

**MINUTES OF THE CITY COUNCIL MEETING
MARCH 25, 2019 7:00 P.M.
REGULAR SESSION**

PRESENT: The Honorable W. Eugene Hunt, Jr., Mayor
The Honorable Carey L. Freeman, Vice Mayor
The Honorable Herbert R. Green, Jr.
The Honorable Thomas J. Cannella II
The Honorable David A. Hux
The Honorable Charles M. Southall III
The Honorable Jana D. Andrews

J. Randall Wheeler, City Manager
Evie Insley, City Clerk
D. Wayne Moore, City Attorney

ABSENT: None

MEETING CALLED TO ORDER:

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor Hunt rendered the invocation and Girl Scout Troop 1012 led the audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS:

Proclamation Recognizing Child Abuse Prevention Month

Mayor Hunt presented the Exchange Club with a proclamation proclaiming April as Child Abuse Prevention Month. In honor of this proclamation the Exchange Club asked citizens to wear blue every Monday in the Month of April.

Economic Development Authority – Walter Apelt

Mayor Hunt presented Walter Apelt a Certificate of Appreciation for his four years serving on the Economic Development Authority Board and thanked him for his many additional years of service to the citizens of Poquoson.

AUDIENCE FOR VISITORS:

Kendall, Bailey and Ashlyn from Girl Scout Troop 1012 presented Council with their idea for their Bronze award project. Girl Scout Bronze Award is given to a Junior Girl Scout team when they present and plan an activity to improve their community and make their ideas a reality. The troop

presented an idea of a dog park; they prepared posters outlining the requirements, rules and ideas of names for the park. Mayor Hunt asked the troop to provide the posters to Parks and Recreation staff for their review.

APPROVAL OF THE MINUTES:

1. Councilman Green moved, seconded by Councilman Cannella, to adopt the minutes of the regular session held on March 11, 2019 as submitted. Recorded vote on the motion:

YES: Councilmembers Hux, Southall, Green, Andrews, Cannella, Vice Mayor Freeman and Mayor Hunt

NO: None

PUBLIC HEARINGS:

1. Proposed Constrained Capital Improvements Plan FY2020 – 2024 and Beyond

City Manager, Randy Wheeler presented Council with the recommended Constrained Capital Improvements Plan (CCIP) for Fiscal Years 2020-2024 and beyond. The CCIP serves as a multi-year planning document as well as input to the development of the upcoming annual budget for the City. This year there have been several changes to the document itself to provide clear linkages between the agency requests and the Adopted Comprehensive Plan. These changes provide additional information regarding certain projects that are under-way, and other format changes intended to make the document itself more easily understood.

Again this year the plan recommended for consideration is fiscally constrained by projected revenue, including planned and potential debt financing. A summary of the recommended constrained project list by funding method can be found on pages 4 and 5 of the plan. The document also includes each project request as submitted by the respective departments and the School Division.

Mr. Wheeler highlighted four discussion areas:

- In the summer of 2018 the City issued approximately \$18M in new debt to support the Middle School renovation and school bus replacement as well as a small number of City projects. These projects include the replacement of Engine 102 which we expect to take delivery of in the first quarter of 2019, the HVAC system replacement project at City Hall which is expected to be complete by May 2019 and additional support toward meeting the City's Chesapeake Bay/Storm Water TMDL mandates. The School Board awarded the Architectural and Engineering contract in February 2019 and received the bus in July 2018.
- The status of the original \$23M (FY2019-FY2023) debt allocation. City Council established in 2019 a total five year debt allocation for the School Division of \$20M for FY2019-FY2023. Of this allocation, approximately \$17.1M has been borrowed and appropriated and the remaining amount of approximately \$3M is allocated in support of the School Division's requested projects

for FY2020 – FY2023. The Recommended CCIP continues to reflect the remaining debt allocation from the original \$23M, less schools, as being reserved to support the Chesapeake Bay/TMDL mandate. This number has been updated to include the total five year debt capacity and it is presented net of anticipated fees and other borrowing costs. The net non-school debt capacity number over the five year CCIP period is \$2.57M.

