

**MINUTES OF THE CITY COUNCIL MEETING
DECEMBER 14, 2015, 7:00 P.M.
REGULAR SESSION**

PRESENT: The Honorable W. Eugene Hunt, Jr., Mayor
The Honorable Carey L. Freeman, Vice Mayor
The Honorable Traci-Dale Crawford
The Honorable Charles M. Southall III
The Honorable Herbert R. Green, Jr.
The Honorable Raymond D. Vernall
The Honorable Henry W. Ayer III

J. Randall Wheeler, City Manager
Judy F. Wiggins, Assistant City Manager/City Clerk
D. Wayne Moore, City Attorney

MEETING CALLED TO ORDER:

Mayor Hunt called the meeting to order at approximately 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor Hunt rendered the invocation and led the audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS:

Mayor Hunt announced that the scheduled presentation by Mr. William Thomas of Hampton University would be delayed as he had not yet arrived.

Audit Presentation

Mr. Robert Bielat of Cherry Bekaert, the City's auditing firm, provided a brief overview of the City's audit report for FY 2015, which included the City's School System and the Economic Development Authority. He stated that no audit adjustments were required and no difficulties were encountered performing the audit. Lastly he congratulated the City on the excellent audit findings and thanked the City Manager, the Finance Department and the School Administration for their hard work and assistance with the audit.

On behalf of City Council, Mayor Hunt thanked Mr. Bielat and Cherry Bekaert for the exceptional audit report and City staff for their expertise and dedication which led to the auditor's findings.

New Employee Introduction

The City Manager, J. Randall Wheeler, introduced the City's newest employee, Chad Krejcarek in the Utilities Department. Mayor Hunt, on behalf of Council, welcomed the new employee to the City.

New Website Overview

Ms. Jessica Wood, Finance Specialist and City Webmaster, provided an overview of the City's new website which went live in mid-November 2015. She briefly explained how to navigate the site and stated that past Council meetings are steadily being placed on YouTube. Lastly, she pointed out that the City hopes to also livestream Council meetings on YouTube in the near future.

On behalf of City Council, Mayor Hunt thanked Ms. Wood and her team for their hard work to secure a new website and to keep it current.

AUDIENCE FOR VISITORS:

No one in the audience spoke.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Ayer, to adopt the minutes of the regular session held November 9, 2015 as submitted. Recorded vote on the motion:

YES: Councilmembers Crawford, Ayer, Southall, Freeman, Vernall, Green and Mayor Hunt.

NO: None.

PUBLIC HEARING:

1. ORDINANCE AMENDING THE ZONING ORDINANCE TO REQUIRE A CONDITIONAL USE PERMIT FOR HIGH TRAFFIC GENERATING USES IN THE GC DISTRICT

Ms. Deborah Vest, Director of Community Development, stated that at the November 9, 2015 meeting Council unanimously voted to remand to the Planning Commission a draft Zoning Ordinance amendment to the City's General Commercial (GC) District for consideration and recommendation. After review and discussion of the amendment on December 7, 2015 the Planning Commission voted to recommend approval of the draft ordinance to include a stipulation that any use projected to produce 75 or more vehicle trips per hour be required to obtain a Conditional Use Permit.

In response to Council queries, Ms. Vest stated that a traffic study, required in the draft amendment for specific businesses, would cost approximately \$5,000 to \$10,000. The City Manager explained that the *Institute of Transportation Engineers Traffic Generating*

Manual, that projects traffic by type and size of business, would be used by staff to determine if a traffic study is necessary for prospective businesses in the GC district.

Concern was expressed by some Councilmembers that adoption of the proposed ordinance amendment would make it difficult for the City to attract new businesses.

Mayor Hunt opened the public hearing.

