

**MINUTES OF THE CITY COUNCIL MEETING**  
**December 13, 2021 7:00 P.M.**  
**REGULAR SESSION**

**PRESENT:** The Honorable Gordon C. Helsel, Jr., Mayor  
The Honorable Carey L. Freeman, Vice Mayor  
The Honorable Herbert R. Green, Jr.  
The Honorable David A. Hux  
The Honorable Charles M. Southall III  
The Honorable Keith A. Feigh

Tonya O'Connell, Assistant City Manager  
Kimberly Healy, City Clerk  
D. Wayne Moore, Attorney

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

**VIA TELECOM:** The Honorable Jana D. Andrews

**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.

**SPECIAL PRESENTATION:**

Assistant City Manager, Tonya O'Connell, introduced Greg Miller and Logan Booth of Cherry Bekaert, LLP to review the Fiscal Year 2021 audit and report on internal controls and other information as required by auditing standards.

Greg Miller reviewed the engagement services and the standards and procedures for the audit for year ending June 30, 2021. Mr. Miller advised what was audited versus information that is not audited, as well as new and future accounting and reporting policy changes. Mr. Miller reported no deficiencies in the internal controls considered to be material weaknesses and no noted instances of material noncompliance.

Logan Booth updated the end of year communications and changes in policy to GASB Statement No. 84: Fiduciary Activities and GASB Statement No. 98: Annual Comprehensive Financial Report. Mr. Booth stated there were no audit adjustments or uncorrected misstatements, as well as no disagreements regarding accounting, reporting or auditing matters. Mr. Booth also stated that there were no difficulties working with management and completing the audit. Mr. Booth reviewed the accounting and reporting changes to GASB Statements No. 87: Leases, No. 93: Replacement of Interbank Offered Rates and for FY 2023 No. 91: Conduit Debt Obligations, No. 94: Public-Private and Public-Public Partnerships and Availability Payment Arrangements, and No. 96: Subscription-Based Information Technology Arrangements. He also noted an auditing standard change for FY2022 SAS 134: Auditor Reporting and Amendments.

Assistant City Manager, Tonya O’Connell, presented the Holiday House and Light Decorating Contest winners on behalf of Gretchen Gochenour and Dave Callis. There were 20 entrants and the Best in Show was awarded to Carol and Jesse Wood, 2<sup>nd</sup> Place: Kelly Rutter, 3<sup>rd</sup> Place: Nancy Schott and Most creative was Marie Trice. Mrs. O’Connell thanked Gretchen and Dave for all of their hard work on this event.

Assistant City Manager, Tonya O’Connell, presented the Years of Service Employee Recognitions to employees having milestone anniversaries:

5-years of service: Michael McCrea, David Whitley, Jonathon Deal, Jessica Firth, Catron Goins and Jessica Hartley.

10-years of service: David Dixon, TJ Farrington and Charity Gavaza.

15-years of service: Earl McNair, Richina White, Christopher Jensen, Troy Curry and JP Linton.

20-years of service: Gretchen Gochenour and Khristina Staples.

25-years of service: Mark Boesen and Mel Insley.

40-year of service: Michael Bryant.

Mrs. O’Connell thanked staff for all of their years of service even if this is not a milestone year.

**AUDIENCE FOR VISITORS:**

None

**APPROVAL OF THE MINUTES:**

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt the minutes of the regular session held on November 8, 2021 as submitted. Recorded vote on the motion:

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

**NO:** None

**PUBLIC HEARING:**

**1. Ordinance Making Additional Appropriations and Transfers for Fiscal Year 2022 for General Fund and Capital Project Fund (Poquoson City Public Schools)**

Assistant City Manager, Tonya O’Connell, presented Superintendent of Schools, Arty Tillett, to review additional appropriations and transfers for fiscal year 2022 for General Fund and Capital Project Fund.

Mayor Helsel stated that the Schools have had a rough and challenging year and thanked Mr. Tillett and his staff for the sacrifice and great job that they have done.

