

**THE SPECIAL MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD NOVEMBER 20, 2014 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King called the meeting to order at 7:00 p.m. stating the reason the Council is holding this special meeting and will not be having the regular meeting on Monday is a deadline for a Fire Department grant application. Mayor King then asked for those present to stand and led them in the Pledge of Allegiance.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Councilmembers Pat Boyle, Jeff Cook, Chris Moncada and Peter Wangness (via phone). Absent were: Vice Mayor Al Sacco and Councilmember Ron Brooks.

EMPLOYEE RECOGNITION:

Mayor King recognized Gary Douglas for 15 years of service with the City of Benson. Mayor King then introduced Pastor Blair of the First Baptist Church who offered the invocation.

PROCLAMATION: None

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Mayor King stated since so many people had signed up to speak at the Call to the Public, they could either come up and speak one at a time or could pick a spokesperson to address the Council.

Ruth Wilson stated this is a Christian nation and Christmas represents Christianity. Ms. Wilson then spoke about the history of the Christmas tree, stating in the 15th and 16th centuries, Germans, who were devout Christians, started bringing in evergreen trees to decorate and in the early 18th century, German immigrants brought this tradition to the United States. Ms. Wilson stated little by little, more and more of the country started accepting this tradition along with gifts for children and Martin Luther, who started the Lutheran church, started adding candles to the trees. Ms. Wilson then stated the Christmas tree is not associated with another holiday, adding it is a Christian tradition to have a tree in your home, just as a nativity is a Christian tradition. Ms. Wilson then stated the Council should not take Christ out of Christmas and traditions should be upheld by our government, in small towns, big towns, states and in the federal government. Ms. Wilson then stated a couple of years ago, there was a revival put on by the First Baptist Church and there were so many people attending, they had to hold several services, noting there are a lot of Christians in this community who revel in Jesus Christ as their savior. Ms. Wilson then stated Christians are not a silent minority and they are at the Council meeting to let the Council know how they feel. Ms. Wilson then stated if the atheists want their own holiday, they can be given April 1 and asked the Council to let the Christian holidays continue.

Theresa Bennett stated the population of Benson is 5,200 and there are 15 churches that celebrate Christmas. Ms. Bennett stated this constitutes over ¾ of the people in this town who believe in the season and the season is Christmas, adding Christmas is just a season and is no different than Halloween, Thanksgiving or Happy New Year. Ms. Bennett then stated it seems that the City Attorney went a bit far with his directive to the City Recreation Director, Laura Parkin, when he told her that she can't mention the word "Christmas" in any of her upcoming Christmas events and advertising. Ms. Bennett then stated she believed the City Attorney should research the meaning of both Christmas and a Christmas tree because the Supreme Court has never said that the government may not display Christmas trees during the Christmas holiday season. Ms. Bennett then stated in fact, the court has said the opposite, that the Christmas tree, unlike the menorah, is not in itself a religious

symbol. Ms. Bennett then stated although Christmas trees once carried religious meaning, today they typically represent the secular celebration of Christmas, adding numerous Americans place Christmas trees in their homes without subscribing to Christian religious beliefs and when a City's tree stands alone in front of the a City or County building, it is not considered an endorsement of Christian faith, noting decorations such as Christmas trees and Christmas symbols may be permissible as part of secular Christmas displays.

Billy Galloska of the Heritage Southern Baptist Church stated the Council meeting opened with pledge of allegiance, "under God, indivisible" followed with an invocation to our God, adding there is no excuse for removing the Christmas Tree that symbolizes a specific religion, Christianity. Mr. Galloska then stated the Christmas tree is not excluding anyone and has only been a celebration of hope and compassion for a season specifically started by Christians but celebrated by all. Mr. Galloska then stated the people are asking the Council to not take away the Christmas holiday, adding he doesn't believe it's ever been done in any city across the U.S., noting New York City still has a Christmas Tree lighting, our Nation's capital still has a Christmas Tree lighting and yet here we stand in a town of 5,500 people taking Christmas out of our traditions and asked what purpose this serves, stating he sees none. Mr. Galloska then stated if this City Council votes to remove the word "Christmas," he believes everyone behind him will be boycotting any City events and will be telling the Council "Merry Christmas" every time they can because they will still feel that there is a brotherhood amongst them and it needs to be continued.

