

1. City Council Regular Session Agenda January 23, 2023

Documents:

REGULAR SESSION MEETING AGENDA 1-23-23.PDF
CLOSED SESSION.PDF
REGULAR SESSION MINUTES 1-9-23.PDF
PUBLIC HEARING - PRE-BUDGET FOR FY24.PDF
RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT-TOURIST
HOME.PDF
ORDINANCE PROPOSING THE CITY CODE CHAPTER 74 ARTICLE XII.PDF
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FY24.PDF
RESOLUTION MAKING APPOINTMENTS TO THE EVRIFA.PDF
RESOLUTION MAKING APPOINTMENTS TO THE LIBRARY ADVISORY
BOARD.PDF

**POQUOSON CITY COUNCIL
REGULAR SESSION MEETING
MONDAY, JANUARY 23, 2023, 5:30 P.M.**

A. MEETING CALLED TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Helsel

C. CLOSED SESSION

Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia (1950), as amended to discuss personnel matters; ie; interviews for School Board appointment.

D. RECONVENMENT

E. AUDIENCE FOR VISITORS

F. APPROVAL OF THE MINUTES

(a) Regular Session January 9, 2023

G. PUBLIC HEARING

1. Pre-budget for Fiscal Year 2024

(a) Public Hearing – no action required by City Council

2. A request for a Conditional Use Permit by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Rd, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial.

H. NEW BUSINESS

1. Ordinance Proposing the City Code Chapter 74, Article XII, Division 1, Section 471-485 - Transient Occupancy Tax

2. Ordinance Making Additional Appropriations for Fiscal Year 2023 for General Fund

3. Resolution Making Appointments to the Eastern Virginia Regional Industrial Facility Authority (EVRIFA) Board

4. Resolution Making Appointments to the Library Advisory Board

I. COMMENTS OF THE CITY MANAGER

J. COUNCIL DIRECTIVES

K. ADJOURNMENT

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the City of Poquoson, Virginia convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, 2.2-3711(A)(1) of the Code of Virginia (1950), as amended requires a certification by this Council that such closed session was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Poquoson, Virginia does hereby certify that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution applies and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Council.

ADOPTED: _____

TESTE: _____
City Clerk

MINUTES OF THE CITY COUNCIL MEETING

January 9, 2023 7:00 P.M.

REGULAR SESSION

PRESENT: The Honorable Gordon C. Helsel, Jr., Mayor
The Honorable Carey L. Freeman, Vice Mayor
The Honorable Charles M. Southall III
The Honorable David A. Hux
The Honorable Jana D. Andrews
The Honorable Keith A. Feigh
The Honorable Alison Fox

Randy Wheeler, City Manager
Kimberly Healy, City Clerk
D. Wayne Moore, City Attorney

ABSENT: None

MEETING CALLED TO ORDER:

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Councilwoman Andrews rendered the invocation and led the audience in the Pledge of Allegiance.

CLOSED SESSION:

- 1. Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia (1950), as amended to discuss personnel matters; City Manager's Contract and to discuss an appointment to the School Board, and pursuant to Section 2.2-3711(A)(8) of the Code of Virginia (1950), as amended to consult with the City Attorney**

Vice Mayor Freeman moved, seconded by Councilman Southall, to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia (1950), as amended, to discuss personnel matters: City Manager's Contract and to discuss an appointment to the School Board, and pursuant to Section 2.2-3711(A)(8) of the Code of Virginia (1950), as amended to consult with the City Attorney. Recorded vote on the motion:

YES: Councilmembers Andrews, Feigh, Southall, Hux, Fox, Vice Mayor Freeman and Mayor Helsel

NO: None

RECONVENEMENT:

Upon reconvening from Closed Session, Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt a resolution certifying that only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed during the Closed Session. Recorded vote on the motion:

YES: Councilmembers Hux, Southall, Fox, Andrews, Feigh, Vice Mayor Freeman and Mayor Helsel

NO: None

- **Election of Vice Mayor and Appointment of the City Manager, City Attorney, City Clerk and Deputy City Clerk**

Councilman Southall moved, seconded by Councilwoman Andrews, to adopt the resolution electing Carey L. Freeman as Vice Mayor of the City of Poquoson, Virginia. Recorded Vote on the motion:

YES: Councilmembers Feigh, Andrews, Fox, Southall, Hux and Mayor Helsel

NO: None

ABSTAIN: Vice Mayor Freeman

Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt the resolution appointing J. Randall Wheeler as City Manager of the City of Poquoson, Virginia. Recorded Vote on the motion:

YES: Councilmembers Fox, Hux, Feigh, Southall, Andrews, Vice Mayor Freeman and Mayor Helsel

NO: None

Vice Mayor Freeman moved, seconded by Councilwoman Andrews, to adopt the resolution appointing D. Wayne Moore as City Attorney of the City of Poquoson, Virginia. Recorded Vote on the motion:

YES: Councilmembers Andrews, Southall, Feigh, Hux, Fox, Vice Mayor Freeman and Mayor Helsel

NO: None

Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt the resolution appointing Kimberly Healy as City Clerk of the City of Poquoson, Virginia. Recorded Vote on the motion:

YES: Councilmembers Hux, Southall, Fox, Andrews, Feigh, Vice Mayor Freeman and Mayor Helsel

NO: None

Vice Mayor Freeman moved, seconded by Councilwoman Andrews, to adopt the resolution appointing Christina Snapp as Deputy City Clerk of the City of Poquoson, Virginia. Recorded Vote on the motion:

YES: Councilmembers Southall, Hux, Fox, Feigh, Andrews, Vice Mayor Freeman and Mayor Helsel

NO: None

AUDIENCE FOR VISITORS:

None

APPROVAL OF THE MINUTES:

Vice Mayor Freeman moved, seconded by Councilwoman Andrews, to adopt the minutes of the Regular Session held December 12, 2022 as submitted. Recorded vote on the motion:

YES: Councilmembers Andrews, Feigh, Southall, Hux, Fox, Vice Mayor Freeman and Mayor Helsel

NO: None

NEW BUSINESS:

1. Ordinance Amending the City Code Chapter 74, Article III, Division 1, Sections 91 & 92

City Assessor, Stephenie Love, presented an Ordinance to amend the City Code by activating a section that is currently Reserved. Chapter 74, Article III, Division 1, Sections 91 and 92 refer to the State Code which is not specific to jurisdictions and their individual assessment procedures and processes. The first proposed section (91) establishes the Office of the City Assessor and confers the duties upon the Office through the City Manager. The second proposed section (92) identifies the biennial re-assessment, as well as the effective date of assessment, July 1st, and the date upon which the assessment is based, preceding January 1st. The City is now required to report to the State which assessment calendar it is using, Fiscal, Calendar or Hybrid. Activation of these sections was recommended by the Virginia Department of Taxation as a codified indication of a hybrid biennial assessment calendar. The City has been acting under the hybrid calendar model for at least the past 16 years and is the most common calendar model for jurisdictions in Hampton Roads and the Peninsula area.

Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt an Ordinance Amending the City Code Chapter 74, Article III, Division 1, Sections 91 and 92. Recorded vote on the motion:

YES: Councilmembers Feigh, Andrews, Fox, Southall, Hux, Vice Mayor Freeman and Mayor Helsel

NO: None

2. Resolution Approving an Employment Agreement with the City Manager

Vice Mayor Freeman moved, seconded by Councilwoman Andrews, to adopt a Resolution Approving an Employment Agreement with the City Manager as amended in Closed Session. Recorded vote on the motion:

YES: Councilmembers Fox, Hux, Feigh, Southall, Andrews, Vice Mayor Freeman and Mayor Helsel

NO: None

COMMENTS OF THE CITY MANAGER:

City Manager, Randy Wheeler, thanked Council for approving his new employment contract and looks forward to working with them for the next two years.

COUNCIL DIRECTIVES:

Councilman Hux congratulated high school athletics, in particular the teams he had the privilege of transporting, specifically the varsity football with support of the varsity cheerleading team competed for the semi-final Championship in December. He also transported the One Act Drama team to compete for the State Championship where they finished in 2nd Place out of about 30 teams.

Councilwoman Fox expressed her excitement to be a new member of City Council and looks forward to learning from everyone.