Mr. Alan Moody, 207A Browns Neck Road; Mr. Mark Andrews, 7 Martha Court; Ms. Jana Andrews, 7 Martha Court; Ms. Susan Legan, 4 Insley Circle; and Ms. Terry Gooding, 77 Bunting Lane, encouraged Council to dispense with the second reading and to adopt the proposed GC Zoning Ordinance amendment that evening. Their support for the ordinance was based upon the following:

- It will provide Council the leverage needed to minimize negative impacts on the City.
- The draft ordinance, with or without the PC modification, will not stop businesses from coming into the City.
- It will promote managed growth and good development in the City.
- It will provide the citizens an opportunity to comment on intense business uses and ensure a good traffic flow which will be attractive to new businesses.
- The City should consider adding the proposed amendment to all districts in order to ensure a safe, smooth flow of traffic.
- Instead of requiring a prospective business to provide a costly traffic study, require a Conditional Use Permit giving Council the ability to require one if warranted.
- It will preserve the City's small town atmosphere.

Ms. Betty Dean, 6 Riggins Court, voiced opposition to Walmart and its establishment in the City stating that statistics show that this business steals revenue from existing businesses and decreases overall employment numbers.

Since there were no other speakers, the public hearing was closed.

Mayor Hunt asked Council, if approved, whether the proposed ordinance amendment should be applied to the CRES EG development to be located on the north side of Victory Boulevard.

In response to a Council query as to whether the CRES EG development is vested, the City Attorney, D. Wayne Moore, stated that he currently did not have sufficient facts/information on this issue in order to provide legal counsel.

Vice Mayor Freeman moved, seconded by Councilman Southall, to dispense with the second reading and to adopt on first reading the proposed amendment to the General Commercial District, excluding the Planning Commission's recommended modification.

During Council's discussion, the following comments/concerns were expressed:

- That any commercial development of the subject property is problematic since Victory Boulevard is inadequate to handle the associated increased traffic;
- That the original proposal by CRES EG to include a Walmart on this property revealed that the existing City ordinance is inadequate to properly address associated impacts of a big business and did not provide for public input and Council's ability to tweak such a development to minimize its impact on the community;
- That the City has been working hard for many years to make our community more marketable and adoption of the proposed ordinance would reverse this trend;
- That its approval would also preclude small businesses from locating in the GC District as they would be unable to pay for a traffic study;
- That the proposed ordinance reflects big government and enables local government to have excessive control over the free market;
- That although the City should not stifle the free market system, citizens should have a platform for providing their input on proposed businesses prior to Council making a decision;
- That additional businesses will increase the City's tax revenues so that those on a fixed or low-income will not experience an increase in their tax bills; and
- That the City lacks the necessary infrastructure to support large businesses.

Recorded vote on the motion:

YES: Councilmembers Vernall, Ayer, Southall, Crawford, Freeman and Mayor Hunt.

NO: Councilman Green.

SPECIAL PRESENTATIONS: (Continued)

Mr. William Thomas, Associate Vice President of Governmental Relations at Hampton University, solicited the City's support for the following three Hampton University legislative priorities for the 2016 Virginia General Assembly Session:

- Request for \$25 million from the tobacco settlement money to support cancer research and the University's Telehealth Telemedicine program for Virginia's Southside and Southwest rural communities and Veterans;
- Change the way health insurance companies pay for proton therapy; and
- Request for \$6.3 million in state money to support a Severe Weather Center that can accurately predict the landfall of hurricanes.

In conclusion, Mr. Thomas showed a brief video on Hampton University's Proton Therapy Program.

Mayor Hunt thanked Mr. Thomas for his presentation and Councilman Green offered his personal testimony on how proton therapy had positively impacted his health.

NEW BUSINESS:

1. APPROVAL OF CONDUIT DEBT ISSUANCE FOR BETH SHOLOM HOME OF VIRGINIA

The City Manager explained that each year the City and/or School System have the legal capacity to issue up to \$10 million in bank qualified tax exempt bonds. If the City/School System does not have a project needing funds, he stated that they can allow, through the EDA, another non-profit organization to utilize this avenue of funding whereby the Authority is authorized by law to charge an annual 0.125% administrative fee on the outstanding principal amount of the bonds.

