1. 3-28-16 Agenda Summary

Documents: 3-28-16 CC AGENDA.PDF

1.I. Davenport & Company

Documents: DAVENPORT PRESENTATION.PDF

1.I.i. HRSD Presentation

Documents: HRSD PRESENTATION.PDF

1.I.i.1. 3-14-16 Minutes

Documents: 3-14-16 MINUTES.PDF

1.I.i.2. Price CUP

Documents: PRICE CUP.PDF

1.I.i.2.1. Price CUP Presentation

Documents: PRICE CUP PRESENTATION.PDF

1.I.i.3. Ordinance Amending Variance Definition

Documents: DEFINITION AMEND.PDF

1.I.i.3.1. Application Fee Amendment

Documents: APPLICATION FEE AMEND.PDF

1.I.i.4. Septic System Inspect Amendment

Documents: SEWER INSPECT AMEND.PDF

1.I.i.5. Ordinance Amendment Presentation

Documents: ORD AMENDS PRESENTATION.PDF

1.I.ii. Tom Hunt Store

Documents: TOM HUNT STORE.PDF

1.I.iii. Pipe Lining

Documents: SEWER ABATEMENT.PDF

1.I.iv. Various Appointments

Documents: APPOINTMENTS.PDF

POQUOSON CITY COUNCIL
MEETING OF
MONDAY, MARCH 28, 2016
7:00 P.M.
REGULAR SESSION

A. MEETING CALLED TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS

- **Mayor – Bay Star Home Recognition**
- **City Manager – New Employee – (Police Dept.)**
- **Financial Advisors-Davenport & Company, LLC**
- **Ted Henifin-HRSD-Sustainable Water Recycling**

D. AUDIENCE FOR VISITORS

E. APPROVAL OF THE MINUTES

1. **Regular Meeting – March 14, 2016**

F. PUBLIC HEARINGS

1. **Request of Poquoson Animal Welfare Sanctuary, Inc. (PAWS) to Modify Its Existing Conditional Use Permit for the Pet Sanctuary at 181 Messick Road by Increasing the Maximum Number of Cats On-Site From 50 to 75**

POSTPONED AT THE REQUEST OF APPLICANT

2. **Request of William N. Price (Price Electrical, Inc.), Applicant and Mr. & Mrs. Freddie L. Binford, Property Owners, For a Conditional Use Permit to Establish and Operate an Electrical Contracting Business at 834 Poquoson Avenue**

   (a) Public Hearing
   (b) Consideration by Council

3. **Ordinance Amending Article I, Section 1-3, Definitions of the Zoning Ordinance by Amending the Definition of "Variance"; Section 1-4 Board of Zoning Appeals, (b) By Adding Information Pertaining to Ex Parte Communications and (c) By Amending and Expanding the Section Pertaining to the Powers and Duties of the Board (1st Reading)**

   (a) Public Hearing
   (b) Consideration by Council

4. **Ordinance Amending Article XI.IV, Section 11.4-13(2) of the Zoning Ordinance by Amending the Exception Application Fee and Providing for Annual Adjustment of the Fee if Necessary (1st Reading)**

   (a) Public Hearing
   (b) Consideration by Council

5. **Ordinance Amending Article XI.IV, Section 11.4-6(1)(2) of the Zoning Ordinance Amending the Certification Requirements of Septic System Inspectors (1st Reading)**

   (a) Public Hearing
   (b) Consideration by Council

G. NEW BUSINESS

1. **Resolution Approving a Memorandum of Agreement Between Various Entities In Regard to the Relocation and Stabilization of the Tom Hunt's Store**

2. **Resolution Authorizing the City Manager to Enter Into a Contract With Utility Services Authority, LLC For Lining of Pipes**

3. **Resolution Making Appointments to Various Boards and Commissions**

H. COMMENTS OF THE CITY MANAGER

I. COUNCIL DIRECTIVES

J. ADJOURNMENT

DAVENPORT & COMPANY

City of Poquoson, Virginia

Refinancing Opportunities

March 28, 2016

Member NYSE | FINRA | SIPC

Background

- Davenport & Company LLC ("Davenport") serves as Financial Advisor to the City of Poquoson (the "City"). In our capacity as Financial Advisor, Davenport performs the following tasks, among others:
  - Regularly monitors the City's Debt Portfolio for Refinancing Opportunities; and
  - Interacts with the National Credit Rating Agencies, with the goal of maintaining the City's strong Credit Ratings.
- As shown on the following page, Davenport has assisted the City in raising its Credit Ratings from "Strong" initial ratings of 'A1' and 'A' assigned by Moody's Investor's Service ("Moody's") and Standard & Poor's ("S&P"), respectively, to a "Very Strong" 'Aa3' Moody's rating and 'AAA', the "Highest Possible Rating" given by S&P.
- Davenport and the City conducted their most recent formal interaction with the National Credit Rating Agencies in 2012.
- Davenport understands that the City will eventually need to secure additional New Money financing for Capital Projects. As such, it is critical that Davenport and the City take proactive steps to maintain the City's strong Credit Ratings.

Background – Poquoson's Credit Rating History

- Following Davenport's and the City's meetings with the National Credit Rating Agencies in 2012, the City's Credit Ratings were upgraded to 'Aa3' and 'AA+' by Moody's and S&P, respectively.

- S&P upgraded the City's long term Credit Rating to 'AAA' in 2014. The 'AAA' rating represents the "Highest Possible Rating" given by S&P.*

	Moody's	S&P		Current City Ratings
Top Tier "Highest Possible Rating"	Aaa	AAA		
2nd Tier "Very Strong"	Aa1	AA+	(Highest)	2012 Rating Upgrade
	Aa2	AA	(Middle)	
	Aa3	AA-	(Lowest)	
3rd Tier "Strong"	A1	A+	(Highest)	Initial City Ratings
	A2	A	(Middle)	
	A3	A-	(Lowest)	
4th Tier "Adequate Capacity to Repay"	Baa1	BBB+	(Highest)	Considered Investment Grade
	Baa2	BBB	(Middle)	
	Baa3	BBB-	(Lowest)	
5th – 10th Tiers "Below Investment Grade"	BB, B, CCC, CC, C, D			Below Investment Grade

*In 2014, S&P upgraded the City's Credit Rating from 'AA+' to 'AAA' based on implementation of new local government evaluation criteria published in September 2013.

Goals and Objectives

1. Recognize and take advantage of the current historically favorable interest rate environment in order to:

   - Secure long term financing for Capital Needs (the "**New Money Financing**"); and/or

   - Complete a Refinancing for the purpose of achieving debt service savings (the "**Refinancing Opportunity**").

2. Revisit the financial and economic progress achieved by the City since 2012 by holding in-person meetings with the National Credit Rating Agencies.

3. If possible, lock in a favorable interest rate(s) that:

   - Is fixed for the life of the New Money Financing and/or Refinancing loan(s); and

   - Would not extend the Final Maturity of the debt, if any, that the City elects to include in the Refinancing.

Potential Refinancing Opportunity

- Given the current historically low interest rate environment, the City has a potential opportunity to refinance two series of General Obligation bonds for savings purposes (the "**Refinancing Candidates**"). The Refinancing Candidates are as follows:
  - General Obligation Refunding Bonds, Series 2010 (the "2010 Bonds"); and,
  - General Obligation and Refunding Bond, Series 2011B (the "2011 Bond").

Refinancing Candidates

Bond Series	Original Principal	Principal Outstanding	Callable Principal	Non Callable Principal	Average Interest Rate (Callable)	Call Provisions	Final Maturity
2010 Bonds	$15,385,000	$14,085,000	$11,835,000 (FY 2021-2027)	$2,250,000 (FY 2017-2020)	4.70%	2/15/20 @ Par	FY 2027
2011B Bond	$3,495,000	$3,237,000	$3,237,000	-	2.98%	Any Time @ Par	FY 2029
Total	**$18,880,000**	**$17,322,000**	**$15,072,000**	**$2,250,000**	**4.36%**	-	-

- The average current interest rate of the Callable Refinancing Candidates is 4.36%. At this time, the estimated All-In True Interest Cost of the refunding bonds is below 2.5%.*
- City Council will be asked to approve a Resolution allowing Staff/Davenport to move forward with the Refinancing Opportunity so long as the City's 3% Net Present Value (NPV) minimum savings target can be met.
  - Net Savings at the 3% NPV Savings level is in excess of $450,000 over the life of the refinanced debt.
  - The Refinancing would not extend the final payment(s) of any existing debt.

*Preliminary, subject to change. All-In TIC is estimated assuming market rates as of March 8, 2016. Market rates fluctuate daily. Actual results may vary substantially from these estimates.

Approach and Proposed Next Steps

- Davenport recommends that the City consider follow a Dual Track Approach to pursue the potential New Money Financing and Refinancing Opportunity.

- Under the Dual Track Approach, the City would simultaneously solicit funding proposals for a Direct Bank Loan while beginning the process to complete a Competitive Public Sale. The Dual Track Approach would be scheduled to coincide with the City's meetings with the National Credit Rating Agencies.

The Schedule Outlined Below Outlines the Dual Track Approach.

- Monday, March 28 (This Evening)
  - **Regularly Scheduled Meeting of City Council.** Davenport presents Refinancing Opportunity and proposes plan of finance and next steps with recommendation to speak with NCRAs.

- Tuesday, March 29
  - Davenport distributes a competitive Request for Proposals to local, regional, and national banking institutions to solicit financing proposals for the potential New Money and Refinancing Opportunity.

    Note: The size of the potential financing(s) – i.e. greater than $10 million – does not allow for a Bank Qualified transaction. As such, interest from banking institutions, if any, is uncertain.

- Friday, April 8
  - Bank RFP responses returned to Davenport by close of business.

Approach and Proposed Next Steps, cont.

- Monday, April 11
  - **Regularly Scheduled Meeting of City Council.**
    Davenport presents results of the RFP process to City Council.

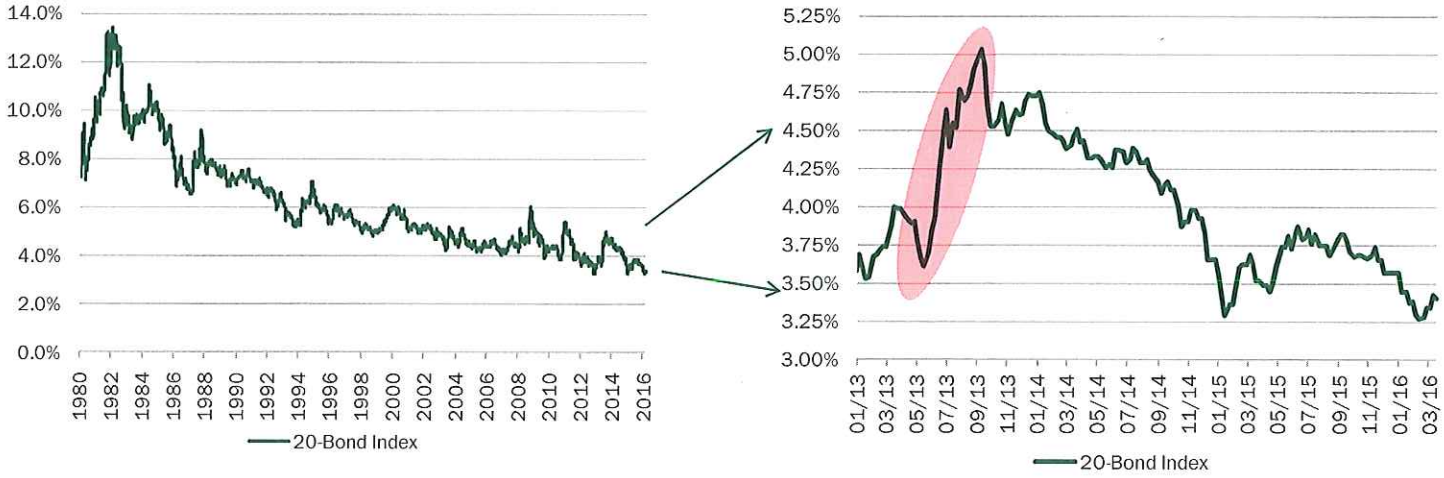
    City Council schedules a Public Hearing regarding the potential New Money Financing to be held at the April 25 Meeting of City Council.
- Monday, April 25
  - **Regularly Scheduled Meeting of City Council.**
    City Council holds Public Hearing regarding the potential New Money Financing.

    City Council considers formal approval of the potential New Money Financing and/or the Refinancing Opportunity.
- Early May
  - Meetings with National Credit Rating Agencies, to be held regardless of whether the City elects to pursue the potential New Money Financing or Refinancing Opportunity.
- Mid May
  - Receive ratings from Credit Rating Agencies
  - Close on Direct Bank Loan, as necessary.
  - Develop Preliminary Official Statement in advance of a Competitive Sale, as necessary.
- Late May
  - Sell bonds in the public markets via Competitive Sale, as necessary.
- Early June
  - Close on bonds sold via Competitive Sale, as necessary.

Appendix

Tax-Exempt Interest Rate Trends

- In early 2016, interest rates for tax-exempt borrowing are hovering at historically favorable levels, presenting a potentially favorable environment to refinance existing debt.
- Although interest rates remain near all-time lows, it is impossible to predict how long rates will remain this favorable.
- Interest rates are capable of rising quickly, as evidenced by the roughly 100 basis point (1%) jump that occurred in May to June of 2013 (highlighted below).



(1) The 20-year interest rates above show the Bond Buyer's "20-Bond Index" which consists of 20 tax-exempt bonds with an average rating of 'Aa2'/'AA' (Moody's / S&P) that mature in 20 years. The 20-Bond Index serves as a general indicator of prevailing interest rates for tax-exempt borrowers. Shown as of March 17, 2016.

Direct Bank Loan Characteristics

- As one part of the Dual Track Approach, the City would solicit funding proposals for the Refinancing Opportunity and New Money Financing through a Direct Bank Loan. Characteristics of Direct Bank Loans are summarized as follows:
  - Davenport, on the City's behalf, distributes a Request for Proposals (RFP) to solicit competitive interest rate proposals from local, regional, and national lenders;
  - The RFP will request interest rates for loan terms and structures tailored to the City's Refinancing and New Money goals and objectives;
  - **Sending out the RFP would in no way obligate the City to move forward with either the Refinancing Opportunity or the New Money Financing, nor does it cost anything to send out the RFP;**
  - The City has the benefit of knowing the full terms and conditions before deciding whether or not to move forward;
  - **Davenport would work "at risk," meaning Davenport would be entitled to compensation only in the event of a successful transaction;**
  - Once the proposals are received, the rate(s) are "locked-in," eliminating further market Interest Rate Risk;
  - Direct Bank Loans often allow for the ability to prepay the loan at any time in whole or in part, often without penalty.

Municipal Advisor Disclaimer

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Version 01.13.14 JB | GM | KL | DR

HRSD

Cleaning wastewater every day for a better Bay.

Sustainable Water Recycling

An integrated solution to the water issues challenging Hampton Roads and the Commonwealth of Virginia

Water Issues Challenging Virginia and Hampton Roads

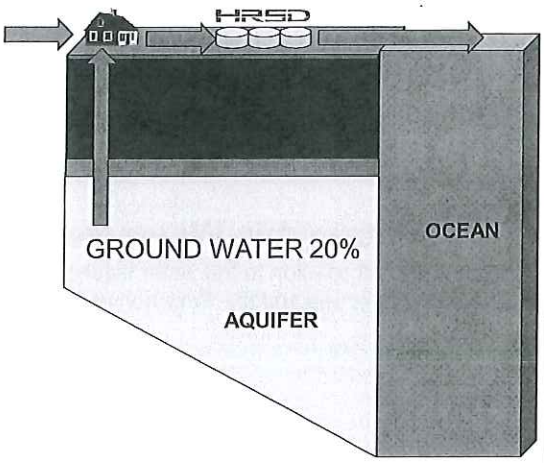
- Restoration of the Chesapeake Bay
  - Harmful Algal Blooms
  - Localized bacteria impairments
  - Urban stormwater retrofits (cost and complexity)
- Adaptation to sea level rise
  - Recurrent flooding
- Depletion of groundwater resources
  - Including protection from saltwater contamination
- Wet weather sewer overflows
  - Compliance with Federal enforcement action

HRSD

Current state of wastewater in Hampton Roads

SURFACE WATER 80%

HRSD costs are rising to treat water to higher standards. Treated water currently discharged to area waterways – no beneficial use.



