

1. City Council Agenda March 13, 2023

Documents:

REGULAR SESSION MEETING AGENDA 3-13-23.PDF
REGULAR SESSION MINUTES 2-27-23.PDF
RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT-PEMBROKE CONST..PDF
RESOLUTION MAKING AN APPOINTMENT TO THE COLONIAL COMMUNITY
CRIMINAL JUSTICE BOARD.PDF
RESOLUTION MAKING AN APPOINTMENT TO THE PLANNING
COMMISSION.PDF
RESOLUTION MAKING AN APPOINTMENT TO THE WETLANDS BOARD.PDF
RESOLUTION MAKING APPOINTMENTS TO THE PARKS AND RECREATION
ADVISORY BOARD.PDF
RESOLUTION MAKING AN APPOINTMENT TO THE WORKFORCE
DEVELOPMENT CONSORTIUM.PDF

**POQUOSON CITY COUNCIL
REGULAR SESSION MEETING
MONDAY, MARCH 13, 2023, 7:00 P.M.**

A. MEETING CALLED TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE – Vice Mayor Freeman

C. SPECIAL PRESENTATION

- **Charity Gavaza, Economic Development – Restaurant Week**

D. AUDIENCE FOR VISITORS

E. APPROVAL OF THE MINUTES

- (a) Regular Session February 27, 2023**

F. NEW BUSINESS

- 1. Resolution Authorizing the City Manager to Enter into a Contract with Pembroke Construction Company, Inc.**
- 2. Resolution Making an Appointment to the Colonial Community Criminal Justice Board**
- 3. Resolution Making an Appointment to the Planning Commission**
- 4. Resolution Making an Appointment to the Wetlands Board**
- 5. Resolution Making Appointments to the Parks and Recreation Advisory Board**
- 6. Resolution Making an Appointment to the Workforce Development Consortium**

G. COMMENTS OF THE CITY MANAGER

H. COUNCIL DIRECTIVES

I. ADJOURNMENT

MINUTES OF THE CITY COUNCIL MEETING
February 27, 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 Keith A. Feigh
The Honorable Alison Fox

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

ABSENT: The Honorable Jana D. Andrews

MEETING CALLED TO ORDER:

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Councilman Hux rendered the invocation and led the audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS:

- Jim Noel, Director of Eastern Virginia Regional Industrial Facility Authority (EVRIFA) Board, presented information on current participating localities and what EVRIFA does to improve the Economic Development of Eastern Virginia. Mr. Noel spoke to the creation of EVRIFA, the Alliance's administrative support and ongoing projects.
- Mayor Helsel recognized Danny Diggs, retired York/Poquoson Sheriff, for his many years of service to the City of Poquoson and York County and wished him well in his retirement and bid for Virginia Senate.

AUDIENCE FOR VISITORS:

None

APPROVAL OF THE MINUTES:

Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt the minutes of the Regular Session held January 23, 2023 as amended. Recorded vote on the motion:

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

NO: None

PUBLIC HEARING:

- 1. Resolution to Approve 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**

Principal Planner, Thomas Cannella, presented a request for a Conditional Use Permit at 789 Poquoson Avenue to operate as a storage yard for business vehicles.

Mayor Helsel opened the Public Hearing.

Applicant, Mr. Caleb Howard of 8 Rhodelia Lane, spoke in favor of approval of the Conditional Use Permit stating he lives in the City but has been storing his business vehicles in York County.

Having no more speakers the Public Hearing was closed.

Vice Mayor Freeman moved, seconded by Councilman Southall to adopt a Resolution to Approve 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. Recorded vote on the motion:

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

NO: None

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**

City Attorney, Wayne Moore, explained that this is the most recent settlement amongst several settlements that the City can choose to participate in.

Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt 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. Recorded vote on the motion:

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

NO: None

2. Resolution Authorizing the Submission of a FY2022 SAFER Grant for the Hiring of Six Firefighters

Battalion Chief, Joe Breeden, presented a resolution for approval to make application for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant. Mr. Breeden explained that this grant would provide funding for six personnel for a period of three years. The SAFER grant is offered through the Federal Emergency Management Agency (FEMA) 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.

Councilman Feigh moved, seconded by Vice Mayor Freeman, to adopt a Resolution Authorizing the Submission of a FY2022 SAFER Grant for the Hiring of Six Firefighters. Recorded vote on the motion:

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

NO: None

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

Finance Director, Tara Woodruff, reviewed funding made available by Congestion Mitigation and Air Quality (CMAQ) in 2019 for the construction of the South Lawson Multi-Use Path and the process that has been completed to obtain the funding. Mrs. Woodruff explained that VDOT has informed the City that a local match of \$33,424 will be required for VDOT oversight and contingencies. Mrs. Woodruff presented an ordinance for the appropriation of 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 and a request to authorize the City Manager to enter into contract with Pembroke Construction.

Councilman Feigh moved, seconded by Councilman Southall, to adopt an 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. Recorded vote on the motion:

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

NO: None

4. 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 \$84,365 in additional revenue. The Library received additional donations totaling \$3,865 that will be utilized within the Library for the intended purpose. The Fire Department received \$500 in donations and it 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 \$3,500 will be to upgrade the visitpoquoson.com website, \$14,225 toward the Kick-Off Summer Event in June 2023, \$7,875 to enhance promotional videos for the Office of Economic Development and \$4,400 for support of Poquoson Museum events. The City has recognized \$50,000 in additional interest income and request

\$16,000 towards the Kick-Off Summer Event in June 2023, \$34,000 for a sand filter replacement at the Municipal Pool which has been in place close to forty years.

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

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

NO: None

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

Police Chief, Stephen Keatts, presented the Byrne Justice Assistant Grant Program (JAG) has awarded \$2,520 to the Police Department which would be utilized to purchase new flashlights to improve visibility in low light situations.

Councilman Feigh moved, seconded by Vice Mayor Freeman, to adopt an Ordinance for Fiscal Year 2023 for General Fund – Byrne Justice Assistance Grant Funding (Police Department). Recorded vote on the motion:

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

NO: None

COMMENTS OF THE CITY MANAGER:

City Manager, Randy Wheeler, acknowledged and thanked Dave Callis and Gretchen Gochenour for their work on the upcoming June event and for their work on the grant the City received from the Virginia Tourism Association. Mr. Wheeler also expressed his appreciation to Vice Mayor Freeman and Councilman Hux for their participation with EVRIFA. Mr. Wheeler gave an update on the South Lawson Park project stating that procurement for the Basketball Court followed by bathrooms is in the process. He also gave an update on the Wythe Creek Road widening project stating with the assistance of Hampton and VDOT, the City was successful in obtaining funds for this project and it is anticipated to begin by the end of the year.

COUNCIL DIRECTIVES:

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 thanked staff and department heads for utilizing the grant funds that are available to save the citizens money.

Councilman Hux thanked Jim Noel from EVRIFA for coming in and making his presentation.

Councilman Feigh reminded everyone of the Food Bank on Tuesday, February 28, 2023 and encouraged everyone to come out to the Municipal Building.

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 Southall, Hux, Fox, Feigh, Vice Mayor Freeman and Mayor Helsel

NO: None

The meeting was adjourned at approximately 8:08 p.m.



CITY OF POQUOSON
DEPARTMENT OF PUBLIC WORKS

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

March 13, 2023

TO: City Council

THROUGH: Randy Wheeler, City Manager

FROM: John Anderson, Public Works Director

SUBJECT: **Resolution Authorizing the City Manager to Enter into a Contract with Pembroke Construction Company, Inc.**

The City solicited bids for concrete work within the City limits and four responses were received. Pembroke Construction Company, Inc. was the lowest, most responsible bidder that meets the needs of the City. The period of this contract is for two (2) years with three (3) one-year renewals. The two (2) year estimate for the concrete work is \$174,000. The source funding will be the allocation from VDOT which will be included in the FY24 Recommended Budget that will be released next month.

