

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
March 9, 2010**

A regular session of the Winchester Common Council was held on Tuesday, February 23, 2010 in the Council Chambers, Rouss City Hall. President Jeff Buettner called the meeting to order at 6:59 p.m.

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)

MOMENT OF SILENCE - President Buettner 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 Buettner welcomed Boy Scout Troop 2 from First Presbyterian Church who attended the meeting to work on a merit badge.

APPROVAL OF MINUTES – January 26, 2010 Work Session, February 16, 2010 Special Meeting, February 17, 2010 Joint Meeting, February 23 Work Session, and February 23 Regular Meeting.

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

REPORT OF THE MAYOR

R-2010-12: Resolution – Retirement of Robert A. Rush

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

Mayor Minor presented the resolution to Mr. Rush.

Mayor Minor introduced Carla Taylor, Director of Social Services, who presented the Social Services Advisory Board's Outstanding Community Partner Awards to Consolidated Electric, Photography by Westervelt, and Nicole Klebieko.

Mayor Minor reported all of the underground replacements on Piccadilly are 95% complete. The brick installation for the sidewalks on Piccadilly between Braddock and

Washington streets will begin next week. The sidewalk replacement on the north side of Piccadilly between Cameron and Kent streets will also begin next week. The entire project is still on schedule to be completed before the Apple Blossom Festival.

Mayor Minor congratulated the Boy Scouts on celebrating their 100th anniversary.

REPORT OF THE CITY MANAGER

City Manager Jim O'Connor stated he did not have a report.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he did not have a report.

PUBLIC COMMENTS

President Buettner stated Council has not had an opportunity to fully discuss the School Board proposal for the Douglas Community Learning Center. He postponed the Public Comments until the end of the meeting so the topic could be discussed in full.

NEW BUSINESS

O-2010-06: First Reading - AN ORDINANCE TO AMEND ARTICLES 1, 6, 7, 8, 9, 10, 13, AND 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A CONDITIONAL USE PERMIT FOR SHORT-TERM LOAN ESTABLISHMENTS TA-10-21

O-2010-08: First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 28-10 OF THE CITY CODE REGARDING DISPLAY OF BUSINESS LICENSE AND MAINTENANCE OF RECORDS

O-2010-07: First Reading – 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 SBA-09-01

O-2010-09: First Reading – 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 501-519 WEST JUBAL EARLY DRIVE SBA-10-02

O-2010-10: First Reading - AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 2-64 OF THE WINCHESTER CITY CODE PERTAINING TO READING OF ORDINANCES PRIOR TO ADOPTION TO FACILITATE THE USE OF A CONSENT AGENDA FOR FIRST READINGS

R-2010-09: Resolution – Support of Local Automobile Dealership Franchises

Vice-President Major moved to approve R-2010-09. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

President Buettner read the resolution in support of the local automobile dealerships in Winchester.

R-2010-11: Resolution – Adoption of the Emergency Operations Plan 2010 Edition

Councilor Willingham moved to approve R-2010-11. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

Certificate of Appreciation: Aaron Kesecker and Nancy (Tootie) Rinker as members of the Local Emergency Planning Committee

Vice-Mayor Butler moved to approve the Certificates of Appreciation. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Executive Session: MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) AND (3) OF THE CODE OF VIRGINIA FOR CONSULTATION WITH LEGAL COUNSEL REGARDING TWO MATTERS CURRENTLY IN LITIGATION TO RECEIVE A STATUS UPDATE AND DISCUSS LITIGATION STRATEGY AND POSSIBLE OPTIONS IN RECONCILITATION OF THE CASES; AND FOR DISCUSSION OR CONSIDERATION OF THE ACQUISITION OF REAL PROPERTY FOR A PUBLIC PURPOSE, OR OF THE DISPOSITION OF PUBLICLY HELD REAL PROPERTY, WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE CITY.