Lupe Diaz stated he was going to provide the Council with some material on the issue of holidays, adding he would like the Council to address not only the Christmas Tree and the Light Parade, but also Christmas lights, Christmas music and other Christmas decorations. Mr. Diaz then stated the Council should consider approving a resolution that will cover all those things and help protect the City, so this doesn't have to be addressed again in the future. Mr. Diaz then stated he understood that it would take some time to draw up a resolution and some time for the Council to study it before considering it for action, adding one of the things a good resolution will do is help the City know how to handle the holidays. Mr. Diaz then stated it will also help the City employees if they know exactly how to handle a holiday, adding then they won't be afraid of putting up a tree and decorations or playing holiday music. Mr. Diaz then stated those are the reasons the Council should have a resolution developed for their approval. Mr. Diaz then stated the community would like to see the City handle this responsibly, adding they would like to see the Council as their representatives do so. Mr. Diaz then stated the recommendations he has is for the Council to direct City Staff to draft a resolution, adding before the Council approves it, they should review it and take the time to ask questions about it and what was omitted and what was not. Mr. Diaz then stated he gave the Council the means to be able to look at a resolution that will help protect the City. Mr. Diaz then stated the separation of church and state is an issue that a lot of people look at and don't understand, adding one of the things the law says is that a Christmas item can be displayed as long as there is equal representation for all parties. Mr. Diaz then stated if someone wants to put a menorah up, they can do so or if someone wants to display a decoration for Kwanza at the Visitor Center, they can, adding he is not against that at all. Mr. Diaz then stated all he wants to do is have equal representation, adding when the City Council omits Christmas, they are omitting Christians as well. Mr. Diaz then stated what he wanted was to include everyone and in doing so, help protect the City. Mr. Diaz then stated he gave the Council information on this subject and prayed that they read it so they can ask the attorney intelligent questions and can see what the City can do, adding it's important that everyone understand what can be done. Mr. Diaz stated without a resolution, the issue may not stop here, adding someone at the Senior Center could complain about any books that may have a religious reference in them and ask for them to be removed. Mr. Diaz then stated he didn't know if that was happening or not, but it could possibly happen. Mr. Diaz then asked the Council to look at a resolution smartly and to use the resources that are out there, adding if the Council needs more information, he has it for them. Mr. Diaz then stated the ACLJ is not there to challenge municipalities or to threaten them with lawsuits, but is there to help municipalities, adding he is doing this to try and serve and help the City establish how to handle the holidays.

Anthony Edmiston stated he thought the Council is making a big mistake in trying to regulate the holidays, adding there are a lot of things going on in town that he doesn't agree with, such as the Biker Rodeo, but he doesn't protest those things, because they have a right to do those kinds of things and he doesn't have to go to them. Mr. Edmiston then stated others have a right to celebrate the way they want to celebrate and the City

should stay out of regulating the holidays. Mr. Edmiston then stated if the City really wanted to regulate the holidays, they could say that on Thanksgiving Day, stores should be closed, adding the City should not be worrying about taking Christ out of Christmas. Mr. Edmiston then stated Christmas is a celebration of Christ's birth and if the name is taken out of it, there is no longer a celebration.