Attached for your consideration is a resolution authorizing the City Manager to enter into a contract with Pembroke Construction Company, Inc. for concrete work within the City limits since the amount of the contract amount is over the City Manager's authorization.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PEMBROKE CONSTRUCTION COMPANY, INC.

WHEREAS, an Invitation for Bid was issued on February 8, 2023 for concrete work, within the City limits, and four bids were received and carefully and thoroughly reviewed; and

WHEREAS, the period of this contract is for two (2) years with three (3) on year renewals; and

WHEREAS, the two (2) year estimate for the concrete work is \$174,000

WHEREAS, Pembroke Construction Company, Inc. was determined to be the lowest, most responsible bidder; and

WHEREAS, it has been determined that Pembroke Construction Company, Inc. meets the needs of the City.

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

Section 1: That the City Manager is hereby authorized to do all things necessary to enter into a two-year contract with Pembroke Construction Company, Inc. for concrete work within the City with an option to renew annually for up to three additional (3) years.

Section 2: That this resolution 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

March 13, 2023

To: City Council

From: City Clerk

Subject: Resolution Making an Appointment to the Colonial Community Criminal Justice Board

Presented for your consideration is a resolution making an appointment to the Colonial Community Criminal Justice Board. The appointment is necessary as current Chief Magistrate Rana Navarrete has been promoted.

This appointment is a mandated position which is regulated by the Joint Exercise of Power Agreement and the Code of Virginia. Virginia Peninsula Regional Jail currently serves on the Board and has requested to appoint Chief Magistrate, Deborah Lott to finish the term.

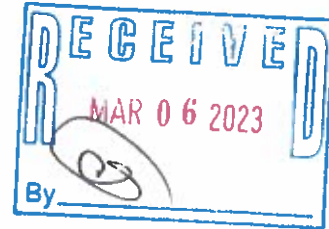


Colonial Community Criminal Justice Board

4093 Ironbound Road, Suite B
Williamsburg, Virginia 23188
Telephone: (757) 564-2464
Fax: (757) 229-8963

March 2, 2023

Poquoson City Council
City of Poquoson
500 City Hall Ave.
Poquoson, Virginia 23662-1996



RE: Appointment Request

To the Members of the Council:

The Colonial Community Justice Board (CCCJB) diligently attempts to maintain an active membership, with equal representation by all the localities, while fulfilling the mandated positions regulated by the Joint Exercise of Powers Agreement and the *Code of Virginia*. We are grateful that previous and current members of the Board have contributed greatly and their expertise has been outstanding.

Current CCCJB member, Chief Magistrate Rana Navarrete, was appointed by the Poquoson City Council as one of its four CCCJB representatives and has been promoted to a different position. The Code of Virginia (9.1-178) requires the Chief Magistrate for our region to be appointed to the Criminal Justice Board. In order for the CCCJB to comply with member mandates set forth in the *Code of Virginia*, we respectfully request that the City of Poquoson appoint new **Chief Magistrate Deborah Lott** to serve the unexpired term through March 31, 2024. We are confident her expertise will continue to be a great addition to the CCCJB. Her contact information is: Chief Magistrate Deborah Lott, (**office address and phone have not been decided**), Email: dlott@vacourts.gov

Please confirm this CCCJB reappointment request for your locality directly to Jack Fitzpatrick, Criminal Justice Planner for Colonial Community Corrections. Documents pertaining to the appointment may be sent to the above address. Should you have any questions or need to speak with me about this appointment, please call or email me at (757) 564-2464, or Jack.Fitzpatrick@jamescitycountyva.gov.