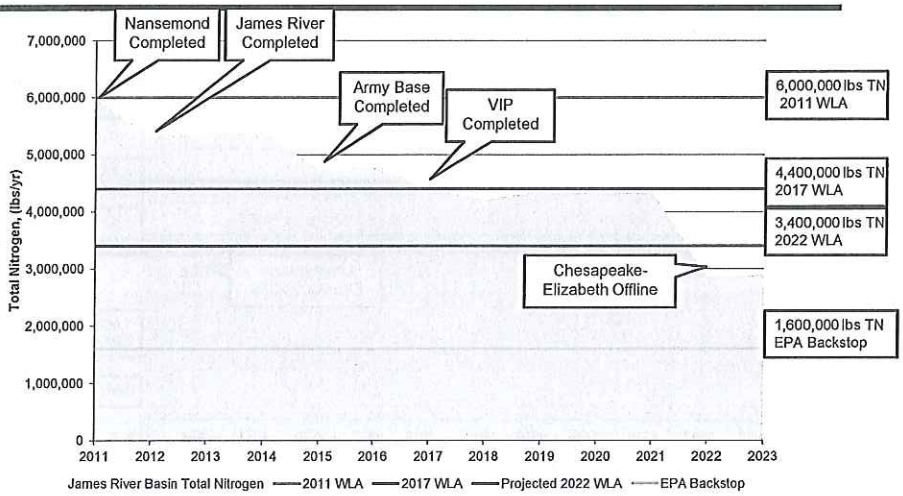
3

Regulatory uncertainty

- Wastewater permits have 5 year terms
- New regulations can require extensive investment in new treatment processes
- Always concerned about the next issue on the horizon
  - Viruses
  - Pharmaceutical products
  - Further nutrient reductions
- Technology to detect advancing much faster than technology to remove

4

Nutrient reductions



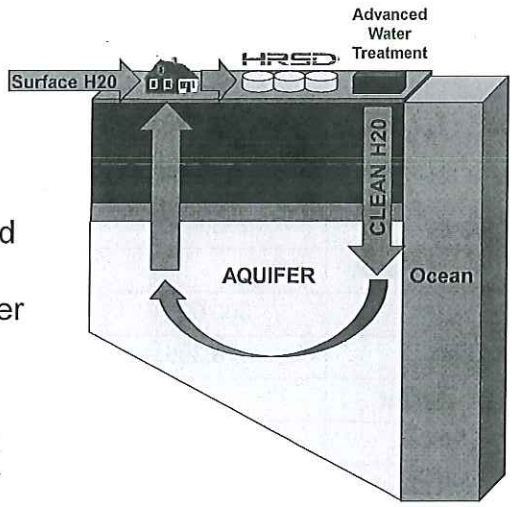
James River Basin – TN

WLA – Nutrient Waste Load Allocation in lbs/yr

5

Proposed cycle of sustainable water recycling

- HRSD's concept - replenish the aquifer with clean water to:
  - Reduce nutrient discharges to the Bay
  - Reduce the rate of land subsidence
  - Protect the groundwater from saltwater contamination
  - Provide a sustainable supply of groundwater



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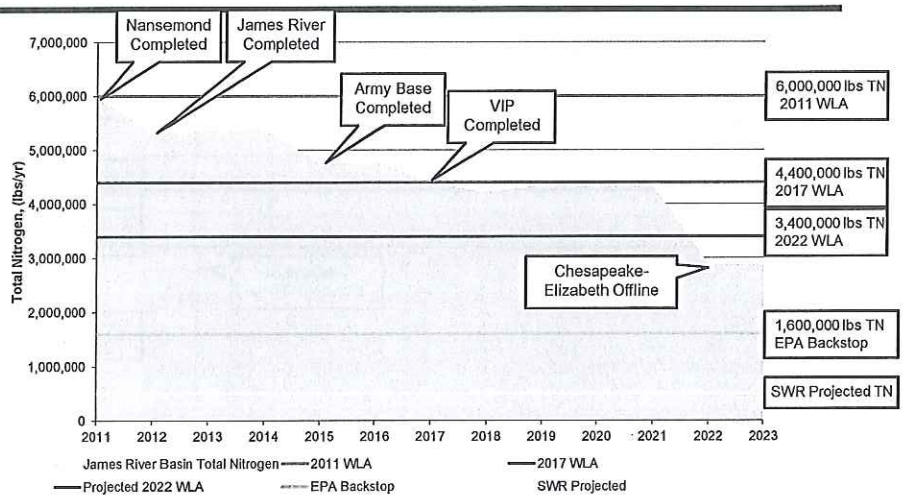
Impact on nutrient reductions



James River Basin – TN Similar results with TP and TSS and in other river basins.

WLA – Nutrient Waste Load Allocation in lbs/yr

7

Potential to offset stormwater reductions

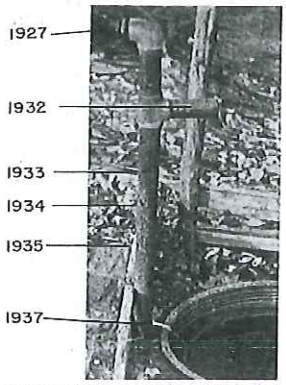
	HRSD Bay TMDL Allocations	HRSD Post SWRI Loads (2030)	Available for other needs	Stormwater Reduction Needs*
Nitrogen				
James	3,400,000	500,000	2,900,000	63,039
York	275,927	25,000	250,927	19,114
Phosphorus				
James	300,009	50,000	250,009	13,088
York	18,395	2,000	16,395	3,887
Sediment				
James	14,000,000	700,000	13,300,000	5,269,142
York	1,400,000	98,000	1,302,000	1,413,762

* DEQ Regulated Stormwater w/o federal lands

8

Groundwater depletion has been rapid

A. Overflow from artesian well in Isle of Wight County is wasted.



- Artesian wells in early 1900s – groundwater wells required valves not pumps!
- In about 100 years have gone from water levels at 31 feet above sea level to 200± feet below.

9

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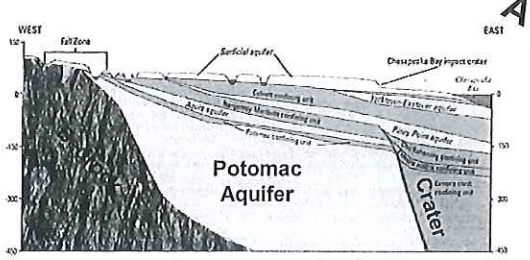
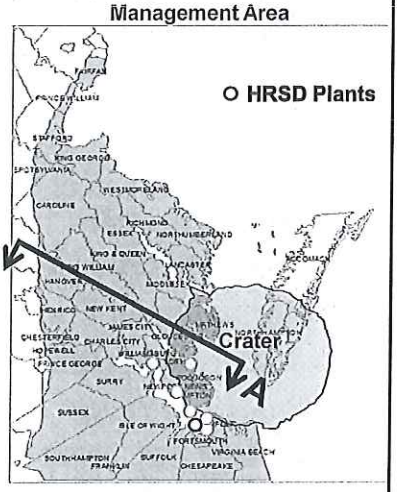
Hydrogeologic setting in the Coastal Plain of Virginia

- Fall Line (around I-95 corridor) to the Ocean
- Truncated by Chesapeake Bay Impact Crater (Bolide/Meteor)
- Essentially no natural recharge
  - Aquifer water is 40,000 years old



Section A-A

Eastern Va Groundwater Management Area



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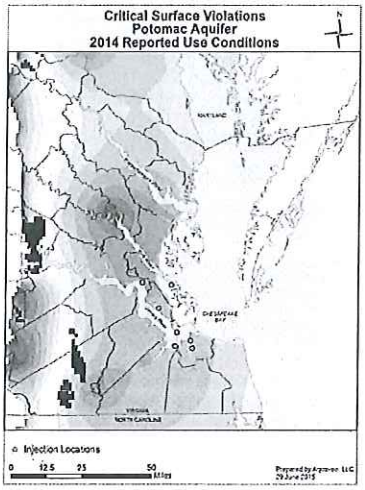
Unsustainable Aquifer Withdrawals

- Over-allocated permitted withdrawal
  - Water levels falling several feet/yr
  - Some water levels below the aquifer tops in western Coastal Plain
- Total permitted withdrawals are **unsustainable**
  - Areas below regulatory criteria
  - Areas experience aquifer dewatering



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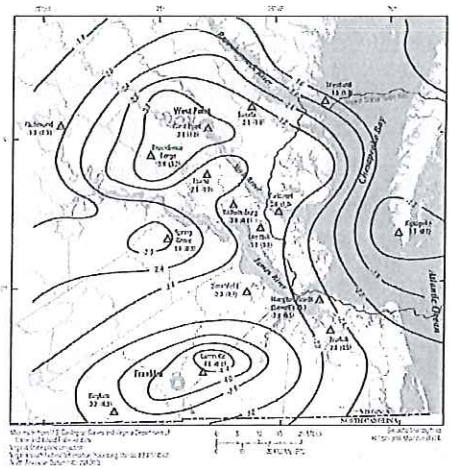
Land subsidence – *we are sinking*

- *According to USGS*
  - Up to 50% of sea-level rise may be due to land subsidence
  - **Up to 50% of land subsidence may be due to aquifer compaction**
- Potential solutions
  - Reduced withdrawal
  - Aquifer recharge



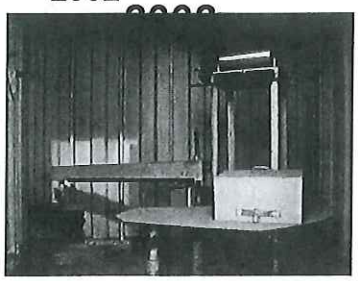
HAMPTON ROADS IS THE #2 LARGEST POPULATION CENTER AT RISK

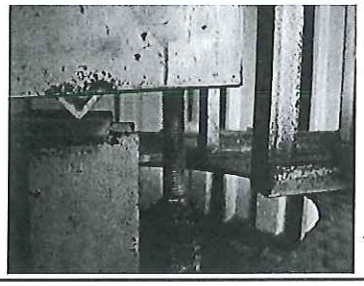
12

HRSD

Evidence of groundwater impacts on subsidence

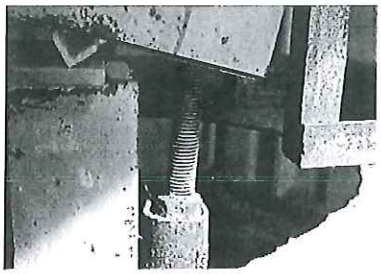
2002





USGS found ground level rose 32 mm between 2002 and 2015 coinciding with reduced groundwater withdrawal by Franklin paper mill.

2015



USGS

13

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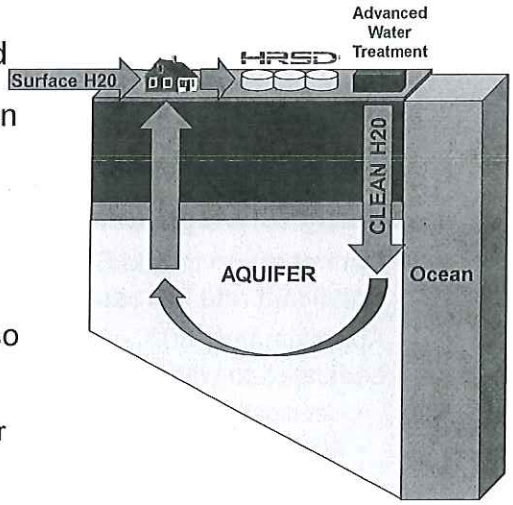
Advanced water treatment to produce **DRINKING WATER**

- Advanced treatment used throughout world, many locations in USA and even in Virginia to produce water that exceeds drinking water standards
  - Upper Occoquan Service Authority/Fairfax Water
  - Loudoun Water
- Aquifer replenishment also done in many places including Virginia
  - City of Chesapeake Aquifer Storage and Recovery system – over 2.8 billion gallons pumped to date



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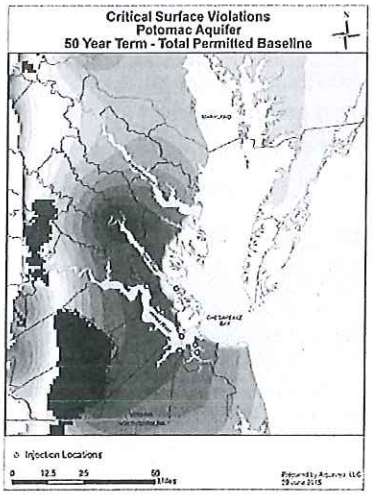
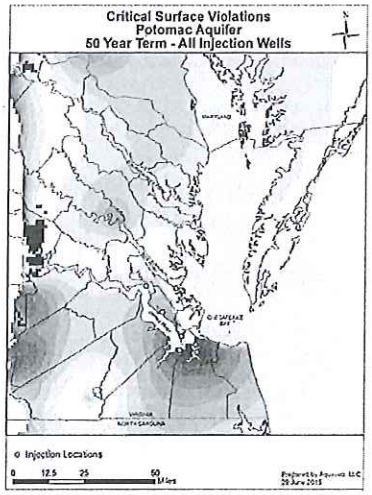
HRSD

Potomac Aquifer water levels before and after injection





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Cost Summary

- Total project in the $1 billion range (120 mgd)
  - For 7 plants (not Ches-Liz or Atlantic)
- Annual operating costs $21 - $43 M
- Can only be achieved if EPA allows enough flexibility to integrate into wet weather work
  - Cannot afford to add SWRI into existing plan without significant rate increases and potential downgrade
  - Approximately 50% of HRSD $4.4B CIP will be dedicated to wet weather
    - Not most important water quality issue
    - Plan would be to accomplish critical wet weather issues and SWRI in early years and delay remaining wet weather work

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HRSD

Conclusion – Summary of Benefits

- Regulatory stability for treatment processes
- Significantly reduced discharge into the Chesapeake Bay (only during wet weather)
  - Creates source of nutrient allocation to support other needs **(STORMWATER)**
  - May increase available oyster grounds
- Potential reduction in the rate of land subsidence
- Sustainable source for groundwater replenishment
- Protection of groundwater from saltwater contamination

17 HRSD

Timeline

- Complete next phase of study with consultant by end of 2016
- Room scale pilot projects – operating in May 2016
- 2017
  - Public outreach
  - **Endorsement from Hampton Roads localities**
  - Endorsement from DEQ/VDH to move forward
  - Groundwater Committee recommends recharge project
  - EPA agrees to integrated plan to meet Consent Decree requirements
  - Phase 3 WIP includes this project to achieve TMDL goals
- 2018
  - Demonstration pilot (2 year study)
- 2020
  - EPA/DEQ/VDH formally approves Certificate to Construct for SWR
- 2020 to 2030
  - Construction through phased implementation
- 2030 Fully operational
  - 120 MGD of clean water put into the aquifer

18 HRSD

Questions?

Future generations will inherit clean waterways and ***be able to keep them clean****.*

thenifin@hrsd.com

http://www.hrsd.com/SWR.shtml

19

HRSD

MINUTES OF THE CITY COUNCIL MEETING
MARCH 14, 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:

New Employee

The City Manager, J. Randall Wheeler, introduced the City's newest Firefighter/EMT, Kipton Forrest. Mayor Hunt, on behalf of City Council, welcomed the new employee to the City.

At the Mayor's invitation, the *Daily Press* reporter, Tyler Bell, came forward and introduced himself as the new reporter for both York County and Poquoson.

AUDIENCE FOR VISITORS:

Mr. James Bowden, 92 Sandy Bay Drive, requested that Council direct the City Manager to issue an Increased Cost of Compliance (ICC) determination letter for his home located at 92 Sandy Bay Drive so that he can apply for funds from FEMA with which to elevate his home.

In response to Mr. Bowden's comments, Mayor Hunt stated that the City will consider his request and that a response will be forthcoming in the near future.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Ayer, to adopt the minutes of the regular session held February 22, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

Councilman Green moved, seconded by Councilman Vernall, to adopt the minutes of the work session held February 22, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

NEW BUSINESS:

1. **ORDINANCE APPROVING THE SECOND INCENTIVE PAYMENT TO POQUOSON FAMILY MEDICINE & CHIROPRACTIC CLINIC AND APPROPRIATING THE NECESSARY FUNDS**

The Poquoson Economic Development Authority (EDA) Chairman, Donald Booth, stated that, due to the shortage of physicians practicing in the City, the EDA considered and executed the Poquoson Family Medicine & Chiropractic Clinic (PCC) requested incentive agreement on May 14, 2013. He explained, pursuant to the agreement, the first installment of $25,000 was paid to the PCC on December 3, 2013 when the required facility renovations were completed. However, due to the difficulty that the PCC had in securing a full-time doctor, progress towards satisfying the required benchmarks to obtain the second incentive installment was delayed. As such, Mr. Booth stated that the EDA on February 2, 2016 voted to delay the second payment until the City verified the gross receipts by PCC's 2015 federal tax return; to delay the third incentive payment to be based upon the PCC's 2016 federal income tax; to extend the termination of the agreement to April 15, 2017; and to require that the request for second and third payments be approved by City Council.

An ordinance appropriating the $25,000 for PCC's second incentive payment was presented for Council's consideration. Council Green moved, seconded by Councilman Vernall, to dispense with the second reading of the ordinance and to adopt it on first reading to be effective immediately. Recorded vote on the motion:

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

NO: None.

2. RESOLUTION AUTHORIZING SUBMISSION OF A SAFER GRANT

The City Manager stated that the City has for some time been trying to add one additional Firefighter/EMT to each shift of the Fire Department in order to improve our compliance with the National Fire Protection Association 1710 (NFPA) standards. He pointed out that the proposed SAFER Federal Grant would pay 100% of the salary and benefits for two Firefighter/EMTs and assist the City by increasing our compliance with the NFPA criteria.

