MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
AUGUST 11, 2015

A regular session of the Winchester Common Council was held on Tuesday, August 11, 2015, in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 6:02 p.m.

PRESENT: Councilor Evan Clark, John Hill, Kevin McKannan, Corey Sullivan and William Wiley; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (9)
ABSENT: None (0)

MOMENT OF SILENCE – President Willingham 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 – July 28, 2015 Regular Meeting and July 28, 2015 Work Session

Vice Mayor Veach moved to approve the minutes as presented. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

President Willingham welcomed the scouts from Boy Scout Troop 2 who were in attendance working on the Citizenship in the Community badge.

REPORT OF THE MAYOR – Mayor Minor stated she attended the Winchester Public School Teacher Convocation on Thursday and extended a welcome from all of City Council to them. The city is so blessed to have such wonderful and dedicated teachers for the students. Mayor Minor stated that she spoke to Donna Hughes yesterday, who has been at the Handley Library for approximately 25 years, and she was excited to report the Clarke, Frederick and Winchester libraries had 2,000 readers enrolled in their summer reading program. Mayor Minor stated a couple of mothers shared with her their delight in having the Splash Pad on the Loudoun Street Mall. Their children loved playing in it this summer and they wanted to thank Council for having it there. Mayor Minor was also contacted by a citizen who was very much opposed to the new roundabout in the National Avenue Gateway but now they have been through it several times and they think it is going to be wonderful. They can't wait to see it after the landscaping is complete.

REPORT OF THE CITY MANAGER – Eden Freeman stated the National Avenue roundabout did open Sunday evening. She drove through the area several times and is very pleased and proud of the way it is turning out. The landscaping will be done in September when it is cooler for plant installation. She stated the construction on the Joint Judicial Center will begin Sunday night. The renovations

are necessary to accommodate the new judges that were approved by the state this year. The work has to be done at night and will take approximately one year to complete. She stated the annual repainting of all the street lines is nearing completion. She reminded everyone in the community to please drive slowly in the areas around the crews and barricades. She stated the public hearing for the proposed expansion of the National Historic District will be held at 5:30 p.m. on Wednesday, August 12, 2015, in the fourth floor Exhibit Hall in City Hall. Also, on Thursday, August 13, 2015, staff will be holding a Public Information Open House regarding the National Avenue Corridor Enhancement Overlay Zoning District. Anyone interested in finding out more information about the district can come to the Exhibit Hall anytime between 5:30 p.m. and 7:00 p.m. Staff will have a formal presentation at 6:00 p.m. She stated the Parks & Recreation Department will have its One Last Splash event on Saturday, August 22, 2015. This is a pool party for middle school students at Jim Barnett Park. The new fall program guide is out and is posted on the City's website at www.winchesterva.gov. She announced Winchester was listed 15 out of 200 on the forbes.com list for the Best Small Places for Business and Careers which is something the city can be proud of. She also announced the Winchester Fire & Rescue Department has received a $480,000 grant from the Virginia Department of Fire Programs to help build a Class A Burn Building for training. This is a partnership grant with Clarke County and Frederick County. Training has not been held in the burn building because it has not been structurally sound for some time but this grant will help repair it. She stated a group of City employees will be playing basketball against a group of County employees this Saturday evening at James Wood High School. The City's celebrity coach will be Mark Moseley and the County's celebrity coach will be Erick Green. All proceeds from the event will benefit the Boys & Girls Club.

REPORT OF THE CITY ATTORNEY – Anthony Williams stated he did not have a report to present.

1.0 PUBLIC HEARINGS

2.0 PUBLIC COMMENTS

Ty Lawson spoke in regards to item 3.2 on the Consent Agenda requesting the item be tabled for 30 days to allow the applicant the opportunity to appear at the Work Session to make a presentation to Council.

Ethel Doherty of 1819 Melvor Lane stated she is a member of the NAACP and has been a resident of Winchester for 11 years. She feels very strongly that she would like to see the Confederate Flag removed from the City Seal and some other arrangement made for the seal. She feels this is a divisive flag to have on the seal. She knows it has been there for a long time but many people understand it has been a symbol of racism and bigotry particularly since the time of the Civil Rights Movement when it was resurrected and used as a symbol that she prefers not to see on the City Seal. She wanted to speak to tell Council how she feels and hopes Council will take it into consideration.

