

**MINUTES OF THE CITY COUNCIL MEETING
NOVEMBER 14, 2016, 7:00 P.M.
REGULAR SESSION**

PRESENT: The Honorable W. Eugene Hunt, Jr., Mayor
The Honorable Carey L. Freeman, Vice Mayor
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

ABSENT: The Honorable Traci-Dale Crawford

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 Brownie Troop #1309 led the audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS:

Introduction of New Employees

The City Manager, J. Randall Wheeler, introduced the City's newest Library employees, Virginia Wolfe and Susan Mercer. On behalf of Council, Mayor Hunt welcomed them to the City.

Fire Chief – Fire Department & Volunteer Association

Fire Chief, Robert Holloway, gave a brief presentation on the City's Fire/Rescue Department and the Volunteer Fire/Rescue Company. He explained that the career staff and volunteers work closely to provide Prevention and Education Programs and to operate the City's Inspections Program which is staffed by three career inspectors and two volunteers, all of whom are certified inspectors. He stated that the First Responder Police Officers, all of whom are EMT certified, often assist the Fire Department by arriving at the scene first and preparing the patient for transport. Although filling vacancies in the Fire Department in the past was difficult, Chief Holloway stated that with the recent use of a new recruitment style, "Poquoson Fire/Rescue is the place to work", filling vacancies has greatly improved. He also pointed out that 14 of the City's

current 30 employees started their firefighting careers as a volunteer. Chief Holloway explained that volunteers assist the Department by accepting donations and fundraising throughout the year with much of the funds being used to enhance Fire/Rescue capabilities or to provide other improvements to the community. Recent examples of the volunteers' contributions to the Fire Department he stated include the dock and covered boat slip at the end of Rens Road, the brush truck, station furniture, recordkeeping software and much more. He pointed out that Mutual Aid Agreements with adjacent localities are extremely important and are reciprocal. Specifically he explained that in the past two years, the City received mutual aid 17 times for fire calls and 23 times for EMS while providing mutual aid 4 times for fire calls and 16 for EMS calls during the same timeframe. In conclusion, Chief Holloway stated that the Department continues to make great strides to improve the safety of our personnel and the citizens we serve.

Police Chief Cliff Bowen explained that the Police Department offers training and a stipend to any officer who is interested in becoming a First Responder. He stated that this service is critical in order to provide the best medical services to our citizens as quickly as possible. Lastly he provided call statistics from FY 2014 to the current year which indicated that the number of First Responder calls was rapidly increasing each year.

Mayor Hunt, on behalf of Council, commended both the Fire and Police Departments for the excellent job they do to protect and provide the best and most expedient medical services as possible.

In response to a Council query, Fire Chief Holloway explained that EMT is basic lifesaving; however, EMT-Intermediates and Paramedics are able to administer drugs if needed on the way to the hospital and require less direction from the medical facility to which they are transporting a patient. In addition, Police Chief Bowen pointed out that the First Responders have defibrillators in their vehicles should it be needed.

AUDIENCE FOR VISITORS:

Mr. Kevin Brennan, 17 Robert Bruce Road, congratulated Jana Andrews, Thomas Cannella and David Hux for their recent, successful election to City Council. He stated that though he was unsuccessful in his bid for a Council seat, it had been a great experience and he commended all of the candidates on their professionalism. In conclusion he thanked City staff for their helpfulness in providing information to him during the campaign and the citizens for the opportunity to listen to them as he canvassed various City neighborhoods.

Mr. Mark Sawyer, 46 Church Street, also congratulated the newly elected Council Members and thanked those Council Members who had served and would soon leave office. He commended Buster Insley, Fire/Rescue Volunteer Chief and the Ladies Auxiliary for their hard work to raise money to provide updated equipment and improvements to assist the career Fire Department in serving the public. He encouraged City Council and residents alike to support the volunteers. He pointed out that it is quite difficult for volunteers to obtain and maintain required certifications while they hold a full-time job and care for their families. Lastly he stated that the City needs to find the required revenue to continue to hire and keep the best employees possible in the City's Fire/Rescue Department.

AMENDMENT TO THE AGENDA:

Councilman Green moved, seconded by Councilman Ayer, to amend the agenda by adding Section 2.2-3711(A) (1) to the Closed Section to include a discussion of personnel matters. Recorded vote on the motion:

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

NO: None.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Vernall, to adopt the minutes of the regular session held October 24, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

NEW BUSINESS:

1. RESOLUTION IN SUPPORT OF HOUSE BILL 350 AND THE EXPANSION OF CHARITABLE CARE FOR CITIZENS NOT ELIGIBLE FOR MEDICARE OR MEDICAID

A resolution expressing support for and seeking reconsideration of House Bill 350 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, Southall, Freeman, Vernall, Green and Mayor Hunt.

NO: None.

