1. 5-23-16 Agenda Summary

   Documents: 5-23-16 AGENDA SUMMARY.PDF

2. 5-9-16 Regular Mtg Minutes

   Documents: 5-9-16 MINUTES.PDF

3. PAWS CUP Amendment

   Documents: PAWS CUP AMENDMENT.PDF

4. Emmaus Church CUP Amendment

   Documents: EMMAUS CUP AMENDMENT.PDF

   4.I. Haugen Subdivision Ordinance Variance Request

   Documents: HAUGEN SUBDIV VARIANCE REQUEST.PDF

   4.II. School Bd Appointment

   Documents: SCHL BD APPMTS.PDF

5. 826 Poquoson Ave Sale

   Documents: 826 POQ AVE SALE.PDF

6. Traffic Concerns-Terrace Drive/Bunting Lane

   Documents: TRAFFIC CONCERNS-TERRACE AND BUNTING.PDF

7. Compensation-City Attorney/City Mgr

   Documents: COMP FOR CITY ATTORNEY AND CM.PDF

8. Additional Appropriations

   Documents: 9-23-16 APPROPRIATIONS.PDF

9. Library Adv Bd Appointments

   Documents: LIBRARY ADV BD APPMTS.PDF

POQUOSON CITY COUNCIL
MEETING OF
MONDAY, MAY 23, 2016
7:00 P.M.
REGULAR SESSION

A. MEETING CALLED TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. AUDIENCE FOR VISITORS

D. APPROVAL OF THE MINUTES

1. **Regular Meeting – May 9, 2016**

E. PUBLIC HEARINGS

1. **Request of Poquoson Animal Welfare Sanctuary, Inc. (PAWS) to Modify Its Existing Conditional Use Permit for a Pet Sanctuary at 181 Messick Road By Increasing the Maximum Number of Cats On-Site From 50 to 100**

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

2. **Request of Emmaus Baptist Church To Modify Its Existing Conditional Use Permit By Expanding the Current Christian Outreach Center to Include Additional Office And Education Space on Church Property Located 828 Yorktown Road**

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

3. **Request of Davis & Associates, PC, Agent and Shirley F. Haugen, Property Owner For Variances to Sections 5-2; 10-1-1; 10-1-2; 10-1-3;10-1-4; 10-1-4.1; 10-1-4.2; 10-1.4.3; 10-1-4.5; 10-4(b); 10-5 and 10-6 of the City's Subdivision Ordinance As it Relates to Preliminary Plan Submittal; Street/Sidewalk Minimum Improvements; Utilities: Fire Protection and Streetlight Requirements in Order to Subdivide 8.0 Acres Located at the Intersection of Hunts Neck Road and Bayview Drive**

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

F. UNFINISHED BUSINESS

1. **Resolution Making Appointments to the School Board**

G. NEW BUSINESS

1. Sale of City-Owned Property at 826 Poquoson Avenue

2. Resolution Approving Traffic Improvements on Terrace Drive/S. Terrace Drive And Bunting Lane

3. Resolution Approving Additional Compensation for the City Manager and City Attorney

4. Ordinance Making Additional Appropriations and Transfers for FY2016

5. Resolution Making an Appointment to the Library Advisory Board

H. COMMENTS OF THE CITY MANAGER

I. COUNCIL DIRECTIVES

J. ADJOURNMENT

MINUTES OF THE CITY COUNCIL MEETING
MAY 9, 2016, 6:30 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 6:30 p.m.

CLOSED SESSION:

Councilman Green moved, seconded by Councilman Vernall, to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia (1950), as amended to discuss Personnel Matters; i.e. Council Appointees. Recorded vote on the motion:

YES: Councilmembers Ayer, Crawford, Green, Freeman, Southall, Vernall 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 personnel matters relative to Council appointees were discussed during the Closed Session. Recorded vote on the motion:

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

NO: None.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor Hunt rendered the invocation and led the audience in the Pledge of Allegiance.

AUDIENCE FOR VISITORS:

There were no speakers.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Southall, to adopt the minutes of the regular session held April 25, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

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

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

NO: None.

PUBLIC HEARINGS:

1. **ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR REFUNDING CERTAIN OUTSTANDING BONDS OF THE CITY AND FOR UP TO $ 900,000 FOR CERTAIN CAPITAL IMPROVEMENTS**

The City Manager, J. Randall Wheeler, reminded Council that at its April 11, 2016 meeting the City's financial advisors, Davenport & Company presented a plan to refinance approximately $18 million in debt and secure a modest amount of new financing for long-term capital needs identified in the FY 2017 proposed City budget. He pointed out that the refinancing of the current debt, according to Davenport & Company, has the potential to reduce debt service over the life of the bond by over $1 million while not extending the term of the original bond. While the City is issuing new debt, the debt service on the refinanced debt together with the new bond debt service will be lower than the debt service currently due on the existing outstanding bonds.

Mayor Hunt opened the public hearing; however, since no one spoke the public hearing was closed.

An ordinance authorizing the issuance of bonds to refinance current debt and to secure funds for capital projects was presented for Council's consideration and Councilman Green moved, seconded by Councilman Ayer, that it be adopted as an emergency measure. Recorded vote on the motion:

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

NO: None.

2. RECEIPT OF BIDS AND ORDINANCE CONVEYING A CERTAIN UTILITY EASEMENT FOR CONTINUED PROVISION OF NATURAL GAS SERVICE TO 48 SOUTH LAWSON ROAD

The City Manager stated that Council, at its April 25, 2016 meeting, had authorized the advertisement of the City's intent to receive written bids for the granting of a permanent underground utility easement on City property for the purpose of continuing the provision of natural gas service to the property located at 48 South Lawson Road. An emergency temporary easement had previously been granted because of the medical need of the resident.

Mayor Hunt asked the City Clerk, Judy F. Wiggins, to open and real aloud the one bid that was submitted. Ms. Wiggins stated that Virginia Natural Gas (VNG) submitted a bid of $1.00 for the prescribed easement. In addition, she pointed out that VNG will also be responsible for reimbursing the City for the cost of the required legal advertisement.

Mayor Hunt opened the public hearing. Since no one came forward, the public hearing was closed.

An ordinance granting the easement was presented for consideration and Councilman Green moved, seconded by Councilman Vernall, to dispense with the second reading and adopt it on first reading to become effective immediately. Recorded vote on the motion:

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

NO: None.

3. SCHOOL BOARD APPOINTMENTS

A public hearing was held at this meeting to receive public comments on those persons to be considered for appointment to the School Board. The names of those persons to be considered were read aloud by the City Clerk, Judy F. Wiggins, which included Anne L. Rollins, Western Precinct and Jennifer M. Mosteller, Eastern Precinct.

Mayor Hunt opened the public hearing. Those present at the meeting were given the opportunity to submit other names for consideration or to offer comments on the two announced. Since no one spoke, the public hearing was closed.

No action other than the public hearing could be taken at this meeting. The appointments will be made at the next meeting.

UNFINISHED BUSINESS:

1. **SECOND READING AND FINAL ADOPTION OF THE FY 2016-2017 ANNUAL FINANCIAL PLAN**

A public hearing on the proposed FY 2016-2017 Annual Financial Plan was held on April 25, 2016. The following budget resolution and ordinances were presented for a second reading.

The City Manager stated that the following amendments were made to the FY 2017 Annual Financial Plan resolution subsequent to and pursuant to Council's directives following the April 25, 2016 work session discussion:

- $4,569 increase in State Library Aid to be used for books, AV materials and periodicals for the Library;
- $3,000 decrease in animal control costs;
- $5,710 increase in the estimate for 599 Funding; and
- $8,710 increase in the contingency budget.

In conclusion, he stated that the net effect of the changes is a total increase of $10,279 in the original, proposed budget.

Resolution Amending Resolution No. 4019 Adopting the Proposed FY 2016-2017 Annual Financial Plan for the City of Poquoson, Virginia

Councilman Green moved, seconded by Councilman Ayer, to adopt the FY 2016-17 Annual Financial Plan resolution amending Resolution No. 4019, adopted on April 25, 2016, in accordance with the previously identified amendments. Recorded vote on the motion:

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

NO: None.

Ordinance to Lay a $1.07 per $100.00 Assessed Value on all Real Estate in the City of Poquoson, Virginia, for the General Operation of the Various Departments of the City Government

Councilman Green moved, seconded by Councilman Vernall, to adopt the ordinance. Recorded vote on the motion:

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

NO: Councilman Ayer.

Ordinance to Lay a $4.15 Levy on all Personal Property, a $.00001 Levy on all Watercraft, a $1.50 Levy on all Privately Owned Camping Trailers and Motor Homes, and a $1.07 Levy on all Vehicles without Motive Power, used or designated to be used as Manufactured Homes in the City of Poquoson, Virginia, for the General Operation of the Various Departments of the City Government

Councilman Green moved, seconded by Councilman Vernall, to adopt the ordinance. Recorded vote on the motion:

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

NO: Councilman Ayer.

Ordinance to Appropriate Funds to the Various Governmental Funds of the City of Poquoson, Virginia for FY 2016-2017

Councilman Green moved, seconded by Councilman Ayer, to adopt the appropriation ordinance. Recorded on the motion:

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

NO: None.

In conclusion, Mayor Hunt thanked the City Manager, the Finance Department and all Department Heads for the excellent budget for FY 2017.

NEW BUSINESS:

1. **RESOLUTION CERTIFYING THE EMPLOYER CONTRIBUTION RATES FOR VRS**

The City Manager stated that the Appropriation Act from prior years allows political subdivisions to choose either the employer contribution rate certified by the Virginia Retirement System (VRS) or to pay an alternate rate. As the adopted FY 2017 City budget includes the alternate rate, a resolution confirming this choice was presented for Council's consideration and Councilman Green moved, seconded by Councilman Ayer, that it be adopted. Recorded vote on the motion:

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

NO: None.

2. **RESOLUTION ESTABLISHING THE SUMMER CITY COUNCIL MEETING SCHEDULE**

The City Manager stated that Council has typically cancelled one of the two regularly scheduled meetings during the summer months, i.e. June, July and August. He explained

that two resolutions, one canceling the first meeting of the month and another canceling the second, were presented for Council's consideration.

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt the resolution canceling the first Council meeting of June, July and August. Recorded vote on the motion:

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

NO: None.

COMMENTS OF THE CITY MANAGER:

The City Manager expressed appreciation to all of the City's civic groups that do so much to improve/enhance our community. He especially thanked the Poquoson Kiwanis Club for recently painting the guard rail in front of the Poquoson Shopping Center and helping the City to plant trees/vegetation in the micro-park in front of Fire Station #2.

Traffic Concerns – South Terrace & Terrace Drive/Bunting Lane

The City Manager reminded Council that two meetings prior to this meeting, Councilman Green requested that staff review the traffic concerns expressed by residents on South Terrace and Terrace Drives. He pointed out that the aerial photograph provided to Council, shows potential road improvements, i.e. two solid yellow center lines running from the intersection of the aforementioned streets to Odd Road and replacing the yield sign at the South Terrace/Terrace Drive intersection with two stop signs.

In addition, he stated that Councilwoman Crawford had requested that safety improvements be made on Bunting Lane to address the speeding that often occurs. In response to this request, the City Manager referred Council to the aerial photograph in their agenda packet showing a potential safety improvement on this street, i.e. a 3-way stop at the intersection of Bunting Lane and Floyd Avenue.

Following a brief discussion, Mayor Hunt suggested that Council give both of these traffic concerns and potential safety improvements additional thought. He requested that all property owners along both affected roadways be notified that proposed improvements will be considered by Council at the May 23, 2016 meeting, at which time the public can provide input during Audience for Visitors.

COUNCIL DIRECTIVES:

Councilman Vernall complimented City staff for providing an excellent budget that did not raise taxes yet provided increased compensation for employees. Lastly he reminded everyone that the Annual Poquoson Kiwanis BBQ sale will be held on Saturday, May 14th and that the proceeds are used for community projects.

Councilman Green stated that the Poquoson Exchange Club had completed installing the blue reflectors in the roadways throughout the City to identify fire hydrant locations.

