

**MINUTES OF THE CITY COUNCIL MEETING
SEPTEMBER 14, 2009, 6:00 P.M.
WORK SESSION**

PRESENT: The Honorable Gordon C. Helsel, Jr., Mayor
 The Honorable Carey L. Freeman
 The Honorable E. T. “Tom” Meree
 The Honorable Frank A. Kreiger
 The Honorable W. Eugene Hunt, Jr.
 The Honorable Traci-Dale Crawford

 J. Randall Wheeler, City Manager
 Judy F. Wiggins, City Clerk
 D. Wayne Moore, City Attorney

ABSENT: The Honorable Arthur V. Holloway, Jr., Vice Mayor

The meeting was called to order by Mayor Helsel at approximately 6:05 p.m. in the Council Chambers.

Comprehensive Plan:

Mayor Helsel stated that he realized many citizens were present due to a recently circulated erroneous flyer that inferred that Council was going to designate two parcels fronting on the northern section of Wythe Creek Road for high density residential development in the Comprehensive Plan. He explained that City Council would probably remove this designation for the specified Wythe Creek Road parcels, as well as all medium-density and Mixed-Use Waterfront zoning designations from the Comprehensive Plan.

Councilman Hunt explained that the former, deceased Planning Director, Jody Hollingsworth, had a vision for the City that included a Mixed-Use Waterfront Zoning District; however, the City’s vision has since changed and he would now like to see this zoning designation removed from the Plan.

Councilmen Freeman and Kreiger concurred with the comments of Mayor Helsel and Councilman Hunt.

Councilman Meree agreed that staff should amend the Comprehensive Plan in accordance with the citizens’ expressed desires. Although he had not seen the flyer to which the Mayor referred, he agreed that flyers should not be distributed that are erroneous or use scare tactics.

City Manager, J. Randall Wheeler, explained that City staff has and will continue to incorporate citizen comments into the Comprehensive Plan. He stated that it appeared the consensus of Council is to eliminate the proposed high-density designation of the two specified parcels fronting on Wythe Creek Road, the medium-density and Mixed-Use Waterfront zoning designations from the Plan and that the future land use map should reflect these changes. He also asked the City Attorney to address a recent State Code amendment, effective July 1, 2009, that affects the adoption of the Plan.

City Attorney, D. Wayne Moore, explained that under prior law there were no time limits for Council's adoption of a Comprehensive Plan recommended by the Planning Commission. However, as of July 1, 2009, State law was amended requiring City Council to act within 90 days of receipt of the Planning Commission's recommendation on a Comprehensive Plan. Since the Planning Commission recommended adoption of the Plan to Council at its April 20, 2009 meeting, there is no clear guidance whether Council is bound by the new time limitations. However, Mr. Moore recommended that Council conservatively respond to the recent State Code amendment by either taking action on the Plan by the end of September (90 days since 7/1/09) or sending the Plan back to the Planning Commission with Council's recommended amendments. The Planning Commission would then have 60 days in which to make its recommendation to Council and Council would then have 90 days in which to take formal action on the Plan.

Councilman Hunt stated that he had no serious amendments to make to the Plan and that there should be no problem acting on the document by the end of September 2009. The document, he stated, has been well written and reviewed many times so one additional work session prior to the September 28, 2009 meeting should be sufficient to enable Council to take action on the Plan at that meeting.

City Attorney, D. Wayne Moore, explained that under the new law staff will produce a draft Comprehensive Plan which will first be sent to Virginia Department of Transportation (VDOT) and the Virginia Department of Conservation and Recreation (VDCR) for approval. Once approved by these agencies, the Plan will then be sent to the Planning Commission for its recommendation and subsequently to Council for formal action. However, under the current scenario, once the document has been adopted by City Council it will be transmitted to VDOT and VDCR for approval.

Councilmen Meree and Hunt suggested that all Councilmembers submit their amendments to the Plan to staff by the close of business on Friday, September 18, 2009 so that Council can consider and adopt it at the next meeting.

City Manager, J. Randall Wheeler, added that the September 28th work session could commence earlier than usual so that Council could thoroughly review the document prior to taking formal action at its regular meeting that same evening.

Principal Planner, Joseph Carter, expressed his certainty that the appropriate State agencies and Hampton Roads Planning District Commission (HRPDC) would approve the Plan without comment.