Fire Lieutenant Joe Breeden explained that the grant requires confirmation from the local governing body that should the City be awarded the grant the current workforce in the Fire Department will not be reduced. He added that any training necessary for the two new employees will also be funded by the grant.

In response to a Council query, Mr. Wheeler stated, and Fire Chief Robert Holloway confirmed, that the City's Fire Department does not currently meet the 2-in, 2-out fire standard.

Mayor Hunt pointed out that when necessary the Volunteer Fire Company and adjacent localities with which the City has fire/rescue Mutual Aid Agreements assist the City in meeting the needs of our residents. On behalf of the Council, the Mayor expressed appreciation to Fire Lt. Breeden for his persistence and success in finding and obtaining grants for the City.

A resolution authorizing the submission of a SAFER grant to hire two firefighters was presented for Council's consideration and Councilman Green moved, seconded by Councilman Southall, that it be approved. Recorded vote on the motion:

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

NO: None.

COMMENTS OF THE CITY MANAGER:

The City Manager offered the following information:

- That he and the City Finance Director, Theresa Owens, recently met with representatives of Davenport & Company, LLC at which time it was pointed out that the City may be able to pursue a refund on the existing debt and that they

would like to attend the next Council meeting to determine if this is something Council would like to pursue.

- That he and staff have been working on possible streetscape improvements, identified as "microparks", to be funded within the existing budget; that they would be located on a small portion of property immediately adjacent to the rear of the existing sidewalk along Wythe Creek Road; and that they will likely consist of a bench, vegetation, a solar powered light and perhaps one of the iconic *Poquoson is the Place* bird feeders.

Councilwoman Crawford suggested that the bird feeder not be placed too close to the bench because of the mess that would be created by the birds. In concurrence, the City Manager stated that perhaps a better location for the bird feeder would be the Museum property.

- That the recent Presidential Primary pointed out a possible issue with the City's current temporary sign regulations which are found in three separate locations in the City Code and are in some cases contradictory; that it might be helpful if staff and the City Attorney's office rewrite and combine the sign regulations into one concise section; and that specific guidance from Council regarding this matter would enable staff to craft an ordinance in accordance with Council's direction.

In response to the Manager's statements, Mayor Hunt suggested that any new sign ordinance should first be vetted by the Planning Commission. Councilman Southall suggested that this item be included in the discussion at Council's upcoming retreat.

COUNCIL DIRECTIVES:

Councilman Vernall congratulated Fire Lt. Breeden for his initiative to seek out and apply for grants on behalf of the City.

Councilman Green stated that he thought that Mr. Bowden, who spoke under Audience for Visitors, likely meets the Code requirements relative to repetitive loss and obtaining ICC funds. He reminded everyone that the next City Foodbank distribution will occur on March 22nd and that members of the Poquoson Yacht Club and Poquoson Exchange Club will assist with this endeavor. He also pointed out that the Annual PEF Gala fundraiser will be held on Saturday, March 19th with 100% of the profits funding teacher grants and student scholarships.

Councilman Ayer announced that the PAWS' TACO Cat fundraiser will be held on Saturday, March 19th at the St. George Brewing Company in Hampton and will include a bake sale, face painting and many other activities. He welcomed new employee, Kipton Forrest and congratulated Fire Lt. Breeden on his latest grant application.

Councilman Southall echoed previous comments and reiterated that he would like to continue the discussion on the City's sign regulations at the upcoming Council retreat.

In response to a Council query, the City Attorney, D. Wayne Moore, stated that Mr. Bowden's request could not be discussed in Closed Session as it was not included on the agenda.

Mayor Hunt commended recently retired Police Detective, Dwain Marlowe, for his excellent service over his tenure with the City and offered his best wishes for his future. He reminded Council of the retirement festivities to be held in his honor.

CLOSED SESSION:

Councilman Green moved, seconded by Vice Mayor Freeman, to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia (1950), as amended to discuss and consider the acquisition of real property for a public purpose; i.e. Poquoson Avenue/South Lawson Park. Recorded vote on the motion:

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

NO: None.

RECONVENEMENT:

Upon reconvening from Closed Session, Councilman Green moved, seconded by Vice Mayor Freeman, to adopt a resolution certifying that only the acquisition of real property for a public purpose was discussed during the Closed Session. Recorded vote on the motion:

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

NO: None.

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 8:12 p.m.

CITY OF POQUOSON

PLANNING DEPARTMENT

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

March 28, 2016

To: The Honorable City Council

Through: City Manager

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit for an Electrical Contracting Use at 834 Poquoson Avenue–Tax Parcel No. 19-1-213**

Presented for your consideration and a public hearing is a request by Mr. William N. Price on behalf of Price Electrical, Inc., applicant, and Mr. and Mrs. Freddie L. Binford, current property owners, for a conditional use permit to establish an electrical contracting business on property located at 834 Poquoson Avenue, further identified as Tax Parcel No. 19-1-213. The property, although it has housed commercial uses in the past, is zoned R-1, Single Family Residential district. As such, the operation of a commercial use on the property is classified as a legal, non-conforming use. The need for a conditional use permit stems from the applicant's proposed redevelopment of the property which will include the expansion of existing buildings and addition of new structures. The applicants plans are outlined in further detail in the attached memo prepared for the Planning Commission dated March 21, 2016.

At their Monday, March 21, 2016 meeting, the Planning Commission, acknowledging the property's adjacency to non-residential uses, the fact that the property has housed commercial uses since its inception and the belief that the proposed improvements will lead to a more attractive development, unanimously recommended approval of this application by a vote of 5-0.

This application was advertised for public hearing in the Daily Press on March 4, and 11, 2016. Adjacent property owners were notified of this request by letters mailed on March 1, 2016.

KMW

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE AN ELECTRICAL CONTRACTING BUSINESS ON PROPERTY LOCATED AT 834 POQUOSON AVENUE, POQUOSON TAX MAP PARCEL NO. 19-01-00-0213

WHEREAS, a request was submitted by William N. Price (Price Electrical, Inc.), applicant, and Mr. & Mrs. Freddie L. Binford, property owners, for a Conditional Use Permit to establish and operate an electrical contracting business on property located at 834 Poquoson Avenue, specifically identified as Tax Map Parcel No. 19-01-00-0213; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on March 21, 2016 and before City Council on March 28, 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 William N. Price (Price Electrical, Inc.), applicant, and Mr. & Mrs. Freddie L. Binford, property owners, for a Conditional Use Permit to establish and operate an electrical contracting business on property located at 834 Poquoson Avenue, specifically identified as Tax Map Parcel No. 19-01-00-0213 is hereby approved contingent upon adherence to the following conditions:

1. The use must comply with all local, state and federal regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.
2. The operation of the use shall be restricted to the hours of 7 a.m. and 9 p.m. No activity supporting the use shall be conducted outside of this window.
3. All business activities conducted outdoors shall not produce any more noise or odor than what is reasonably expected from a single family residential property.
4. Any outdoor storage of equipment or materials must be screened by a solid fence, measuring at least 6' in height.
5. All improvements, as required by the City's Site Plan Ordinance and depicted as a part of the approved plan for redevelopment, must be perpetually maintained in good condition.
6. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
7. City Council reserves the right to review and amend the conditions of this permit as they see fit.

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 ESTABLISH AND OPERATE AN ELECTRICAL CONTRACTING BUSINESS ON PROPERTY LOCATED AT 834 POQUOSON AVENUE, POQUOSON TAX MAP PARCEL NO. 19-01-00-0213

WHEREAS, a request was submitted by William N. Price (Price Electrical, Inc.), applicant, and Mr. & Mrs. Freddie L. Binford, property owners, for a Conditional Use Permit to establish and operate an electrical contracting business on property located at 834 Poquoson Avenue, specifically identified as Tax Map Parcel No. 19-01-00-0213; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on March 21, 2016 and before City Council on March 28, 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 William N. Price (Price Electrical, Inc.), applicant, and Mr. & Mrs. Freddie L. Binford, property owners, for a Conditional Use Permit to establish and operate an electrical contracting business on property located at 834 Poquoson Avenue, specifically identified as Tax Map Parcel No. 19-01-00-0213 is hereby denied.

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

ADOPTED: _____

TESTE: _____
City Clerk

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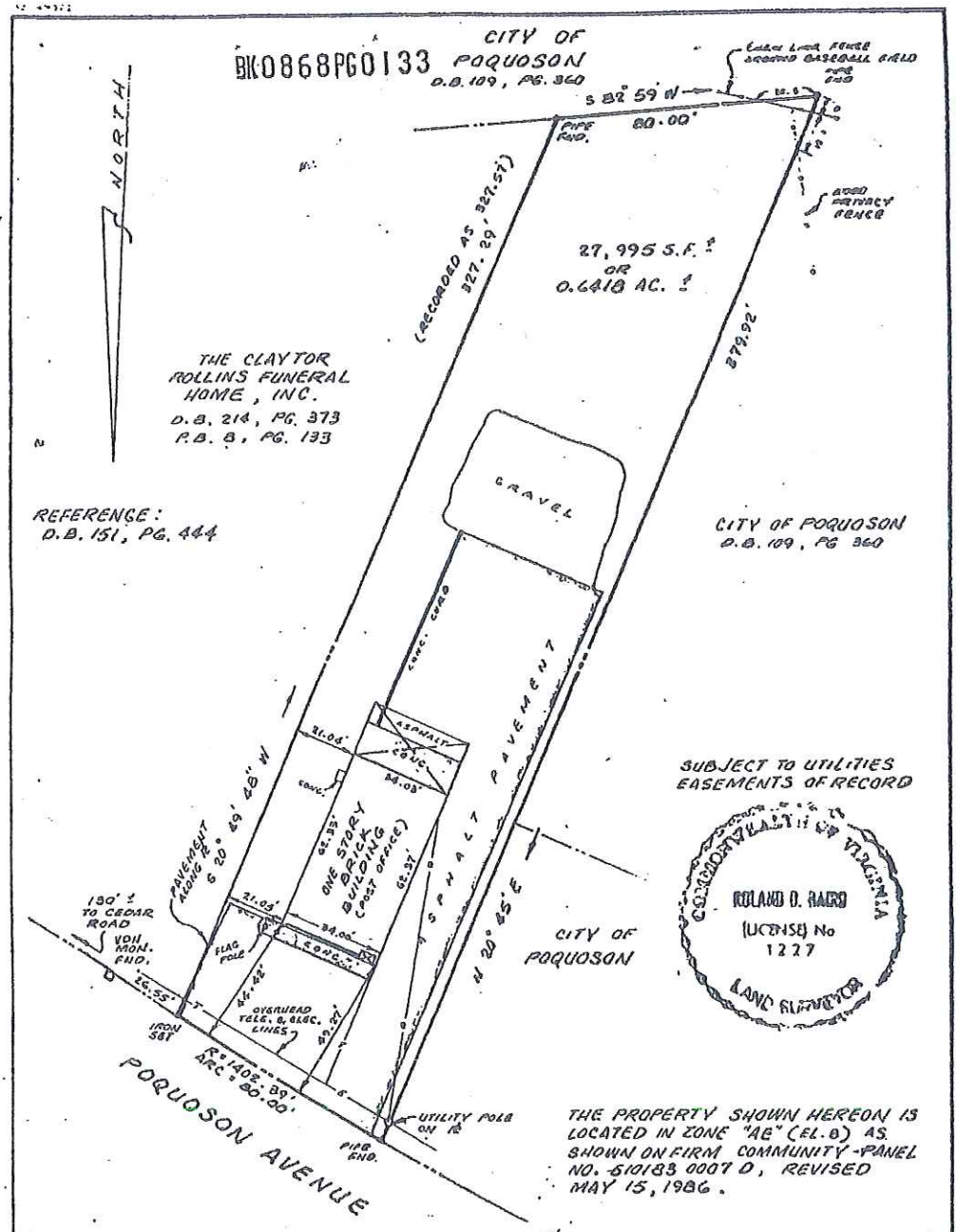

THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "AE" (EL. 8) AS SHOWN ON FIRM COMMUNITY-PANEL NO. 510183 0007 D, REVISED MAY 15, 1986.

ADDRESS: #834 POQUOSON AVENUE

PLAT OF THE PROPERTY OF
LANDON G. ATKINS

PARCEL OF LAND
CONTAINING
0.6418 ACRE ±

CITY OF POQUOSON, VIRGINIA

JOHNSON • BAIRD AND ASSOCIATES
CIVIL ENGINEER AND LAND SURVEYORS
1530 WEST QUEEN STREET – HAMPTON, VIRGINIA 23669

SCALE: 1" = 40'

DATE: DEC. 13, 1988 FILE NO. 88-223

THIS IS TO CERTIFY THAT ON DEC. 13, 1988 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.

Roland D. Baird
CERTIFIED LAND SURVEYOR

EXIST

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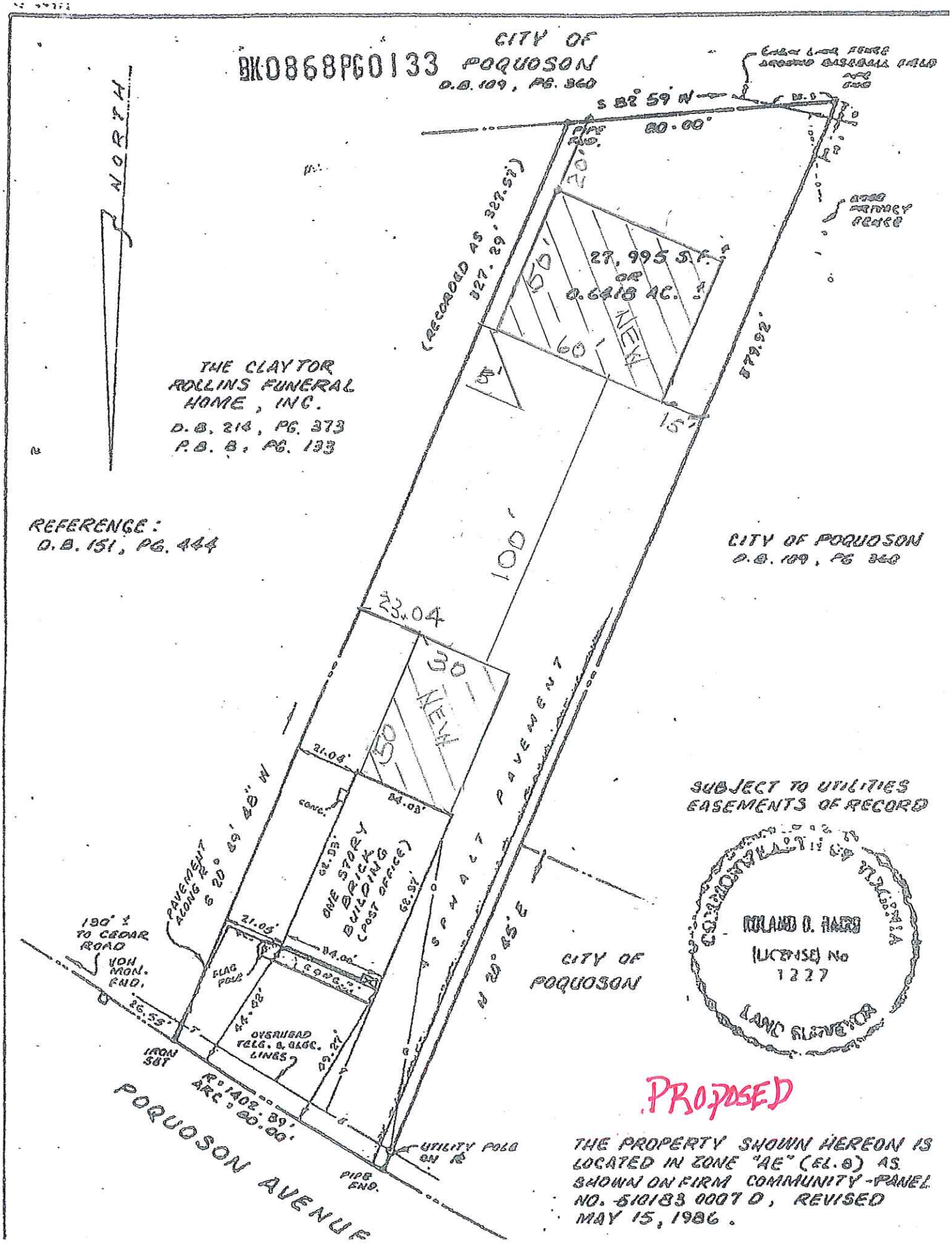


CITY OF POQUOSON
PLANNING DEPARTMENT
500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
(757) 868-3040 TELEPHONE (757) 868-3105 FAX

MEMORANDUM

Date: March 21, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, City Planner

Subject: **Conditional Use Permit for an Electrical Contracting Use at 834 Poquoson Avenue–Tax Parcel No. 19-1-213**

Introduction

The City has received a request by Mr. William N. Price on behalf of Price Electrical, Inc., applicant, and Mr. and Mrs. Freddie L. Binford, current property owners, for a conditional use permit to establish an electrical contracting business on property located at 834 Poquoson Avenue, further identified as Tax Parcel No. 19-1-213. The property, although it has housed commercial uses in the past, is zoned R-1, Single Family Residential district. As such, the operation of a commercial use on the property is classified as a legal, non-conforming use. Legal non-conforming uses are defined as uses that existed prior to the establishment of the property's current zoning. In this case, the property served as a commercial use prior to the establishment of the R-1, Single Family Residential district in the area. The zoning ordinance allows for the expansion of legal non-conforming uses, provided that they do not exceed 100 percent of the existing square footage. Price Electrical proposes to exceed the 100 percent rule, thus necessitating the need for a conditional use permit. The property is located on the southern side of Poquoson Avenue near its intersection with Cedar Road. The property, which consists of approximately .64 acres, is sandwiched between the old Municipal Building property to its west and the Claytor Rollins Funeral Home to its east. Directly across Poquoson Avenue from the property (to its north) lay the Tabernacle United Methodist Church property.

