

1. City Council Work Session And Regular Session 4-24-23

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**AGENDA  
POQUOSON CITY COUNCIL  
WORK SESSION  
MONDAY, APRIL 24, 2023  
COUNCIL CHAMBERS  
6:30 P.M.**

- 1. Joint Meeting with the School Board – Budget**
- 2. FY2024 Annual Financial Plan**

**POQUOSON CITY COUNCIL  
REGULAR SESSION MEETING  
MONDAY, APRIL 24, 2023, 7:00 P.M.**

**A. MEETING CALLED TO ORDER**

**B. INVOCATION AND PLEDGE OF ALLEGIANCE – Councilman Hux**

**C. AUDIENCE FOR VISITORS**

**D. APPROVAL OF THE MINUTES**

- (a) Work Session April 10, 2023
- (b) Regular Session April 10, 2023

**E. PUBLIC HEARINGS**

**1. Proposed FY2024 Annual Financial Plan (1<sup>st</sup> Reading)**

- (a) Public Hearing  
(No action required)

**2. Proposed FY2024 Real Property Tax Rate (1<sup>st</sup> Reading)**

- (a) Public Hearing  
(No action required)

**F. NEW BUSINESS**

**1. Resolution Making an Appointment to the Parks and Recreation Advisory Board**

**2. Resolution Directing that Public Notice be Given of Council's Intent to Receive Bids for the Sale of Publicly Owned Property Located Within the Unimproved Portion of .77 Acres Located in the Middle of the Legacy Community**

**G. COMMENTS OF THE CITY MANAGER**

**H. COUNCIL DIRECTIVES**

**I. ADJOURNMENT**

**MINUTES OF THE CITY COUNCIL MEETING**  
**April 10, 2023 6:15 P.M.**  
**WORK SESSION**  
**Council Chambers**

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

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

Kristi Schultz, Parks and Recreation Advisory Board Chair  
Robert Chiera, Jr., Parks and Recreation Advisory Board Member  
Jeanne Hubbard, Parks and Recreation Advisory Board Member  
Sara Watkins, Parks and Recreation Advisory Board Member  
Stephen Forrest, Parks and Recreation Advisory Board Member  
Jennifer Mulrine, Parks and Recreation Advisory Board Member  
Judith Mas'Sey, Parks and Recreation Advisory Board Member

**ABSENT:** None

Mayor Helsel opened the work session at approximately 6:15 p.m. in Council Chambers.

**1. Joint Meeting with the Parks and Recreation Advisory Board – Two Tree Park**

Kristi Schultz, Chairperson for the Parks and Recreation Advisory Board, presented results from community input on proposed recreational amenities at Two Tree Park. Ms. Schultz recommended a phased approach with Phase One to introduce this space to the community which would include a walking trail, picnic area and an ADA compliant parking area with a bike rack. Subsequent proposed phases will continue to refine the vision for recreational pursuits and will be mindful of its residential surroundings. Other recommendations received from community input would be a blacktop/basketball area, green space, dog park, frisbee golf and others. Estimated cost for Phase One would be approximately \$15,000 for a 60x60 ADA friendly gravel parking lot for 10 cars, \$500 for one bike rack for 10 bikes, \$22,000 for a 20x20 concrete and wood shelter with picnic tables, \$32,880 for grading, fabric liner, crush and run gravel and labor for the walking trail, \$500-\$1,000 for signage, \$400-\$800 each for trash cans and \$300 each for dog waste stations. The community has also advocated for fitness equipment, park benches and additional picnic shelters in future phases. Ms. Schultz stated that the Advisory

Board would continue to research the best use of the property in conjunction with the community.

Councilman Feigh recommended to also consider the “older” children, 13-17 year old range, so that it will include something for all ages to enjoy.

**ADJOURNMENT:**

There being no further business, the work session was adjourned at 6:34 p.m.

**MINUTES OF THE CITY COUNCIL MEETING**

**April 10, 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:**

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

**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 March 27, 2023 as submitted. Recorded vote on the motion:

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

**NO:** None

**PUBLIC HEARING:**

**1. Recommended Constrained Capital Improvement Plan for Fiscal Years 2024-2028 and Beyond**

Assistant City Manager, Tonya O’Connell, presented the Recommended Constrained Capital Improvement Plan (CCIP) for Fiscal Years 2024 – Beyond 2028. Mrs. O’Connell stated the CCIP was approved by the Planning Commission by a vote of 6-0 at its March 20, 2023 meeting and she reviewed status updates on previously approved projects that are currently in process or have been completed.

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

Vice Mayor Freeman moved, seconded by Councilwoman Andrews, an Ordinance to Approve the Constrained Capital Improvements Plan (CCIP) for Fiscal Years 2024-Beyond 2028. Recorded vote on the motion:

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

**NO:** None

**NEW BUSINESS:**

**1. Recommended Budget for Fiscal Year (FY) 2024**

City Manager, Randy Wheeler, presented the Recommended Budget for Fiscal Year (FY) 2024 starting with a review of the current fiscal year and the City's overall financial position. He stated despite lingering effects of the public health emergency, high inflation rates and other economic challenges, the City's overall financial position remains strong. Mr. Wheeler reviewed the significant issues to consider for FY2024 include continued high inflation and the possibility of a recession beginning later this year, significant hiring challenges, particularly in Police and employee retention. He stated that the schools are facing similar wage, recruitment and retention challenges. In FY2024, the City anticipates awarding the construction contract for the Public Safety Building and replacing a medic unit and ladder truck for the Fire Department as well as new/replacement vehicles for the Police Department. Mr. Wheeler advised that the General Assembly has not yet completed its work on the State FY2024 Budget, which adds an additional level of uncertainty to budgetary planning.