Gus Morrison of 138 Cahille Drive stated the last time he spoke on this issue, he gave an in depth view of why the flag should be removed from the Winchester City Seal. He will not go into that detail tonight but wanted to reiterate as the Vice President of the Winchester/Frederick County/Clarke County NAACP, he very

strongly requests, urges, emphasizes and wishes that Council will remove this very, very unfortunate and inappropriate figure from the symbol of this city. He has seen several articles and issues over the last few weeks that validate Winchester is a wonderful and beautiful city. He also recalls that Winchester has been recognized as one of the upcoming preferable places for retirement. He hopes Council will take this opportunity to show appreciation to all of those who would come to Winchester.

Joyce Morrison of 138 Cahille Drive stated the State NAACP will be sending out letters tomorrow addressed to Governor Terry McAuliffe, members of the General Assembly of Virginia, City Managers, Councilmen, County and Town Supervisors and any and all government representatives within the Commonwealth of Virginia. The letter states "Whereas symbols of hate and division have no place in our government or displayed from government facilities; whereas, the Commonwealth of Virginia is one of 50 states or commonwealth forming the United States; whereas the Confederate Flag has been used as a symbol of rebellion, racism, segregation, and racist terrorism acts;…" and it goes on she said. She wanted to advise Council they would be receiving a copy of the letter from the State NAACP and probably one from the national level as well.

John Copenhaver of 1536 Dalton Place read a portion of a letter he sent to City Council earlier in the day. He stated he wanted to thank City Council for their courage to lead the discussion on the inclusion of the Confederate Battle Flag on the City Seal. He knows it was not an easy decision and that Council knew it was opening the proverbial can of worms when it happened. Once again, along with other representatives of the faith traditions of the Valley Interfaith Council, he urged Council to remove the Confederate Battle Flag from the City Seal. Removing the flag from the seal will show the African-American citizens of this community that the City embraces them, their voices are heard, and their voices are respected. Until this is done, it will be hard for the City of Winchester to recruit African-Americans to serve as teachers and police officers. Fairly recently, Police Chief Kevin Sanzenbacher spoke to the Valley Interfaith Council about community relations and said how difficult it was to recruit African-American police officers. Mr. Copenhaver stated out of 71 officers, he thinks only two are African-American. He knows that part of that has to be from retirements and having openings but he thinks part of it also has to be the uniform that has the Confederate Battle Flag on the sleeve. He stated the flag has come down in Charleston over a month ago and now the Virginia license plates. It has also recently come down in the city of Danville. Winchester is the only city in the state of Virginia with the flag on its seal. He doesn't want Winchester to be the last refuge of a lost cause in our nation. He asked Council to please remove the battle flag from the seal and stated he hopes they will settle this with the same courage they opened the discussion.

Neil Russell of 2720 Crooked Run of Delaplane, Virginia stated his great, great grandfather is buried in Mount Hebron Cemetery. He was also in an unpopular war in Vietnam. When he is asked if there are any veterans available, he stands up even though it was not the most popular war ever had which is pretty much what the Confederate soldiers had. However, there is a wall in D.C. that gives credibility for his service in that country. He lost 5/8 of an inch of his right leg there and would feel pretty bad if he and others were not honored for their service. He does not expect anything from it. He has been walking with a limp since he was 20 years old. Those soldiers came from their country which was Virginia, Georgia or wherever and they fought for their country. He did the same thing. They did not go out to be racists.