Public Notice

This application was advertised for public hearing in the Daily Press on March 4, 2016 and March 11, 2016. Adjacent property owners were notified of this request by letters mailed on March 1, 2016.

Applicant's Proposal

The applicant, who currently has the property under contract, proposes establishing an electrical contracting use on the site. The business would utilize the existing, 2,100 square foot building as office and storage

space supporting the electrical business. As a part of the applicant's proposal, Price Electrical would add a 1,500 square foot expansion to the existing building which would accommodate the needs of the operation. Additionally, plans call for the construction of a 3,000 square foot storage building at the rear of the property, approximately 100' feet from the main structure and approximately 20' from the rear property line. In addition to the proposed expansion, the business owner anticipates replacing and upgrading the façade of the existing building.

Site Character

The parcel is a parallelogram in shape, measuring approximately 380' on its western boundary with the old Municipal Building and 330' on its eastern boundary with Claytor Rollins. The property consists of approximately 80' of frontage on Poquoson Avenue. Additionally, the rear property line, which borders the Municipal Park Softball Field, measures 80' in width. The existing structure has a small parking area at its front and is setback approximately 45' from Poquoson Avenue.

The property currently houses a furnisher repair business/antique shop. The property has operated as such use since around 1995. Prior to 1995 it operated as the City's Postal Office. There are currently four (4) trailers in the rear yard of the property that have been used for storage purposes. These trailers range in length from 40' to 48' and are all 8' in width. These trailers, along with a metal carport at the front of the property and a small metal shed in the rear yard are planned for removal as a part of Price Electric's plans.

Zoning and Comprehensive Plan Considerations

The property is zoned R-1, Single Family Residential and an electrical contracting use is not a by-right use within this district due to its potential intensity and impact. As explained above, the current business that operates on the property, Professional Refinishing, is a legal, non-conforming use and thus grandfathered on the property. The continuation of a similar use is permitted on the property, however, because Price Electrical wishes to add approximately 4,500 square feet of building space to the property, its expansion proposals do not align with the provisions pertaining to legal non-conforming uses in the City's Zoning Ordinance. Specifically, Article III. Section 3-6. restricts the expansion of legal, non-conforming uses from increasing their size by more than 100 percent of what currently exists. As proposed, the business intends to expand the permanent square footage on the property by 214%.

Uses permitted in the R-1 district without a conditional use permit include single family residential structures and accessory buildings, playgrounds and parks of a non-commercial nature as well as public utilities. Schools and churches are permitted within this district with a conditional use permit. Commercial uses such as the electrical contracting business in question that generate activities inconsistent with the provisions set forth for home based businesses are not specifically permitted in this district.

The Comprehensive Plan 2008-2028 identifies the property as low density residential. Low density residential is described by the Comprehensive Plan as the following:

> *This category is for single-family residential areas in Poquoson that are intended to have a maximum of one and a half (1.5) to two (2) dwelling units per acre, as prescribed by the three current land use zoning districts: R-S, R-1, and R-2. Low Density Residential is the base layer of zoning for the City and is proposed for all parts of the City not designated for commercial, conservation, public use or medium to high density residential development. This designation may include open-space subdivisions in accordance with the Zoning Ordinance, not exceeding the maximum density allowed.*

Surrounding Characteristics

The property is surrounded by the R-1, Single Family district on all sides and six (6) properties housing single family dwellings are located within 500' of the parcel. While the property is located well within the R-1 district, the block in which it is located offers an eclectic mix of established non-residential uses, to include the adjacent funeral home and government building as well as the church across the street. Additionally, Municipal Park, which houses the City pool, a softball field and other recreational uses along with the City's Public Works compound, are located nearby.

Traffic and Access

The property has direct access from Poquoson Avenue. The property currently has about five (5) customer spaces out front and ample room on the property for the additional 10 spaces that will be required for the use upon completion of the proposed expansion. Additionally, on site circulation is anticipated to be sufficient to serve a use of this nature. The structure is setback far enough from Poquoson Avenue that staff does not anticipate any safety issues pertaining to ingress/egress.

Site Plan Required

Due to the proposed amount of increased square footage, the redevelopment of the site would require the submittal and approval of a plan of development. Site improvements are subject to the City's land use ordinances, and will be reviewed for compatibility at the time of site plan submittal. Additionally, State stormwater regulations pertaining to redevelopment would need to be met.

Utilities

The property is served by all necessary utilities.

Architectural Review Board

The site is located outside of the City's Architectural Review district, thus review by the City's Architectural Review Board is not required.

Relationship to the Comprehensive Plan/Staff Findings

As stated above, the property is designated for use as *Low Density Residential* as defined in the Comprehensive Plan. A detailed description of the purpose and intent of the *Low Density Residential* land use designation is outlined above in the section titled "Zoning and Comprehensive Plan Considerations."

The property has operated as non-residential since its construction in the 1960's. While an electrical contracting use is no more impactful than the current furnisher repair/antique shop use or the Post Office use it succeeded, the proposed redevelopment of the site (building expansion) necessitates the need for a conditional use permit. While the property is zoned residential and designated for residential use on the City's Future Land Use Map, it is surrounded by a handful of non-residential uses like itself. As mentioned above, this particular block of Poquoson Avenue offers an eclectic mix of non-residential uses, most of which were established in or before the 1960's. During the upcoming Comprehensive Plan update, the Planning Commission may want to re-evaluate the land use designations in this area. The property has operated as some form of commercial since its construction and its commercial operation has fit well into

the fabric of the neighborhood. Overall, staff anticipates the redevelopment of the site to transform a dated building into a more attractive business in this area of Poquoson Avenue.

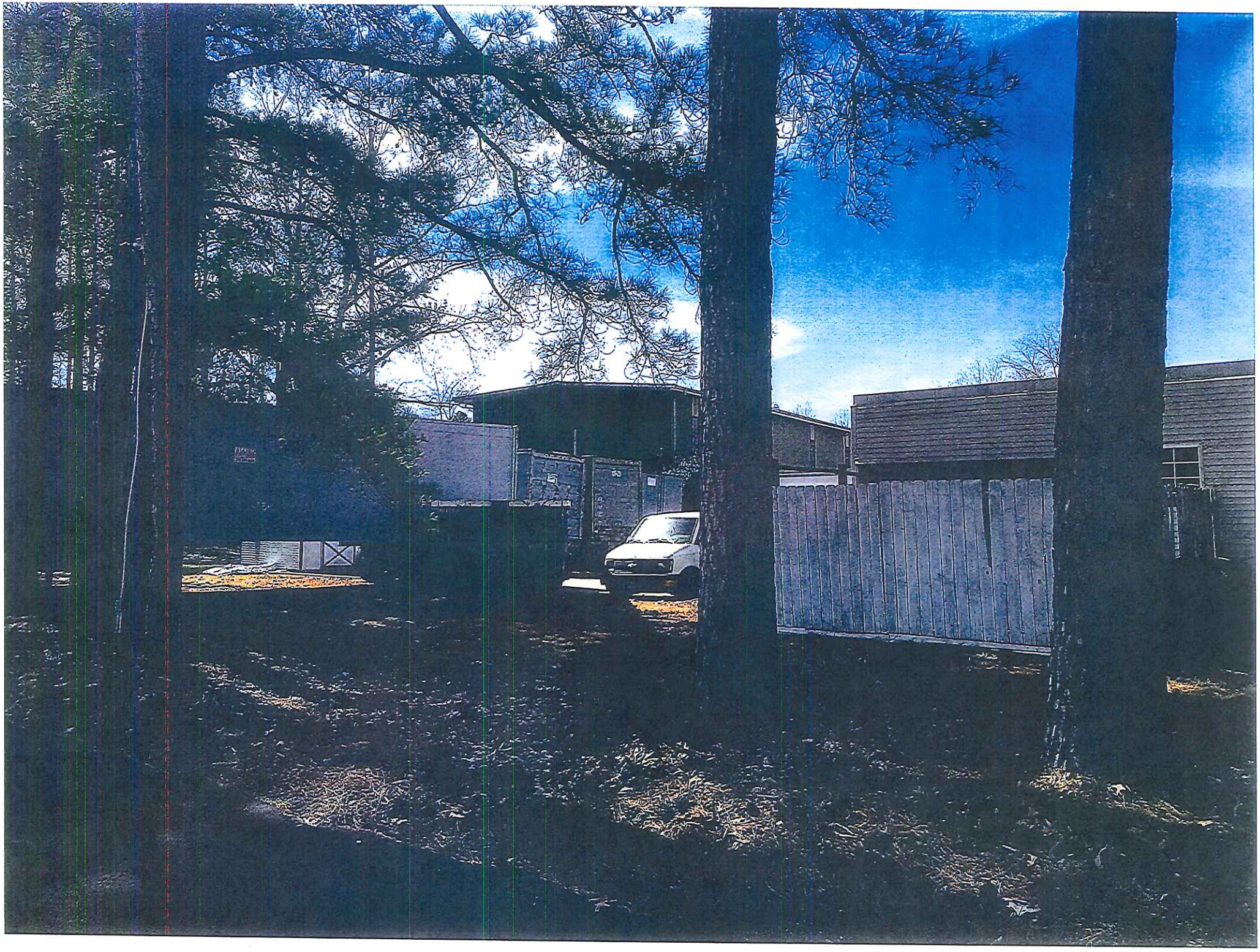
If the Planning Commission recommends approval of the request to City Council, staff recommends that approval be subject to the following conditions:

1. The use must comply with all local, state and federal regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.
2. The operation of the use shall be restricted to the hours of 7 a.m. and 9 p.m. No activity supporting the use shall be conducted outside of this window.
3. All business activities conducted outdoors shall not produce any more noise or odor than what is reasonably expected from a single family residential property.
4. Any outdoor storage of equipment or materials must be screened by a solid fence, measuring at least 6' in height.
5. All improvements, as required by the City's Site Plan Ordinance and depicted as a part of the approved plan for redevelopment, must be perpetually maintained in good condition.
6. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
7. City Council reserves the right to review and amend the conditions of this permit as they see fit.

Attachments

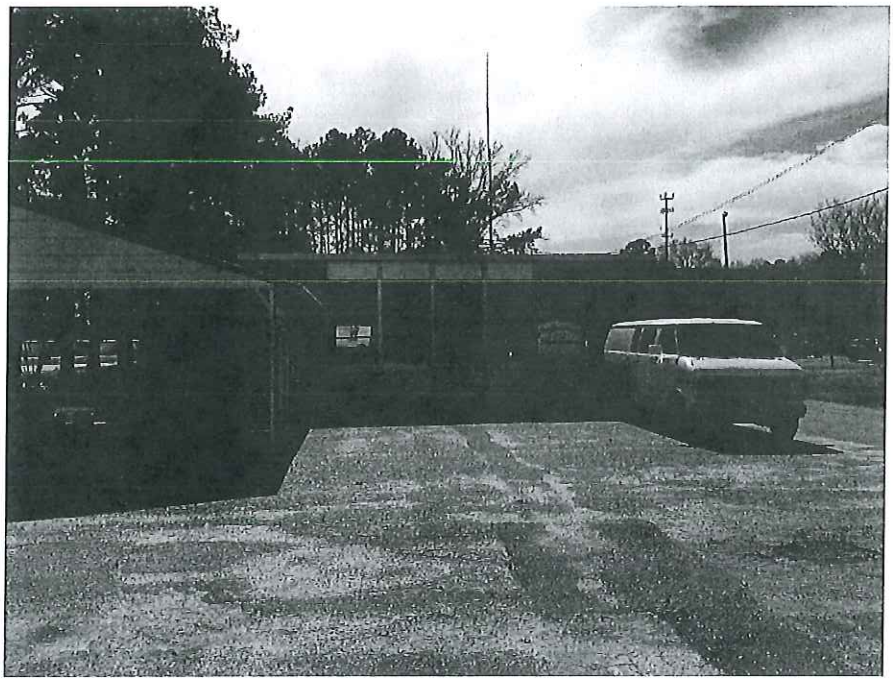
TWO WEEKS
495.00
PUBLIC AUCTION
SAT, MAR. 12 - 9 A.M.
HURBROWS AUCTION
804-694-4312 804-815-2472

GILMORE

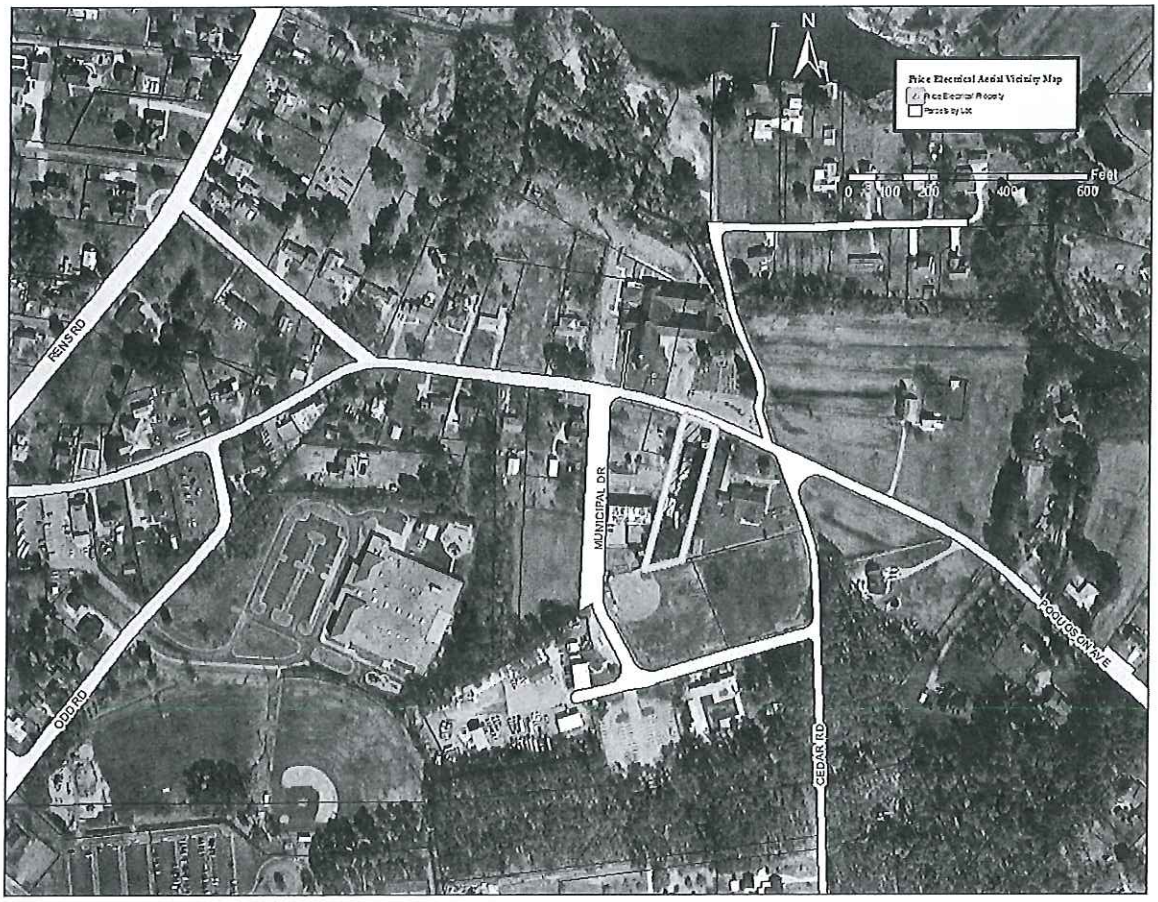


City Council Meeting

March 28, 2016



Price Electrical CUP Request


Rice Electrical Aerial Vicinity Map
Rice Electrical Property
Parcels by Lot
N
Feet
0 100 200 400 600
PENN RD
ODD RD
MUNICIPAL DR
CEDAR RD
POQUOSON AVE

