1. Council Agenda Summary

Documents:

9-12-16 COUNCIL AGENDA_001.PDF

1.I. 8-22-16 Council Meeting Minutes

Documents:

8-22-16 COUNCIL MINUTES_001.PDF

1.I.i. 8-22-16 Council Work Session Minutes

Documents:

8-22-16 WORK SESSION MIN_001.PDF

1.I.i.1. Moses Land Use Applications

Documents:

MOSES REQUESTS_001.PDF

1.I.i.1.1. Development Guiding Principles

Documents:

GUIDING PRINCIPLES FINAL_001.PDF

1.I.i.2. Retiree Health Insurance

Documents:

RETIREE HEALTH INSUR_001.PDF

1.I.i.2.1. Home Elevation Contract

Documents:

ELEVATION GRANT_001.PDF

1.I.i.3. Storm Drainage Contract

Documents:

LITTLE FL RD DRAINAGE_001.PDF

1.I.ii. Juvenile Detention Commission Service Agreement

Documents:

MPJDC_001.PDF

1.II. Closed Session Resolution

Documents:

CLOSEDSESRSL.PDF

POQUOSON CITY COUNCIL
MEETING OF
MONDAY, SEPTEMBER 12, 2016
7:00 P.M.
REGULAR SESSION

A. MEETING CALLED TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS

- **Mayor Hunt – Presentation of Proclamation to DAR/CAR Representatives**
  Certificate of Appreciation – Craig Moore

D. AUDIENCE FOR VISITORS

E. APPROVAL OF THE MINUTES

1. **Regular Session – August 22, 2016**
2. **Work Session – August 22, 2016**

F. PUBLIC HEARING

1. **Request of Robert Moses, Developer and John B. Graham, Property Owner, for Land Use Map Amendment, Rezoning and Conditional Use Permit for Tax Map Parcel Nos. 27-9-2 and 27-18-2 and a Conditional Use Permit for Tax Map Parcel No. 27-1-87**

   (a) Public Hearing
   (b) Consideration by Council

G. NEW BUSINESS

1. **Resolution Establishing Guidelines for Development of the EDA-Owned Properties in the Big Woods**

2. **Resolution Approving an Amendment to the City's Personnel Policy Manual Pertaining to Retiree Health Insurance**

3. **Resolution Authorizing the City Manager to Enter Into Contracts With C.P.G., Inc. For Elevation of 10 Homes and an Ordinance Appropriating the Funding**

4. **Resolution Authorizing the City Manager to Enter into a Contract with Gaston Brothers Utilities, LLC for Construction of a Storm Drainage Pipe System Located on the Northerly Side of Little Florida Road**

5. **Resolution Amending Sections 3.7 and 4.1 of the 1994 Service Agreement of the Member Jurisdictions of the Middle Peninsula Juvenile Detention Commission**

H. COMMENTS OF THE CITY MANAGER

I. COUNCIL DIRECTIVES

J. CLOSED SESSION

Closed session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia (1950), as amended to discuss the acquisition of real property for a public purpose; i.e. Kirby Park

K. RECONVENEMENT – Certification

L. ADJOURNMENT

MINUTES OF THE CITY COUNCIL MEETING
AUGUST 22, 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 Charles M. Southall III
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

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:

Certificate of Appreciation

Mayor Hunt, on behalf of City Council, presented a Certificate of Appreciation to Garry Carter for his service on the School Board.

Introduction of New Employees

Police Chief, Clifford Bowen, introduced the City's new Police Officers, Michael Deluca (formerly part-time), David Whitley and Michael McCrea. On behalf of Council, Mayor Hunt welcomed them to the City.

Introduction of New Library Director

The City Manager, J. Randall Wheeler, introduced the City's new Library Director, Jessica Hartley, who will join the City on August 29, 2016. Ms. Hartley expressed appreciation for the opportunity to serve the City and its residents.

Mr. Wheeler commended Amy Blow for her outstanding performance as Interim Director during the past eight months and presented her with a Certificate of Appreciation.

United Way Check Presentation

Mr. Steven Kast, President & CEO of the United Way of Virginia Peninsula, presented a $10,644 check to Mayor Hunt and Dr. Jennifer Parish, School Superintendent, to purchase and install protective film on the unprotected windows at City Hall/School Administration/Library, the Police Station and both Fire Stations. On behalf of City Council, Mayor Hunt expressed appreciation to Mr. Kast for the generous donation.

Public Works Tree Trimming

Mr. Mark Boesen, City Construction Inspector, provided a brief presentation on the tree trimming project to be undertaken in the near future by Public Works which highlighted the following:

- That trees/shrubs within the public right-of-way, which is typically 6 feet behind the curb and gutter and along the roadways will be trimmed;
- That, dependent upon the weather, the project should be completed within two to three weeks; and
- That the purpose of the project is to keep the right-of-ways clear for vehicular and pedestrian traffic as well as to remove obstacles in the curb and gutter which could potentially damage the City street sweeper, snow plow equipment and debris removal vehicles.

In response to Council queries, the Public Works Director, Thomas Jones, explained that the project will involve cutting back vegetation approximately one and a half feet behind the curb and up to fourteen feet high if necessary.

AUDIENCE FOR VISITORS:

Mr. George Ford, 8 Elm Street, commended City Council for currently considering a retiree health insurance benefit for City employees.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Ayer, to adopt the minutes of the regular session held July 25, 2016. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Councilman Southall.

Councilman Green moved, seconded by Councilman Vernall, to adopt the minutes of the work session held July 25, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Councilman Southall.

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**

The Planner, Kevin Wyne, stated that the property owners, Rae and Phoebe Harcum, and Sam Straight, applicant, wanted to construct and operate a small, independent craft brewery to include a tap room and outdoor beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall Avenue. He pointed out that the parcel is zoned VC (Village Commercial) and that the requested brewery operation is not specifically permitted in this district thus requiring a Conditional Use Permit. Mr. Wyne stated that the applicant has expressed a willingness to work with the City pertaining to right-of-way dedication and that the traffic generated by this use is not expected to be highly impactful. In conclusion, he stated that the Planning Commission, by a vote of 4-0, recommended approval of the use inclusive of all staff suggested conditions.

In response to Council queries, the Planner stated that Mr. Straight does not plan to cook food on-site for quite a while and if food trucks are used meanwhile to accommodate customers they will be regulated by the City's Peddler's License. Lastly he pointed out that the applicant has assured the City that no odors will be emitted by the proposed operation.

Mayor Hunt opened the public hearing. Mr. Robert Moses, 89 Sandy Bay Drive/Fountains of Poquoson owner, expressed support for the request and encouraged Council to approve on-street parking for the establishment in order to reduce impervious cover on-site. Since no one else came forward, the public hearing was closed.

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

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

NO: None.

NEW BUSINESS:

1. **RESOLUTION MAKING AN APPOINTMENT TO THE PLANNING COMMISSION**

A resolution making an appointment to the Planning Commission was presented for Council's consideration. Councilman Green moved, seconded by Councilman Ayer, to appoint Anjie L. Emmett to the Planning Commission and to insert her name in the resolution. Recorded vote on the motion:

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

NO: None.

