

**MINUTES OF THE CITY COUNCIL MEETING
SEPTEMBER 12, 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 Master Nathan Barden of the Children of the American Revolution (CAR) led the audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS:

Proclamation for Constitution Week

Mayor Hunt presented a Proclamation to the members of the Daughters of the American Revolution (DAR) and the Children of the American Revolution (CAR) proclaiming September 17 through 23, 2016 as Constitution Week.

Certificate of Appreciation

Mayor Hunt, on behalf of City Council, presented a Certificate of Appreciation to P. Craig Moore for his years of service on the Economic Development Authority.

AUDIENCE FOR VISITORS:

There were no speakers.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Ayer, to adopt the minutes of the regular session held August 22, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

Councilman Green moved, seconded by Councilman Vernall, to adopt the minutes of the work session held August 22, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

PUBLIC HEARING:

1. REQUEST OF ROBERT MOSES, DEVELOPER/PROPERTY OWNER AND JOHN B. GRAHAM, PROPERTY OWNER, FOR A LAND USE MAP AMENDMENT, REZONING AND CONDITIONAL USE PERMIT FOR TAX MAP PARCEL NOS. 27-9-2 AND 27-18-2 AND A CONDITIONAL USE PERMIT FOR TAX MAP PARCEL NO. 27-1-87

The Planner, Kevin Wyne, stated that the property owner of Tax Map Parcel Nos. 27-9-2 and 27-18-2, John B. Graham, and applicant and property owner of Tax Map Parcel No. 27-1-87, Robert Moses, were requesting the following:

- To amend the City's Future Land Use Map by changing the land use designation, for Tax Map Nos. 27-9-2 and 27-18-2, from GC (General Commercial) to VC (Village Commercial);
- To rezone the two aforementioned parcels from B-2 (Business) to VC (Village Commercial); and
- To request a Conditional Use Permit for Tax Map Nos. 27-9-2, 27-18-2 and 27-1-87 to allow for over one half of the developed square footage to consist of residential.

Mr. Wyne pointed out that the Planning Commission at its August 15, 2016 meeting, by a vote of 5-1, recommended approval of all three land use applications. However, he pointed out that the Commission had added the following tenth condition to its approval recommendation:

10. *Prior to the issuance of any building permit related to Phase IV (townhome site as depicted on the submitted plan), the developer must provide documentation to the City verifying that two-thirds of commercial and residential components of the entire development (to include Phases I, II and III) are occupied.*

Mr. Wyne reminded Council that at its August 22, 2016 work session staff was asked to reword Condition #10 for clarity and ease of enforcement. In response to this request, he stated that staff is suggesting the following revised wording:

10. *Prior to the issuance of any and all building permits related to Phase IV (townhome site as depicted on the submitted plan, the developer must provide documentation to the City, in the form of lease agreements and issued certificates of occupancy, verifying that two-thirds of commercial and residential components of the entire development (to include Phases I, II and III) have leaseholders at the time of building permit issuance.*

Lastly, Mr. Wyne stated that as a result of the work session discussion regarding the relevancy of condition 8 of the requested Use Permit, staff determined that it is unnecessary since rezoning conditions 1, 2 and 6, in collaboration with conditions 3 and 4 of the Use Permit provide sufficient assurance that the submitted development plans will be in accordance with the final product.

Mayor Hunt opened the public hearing. The developer, Robert Moses, stated that he does not agree with condition 6 of the Use Permit since the prevailing market conditions should dictate when Phase IV is constructed. He added that he needs the ability to have more than one building under construction regardless of the number of issued Certificates of Occupancy.

Since no one else came forward, the public hearing was closed.

A resolution approving the requested Comprehensive Plan Future Land Use Map amendments 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 Crawford, Ayer, Southall, Freeman, Vernall, Green and Mayor Hunt.

NO: None.

A resolution approving the rezoning request 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 Green, Vernall, Ayer, Southall, Crawford, Freeman and Mayor Hunt.

NO: None.

While discussing the Use Permit request, concern was expressed that the conditions might be too restrictive. In response, Mayor Hunt stated that should this be the case, Council may amend the Use Permit conditions in the future.

