



**WINCHESTER COMMON COUNCIL
IN REGULAR MEETING
SEPTEMBER 22, 2015**

A Regular Meeting of the Winchester City Council was held on Tuesday, September 22, 2015 in the Council Chambers, Rouss City Hall. Council President John A. Willingham called the meeting to order at 6:00 PM.

CALL TO ORDER AND ROLL CALL

Present: Councilor Evan Clark, John Hill, Milt McInturff, Kevin McKannan and Corey Sullivan; Mayor Elizabeth Minor; Vice Mayor Les Veach; Vice President William Wiley and 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.

President Willingham welcomed Boy Scout Troop 45 to the meeting who were in attendance working on their Citizen in the Community badge.

APPROVAL OF MINUTES

2. Approval of Minutes

Councilor Hill moved to approve the September 8, 2015 Regular Meeting and September 8, 2015 Work Session minutes as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John W. Hill, Council Member
SECONDER:	Bill Wiley, Council Vice President
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

REPORT OF THE MAYOR

Mayor Minor announced Winchester was ranked 15 out of 112 communities by NerdWallet as the Best Places to Start a Business. She also announced the next

INSIGHT Academy will begin on January 7, 2016, and encourage all those wanting to learn more about the City to go to the City's website or contact Amy Simmons.

REPORT OF THE CITY MANAGER

Eden Freeman stated the National Avenue Gateway Improvement Project is expected to be completed by the end of this week after finishing a bit of remaining landscaping. Due to the beneficial rains, the drought watch that was put into place was discontinued last week. After a rain delay, paving was completed last week on Fox Drive and Caroline Street. Additional paving designated in the FY16 Repaving Program will begin again in a few weeks. Ms. Freeman stated she was excited to formally announce the new Tourism Director will join the City on October 19th. Justin Kerns will be coming to Winchester from Mecklenburg County, Virginia which is in the southern part of the state. She stated the review board for the Virginia Department of Historic Resources has approved the City's nomination for expansion of the National Register Historic District. It is now being sent off to the National Park Service for their review and presumed approval at the Federal level. In terms of immediate impacts, this means the Winchester Little Theater's Train Depot Restoration Project will qualify for State Historic Rehabilitation Tax Credits. It is expected the Federal Tax Credits will be approved in the calendar year which will help them go a long way towards completing that project.

REPORT OF THE CITY ATTORNEY

Anthony Williams stated he did not have a report to present.

1. PUBLIC HEARINGS

- 1.1.O-2015-17:** First Reading - AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 17, 18, AND 21 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS; NONCONFORMING STRUCTURES; PERMIT REQUIREMENTS FOR FAMILY DAY HOMES; POWERS, PROCEDURES AND EX PARTE COMMUNICATIONS OF THE BOARD OF ZONING APPEALS; AND VIOLATIONS AND PENALTY. (Amendment Will Incorporate Changes to the Board of Zoning Appeals and Family Day Homes Following Legislation Passed During the 2015 General Assembly Session) **(REQUIRES ROLL CALL VOTE)**

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:05 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin McKannan, Council Member
SECONDER:	Milt McInturff, Council Member
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

1.2.O-2015-20: - An Ordinance to Amend Section 2-1 and 2-2 of the Winchester City Code Pertaining to the City Seal and Duties of the Clerk of Council (**REQUIRES ROLL CALL VOTE**)

John Copenhaver of 1536 Dalton Place stated the City Seal represents the city to its citizens and to those who visit. On the current seal is the date of 1744 when Colonel James Wood founded Winchester. Anyone with a decent middle school education will understand that Virginia was a British colony and that the city and the state were a part of the Confederacy. All of that is a given with a date of 1744. The flags add nothing except for color. The seal tells nothing about the city or that it is a wonderful place to live. He stated he has looked at the seals of Front Royal, Clarke County and Loudoun County and none of them have flags. That does not make them unpatriotic or deniers of history. The proposal from the Winchester Coalition for a Better City Seal simply asks Winchester to highlight four public institutions that serve the common good. The ones that have been suggested are exemplary institutions that everyone can be proud of and reveal the character of the city. The proposed City Seal is certainly an improvement of the current seal but the Flag of the Confederacy will remain a continuous issue because it symbolizes the State's resistance to the ending of slavery. There is a Civil War Museum downtown and Civil War Reenactments happen all around. He stated the city will not forget its history but it does have an obligation to make all of the citizens and visitors feel welcome. Those who are a part of the Winchester Coalition for a Better Seal are not simply special interest groups. The Valley Interfaith Council primarily deals with religious issues and work with a mutual understanding and respect among religious traditions in the northern Shenandoah Valley. They also sponsor programs and work for the public good such as police and community relations and issues on poverty. The Council is concerned about this because they believe it is an issue of justice for all of the citizens. He asked why a city seal that contains little that is unique to Winchester should highlight its subservience. He suggested a city seal that celebrates the city and its exemplary public institutions that service all and make Winchester a wonderful place to live.