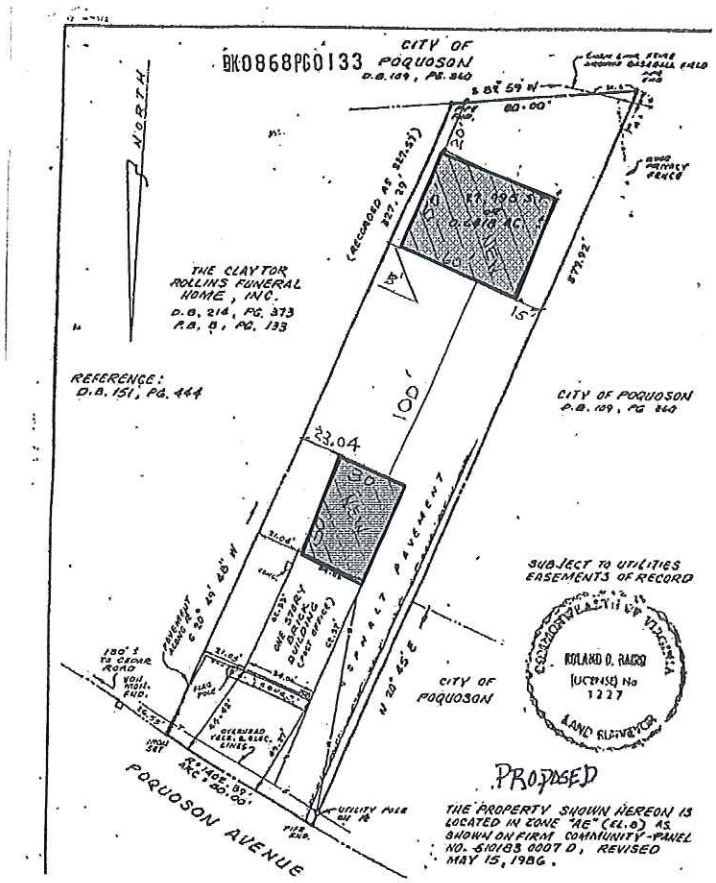
Rice Electrical Zoning Vicinity Map
Rice Electrical Property
Parcels by Lot
R-5 Single Family Residence
R-1 Single Family Residence
R-2 Single Family Residence
R-3 Multi-Family Residence
B-1 Office/ Professional
B-2 Business / Commercial
Seniors Commercial
Village Commercial
Recreational Development
Conservation
N
Feet
0 100 200 400 600
PENN RD
ODD RD
MUNICIPAL DR
CEDAR RD
POQUOSON AVE

Price Electrical

- 834 Poquoson Avenue
- Presently home to Professional Refinishing (previously the Post Office)
- Legal, non-conforming use, it has been a commercial operation in the R-1 district
- A similar commercial use could continue on the property

Price Electrical

- The need for a CUP stems from Price Electrical's redevelopment proposal
- The proposal would expand the existing building from 2,100 square feet to 3,600 while adding a new 3,000 square foot storage building in the rear yard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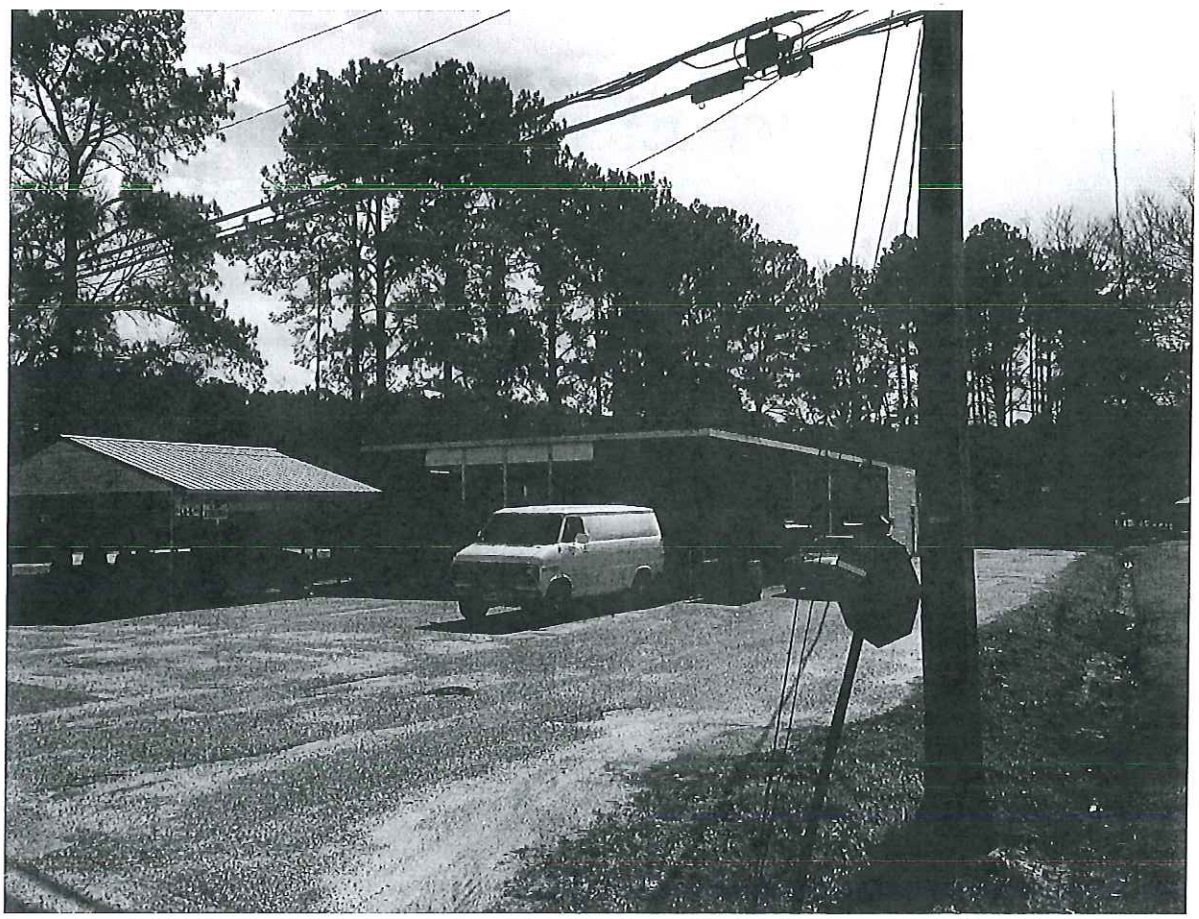
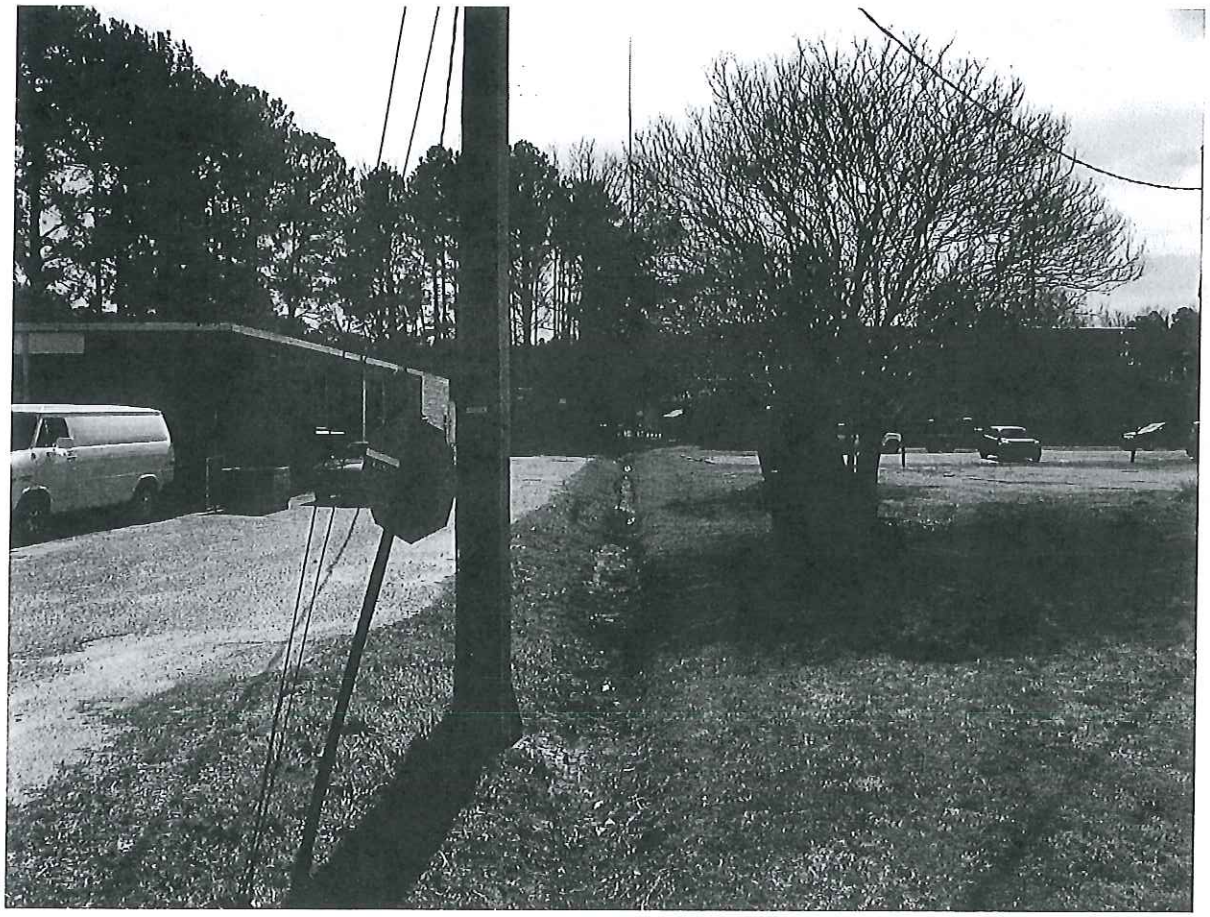
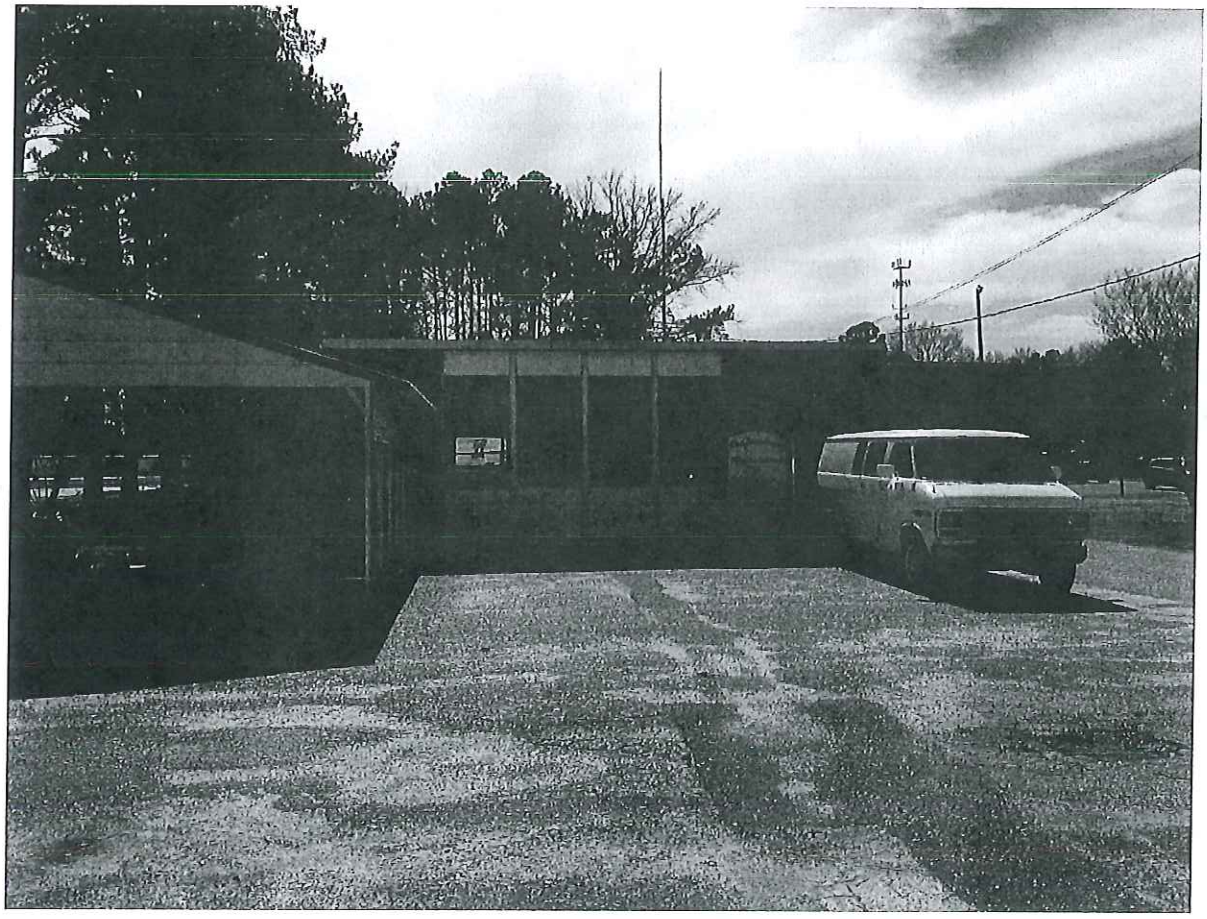
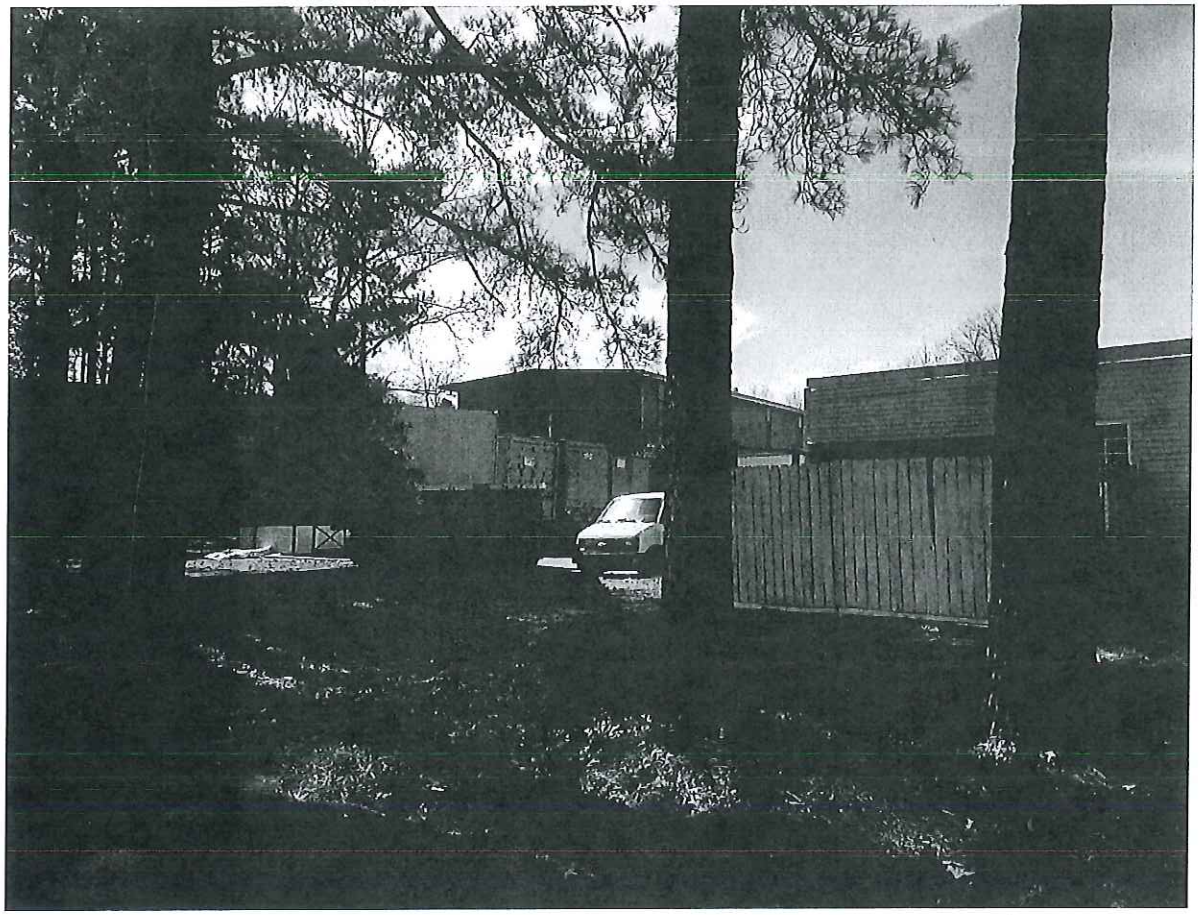
CITY OF POQUOSON
D.B. 109, PG. 360
NORTH
THE CLAYTOR ROLLINS FUNERAL HOME, INC.
D.B. 214, PG. 373
P.B. 8, PG. 133
REFERENCE: D.B. 151, PG. 444
CITY OF POQUOSON
D.B. 109, PG 360
100'
23.04
SUBJECT TO UTILITIES EASEMENTS OF RECORD
ROLAND D. RAGO
(LICENSE) No 1227
LAND SURVEYOR
CITY OF POQUOSON
PROPOSED
THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "AE" (EL.8) AS SHOWN ON FIRM COMMUNITY-PANEL NO. 510183 0007 D, REVISED MAY 15, 1986.
POQUOSON AVENUE







PUBLIC AUCTION
SAT. MAR. 12 - 9 A.M.



