

**MINUTES OF THE CITY COUNCIL MEETING  
NOVEMBER 23, 2009, 6:00 P.M.  
WORK SESSION**

**PRESENT:** The Honorable Gordon C. Helsel, Jr., Mayor  
The Honorable Arthur V. Holloway, Jr., Vice Mayor  
The Honorable Carey L. Freeman  
The Honorable Frank A. Kreiger  
The Honorable E. T. "Tom" Meree  
The Honorable Traci-Dale Crawford  
The Honorable W. Eugene Hunt, Jr.

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

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

**CLOSED SESSION**

Councilman Hunt moved, seconded by Councilwoman Crawford, to go into Closed Session pursuant to Section 2.2-3711(A)(7) of the Code of Virginia (1950), as amended to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel; i.e. Rens Road Development. Recorded vote on the motion:

**YES:** Councilmembers Crawford, Hunt, Holloway, Kreiger, Freeman, Meree and Mayor Helsel.

**NO:** None.

**RECONVENEMENT:**

Upon reconvening from closed session, Councilman Hunt moved, seconded by Vice Mayor Holloway, to adopt a resolution certifying that only legal matters requiring the provision of legal advice by such counsel was discussed in the closed session. Recorded vote on the motion:

**YES:** Councilmembers Meree, Freeman, Kreiger, Holloway, Hunt, Crawford and Mayor Helsel.

**NO:** None.

**Intensely Developed Area (IDA) Designation:**

Joseph Carter, Principal Planner, explained that, according to the Chesapeake Bay Preservation Act regulations, local governments may designate IDAs as an overlay of the Chesapeake Bay Preservation Areas within their jurisdictions which shall serve as redevelopment areas in which development is concentrated as of the local program adoption date. He stated that qualification for such a designation requires that the site already be developed with little of the natural environment remaining and that at least one of the following conditions existed at the time the local program was originally adopted:

- Development has severely altered the natural state of the site and has more than 50 % impervious surface;
- Public sewer and water systems, or a constructed stormwater drainage system, or both, have been constructed and served the site by the original local program adoption date; or
- Housing density is equal to or greater than four (4) dwelling units per acre.

According to Nancy Miller, of the Department of Conservation and Recreation (DCR), an IDA would not include limitations on the location of increased impervious cover within the 100-foot RPA or the requirements to establish and maintain buffer vegetation. Ms. Miller recommends that aerial photography be used as the basis for documentation that an IDA existed at the time of adoption of the local program.

In response to a query, Mr. Carter stated that it would likely take several months in order to achieve approval of an IDA designation. His response was based upon several variables: availability of DCR staff, 2 to 3 months to advertise and hold the necessary public hearings for the required Zoning Ordinance amendments before the Planning Commission and City Council, time to research records to determine the availability of the required aerial photographs, time in which to prepare the supporting documentation, and a minimum 3 months for DCR review and the Chesapeake Bay Local Assistance Board (CBLA) review and approval. This scenario is based upon the assumption that the ordinance revision is found consistent on its first review and submitted 90 days prior to a CBLA quarterly meeting. Mr. Carter also pointed out that the site(s) within the City selected for an IDA designation should be submitted at one time and not piecemeal.

Councilman Meree stated that he did not support pursuing the Intensely Developed Area designation for Poquoson Marina since it is unwarranted, not environmentally responsible and unlikely to be supported by the Chesapeake Bay Board staff. Specifically Councilman Meree said that the recently received Chesapeake Bay Board letter makes it clear that the overriding condition as to whether the Intensely Developed Area designation applies is whether little of the natural environment existed at the Wilson property and Poquoson Marina in 1991. He said people could look at Google Earth

which still shows the Marina area and Wilson property with many trees, shrubs and other natural environmental features. The Chesapeake Bay Board letter also makes it clear that even though the developer ripped out the trees and vegetation, the developer is still responsible to restore the RPA. Councilman Meree also said that he did not consider it to be environmentally responsible to pursue since the RPA is a buffer area to soak up pollutants and nutrients from runoff into the bay. The Bay is in worse condition today since so many people just have not followed the Chesapeake Bay Act. Finally, Councilman Meree stated that even if Council pushes ahead and forces the issue, we should expect the Chesapeake Bay Board staff to not support Intensely Developed Area designation.

Councilwoman Crawford stated that she too did not support spending significant public funds to attain an IDA designation(s) within the City and stressed the importance of environmental responsibility.

Mr. Carter explained that an IDA overlay of a Resource Protection Area (RPA) is environmentally friendly, but does not constrain development and is much more flexible, unlike typical developments within a RPA.

The City Manager was asked to have staff research and provide additional information on IDA designations to enable Council to make a determination whether it should seek such a designation City-wide or just for a specific site(s).

City Manager, J. Randall Wheeler, stated that he would seek Council's guidance during the regular meeting that evening as to when they would like to hold a work session to further discuss IDA designations.

**Adjournment:**

The meeting was adjourned at approximately 6:58 p.m.

**ADOPTED:** \_\_\_\_\_

**TESTE:** \_\_\_\_\_  
City Clerk