Councilman Ayer echoed the previous comments and pointed out that the Community Development Department had issued building permits during the month of April for jobs valued at approximately $1.6 million.

Councilman Southall echoed previously made comments commending City staff on the FY 2017 budget.

Councilwoman Crawford thanked everyone for their hard work on the budget and specifically thanked the City Manager for trying to address the safety issues on Bunting Lane.

Mayor Hunt stated that the City continues to work with the U.S. Fish & Wildlife Service in an effort to obtain permission for citizens to utilize the Cow Island beaches. He too thanked City staff for their hard work that produced the excellent FY 2017 budget.

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

NO: None.

The meeting was adjourned at approximately 7:38 p.m.

CITY OF POQUOSON

PLANNING DEPARTMENT

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

May 23, 2016

To: The Honorable City Council

Through: City Manager

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit For A Cat Sanctuary In A Residential District- Tax Parcel No. 32-1-44**

The City has received a request from Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, to amend their existing conditional use permit, issued on September 23, 2013, to request an increase in the number of cats allowed on their property. Presently, PAWS is permitted to have no more than 50 cats on average daily over the course of the month. The applicant is requesting to increase this number to 100. The cat sanctuary is located at 181 Messick Road and is further identified as Tax Map Parcel No. 32-1-44. The property is zoned R-2, Single Family Residential.

The Planning Commission held a public hearing on this item at their Monday, May 16, 2016 meeting and has recommended its approval unanimously, by a vote of 6-0.

This application was advertised for public hearing in the Daily Press on April 29, 2016 and May 6, 2016. Adjacent property owners were notified of this request by letters mailed on April 29, 2016.

KMW

RESOLUTION NO. _____

A RESOLUTION APPROVING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT TO OPERATE A PET SANCTUARY AT 181 MESSICK ROAD, POQUOSON TAX MAP PARCEL NO. 32-01-00-0044

WHEREAS, a request was submitted by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate a pet sanctuary at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044, Zoned R-2, Single-Family Residential by increasing the maximum number of cats on-site from 50 to 100; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on May 16, 2016 and City Council on May 23 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 by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate a pet sanctuary at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044 by increasing the maximum number of cats on-site from 50 to 100 is hereby approved inclusive of the following amendment to Condition #8 of the original permit:

8. The use shall not house any more than ~~fifty (50)~~ <u>one hundred (100)</u> cats daily on average over the course of a month.

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

ADOPTED: _____

TESTE: _____
City Clerk

RESOLUTION

A RESOLUTION DENYING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT TO OPERATE A PET SANCTUARY AT 181 MESSICK ROAD, POQUOSON TAX MAP PARCEL NO. 32-01-00-0044

WHEREAS, a request was submitted by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate a pet sanctuary at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044, Zoned R-2, Single-Family Residential by increasing the maximum number of cats on-site from 50 to 100; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on May 16, 2016 and City Council on May 23, 2016; and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the request by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate a pet sanctuary at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044 by increasing the maximum number of cats on-site from 50 to 100 is hereby denied.

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

ADOPTED: _____

TESTE: _____
City Clerk

CITY OF POQUOSON

PLANNING DEPARTMENT

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

MEMORANDUM

Date: May 16, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit For A Cat Sanctuary In A Residential District- Tax Parcel No. 32-1-44**

Introduction

The City has received a request from Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, to amend their existing conditional use permit, issued on September 23, 2013, to request an increase in the number of cats allowed on their property. Presently, PAWS is permitted to have no more than 50 cats on average daily over the course of the month. The applicant is requesting to increase this number to 100. The cat sanctuary is located at 181 Messick Road and is further identified as Tax Map Parcel No. 32-1-44. The property is zoned R-2, Single Family Residential.

Public Notice

This application was advertised for public hearing in the Daily Press on April 29, 2016 and May 6, 2016. Adjacent property owners were notified of this request by letters mailed on April 29, 2016.

Applicant's Proposal

As mentioned above, the applicant is requesting an increase in the number of felines allowed on the property from 50 to 100. Since the issuance of the conditional use permit for this operation the City has received no complaints and the owner has operated the use in compliance with all specified conditions. Within the first year of the permit's issuance, a feature was installed on the top of the chain link fence surrounding the parcel that deters cats from leaving the property. This was installed to satisfy condition number two (2) of their issued use permit. The original staff report (dated September 16, 2013) and the approved resolution issuing the use permit (dated September 23, 2013) are attached for your convenience. If the Planning Commission recommends approval of the request to City Council, the following condition must be amended:

8. The use shall not house any more than ~~fifty (50)~~ one hundred (100) cats daily on average over the course of a month.

Attachments

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

MEMORANDUM

Date: September 16, 2013

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit For A Cat Sanctuary In A Residential District- Tax Parcel No. 32-1-44**

Introduction

The City has received a request from Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, to establish and operate a pet sanctuary (short-term/long-term housing facility) on a collection of adjoining parcels located at 181 Messick Road, further identified as Tax Map Parcel No. 32-1-44. The property is zoned R-2, Single family Residential.

Public Notice

This application was advertised for public hearing by legal notice appearing in the Daily Press on August 29 and September 5, 2013. Adjacent property owners were notified by letters mailed on August 26, 2013 with additional notifications being mailed September 9, 2013.

Applicant's Proposal

The Poquoson Animal Welfare Sanctuary, (PAWS) Inc. obtained ownership of the property in August 2013. The group was founded in response to the overpopulation of homeless cats within the City and focuses their efforts to help control the overpopulation of felines in the community by trapping and caring for them in hopes of preparing the cats for adoption. The group, which is a non-profit and is currently preparing to obtain the Internal Revenue Service's 501(c)(3) non-profit status, wishes to conduct large scale trapping of homeless cat throughout Poquoson in an effort to spay or neuter them, as well as conduct blood testing and provide them with the necessary vaccinations. PAWS, Inc. is proposing to use the property as an animal sanctuary that will offer both long and short term care for rescued cats. The organization is proposing housing up to 50 felines on the property, most of which will live inside the unoccupied residential structure or accessory building located on the property. A handful of the rescued cats will live outdoors. The property has been used for a similar operation over the last fourteen years by a former property owner; however, it has been to a lesser scale.

Site Character

The site consists of a collection of four parcels, however; the central lot which consists of approximately 2 acres will be the location of the animal sanctuary. The property sits approximately 170' northeast of Messick Road and is accessible by a private drive. The single family dwelling located on the property consists of around 840 square feet and lay approximately 230' from Messick Road. Additionally, a smaller out building, consisting of approximately 60 square feet is located at the southwestern corner of the property. The site is well vegetated and is not visible from Messick Road. Furthermore, the perimeter of the property is vegetated in a manner where general visibility from adjacent properties is difficult.

Surrounding Land Uses

The property is surrounded by the R-2, Single Family Residential district to its south and west. The properties to the north and east of the parcel consist of parcels zoned for Conservation as those properties largely consist of marshland. In total, the property is surrounded by approximately a dozen single family homes within a 250' radius.

Zoning and City Code

The property is zoned R-2, Single family Residential. Uses permitted in this district without a conditional use permit include single family residential structures and accessory buildings used in conjunction with those structures, 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. A use of this nature is neither defined nor specifically permitted in any zoning district in the City. The use that may be the most closely related that is permitted within the ordinance is a veterinary hospital. Veterinary hospitals are permitted with a Conditional Use Permit within the B-2, Business/Commercial district. Additionally, dog kennels are not regulated by the zoning ordinance and instead are regulated by the Treasurer's Office as stated in the City Code. Kennels housing no more than 20 canines are permitted throughout the City and are subject to the following regulations:

(a) The owner of a kennel shall securely fasten the license tag issued to him under this division to the kennel enclosure, in full view, and keep one of the identification plates provided therewith attached to the collar or harness of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to the animal control officer or other officer upon request.

(b) A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show.

(c) A kennel shall not be operated in such manner as to defraud the city of the license tax applying to dogs which cannot be legally covered thereunder or in any manner to violate other provisions of this article. If the owner of the kennel is found to have violated sections of this article through negligence or carelessness, the court may, in addition of the prescribed penalty, revoke the kennel license and the owner shall thereupon be required to obtain an individual license for each dog.

With a use of this nature not being specifically permitted for within the zoning ordinance, in accordance with Article I. Section 1-8 of the City's zoning ordinance, the property owner(s) has opted to petition the City Council, with a recommendation from the Planning Commission, to operate this use within the R-2, Single Family Residential zoning district.

It is important to note that Chapter 14. Animals, Article II. Cats, of the City Code regulates the keeping of cats within the City. Specifically, this section of the code stipulates that no more than 10 cats be permitted on any one parcel in the City. If a Conditional Use Permit is issued for this use, it would not only allow for a use that is not specifically permitted for within the R-2, Single family Residential district, it would be offering the property owners an exemption from the above cited section of the City Code.

Traffic

Access to the property is provided by the private drive mentioned above. Access to the property is controlled by a gate that is locked when a PAWS representative is not on the site. As previously outlined, the dwelling on the property will not be occupied for residential purposes, thus no vehicular trips will be conducted for that purpose. PAWS representatives will visit the site daily; however, their trips would be no more frequent than the trips created by a single family on average. The organization does take adoption appointments and at this time, staff does not anticipate these appointments to be frequent enough to exceed the number of daily vehicular trips taken by the average family in a residential district.

Relationship to the Comprehensive Plan/Staff Findings

The property is designated for use as Low Density Residential as defined in the City's Comprehensive Plan. A detailed description of the purpose and intent of the Low Density Residential land use designation is outlined as follows:

> *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 use is unique and could potentially be beneficial to the entire community, as Poquoson does have an issue with feline overpopulation. The parcel is well screened from adjacent properties with existing vegetation and is setback approximately 230' from Messick Road. Its location allows for minimal visual impact to neighbors. However, this use could become quite impactful to the adjacent residents if actions are not taken to ensure cats are kept within the confines of the property. Controls should be taken to minimize feline trespass on to neighboring parcels. As stated in their application, the organization plans to construct a fence surrounding the parcels in an effort to discourage cats from leaving the property; however, further methods of control may be necessary. If the Planning Commission recommends approval of the request to City Council, staff recommends that approval be subject to the following conditions:

1. Appointments shall be limited to between the hours of 8:00am and 8:00pm daily.

2. The use shall have one (1) year from the issuance of this permit to provide the City with a plan outlining measures to be taken to ensure felines are kept within the confines of the property. Said plan shall be reviewed and approved by City staff and implemented within two (2) years from the issuance of this permit.
3. All existing vegetation located on the boundary of the property must be perpetually maintained for screening purposes. Any needed replacement of this vegetation shall consist of evergreens of no less than six (6) feet tall at the time of planting.
4. Over the course of one (1) year from the issuance of this permit, City staff will monitor the vegetated perimeter of the property to ensure that the vegetation satisfactorily screens the use from adjacent properties during all months of the year. If the screening is found not to be satisfactory during this time, the property owner shall submit and implement a plan, approved by City staff, which successfully shields the use from view of the adjacent properties.
5. The operation shall obtain all required local, state and federal permits.
6. Upon the discontinuance of such use for a contiguous period of two (2) years or more, the Conditional Use Permit shall become null and void.
7. If at any time the operation is in violation of any local, state or federal regulations, including the conditions set forth in this use permit, the City reserves the right to revoke the permit.
8. The use shall not house any more than fifty (50) cats daily on average over the course of a month.
9. If at any time the operation is not in compliance with the conditions set forth in this use permit, it shall be subject to revocation.

