

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
July 14, 2015
Council Chambers – Rouss City Hall**

PRESENT: Councilor Evan Clark, John Hill, Corey Sullivan and William Wiley; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (7)
ABSENT: Vice-President Milt McInturff and Councilor Kevin McKannan (2)

President Willingham called the meeting to order at 7:58 p.m.

2.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone)

Larry Lofton owns property on Indian Alley and spoke in favor of improving the safety issues on both ends of the alley. He concerned with the space for vehicles to park and turn around if the south end of the alley is converted to two way traffic.

Patsy Gochenour of Senseny Road spoke in regards to her water bill and the cost of filling up her swimming pool. She asked a waiver be granted for her July to September bill because students from Virginia Avenue Charlotte DeHart Elementary School are learning to swim in her pool.

Mary Braun, Executive Director of the Shenandoah Valley Discovery Museum at 19 West Cork Street, spoke in favor of the safety improvements at the intersection of Cork Street and Indian Alley. She asked Council to consider the need for a pedestrian crosswalk on Cork Street, a bus drop off on the south side of Cork Street, access to the east wall of the museum for building maintenance, and handicapped parking on the south side of the street.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public comments at 8:06 p.m.

3.0 Items for Discussion:

3.1 R-2015-27: Resolution – Approval of Amendments to the 2011, 2012, 2013, and 2014 Annual Action

Alex Schweiger, Project Manager for the Northern Shenandoah Valley Regional Commission, presented the request to reallocate funding from the 2011, 2012, 2013, and 2014 Annual Action Plan for HOME Program funds in the amount of \$583,254.42 from the Luray Meadows Rental Housing Project to Tenant Based Rental Assistance.

Vice-Mayor Veach asked what area the Tenant Based Rental Assistance covers. Ms. Schweiger stated it covers all of the areas in the region including Winchester.

Vice-Mayor Veach moved to forward R-2015-27 to Council. *The motion was seconded by Councilor Clark then unanimously approved 7/0.*

3.2 R-2015-28: Resolution – Approval of modifications near the intersection of Cork Street and Indian Alley

Utilities Director Perry Eisenach stated in April of 2015, Council directed staff to implement a temporary safety measure at the intersection of Cork Street and Indian Alley and to take safety improvement options to the Planning Commission for review. A temporary speed bump was put in place and has slowed traffic before reaching the sidewalk on Cork Street. The Planning Commission reviewed the options and chose Option 3 to close the alley at the sidewalk and allow for the northbound traffic to go through the adjacent parking lot. The Winchester Parking Authority also reviewed the options and chose Option 1 which would close Indian Alley from the southwest corner of the parking lot to Cork Street and create two way traffic from the parking lot south in the alley. After the Parking Authority meeting, the WPA Chair and Councilor Hill discussed a modified Option 1 to include closing the alley and parking lot access onto Cork Street, creating three additional parking spaces, a bike rack and motorcycle parking in the lot, and creating a bus loading/unloading zone on Cork Street. Staff was also directed by Council to look at reversing the traffic the entire length of Indian Alley compared to just the block between Cork and Clifford Streets. There have been 10 accidents in the last five years on Indian Alley which is a high number. Although it would improve the safety on Piccadilly Street, it would cause issues with visibility on Cork Street. There are also challenges with the existing parking areas at various businesses in the alley. Staff is also proposing putting a crosswalk on Cork Street across Indian Alley separate from the proposed options. A lot of citizen comment has been received asking that the parking on Cork Street not be changed. The only option that would change the parking on Cork Street is modified Option 1.

Councilor Wiley asked if the egress/ingress for the parking lot will be an issue with events downtown for traffic getting in and out. Mr. Eisenach stated it is possible at times but it would not be a common occurrence.

Councilor Wiley stated the crosswalk across Cork Street would slow traffic but he is concerned with the safety of the citizens.

Vice Mayor Veach expressed his concern that if the traffic is reversed on Indian Alley, it would create a concern for visibility on Clifford as well. Mr. Eisenach stated that is a very big concern.

Vice Mayor Veach asked how someone would turn around to get out of the parking lot when it is full with only one entrance. Mr. Eisenach stated it would be the same situation as other parking lots downtown.

