1. 8-22-16 Work Session Agenda

Documents:

8-22-16 WORK SES AGENDA_001.PDF

1.I. Moses & Graham Map Amendment, Rezoning & CUP Requests

Documents:

3 MOSES REQUESTS_001.PDF

1.I.i. Report On Council Retreat

Documents:

COUNCIL RETREAT REPORT_001.PDF

1.I.i.1. 8-22-16 Council Regular Meeting Agenda

Documents:

8-22-16 COUNCIL REGULAR AGENDA.PDF

1.I.i.1.1. Tree Trimming

Documents:

TREE TRIMMING.PDF

1.I.i.1.2. Minutes July 25, 2016 Regular Mtg

Documents:

7-25-16 REG MTG MINUTES.PDF

1.I.i.2. 7-25-16 Council Wk Ses Minutes

Documents:

7-25-16 WK SES MIN.PDF

1.I.i.2.1. Harcum-Straight Brewery CUP

Documents:

BREWERY CUP.PDF

1.I.i.3. Planning Commission Appointment

Documents:

PC APPMT8-22-16.PDF

1.I.i.3.1. Noise Ordinance

Documents:

NOISE ORDINANCE.PDF

1.I.i.4. Bunting Lane Traffic Improvements

Documents:

BUNTING LANE8-22-16.PDF

1.I.i.5. Real Estate Assessment Software

Documents:

ASSESSMENT SOFTWARE.PDF

1.I.i.6. CSA Appropriation

Documents:

CSA APPROP.PDF

1.I.ii. Hurricane Window Film

Documents:

HURRICANE FILM.PDF

POQUOSON CITY COUNCIL
WORK SESSION
AUGUST 22, 2016
6:00 P.M.

1. **Moses/Graham Amendment of Land Use Map Designation in Comprehensive Plan**
2. **Moses/Graham Rezoning of Property Immediately South of George's Restaurant**
3. **Moses/Graham Conditional Use Permit Request**
4. **Comprehensive Plan Update – William Travis**
5. **Report on Council Retreat**

CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
(757) 868-3040 TELEPHONE (757) 868-3105 FAX

August 22, 2016

To: The Honorable City Council

Through: City Manager

From: Kevin M. Wyne, AICP, Planner

Subject: **Land Use Map Amendment Request, Rezoning Request and Conditional Use Permit Request for Tax Parcel Nos. 27-9-2 and 27-18-2 and a Conditional Use Permit Request for Tax Parcel No. 27-1-87**

Presented for your work session discussion are three (3) separate requests from Mr. Robert Moses, developer and Mr. John B. Graham. Mr. Graham is the property owner of two (2) of the parcels involved in the development proposal for which Mr. Moses is the developer. In addition, Mr. Moses is the owner and developer of the third parcel. The requests are for properties immediately adjacent to the Fountains of Poquoson development located south of Alphus Street and immediately south of the Poquoson Commons Shopping Center. The applications involve a request to amend the City's Future Land Use Map for Tax Map Nos. 27-9-2 and 27-18-2, both of which front on Wythe Creek Road and are owned by Mr. Graham, by changing their land use map designation from General Commercial to Village Commercial. Additionally, the applicants are requesting that these same two (2) parcels be rezoned from B-2, Business/Commercial to VC-Village Commercial. Lastly, the applicant is requesting a Conditional Use Permit for the parcels mentioned above as well as Tax Map No. 27-1-87, located immediately east of the City's Economic Development Authority pond and south of Alphus Street, to allow for over one half of the developed square footage to consist of residential. A rezoning and land use map amendment is not required on the last parcel as it is already zoned Village Commercial and designated for use as Village Commercial in the City's Future Land Use Map. Please find the table below which should offer clarity as to which parcels are involved and in what capacity.

Parcel	Owner	Current Zoning	Proposed Zoning	CUP Required
27-9-2 (Phase III, Mixed Use Site)	Mr. Graham	B-2	VC	Yes
27-18-2 (Phase III, Mixed Use Site)	Mr. Graham	B-2	VC	Yes
27-1-87 (Phase IV, Townhome Site)	Mr. Moses	VC	Will not change	Yes

The attached staff report prepared for the Planning Commission, dated August 15, 2016, outline the requests in detail. Additionally, there are several maps attached which may be helpful in identifying the various parcels involved.

The Planning Commission held a public hearing on this proposal at their Monday, August 15, 2016 meeting and has recommended approval of all three (3) land use applications by a vote of 5-1. As a part of their recommendation the Planning Commission did make one addition to the staff proposed conditions as it pertains to the developer's Conditional Use Permit request. Specifically, the Planning Commission's recommendation advances to you with the addition of the following condition:

10. Prior to the issuance of any building permit related to Phase IV (townhome site as depicted on the submitted plan), the developer must provide documentation to the City verifying that two-thirds of commercial and residential components of the entire development (to include Phases I, II and III) are occupied.

All other conditions as suggested by staff have been recommended by the Planning Commission and can be found in the attached report prepared for the Planning Commission dated August 15, 2016.

A public hearing on this item is scheduled for your Monday, September 12, 2016 meeting.

KMW

Big Woods-EDA Assemblage
Consensus Document and Development Framework
August 2016 Work Session Discussion Document

Background: On April 12, 2016 the members of the City Council held a retreat to discuss issues pertaining to the development of the EDA-owned 6 parcel assemblage across from City Hall Avenue on the north side of Victory Boulevard. Retreat participants also included the Chairman and Vice Chairman of the Planning Commission and the Chairman of the Economic Development Authority as well as members of the senior staff. Discussion focused on expectations for the property with the goal of clearly identifying what the City would like to occur on the property rather than simply processing what may be allowed in the zoning district(s). This Retreat was an important first step toward developing specific vision which will guide development of this critically important gateway property.

Importance of the Assemblage: The participants discussed the relative importance of the assemblage as it relates to surrounding properties, character of the City and fiscal strength. The participants recognized that each of these three aspects were important, with importance to the character of the City deemed as the most important.

Guiding Principles for Development: Following a discussion of potentially desirable development concepts and a discussion of impacts/projects that would not be desirable associated with development of the assemblage a number of guiding principles/expectations emerged:

- The City should continue its efforts to develop the assemblage and to further refine a specific development vision which would allow the site to be marketed for specific rather than general uses.
- Development should be of gateway quality in terms of building design, building materials, uses and landscaping and should not be residential or industrial in nature.
- Development should not negatively impact traffic conditions on Victory Boulevard.
- Development should complement but not detract from or significantly compete with the existing business corridor.
- The assemblage should not be used for public buildings or facilities.
- The City would consider a potential private-public partnership on the property for certain types of projects such as recreational and/or cultural center.
- Development should enhance the quality of life and increase opportunities for citizens to shop locally.
- Development should not take the form of traditional strip mall development.
- The Assemblage should not be sold or developed piecemeal.

Possible Development Concepts: The following received majority or stronger consensus as development concepts that may be appropriate for the assemblage and therefore should be the subject of further study.

- Regional Sporting Goods Store
- Nautical Themed Retail
- Public-Private Recreation and/or Cultural Center Project
- Hi-Tech Manufacturing or Medical Facility
- Professional Office-Mixed Use

Next Steps:

The City Council establish a working Committee consisting of one member of the City Council, and Planning Commission, the members of the Economic Development Authority with participation from Hampton Roads Economic Development Alliance and senior staff.

The Committee will be tasked to present its preliminary analysis to City Council within 90 days including its recommendations regarding which of the five development concepts are most desirable/feasible for detailed study. The Group will then be tasked with developing a detailed feasibility analysis and associated recommendations for presentation to Council within 120 days. It should be noted that the detailed feasibility analysis may require consulting services. Following this presentation the City Council will select the preferred development concept(s).

Supporting Actions:

Following selection of the preferred development concepts the EDA shall be tasked with actively marketing the property for the specific development concepts selected by the City Council. It should be noted that the designation of a preferred development concept(s) would not preclude consideration of other possible uses; however the EDA would not market or otherwise actively solicit private sector interest for projects that do not align with the Council's preferred development concepts(s).

The EDA shall utilize the Guiding Principles for Development listed above in evaluating any development proposal for the Assemblage.

Following the City Council's designation of the preferred development concept(s) the Planning Commission and staff shall review the Comprehensive Plan and related zoning requirements to identify and revise any section which may constitute an unreasonable barrier to development of the Council-selected preferred development concepts(s) and to incorporate the Guiding Principles for Development into the Comprehensive Plan and related zoning requirements relating to future development along the Victory Boulevard Corridor.