Councilman Feigh echoed Mayor Helsel’s sentiments and stated that he took the liberty of reviewing the traffic issues at Poquoson High School and he now has a better understanding of the need for a new traffic loop.

Mr. Tillett reviewed the appropriations request of \$1,136,439 of carry-over funds to include \$21,727 for State Technology Grant, \$296,545 towards one-time bonus for all current and part time employees, \$429,167 towards the Poquoson Middle School renovations project, \$214,000 towards two bus replacements and \$175,000 towards creating a traffic control loop at Poquoson High School.

Councilman Green moved, seconded by Vice Mayor Freeman, to approve an Ordinance Making Additional Appropriations and Transfers for Fiscal Year 2022 for General Fund and Capital Project Fund (Poquoson City Public Schools). Recorded vote on the motion:

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

**NO:** None

**2. A Request for a Rezoning Amendment by Bob Moses of Fountains of Poquoson, owner and applicant, to Revise the Terms of Rezoning #5116 from B-2 (Business) to VC (Village Commercial) of 2.37 Acres of Property Located on the West Side of Wythe Creek Road, Immediately to the South of TJ's Sports Tavern, and Identified Further as Tax Map Parcel Nos. 27-09-2 and 27-18-2**

Community Development Director, Wally Horton, presented a request submitted by Bob Moses of Fountains of Poquoson, LLC, to rezone Amendment #5116, granted February 24, 2020 for 2.37 acres of the property located on the west side of Wythe Creek Road, immediately to the south of TJ's Sports Tavern, Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002 (Phase III) from B-2 (Business) to VC (Village Commercial). After a Public Hearing at its December 6, 2021 meeting, the Planning Commission voted 4-2 to recommend approval of this request.

Fountains of Poquoson, LLC property owner, Bob Moses, stated that the rezoning would allow him to bring in other investors to allow him to move forward with this project.

Councilman Green moved, seconded by Councilman Southall, to approve a Resolution to Approve a Modification of the Terms of a Rezoning of 2.37 Acres of Property Located on the West Side of Wythe Creek Road, Immediately to the South of TJ's Sports Tavern, Tax Map Parcel Nos. 27-09-00-0002 from B-2 (Business) to VC (Village Commercial). Recorded vote on the motion:

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

**NO:** None

**OLD BUSINESS:**

**1. Conditional Use Permit Requested by CBC Rentals, LLC**

Assistant City Manager, Tonya O'Connell, stated that at the November 8, 2021 City Council meeting the approval for the Conditional Use Permit requested by CBC Rentals, LLC failed, however, no vote was held for denial of the permit.

Vice Mayor, Carey Freeman, asked the City Attorney, Wayne Moore, for clarity the City Ordinance that a motion to approve had failed is not a denial. Mr. Moore confirmed you have to have either a motion to approve or a motion to deny with a majority vote and previously there was only a motion to approve that failed.

Councilman Feigh moved, seconded by Councilman Southall, to approve a Resolution Denying a Conditional Use Permit for the Conversion of Office Units to a Maximum of Ten Housing Units at 538 Wythe Creek Road, Tax Map Parcel 18-1-59, Zoned B-2 (Business/Commercial). Recorded vote on the motion:

**YES:** Councilmembers Feigh, Andrews, Southall and Hux

**NO:** Councilmember Green, Vice Mayor Freeman and Mayor Helsel

**NEW BUSINESS:**

- 1. Resolution of the Poquoson City Council Approving of the City's Participation in the Proposed Settlement of Opioid-Related Claims Against McKesson, Cardinal Health, AmerisourceBergen, Janssen and Their Related Corporation Entities, and Directing the City Attorney to Execute the Documents Necessary to Effectuate the City's Participation in the Settlements**

City Attorney, Wayne Moore, explained that there is a central clearing house that contains all of the participant's applications and they require a Resolution designating the City's participation in the settlements including the required release of claims against settling entities.

