

MINUTES OF THE CITY COUNCIL MEETING

January 8, 7:00 P.M.

REGULAR SESSION

PRESENT:

The Honorable Carey L. Freeman, Vice Mayor
The Honorable Jana D. Andrews
The Honorable Herbert R. Green, Jr.
The Honorable Thomas J. Cannella II
The Honorable David A. Hux
The Honorable Charles M. Southall III

J. Randall Wheeler, City Manager
Evie Insley, Deputy City Clerk
D. Wayne Moore, City Attorney

ABSENT: The Honorable W. Eugene Hunt, Jr., Mayor

MEETING CALLED TO ORDER:

Vice Mayor Freeman called the meeting to order at approximately 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Honorable Councilman Hux rendered the invocation and The Honorable Councilman Cannella led the audience in the Pledge of Allegiance.

SPECIAL PRESENTATION:

Randy Wheeler, City Manager, introduced the City's new Assistant City Manager, Graham Wilson. Graham Wilson responded that after serving as the City's Commissioner of the Revenue for 18 years, he's excited and looking forward to serving in this new capacity.

Randy Wheeler also introduced the City's new Commissioner of the Revenue, Jeff Sylvia. Jeff Sylvia responded that he's looking for to serving in his new capacity.

AUDIENCE FOR VISITORS:

Mr. Steven Kast, 87 Browns Neck Road, expressed his thanks to City Council for his opportunity to serve on the Poquoson City School Board.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Cannella, to adopt the minutes of the regular session held on December 11, 2017 as submitted. Recorded vote on the motion:

YES: Councilmembers Cannella, Andrews, Green, Vice Mayor Freeman and Hux.

NO: None.

ABSTAIN: Councilman Southall.

Councilman Green then moved, seconded by Councilman Cannella, to adopt the minutes of the work session held on December 11, 2017 as submitted. Recorded vote on the motion:

YES: Vice Mayor Freeman and Councilmembers Hux, Green, Cannella and Andrews.

NO: None.

ABSTAIN: Councilman Southall.

PUBLIC HEARINGS:

1. Proposed Amendment to Section 1-23(1) of the Zoning Ordinance to Allow Accessory Structures to Measure 1.25 Times the Height of a Principal Dwelling Measuring 24 Feet or Less, Not to Exceed 25 Feet in Height.

This proposed amendment was presented to Council by Dannan O’Connell, Planner, who explained that this item was initiated by the Board of Zoning Appeals. Currently Section 1-23(1) does not allow an accessory building or private garage to be constructed to a height greater than the height of the principal building on the same lot. The proposed amendment allowed accessory buildings or private garages to be constructed up to 1.25 times the height of the principal building, but not to exceed 25 feet in height. The Planning Commission recommended approval of the proposed amendment to City Council by a vote of 6-0 at their October 16, 2017 meeting. It was explained by the City Manager, Mr. Wheeler, that this was to provide relief to property owners whose homes were twenty-four feet, or less, who wanted to build accessory structures above the base flood elevation.

Vice Mayor Freeman opened the public hearing. Having no one come forward the public hearing was closed.

Councilman Green moved, seconded by Councilman Cannella to adopt the proposed ordinance. Recorded vote on the motion:

YES: Councilmembers Green, Hux, Cannella, Southall, Andrews and Vice Mayor Freeman.

NO: None.

2. Proposed Amendment to Section 1-3-Definitions of the Zoning Ordinance to Clarify the Definition of “Story” and “Half Story”.

Dannan O’Connell, Planner, presented for public hearing an ordinance to amend Section 1-3 of the Zoning Ordinance pertaining to the definition of “story” and “half story”. The Planning Commission recommended this proposed amendment to City Council by a vote of 6-0 at the October 16, 2017 public hearing; however, a question pertaining to the three foot limit on the

intersection of wall face and roof decking in the “half story” definition, required further research and the item was re-presented at the December 4, 2017 Planning Commission Meeting, where it was approved to forward to Council, with the original October 16th wording, by a vote of 5-0. Mr. O’Connell stated that the proposed change in the definition of “story” removed the antiquated definitions for mezzanine and basement or cellar and is presented as follows:

That portion of a building, other than a an unheated cellar, ~~or mezzanine, basement or attic,~~ included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above it.

The proposed new definition for half story reads:

A heated space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space ~~not more than two-thirds of the floor area is finished off for use~~ the floor area does not exceed two-thirds of the floor area immediately below it, and does not contain an independent dwelling unit.

Vice Mayor Freeman opened the public hearing. Having no one come forward the public hearing was closed

Councilman Green moved, seconded by Councilman Cannella to adopt the proposed ordinance. Recorded vote on the motion:

YES: Councilmembers Southall, Vice Mayor Freeman, Hux, Green, Cannella, and Andrews.

NO: None.