POQUOSON CITY COUNCIL
MEETING OF
MONDAY, AUGUST 22, 2016
7:00 P.M.
REGULAR SESSION

6:00 P.M. Work Session

A. MEETING CALLED TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS

- **Mayor Hunt – Certificates of Appreciation**
- **City Manager – Introduction of New Employees**
- **Steven Kast, United Way – Presentation of Check to the City**
- **Tom Jones – Poquoson Public Works Department Tree Trimming Update**

D. AUDIENCE FOR VISITORS

E. APPROVAL OF THE MINUTES

1. **Regular Session – July 25, 2016**
2. **Work Session – July 25, 2016**

F. PUBLIC HEARING

1. **Request by E. Rae and Phoebe M. Harcum, Property Owners and Samuel Straight, Agent for a Conditional Use Permit to Allow For the Construction and Operation of a Small, Independent Craft Brewery to Include a Tasting Area or Lounge/Beer Garden on Property Located on the South Side of Victory Boulevard, East of City Hall**

   (a) **Public Hearing**
   (b) **Consideration by Council**

G. NEW BUSINESS

1. **Resolution Making An Appointment to the Planning Commission**

2. **Ordinance Amending the Noise Ordinance by Revising Section 34-39 to Include Funeral Homes to the List of Noise Sensitive Areas**

3. **Resolution Approving Traffic Improvements for Bunting Lane**

4. **Resolution Approving a Contract For Vision Real Estate Assessment Software and an Ordinance Making Additional Appropriations and Transfers for FY 2016-2017**

5. **Ordinance Making Additional Appropriations and Transfers for FY 2016-2017 CSA Expenditures**

6. **Ordinance Accepting Funds From United Way for Purchase of Protective Window Film And Appropriating the Funds**

H. COMMENTS OF THE CITY MANAGER

I. COUNCIL DIRECTIVES

J. ADJOURNMENT

City of Poquoson
Department of Public Works

MEMORANDUM

Date: July 26, 2016

To: Randy Wheeler and Judy Wiggins

From: Tom Jones

Subject: Tree Trimming

Below is the PA that I would like to get out to the citizens. Please review; tweak/change however you think it should read. Let me know and then we will get Vicki to get it out to the Public.

Over the next several weeks the Public Works Department will be trimming all trees and shrubs that are hanging out past the curb and gutter into the City's Right of Way. This is being done as to keep the Right of Way clear for vehicular traffic as well as for our City Street Sweeper to properly clean the curb and gutter.

If you have any questions or concerns please call Poquoson Public Works at 868-3590.

MINUTES OF THE CITY COUNCIL MEETING
JULY 25, 2016, 7:00 P.M.
REGULAR SESSION

PRESENT: The Honorable W. Eugene Hunt, Jr., Mayor
The Honorable Carey L. Freeman, Vice Mayor
The Honorable Traci-Dale Crawford
The Honorable Herbert R. Green, Jr.
The Honorable Raymond D. Vernall
The Honorable Henry W. Ayer III

J. Randall Wheeler, City Manager
Judy F. Wiggins, Assistant City Manager/City Clerk
D. Wayne Moore, City Attorney

ABSENT: The Honorable Charles M. Southall III

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:

Presentation by Delegate Gordon Helsel

The Honorable Gordon C. Helsel, Jr., Virginia State Delegate, presented to former City Librarian, Elizabeth Tai, a resolution adopted by the 2016 Virginia State General Assembly recognizing her for the many years of outstanding service to the City of Poquoson.

Delegate Helsel also provided a brief update on what occurred during the 2016 Virginia General Assembly Session. He particularly pointed out that the final payment was allocated to purchase the property adjacent to Langley Air Force Base which was necessary to ensure the continued operation of the Base in the City of Hampton; that grant funds had been appropriated to provide water and electricity to the City's Messick Point pier; that additional funds were appropriated for public education; and that he continues to work towards reducing the regulations placed on working watermen. He also stated that at the 2017 General Assembly Session, legislators will be considering additional restrictions on drivers' cell phone usage; LGBT and testing of handicap children. Lastly, he stated that he is working closely with the Department of Transportation in an effort to obtain funds to improve Victory Boulevard which is vitally needed to provide an evacuation route for the residents of Poquoson.

Mayor Hunt, on behalf of Council, thanked Delegate Helsel for his ongoing invaluable assistance and hard work in the General Assembly on behalf of Poquoson.

Certificates of Appreciation

Mayor Hunt, on behalf of City Council, presented Certificates of Appreciation to Allan L Melton for his service on the School Board and George F. Curtis for his service on the Library Advisory Board.

VPI Extension Agent

Ms. Megan Tierney, the new York-Poquoson Virginia Tech Extension Agent, introduced herself to Council and provided a brief overview of her duties related to Horticulture and the Master Gardener program. In conclusion, she distributed information on the services provided by the Virginia Cooperative Extension Office and her contact information.

Introduction of New Employees

Fire Battalion Chief, John Young, introduced the City's newest Fire Department employees, Jessica Firth and Jonathon Deel. On behalf of Council, Mayor Hunt welcomed them to the City.

AUDIENCE FOR VISITORS:

Ms. Randie Trestrail, 212 Beach Road, expressed appreciation for Ms. Tierney's brief presentation and encouraged the City to more frequently monitor and remove debris at Messick Point.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Ayer, to adopt the minutes of the regular session held June 27, 2016 as amended. Recorded vote on the motion:

YES: Councilmembers Crawford, Ayer, Freeman, Vernall, Green and Mayor Hunt.

NO: None.

Councilman Green moved, seconded by Councilman Vernall, to adopt the minutes of the work session held June 27, 2016 as submitted. Recorded vote on the motion:

YES: Councilmembers Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

PUBLIC HEARING:

1. **REQUEST OF MR. FRANK CRANDOL ON BEHALF OF BRICK KILN, LLC FOR A CONDITIONAL USE PERMIT TO ESTABLISH AND**

OPERATE A MINI-STORAGE WAREHOUSE FACILITY IN A RESIDENTIAL DISTRICT

The Planner, Kevin Wyne, stated that the property owner/applicant, Mr. Frank Crandol, wanted to establish and operate a mini-storage warehouse facility with a separate professional office building on an approximate 5.9 acre parcel, zoned R-1 (Single-Family Residential), and located on Wythe Creek Road near Woodhaven Drive. He explained that the Planning Commission, at its June 20, 2016 meeting, recommended denial of the request by a vote of 6-1.

In response to queries that were posed by Council at the June 27, 2016 Council work session, he offered the following information:

- That Storage World Poquoson has 345 units and is currently at 99.1% capacity while Poquoson Self Storage has approximately 113 units and would not disclose their current occupancy;
- That if developed as requested, the site would generate approximately 39 vehicular trips during the afternoon Peak Hour, whereas if developed under the City's Open Space provisions it would generate approximately 10 vehicular trips during the same timeframe;
- That storage unit uses only provide real estate tax revenue; however, to determine any other revenue impacts a community impact assessment would be necessary; and
- That within the R-1 Zoning District, buildings may be erected up to 35 feet in height; however, Council may impose a height restriction on the requested facilities if deemed appropriate.

Mayor Hunt opened the public hearing.

Mr. Frank Crandol of Brick Kiln LLC, property owner and applicant, voiced support for his request. He explained that the storage units would be constructed in phases; that all stormwater would be contained and treated on-site; that the proposed use is quiet and produces minimal traffic; and that with the imminent construction of the Legacy development additional residential homes are not needed in the City.

Mr. John Davis, 10 Woodhaven Drive; Mr. Jeremy Collins, on behalf of Mr. and Mrs. Adam MacDonald of 5 Woodhaven Drive; Mr. Don Helser, 6 Woodhaven Drive; Mr. Ralph Jaynes, 267 Wythe Creek Road; Mr. Bob English, 1 Woodhaven Drive; Mr. Steve Collins, 8 Woodhaven Drive; and Mr. Bryan Jaynes, 271 Wythe Creek Road, expressed opposition to the request based upon the following:

- That the storage units would be an aesthetic eyesore to their backyard view;
- That the proposed use would diminish the quality of life for adjacent property owners and devalue their properties;
- That it would increase the probability of crime in the area;
- That the use is not in compliance with the City's Comprehensive Plan;
- That approval of the request would equate to a "spot zoning";

- That increased traffic from the site would be detrimental to adjacent properties;
- That the height of the property and the increased impervious surface of the development would cause flooding to adjacent properties;
- That the use would produce noise pollution and light trespass; and
- That there are sufficient storage units already available in the City.

During Council's discussion, the applicant and the adjacent property owners were commended for their comments; however, concern over adherence to the City's Comprehensive Plan, and the adverse impact upon neighboring residential areas and the spot zoning resulting from approval of the request dominated the conversation.

Resolutions, approval and denial, were presented for Council's consideration and Councilman Green moved, seconded by Vice Mayor Freeman that the denial resolution be adopted. Recorded vote on the motion:

YES: Councilmembers Ayer, Crawford, Green, Freeman, Vernall and Mayor Hunt.

NO: None.

