MINUTES OF THE CITY COUNCIL MEETING
MAY 23, 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 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

ABSENT: The Honorable Charles M. Southall III

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.

AMENDMENT TO THE AGENDA:

Councilman Green moved, seconded by Vice Mayor Freeman, to amend the agenda by placing New Business item #1, Resolution Approving Traffic Improvements on Bunting Lane and Terrace Drive/S. Terrace Drive, directly after Audience for Visitors. Recorded vote on the motion:

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

NO: None.

AUDIENCE FOR VISITORS:

Mrs. Crissie Stone, 42 Bunting Lane; Mrs. Debbie Bunting, 5 Poplar Road; Ms. Jessica Adams, 16 Langley Street; Mr. Jesse Wood, 151 Church Road; Dr. James Tinsley, 37 Bunting Lane; Mrs. Pam Andriliunas, 40 Bunting Lane; Ms. Terry Gooding, 77 Bunting Lane; and Mrs. Diane Holloway, 73 Lodge Road, offered the following comments on the proposed Bunting Lane traffic calming measures:

- That they do not support the stop signs; however, other options should be considered;
- That the road is unsafe for pedestrians;
- That the proposed 3-way stop would be a traffic hazard especially for those who reside in the vicinity of the Bunting Lane and Floyd Avenue intersection;
- That a more vigilant police presence in this area would deter speeders;
- That property owners on connecting roadways should have been notified of the opportunity to comment on the proposal under Audience for Visitors this evening;
- That action should be postponed until everyone is properly notified;
- That speeders are the exception on this roadway rather than the rule;
- That the proposed stop signs will be another obstacle to traffic similar to trash and recycling bins;
- That a traffic study on Bunting Lane should be performed before improvements are initiated;
- That whatever action is taken to slow traffic on Bunting Lane should also be implemented on other streets in the City with similar problems;
- That speed bumps would be a better solution; however, the proposed stop signs are better than nothing;
- That additional stop signs are the cheapest means to slow traffic, but not the best option;
- That new 25 mph signs, higher fines for speeders, use of electronic speed identification equipment and increased police enforcement would be a better deterrent than a 3-way stop; and
- That the proposed stop signs would make evacuation of the eastern end of the City difficult and time consuming.

Mr. Robert Wheless, 26 Bunting Lane, stated that he supports the proposed 3-way stop.

Mr. Darrell Freeman, 14 Terrace Drive, stated that he recently circulated a petition, to which the majority of people living along S. Terrace and Terrace Drives signed, seeking traffic safety improvements for these streets/intersection.

Ms. Jana Andrews, 7 Martha Court, asked that the Planning Commission meetings be rebroadcast prior to Council meetings so that citizens become well informed on issues that will shortly be considered by Council.

Since no one else spoke, the Audience for Visitors was closed.

NEW BUSINESS:

1. **RESOLUTION APPROVING TRAFFIC IMPROVEMENTS ON TERRACE DRIVE/S. TERRACE DRIVE AND BUNTING LANE**

The City Manager, J. Randall Wheeler, stated that in response to expressed concerns over speeding on Bunting Lane and the High School traffic cutting through Terrace Drive,

traffic improvements were proposed to address these concerns. Specifically, he stated that additional stop signs at the Floyd Avenue/Bunting Lane intersection and solid yellow lines on S. Terrace Drive with a stop bar and an additional stop sign at the S. Terrace/Terrace Drive intersection were being proposed. He reminded Council that at their last meeting, following a brief discussion on possible traffic improvements for these two areas, it was agreed that a decision would not be made until input/comments could be garnered from the property owners along these specific streets. At the Mayor's request he stated that letters were mailed to each property owner along Bunting Lane, Terrace Drive and S. Terrace Drive seeking their input via email or in person at this meeting under Audience for Visitors. In conclusion he stated that all written comments had been provided to City Council prior to the meeting.

During Council's discussion, it was agreed that staff should perform a traffic study on Bunting Lane and that all affected property owners, i.e. Church Road, Lodge Road, etc., in the vicinity should be notified that this issue would be reconsidered at a future meeting.

Having no opposition expressed to the proposed improvements to be made on Terrace/S. Terrace Drive, Councilman Green moved, seconded by Councilman Ayer, to adopt the resolution approving the proposed improvements as presented. Recorded vote on the motion:

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

NO: None.

Councilman Green moved, seconded by Councilwoman Crawford, to postpone the proposed traffic improvements to Bunting Lane in response to the opposition expressed by residents on Bunting Lane and in the immediate vicinity. Staff was asked to notify all residents living in the immediate vicinity of Bunting Lane of the proposed changes and seek their input. Recorded vote on the motion:

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

NO: None.