Councilman Feigh thanked the City for allowing him and Councilwoman Fox to attend the Virginia Municipal League's newly elected officers training. Mr. Feigh showed an article from the January 6th edition of the Daily Press that talked about getting involved with City events and wanted to encourage the public to get involved with the City and volunteer to fill positions on the Board and Commissions that are available. Mr. Feigh also stated he has resolved to do his best to clean up the City and encourages others to do so. He also acknowledged Public Works for keeping the City Clean and Parks and Recreation for the improvements that they make.

Councilman Southall thanked the citizens present and at home for paying attention to their local government and encouraged others to do so as well. Mr. Southall stated it was a pleasure to be sworn in again as a City Council member of the best City with the best City Manager and City staff and he enjoys living here.

Councilwoman Andrews welcomed Alison Fox to City Council and stated she will make a great addition.

Vice Mayor Freeman thanked Council for the opportunity to continue to serve as the Vice Mayor and welcomed Councilwoman Fox.

ADJOURNMENT:

There being no further business, Vice Mayor Freeman moved, seconded by Councilwoman Andrews to adjourn the meeting. Recorded vote on the motion:

YES: Councilmembers Andrews, Southall, Feigh, Hux, Fox, Vice Mayor Freeman and Mayor Hesel

NO: None

The meeting was adjourned at approximately 8:17 p.m.



CITY OF POQUOSON

FINANCE DEPARTMENT
23662-1996

500 CITY HALL AVENUE, POQUOSON, VIRGINIA

January 23, 2023

TO: City Council

FROM: Tara Woodruff, Finance Director

THROUGH: Randy Wheeler, City Manager

SUBJECT: Pre-Budget Public Hearing

Tonight, a public hearing is scheduled for the purpose of receiving public input and Council directives on budget priorities for the Fiscal Year 2024 Annual Financial Plan. This input will be used to help prepare the City Manager's proposed budget for Fiscal Year 2024.

The City Manager's proposed budget is scheduled to be released on April 10, 2023 with the public hearing on the proposed budget scheduled for April 24, 2023.



CITY OF POQUOSON

COMMUNITY DEVELOPMENT

500 CITY HALL AVENUE
POQUOSON, VA 23662
(757) 868-3040 TELEPHONE
(757) 868-3105 FAX

DATE: January 23, 2023
TO: The Honorable Members of the Poquoson City Council
THROUGH: Randy Wheeler, City Manager
FROM: Thomas J. Cannella II, Principal Planner
SUBJECT: **A Resolution to Approve a Conditional Use Permit for the Operation of a Tourist Home to be Located at 430 Wythe Creek Road, Tax Map Parcel 27-1-114, Zoned B-2 Business Commercial**

Introduction

Presented for your consideration this evening is a request for a Conditional Use Permit by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Road, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial.

Public Notice

This application was advertised for public hearing in the Daily Press on January 11th and January 18th. Adjacent property owners were notified of this request by letters mailed on January 10, 2023.

Applicant's Proposal

The applicant desires to operate a fully furnished tourist home to be rented by transient occupants for lodging for stays between one and thirty consecutive nights. City Code does define a Tourist Home as: "A dwelling in which overnight accommodations are provided or offered for three or more transient guests." The use however is not permitted by right in any zoning district within the City. As of now, it is the best definition for the use but as we move forward uses of the like will be permitted as Short-Term Rentals once a definition and accompanying code is adopted.

Site Character

The proposed site is a single-family home located at 430 Wythe Creek Road. The parcel is zoned B-2 Business/Commercial and is adjacent to the Wythe Creek/Little Florida Seven Eleven and across from the McDonald's and Rite Aid.

Zoning and Comprehensive Plan Considerations

The property is zoned B2, Business Commercial. The intent of the district as outlined in the City Code is to "provide sufficient space for a wide variety of business, commercial, industrial and

miscellaneous service activities.” Tourist homes are not permitted by right and shall only be permitted in the B2 District after the issuance of a Conditional Use Permit.

Surrounding Characteristics

The property is located in the City’s central business district. It is neighbored by one other residence (428 Wythe Creek Road, also owned by Overflow LLC) to the side, a residential parcel in the rear, and commercial uses.

Traffic and Access

The property has direct access to Wythe Creek Road and the anticipated traffic impact is low as the traffic generation could be expected to create that similar to a single-family home.