Technical

- Redevelopment must meet ordinance requirements pertaining to redevelopment
- Stormwater regulations must be met for redeveloped sites
- The property is outside the Architectural Review District
- The building is setback approximately 45' from Poquoson Avenue, patrons should be able to access and exit the property safely

Staff Conclusions

- The site has operated as a commercial use since its construction in the 60's
- The property, while zoned R-1, is surrounded by non-residential uses
- The expanded use may be more intense than the current use, however, the redevelopment should lead to a more aesthetically pleasing development

Planning Commission Recommendation

- Last Monday evening the Planning Commission, citing the following reasons, recommended the approval of this application by a unanimous vote of 5-0.
  - It is immediately adjacent to non-residential uses;
  - It has served as a commercial use since its inception; and
  - The redevelopment of the site should provide the City with a more attractive property.

Conditions

1. The use must comply with all local, state and federal regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.
2. The operation of the use shall be restricted to the hours of 7 a.m. and 9 p.m. No activity supporting the use shall be conducted outside of this window.

Conditions

3. All business activities conducted outdoors shall not produce any more noise or odor than what is reasonably expected from a single family residential property.
4. Any outdoor storage of equipment or materials must be screened by a solid fence, measuring at least 6' in height.
5. All improvements, as required by the City's Site Plan Ordinance and depicted as a part of the approved plan for redevelopment, must be perpetually maintained in good condition.

Conditions

6. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
7. City Council reserves the right to review and amend the conditions of this permit as they see fit.

Questions, Comments and Discussion

CITY OF POQUOSON

PLANNING DEPARTMENT

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

March 28, 2016

To: The Honorable City Council

Through: City Manager

From: Karen Holloway, Environmental Compliance Officer

Subject: **Code Amendments – Article I, Sections 1-3, 1-4(a), 1-4(b) and 1-4(c) As It Pertains To The Board of Zoning Appeals**

Presented for your consideration and a public hearing is a request to amend Article I, Sections 1-3, 1-4(a), 1-4(b) and 1-4(c) of the Zoning Ordinance in accordance with new state legislation. The amendments pertain to a revision of the definition of "variance", correction of a cited Code of Virginia section, addition of a section regarding ex parte communications, and amendments to the powers and duties of the Board of Zoning Appeals, respectively.

Upon consideration during their March 21, 2016 the Planning Commission recommended approval by a vote of 5 - 0.

These Code Amendments were advertised for a public hearing in the Daily Press on March 4, 2016 and March 11, 2016.

KWH

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING ARTICLE I - GENERAL PROVISIONS

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

Section 1: That the Zoning Ordinance of the City of Poquoson, Virginia be amended by modifying Article I General Provisions:

Section 1-3 Definitions

Variance: A *reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.* ~~relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance will work undue hardship on the property owner. A variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.~~

Section 1-4 Board of zoning appeals

(a) There is hereby established a board of zoning appeals consisting of no more than seven and no less than five residents of the city, but shall always be an odd number, appointed and renewable, removable as provided by the city charter and Code of Virginia, § 15.2-2308, as amended. Three alternates shall be provided as set forth in Code of Virginia, § 15.2-2309~~8~~, as amended.

(b) (1) The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.

(2) Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under the Code of Virginia § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under the Code of Virginia § 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to the Code of Virginia § 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of Code of Virginia § 2.2-3707.

(3) For the purposes of this section, "non-legal staff of the governing body" means any staff who is not in the office of the attorney for the locality, or the board, or who is appointed by special law or pursuant to the Code of Virginia § 15.2-1542. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.

(4) This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of the Code of Virginia § 15.2-2309.

~~(b)~~*(c)* The board of zoning appeals shall have the powers and duties and shall follow the procedures prescribed in Code of Virginia, § 15.2-2309, as amended and as follows:

(1) Hear and decide appeals from any order, requirement~~s~~, decision, or determination made by an administrative official in enforcing or administering the zoning ordinance. *The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.*

(2) ~~Authorize.~~ *Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in the Code of Virginia §15.2-2201 provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in Code of Virginia §15.2-.2201 and the criteria set out in this section.* ~~upon request in specific cases, such variances from the terms of the zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the zoning ordinance shall be observed and substantial justice be rendered. No variance shall be authorized by the board of zoning appeals unless:~~

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and;

a.~~The strict application of the ordinance would produce undue hardship~~ *The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;*

~~b.The hardship is not shared generally by other properties in the same zoning district and in the same vicinity;~~

~~c.~~ *b.* ~~That~~ ~~t~~*The* ~~authorization~~ *granting of the variance will not be of substantial detriment to adjacent property and* ~~the character of the district will not be adversely affected by the variance granted~~ *nearby properties in the proximity of that geographical area;*

c. the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

d. the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;

e. the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of the Code of Virginia §15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of the Code of Virginia §15.2-2286 at the time of the filing of the variance application;

~~d.~~ *f.* Exceptions to the Environmental Management Area Overlay District (EMAOD) Special Performance Standards (article XLIV, EMA Overlay District, section 11.4-6) or RPA Buffer Requirements (article XLIV, EMA Overlay District, section 11.4- 12) shall be the minimum necessary to afford relief; and

~~e.~~*g.* Reasonable and appropriate conditions shall be imposed upon any exception to the EMAOD so that the purpose and intent of the Chesapeake Bay Preservation Act is preserved.

~~(c) The hardship is created by the physical character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardships shall not be considered as grounds for the issuance of a variance.~~

~~(e)~~ Additional exception criteria are provided for in section 11.4-13 of article XLIV, EMA Overlay District.

~~(f)~~ Any request for a variance, exception or appeal shall be accompanied by a processing fee of $250.00. Beginning January 1, 2010 the application fee will be adjusted annually, if necessary, to reflect the consumer price index as determined by the Federal Government rounded to the next dollar.

~~(d)~~ No variance ~~or appeal will be heard or authorized~~ *shall be considered* except after notice and hearing as required by Code of Virginia, § 15.2-2204, ~~as amended~~. *However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.*

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

3. *To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.*

4. *To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such a way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.*

5. *No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.*

6. *To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.*

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

7. *To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and if the governing body determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.*

8. *The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.*

Section 2: That this ordinance shall be in effect on and after 30 days from its adoption.

ADOPTED: _____

TESTE: _____

City Clerk

CITY OF POQUOSON
Department of Community Development

MEMORANDUM

Date: March 21, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Community Development Department

Subject: Code Amendments – Article I, Sections 1-3, 1-4(a), 1-4(b) and 1-4(c) As It Pertains To The Board of Zoning Appeals

Introduction

On July 1, 2015 the Commonwealth of Virginia adopted several amendments to its Code as it pertains to the Board of Zoning Appeals. Among other things, these amendments provide a slight relaxation of the criteria that must be followed in the granting of a variance. The City Attorney participated in a work session with the Board of Zoning Appeals on February 24, 2016 during which he outlined the changes and answered questions. These amendments are housekeeping items meant to synchronize the City Code with the Code of Virginia. The following is an outline of the amendments:

Article I, General Provisions, Section 1-3, Definitions

A new definition for "variance" was adopted to reflect the amended criteria for approval.

Article I, Section 1-4(a), Board of Zoning Appeals

This amendment is merely to correct the section cited from the Code of Virginia that allows for the appointment of three alternate members to the Board of Zoning Appeals. The section will be changed from §15.2-2309 to §15.2-2308.

Article I, Section 1-4(b)

A new section, which pertains to ex parte communications, was added to the Code of Virginia and therefore has been included in the Zoning Ordinance.

Article I, Section 1-4(c)

This section describes the powers and duties of the Board of Zoning Appeals and includes paragraphs numbered 1-8 as follows:

1) Amended to expand the existing language regarding the Board's process for considering appeals to determinations made by an administrative official in enforcing or administering the Zoning Ordinance.

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2) Amended to note that the burden of proof shall be on the applicant for a variance and that the application must meet the standard for approval of a variance. Specifically a variance shall be granted if evidence shows that the strict application of the ordinance would unreasonably restrict the use of the property or if a physical condition of the property or improvements that existed at the time of the effective date of the ordinance could be alleviated by granting of a variance. Bulleted items A – E pertain to criteria for variance approval and are listed in paragraph 2 as amended. Letters F and G pertaining to criteria for granting an exception to the Environmental Management Area Overlay District were not amended but simply renumbered. An addition to the end of this portion of the amendments adds language regarding notification of adjacent property owners, conditions that may be imposed when granting a variance and restrictions on expansion of structures permitted by a variance.

3) Added to include the Board's power to hear and decide appeals from the decision of the zoning administrator.

4) Added to include the Board's power to hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary.

5) Added to note that the Board does not have the power to rezone property or base decisions on the intent of local ordinances.

6) Added to include the Board's power to hear and decide applications for special exceptions as may be authorized in the ordinance and with certain conditions, if deemed necessary.

7) Added to include the Board's power to revoke a special exception previously granted by the Board if noncompliance to the terms or conditions is determined.

8) Added to include the Board's power to create a schedule of regular meetings or in cases where weather or other conditions generate hazardous conditions, to continue scheduled meetings.

Public Notice

These Code Amendments were advertised for a public hearing in the Daily Press on March 4, 2016 and March 11, 2016.

CITY OF POQUOSON

PLANNING DEPARTMENT

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

March 28, 2016

To: The Honorable City Council

Through: City Manager

From: Karen Holloway, Environmental Compliance Officer

Subject: **Code Amendment – Article XI.IV, Section 11.4-13(d)(2) Zoning Ordinance As It Pertains To Board of Zoning Appeals Application Fee**

Presented for your consideration and a public hearing is a request to amend Article XI.IV, Section 11.4-13(d)(2) of the Zoning Ordinance. This amendment would update the application fee and add a provision allowing an annual fee adjustment, bringing it into alignment with the existing language cited in Article I, Section 1-4(c)(2) of the City's Zoning Ordinance.

Upon consideration during their March 21, 2016 the Planning Commission recommended approval by a vote of 5 - 0.

This code amendment advertised for a public hearing in the Daily Press on March 4, 2016 and March 11, 2016.

KWH

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING ARTICLE XI.IV ENVIRONMENTAL MANAGEMINT AREA (EMA) OVERLAY DISTRICT

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

Section 1: That the Zoning Ordinance of the City of Poquoson, Virginia be amended by modifying Article XI.IV. Environmental Management Area (EMA) Overlay District:

Section 4-13 – Relief from Requirements

(d)

Exceptions. A request for an exception shall be made in writing and contain the information required in section 11.4-13(c)(2)a., b. and c. of this ordinance. Exceptions to performance standards [section] 11.4-6, use regulations [section] 11.4-9 buffer requirements [section] 11.4-12 and for expansions of existing non-conforming accessory structures or construction of new accessory structures in the RPA may be granted, provided that reasonable and appropriate conditions upon any exception granted shall be imposed as necessary so that the purpose and intent of the Chesapeake Bay Preservation Act is preserved. No exception shall be granted until after public notice is given and after a single hearing is conducted as required by Code of Virginia, § 15.2-2204. Notice to adjacent property owners may be given by first-class mail.

(1)

A request for an appeal to the requirements shall be made in writing to the board of zoning appeals within 15 days as provided for in article I, section 1-4 of the zoning ordinance. The board of zoning appeals shall identify the impacts of the proposed request on water quality and on lands within the RPA through the review of a natural resources inventory and a water quality impact assessment which complies with the provisions of section 11.4-5. The inventory assessment shall be submitted by the applicant at the time of application.

(2)

The board of zoning appeals shall review the application for an exception and/or an appeal with supporting documents and a ~~$200.00~~ *$250.00* application fee. *Beginning January 1, 2010, the application fee will be adjusted annually, if necessary, to reflect the consumer price index as determined by the Federal Government rounded to the next dollar*. ~~and~~ *The board of zoning appeals* may grant such relief as it deems consistent with the purpose and intent of the Chesapeake Bay Preservation Act provided that the board of zoning appeals finds

a.

The exception request is not based upon conditions or circumstances that are self-created or self-imposed. The exception must pertain to alleviating requirements imposed by the implementation of the ordinance and shall not afford a special privilege or mere convenience sought by the applicant.

b.

The physical characteristics of the property and/or existing development must be such that, in the opinion of the board, there exists no other reasonable option or location outside of the required buffer area.

c.

The exception request shall be the minimum necessary to afford relief.

d.

Reasonable and appropriate measures shall be proposed in order to maintain or reduce the predevelopment pollutant loading index of the property. The proposed development shall not effectively increase the pollutant loading index.

e.

The exception request shall be consistent with the purpose and intent of the overlay district, and not injurious to the neighborhood, detrimental to the public welfare, or of substantial detriment to water quality.

f.

Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.

(3)

If the board of zoning appeals cannot make the required findings or refuses to grant the exception, the board of zoning appeals shall return the request for the exception together with the natural resources inventory and the written findings and rationale for the decisions to the applicant.

(4)

In granting an exception, the board of zoning appeals may impose reasonable and appropriate conditions, as the board deems necessary to further the purpose and intent of the section and the Chesapeake Bay Act.

(5)

Reviews of appeals may be taken from any decision of the board rendered under this article to the circuit court pursuant to established law.

Section 2: That this ordinance shall be in effect on and after 30 days from its adoption.

ADOPTED: _____

TESTE: _____

City Clerk

CITY OF POQUOSON
Department of Community Development

MEMORANDUM

Date: March 21, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Community Development Department

Subject: Code Amendment – Article XI.IV, Section 11.4-13(d)(2) Zoning Ordinance As It Pertains To Board of Zoning Appeals Application Fee

Introduction

The Community Development Department continues to update portions of the Zoning Ordinance as the need becomes apparent. We currently have one section in need of updating and have prepared it for presentation to you this evening. This section is as follows:

Article XI.IV, Environmental Management Area (EMA) Overlay District, Section 11.4-13.(d)(2) Relief from Requirements

In preparing the Board of Zoning Appeals code amendments it was noted that the processing fee listed in this section of the Zoning Ordinance is outdated. The listed Board of Zoning Appeals application fee is $200.00; however this fee was increased to $250.00 in 2009. In addition to updating the application fee it is proposed that the language be expanded to allow for an annual adjustment of the fee if necessary. This amendment would align with the existing application fee cited in Article I, Section 1-4(c)(2) of the City's Zoning Ordinance.

Public Notice

This Code Amendment was advertised for a public hearing in the Daily Press on March 4, 2016 and March 11, 2016.

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CITY OF POQUOSON

PLANNING DEPARTMENT

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

March 28, 2016

To: The Honorable City Council

Through: City Manager

From: Karen Holloway, Environmental Compliance Officer

Subject: **Code Amendment – Article XI.IV, Section 11.4-6(L)(2) As It Pertains To Septic System Inspection Procedures**

Presented for your consideration and a public hearing is a request to amend Article XI.IV, Section 11.4-6(L)(2) of the Zoning Ordinance, as required by the Virginia Department of Environmental Quality (DEQ) to revise the certification requirements of those who operate, maintain, or design on-site sewage systems.

Upon consideration during their March 21, 2016 the Planning Commission recommended approval by a vote of 5 - 0.

This code amendment advertised for a public hearing in the Daily Press on March 4, 2016 and March 11, 2016.

KWH

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING ARTICLE XI.IV ENVIRONMENTAL MANAGEMINT AREA (EMA) OVERLAY DISTRICT

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

Section 1: That the Zoning Ordinance of the City of Poquoson, Virginia be amended by modifying Article III. Nonconforming Uses and Structures to read as follows:

Section 4-6.l(2) – Special Performance Standards

All on-site sewage treatment systems not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years. However:

(1)

If deemed appropriate by the local health department and subject to conditions the local health department may set, the owners of such systems, as an alternative to the mandatory pump out, have the option of installing a plastic filter in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system.

(2)

In lieu of requiring proof of septic tank pump-out every five years, owners of on-site sewage treatment systems may submit documentation every five years, certified by ~~a sewage handler permitted by the Virginia Department of Health~~, *an operator or on-site soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, maintain, or design on-site sewage systems,* that the septic system has been inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it.

Section 2: That this ordinance shall be in effect on and after 30 days from its adoption.

ADOPTED: _____

TESTE: _____

City Clerk

CITY OF POQUOSON
Department of Community Development

MEMORANDUM

Date: March 21, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Community Development Department

Subject: Code Amendment – Article XI.IV, Section 11.4-6(l)(2) As It Pertains To Septic System Inspection Procedures

Introduction

The Community Development Department has received notice from the Virginia Department of Environmental Quality (DEQ) of an amendment that has been made to the septic system pump-out procedures, which should be updated in local ordinances. The amendment is as follows:

Article XI.IV, Environmental Management Area (EMA) Overlay District, Section 11.4-6. Special Performance Standards, Section (l)(2)

This amendment allows for inspection of on-site septic systems by an operator or on-site soil evaluator licensed or certified as being qualified to operate, maintain, or design on-site sewage systems, rather than restricting such inspections to certification by the Virginia Department of Health.

Public Notice

These Code Amendments were advertised for a public hearing in the Daily Press on March 4, 2016 and March 11, 2016.