Vice-President Major moved to convene into Executive Session. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

President Buettner 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

PUBLIC COMMENTS

Harry Williams of 329 Fairview Avenue stated he comes in the spirit of peace and our Lord and Savior Jesus. He would like to voice his concerns on the prospect of his community losing the Douglas Community Learning Center. He is not going to go into all of what Douglas has done for the community, this city, the State of Virginia, this country and even the world. But, he will say the spirit that produced the people that came from the learning institution is continuing to teach future generations. He stated we need Douglas to also continue for the historical value of the learning center. The community comes together on two occasions each year to celebrate - Family Day which is the first week of August and for the Douglas Alumni during the first week of October. If you take Douglas out of the community, these two large events would be no more. Those days would be a thing of the past in a matter of a few short years. He closed by showing his support for adding Douglas Learning Center to the City's Comprehensive Plan, for starting a steering committee to assess the communities needs and identifying potential uses, and for funding a feasibility study to look at costs to reuse the center.

Wayne King of 401 South Cameron Street stated Douglas is the oldest landmark the community has in the city. It means a lot to all of them. He is one of the nine of the graduating class that stayed. When he was in the first or second grade, Mr. Barkstel created free agents. He remembers even back then, the coach of Handley brought his kids to their games. Even though they were segregated, they worked hard to put their name out. Mr. Tuxtin Jasper came to the little "hick" school and created one of the best bands in the land. Time is moving on and money is tight for everybody. It is a landmark for the people of color and he would like to see something done to it to keep it going as a learning center. He stated Douglas sits on a whole lot of land and made the suggestion that some of the land be sold. The money generated from the land could be used for the school. As one of the nine, he had to come and express his feelings that he hopes the landmark is not destroyed because everyone in the room that has a face of color has gone through that school.

Larry Yates of 678 Berryville Avenue stated he is a new homeowner in Winchester and had the privilege of attending to the home going service of Ms. Helen Roberts, one of the North End's stalwart community members. He loves being in the city that has the Handley Library and knows we are very fortunate to have Handley High School but he believes Douglas School is the neglected crown jewel particularly if we are looking

toward the future. He cannot talk about the past as many in this room can but he thinks it should be respected and honored. He feels in many ways the term "Real Americans" better fits the African American community who came up during the Jim Crow years and dealt with the conditions they had to deal with. He wants to look into the future and assumes Council does too. He assumes Council wants the young professionals or skilled people wary of the Washington area to move here. He also assumes Council wants them to know that although Winchester is still charming and conservative in architecture and pace of life, it has put the cruelty and obtuseness of the old Virginia behind them and is ready to be part of a new complex, wired and diverse world. Nothing you can do can signal that more effectively than to actively take part in a cooperative effort to restore and renovate and raise up the Douglas School. Young people today are smart and are clear in their minds that they do not distinguish between different groups of people. Young kids are not surprised and shook up to have a black president unlike some of us older people. They don't have a problem with other kinds of people either. The other thing about young people is they are mobile. They can go to Colorado or Connecticut if they don't like Winchester. You need to send a signal to the young people who are the future of this city and that signal is what people are asking for tonight.

Reverend Kevin Wilson of 420 Millwood Avenue stated from the past few years he has been in Winchester, he has learned that the Douglas Learning Center is very important to the African American community. It has been that important for a very long time. If you speak to enough people, you will find out they hope this place stays until Jesus comes. He stands here today as an individual that supports that idea and that hope in that community. There is so much that can be done with that property. He hopes and prays that Council and the School Board will think about the future of the community. If you do that, you will know that something must be done at Douglas that can help not only to change Douglas but to change the young people in that community as well. He hopes you will look at this place and see it as an opportunity to bring about a significant change for the people of the North End community.

Carmen Crawford of 209 Liberty Avenue stated she has the same thoughts as the previous speakers. They have talked to the School Board about the future use and have been told there must be a reason for this building to work. There is so much potential for this building. For years, the organizations that have been dependant upon the Frederick Douglas building have been at the forefront of youth development. They work with young people from disadvantaged economic, social and family circumstances. They have actively sought to enrich the lives of girls and boys whom other youth agencies failed to reach. Research suggests that academic goal setting support in primary and middle schools have a substantial effect on the learning pattern throughout the youth's years. More over, these goal setting opportunities can be organized effectively during non-school hours in informal settings like the Boys & Girls Club, Head Start, and Stepping Stones. An important aspect of these informal out of school and pre-school learning opportunities is their connection to the skills and information needed for success in school. We must encourage our children to have goals for graduation and we must provide the assistance for at-risk youth in Winchester to accomplish those goals. The Douglas Learning Center can be a connection for many opportunities. There could be