NEW BUSINESS:

1. **RESOLUTION MAKING APPOINTMENTS TO THE LIBRARY ADVISORY BOARD AND THE SCHOOL BOARD**

A resolution making appointments to the Library Advisory Board and the School Board was presented for Council's consideration. Councilman Green moved, seconded by Vice Mayor Freeman, to appoint Peter W. Hardin to the Library Advisory Board and Christina F. Helsel to the School Board and to insert their names in the resolution. Recorded vote on the motion:

YES: Councilmembers Crawford, Ayer, Freeman, Vernall, Green and Mayor Hunt.

NO: None.

2. **RESOLUTION APPROVING THE FY 2017-2018 PERFORMANCE CONTRACT FOR COLONIAL BEHAVIORAL HEALTH**

Mr. David Coe, Executive Director of Colonial Behavioral Health (CBH), reminded Council that the State Code requires the governing body of each city or county served by its Community Services Board to approve a Performance Contract on a biennial basis. He provided a brief update on the activities of the agency and how it serves the residents of Poquoson. In conclusion, Mr. Coe stated that he would be pleased to provide a more in-depth overview of the CBH's services in a work session if Council so desires.

In response, Mayor Hunt stated that staff would schedule a work session with Mr. Coe in the near future.

A resolution approving the FY 2017/2018 contract was presented for Council consideration and Councilman Green moved, seconded by Councilman Ayer, that it be adopted. Recorded vote on the motion:

YES: Councilmembers Green, Vernall, Ayer, Crawford, Freeman and Mayor Hunt.

NO: None.

3. RESOLUTION APPROVING THE FIRST AMENDMENT TO THE RESTATED COOPERATIVE AGREEMENT WITH THE PENINSULA REGIONAL JAIL

The City Manager, J. Randall Wheeler, stated that the first amendment to the agreement between the Virginia Peninsula Regional Jail Authority (VPRJA) and the counties of York and James City, and the cities of Poquoson and Williamsburg sets forth the payment requirements for each locality. He pointed out that in the past this service was paid in arrears every six months; however, under the amendment it will be paid in advance every two months. In response to a Council query, the City Manager explained that the payments are based upon a 5 year running average.

On behalf of Council, Mayor Hunt thanked the City Manager for his service as Chairman of the VPRJA and for his leadership in crafting the amendment.

A resolution approving the agreement amendment was presented for Council's consideration and Councilman Green moved, seconded by Councilman Ayer, that it be adopted. Recorded vote on the motion:

YES: Councilmembers Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

4. RESOLUTION MAKING REAPPOINTMENTS TO THE WETLANDS BOARD

The City Manager stated that William H. Clarke, Wetlands Board Member, has requested to exchange membership status with Sally A. Smith, alternate Board Member, to which she has agreed. A resolution exchanging membership status accordingly was presented for Council's consideration. Councilman Green moved, seconded by Councilman Vernall to reappoint Sally A. Smith as the regular member and William H. Clarke as an alternate member to the Wetlands Board and to adopt the resolution with their names inserted. Recorded vote on the motion:

YES: Councilmembers Ayer, Crawford, Green, Freeman, Vernall and Mayor Hunt.

NO: None.

5. ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FISCAL YEAR 2015-2016

An ordinance making various appropriations for FY 2016 was presented for Council's consideration and briefly explained by the City Manager. He pointed out that the majority of the transactions are attributed to grants and outside funding sources.

Council Green moved, seconded by Councilman Ayer, to dispense with the second reading and to adopt it on first reading to be effective immediately. Recorded vote on the motion:

YES: Councilmembers Crawford, Ayer, Freeman, Vernall, Green and Mayor Hunt.

NO: None.

COMMENTS OF THE CITY MANAGER:

The City Manager stated that he and Vice Mayor Freeman had attended the Virginia Peninsula Mayors/Chairs meeting earlier that day at which time a representative from the Virginia Department of Transportation (VDOT) gave an update on the Interstate 64 improvements. He pointed out that the then Hampton Mayor, George Wallace and Councilman Green played a critical role in ensuring that these improvements were funded.

COUNCIL DIRECTIVES:

Councilman Vernall commended the Public Works employees for their hard work despite the oppressive heat and asked them to be safe while working in these dangerous conditions.

Councilman Green reminded everyone that the Foodbank distribution would be held on Tuesday, July 26th from 10 a.m. to 1 p.m. He stated that the concrete pad has been poured for the Poquoson Exchange Club's Aquatic Interpretive Center at Messick Point and grading of the site would occur shortly.

Councilman Ayer thanked everyone who was in attendance at the meeting and Mr. Frank Crandol for bringing forward his request. Lastly, he thanked City staff for their kind sympathy card following the loss of his nephew and wished his daughter Happy Birthday!

Councilwoman Crawford thanked everyone who had attended the meeting and she congratulated Elizabeth Tai, George Curtis and Allan Melton for their service to the community. She expressed delight at living and serving as a Councilmember in Poquoson.

Vice Mayor Freeman agreed with Councilwoman Crawford that it is wonderful to live in a small community that does not have the problems/issues that larger localities face. He stated that the City's deer population continues to increase even though the bow season

has been extended and inquired if there was anything else the City could do to curtail the increasing population.

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, Vernall, Ayer, Crawford, Freeman and Mayor Hunt.

NO: None.

The meeting was adjourned at approximately 9:25 p.m.

MINUTES OF THE CITY COUNCIL MEETING
JULY 25, 2016, 6:00 P.M.
WORK SESSION
Council Chambers

PRESENT: The Honorable W. Eugene Hunt, Jr., Mayor
The Honorable Carey L. Freeman, Vice Mayor
The Honorable Traci-Dale Crawford
The Honorable Herbert R. Green, Jr.
The Honorable Raymond E. Vernall
The Honorable Henry W. Ayer III

J. Randall Wheeler, City Manager
Judy F. Wiggins, Assistant City Manager/City Clerk
D. Wayne Moore, City Attorney

ABSENCE: The Honorable Charles "Bud" M. Southall III

The meeting was called to order by Mayor Hunt at approximately 6:00 p.m. in Council Chambers.

Bunting Lane:

The City Manager, J. Randall Wheeler, reminded City Council that at their May 23, 2016 regular meeting they discussed traffic concerns on Bunting Lane and received significant public comments on this issue under Audience For Visitors. He stated that subsequent to the discussion that evening, Council requested that additional traffic data be collected and that this matter be discussed again in a summer work session. Since the May meeting, Mr. Wheeler stated that the Police Department has provided increased speed enforcement on this street and has also installed two *Children at Play* signs.

In addition, as a result of the May Council discussion, Mr. Wheeler stated that staff had contacted VDOT for guidance and additional information on how to appropriately address this issue. He stated that *Traffic Calming* is a formal VDOT program established for residential roads that provide direct access to homes and is intended to slow speeding traffic without restricting access to the street itself. However, he pointed out that such measures do not require State approval but rather approval from City Council.

The City Manager stated that prior to implementing any traffic calming measures, i.e. speed humps, traffic circles, raised crosswalks, etc., increased community awareness and stepping up traffic enforcement should first occur. In addition, he pointed out that Council may wish to consider other options such as establishing a Residence District that would establish a maximum fine of up to $200 for speeders and provided the steps whereby this could be enacted. Also he pointed out that the installation of one or more enlarged speed limit electronic signs, which display the actual speed of oncoming traffic, could be installed.

Chief of Police, Clifford Bowen, stated that stealth radar was used on Bunting Lane on May 19, 2016 through June 2, 2016 and again the week prior to this work session showing very little difference, i.e. out of the approximate 3,900 vehicles that were counted during each of the given periods approximately 20 of them were traveling 35+ mph. He explained that the data also shows the Police Department at what time speeding is more prevalent so that the Police can increase enforcement accordingly.

Councilwoman Crawford stated that she had learned that it is illegal to use stop signs as a traffic calming measure.

Councilman Green stated that prior to implementation of any drastic traffic calming measure(s); he would want to see a petition supporting such a measure(s) signed by a large percentage of the residents in the affected neighborhoods.

Mayor Hunt suggested that solar-powered electronic signs showing drivers the speed limit and their personal vehicular speed be erected on Bunting Lane and that the Police Department use the new data to determine at what times they should increase enforcement.

In response to a Council query, the City Manager stated that the solar-powered speed signs cost approximately $3,500 to $5,000.

Councilman Ayer stated that should such signs be purchased and erected on Bunting Lane, residents on similar roadways will likely request the same signs which could cost the City a great deal of money.

Councilman Vernall stated that no extreme traffic calming measures are called for on Bunting Lane; however, he could support the installation of solar speed signs as well as additional typical speed signs.

Councilwoman Crawford suggested painting white lines on the edges of road pavement.

Police Chief Bowen stated that his department is also looking at improving visibility along Bunting Lane to see if any vegetation needs to be removed to improve the line of sight.