2. **ORDINANCE AMENDING THE NOISE ORDINANCE BY REVISING SECTION 34-39 TO INCLUDE FUNERAL HOMES TO THE LIST OF NOISE SENSITIVE AREAS**

The Assistant City Manager/City Clerk, Judy F. Wiggins, stated that the City had received numerous noise complaints relative to barking dogs in close proximity to the funeral home located at 836 Poquoson Avenue, negatively impacting the services being conducted. She pointed out that the City's current Noise Ordinance has no provisions to address these complaints.

An ordinance was presented that would add "funeral homes" to the listing of noise sensitive areas that would establish the maximum sound levels and measurement procedures to be used by the Police Department when a complaint is received. Councilman 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 Southall, Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

3. **RESOLUTION APPROVING TRAFFIC IMPROVEMENTS FOR BUNTING LANE**

The City Manager reminded Council that they had discussed possible traffic improvements at their May 23, 2016 regular meeting and at a work session on July 25, 2016. He stated that prior to the work session, Public Works installed two *Children at Play* signs and the Police Department increased speed enforcement in the area as well. The City Manager pointed out that at the work session, three additional actions were identified to assist in addressing the safety concerns, i.e. trim trees/shrubs to improve the line of sight for drivers, paint white lines along the edge of pavement and install a permanent flashing speed sign(s). Following the work session, he stated that staff

trimmed the vegetation along this street, and obtained a $1,900 quote to paint the edge of pavement and a quote of $2,450 to $4,500 to purchase a solar-powered speed limit sign that could be funded within the street maintenance budget.

Council discussed the possibility of the solar-powered sign(s) being visible from both sides but decided against it because it could be a distraction for drivers going in the opposite direction. Council requested that an update on the effectiveness of the improvements to be included in a Weekly Report within a reasonable period of time after installation.

A resolution approving the installation of one solar-powered flashing speed sign and the painting of pavement edges on Bunting Lane was presented for Council's consideration. The City Manager pointed out that Council could amend the resolution to include two electronic speed signs if they so desired. Councilman Green moved, seconded by Councilman Ayer, to adopt the resolution with an amendment to allow for the purchase of a second solar-powered speed sign at a later date if deemed appropriate. Recorded vote on the motion:

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

NO: None.

4. RESOLUTION APPROVING A CONTRACT FOR VISION REAL ESTATE ASSESSMENT SOFTWARE AND AN ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FY 2016-2017

The City Assessor, Robert Faison, reminded Council that at their December 14, 2015 meeting they approved funding in the amount of $125,000 for a new Real Estate Assessment Software Package. Subsequent to much research, he stated that he found a software package suitable to the City's needs with Vision Government Solutions at a cost of $135,000. If additional funds are approved by Council, Mr. Faison stated that his office and the vendor would initiate conversion of the data to work with the new software package in September 2017 allowing sufficient time for its use in the FY 2020 Reassessment.

A resolution approving a contract with Vision Government Solutions to purchase the Vision Real Estate Assessment Software was presented for Council's consideration and Councilman Green moved, seconded by Vice Mayor Freeman, that it be adopted. Recorded vote on the motion:

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

NO: None.

An ordinance appropriating the $10,000 additional funds needed to purchase the software was presented for Council's consideration and Councilman 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 Southall, Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

5. ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR FISCAL YEAR 2016-2017 CSA EXPENDITURES

The City Manager stated that the cost of the Children's Services Act (CSA) exceeded that which was budgeted by $125,000. However, he pointed out that since the costs are off-set by an $80,000 state reimbursement, the City needs only to appropriate the $45,000 difference.

An ordinance appropriating the funds for the City's share of the unbudgeted CSA costs was presented for Council's consideration and Councilman 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 Southall, Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

6. ORDINANCE ACCEPTING FUNDS FROM UNITED WAY FOR PURCHASE OF PROTECTIVE WINDOW FILM AND APPROPRIATING THE FUNDS

The City Manager stated that Michael Bryant, the City's Deputy Fire Chief/Emergency Services Coordinator, is to be commended for his work in the past in obtaining grant funds to purchase and install hurricane shutters on the windows in front of City Hall/Library. He also pointed out that Mr. Bryant was responsible for researching and identifying the window film product that can be used to protect the remaining windows at City Hall/School Administration/Library, the Police Station and both Fire Stations.

Mayor Hunt reiterated his appreciation for the contribution from the United Way of the Virginia Peninsula enabling the City to further protect the EOC and public safety offices.

An ordinance accepting and appropriating the funds from the United Way for the window protective film was presented for Council's consideration and Councilman Green moved, seconded by Vice Mayor Freeman, to dispense with the second reading and to adopt it on first reading to be effective immediately. Recorded vote on the motion:

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

NO: None.

COMMENTS OF THE CITY MANAGER:

The City Manager had no comments.

COUNCIL DIRECTIVES:

Councilman Vernall expressed delight over the new Police Officers and stated that it reflected well on the leadership of the City's senior staff. He also reminded everyone to drive safely as schools will open soon.

Councilman Green reminded everyone that the next Foodbank distribution in the City would be held on Tuesday, August 26, 2015 from 10 a.m. to 1 p.m. at the Municipal Building with members of Emmaus Baptist Church on-site to assist.

Councilman Ayer encouraged everyone to attend the upcoming 15th Anniversary Commemoration of 9/11 to be held on September 11th at the football field behind the Poquoson Middle School.

Councilman Southall thanked the Fire/Rescue Department, Ladies Auxiliary and City staff for the kindness they have shown his wife since her recent accident. He thanked Garry Carter for his invaluable service on the School Board and welcomed the three new full-time Police Officers and the new Library Director.

Vice Mayor Freeman expressed appreciation for the recent, successful Fire Carnival sponsored by the Ladies Auxiliary.

Mayor Hunt welcomed the new City employees. He stated that the study on a possible City retiree health insurance benefit has been finalized and will be considered by City Council at its first meeting in September. He announced that Poquoson has once again been recognized as one of the safest cities in the Commonwealth and pointed out that on several occasions by different entities the City has been ranked fourth place or higher relative to safety. He credited the Police Department and also the majority of the residents who work hard to keep our community a safe place in which to live. He also stated that Virginia Dominion Power will attend an October 2016 Council meeting to explain what needs to occur to prevent a brown/black out due to the imminent closing of the Yorktown power plant. He explained that the Southside will not be threatened by this closure; however, it is of extreme importance to the Peninsula and that Poquoson and all Peninsula localities need to support Dominion Power's James River crossing project.

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

NO: None.

The meeting was adjourned at approximately 8:28 p.m.

MINUTES OF THE CITY COUNCIL MEETING
AUGUST 22, 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 Charles "Bud" M. Southall III
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

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

Moses/Graham Land Use Amendment/Rezoning/Conditional Use Permit Requests:

The City Manager, J. Randall Wheeler, stated that the Planner, Kevin Wyne, would provide a brief, combined presentation on the three land use applications requested by Robert Moses, developer of the three subject parcels and owner of Tax Map No. 27-1-87, and John B. Graham, property owner of Tax Map Nos. 27-9-2 and 27-18-2.