Attachments

RESOLUTION NO. 3877

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT AND OPERATION OF A PET SANCTUARY AT 181 MESSICK ROAD, POQUOSON TAX MAP PARCEL NO. 32-01-00-0044

WHEREAS, a request was submitted by the Poquoson Animal Welfare Sanctuary, Inc. (PAWS), applicant and property owner, for a Conditional Use Permit to establish and operate a pet sanctuary (short-term/long-term housing facility) at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044, Zoned R-2, Single Family Residential; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on September 16, 2013 and before City Council on September 23, 2013; 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 by the Poquoson Animal Welfare Sanctuary Inc. (PAWS), applicant and property owner, for a Conditional Use Permit to establish and operate a pet sanctuary (short-term/long-term housing facility) at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044, Zoned R-2, Single Family is hereby approved with the following conditions:

1. Appointments shall be limited to between the hours of 8:00am and 8:00pm daily.
2. The use shall have six (6) months from the issuance of this permit to provide the City with a plan outlining measures to be taken to ensure felines are kept within the confines of the property. Said plan shall be reviewed and approved by City staff and implemented within one (1) year from the issuance of this permit.
3. All existing vegetation located on the boundary of the property must be perpetually maintained for screening purposes. Any needed replacement of this vegetation shall consist of evergreens of no less than six (6) feet tall at the time of planting.
4. Over the course of one (1) year from the issuance of this permit, City staff will monitor the vegetated perimeter of the property to ensure that the vegetation satisfactorily screens the use from adjacent properties during all months of the year. If the screening is found not to be satisfactory during this time, the property owner shall submit and

implement a plan, approved by City staff, which successfully shields the use from view of the adjacent properties.

5. The operation shall obtain all required local, state and federal permits.
6. Upon the discontinuance of such use for a continuous period of two (2) years or more, the Conditional Use Permit shall become null and void.
7. If at any time the operation is in violation of any local, state or federal regulations, including the conditions set forth in this use permit, the City reserves the right to revoke the permit.
8. The use shall not house any more than fifty (50) cats daily on average over the course of a month.

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

ATTESTE:

Judy F. Wiggins

Judy F. Wiggins, City Clerk

ADOPTED: September 23, 2013

W. Eugene Hunt Jr.

W. Eugene Hunt, Jr., Mayor

Tue 'ay Feb 23

City Poquoson
500 City Hall Avenue
Poquoson, Virginia 23662
(757) 868-3040

APPLICATION FOR A CONDITIONAL USE PERMIT

To the Planning Commission/City Council
of the City of Poquoson:

I/We, the Board of Directors of the Poquoson Animal Sanctuary

the undersigned owner(s) of the described property:

Shirley Myers - President
Karen P. Dyer, vice president Sol Cauly - Secretary
[illegible] Bahlach VICE PRESIDENT Tracy B Burnett co-manager

hereby apply for a conditional use permit for the following reasons:

We request to change Resolution Number 3877 adopted 9-23-2013, Section 1 Part 8, to increase the number of cats housed at 181 Messick Road from a maximum of 50 daily average over the course of a month to 100. Attached are statistics demonstrating our progress within the city from 2013-2015. During the height of kitten season there can easily be 30 on the property in our six "sheds" or "cottages" including moms and kittens. Even though we adopt increasing numbers, there are still many cases where we must take in stray single feral cats or we take in friendly abandoned cats. Although we adopt out all we can, there are cases where cats are simply not adoptable mostly due to health or behavioral issues such as friendly males who were not fixed as kittens and they spray. Just in the past two months we have taken in about a half dozen friendly abandoned cats. People move and just leave the cats. It is terribly sad. All of the cats are named, well cared for & we have a system in place to keep up

(CONTINUED)

Revised 1/11/10

I HEREBY AUTHORIZE CITY REPRESENTATIVES TO HAVE ACCESS TO THE PROPERTY DURING REASONABLE HOURS.

SIGNATURE OF PROPERTY OWNER(S):

X Tracy B Burnett co-manager

X Karen P. Ayer co-manager

NAME: Tracy B Burnett Karen P. Ayer

ADDRESS: 181 Messick Rd Poquoson VA 23662

(Mrs. Burnett) (Mrs. Ayer)

TELEPHONE: 757-817-2826 757-287-4757

SIGNATURE OF PERSON REPRESENTING APPLICATION:
(IF OTHER THAN OWNER)

X _____

NAME: _____

ADDRESS: _____

_____

TELEPHONE: _____

INCLUDE WITH THIS APPLICATION:

1. A $500 FEE TO COVER ADVERTISING COST. MAKE CHECK PAYABLE TO "CITY OF POQUOSON".

2. A SURVEYED PLAT OF THE PROPERTY.

Our second request to to have 2 outbuildings placed on the property.. One is a 16x10 wooden barn style which houses supplies + records. The second a 10x12 maximum barn style outbuilding we need to house our event supplies and yard sale donations. Other than those all other spaces are dedicated to cat care and housing.

Thank you for your consideration..

PAWS Statistics

	2013	2014	2015
Number of Cats Neutered:	114	200	340
Adopted:	76	116	159
Trapped/ Neutered Returned to the Wild:	38	48	185
Assisted Citizens with Cats:		16	15
Neutered and Permanent Residents of the Sanctuary:	9	9	9
Cats Deceased /Euthanized:	14	23	14
Pending Adoption:		10	

FY 2016, 2017 and 2018 Estimate

Number of Cats Neutered: 300-400

Overall goal is within 4 years, we have a limited numbers of unneutered cats.

Mission Statement

Dedicated to the protection, care and humane treatment of animals in the City of Poquoson "Committed to the Cause for PAWS"

CITY OF POQUOSON

PLANNING DEPARTMENT

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

May 23, 2016

To: The Honorable City Council

Through: City Manager

From: Kevin M. Wyne, Planner

Subject: **Amendment to a Conditional Use Permit for a Christian Outreach Center In A Residential District- Tax Parcel Nos. 18-1-145 and 18-1-159**

The City has received a request from Emmaus Baptist Church, applicant and property owner, to amend their existing conditional use permit, issued on July 26, 1999, to construct an addition to their previously approved Christian Outreach Center. The addition, which would add 2,400 square feet to the existing 7,200 square foot Christian Outreach Center, would be added to the front of the outreach center facing the church's sanctuary. The church is located at 814 and 828 Yorktown Road and is further identified as Tax Map Parcel Nos. 18-1-145 and 18-1-159. The property is zoned R-S, Single Family Residential district.

The Planning Commission held a public hearing on this item at their Monday, May 16, 2016 meeting and has recommended approval of this item unanimously, by a vote of 6-0.

This application was advertised for public hearing in the Daily Press on April 29, 2016 and May 6, 2016. Adjacent property owners were notified of this request by letters mailed on April 29, 2016.

KMW

RESOLUTION NO. _____

A RESOLUTION APPROVING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT FOR THE CHRISTIAN OUTREACH CENTER LOCATED AT 828 YORKTOWN ROAD, POQUOSON TAX MAP PARCEL NO. 18-01-00-0145

WHEREAS, a request was submitted by Emmaus Baptist Church, applicant and property owner, for an amendment to its existing Conditional Use Permit to expand the existing facility to include additional office and education space on church property located at 828 Yorktown Road, Tax Map Parcel No. 18-01-00-0145, Zoned R-S (Single-Family Residential); and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on May 16, 2016 and before City Council on May 23, 2016; and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the request of Emmaus Baptist Church, applicant and property owner, for an amendment to its existing Conditional Use Permit to expand the existing facility to include additional office and education space on church property located at 828 Yorktown Road, Tax Map Parcel No. 18-01-00-0145 is hereby approved inclusive of the following amendment to Condition #1 of the original permit:

1. The center shall be limited to a height which shall not exceed a roof line of 35 feet and shall measure no larger than ~~7,200~~ 9,600 square feet in size. Activities within the center at 814 Yorktown Road shall be primarily church-sponsored recreational, education or fellowship events.

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

ADOPTED: _____

TESTE: _____
City Clerk

RESOLUTION NO. _____

A RESOLUTION DENYING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT FOR THE CHRISTIAN OUTREACH CENTER LOCATED AT 828 YORKTOWN ROAD, POQUOSON TAX MAP PARCEL NO. 18-01-00-0145

WHEREAS, a request was submitted by Emmaus Baptist Church, applicant and property owner, for an amendment to its existing Conditional Use Permit to expand the existing facility to include additional office and education space on church property located at 828 Yorktown Road, Tax Map Parcel No. 18-01-00-0145, Zoned R-S (Single-Family Residential); and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on May 16, 2016 and before City Council on May 23, 2016; and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the request of Emmaus Baptist Church, applicant and property owner, for an amendment to its existing Conditional Use Permit to expand the existing facility to include additional office and education space on church property located at 828 Yorktown Road, Tax Map Parcel No. 18-01-00-0145 is hereby denied.

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

ADOPTED: _____

TESTE: _____
City Clerk

CITY OF POQUOSON

PLANNING DEPARTMENT

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

MEMORANDUM

Date: May 16, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, Planner

Subject: **Amendment to a Conditional Use Permit for a Christian Outreach Center In A Residential District- Tax Parcel Nos. 18-1-145 and 18-1-159**

Introduction

The City has received a request from Emmaus Baptist Church, applicant and property owner, to amend their existing conditional use permit, issued on July 26, 1999, to construct an addition to their previously approved Christian Outreach Center. The addition, which would add 2,400 square feet to the existing 7,200 square foot Christian Outreach Center, would be added to the front of the outreach center facing the church's sanctuary. The church is located at 814 and 828 Yorktown Road and is further identified as Tax Map Parcel Nos. 18-1-145 and 18-1-159. The property is zoned R-S, Single Family Residential district and the establishment of churches in this district requires the issuance of a conditional use permit.

Public Notice

This application was advertised for public hearing in the Daily Press on April 1, 2016 and April 8, 2016. Adjacent property owners were notified of this request by letters mailed on April 1, 2016.

Applicant's Proposal

As mentioned above, the applicant is requesting an amendment to their existing conditional use permit to facilitate to construction of a 2,400 square foot Christian Outreach Center addition. This expansion would bring the total square footage of the outreach center to 9,600 square feet. Attached, please find the original staff report from July 1999. Any approved expansion would necessitate amendment of the outreach center's approved site development plan, and must comply will all applicable City development ordinances. If the Planning Commission recommends approval of the request to City Council, the following condition must be amended:

1. The center shall be limited to a height which shall not exceed a roof line of 35 feet and shall measure no larger than ~~7,200~~ 9,600 square feet in size. Activities within the center at

814 Yorktown Road shall be primarily church-sponsored recreational, education or fellowship events.

Attachments

CITY OF POQUOSON

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
(757) 868-3000 FAX (757) 868-3101

Office of the City Manager

July 26, 1999

TO: City Council

FROM: City Manager

SUBJECT: **Request Of Emmaus Baptist Church For A Conditional Use Permit To Construct A Christian Outreach Center**

Presented for a public hearing is the request of Emmaus Baptist Church for a Conditional Use Permit to construct a Christian Outreach Center on the church site at 814 Yorktown Road. The Center will be located behind the existing church buildings and the parking lot. It will be used for a variety of recreational, fellowship and educational events.

A public hearing was held before the Planning Commission on July 19, 1999 and by a vote of 5 to 0 the Commission is recommending approval of the Conditional Use Permit with certain conditions applied.

The specifics of this request and staff recommendations are included in the attached memorandum to the Planning Commission dated July 19, 1999.

CWBjr:vhd

CITY OF POQUOSON

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

Planning Department

MEMORANDUM

Date: July 19, 1999

To: The Honorable Chairman and Members of the Planning Commission

From: Deborah L. Vest, Planning Assistant

Subject: **Conditional Use Permit Request – Emmaus Baptist Church**

Introduction

The Trustees of Emmaus Baptist Church are requesting a Conditional Use Permit in order to build a 7,200 square foot outreach center on the church site located at 814 Yorktown Road. The center will be located in the southern yard of the site, behind the existing church buildings and parking lot. It will be used for a variety of recreational, fellowship and educational events. The building will contain a gymnasium, bathroom and kitchen facilities.

A Conditional Use Permit is required for the center due to the residential zoning of the church site. Section 5-2 of the City's Zoning Ordinance requires the issuance of a Use Permit for all church, school and other public and semi-public uses established in the City's residential zoning districts.

Public Notice

This application was advertised for public hearing by block advertisement appearing in the Poquoson Post on Monday, July 5 and July 12, 1999. Adjacent property owners were notified of this hearing by letters mailed on July 1, 1999.

Zoning

This site is zoned R-S (Residential) and has been developed with a church and cemetery for decades. Accordingly, all existing uses and improvements on the tract enjoy a grandfather status and are not subject to current development standards until they are

enlarged or altered. All new uses and improvements on the site, however, are subject to current land use development standards.

