

# CITY OF WINCHESTER, VIRGINIA

## CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: September 22, 2015

RESOLUTION \_\_\_ ORDINANCE  DESCRIPTION/PRESENTATION \_\_\_

**ITEM TITLE:** 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

**PUBLIC HEARING DATE:**

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

Review:

Eden Freeman	Completed	09/03/2015 10:41 AM
Anthony Williams	Completed	09/03/2015 1:07 PM
Eden Freeman	Completed	09/03/2015 3:16 PM

  
Eden Freeman, City Manager 9/3/2015



**APPROVED AS TO FORM:**

  
CITY ATTORNEY

  
Eden Freeman, City Manager 9/3/2015

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Kari VanDiest, Deputy Clerk of Council  
**Date:** September 22, 2015  
**Re:** 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

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## **THE ISSUE:**

At the August 14, 2015, Work Session of the Common Council, Council directed the City Manager to work with staff to prepare an ordinance to amend City Code to replace the existing city seal with a revised seal that more accurately depicts the four governments to which the City (and the town prior to it becoming a city) was subservient. The amendment also expressly authorizes the Clerk of Council or designee to seal adopted ordinances and approved resolutions.

## **RELATIONSHIP TO STRATEGIC PLAN:**

Goal #3 - Advance the Quality of Life for Winchester residents

## **BACKGROUND:**

During an overview of the seal, it was noted that the center portion of the seal is intended to represent the four governments to which Winchester was subservient. However, it was observed that the flag image for the American government was not very characteristic of the United States flag and that the flag image used to represent the Confederate States of America (CSA) government was a battle flag of the CSA Army rather than a national CSA flag in effect during most of the period that Winchester was under CSA government control. The proposed seal includes an image of the 50-star United States flag in the upper left quadrant (switched with the Union Jack) and an image of the 11-star CSA 'Stars & Bars' flag in the lower right quadrant (switched from the lower left).

Upon further review, it was discovered that modern-day representations of the seal include alterations from the version adopted in 1936. The new seal incorporates the current version of the centerfield of the Virginia state flag which was legislature changed in 1950. The updated Virginia flag is relocated to the lower left quadrant of the seal.

## **BUDGET IMPACT:**

Costs for changing just the official city seal would, at a minimum, include purchasing a new die to press the gold foil seals that are attached to official ordinances and

resolutions. Beyond that, Council could direct City staff to remove or replace images of the City seal such as the stained glass piece hanging in the Council Chambers and the piece hanging in the lobby on the 3<sup>rd</sup> floor of City Hall. New vinyl decals could be requested for use on the lecterns in the 4<sup>th</sup> floor Exhibit Hall and any other City furniture (or they could simply be removed and not replaced).

**OPTIONS:**

1. Adopt the amendment
2. Reject the amendment

**RECOMMENDATIONS:**

Given that the Common Council specifically directed that this item be brought forward and involves a policy decision, Staff is not making a recommendation on the adoption or rejection of this item.

**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**

**WHEREAS**, the Common Council of the City of Winchester, Virginia adopted a revised seal on April 1, 1936 to replace an earlier seal that was deemed undesirable; and,

**WHEREAS**, the City has discussed changes to the City seal and/or the City flag on multiple occasions, including discussions in 1993, 2001, 2003, 2004, and 2006; and,

**WHEREAS**, Council adopted a City logo on October 12, 2010 recognizing the need to effectively present the City of Winchester in a uniform positive manner to all of its various constituents; and,

**WHEREAS**, Council directed staff to provide an overview of the history of the city seal, flag, and logo for presentation at the July 14, 2015 Council work session during which it was discovered that modern-day representations of the seal included unauthorized changes to the official seal adopted in 1936; and,

**WHEREAS**, Council has carefully deliberated the topic of the city seal over several months, listening to city residents as well as citizens of other jurisdictions as to the pros and cons of keeping the existing seal or changing it; and,

**WHEREAS**, an alternative seal design was presented at the August 11, 2015 Council Work Session and forwarded for consideration of an ordinance; and,

**WHEREAS**, while non-binding on future Councils, it is the intent of this Council that no further changes be made to City seal in the future.