Mr. Wyne offered the following information on the requests:

- That an amendment to the Comprehensive Plan Future Land Use Map is being requested for Tax Map Parcel Nos. 27-9-2 and 27-18-2 located on the west side of Wythe Creek Road immediately to the south of George's restaurant, from B-2 to VC;
- That likewise a rezoning of Tax Map Parcel Nos. 27-9-2 and 27-18-2 from B-2 to VC is being requested;
- That a Conditional Use Permit is requested for Tax Map Parcel No. 27-1-87 (Phases III & IV), located immediately south of the Poquoson Commons Shopping Center and west of the EDA regional stormwater pond and for Tax Map Parcel Nos. 27-9-2 and 27-18-2 to allow residential dwellings above the second floor in a mixed use building and to allow residential separate from a commercial and/or mixed use structure not to exceed two-thirds of the commercial floor area of the development in the Village Commercial district;
- That Phase III of the development (Graham parcels) will include two mixed use buildings and one commercial building;
- That Phase IV of the development (Moses parcel) will consist of 26 townhome units;
- That all interior property lines of the development will be vacated;

- That the Planning Commission at its August 15, 2016 meeting, by a vote of 5-1, recommended approval of all three requests;
- That approval of the rezoning request included seven conditions; and
- That in addition to the nine conditions suggested by City staff relative to the CUP approval, the Planning Commission added a tenth condition:

  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 II) are occupied.

In response to Council queries, the City Attorney, D. Wayne Moore stated that if the applicant fails to comply with the conditions attached to the Conditional Use Permit, the permit will be revoked.

In response to a City Attorney query, Mr. Wyne stated that if approved staff will have to consider ways by which actual occupancy in the development can be confirmed.

The City Manager stated that if Council feels the language in the Planning Commission's tenth condition is insufficient or vague; staff can modify it such that it is clarified without altering its intent.

Mayor Hunt stressed the importance of ensuring a good balance between residential and commercial uses on the subject parcels and of connecting Alphus and Beta streets in the future.

Councilman Ayer voiced a safety concern relative to the EDA pond and the proposed adjacent Fountains of Poquoson residential development. In response, the City Manager stated that, if Council so chooses, staff can bring this issue to the EDA's attention and report any recommendation/action they agree upon to Council at its next meeting.

During Council's discussion it was pointed out that a fence was unlikely to be the foremost safety measure, but rather the use of vegetation, signs, etc. may be the best solution to this issue.

Mr. Robert Moses, Fountains of Poquoson developer, stated that buildings one through five are self-regulating relative to occupancy. He informed Council that he already has two letters of intent to occupy building six (all commercial), but needs permission to simultaneously start construction on some of the townhomes in order to make the development financially feasible.

In response to Council queries regarding leaving the 2nd floor of building 6 unfinished until leased, Mr. Moses stated that the completion of this floor would likely occur in the evening so as not to negatively impact the first floor business occupants and patrons.

Comprehensive Plan Update:

Mr. Bill Travis, Planning Commission Vice Chair and Comprehensive Plan Steering Committee Chair, provided a brief overview on the progress of updating the City's Comprehensive Plan. He introduced Robert Liles, Chair of the Community Participation Team (CPT), whose primary responsibility is to garner public input/comment on the Plan. In addition, Mr. Travis pointed out that the CPT has developed two subcommittees, i.e. the Community Engagement Team that will seek to generate public interest in the update and the Data Collection Team that will structure public queries and collect the data. He thanked City staff for their ongoing assistance with this task. He informed Council that there is currently a link on the City's homepage to information on the Comprehensive Plan; that the CPT will have a table at the upcoming Seafood Festival; and that they will solicit public input using a variety of methods. In conclusion, he informed Council that the first public input session on the Plan will be held on October 18, 2016 at the High School cafeteria.

Report on Council Retreat:

The City Manager reminded Council that a work session, at the Mayor's request, was held on April 12, 2016 to discuss issues pertaining to the development of the EDA-owned 6 parcel assemblage across from City Hall Avenue. The participants included Council members, the Planning Commission and EDA Chair and Vice Chair, and senior staff members. He stated that following the group's discussion of potential desirable development concepts and possible undesirable impacts, a list of guiding principles/expectations materialized. In addition, the following five development concepts received a majority or strong consensus from the group:

- 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

Mr. Wheeler stated that as part of the Mayor's original request for the work session he also asked staff to consider and offer possible next steps. As such he suggested that Council establish a working committee consisting of one Council Member, one Planning Commissioner, the members of the Economic Development Authority with participation from the Hampton Roads Economic Development Alliance and senior City staff. He explained that this committee would be asked to present its preliminary analysis to Council within 90 days to include its recommendations regarding which of the five development concepts are most desirable/feasible. The committee would subsequently be tasked with developing a detailed feasibility analysis and associated recommendations to present to Council within 120 days. After which, he stated Council would consider and select the preferred development concept(s) and the EDA would be asked to solely and actively market the property for the specific concept(s).

In addition, subsequent to Council's selection of the preferred development concept(s), the Planning Commission and City staff would review the Comprehensive Plan and related zoning requirements to identify and revise any section which may act as a barrier to the chosen concept(s) and to incorporate the Guiding Principles for Development into

the Comprehensive Plan and zoning requirements related to future development along the Victory Boulevard corridor.

Since Council voiced no objection to the aforementioned next steps, Mayor Hunt asked that a resolution formally approving them be brought forward for a vote at the next meeting.

ADJOURNMENT:

There being no further business, the work session was adjourned at approximately 6:59 p.m.

CITY OF POQUOSON

PLANNING DEPARTMENT

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

September 12, 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 public hearing and your formal consideration 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.

You may recall that a work session on this item was held during your Monday, August 22, 2016 meeting. During which staff was asked to look closely at the Planning Commission's proposed added condition (for the conditional use permit application) detailed above in an effort to make it clearer and more easily enforceable. As such, staff has reworked the condition to read as follows:

10. Prior to the issuance of any and all building permits related to Phase IV (townhome site as depicted on the submitted plan), the developer must provide documentation to the City, in the form of lease agreements and issued certificates of occupancy, verifying that two-thirds of commercial and residential components of the entire development (to include Phases I, II and III) have leaseholders at the time of building permit issuance.

Additionally, during your work session the need for Conditional Use Permit (CUP) condition eight (8) was discussed. After reviewing the other conditions, staff believes that Rezoning conditions one (1), two (2) and six (6) in collaboration with CUP conditions three (3) and four (4) provide sufficient assurance that the plans submitted in support of the application will be in alignment with the developer's final product, thus negating the need for CUP condition eight (8).

KMW

A RESOLUTION APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAPS OF THE CITY'S ADOPTED COMPREHENSIVE PLAN 2008-2028

WHEREAS, Robert Moses, applicant, and John Graham et als, property owner, have requested an amendment to the City's Comprehensive Plan for 2008 through 2028 by designating the future land use for Poquoson Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002 from General Commercial to Village Commercial; and

WHEREAS, the requested map amendment is consistent with the City's vision for the future land use of this specific area; and

WHEREAS, the requested map amendment of the City's Comprehensive Plan 2008-2028 was reviewed by the Planning Commission in a public hearing on August 15, 2016 and by City Council on September 12, 2016; and

WHEREAS, careful and thorough consideration of the map amendment has been given.