Churches are permitted by right in the City's Limited and General Commercial Zoning Districts.

Site Characteristics

The church property is a ten (10) acre site situated on the south side of Yorktown Road, at the Yorktown and Emmaus Roads intersection. It is comprised of two (2) adjoining parcels with frontage on both Yorktown Road *(a public arterial street)* and South Emmaus Road *(a private unpaved street)*. A small undeveloped strip of the tract extends across Yorktown Road to the north.

The church buildings, cemetery and paved parking lot are located on a four (4) acre parcel fronting on both Yorktown and South Emmaus Roads. The church parsonage and detached garage are located on an adjoining six (6) acre tract fronting on South Emmaus Road. The parsonage is accessed by both South Emmaus Road and the church parking area. The remaining portion of both parcels is undeveloped yard area.

There are 100 existing paved marked parking spaces on the site. The parking area is accessed off Yorktown Road by way of two (2) separate driveway entrances. With the exception of landscaping, the existing parking area appears to generally comply with City parking design standards.

Proposed Use

As previously noted, the center will be used for a variety of social events. It is anticipated, however, that these events will not occur concurrently with other worship, ceremonial, educational and burial services on the site.

Proposed Improvements

The 60 by 120-foot single-story center will be erected between the church buildings and parsonage, adjacent to the parking lot. Its location necessitates clearing of several mature trees within the project area. On-site stormwater best management practices will be imposed on the new and possibly portions of the existing development on the site. These improvements must be shown on a professionally prepared site improvement plan. A plan for this development has been prepared and submitted to the City for review.

No additional parking spaces appear to be needed at this time for establishment of the center given the compatibility of on-site uses. Additional parking could, however, be needed in the future to adequately accommodate multiple use of the facilities on the site.

Traffic

Churches generally generate higher traffic volumes during weekend hours. Although the expanded use of the facility may result in additional traffic during weekday hours, the volumes are expected to be relatively low with very little impact on surrounding properties and/or Yorktown Road.

Compatibility with Surrounding Land Uses

All surrounding properties are zoned R-S (Residential). Most of these properties are subdivision lots developed with homes. Specifically, the Woodrum Place, Oakmoore and Towering Pines subdivisions are located to the west, southwest and east, respectively. Moreover, there are several other lots with homes bordering the church site to the north and east. Certainly, these homes will be most impacted by the proposed use. For this reason, landscaping along the eastern and northern boundary lines of the church site may be imperative in an effort to lessen adverse impacts to the surrounding properties.

Staff Recommendations

Planning staff hereby recommends approval of the Conditional Use Permit contingent upon the following conditions:

1. The center shall be limited to a single-story building measuring no larger than 7,200 square feet in size. Activities within the center at 814 Yorktown Road shall be primarily church-sponsored recreational, education or fellowship events.

2. If the need for additional on-site parking is determined necessary in the future, such parking area expansion shall require City Council approval following a review by the City's Planning Commission. Moreover, access to the parking lot shall be limited to driveway entrances on Yorktown Road.

3. The existing trees within the green area in the eastern side yard of the site, adjacent to South Emmaus Road, must remain undisturbed. In addition, five (5) new trees, measuring at least six (6) feet tall at the time of planting, shall be planted within the green areas at the northeast corner and northern boundary line of the church site.

RESOLUTION NO. 2869

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR EMMAUS BAPTIST CHURCH TO CONSTRUCT A CHRISTIAN OUTREACH BUILDING AT 814 YORKTOWN ROAD,

WHEREAS, a request was submitted by Emmaus Baptist Church Trustees for a Conditional Use Permit in order to construct a Christian Outreach Center at 814 Yorktown Road and further identified as City of Poquoson Tax Map Parcel Nos. 18-(1)-145 and 18-(1)-159, and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on July 19, 1999 and City Council on July 26, 1999, and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the Emmaus Baptist Church Trustees' request for a Conditional Use Permit to construct a Christian Outreach Center at 814 Yorktown Road is hereby recommended for approval with the following conditions:

1. The center shall be limited to a height which shall not exceed a roof line of 35 feet and shall measure no larger than 7,200 square feet in size. Activities within the center at 814 Yorktown Road shall be primarily church-sponsored recreational, education or fellowship events.

2. If the need for additional on-site parking is determined necessary in the future, such parking area expansion shall require City Council approval following a review by the City's Planning Commission. Moreover, access to the parking lot shall be limited to driveway entrances on Yorktown Road.

3. The existing trees within the green area in the eastern side yard of the site, adjacent to South Emmaus Road, must remain undisturbed. In addition, two (2) new trees, measuring at least six (6) feet tall at the time of planting, shall be planted within the green areas at the northeast corner and northern boundary line of the church site.

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

ATTESTE:

Judy F. Wiggins

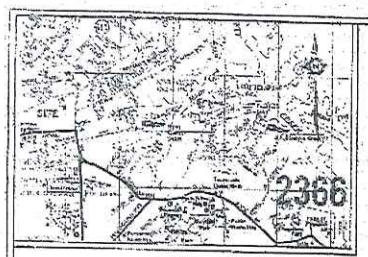
Judy F. Wiggins, City Clerk

ADOPTED: July 26, 1999

Gordon C. Helsel, Jr.

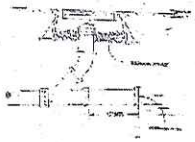
Gordon C. Helsel, Jr., Mayor

The foregoing resolution was adopted by the affirmative roll call vote of a majority of the members of Council in attendance, the ayes and nays recorded in the minutes of the meeting as shown below:

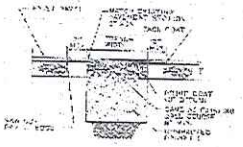


VICINITY MAP

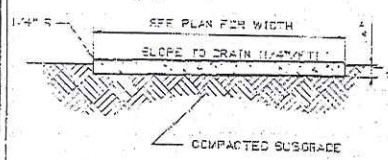
SCALE: 1" = 2000'



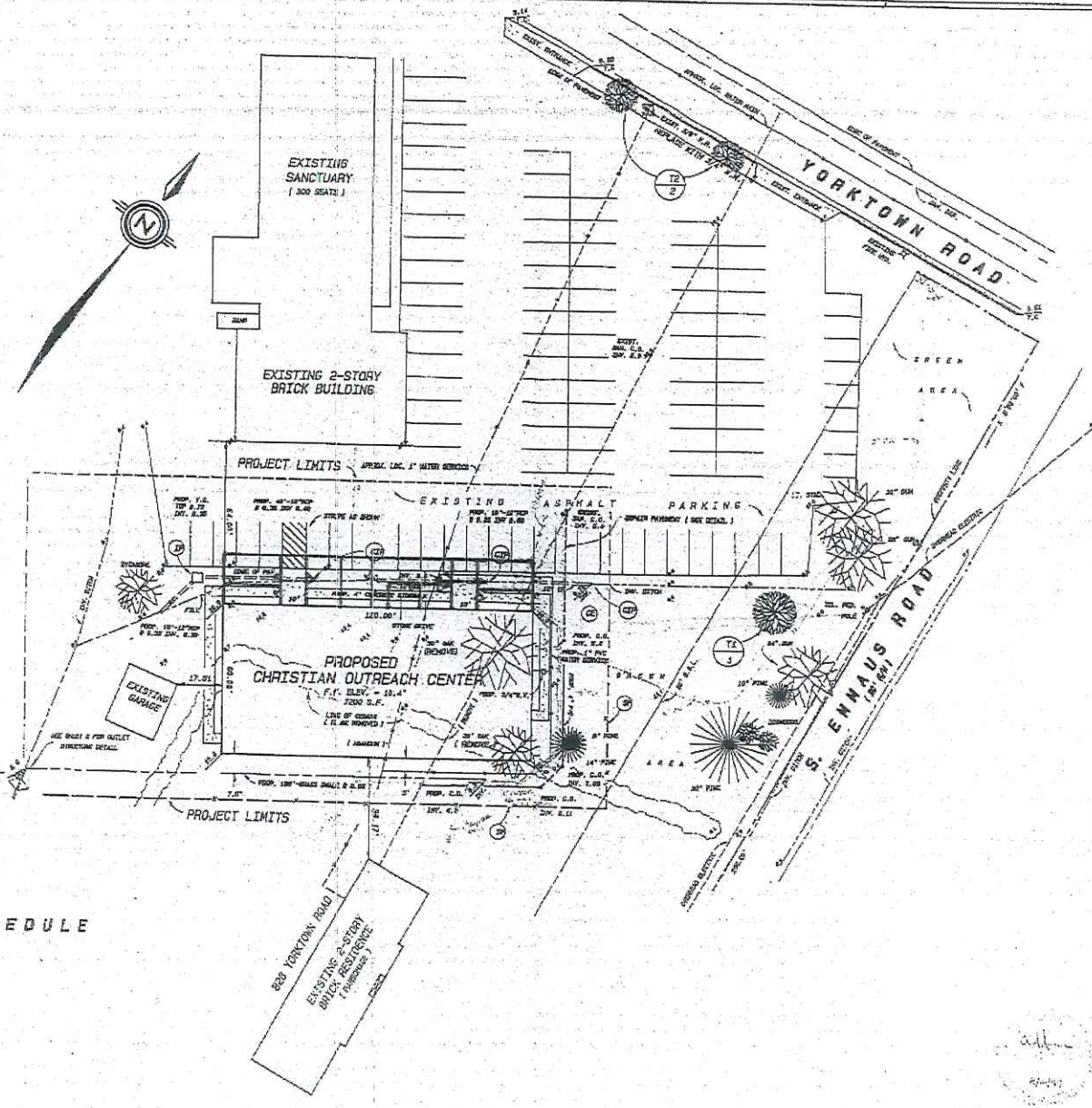
TYPICAL CLEAN-OUT WITH CLEAN-OUT BOX



TYPICAL PAVEMENT PATCH



CONCRETE SIDEWALK DETAIL



CONSTRUCTION SCHEDULE

STARTING DATE: SEPTEMBER 15, 1999
COMPLETION DATE: MARCH 30, 2000

EROSION AND SEDIMENT CONTROL MEASURES MUST BE IN PLACE PRIOR TO ANY LAND DISTURBANCE.

STORM DRAINAGE WILL BE COMPLETED FIRST.

APPROVED FOR THE CITY OF POQUOSON

BY: [signature] DATE: 9-23-99
CHARLES W. BURGESS, CITY MANAGER

STATISTICAL DATA

AREA OF SITE	10 +/- ACRES
AREA OF PROJECT	0.67 +/- ACRES
AREA OF BUILDING	7200 S.F.
SEATING CAPACITY	300
OWNER OF RECORD	TRUSTEES OF EMMAUS BAPTIST CHURCH 814 YORKTOWN ROAD POQUOSON, VA 23662
APPLICANT	SAME
PROPERTY ZONED	R S
NO. of PARKING SPACES	100 + 5 H.P.
USE of BUILDING	FELLOWSHIP HALL
TAX MAP PARCELS	11 - 1 - 145 11 - 1 - 101
INDICATES	EXISTING GRADE PROPOSED GRADE
GREEN AREA	03 %
BUILDING HEIGHT/STORIES	30', 1 STORY - MEZZANINE

GENERAL NOTES

ELEVATIONS BASED ON THE FINISHED FLOOR ELEVATION OF THE EXISTING CHURCH BUILDING, ELEVATION 11.58. (U.S.C. & G.S. DATUM)

BUILDING RESTRICTIONS ARE AT THE DISCRETION OF THE CITY OF POQUOSON.

MISS UTILITY - 1-800-552-7001 FOR THE LOCATION OF ALL UNDERGROUND UTILITIES.

THE CONTRACTOR WILL UNCOVER AND VERIFY CLEARANCES BETWEEN PROPOSED AND EXISTING UTILITIES BEFORE STARTING CONSTRUCTION.

ALL SIGNS TO BE APPROVED BY SEPARATE PERMIT FROM THE ZONING DEPT.

A LAND DISTURBING PERMIT IS REQUIRED.

ALL DENUDED AREAS WILL BE TOPSOILED AND SEEDED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, 1992 EDITION, SECTION 3.30 - 2.32.

