

1. City Council Agenda February 27, 2023

Documents:

CITY COUNCIL REGULAR SESSION AGENDA 2-27-23.PDF
COUNCIL MEETING REGULAR SESSION MINUTES 1-23-23.PDF
RESOLUTION TO APPROVE OR DENY CUP-STORAGE YARD.PDF
RESOLUTION APPROVING CITY'S PARTICIPATION IN THE PROPOSED OPIOID
SETTLEMENT.PDF
RESOLUTION AUTHORIZING THE POQUOSON FIRE RESCUE TO MAKE
APPLICATION FOR STAFFING.PDF
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS-SOUTH LAWSON.PDF
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS-GENERAL FUND.PDF
ORDINANCE FOR FY23 GENERAL FUND - BYRNE JUSTICE ASSISTANCE
GRANT.PDF

**POQUOSON CITY COUNCIL
REGULAR SESSION MEETING
MONDAY, FEBRUARY 27, 2023, 7:00 P.M.**

A. MEETING CALLED TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE – Councilman Hux

C. SPECIAL PRESENTATION

- **Jim Noel, Director of Eastern Virginia Regional Industrial Facility Authority (EVRIFA) Board**
- **Recognition of Retired Sheriff Danny Diggs**

D. AUDIENCE FOR VISITORS

E. APPROVAL OF THE MINUTES

(a) Regular Session January 23, 2023

F. PUBLIC HEARING

- **A request for a Conditional Use Permit by Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence.**

G. NEW BUSINESS

1. **Resolution of the City Council Approving of the City's Participation in the Proposed Settlement of Opioid- Related Claims Against TEVA, Allergan, Walmart, Walgreens, CVS and their Related Corporate Entities, and Directing the City Attorney and/or the City's Outside Counsel to Execute the Documents Necessary to Effectuate the City's Participation in the Settlements**
2. **Resolution Authoring the Submission of a FY2022 SAFER Grant for the Hiring of Six Firefighters**
3. **Ordinance Making Additional Appropriations for Fiscal Year 2023 and Authorizing the City Manager to Enter Into a Contract with Pembroke Construction for the South Lawson Multi-Use Path**
4. **Ordinance Making Additional Appropriations for Fiscal Year 2023 for General Fund**
- 5.. **Ordinance for Fiscal Year 2023 for General Fund – Byrne Justice Assistance Grant Funding (Police Department)**

H. COMMENTS OF THE CITY MANAGER

I. COUNCIL DIRECTIVES

J. ADJOURNMENT

MINUTES OF THE CITY COUNCIL MEETING
January 23, 2023 5:30 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 5:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor Helsel 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; i.e.; Interviews for School Board Appointment

Councilman Feigh moved, seconded by Vice Mayor Freeman, 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: Interviews for School Board Appointment. Recorded vote on the motion:

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

NO: None

RECONVENEMENT:

Upon reconvening from Closed Session, Councilman Feigh moved, seconded by Vice Mayor Freeman, 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 Andrews, Feigh, Southall, Hux, Fox, Vice Mayor Freeman and Mayor Helsel

NO: None

AUDIENCE FOR VISITORS:

None

APPROVAL OF THE MINUTES:

Councilman Feigh moved, seconded by Vice Mayor Freeman, to adopt the minutes of the Regular Session held January 9, 2023 as submitted. Recorded vote on the motion:

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

NO: None

PUBLIC HEARING:

1. Pre-Budget for Fiscal Year 2023

Mayor Helsel opened the Public Hearing, having no speakers the Public Hearing was closed.

2. 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

Principal Planner, Thomas Cannella, presented 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. The tourist home would be a fully furnished home to be rented by transient occupants for lodging for stays between one and thirty consecutive nights. Mr. Cannella explained that there is no City Code for Short-Term Rentals at this time but the tourist home would fall under that definition once it has been adopted.

Mayor Helsel opened the Public Hearing, after a brief discussion amongst Council, having no speakers the Public Hearing was closed.

Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt a Resolution, as recommended by the Planning Commission, 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.

Councilman Feigh moved, seconded by Councilwoman Fox to add an amendment to the Resolution to have the Conditional Use Permit expire January 31, 2025. Recorded vote on the motion:

YES: Councilmembers Fox, Feigh, Andrews and Vice Mayor Freeman

NO: Councilmembers Hux, Southall and Mayor Helsel

Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt a Resolution as amended 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. 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 Councilman Southall, to amend the Agenda to include item #5 under New Business to add a Resolution Making an Appointment to the School Board. Recorded vote on the motion:

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

NO: None

NEW BUSINESS:

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

Commissioner of the Revenue, Joe Coccimiglio, presented an Ordinance proposing the addition to the City Code of Chapter 74, Article XII, Division 1, Section 471-485 in order for the City of Poquoson to administer and collect transient occupancy taxes pursuant to State Code 58.1-3819 which 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.

Vice Mayor Freeman moved, seconded by Councilwoman Andrews, to adopt an Ordinance Proposing the City Code Chapter 74, Article XII, Division 1, Section 471-485 – Transient Occupancy Tax. Recorded vote on the motion:

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

NO: None

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

Finance Director, Tara Woodruff, presented an Ordinance making additional appropriations for Fiscal Year 2023 for General Fund in the amount of \$3,170. The Community Development Department from the Litter Prevention and Recycling Grant from the Virginia Department of Environmental Quality in FY2023 in the amount of \$2,470. The Fire Department received from the 2023 VFIRS Hardware Grant from the Virginia Department of Fire Programs for the purchase of a computer in the amount of \$700.

