

1. City Council Agenda August 14, 2023

Documents:

REGULAR SESSION MEETING AGENDA 8-14-23.PDF
SPECIAL SESSION MINUTES 7-24-23.PDF
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FOR FY24 AMORYS
WHARF.PDF
RESOLUTION MAKING AN APPOINTMENT TO COLONIAL BEHAVIORAL
HEALTH.PDF
RESOLUTION MAKING AN APPOINTMENT TO THE SCHOOL BOARD.PDF
CLOSED SESSION.PDF

**POQUOSON CITY COUNCIL
REGULAR SESSION MEETING
MONDAY, AUGUST 14, 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

Special Session July 24, 2023

E. NEW BUSINESS

- 1. An Ordinance Making Additional Appropriations for Fiscal Year 2024 in the Capital Projects Fund for Amory's Wharf – Living Shoreline**
- 2. Resolution Making an Appointment to Colonial Behavioral Health Board**
- 3. Resolution Making an Appointment to the School Board**

F. CLOSED SESSION

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

G. RECONVENMENT – Certification of Closed Session

H. COMMENTS OF THE CITY MANAGER

I. COUNCIL DIRECTIVES

J. ADJOURNMENT

MINUTES OF THE CITY COUNCIL MEETING

July 24, 2023 7:00 P.M.

SPECIAL 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 Debra D. Bunting
The Honorable Anjie L. Emmett

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 Work Session held July 10, 2023 as submitted. Recorded vote on the motion:

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

NO: None

Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt the minutes of the Regular Session held July 10, 2023 as submitted. Recorded vote on the motion:

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

NO: None

OLD BUSINESS:

1. Ordinance to Amend the City Code by Omitting Cedar Road from the Article IV, Sec. 78-102 – Speed Limits on Specific Streets

Vice Mayor Freeman moved, seconded by Councilman Feigh, to adopt an Ordinance to Amend the City Code by Omitting Cedar Road from the Article IV, Sec. 78-102 – Speed Limits on Specific Streets. Recorded vote on the motion:

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

NO: None

2. Ordinance to Amend the City Code Section 42-81 Definitions of Chapter 42 Entitled Floods

City Manager, Randy Wheeler, explained that at the City Council meeting on July 10, 2023 an Ordinance for this amendment to the City Code was passed but when it was shared with the Department of Conservation and Recreation they identified one required correction under “Substantial damage” definition, which should read “equal or exceeds 22.5 percent” instead of 25 percent.

Vice Mayor Freeman moved, seconded by Councilwoman Emmett, to adopt an Ordinance Amending Section 42-81 Definitions of Chapter 42 Entitled Floods. Recorded vote on the motion:

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

NO: None

NEW BUSINESS:

Vice Mayor Freeman moved, seconded by Councilman Southall to Amend the Agenda to add an Ordinance to New Business number 1. Recorded vote on the motion:

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

NO: None

1. Ordinance to Amend the Code of Ordinances of the City of Poquoson, Virginia by Omitting Certain Roads from Article IV, Sec. 78-102 – Speed Limits on Specific Streets

City Manager, Randy Wheeler, clarified that the same Ordinance under Old Business dealt specifically with Cedar Road and this Ordinance would add other roads to the amendment.

The additional roads would be Browns Neck Road and Hudgins Road. In addition, the Ordinance eliminates the roads that are currently listed at 25 miles per hour, which are Pasture Road and Rens Road, from the code section.

Vice Mayor Freeman moved, seconded by Councilman Southall, to adopt an Ordinance Amending the Code of the City of Poquoson, Virginia by Making Revisions to Chapter 42 Entitled Floods. Recorded vote on the motion:

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

NO: None

COMMENTS OF THE CITY MANAGER:

City Manager, Randy Wheeler, reminded everyone about the Spark in the Park that was rescheduled from June 23, 2023 to Friday, July 28, 2023 from 5-10 p.m.

COUNCIL DIRECTIVES:

Councilman Feigh reminded everyone of the Food Bank that will take place on Tuesday, July 25, 2023.

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 Hux, Southall, Emmett, Bunting, Feigh, Vice Mayor Freeman and Mayor Helsel

NO: None

The meeting was adjourned at approximately 7:08 p.m.



CITY OF POQUOSON

OFFICE OF THE CITY MANAGER

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

August 14, 2023

To: City Council
From: Assistant City Manager
Through: City Manager
Subject: **An Ordinance Making Additional Appropriations for Fiscal Year 2024 in the Capital Projects Fund for Amory's Wharf – Living Shoreline**

Councilman David Hux mentioned to staff his concerns on the erosion occurring at Amory's Wharf. Councilman Hux was very interested in taking the necessary steps to secure and prevent future erosion at the wharf. Therefore, the City's Environmental Compliance Officer, Laura Nusz, met with Virginia Department of Conservation and Recreation Shoreline Erosion Advisory Service (SEAS) as well as a Poquoson native who is a marine contractor to discuss the erosion and determine the best path forward to managing the coastline.

SEAS looks to many strategies to prevent shoreline erosion and based on the condition of Amory's Wharf they have indicated that a living shoreline with specific plants would be the best solution for the City. The area is constantly changing due to wave action, currents and tides. During low tide, the shoreline provides an indicator as to the erosion that has occurred over time. The proposed project would restore the shoreline, provide a vegetated wetland habitat that is important to native plants, and manage erosion naturally.