He just can't understand people who relate heritage with hate and asked if someone could explain it to him. There was some nutcase who killed people which is a terrible thing but there are 350 million people in this country so he thinks there are going to be a couple of nutcases. He just can't understand the animosity. The Confederate soldiers stood on top of each other shooting at the enemy. At the First Battle of Manassas, all they wanted to do was keep their country in Virginia and not go into D.C. They could have gone into D.C. during the night but they didn't. They just wanted to be left alone in Virginia. He doesn't understand why it has come to this in this country. He has always been proud of his service time and is sure they were proud of their time as well. He stated those soldiers were wounded and died or they were shot and died. There were not medical services or hospitals in those days. Winchester was taken back and forth 72 times between the North and the South. He thinks those soldiers died for their country and should be recognized for it. Their recognition is on the police car door. It is the only thing they have anymore. He thinks the English Flag should be removed too since this country also fought against them. He stated it didn't help taking down the South Carolina Flag in Ferguson, Missouri last night. As a Virginian, he is proud of that flag and for good reason. The army that carried it never made war on women and children by burning their barns or stealing food off their tables. They never used churches for stables or used grave markers for fire wood. In most of the battles they fought, they were outnumbered by men and supplies but they still had the best equipped army of the war that ever assembled at that time for four years.

Constance Brudreau of 460 Red Bud Road stated at the previous meeting the comments seemed to focus on commerce, heritage and military history. She looks at that seal and sees all of those things represented. The flags remind her of the issues over our country's commerce. The flags also remind her of the heritage of this country. The flags also remind her of the history of the military from the militia to the present of which she takes great pride. She asked Council what it is that this seal is supposed to represent to the community and to the visitors to this community. If it is commerce, then how can you justify removing that flag from the seal unless you cease to earn one more red cent on the history of the great service and sacrifice and deaths of the Confederate soldiers. Council can't justify removing that flag unless you cease earning commerce because of their bravery and sacrifice and the history in this valley.

Paul Lewis of 633 Tennyson Avenue stated this should be the easiest discussion because in the City's presentation during the last session, it clearly stated what the basis of the seal was in reexamining the history of the seal in 1936. There wasn't one reference that pertained to Jim Crow, racism or anything else. It is plain and simple. It was to represent the flags flown over this great city at the time of its existence. Winchester is in the cradle of history - the cradle of the Revolutionary War and the Civil War. He asked what is going to stop anyone from erasing this city's history. He asked if people are going to pretend like the Civil War did not happen. He asked if Stonewall Jackson's headquarters will be bulldozed next. He stated he has probably appeared in this Council Chambers more times than these men and women prefer he has but this is a case of selective outrage. There is not one person that can name or prove there has been any kind of racism, nobody fired or anything. He asked how the business growth over the past 30 years had been. He asked if it had stopped businesses or people from moving from the beltway to the Winchester area. He stated the fact is it hasn't. Everyone in the city has prospered. The makeup of the City Council is testament that Winchester is a welcoming city.

He shared a copy of the 1952 Bi-Centennial of the City of Winchester poster that hangs in his house. He stated the phrase at the top says "Winchester invites the Nation." It does not say Winchester invites the white nation. He stated there was a celebration on June 6, 1952, honoring the War Between the States heroes not the Union heroes and Confederate villains. The bottom line is this is a case of selected outrage. There are many people who he respects that oppose this and who oppose his opinion. He respects them for that but some of the people who have spoken before this body have never set foot in this chamber in the last 40 years. When this is over and the seal has been changed, those people will be back trying to remove the patches off the arms of the policemen and firemen and wanting to lower the flags at Stonewall Jackson's headquarters. This is just the beginning of a slippery slope of the people of the leftist agenda trying to rewrite history. Winchester is better than that. There is a petition that someone will speak about later that has 1,100 signatures in less than 30 days for keeping the seal. It would be very easy for the City to cave on this as many others have. He encouraged Council to embrace history and embrace the people and maintain Winchester's history.