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

Section 1: That the requested amendment to the Future Land Use Maps of the 2008-2028 Comprehensive Plan be and the same hereby is approved.

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

ADOPTED: _____

TESTE: _____
City Clerk

A RESOLUTION DENYING AN AMENDMENT TO THE FUTURE LAND USE MAPS OF THE CITY'S ADOPTED COMPREHENSIVE PLAN 2008-2028

WHEREAS, Robert Moses, applicant, and John Graham et als, property owner, have requested an amendment to the City's Comprehensive Plan for 2008 through 2028 by designating the future land use for Poquoson Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002 from General Commercial to Village Commercial; and

WHEREAS, the requested map amendment is consistent with the City's vision for the future land use of this specific area; and

WHEREAS, the requested map amendment of the City's Comprehensive Plan 2008-2028 was reviewed by the Planning Commission in a public hearing on August 15, 2016 and by City Council on September 12, 2016; and

WHEREAS, careful and thorough consideration of the map amendment has been given.

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

Section 1: That the requested amendment to the Future Land Use Maps of the 2008-2028 Comprehensive Plan be and the same hereby is denied.

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

ADOPTED: _____

TESTE: _____
City Clerk

A RESOLUTION APPROVING THE REZONING OF 2.37 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF WYTHE CREEK ROAD, IMMEDIATELY TO THE SOUTH OF GEORGE'S RESTAURANT, TAX MAP PARCEL NOS. 27-09-00-0002 & 27-18-00-0002 FROM B-2 (BUSINESS) TO VC (VILLAGE COMMERCIAL)

WHEREAS, Robert Moses, applicant, and John Graham et als, property owner, have requested that the property located on the west side of Wythe Creek Road immediately to the south of George's restaurant, specifically identified as Poquoson Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002 be rezoned from B-2 (Business) to VC (Village Commercial); and

WHEREAS, the Planning Commission has found that the requested VC zoning is in accord with the City's revised Comprehensive Plan, and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on August 15, 2016 and before City Council on September 12, 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 Robert Moses, applicant, and John Graham et als, property owner, for rezoning of the property located on the west side of Wythe Creek Road immediately to the south of George's restaurant, specifically identified as Poquoson Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002, from B-2 (Business) to VC (Village Commercial) is hereby recommended for approval with the following conditions:

1. The layout of any development of the site shall generally adhere to the conceptual plan dated March 17, 2016 and titled *Rezoning Plan, Phase III and Phase IV, The Fountains of Poquoson A Village Mixed Use Development.* All residential to commercial ratios shall conform to the addendum to this conceptual plan received by the City on July 12, 2016, titled *Addendum.*
2. At no time shall the development in its entirety exceed 9 units per acre.
3. Prior to site plan approval, a boundary line adjustment plat must be prepared and recorded vacating all property lines divide the properties in question.
4. All development located 200' or closer to Wythe Creek Road shall be reserved for only commercial use.

5. Setbacks from Wythe Creek Road and adjacent properties not zoned Village Commercial shall be consistent with the requirements of the B-2, Business/Commercial Zoning District.
6. Phase IV (the townhome site) shall in no circumstance be constructed prior to the issuance of a certificate of occupancy on the commercial structure located in Phase III, as depicted on the conceptual plan dated March 17, 2016 and titled *Rezoning Plan, Phase III and Phase IV, The Fountains of Poquoson A Village Mixed Use Development.*
7. Approval of this rezoning request does not constitute site plan approval. The proposal is subject to the City's Site Plan approval process and must meet all applicable City land use provisions.

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

ADOPTED: _____

TESTE: _____
City Clerk

A RESOLUTION DENYING THE REZONING OF 2.37 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF WYTHE CREEK ROAD, IMMEDIATELY TO THE SOUTH OF GEORGE'S RESTAURANT, TAX MAP PARCEL NOS. 27-09-00-0002 & 27-18-00-0002 FROM B-2 (BUSINESS) TO VC (VILLAGE COMMERCIAL)

WHEREAS, Robert Moses, applicant, and John Graham et als, property owner, have requested that the property located on the west side of Wythe Creek Road immediately to the south of George's restaurant, specifically identified as Poquoson Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002 be rezoned from B-2 (Business) to VC (Village Commercial); and

WHEREAS, the Planning Commission has found that the requested VC zoning is in accord with the City's revised Comprehensive Plan, and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on August 15, 2016 and before City Council on September 12, 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 Robert Moses, applicant, and John Graham et als, property owner, for rezoning of the property located on the west side of Wythe Creek Road immediately to the south of George's restaurant, specifically identified as Poquoson Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002, from B-2 (Business) to VC (Village Commercial) is hereby denied.

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

ADOPTED: _____

TESTE: _____
City Clerk

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW RESIDENTIAL DWELLINGS ABOVE THE SECOND FLOOR IN A MIXED-USE BUILDING & RESIDENTIAL SEPARATE FROM A COMMERCIAL AND/OR MIXED USE STRUCTURE NOT TO EXCEED TWO-THIRDS OF THE COMMERCIAL FLOOR AREA OF THE DEVELOPMENT IN THE VILLAGE COMMERCIAL DISTRICT ON PROPERTIES SPECIFICALLY IDENTIFIED AS TAX MAP PARCEL NOS. 27-09-00-0002, 27-18-00-0002 & 27-01-00-0087

WHEREAS, a request was submitted by John B. Graham et als, property owner, and Robert Moses, applicant, for a Conditional Use Permit in order to allow residential dwellings above the second floor in a mixed-use structure and to allow residential separate from a commercial and/or mixed use structure not to exceed two-thirds of the commercial floor area of the development in the Village Commercial District for the properties, identified as Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002, located immediately to the south of George's restaurant and a parcel located immediately south of the Poquoson Commons Shopping Center and west of the Economic Development Authority's regional stormwater pond, specifically identified as Tax Map Parcel No. 27-01-00-0087; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on August 15, 2016 and before City Council on September 12, 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 John B. Graham et als, property owner, and Robert Moses, applicant, for a Conditional Use Permit in order to allow residential dwellings above the second floor in a mixed-use structure and to allow residential separate from a commercial and/or mixed use structure not to exceed two-thirds of the commercial floor area of the development in the Village Commercial District for the properties, identified as Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002, located immediately to the south of George's restaurant and a parcel located immediately south of the Poquoson Commons Shopping Center and west of the Economic Development Authority's regional stormwater pond, specifically identified as Tax Map Parcel No. 27-01-00-0087 is hereby approved with the following conditions:

1. The developer must convey a 50' portion of the property at the northern side of Tax Map Parcel No. 27-1-87 to provide for a continuation of the Alphus Street right-of-way from the east of this property. The developer must provide improvements to Alphus Street on the portion fronting the development. Improvements include paving, sidewalk construction and installation of curb and gutter in accordance with VDOT standards to allow for the future acceptance of the street into the City's maintenance system. All improvements must be reviewed and approved by City staff.