THIS PROPERTY IS LOCATED IN A STORMWATER MANAGEMENT AREA AS DEFINED BY THE CITY OF POQUOSON.

PROPERTY IS LOCATED IN FLOOD ZONE X PER FIRM COMMUNITY PANEL NO. 510163 0003 E DATED REVISED MAY 1E 1986.

THIS PROPERTY IS LOCATED IN A RESOURCE MANAGEMENT AREA (RMA) AS DEFINED BY THE CITY OF POQUOSON.

ANY PROPOSED SITE LIGHTING MUST BE HORIZONTALLY SHIELDED.

A CONDITIONAL USE PERMIT WAS APPROVED BY CITY COUNCIL ON 7/26/99 (RESOLUTION No. 2088) FOR THE ESTABLISHMENT OF THE CENTER AS A LAND RESTRICTION ON THE CHURCH PROPERTY.

CHRISTIAN OUTREACH CENTER

EMMAUS BAPTIST CHURCH

814 YORKTOWN ROAD
CITY OF POQUOSON, VIRGINIA

SIMMONS NEWSOME, P.C.
Engineers Surveyors Planners
110 A Dare Road
Yorktown, Virginia 23692

SCALE: 1" = 20'

DATE: MARCH 8, 1999
REVISED AUGUST 9, 1999

JOB No. 02-3-0003

Sheet

City of Poquoson
500 City Hall Avenue
Poquoson, Virginia 23662
(757) 868-3040

APPLICATION FOR A CONDITIONAL USE PERMIT

To the Planning Commission/City Council
of the City of Poquoson:

I/We, the congregation of Emmaus Baptist Church, Poquoson

the undersigned owner(s) of the described property:
Wayne Carlton, Trustee
Martha Bradley, Trustee

hereby apply for a conditional use permit for the following reasons:
TO ADD EDUCATIONAL & OFFICE SPACE.
THE Addition is A 120 W X 20' L X 8' H,
Attachment to the EXISTING Christian Outreach Center.

828 Yorktown Road, Tax Map # 18-01-00-0145

(CONTINUED)

CITY OF POQUOSON

PLANNING DEPARTMENT

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

May 23, 2016

To: The Honorable City Council

Through: City Manager

From: Deborah L. Vest, Director, Community Development

Subject: **A Subdivision Ordinance Variance Request Of Wayne And Shirley Haugen As It Pertains To A Division Of Property Located At 284 Hunts Neck Road, Tax Map Parcel No. 05-01-00-0004, Zoned R-S (Single-family Residential)**

The City of Poquoson is in receipt of a request by Wayne and Shirley Haugen, property owners, and Davis and Associates, P.C., agent, for approval of variances to requirements of the City's Subdivision Ordinance as it pertains to the division of acreage located at 284 Hunts Neck Road. Specifically, the applicants are proposing to subdivide the property into nine (9) lots with benefit of relief from Sections 5-2; 10-1-1; 10-1-2; 10-1-3; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.4; 10-1-4.5; 10-4(b); 10-5 and 10-6 of the Subdivision Ordinance which requires preliminary plan submittal and installation of curb and gutter, sidewalks, underground utilities, fire hydrants and streetlights.

The Planning Commission held a public hearing on this item at its May 16, 2016 meeting and by a unanimous vote of 6-0 is recommending denial of the request based on insufficient justification that warrants its approval pursuant to the criteria for the granting of variances prescribed in Section 7-3 of the Subdivision Ordinance. Specifically, the Commission concluded that the Haugen request failed to substantiate the need for variances based on a required finding that a physical or dimensional condition on the property prevented compliance of development standards which have been consistently required of other subdivisions for decades. Additionally, the Commission determined that the granting of the variances represented an unfair financial advantage not afforded to others and could therefore establish a precedent for similar proposals in the future. Lastly, please note that only one landowner of the neighboring Poquoson Shores subdivision addressed the Commission during the public hearing and expressed concern over several aspects of the proposal with emphasis on drainage impacts and fair application of all code requirements as a means of protecting the public's interest.

This application was originally scheduled for public hearing and consideration by the Planning Commission and City Council in April, 2016. However, subsequent to publication of the public

hearing in the Daily Press on April 1, 2016 and April 8, 2016, the applicants requested that consideration of the item be delayed until the May, 2016 meeting schedule. Consequently adjacent property owners, initially notified of this request by letters mailed on April 1, 2016, were re-notified of the change in meeting schedule by letters mailed on May 6, 2016.

DLV

RESOLUTION NO. _____

A RESOLUTION APPROVING VARIANCES TO THE CITY'S SUBDIVISION ORDINANCE AS IT RELATES TO THE PRELIMINARY PLAN SUBMITTAL FOR A PROPOSED SUBDIVISION OF PROPERTY LOCATED AT THE INTERSECTION OF BAYVIEW DRIVE AND HUNTS NECK ROAD, TAX MAP NO. 05-01-00-0004

WHEREAS, an application was submitted by Davis & Associates, P.C., agent, and Shirley F. Haugen, property owner, for variances to Sections 5-2; 10-1-1; 10-1-2; 10-1-3; 10-1-4; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.5; 10-4(b); 10-5 and 10-6 of the City's Subdivision Ordinance as it relates to preliminary plan submittal; street/sidewalk minimum improvements; utilities; fire protection and street light requirements in order to subdivide 8.0 acres located at the intersection of Hunts Neck Road and Bayview Drive, specifically identified as Tax Map Parcel No. 05-01-00-0004, Zoned R-S (Single-Family Residential); and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on May 16, 2016 and City Council on May 23, 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 Davis & Associates, P.C., agent, and Shirley F. Haugen, property owner, for variances to Sections 5-2; 10-1-1; 10-1-2; 10-1-3; 10-1-4; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.5; 10-4(b); 10-5 and 10-6 of the City's Subdivision Ordinance as it relates to preliminary plan submittal; street/sidewalk minimum improvements; utilities; fire protection and street light requirements in order to subdivide 8.0 acres located at the intersection of Hunts Neck Road and Bayview Drive, specifically identified as Tax Map Parcel No. 05-01-00-0004 is hereby approved contingent upon the following:

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

ADOPTED: _____

TESTE: _____
City Clerk

RESOLUTION NO. _____

A RESOLUTION DENYING VARIANCES TO THE CITY'S SUBDIVISION ORDINANCE AS IT RELATES TO THE PRELIMINARY PLAN SUBMITTAL FOR A PROPOSED SUBDIVISION OF PROPERTY LOCATED AT THE INTERSECTION OF BAYVIEW DRIVE AND HUNTS NECK ROAD, TAX MAP NO. 05-01-00-0004

WHEREAS, an application was submitted by Davis & Associates, P.C., agent, and Shirley F. Haugen, property owner, for variances to Sections 5-2; 10-1-1; 10-1-2; 10-1-3; 10-1-4; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.5; 10-4(b); 10-5 and 10-6 of the City's Subdivision Ordinance as it relates to preliminary plan submittal; street/sidewalk minimum improvements; utilities; fire protection and street light requirements in order to subdivide 8.0 acres located at the intersection of Hunts Neck Road and Bayview Drive, specifically identified as Tax Map Parcel No. 05-01-00-0004, Zoned R-S (Single-Family Residential); and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on May 18, 2016 and City Council on May 23, 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 Davis & Associates, P.C., agent, and Shirley F. Haugen, property owner, for variances to Sections 5-2; 10-1-1; 10-1-2; 10-1-3; 10-1-4; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.5; 10-4(b); 10-5 and 10-6 of the City's Subdivision Ordinance as it relates to preliminary plan submittal; street/sidewalk minimum improvements; utilities; fire protection and street light requirements in order to subdivide 8.0 acres located at the intersection of Hunts Neck Road and Bayview Drive, specifically identified as Tax Map Parcel No. 05-01-00-0004 is hereby denied.

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

ADOPTED: _____

TESTE: _____
City Clerk

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

MEMORANDUM

Date: May 16, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Deborah L. Vest, Director of Community Development

Subject: A Subdivision Ordinance Variance Request By Shirley Haugen

---

Introduction

The City of Poquoson is in receipt of a request by Wayne and Shirley Haugen, property ownesr, and Davis and Associates, P.C., agent, for approval of variances to requirements of the City's Subdivision Ordinance as it pertains to the division of acreage located at 284 Hunts Neck Road. Specifically, the applicants are proposing to subdivide the property into nine (9) lots with benefit of relief from Sections5-2; 10-1-1; 10-1-2; 10-1-3; 10-1-4; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.4; 10-1-4.5; 10-4(b); 10-5 and 10-6 of the Subdivision Ordinance which requires preliminary plan submittal and installation of curb and gutter, sidewalks, utility upgrades, fire protection and streetlights.

Public Notice

This application was advertised for public hearing in the Daily Press on April 1 and 8, 2016. Adjacent property owners were notified of the public hearing by letters mailed on April 1, 2016; however, subsequent to these notices, the applicants requested a postponement of the request until the Planning Commission's May 16, 2016 meeting. Consequently, additional notification was given to the adjacent property owners by letters mailed on May 6, 2016.

Site Location/Character

The Haugen property is identified as Tax Map Parcel No. 05-01-00-0004 and is located at the corner of Hunts Neck Road and Bayview Drive. It contains eight (8) acres of land comprised of field and woods with over 1,600' of "unimproved" street frontage on both Hunts Neck Road and Bayview Drive. For purposes of this request unimproved street frontage refers to a substandard right-of-way and pavement width with no curb and gutter, sidewalk or underground utilities. Additionally there is an existing small family cemetery on the site which will be preserved during the subdivision process.

Applicants' Proposal

The applicants propose to divide the referenced tract into nine (9) lots measuring between .6 and 1.5 acres in size. Each lot will front directly on either Bayview Drive or Hunts Neck Road. These bordering streets are presently substandard in terms of public street requirements and will remain unchanged with the approval of the requested variances. Access points to each lot will be provided by individual driveway openings on the adjoining streets. The applicants are proposing a slight right-of-way dedication for future improvements at the corners of Hunts Neck Road and Bayview Drive and at the corner of Bayview Drive across from Poquoson River Drive. These dedications ae depicted on the attached plan view drawing. To support this application as proposed, a variance is needed from the following Subdivision Ordinance provisions:

Section 5-2 - Prescribes the preliminary plan submission, review and approval process
Sections 10-1-1; 10-1-2; 10-1-3 – Establishes minimum design standards for public streets by specifying pavement composition and width, curb and gutter composition and street grade
Sections 10-1-4; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.4 – Regulates sidewalk installation by specifying design, width, setback and placement requirements and outlines a waiver process
Section 10-1-5 – Specifies minimum street elevation
Section 10-4(b) - Requires all utilities traversing or within a subdivision be placed underground
Section 10-5 – Requires adequate fire hydrants
Section 10-6 - Requires installation of streetlights at a maximum separation of 300'

Zonng

The Haugen property, as well as adjoining parcels, are located in the R-S Zoning District (ref. Article V of the Zoning Ordinance). In summary, single-family residential developments are allowed by right in the R-S Zoning District provided that new lots are created with a minimum area of 26,700 square feet, exclusive of wetlands and rights-of-way, and measure at least 120 feet wide at the front building setback line which must be established at least 40 feet from the front property line.

All lots in the Haugen subdivision are proposed to exceed these dimensional standards.

Environmental

Wetlands - There are no known wetland areas on this site at this time; however, further analysis of environmental features will be addressed during the site plan review process.

Flood Zone – A portion of this property is categorized as an AE 7 on the City's Flood Insurance Risk Map (FIRM); therefore, homes within this zone will be constructed with a Base Floor Elevation (BFE) of 10 feet or higher. Other areas of the property lay outside of an AE zone.

Stormwater – Typically residential developments generate stormwater loads that are best managed through a unified retention and treatment system such as wet ponds; however, such a system does not appear necessary for the Haugen subdivision given the minimal amount of expected development improvements compared to the size of the lots. Therefore, on-site stormwater mitigation will most likely be managed on an individual lot basis which will be determined during the plan review process.

Utilities

The Haugen subdivision will be served by individual lot connections to the public water and sewer system which are available on both Hunts Neck Road and Bayview Drive.