Reverend Alvin Walker of Winchester stated one of the things he has thought about is the scripture that says a house divided against itself shall not prosper. He hears a lot of people saying what they don't understand with what is going on with this flag. He is 58 years old and remembers the days in the South when his great grandfather told him the stories about how that flag would come and burn down the house. How that flag would be waving in someone's hand as someone else was being lynched. How that flag produced terrorism with young black children to grow up in fear of white people. It is not about heritage that he is concerned about. He is talking about taking a seal off of a building that is supposed to represent everybody. He does not care if you have it in your home or on a plate. He is talking about on a business or government agency that says they represent everybody. He asked why the government agency would have something that is significantly recognized as a divisive piece of material with other groups of people. He stated it seems crazy to him. He doesn't want to tear down any statues from anyone's home or from the community. He is saying on any government building or government paper, that thing should not be there if it represents everybody. That is all he wants.
Jim Moyer of 134 West Fairfax Lane stated what the previous speaker just said was really valuable. Valuable in a way that people are not going to anticipate. That flag gave him the chance to tell everybody his story. That flag gave Mr. Hill a chance to tell a story in the paper that was very emotional to read and very instructive and educational. When you delete things or take things away, it gives no child the opportunity to ask questions such as who was Jubal Early. A child might not ask about that flag because it will have disappeared. The Confederate statue in front of the 1840 Courthouse has disappeared but there is an instructive example about that Confederate statue that lies to the right of it. It is a historical sign that talks about the other side of the story. It is about a white girl and a black man working to spy for General Sheridan of the Union Army. That is an example of adding to history by telling the untold story and not deleting it. He is from the North and always thought kids that drove around with the Confederate Flag were juvenile. However, he does not favor a George Orwell gateway project where the gateway to the city is our seal that shows Walmart and Popeyes. Welcome to Winchester, a generic city. In fact, don't come to Shenandoah University because it will not have the Sons of the Confederacy Civil War Conference. Oh, don't go to Middletown either because those reenactments are banned. Those are just a bunch of adults being like little boys playing with guns. He stated when all of these things are deleted; the future

generations will have no chance to ask questions because Americans forget. There will be no questions asked for who the streets are named after or why the people are shooting in that field. Even if the explanation is wrong, a conversation is started. If the flag disappears, the stories will not be heard of the other side on how it makes people feel. It will be gone into the memory hole as the words that were deleted out of the dictionary in 1984. This is deletion. When this can be used to educate, it is a far better solution than deleting. The Confederate statue with the historical sign to the right of it is the way to go. He asked Council to add not delete because it is a slippery slope that won't stop.

Todd Kern of 420 East Parkinsmill Road stated what that flag means to the people from here and from this culture is honor, pride, family, sacrifice, independence, patriotism, self reliance, self rule, and the sovereignty of the state. It is the same values as the original U.S. Flag in 1776 in the first war for independence. It also reminds the people of the loss of families and the destruction of the Shenandoah Valley. There wasn't a family in the valley that was not hurt by the war and even after the war. Three out of four men served. One out of four men came home. Another out of four came home missing a limb. Half of the male population was gone. Homes and farms were burned and in ruin. It took 100 years before the GMP recovered to the same level. Not two blocks from here are 3,323 Confederate soldier graves. He asked if Council thought these names and stories are not engrained in the psyche of the people and what that flag means to them. He stated it is not seen as a symbol of hate. He abhors that it is used for that. He understands the feelings of injustice under Jim Crow. He read Mr. Hill's article. He thinks it was injustice and he feels for that. He does not blame Mr. Hill for feeling obligated to tell the story of his family. He thinks it should be told but he also can relate because he feels he is obligated to tell the story of his family. His family never owned slaves and didn't enact any laws so why should they be tarred. To deny or denigrate one culture as a whole does not correct the wrongs of the past. It only prejudices those from that culture. Two wrongs can't make a right. He thinks those stories should be told. He thinks the flag could be used for both sides to talk about their families' journeys and how they got here. He finds it shameful for Virginia and other towns of the South to turn their backs on their sons who went when called and died or were crippled for their own states. Then to let people outside the culture put words in dead men's mouths about why they sacrificed and what they fought for is sinful and simply insulting. He asked why it is okay for someone who isn't from here and doesn't understand the heritage or culture to judge them. He stated the speakers have given facts, accounts, and tried to exonerate the flag. It has been pointed out that a lot of this is politically motivated. He wants his feelings and those of others represented as well. He presented Council with a petition with 1,100 names on it opposing changing the seal. To wrap up, he quoted Winston Churchill who said "the Flags of the Confederate States of America were very important and a matter of great pride to those citizens living in the Confederacy. They are also a matter of great pride for their descendents as a part of their heritage and history."