Looking at the broader benefits of the project, the living shoreline will allow residents to enjoy access to the water without losing the functionality of erosion control. Collaborative efforts are being made with the local groups to provide additional seating and picnic tables for residents to enjoy. Additionally, local school systems can take advantage of the area as a learning ground; teaching the different areas of a tidal marsh and the numerous species of plants and animals that are found there.

In Fiscal Year 2023, the Virginia Department of Conservation and Recreation (DCR) in cooperation with the Virginia Resources Authority offered a grant for protection assistance. The grant provides localities a fifty percent match of the scope of project, if awarded. The City would like to apply for the grant which opens in November 2023.

The scope of work that will be included in the grant application will be as follows:

Right Side of Boat Ramp:

- Install up to 450 ton of Class II Rip Rap sill along approximately 225' of shoreline in a sill formation along water side of existing, eroding bank.
- Install up to seven (7) loads of clean "A" sand.
- Plant and sprig on 18" centers with spartina Alterniflora and Patens at the appropriate elevations.

Left Side of Boat Ramp:

- Install up to 280 ton Class II Rip Rap sill.
- Install up to five (5) loads of clean "A" sand.
- Plant and sprig on 18" centers with spartina Alterniflora and Patens at the appropriate elevations.

Boat Ramp:

- Prep base and install 8' x 20' Flexamat
- Sprig with grasses (if required.)

The above scope of work would provide the community with a water access point to launch a small craft (canoes and kayaks) and provide an outdoor classroom for all to explore. In addition, the living shoreline gives the City the ability to legally take back land along the shoreline. The footprint that has been provided in the estimate will take the land back to elevations dating to 1970's or earlier. The project if approved will sustain the shoreline until future upgrades can be considered as outline in the Master Infrastructure Plan dated December 3, 2020.

The estimated cost of the scope of work is \$150,000. The DCR grant should open November 1, 2023 and closed February 29, 2024. Attached is an ordinance for City Council's consideration for an additional appropriation for Fiscal Year 2024 to the Capital Projects utilizing undesignated bond interest in the amount of \$100,000. The additional funding that is being requested above the fifty percent of the scope of work will cover the potential increase in inflation. The difference of the funds not utilized for the project will go towards additional amenities or improvements at Amory's Wharf.

**AN ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FOR FISCAL YEAR
2024 IN THE CAPITAL PROJECTS FUND FOR AMORY’S WHARF – LIVING
SHORELINE**

WHEREAS, the City met with the Virginia Department of Conservation and Recreation Shoreline Erosion Advisory Service (SEAS) concerning the erosion at Amory’s Wharf, and

WHEREAS, SEAS determined that necessary steps for the City to secure and prevent future erosion is installing a living shoreline which will provide a wetland habitat that is important to native plants, and

WHEREAS, the City has estimated the cost of the project to be \$150,000, and

WHEREAS, the City through approval of City Council will submit a matching grant with the Virginia Department of Conservation and Recreation in cooperation with the Virginia Resources Authority in November 2023 for fifty (50) percent of the cost of the project, and

WHEREAS, the City has identified \$100,000 in undesignated bond interest to appropriate towards the project and improvements at Amory’s Wharf.

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

Section 1: That additional revenues of \$100,000 in the Capital Project Fund be and the same hereby are appropriated within the Fiscal Year 2024 Budget as follows:

CAPITAL PROJECT FUND

Transfer In:

Undesignated Fund Balance	<u>\$100,000</u>
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Expenditure:

Amory’s Wharf	<u>\$100,000</u>
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Section 2: That the City Manager is hereby authorized to do all things necessary to submit the grant on behalf of the City to the Virginia Department of Conservation and Recreation.

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

ADOPTED: _____

TESTE: _____
City Clerk



CITY OF POQUOSON

Office of the City Manager
J. Randall Wheeler

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

August 14, 2023

To: City Council

From: City Clerk

Subject: Resolution Making an Appointment to Colonial Behavioral Health Board

Presented for your consideration is a resolution making an appointment to the Colonial Behavioral Health Board. Due to the resignation of Crystal M. Howser.

The current Board Bank Applications can be found on the Intranet. 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 COLONIAL BEHAVIORAL HEALTH BOARD**

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 Colonial Behavioral Health Board for the term indicated:

<u>Name</u>	<u>Term Expire</u>
John Shaner	June 30, 2024

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**

August 14, 2023

To: City Council

From: City Clerk

Subject: Resolution Making an Appointment to the School Board

Presented for your consideration is a resolution making an appointment to the School Board. Due to the resignation of Cathy Everett from the Western Precinct.

The Current Board Bank Applications can be found on the Intranet. 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 SCHOOL 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 School Board for the term indicated:

<u>Name</u>		<u>Term Expires</u>
Kristen Jones	Western	June 30, 2025

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

ADOPTED: _____

TESTE: _____
City Clerk

CERTIFICATION OF CLOSED SESSION

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

WHEREAS, 2.2-3711(A)(3) of the Code of Virginia (1950), as amended requires a certification by this Council that such closed session was conducted in conformity with Virginia Law.

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

ADOPTED: _____

TESTE: _____
City Clerk