Councilman Green moved, seconded by Vice Mayor Freeman, to approve a Resolution of the Poquoson City Council Approving of the City's Participation in the Proposed Settlement of Opioid-Related Claims Against McKesson, Cardinal Health, Amerisourcebergen, Janssen, and Their Related Corporate Entities, and Directing the City Attorney to Execute the Documents Necessary to Effctuate the City's Participation in the Settlements. Recorded vote on the motion:

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

**NO:** None

- 2. Ordinance Authorizing the City Manager to Accept the Byrne Justice Assistance Grant and Making Appropriations for Fiscal Year 2022 for General Fund**

Police Chief, Stephen Keatts, presented an ordinance authorizing the City Manager to accept federal grant funds of \$2,058 from the Byrne Justice Assistance Grant Program (JAG) to help support their efforts to reduce crime and improve public safety. Chief Keatts stated he would like to use these funds to purchase load bearing vests for officers.

Councilman Green moved, seconded by Vice Mayor Freeman, to approve an Ordinance Authorizing the City Manager to Accept the Byrne Justice Assistance Grant and Making Additional Appropriations for Fiscal Year 2022 for General Fund. Recorded vote on the motion:

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

**NO:** None

**3. Resolution Making an Appointment to the Virginia Peninsula Public Service Authority (VPPSA)**

Councilman Green moved, seconded by Vice Mayor Freeman, to approve a Resolution making an appointment to the Virginia Peninsula Public Service Authority (VPPSA) with the name John T. Anderson inserted with a term expiring December 31, 2024. Recorded vote on the motion:

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

**NO:** None

**COMMENTS OF THE ASSISTANT CITY MANAGER:**

Assistant City Manager, Tonya O’Connell, thanked Council for the approval of the Retention Bonus pay and stated they were distributed the beginning of December and they were very well received. Mrs. O’Connell also welcomed CVS to the community and wishes Rite-Aid continued success. Mrs. O’Connell thanked Council for their continued support during City Manager, Randy Wheeler’s recovery from surgery and wished Mr. Wheeler a speedy recovery. She wished everyone a Happy Holiday and looks forward to seeing everyone in the new year.

**COUNCIL DIRECTIVES:**

Councilman Southall thanked Citizens for watching and paying attention to their City government. Mr. Southall also stated he was pleased with the display of holiday lights in the community and urged more citizens to apply for the Holiday Light contest next year.

Councilwoman Andrews seconded Councilman Southall’s comments and wished everyone Happy Holidays and also thanked the City employees for their hard work and years of service.

Councilman Hux thanked the Registrar, Tammi Pinckney and her staff and volunteers for a successful election that was held with integrity. Mr. Hux also stated that he enjoyed the Christmas Parade this year and thanked all of the staff involved in making the Parade successful including, Dave Callis, Gretchen Gochenour and Debbie Taylor. Mr. Hux also thanked Robin Bellamy and Tonya O’Connell for stepping up to fill in and making sure everything runs smoothly. Mr. Hux wished Randy Wheeler well and is looking forward to having him back.

Councilman Green echoed Councilman Hux’s comments on the Parade. Mr. Green also reminded everyone of the Food Bank on Tuesday, December 21<sup>st</sup> from 10 a.m. to 12 p.m. and will be hosted by Kirkwood Presbyterian Church.

Councilman Feigh wished the Citizens a Happy Holiday. Mr. Feigh thanked Public Works for their efforts in cleaning up leaves and such around the City.

Vice Mayor Freeman expressed his delight in the number of Citizens who also attended the Christmas Tree Lighting at City Hall and wished everyone a Happy Holiday.

Mayor Helsel thanked Tonya O'Connell for filling in and for the job that she does. Mr. Helsel also sent his best wishes to Randy Wheeler in his recovery. Mr. Helsel thanked all the staff who work hard and have worked for the City for years and making the Parade and Christmas Tree Lighting so wonderful and wished everyone a great Christmas.

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

**NO:** None

The meeting was adjourned at approximately 8:06 p.m.