A resolution approving the requested Conditional Use Permit to include all staff recommended conditions, including the reworded condition 10 was presented for Council's consideration. Councilman Green moved, seconded by Councilman Vernall, to adopt it subsequent to correcting a minor grammatical error in condition 6 and deleting Condition 8. Recorded vote on the motion:

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

NO: None.

NEW BUSINESS:

1. RESOLUTION ESTABLISHING GUIDELINES FOR DEVELOPMENT OF THE EDA-OWNED PROPERTIES IN THE BIG WOODS

The City Manager, J. Randall Wheeler, stated that following the August 22, 2016 work session on the Big Woods-EDA assemblage, the Mayor on behalf of Council requested that a resolution endorsing the Building Principles for Development, Possible Development Concepts, Next Steps and Supporting Actions be placed on the agenda this evening for formal consideration.

A resolution adopting the aforementioned documents was presented for consideration and Councilman Green moved, seconded by Councilman Ayer, that it be adopted. Recorded vote on the motion:

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

NO: None.

2. RESOLUTION APPROVING AN AMENDMENT TO THE CITY'S PERSONNEL POLICY MANUAL PERTAINING TO RETIREE HEALTH INSURANCE

The City Manager reminded Council that staff had analyzed a proposal, based upon a policy suggestion submitted by Master Firefighter Tom Cannella, to amend the City's current Personnel Policy pertaining to Retiree Health Insurance Coverage outlined under Section #43 of the Manual. He provided a brief overview of the proposed policy amendment which included the following information:

- That it will not be effective until July 1, 2017;
- That eligible employees must be full-time employees having a minimum of 20 years of creditable VRS service with the City of Poquoson;
- That eligible employees must have a minimum of 90 days of unused sick leave at the time of retirement;
- That the retiree must give the City a minimum of six months' written notice of their intention to retire and must have participated in the City health care plan for a minimum of five years immediately prior to retirement; and
- That the City will contribute fifty percent of the health insurance premiums for eligible retirees wishing to continue coverage under the City plan up to age 65.

The City Manager pointed out that the three main objectives of the proposed policy amendment are to enhance recruitment of new employees, to retain current employees

and to recognize dedicated, long-term employees. In conclusion, he stated that the proposed policy amendment is affordable, sustainable and will have no adverse impact on the City's credit rating.

A resolution approving the proposed amendment to the City's Personnel Policy 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 Crawford, Ayer, Southall, Freeman, Vernall, Green and Mayor Hunt.

NO: None.

3. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH C.P.G., INC. FOR THE ELEVATION OF TEN HOUSES AND AN ORDINANCE APPROPRIATING THE FUNDING

The City Manager reminded Council that in August 2014, the City accepted a Hazard Mitigation Grant from the Federal Emergency Management Agency (FEMA) through the Virginia Department of Emergency Management (VDEM) to elevate ten homes in the City. He explained that the City issued an Invitation for Bid (IFB) for all ten houses with all four bids coming in more than 100% over budget. He stated that the ten subject homes were then split into two bids, each containing 5 homes and C.P.G. Inc. was the sole bidder on both IFBs which remained more than 100% over budget. However, he pointed out that at VDEM's request for assistance, FEMA has agreed to provide the additional funding necessary to elevate the 10 homes.

In response to a Council query, the City Manager stated that although the contractor does not have experience with elevating homes in the City, it does have relevant experience in the Hampton Roads area and that it had received excellent references. Lastly, Mr. Wheeler commended the staff members who had assisted in the grant and bidding process and especially thanked Evie Insley, Executive Assistant, for her hard work processing the grant and for being the central point of contact for the homeowners, contractors and City staff.

A resolution authorizing the City Manager to enter into two contracts with C.P.G., Inc. to elevate ten homes listed in the HMGP grant 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 Green, Vernall, Ayer, Southall, Crawford, Freeman and Mayor Hunt.

NO: None.

An ordinance appropriating the additional funding for the grant as well as the unbudgeted carryover funding from FY 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 be effective immediately. Recorded vote on the motion:

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

NO: None.

4. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GASTON BROTHERS UTILITIES, LLC FOR CONSTRUCTION OF A STORM DRAINAGE PIPE SYSTEM LOCATED ON THE NORTHERLY SIDE OF LITTLE FLORIDA ROAD

The City Manager stated that an Invitation for Bids was issued and opened on August 8, 2016 for construction of a 616 linear foot storm drainage piping system in the northerly Little Florida ditch. He reminded Council that the roadside ditch, from 211 to 225 Little Florida Road, was specifically selected due to the number of accidents, steepness of the ditch side slopes and the depth of the ditch. He explained that four bids were received and following an analysis and review by City staff, Gaston Brothers Utilities, LLC, the low bidder, is being recommended for the project. In conclusion, he commended the City Engineer, Ellen Roberts, for her hard work on this important project.

A resolution authorizing the City Manager to enter into a contract with Gaston Brothers Utilities, LLC 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, Southall, Vernall, and Mayor Hunt.

NO: None.

An ordinance appropriating and transferring the necessary funding for the project was presented for 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 Crawford, Ayer, Southall, Freeman, Vernall, Green and Mayor Hunt.

NO: None.

5. RESOLUTION OF THE MEMBER JURISDICTIONS OF THE MIDDLE PENINSULA JUVENILE DETENTION COMMISSION (MPJDC) AMENDING SECTIONS 3.7 AND 4.1 OF THE 1994 SERVICE AGREEMENT AND ADDING A SECTION NUMBERED 4.1:1

The City Manager explained that the proposed amendment would provide a more level payment system for the City for the services provided by the MPJDC, thus eliminating any sporadic, excessive invoices. He pointed out that it will also allow a set amount of funds to be placed in the MPJDC Maintenance and Replacement Fund to be paid equally by all member jurisdictions.

Mayor Hunt thanked the City Manager for his service on this important regional commission.

A resolution approving amendments to the Middle Peninsula Juvenile Detention Commission Service Agreement 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 Green, Vernall, Ayer, Southall, Crawford, Freeman and Mayor Hunt.

NO: None.

COMMENTS OF THE CITY MANAGER:

The City Manager thanked City Council on behalf of all employees for approving the Retiree Health Insurance Benefit. He commended the Director of Community Recreation/Events/ED, David Callis and Deputy Director of Community Recreation, Gretchen Gochenour, for their hard work on the very successful 9/11 Commemorative event. He applauded the Public Works Department for their expeditious work in picking up storm debris and for their recent repair of sink holes at Messick Point. Lastly he stated that he will be attending the September 13, 2016 Economic Development Authority meeting at which time he will report on Council's action relative to the next steps on the development of its 6-parcel assemblage across from City Hall Avenue.

COUNCIL DIRECTIVES:

Councilman Vernall thanked Public Works for the excellent cleanup of storm debris.

Councilman Green commended the City Engineer for the many hours she had expended on the Little Florida Road drainage project. He also thanked everyone who had helped to make the 9/11 event such a meaningful experience.

Councilman Ayer thanked the Fountains of Poquoson developer, Robert Moses for his development proposal. He also expressed appreciation to Tom Cannella and all applicable City staff for developing the amendment to the City's Personnel Policy relative to retiree health insurance.

Councilman Southall thanked the members of the Rescue Squad and Ladies Auxiliary for their assistance since his wife's accident and for all who had sent cards and offered prayers on her behalf.

Councilwoman Crawford stated that as an outgoing Councilmember, she had enjoyed her time on Council and working with the other Councilmembers. She stated that since the

recent installation of white lines on the pavement edges of Bunting Lane speeding has decreased.

Vice Mayor Freeman stated that he will miss the Planner, Kevin Wyne, who had accepted a job in Suffolk but offered his best wishes for his future. He thanked staff for the City's sound financial situation and commended everyone who had assisted with the recent 9/11 Ceremony.

CLOSED SESSION:

Vice Mayor Freeman moved, seconded by Councilman Green, to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia (1950), as amended to discuss the acquisition of real property for a public purpose; i.e. Kirby Park. Recorded vote on the motion:

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

NO: None.

RECONVENEMENT:

Upon reconvening from Closed Session, Councilman Ayer moved, seconded by Vice Mayor Freeman, to adopt a resolution certifying that only the acquisition of real property for a public purpose was discussed during the Closed Session. Recorded vote on the motion:

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

NO: None.

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, Southall, Crawford, Freeman and Mayor Hunt.

NO: None.

The meeting was adjourned at approximately 8:41 p.m.