Mayor Hunt stated that it appeared to be the consensus of Council to:

- Paint white lines on the pavement edges of Bunting Lane;
- Improve visibility of the existing speed postings and remove any vegetation necessary to improve visibility for drivers; and
- Add solar-powered digital speed sign(s).

Lastly he stated that the creation of a $200 speeding fine district would be the last resort and that he would like to see the stealth unit used more frequently.

Brewery Conditional Use Permit:

Kevin Wyne, Planner, stated that Rae and Phoebe Harcum, property owners, and Samuel Straight, applicant, are requesting a Conditional Use Permit to construct and operate a

small, independent craft brewery to include a tap room and an outdoor beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall Avenue. He gave a brief overview of the request which highlighted the following information:

- That a Use Permit is required since a brewery is not specifically permitted in the VC District;
- That the total building will measure 6,000 square feet in size;
- That the applicant is willing to work with the City pertaining to right-of-way dedication;
- That traffic generation is not expected to be heavy;
- That the Architectural Review Board approval will be required; and
- That the Planning Commission, by a vote of 4-0, recommended approval of the Use Permit inclusive of the eight conditions suggested by staff.

Mayor Hunt pointed out that a brewery is only allowed in the Research & Development District in the City which is in close proximity to the subject parcel. He also encouraged Council to allow new businesses to come into the City with as few obstacles as possible.

In response to Council queries, the Planner stated that the subject parcel will be accessed from the City Hall Avenue traffic circle and that the applicant has assured staff that all brewery odors would be contained on-site.

Mr. Sam Straight, applicant, confirmed Mr. Wyne's earlier remarks and provided a brief mission statement for this business. He pointed out that the business would be environmentally friendly using sustainable technology, conserving water and energy as much as possible and having no odor emissions. Lastly he stated that he is committed to using Virginia resources as much as possible and to make the brewery a destination for Poquoson residents and tourists alike.

ADJOURNMENT:

There being no further business, the work session was adjourned at approximately 6:50 p.m.

CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
(757) 868-3040 TELEPHONE (757) 868-3105 FAX

August 22, 2016

To: The Honorable City Council

Through: City Manager

From: Kevin M. Wyne, AICP, Planner

Subject: **Conditional Use Permit for a Brewery with a Tap Room (Bar) and Outdoor Beer Garden in the Village Commercial District- Tax Parcel No. 27-1-92**

Presented for your consideration and a public hearing is a request from Mr. E Rae and Phoebe M. Harcum, property owners, and Mr. Samuel Straight, applicant, for a Conditional Use Permit to allow for the construction and operation of a small, independent craft brewery to include a tap room (bar) and outdoor beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall Avenue, specifically identified as Tax Map Parcel No. 27-01-00-0092, zoned VC (Village Commercial). The Conditional Use Permit request is solely for the allowance of the brewery, as the tap room and beer garden use are permitted by-right in the Village Commercial district.

This item was discussed at your Monday, July 25, 2016 meeting during a work session.

Previously, the Planning Commission held a public hearing on this item at their Monday, July 18, 2016 meeting and recommended its approval unanimously, by a vote of 4-0.

This application was advertised for public hearing by legal notice appearing in the Daily Press on August 5 and 12 2016. Adjacent property owners were notified by letters mailed on August 1, 2016.

KMW

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION AND OPERATION OF A SMALL CRAFT BREWERY ON A 2.42 ACRE PARCEL ON THE SOUTH SIDE OF VICTORY BOULEVARD, EAST OF CITY HALL, TAX MAP PARCEL NO. 27-01-00-0092

WHEREAS, a request was submitted by E. Rae and Phoebe M. Harcum, property owners, and Samuel Straight, agent, for a Conditional Use Permit to construct and operate a small, independent craft brewery to include a tasting area or lounge/beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall, specifically identified as Tax Map Parcel No. 27-01-00-0092, Zoned VC (Village Commercial); and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on July 18, 2016 and before City Council on August 22, 2016; and

WHEREAS, careful and thorough consideration was given the request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Poquoson, Virginia:

Section 1: That the request of E. Rae and Phoebe M. Harcum, property owners, and Samuel Straight, agent, for a Conditional Use Permit to construct and operate a small, independent craft brewery to include a tasting area or lounge/beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall, identified as Tax Map Parcel No. 27-01-00-0092 is hereby approved with the following conditions:

1. The operation shall maintain all required local, state and federal permits.
2. This use permit is for the allowance of a beverage brewery with supporting tap room and shall not be construed for approval of any use that cannot be identified as such.
3. At no point shall the square footage proposed for beverage manufacturing (brewing) and storage exceed fifty (50) percent of the overall square footage of the use.
4. Upon the discontinuance of such use for a contiguous period of two (2) years or more, the Conditional Use Permit shall become null and void.
5. If at any time the operation is in violation of any local, state or federal regulations, including the conditions set forth in this use permit, the City reserves the right to revoke the permit.
6. If construction on the project has not begun within five (5) years of the issuance of this permit, the City Council reserves the right to reconsider its approval.

7. Prior to any approval of development plans, the developer must agree to dedicate a fifty foot (50') right-of-way, acceptable to the City and compatible with the Virginia Department of Transportation roadway standards to allow for future connection to Alphus Street extended and/or Beta Street.
8. All trash receptacles shall be screened from adjacent property owners and shall not be visible from any public right-of-way.

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

ADOPTED: _____

TESTE: _____
City Clerk

RESOLUTION NO. _____

A RESOLUTION DENYING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION AND OPERATION OF A SMALL CRAFT BREWERY ON A 2.42 ACRE PARCEL ON THE SOUTH SIDE OF VICTORY BOULEVARD, EAST OF CITY HALL, TAX MAP PARCEL NO. 27-01-00-0092

WHEREAS, a request was submitted by E. Rae and Phoebe M. Harcum, property owners, and Samuel Straight, agent, for a Conditional Use Permit to construct and operate a small, independent craft brewery to include a tasting area or lounge/beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall, specifically identified as Tax Map Parcel No. 27-01-00-0092, Zoned VC (Village Commercial); and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on July 18, 2016 and before City Council on August 22, 2016; and

WHEREAS, careful and thorough consideration was given the request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Poquoson, Virginia:

Section 1: That the request of E. Rae and Phoebe M. Harcum, property owners, and Samuel Straight, agent, for a Conditional Use Permit to construct and operate a small, independent craft brewery to include a tasting area or lounge/beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall, identified as Tax Map Parcel No. 27-01-00-92 is hereby denied.

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

ADOPTED: _____

TESTE: _____
City Clerk

City of Poquoson, Virginia

Legend

- City Boundary
- Poquoson Streets (12,000)
- Poquoson Streets Back (12,000)
- Yorktown Road; PR 172; PR 171; Ridge Rd; Poquoson Ave
- Other
- Road Labels
- Parcel Boundaries
- Places

Place sign here facing traffic circle

Feet

0 50 100 150 200

1:2,257 / 1"=188 Feet

Title: Parcel Boundaries

Date: 6/21/2016

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Poquoson is not responsible for its accuracy or how current it may be.

CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
(757) 868-3040 TELEPHONE (757) 868-3105 FAX

MEMORANDUM

Date: July 18, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, AICP, Planner

Subject: **Conditional Use Permit for a Brewery with a Tap Room (Bar) and Outdoor Beer Garden in the Village Commercial District- Tax Parcel No. 27-1-92**

Introduction

The City has received a request from Mr. E Rae and Phoebe M. Harcum, property owners, and Mr. Samuel Straight, applicant, for a Conditional Use Permit to allow for the construction and operation of a small, independent craft brewery to include a tap room (bar) and outdoor beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall Avenue, specifically identified as Tax Map Parcel No. 27-01-00-0092, zoned VC (Village Commercial). The Conditional Use Permit request is solely for the allowance of the brewery, as the tap room and beer garden use are permitted by-right in the Village Commercial district.

Public Notice

This application was advertised for public hearing by legal notice appearing in the Daily Press on July 1 and July 8, 2016. Adjacent property owners were notified by letters mailed on July 5, 2016.

Applicant's Proposal

The applicant is proposing to use the property for the purpose of constructing a brewery with supporting tap room and outdoor beer garden on a 2.42 acre site located within the City's Village Commercial district. The parcel is located south of Victory Boulevard and east of City Hall Avenue near the traffic circle north of the City Hall complex. The brewery proposes to initially produce up to 200 bbl (31 gallon barrels) annually with anticipated growth expected to reach 500-600 bbl annually, enabling limited regional distribution. Brewing will take place in a 10 bbl (310 gallon capacity) brewhouse, separate from the proposed tap room and outdoor beer garden. The 6,000 square foot brewery is anticipated to have a seating capacity for up to 200 customers, with 3,000 square feet being utilized for brewing purposes while the remaining 3,000 square feet will be utilized for serving purposes as a tap room. At the onset, the applicant does not anticipate preparing food onsite, aside from having food trucks provide food during occasional special events.

