

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
December 16, 2014  
Council Chambers – Rouss City Hall**

**PRESENT:** Councilor Evan Clark, John Hill, Corey Sullivan and John Tagnesi; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (8)  
**ABSENT:** Councilor Jeff Buettner (1)

President Willingham called the meeting to order at 6:00 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)

*President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public comments at 6:00 p.m.*

**3.0 Items for Discussion:**

**3.1 Presentation:** Comprehensive Annual Financial Report

Billy Robinson of Brown, Edwards & Company, LLP presented the Comprehensive Annual Financial Report. He reported the audit wrapped up in November with only one audit adjustment with no significance. Mr. Robinson reviewed the financial analysis and offered to answer any questions Council may have.

**3.2 Presentation:** Non-Profit Organization Activities Subject to Local Taxation

Commissioner of the Revenue Ann Burkholder updated Council on the results of a survey she performed with other localities on local taxation of non-profit organizations. She stated very few localities have chosen to address this issue. A few of the localities collect meals taxes but she could not find a single locality that collects admission taxes from non-profits. Overwhelmingly, the feeling is that it is too difficult and the cost to administer and assess the taxes would far outweigh the revenue that would come of it. One locality did try to collect the meals tax from the non-profit organizations and ended up having to add a full time staff member to work solely on this. That locality also requested an opinion from the Attorney General regarding this matter. The opinion that came back is there is a section of State Code that exempts non-profits that hold events for the first three times per calendar year and beyond that the first \$100,000. She stated the city would want to consider whether it would have

that situation come up or not with the organizations here. Some localities have simply decided not to address the matter for one or more reasons including the high cost of administration versus the revenue generated, the ability to have fair and equitable assessment, or simply for good will and appreciation for what those organizations provide. Some of the localities focus more on the cost of services to the organizations.

Mayor Minor stated she has a problem with taxing the nonprofit organizations. They give so much back to the community and she does not think the City should do so.

Ms. Burkholder stated that would require a change in how City Code is written.

**3.3 Presentation:** Update regarding an appeal of the decision by the Board of Architectural Review (BAR-14-689) regarding the replacement of windows for the property located at 455 North Loudoun Street

Planning Director Tim Youmans presented the appeal for the replacement of windows in the Historic District. He stated the applicant did not apply for a Certificate of Appropriateness before replacement began. The Board of Architectural Review denied his request for a COA. In the replacement, the stone window sills and the wood trim are being kept or replaced and only about a quarter of an inch of vinyl shows. Staff recommends overturning the decision of the BAR.

*President Willingham recused himself from the discussion.*

Vice-Mayor Veach moved to forward the appeal to Council with a recommendation to overturn the decision of the BAR. The motion was seconded by Vice-President McInturff.

Councilor Hill asked the applicant, Larry Omgs, why he did not go to the BAR first. Mr. Omgs stated he did not think he needed to because he thought he was replacing like for like.

*The motion passed 5/2 with Councilors Clark and Hill voting in the negative.*

**3.4 R-2014-52:** Authorization to rename Vanceright Avenue to Vanceright Circle

Mr. Youmans presented the request to rename Vanceright Avenue to Vanceright Circle.

Vice-President McInturff moved to forward R-2014-52 to Council. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

**3.5 R-2014-51:** Authorizing the Local Zone Administrator to Resubmit an Amendment Application to the Virginia Department of Housing and Community Development (DHCD) Regarding the City of Winchester's

Enterprise Zone Program due to DHCD's Recommended Application Alterations

Economic Development Coordinator Tyler Schenck presented the updates as suggested by the DHCD for the Enterprise Zone application.

Councilor Clark moved to forward R-2014-51 to Council. *The motion was seconded by Mayor Minor than approved 8/0.*

***Councilor Tagnesi left the meeting at 7:09 p.m.***

**4.0 Executive Session**

- 4.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION.**

Vice-President McInturff moved to convene into executive session at 7:09 p.m. *The motion was seconded by Councilor Clark the approved 7/0.*

Vice-President McInturff moved to reconvene in open session at 7:47 p.m. *The motion was seconded by Mayor Minor then approved 7/0.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

*A roll call vote was taken, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Absent
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Councilor Tagnesi	Absent
Vice-Mayor Veach	Aye
President Willingham	Aye

## **5.0 Monthly Reports**

**5.1** Police Department

**5.2** Fire & Rescue Department

## **6.0 Adjournment**

Vice-President McInturff moved to adjourn the meeting at 7:47 p.m. *The motion was seconded by Councilor Clark then approved 7/0.*