Alternative Development Opportunities

The Citys Subdivision Ordinance includes a provision which relaxes many of the development standards for small scale subdivisions categorized as either a "Definitional Exception" which allows up to three (3) lots or a "Family Subdivision" which allows up to five (5) lots with a 3-year ownership restriction. Basically these subdivisions are exempt from the public street and utility standards required of larger subdivisions.

Surrounding Character

The Haugen property is uniquely located near the westernmost end of Hunts Neck Road at the entranceway to the Poquoson Shores Subdivision. With the exception of independently platted acreage to the south, most surrounding lots are located within an established subdivision which are not eligible for re-divisions based on current zoning laws.. Hence no significant growth is expected beyond the subdivision's boundaries at this time. However, redevelopment of the area is always a possibility in the future, thereby possibly changing the overall character of the area.

The street network in the area is also unique with varying characteristics. Specifically Hunts Neck Road at the subdivision site is substandard in terms of right-of-way width and physical improvements. Bayview Drive appears fairly functional as a neighborhood street with minimal physical improvements at the subdivision site.

Variance Provision

Section 7.3 of the City's Subdivision Ordinance outlines the terms for the granting of a variance to a requirement of the ordinance. The provision states:

"The city council may authorize in specific cases such variances from the strict application of the terms of this ordinance that will not be contrary to the public interest when, owing to special conditions, a literal enforcement will result in unnecessary hardships, provided that the spirit of this ordinance shall be observed and substantial justice be rendered.

No variance shall be authorized by the city council unless:

(a) Strict application of the ordinance would produce undue hardship.
(b) The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the neighborhood will not be adversely affected.
(c) The problem involved is not of so general or recurring of a nature as to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance.
(d) The hardship is created by the physical character of the prope11y, including dimensions and topography, or by other extraordinary situation or condition of such prope11y, or by the use or development of prope11y immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a variance.
(e) Where a variance is granted, the city council may attach such conditions and safeguards as are deemed necessary to protect general public interest or the character of the neighborhood, and may require a guarantee or bond to assure compliance.

Application for modification of standards or for variances to subdivision requirements shall be made to the city council and filed with the city manager. The application shall be advertised for public hearing before the planning commission in the manner prescribed by the city. The planning commission shall forward a recommendation to the city council. After receiving the recommend action of the planning commission, the city council shall hold a public hearing and act upon the proposed application , granting the application in whole or in part with or without modification , or denying it.

Any appeal for a variance shall be accompanied by a fee of$225.00 to cover the cost of publication of notice of public hearing and processing.

Conclusion

In comparing the submitted application with the above variance criteria, most of the variances requested could be granted with a seamless effect on the character of the neighborhood. Specifically, the least impactful variances pertain to burial of overhead utilities, installation of sidewalks and upgrading of Bayview Drive along the northwestern boundary of the subdivision site. However, the more impactful variances apply to roadway improvements along Hunts Neck Road and bayview Drive at the eastern end of the subdivision tract. Specifically, Hunts Neck Road presently suffers from a substandard right-of-way and pavement width. Any upgrade to this street would certainly improve its service capacity. Furthermore, upgrading Bayview Drive at the referenced location would certainly improve the stretch between two (2) 90 degree curves. However should the Commission decide that street upgrades are not needed at this time, staff suggest requiring the dedication of right-of-way along the tract's front property line to accommodate future improvements.

Additionally, the granting of a variance to the fire protection requirement may be inappropriate until a water service analysis is completed by appropriate agencies during the plan review process. It is possible that the analysis may find that no additional water service upgrade, i.e. fire hydrant installation, is required. However, the assessment can only occur after design work is completed on the property. If the Commission elects to deny the fire protection variance, the applicants will be required to re-submit the request in the future.

Overall there are some unique aspects of this request in terms of site location and varying roadway conditions. Specifically the subdivision tract has over 1,600' of road frontage which could be deemed unusual, but not an exception. For example a similar situation was experienced in the development of the Hunts Neck Estates Subdivision, just to the southeast of the Haugen property. That subdivision had frontage on two (2) existing streets, Hunts Neck Road and Edwards Road. Both streets were upgraded through the development process to comply with ordinance requirements which resulted in improved travel lanes on each street. Consequently the Commission should remain mindful that the approval of the applicants request could establish precedence for the submission of similar request in the future.

DLV

Attachments

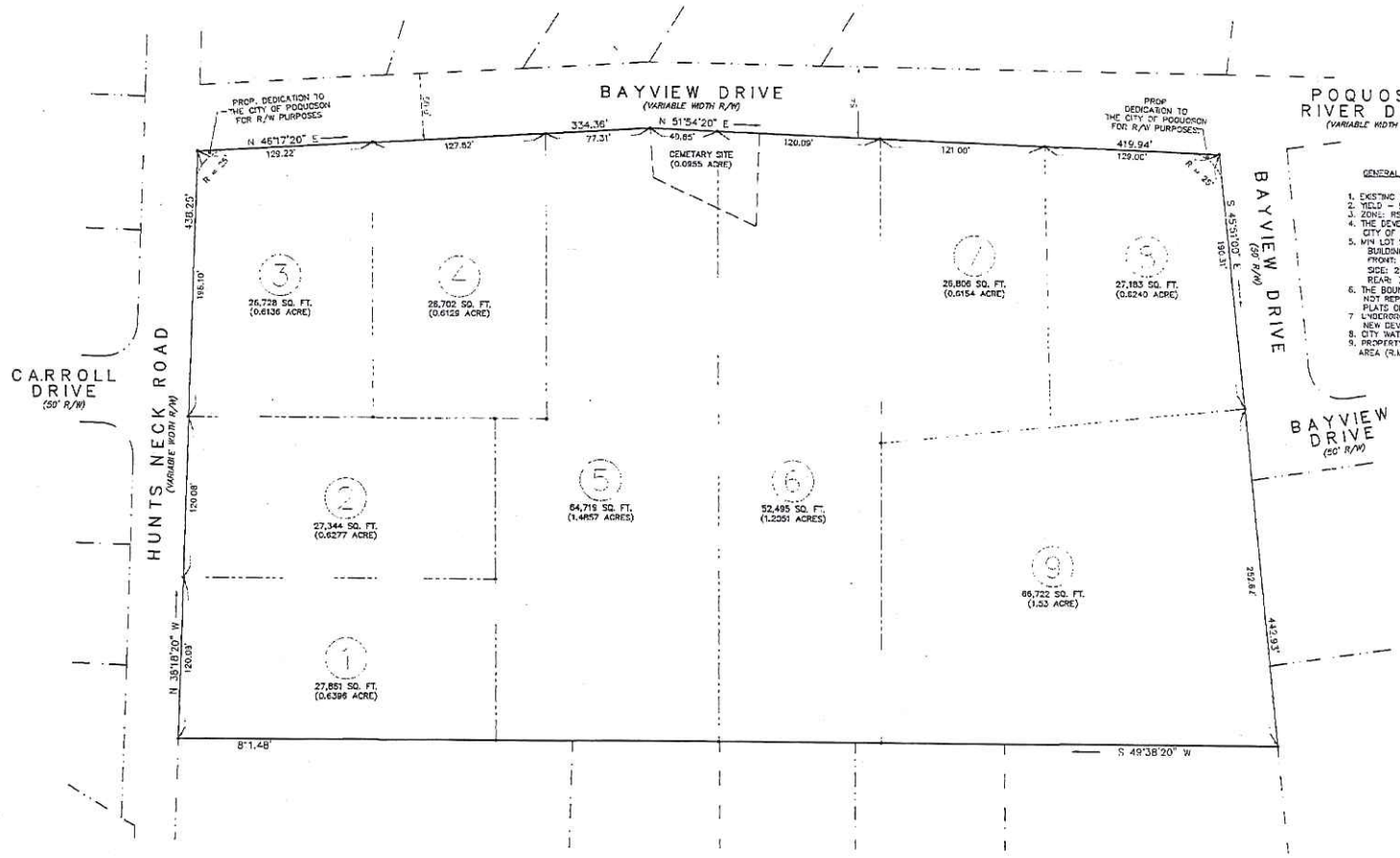
P.B.12, PG. 113

NOTE:
THE EXISTING PUBLIC RIGHT OF WAYS
ARE EARTH TYPE DITCHES WHICH WILL REMAIN.

SKETCH PLAN OF HAUGEN SUBDIVISION

REMAINDER OF PARCEL "A"
ESTATE OF J. W. DRYDEN
PARCELS "A" & "B"
CITY OF POQUOSON, VIRGINIA
PLAT BOOK 12, PAGE 113
SCALE: 1" = 40' REVISION DATE: JULY 29, 2015

DAVIS & ASSOCIATES, P.C.
SURVEYORS – PLANNERS
3630 GEORGE WASHINGTON
MEMORIAL HIGHWAY – SUITE C
YORKTOWN, VIRGINIA 23693
(757)867-8583



GENERAL NOTES:

1. EXISTING TOTAL LOT AREA =350,723 SQ. FT. (8.0515 AC)
2. YIELD – 9 LOTS
3. ZONE: RS
4. THE DEVELOPMENT SHALL ADHER TO THE CITY OF POQUOSON STANDARDS.
5. MIN LOT SIZE: 26,700 SQ. FT
   BUILDING SETBACKS
   FRONT: 40' OR 65' FROM CENTER OF THE R/W
   SIDE: 20'
   REAR: 30'
6. THE BOUNDARY INFORMATION SHOWN HEREON DOES NOT REPRESENT A FIELD RUN SURVEY. DEEDS AND PLATS OF RECORD WERE COMPILED.
7. UNDERGROUND UTILITIES ARE REQUIRED FOR NEW DEVELOPMENTS.
8. CITY WATER AND CITY SANITARY SEWER TO BE PROVIDED.
9. PROPERTY IS LOCATED IN THE RESOURCE MANAGEMENT AREA (RMA).

PROPERTY OWNER OF RECORD:
NAME: SHIRLEY F. HAUGHEN & WAYNE K. HAUGEN
PARCEL ID: 05-01-00-0004
INSTRUMENT #: 060025624

CITY OF POQUOSON
Office of the City Manager **500 City Hall Avenue, Poquoson, Virginia 23662-1996**
J. Randall Wheeler **(757)868-3000 Fax (757)868-3101**

May 23, 2016

To: City Council

From: City Manager

Subject: **Resolution Making Appointments to the School Board**

Presented for your consideration is a resolution making appointments to the School Board. A public hearing was held at the last meeting and the following names were submitted for consideration:

Eastern Precinct

Jennifer Mosteller

Western Precinct

Anne L. Rollins

Remember that only these persons can be considered for appointment.

JFW:ei

RESOLUTION NO. ____

RESOLUTION MAKING APPOINTMENTS
TO THE SCHOOL BOARD

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 School Board for the term indicated:

Names		Terms Expire
1.	Western	June 30, 2019
2.	Eastern	June 30, 2019

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

ADOPTED: _____

TESTE: _____
City Clerk

CITY OF POQUOSON

Office of the City Manager

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

May 23, 2016

TO: Poquoson City Council

FROM: City Manager

SUBJECT: **Sale of 826 Poquoson Avenue**

In April 2015 the City Council authorized the purchase of the home and property located at 826 Poquoson, Avenue. The property included the single-family detached residence and the large fenced-in area that has been traditionally used by the City for Seafood Festival parking and is currently being used to store the boats for the Poquoson High School Sailing Team. This 2.21 acre parcel with all improvements was purchased by the City for the net cost of $290,961 which included the purchase price and all City-paid closing costs.

The City took possession of the property in the summer of 2015 and since that time has taken two specific actions in addition to general maintenance of the property. First, the City formally subdivided the parent parcel into two lots with the home site now being comprised of .781 acre and the balance constituting a single, second parcel of which the City intends to maintain permanent ownership. Secondly, the City made certain improvements to the home and its associated reduced acreage, such as the installation of flood vents, interior repairs and landscape improvements with the intention of preparing the home for sale.

