

**MINUTES OF THE CITY COUNCIL MEETING
AUGUST 22, 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:

Certificate of Appreciation

Mayor Hunt, on behalf of City Council, presented a Certificate of Appreciation to Garry Carter for his service on the School Board.

Introduction of New Employees

Police Chief, Clifford Bowen, introduced the City's new Police Officers, Michael Deluca (formerly part-time), David Whitley and Michael McCrea. On behalf of Council, Mayor Hunt welcomed them to the City.

Introduction of New Library Director

The City Manager, J. Randall Wheeler, introduced the City's new Library Director, Jessica Hartley, who will join the City on August 29, 2016. Ms. Hartley expressed appreciation for the opportunity to serve the City and its residents.

Mr. Wheeler commended Amy Blow for her outstanding performance as Interim Director during the past eight months and presented her with a Certificate of Appreciation.

United Way Check Presentation

Mr. Steven Kast, President & CEO of the United Way of Virginia Peninsula, presented a \$10,644 check to Mayor Hunt and Dr. Jennifer Parish, School Superintendent, to purchase and install protective film on the unprotected windows at City Hall/School Administration/Library, the Police Station and both Fire Stations. On behalf of City Council, Mayor Hunt expressed appreciation to Mr. Kast for the generous donation.

Public Works Tree Trimming

Mr. Mark Boesen, City Construction Inspector, provided a brief presentation on the tree trimming project to be undertaken in the near future by Public Works which highlighted the following:

- That trees/shrubs within the public right-of-way, which is typically 6 feet behind the curb and gutter and along the roadways will be trimmed;
- That, dependent upon the weather, the project should be completed within two to three weeks; and
- That the purpose of the project is to keep the right-of-ways clear for vehicular and pedestrian traffic as well as to remove obstacles in the curb and gutter which could potentially damage the City street sweeper, snow plow equipment and debris removal vehicles.

In response to Council queries, the Public Works Director, Thomas Jones, explained that the project will involve cutting back vegetation approximately one and a half feet behind the curb and up to fourteen feet high if necessary.

AUDIENCE FOR VISITORS:

Mr. George Ford, 8 Elm Street, commended City Council for currently considering a retiree health insurance benefit for City employees.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Ayer, to adopt the minutes of the regular session held July 25, 2016. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Councilman Southall.

Councilman Green moved, seconded by Councilman Vernall, to adopt the minutes of the work session held July 25, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Councilman Southall.

PUBLIC HEARING:

1. REQUEST BY E. RAE AND PHOEBE M. HARCUM, PROPERTY OWNERS AND SAMUEL STRAIGHT, AGENT, FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A SMALL, INDEPENDENT CRAFT BREWERY TO INCLUDE A TASTING AREA OR LOUNGE/BEER GARDEN ON PROPERTY LOCATED ON THE SOUTH SIDE OF VICTORY BOULEVARD, EAST OF CITY HALL

The Planner, Kevin Wyne, stated that the property owners, Rae and Phoebe Harcum, and Sam Straight, applicant, wanted to construct and operate a small, independent craft brewery to include a tap room and outdoor beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall Avenue. He pointed out that the parcel is zoned VC (Village Commercial) and that the requested brewery operation is not specifically permitted in this district thus requiring a Conditional Use Permit. Mr. Wyne stated that the applicant has expressed a willingness to work with the City pertaining to right-of-way dedication and that the traffic generated by this use is not expected to be highly impactful. In conclusion, he stated that the Planning Commission, by a vote of 4-0, recommended approval of the use inclusive of all staff suggested conditions.

In response to Council queries, the Planner stated that Mr. Straight does not plan to cook food on-site for quite a while and if food trucks are used meanwhile to accommodate customers they will be regulated by the City's Peddler's License. Lastly he pointed out that the applicant has assured the City that no odors will be emitted by the proposed operation.

Mayor Hunt opened the public hearing. Mr. Robert Moses, 89 Sandy Bay Drive/Fountains of Poquoson owner, expressed support for the request and encouraged Council to approve on-street parking for the establishment in order to reduce impervious cover on-site. Since no one else came forward, the public hearing was closed.

A resolution approving the requested use 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 Southall, Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

NEW BUSINESS:

1. RESOLUTION MAKING AN APPOINTMENT TO THE PLANNING COMMISSION

A resolution making an appointment to the Planning Commission was presented for Council's consideration. Councilman Green moved, seconded by Councilman Ayer, to appoint Anjie L. Emmett to the Planning Commission and to insert her name in the resolution. Recorded vote on the motion:

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

NO: None.

2. ORDINANCE AMENDING THE NOISE ORDINANCE BY REVISING SECTION 34-39 TO INCLUDE FUNERAL HOMES TO THE LIST OF NOISE SENSITIVE AREAS

The Assistant City Manager/City Clerk, Judy F. Wiggins, stated that the City had received numerous noise complaints relative to barking dogs in close proximity to the funeral home located at 836 Poquoson Avenue, negatively impacting the services being conducted. She pointed out that the City's current Noise Ordinance has no provisions to address these complaints.

An ordinance was presented that would add "funeral homes" to the listing of noise sensitive areas that would establish the maximum sound levels and measurement procedures to be used by the Police Department when a complaint is received. Councilman Green moved, seconded by Councilman Ayer, to dispense with the second reading and to adopt it on first reading to be effective immediately. Recorded vote on the motion:

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

NO: None.