2. Approval of the Architectural Review Board shall be required on all buildings, including the residential component, prior to site plan approval.
3. If the project is not constructed and fully operational within five (5) years of the issuance of this permit, the Conditional Use Permit shall become null and void.
4. The development shall not yield more than 9 dwelling units per acre.
5. All conditions as cited within the Conditional Use Permit dated May 14, 2012, amended June 27, 2016, shall be adhered to.
6. Any shared trash containers shall not be visible from public right-of-ways and shall be screened in accordance with City Site Plan and Zoning Ordinance requirements.
7. The applicant shall obtain all required local, state and federal permits.
8. 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.
9. Approval of this use permit does not constitute site plan approval. The proposal is subject to the City's Site Plan approval process and must meet all applicable City land use provisions.
10. Prior to the issuance of any and all building permits related to Phase IV (townhome site as depicted on the submitted plan), the developer must provide documentation to the City, in the form of lease agreements and issued certificates of occupancy, verifying that two-thirds of commercial and residential components of the entire development (to include Phases I, II and III) have leaseholders at the time of the building permit issuance.

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

ADOPTED: _____

TESTE: _____
City Clerk

A RESOLUTION DENYING A CONDITIONAL USE PERMIT TO ALLOW RESIDENTIAL DWELLINGS ABOVE THE SECOND FLOOR IN A MIXED-USE BUILDING & RESIDENTIAL SEPARATE FROM A COMMERCIAL AND/OR MIXED USE STRUCTURE NOT TO EXCEED TWO-THIRDS OF THE COMMERCIAL FLOOR AREA OF THE DEVELOPMENT IN THE VILLAGE COMMERCIAL DISTRICT ON PROPERTIES SPECIFICALLY IDENTIFIED AS TAX MAP PARCEL NOS. 27-09-00-0002, 27-18-00-0002 & 27-01-00-0087

WHEREAS, a request was submitted by John B. Graham et als, property owner, and Robert Moses, applicant, for a Conditional Use Permit in order to allow residential dwellings above the second floor in a mixed-use structure and to allow residential separate from a commercial and/or mixed use structure not to exceed two-thirds of the commercial floor area of the development in the Village Commercial District for the properties, identified as Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002, located immediately to the south of George's restaurant and a parcel located immediately south of the Poquoson Commons Shopping Center and west of the Economic Development Authority's regional stormwater pond, specifically identified as Tax Map Parcel No. 27-01-00-0087; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on August 15, 2016 and before City Council on September 12, 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 John B. Graham et als, property owner, and Robert Moses, applicant, for a Conditional Use Permit in order to allow residential dwellings above the second floor in a mixed-use structure and to allow residential separate from a commercial and/or mixed use structure not to exceed two-thirds of the commercial floor area of the development in the Village Commercial District for the properties, identified as Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002, located immediately to the south of George's restaurant and a parcel located immediately south of the Poquoson Commons Shopping Center and west of the Economic Development Authority's regional stormwater pond, specifically identified as Tax Map Parcel No. 27-01-00-0087 is hereby denied.

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

September 12, 2016

TO: City Council

FROM: City Manager

SUBJECT: **Resolution Establishing Guiding Principles For Development of the EDA-Owned Properties in the Big Woods**

Following the work session on the Big Woods-EDA assemblage on August 22, 2016, the Mayor requested on behalf of Council that a resolution endorsing the Guiding Principles for Development, Possible Development Concepts, Next Steps and Supporting Actions be placed on Council's September 12, 2016 agenda for formal consideration.

Attached for your reference is the August 2016 work session discussion document.

RESOLUTION NO. ____

RESOLUTION ESTABLISHING GUIDELINES FOR

DEVELOPMENT OF EDA-OWNED PROPERTIES IN THE BIG WOODS

WHEREAS, the Poquoson City Council, the Planning Commission and the Economic Development Authority (EDA) recognize that the future development of the EDA-Owned Big Woods Property (Property) located on the north side of Victory Boulevard will have significant impact on the community as a whole and the Victory Boulevard gateway in particular; and

WHEREAS, the City Council held a retreat on April 12, 2016 which included representatives of the Planning Commission, EDA and senior staff to discuss desirable development concepts, discuss impacts and types of projects that would not be desirable with the goal of clearly identifying what the City would like to occur on the property ; and

WHEREAS, as part of the retreat and a related August 22, 2016 work session, participants reached consensus on nine Guiding Principles for Development of the Property, identified five Possible Development Concepts for further study and developed a framework to further refine the identified potential development concepts; and

WHEREAS, the Guiding Principles for Development and Possible Development Concepts are intended to provide guidance to the EDA with regard to evaluating future expressions of interest for the property and as input into the Comprehensive Plan update process.

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

Section 1: That City Council does hereby establish the following Guiding Principles for Development for the EDA-Owned Big Woods Property as follows:

- The City should continue its efforts to develop the assemblage and to further refine a specific development vision which will 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 will 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.

Section 2: That the Poquoson City Council does hereby endorse for further study and refinement the following Possible Development Concepts for further study and refinement as follows:

- 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

Section 3: That City Council does hereby endorse the Next Steps and Supporting Actions contained in the Big Woods-EDA Assemblage Consensus Document and Development Framework as presented at the work session held on August 22, 2016.

Section 4: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____

City Clerk

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.

CITY OF POQUOSON

500 City Hall Avenue, Poquoson, Virginia 23662-1996

City Manager's Office (757)868-3000 Fax (757)868-3101

September 12, 2016

TO: Poquoson City Council

FROM: City Manager

SUBJECT: **Retiree Health Insurance**

As City Council is aware, for the last several months staff has been analyzing a proposal to amend the City's current Personnel Policy pertaining to Retiree Health Insurance Coverage (Policy #43). The City's current policy allows eligible employees to continue to participate in the City's Health Insurance Plan. At present the full cost of a retiree's participation in this program is borne by the retiree; however, to assist employees with the cost of health insurance the City elected on July 1, 2001 to participate in the VRS (Virginia Retirement System) Health Insurance Credit Program. This program provides for eligible retirees a credit of $1.50 per month for each year of creditable service (up to 30 years) which is paid in addition to a retiree's monthly VRS retirement benefit.

The proposal being presented for your consideration is based upon a policy suggestion provided by Master Firefighter Tom Cannella during FY2016. Through his research Mr. Cannella identified that an enhanced retiree health insurance benefit was a common benefit offered by other localities in our area which places us at a significant disadvantage in terms of recruitment and retention of qualified employees. The proposed policy modification below is presented for consideration as an amendment to Personnel Policy #43, Retirees Under 65 Section:

Enhanced Retiree Health Insurance Benefit

1. Eligibility

On or after July 1, 2017 the retiring employee must have a minimum of twenty (20) years of creditable VRS service with the City of Poquoson and a minimum of 90 days of unused sick leave at the time of retirement from City service. Further, the retiring employee must give the employer a minimum of six (6) months' written notice of their intention to retire and must have participated in the City health care plan for a minimum of five (5) years immediately prior to retirement.

2. Employer Contribution

The City will contribute fifty (50) percent of the employee health insurance premium for retirees wishing to continue coverage under the City health care plan up to age 65. The City's fifty (50) percent contribution will be reduced by the amount of any employer-paid health insurance credit that the retiree may qualify for under the VRS program.

The proposed policy has at its core three main objectives; recruitment, retention, and recognition of dedicated long term employees.