The applicant is requesting a Conditional Use Permit to allow for a use that is not specifically permitted within the parcel's zoning district in accordance with Article I. Section 1-8 of the City's zoning ordinance. In this case, the applicant is proposing a beverage manufacturing facility with supporting tap room and outdoor beer garden. The only district in the City where a beverage manufacturer is permitted by right is the City's RD-Research and Development district. The tap room and outdoor beer garden component of the proposed use are permitted by-right within the VC district.

Site Character

The site consists of one (1) parcel owned by E. Rae and Phoebe M. Harcum and is located in the Big Woods area between Alphus Street Extended and City Hall Avenue. The property does lay adjacent to an extended portion of City Hall Avenue (extending east of the traffic circle). The lot is largely rectangular with the longest side measuring approximately 330' in length while the shortest side measures approximately 290' in length. The 2.42 acre parcel is heavily forested and undeveloped. The use will not be clearly visible from Victory Boulevard as it is located approximately 750' south of Victory Boulevard.

Surrounding Land Uses

The property is surrounded by the VC-Village Commercial district, on its eastern, southern and western sides. Additionally, approximately half of its northern boundary abuts the Village Commercial district, while the other half abuts the B-2, Business/Commercial district. The City Hall complex represents the only immediately adjacent developed property, however, within approximately 400' of the perimeter of the property lay four (4) developed properties, including the City Hall complex. Specifically, approximately 400' to the northwest of the property is an office complex at the corner of Victory Boulevard and City Hall Avenue. Approximately 200' to the property's northeast lay the Poquoson Commons Shopping Center (Food Lion) and about 200' to the east of the property lay the under construction Fountains of Poquoson development. In addition to the developed properties in the area, the subject parcel is located in close proximity to the proposed Legacy of Poquoson mixed use develop, which is proposed for areas approximately 600' to its south and west. Aside from the developed parcels located in proximity to the proposed brewery there is a large amount of undeveloped, forested parcels located in the interior of the Big Woods.

In addition to the B-2 district located immediately adjacent to the northeast of the property, the site is located within 1,000 feet of the City's GC- General Commercial district (north of Victory Boulevard and east towards Wythe Creek Road), RD-Research and Development district (west of Oxford Run Canal), R-1, Single Family Residential district (west of Wythe Creek Road) and R-3, Multi-family district (south of Oxford Run Canal.

Zoning

The property is zoned VC- Village Commercial district. In accordance with the Comprehensive Plan, *"The Village Commercial district is intended to encourage the establishment of a village center by permitting a variety of commercial, office and limited businesses in order to create a center of economic activity that takes advantage of the prime location of the Big Woods area."* Encouraged and permitted uses within the district include specialty retail shops, personal service shops, professional offices, eateries, bars and mixed density and creative residential uses. Key design elements of the district include the absence of a minimum lot size requirement, zero-lot line development, on street and shared parking, uniform streetscape, shared storm water facilities and uniform design standards.

The district allows for a mixture of low impact commercial uses that generate low to moderate traffic volumes with a variety of mixed density residential, to include multi-family dwellings, townhomes and single family dwellings at densities higher than what would be appropriate in the City's low density residential districts. The concept behind the Village Commercial district is to encourage a traditional neighborhood development that would allow residents of the district to work and find ample entertainment options within walking distance of their residence. Additionally, the district encourages the creation of a wide variety of commercial uses diverse enough that the developments can spawn destination-style uses.

The key element of the applicant's proposal that is not permitted by-right is the brewery, or beverage manufacturing element. The tap room and outdoor beer garden are generally consistent with the types of uses that the Village Commercial zoning district is anticipated to generate. When the Village Commercial district was created in 1996, breweries with supporting tap room facilities or "brewpubs" had not yet achieved mainstream popularity as recognized land uses, as breweries were traditionally thought to be more large scale manufacturing and industrial type uses. However, over the last two (2) decades, craft breweries, and as a result small brewpubs, have risen in popularity dramatically. Many have established themselves within the region. Brewpubs combine elements of both a bar/beverage tasting and entertainment atmosphere with the manufacturing elements of traditional breweries, making them quite unique from a land use perspective. As such, these uses do not necessarily fit comfortably into a land use category, as they are characterized by the features they share with the categories of which they are composed. Brewpubs, particularly those of the size proposed by the applicant, identify much more with a high turnover or quality restaurant than they do with a large scale beverage manufacturer, making it a use that does fit into the scope of anticipated uses within the Village Commercial district.

Traffic

The development would have direct access off of City Hall Avenue Extended, and as such, all City and Virginia Department of Transportation (VDOT) ingress/egress standards must be adhered to. Brewpubs do not have a unique land use code within the Institute of Transportation Engineers (ITE) Trip Generation Manual, 5th Edition. As such, the most like use, as determined by staff, is a quality restaurant use, which is anticipated to generate .54 vehicular trips during PM Peak Hour per available restaurant seat. Using the applicant's anticipated seat capacity (200) this use is projected to generate approximately 108 trips during the weekday PM Peak Hour (4:45pm to 5:45pm). This projection is higher than what can realistically be expected at the onset of the establishment of the use, however, 108 trips during peak time should still not have an impact on existing levels of service on City Hall Avenue.

Environmental

The property does have an active wetlands delineation which indicates all of the area is free from wetlands. The approved delineation, dated April 9, 2012, is set to expire on April 9, 2017.

Architectural Review Board

The proposed development will take place within the City's Architectural Review District. As such, any proposed commercial development to be located on the site must be reviewed by the City's Architectural Review Board. The purpose of the Architectural Review Board is to determine the aesthetic appropriateness of commercial development within the limits of the review district by reviewing the exterior appearance of development proposals. During their review, close attention will be paid to proposed materials, colors, signage, building scale and mass, site lighting and landscape features.

Relationship to the Comprehensive Plan/Staff Findings

The property is designated for use as Village Commercial as defined in the City's Comprehensive Plan. A detailed description of the purpose and intent of the Village Commercial land use and zoning district is outlined in the "Zoning" section of this report. As mentioned earlier in this report, when the Village Commercial district was created in 1996, micro-breweries with supporting tap rooms were not a widespread, recognized use. As such, they are not permitted by-right within the district. For all intents and purposes, the micro-brewery proposed is a bar (tap room) that brews their beer on-site, utilizing approximately 50 percent of the overall square footage available for each of those activities. It is important to note that bars are specifically recognized within the City's Comprehensive Plan as uses that are appropriate for Village Commercial district. While the on-site manufacturing of beer does set the proposal apart from a use that would be permitted by-right, certain conditions could be put in place to ensure that the manufacturing portion of the use does not overwhelm the site, neighborhood or district. If the Planning Commission recommends approval of the request to City Council, staff is proposing that you do so with the following conditions:

1. The operation shall maintain all required local, state and federal permits.
2. This use permit is for the allowance of a beverage brewery with supporting tap room and shall not be construed for approval of any use that cannot be identified as such.
3. At no point shall the square footage proposed for beverage manufacturing (brewing) and storage exceed fifty (50) percent of the overall square footage of the use.
4. Upon the discontinuance of such use for a contiguous period of two (2) years or more, the Conditional Use Permit shall become null and void.
5. If at any time the operation is in violation of any local, state or federal regulations, including the conditions set forth in this use permit, the City reserves the right to revoke the permit.
6. If construction on the project has not begun within five (5) years of the issuance of this permit, the City Council reserves the right to reconsider its approval.
7. Prior to any approval of development plans, the developer must agree to dedicate a fifty foot (50') right-of-way, acceptable to the City and compatible with the Virginia Department of Transportation roadway standards to allow for future connection to Alphus Street extended and/or Beta Street.
8. All trash receptacles shall be screened from adjacent property owners and shall not be visible from any public right-of-way.

Attachments

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 22, 2016

To: City Council

From: City Manager

Subject: **Resolution Making An Appointment To The Planning Commission**

Presented for consideration is a resolution making an appointment to the Planning Commission to fill the unexpired term of Christopher Williamson who recently resigned. All applications received to date have been provided to you for review and consideration. Since the appointments to the Planning Commission are by precincts this appointee must reside in the Eastern precinct.

JFW:ei

RESOLUTION NO. ____

RESOLUTION MAKING AN APPOINTMENT TO THE PLANNING COMMISSION

WHEREAS, Mr. Christopher R. Williamson's resignation from the Planning Commission is hereby accepted with regret.

NOW, THEREFORE, 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 Planning Commission to fill Mr. Williamson's unexpired term:

Name	**Term Expires**
	January 31, 2020

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 22, 2016

To: City Council

From: City Manager

Subject: **Noise Ordinance Amendment To Include Funeral Homes As A Sensitive Area**

Several times during the past year we have received complaints about the noise from barking dogs in close proximity to the funeral home which negatively impacts the services that are being conducted there. There are currently no provisions in the Noise Ordinance that can properly address the noise created by these barking dogs.