3. A Request by Andrew Vizcarra, Applicant, and SGC Wythe Creek, LLC, Owner, For a Conditional Use Permit to Authorize the Establishment and Operation of a Tattoo and Piercing Studio at 475 Wythe Creek Road, Tax Map Parcel 27-1-107A, Zoned B2 (Business).

Dannan O’Connell, Planner, also introduced this request for a Conditional Use Permit to establish and operate a tattoo and piercing studio within a suite of the Wythe Creek Plaza shopping center at 475 Wythe Creek Road, Parcel 271-107A. The property is currently zoned B2 (Business/Commercial), however tattoo and piercing studios are not specifically permitted with the B2 district, thus a Conditional Use Permit is required. He proceeded to give a power point presentation highlighting the zoning area requested for the permit and pictures of the building. He noted that the shopping center is divided into five, currently empty, retail suites with direct access from Victory Boulevard. He stated that traffic and parking impacts are expected to be the same or less impactful than similar uses and that the City’s Architectural Review Board approval would be required for signage. He further stated that Section 54-241 of the Poquoson City Code did contain standards for tattoo studios and that the use would require the issuance of a permit from the Virginia Department of Health prior to operation. He stated that the staff recommended the following conditions if the proposed Conditional Use Permit was recommended for approval:

1. The use must comply with all local, state and federal regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.
2. The approved use permit shall be only for a tattoo and piercing studio use and shall not be interpreted for any other use that cannot be reasonably categorized as such. If the proposed use changes to another form of professional or retail service the permit shall be evaluated by the Zoning Administrator who will determine if the new use meets the intent of this use permit.
3. Prior to any on-site expansion of the proposed use, the Zoning Administrator shall review the proposal to determine whether reconsideration of this permit is necessary by City Council.
4. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
5. City Council reserves the right to review and amend the conditions of this permit as they see fit.

The public hearing was opened by Vice Mayor Freeman. The following speakers spoke in support of the Conditional Use Permit: Ms. Rachel Anderson, 754 April Lane, Newport News, business partner of Andrew Vizcarra, Applicant, and Mr. John Rowe, 1057 Poquoson Avenue, Poquoson, they spoke of the favorable small town atmosphere and the revenue the business would bring into the City.

Since no further speakers came forward Vice Mayor Freeman closed the public hearing.

Councilman Green moved, seconded by Councilman Southall to deny the Conditional Use Permit. Recorded vote on the motion:

YES: Councilmembers Andrews, Southall, Vice Mayor Freeman, Hux and Green.

NO: Councilman Cannella.

UNFINISHED BUSINESS:

1. Ordinance Amending Poquoson's Farm Animal Regulations by Revising Appendix A – Zoning, Section 1-17.

Planner, Dannan O'Connell, presented the amendment to Appendix A (Zoning) Section 1-17 Keeping of Farm Animals. Mr. O'Connell reminded Council that the amendment of the Farm Animal Ordinance began at their November 13th meeting, with approval of the Beekeeping language at their December 11th meeting in 2017. Staff was asked to revisit other changes such as re-permitting fees and the keeping of roosters and miniature animals.

Staff is proposing two versions of the proposed Ordinance:

Version one includes a definition of farm animals typically kept on farms (e.g. horses, cattle sheep, goats, swine, poultry and bees) for productive uses or commodities such as eggs, meat, milk or wool. Bees are specifically included in order to coincide with the previous amendment regulating beekeeping with a farm animal permit.

Version two is identical to the first but adds section (a) permitting up to two farm animals smaller than 300 pounds (not including roosters) to be kept for non-commercial, non-productive purposes with a farm animal permit. This is to provide exceptions for small animals such as pot-bellied pigs to be kept as residential pets.

Both contain a sentence stating that beekeeping renewal permits will not be subject to renewal fees or annual adjacent property owner notifications.

Councilman Green moved, seconded by Councilman Southall to adopt Version Two of the proposed Farm Animal Ordinance with an amendment in Section 1-17 – Keeping of farm animals (a) adding the words “and goats” immediately following the words “excluding roosters”. Recorded vote on the motion:

YES: Councilmembers Green, Hux, Cannella, Southall, Andrews and Vice Mayor Freeman.

NO: None.

NEW BUSINESS:

1. Resolution Directing That Public Notice Be Given of Council’s Intent to Receive Bids for the Sale of Publicly Owned Properties Located at Moore Road and Poquoson Avenue/Cedar Road

Assistant City Manager, Graham Wilson, presented this Resolution to give public notice of Council’s intent to receive sealed bids for the sale of publicly owned property. He stated two offers to purchase City-owned property had been received. The first to purchase a 15-foot strip of City-owned property running from Moore Road to the right rear property line of property on Pasture Road, Tax Map Parcel No. 12-1-4A, with the City retaining a maintenance and drainage easement. The second to purchase a small portion of City-owned property approximately 1,500 square feet, immediately adjacent to Tax Map Parcel No. 20-1-133, from an existing City right-of-way located at the corner of Cedar Road and Poquoson Avenue with the City retaining a sidewalk easement. He further stated that a resolution was presented to authorize the advertisement of the sale of these properties, the cost of which will be borne by each successful bidder and which will run once a week for two successive weeks. Once met, the ordinances granting the sale will be brought to Council for consideration and adoption. The sealed bids will be opened at the February 12, 2018 meeting and read aloud. If the bids are acceptable the ordinances will be voted on by Council.