Vice Mayor Veach asked if there were any comments from the restaurant, ballet school or museum on Cork Street. Mr. Eisenach stated the ballet school did not want to lose their parking and the restaurant does not want buses parked in front of them.

Vice Mayor Veach asked if a signal crosswalk was safer than a painted crosswalk. Mr. Eisenach stated a signal crosswalk is safer. However, there are a lot of children crossing there every day now so a marked crosswalk would improve the safety.

Councilor Hill stated while visiting the area, he viewed small kids running through the parking lot while cars were coming in and out and vehicles turning into the parking lot. He also watched buses pull into metered spots to park.

Councilor Sullivan stated he needs to disclose that he is related to some of the property owners who will be affected by this decision. The City Attorney has issued a Conflict of Interest opinion that he will be able to weigh in on this issue. That being said, he would be willing to support Option 3 which exits through the parking lot. The entrance or exit to Clifford Street is simply not wide enough to accommodate much traffic at all. The property owners at the end of the street have already installed parking bumpers to protect the houses from being hit. The other issue is there is not a lot of space to turn in the alley to get into someone's property.

President Willingham asked Mr. Eisenach what his recommendation would be now that there are more options. Mr. Eisenach stated in his personal opinion, he likes the modified Option 1. He agrees there are some issues with converting the traffic to two way but the advantages that option provides outweigh the problems.

President Willingham stated in regards to reversing all of the traffic on Indian Alley, he agrees a crosswalk is needed to cross Cork Street but he would like to look at one on Piccadilly Street too for people crossing there. He also suggested looking at the on street parking at Piccadilly/Indian Alley for line of sight issues as well. Mr. Eisenach stated removing one space on each side would improve the line of sight.

Councilor Clark stated he likes the modified Option 1 for the increase in safety for those who use Cork Street and the parking lot.

Councilor Sullivan stated he would not support the modified Option 1 because there is no other exit to the parking lot once you enter from Loudoun Street. He is concerned about traffic stacking in the lot as it is usually full. He rarely goes

in there and does not see someone trying to back in or out of a parking spot. He would support modified Option 1 if the motorcycle parking was removed.

City Attorney Anthony Williams stated he would encourage Council to not consider any option that Mr. Eisenach reported would decrease safety in the comparison chart. The purpose of the project is to increase safety at the intersection.

Mayor Minor asked to clarify if it was Option 3 that the Parking Authority did not like. Mr. Eisenach stated they did not like the alley traffic going through the parking lot. The amount of traffic coming through there would be about 40 cars a day.

President Willingham stated he sees the issue with multiple cars in a full parking lot and the ability to maneuver around. He would support modified Option 1 as well only if there can be another egress.

Vice-Mayor Veach asked if a fire truck can get down the alley and how they would get to the house in the alley that is blocked. Mr. Eisenach stated he does not think a fire truck can get down there today. Fire Chief Allen Baldwin stated there are several places in town that have been identified where the department would need to access them from several blocks away. These areas have been looked at and staff has tried to prepare as best as possible for those situations.

Councilor Hill moved to forward R-2015-28 to Council with modified Option 1 as presented.

Councilor Sullivan moved to amend the motion to remove the motorcycle parking in the modification. The motion to amend was seconded by Councilor Hill. *The motion was approved 6/1 with Vice Mayor Veach voting in the negative.*

Ms. Freeman asked for clarification if Council meant to not close it at that point. President Willingham stated the motorcycle parking would be removed from modified Option 1.

Ms. Freeman asked if the alley would still be closed at that point. President Willingham stated the alley would be open so that cars could maneuver around the parking lot to exit. Ms. Freeman asked if the alley would be open up to Cork Street but still be closed at Cork Street. President Willingham stated it would be closed at Cork Street so cars would go up and have to turn left toward Clifford. The motorcycle parking would be removed and become an alleyway again.

Councilor Sullivan asked if people would be able to go north into the parking lot. President Willingham stated that is a good question. Councilor Sullivan stated he is trying to avoid traffic from stacking in the parking lot. If someone entered

the parking lot from Loudoun Street and it was full, they could continue on toward the Discovery Museum and turn left to exit onto Clifford Street and go around the block.

President Willingham asked if part of the motion is that the alley will be one way or two. Councilor Sullivan stated it would be two way.