Councilman Feigh moved, seconded by Councilman Southall, to adopt an Ordinance Making Additional Appropriations for Fiscal Year 2023 for General Fund. Recorded vote on the motion:

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

NO: None

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

Councilman Feigh moved, seconded by Councilman Southall, to adopt a Resolution Making Appointments to the Eastern Virginia Regional Industrial Facility Authority (EVRIFA) Board with the names Carey L. Freeman as the Elected Local Government Official, David A. Hux, and J. Randall Wheeler as the Alternate all with terms expiring January 31, 2027. Recorded vote on the motion:

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

NO: None

ABSTAIN: Vice Mayor Freeman

4. Resolution Making Appointments to the Library Advisory Board

Vice Mayor Freeman moved, seconded by Councilman Feigh, to adopt a Resolution Making Appointments to the Library Advisory Board with the names Krista Forrest of the Eastern Precinct and Cecelia R. Ambrose of the Western Precinct both with terms expiring January 31, 2026. Recorded vote on the motion:

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

NO: None

5. Resolution Making an Appointment to the School Board

Councilman Hux moved, seconded by Vice Mayor Freeman, to adopt a Resolution Making an Appointment to the School Board with the name Christopher Burbage of the Western Precinct with a term expiring June 30, 2024. 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, stated that Thomas Cannella, Wally Horton, Sean Crawford, Garrett Feagans and himself along with their counter-parts from the City of Hampton with assistance from VDOT participated in a subcommittee meeting to seek funding for the remaining funds necessary to complete the Wythe Creek widening project. The project was re-bid approximately nine months ago by VDOT it was considerably over budget and the parties listed worked together to pursue additional allocation through the Hampton Roads Transportation Planning Organization. The sub-committee was successful in getting through the first of three steps with step two being next week and step three between February and April.

COUNCIL DIRECTIVES:

Councilwoman Fox expressed her appreciation to the candidates interviewed for the School Board, it was a very hard decision and she encouraged them to consider applying again.

Councilman Feigh reminded everyone of the Food Bank on Tuesday, January 12, 2023 and encouraged everyone to come out to the Municipal Building.

Councilman Southall thanked the citizens present and at home for paying attention to their local government and encouraged others to do so as well. He also seconded the comments made by Councilwoman Fox in reference to the School Board applicants and encouraged everyone to apply to the various boards and commissions.

Mayor Helsel stated the City hosted the Mayors and Chairs meeting for this month at 185 and congratulated the 185 Restaurant for being selected as one of Yelp's Top 100 Restaurants in the United States.

ADJOURNMENT:

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

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

NO: None

The meeting was adjourned at approximately 8:03 p.m.



CITY OF POQUOSON

COMMUNITY DEVELOPMENT

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

DATE: February 27, 2023
TO: The Honorable Members of the Poquoson City Council
FROM: Thomas J. Cannella II, Principal Planner
THROUGH: Randy Wheeler, City Manager
SUBJECT: A Resolution to Approve or Deny a Conditional Use Permit for a Storage Yard

Introduction

Presented for your consideration this evening is a request for a Conditional Use Permit by Mr. Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence.

Public Notice

The legal advertisement for a public hearing for City Council ran on February 15th and February 22nd in the Daily Press. Letters to inform adjacent property owners of the public hearing were sent on February 6th.

Applicant's Proposal

The applicant is the owner of a contracting business and has purchased the property in hopes of operating a storage yard on-site to store his vehicles which includes trucks, commercial trailers, and equipment of the like.

Site Character

The proposed site is 789 Poquoson Avenue, the former home to the Tom Hunt Store which was relocated to the Poquoson Museum. There is currently a garage in the rear of the property which has existed for some time. The lot is zoned R-1 Single Family Residence but to staff's knowledge has not had a home on the property in decades if ever. The lot is adjacent to Riggins Motor Company and three residential properties and has direct access to Poquoson Avenue.

Zoning Considerations

As mentioned above, the lot is zoned R-1 Single Family Residence. Historically, the lot was used for commercial purposes but has been unused for many years. Storage Yards are not permitted by right in the R-1 District.

Surrounding Characteristics

The lots directly adjacent are zoned R-1 to include Riggins. The properties directly across the street are zoned B-1 Office/Professional, one of which is a home at 790 Poquoson Avenue and the other serves as a car lot for Riggins

Traffic and Access

The property has direct access to Poquoson Avenue and it is not anticipated to create a traffic issue.

Relationship to the Comprehensive Plan/Staff Findings

The future land use designation as found in the Comprehensive Plan is for low density residential. Given the size and general dimensions of the lot, residential development may be challenging. Additionally, its proximity to lots which are currently zoned for B-1 Office/Professional or currently used as commercial lots should be considered as the future land use designation is limited business.

Planning Commission Action

The Planning Commission recommended the application for approval unanimously with the amendment that the hours of operation be 9:00 p.m. to 7:00 a.m. versus 9:00 p.m. to 6:00 a.m.