vocational learning, study groups, math classes and all kinds of after school programs for youth and adults. It makes better sense to intervene before a problem appears than to wait and treat the problem. The principle here is to maximize the healthy growth and development of our children. The community approach to service delivery, factories outside the family, which affect the capacity to nurture and rear these children. Children need to be understood in the context of their world. Services should not be independent of family and their environments. The center could offer parenting classes as well. The programs most important role is nurture families, have the capability for growth and change. Research indicates that the development of social support networks can strengthen the coping capacity of families. The School Board asked us for a purpose. The purpose is community enrichment. It will take the community, the School Board and City Council – it takes a village to raise a child. If the community is educated now, we will have better citizens to run this city in the future. If you look 10 years from now at today's elementary kids, they will be the ones going to college. We want more of our children to go college and come back to Winchester. Douglas Learning Center can be a network to improve outcomes for children, families, and communities by tapping into the skills, strengths, leadership and the resilience that exists in this neighborhood and beyond. The initiative is based on the belief that families and children can succeed if the people who live, work and hold a position of influence in the community make family success a priority.

Janet Adkins of 21813 Wayne Foot Court in Ashburn, Virginia stated the primary function of the Douglas Alumni Association is to raise funds for their yearly scholarship that is given out. She wanted to share a brief history on the school. From the number of people at the meeting and the outpouring of support shown, you can tell the Douglas School is the heart of the community. When you think of Winchester schools, you usually think of one flagship school. The truth of the matter is there are two flagship schools and Douglas School is one of the flagship schools. The land for Douglas School was secured and the loan for the school building was paid for by the Handley Board of Trustees. The school was built in 1927 to serve the African American community in Winchester. At its inception, Douglas School housed 8 classrooms, a library, and a spacious auditorium. In 1928, the Superintendent of Schools Mr. H.S. Duffy presented the certificates of graduation to the first 8 graduates. In 1940 and 1941, Douglas became a four year school. In 1950-1963, new additions were made to the school to handle increased enrollment. There were new classrooms, new science labs, a larger library and a gymnasium. In 1966, Douglas High School was closed and became a junior high school. In 1970s, it was used as an elementary school where she attended herself. In 1999, it was registered as a Virginia Historic Landmark and in May of 2000, Douglas School was placed in the National Register of Historic Places by the U.S. Department of the Interior. It has housed the Boys & Girls Club and is currently used as the Douglas Community Center. So that everyone knows, the Douglas School lineage is extraordinary. Out of Douglas School have come dentists, educators and administrators, decorated members of the armed forces, and even a Winchester City Councilman came from Douglas School. The community speaks a lot about pride when it comes to our city schools. Douglas embodies that sense of pride along with passion and perseverance. She is a proud graduate of one of the flagship schools here but she is actually a product of

Douglas School that embodies the pride and passion you see presented tonight. She would like to ask City Council and the School Board to add the Douglas Learning Center to the City's Comprehensive Plan and to form a steering committee to make recommendations on how to redevelop and reuse the building.

Reverend Gilbert Mack of 405 Elm Street thanked the Council for allowing everyone to share tonight. He stated he echoes the sentiments but from a different perspective. He has had the privilege of chairing several committees with City Council and had the privilege of working on Opportunity Winchester in 2005. One of the things discovered in 2005 that City Council approved was getting input from the citizens on what is important, what is valuable, and what concerns the citizens. In this report, Douglas Learning Center was ranked number one. We spent a significant amount of time finding out what the citizens and what the community wanted. The citizens spoke loudly that Douglas was ahead of that. However, after Opportunity Winchester, we failed to act on those things that were necessary and to put them in place. As far as the feasibility study and the steering committee, we have the ability to partner together and find a difference. This is the All-American Community when we can work together. He knows there are funds that can be found and there are great minds in here and great opportunities that we can find a way. What is being asked is for City Council to partner together with them so a solution can be found and we can be the community that we desire to be. We are excited to be partners with the City in the Green Circle Project but we also recognize and realize this great heritage and lineage and want it to be important to City Council too. We are excited about the history of Winchester and want to be included in that. We want to make sure it doesn't slip off the radar. He was privileged to be here in 2001 when we celebrated 100 years in this building. We were reminded then that there were great African Americans who participated in this auditorium during that 100 years history. In 1923, Roland Hayes, one of the great tenors in the country and the world, held a concert here. Besides the fact that it was segregated, this building has a great history and African Americans have been a part of it. If there is a way we can partner, we are asking that you put this as a priority so we can continue to be who God wants us to be and be the great American community that includes all of us.