Mr. Eisenach asked for clarification if a car can go northbound on the alley into the parking lot or go into the parking lot and go southbound on the alley too basically making the whole section of the alley two-way. President Willingham stated he would defer to Councilor Sullivan to see if that was the intention. Councilor Sullivan stated what he intended was for the people who use the parking lot to have the ability to get out of the parking lot but he can see where that makes it two way.

Planning Director Tim Youmans stated one of the things the Planning Commission suggested was making this change on a temporary basis with barricades to help prevent unintentional problems.

President Willingham asked if that would be possible. Mr. Eisenach stated it could be done on the original Option 1 but not so easy with the modified Option 1 with the additional parking spaces.

Councilor Wiley suggested keeping the alley closed where the proposed motorcycle parking is and use that area as a turning point to address Councilor Sullivan's concern.

President Willingham asked if it would make sense to have one metered parking space instead of three to leave an area to turn around or two spaces. Mr. Eisenach stated that if you remove the motorcycle parking and remove the bushes, there would be space.

President Willingham asked for staff to bring forward any other designs before this is approved by Council at the Regular Meeting.

The amended motion was unanimously approved 7/0.

3.3 Discussion: Overview of the City of Winchester Seal, Flag and Logo

Planning Director Tim Youmans presented the history and overview of the Winchester Seal, Flag and logo. He stated a description of the seal, flag and logo are included in Section 2 of the Winchester City Code. It is also codified that the Council Clerk is the custodian of the seal and logo but not the flag. The Clerk is responsible for affixing the seal to papers or documents as authorized by Council ordinance or resolution. The current seal, adopted on April 1, 1936, is the third seal used by the City. Mr. Youmans provided a description of each items in the seal and their meaning. He stated the four flags depicted on the seal are representative of the different governments to which Winchester was

successively subservient. The four flags include the Union Jack Flag for the Virginia Colony of Great Britain (1744-1776), the Commonwealth of Virginia Flag (1776-present), the Confederate Battle Flag (1861-1865), and the United States of America Flag (1776-1861 and 1865-present). While doing his research, Mr. Youmans also looked at the flag flown at the Stonewall Jackson Museum and it is the original flag of the Confederate States of America which would have been in place during the time Stonewall Jackson was in Winchester. Mr. Youmans stated currently, the City Seal is used on Council ordinances and resolutions, financial reports, business cards, tax and utility bills, stationary, posters, patches, commemorative items, Historic plaques, decals and lapel pins. The seal is not used on police and sheriff vehicles, man hole covers, buses, websites or marketing materials. The City Flag was also adopted on April 1, 1936 by City Council. It is a scarlet field with the Saint Andrew's Cross and a Norman Lion Regardant Crest in the center. However, in researching the information, it was noticed that the current flag being used has a Passant Guardant Lion in the center and it is not known when that change occurred. The current logo was adopted by Council on October 12, 2010 and was codified one year later. The logo is used on all official city letterhead, business cards and all other print material purchased or produced. Mr. Youmans also presented a brief history on how many times the seal or flag have been reviewed by Council. In 1993, Councilor Kern proposed to revise the City Flag by replacing the lion with the City seal. However, a motion to keep the current flag was unanimously approved in July 1993. In November 2001, City Treasurer Mark Garber replaced the City Seal on the City car decals after receiving complaints from city residents. In 2003, Winchester, England Councilor Ray Love stated the City Seal was offensive which led to an informal poll of Council in 2004 to see how many were in favor of changing the seal. In March 2006, Mayor Minor and Council President Charles Gaynor were reported in the Winchester Star saying there was no proposal to change the City Seal in light of the removal of the Confederate flag from the seal in Amherst County, Virginia.

Councilor Wiley asked Mr. Youmans to explain the difference in the flag used for the governments on the seal and the flag at the Stonewall Jackson Museum. Mr. Youmans stated the original official flag of the Confederate States of America (CSA), also known as the "Stars and Bars" was in effect from 1861-1863. The Battle Flag of the Army of Northern Virginia was later incorporated in flags of the CSA on May 1, 1863 with the "Stainless Banner" (the battle flag in the upper left corner of a white flag) and on March 4, 1865 with the "Blood-stained Banner" (the battle flag on the upper left corner of a white flag with a red strip extending down the right side of the white flag). The "Stars and Bars" would have been the correct flag during the time Stonewall Jackson was in Winchester.