3. RESOLUTION APPROVING TRAFFIC IMPROVEMENTS FOR BUNTING LANE

The City Manager reminded Council that they had discussed possible traffic improvements at their May 23, 2016 regular meeting and at a work session on July 25, 2016. He stated that prior to the work session, Public Works installed two *Children at Play* signs and the Police Department increased speed enforcement in the area as well. The City Manager pointed out that at the work session, three additional actions were identified to assist in addressing the safety concerns, i.e. trim trees/shrubs to improve the line of sight for drivers, paint white lines along the edge of pavement and install a permanent flashing speed sign(s). Following the work session, he stated that staff

trimmed the vegetation along this street, and obtained a \$1,900 quote to paint the edge of pavement and a quote of \$2,450 to \$4,500 to purchase a solar-powered speed limit sign that could be funded within the street maintenance budget.

Council discussed the possibility of the solar-powered sign(s) being visible from both sides but decided against it because it could be a distraction for drivers going in the opposite direction. Council requested that an update on the effectiveness of the improvements to be included in a Weekly Report within a reasonable period of time after installation.

A resolution approving the installation of one solar-powered flashing speed sign and the painting of pavement edges on Bunting Lane was presented for Council's consideration. The City Manager pointed out that Council could amend the resolution to include two electronic speed signs if they so desired. Councilman Green moved, seconded by Councilman Ayer, to adopt the resolution with an amendment to allow for the purchase of a second solar-powered speed sign at a later date if deemed appropriate. Recorded vote on the motion:

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

NO: None.

4. RESOLUTION APPROVING A CONTRACT FOR VISION REAL ESTATE ASSESSMENT SOFTWARE AND AN ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FY 2016-2017

The City Assessor, Robert Faison, reminded Council that at their December 14, 2015 meeting they approved funding in the amount of \$125,000 for a new Real Estate Assessment Software Package. Subsequent to much research, he stated that he found a software package suitable to the City's needs with Vision Government Solutions at a cost of \$135,000. If additional funds are approved by Council, Mr. Faison stated that his office and the vendor would initiate conversion of the data to work with the new software package in September 2017 allowing sufficient time for its use in the FY 2020 Reassessment.

A resolution approving a contract with Vision Government Solutions to purchase the Vision Real Estate Assessment Software 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 Southall, Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

An ordinance appropriating the \$10,000 additional funds needed to purchase the software 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 be effective immediately. Recorded vote on the motion:

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

NO: None.

5. ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FISCAL YEAR 2016-2017 CSA EXPENDITURES

The City Manager stated that the cost of the Children's Services Act (CSA) exceeded that which was budgeted by \$125,000. However, he pointed out that since the costs are offset by an \$80,000 state reimbursement, the City needs only to appropriate the \$45,000 difference.

An ordinance appropriating the funds for the City's share of the unbudgeted CSA costs 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 be effective immediately. Recorded vote on the motion:

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

NO: None.

6. ORDINANCE ACCEPTING FUNDS FROM UNITED WAY FOR PURCHASE OF PROTECTIVE WINDOW FILM AND APPROPRIATING THE FUNDS

The City Manager stated that Michael Bryant, the City's Deputy Fire Chief/Emergency Services Coordinator, is to be commended for his work in the past in obtaining grant funds to purchase and install hurricane shutters on the windows in front of City Hall/Library. He also pointed out that Mr. Bryant was responsible for researching and identifying the window film product that can be used to protect the remaining windows at City Hall/School Administration/Library, the Police Station and both Fire Stations.

Mayor Hunt reiterated his appreciation for the contribution from the United Way of the Virginia Peninsula enabling the City to further protect the EOC and public safety offices.

An ordinance accepting and appropriating the funds from the United Way for the window protective film was presented for Council's consideration and Councilman Green moved, seconded by Vice Mayor Freeman, to dispense with the second reading and to adopt it on first reading to be effective immediately. Recorded vote on the motion:

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

NO: None.

COMMENTS OF THE CITY MANAGER:

The City Manager had no comments.

COUNCIL DIRECTIVES:

Councilman Vernall expressed delight over the new Police Officers and stated that it reflected well on the leadership of the City's senior staff. He also reminded everyone to drive safely as schools will open soon.

Councilman Green reminded everyone that the next Foodbank distribution in the City would be held on Tuesday, August 26, 2015 from 10 a.m. to 1 p.m. at the Municipal Building with members of Emmaus Baptist Church on-site to assist.

Councilman Ayer encouraged everyone to attend the upcoming 15th Anniversary Commemoration of 9/11 to be held on September 11th at the football field behind the Poquoson Middle School.

Councilman Southall thanked the Fire/Rescue Department, Ladies Auxiliary and City staff for the kindness they have shown his wife since her recent accident. He thanked Garry Carter for his invaluable service on the School Board and welcomed the three new full-time Police Officers and the new Library Director.

Vice Mayor Freeman expressed appreciation for the recent, successful Fire Carnival sponsored by the Ladies Auxiliary.

Mayor Hunt welcomed the new City employees. He stated that the study on a possible City retiree health insurance benefit has been finalized and will be considered by City Council at its first meeting in September. He announced that Poquoson has once again been recognized as one of the safest cities in the Commonwealth and pointed out that on several occasions by different entities the City has been ranked fourth place or higher relative to safety. He credited the Police Department and also the majority of the residents who work hard to keep our community a safe place in which to live. He also stated that Virginia Dominion Power will attend an October 2016 Council meeting to explain what needs to occur to prevent a brown/black out due to the imminent closing of the Yorktown power plant. He explained that the Southside will not be threatened by this closure; however, it is of extreme importance to the Peninsula and that Poquoson and all Peninsula localities need to support Dominion Power's James River crossing project.

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 Southall, Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

The meeting was adjourned at approximately 8:28 p.m.