Peter Mullett of 2891 Wardensville Grade stated he is the vice-president for the Council of Racial Unity. He is here to speak in support of the North End Citizens Association's request for City Council to form a steering committee to address the future of Frederick Douglas Learning Center which is a cultural icon in our community. For the past 20 years, the CRU has worked to build a community that welcomes and celebrates racial, ethnic and religious diversity in daily life, the arts, education, economic opportunity, in the practice and principles of justice and equality, in governance and in the promotion of mutual respect and understand of all citizens. The goal is to make diversity a vital thread in the fabric that binds our community together. Our rich African American cultural and heritage serves as an indispensable strand in that thread. The Frederick Douglas Learning Center represents the cultural and heritage of many of our citizens. We believe its preservation and continued use must be a part in the City's Comprehensive Plan. A steering committee such as the one being proposed by the North End Citizens Association would undertake an assessment of our community's needs and identify

potential users for the learning center then meeting those needs. Based on the findings and recommendations, a feasibility study would be funded to identify costs associated with the redevelopment and use. We live in a beautiful community, one rich in museums and other tributes to its history and heritage. He is reminded of a story of a little girl wearing a faded, torn, hand-me-down dress with shoes and no socks. She was standing in front of a canvas shelter in a camp for homeless during the Great Depression. A social worker visiting the camp was taken with the little girl and remarked to a colleague "What a lovely child. It's a pity she doesn't have a home." To which the child responded "oh miss, we have a lovely home. Right now, we just don't have a house to put it in." Our African American community is rich with cultural history and heritage deserving a home but might it also deserve a house to put it in.

Maggie Lee of 317 Fairview Avenue stated she is the president of the North End Citizens Association in Winchester. The North End Citizens Association started talks with the School Board back in September of 2008 regarding the condition of the Douglas Learning Center. They have been great and cooperative to work with. They have addressed many of the maintenance issues but we all know a complete renovation is needed. Council has heard from many people tonight speaking passionately and openly about the value of this center, much better than she ever could. Council was also given a packet tonight with letters of support from various organizations that recognize the importance of keeping this center open. It has been exactly one year since Dennis Kellison, then Superintendent of Schools, presented the need for the renovation of the center to the HEW committee. At that time, he requested a committee be formed to address the needs and identify community use so we could move forward and explore funding options. Christopher Price, Director of the Northern Shenandoah Regional Commission, was consulted at the request of Council and submitted a recommendation letter to John Willingham in September 2009. In the letter, he proposed a process with timelines. One of the first things he proposed is a steering committee with the City Council, School Board and the North End Citizens Association being involved so they can identify potential funding sources. Nothing can happen until that first step is taken. We are here tonight to respectfully request that we wait no further with this and this committee be formed so we can take some action. We would also like to see the Douglas Center be put into the City's Comprehensive Plan.

President Buettner thanked everyone in attendance and stated the Douglas Learning Center is a cultural landmark of our community and we need to treat it as such. The School Board and Council have been discussing how best to do this. From what he has heard today, we all need to do this. It is a shame that sometimes it takes a crisis to get us all together. The closing of the Douglas Learning Center is a crisis. We are all here so now let's move forward and make sure that is not the result. Let's end up with a building that is worthy of its name and its heritage. It is in his role to form a steering committee and he will do that. His experience has been that a small committee works better and gets things done but it needs to be large enough to get input from all the stakeholders. The feasibility study is something Council agreed to and he would like to step up and have Council fund the study so we can find out the best use for the learning center and how to get it into the shape it needs to be in. He will make the commitment tonight for the

steering committee and hopefully Council will make the commitment for the feasibility study.

At the request of City Attorney Anthony Williams, Vice-Mayor Butler moved to add the discussion of the Douglas Learning Center as an item to the agenda. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Vice-President Major thanked everyone for coming to the meeting. He stated this was the highlight of his short career on Council. This is what governing is about – listening to the citizens and acting. Money is tight but not so tight that we are going to give up on the Douglas Learning Center. Council has visions of what they would like to see our community be as well. Right now, the building and the property is owned by the School Board and not the City. That will need to be fixed. He would like to see the continuation of the Boys and Girls Club, Head Start, job training and other programs but it all takes money and time. He supports forming a steering committee.