Staff Recommendation and Recommended Conditions

Given the confines of the lot, staff recommended to Mr. Howard that if the requirements of storage yards as found in City Code could not be met, he ask his neighbors for their consent for both the use and encroachment into what would be required buffers. Attached you will find the letter. If approved, staff recommends the following conditions:

1. The storage yard shall meet the following conditions:
 - a. All site design standards shall be met;
 - b. The storage yard is to be screened from public view on all sides by solid wood, vinyl, masonry fencing or other material deemed appropriate by the zoning administrator with a minimum height of six feet but not to exceed eight feet. Evergreens or shrubbery suitable for the purpose of screening and pursuant to article X, section 10-8 of this ordinance may also be used to meet this requirement. All required screening shall be continuously maintained in good condition to assure that its intended purpose is accomplished. This requirement may be waived by the zoning administrator based upon unique site conditions;
 - c. A landscaped buffer shall be provided in the front setback of the property as shown in the proposed site plan in accordance with article X, section 10-8 of this ordinance;
 - d. For uses abutting residential districts no outdoor activity may be conducted between the hours 9:00 p.m. and 7:00 a.m.;
 - e. Parking areas, if required, shall be surfaced in accordance with the city's site plan ordinance;
 - f. Storage yard areas shall be surfaced with a dust free material;

- g. Material kept within the storage yard must be screened from public view in its entirety. Equipment and vehicles kept within the storage yard must be screened at 55 percent to be determined by height at the highest point;
 - h. Vehicles and equipment kept within the storage yards must be kept in good repair and working condition. Abandoned and/or unlicensed vehicles or equipment will not be permitted;
 - i. Materials used for fencing shall be of a natural wood or neutral earth tone color, as provided for in the architectural review board's adopted color palette;
 - j. Storage yards shall in no instance be located in a required front yard area and shall meet all front yard setback requirements;
2. If fencing/screening does not exist around the perimeter of the property it shall be installed by the applicant. Fencing that currently exists between adjoining property owners may be utilized, but at such time it is damaged or removed shall be replaced by the applicant as indicated in the letter signed by adjacent property owners dated 11-18-2022.
 3. Upon the issuance of a Conditional Use Permit and prior to the operation of the storage yard, the applicant shall present a landscaping plan for the front buffer to Community Development staff to be approved by the Zoning Administrator. The landscaped buffer shall be maintained in good condition.
 4. 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.
 5. 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.
 6. City Council reserves the right to review and amend the conditions of this permit as they see fit.

11/18/2022

I, Caleb Howard, am asking the acceptance of my (4) surrounding neighbors to install a vinyl fence around the perimeter of the property 789 Poquoson Ave, Poquoson VA. I would like to utilize the existing fences installed by my neighbors that are on the perimeter of where our properties meet. In the instance an existing fence is to fail or collapse I agree to repair or replace the damaged section to keep the property enclosed/screened off. I am asking for the permission of my neighbors below if they would accept a fence being installed where there is currently not one existing along the perimeter of my property. The display of their signature ratifies their acceptance of our request to put a fence on the perimeter of the property.

 Date: 11/23/22

 Date: 14 Dec 2022

 Date: 14/02/22

 Date: 12/14/22

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT FOR THE OPERATION OF A STORAGE YARD TO BE LOCATED AT 789 POQUOSON AVENUE, TAX MAP PARCEL 19-1-135, ZONED R-1 SINGLE FAMILY RESIDENCE.

WHEREAS, a request for a Conditional Use Permit by Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence; and

WHEREAS, a public hearing to receive public comments and review amendments to the request was held before the Planning Commission on January 19, 2023; and

WHEREAS, the Planning Commission recommended approval of the Conditional Use Permit by a vote of 5-0; and

WHEREAS, a public hearing to receive public comments was held before City Council on February 27, 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 Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence is hereby approved with the following conditions:

1. The storage yard shall meet the following conditions:
 - a. All site design standards shall be met;
 - b. The storage yard is to be screened from public view on all sides by solid wood, vinyl, masonry fencing or other material deemed appropriate by the zoning administrator with a minimum height of six feet but not to exceed eight feet. Evergreens or shrubbery suitable for the purpose of screening and pursuant to article X, section 10-8 of this ordinance may also be used to meet this requirement. All required screening shall be continuously maintained in good condition to assure that its intended purpose is accomplished. This requirement may be waived by the zoning administrator based upon unique site conditions;
 - c. A landscaped buffer shall be provided in the front setback of the property as shown in the proposed site plan in accordance with article X, section 10-8 of this ordinance;
 - d. For uses abutting residential districts no outdoor activity may be conducted between the hours 9:00 p.m. and 7:00 a.m.;
 - e. Parking areas, if required, shall be surfaced in accordance with the city's site plan ordinance;

- f. Storage yard areas shall be surfaced with a dust free material;
 - g. Material kept within the storage yard must be screened from public view in its entirety. Equipment and vehicles kept within the storage yard must be screened at 55 percent to be determined by height at the highest point;
 - h. Vehicles and equipment kept within the storage yards must be kept in good repair and working condition. Abandoned and/or unlicensed vehicles or equipment will not be permitted;
 - i. Materials used for fencing shall be of a natural wood or neutral earth tone color, as provided for in the architectural review board's adopted color palette;
 - j. Storage yards shall in no instance be located in a required front yard area and shall meet all front yard setback requirements;
2. If fencing/screening does not exist around the perimeter of the property it shall be installed by the applicant. Fencing that currently exists between adjoining property owners may be utilized, but at such time it is damaged or removed shall be replaced by the applicant as indicated in the letter signed by adjacent property owners dated 11-18-2022.
 3. Upon the issuance of a Conditional Use Permit and prior to the operation of the storage yard, the applicant shall present a landscaping plan for the front buffer to Community Development staff to be approved by the Zoning Administrator. The landscaped buffer shall be maintained in good condition.
 4. 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.
 5. 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.
 6. 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 STORAGE YARD TO BE LOCATED AT 789 POQUOSON AVENUE, TAX MAP PARCEL 19-1-135, ZONED R-1 SINGLE FAMILY RESIDENCE.