The ordinance presented for your consideration would add "funeral homes" to the listing of noise sensitive areas which would establish the maximum sound levels and measurement procedures to be used by the Police when a complaint is received (Sections 34-37(a) and (b)). A full copy of the Noise Ordinance is included with this item for your review.

JFW:ei

ORDINANCE NO. _____

**ORDINANCE AMENDING SECTION 34-39(5)
OF THE NOISE ORDINANCE PERTAINING
TO NOISE-SENSITIVE AREAS**

BE IT RESOLVED by the Council of the City of Poquoson, Virginia:

Section 1: That Section 34-39(5) of the Noise Ordinance of the City of Poquoson, Virginia is hereby revised to read as follows:

CHAPTER 34

**ARTICLE II
NOISE**

Section 34-39. Specific Prohibitions.

(5) *Noise-sensitive areas.* For the purposes of this section, the maximum sound levels and measurement procedures as contained in Sections 34-37(a) and (b) shall apply to any school, place of worship, court, hospital, nursing home, funeral home or assisted-living facility while the same is being used as such, that interferes with the workings of the institution.

Section 2: That second reading of this ordinance is hereby dispensed with and the provisions contained herein shall become effective immediately upon adoption.

ADOPTED: _____

TESTE: _____
City Clerk

ARTICLE I. IN GENERAL

Secs. 34-1—34-30. Reserved.

ARTICLE II. NOISE*

Sec. 34-31. Findings; public policy.

The city council hereby finds and declares that excessive sound is a serious hazard to the public health, welfare, peace and safety, and the quality of life; that a substantial body of science and technology exists by which excessive sound may be substantially abated; that the people have a right to and should be ensured an environment free from excessive sound that may jeopardize the public health, welfare, peace and safety, or degrade the quality of life; and that it is the policy of the city to prevent such excessive sound.
(Ord. No. 1373, § 1, 9-27-2010)

Sec. 34-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Background noise level shall mean the aggregate of all sound sources impacting at the place where a specific sound generation is measured or evaluated, excluding the specific sound generation itself.

Decibel (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Emergency means any occurrence or set of circumstances involving actual or imminent physical injury or illness or property damage that requires immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical injury or illness or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and

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***Editor's note**—Ord. No. 1373, § 1, adopted September 27, 2010, repealed the former art. II, §§ 34-31—34-35, and enacted a new art. II as set out herein. The former art. II pertained to similar subject matter and derived from the Code of 1982, §§ 15-1—15-5.

State law reference—Applicability of noise ordinances to sports shooting ranges, Code of Virginia, § 15.2-917.

tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Instrument, machine or device means and refers to any musical instrument, radio, phonograph, compact disc player, cassette tape player, MP3 player, amplifier or any other machine or device for producing, reproducing or amplification of sound.

Motor carrier vehicle engaged in interstate commerce means any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

Motor vehicle means any self-propelled device or device designed for self-propulsion, upon or by which any person or property is or may be drawn or transported upon a street or highway, except devises moved by human power or used exclusively upon stationary wheels or tracks.

Motorcycle means any motor vehicle designed to travel on not more than three wheels in contact with the ground and any four-wheeled vehicle weighing less than 500 pounds and equipped with an engine less than six horsepower, excepting farm tractors.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Public area means any real property owned by the government, including, but not limited to, public rights-of-way, sidewalks, parks, and buildings.

Residential dwelling means any building or other structure in which one or more persons resides on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels and motels.

Restaurant means any building or structure where in the normal course of business, food or drink is available for eating on the premises, in consideration for payment. For purposes of this chapter, the term restaurant includes, but is not limited to, bars, lounges, taverns, coffee shops and cafes.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound generation means any conduct, activity or operation, whether human, animals, mechanical, electronic or other, and whether continuous, intermittent or sporadic, and whether stationary or ambulatory in nature, which produces or results in an audible sound.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and the A-frequency weighting network, as specified in American National Standards Institute specifications for sound level meters.

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Sound generation means any conduct, activity or operation, whether human, animals, mechanical, electronic or other, and whether continuous, intermittent or sporadic, and whether stationary or ambulatory in nature, which produces or results in an audible sound.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and the A-frequency weighting network, as specified in American National Standards Institute specifications for sound level meters.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.
(Ord. No. 1373, § 1, 9-27-2010)

Cross reference—Definitions generally, § 1-2.

Sec. 34-33. Administration and enforcement.

The police department shall be responsible for enforcement of the noise control program established by this article and may be assisted by other city departments as required.
(Ord. No. 1373, § 1, 9-27-2010)

Sec. 34-34. Violations.

(a) Any person who violates any provision of this article shall be deemed to be guilty of a class 3 misdemeanor for a first offense. Any person who violates a provision of this article within one year after a previous conviction under this article shall be deemed guilty of a class 2 misdemeanor.

(b) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the noise source.

(c) In addition to, and not in lieu of, the penalties prescribed in this section, the city may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this article and may seek any other remedy or relief authorized by law.
(Ord. No. 1373, § 1, 9-27-2010)

Sec. 34-35. Exceptions.

No provisions of this article shall apply to: (1) the emission of sound for the purpose of alerting persons to the existence of an emergency; (2) the emission of sound in the performance of emergency work; (3) activities sponsored by the city; (4) activities authorized by a permit issued by the city; or (5) activities for which the regulation of noise has been preempted by federal law.
(Ord. No. 1373, § 1, 9-27-2010)

Sec. 34-36. Use of sound level meters.

The decibel level of any noise regulated by this article shall be measured by a sound level meter. In order to implement and enforce this article effectively, the chief of police shall promulgate standards and procedures for using and testing sound level meters used in the enforcement of this article.
(Ord. No. 1373, § 1, 9-27-2010)

Sec. 34-37. Maximum sound levels and residential dwellings.

(a) *Nighttime.* No person shall permit, operate or cause any source of sound to create a sound level that can be heard in another person's residential dwelling during the hours between 10:00 p.m. and 7:00 a.m. in excess of 55 dBA when measured inside the residence at least four feet from the wall nearest the source, with the doors to the receiving area and windows closed.

(b) *Daytime.* No person shall permit, operate or cause any source of sound to create a sound level in another person's residential dwelling during the hours between 7:00 a.m. and 10:00 p.m. in excess of 65 dBA when measured inside the residence at least four feet from the wall nearest the source, with the doors to the receiving area and windows closed.

(c) *Measurements in multifamily dwellings or mixed use structures.* In a structure used as a multifamily dwelling or a mixed use structure, the police department may take measurements to determine sound levels from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the residential occupant in possession and control thereof. Such measurement shall be taken at a point at least four feet from the wall, ceiling or floor nearest the noise source, with the doors to the receiving area and windows closed.

(d) *Exemptions.* The following activities or sources of noise shall be exempt from the daytime prohibition set forth in subsection (b) of this section:

(1) Band performances or practices, athletic contests or practices, and other school sponsored activities on the grounds of public or private schools;

(2) Athletic contests and other officially sanctioned activities in city parks or facilities;

(3) Activities conducted in any gymnasium, theater, swimming pool, stadium, or similar sporting facility;

(4) Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property or furniture;

(5) Gardening, lawn care, tree maintenance or removal, and other landscaping activities;

(6) Agricultural activities;

(7) Church bells, carillons, or calls to worship by other sound-producing devises;

(8) Religious or political gatherings to the extent that those activities are protected by the First Amendment to the United States Constitution;

(9) Public transportation, refuse collection, and sanitation services;

(10) Bona fide agricultural activity.

(Ord. No. 1373, § 1, 9-27-2010)

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(2) Athletic contests and other officially sanctioned activities in city parks or facilities;

(3) Activities conducted in any gymnasium, theater, swimming pool, stadium, or similar sporting facility;

(4) Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property or furniture;

(5) Gardening, lawn care, tree maintenance or removal, and other landscaping activities;

(6) Agricultural activities;

(7) Church bells, carillons, or calls to worship by other sound-producing devises;

(8) Religious or political gatherings to the extent that those activities are protected by the First Amendment to the United States Constitution;

(9) Public transportation, refuse collection, and sanitation services;

(10) Bona fide agricultural activity.

(Ord. No. 1373, § 1, 9-27-2010)

Sec. 34-38. Motor vehicle maximum sound levels; amplified sound from vehicles.

(a) No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such manner that the sound level emitted by the motor vehicle or motorcycle, when measured at a distance of 50 feet or more, exceeds the level set forth in the following table:

	Sound level in dBA	
Vehicle Class	*Speed limit in 35 MPH or less*	*Speed limit over 35 MPH*
All motor vehicles of GVWR or GCWR of 6,000 lbs. or more	86	90
Any motorcycle	82	86
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	82

(b) This section shall not apply to any motor carrier vehicle engaged in interstate commerce.