Recruitment - The adoption of an enhanced retiree health insurance benefit will increase the City's ability to compete for well qualified employees. While the City historically has been unable to provide market rate compensation, it has prided itself on offering both an organizational culture and benefit program that make the City an attractive place to work. Through the adoption of an enhanced retiree benefit program, the City will make a significant stride in the one benefit area where we are not market-competitive. It will also send a strong message to those considering employment with the City that as an employer we value long term employment. Through the adoption of an enhanced retiree health insurance benefit, it is our expectation that we will increase the overall number of persons in and quality of our applicant pools. This will have a positive impact on our ability to hire qualified employees, which will in turn increase the likelihood that new employees will successfully complete their probationary period.

Retention – The adoption of an enhanced retiree health insurance benefit will positively impact the City's ability to retain qualified employees. Like most small local government employers who compete with larger, better paying neighbors the City is most vulnerable in terms of its ability to retain well qualified employees in the first third of their career. It is during this period that an employee gains the requisite skills, experience and competency that make them highly attractive to other, often higher paying employers. It is also at this time in their careers that employees begin to focus on "whole career-retirement planning".

There are several important benefits to increasing our retention rate. First and foremost as an employer we continue to enjoy the benefits of the employee's accumulated knowledge and expertise that the employee gained as an employee of the City of Poquoson. Secondly, the City saves the money and significant time related to recruitment and training of new employees. While the money for these expenses typically comes from the salary savings associated with the vacancy, it is better spent maintaining qualified employees. Third and most particularly, though not exclusively, associated with the Fire/Rescue and Police Departments each time a position turns over the position is essentially out-of-service for an extended period of the time. Particularly if a newly hired employee must attend the Police Academy, Fire Academy or Advanced EMS training respectively and is of limited operational value during precepting/field training. This in turn negatively impacts staffing levels at the operational level and in many instances requires the expenditure of overtime funds to bring back off-duty employees to maintain minimum staffing levels.

An additional retention-related benefit stems from the fact that many employees continue to work well beyond their eligible retirement date due to their inability to afford the high cost of health insurance. While this is understandable and the City clearly benefits from the continued service of these highly

valued employees, their presence in the work force has the unintended effect of reducing promotional opportunities for less senior employees, who in some cases leave the organization for promotional opportunities elsewhere.

Recognition of Dedicated Long Term Employees – The policy proposed for your consideration is designed to provide an enhanced retiree health insurance benefit for eligible employees retiring on or after July 1, 2017 who have a minimum of twenty years of creditable VRS service with the City of Poquoson. The choice of employees with twenty or more years of service is intended to recognize the significant contributions of employees that have dedicated two-thirds or more of their careers to public service with the City of Poquoson. The policy also requires an employee to have 90 days of unused sick leave to be eligible. This policy provision recognizes long term employees for their judicious use of sick leave over the course of their employment.(Note: A twenty year, full time employee would earn two hundred and forty days of sick leave during the course of their employment.)

Plan Costs:

To gain an understanding of what a policy of this type may cost over time, the City commissioned an independent actuarial analysis of the proposed policy. The actuarial study looked at both the actuarial costs associated with the current policy, i.e. the implicit rate/subsidy and the proposed change. The computed actuarial liability (30 year) of the current policy is $791,172. This is the additional estimated cost over the period that the employer and participating employees will pay in addition to what would otherwise be required if the current and projected retirees were not participating in the plan as part of the actuarial pool under the City's current policy.

The combined actuarial projection for the current and proposed plan is estimated to be $1,370,574 over the actuarial period and a required Annual Required Contribution (ARC) of $131,382. It is important to note that this is the combined projection for both the current program and the proposed change. The portion of the ARC that is attributable to the current City program is $74,645 and the portion that is attributable to the proposed policy change is $56,737. The analysis also shows required ten year annual cash flow contributions for the current and proposed plan change ranging from $27,120 to $99,471 with a ten year average contribution of $72,594.

Funding Plan:

As noted above in the near term, localities will need to begin including the actuarial projections of retiree health insurance related other post-employment benefits (OPEB) in government-wide financial statements. Historically, the City of Poquoson and most other local governments have treated this as a pay-as-you-go expense with the annual costs being paid by the annual health insurance rate structure. I would propose that we continue this practice as it relates to the current program.

This would allow us to focus on the projected actuarial cost and cash flow requirements of the proposed plan change. To meet these funding requirements I propose the following funding plan:

1) That the City establish (or join) a dedicated trust fund for this purpose;
2) That the City appropriate $56,737 of unspent health insurance funds from the FY2016 budget as part of the mid-year appropriation to meet the FY2017 ARC associated with the proposed change;

3) That the City include in its adopted budget beginning in FY2018 a dedication of the projected ARC amount from unused, budgeted health insurance line items, to be supplemented if insufficient with available salary vacancy and training savings; and
4) That the City consider as part of the future mid-year appropriation process the feasibility of appropriating additional funds to prefund future obligations.

The City staff worked closely with the City's Financial Advisors to review this funding plan concept. It is their express opinion that if the City adheres to this plan, it will not adversely impact the City's credit rating.

Changes to the Plan Design:

The City Council, should it wish to provide an enhanced retiree health insurance benefit, may wish to modify any or all of the proposed plan components or eligibility requirements. Each modification will have an impact on the projected cost of the program. At the Council's direction, the staff will work with the actuary to revise the actuarial analysis to account for any changes the Council may wish to consider.

RESOLUTION NO. _____

RESOLUTION APPROVING AN AMENDMENT TO SECTION 43 OF THE CITY'S PERSONNEL POLICY MANUAL RE: RETIREE HEALTH INSURANCE COVERAGE

WHEREAS, following several months of reviewing and analyzing the City's current Personnel Policy pertaining to Retiree Health Insurance Benefits (Policy #43) and comparing it to enhanced plans offered by other localities in our area it was determined that the City's policy needed to be changed; and

WHEREAS, proposed amendments have been developed and carefully and thoroughly reviewed with City Council.

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

Section 1: That the amendments to the City's Employee Health Insurance Program, Section 43, are hereby approved and incorporated into the City's Personnel Policy Manual.

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

ADOPTED: _____

TESTE: _____
City Clerk

PERSONNEL POLICY
City of Poquoson, Virginia

Policy Title: Retiree Health Insurance Coverage **Effective Date:**
Section No.: 43 **Supersedes Policy:**

PURPOSE:

It is the objective of the City of Poquoson, Virginia to provide health insurance to its retired employees through the City's Health Insurance Plan. The following policies govern administration of this plan. Any policies not specifically addressed here will be as delineated in the policy by the Administrator of the City's Health Insurance Plan.

Retirees Under 65

1. Eligibility

In order for the retired employee to be eligible for health insurance coverage he/she must have a combination of years of service with the City of Poquoson and age which add up to seventy. For example, an employee at the age 50 must have 20 years of service, at age 55 must have 15 years of service, and at age 60 must have 10 years of service. Retired employees in all cases must have a minimum of 5 years of service to become eligible for post retirement health benefits. When the retiree turns 65, the type of coverage and employee contribution for retirees over 65 become effective.

2. Type of Coverage

The retired employee may continue enrollment in the health insurance plan offered by the City under which he/she is covered at the time of retirement.