Mr. Wheeler stated that FY2024 is a Real Estate Reassessment Year and the City Assessor is estimating an average increase in real property values of approximately 12% and to partially offset the impact of the increase in assessed value with a two-cents decrease in the tax rate from \$1.13/\$100 to \$1.11/\$100. He also stated that the personal property tax rate remains stable. Last year Council approved a one-time reduction to the tax collection ratio of 10%, the temporary spike in used car values in tax year 2022 is rapidly receding and, for this reason, there is no rate reduction recommended for tax year 2023.

Mr. Wheeler gave a FY2024 budget overview of the General Fund Recommended Budget of \$36,838,529, which is a 5.1% increase over the FY2023 Amended Budget. Strategic focus area #1 is Public Education which the Recommended Budget fully funds and exceeds the School Board's budget request. Strategic area #2 is Public Safety which the Recommended Budget includes funding 3 additional Police Officer positions as well as cars and equipment. The budget also contains a part-time temporary Construction Manager position for the planned Public Safety Building. It is also recommended to increase the advanced EMS supplement paid to both Fire and Police Department personnel by 50%. He reviewed that the City recently applied for six Firefighter positions through the federal SAFER grant process to meet applicable National Fire Protection Association (NFPA) staffing standard, should the City not be successful in securing this grant, the Recommended Budget is structured to provide a resource bundle to allow the Council to consider adding a limited number of positions at the mid-year review. Strategic focus area #3 is Quality of Life which contains "permanent" funding for the June Parks and Recreation Community Block Party and anticipated completion of the South Lawson Park projects, Strategic Focus Area #4 is Quality of Services which contains increasing employee compensation with a 7% pay adjustment for all permanent full-time and part-time employees to help ensure the continued recruitment and retention of quality staff members. Strategic focus area #5

is Fiscal Stability which includes a proposed rate increase to the solid waste fee to properly reflect the requirements of the Solid Waste Fund. This would also include a proposed rate decrease in the sewer service fee by the same amount in the Sewer Fund so that the cost to the citizens remains stable.

Mr. Wheeler reviewed that on April 24, 2023 there will be a Joint Work Session with the School Board, Budget Public Hearing and Proposed Tax Rate Hearing. The scheduled budget adoption will be May 8, 2023. Copies of the Recommended Budget are available online, in the Library, City Manager's Office and Finance Office.

**CLOSED SESSION:**

- 1. Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia (1950), as amended to discuss acquisition of real property for a public purpose**

Vice Mayor Freeman moved, seconded by Councilman Southall, to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia (1950), as amended, to discuss acquisition of real property for a public purpose. Recorded vote on the motion:

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

**NO:** None

**COMMENTS OF THE CITY MANAGER:**

City Manager, Randy Wheeler, stated that a new Fire Chief has been selected, Deputy Chief Michael Bryant has been selected and accepted the position. He will be replacing Robert Holloway who will retire at the end of April and is the last working staff member from the Town of Poquoson and he has served 48 years with the City. There will be a retirement lunch for Chief Holloway on April 26, 2023 at noon at Fire Station 1. Mr. Wheeler also thanked Police, Public Works and Dominion Power for their work during the power outage last week due to an issue at the Legacy Project. Mr. Wheeler also thanked everyone involved and in attendance at the Easter Egg event at the Municipal Building including Parks and Recreation, Emmaus Baptist Church, high school students and many other volunteers for a successful event even though the weather was a challenge. He also announced that the new Schooner's Restaurant has an opening date of May 2, 2023 and requested patience while they are handling the demand.



**COUNCIL DIRECTIVES:**

Councilwoman Fox thanked Mr. Wheeler and Mayor Helsel and stated that she has learned a lot.

Councilman Feigh stated on April 5, 2023 he attended the Langley Civic Leader Association lunch with Charity Gavaza and he learned a lot about what they do.

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 the Parks and Recreation Advisory Board for their work on the Two Tree Park project. Councilman Southall also thanked Mr. Wheeler and his staff for their work on the proposed budget. He also congratulated Michael Bryant on his promotion to Fire Chief and Chief Robert Holloway on his retirement.

Vice Mayor Freeman stated that we live in a City with increased property values and that is good even though it raises taxes a little bit but it is better than localities with deteriorating property values. He also stated we live in a safe city with great Police, Fire and EMS who keep us safe, Public Works who keep the City clean and streets maintained. We have great Schools and Library and Parks and Recreation has wonderful programs for all ages and this is great place to live. He also recognized several high school students who are in Colorado Springs, CO participating in the Junior Olympics in shooting events.

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

**NO:** None

The meeting was adjourned at approximately 8:50 p.m.



# CITY OF POQUOSON

FINANCE DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996

April 24, 2023

**TO:** City Council

**THROUGH:** Randy Wheeler, City Manager

**FROM:** Tara Woodruff, Finance Director

**SUBJECT:** **Public Hearings on Proposed Fiscal Year 2024 Financial Plan and Tax Levies and Fees**

Public hearings have been advertised for this meeting on the Fiscal Year 2024 Proposed Financial Plan and Tax Levies and Fees. Enclosed in your agenda for review, on first reading, are:

- Ordinance setting the tax rate for real estate.
- Ordinance setting the tax rate for personal property.
- Ordinance updating Chapter 82, Article II, Section 82-40 relating to the decrease in the sewer service fees and to reflect the current combined income utilized by the City to exempt qualified applicants for reduced fees.
- Ordinance updating Chapter 66, Article II, Section 66-42 and Article III, Section 66-63 relating to the increase in the solid waste fees and to reflect the current combined income utilized by the City to exempt qualified applicants for reduced fees based on the annual adjustment as determined by Section 66-63 (c).
- Ordinance appropriating the funds by the Fiscal Year 2024 Proposed Annual Financial Plan.