David Morris stated he was from the Benson Heights Baptist Church and he believes the 66 books in God's word from Genesis through Revelation. Mr. Morris then stated those books talk about the Lord coming, adding he came 2,000 years ago and if he hadn't, there wouldn't be any Christmas or anything to call a holiday. Mr. Morris then stated Christmas is a holy day and he believes the federal, city and county governments are all starting to try to eliminate Christ from anything. Mr. Morris then stated he was reading part of a book in a hospital the other day while he was visiting someone, and it read that atheists were allowed to start churches in Texas, adding the reason they want to form a church is to get the same benefits churches have. Mr. Morris then stated when he came to Benson 20 years ago, he had a battle with the City of Benson to hold a revival in a tent at Lion's Park, adding he didn't get the privilege of having a tent in the park until there was a Council meeting and one of the members of the Council said if church is taken out of the state, there would be no state. Mr. Morris then stated the Council finally decided he could have a tent revival after discussing the liability of it being held in a tent. Mr. Morris then stated his argument was that there are circuses going through town, with all sorts of things that could be a liability, adding his church purchased liability insurance to protect anyone that would be involved in any type of injury at the revival. Mr. Morris then stated it was a great revival, despite it having to be held at the edge of the park where his church had to clear out the weeds, grass and rocks to set up the tent. Mr. Morris then stated he believes when people leave God out of the things God intended to be in, they will have to stand before him one day and answer why. Mr. Morris then quoted scriptures, stating the word of God is alive, active and judges attitudes and thoughts. Mr. Morris then stated he has seen young people get educated and become foolish due to their education, adding some of those people are his family members. Mr. Morris then stated when people become educated; they shouldn't leave their morals, principles and values behind. Mr. Morris then asked the Council to not do away with this holiday, which should be called a holy day because it represents Jesus Christ, who was born 2,000 years ago.

Kathy Suagee addressed the Council regarding the Tree Lighting Ceremony and gave them a copy of her comments, which will be retained with the Council packet.

Larry Andrews stated he had a few questions and answers he wanted to share with the Council, starting with if the separation of church and state forbid all religious displays on government property, then stated some might say yes, but the actual answer is no. Mr. Andrews then continued asking if the government can erect holiday displays that include religious components, stating some people might think the answer is no, but in reality, it's yes. Mr. Andrews then asked if the display of a Christmas tree is considered a religious endorsement and stated the answer to that, surprisingly, is no. Mr. Andrews then stated he heard someone speak about Kwanza and he hears people talk about Christmas as a shared holiday and then addressed that issue, stating Christmas is about Jesus and people think that by saying Jesus' name, people who celebrate Kwanza will be offended. Mr. Andrews then stated he wasn't sure if anyone present even knew what Kwanza is or where it even came from, adding before black America was Africanized, black America celebrated Christmas, then all of a sudden, Maulana Karenga created Kwanza in 1965. Mr. Andrews stated Mr. Karengo said his goal was to give blacks an alternative to the existing holiday and an opportunity to celebrate themselves and their history, rather than simply imitate the practice of the dominant society. Mr. Andrews then stated in celebrating Christmas, people are not celebrating themselves, but are celebrating Jesus. Mr. Andrews then stated according to Karenga, the name Kwanza derives from the Swahili phrase meaning first roots of the harvest, adding if he was going to celebrate Kwanza, the celebration would be closer to a Thanksgiving celebration than to Christmas. Mr. Andrews then stated the choice to use Swahili, an east African language, reflects the status as a symbol of Pan-Africanism especially in the 60's, although most east African nations were not involved in the Atlantic slave trade that brought African people to America. Mr. Andrews then stated Kwanza is a celebration that has its roots in the Black National movement of the 1960s and was established as a means to help African Americans reconnect with their African culture and historical heritage by uniting in meditation and study of African traditions and the 7 principles of African heritage which Karenga said is a communitarian African philosophy.

Mr. Andrews then stated maybe someone in America needs to have an American philosophy to Americanize people who forget their roots, since it's not being taught in schools anymore. Mr. Andrews then stated during the early years of Kwanza, Karenga said it was meant to be an oppositional alternative to Christmas, however, as Kwanza gained mainstream adherence, he altered his position, so that practicing Christians would not be alienated and in 1997, Kwanza was a celebration of family, community and culture. Mr. Andrews stated he had no problem with that and it doesn't offend him and asked why it should offend anyone else. Mr. Andrews then stated many African Americans who celebrate Kwanza do so in addition to observing Christmas, adding people that celebrate Kwanza aren't offended by Christmas and celebrating Christmas is not offending anyone. Mr. Andrews then stated the only reason to bring up opposition to Christmas is because the bible says that we will want to remove Christ from our thoughts.

