

**MINUTES OF THE CITY COUNCIL MEETING  
MARCH 28, 2016, 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:**

*Financial Advisors*

Mr. David Rose of Davenport & Company, LLC, the City's financial advisor, explained that they regularly monitor the City's debt portfolio for financing opportunities and interact with the National Credit Rating Agencies with the goal of maintaining the City's strong credit ratings. He pointed out that in 2014 the City's rating was upgraded by Moody's to a very strong Aa3 and to an AAA rating by Standard & Poor. He explained potential opportunities available to the City to refinance two series of General Obligation Bonds which would save the City money. He asked City Council to approve a resolution allowing them to move forward with the refinancing opportunity so long as the City's 3% Net Present Value minimum savings target can be met. These savings would amount to more than \$450,000 over the life of the refinanced debt and would not extend the final payment of any existing debt. He outlined the steps that would be taken to achieve this savings should Council desire to proceed with the recommended refinancing/financing plan.

In response to a Council query, Mr. Rose stated that should the City choose to accelerate the pay-off of existing loans, it would be wiser to put the savings into the City's reserve

fund rather than shorten the life of the loan. However, he stated that he would evaluate this option and forward his recommendation to Council.

**AMENDMENT TO THE AGENDA:**

Councilman Green moved, seconded by Councilman Southall, to amend the agenda by adding a New Business item prior to the Public Hearings to authorize Davenport & Associates to move forward with their refinancing recommendations. Recorded vote on the motion:

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

**NO:** None.

**CONTINUATION OF SPECIAL PRESENTATIONS:**

***Sustainable Water Recycling***

Mr. Ted Henifin, Hampton Roads Sanitation District (HRSD) General Manager, provided a brief presentation on HRSD's proposed Sustainable Water Recycling Program which included the following information:

- That HRSD costs are increasing due to higher standards;
- That new regulations are steadily forthcoming which can require extensive investments in new treatment processes and technology;
- That the proposed program also has the potential to significantly offset stormwater reductions and recharge aquifers;
- That advanced treatment processes, used throughout the world and in specific U.S. locations to include certain areas in Virginia, produce water that exceeds drinking water standards;
- That the total project, to include 7 plants, will cost approximately \$1 billion with approximate annual operating costs of \$21-\$43 million;
- That this project can only be completed if the EPA allows sufficient flexibility to integrate into wet weather work;
- That the proposed program will reduce the rate of land subsidence; protect groundwater from saltwater contamination; provide stability for treatment processes; reduce discharge into the Bay (only during wet weather); and provide a sustainable groundwater supply; and
- That completion of the phased study should occur by the end of 2016 and the fully operational project in 2030.

Mayor Hunt thanked Mr. Henifin for his thought-provoking presentation on an important topic to the City.

**AUDIENCE FOR VISITORS:**

Dr. Charles Flynn, 110 Sandy Bay Drive, expressed concern over an oyster ground permit application submitted to the Virginia Marine Resource Commission (VMRC) for the placement of commercial oyster cages on the Poquoson River/Poquoson Flats. He stated that VMRC approval of this application would be in direct opposition to its previous recommendation.

Mayor Hunt thanked Dr. Flynn for notifying Council of the pending VMRC application. He too expressed concerns relative to safety issues caused by the proposed oyster cages in that location and their unsightliness. In conclusion, Mayor Hunt asked the City Manager to invite the appropriate VMRC representative to an upcoming Council meeting to discuss this issue in more detail.

Councilman Southall also thanked Dr. Flynn for his informative comments. He reiterated that to approve the pending application would be in direct opposition to the decision VMRC made on a similar application in 2011.

**APPROVAL OF THE MINUTES:**

Councilman Green moved, seconded by Councilman Vernall, to adopt the minutes of the regular session held March 14, 2016 as submitted. Recorded vote on the motion:

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

**NO:** None.

**NEW BUSINESS:**

**1. RESOLUTION AUTHORIZING DAVENPORT & COMPANY LLC TO MOVE FORWARD WITH REFINANCING OPPORTUNITIES**

Councilman Green moved, seconded by Councilman Ayer, to adopt a resolution directing Davenport & Company, LLC to move forward with refinancing opportunities for the City. Recorded vote on the motion:

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

**NO:** None.

**PUBLIC HEARINGS:**

**1. REQUEST OF POQUOSON ANIMAL WELFARE SANCTUARY, INC. (PAWS) TO MODIFY ITS EXISTING CONDITIONAL USE PERMIT**

**FOR THE PET SANCTUARY AT 181 MESSICK ROAD BY INCREASING  
THE MAXIMUM NUMBER OF CATS ON-SITE FROM 50 TO 75**

Mayor Hunt announced that this request had been postponed at the applicant's request.