**NOW, THEREFORE BE IT ORDAINED** that the Common Council of the City of Winchester, Virginia, does hereby amend Sections 2-1 and 2-2 of the Winchester City Code as follows and hereby adopts the revised city seal.

**BE IT FURTHER ORDAINED** that the City Manager is directed to implement the changes to the City seal.

**Ordinance No. 2015-XX.**

**ADOPTED** by the Common Council of the City of Winchester on the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2015.

*Witness my hand and the seal of the City of Winchester, Virginia.*

*Kari J. Van Diest  
Deputy Clerk of the Common Council*

ARTICLE I. IN GENERAL

SECTION 2-1. CITY SEAL--DESCRIBED.



**NEW  
SEAL**



There is adopted, a Seal of the City of Winchester. The Seal may be used for official **City** purposes only as authorized by the City, and shall be affixed to all **adopted** ordinances and **approved** resolutions. The City Seal, as depicted above, consists of a disc, ~~two inches in diameter~~ with a border or outer circle, within which shall be engraved at the top of the circle, the words "City of Winchester," and at the bottom of the circle the word "Virginia." Within this circle shall be engraved a shield which shall be quartered and shall display thereon **the flags of the governments to which Winchester was subservient,** in the upper left quarter, **a portion of the flag of the United States of America** ~~the Union Jack of Great Britain as it existed during the period when Winchester owed allegiance to that flag;~~ in the upper right quarter, **the Union Jack of Great Britain as it existed during the period when Winchester owed allegiance to that flag** ~~Commonwealth of Virginia;~~ in the lower left quarter, **a facsimile of the circa 2015 center field of the flag of the Commonwealth of Virginia** ~~the cross and stars of the battle flag of the Confederate States of America;~~ and in the lower right quarter, **a portion of the original national flag of the Confederate States of America with eleven stars** ~~a portion of the union with three of the stars, three of the red stripes and two of the white stripes of the flag of the United States of America.~~ At the top and center of the shield shall be a bust of a Shawnee Indian warrior **and a pipe.** Below the shield shall be the **Fairfax family** motto "Fare Fac," and below that the date **year that Col. James Wood founded the old town** "1744." At the right of the shield shall be a decoration of a garland of the ivy vine, and at the left a laurel branch. This seal shall be so

engraved as to produce the above- described design when it is impressed on paper. When the seal is reproduced in colors, the several quarterings, the Indian bust, the laurel and ivy shall be in their proper colors, and the lettering in the outer circle shall be in colonial blue upon a background of colonial buff. This seal shall be the authorized and official and corporate seal of the City and shall be accepted and used as such. (Code 1959, §1-8; Ord. No. 2011-21, 10-11-11)

**Charter reference**--Authority to use corporate seal, §1.

**Cross references**--Air pollution commission, §3-2 *et seq.*; building official, §6-1; plumbing and gas inspector, §6-46; electrical inspector, §6-98; housing code board of appeals, §6-331 *et seq.*; elections, Ch. 7; fire department, §10-16 *et seq.*; fire marshal, §10-30 *et seq.*; fire prevention code board of appeals, §10-47(F-105.11); library board, §12-16 *et seq.*; park and recreation council, §18-1; park and recreation board, §18-16 *et seq.*; planning commission, §19-16 *et seq.*; police department, §20-16 *et seq.*; director of utilities, §29-1 *et seq.*; tree commission, §30-32 *et seq.*

#### **SECTION 2-2. SAME--CUSTODIAN; USE.**

The Clerk of the Council shall be custodian of the City Seal and City Logo. The Clerk, **or designee**, shall affix the City Seal and/or City Logo, as appropriate, to such papers or documents as ~~he may be~~ authorized to ~~affix it~~ **do so** by ordinance or resolution of the Council. (Code 1959, §2-47; Ord. No. 2011-21, 10-11-11)