As per State Code, the first reading of the FY 2024 Annual Financial Plan and the Proposed FY 2024 Tax Levies and Fees must be heard separately. The Fiscal Year 2024 Budget and Tax Levies and Fees are scheduled to be adopted at the May 8, 2023 City Council meeting.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO LAY A \$1.11 LEVY PER \$100.00 ASSESSED VALUE ON ALL REAL ESTATE IN THE CITY OF POQUOSON, VIRGINIA, FOR THE GENERAL OPERATION OF THE VARIOUS DEPARTMENTS OF THE CITY GOVERNMENT**

**WHEREAS**, after careful consideration of the operation of the various departments of the City government of Poquoson for the Fiscal Year 2024, it is deemed necessary that a levy of \$1.11 on each \$100.00 of assessed property values be laid on all real estate within the City of Poquoson, Virginia for the support of said departments.

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

**Section 1:** That on and after the 1<sup>st</sup> day of July 2023, all real estate, situated within the Corporate Limits of the City of Poquoson, Virginia, shall be and by this ordinance is, subject to levy in the sum of \$1.11 on each \$100.00 of assessed valuation of all such property standing in the name of all individuals, firms or corporations, whether or not residing within the Corporate Limits of the City of Poquoson, Virginia as of the 1<sup>st</sup> day of July 2023.

**Section 2:** That all revenues collectible as a result of this ordinance shall be collected by the agent or agents of the City of Poquoson, Virginia, in the same manner and subject to the same penalties as is now provided by law, and any amendment thereof, and all revenues collected by the agents of the City of Poquoson, Virginia, by levies shall be remitted to the Treasurer of the City of Poquoson, Virginia, and used for the purpose of supporting the various departments and functions of the City of Poquoson, Virginia.

**Section 3:** That all fines collected under this ordinance shall go into the General Fund of the City.

**Section 4:** That this ordinance shall be in effect on and after July 1, 2023.

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

TESTE: \_\_\_\_\_

City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO LAY A \$4.15 LEVY ON ALL PERSONAL PROPERTY,  
A \$.00001 LEVY ON ALL WATERCRAFT, A \$1.50 LEVY ON ALL PRIVATELY  
OWNED CAMPING TRAILERS AND MOTOR HOMES,  
AND A \$1.11 LEVY ON ALL VEHICLES WITHOUT MOTIVE POWER,  
USED OR DESIGNED TO BE USED AS MANUFACTURED HOMES  
IN THE CITY OF POQUOSON, VIRGINIA,  
FOR THE GENERAL OPERATION OF THE VARIOUS  
DEPARTMENTS OF THE CITY GOVERNMENT**

**WHEREAS**, after careful consideration of the operation of the various departments of the City government of Poquoson for the Fiscal Year 2024, it is deemed necessary to lay a levy of \$4.15 on each \$100.00 of assessed value on all Tangible Personal Property and Machinery and Tools, a levy of \$.00001 on each \$100.00 of assessed value on all watercraft, a levy of \$1.50 on each \$100.00 of assessed value on all camping trailers and motor homes, and a levy of \$1.11 on each \$100.00 of assessed value on all vehicles without motive power, used or designed to be used as manufactured homes, within the City of Poquoson for the support of said departments.

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

**Section 1:** That on and after the 1<sup>st</sup> day of January 2024 all Tangible Personal Property and Machinery and Tools situated within the Corporate Limits of the City of Poquoson, Virginia, shall be and by this ordinance are, subject to levy in the sum of \$4.15 on each \$100.00 of assessed valuation of all such Tangible Personal Property, Machinery, Tools and Public Service Corporations standing in the name of all individuals, firms or corporation, whether or not residing within the Corporate Limits of the City of Poquoson, as of the 1<sup>st</sup> day of January 2024.

**Section 2:** That on and after the 1<sup>st</sup> day of January 2024, all watercraft situated within the Corporate Limits of the City of Poquoson, Virginia, shall be and by this ordinance are, subject to levy in the sum of \$0.00001 on each \$100.00 of assessed valuation standing in the name of all individuals, firms or corporations, whether or not residing within the Corporate Limits of the City of Poquoson, as of the 1<sup>st</sup> day of January 2024.

**Section 3:** That on and after the 1<sup>st</sup> day of January 2024, all privately owned camping trailers and motor homes as defined in Section 46.2-100 of the Code of Virginia (1950), as amended which are used for recreational purposes only situated within the Corporate Limits of the City of Poquoson, Virginia, shall be and by this ordinance are, subject to levy in the sum of \$1.50 on each \$100.00 of assessed valuation standing in the name of all individuals, firms or corporations, whether or not residing within the Corporate Limits of the City of Poquoson, as of the 1<sup>st</sup> day of January 2024.

**Section 4:** That on and after the 1<sup>st</sup> day of January 2024, all vehicles without motive power, used or designed to be used as manufactured homes as defined in Section 36-85.3 of the Code of Virginia (1950), as amended situated within the Corporate Limits of the City of Poquoson, Virginia shall be and by this ordinance are, subject to levy in the sum of \$1.11 on each \$100.00 of assessed valuation standing in the name of all individuals, firms or corporations, whether or not residing within the Corporate Limits of the City of Poquoson, as of the 1<sup>st</sup> day of January 2024.