President Buettner asked Superintendent Dr. Rick Leonard and School Board member Jeff Webber to nominate individuals from the schools and the School Board to be on the committee. Dr. Leonard volunteered himself to be on the committee and will get a name from the School Board as soon as possible.

President Buettner asked City Manager Jim O'Connor to represent the City and asked for any there were any volunteers on Council to serve on the committee.

President Buettner asked Maggie Lee to get him a list of volunteers who would like to serve on the committee.

Barbara Carrey of 400 Green Street stated her feeling about the Douglas Learning Center is more on a personal note. Her daughter is a single mother of three boys. She is a full time student and works full time. Because of the Douglas Learning Center, she is able to do things for her kids because of the low cost. The cost of summer camps is very expensive but she can send two of them to the Douglas Learning Center for \$80 which is something she can afford on her own. She has been able to send her children to Stepping Stones. Without that facility, she can't do that. She is working to better herself and better her life to make a better life for her boys. That is something that is important to single parents that are trying to make a better life for their children. Without a facility like that and without those programs, it will be harder for some people. For young people today who are struggling but are working hard and want something better for themselves and their children, they need things like that. Douglas Learning Center is very important to those people. She asked that Council take into consideration the young people like that who are working hard and are trying to improve themselves to have a better life.

Jasmine K. Mack of 405 Elm Street stated Douglas has been such an influence in her life. She remembers the summers going there with the church for Vacation Bible Study. The spirit of our forefathers is so strong and great there that it has helped her become the person she is today. If it wasn't for Douglas, her father, and all the other influences that

came in there, who knows where she might be or what she might be doing. She hopes that Council thinks of the people who keep the love and the spirit going. Love is like honey. Her mother always says “you can catch more flies with honey than with vinegar.”

Rachel Willis of 632 Sinclair Avenue stated she went to pre-school at Douglas for two years. Her mother went to school there and was one of the first integrated classes that went to Handley. Douglas is a very special center to her because when she was younger she went camp there in the summer and a lot of her friends volunteered there after school for Boys and Girls Club. It is also special to her because she knows it helps a lot of kids after school that could be on the streets doing drugs or something. Douglas gives them a place to go after school, friends to hang out with and a place to do their homework.

Steven Williams stated he has numerous properties on North Kent Street. He was really glad to see the pouring out of support from the community. He is also a member of the Elks Club which had an issue a few months ago with the Elks Park that does no longer exist because funding wasn't available. He hopes the same thing will not happen to Douglas because it is near and dear to his heart. They say money is an issue but we find money for things we want money for and to do various things. He agrees that getting the money will not be a problem but getting the support may be. He hopes that the Steering Committee will consider some of the residents and landlords input when they decide what to do with the Douglas Learning Center. Douglas goes way back. His mother went to school there as well as his grandmother. There are a lot of reasons why Douglas should not continue but there is one reason it should. It is in the black community and should stay in the black community and should thrive in the black community. 8:42:56 PM

Ms. Brooks stated as Mr. Williams said they had the park for the children and they got rid of it. She hopes that does not happen to Douglas because the children do need a place to play. She hopes Council realizes that they had a place at one time and the other children need a place too. They are young and they need a place to play.

President Buettner thanked everyone for coming out and stated Council appreciates hearing the comments.

President Buettner requested a motion to convene in executive session pursuant to §2.2-3711(A)(7) and (3) of the Code of Virginia for consultation with legal counsel regarding two matters currently in litigation to received a status update and discuss litigation strategy and possible options in reconciliation of the cases; and for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the city.

The motion was made by Councilor Willingham, seconded by Vice-President Major, and then unanimously approved by voice-vote.

Councilor Clark moved to reconvene in open session. *The motion was seconded by Vice-President Major 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

Councilor Veach moved for Council to direct the City Manager and City Attorney to take all steps necessary to effectuate the settlement of case number CL09-644; City of Winchester v. SAAA in accordance with the terms and conditions discussed this evening in Executive Session. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

ADJOURNMENT

Councilor Willingham moved to adjourn the meeting at 9:03 p.m. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council