- City Council had established as one of its two strategic priorities for Fiscal Years FY2020 -2021 the completion of a Master Infrastructure Plan (MIP) for the City. The MIP was an important recommendation from the recently approved Comprehensive Plan. The Council has asked staff to complete the MIP within two years and to include chapters such as roads, sidewalks/bike paths, sewer, stormwater and flood control, public buildings, including the completion of the Comprehensive Plan recommended Public Safety Feasibility Study, and outdoor and indoor recreation facilities. Initial work on the MIP is underway and will be a major focus for staff for the next two years. Unless required by the federal TMDL mandate to spend significant additional borrowed funds to meet the City’s requirements, it is my strong recommendation which is reflected in the Recommended CCIP that the \$2.57M allocated to support TMDL be considered a place holder in the plan at least until such time as the remaining TMDL issues resolve themselves with regard to the SWIFT program credit training. Once resolved, the Planning Commission and City Council could then decide whether or not to allocate all or a portion of this number to support the Public Safety Project, some other project contained within the MIP or within the CCIP.
- If the City is going to reserve its available non-school allocated debt capacity to support one or more future MIP projects the City will have to look to other funding sources to help with such things as smaller capital projects, capital equipment replacement and major building maintenance. City Council in February approved Ordinance No. 1605 appropriating bond-related interest earnings to fund four projects. Three of these projects are included in the recommended CCIP by the Planning Commission. The projects are the needed Public Works/Solid Waste replacement equipment and the limited consultant support for the MIP, particularly as it relates to the Public Safety Building Feasibility Study.

Mr. Wheeler presented Council with a resolution approving the FY2020-2024 and beyond Constrained Capital Improvements Plan.

Mayor Hunt opened the public hearing. Having no one come forward the public hearing was closed.

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt the resolution approving the Constrained Capital Improvements Plan (CCIP) for FY2020 and beyond FY2024. Recorded vote on the motion:

YES: Councilmembers Andrews, Southall, Cannella, Hux, Green, Vice Mayor Freeman and Mayor Hunt

NO: None

2. Proposed Amendment to Zoning Ordinance Section 1-8 to Clarify Requirements for Applications for Uses Not Specifically Permitted

Director of Community Development, Wally Horton presented Council with an amendment to Zoning Ordinance Section 1-8 to clarify requirements for applications for uses not specifically permitted.

Mr. Horton advised Council that recently, the following section of the Zoning Ordinance regarding Conditional Use Permits has been subject to conflicting interpretations due to the vague and ambiguous language of the requirement. Below is the current wording:

"Section 1-8. - Application for use not specifically permitted.

If, in any district established under this ordinance, a use is not specifically permitted and an application is made by a property owner to the zoning administrator for such use, the zoning administrator shall refer the application to the planning commission which shall make its recommendations to the city council within 60 days."

Rather than argue over what Section 1-8 means, it is clear that the language is in need of rewording in order to provide coherence and clarity on the issue. Therefore, Staff has provided two possible replacement passages. One suggestion would make clear the first interpretation; the other the second interpretation.

The Planning Commission chose to recommend by a 5-1 vote the following language at its February 21, 2019 public hearing:

Section 1-8. - Application for use not specifically permitted.

If, within a particular zoning district established under this ordinance, a use is not specifically permitted and an application is made by a property owner to the zoning administrator for such use, the zoning administrator shall refer the application to the planning commission which shall make its recommendations to the city council within 60 days. Such an application shall not be made if the use is explicitly forbidden in the district for which the use is proposed.

Mr. Horton presented Council with an Ordinance amending the zoning ordinance by revising Appendix A, article I, Section 1-8, application for use not specifically permitted.

Mayor Hunt opened the public hearing. Having no one come forward the public hearing was closed.

Councilman Green moved, seconded by Councilman Cannella, to adopt the ordinance amending the zoning ordinance by revising Appendix A, Article I, Section 1-8 application for use not specifically permitted. Recorded vote on the motion:

YES: Councilmembers Andrews, Cannella, Southall, Hux, Green, Vice Mayor Freeman and Mayor Hunt

NO: None

3. Proposed Amendment to Zoning and Site Plan Ordinances to Accommodate “Brew Pubs” and “Craft/Microbreweries

Director of Community Development, Wally Horton advised Council that recently, the City has been queried in regard to the allowance of a microbrewery or brew pub in the B-2 Zoning District. There is currently no such use allowed in the District. Therefore, this proposed amendment is presented for your consideration for the purpose of allowing such uses in the B-2 Zoning District.

The Planning Commission held a public hearing on this item at its Thursday, February 21, 2019 meeting and has recommended approval of this proposed amendment by a vote of 6-0, with the condition that the proposed uses be limited to the B-2 Zoning District by-right.

Mr. Horton advised Council of the economic factors of brewpubs and craft/microbreweries as it is important to keep in mind that craft breweries have become integral parts of positive economic development and benefit economies, which is a focus of the City. Moreover, nearby localities have recognized the value of this type of business as the use is allowed in a number of counties and cities in Virginia. Zoning Districts where the use is allowed by-right include business equivalent and industrial zoned areas.