**Section 5:** That all revenue collectible as a result of this ordinance shall be collected by the agent or agents of the City of Poquoson, Virginia, in the same manner and subject to the same penalties as is now provided by law, and any amendment thereof, and all revenues collected by the agents of the City of Poquoson, Virginia, by levies shall be remitted to the Treasurer of the City of Poquoson, Virginia, and used for the purpose of supporting the various departments and functions of the City of Poquoson.

**Section 6:** That all fines collected under this ordinance shall go into the General Fund of the City.

**Section 7:** That the tax rates established herein shall continue until changed by City Council.

**Section 8:** That this ordinance shall be in effect on and after July 1, 2023.

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

TESTE: \_\_\_\_\_

City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 82, ARTICLE II, SECTION 82-40  
SCHEDULE OF SEWER RATES AND CHARGES OF THE CODE OF  
ORDINANCES OF THE CITY OF POQUOSON, VIRGINIA**

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

**Section 1:** That Chapter 82, Article II, Section 82-40 (b) of the Code of Ordinances of the City of Poquoson, Virginia be amended to read as follows:

**CHAPTER 82 – UTILITIES**

**ARTICLE II – SEWER SERVICE**

**Section 82-40 (b). Sewer service charges.**

- (1) The charges for sewer service furnished by the city shall be as follows:
  - a. Single-family residential units, ~~\$58.00~~ \$53.00 bi-monthly.
  - b. Two-family and multiple-family residential units, trailer parks and other residential units not otherwise provided for, ~~\$58.00~~ \$53.00 bi-monthly per dwelling unit.
  - c. Business, commercial or industrial units, ~~\$58.00~~ \$53.00 bi-monthly per unit plus \$1.75 per 100 cubic feet of water consumption. Upon application to the city, the volume of water consumption used to calculate a business' bi-monthly service charge will be reduced by the volume of water which flows through an approved water submeter. An additional bi-monthly fee of \$10.00 will be charged for those businesses for which such application is approved.
  - d. Multitenant buildings, ~~\$58.00~~ \$53.00 bi-monthly plus \$1.75 per 100 cubic feet of water consumption.
- (2) The charges prescribed by this section shall apply to all units available to sewer, whether in use or not, except for those units which have been demolished or condemned by the building official and shall be billed to and paid by the owner of any such unit, commencing, except as provided in section 82-32(d)(1)—(3), on the day that the permit to connect to the sewer is obtained or the date the temporary or final occupancy permit is issued by the building official's office, whichever is later. The charges shall be billed to and be the responsibility of the property owner of record on the last day of the last month of the bi-monthly assessment. Upon written request from the owner of residential property only, the bill may be mailed to the occupant; however, this will not relieve the owner of the ultimate responsibility for the charges.

(3) Except for charges incurred on or before June 30, 2012, the sewer service charges prescribed by this section shall be assessed as of February, April, June, August, October and December and are due by the last day of the last month of the bi-monthly assessment. Charges which remain unpaid five days after the bill due date will be assessed a penalty of \$5.00. Interest shall also accrue on the unpaid charge at the rate of one percent per month. Any unpaid charges shall become a lien on the real property to which the sewage disposal service is provided and to which the sewer service charge is assessed, ranking on a parity with liens for unpaid taxes. If the sewer service charge prescribed by this section remains unpaid 65 days after the first day of the billing cycle, water service to the premises may be discontinued. After service has been discontinued, it shall not be restored until all applicable fees and outstanding sewer service charges, interest and penalties have been paid.

The fees to be charged for water disconnection and meter removal shall be equal to the cost the city incurs to have the water disconnected or water removed.

(4) The city manager is authorized to promulgate reasonable and necessary rules and regulations for the billing and collection of sewer service charges.

(5) All fees and fines collected under this subsection (b) of this section shall go into the sewer fund of the city.

(6) For those owners of real property whose combined income from all sources, including the owners and owners' relatives residing within the dwelling for the preceding calendar year as evidenced by, but not limited to the federal income tax return for the most recent calendar year, does not exceed ~~\$49,800.00~~ \$53,700.00 and whose net combined financial worth, including equitable interests and interest of whatsoever nature, as of December 31 of the immediately preceding calendar year of the owner(s) and the spouse of the owner(s) excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated shall not exceed \$200,000.00, the bi-monthly sewer service charge fee shall be reduced.

a. The total combined income shall include all income and money received from all sources of the owner and owners' relatives living in the dwelling for which the reduced fee is sought; provided that, \$10,000.00 of income of each person, other than the owner of the property and their spouse, who is living in the dwelling shall not be included in such total.

b. Total combined income and "money received from all sources" shall exclude the first \$10,000.00 which an owner receives as permanent disability compensation.

c. The fees for qualified applicants shall be reduced as follows:

Total Combined Income	Bi-Monthly Sewer Service Charge
<del>\$26,000.00</del> <u>\$29,000.00</u> or less	100%

<del>\$26,001.00 - \$34,000.00</del> \$29,001.00 - \$37,000.00	75%
<del>\$34,001.00 - \$42,000.00</del> \$37,001.00 - \$45,000.00	50%
<del>\$42,001.00 - \$49,800.00</del> \$45,001.00 - \$53,700.00	25%

- (7) Any person approved for a reduction in the bi-monthly sewer service charge pursuant to this article shall file annually, with the city manager's office forms to be supplied by the city, an affidavit setting forth the names of the related persons occupying the real estate, that the total combined net worth, including any persons specified in subsection (b)(6) of this section does not exceed the limits prescribed in subsection (b)(6) of this section. Such affidavit shall be filed on July 1 of the fiscal year for which the reduction is sought.
- (8) Beginning January 1, 2013, the total maximum combined income will be adjusted annually, if necessary, to reflect the consumer price index reflected on January 1 as determined by the federal government rounded to the nearest \$100.00.

