

**MINUTES OF THE CITY COUNCIL MEETING
NOVEMBER 12, 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 led the audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS:

Mayor Hunt presented Dr. John T. Dever, President, Thomas Nelson Community College with a Proclamation recognizing him for his over 40 years as an educator and his 8 years serving as President of Thomas Nelson Community College.

AUDIENCE FOR VISITORS:

Christy McCarley of Trace Trail Dr., Yorktown, Bob Weston of 34 Poquoson River Drive, Poquoson and Randie Trestrail of 212 Beach Road, Poquoson spoke on their opposition of the Legacy of Poquoson due to the storm water issues it may cause.

APPROVAL OF THE MINUTES:

1. Councilman Green moved, seconded by Councilman Cannella, to adopt the minutes of the regular session held on October 28, 2019 as submitted. Recorded vote on the motion:

YES: Councilmembers Andrews, Cannella, Southall, 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 October 28, 2019 as submitted. Recorded vote on the motion:

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

NO: None

PUBLIC HEARINGS:

Consideration of the following items requested by The Big Woods Development Company, L.L.C. regarding the Legacy of Poquoson Planned Unit Development, Poquoson Tax Map Parcel Numbers 17-1-22A, 18-1-121A, 27-1-1, 27-1-2, 27-1-4, 27-1-7, 27-1-8, 27-1-9A, 27-1-11, 27-1-12, 27-1-22A, 27-1-83, 27-1-84, 27-1-129A, 27-12-4, 27-12-5, 27-13-A, 27-13-B, zoned Planned Unit Development – Mixed Use (PUD-MU):

1. **Request for a proffer amendment to change the timeline in which the community clubhouse and pool must be constructed from prior to the 80th single family and/or townhome building permit to prior to the 147th single family and/or townhome building permit. Phase I contains 146 townhomes and single family homes.**

Wally Horton, Director of Community Development, reminded the audience and Council this request from The Big Woods Development Company, L.L.C., contract owner, was subject of the work session earlier this evening. The proffers were submitted as part of the original approval for the activation of the PUD-MU development and Legacy Master Plan granted by the City Council on August 24, 2015. On November 12, 2019 a letter was sent to Council modifying this request to change 146 townhomes to 120 townhomes

Wally Horton reminded Council the Planning Commission voted 4-2 to recommend approval of this request to the City Council.

Mayor Hunt opened the Public Hearing. The Big Woods Development Company, LLC Manager Lamont Myers spoke and thanked the land owners they have purchased from and informed Council all but one parcel has been purchased. Mr. Myers advised Council that due to the increase in construction cost over the last three years this amendment was needed. There being no further speakers Mayor Hunt closed the Public Hearing.

Councilman Green moved, seconded by Councilman Southall to approve the proffer amendment to change the timeline in which the community clubhouse and pool must be constructed from prior to the 80th single family and/or townhome building permit to prior to the 120th single family and/or townhome building permit. Recorded vote on the motion.

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

NO: None

2. Request for a rezoning amendment to approve townhome elevations that were not submitted with the original set of approved elevations.

Wally Horton, Director of Community Development, reminded the audience and Council this request from The Big Woods Development Company, L.L.C., contract owner, was subject of the work session earlier this evening.

Wally Horton reminded Council the Planning Commission voted 6-0 to recommend approval of this request to the City Council.

Mayor Hunt opened the Public Hearing. The Big Woods Development Company, LLC Manager Lamont Myers spoke on the need for this amendment to give flexibility in allowing a wider range of townhome models; however, no contracts have been signed by any builders so specific models or locations could not be provided. There being no further speakers Mayor Hunt closed the Public Hearing.

Councilman Green moved, seconded by Councilman Southall to approve the rezoning amendment to approve townhome elevations that were not submitted with the original set of approved elevations.

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

NO: None

3. Request for a buffer modification to Area #1 on the submitted Legacy of Poquoson Master Plan to reduce the 40-foot perimeter buffer to 10 feet, which area may be included in recorded lots, but which shall remain undisturbed.

Wally Horton, Director of Community Development, reminded the audience and Council this request from The Big Woods Development Company, L.L.C., contract owner, was subject of the work session earlier this evening.

Wally Horton reminded Council the Planning Commission voted 5-1 to recommend denial of this request to the City Council.

Mayor Hunt opened the Public Hearing. The Big Woods Development Company, LLC Manager Lamont Myers spoke on the need for this modification to avoid losing 8 single-family lots from the 238 single-family homes approved as part of the Master Plan. These saved lots would help offset potential losses in other areas as the result of required design modifications. In no case will the development exceed the limit of 238 single-family units, 108 townhome units and 11 Cottages established by approval. The buffer would not be close to wetlands and will not impact wetland areas. Ryan Stephenson of AES Consultant Engineers advised Council that the buffer modification would not have any impact on storm water environment and advised 10 feet of preserved trees provide more pollutant removal than 40 feet of grass area. Randy Trestrail of 212 Beach Road, Bob Weston of 34 Poquoson River Road, Cheryl Ferreira of 32 Wagner Road and Janice Powell of 326 Powhatan Drive all spoke in opposition of this modification. There being no further speakers Mayor Hunt closed the Public Hearing.