Relationship to the Comprehensive Plan/Staff Findings

While the Comprehensive Plan does not specifically address tourist homes or short-term rentals, it is the opinion of staff that there is an established market and demand for uses of the like within the City of Poquoson. Considering the location of the proposed site is in the central business district, it is staff’s opinion that it is a very appropriate location for the use.

Section 8-30 of the Comprehensive Plan does however address Future Land Use within the Central Planning District. It reads:

“As well as new development of commercial properties, redevelopment of commercially zoned land along Wythe Creek Road is encouraged. Residential development in the Central Planning District will vary according to the property’s location, access, attributes, and future land use designation; ranging from family subdivisions, formally planned subdivisions, clustered open-space subdivisions to moderate and high density developments.”

In reference to the Wythe Creek Road Commercial Corridor in Section 8-34 the Comprehensive Plan it says:

“Wythe Creek Road is the primary commercial corridor in Poquoson, with commercial establishments fronting the eastern and western sides of the roadway, from the Oxford Run Canal to Poquoson Fire Station 2. Both sides of Wythe Creek Road have been developed with a variety of commercial structures reflecting multiple architectural styles and designs. The shape of the Wythe Creek commercial corridor as well as the intensity of commercial uses is expected to remain constant, aside from infill development or redevelopment of existing properties.”

Staff Recommendation and Recommended Conditions

Staff recommends approval of the application as presented which was recommended for approval by the Planning Commission by a vote of 4-0 with the following conditions:

1. The business will be subject to all applicable taxes as determined by the Commissioner of Revenue to include a Transient Occupancy Tax at time of implementation.

2. All signage shall be subject to architectural review.
3. The use must comply with all local, state and federal permits, licenses and 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.
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. At no such time shall more than two (2) persons per bedroom occupy the dwelling.
6. Parking for the use shall be accommodated for on-site in a paved driveway and/or parking area as approved by Community Development staff. Parking spaces shall be provided at a rate of one (1) per unit and one (1) per bedroom.
7. City Council reserves the right to review and amend the conditions of this permit as they see fit.

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT FOR THE OPERATION OF A TOURIST HOME TO BE LOCATED AT 430 WYTHE CREEK ROAD, TAX MAP PARCEL 27-1-114, ZONED B-2 BUSINESS COMMERCIAL.

WHEREAS, a request was submitted by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Rd, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial; and

WHEREAS, a public hearing to receive public comments and review amendments to the request was held before the Planning Commission on December 5, 2022; and

WHEREAS, the Planning Commission recommended approval of the Conditional Use Permit by a vote of 4-0; and

WHEREAS, a public hearing to receive public comments was held before City Council on January 23, 2023; and

WHEREAS, careful and thorough consideration was given the request;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Poquoson, Virginia:

Section 1: That the request submitted by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Road, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial is hereby approved with the following conditions:

1. The business will be subject to all applicable taxes as determined by the Commissioner of Revenue to include a Transient Occupancy Tax at time of implementation.
2. All signage shall be subject to architectural review.
3. The use must comply with all local, state and federal permits, licenses and 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.
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. At no such time shall more than two (2) persons per bedroom occupy the dwelling.
6. Parking for the use shall be accommodated for on-site in a paved driveway and/or parking area as approved by Community Development staff. Parking spaces shall be provided at a rate of one (1) per unit and one (1) per bedroom.

7. City Council reserves the right to review and amend the conditions of this permit as they see fit.

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____

City Clerk

A RESOLUTION TO DENY A CONDITIONAL USE PERMIT FOR THE OPERATION OF A TOURIST HOME TO BE LOCATED AT 430 WYTHE CREEK ROAD, TAX MAP PARCEL 27-1-114, ZONED B-2 BUSINESS COMMERCIAL.