**Section 2:** That this ordinance shall be in effect on and after July 1, 2023.

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

TESTE: \_\_\_\_\_

City Clerk



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 66, ARTICLE II, SECTION 66-42  
COLLECTION CHARGES AND CHAPTER 66, ARTICLE III, SECTION 66-63  
EXEMPTION; ELIGIBILITY GENERALLY AND REDUCED COLLECTION  
CHARGES OF THE CODE OF ORDINANCES OF THE CITY OF POQUOSON,  
VIRGINIA**

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

**Section 1:** That Chapter 66, Article II, Section 66-42 and Article III, Section 66-63 of the Code of Ordinances of the City of Poquoson, Virginia be amended to read as follows:

**CHAPTER 66 – SOLID WASTE**

**ARTICLE II – SOLID WASTE MANAGEMENT**

**Section 66-42. Collection charges**

- (a) In order to dispose of their solid waste, residents will be provided a container except as noted in paragraph (b)(3), below. In addition, residents may purchase city disposal bags and place garbage for collection in those bags. Bags may only be used as allowed by section 66-42(b)(3), or after the required container has been filled to capacity. The city will only collect household garbage contained in a city authorized container or in city bags. The city bag shall be filled so as to weigh no more than 50 pounds and shall be securely tied or sealed at the time of collection. The 35-gallon container shall be filled so as to weigh no more than 125 pounds. The 65-gallon container shall be filled so as to weigh no more than 220 pounds. With both containers, the lid must be closed when placed for collection.
- (b) The fee for each 30-gallon city garbage bag will be \$1.75. The fees associated with containers are as follows:

Plan A -35 gallon cart	<del>\$35.00</del> <u>\$40.00</u> /bi-monthly fee
Plan B -65 gallon cart	<del>\$51.00</del> <u>\$56.00</u> /bi-monthly fee
Plan C -(2) 65-gallon cart	<del>\$85.00</del> <u>\$90.00</u> /bi-monthly fee
Plan D -35 gallon cart for homeowners age 65 and older (service every two weeks)	<del>\$25.00</del> <u>\$30.00</u> /bi-monthly fee
Plan E –No cart (continued use of city disposal bags (see paragraph 3 below) (plus cost of bags)	<del>\$18.00</del> <u>\$23.00</u> /bi-monthly fee

- (1) An exemption of the fees prescribed above shall be granted upon written request of the property owner for a dwelling that has been vacant for not less than 90 days. Upon approval of this exemption, the solid waste collection service and fee as well as bulky item and landscape debris services will be discontinued until the home is occupied. In addition, the city manager is authorized to grant exemptions sooner than 90 days for active duty U.S. Armed Service members on a case-by-case basis who are deployed outside the Commonwealth of Virginia in which by virtue of the deployment the property becomes vacant.
  - (2) Upon the death of the property owner or if the property owner is in a nursing home and the dwelling has become vacant, an exemption of the fees prescribed above shall be granted upon written request of the property owner or heir to the property. Upon approval of this exemption, the solid waste collection service and fee as well as bulky items and landscape debris services will be discontinued until the home is occupied.
  - (3) Plan E is reserved for residents of townhouses and dwellings that the city and contractor providing the collection service have determined that containers cannot be serviced. In these instances, the owner of the property may continue the use of city disposal bags and provide for the placement of the bags as prescribed in section 66-39.
  - (4) Except for the charges incurred for fiscal years ending on or before June 30, 2012 the solid waste charges prescribed by this section shall be assessed as of February, April, June, August, October, and December and are due by the last day of the last month of the bi-monthly assessment. Charges which remain unpaid five days after the bill due date will be assessed interest which shall accrue on the unpaid charge at the rate of one percent per month.
  - (5) The city manager is authorized to promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste charges.
  - (6) All fees and fines collected under this section shall go into the solid waste fund of the city.
  - (7) Bills sent for collection services shall be subject to a collection fee of a minimum of \$100.00.
- (c) Residents are allowed one pickup per calendar year at no charge for either bulk debris or landscaping debris from residential dwellings or other premises to which the service of collecting and disposing of debris is made available. Should the premises be vacated by a resident, the one no-charge pickup per calendar year can be used by the new resident.

- (d) A service charge of \$60.00 for landscaping debris or \$63.00 for bulk item debris shall be imposed and collected for each pickup that exceeds the one free pickup defined in subsection (c).
  
- (e) Each property owner requesting a second recycle cart at the house shall be charged an additional fee imposed by the recycling contractor for the cart itself.
  - (1) The recycling charges prescribed by this section shall be assessed as of February, April, June, August, October, and December and are due by the last day of the last month of the bi-monthly assessment. Charges which remain unpaid five days after the bill due date will be assessed interest which shall accrue on the unpaid charge at the rate of one percent per month.
  - (2) All fees and fines collected under this section shall go into the solid waste fund of the city.
  
- (f) Each property owner on long lanes/private lanes requesting recycle service pick up at the house shall be charged an additional fee imposed by the recycling contractor.
  - (1) The recycling charges prescribed by this section shall be assessed as of February, April, June, August, October, and December and are due by the last day of the last month of the bi-monthly assessment. Charges which remain unpaid five days after the bill due date will be assessed interest which shall accrue on the unpaid charge at the rate of one percent per month.
  - (2) All fees and fines collected under this section shall go into the solid waste fund of the city.
  
- (g) The service charge established for pickup of landscaping debris and bulk item debris shall be due upon receipt of the statement rendered by the city and shall be considered delinquent 30 days following the billing date. A late charge of ten percent shall be added to all service charges when they are considered delinquent. If the delinquent bill is not paid within 60 days an additional ten percent shall be added to the outstanding balance. Any bills unpaid after 90 days will be forwarded to the treasurer and/or collection services. Bills sent for collection services to either the treasurer or collection service shall be subject to a collection fee of a minimum of \$100.00.

