

**MINUTES OF THE CITY COUNCIL MEETING
OCTOBER 13, 2009, 7:00 P.M.
REGULAR SESSION**

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

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

MEETING CALLED TO ORDER:

Mayor Helsel called the meeting to order at approximately 7:10 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Vice Mayor Holloway rendered the invocation and led the audience in the Pledge of Allegiance.

AUDIENCE FOR VISITORS:

Mr. Herbert Green, 12 Evans Circle; Mr. Steve Jones, 44 Woodland Road; Mr. John B. Graham, 119 Whitehouse Drive; and Mr. Crosby Forrest, 1 Island Court, expressed support for the original development plan submitted by Robert Brown & Associates for the Poquoson Marina area and urged Council to do whatever is necessary to move forward on this project. They based their support upon the lucrative projected tax revenues that would be generated by the project, the much needed aesthetic improvement of the area and the public amenities, i.e. pier, marina, restaurant that are proposed to be included in the development.

APPROVAL OF THE MINUTES:

Vice Mayor Holloway moved, seconded by Councilman Hunt, to adopt the minutes of the regular session held September 28, 2009. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Councilman Kreiger.

Councilman Meree moved, seconded by Councilman Freeman, to adopt the minutes of the work session held September 28, 2009 as amended. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Councilman Kreiger.

NEW BUSINESS:

1. RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PHONE SERVICES AND VOICE MAIL

City Manager, J. Randall Wheeler, explained that the City had been notified by Verizon that they could no longer provide support for the voice mail system currently in use by the City and which had begun to fail. While addressing this problem, the City became aware of two State contracts through Verizon; one that would reduce the City's costs for the existing phone system and one for voice mail. The potential savings that would be recognized if the City utilized both contracts would be approximately \$39,000 per year. Mr. Wheeler stated that current year savings could be used to offset any unforeseen unbudgeted expenditures or reductions in revenue and future savings could be allocated to a designated technology fund to be used for upgrades and enhancements to the current technology systems.

A resolution authorizing the City Manager to enter into contracts with Verizon for phone services and voice mail was presented for consideration.

Councilman Kreiger moved, seconded by Councilman Freeman, to adopt the resolution. Recorded vote on the motion:

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

NO: None.

2. SEWER PUMP STATION NO. 2

City Manager, J. Randall Wheeler, explained that in May 2009 City staff put in place a temporary sewer connection moratorium to prohibit any new connections in the Pump Station #2 service area based on the findings of the City Engineer that the pump station could not handle additional flow as evidenced by the need to do bypass pumping or pump and haul during moderate rain events. Although this moratorium is still in effect, single

lot connections are being allowed. He asked for guidance from Council and offered three options for consideration:

1. issue public debt to upgrade the pump station;
2. seek prepayment of sewer availability fees from developers/owners of approved but not yet built subdivisions/properties in the Pump Station #2 service area; or
3. appropriate funds in an upcoming budget to cover the cost to upgrade the pump station.

Councilman Hunt expressed concern about denying single-lot and family subdivisions the ability to connect to the sewer system served by this pump station and recommended continued approval of these connections but setting up a different fee structure for them.

Mayor Helsel commented that there are currently four developments under consideration and possibly a contribution from each could be made towards the upgrade of the pump station.

Councilman Meree inquired if the upgrade could be funded by the Sewer Fund. He stated that the moratorium should also be applied to single family homes. He expressed his support for establishing a different fee structure for new developments.

City Attorney, D. Wayne Moore, expressed concern that the City is currently under a Court order relative to the sewer system and continues to allow homes to connect to the failing pump station. He stated that he would research the liability implications for continuing to allow sewer connections to this failing pump station.

Councilman Hunt moved, seconded by Councilman Freeman, to postpone consideration of the moratorium on sewer Pump Station No. 2 until the next regularly scheduled meeting. Recorded vote on the motion:

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

NO: None.

3. RESOLUTION IN RECOGNITION AND HONOR OF HARLEY C. BEIMLER, FORMER PUBLIC WORKS EMPLOYEE

A resolution in recognition of Harley C. Beimler who worked in the Public Works Department for 21 years until his retirement on August 1, 2009 was presented for consideration.