The City officially put the home on the market in April 2016 with an asking price of $323,900. The offer presented this evening for public hearing was received and ratified, subject to final approval of the City Council, within one week of being listed. The offer is from Jackie E. and Dabney H. Gills, Sr., who are purchasing the property for their son and daughter-in-law, Hamilton and Brandi Gills, both of whom are Poquoson Police Officers. A letter from the Gills' is attached for your reference. In summary, the cash purchase offer is for $320,000 and the estimated proceeds minus all City-paid closing costs, real estate commission and a .5% contingency for repairs is $302,665.

Following the Public Hearing the Council has two options either to accept or reject the Gills' offer. Should the offer be rejected, the Council may consider any future offer following a duly advertised public hearing on the subsequent offer.

Financial Summary		
Estimated Net Sale Proceeds	$302,665	
Less Cost to Subdivide the Property		$2,450
Less Improvements/Costs Readying Property for Sale		$8,601
Less Net Cost of Acquisition		$290,961
Net Estimates Proceeds - Overall	$ 653	
Acreage Retained by the City	1.325 acres	

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF POQUOSON, VIRGINIA RATIFYING AND APPROVING THE SALE OF CITY-OWNED PROPERTY AT 826 POQUOSON AVENUE (TAX MAP PARCEL #19-01-00-0215)

WHEREAS, in April 2015 City Council authorized the purchase of property at 826 Poquoson Avenue, Tax Map Parcel #19-01-00-0215 for a net cost of $290,961 which included the purchase price and all City-paid closing costs; and

WHEREAS, after taking possession, the property consisting of 2.21 acres was subdivided into two parcels; one being the home site consisting of .781 acres and the remainder constituting a separate parcel of which ownership will remain with the City; and

WHEREAS, in April 2016 the property was advertised for sale at an asking price of $323,900; and

WHEREAS, a cash offer of $320,000 has been received from Jackie E. Gills and Dabney H. Gills, Sr. for the home site.

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

Section 1: That the cash offer of $320,000 from Jackie E. Gills and Dabney H. Gills, Sr. for the .781 acre home site is hereby accepted.

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

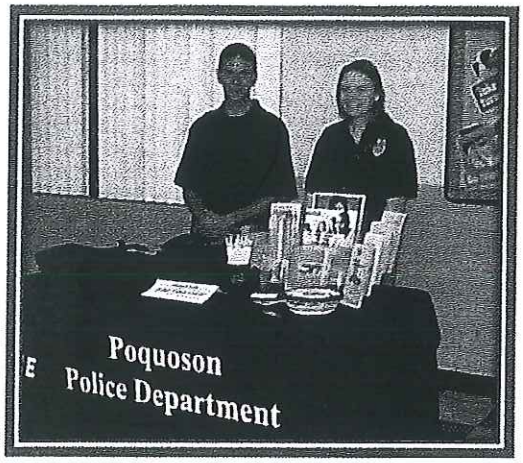
ADOPTED: _____

TESTE: _____
City Clerk

Dear City of Poquoson,

I wanted to take time to personally extent our deepest interest in buying this beautiful home. From the moment we saw it, we fell in love with the location and the unique features of the home. Due to its location we felt it was important to take a moment to tell you about our family so you would know that we are the perfect fit to live here.

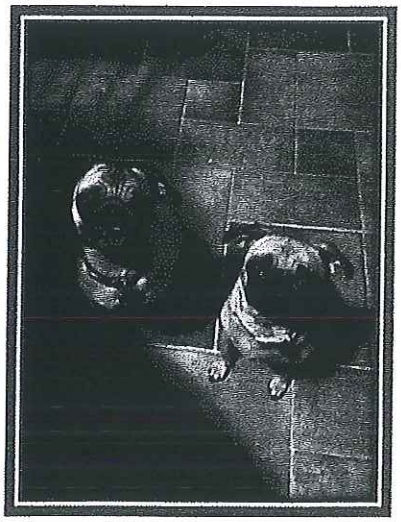
My husband and I were raised in the wonderful community of Poquoson. After graduating Poquoson High School, I knew that I wanted to come back and give to the community the way it gave to me. My husband felt the same way. In 2011 I was hired as a Poquoson Police Officer and my husband was hired in 2012. We began working together and our friendship blossomed into a relationship. We will be married two years in October and are looking to start a family. By us being able to purchase this home we will be able to keep our family here in the City, the City that helped shaped the people we are today. With our exceptionally odd work schedules, being able to live in the city we work in will help keep us closer by being able to swing home for meal breaks while working. Not only will this home be fantastic for a growing family but our two precious pugs will love all of the space in the back yard to run.



By picking us you can be reassured that during important community events such as the Seafood Fest and Homecoming Parade we will not be in the front yard acting like hooligans. We love this community and know that this home is in a main area that citizens and visiting individuals will see quite often. We plan on keeping the home and yard visually appealing so it will not be an eye sore. Currently, there are no other officers living in this stretch of Poquoson. We believe if given the opportunity to live here it would also benefit the community because there is a sense of safety when people see police cars parked.

We would like you to know that if you accept our offer, we promise to shower this home with the respect and pride it deserves. We can also promise that you will not find a better fit for this home because we love the City of Poquoson, we believe in the power of community and neighbors, and finally we are filled with kindness.

Thank you for your consideration in this matter,



Hamilton and Brandi Gills

SUBDIVISION PLAT OF THE PROPERTY OF CITY OF POQUOSON

CITY OF POQUOSON, VIRGINIA

DATE: NOVEMBER 15, 2015 SCALE: 1"=50'

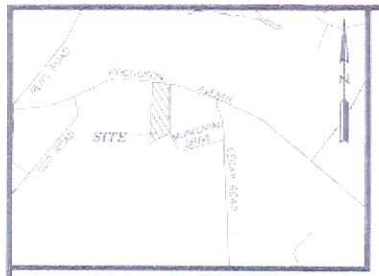
PROJECT NUMBER: 15-081

REVISED: DECEMBER 3, 2015

MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT ROAD
SUITE B
NEWPORT NEWS, VA. 23602
TEL 757.873.1762
FAX 757.873.1772

PLAT INSTRUMENT # 150023523

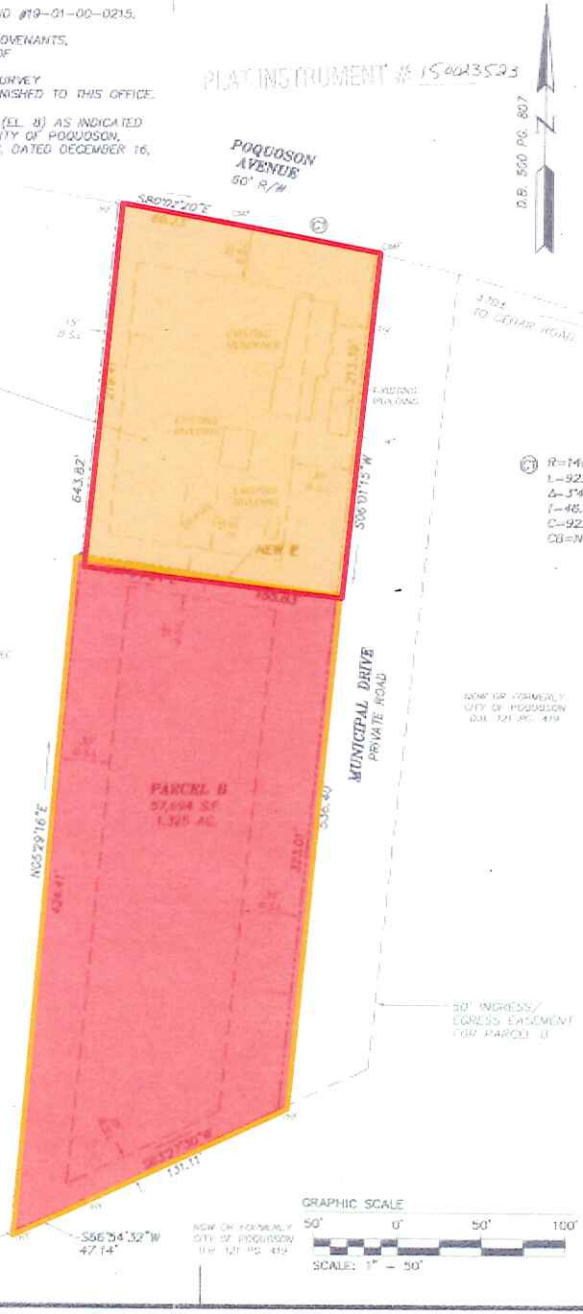
D.B. 560 PG. 807



VICINITY MAP
SCALE: NTS

NOTES:

1. ADDRESS: 826 POQUOSON AVENUE – PARCEL ID #19-01-00-0215.
2. NOT ALL IMPROVEMENTS SHOWN
3. THIS PROPERTY MAY BE SUBJECT TO OTHER COVENANTS, RESTRICTIONS, EASEMENTS AND ENCUMBRANCES OF RECORD NOT SHOWN.
4. THIS PLAT IS BASED ON A FIELD BOUNDARY SURVEY
5. A CURRENT TITLE REPORT HAS NOT BEEN FURNISHED TO THIS OFFICE.
6. PROPERTY IS CURRENTLY ZONED R1
7. PROPERTIES ARE LOCATED IN FLOOD ZONE AE (EL. 8) AS INDICATED ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF POQUOSON, VIRGINIA COMMUNITY PANEL NUMBER 5101830019G, DATED DECEMBER 16, 2014.



GRAPHIC SCALE
50' 0' 50' 100'
SCALE: 1" = 50'

OWNER'S CONSENT AND DEDICATION

THE PLATTING OF THE LAND HEREON SHOWN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

BY: _____ 12/4/2015
FOR AND ON BEHALF OF THE CITY OF POQUOSON — DATE

NOTARY PUBLIC

_____, A NOTARY PUBLIC IN AND FOR THE STATE OF _____ DO HEREBY CERTIFY THAT THE ABOVE NAMED PERSON WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY JURISDICTION AFORESAID. HE/SHE IS PERSONALLY KNOWN TO ME. GIVEN UNDER MY HAND THIS ____ DAY OF _____, 2015.

NOTARY PUBLIC: _____ REGISTRATION NO.

MY COMMISSION EXPIRES _____

SURVEYOR'S STATEMENT

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS AS SET FORTH IN THE ORDINANCE FOR APPROVING PLATS OF SUBDIVISION IN THE CITY OF POQUOSON, VIRGINIA HAVE BEEN COMPLIED WITH, INCLUDING A BOUNDARY SURVEY CLOSURE OF NOT LESS THAN 1'/20,000'. THIS IS TO CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION PLAT IS OWNED AS FOLLOWS:

PARCEL ID# 19-01-00-0215 IS IN THE NAME OF THE CITY OF POQUOSON, VIRGINIA AND WAS ACQUIRED FROM MARILYN F. RILEY AND MARTHA FERGUSON PETRAFESA, BY DEED DATED APRIL 25 2013, AND DULY RECORDED IN INSTRUMENT #150006595

PAUL W. MICHAEL, JR. — 11/16/15 DATE

11/16/15
PAUL W. MICHAEL, JR.
NO. 002438
CERTIFIED LAND SURVEYOR
COMMONWEALTH OF VIRGINIA

LEGEND

- IPS (IRON ROD SET)
- CMF (CONC MON FOUND)
- IRF (IRON ROD FOUND)
- PIF (IRON PIPE FOUND)
- PPS (IRON PIPE SET)

DENOTES PROPERTY LINE TO BE VACATED

Proposed for Sale

Retained Acre

STATE OF VIRGINIA
COUNTY OF YORK

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF YORK THIS 8TH DAY OF DECEMBER 2015. 8:42 am
THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS, IN INSTRUMENT NUMBER 150023523

TESTE: Kristen N. Nelson, CLERK

BY: _____ D.C.

APPROVED FOR THE CITY OF POQUOSON, VIRGINIA

_____ 12/4/2015
CITY MANAGER — DATE

MAPCHECK BY RAM 12-03-15

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

May 23, 2016

TO: City Council

FROM: City Manager

SUBJECT: **Resolutions Approving Traffic Improvements on Terrace Drive/S. Terrace Drive and Bunting Lane**

You will recall that at the last meeting during the City Manager Comments I reminded you of requests received from residents on Terrace Drive and S. Terrace Drive for revisions to the traffic pattern at the intersection of these two streets and concerns expressed about the speeding on Bunting Lane and suggested traffic calming measures. My memo dated May 9, 2016 addressing these two requests and suggesting improvements and estimated costs for each are included with this item.