**2. REQUEST OF WILLIAM N. PRICE (PRICE ELECTRICAL, INC.),  
APPLICANT AND MR. & MRS. FREDDIE L. BINFORD, PROPERTY  
OWNERS, FOR A CONDITIONAL USE PERMIT TO ESTABLISH AND  
OPERATE AN ELECTRICAL CONTRACTING BUSINESS AT 834  
POQUOSON AVENUE**

Kevin Wyne, City Planner, stated that Mr. William N. Price, applicant, and Mr. and Mrs. Freddie Binford, property owners, have requested a Conditional Use Permit to establish an electrical contracting business on property located at 834 Poquoson Avenue. He pointed out that although the property is located in the R-1, Single-Family Residential District, it is classified as a legal, non-conforming use as it has been utilized as a commercial site since its inception. However, since the applicant proposes to redevelop the property to include the expansion of the existing building and the addition of a new accessory structure, Mr. Wyne stated that a Use Permit is required. In conclusion, he stated that the Planning Commission, by a vote of 5 to 0, recommended approval of the request based upon the property having always housed a commercial use, the surrounding R-1 properties contain non-residential uses; and the belief that the proposed improvements will lead to a more attractive development.

Mayor Hunt opened the public hearing. Since no one came forward the public hearing was closed.

During Council's discussion, concern was expressed over the business possibly operating on Sundays due to its close proximity to Tabernacle United Methodist Church. However, it was also suggested that the conditions may be too restrictive. Lastly, it was pointed out that the City has several areas in which are located small pockets of business/commercial uses, zoned as and located in residential districts.

The City Planner stated that the subject of grandfathered businesses which are located in residential districts is a matter that should be addressed when updating the City's Comprehensive Plan.

A resolution approving the requested Conditional Use Permit was presented for Council's consideration. Councilman Green moved, seconded by Councilman Ayer, that it be adopted. Following a brief discussion, both Councilmen Green and Ayer agreed to modify the motion to add a condition that the business cannot operate on Sundays. Recorded vote on the motion:

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

**NO:** None.

**3. AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE BY CHANGING ARTICLE I – GENERAL PROVISIONS**

Karen Holloway, Environmental Compliance Officer, stated that in order to comply with new State legislation, the City is proposing the amendment of Article I, Sections 1-3, 1-4(a), 1-4(b) and 1-4(c) of the Zoning Ordinance by revising the definition of “variance”; to correct a cited Code of Virginia section; to add a section regarding ex parte communications; and to amend the powers and duties of the Board of Zoning Appeals. In conclusion, she stated that the Planning Commission, by a vote of 5 to 0, recommended approval of this amendment.

Mayor Hunt opened the public hearing; however, since no one came forward it was closed.

During Council’s discussion, the City Attorney, D. Wayne Moore stated that these amendments would be favorable for the applicant.

An ordinance amending the Zoning Ordinance as proposed was presented for Council’s consideration and Councilman Green moved, seconded by Councilman Vernall, that it be adopted on first reading. Recorded vote on the motion:

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

**NO:** None.

A second reading of the ordinance will be held at the next meeting.

**4. AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE BY CHANGING ARTICLE XI.IV, ENVIRONMENTAL MANAGEMENT AREA (EMA) OVERLAY DISTRICT, SECTION 11.4-13(d)(2) PERTAINING TO THE BOARD OF ZONING APPEALS APPLICATION FEE**

Ms. Holloway stated that the City is also requesting an amendment to Article XI.IV, Section 11.4-13(d)(2) of the Zoning Ordinance in order to update the application fee and add a provision allowing an annual fee adjustment bringing it into conformance with the existing language in Article I, Section 1-4(c)(2) of the City’s Zoning Ordinance. Lastly, she stated that the Planning Commission, by a vote of 5-0, recommended approval of this amendment.

Mayor Hunt opened the public hearing; however, since no one came forward it was closed.

An ordinance amending the Zoning Ordinance as proposed was presented for Council's consideration and Councilman Green moved, seconded by Councilman Vernall, that it be adopted on first reading. Recorded vote on the motion:

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

**NO:** None.

A second reading of the ordinance will be held at the next meeting.

**5. AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE BY CHANGING ARTICLE XLIV, EMA OVERLAY DISTRICT, SECTION 11.4-6(L)(2) PERTAINING TO THE CERTIFICATION REQUIREMENTS OF SEPTIC SYSTEM INSPECTORS**

Ms. Holloway stated that the City is required by the Virginia Department of Environmental Quality to revise the certification requirements of those who operate, maintain or design on-site sewage systems. Accordingly, she stated that the City is requesting an amendment to Article XI.IV, Section 11.4-6(L)(2) of the Zoning Ordinance pursuant to the new requirements. In conclusion, she stated that the Planning Commission, by a vote of 5 to 0, recommended approval of the amendment.

Mayor Hunt opened the public hearing; however, as no one came forward it was closed.

An ordinance adopting the proposed amendment was presented for Council's consideration and Councilman Green moved, seconded by Councilman Ayer, that it be adopted on first reading. Recorded vote on the motion:

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

**NO:** None.

A second reading of the ordinance will be held at the next meeting.