WHEREAS, a request for a Conditional Use Permit by Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence; and

WHEREAS, a public hearing to receive public comments and review amendments to the request was held before the Planning Commission on January 19, 2023; and

WHEREAS, the Planning Commission recommended approval of the Conditional Use Permit by a vote of 5-0; and

WHEREAS, a public hearing to receive public comments was held before City Council on February 27, 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 Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence 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 CITY MANAGER

500 CITY HALL AVENUE
POQUOSON, VA 23662
(757) 868-3000 TELEPHONE
(757) 868-3101 FAX

February 27, 2023

To: City Council

From: Wayne Moore, City Attorney

Subject: **A Resolution of the City Council Approving of the City's Participation in the Proposed Settlement of Opioid- Related Claims Against TEVA, Allergan, Walmart, Walgreens, CVS and their Related Corporate Entities, and Directing the City Attorney and/or the City's Outside Counsel to Execute the Documents Necessary to Effectuate the City's Participation in the Settlements**

Attached is a resolution for City Council's consideration to approve the City's Participation in the Proposed Settlement of Opioid- Related Claims Against TEVA, Allergan, Walmart, Walgreens, CVS and their Related Corporate Entities, and Directing the City Attorney and/or the City's Outside Counsel to Execute the Documents Necessary to Effectuate the City's Participation in the Settlements.

A RESOLUTION OF THE CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY AND/OR THE CITY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Poquoson, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City Poquoson's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City of Poquoson, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City of Poquoson; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlements and has recommended that the City participate in the settlements in order to recover its share of the funds that the settlement would provide;

NOW THEREFORE BE IT RESOLVED that the City of Poquoson City Council, this 27th day of February, 2023, approves of the City's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.

ADOPTED: _____

TESTE: _____

City Clerk



City of Poquoson Fire/Rescue

830 Poquoson Avenue, Poquoson, Virginia 23662
(757) 868-3510 Fax (757) 868-3514

February 27, 2023

To: The Honorable Members of the Poquoson City Council

Through: Randy Wheeler, City Manager

From: Joseph Breeden, Battalion Chief

Subject: Resolution Authorizing the City of Poquoson Fire/Rescue to Make Application for Staffing for Adequate Fire and Emergency Response (SAFER) Grant – FY 2022

The Staffing for Adequate Fire and Emergency Response (SAFER) Grant for period of FY 2022 is now open for or accepting applications. The SAFER Grant was created to provide funding directly to fire departments to assist them to increase or maintain the number of trained, “front line” firefighters. The goal of SAFER, offered through the Federal Emergency Management Agency (FEMA), is to enhance the fire departments’ ability to comply with staffing, response and operational standards established by the National Fire Protection Associations’ (NFPA) codes and standards.

Our current staffing is 10 per shift with a minimum staffing of eight (8) personnel. The personnel are responsible for staffing two (2) fire engines, two (2) ambulances, one (1) ladder truck and the Battalion Chiefs’ vehicle, not to mention any specialty equipment on an as needed basis. According to NFPA, because more than 50% of our crews responding are career staff, we are to follow the NFPA 1710 (Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments). NFPA 1710 establishes a standard for staffing and response times based on low, medium, or high hazards. An example of a low hazard would be for 2000 ft two story residence, the goal is sixteen (16) personnel (seventeen (17) if an aerial is used) on the scene within eight (8) minutes of the initial alarm 90% of the time. A medium apartment or strip mall would require twenty-seven/twenty-eight (27/28) personnel. A high hazard high rise (greater than 75’ in height) would require forty-two (42) personnel.

We are requesting authorization from City Council to apply for six (6) personnel (two (2) per shift) under the FY 22 SAFER Grant. This request if awarded by FEMA, will bring staffing to twelve (12) per shift with a minimum of ten (10) working daily.

If awarded the SAFER grant, the salaries and benefits of the six (6) personnel would be provided to the City for a total of 36-months. It is anticipated based on the current salary and benefits that the City would receive roughly \$2 Million from the grant. The only cost during the grant period would be pre-hire costs (background checks, physicals), Personal Protective Equipment (PPE), and any overtime other than the built-in overtime to comply with FLSA.

While this number of personnel will not bring us in full compliance with NFPA 1710 it will show a genuine attempt at moving toward that goal while being budget conscious. Additionally, we are requesting that City Council pledges to retain the positions funded through the SAFER grant upon the conclusion. This pledge the requested 6 personnel should assist us overall with our chances at obtaining funding through the SAFER grant.

It should be noted that despite the numerous construction projects in the City not yet completed, the Fire Departments call volume is already increasing. This trend will only continue as these developments are finished and there is an influx of new residents. We have always prided ourselves on providing our citizens the highest quality service in the region and will continue to do so. As the complexity of the emergency calls, we face continue to grow and modern construction materials and practices make fires easier to promulgate, it will take more staff to maintain that same level of service.

Attached for your consideration is a resolution authorizing the City of Poquoson Fire/Rescue to make application for the FY2022 SAFER grant through FEMA for six (6) additional staff.

**RESOLUTION AUTHORIZING THE SUBMISSION OF A FY2022 SAFER
GRANT FOR THE HIRING OF SIX FIREFIGHTER**

WHEREAS, the Fire Department is understaffed and in need of additional firefighters;
and

WHEREAS, City Council supports the submission of a SAFER (Staffing for Adequate Fire and Emergency Response) grant which if approved will enable the Fire Department to hire six additional firefighters with salary and benefits paid 100% by the grant for a period of three years; and

WHEREAS, if awarded the grant the six firefighters would bring the total number of operational staff to thirty-six (36) or twelve (12) per shift not including administrative staff; and

WHEREAS, City Council supports retaining the positions after the three years of the grant period ends.

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

Section 1: That City Council does hereby authorize the submission of a SAFER grant for the hiring six additional firefighters for a period of three years.