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Proposed Ordinance Amendments

Code Amendments

<u>Article I, Section 1-3</u>

Definition of "Variance" Amended

<u>Article I, Section 1-4(a)</u>

Code of Virginia (Alternate Board Members) Section Number Amended

Code Amendments

Article I, Section 1-4(b)

New Section Regarding Ex Parte Communications

Article I, Section 1-4(c)

Powers and Duties of the BZA – Includes New Criteria for BZA Approval

Code Amendments

Article XI.IV, Section 11.4-13(d)(2)

Updates Application Fee to Align with Article I, Section 1-4(c)(2)

Code Amendments

Article XI.IV, Section 11.4-6(L)(2)

Amends Certification Requirements Regarding Qualification to Operate, Maintain or Design On-site Sewage Systems Per DEQ

Planning Commission

On Monday, March 22, 2016, the Planning Commission voted unanimously (5-0), to recommend approval of all the presented amendments.

Questions, Comments and Discussion

CITY OF POQUOSON

FINANCE DEPARTMENT 500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996

March 28, 2016

TO: City Council

THROUGH: Randy Wheeler, City Manager

FROM: Theresa Owens, Director of Finance

SUBJECT: Memorandum of Agreement-Enhancement Grant Tom Hunt Store

In 2005 the City applied for and received on behalf of the Poquoson Museum a Federal Enhancement Grant through the Virginia Department of Transportation to move the donated Tom Hunt Store to the Museum Property.

There have been many setbacks on the project including the original consultant abandoning the project and numerous personnel changes at the Virginia Department of Transportation (VDOT).

Over the last year the City and the Museum have made progress towards the ultimate goal of moving the store to the Museum property for it to refurbished and open to the public for viewing.

The Tom Hunt Store is considered eligible for the National Historic Registry. As such, the grant requires certain regulations to be adhered to in order for the City to be in compliance with the grant. One of those is to come up with a mitigation plan if the result of the review by the State Historic Preservation Department determines that the project will have an adverse effect on the historic building. They have determined that moving the building will have an adverse effect.

Therefore the Museum, City, VDOT, the Federal Highway Administration and Virginia State Historic Preservation Officer must enter into a Memorandum of Agreement outlining the mitigation plan.

The mitigation requirements are for the City and Museum to implement the relocation and stabilization of the Tom Hunt Store in accordance with plans designed to the Secretary of the Interior Standards for Rehabilitation and that the City and Museum prepare a DHR Preliminary Inventory Form and submit it to State Historic Preservation Officer for review and approval within twelve months of the completion of the relocation of the Store. The agreement has been reviewed by all agencies and approved by the Museum. It also requires the City's approval.

Attached for consideration is a resolution approving the Memorandum of Agreement for the mitigation of the adverse effects to historic properties on the Tom Hunt Store.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE MEMORANDUM OF AGREEMENT AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, THE CITY OF POQUOSON, THE POQUOSON HISTORIC AND CULTURAL MUSEUM FOUNDATION, AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION REGARDING THE RELOCATION AND STABILIZATION OF THE TOM HUNT'S STORE, CITY OF POQUOSON, VIRGINIA

WHEREAS, the Poquoson Historic and Cultural Museum Foundation (Museum) proposes to relocate and stabilize the Tom Hunt's Store (Virginia Department of Historic Resources (DHR) Inventory No. 147-5001), located in the City of Poquoson (Virginia Department of Transportation (VDOT) Project No. EN04-147-122, P101, C501, UPC 75267; DHR File No. 2007-1581; hereinafter referred to as the Project); and

WHEREAS, the Museum anticipates receiving federal financial assistance for the Project from the Federal Highway Administration (FHWA) through the FHWA's Transportation Enhancement program, administered in the Commonwealth of Virginia by the VDOT; and

WHEREAS, the Project is being administered by the City of Poquoson (City), on behalf of the Museum, pursuant to a Project Administration Agreement executed between the City and the VDOT's Commissioner of Highways; and

WHEREAS, FHWA, with assistance from the City, has consulted with the Virginia State Historic Preservation Officer (SHPO) on the Project, pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), including the initiation of the Section 106 process, identification of historic properties, and assessment of adverse effects; and

WHEREAS, FHWA, with assistance from the City and in consultation with the SHPO, has defined the Project's Area of Potential Effects (APE) in accordance with 36 CFR 800.4(a)(1; and

WHEREAS, FHWA, with assistance from the City and in consultation with the SHPO, has determined that the Project will have an adverse effect on the Tom Hunt's Store; and

WHEREAS, FHWA, with assistance from the City, has consulted with the SHPO to resolve the adverse effects of the Project on historic properties, in accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C § 306108, and its implementing regulations, 36 CFR Part 800.6(b)(1); and

WHEREAS, the City, the Museum and, as administrator of the FHWA's Transportation Enhancement program in the Commonwealth of Virginia, VDOT have participated in the

consultation process pursuant to 36 CFR 800.2(c)(4) and has responsibility for implementing stipulations under this Memorandum of Agreement (Agreement) and the FHWA has invited the City, the Museum and VDOT to be a signatory to the Agreement pursuant to 36 CFR 800.6(c)(2)(iii); and,

WHEREAS, the FHWA, the SHPO, the City, the Museum, and the VDOT agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties:

> The City and the Museum shall implement the relocation and stabilization of the Tom Hunt's Store in accordance with plans designed to meet the *Secretary of the Interior's Standards for Rehabilitation* (36 CFR Part 67) *(Standards)*. Pursuant to the requirements of Stipulation V.B of this Agreement, the City and the Museum shall submit preliminary and final plans to the SHPO for review and concurrence that the plans are consistent with the *Standards*. The City and the Museum shall provide the FHWA and the VDOT documentation of all communications with the SHPO related to the completion of this stipulation prior to the initiation of the relocation and stabilization.
>
> The City and the Museum shall prepare a DHR Preliminary Inventory Form (PIF) for the Tom Hunt's Store and shall submit the PIF to the SHPO for review and approval for completeness within twelve (12) months of the completion of the relocation of the Tom Hunt's Store.

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 Memorandum of Agreement with The Federal Highway Administration, The Virginia State Historic Preservation Officer, The Poquoson Historic And Cultural Museum Foundation, and the Virginia Department Of Transportation regarding the relocation and stabilization of The Tom Hunt's Store.

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

ADOPTED: _____

TESTE: _____
City Clerk

MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
THE CITY OF POQUOSON,
THE POQUOSON HISTORICAL AND CULTURAL MUSEUM FOUNDATION, AND
THE VIRGINIA DEPARTMENT OF TRANSPORTATION REGARDING THE
RELOCATION AND STABILIZATION OF
THE TOM HUNT'S STORE,
CITY OF POQUOSON, VIRGINIA

WHEREAS, the Poquoson Historical and Cultural Museum Foundation (Museum) proposes to relocate and stabilize the Tom Hunt's Store (DHR Inventory No. 147-5001), located in the City of Poquoson (VDOT Project No. EN04-147-122, P101, C501, UPC 75267; DHR File No. 2007-1581; hereinafter referred to as the Project) (Attachment A – Location Map); and

WHEREAS, the Museum anticipates receiving federal financial assistance for the Project from the Federal Highway Administration (FHWA) through the FHWA's Transportation Enhancement program, administered in the Commonwealth of Virginia by the Virginia Department of Transportation (VDOT); and

WHEREAS, the FHWA has determined that the provision of financial assistance for the Project is an undertaking as defined in 36 CFR 800.16(y); and

WHEREAS, the Project is being administered by the City of Poquoson (City), on behalf of the Museum, pursuant to a Project Administration Agreement executed between the City and the VDOT's Commissioner of Highways; and

WHEREAS, the FHWA has authorized the VDOT to conduct consultation with the Virginia State Historic Preservation Officer (SHPO) for the Project on its behalf pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470), including the initiation of the Section 106 process, identification of historic properties, and assessment of adverse effects; and

WHEREAS, VDOT, with assistance from the City, has consulted with the Virginia State Historic Preservation Officer (SHPO) on the Project, pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), including the initiation of the Section 106 process, identification of historic properties, and assessment of adverse effects; and

WHEREAS, VDOT, with assistance from the City and in consultation with the SHPO, has defined the Project's Area of Potential Effects (APE) in accordance with 36 CFR 800.4(a)(1), as the area depicted on the map in Appendix A; and

WHEREAS, VDOT, with assistance from the City and in consultation with the SHPO, has completed an archaeological survey and a cultural resources survey to identify historic properties within the APE and conveyed to the SHPO its findings in an archaeological report titled "Dryden Farm, Poquoson Archaeological Testing at the Proposed Site for Relocation of the Tom Hunt

Store" (October 2005) and a cultural resources report titled " Phase I Cultural Resources Survey of +/- 0.27 Acre Parcel, Tom Hunt's Store (147-5001) Relocation Project, Poquoson, Virginia" (November 2008) and has determined that the Tom Hunt's Store (147-5001) is eligible for the National Register of Historic Places (NRHP) under Criteria A and C; and

WHEREAS, VDOT, on behalf of FHWA, with assistance from the City, and in consultation with the SHPO, has determined that the Project will have an adverse effect on the Tom Hunt's Store; and

WHEREAS, FHWA, with assistance from the City, has consulted with the SHPO to resolve the adverse effects of the Project on historic properties, in accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C § 306108, and its implementing regulations, 36 CFR Part 800.6(b)(1); and

WHEREAS, FHWA has notified the Advisory Council on Historic Preservation (ACHP) by letter dated December 3, 2015, of the adverse effect of the Project pursuant to 36 CFR Part 800.6(a)(1) and the ACHP has chosen not to participate in consultation by letter dated December 9, 2015; and

WHEREAS, of the 18 federally recognized tribes that FHWA has previously determined may have an interest in historic resource issues associated with transportation projects in Virginia, only three – the Eastern Shawnee Tribe, the United Keetoowah Band of Cherokee Indians in Oklahoma, and the Delaware Nation – responded to FHWA's invitation in 2008 and 2012 to participate in consultation with FHWA on the administration of transportation projects in Virginia subject to Section 106. The location of the Project is not within the geographic areas of interest to the Eastern Shawnee Tribe and the United Keetoowah Band of Cherokee Indians in Oklahoma; and

WHEREAS, the City has participated in the consultation process pursuant to 36 CFR 800.2(c)(4) and has responsibility for implementing stipulations under this Memorandum of Agreement (Agreement) and the FHWA has invited the City to be a signatory to this Agreement pursuant to 36 CFR 800.6(c)(2)(iii); and

WHEREAS, the Museum has participated in the consultation process pursuant to 36 CFR 800.2(c)(4) and has responsibility for implementing stipulations under this Agreement, and the FHWA has invited the Museum to be a signatory to this Agreement pursuant to 36 CFR 800.6(c)(2)(iii); and

WHEREAS, as administrator of the FHWA's Transportation Enhancement program in the Commonwealth of Virginia, the VDOT has participated in this consultation, pursuant to 36 CFR Part 800.2(c)(4) and the FHWA has invited the VDOT to be a signatory to this Agreement pursuant to 36 CFR Part 800.6(c)(2)(iii); and

WHEREAS, VDOT, with the assistance of the City, invited Charles and Georgia McDaniel, by letter dated September 18, 2015, to participate as consulting parties on the Project, pursuant to 36

CFR 800.2(c)(5), and to sign this Agreement as concurring parties, and Charles and Georgia McDaniel have declined the opportunity to participate by letter received on October 6, 2015.

NOW, THEREFORE, the FHWA, the SHPO, the City, the Museum, and the VDOT agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.

STIPULATIONS

The FHWA shall ensure that the following stipulations are implemented:

I. Treatment of the Tom Hunt's Store (DHR Inventory No. 147-5001)

A. The City and the Museum shall implement the relocation and stabilization of the Tom Hunt's Store in accordance with plans designed to meet the *Secretary of the Interior's Standards for Rehabilitation* (36 CFR Part 67) *(Standards)*. Pursuant to the requirements of Stipulation V.B of this Agreement, the City and the Museum shall submit preliminary and final plans to the SHPO for review and concurrence that the plans are consistent with the *Standards*. The City and the Museum shall provide the FHWA and the VDOT documentation of all communications with the SHPO related to the completion of this stipulation prior to the initiation of the relocation and stabilization of the Tom Hunt's Store.

B. The City and the Museum shall prepare a DHR Preliminary Inventory Form (PIF) for the Tom Hunt's Store and shall submit the PIF to the SHPO for review and approval within twelve (12) months of the completion of the relocation of the Tom Hunt's Store. The City and the Museum shall comply with requests for additional information either from the Virginia Department of Historic Resources (DHR) or DHR's Board. Once the PIF has been formally evaluated by the DHR National Register Evaluation Committee and/or DHR's Board, the City and the Museum may decide whether to pursue a National Register Nomination.

II. Post-Review Discoveries

A. In the event that a previously unidentified archaeological resource is discovered during ground-disturbing activities associated with construction of the Project, the City and the Museum shall require the construction contractor to halt all construction work involving subsurface disturbance in the area of the resource and in surrounding areas where additional subsurface remains can reasonably be expected to occur. Work in all other areas of the Project may continue.

B. The City and the Museum shall notify the FHWA and the VDOT of the archaeological discovery within one (1) working day of its discovery, and shall notify the SHPO within two (2) working days of the discovery. In the case of prehistoric or historic Native American sites, the FHWA shall notify appropriate federally recognized Indian tribes with interest in the area within two (2) working days. The VDOT shall also notify appropriate Indian tribes recognized by the

Commonwealth of Virginia (hereinafter "Virginia Indian tribes") within two (2) working days of the discovery.

C. The City and the Museum shall ensure that an archaeologist meeting the Secretary of the Interior's *Professional Qualification Standards* (48 FR 44739) investigates the work site and the resource, and the City and the Museum shall then forward to the FHWA, the VDOT, the SHPO, appropriate federal Indian tribes, and appropriate Virginia Indian tribes an assessment of the eligibility of the resource for listing on the NRHP, in reference to the criteria described at 36 CFR 60.4, and proposed treatment actions to resolve any adverse effects on the resource. The SHPO, appropriate federal Indian tribes, and appropriate Virginia Indian tribes shall respond within five (5) working days of receipt of the City and the Museum's assessment of NRHP eligibility of the resource and proposed action plan. The City and the Museum, in consultation with the FHWA and the VDOT, shall take into account the recommendations of the SHPO, appropriate federal Indian tribes, and appropriate Virginia Indian tribes regarding NRHP eligibility of the resource and proposed action plan, and then carry out the appropriate actions.

D. The City and the Museum shall ensure that construction work within the affected area does not proceed until the appropriate treatment measures are developed and implemented or the determination is made that the located resource is not eligible for inclusion on the NRHP. Prior to authorizing construction work to proceed in the affected area, the City and the Museum shall provide written documentation to the SHPO, FHWA, and the VDOT in writing that one or the other of these requirements have been met.

III. Treatment of Human Remains

A. The City and the Museum shall treat all human remains in a manner consistent with the ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 23, 2007: http://www.achp.gov/docs/hrpolicy0207.pdf).

B. Human remains and associated funerary objects encountered during the course of actions taken as a result of this Agreement shall be treated in a manner consistent with the provisions of the Virginia Antiquities Act, Section 10.1-2305 of the *Code of Virginia* and its implementing regulations, 17 VACS-20, adopted by the Virginia Board of Historic Resources and published in the Virginia Register on July 15, 1991, and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001) and its implementing regulations, 36 CFR Part 10. In accordance with the regulations stated above, the City and the Museum may obtain a permit from the SHPO for the archaeological removal of human remains should removal be necessary.

C. In the event that the human remains encountered are likely to be of Native American origin, whether prehistoric or historic, the FHWA shall immediately notify the appropriate federal Indian tribes and appropriate leaders of Virginia Indian tribes. The FHWA shall determine the treatment of Native American human remains and associated funerary objects in consultation with the appropriate federal tribes and leaders of Virginia Indian tribes.

D. The City and the Museum shall make all reasonable efforts to ensure that the general public is excluded from viewing any Native American gravesites and associated funerary objects. The

signatories to this Agreement shall release no photographs of any Native American gravesites or associated funerary objects to the press or to the general public.

IV. Professional Qualifications

All archaeological and architectural studies or treatment actions carried out pursuant to this Agreement shall be conducted by or under the direct supervision of an individual or individuals who meet, at a minimum, the Secretary of the Interior's *Professional Qualifications Standards* (48 FR 44738-9, September 29, 1983) in the appropriate discipline.

V. Preparation and Review of Documents

A. All archaeological studies, technical reports, and treatment plans prepared pursuant to this Agreement shall be consistent with the federal standards entitled *Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44716-44742, September 19, 1983), the SHPO's *Guidelines for Conducting Historic Resources Survey in Virginia* (October 2011), and the ACHP's *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites* (1999) or subsequent revisions or replacements to these documents.

B. The Signatories and consulting parties to this Agreement agree to provide comments to the City and the Museum on all plans, technical materials, findings, and other documentation arising from this Agreement within thirty (30) calendar days of receipt. If no comments are received from a Signatory or consulting party to this Agreement within the thirty (30)-calendar-days review period, the City and the Museum may assume that the Signatory has no comment. The City and the Museum shall ensure that all comments received in writing within thirty (30) calendar days of receipt are addressed in the final documentation.