Kirk Sorenson stated he is thankful to live in America and Benson, adding he is thankful for the freedoms we have. Mr. Sorenson then stated a week from today, everyone was going to be celebrating Thanksgiving and again stated, he was thankful for the freedoms we have. Mr. Sorenson then stated so often, people are afraid, adding fear paralyzes and people are afraid of doing the wrong things, so they back off and do nothing instead of moving forward and doing the right thing. Mr. Sorenson then stated he was thankful for our heritage and our freedom to worship, to believe or not believe, to do or not to do, as long as it's within the law and it isn't harming anyone, stating again, we have that freedom and he is thankful for it. Mr. Sorenson then stated around the world, freedoms are being taken away and the government is dictating what to who and how and when at the perishment of the people's lives. Mr. Sorenson then stated people shouldn't let being afraid of doing the wrong thing or of offending someone paralyze them, adding they should stick to what they know is right and do the right thing. Mr. Sorenson then stated he thinks Lupe Diaz has the right idea of getting a good thought-out, planned, studied resolution on how to address Christmas and go forward wisely, adding the Council should not be afraid, but should do it right, which would allow the government to protect and to serve the people as we go forward.

Jane Charchenko stated she had signed up to address the Council, but was overlooked at the Call to the Public. Mayor King apologized and noted he had accidentally missed her sign-up sheet. Ms. Charchenko then addressed Council stating her dad moved to Pomerene in 1947 and served on the Benson High School Board for over 25 years, adding he sent 8 children there and she is related to half of Pomerene, probably a fourth of the High School and half of the football team. Ms. Charchenko then stated she lives in Pomerene, but has been shopping in Benson for over 65 years, adding her parents always shopped in Benson, even though it cost more because her dad said if you support the local people, then they'll be there when you need them. Ms. Charchenko stated had she known about this issue earlier, she could have had 150 people here easily, but when she got here, she was quite relieved to realize the Council is deciding what to call the Christmas tree, adding she thought the Council was going to tell the businesses that they couldn't say "Merry Christmas." Ms. Charchenko then stated she didn't know how many people here remembered Abe Samuels and his store, but he was a good man, adding he was Jewish and still decorated his store for Christmas with a Christmas Tree. Ms. Charchenko then stated the tree is a Christmas Tree and everyone knows that, adding the Council isn't kidding anyone and all they are doing is offending people. Ms. Charchenko then spoke about Wal-Mart having all their employees not saying Merry Christmas, but saying Happy Holidays and about the outrage that ensued, adding there is even a website that is totally dedicated to letting shoppers know which stores won't let you say Merry Christmas to encourage people not to shop in those stores. Ms. Charchenko then stated Fox news polled 100,000 people, and 81% said they wouldn't shop at a store that banned saying Merry Christmas. Ms. Charchenko then stated with all that set aside, she wanted to thank the Council for always decorating Benson beautifully for Christmas and for having a nativity. Ms. Charchenko then stated she wanted to point out to everyone that her family is putting up their nativity scene in Pomerene this weekend, adding they have been doing this for many years and people come from Bisbee, Tucson and many other places to see it. Ms. Charchenko then stated this is their way of saying what Christmas is all about and invited everyone to come with their families to see the nativity and hear the music. Ms. Charchenko then thanked the Council again for decorating the City and putting up lights.

CITY MANAGER REPORT:

City Manager William Stephens addressed Council, giving the dates of upcoming meetings and events.

- Saturday, November 22, 2014 – Benson Airport Advisory Committee, 8:00 a.m., Airport, Hangar B9
- Monday, November 24, 2014 – City Council Meeting, 7:00 p.m., City Hall - CANCELLED
- Tuesday, November 25, 2014 – Community Watershed Alliance, 6:30 p.m., City Hall
- Monday, December 1, 2014 – Benson Economic Development Committee, 6:00 p.m., City Hall
- Tuesday, December 2, 2014 – Planning & Zoning Worksession, 7:00 p.m., City Hall
- Monday, December 8, 2014 – City Council Meeting, 7:00 p.m., City Hall

- Monday, December 8, 2014 – Benson will be celebrating its 90th year, Happy Birthday to the City of Benson. Everyone is invited to come celebrate at City Hall from 6:00-6:30 p.m. with some cake and have a peek into the past as we move into the future.