## CHAPTER 66 – SOLID WASTE

### ARTICLE III – GARBAGE FEE EXEMPTIONS FOR ELDERLY AND DISABLED PERSONS

#### **Section 66-63. Exemption; eligibility generally and reduced collection charges.**

- (a) Households whose head is not less than 65 years of age or who is permanently and totally disabled, shall be eligible for exemption of the fees and the purchase price of garbage bags and shall receive at no cost a maximum of two City of Poquoson garbage bags each month. Such exemption may be granted for any fiscal year following the date that the head of the household reaches the age of 65 or, in the case of permanently and totally disabled, for any year following the date the disability occurred. The grant of such exemption shall be subject to the following provisions:
- (1) The total combined income during the immediately preceding calendar year from all sources of the head of the household and all relatives living in the household shall not exceed ~~\$49,800.00~~ \$53,700.00.
    - a. The total combined income shall include all income and money received from all sources of the head of the household and all relatives living in the dwelling for which the reduced fee is sought; provided that \$10,000.00 of income of each relative other than the head of the household and their spouse, who is living in the dwelling shall not be included in such total.
    - b. Total combined income and “money received from all sources” shall exclude the first \$10,000.00 which the head of the household receives as permanent disability compensation.
  - (2) The net combined financial worth, including equitable interests and interests of whatsoever nature, as of the 31<sup>st</sup> day of December of the immediately preceding calendar year, of the household, excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated shall not exceed \$200,000.00.
  - (3) Beginning January 1, 2013, the total maximum combined income will be adjusted annually, if necessary, to reflect the consumer price index reflected on January 1 as determined by the federal government rounded to the nearest \$100.00.
- (b) Notwithstanding any provision or indication to the contrary, a household may qualify for exemption under this article if either spouse is over 65 years of age or is permanently and totally disabled.

(c) The fees for qualified applicants shall be reduced as follows:

Total Combined Income	Bi-Monthly Solid Waste Collection Charge
<del>\$26,000.00</del> <u>\$29,000.00</u> or less	100%
<del>\$26,001.00 - \$34,000.00</del> <u>\$29,001.00 - \$37,000.00</u>	75%
<del>\$34,001.00 - \$42,000.00</del> <u>\$37,001.00 - \$45,000.00</u>	50%
<del>\$42,001.00 - \$49,800.00</del> <u>\$45,001.00 - \$53,700.00</u>	25%

**Section 2:** That this ordinance shall be in effect on and after July 1, 2023.

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

TESTE: \_\_\_\_\_

City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO APPROPRIATE FUNDS TO THE VARIOUS  
GOVERNMENTAL FUNDS OF THE CITY OF POQUOSON, VIRGINIA  
FOR FISCAL YEAR 2024**

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

**Section 1:** That this ordinance shall be known as the Budget Appropriation Ordinance for the City of Poquoson for Fiscal Year 2024.

**Section 2:** That the following sums be and the same hereby are appropriated to the following governmental funds for Fiscal Year 2024.

**GENERAL FUND**

Revenue and Transfers In	<u>\$36,838,529</u>
Expenditures and Transfers Out	
Legislative	104,170
General Administration	2,576,458
Elections	245,201
Public Safety	10,482,195
Public Works	2,718,417
Health & Welfare	1,245,639
Parks, Recreation & Cultural	2,171,293
Community Development	713,499
Non-Departmental	255,211
Contribution to Poquoson City Schools	11,759,390
Transfers Out – Debt Service Fund	3,993,000
Transfers Out – Economic Development Authority	21,000
Transfers Out-Special Revenue Fund/OPEB	80,556
Transfers Out – Capital Projects Fund	<u>472,500</u>
<b>TOTAL APPROPRIATION</b>	<u>\$36,838,529</u>

**DEBT SERVICE FUND**

Revenues and Transfers In	<u>\$4,308,415</u>
Expenditures and Transfers Out	<u>\$4,308,415</u>

**CAPITAL FUND**

Revenues and Transfers In	<u>\$2,927,500</u>
Expenditures	<u>\$2,927,500</u>

**SOLID WASTE FUND**

Revenues	<u>\$1,438,135</u>
Expenditures and Transfers Out	<u>\$1,438,135</u>

**UTILITIES FUND**

Revenues	<u>\$2,190,738</u>
Expenditures and Transfers Out	<u>\$2,190,738</u>

**FLEET FUND**

Revenues	<u>\$964,462</u>
Expenditures	<u>\$964,462</u>

**SPECIAL REVENUE FUND/OPEB**

Revenues	<u>\$156,137</u>
Expenditures	<u>\$156,137</u>

**Section 3:** That of the total sum of \$36,838,529 appropriated in the General Fund, \$36,448,529 shall be appropriated from the General Fund Revenues, \$300,000 shall be transferred in from the City's Utilities Fund, and \$50,000 shall be transferred in from the City's Solid Waste Fund.

**Section 4:** That of the total sum of \$4,308,415 appropriated in the Debt Service Fund, \$3,993,000 shall be transferred in from the City's General Fund, \$300,000 shall be appropriated from Bond Proceeds and \$15,415 transferred in from the Economic Development Authority.

**Section 5:** That of the total sum of \$2,927,500 appropriated in the Capital Fund, \$610,000 shall be appropriated from Capital Fund revenues, \$1,700,000 shall be appropriated from Bond Proceeds, \$472,500 shall be transferred in from the City's General Fund and \$145,000 shall be appropriated from Capital Fund reserves.