(c) Notwithstanding any other provisions of this section or article, it shall be unlawful for any person to play or operate, or permit the playing, use or operation of any radio, cassette tape player, compact disc player, MP3 player, loud speaker or other electronic device used for the amplification of sound, which is located within a motor vehicle being operated or parked on public or private property within the city, including any public or private street or alley, in excess of 55 dBA as measured at a distance of 100 feet or more from the vehicle in which it is located.

The provisions of this subsection shall not apply to any motor vehicles driven in a duly authorized parade, nor to motor vehicle alarms or other security devices, nor to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
(Ord. No. 1373, § 1, 9-27-2010)

Sec. 34-39. Specific prohibitions.

The following acts are declared to be violations of this article. This enumeration shall not be construed to limit, in any way, the general prohibitions contained in chapter 34:

(1) *Horns, signaling devices and similar devices.* Sounding any horn signaling device, or similar device on any automobile, motorcycle, boat, or other vehicle on any right-of-way in a public space or in any public space continuously or intermittently for more than ten consecutive seconds, except when the sounding of any such device is intended as a danger warning.

(2) *Non-emergency signaling devices.* Sounding or permitting the sounding of any amplified signal continuously or intermittently from any bell, chime, siren, whistle or

similar device intended primarily for non-emergency purposes from any one location for more than ten consecutive seconds in any hourly period; provided, however, that this subsection shall not apply to the sounding of such devices by religious uses or by public bodies or agencies for testing, traffic control or other public purposes.

(3) *Emergency signaling devices, security, burglar and fire alarms, etc.* Sounding or permitting the continuous or intermittent sounding outdoors of any emergency signaling device, or any security, burglar or fire alarm, siren, whistle, or similar device, including without limitation any motor vehicle security alarm, siren, whistle, or similar device, for a period in excess of ten minutes in any residential area and 15 minutes in any other area, except in response to a burglary, attempted burglary, fire, or other emergency.

(4) *Audio and audio-visual devices, musical instruments, etc.* The playing of any television, boom box, stereo, phonograph, radio, cassette tape player, compact disc player, MP3 player, video player, musical instrument, drum, or any other device that produces, reproduces or amplifies sound, including any such device in a motor vehicle, where the sound is plainly audible to any person other than the player(s) or operator(s) of the device and those who are voluntarily listening to the sound and exceeds 55 dBA as measured at a distance of 100 feet or more from the source of the sound; provided, however, that the provisions of this subsection shall not apply to any outdoor performance, parade, gathering, dance, concert, show, sporting event, or other event sponsored by the city or for which the city has granted a permit.

(5) *Noise-sensitive areas.* For the purposes of this section, the maximum sound levels and measurement procedures as contained in sections 34-37(a) and (b) shall apply to any school, place of worship, court, hospital, nursing home, or assisted-living facility while the same is being used as such, that interferes with the workings of the institution.

(6) *Construction equipment.* The operation of any bulldozer, crane, backhoe, front loader, pile driver, jackhammer, pneumatic drill, or other construction equipment between the hours of 9:00 p.m. and 7:00 a.m. except when operated in the course of emergency work or as authorized by the city manager.

(7) *Electric generators.* The operation of any electric generator between the hours of 9:00 p.m. and 7:00 a.m. except when operated in the course of an emergency, as declared by the city manager, or as otherwise authorized by the city manager.

(Ord. No. 1373, § 1, 9-27-2010)

Sec. 34-40. Sound levels; restaurants.

No person shall permit, operate or cause any source of sound to create a sound level emanating from a restaurant during the hours between 12:00 a.m. and 7:00 a.m.: (1) in excess of 75 dBA when measured from any public area, including, but not limited to, adjacent streets

similar device intended primarily for non-emergency purposes from any one location for more than ten consecutive seconds in any hourly period; provided, however, that this subsection shall not apply to the sounding of such devices by religious uses or by public bodies or agencies for testing, traffic control or other public purposes.

(3) *Emergency signaling devices, security, burglar and fire alarms, etc.* Sounding or permitting the continuous or intermittent sounding outdoors of any emergency signaling device, or any security, burglar or fire alarm, siren, whistle, or similar device, including without limitation any motor vehicle security alarm, siren, whistle, or similar device, for a period in excess of ten minutes in any residential area and 15 minutes in any other area, except in response to a burglary, attempted burglary, fire, or other emergency.

(4) *Audio and audio-visual devices, musical instruments, etc.* The playing of any television, boom box, stereo, phonograph, radio, cassette tape player, compact disc player, MP3 player, video player, musical instrument, drum, or any other device that produces, reproduces or amplifies sound, including any such device in a motor vehicle, where the sound is plainly audible to any person other than the player(s) or operator(s) of the device and those who are voluntarily listening to the sound and exceeds 55 dBA as measured at a distance of 100 feet or more from the source of the sound; provided, however, that the provisions of this subsection shall not apply to any outdoor performance, parade, gathering, dance, concert, show, sporting event, or other event sponsored by the city or for which the city has granted a permit.

(5) *Noise-sensitive areas.* For the purposes of this section, the maximum sound levels and measurement procedures as contained in sections 34-37(a) and (b) shall apply to any school, place of worship, court, hospital, nursing home, or assisted-living facility while the same is being used as such, that interferes with the workings of the institution.

(6) *Construction equipment.* The operation of any bulldozer, crane, backhoe, front loader, pile driver, jackhammer, pneumatic drill, or other construction equipment between the hours of 9:00 p.m. and 7:00 a.m. except when operated in the course of emergency work or as authorized by the city manager.

(7) *Electric generators.* The operation of any electric generator between the hours of 9:00 p.m. and 7:00 a.m. except when operated in the course of an emergency, as declared by the city manager, or as otherwise authorized by the city manager.

(Ord. No. 1373, § 1, 9-27-2010)

Sec. 34-40. Sound levels; restaurants.

No person shall permit, operate or cause any source of sound to create a sound level emanating from a restaurant during the hours between 12:00 a.m. and 7:00 a.m.: (1) in excess of 75 dBA when measured from any public area, including, but not limited to, adjacent streets

or sidewalks; or (2) that exceeds 55 dBA when measured inside from any property other than the property on which the restaurant is located at least four feet from the wall nearest the source with the doors and windows to the receiving area closed.
(Ord. No. 1373, § 1, 9-27-2010)

Sec. 34-41. Severability.

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this article shall not affect the validity of the remaining parts thereto.
(Ord. No. 1373, § 1, 9-27-2010)

Secs. 34-42—34-70. Reserved.

ARTICLE III. EROSION AND SEDIMENT CONTROL

Sec. 34-71. Title, purpose, and authority.

(a) This article shall be known as the "Erosion and Sediment Control Law of the City of Poquoson, Virginia." The purpose of this article is to conserve the land, water, air and other natural resources of the city by establishing requirements for the control of erosion and sedimentation, and by establishing procedures whereby these requirements shall be administered and enforced.

(b) The findings of the general assembly of the commonwealth, as set forth in Code of Virginia, § 62.1-44.15:51 et seq., as amended, are adopted as the findings of the city council with regard to adoption of this article.
(Code 1982, § 9-1; Ord. No. 1120, § 2(9-1), 11-13-2001; Ord. No. 1496, § 1, 6-23-2014)

Sec. 34-72. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agreement in lieu of a plan means a contract between the plan-approving authority and the owner, which specifies conservation measures, which must be implemented in the construction of a single-family residence. This contract may be executed by the plan-approving authority in lieu of a formal site plan.

Applicant means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land disturbing activities to commence.

Board means the state water control board.

Certified inspector means an employee or agent of a program authority who holds a certificate of competence from the board in the area of project inspection or is enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer means an employee or agent of a program authority who holds a certificate of competence from the board in the area of plan review, is enrolled in the board's training program for plan review and successfully completes such program within one year after enrollment, or is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Code of Virginia, § 54.1-400 et seq.

Certified program administrator means an employee or agent of a program authority who holds a certificate of competence from the board in the area of program administration or is enrolled in the board's training program for program administration and successfully completes such program within one year after enrollment.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or topsoil removal.

Conservation plan, erosion and sediment control plan or *plan* means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Department means the department of environmental quality.

Development means a tract of land developed or to be developed as a single unit under single ownership or unified control, which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

Director means the director of the department.

Erosion impact area means an area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 2,500 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Grading means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Certified inspector means an employee or agent of a program authority who holds a certificate of competence from the board in the area of project inspection or is enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer means an employee or agent of a program authority who holds a certificate of competence from the board in the area of plan review, is enrolled in the board's training program for plan review and successfully completes such program within one year after enrollment, or is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Code of Virginia, § 54.1-400 et seq.