Guss Morrison of 138 Cahille Drive stated he came to express his support for the petition and as one of the sponsors of the Better Flags for the City of Winchester. He would like to urge and encourage Council and to express his very strong appeal for Council to rid Winchester of a very undesirable, unpleasant, very humiliating and dehumanizing symbol that is reflected by the Confederacy Flag. The Confederacy Flag represents the 13 Confederate States that seceded from the Union primarily for the purpose of supporting slavery. He appealed to the Council and to Mayor Minor to please rid Winchester of that disgraceful symbol.

Todd Kerns of 420 East Parkinsmill Road stated he can't believe everyone is still here. He thought the compromise was a fair compromise but apparently there is no satisfying some people. The petition they speak of has 71 signatures. He had a petition with 1,100 signatures to keep the seal the same. He stated it is only a contentious symbol to the people that are intolerant of other people's beliefs and views and ignorant of the true facts. It was not solely over slavery. This seal and the Confederate Flag represent the men and boys who went away from this community to defend Virginia. Most of them, if not all of them, had no care about slavery. All one has to do is read their letters and read their writings to understand that. The whole slavery issue comes up later. He stated the hypocrisy for one culture to be excluded by a people that preach all inclusive is amazing to him. He does not consider people to be brave when they put words into dead men's mouths to say what they fought for. Those men are not here to defend themselves and clear the record for themselves anymore. At the end of the last meeting that he was here, he talked to a representative from the NAACP, Pastor Walker, who said he was more than happy with the compromise. Mr. Kerns stated he agreed that it was a good compromise and that he was happy with it. Yet, here they are again. Every compromise is never good enough. In a few years or in this case just a couple months later, here it comes under attack again by people that are not believers in "live and let live" and "to each his own" but you have to conform to their views.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:13 p.m.

President Willingham thanked James Donovan for providing feedback about the proper placement of the flag and to have it properly displayed on what is now being proposed for the seal.

Mayor Minor stated her hope is that after almost 80 consecutive years, the city would keep its City Seal intact and set itself apart from others by showing them that as a community Winchester has worked through and understands that part of its history and now lives side by side as friends and neighbors. Fully realizing that the City Seal depicts history, heritage and struggles that all experienced. When she looks at the City Seal, she does not see hatred; she does not see animosity; nor does she see racism. With all due respect, she will vote no to any change of the City Seal.

Councilor Hill thanked the speakers from both sides who spoke tonight and those who spoke at previous meetings on this issue. When he indicated that he would support the change of the flag, he made reference that he does not think it is the best solution for the seal. However, he is still willing to make a compromise. He is hoping that somewhere in the future, the City can look at a major change that will suit everybody. But, at the present time, he is going to vote yes for the change in the seal as has been presented to the city.

Councilor Clark stated this issue has not been easy for anyone to deal with. In looking at the pain and the memory that the Confederate Battle Flag causes a lot of people and the need to balance representing the city's history and how some people have twisted this symbol into a symbol of hatred. He stated he appreciates the people who brought this petition forward. He thinks it is a very creative and innovative idea but it is a little bit late in the discussion quite frankly. He stated one of the things that guide him in this is that he thinks the City is striving for accuracy in the representation of the symbols on the seal. The United States Flag is stylized and twisted 90 degrees and the Confederate Flag is the Confederate Battle Flag or the Flag of the Army of Northern Virginia. This is not the flag of the Confederate government. It was the governments which Winchester was ruled under that the designers of the seal mentioned they wanted to represent. He stated he looks at this compromised seal that Council has before them and he sees an accurate representation of those symbols. He also talked to the people of Winchester on both sides of this issue and the overwhelming sense he gets from both sides is that they are not really happy but they are much more pleased than totally scrapping the current seal. In looking at a compromise where both sides are irritated but feel like Council is doing something right then he feels like Council is marching in the right direction. He stated he is going to support this ordinance and would encourage his fellow councilors to do the same.

Councilor Sullivan stated that ultimately this is a compromise. In a compromise, nobody gets everything they want. That is true no matter what the situation and that is true now. It is not perfect but it is better than what the seal was in some ways and he thinks it is a step forward. The history of Winchester is unique to Winchester. The city changed hands 72 times during the Civil War. That is not going to go away no matter what symbols are on the City Seal. Some localities around the country don't have the history that Winchester has. They don't even have an opportunity to reflect on some of the things that Winchester does. History is part of the economy in this area and he does not see how the City can remove the flag entirely and feel like something has been accomplished so he will be supporting the change.

Vice Mayor Veach stated the solution that is being proposed and voted on tonight and the flag that is being substituted for the Confederate Battle Flag of the Northern Virginia Army is the first one by the Confederate States. If you want accuracy, it was only accepted and adopted for the First Battle of Winchester. That flag had changed for any battles after that. He does not see this as accurate if the City is going for accuracy so he will not support this change at all.

President Willingham reminded Council that there are two ordinances being voted on tonight. One is the actual seal itself and the other designates the Deputy Clerk of Council or designee to affix the seal to resolutions.