Section 2: That City Council is committed to fulfilling all requirements of this grant.

Section 3: That City Council supports retaining the positions at the conclusion of the SAFER grant.

Section 4: That this resolution shall be in effect immediately upon its adoption.

ADOPTED: _____

TESTE: _____

City Clerk



CITY OF POQUOSON

FINANCE DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996

February 27, 2023

TO: City Council

THROUGH: Randy Wheeler, City Manager

FROM: Tara Woodruff, Finance Director

SUBJECT: Ordinance Making Additional Appropriations for Fiscal Year 2023 and Authorizing the City Manager to Enter Into a Contract with Pembroke Construction for the South Lawson Multi-Use Path

In 2011, the City applied for Congestion Mitigation and Air Quality (CMAQ) funding to extend the multi-use path at South Lawson Park. In 2019, the City received news that the funding for this project was available. This is a federally funded project, which covers the design and construction of this new path.

The City received approval to start the project and a consultant, Timmons Group, was utilized in the design of this project. Due to this being a federal project, many requirements are necessary that other state projects do not have. This requires an extensive amount of documentation and approval time through the Virginia Department of Transportation (VDOT). After the City finalized the Invitation for Bid (IFB) document, it consisted of over one hundred pages of required information for potential bidders as well as a set of plans.

In August of 2022, the City finally received approval from VDOT to advertise the IFB for the South Lawson Multi-Use Path. The scope of work included in the IFB was to add an entire new paved 6' wide asphalt multi-use path at just under a half a mile. This new path will tie into the existing path at the entrance to the park and at the rear of the park near the pond. The IFB closed on February 10, 2023 and the City received one bid from Pembroke Construction totaling \$162,003.75.

The total budget appropriated in the capital projects fund for the project was \$195,100 and the project has incurred a total of \$38,714.63 in expenditures for the design and preliminary engineering stage of the project. This leaves \$156,385.37 remaining in the project budget. The construction bid amount is \$5,618.38 over the remaining project budget available, but this amount can be covered in engineering service funds allocated for this fiscal year to cover professional services. Due to the cost of the project, VDOT has informed the City that an additional \$33,424 will be required for VDOT oversight and contingencies.

The additional \$33,424 would be a local match from the City since there is no additional funding provided by VDOT to complete the project. If City Council elects not to provide the additional funding that would be required to complete the project, the City would be required to reimburse

VDOT the \$38,714.63 that has been received to date. The is project initially was 100% funded by VDOT but due having to following the requirements of VDOT as it relates to determining engineering cost and issuing an IFB with their requirements in addition to the inflation of materials that we have experience since COVID, the cost to complete the project has exceed the initial budget as anticipated in 2011 and awarded in 2019.

Please find attached an ordinance for the appropriation to the capital projects fund of \$17,224 for VDOT oversight of the South Lawson Multi-Use Path and \$16,200 for South Lawson Park Contingencies. In the event this contingency funding is not needed for this project, the City will utilize the contingencies for any South Lawson Park projects. Additionally, since the contract amount is over the City Manager's authorization, the attached ordinance will authorize the City Manager to enter into the contract with Pembroke Construction for the South Lawson Park Multi-Use Path. Again, if City Council elects not to appropriate the additional funding nor enter into a contract to complete the multi-use path, the federal funds of \$38,714.63 that has been received will be required to be paid to VDOT.

AN ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FOR FISCAL YEAR 2023 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PEMBROKE CONSTRUCTION FOR SOUTH LAWSON MULTI-USE PATH

WHEREAS, the City has accepted a grant from Virginia Department of Transportation for CMAQ funds, Federal Aid No. CMAQ-5404(034), and

WHEREAS, the total grant for the project was \$195,100, and

WHEREAS, the costs incurred to date total \$38,714.63, and

WHEREAS, VDOT has informed the City that additional costs will be required for VDOT oversight and contingencies for the project, and

WHEREAS, the City will be required to provide a local match of \$33,424 to proceed with the project, and

WHEREAS, the City will appropriate \$17,224 towards VDOT oversight for the South Lawson Park Multi-Use Path, and

WHEREAS, the City will appropriate \$16,200 towards South Lawson Park contingencies, and

WHEREAS, the City will utilize the contingencies for any South Lawson Park projects in the event the contingencies are not required for this project, and

WHEREAS, the City issued an Invitation for Bid (IFB) for the South Lawson Park Multi-Use Path; and

WHEREAS, the City has reviewed the results of the bids and has determined that Pembroke Construction meets the needs of the City,

WHEREAS, the Virginia Department of Transportation Civil Rights has concurred with awarding to the low bidder, Pembroke Construction, as they have met the Disadvantaged Business Enterprise goal,

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

Section 1: That an additional \$33,424 in revenues in the Capital Projects Fund be and the same hereby are appropriated within the Fiscal Year 2023 Budget as follows:

CAPITAL PROJECTS FUND

Revenue:

Undesignated Fund Balance

\$33,424

Expenditures:	
South Lawson Multi-Use Path	\$17,224
South Lawson Contingency	<u>16,200</u>
Total Expenditures	<u>\$33,424</u>

Section 2: That the City Manager is hereby authorized to do all things necessary to enter into a contract with Pembroke Construction for the amount of \$162,003.75.