In response to Councilwoman Crawford's query, City Attorney, D. Wayne Moore, stated that the Plan could indeed be amended at any time subsequent to its adoption by advertising and holding public hearings before the Planning Commission and City Council.

Joseph Carter, Principal Planner, stated that the Plan will be amended as soon as the 2010 Census data becomes available. In response to Councilman Meree's query, he stated that the Mixed-Use Waterfront Zoning District, except for the Poquoson Marina area, and the additional high-density and medium-density zoning designations in the proposed Plan will be eliminated; the future land use map will revert to the map in the previous Plan; and the Big Woods will remain in the Research & Development (R&D) Zoning District.

Mr. Carter explained that his research has revealed that the City has approximately 1,947 acres that could qualify for the Virginia Use Value Taxation Program having a collective value of approximately \$35.5 million. Councilman Hunt stated that to institute such a program would create problems since some property owners would qualify for the tax break and others would not. Moreover, enactment of this Program would have a major impact upon the City's revenues and the real estate tax burden on homeowners. He added that such a change, if enacted, would have to be done gradually.

Councilman Meree stated that it was not fair for citizens with vacant land, some of which is wetlands, to be paying unrealistic real estate taxes. He asked the City Manager to research the possibility of the City setting up a nontidal wetlands bank.

City Manager, J. Randall Wheeler, stated that he would investigate this matter and send a memo to Council within the week in response to Councilman Meree's request. He explained that all vacant properties did not have to be incorporated into a Use Value Taxation Program and that Council could choose which properties should be included, i.e., agricultural, forestry, horticultural and/or open space parcels.

Councilman Meree asked that transitional zoning, as suggested by Deborah Vest, Coordinator of Community Development, between the B-2 (Business), along the Wythe Creek Road corridor, and the adjacent single-family residential areas, be considered by Council for the updated Plan or in the near future.

Due to time constraints, Mayor Helsel and Councilman Hunt agreed that the transitional rezoning could not be added to the Comprehensive Plan at this time.

Multi-Hazard Mitigation Plan

Assistant City Manager/City Clerk, Judy F. Wiggins, introduced Ms. Leigh Chapman of Salter's Creek Consulting, Inc., who along with a committee comprised of City staff and residents, developed the updated Multi-Hazard Mitigation Plan.

Ms. Chapman explained that by adopting the revised Multi-Hazard Mitigation Plan, the City would remain eligible for FEMA grants. She gave an overview of the revised Plan and responded to questions from members of Council. She stated that the Committee

updated the City's existing Plan by upgrading Sea Level Rise to critical, updating the capability assessments and the goals and objectives of the Plan, and adding eight (8) new mitigation action items at the end of the Plan. Ms. Chapman stated that both public hearings held on the Plan were well attended. In addition, she noted that 5 Committee meetings were held and outside regulatory agencies were also consulted during the update process. FEMA had previewed the document with no comment; however, formal approval from this agency will be required upon its receipt of Council's formal adoption of the Plan. Lastly, she stated that by adopting the revised Plan the Committee would be required to review the document annually to determine if updates are needed.

In response to Councilman Kreiger's query, Ms. Chapman noted that all eight (8) action items are achievable and that staff could add to this list as it deems appropriate.

Ms. Chapman stated, in response to Councilwoman Crawford's question, that the additional AE Coastal Zones noted in the Plan would actually improve the City's CRS rating and would not increase the affected homeowners' flood insurance premiums.

Councilman Meree commended Ms. Chapman, the Committee and the CERT Team for their hard work on the Plan.

Ms. Chapman stated that the City's CRS rating is currently a Class 9 with 700+ points accrued towards the 1,000 points necessary to obtain a Class 8 rating. She explained that there are various means by which the City could achieve the improved CRS 8 rating. She further stated that it takes time to accrue points; however, City staff could commence some of these initiatives in the hope of attaining the CRS 8 rating by next year.

In response to Councilman Hunt's query, Ms. Chapman explained that an engineer could look at the entire City coastline to determine appropriate counter measures for Sea Level Rise. She also stated that the areas most likely to flood in the City and the direction from which the water will emerge can be found on the flood insurance maps.

ADJOURNMENT:

There being no further business, the meeting was adjourned at approximately 6:50 p.m.

ADOPTED: _____

TESTE: _____

City Clerk