WHEREAS, a request was submitted by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Road, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial; and

WHEREAS, a public hearing to receive public comments and review amendments to the request was held before the Planning Commission on December 5, 2022; and

WHEREAS, the Planning Commission recommended approval of the Conditional Use Permit by a vote of 4-0; and

WHEREAS, a public hearing to receive public comments was held before City Council on January 23, 2023; and

WHEREAS, careful and thorough consideration was given the request;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Poquoson, Virginia:

Section 1: That the request submitted by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Road, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial is hereby denied, and

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____

City Clerk



CITY OF POQUOSON

OFFICE OF THE COMMISSIONER OF THE REVENUE

500 CITY HALL AVENUE
POQUOSON, VA 23662
(757) 868-3020 TELEPHONE
(757) 868-3102 FAX

January 9, 2023

TO: City Council

THROUGH: Randy Wheeler, City Manager

FROM: Joseph B. Coccimiglio, Commissioner of the Revenue

RE: **Ordinance Proposing the City Code Chapter 74, Article XII, Division 1, Section 471-485**

Virginia State Code § 58.1-3819 states that by duly adopted ordinance a locality may levy a transient occupancy tax on short term rentals offering rooms to guests for periods of fewer than 30 consecutive days.

In order that the City of Poquoson may administer and collect transient occupancy taxes on what are commonly referred to as “short term rentals” the office of the Commissioner of the Revenue recommends that the City of Poquoson approve and adopt the attached proposed draft language consisting of new Article XII – Transient Occupancy Tax, Chapter 74, section 74-471 through section 74-585.

**ORDINANCE PROPOSING THE CITY CODE CHAPTER 74, ARTICLE XII, DIVISION
1, SECTIONS 471 – 485**

WHEREAS, proposed article XII to add section 74-471 through section 74-485 that are currently not in use.

Chapter 74

Taxation

Article XII. Transient Occupancy Tax

Sec. 74-471. Definitions

Definitions

(a) For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(b)

Accommodations Provider - Any business, individual, or group of individuals furnishing or offering lodging or any room or rooms, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration. The term "furnishing" includes the sale of use or possession or the sale of the right to use or possess.

Accommodations Intermediary - means any person other than an accommodations provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

Accommodation fee - means the room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

Commissioner - Commissioner of the Revenue of the City of Poquoson, Virginia, or any duly authorized deputies or agents.

Lodging - means any room or rooms, lodging or space furnished to any transient for dwelling, lodging, or sleeping purposes.

Lodging Place - any public or private hotel, inn, hostelry, tourist home or house, tourist camp, tourist cabin, camping grounds, motel, rooming house or other lodging place within the city offering lodging for compensation to any transient.

Room Rentals - classified as a lodging place - any public or private hotel, inn, hostelry, tourist home or house, tourist camp, tourist cabin, camping grounds, motel, rooming house or other lodging place within the city offering lodging for compensation to any transient.

Room Rental Charge - The total charge made by any such lodging place and/or space furnished to any such transient before taxes.

Transient - any person who, for any period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains lodging in any lodging place.

Transient Occupancy Tax - the tax on the rental of rooms or a house paid by the guest (transient) and remitted to the City of Poquoson by the host.

Treasurer – Treasurer of the City of Poquoson, Virginia, or any duly authorized deputies or agents.

Sec. 74-472. – Levy of tax; amount

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the room rental charge to a transient by any and all accommodations providers in the City of Poquoson. All accommodations providers are required to levy and impose on each transient a tax equivalent to eight (8) percent of the total amount of the rental room charge paid for lodging, plus a flat tax of 2 dollar(s) (\$2.00) per room for each night of lodging at any lodging place.

Sec. 74-473. – Collection of tax generally.

Any accommodations provider or accommodations intermediary that offers lodging to any transient for a room rental charge shall collect, file with the Commissioner of the Revenue and remit the amount of tax to the Treasurer as imposed under this article from the accommodations provider(s) or accommodations intermediary.

Sec. 74-474. – Report and remittance of tax.

Each month all accommodations providers or any accommodations intermediaries that provide such service are required to collect the tax and complete a City of Poquoson local excise tax filing form and remit such form to the Commissioner of the Revenue on or before the 20th day of the following month.

It is the responsibility of the person collecting the tax whether it be the accommodations provider or the accommodations intermediary to report and remit the tax on or before the twentieth day of the following month, covering the amount of tax collected during the preceding month (example: August taxes are due by September 20)

If no tax is collected during a month, a ticket shall be filed indicating zero taxes collected.

Sec. 74-475. – Procedure upon failure to collect and report.