Thank you for your timeless commitment to the CCCJB. We look forward to continuing our collaboration toward enhancing and promoting the safety and well-being of our citizens through effective, efficient administration of criminal and juvenile justice services.

With regards,

Jack Fitzpatrick, Criminal Justice Planner
Colonial Community Criminal Justice Board

**RESOLUTION MAKING APPOINTMENTS TO
THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD**

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

Section 1: That the following person be and the same hereby are appointed to the Colonial Community Criminal Justice Board for the terms indicated:

<u>Names</u>	<u>Term Expires</u>
Deborah Lott	March 31, 2024

Section 4: 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

March 13, 2023

To: City Council

From: City Clerk

Subject: Resolution Making an Appointment to the Planning Commission

Presented for your consideration is a resolution making an appointment to the Planning Commission.

Kevin V. Brennan who served the Central precinct since November 30, 2018 was up for reappointment in November and did not want to be considered for reappointment. At the December 12, 2022 Council postponed this appointment until an application of interest was received.

Heather McClelland-Schott (Central) has submitted a Board Bank Application and would like to be considered. This recommendation has been made in accordance with the Boards and Commissions Standard Operating Procedure (SOP) that was adopted on April 25, 2022.

**RESOLUTION MAKING AN APPOINTMENT
TO THE PLANNING COMMISSION**

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 the Planning Commission for the term indicated:

<u>Name</u>		<u>Term Expire</u>
Heather McClelland-Schott	Central	November 30, 2026

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

March 13, 2023

To: City Council

From: City Clerk

Subject: Resolution Making an Appointment to the Wetlands Board

Presented for your consideration is a resolution making an appointment to the Wetlands Board

Sally Smith who serves since February 2006 turned her resignation in on January 10, 2023.

Kara Ankeney has submitted a Board Bank Application and would like to be considered. This recommendation has been made in accordance with the Boards and Commissions Standard Operating Procedure (SOP) that was adopted on April 25, 2022

**RESOLUTION MAKING APPOINTMENTS
TO THE WETLANDS 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 the Wetlands Board for the term indicated:

<u>Name</u>		<u>Term Expires</u>
Kara Ankeney	At Large	February 28, 2026

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

March 13, 2023

To: City Council

From: City Clerk

Subject: Resolution Making Appointments to the Parks and Recreation Advisory Board

Presented for your consideration is a resolution making an appointment to the Parks and Recreation Advisory Board. Due to the January 11, 2023 resignation of Anna Ward (Eastern) with a term expiration of March 31, 2023. Jeanne Hubbard (Western) has served since November 2022 and would like to be considered for re-appointment.

Sara Watkins (Eastern) has submitted a Board Bank Application and would like to be considered.

These recommendations have been made in accordance with the Boards and Commissions Standard Operating Procedure (SOP) that was adopted on April 25, 2022.

**RESOLUTION MAKING APPOINTMENTS
TO THE PARKS AND RECREATION 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 the Parks and Recreation Advisory Board for the term indicated:

<u>Name</u>		<u>Term Expire</u>
Jeanne Hubbard	Western	March 31, 2026
Sara Watkins	Eastern	March 31, 2026

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**

March 13, 2023

To: City Council

From: City Clerk

Subject: Resolution Making Appointment Workforce Development Consortium

Presented for your consideration is a resolution making an appointment to the Workforce Development Consortium. This is an annual appointment of elected official from the local governing body. The Mayor has recommended Vice Mayor Freeman to replace former Councilman Green in this position.

**RESOLUTION MAKING APPOINTMENTS
TO WORKFORCE DEVELOPMENT CONSORTIUM**

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

Section 1: That the following person be and the same hereby is appointed to the Workforce Development Consortium for the term indicated:

<u>Name</u>	<u>Terms Expire</u>
Carey L. Freeman	June 30, 2023

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

ADOPTED: _____

TESTE: _____
City Clerk