3. Employee Contribution

The retired employee pays the full amount of the retiree premium

Enhanced Retiree Health Insurance Benefit

1. **Eligibility**

   On or after July 1, 2017 the retiring employee must have a minimum of twenty (20) years of creditable VRS service with the City of Poquoson and a minimum of 90 days of unused sick leave at the time of retirement from City service. Further, the retiring employee must give the employer a minimum of six (6) months' written notice of their intention to retire and must have participated in the City health care plan for a minimum of five (5) years immediately prior to retirement.

2. **Employer Contribution**

   The City will contribute fifty (50) percent of the employee health insurance premium for retirees wishing to continue coverage under the City health care plan up to age 65. The City's fifty (50) percent contribution will be reduced by the amount of any employer-paid health insurance credit that the retiree may qualify for under the VRS program.

Retirees Over 65

1. **Eligibility**

   The retired employee must be age 65 or older or otherwise eligible for Medicare. Retired employees in all cases must have a minimum of 5 years of service to become eligible for post retirement health benefits. The City has elected to participate in the VRS Health Insurance Credit Program. For more information contact the Finance Department.

2. **Type of Coverage**

   The employee may only enroll in the Medicare Complementary Plan or an HMO Medicare Plan offered by the administrator of the City's Plan.

3. **Employee Contribution**

   The retired employee pays the full amount of the retiree premium.

Retirees on Work Related Disability

1. **Eligibility**

   The retired employee must be retired on a job related disability as defined by the Virginia Retirement System and be eligible for workers' compensation for the job related disability. The retired employee must be totally disabled. If a retired disabled employee works in another job where eligible for group medical benefits, then eligibility in the City plan will cease. Retired disabled employees in all cases must have a minimum of 5 years of service to become eligible for post retirement health benefits. When the retiree turns 65, the type of coverage and employee contribution for retirees over 65 will become effective.

2. **Type of Coverage**

   The retired disabled employee may only enroll in an HMO plan offered by the administrator of the City's plan.

3. **Employee Contribution**

   The City will contribute towards health insurance premiums on a graduated scale depending on years of service as follows:

20 plus years	-	80%
15-19 years	-	70%
10-14 years	-	60%
5-9 years	-	50%

4. **Negotiations**

   The City Manager may negotiate with the retired disabled employee to supplement the employee's payment to another health insurance plan in lieu of paying the City's share of premiums if it is beneficial for the City to do so.

Premium Payments

Retirees will pay by cash, check or money order prior to the first of the month of coverage. Retirees who fail to pay their premium by the last day of the month preceding the first of their coverage month will be given a five-calendar day grace period. If the premium is not paid by then they will be notified by certified mail of the cancellation of their medical benefits.

Enrollment in Plan

The only opportunity for the employee to enroll in the plan is upon retirement, with one exception. The exception to this rule is the retiree who is enrolled in a spouse's active employee health benefits membership through the City of Poquoson. When the active employee terminates or retires, the retired spouse may elect to come into the Retiree Group within 31 days of the event. Retiring employees who do not wish to enroll in the City's Retiree Health Insurance Plan should sign the waiver portion of the Enrollment Form.

Employees must submit an application for retiree health insurance coverage within 31 days of the retirement application or notice.

Employees who terminate from active service and defer retirement will not be eligible for the City's Retiree Health Insurance Plan.

A retiree may change plans at retirement, during an open enrollment period or at the time of an eligibility status change. However, an employee may change plans upon becoming eligible for Medicare.

Coverage of Dependents

An employee may apply for employee plus one or family membership at retirement, whether or not the eligible family members were covered in the active employee group while the retiree was actively employed. A retiree may change their type of coverage upon enrollment or during any open enrollment period. The retired employee will pay for the cost of the premium for family coverage, except in the case of the job related disabled employee where the City will contribute towards health insurance premiums on a graduated scale depending on years of service.

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

September 12, 2016

TO: City Council

FROM: Theresa Owens, Finance Director

THROUGH: Randy Wheeler, City Manager

SUBJECT: Contract with C.P.G, Inc. and Additional Appropriation for FY 2017

In August 2014, the City accepted a Hazard Mitigation Grant (HMGP) from the Federal Emergency Management Agency (FEMA) through the Virginia Department of Emergency Management (VEDM) to elevate ten homes in the City.

Plans for each house have been drawn and approved by the homeowners. The City issued three IFB's. The first was for all ten houses. That bid had four bidders and came in more than 100% over budget. We were advised by VDEM to rebid the houses. In an effort to try to make the contract more attractive to contractors, we made some modification and split the bid into two bids, having five houses on each. We had one bidder, C.P.G, Inc., for each and it was still more than 100% over budget. The cost of the houses included in the Phase 1 IFB was $944,907 and for Phase 2 the costs were $988,009. We met with VDEM to try to come up with a solution. VDEM made contact with FEMA and they were able to get additional grant funding for the City.

In addition to the grant eligible costs of the elevation, the contracts include Council approved options. Change orders on these options will only be issued if the homeowner approves the option in writing and it is paid for in advance.

Attached for consideration is a resolution authorizing the City Manager to enter into two contracts with C.P.G., Inc. to elevate the ten homes included in the HMGP grant and an ordinance appropriating the additional funding for the grant as well as unbudgeted carryover funding from FY 2016.

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO TWO CONTRACTS WITH C.P.G., INC FOR THE ELEVATION OF TEN HOUSES IDENTIFIED UNDER HMGP GRANT 4072-002

WHEREAS, on August 25, 2014, City Council adopted Resolution No. 3927 which accepted the Hazard Mitigation Grant entitled "City of Poquoson Elevation of 10 Residential Structures" for the elevation of ten homes; and

WHEREAS, staff has issued three Invitation for Bids (IFBs) for the elevations; and

WHEREAS, the first IFB issued included all ten homes and the responses all exceeded 100% of the grant allowance; and

WHEREAS, as a result the bid was canceled and rebid by issuing two separate IFBs (Phase 1 and Phase 2) each including five houses; and

WHEREAS, the result of the Phase 1 IFB was $944,907 and the result of the Phase 2 IFB was $988,009 both together exceeded the total budget; and

WHEREAS, the City requested from the Virginia Department of Emergency Management and was awarded additional funding in an amount sufficient to meet the total bid amount for the two phases; and

WHEREAS, staff has reviewed the results of the bids and has determined that C.P.G., Inc. 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 contracts with C.P.G., Inc. for the elevation of the ten homes described on Phases 1 and 2 of HMGP Grant 4072-002.

Section 2: That the City Manager is hereby authorized to approve change orders associated with homeowner approved and paid options.

Section 3: 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 been awarded $1,051,637 in additional Hazard Mitigation Grant Program (HMGP) funding, and

WHEREAS, $142,522 in HMGP funding from FY 2016 has not been appropriated.

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

Section 1: That an additional $1,194,159 in revenues in the Special Revenue Fund be and the same hereby are appropriated within the Fiscal Year 2016-2017 Budget as follows:

SPECIAL REVENUE FUND

Revenues:	
Federal-HMGP Grant 4072	$895,619
State-HMGP Grant 4072	238,832
Homeowner contribution	59,708
TOTAL	**$1,194,159**
Expenditures:	
HMGP Grant 4072	$1,194,159
TOTAL	**$1,194,159**

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

September 6, 2016

TO: Poquoson City Council

THROUGH: Randy Wheeler, City Manager

FROM: Ellen Roberts, City Engineer

RE: Little Florida Road Drainage Project

The City issued an Invitation for Bids for construction of a 616 linear foot storm drainage piping system in the northerly Little Florida ditch. The project area extends from the roadside ditch in front of 211 Little Florida Road and continues eastward to the ditch in front of 225 Little Florida Road. This segment of the roadside ditch was selected because of the number of accidents, steepness of the ditch side slopes, and depth of the ditch.