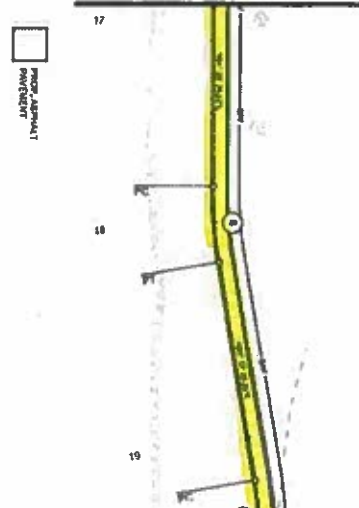
Section 3: That the City Manager is hereby authorized to approve change orders associated with the South Lawson Park Multi-Use Path based on the award provided by the Virginia Department of Transportation which includes contingencies.

Section 4: That this ordinance shall become effective immediately upon adoption.

ADOPTED: _____

TESTE: _____
City Clerk

MATCHLINE SHEET 01 - STA. 17+00.00
SOUTH LAWSON TRAIL - MAIN SEGMENT

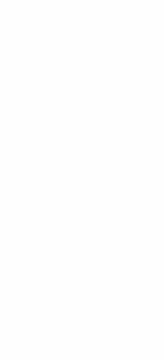
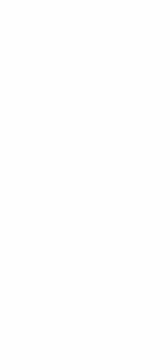


SOUTH LAWSON TRAIL MAIN SEGMENT CLUTVE 6

1 - 4.83' FROM
R = 208.00'
T = 17.59'
L = 32.51'
PC = 19+44.70'
PT = 19+01.28'

SOUTH LAWSON TRAIL MAIN SEGMENT CLUTVE 7

1 - 4.83' FROM
R = 184.00'
T = 18.47'
L = 32.96'
PC = 19+44.70'
PT = 19+36.12'



ESTIMATED QUANTITIES - MAIN ROAD

DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
GRAVEL	148.57	CU YD		
ASPHALT CONCRETE 3" THICK	18.32	SQ YD		
ASPHALT CONCRETE 1.5" THICK	18.32	SQ YD		
WOODEN POSTING	1.00	LINEAL FOOT		
TOTAL				

ESTIMATED QUANTITIES - ROAD AT INTERACTIVE

DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
GRAVEL	18.32	CU YD		
ASPHALT CONCRETE 3" THICK	22.90	SQ YD		
ASPHALT CONCRETE 1.5" THICK	22.90	SQ YD		
WOODEN POSTING	1.00	LINEAL FOOT		
TOTAL				

SOUTH LAWSON TRAIL MAIN SEGMENT CLUTVE 6

1 - 4.83' FROM
R = 208.00'
T = 17.59'
L = 32.51'
PC = 19+44.70'
PT = 19+01.28'

SOUTH LAWSON TRAIL MAIN SEGMENT CLUTVE 7

1 - 4.83' FROM
R = 184.00'
T = 18.47'
L = 32.96'
PC = 19+44.70'
PT = 19+36.12'