2. RESOLUTION REDESIGNATING ONE FEDERALLY FUNDED FIREFIGHTER APPROVED IN THE FY 2017 BUDGET TO A LOCALLY FUNDED POSITION AND AUTHORIZING THE HIRING AND FUNDING OF THIS POSITION

The City Manager reminded Council that, as a part of the FY 2017 Budget, they had authorized staff to apply for a federal grant to fund two additional firefighter/medic positions in the City's Fire/Rescue Department. Although the grant application was unsuccessful, he pointed out that the goal of increasing the staffing levels of each of the three operation shifts by one a year is still the goal with the first position being added in FY 2016. In order to stay on track to meet these staffing goals, the City Manager stated that a resolution requesting Council to move forward to convert the first of two originally

designated federally funded positions to a locally funded position was presented for Council's consideration.

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt the resolution approving a locally funded firefighter/medic position. Recorded vote on the motion:

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

NO: None.

3. RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE PURCHASE OF STRYKER POWER STRETCHERS

Fire Battalion Chief John Young stated that he was seeking Council's approval to apply for an Assistance to Firefighters Grant through FEMA in order to purchase three Stryker Power Stretchers. Mr. Young explained that during the course of a single medical emergency transport two staff members typically lift the patient multiple times; however, with the new mechanical stretchers, the patients will be mechanically raised and lowered alleviating stress on staff members. He stated that the projected cost for the stretchers is \$135,697.32. Lastly he pointed out that if successful the grant will replace the stretchers on three of the four ambulances and that next year when the fourth unit is upgraded it will include a new, factory installed mechanical stretcher.

In response to Council queries, Battalion Chief Young stated that the grant application deadline is November 18, 2016 with the successful applicants being identified possibly as late as September/October 2017. In addition, he clarified that should the mechanical stretcher become inoperable each has a manual backup system.

A resolution approving the request to seek grants for the purchase of three Stryker Power Stretchers was presented for Council's consideration and Councilman Green moved, seconded by Councilman Southall, that it be approved. Recorded vote on the motion:

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

NO: None.

4. ORDINANCE ESTABLISHING A TRUST FOR OTHER POST-EMPLOYMENT BENEFITS BY PARTICIPATING IN THE VIRGINIA POOLED OPEB TRUST FUND, ESTABLISHING A LOCAL FINANCE BOARD, APPOINTING THE MEMBERS TO THE LOCAL FINANCE BOARD AND DIRECTING THE LOCAL FINANCE BOARD TO EXECUTE AND DELIVER THE TRUST JOINDER AGREEMENT AND AN ORDINANCE ESTABLISHING A SPECIAL REVENUE FUND AND APPROPRIATING THE FUNDS NECESSARY FOR THE OPEB COSTS FOR FY 2018 AND BEYOND

The Finance Director, Theresa Owens, reminded Council that they approved an amendment to the City's Personnel Policy pertaining to retiree health insurance coverage at the September 12, 2016 meeting. She stated that the funding plan for the expanded benefit includes establishing or joining a dedicated Trust Fund to fund the liability of the enhanced benefit. Following staff's research, she stated it is recommended that the City join an already established Pooled Trust Fund and that the only such trust fund in the Commonwealth is the Virginia Pooled OPEB Trust administered by VML/VACo Finance. She pointed out that in order to join the OPEB Trust, Council must first adopt an ordinance agreeing to participate in the Trust and secondly, it must appoint a Local Finance Board to execute a Trust Joinder Agreement and to make investment decisions on behalf of the City. She stated that it is recommended that the Commissioner of the Revenue, the Treasurer and the Finance Director be appointed to the Local Board and be authorized to act on behalf of the City relative to the Trust. In addition, she suggested the establishment of a special revenue fund to account for the current receipts and disbursements of the OPEB benefits and at the end of each year fund the Trust to the extent possible up to the Annual Required Contribution actuarially calculated from any residual special revenue fund balances. In conclusion, Ms. Owens stated that the City ended FY 2016 with \$288,000 of undesignated fund balance in excess of 15% of general fund expenditures as required in the financial policies adopted by City Council. Since the Annual Required Contribution is \$56,740, a balance of \$231,300 would remain in the undesignated fund balance in excess of the fund balance policy.

Two ordinances, i.e. one establishing a trust for other post-employment benefits by participating in the Virginia Pooled OPEB Trust Fund, establishing and appointing members to a Local Finance Board and directing the Local Finance Board to execute and deliver the Trust Joinder Agreement and a second ordinance establishing a special revenue fund and appropriating \$56,740 in the fund for the purpose of OPEB costs for FY 2018 and beyond, were presented for Council's consideration.

In response to Council queries, Ms. Owens stated that participating in the OPEB Trust Fund would not negatively impact the City's credit rating.

Councilman Green moved, seconded by Councilman Vernall, to dispense with the second reading and to adopt the ordinance establishing a Trust for other post-employment benefits to be effective immediately. Recorded vote on the motion:

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

NO: None.

Councilman Green moved, seconded by Councilman Vernall, to dispense with the second reading and to adopt the ordinance transferring and appropriating the \$56,740 in revenues in the Special Revenue Fund-OPEB on first reading to be effective immediately. Recorded vote on the motion:

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

NO: None.

5. ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FY 2017

The City Manager pointed out that the proposed ordinance making various appropriations and transfers consists solely of donations and successful grant applications submitted by staff.

Councilman Ayer commended City staff for their hard work in securing grant funds to make/provide improvements thus saving the taxpayers money.

Councilman Green moved, seconded by Councilman Ayer, to dispense with the second reading and to adopt the ordinance on first reading to be effective immediately.

Recorded vote on the motion:

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

NO: None.

6. RESOLUTION AUTHORIZING THE SCHOOL DIVISION TO ENTER INTO CONTRACTS FOR APPROPRIATED FY 2017 CAPITAL IMPROVEMENTS PROGRAM PROJECTS

The City Manager reminded Council that they had approved three School projects in the FY 2017 Capital Improvements Plan, i.e. the High School track, the Primary School HVAC and High School HVAC.

A resolution authorizing the School Board to enter into contracts for the three projects approved and appropriated in the City's FY 2017 CIP was presented for Council's consideration and Councilman Green moved, second by Councilman Ayer, that it be adopted. Recorded vote on the motion:

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

NO: None.

7. RESOLUTON MAKING APPOINTMENTS TO THE BOARD OF ZONING APPEALS AND THE PLANNING COMMISSION

A resolution making appointments to the Board of Zoning Appeals (BZA) and to the Planning Commission were presented for Council's consideration. Councilman Green moved, seconded by Councilman Ayer to make the following appointments to the Board of Zoning Appeals: to reappoint Mark Kramer, Melvin Emerson, and Constance Basnett, to appoint Russell Treacy and to appoint Mark Lovell as an alternate ; to reappoint Bonnie Shriver to the Planning Commission; and to adopt the resolution with their names appropriately inserted. Recorded vote on the motion:

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

NO: None.

COMMENTS OF THE CITY MANAGER:

In response to Vice Mayor Freeman's request for an update on the Messick Point breakwater repairs, the City Manager stated that the breakwater, which is still under warranty and insured by VML, had been seriously damaged during Hurricane Matthew. He stated that the City has engaged an engineering firm, paid by VML, to determine what caused the damage, i.e. design or construction defect. Upon receiving this information, he stated that the City will move forward with the needed repairs. Regarding the Little Florida Road piping project, the City Manager stated that more than one-half of the piping had already been installed. He thanked citizens for their patience during this project which required detours and thanked the City Engineer, Ellen Roberts and the Construction Inspector, Mark Boesen, for their hard work in overseeing this important project.

COUNCIL DIRECTIVES:

Councilman Southall welcomed the new employees and thanked Mr. Sawyer for his comments during Audience For Visitors. He commended Fire Chief Holloway and Police Chief Bowen for their presentation and thanked the career Fire staff, Volunteer Fire/Rescue members and the Ladies Auxiliary for all that they do for our community. Lastly, he thanked Buster Insley for his faithful service as the Volunteer Fire/Rescue Chief.

Vice Mayor Freeman congratulated the newly elected Council Members and stated that he looked forward to working with them. He stated that volunteers are what make our City great, i.e. CERT, Library volunteers, Volunteer Fire/Rescue Company, etc.

Councilman Vernall echoed all previous remarks and especially thanked Chief Holloway and Chief Bowen for their excellent presentation. He congratulated all of the candidates who ran for Council and for their willingness to serve the community. Lastly, he wished everyone a safe and enjoyable Thanksgiving.

Councilman Green reminded everyone that the next Foodbank distribution in the City would occur on Tuesday, November 22nd from 10 a.m. to 1 p.m. He also thanked the York/Poquoson Social Services who would be assisting with this distribution.

Councilman Ayer echoed the previous comments. He stated that the Chiefs' presentation had answered a lot of questions that had been posted on social media and commended all of the City's volunteers.

Mayor Hunt thanked City staff in all departments for their hard work. He thanked the citizens for re-electing him as Mayor. He expressed appreciation to all Council members for their team spirit and especially thanked those who would end their service as of December 31, 2016. He stated that he looked forward to working with the three new Council Members also.

CLOSED SESSION:

Councilman Green moved, seconded by Vice Mayor Freeman, to go into Closed Session pursuant to Sections 2.2-3711(A)(7) and (A)(1) of the Code of Virginia (1950), as amended to consult with legal counsel regarding actual litigation; i.e. Moore vs. City of Poquoson and to discuss personnel issues. Recorded vote on the motion:

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

NO: None.

RECONVENEMENT:

Upon reconvening from Closed Session, Councilman Green moved, seconded by Councilman Vernall, to adopt a resolution certifying that only consultation with legal counsel and personnel issues were discussed during the Closed Session. Recorded vote on the motion:

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

NO: None.

Councilman Green then moved, seconded by Councilman Ayer to appropriate \$15,300 to settle the City's litigation with James & Olivia Moore Revocable Trust. Recorded vote on the motion:

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

NO: None.

The meeting was adjourned at approximately 8:40 p.m.