Mayor Hunt expressed appreciation for the citizen input and apologized that all residents in the affected area had not been properly notified of the meeting. He agreed that there is a speeding problem on Bunting Lane and asked Police Chief, Cliff Bowen to increase Police presence in this area until this matter was addressed.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt the minutes of the regular session held May 9, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

PUBLIC HEARINGS:

1. **RESOLUTION APPROVING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT TO OPERATE A PET SANCTUARY AT 181 MESSICK ROAD, TAX MAP PARCEL NO. 32-01-00-0044**

Kevin Wyne, Planner, stated that the Poquoson Animal Welfare Sanctuary (PAWS) is seeking to modify its existing Conditional Use Permit by increasing the monthly average of cats on-site from 50 to 100. He pointed out that the Planning Commission, at its May 16, 2016 meeting, recommended approval of the request by a vote of 6-0.

Mayor Hunt opened the public hearing.

Ms. Tracy Burnett, PAWS Co-Manager, spoke in favor of the modification of the Conditional Use Permit to increase the number of cats that could be kept on-site from 50 to 100. She explained that an incident had occurred at one of the City's existing feral cat colonies which necessitated the increase in this number. She informed Council that since their inception PAWS had neutered over 700 cats and that they are hopeful that all feral cats in the City would be neutered within the next 5 years. She pointed out that because of their efforts, very few cats are taken to the Regional Animal Shelter thus saving the City money.

Since no one else spoke, the public hearing was closed.

During Council's discussion it was clarified that the request to increase the number of cats was specifically related to the elimination of the habitat of one of the City's cat colonies.

A resolution approving the requested Conditional Use Permit amendment was presented for Council's consideration and Councilman Green moved, seconded by Councilman Ayer, that it be adopted. Recorded vote on the motion:

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

NO: None.

2. **RESOLUTION APPROVING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT FOR THE CHRISTIAN OUTREACH CENTER LOCATED AT 828 YORKTOWN ROAD, POQUOSON TAX MAP PARCEL NO. 18-01-00-0145**

City Planner, Kevin Wyne explained that the applicant and property owner, Emmaus Baptist Church, was requesting an amendment to its existing Conditional Use

Permit specifically to increase the size of its Christian Outreach Center by 2,400 square feet. He pointed out that the Planning Commission, at its May 16, 2016 meeting, recommended approval of the request by a vote of 6-0.

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

A resolution approving the amendment to the existing Conditional Use Permit for the Christian Outreach Center was presented for consideration and Councilman Green moved, seconded by Councilman Vernall, that it be adopted. Recorded vote on the motion:

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

NO: None.

3. **RESOLUTION APPROVING VARIANCES TO THE CITY'S SUBDIVISION ORDINANCE AS IT RELATES TO THE PRELIMINARY PLAN SUBMITTAL FOR A PROPOSED SUBDIVISION OF PROPERTY LOCATED AT THE INTERSECTION OF BAYVIEW DRIVE AND HUNTS NECK ROAD, TAX MAP NO. 05-01-00-0004**

The Director of Community Development, Deborah Vest, stated that the property owners, Wayne and Shirley Haugen, and Davis & Associates, P.C., agent, were seeking variances to the City's Subdivision Ordinance requirements in order to subdivide 8 acres into 9 single-family lots. She pointed out, however, that the City Attorney has ruled that compliance with Section 5-2 of the Subdivision Ordinance is not required for this type of development and that compliance to Section 10-5 will be determined by the Newport News Waterworks during the site plan review process. She reminded Council that a true hardship must be proven pursuant to State Code criteria before a variance can be approved. She specifically pointed out that financial concerns are not identified as a hardship. In conclusion, she stated that the Planning Commission, by a vote of 6 to 0, recommended denial of the requested subdivision variances.

Mayor Hunt opened the public hearing.

Mr. Donald Davis, agent for the property owners, stated that the Haugens wish to build a single family home for themselves on one of the proposed parcels and another home for their son on a second parcel, leaving 7 parcels to be sold and/or developed. He pointed out that the property could be developed as an Open Space Development; that the parcel has considerable road frontage; that the proposed subdivision would not change the character of the neighborhood; that purchasers of the parcels would be responsible for construction of the sidewalk in front of their specific lot; and that adding curb and guttering would increase the impervious surface of the development. He stated that the primary variances being requested are from the curb and gutter requirement and the street improvements since the area is essentially built-out. In conclusion, Mr. Davis stated that the Haugens had requested a postponement on their application until this meeting to

allow time for a neighborhood meeting which was held on site at the conclusion of which everyone present expressed support for the request.

Mrs. Jana Andrews, 7 Martha Court, expressed concern that approval of the request would set a dangerous precedent, whereby other developers would also want variances in order to save money on required improvements. She added that financial concerns are not a legitimate hardship and that the developer does have the option to develop 3 lots or a 5-lot family subdivision without adherence to the aforementioned requirements if they so choose.

Mary Clemmons, representing the Poquoson Historic Research Commission, expressed concern since the subject property was once the site of a 17th century plantation and because a cemetery was also located on the property.

Mr. Leonard Poniatowski, 23 Bayview Drive, stressed that the Haugens have not proven a true hardship and that he is concerned about the runoff from this development that could detrimentally impact his property. Lastly, he stated that approval of the request would set a serious precedence.

Since no one spoke, the public hearing was closed.