- Tuesday, November 25, 2014 – Tree Lighting Ceremony, the Benson Museum and Quilt Gallery, 180 S. San Pedro Street. There will be music from The Bost Family Traditions, Children’s Crafts, Guest Speaker, Tree Lighting, Santa will visit and there will be refreshments. Festivities will begin at 6:00 p.m.

- Thursday, November 28 and
Friday, November 29, 2014 – Thanksgiving Holiday – City Offices Closed
- Saturday, December 13, 2014 – Festival of Lights – Light Parade, “Treasured Holiday Stories” hosted by the City of Benson, 6:30 p.m. There will be prizes given for 1st, 2nd and 3rd places.

- Saturday, December 13, 2014 – Christmas on Main hosted by the San Pedro Valley Chamber of Commerce, 9:00-5:00 p.m. at 4th and Land St., Christmas on Main has Santa and Mrs. Claus for the kids, on-stage entertainment all day long, vendors offering a wide variety of Holiday shopping ideas to choose from and food.

Mr. Stephens then stated for more events in Benson, the public could visit the City’s website: www.cityofbenison.com under “What to do Today.” Councilmember Cook then asked what the name of the Tree Lighting Ceremony was, adding he picked up a flyer at City Hall that calls it the Christmas Tree Lighting Ceremony. Mr. Stephens stated there are two flyers with differing names, adding the Council’s past practice was to call the event the Christmas Tree Lighting Ceremony in the newspaper, but brochures called the event the Tree Lighting Ceremony, as did Cox cable. Mr. Stephens then stated in several Council meetings when the previous two tree lightings were mentioned, the event was called both the Christmas Tree Lighting Ceremony and the Tree Lighting Ceremony, adding it is on the agenda for the Council to determine what they would like to call the event.

NEW BUSINESS:

1. Discussion and possible action on the Consent Agenda

- 1a. Minutes of the October 27, 2014 Regular Meeting
- 1b. Invoices processed for the period from October 30, 2014 through November 12, 2014

Councilmember Moncada moved to approve the Consent Agenda. Seconded by Councilmember Boyle. Motion passed 5-0.

2. Discussion and possible action on Resolution 30-2014 of the Mayor and Council of the City of Benson, Arizona (“City”) authorizing the City and its Fire Department to be a partner in a 2014 Assistance to Firefighter Grant that requests, for the City and its Fire Department, 26 Self Contained Breathing Apparatus and a Spare Bottle for each

Fire Chief Keith Spangler thanked Council for having the special meeting and stated he was approached by the Rincon Valley Fire Department to see if the Benson Fire Department wanted to participate in a regional grant, along with the Mescal Fire Department and the Department of Corona de Tucson, adding regional grants seem to be funded better than individual department grants. Chief Spangler then stated the regional grant application would be for Self-contained Breathing Apparatus (SCBAs), which is what is worn when firefighters go into hazardous environments such as structure fires and vehicle fires. Chief Spangler then stated the SCBAs would also increase interoperability between the Fire Departments, adding Benson has mutual aid agreements with Mescal and Rincon Valley. Chief Spangler then stated the Benson Fire Department would be asking for 26 air packs and spare bottles, adding the department currently has 26 now, but they are over 13 years old and don't comply to the new standard that is being used. Chief Spangler then stated the new packs would also give firefighters more time in a hazardous environment and also give them a little more backup time in case something were to happen. Chief Spangler stated the federal government will only allow \$6,000 for each air pack and spare bottle, adding an air pack includes a face mask, a bottle and the pack itself, and then stated for 26 SCBA packs and spare bottles, the total is \$156,000. Chief Spangler then stated the City's match would be 5%, adding the tax rate was not finalized, but the cost would be approximately \$9,200. Mayor King asked if this was in the budget with City Manager William Stephens stating it was not in the current budget, but the Council could put it in the upcoming budget, if they chose to do so. Chief Spangler agreed, stating notification of the grant wouldn't occur until June, July or August, at the earliest, adding then the grant cycle can go almost a year after that with the federal government handing out the awards in the order they are approved. Chief Spangler then stated Rincon Valley is going to host the grant, so they are going to be responsible for inventory and are writing the grant, adding all he will be doing is furnishing information on the City. Councilmember Moncada moved to approve Resolution 30-2014. Seconded by Mayor King. Motion passed 5-0.