If any accommodations provider whose duty it is to do so shall fail or refuse to collect the tax imposed under this article and to make, within the time provided in this article, the reports and remittances mentioned in this article, the Commissioner of the Revenue shall proceed in such manner as they may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the Commissioner of the Revenue shall procure such facts and information, they shall proceed to determine and assess against such accommodations provider the tax and penalties provided for by this article and shall notify the accommodations provider the total amount of such tax and penalties and the total amount shall be payable within ten days from the date such notice is sent.

Sec. 74-476. –Advertising payment or absorption of tax.

No accommodations provider or accommodations intermediary shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of the tax imposed under this article will be paid or absorbed by the accommodations provider or the accommodations intermediary or that anyone else will relieve the transient of the payment of all or any part of the tax.

Sec. 74-477. – Preservation of records.

It shall be the responsibility of any accommodation's provider and, if there exists, the accommodations intermediary liable for collections and remittance of the taxes imposed by this article, to keep and preserve for a period of three years records showing gross receipts for the rentals of any such lodging place.

Sec. 74-478. – Duty of accommodations provider when no longer offering room rentals.

Whenever any accommodations provider required to collect or pay the city a tax under this article shall cease to operate or otherwise cease offering room rentals, any tax payable under this article shall become immediately due and payable, and such person shall immediately make a report and pay the tax due.

Sec. 74-579. – Duty of Treasurer.

The Treasurer shall have the power and the duty of collecting the taxes imposed and levied hereunder and shall cause the same to be paid into the general treasury for the City.

Sec. 74-580. – Penalty of late remittance or false return.

If any accommodations provider or accommodations intermediary whose duty it is to do so shall fail or refuse to file any report required by this article or to remit to the Commissioner of the Revenue the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the Commissioner of the Revenue a penalty in the amount of ten (10) percent thereof and interest thereon at the rate of eight (8) percent per annum, which shall be computed upon the taxes and penalty from the date such taxes are due and payable.

Sec. 74-581--74-585. Reserved.

WHEREAS, there exists no current code to address the taxation and administration of transient occupancy tax, and

WHEREAS, the sections 74-471 through 74-485 are established by office of the City of Poquoson Commissioner of the Revenue and confers the duties upon the Office of the City Manager, and

WHEREAS, the section 74-471 identifies the definitions used in the proposed transient occupancy tax ordinance, as well as the accompanying administrative and legislative sections, and

WHEREAS, the City may now impose a transient occupancy tax on all short-term rentals, and

WHEREAS, careful and thorough consideration was given the proposed code sections:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Poquoson, Virginia:

Section 1. That Article XII, Chapter 74 sections 471-485: being the proposed transient occupancy tax ordinance in the City Code of Poquoson, Virginia hereby be approved.

Section 2: That this ordinance shall be in effect on or after its adoption.

ADOPTED: _____

TESTE: _____

City Clerk



CITY OF POQUOSON

FINANCE DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996

January 23, 2023

TO: City Council

THROUGH: Randy Wheeler, City Manager

FROM: Tara Woodruff, Finance Director

SUBJECT: Ordinance Making Additional Appropriations for Fiscal Year 2023 for General Fund

Attached is an appropriation for City Council's consideration for Fiscal Year 2023 additional revenues for various departments within the General Fund.

Fiscal Year 2023 Additional Revenue \$3,170

- The Community Development Department received an additional \$2,470 for the Litter Prevention and Recycling Grant from the Virginia Department of Environmental Quality in FY 2023. The total grant awarded was \$9,570 and the grant will be used for the litter prevention and recycling program. This Ordinance appropriates the additional State funds for the intended purpose.
- The Fire Department has received a 2023 VFIRS Hardware Grant from the Virginia Department of Fire Programs in the amount of \$700. The funds can be used for the purchase of a computer. This Ordinance appropriates the state grant of \$700 to the Fire Department for the stated use.

**AN ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
FOR FISCAL YEAR 2023 IN GENERAL FUND**

WHEREAS, the Community Development Department received an additional \$2,470 from the Virginia Department of Environmental Quality for the litter prevention and recycling program, and

WHEREAS, the Fire Department has received \$700 from the Virginia Department of Fire Programs to purchase a computer, and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Poquoson, Virginia:

Section 1: That an additional \$3,170 in revenues in the General Fund be and the same hereby are appropriated within the Fiscal Year 2023 Budget as follows:

GENERAL FUND

Revenues:

State Revenues	\$3,170
Total Revenues:	<u>\$3,170</u>

Expenditures:

Community Development	\$2,470
Fire Department	<u>700</u>
Total Expenditures:	<u>\$3,170</u>

Section 2: That the City Manager is hereby authorized to utilize the funds per the requirements of the Grants and local designations.