**Section 6:** That of the total sum of \$1,438,135 appropriated in the Solid Waste Fund from Solid Waste Fund revenues.

**Section 7:** That of the total sum of \$2,190,738 appropriated in the Utilities Fund from Utilities Fund revenues.

**Section 8:** That of the total sum of \$964,462 appropriated in the Fleet Fund, from Fleet Fund revenues.

**Section 9:** That of the total sum of \$156,137 appropriated in the Special Revenue Fund/OPEB, \$75,581 shall be appropriated from Special Revenue Fund/OPEB revenues and \$80,556 shall be transferred in from the City's General Fund.

**Section 10:** That this ordinance shall be in effect on and after July 1, 2023.

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**

April 24, 2022

**To:** City Council

**From:** City Clerk

**Subject: Resolution Making an Appointment to the Parks and Recreation Advisory Board**

Presented for your consideration is a resolution making an appointment to the Parks and Recreation Advisory Board. Robert P. Chiera, Jr. has served since February 1996 and would like to be considered for re-appointment. He has since moved to the Western precinct and would like to be considered for the At-Large vacancy that has been vacant after the resignation of Linsey L. Watson. This move will leave a Central Precinct vacancy and it is recommended to postpone this appointment until a suitable application is received.

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 POQUOSON 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 expired term to the Parks and Recreation Advisory Board for the term indicated:

<u>Name</u>	<u>Precinct</u>	<u>Terms Expire</u>
Robert P. Chiera, Jr.	At-Large	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

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

**Date:** April 24, 2023

**To:** The Honorable City Council

**From:** J. Randall Wheeler, City Manager

**Subject:** **Resolution Directing that Public Notice be Given of Council's Intent to Receive Bids for the Sale of Publicly Owned Property Located Within the Unimproved Portion of .77 Acres Located in the Middle of the Legacy Community.**

City received a letter of interest in buying the unimproved area of .77 acres located in the middle of the Legacy Community. Enclosed with the agenda is a copy of the plat for the property in question.

If the Council votes to proceed further, a resolution authorizing the advertisement of sale for property located in the middle of the Legacy Community and will presented to City Council at its April 24, 2023 meeting.

If the Council votes in the affirmative, an advertisement indicating the property for sale and the solicitation of sealed bids will proceed. Costs of such will be borne by the successful bidder. The ad must run once a week for two successive weeks. Following the Public Hearing the City Council may elect to sell the subject property to any person whose sealed bid was opened and considered during the Public Hearing. The bids received will be opened at the May 8, 2023 City Council meeting and read aloud during the Public Hearing.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF POQUOSON, VIRGINIA  
DIRECTING THAT PUBLIC NOTICE BE GIVEN OF THE COUNCIL'S  
INTENTION TO RECEIVE BIDS FOR THE SALE OF PUBLICLY OWNED  
PROPERTY LOCATED WITHIN THE UNIMPROVED .77 ACRES LOCATED IN THE  
MIDDLE OF LEGACY COMMUNITY**

**WHEREAS**, an offer has been made to purchase City-owned property located in the middle of Legacy Community.

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

**Section 1:** That public notice of Council's consideration for the sale of publicly owned property within the unimproved property located in the middle of Legacy Community shall be given and written sealed bids for the purchase of the property shall be invited by publishing the notice attached hereto as "Exhibit A" once a week for two successive weeks in a newspaper having general circulation in the City of Poquoson.

**Section 2:** That after written sealed bids have been received and read aloud at the City Council Meeting during the Public Hearing on May 8, 2023, the proposed ordinance attached hereto as "Exhibit B" shall be considered for adoption by the Council at a regularly scheduled Council meeting.

**Section 3:** That the successful bidder for the proposed purchase shall reimburse the City of Poquoson for all expenses incurred in giving public notice of the proposed sale of the subject property.

**Section 4:** That, to specifically quantify the amount of land being purchased, the successful bidder shall commission a boundary line survey, at his or her own cost and provide to the City prior to closing of the sale of the property, which shall show the area of land and dimensions of the unimproved property located in middle Legacy Community to the terminus of the unimproved property located .

**Section 5:** That the successful bidder shall close on this property within six (6) months of City Council adoption of the ordinance granting the purchase of the property.

**Section 6:** That the full text of the proposed ordinance shall be made available for public inspection in the Office of the City Manager

**Section 7:** That this resolution shall be in effect on and after its adoption

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

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

**Exhibit B**

**AN ORDINANCE OF THE CITY OF POQUOSON, VIRGINIA GRANTING THE PURCHASE OF PUBLICLY OWNED PROPERTY LOCATED IN THE MIDDLE OF LEGACY COMMUNITY**

**WHEREAS**, public notice has been given and bids requested for the purchase of property in the middle of Legacy Community as required by Article VII, Section 9 of the Constitution of Virginia and Section 15.2-2101 of the Code of Virginia (1950), as amended; and

**WHEREAS**, written bids for the subject purchase were received and publicly read aloud, no further bids being offered thereafter.

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

**Section 1:** That the bid of \$\_\_\_\_\_ is hereby accepted.

**Section 2:** That \_\_\_\_\_ shall be granted the purchase of .77 acres of property located in the middle of Legacy Community for the amount of \$\_\_\_\_\_.

**Section 3:** That \_\_\_\_\_ shall reimburse the City of Poquoson the full amount of expenses incurred in giving public notice of the proposed purchase of the subject property.

**Section 4:** That upon the reimbursement of all advertising costs, and upon receipt of the boundary line survey showing the area of land and dimensions of the property located in the middle of Legacy Community, the City Manager is authorized to do all things necessary to finalize the sale of the property.