TIMMONS GROUP

Site Development | Residential | Infrastructure | Technology

SOUTH LAWSON PARK TRAIL
CITY OF HOUSTON - PROJECT

PLAN SHEET

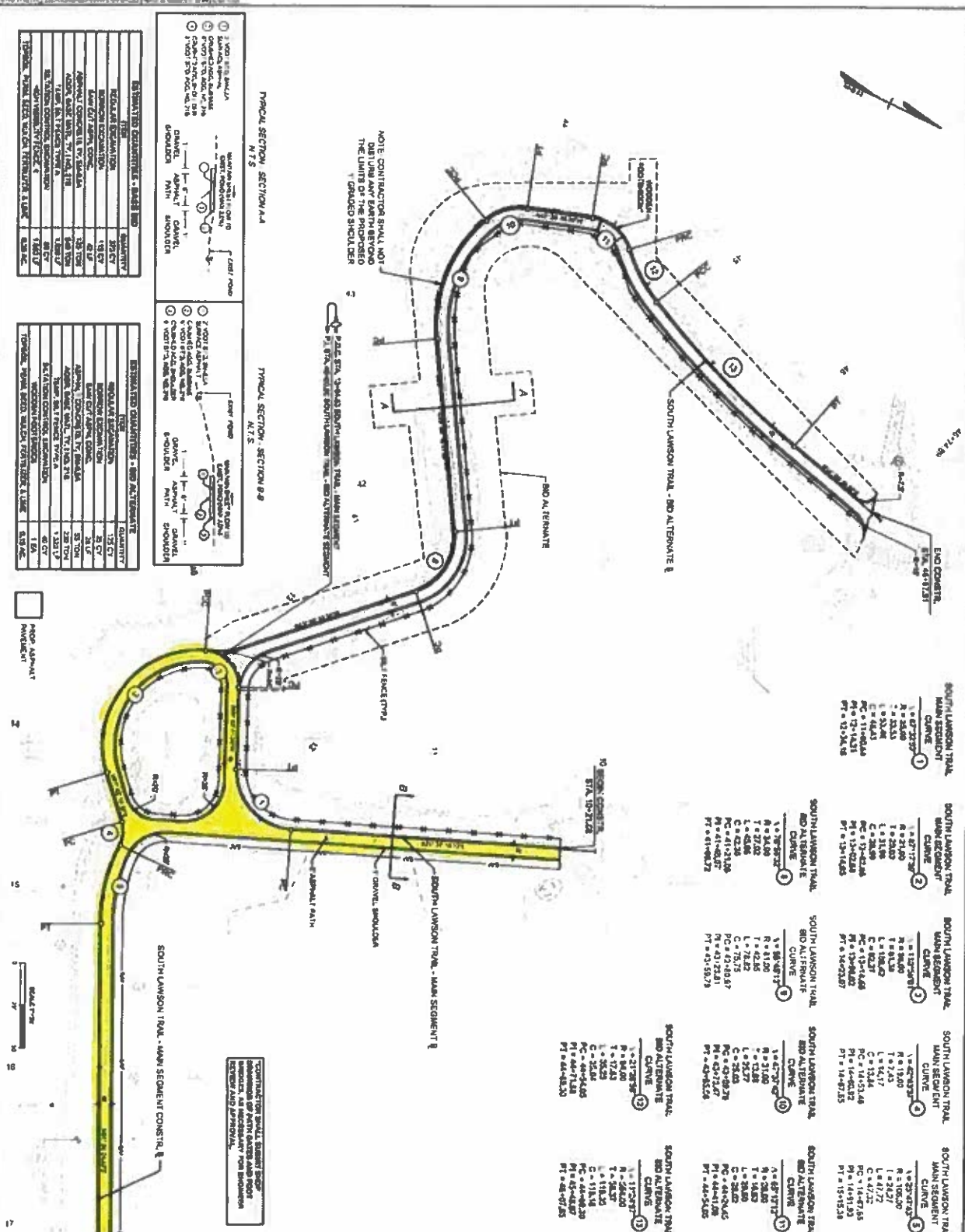
DATE: 10/15/2023

BY: [Signature]

CHECKED: [Signature]

DATE: 10/15/2023

SCALE: 1" = 20'



MATCHLINE SHEET 07 - STA. 17+00.00
SOUTH LAWSON TRAIL - MAIN SEGMENT

ESTIMATED QUANTITIES - BASES AND GRANULAR SUBGRADE		ESTIMATED QUANTITIES - SUB ALTERNATE	
ITEM	QUANTITY	ITEM	QUANTITY
BASE COURSE	275 CV	BASE COURSE	175 CV
GRANULAR SUBGRADE	18 CV	GRANULAR SUBGRADE	2 CV
ASPHALT CONCRETE 1.5 IN. THICK	50 TON	ASPHALT CONCRETE 1.5 IN. THICK	21 CV
ASPHALT CONCRETE 2 IN. THICK	80 TON	ASPHALT CONCRETE 2 IN. THICK	37 CV
ASPHALT CONCRETE 3 IN. THICK	150 TON	ASPHALT CONCRETE 3 IN. THICK	65 CV
ASPHALT CONCRETE 4 IN. THICK	200 TON	ASPHALT CONCRETE 4 IN. THICK	90 CV
ASPHALT CONCRETE 5 IN. THICK	250 TON	ASPHALT CONCRETE 5 IN. THICK	115 CV
ASPHALT CONCRETE 6 IN. THICK	300 TON	ASPHALT CONCRETE 6 IN. THICK	140 CV
ASPHALT CONCRETE 7 IN. THICK	350 TON	ASPHALT CONCRETE 7 IN. THICK	165 CV
ASPHALT CONCRETE 8 IN. THICK	400 TON	ASPHALT CONCRETE 8 IN. THICK	190 CV
ASPHALT CONCRETE 9 IN. THICK	450 TON	ASPHALT CONCRETE 9 IN. THICK	215 CV
ASPHALT CONCRETE 10 IN. THICK	500 TON	ASPHALT CONCRETE 10 IN. THICK	240 CV
ASPHALT CONCRETE 11 IN. THICK	550 TON	ASPHALT CONCRETE 11 IN. THICK	265 CV
ASPHALT CONCRETE 12 IN. THICK	600 TON	ASPHALT CONCRETE 12 IN. THICK	290 CV
ASPHALT CONCRETE 13 IN. THICK	650 TON	ASPHALT CONCRETE 13 IN. THICK	315 CV
ASPHALT CONCRETE 14 IN. THICK	700 TON	ASPHALT CONCRETE 14 IN. THICK	340 CV
ASPHALT CONCRETE 15 IN. THICK	750 TON	ASPHALT CONCRETE 15 IN. THICK	365 CV
ASPHALT CONCRETE 16 IN. THICK	800 TON	ASPHALT CONCRETE 16 IN. THICK	390 CV
ASPHALT CONCRETE 17 IN. THICK	850 TON	ASPHALT CONCRETE 17 IN. THICK	415 CV
ASPHALT CONCRETE 18 IN. THICK	900 TON	ASPHALT CONCRETE 18 IN. THICK	440 CV
ASPHALT CONCRETE 19 IN. THICK	950 TON	ASPHALT CONCRETE 19 IN. THICK	465 CV
ASPHALT CONCRETE 20 IN. THICK	1000 TON	ASPHALT CONCRETE 20 IN. THICK	490 CV
ASPHALT CONCRETE 21 IN. THICK	1050 TON	ASPHALT CONCRETE 21 IN. THICK	515 CV
ASPHALT CONCRETE 22 IN. THICK	1100 TON	ASPHALT CONCRETE 22 IN. THICK	540 CV
ASPHALT CONCRETE 23 IN. THICK	1150 TON	ASPHALT CONCRETE 23 IN. THICK	565 CV
ASPHALT CONCRETE 24 IN. THICK	1200 TON	ASPHALT CONCRETE 24 IN. THICK	590 CV
ASPHALT CONCRETE 25 IN. THICK	1250 TON	ASPHALT CONCRETE 25 IN. THICK	615 CV
ASPHALT CONCRETE 26 IN. THICK	1300 TON	ASPHALT CONCRETE 26 IN. THICK	640 CV
ASPHALT CONCRETE 27 IN. THICK	1350 TON	ASPHALT CONCRETE 27 IN. THICK	665 CV
ASPHALT CONCRETE 28 IN. THICK	1400 TON	ASPHALT CONCRETE 28 IN. THICK	690 CV
ASPHALT CONCRETE 29 IN. THICK	1450 TON	ASPHALT CONCRETE 29 IN. THICK	715 CV
ASPHALT CONCRETE 30 IN. THICK	1500 TON	ASPHALT CONCRETE 30 IN. THICK	740 CV