Councilman Green moved, seconded by Councilman Cannella to adopt the proposed resolution. Recorded vote on the motion:

YES: Councilmembers Green, Hux, Cannella, Southall, Andrews and Vice Mayor Freeman.

NO: None

2. Resolution Making Appointments of the City Clerk, Deputy City Clerk and FOIA Officer

A Resolution was presented making appointments to City Clerk, Deputy City Clerk and FOIA Office to fill vacancies which were created upon the retirement of Judy Wiggins effective January 1, 2018.

Councilman Green moved, seconded by Councilman Southall to adopt the proposed resolution inserting the following names: City Clerk, Evie Insley; Deputy City Clerk, Kimberly Healy; and FOIA Officer, Graham Wilson. Recorded vote on the motion:

YES: Councilmembers Southall, Vice Mayor Freeman, Hux, Green, Cannella, and Andrews.

NO: None.

3. Resolution Making Appointments to The Library Advisory Board, The Architectural Review Board, The School Board and Council Liaison to The Poquoson Museum Board

Mr. Wheeler presented the resolution making appointments to the Library Advisory Board, the Architectural Review Board, the School Board and a new position, Council Liaison to The Poquoson Museum Board to the Council.

Councilman Green moved, seconded by Councilman Southall to appoint Amy Ziglar (Central Precinct) and Kathleen Orr (At-Large) to the Library Advisory Board; Steven Schott and Thomas Burcher (Attorney) to the Architectural Review Board; Garry Carter (At-Large) to the School Board; and Councilwoman Jana Andrews as Council Liaison to The Poquoson Museum Board and to adopt the resolution with their names inserted. Recorded vote on the motion:

YES: Councilmembers Green, Hux, Cannella, Southall, Andrews and Vice Mayor Freeman.

NO: None.

4. Resolutions Authorizing VDOT Agreements

Mr. Garrett Feagans, Engineer, presented three (3) resolutions to City Council for consideration authorizing the City Manager to enter into agreements regarding the two new projects: Poquoson Avenue Sidewalk and Wythe Creek Road Repaving projects and approving the Wythe Creek Road Traffic Signal Upgrade project. An on-going project the Wythe Creek Road Widening project which VDOT determined they lacked the City Council's approval for the City Manager to enter into the agreement. Mr. Feagans reiterated that the City must reimburse VDOT expended funds if it cancels a project.

Councilman Green moved, seconded by Councilman Southall to adopt the resolutions collectively. Recorded vote on the motion:

YES: Councilmembers Southall, Vice Mayor Freeman, Hux, Green, Cannella, and Andrews.

NO: None.

COMMENTS OF THE CITY MANAGER:

Mr. Wheeler used the time to thank staff for their hard work and diligence during the recent snow storm in which the City of Poquoson was only one of two regional governmental agencies to open the following day.

He also wanted to advise the viewing audience that the Poquoson Public Schools would be closed the following day (Tuesday). He announced that the Red Recycling was picked up today and that Blue Recycling would be picked upon Saturday and that there is a bright green recycling dumpster behind City Hall which was available to citizens if needed.

Finally, last Thursday's regular trash pickup was cancelled and that citizens would be able to use any garbage bags beside their regular receptacle for trash this Thursday. But if needed, from 7:00am to 3:00pm through Wednesday, there would be a garbage truck to collect household bags from Thursday's residences in the Poquoson Pool parking lot.

COUNCIL DIRECTIVES:

Councilman Hux complemented the dedication of the City staff during this snow event, especially those who worked out in the weather. Councilman Cannella thanked former School Board Chairman Kast for his service and congratulated the newly appointed board and commission members and appointees, expressed his appreciation for passing the Farm Animal Ordinance and explained that he voted not to deny the Tattoo and Body Piercing Studio Conditional Use Permit stating he felt it was a good opportunity to bring a veteran-owned small business to the City. Councilmembers Andrews and Southall agreed with the complement of the staff and the excellent job of clearing the roads. Vice Mayor Freeman stated that the City had a great 2017 and he also wished to thank staff and looked forward to an even better 2018.

ADJOURNMENT:

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

YES: Councilmembers Southall, Vice Mayor Freeman, Hux, Green, Cannella, and Andrews.

NO: None.

The meeting was adjourned at approximately 7:50 p.m.