Councilwoman Andrews wanted to know why the City needs to change the ordinance instead of the business owner applying for a Conditional Use Permit option. Mr. Horton advised that with changing the ordinance it would be more appealing to a company interested in starting a business in the City. The amount of work and time that goes into a Conditional Use Permit may scare off a potential business owner. City Manager Randy Wheeler added that making it by-right it helps focus that desirable use assuming there is one, in the area that you want it to be. If a business seeks a Conditional Use option they may apply to place a business in a location that is not desirable.

Mayor Hunt opened the public hearing. Having no one come forward the public hearing was closed.

Councilman Green moved, seconded by Councilman Southall, to adopt the ordinance and to amend the zoning ordinance by revising Appendix A, Section 1-3 pertaining to definitions and Article X, Section 10-2(A) pertaining to permitted uses, and Section 1-08(C) (1) of the site plan ordinance pertaining to parking requirements.

City Attorney recommended a modification to the ordinance (striking “revising Appendix C, Article I, Section 1-08 of the Site Plan” and replacing with “in accordance with the Site Plan”, also to be changed in (v) Brew Pub, item 3 and (w) Craft/Micro Brewery item 3 within the ordinance).

Councilman Green amended the motion, seconded by Councilman Southall to adopt the ordinance and to amend the zoning ordinance by revising Appendix A, Section 1-3 pertaining to definitions and Article X, Section 10-2(A) pertaining to permitted uses, and Section 1-08(C) (1) of the site plan ordinance pertaining to parking requirements in accordance to City Attorney comments. i.e. (striking “revising Appendix C, Article I, Section 1-08 of the Site Plan” and replacing with “in accordance with the Site Plan”, also to be changed in (v) Brew Pub, item 3 and (w) Craft/Micro Brewery item 3 within the ordinance). Recorded vote on the motion:

YES: Councilmembers Green, Hux, Cannella, Southall, Andrews, Vice Mayor Freeman and Mayor Hunt

NO: None

NEW BUSINESS:

1. Ordinance Making Additional Appropriations for Fiscal Year 2019 – Wythe Creek Road Milling and Repaving, Wythe Creek Road Signal Upgrade and Poquoson Avenue Sidewalk

Finance Director Tonya O’Connell presented to Council an ordinance making additional appropriations for Fiscal Year 2019 – Wythe Creek Road Milling and Repaving, Wythe Creek Road signal upgrade and Poquoson Avenue sidewalk. The City received approval from the Virginia Commonwealth Transportation Board on three projects that will be supported by state funds separate from the funding received for street paving. The first project which is complete is the Wythe Creek Road milling and repaving, the second is for the Wythe Creek Road signal upgrade which is still ongoing and the third is for the Poquoson Avenue sidewalks which has not begun, this project will create a connection between the two school campuses with sidewalks. This ordinance will appropriate the state funds to the Capital Projects Fund for Fiscal Year 2019

Councilman Green moved, seconded by Councilman Cannella to adopt an ordinance making additional appropriations for Fiscal Year 2019 – Wythe Creek Road Milling and Repaving, Wythe Creek Road signal upgrade and Poquoson Avenue sidewalk. Recorded vote on the motion:

YES: Councilmembers Cannella, Andrews, Green, Southall, Hux, Vice Mayor Freeman and Mayor Hunt

NO: None

2. Resolution to Authorize the City Manager to Enter into Contracts with Virginia Public Works Equipment and Houston Freightliner for the purchase of a Dump Truck and Debris Truck

Finance Director Tonya O’Connell presented Council with a resolution to authorize the City Manager to enter into contracts with Virginia Public Works Equipment and Houston Freightliner for the purchase of a Dump Truck and Debris Truck. John Ellis from Public Works was present if Council had any questions.

After reviewing the proposal for the debris truck, it is the recommendation of Public Works Department to purchase a 2020 Freightliner Conventional Chassis with Model T base loader and trash body from Virginia Public Works Equipment through the cooperative purchasing agreement established with National Joint Powers Alliance Contract 041217-PII. The total cost of the debris truck including a warranty of the engine and transmission is \$156,108.

It is the recommendation of Public Works Department after reviewing the proposal for the dump truck to purchase a 2020 Freightliner M2-106 Conventional Chassis with a special 10’ Godwin 600U with Plow and V-box Spreader from Houston Freightliner through the cooperative purchasing agreement established

by the Houston-Galveston Area Council Contract HT06-18. The total cost of the dump truck including a warranty of the engine and transmission is \$145,662.

City Manager Randy Wheeler added that at the February 25, 2019 City Council meeting the funding was approved; however, due to the contracts being more than \$100,000 it has to be returned to Council for approval.