Deanna Ruth Martin of 361 Parkway Street stated her ancestors came from Ireland. Her mother was born on the corner of Millwood and Kent Street and has lived within a mile radius of where she was born 91 years ago with the exception of when her father was in the military. Her mother sits at home and reads all of this in the Winchester Star and just shakes her head. She does not express herself any more about it but she does cry. Ms. Martin stated if you know the history, there was Irish slavery in America too. When she sees the flag of England and the flag of the

Confederate, she sees the Saint Andrews Cross. If evil takes a religious, beautiful, blessed symbol, it is wrong.

David Clark of 304 Sheridan Avenue stated every possible version of opinion has been expressed so he couldn't give any more facts on it. As a city resident who was born here in 1961, he is in favor of keeping the seal the way it is along with many other folk who feel the same. He leaves that for Council's consideration.

Roger Allen Ramey, III of 2941 Fourth Street in Middletown, Virginia stated he didn't want to talk about the past today. He wants to talk about the future. He wants to talk about Anthony Hervey, a black man who was killed recently in Mississippi. He was killed because he had been at a pro-Confederate Flag rally earlier in the day. He was accused of being a racist individual by other African-Americans on Facebook. Mr. Hurley came in defense of the flag and the soldiers who fought for the state of Mississippi and his vehicle was run off the road and he was killed. Mr. Ramey stated there is an investigation on it but asked where the NAACP is on that. He also asked if monuments are not going to be bulldozed and soldiers not dug up, has anyone seen the Nathan Bedford Forrest statue and the people who went to try to dig up General Forrest. He stated this is obviously a slippery slope. People went there with shovels and tried to dig up around the monument. That is vandalism. Regardless of the way the flag goes, when people come to try to take down the statues, he wants to know if the NAACP that said they would not take down the statues will stand shoulder to shoulder with him and others to defend the statues as historic symbols.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:42 p.m.

3.0 CONSENT AGENDA

3.1 O-2015-15: First Reading: AN ORDINANCE AMENDING SECTION 8-2-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO GROUND FLOOR RESIDENTIAL CONVERSION OF EXISTING STRUCTURES WITH A CONDITIONAL USE PERMIT. *(Amendment will establish provisions to allow for conversion of nonresidential ground floor space to residential use with a conditional use permit in the B-2 district)* TA-15-289

3.2 O-2015-16: First Reading: AN ORDINANCE AMENDING SECTION 13-1-5 PUD OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. (*Amendment will establish additional density bonuses and allow for PUD projects to be considered for up to 27 units per acre if the project meets established design criteria.)* TA-15-323

Councilor Sullivan asked that item 3.2 regarding O-2015-16 be removed from the Consent Agenda.

Councilor Wiley moved to approve the Consent Agenda for O-2015-15 as presented. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

President Willingham presented item 3.2 regarding O-2015-16 for First Reading.

Councilor Sullivan stated he would like to discuss this item a little more. There were a lot of questions at the last meeting and he would like to get more input from other councilors on this item.

Ms. Freeman stated typically since this is a first reading, Council will move it forward to the second reading and take action to table it then if that is what Council decides to do based on the request of the applicant.

Councilor Sullivan moved to forward O-2015-16 to the second reading. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

4.0 AGENDA

5.0 EXECUTIVE SESSION

5.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS.

Vice Mayor Veach moved to convene into executive session at 6:45 p.m. *The motion was seconded by Councilor Wiley then unanimously approved by voice-vote.*

Councilor Hill moved to reconvene in open session at 7:41 p.m. *The motion was seconded by Councilor Wiley 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
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

6.0 ADJOURNMENT

Vice Mayor Veach moved to adjourn the meeting at 7:42 p.m. *The motion was seconded by Councilor Wiley then unanimously approved by voice-vote.*

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Kari J. Van Diest, CMC
Deputy Clerk of Council