Kevin White representing Kaufman & Canoles, Bond Counsel for Beth Sholom, stated that Beth Sholom's Plan of Finance includes the requested bond issuance in order to finance a renovation project at its Life Care Community Campus located in Henrico, Virginia. He emphasized that neither the City nor the EDA would be fiscally responsible for the bond debt/issuance.

A resolution approving the requested issuance of the Bond by the Authority to assist in the Plan of Finance for the benefit of Beth Sholom was presented for consideration and Councilman Green moved, seconded by Councilman Vernall, that it be approved. Recorded vote on the motion:

YES: Councilmembers Southall, Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

2. RESOLUTION SUPPORTING HAMPTON UNIVERSITY'S LEGISLATIVE AGENDA AND PRIORITIES

A resolution supporting Hampton University's three legislative priorities described by Mr. Thomas during his earlier presentation was presented for consideration and Councilman Green moved, seconded by Vice Mayor Freeman, that it be adopted. Recorded vote on the motion:

YES: Councilmembers Ayer, Crawford, Green, Freeman, Southall, Vernall and Mayor Hunt.

NO: None.

3. ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FY 2015-2016

The Finance Director, Theresa Owens, explained that the City's unrestricted fund balance is currently in excess of the adopted financial policy guidelines by \$947,967 due primarily to personnel vacancy savings and that the General Fund restricted fund balance as of June 30, 2015 is \$210,716. She pointed out that additional revenues were available due to donations, grants, asset forfeitures, etc. and that staff is recommending that a

portion of the excess funds be used for one-time expenditures for various unmet needs in the FY 2016 budget.

The City Manager stressed the importance of funding the VRS Board certified rate for employees' retirement costs and replacing the City's thirteen year old street sweeper. He also explained that the requested airboat, which will be paid entirely by a grant, will be an emergency rescue asset to the City during severe weather.

Mayor Hunt thanked Fire Lieutenant Joe Breeden for his hard work in preparing the successful grant application for the airboat.

In response to a Council query, Lieutenant Breeden stated that the vendor from whom the boat will be purchased will provide Department of the Interior approved training for those employees who will operate the airboat.

An ordinance making additional appropriations and transfers for FY 2015-2016 was presented for Council's consideration and Councilman Green moved, seconded by Councilman Ayer, to dispense with the second reading and to adopt it on first reading to become effective immediately. Recorded vote on the motion:

YES: Councilmembers Crawford, Ayer, Southall, Freeman, Vernall, Green and Mayor Hunt.

NO: None.

4. RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR CONSTRUCTION OF BREAKWATERS AT MESSICK POINT AND AN ORDINANCE APPROPRIATING THE NECESSARY FUNDING

The City Engineer, Ellen Roberts, reminded Council that the City had been awarded and accepted an Aid to Ports grant totaling \$112,500 through the Virginia Port Authority for the construction and placement of 2 breakwaters off of Messick Point. She explained that the City had already appropriated \$40,000 towards this project which will help to protect the City's Messick Point pier and waterfront property. Subsequent to the conclusion of a recent Invitation for Bids to construct the breakwaters, she stated that the lowest bid, from Carolina Marine Structures, Inc., was \$192,100 which exceeds the available funding by \$53,500.

A resolution authorizing the City Manager to enter into a contract with Carolina Marine Structures, Inc. for these services was presented for consideration and Councilman Green moved, seconded by Councilman Ayer, that it be adopted. Recorded vote on the motion:

YES: Councilmembers Green, Vernall, Ayer, Southall, Crawford, Freeman and Mayor Hunt.

NO: None.

An ordinance appropriating the additional funding necessary to complete the project was presented for Council's consideration and Councilman Green moved, seconded by

Councilman Vernall, to dispense with the second reading and to adopt it on first reading to become effective immediately. Recorded vote on the motion:

YES: Councilmembers Southall, Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

5. ORDINANCE APPROPRIATING FUNDS FOR ASSESSMENT SOFTWARE

The City Assessor, Robert Faison, explained that the City's current assessment software called Equity is approximately thirteen years old; has only one part-time programmer trained to support it; the Access 2003 platform on which the software is built is becoming obsolete; it is not linked to the City's GIS system, sales database, sketch program, etc.; and replacement of this software has been in the CIP for several years. In conclusion, he stated that subsequent to his research and consultation with several software vendors, it appears that a new software system and data conversion will cost approximately \$125,000 to \$150,000.