Councilor Sullivan asked if the image of the Native American on the City Seal would cause any concerns similar to what is happening with a football team not far from Winchester regarding their image of a Native American. City Attorney Anthony Williams stated it does not in the extent that the situation referred to is

dealing with a commercial trademark that would be entitled to protections under the U.S. Patent and Trademark office. Some localities trademark their seal but Winchester has not taken those steps. If Winchester had taken those steps, the Washington Redskins logo case would be a lot more interesting because it would have the potential for the City's trademark to be invalidated.

Councilor Hill stated it is a shame that we are at a point that we are discussing a symbol that has come to represent hatred and discrimination against black people. It is unfortunate that in 1936, the city officials did not see fit to think about all of the citizens in the design of the seal and how it would affect them. He stated it is a shame that he does not know that they did not seek out public opinion especially from its black community. This whole issue really concerns him because it is personal. He does understand the history of the Confederacy and would not take that right from anybody. He wishes the history on the seal had been taught from 1936 up to today but it wasn't. He can't help feeling that it is just wrong. He has heard a lot of good comments and he is really upset. He is going to try to keep an open view on this but more discussion is needed. If nothing else, he is happy to have this forum for people to discuss their opinions. If nothing else, it may fuel more discussions between the different cultures here. When City Council comes to the final discussion on what to do, he hopes all of the citizens will be considered. He thanked President Willingham and the members of Council who thought this discussion was needed and he thanked the citizens for being at the meeting.

President Willingham asked if the three stars and red and white stripes were symbolic of the American Flag at the time of the Civil War or is it representation of the American Flag. Mr. Youmans stated the information did not talk about the fact that it is using a portion of the American Flag that is vertically hung. The entire Union Jack Flag and CSA Flag are used but only portions of the Virginia and American Flags were used. President Willingham asked what it was trying to represent. Mr. Youmans stated the information clearly indicated it was to represent the United States of America.

President Willingham asked if the information talked about why they went from the second to third seal. Mr. Youmans stated it was because it did not have anything unique to Winchester.

President Willingham asked if the seal becomes obsolete with the use of the logo. Ms. Freeman stated the seal is what has to be put on all official correspondence.

City Attorney Anthony Williams stated that at the time and even today, Council has the option to make them one and the same. When the logo was created in 2010, a decision was made that the seal had been used for so long that it would remain and the logo would be used separately. They are two separate ordinances in the City Code right now.

President Willingham asked staff if the City Flag could be corrected. Ms. Freemans stated it would be done.

Vice Mayor Veach stated it appears the designers of the seal may have used the American flag off of the symbol of the eagle used in the alternative designs.

Councilor Clark stated the seal causes him a lot of problems. The symbol is incredibly divisive and he finds it offensive on the City Seal. If Winchester is trying to be inclusive and welcoming to all people then it is something that has to change. He stated the history should still be preserved but it does not have to be on the official City Seal of Winchester. He suggested using the City Flag as the seal instead. Councilor Clark moved to talk with City staff about using the Winchester City flag as it is codified as Winchester's official symbol and to get rid of the existing City Seal of Winchester that is offensive to so many in Winchester. The motion was seconded by Councilor Hill.

Councilor Sullivan asked what time frame he would give to staff to bring it back to Council. Councilor Clark stated he did not say. Staff is very professional and would come back to Council when it is ready.

President Willingham stated he would vote against this on its merits primarily because he is not sure he would want the flag as the seal nor has he asked enough questions in general about all of it. He would like to take the time to digest the comments and digest the history of the flag and be able to ask additional questions.

Councilor Hill asked President Willingham if Council should have more discussion to answer the questions he or others may have. President Willingham stated that would be his preference but there is a motion on the table.

Councilor Wiley moved to amend the motion to bring the topic back to a future work session for further discussion. *The motion was seconded by Mayor Minor then approved 6/1 with Councilor Sullivan voting in the negative.*

The amended motion passed 6/1 with Councilor Sullivan voting in the negative.

4.0 Monthly Reports

- 4.1** Finance Department
- 4.2** Fire & Rescue Department
- 4.3** Police Department

5.0 Adjournment

Mayor Minor moved to adjourn the meeting at 9:34 p.m. *The motion was seconded by Councilor Wiley then unanimously approved 7/0.*