at future meetings may appeal by submitting a written response to the City Manager within 10 days of receipt of the ban. Such appeal shall be heard at the next regularly scheduled meeting of Council and the decision may be modified, upheld, or overturned by majority vote.

5. Winchester Police Department officers shall act as a sergeant-at-arms and bailiff for all Council meetings and shall furnish whatever assistance is needed to enforce this Policy or other procedures at the discretion of the presiding officer, City Manager, and/or City Attorney.

Effective January 28, 2025

Edited: July 14, 2026