C. The City and the Museum shall provide the SHPO three copies (two hard copies and one in Adobe Acrobat format (PDF) on compact disk) and the VDOT two copies (one hard copy and one in Adobe Acrobat format (PDF) on compact disk) of all final reports prepared pursuant to this Agreement. The City and the Museum shall also provide any other Signatory to the Agreement a copy of any final report (in hard copy or Adobe Acrobat format, as requested) if so requested by that party. Such requests must be received by the City and the Museum in writing prior to the completion of construction of the Project.

VI. Curation Standards

A. The City and the Museum shall ensure that all original archaeological records (research notes, field records, maps, drawings, and photographic images) produced as a result of implementing the Stipulations in this Agreement and any archaeological collections recovered from City of Museum property as a result of implementing the Stipulations of this Agreement are provided to the SHPO for permanent curation. In exchange for its standard collections management fee as published in the *Virginia Department of Historic Resources State Collections Management Standards* (June 26, 2009), or subsequent revisions or replacements to that document, the SHPO

agrees to maintain such records and collections in accordance with 36 CFR 79, *Curation of Federally Owned and Administered Archaeological Collections.*

B. The City and the Museum shall return to individual property owners any archaeological artifact collections recovered from their property as a result of implementing the Stipulations in this Agreement, unless the City and the Museum and the private property owner(s) have reached agreement on an alternative arrangement. If the private property owner(s) donates the artifact collections to the DHR by executing a donation agreement for the collection with the DHR within ninety (90) days of receipt of written notification from the City and the Museum of their intent to return the collections to the private property owners, the City and the Museum shall assume responsibility for payment of DHR's standard collections curation fee for the donated artifact collection. This collections curation fee shall be considered a Project expense eligible for reimbursement through the FHWA's Transportation Enhancement program.

VII. Dispute Resolution

A. Objections by Signatory Party

Should any signatory party to this Agreement object in writing to the FHWA regarding any plans provided for review pursuant to this Agreement, or should any signatory party to this Agreement object in writing to the FHWA regarding the manner in which measures stipulated in this Agreement are being implemented, the FHWA shall first consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved through such consultation, the FHWA shall then consult with all of the signatories to this Agreement to resolve the objection. If the FHWA then determines that the objection cannot be resolved through consultation, the FHWA shall forward all documentation relevant to the objection to the ACHP, including the FHWA's proposed response to the objection. Within thirty (30) calendar days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

(1) Advise the FHWA that the ACHP concurs in the FHWA's proposed response to the objection, whereupon the FHWA will respond to the objection accordingly; or

(2) Provide the FHWA with recommendations, which the FHWA shall take into account in reaching a final decision regarding its response to the objection; or

(3) Notify the FHWA that the objection will be referred for comment pursuant to 36 CFR 800.7(a)(4), and proceed to refer the objection and comment. The FHWA shall take the resulting comment into account in accordance with 36 CFR 800.7(c)(4).

Should the ACHP not exercise one of the above options within thirty (30) calendar days after receipt of all pertinent documentation, the FHWA may assume the ACHP's concurrence in its proposed response to the objection.

The FHWA shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; the FHWA's

responsibility to carry out all actions under this Agreement that are not the subjects of the objection shall remain unchanged.

B. Objection from Public

At any time during implementation of the measures stipulated in this Agreement, should a member of the public object to the FHWA, the City, the Museum, or the VDOT regarding the manner in which the measures stipulated in this Agreement are being implemented, the FHWA shall notify the signatories to this Agreement and consult with the objector to resolve the objection.

VIII. Amendments and Termination

A. Any signatory to this Agreement may propose to the FHWA that the Agreement be amended, whereupon the FHWA shall consult with the other signatories to consider such an amendment. 36 CFR 800.6(c)(7) shall govern the execution of any such amendment. Any signatory to this Agreement may terminate it in accordance with the provisions of 36 CFR 800.6(c)(8).

B. If the FHWA, the VDOT, the City, and the Museum decide that they will not proceed with the Project, they may so notify the signatories to this Agreement and then this Agreement shall become null and void.

C. In the event this Agreement is terminated or rendered null and void, the City and the Museum shall submit to the SHPO a technical report on the results of any archaeological investigations conducted prior to and including the date of termination, and shall ensure that any associated collections and records recovered are curated in accordance with Stipulation VI of this Agreement unless an alternate arrangement is made.

D. In the event of termination, the FHWA shall either execute a memorandum of agreement with signatories under 36 CFR 800.6(c)(1) or request the comments of the ACHP under 36 CFR 800.7(a).

XI. Duration

This Agreement shall continue in full force and effect for five (5) years after the date of the last signature from a signatory party. At any time in the six (6)-month period prior to such date, the FHWA may request that the signatory parties consider an extension of this Agreement. No extension or modification shall be effective unless all signatories to the Agreement have agreed with it in writing.

X. Execution

This Agreement may be executed in counterparts, with a separate page for each signatory. The FHWA shall ensure that each signatory is provided with a copy of the fully executed Agreement.

Execution of this Agreement by the FHWA, the VDOT, the City, the Museum, and the SHPO and its submission to the ACHP in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered to be an Agreement with the ACHP for the purposes of Section 110(1) of the NHPA. Execution and submission of this Agreement, and implementation of its terms, evidence that the FHWA has afforded the ACHP an opportunity to comment on the proposed undertaking and its effect on historic properties, and that the FHWA has taken into account the effect of the undertaking on historic properties.

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

March 28, 2016

TO: City Council

FROM: Bob Speechley, Utilities Superintendent

THROUGH: Randy Wheeler, City Manager

SUBJECT: Sanitary Sewer Inflow and Infiltration Abatement

As previously discussed, the City is required under the consent order to prevent sanitary sewer overflows. In order to achieve this it is necessary to reduce ground water and storm-water from leaking into the system. There are various ways of achieving this. Some include replacing the pipes, relining the pipes and sealing and grouting the pipes.

The method that is most cost effective and will provide the least amount of disruption would be to line the pipes. Staff has found a couple of per unit cost contracts that the City may use. One through The Cooperative Purchasing Network and one with the University of Virginia. Staff also reached out to HRSD for any contract they may have that would meet the City's need. With this contract, we will be able to perform the sewer pipe lining in various areas within the City.

The area with the most immediate need is the Robert's Landing Subdivision which is where we would expect to start. The estimated cost for this area is $184,700. These funds have been appropriated in the current budget. Other areas of the City will be evaluated and additional task orders could be assigned. With this contract, the City could issue a notice to proceed as long as funding has previously been appropriated by Council.

After reviewing the contracts, staff recommends contracting with Utility Services Authority, LLC for lining of the pipes in the City.

Attached for consideration is a resolution authorizing the City Manager to enter into a contract with Utility Services Authority, LLC for lining of pipes.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH UTILITY SERVICES AUTHORITY, LLC FOR LINING OF SEWER PIPES

Whereas, the City is under a court order to prevent sanitary sewer overflows; and

WHEREAS, staff has determined that the method that is most cost effective and provides for the least amount of disruption is lining the pipes; and

WHEREAS, staff has located a cooperative contract with The Cooperative Purchasing Network; and

WHEREAS, the contract meets the needs of the City.

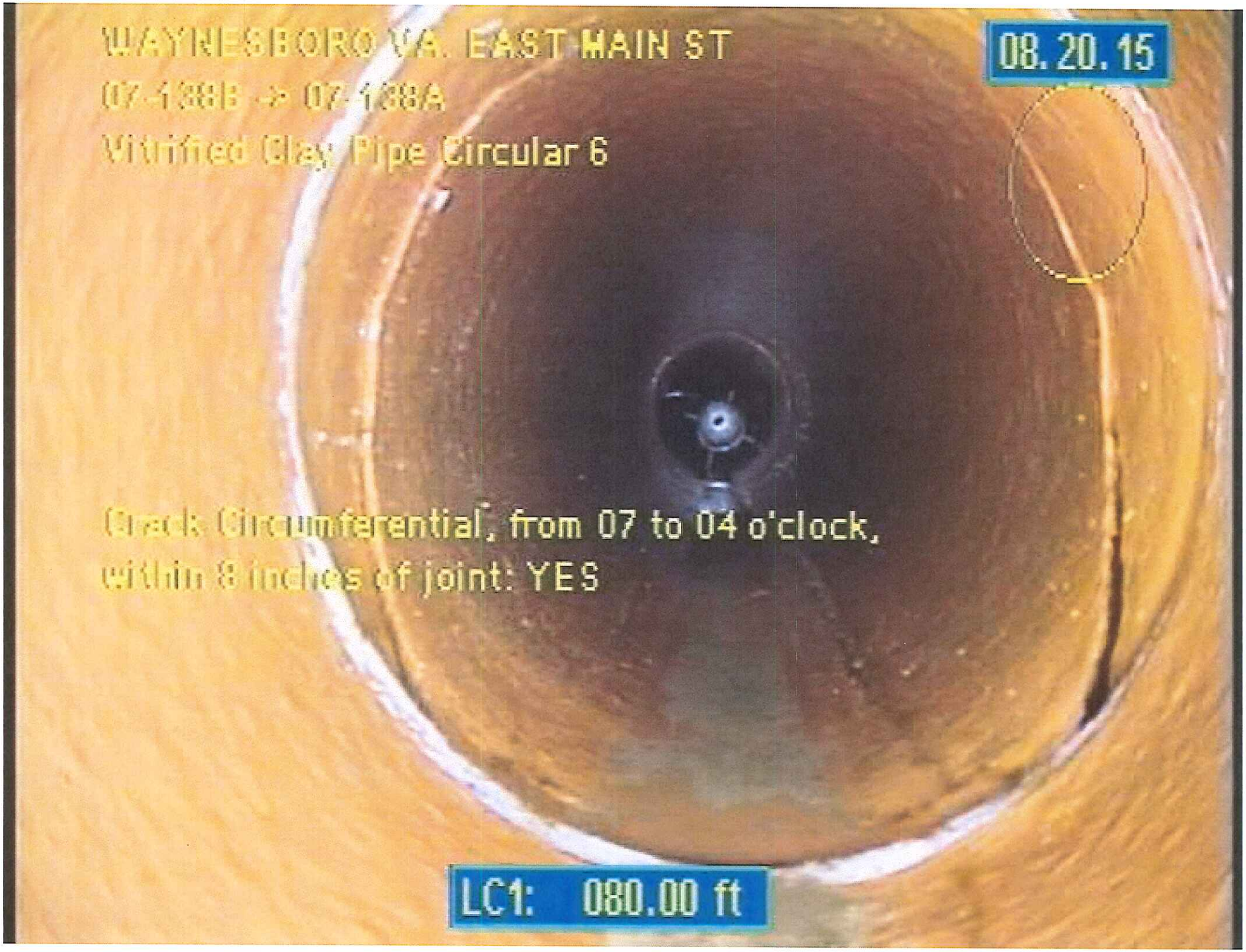
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Poquoson, Virginia:

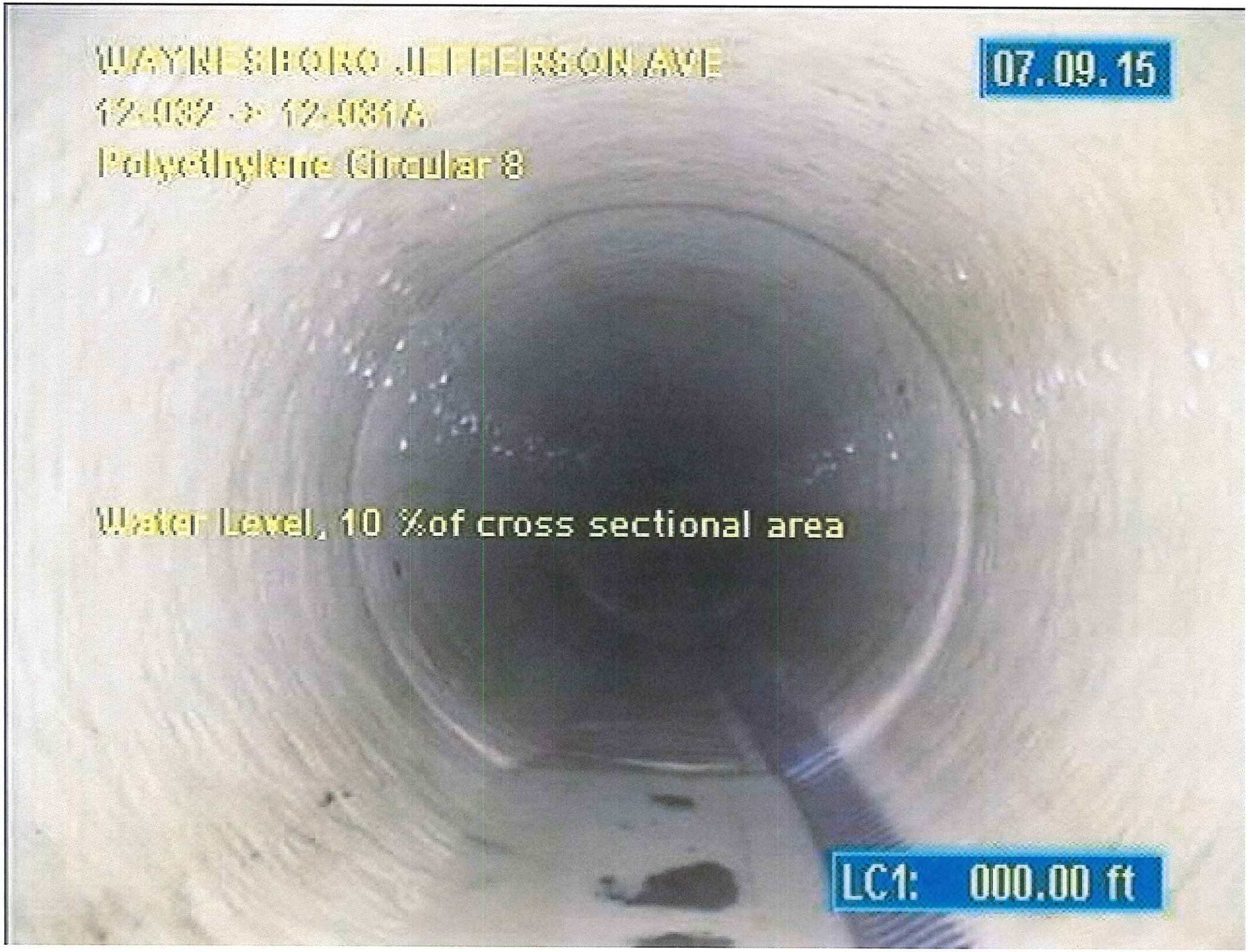
Section 1: That the City Manager is hereby authorized to do all things necessary to enter into a contract with Utility Services Authority, LLC for lining of sewer pipes.

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

ADOPTED: _____

TESTE: _____
City Clerk


WAYNESBORO VA. EAST MAIN ST
07-188B -> 07-188A
Vitrified Clay Pipe Circular 6
08. 20. 15
Crack Circumferential, from 07 to 04 o'clock,
within 8 inches of joint: YES
LC1: 080.00 ft


WAYNESBORO JEFFERSON AVE
12-032 -> 12-031A
Polyethylene Circular 8
07.09.15
Water Level, 10 %of cross sectional area
LC1: 000.00 ft

CITY OF POQUOSON

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

Office of the City Manager
J. Randall Wheeler

March 28, 2016

To: City Council

From: City Manager

Subject: **Resolution Making Appointments To Various Boards and Commissions**

Presented for your consideration is a resolution making appointments to the Economic Development Authority, Parks and Recreation Advisory Board and Board of Zoning Appeals. The incumbents are as follows:

Economic Development Authority (4 year term)

P. Craig Moore	served since March 1999
Henry L. Freeman	served since March 2008

Parks & Recreation Advisory Board (3 year term by precinct)

Charles W. Gatz, Jr.	Central Precinct	served since October 1999
Jennifer M. Mosteller	Eastern Precinct	served since June 2015
Carrie A. Rodgers	Western Precinct	served since September 2009
Judith G. Mas'Sey	At Large	served since November 2007
Keith A. Feigh	At Large	served since December 2012

Board of Zoning Appeals (5 year term)

Mr. Donald Watkins, an alternate member of the BZA, has resigned. An appointment should be made to fill his unexpired term.

RESOLUTION NO. _____

RESOLUTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

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

Section 1: That the following persons be and the same hereby are appointed to the Economic Development Authority for the terms indicated:

Names	**Terms Expire**
1.	March 31, 2020
2.	March 31, 2020

Section 2: That the following persons be and the same hereby are appointed to the Parks and Recreation Advisory Board for the terms indicated:

Names		**Terms Expire**
1.	Central Precinct	March 31, 2019
2.	Eastern Precinct	March 31, 2019
3.	Western Precinct	March 31, 2019
4	At Large	March 31, 2019
5.	At Large	March 31, 2019

Section 3: That the following person be and the same hereby is appointed as an alternate member to the Board of Zoning Appeals for the term indicated:

Name	**Term Expires**
1.	October 31, 2018

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

ADOPTED: _____

TESTE: _____
City Clerk