

**MINUTES OF THE CITY COUNCIL MEETING
APRIL 22, 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

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

ABSENT: The Honorable Jana D. Andrews

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 led the audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS:

New Employee Introduction – Kseniya Davis, Library

Library Director Jessica Hartley introduced the new library employee Kseniya Davis. Mrs. Davis comes to the City with a wealth of knowledge and work experience. Kseniya is excited for the opportunity and looks forward to working in the library environment.

AUDIENCE FOR VISITORS:

None

APPROVAL OF THE MINUTES:

1. Councilman Green moved, seconded by Councilman Southall, to adopt the minutes of the regular session held on April 8, 2019 as submitted. Recorded vote on the motion:

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

NO: None

2. Councilman Green moved, seconded by Councilman Cannella, to adopt the minutes of the work session held on April 8, 2019 as submitted. Recorded vote on the motion:

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

NO: None

PUBLIC HEARINGS:

1. **Resolution Approving a Modification of an Existing Conditional Use Permit for the Mixed Use Development Located at 200 Fountains Lane, Tax Map Parcel No. 27-10-4**

This public hearing was continued from the meeting on April 8, 2019 to allow the applicant, Mr. Robert Moses, to attend and present his PowerPoint presentation to Council and to answer any questions Council may have had.

Director of Community Development Wally Horton presented Council with a resolution approving a modification of an existing Conditional Use Permit for the mixed use development located at 200 Fountains Lane, Tax Map Parcel No. 27-10-4.

The Fountains of Poquoson, LLC, property owner Mr. Robert Moses requested a Conditional Use Permit amendment to extend the June 27, 2019 deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-4, Zoned VC (Village Commercial). The new deadline is proposed to be September 12, 2021, which is the deadline for the entire development. This would further amend Condition #4 of the original permit to read as follows:

4. If the project is not constructed and fully operational by ~~June 27, 2019~~ September 12, 2021, the Conditional Use Permit shall become null and void.

The Planning Commission, at its March 18, 2019 meeting, recommended approval of this request by a vote of 5-0.

Mayor Hunt re-opened the Public Hearing.

Mr. Moses came forward and presented Council with a brief history and overview of current construction plans of Phase II of the Fountains project. In 2014 a three year Conditional Use Permit was granted and construction plans were approved for Phases I & II. In 2016 Building #1 and Phase I were completed along with some site work in Phase II. In June 2016 a three year extension was granted for Phases I and II. Mr. Moses asked for an extension of the Conditional Use Permit that would allow sufficient time to complete construction of both buildings approved for Phase II.

Having no one else come forward to speak, the public hearing was closed.

Councilman Green moved, seconded by Councilman Cannella, to adopt the resolution approving a modification of an existing Conditional Use Permit for the mixed use development located at 200 Fountains Lane, Tax Map Parcel No. 27-10-4. Recorded vote on the motion:

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

NO: None

2. Proposed FY 2020 Annual Financial Plan and Tax Levies and Fees (1st Reading)

City Manager, Randy Wheeler presented Council with the ordinances for the Fiscal Year 2020 proposed financial plan and tax levies and fees. The first readings of the following ordinances were up for review:

- Ordinance setting the tax rate for the real estate, which would remain unchanged.
- Ordinance setting the tax rate for the personal property, which would remain unchanged.
- Ordinance updating Chapter 66 Section 66-42 and Section 66-63 relating to the increase in solid waste fees and reflecting 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 (a)(3).
- Ordinance updating Chapter 82 Section 82-40 relating to the decrease in sewer service fees and to reflect the current combined income utilized by the City to exempt qualified applicants for reduced fees. In addition, the ordinance was amended to reflect the percentage of reduction instead of actual dollars which will eliminate redundancy in future ordinance changes as it relates to sewer service fees.
- Ordinance appropriating the funds by the Proposed Annual Financial Plan for Fiscal Year 2020.

The Fiscal Year 2020 Budget is scheduled to be adopted at the May 13, 2019 City Council meeting.

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

No action was required.

3. Proposed FY2020 Real Property Tax Rate (1st Reading)

City Manager, Randy Wheeler presented Council with the proposed real property tax rate. Section 58.1-3321 of the Code of Virginia (1950), as amended requires that this public hearing be held to allow citizens the opportunity to comment on the changes in assessed real estate values in the City. The total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 2.63%. The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate would be \$1.11 per \$100 of assessed value. This rate is known as the "lowered tax rate".

Mayor Hunt opened the Public Hearing.

Mr. Steve Denoncourt of 8 Lakeview Dr. advised Council he had moved into his home in June 2018 and his assessment reflected a \$50,000 increase. Mr. Denoncourt wanted to understand what happened in the time since he purchased the home to cause an increase of this amount. Mayor Hunt explained to Mr. Denoncourt that 2019 is the City's reassessment year for the entire community, with some homes going up and others remaining the same or going down. Mayor Hunt advised Mr. Denoncourt he could speak to the Assessor's office and possibly the Board of Equalization if needed. City Manager Randy Wheeler advised Mr. Denoncourt that assessments are done on an every other year cycle, with the last reassessment being done on July 1, 2017, and his assessment was not based on just the time since he moved in his home in June.

Having no other speakers come forward the public hearing was closed.

No action required.

NEW BUSINESS:

1. Resolution Making an Appointment to the Wetlands Board

A resolution making an appointment to the Wetland Board was presented to Council. Councilman Green moved, seconded by Councilman Southall to appoint James C. Owens as a regular member to the Wetlands Board with a term expiring on August 31, 2022 and Jonathan P. Ingram as alternate with a term expiring on August 31, 2020. Recorded vote on the motion:

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

NO: None

COMMENTS OF THE CITY MANAGER:

City Manager Randy Wheeler thanked everyone involved in the weekend's Easter Egg Hunt event. Despite the weather challenges they faced it turned out to be one of the best events ever.

COUNCIL DIRECTIVES:

Vice Mayor Freeman mentioned what a great event the Easter Egg Hunt was as he witnessed the many families walking to attend the event. He also stated he had received several positive comments on the Community Home Based Business Conference that had been held.

Councilman Southall thanked the City Staff and School Board on the excellent work done on the budget.

Councilman Green thanked the City on behalf of the Exchange Club for their support this month on the Child Abuse Prevention Month. With Council support, Councilman Green discussed the possibility of remanding the Conditional Use Permit back to the Planning Commission for the Fountains Phase III and IV before it expires to save Mr. Moses and Council the time of repeating the process of future extensions. It was the consensus of Council that the Planning Commission is asked to work with Mr. Moses to

determine if any additional changes to the Fountains Conditional Use Permit expiration date should be considered. Food Bank will be held on Tuesday April 23rd and will be hosted by St. Timothy's Anglican Church and Tabernacle's Susanna Wesley Circle. He also thanked the library for their program of collecting can food for fines, they collected over 100 cans.

Councilman Hux mentioned how much easier events such as the Easter Egg Hunt from this weekend will be once the new sidewalks are in place along Poquoson Avenue.

Mayor Hunt asked City Staff and Council to be mindful of the work being done on the Wythe Creek Road Widening Project. VDOT is building the road, and Virginia Power is relocating utilities; however, it is still our road. We need to pay attention to the work to ensure we get the result we want and that is pleasing to the community and to those affected by the work being done.

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 Cannella, Green, Southall, Hux, Vice Mayor Freeman and Mayor Hunt

NO: None

The meeting was adjourned at approximately 7:30 p.m.