Section 3: That the second reading of this ordinance is hereby dispensed with and the provisions contained herein shall become effective immediately upon adoption.

ADOPTED: _____

TESTE: _____
City Clerk



CITY OF POQUOSON

Office of the City Manager
J. Randall Wheeler

500 City Hall Avenue, Poquoson, Virginia 23662-1996
(757)868-3000 Fax (757)868-3101

January 23, 2023

To: City Council

From: City Clerk

Subject: Resolution Making Appointments to the Eastern Virginia Regional Industrial Facility Authority (EVRIFA) Board

The Secretary of the Commonwealth authorized the establishment of the Eastern Virginia Regional Industrial Facility Authority (EVRIFA) on December 18, 2018. At present there are ten (10) localities encompassing the EVRIFA are the Counties of Gloucester, James City, Isle of Wight and York and the Cities of Hampton, Newport News, Poquoson Chesapeake, Franklin and Williamsburg. As per the RIFA agreement the Board shall consist of two board members from each Member Locality pursuant to Section 15.2-6403 (A) of the Act appointed by the governing body of each Member Locality. One Board member shall be an elected member of the locality's governing body. Also, the governing body of each Member Locality may appoint up to two alternate Board members (City only requires one). An alternate may serve as an alternate for either Board member from the Member Locality that appoints the alternate and shall have all the voting and other rights of the Board member not present and shall be counted for purpose of determining a quorum and all other purposes at that meeting.

Presented for your consideration is a resolution making appointments to the Eastern Virginia Regional Industrial Facility Authority. Since the inception of the EVRIFA Carey L. Freeman, David A. Hux and alternate J. Randall Wheeler has served on the board.

**RESOLUTION MAKING APPOINTMENTS
TO THE EASTERN VIRGINIA REGIONAL
INDUSTRIAL FACILITY AUTHORITY (EVRIFA) BOARD**

BE IT RESOLVED by the Council of the City of Poquoson, Virginia:

Section 1: That the following persons be and the same hereby are appointed to the Eastern Virginia Regional Industrial Facility Authority (EVRIFA) for the terms indicated:

	<u>Names</u>		<u>Terms Expire</u>
1.	Carey L. Freeman	Elected Local Government Official	01/31/2027
2.	David A. Hux		01/31/2027
3.	J. Randall Wheeler	Alternate	01/31/2027

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____
City Clerk



CITY OF POQUOSON

Office of the City Manager
J. Randall Wheeler

500 City Hall Avenue, Poquoson, Virginia 23662-1996
(757)868-3000 Fax (757)868-3101

January 23, 2023

To: City Council

From: City Clerk

Subject: Resolution Making Appointments to the Library Advisory Board

Presented for your consideration is a resolution making appointments to the Library Advisory Board. Cecelia R. Ambrose who has served since February 2013 and serves the Western Precinct and Krista Forrest who has served since October 2022 and serves the Eastern Precinct are both eligible for re-appointment and would like to be considered for re-appointment. As per the recommendation of Councilman Hux we would like to recommend the re-appointment of Cecelia R. Ambrose and as per the recommendation of Vice Mayor Freeman we recommend the re-appointment of Krista Forrest. Peter W. Hardin who has served since June 2016 and serves the Central Precinct is eligible for re-appointment and would not like to be re-appointed. At this time there are no applicants for Central precinct and it is recommended to postponing appointments for Central Precinct at this time.

**RESOLUTION MAKING APPOINTMENTS
TO LIBRARY ADVISORY BOARD**

BE IT RESOLVED by the Council of the City of Poquoson, Virginia:

Section 1: That the following persons be and the same hereby is appointed to Library Advisory Board for the term indicated:

<u>Name</u>	<u>Precinct</u>	<u>Term Expires</u>
Krista Forrest	Eastern	January 31, 2026
Cecelia R. Ambrose	Western	January 31, 2026

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____
City Clerk