Mr. Williams stated what Council has in front of them is still the single ordinance. A request was made at the Work Session that those two issues be presented in

draft form divided. If Council chooses to divide them, there would have to be a motion but there is a sample in front of each of you if you chose to do that. There is one ordinance now but if you decide to go that route, you would make a motion to divide the issues and adopt these two separately.

Vice President Wiley moved to approve AN ORDINANCE TO AMEND SECTION 2.1 AND 2.2 OF THE WINCHESTER CITY CODE PERTAINING TO THE CITY SEAL AND DUTIES OF THE CLERK OF COUNCIL.

RESULT:	ADOPTED [6 TO 3]
MOVER:	Bill Wiley, Council Vice President
SECONDER:	Milt McInturff, Council Member
AYES:	Clark, Hill, McKannan, Sullivan, Wiley, Willingham
NAYS:	McInturff, Minor, Veach

1.3.O-2015-18: Second Reading - Sv-15-406 an Ordinance to Vacate a Portion of an Alley Right of Way Between 328 and 400 Highland Avenue and Convey it to the Adjacent Property Owner(S). **(REQUIRES ROLL CALL VOTE)**

RESULT:	TABLED [UNANIMOUS]	Next: 10/13/2015 6:00 PM
MOVER:	Les Veach, Vice Mayor	
SECONDER:	Elizabeth Minor, Mayor	
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham	

1.4. Appeal of BAR Decision Regarding Window Replacement for Sam Simpson at 210 S. Washington St. BAR-15-336

Sandra Bosley of 530 Amherst Street and the Executive Director of Preservation of Historic Winchester read the following letter from David Edwards, Director of Community Services for the Virginia Department of Historic Resources , dated September 17, 2015, and addressed to the Common Council.

For many years the City of Winchester has been well recognized by residents and visitors alike as a well preserved town that cares for its valuable historic assets. The recommendations of the Winchester Board of Architectural Review (BAR) to property owners within the district have been key factors in the success of the preservation of the Winchester Historic District, one of the largest and finest historic districts in Virginia.

It has come to my attention that a property owner on South Washington Street, located within the local historic district, is challenging the decision of the BAR requesting him to remove vinyl windows that were never approved by the BAR and replacing them with wooden ones.

In the opinion of the Department of Historic Resources, the recommendation by the BAR is entirely appropriate as it complies with the Secretary of the Interior's

Standards for Rehabilitation. Following these nationally known and accepted guidelines insures the appropriate treatment of historic buildings. Replacing the Washington Street residence's original wooden windows with wooden windows-like materials with like materials-adheres to the Standards and thereby maintains the historic integrity of the building and protects the historic character of the historic district.

I hope the Winchester City Council will support its Board of Architectural Review as it works hard to preserve the integrity of the Winchester Historic District. The Department of Historic Resources applauds the City of Winchester as it continues to lead the Shenandoah Valley in its commitment to historic preservation.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:24 p.m.

- 1.5. Public Hearing: To receive the nominations and citizen input on the appointment of Marie Imoh as an "At-Large Ward 4" member of the City School Board to an unexpired four year term commencing October 13, 2015, and ending June 30, 2015

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:25 p.m.

2. PUBLIC COMMENTS

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public comments at 6:26 p.m.

3. CONSENT AGENDA

Councilor Clark moved to approve the Consent Agenda as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Evan H. Clark, Council Member
SECONDER:	Bill Wiley, Council Vice President
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

- 3.1.O-2015-21: Second Reading - ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE CITY OF WINCHESTER, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,200,000, TO FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENT PROJECTS

3.2.R-2015-30: RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF A GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND OF THE CITY OF WINCHESTER, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,200,000 AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

3.3.R-2015-31: Resolution to Accept the Virginia Department of Fire Programs (VDFP) Burn Building Grant

4. AGENDA

4.1. Motion to appoint _____ as a member of the Frederick-Winchester Service Authority for a three year term expiring August 31, 2017

Mayor Minor moved to appoint Corey Sullivan to the Frederick-Winchester Service Authority.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Elizabeth Minor, Mayor
SECONDER:	Bill Wiley, Council Vice President
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

5. EXECUTIVE SESSION

5.1. Executive Session

Councilor Sullivan moved to convene into Executive Session at 6:27 p.m. The motion was seconded by Vice President Wiley then unanimously approved by voice-vote.

Councilor McInturff moved to reconvene in open session at 8:05 p.m.

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:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Councilor McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye

Vice Mayor Veach	Aye
Vice President Wiley	Aye
President Willingham	Aye

RESULT:	APPROVED [UNANIMOUS]
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

6. ADJOURNMENT

6.1. Motion to Adjourn

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Wiley, Council Vice President
SECONDER:	Evan H. Clark, Council Member
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

The meeting was adjourned at 8:05 PM.

Kari J. Van Diest, CMC
Deputy Clerk of Council