Bids were opened on August 8, 2016. Four bids were received. Engineering staff members reviewed the bids and checked references. After this review, we recommend the City contract with Gaston Brothers Utilities, LLC, the low bidder for the project.

This project was bid as a lump sum bid, with additional as-needed services costed out on a unit cost basis. These additional services may or may not be needed, depending on the conditions that the contractor encounters when trenches are excavated and existing utilities are encountered. For example, there is a 4" sewer service line that may or may not have to be relocated. This sewer work was costed out as an additional service instead of as part of the lump sum. Gaston's fee for constructing the project, including one sewer line relocation, is $281,300. This exceeds the original $170,000 budgeted for the project.

Additional costs are anticipated for this project. These include wetlands mitigation fee and crash barrier protection for a property and adjacent private drive located at the apex of the Little Florida Road curve, where out of control vehicles are most likely to leave the road. These may cost an additional $10,000-$15,000. Therefore, the total anticipated project cost is $ 296,300. We identified previously allocated funding from the drainage budget that can be transferred to the project.

Staff investigated options to reduce costs for this project. As you may recall, we revised the original design several times to optimize pipe location and reduce the number of utility that had to be relocated. The only remaining way to significantly reduce construction cost is to reduce the length of piping installed. Unfortunately, reducing the length of piping will not completely address the steeply sloped, deep ditches found along this road corridor. Another option is to use savings from past drainage projects to make up the difference in project cost. This appears to be a viable option, and staff recommends that we pipe the entire project length at this time.

Attached for consideration is a resolution for City Council's consideration for the City to enter into a contract with Gaston Brothers and an ordinance transferring necessary funding to the project.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GASTON BROTHERS UTILITIES, LLC FOR CONSTRUCTION OF A STORM DRAINAGE PIPE SYSTEM LOCATED ON THE NORTHERLY SIDE OF LITTLE FLORIDA ROAD

WHEREAS, the City requires construction of storm drainage piping in a segment of ditch located on the northerly side of Little Florida Road, starting adjacent to 211 Little Florida Road and continuing to 225 Little Florida Road; and

WHEREAS, bids were solicited for construction and installation services; and

WHEREAS, Four (4) bids were received and thoroughly reviewed by the Poquoson Engineering and Finance Departments; and

WHEREAS, the Engineering and Finance Departments have determined that Gaston Brothers Utilities, LLC Inc. is the most responsible and responsive bidder at a cost of $281,300 and

WHEREAS, Engineering and Finance Departments and staff has determined that services to be provided are in the best interest of the City of Poquoson.

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

Section 1: That the City Manager is hereby authorized upon approval as to form from the City Attorney to do all things necessary to enter into a contract with Gaston Brothers Utilities, LLC. for construction services.

Section 2: That the City Manager is authorized to modify the scope of the services as necessary.

Section 3: 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 will begin a ditch piping project on Little Florida Road, and

WHEREAS, the cost of the project is expected to be approximately $296,300, and

WHEREAS, the City has remaining funding available from Fiscal Year 2016 and Fiscal Year 2015 which automatically carries to fiscal year 2017 in the amount of $114,080; and

WHEREAS, the City has $70,870 remaining Fiscal Year 2014 Restricted Highway Maintenance funding for this project that requires re-appropriation by Council; and

WHEREAS, funding of $111,350 for the remaining cost of the project has been identified within the Capital Projects Fund drainage project budget.

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

Section 1: That an additional $70,870 in revenues and $111,350 in transfers 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 and Transfers:	
Transfer from Fund Balance	$70,870
Drainage Projects	111,350
TOTAL	**$182,220**
Expenditures:	
Ditch Piping	$182,220
TOTAL	**$182,220**

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

September 12, 2016

TO: City Council

FROM: City Manager

SUBJECT: **Resolution Amending the 1994 Service Agreement of the Middle Peninsula Juvenile Detention Commission**

Presented for your consideration is a resolution approving amendments to the Middle Peninsula Juvenile Detention Commission Service Agreement adopted by the member jurisdictions in 1994.

RESOLUTION NO. _____

RESOLUTION OF THE MEMBER JURISDICTIONS OF THE MIDDLE PENINSULA JUVENILE DETENTION COMMISSION AMENDING SECTIONS 3.7 AND 4.1 OF THE 1994 SERVICE AGREEMENT AND ADDING A SECTION NUMBERED 4.1:1

BE IT CONCURRENTLY RESOLVED by the Middle Peninsula Juvenile Detention Commission, the Boards of Supervisors of the Counties of Caroline, Charles city, Essex, Gloucester, Hanover, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Richmond and Westmoreland and the Councils of the Cities of Poquoson and Williamsburg, that Sections 3.7 and 4.l of the Service Agreement adopted by all of them effective December 12, 1994 are amended and readopted and a new Section to be numbered 4.l:l is hereby added to read as follows:

Section 3.7 Annual Budget

The Commission shall provide to each Member Jurisdiction on or before each January 1 the Commission's Annual Budget for the next Fiscal Year including any proposed capital projects. Beginning with the budget for Fiscal Year 2018, and in each Fiscal Year thereafter, the Commission shall establish each Member Jurisdiction's annual charge for the Fiscal Year based on the ratio of such Member Jurisdiction's usage of space in the Detention Center during the preceding five Fiscal Years to the aggregate usage of space by all member Jurisdictions during the same five Fiscal Years.

Section 4.l Payments from member Jurisdictions

(a) Each Member Jurisdiction agrees to pay the Commission its annual charge for each Fiscal Year based on usage as determined by the method prescribed in Section 3.7.

(b) One fourth of the annual charges due from Member Jurisdictions shall be invoiced quarterly by the Commission not later than the first day of the quarter. Such charges shall be due and payable to the Commission no later than 30 days from the date of the invoice, and if not paid when due shall bear interest at the rate set forth in Section 2.2-4352 of the Code of Virginia unless otherwise provided by law.

(c) If the amount owed by any Member Jurisdiction based on the usage calculation in Section 3.7 is below $2,500, for any Fiscal Year, such Member Jurisdictions shall pay the commission a minimum charge for such Fiscal Year of $2,500 to cover general and administrative expenses.

Section 4.I:1 Maintenance and Replacement Reserve

Notwithstanding any other provision of this Agreement, the Commission may, as part of any annual budget, set an amount to be held in a Maintenance and Replacement Fund, which will be in addition to any usage charges and will be divided equally among all member Jurisdictions and invoiced with the first billing to them in each fiscal year.

This resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____
City Clerk

RESOLUTION NO. _____

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the City of Poquoson, Virginia convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia (1950), as amended requires a certification by this Council that such closed session was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Poquoson, Virginia does hereby certify that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution applies and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Council.