Councilman Hunt moved, seconded by Councilman Freeman, to approve the resolution. Recorded vote on the motion:

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

NO: None.

COMMENTS OF THE CITY MANAGER:

City Manager, J. Randall Wheeler, reported the following:

- That Poquoson residents who have no medical insurance and meet certain income guidelines are eligible for free medical care/medication through the Lackey Free Clinic (757) 886-0608 and that citizens who need transportation to the Clinic may call his office at (757) 868-3000.
- That the Health Van will resume its monthly visits to the City on the third Wednesday of each month starting in December 2009.

COUNCIL DIRECTIVES:

Councilman Meree congratulated the Clarke family and all the volunteers who made the MPS 5K Run/Walk a community success; raising over \$12,000 and having hundreds of participants on October 10th. Councilman Meree also thanked the organizers of the workboat race for putting on a top notch event again on October 11th. Concerning the Poquoson Marina discussion during the Audience for Visitors, Councilman Meree said that he supported the City Manager in discussions with the developer to find a compromise. He noted that the developer had taken 20 months since the development contract was placed to submit a partial site plan and that the partial plan had received 20 pages of City and State comments. Councilman Meree commented that the City had not changed the development contract at all and there had been no changes to the zoning of the Poquoson Marina in the recently passed Comprehensive Plan. In his opinion, the recently passed Comprehensive Plan allowed for enough growth in the City since it allowed for 50% growth from today's approximately 13,000 population to the ultimate population of about 19,000. Finally he asked that the City Manager make the Tischler Bise estimate of the Poquoson Marina project benefits to the City available to interested parties. This independent estimate was far lower in benefit to the City than the developer's estimate of benefit to the City. Councilman Meree concluded by reiterating that he supported the City Manager's discussions with the developer.

In response to a request from Councilman Kreiger on the progress of the negotiations with the developer, the City Manager explained that discussions are continuing to determine what options are available and which one would benefit both parties. He stated that his recommendation would be forthcoming within 90 days as requested by Council.

Councilman Kreiger inquired about the status of the violation on the Moore property on Wythe Creek Road to which the City Manager explained that the property owner had been given 60 days to remove the concrete from the site.

Councilman Kreiger asked for an explanation of the \$100,000 grant awarded to the City by the Department of Housing and Community Development for the homeless.

City Clerk, Judy F. Wiggins, explained that the \$100,000 grant awarded to the City by the Department of Housing and Community Development would be used to provide emergency assistance to low-income residents, i.e. help with rental payments (not

mortgage payments), utilities, food, etc. The focus of the grant is to prevent homelessness and to assist those who are homeless to transition out of shelters and to become independent and self-sufficient. Lastly she pointed out that the services provided by the grant should begin within the next couple of months and would be administered through the York/Poquoson Social Services Department.

Councilwoman Crawford stated that several citizens had expressed an interest in having a community garden area in the City. She asked that additional questions or inquiries be directed to the City Manager's office.

Councilman Hunt apologized for not attending the Workboat Race due to a family commitment. He thanked the City Manager for his efforts in getting the Health Van returned to the City for monthly visits at City Hall. He affirmed his support for the original proposed development at the end of Rens Road stating that the site is currently an environmental risk to the Bay and Bennett's Creek. He stressed his support for the City Manager's continued negotiations with the developer.

Vice Mayor Holloway thanked the volunteers who participated in the Workboat Race. He asked the City Manager to look at the Amory's Wharf turnaround and adjacent areas to see what, if anything, could be done to improve and better maintain the area.

Mayor Helsel thanked everyone who spoke during Audience for Visitors and stated that he too supports the original plan submitted by Robert Brown & Associates. He explained that the developer and City staff share responsibility for the delays; however, this matter should be resolved quickly since there appears to be sufficient Council support to move the plan forward. He pointed out that the Rens Road property is currently an environmental nightmare and stressed the need to move forward with the project. He encouraged the Brown family to stay with the plan as originally proposed.

Councilman Meree stated that he could support some changes but not all that will be needed.

Councilman Hunt commented that the City should not wait until all of the other agency approvals are obtained before approving the Development Plan.

Mayor Helsel ended the comments by stressing the need for the City to move forward.

ADJOURNMENT:

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

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

NO: None.

The meeting was adjourned at approximately 7:55 p.m.