Councilman Green moved, seconded by Councilman Cannella to approve the buffer modification to Area #1 on the submitted Legacy of Poquoson Master Plan to reduce the 40-foot perimeter buffer to 10 feet, which area may be included in recorded lots, but which shall remain undisturbed. Councilman Cannella clarified that if the modification was not approved the developer could clear the trees and plant nothing but grass due to the term “landscape” not being defined. Recorded vote on the motion.

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

NO: Councilmembers Hux and Andrews

4. Request for a buffer modification to Area #3 on the submitted Legacy of Poquoson Master Plan to reduce the 40-foot perimeter buffer to 5 feet in order to provide room for the development of the commercial space located along a portion of the Victory Boulevard frontage as well as the required parking to serve this commercial space.

Wally Horton, Director of Community Development, reminded the audience and Council this request from The Big Woods Development Company, L.L.C., contract owner, was subject of the work session earlier this evening.

Wally Horton reminded Council the Planning Commission voted 6-0 to recommend approval of this request to the City Council.

Mayor Hunt opened the Public Hearing. The Big Woods Development Company, LLC Manager Lamont Myers spoke on the need for this modification is the adjacent property is zoned Research and Development (R&D) District and with the required buffer they could not build the commercial buildings as intended and due to the required parking. Randie Trestrail of 212 Beach Road spoke in opposition of the modification. There being no further speakers Mayor Hunt closed the Public Hearing.

Councilman Green moved, seconded by Councilman Cannella to approve the buffer modification to Area #3 on the submitted Legacy of Poquoson Master Plan to reduce the 40-foot perimeter buffer to 5 feet in order to provide room for the development of the commercial space located along a portion of the Victory Boulevard frontage as well as the required parking to serve this commercial space. Recorded vote on the motion.

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

NO: Councilmembers Hux and Andrews

5. Request for a buffer modification to Area #4 on the submitted Legacy of Poquoson Master Plan to reduce the 40-foot perimeter buffer to 5 feet in order to provide for a “T” turnaround at the terminus of Street A as shown on the Master Plan. The 5’ buffer would be maintained as grass.

Wally Horton, Director of Community Development, reminded the audience and Council this request from The Big Woods Development Company, L.L.C., contract owner, was subject of the work session earlier this evening.

Wally Horton reminded Council the Planning Commission voted 5-1 to recommend denial of this request to the City Council.

Mayor Hunt opened the Public Hearing. The Big Woods Development Company, LLC Manager Lamont Myers advised Council that the only break in the buffer would be for the storm water outfall. The turnaround would be curb and gutter roughly 20 feet wide with grass area around. Bob Weston of 34 Poquoson River Drive spoke in opposition of the modification. There being no further speakers Mayor Hunt closed the Public Hearing.

Councilman Green moved, seconded by Councilman Cannella to approve the buffer modification to Area #4 on the submitted Legacy of Poquoson Master Plan to reduce the 40-foot perimeter buffer to 5 feet in order to provide for a "T" turnaround at the terminus of Street A as shown on the Master Plan. The 5' buffer would be maintained grass.

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

NO: Councilmembers Andrews and Vice Mayor Freeman

NEW BUSINESS:

1. Resolution Cancelling the Second Meetings of the Months of November and December 2019

Councilman Green moved, seconded by Councilman Cannella to adopt the resolution cancelling the second meeting of November and December 2019. Recorded vote on the motion:

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

NO: None

COMMENTS OF THE CITY MANAGER:

None

COUNCIL DIRECTIVES:

Councilwoman Andrews thanked Veterans for their service. She advised although she voted no on a few of the items on the Agenda she supports the development overall.

Vice Mayor Freeman thanked the American Legion for the great Veterans Memorial service that was held on Veterans Day.

Councilman Hux expressed his support for the development of the Legacy of Poquoson.

Councilman Cannella also expressed his support the Legacy development and asked staff to look into the areas of the City Ordinance that may have language that is not clear.

Mayor Hunt agreed there are weaknesses in the City Ordinances that need to be reviewed by the Planning Commission when it references buffers and the language within the subject. Council was in general agreement and staff was directed to look into this issue.

Assistant City Manager Graham Wilson gave a brief update on the moving of Tom Hunt Store. The store is up and ready to move. The contractor requires a six hour window to relocate the store. Plan to move the building is scheduled for sunrise on Sunday, November 17th with hopes of the move being complete in four hours and before church patrons are inconvenienced. Due to possible inclement weather expected for the weekend the move may get postponed to a later date. City Manager Randy Wheeler added the Code Red message system will be utilized for the purpose of notifying citizens of the move.

ADJOURNMENT:

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

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

NO: None

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