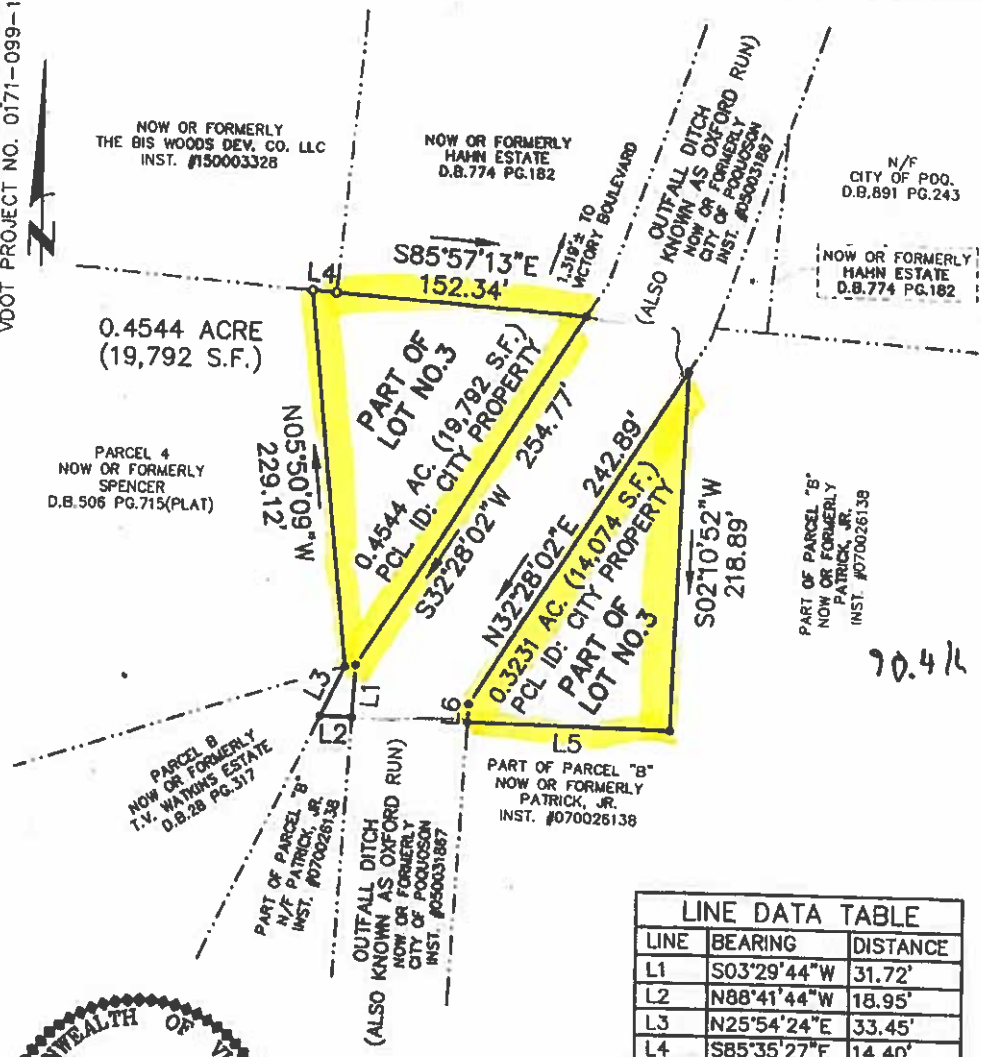
**Section 5:** That the second reading of this ordinance is hereby dispensed with and the provisions contained herein shall become effective immediately upon adoption.

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

TESTE: \_\_\_\_\_

City Clerk

VDOT PROJECT NO. 0171-099-101



70.4%

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S03°29'44"W	31.72'
L2	N88°41'44"W	18.95'
L3	N25°54'24"E	33.45'
L4	S85°35'27"E	14.40'
L5	N88°41'44"W	122.76'
L6	N03°29'44"E	10.96'

COMMONWEALTH OF VIRGINIA  
*Donald W. Davis*  
**DONALD W. DAVIS**  
 Lic. No. 1402(a)  
 Lic. No. 1418(b)  
 11/7/17  
 LAND SURVEYOR

**REFERENCES**  
 INST. #050031867  
 D.B.26 PG.541

**NOTES:**  
 - THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE X (SHADED) AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 5101830082G, REVISED DATE: DECEMBER 18, 2014.  
 - THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT, THE PROPERTY MAY BE SUBJECT TO EASEMENTS AND SERVITUDES OF RECORD.  
 - LIMITS OF JURISDICTIONAL WETLANDS OR CHESAPEAKE BAY PRESERVATION AREAS ARE NOT SHOWN HEREON, IF ANY EXIST.

**SYMBOLS :**  
 ○ PIPE FOUND  
 —●— IRON ROD SET  
 —●— IRON ROD FOUND  
 □ CONC. MONUMENT

**JOB LOCATION: VICTORY BOULEVARD (PARCEL ID: CITY PROPERTY)**  
**PLAT OF THE PROPERTY TO BE CONVEYED TO:**  
**THE BIG WOODS DEVELOPMENT COMPANY, LLC**

*Donald W. Davis*  
 HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE BY ME ON THIS DATE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO ENCROACHMENTS OF BUILDINGS UNLESS SHOWN HEREON.

**PART OF LOT NO. 3**  
 PLAT OF  
**THE PEACH ORCHARD COOK LAND**  
 CITY OF POQUOSON, VIRGINIA  
 (D.B.26 PG.541)

**DAVIS & ASSOCIATES, P.C.**  
 SURVEYORS - PLANNERS  
 YORK COUNTY, VIRGINIA