Councilman Green moved, seconded by Councilman Cannella to adopt the resolution to authorize the City Manager to enter into contracts with Virginia Public Works Equipment and Houston Freightliner for the purchase of a Dump Truck and Debris Truck. Recorded vote on the motion:

YES: Councilmembers Southall, Hux, Green, Cannella, Andrews, Vice Mayor Freeman and Mayor Hunt

NO: None

3. Resolution Authorizing the City Manager to Enter Into Contract with T.J. Crooks, Inc. for the Breakwater at Messick Point

City Engineer Garrett Feagans presented Council with a resolution authorizing the City Manager to enter into contract with T.J. Crooks, Inc. for the Breakwater at Messick Point.

Mr. Feagans advised Council that the City was awarded a Virginia Port Authority Grant to construct a third breakwater at Messick Point. This grant was in the amount of \$202,125.00. The City is required to provide matching funds in the amount of \$67,375, 25% of the project total. Forty thousand dollars (\$40,000) of this amount was designated for engineering and construction inspection services, and \$229,500 was designated for construction.

The City Staff issued an Invitation for Bids for construction of the new breakwater on February 3, 2019. Bids were opened on February 27, 2019. Four companies submitted complete bid packages. After review of the bids and checking of references, staff has recommended the City contract with T. J. Crooks, Inc. This company's price of \$ 184,891.00 was the lowest bid.

Councilman Green moved, seconded by Vice Mayor Freeman to adopt the resolution authorizing the City Manager to enter into contract with T.J. Crooks, Inc. for construction of a breakwater at Messick Point. Recorded vote on the motion:

YES: Councilmembers Andrews, Southall, Cannella, Hux, Green, Vice Mayor Freeman and Mayor Hunt

NO: None

4. Resolution Authorizing the City Manager to Enter Into Contract for Professional Auditing Services with Cherry Bekaert, LLP

Finance Director Tonya O'Connell presented Council with a resolution authorizing the City Manager to enter into contract for professional auditing services with Cherry Bekaert, LLP.

Mrs. O'Connell advised Council that in accordance with the City's purchasing policies and the Virginia Public Procurement Act, the City requested and advertised for proposals for these services. The City received four proposals and a committee of School and City personnel interviewed three of the four firms. After careful consideration, the committee has recommended the City contract with Cherry, Bekaert, LLP for an initial term of three years with two additional one year renewal options. The cost of the audit service fees for the first year is \$77,000. The increase in fees from the prior year audit contract is attributed to the increased reporting requirements for the recently issued statements for pension and other postemployment benefits by Governmental Accounting Standards Board.

Councilman Green moved, seconded by Councilman Cannella to adopt the resolution authorizing the City Manager to enter into contract for professional auditing services with Cherry Bekaert, LLP. Recorded vote on the motion:

YES: Councilmembers Andrews, Cannella, Southall, Hux, Green, Vice Mayor Freeman and Mayor Hunt

NO: None

5. Resolution Making Appointments to the Economic Development Authority and the Parks and Recreation Advisory Board.

A resolution making appointments to the Economic Development Authority and the Parks and Recreation Advisory Board was presented to Council. Councilman Green moved to adopt the resolution with the following names included, seconded by Councilman Cannella to reappoint Charles W. Gatz, Jr. (Central), Eden Harris (Western), Judith G. Mas'Sey (At Large) and Keith A. Feigh (At Large) to the Parks and Recreation Advisory Board and to appoint Thomas J. Bayne, Jr. to the Economic Development Authority. Recorded vote on the motion:

YES: Councilmembers Hux, Southall, Green, Andrews, Cannella, Vice Mayor Freeman and Mayor Hunt

NO: None

COMMENTS OF THE CITY MANAGER:

None

COUNCIL DIRECTIVES:

Councilman Green reminded everyone of the Food Bank that is scheduled for March 26th at the Old Municipal Building and sponsored by Poquoson Yacht Club and the Poquoson Exchange Club.

Councilman Southall congratulated the Exchange Club and thanked them for their work for the Child Abuse Prevention Month. He also congratulated Walter Apelt for his recognition and the many years of service working with the City and the time spent on the Economic Development Authority.

Vice Mayor Freeman thanked the Girls Scout Troop for their great presentation.

Mayor Hunt thanked the Fire Department and is looking forward to seeing the new fire truck around the City. He also wanted to thank the City Staff for looking for cost effective solutions for running the City through grants and other applications.

ADJOURNMENT:

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

YES: Councilmembers Green, Hux, Cannella, Southall, Andrews, Vice Mayor Freeman and Mayor Hunt

NO: None

The meeting was adjourned at approximately 7:56 p.m.