**NEW BUSINESS: (Continuation)**

**2. RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN VARIOUS ENTITIES IN REGARD TO THE RELOCATION AND STABILIZATION OF TOM HUNT'S STORE**

The City Finance Director, Theresa Owens, stated that the City, on behalf of the Poquoson Museum, applied for and received a Federal Enhancement Grant through the Virginia Department of Transportation (VDOT) in 2005 to move the donated Tom Hunt Store to the Poquoson Museum property on Poquoson Avenue. She explained that since the project is considered eligible for the National Historic Registry, the grant requires adherence to certain regulations in order to be in compliance with the grant. Because the

State Historic Preservation Department has determined that the project will adversely affect the building, the Museum, the City, VDOT, the Federal Highway Administration and the Virginia State Historic Preservation Office must enter into a Memorandum of Agreement (MOA) outlining a mitigation plan which must be approved by the State Historic Preservation Officer.

A resolution approving the MOA for the relocation of the Tom Hunt Store was presented for Council's consideration. Councilman Green moved, seconded by Councilman Ayer, that it be adopted. Recorded vote on the motion:

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

**NO:** None.

**3. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH UTILITY SERVICES AUTHORITY, LLC FOR LINING OF PIPES**

Mr. Robert Speechley, Utilities Superintendent, reminded Council that under the Consent Order the City is required to prevent sanitary sewer overflows and to do so it is paramount that ground water and stormwater leaks into the system are reduced. He stated that the most cost effective, least disruptive method for accomplishing this is to line the existing pipes. He explained that the most immediate need for pipe relining is in the Robert's Landing Subdivision at an approximate cost of \$184,700, which funds have already been appropriated in the current budget. However, he did note that other areas will also be evaluated and additional task orders could occur. He stated that staff found a couple of per unit cost contracts, i.e. one through the Cooperative Purchasing Network and the other with the University of Virginia. Upon consideration of the two options, he stated that staff is recommending contracting with Utility Services Authority, LLC via the Cooperative Purchasing Network for lining of the pipes.

In response to a Council query as to why the Robert's Landing Subdivision had been chosen as the first priority, Mr. Speechley stated that the decision was made following recent smoke tests that were conducted, the age of the pipes and that during recent storms the City had to pump and haul sewage to prevent an overflow in this area. In response to another query, he responded that the pipe relining may produce additional TMDL credits; however, he would need to confirm this with the City Engineer.

A resolution authorizing the City Manager to enter into a contract with Utility Services Authority, LLC was presented for Council's 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, Vernal and Mayor Hunt.

**NO:** None.

#### **4. RESOLUTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

A resolution making appointments to the Economic Development Authority (EDA), the Parks & Recreation Advisory Board and the Board of Zoning Appeals (BZA) was presented for Council's consideration. Councilman Green moved, seconded by Councilman Ayer, to reappoint P. Craig Moore and Henry L. Freeman to the EDA; to reappoint Charles W. Gatz, Jr., Jennifer M. Mosteller, Carrie A. Rodgers, Judith G. Mas'Sey and Keith A. Feigh to the Parks & Recreation Advisory Board; and to appoint Phillip Pummell, as an alternate member of the BZA. 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 all the volunteers and City staff who worked hard to make the Annual Easter Egg Hunt on Saturday, March 26<sup>th</sup> such a great success. He also pointed out that construction of the City's first micro-park, located along Wythe Creek Road in front of Fire Station #2, has been started and moving along very quickly.

#### **COUNCIL DIRECTIVES:**

Councilman Vernall confirmed that rapid progress was occurring on the City's new mirco-park and that citizens appear to be quite interested in the project.

Councilman Green congratulated the City Fire and Police Departments, and the PHS Key Club for the recent, very successful Food Drive which helped to fill the depleted shelves at the Parish Thrift Shop Food Pantry. He stated that he had recently attended two Workforce Development meetings, one at which interviews were held for students soon to enter the work force. He stated that he was impressed with the maturity and preparedness of the participating students. In addition, he stated that at the second meeting, a guest speaker shared with attendees that grant programs are available to our students who wish to go into a trade as opposed to attending college. Another presenter at this event addressed the Go Virginia Program which allows two localities to combine their economic development programs to increase their success which may be a viable option for the City. Lastly, he stated that \$27,000 was raised at the recent Poquoson Education Foundation event all of which will go to support our schools and provide student scholarships.

Councilman Ayer offered best wishes to William Price on the success of his electrical contracting business in the City. He expressed support for inviting a VMRC representative to an upcoming Council meeting to discuss the issues presented by Dr. Flynn.

Councilman Southall thanked Davenport and Company, LLC for their excellent financial advice. He thanked Dr. Flynn for his comments and for making Council aware of the recent aquaculture application submitted to the VMRC.

Councilwoman Crawford echoed all previous comments and announced that the recent Poquoson Kiwanis Club Boating & Fishing Flea Market was very successful which will be beneficial to our community and residents. She expressed delight that as the current school year draws to an end, many PHS seniors are receiving acceptance letters from various colleges.

**ADJOURNMENT:**

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

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

**NO:** None.

The meeting was adjourned at approximately 9:02 p.m.