3. **Discussion and possible action regarding the naming of the Tree Lighting Ceremony**

Councilmember Wangsness stated he was usually a stickler for names and he did not think the event should be called a "Tree Lighting Ceremony" because the term tree is too generic, adding this is a specific federal holiday and a specific tree, therefore, he thinks it should be called a "Christmas Tree Lighting Ceremony." Councilmember Wangsness then stated he would also like to point out that the line item in the budget needs to be changed from holiday tree lights to Christmas tree lights, adding if the Council was going to put up a menorah, they wouldn't call it a candelabra.

Councilmember Boyle stated he was grateful everyone came out and he likes to see the passion displayed tonight, adding he is sick and tired of political correctness, which is making our country total vanilla. Councilmember Boyle then stated we're denying our traditions and the things that made us who we are and our children are being taught things in school that he doesn't appreciate, adding he thinks we need to stand up and teach them values that we've had as a country in the past and that we really need to stand up for our faith and everything else as a nation to make sure this comes out right.

Mayor King then stated when he was growing up, his family always had a tree, regardless of there being anything under it or not, adding they always called it a Christmas Tree. Mayor King then stated he truly believed that we should always continue what we have done in the past, and what we do now, and call it a Christmas Tree, adding he was going to stand up for it. Mayor King then stated it's not what is under the tree that is important, but what the tree represents.

Councilmember Cook then stated this issue should be easy, but it's not, adding he is a natural political ally of the pro-Christmas, keep Christ in Christmas side of the political debate; however, he went to Mr. Lupe Diaz' facebook account and copied the words that have inspired so many with so much negative emotions, adding he thinks some of the people attending the meeting are doing so for the wrong reasons, which is that the Council is going to do something they disapprove of or that the City Attorney, Gary Cohen, has done something they disapprove of. Councilmember Cook then stated Mr. Cohen did not direct the City Recreation Coordinator, Laura Parkin, or the City Manager to remove the word "Christmas" from any City activities or publications.

Councilmember Cook then stated he had spoken with Ms. Parkin and she simply said that the attorney just gave advice, which is what his job is. Councilmember Cook then stated the City Attorney has been accused of directing the City Recreation Coordinator and the City Manager to do things, adding he thinks that is why half of the people are attending the Council meeting and he thinks that is very unfortunate that someone beat the drums to try to get something passed in the wrong way for the wrong reasons. Councilmember Cook then stated on the other hand, he thinks that the people attending are all here for the right reasons, which is to keep Christmas referred to as Christmas. Councilmember Cook then stated he has spoken with Lupe Diaz and the City Manager and at no time did he find any disagreement between the two that the event should include the word "Christmas," adding just a day or two ago, the City Manager showed him research regarding the White House having a Christmas Tree lighting and the Governor's office in Arizona having a Christmas Tree lighting, adding he doesn't know of anyone that wants to remove the word "Christmas" from these holidays.

Councilmember Moncada stated he agreed with everyone that it should be called the Christmas Tree Lighting and the Christmas Light Parade and then moved to call them such. Seconded by Mayor King. Councilmember Wangsness asked if the budget line item could also be changed as well with Mr. Cohen stating it was not on the agenda to do so, adding the best way to proceed with that is to just wait until the budget comes around for the next year. Councilmember Cook then asked for the motion to be restated with Councilmember Moncada stating he moved to call the Christmas Tree Lighting and Christmas Light Parade the Christmas Tree Lighting and Christmas Light Parade. City Attorney Gary Cohen stated technically, the parade is not on the agenda, adding the Council could only act on the Tree Lighting event. Councilmember Moncada then moved to call every City event regarding Christmas, a Christmas event. Mr. Cohen stated Council action was limited to what was listed on the agenda. Councilmember Moncada then moved to call the Tree Lighting ceremony the Christmas Tree Lighting Ceremony. The amended motion was seconded by Mayor King. Motion passed 5-0.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember Moncada moved to adjourn at 7:58 p.m. Seconded by Councilmember Boyle. Motion passed 5-0.

ATTEST:

Vicki L. Vivian, CMC, City Clerk

Toney D. King, Sr., Mayor