TIMMONS GROUP

Site Development | Residential | Infrastructure | Technology

SOUTH LAWSON PARK TRAIL

PLAN SHEET

DATE: 10/15/2019
 PROJECT NO: 19-001
 SHEET NO: 03
 TOTAL SHEETS: 04



CITY OF POQUOSON

FINANCE DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996

February 27, 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 \$84,365

- The Library has received additional donations this year totaling \$3,865 to be utilized within the Library for the intended purpose.
- The Fire Department has received \$500 in donations, and will be used for community fire program efforts.
- The Community Recreation and Economic Development Office applied for and received a Virginia Tourism Corporation (VTC) grant totaling \$30,000, which will be utilized as follows:
 - \$3,500 to upgrade the current visitpoquoson.com website, which is used to promote city activities and events, Poquoson businesses and community groups.
 - \$14,225 towards the Kick-Off Summer Event in June 2023, which will include fireworks, live music and other community activities.
 - \$7,875 to enhance the promotional videos for the Office of Economic Development in an effort to increase visitation and economic activity within the City.
 - \$4,400 for support of Poquoson Museum events, such as Haunts of Poquoson and America Goes to War. These funds would create a digital advertising footprint for the Poquoson Museum in an effort to increase tourism in the area.
- The City has recognized \$50,000 in additional interest income this year and would like to use towards the following:
 - \$16,000 towards the Kick-Off Summer Event in June 2023 to enhance the fireworks and community activities.
 - \$34,000 is needed for a sand filter replacement at the Municipal Pool, which has exceeded its useful life and needs replacement prior to this pool season.

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

WHEREAS, the Library received an additional \$3,865 of additional donations to be used for various programs, and

WHEREAS, the Fire Department received an additional \$500 of additional donations to be used for community fire program efforts, and

WHEREAS, the Community Recreation and Economic Development Office has received a Virginia Tourism Corporation (VTC) grant in the amount of \$30,000 for upgrades and improvement to the website, promotional video and materials, Kick-Off Summer Event in June 2023 and to support Poquoson Museum events, and

WHEREAS, the City has recognized \$50,000 in additional interest income this year and will be used towards the Kick-Off Summer Event in June 2023 to enhance the fireworks and community activities and replacement of the sand filter at the Municipal Pool, and

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

Section 1: That an additional \$84,365 in revenues in the General Fund be and the same hereby are appropriated within the Fiscal Year 2023 Budget as follows:

GENERAL FUND

Revenue:	
Interest Revenue	\$50,000
State Revenue	30,000
Miscellaneous Revenue – Donations	<u>4,365</u>
Total Revenues	<u>\$84,365</u>
Expenditures:	
Library	\$3,865
Fire	500
Economic Development	15,775
Parks – Events	30,225
Parks – Pool	<u>34,000</u>
Total Expenditures	<u>\$84,365</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

POLICE DEPARTMENT

774 POQUOSON AVENUE, POQUOSON, VIRGINIA 23662

February 27, 2023

TO: City Council

THROUGH: Randy Wheeler, City Manager

FROM: Stephen E. Keatts, Chief of Police

SUBJECT: Ordinance for Fiscal Year 2023 for General Fund – Byrne Justice Assistance Grant Funding (Police Department)

The Byrne Justice Assistance Grant Program (JAG) makes federal funds available to localities to help support their efforts to reduce crime and improve public safety. The Virginia Department of Criminal Justice Services has been designated to administer a portion of the JAG funds reserved for Virginia and to make those funds available to local units of Government.

The Federal Fiscal Year 2022 JAG funds have been allocated. On February 8, 2023, we were notified by the Department of Criminal Justice Services of an award of \$2,520 from the Fiscal Year 2022 funds.

In our continued efforts to improve our service to the community in preventing and reducing crime, and improving officer and community safety the Poquoson Police Department will use these funds for the acquisition of new flashlights to improve visibility in low light situations.

Attached for consideration is an ordinance authorizing the City Manager to receive and appropriate these grant funds in Fiscal Year 2023.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BYRNE JUSTICE ASSISTANCE GRANT AND MAKING ADDITIONAL APPROPRIATIONS FOR FISCAL YEAR 2023 FOR GENERAL FUND

WHEREAS, the Byrne Justice Assistance Grant makes federal funds available to localities to help support their efforts to reduce crime and improve public safety, and

WHEREAS, the Virginia Department of Criminal Justice Service has been designated to administer the federal funds to local units of government, and

WHEREAS, the City of Poquoson Police Department was notified on February 8, 2023 by the Virginia Department of Criminal Justice Services of an award of \$2,520 from the Federal Fiscal Year 2022 funds and,

WHEREAS, the Police Department seeks to continue improving service to the community through preventing and reducing crime and improving officer and community safety, and

WHEREAS, the Police Department will utilize the funds to acquire new flashlights for officers.

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

Section 1: That the City Manager is hereby authorized to accept funding in the amount of \$2,520 for the Byrne Justice Assistance Grant Program through the Virginia Department of Criminal Justice Service.

Section 2: That an additional \$2,520 in General Fund be and the same hereby are appropriated within the Fiscal Year 2023 Budget as follows:

GENERAL FUND

Revenues:

Federal Grant

\$2,520

Expenditures:

Police Department

\$2,520

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