The City Attorney, D. Wayne Moore, reminded Council and read aloud Section 11-2 of the City Code which specifies when it is acceptable for Council to grant variances from the Subdivision Ordinance.

During Council's discussion, concern was expressed that multiple driveways accessing the narrow roadways in the specified area was dangerous; that approval of the variances would set a serious precedent; that sidewalks installed by individual property owners was not acceptable; and that loss of revenue for the developer was not a valid consideration.

A resolution denying the requested variances was presented for Council's consideration and Councilman Green moved, seconded by Councilman Vernall, that it be adopted. Recorded vote on the motion:

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

NO: None.

4. SALE OF CITY-OWNED PROPERTY AT 826 POQUOSON AVENUE

The City Manager reminded Council that in April 2015 they authorized the purchase of the home and property located at 826 Poquoson Avenue for $290,961 which included all City-paid closing costs. He explained that the parcel, measuring 2.21 acres, had been subdivided into 2 lots with the home site measuring .781 acre and the City retaining permanent ownership of the balance of the property. Following improvements to the home and landscaping it was placed on the market in April 2016 with an asking price of $323,900. In conclusion, he stated that an offer was received from Jackie and Dabney Gills, Sr., on behalf of their son and daughter-in-law, both of which are Poquoson Police

Officers, in the amount of $320,000 which, after payment of City closing costs, the real estate commission and a .5% contingency for repairs the City would receive $302,665.

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

A resolution ratifying and approving the sale of City-owned property at 826 Poquoson Avenue 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, Crawford, Freeman and Mayor Hunt.

NO: None.

UNFINISHED BUSINESS:

1. **RESOLUTION MAKING APPOINTMENTS TO THE SCHOOL BOARD**

A resolution making appointments to the School Board was presented for Council's consideration.

Councilman Green moved, seconded by Vice Mayor Freeman, to reappoint Anne L. Rollins from the Western Precinct and to appoint Jennifer Mosteller from the Eastern Precinct to the School Board and to adopt the resolution with their names inserted. Recorded vote on the motion:

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

NO: None.

NEW BUSINESS: (Continued)

2. **RESOLUTION APPROVING ADDITIONAL COMPENSATION FOR THE CITY MANAGER AND CITY ATTORNEY**

Mayor Hunt reminded Council that at the last meeting a closed session was held to consider additional compensation for the City Attorney and the City Manager based upon their respective performance reviews. He added that it was the unanimous consensus of Council at that time that both were worthy of additional compensation.

A resolution amending the compensation paid to the City Attorney by increasing his hourly rate to $350 and to the City Manager by increasing his salary 3% effective July 1, 2016 to be applied to his deferred compensation was presented for Council's consideration and Councilman Green moved, seconded by Councilman Vernall, that it be adopted. Recorded vote on the motion:

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

NO: None.

3. ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FY 2016

An ordinance making various appropriations for FY 2016 was presented for Council's consideration and briefly explained by the City's Finance Director, Theresa Owens. She pointed out that the majority of the transactions are attributed to donations and grants awarded to the City.

Councilman Green moved, seconded by Councilman Vernall, to dispense with the second reading of the ordinance and to adopt it on first reading to be effective immediately. Recorded vote on the motion:

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

NO: None.

4. RESOLUTION MAKING AN APPOINTMENT TO THE LIBRARY ADVISORY BOARD

A resolution making an appointment to the Library Advisory Board was presented for Council's consideration.

Councilman Green moved, seconded by Vice Mayor Freeman, to postpone this appointment until the next meeting. Recorded vote on the motion:

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

NO: None.

COMMENTS OF THE CITY MANAGER:

The City Manager introduced the City's new Graduate Management Assistant, Dannan O'Connell. Mayor Hunt, on behalf of Council, welcomed Mr. O'Connell to the City.

COUNCIL DIRECTIVES:

Councilman Vernall announced that the City's new airboat had arrived and he thanked Fire Lieutenant Joe Breeden for obtaining the 100% grant which was used to purchase this vessel.

Councilman Green reminded everyone that the Foodbank distribution would occur on Tuesday, May 24, 2016 from 10 a.m. to 1 p.m. with the members of the Poquoson Kiwanis Club assisting. He stated that the number of Board Bank applications is

dwindling and that Council should consider an amended policy for filling the board/commission positions, i.e. number of representatives from each precinct, all others being at-large appointments, etc.

Councilwoman Crawford thanked those who had attended the meeting and addressed the Bunting Lane traffic issue. She encouraged everyone to sign up for Nextdoor.com, a free private social neighborhood network, which is sponsored by local police.

Vice Mayor Freeman asked when Council meetings are placed on YouTube and linked to the City website to which the Finance Director responded that staff tries to do this the day immediately following the meeting.

Mayor Hunt stated that he, the City Manager and the Finance Director recently traveled to New York seeking a higher credit rating and that the results of the visit should be forthcoming shortly.

ADJOURNMENT:

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

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

NO: None.

The meeting was adjourned at approximately 10:03 p.m.