An ordinance making additional appropriations and transfers for FY 2015-2016 to fund \$125,000 for the new assessment software was presented for consideration and Councilman Green moved, seconded by Councilman Vernall, to dispense with the second reading and to adopt it on first reading to become effective immediately. Recorded vote on the motion:

YES: Councilmembers Ayer, Crawford, Green, Freeman, Southall, Vernall and Mayor Hunt.

NO: None.

6. RESOLUTION CANCELLING THE SECOND MEETING OF THE MONTH OF DECEMBER 2015

A resolution cancelling the second meeting of the month of December 2015 was presented for consideration and Councilman Green moved, seconded by Councilman Southall, that it be adopted. Recorded vote on the motion:

YES: Councilmembers Crawford, Ayer, Southall, Freeman, Vernall, Green and Mayor Hunt.

NO: None.

COMMENTS OF THE CITY MANAGER:

The City Manager thanked Councilwoman Crawford and Jessica Wood in the Finance Department for their participation in a recent successful test to ensure that remote meeting participation for Councilmembers can occur. He emphasized that the Police Department had appropriately responded to a Freedom of Information Act (FOIA) request, even though a recent *Daily Press* article was vague and implied otherwise. He

stated that in this specific instance, proper protocol had been followed in that the employee who received the request took it to the Department Head who provided the information within the required timeframe.

COUNCIL DIRECTIVES:

Councilman Southall welcomed the City's new employee, thanked the City Manager and staff for preparing a thorough agenda and for their excellent presentations that evening.

Councilwoman Crawford thanked City staff for their hard work and for their ability to successfully complete a variety of tasks. She thanked those individuals who spoke during the public hearing. She stated that the original CRES EG development proposal had shown City Council that the current GC ordinance was deficient in certain areas which will hopefully be addressed by the amendment approved that evening. In conclusion she congratulated the High School Drama Team who won the Virginia High School League 3A *One Act Play* State Championship and Cole Mercado, a member of the PHS Drama Team, for being recognized as the Best Actor at the state level.

Mayor Hunt asked the City Clerk/Assistant City Manager, Judy F. Wiggins to make arrangements for the drama students to attend an upcoming meeting to be recognized for their accomplishments.

Vice Mayor Freeman, thanked the Director of Community Recreation/Events/Economic Development, David Callis and his staff for the holiday flags bordering Wythe Creek Road and Victory Boulevard. He wished everyone a Merry Christmas.

The City Manager clarified that the holiday flags were Mr. Callis' idea; however, the Poquoson Kiwanis Club allowed the City to use their flag mounts and was responsible for physically erecting the flags on behalf of the City.

Councilman Vernall wished everyone a safe and Merry Christmas.

Councilman Green stated that the November Foodbank distribution in the City broke all previous records with 81 families and 217 individuals being served. He stated that members of the York County/Poquoson Social Services and several citizen volunteers had assisted with the distribution. He pointed out that the next Foodbank distribution would be held on Tuesday, December 22nd. Lastly he wished everyone a Merry Christmas and a Happy New Year.

Councilman Ayer commended staff for such a great audit report and wished everyone a Merry Christmas and a Happy New Year.

Mayor Hunt also wished everyone a Merry Christmas and a Happy New Year and complimented City staff on the City's finances and the excellent audit.

ADJOURNMENT:

There being no further business, Councilman Green moved, seconded by Vice Mayor Freeman, to adjourn the meeting. Recorded vote on the motion:

YES: Councilmembers Green, Vernall, Ayer, Southall, Crawford, Freeman and Mayor Hunt.

NO: None.

The meeting was adjourned at approximately 9:10 p.m.