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CITY OF POQUOSON

City Manager's Office

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

August 22, 2016

TO: City Council

FROM: City Manager

SUBJECT: **Bunting Lane Traffic Concerns**

As part of the May 23, 2016 City Council meeting traffic concerns, particularly speeding on Bunting Lane, were discussed. At the same meeting, the Council also received significant public comments regarding this issue. Following the discussion, Councilmembers expressed a desire to continue the discussion in a summer work session. During the work session, which was held July 25, 2016, Council considered traffic calming options and reviewed traffic data collected by the Police Department prior to and after the initial Council discussion. Prior to the work session to help address the expressed concerns, the Public Works Department installed two *Children at Play* signs and the Police Department increased speed enforcement in the area as well.

During the work session the City Council identified three additional actions that could be taken to help further address the concerns. The first was a request to the Public Works Department to trim trees and bushes along the road side right-of-way that reduces the line of sight for drivers. The Public Works Department has since trimmed the entire area to provide good visibility along Bunting Lane. With regard to the two additional strategies, i.e. painting the pavement edges with white lines and the installation of a permanently mounted flashing speed sign(s), the Council asked that staff determine a cost estimate and prepare a formal resolution approving both to be considered at the August 22, 2016 meeting. The estimated cost to paint the edge of pavement lines is $1,900 and the cost to install a solar-powered speed limit sign ranges from $2,450 to $4,500, depending upon the specific model selected. Funds are available within the street maintenance budget to pay for these improvements. The attached resolution, as drafted, approves the installation of one solar-powered flashing speed sign and the painting of pavement edges on Bunting Lane. However, should the Council desire that the City install more than one sign, staff requests that the Council modify the resolution accordingly.

RESOLUTION NO. _____

RESOLUTION APPROVING TRAFFIC IMPROVEMENTS TO BUNTING LANE

WHEREAS, traffic concerns, particularly speeding on Bunting Lane, were discussed by Council at its meeting on May 23, 2016 and significant concerns were received from the public; and

WHEREAS, a work session was held on July 25, 2016 to consider traffic calming data collected by the Police Department prior to and after Council's initial discussion ; and

WHEREAS, in addition to the Public Works Department being requested to trim the trees and bushes along the roadside right-of-way that impede the line of sight for motorists, Council asked that estimates be obtained for painting the pavement edges with white lines and for installation of a permanently mounted flashing speed sign; and

WHEREAS, costs to paint the edge of the pavement lines and to install a solar powered speed limit sign have been obtained and funds are available within the street maintenance budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Poquoson, Virginia:

Section 1: That the following improvements to Bunting Lane are hereby approved and immediate implementation is authorized:

a. To paint the pavement edges with white lines

b. To install one solar-powered flashing speed sign in the location determined to be the most appropriate and effective.

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

ADOPTED: _____

TESTE: _____

City Clerk

CITY OF POQUOSON
ASSESSOR'S OFFICE
500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
(757) 868-3080 TELEPHONE (757) 868-3122 FAX

MEMORANDUM

DATE: AUGUST 4, 2016
TO: MAYOR HUNT AND CITY COUNCIL
CC: RANDY WHEELER, CITY MANAGER
FROM: ROBERT L. (BUDDY) FAISON III, CITY ASSESSOR
RE: REAL ESTATE ASSESSMENT SOFTWARE

The City Council recognizing the need of the City Assessor to purchase a new Real Estate Assessment Software Package approved funding of $125,000 at the December 14, 2015 Council meeting. At this meeting, the Assessor relayed to Council that a purchase of a suitable package could be expected to cost between $125,000 and $150,000.

After much research by the Assessor's office to find a software package suitable to the city's needs and negotiations with Vision Government Solutions, the price for such software will cost the city $135,000. This price is very much in line with what other vendors quoted the city and what other similar size localities have paid for similar software.

If this request is granted and the City Manager signs a contract with Vision Government Solutions in the next 60 days, the city's Assessor Office along with the vendor will start converting the data in the current assessment software package to work with Vision's software package in September 2017. This will be immediately upon completion of the FY18 reassessment cycle and will allow plenty of time for data conversion, software installation, training and use of the software in the FY20 Reassessment.

Attached for Councils consideration is a resolution approving a contract with Vision Government Solutions to purchase the Vision Real Estate Assessment Software and an ordinance appropriating an addition $10,000 for the project.

Robert L. Faison, III

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VISION GOVERNMENT SOLUTIONS

Whereas, the City has a need to replace our current Real Estate Assessment Software; and

WHEREAS, City Council appropriated $125,000 at the December, 14, 2015 Council meeting for the purchase of this software; and

WHEREAS, staff has researched and negotiated a contract with Vision Government Solutions for a purchase price of $135,000: and

WHEREAS, it has been determined that the Real Estate Assessment Software from Vision Government Solutions meets the needs of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Poquoson, Virginia:

Section 1: That the City Manager is hereby authorized to do all things necessary to enter into a contract with Vision Government Solutions of Northboro, MA for a Real Estate Assessment Software Package at the negotiated price.

Section 2: That this resolution shall become effective immediately upon adoption.

ADOPTED: _____

TESTE: _____

City Clerk

ORDINANCE NO. _____

AN ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FISCAL YEAR 2016-2017

WHEREAS, the City has capital project fund balance, and

WHEREAS, the assessment program for the City needs replacing, and

WHEREAS, an additional $10,000 is needed for the program and implementation.

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

Section 1: That an additional $10,000 in revenues in the Capital Projects Fund be and the same hereby are appropriated within the Fiscal Year 2016-2017 Budget as follows:

CAPITAL PROJECTS FUND

Revenues:	
Transfer from Fund Balance	$10,000
TOTAL	**$10,000**
Expenditures:	
Reassessment Software	$10,000
TOTAL	**$10,000**

Section 2: That the second reading of this ordinance is hereby dispensed with and the provisions 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 22, 2016

TO: City Council

THROUGH: Randy Wheeler, City Manager

FROM: Theresa Owens, Finance Director

SUBJECT: **Ordinance Making Additional Appropriations and Transfers for FY 2016**

The cost of the Children's Services Act for qualified children has been more than budgeted. These unbudgeted costs are estimated to be $125,000. The costs are off-set by reimbursements from the state of approximately $80,000. This ordinance appropriates these additional costs and revenue with the remaining $45,000 being transferred from other departments within the FY 2016 budget.

ORDINANCE NO. _____

AN ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FISCAL YEAR 2015-2016

WHEREAS, the City has received additional revenue from various sources, and

WHEREAS, the City has additional needs to be appropriated.

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

Section 1: That an additional $80,000 in revenues in the General Fund be and the same hereby are appropriated within the Fiscal Year 2015-2016 Budget as follows:

GENERAL FUND

Revenues and Transfers:	
State Categorical-CSA	$80,000
TOTAL	**$80,000**
Expenditures:	
Children's Services Act	$80,000
TOTAL	**$80,000**

Section 2: That the second reading of this ordinance is hereby dispensed with and the provisions contained herein shall become effective immediately upon adoption.

ADOPTED: _____

TESTE: _____
City Clerk

CITY OF POQUOSON

City Manager's Office

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

August 22, 2016

TO: Mayor and City Council

FROM: City Manager

SUBJECT: **Hurricane Window Film**

As you know over the past several years, the City has prioritized, as part of our emergency preparedness, protection of our critical facilities. In doing so, we have utilized grant funds to purchase and install storm shutters at City Hall to protect the Emergency Operations Center, media room, Council Chambers and the large windows in the Library. Since then we have been considering potential ways by which the additional windows at City Hall, as well as the Police and Fire Stations, can be protected. As a result of staff's research, we have identified a protective film that can be installed providing both additional strength to the glass windows and preventing them from shattering/puncturing in the event that they are struck by storm debris. Staff feels that this protective film is a cost effective means of strengthening these critical facilities during severe weather and will ensure the continuity of government operations during such events.

The City obtained a cost estimate of $10,644 for the acquisition and installation of the protective window film for all four aforementioned buildings from the Peninsula Window Film. Subsequent to obtaining this quote, a letter was sent to Mr. Steven Kast, President & CEO of the Virginia Peninsula United Way, requesting the funds for the window film which is currently being held by the United Way for Poquoson.

An ordinance accepting these storm assistance monies and appropriating them accordingly is attached for your consideration.

ORDINANCE NO. _____

AN ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FISCAL YEAR 2016-2017

WHEREAS, the City has been approved and is accepting funding from the United Way of Virginia Peninsula, and

WHEREAS, the funding is for the installation of protective measures on the windows at City Hall, Fire Stations #1 & #2 and the Police Department.

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

Section 1: That an additional $10,644 in revenues in the General Fund be and the same hereby are appropriated within the Fiscal Year 2016-2017 Budget as follows:

GENERAL FUND

Revenues:	
Donations	$10,644
TOTAL	**$10,644**
Expenditures:	
Building & Facilities	$10,644
TOTAL	**$10,644**

Section 2: That the second reading of this ordinance is hereby dispensed with and the provisions contained herein shall become effective immediately upon adoption.

ADOPTED: _____

TESTE: _____
City Clerk