Resolutions for each project are presented for your consideration should you desire to move forward with either or both of these recommended traffic changes.

RESOLUTION NO. _____

RESOLUTION APPROVING TRAFFIC IMPROVEMENTS TO TERRACE DRIVE AND SOUTH TERRACE DRIVE

WHEREAS, some of the residents of Terrace Drive and South Terrace Drive in proximity to Poquoson High School have submitted a petition seeking changes to the traffic pattern to address certain safety concerns that they have; and

WHEREAS, careful consideration has been given to the suggestions of the residents as well as recommendations from staff.

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

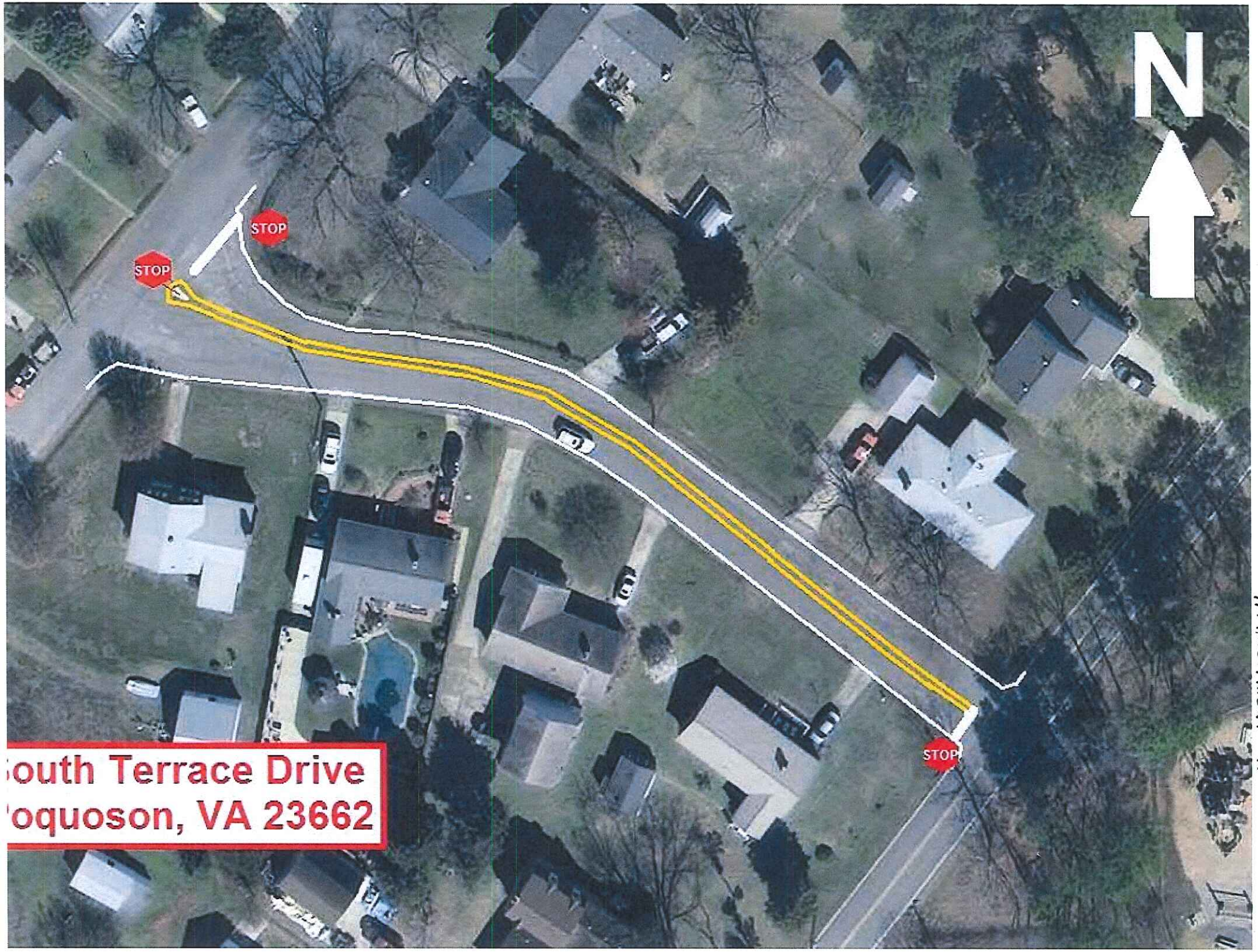
Section 1: That the following recommendations of staff as shown on Attachment A are hereby approved and immediate implementation is authorized:

1. to repaint the double yellow line and extend it from the island to the existing stop sign at Odd Road,
2. the existing yield sign to be upgraded to two stop signs,
3. a stop bar be painted at the upgraded intersection.

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

ADOPTED: _____

TESTE: _____
City Clerk



ATTACHMENT A

CITY OF POQUOSON
Department of Public Works

Date: April 6, 2016

COST ESTIMATE FOR INSTALLATION OF PAVEMENT MARKINGS & STOP SIGNS ON SOUTH TERRACE DRIVE

The following is a cost estimate for the installation of the proposed traffic pavement markings and STOP signs on South Terrace Drive.

• Total of 1621' of 4-inch (White & Yellow) line markings – @ .41 cent per ft.	$664.61
• Total of 46' of 24-inch (White) STOP Bar – @ $4.00 per ft.	$184.00
• Total of three (3) STOP signs (Installed) – @ $150.00 ea.	$450.00

Total cost estimate for above = $1,298.61

**NOTE: The above is a cost estimate only.

RESOLUTION NO. _____

RESOLUTION APPROVING TRAFFIC IMPROVEMENTS TO BUNTING LANE

WHEREAS, numerous citizen complaints and concerns have been received regarding speeding on Bunting Lane; and

WHEREAS, the least expensive and less impactful traffic calming method has been identified as the installation of an all-way stop at the intersection of Floyd Avenue and Bunting Lane.

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

Section 1: That the installation of an all-way stop at the intersection of Floyd Avenue and Bunting Lane as depicted on Attachment A is hereby approved..

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

ADOPTED: _____

TESTE: _____
City Clerk

ATTACHMENT A

CITY OF POQUOSON
Department of Public Works

Date: April 25, 2016

COST ESTIMATE FOR INSTALLATION OF PAVEMENT MARKINGS & STOP SIGNS AT INTERSECTION OF BUNTING LANE & FLOYD AVENUE

The following is a cost estimate for the installation of the proposed traffic pavement markings and STOP signs at the intersection of Bunting Lane & Floyd Avenue.

• Total of 45' of 4-inch (Yellow) line markings – @ .41 cent per ft.	$18.45
• Total of 27' of 24-inch (White) STOP Bar – @ $4.00 per ft.	$108.00
• Total of three (3) STOP signs (Installed) – @ $150.00 ea.	$450.00
Total cost estimate for above =	$576.45

**NOTE: The above is a cost estimate only.

**NOTE: The right hand turn radius from Floyd Avenue onto Bunting Lane will be very tight, especially if there is a stopped vehicle in the North bound lane of Bunting Lane.

CITY OF POQUOSON

500 City Hall Avenue, Poquoson, Virginia 23662-1996

Office of the City Manager (757)868-3000 Fax (757)868-3101

May 9, 2016

TO: Mayor & City Council

FROM: City Manager

SUBJECT: Traffic Concerns

As Council will recall, at your April 11, 2016 meeting Councilman Green asked the staff to review what might be done to address traffic safety issues that have been the subject of numerous complaints and expressions of concern from residents of Terrace Drive in proximity to Poquoson High School. Specifically, the concerns include failure to yield at the posted yield sign, speeding and short cutting the existing traffic island and yield sign whereby traffic moving toward the High School travels to the left side of the established median in the oncoming traffic lane. Staff has reviewed these concerns and offers the following recommendations 1) that the double yellow line be repainted and extended from the island to the existing stop sign at Odd Road; 2) that the existing yield sign be upgraded to two stop signs; and 3) that a stop bar be painted at the upgraded intersection. The proposed improvements are depicted on the attached diagram. The cost of these improvements is estimated to be approximately $1,300 and can be funded with existing, appropriated VDOT road maintenance funding.

A second traffic concern the Council may wish to consider is the installation of an all-way stop at the intersection of Bunting Lane and Floyd Avenue. As Council may recall, the issue of potential traffic calming measures on Bunting Lane was previously brought to the Council's attention by Councilwoman Crawford who cited numerous citizen complaints and expressions of concern regarding speeding on Bunting Lane. The installation of an all way stop is a low cost, less impactful traffic calming method as compared to the installation of speed bumps or changes to the road configuration. The cost of these improvements, which includes the addition of two stop signs in addition to the existing stop sign on Floyd Avenue and painting stop bars, is estimated to be approximately $575 and can be funded with existing, appropriated VDOT road maintenance funding. The proposed improvements are depicted on the enclosed diagram.

Staff is seeking consent from City Council regarding the conversion of the existing intersection on Terrace Drive and the installation of an all-way stop at the intersection of Bunting Lane and Floyd Avenue.

JRW:vhd

Attachments

CITY OF POQUOSON
Office of the City Manager **500 City Hall Avenue, Poquoson, Virginia 23662-1996**
J. Randall Wheeler **(757)868-3000 Fax (757)868-3101**

May 23, 2016

To: City Council

From: City Manager

Subject: **Resolution Approving Additional Compensation For The City Manager And City Attorney**

At the last meeting a closed session was held to review the performance of the City Manager and City Attorney and to consider additional compensation for each.

It was the unanimous consensus of Council that both were worthy of additional compensation and that a decision and vote would take place at this meeting.

Therefore, presented for your consideration is a resolution amending the compensation paid to both the City Manager and City Attorney.

JFW:ei

RESOLUTION NO. _____

RESOLUTION APPROVING ADDITIONAL COMPENSATION FOR THE CITY MANAGER AND CITY ATTORNEY

WHEREAS, the performance and salary history of the City Manager and City Attorney were reviewed in closed session by City Council on May 9, 2016, and

WHEREAS, the City Clerk was directed to place consideration of additional compensation for both the City Manager and City Attorney on the next agenda for formal consideration.

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

Section 1: That in recognition of the outstanding performance of the City Manager since the date of his employment with the City of Poquoson, City Council does hereby approve a _____ percent salary increase effective July 1, 2016 to be applied as follows: _____.

Section 2: That the performance of the City Attorney likewise has been exceptional and City Council does hereby approve effective July 1, 2016 an increase of the hourly rate charged for non-routine matters to _____.

Section 3: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____
City Clerk

May 23, 2016

TO: City Council

THROUGH: Randy Wheeler, City Manager

FROM: Theresa Owens, Finance Director

SUBJECT: Ordinance Making Additional Appropriations and Transfers for FY 2016

- The Police Department has received state and federal asset forfeiture funds of $2,199 and $10,781 respectively. Use of the funds will be spent in the Police Department in accordance with the asset forfeiture guidelines which require the funds to be used to enhance law enforcement capabilities of the Police Department and include a provision for supplanting.

- The Library has received donations of $8,712 in fiscal year 2016 which have not been appropriated. This ordinance appropriates the additional donations received in the current year.

- The Police Department received a donation of $200 for crime prevention. This ordinance appropriates the funds into the police department to be used in accordance with the donor's restriction.

- The City received a $30,000 Citizen Corp grant in FY 2015. The grant was not fully expended in FY 2015. This ordinance appropriates $21,794 in carryover Citizen Corp grant funds to be used in accordance with the grant guidelines.

- The City received funds that are restricted to be used for Beta Street improvements. This ordinance appropriates $41,240 in the Capital Projects Fund to be used for this purpose.

- In FY 2016 budget, an estimate was used in calculating the amount of the two Hazard Mitigation Grant funds would be unexpended at the end of FY 2015. This ordinance appropriates the funds to accurately reflect the balances in the grant.

- In late 2015, the City was notified it had received a Flood Mitigation Assistance grant through the Virginia Department of Emergency Management for the elevation of three homes. This ordinance appropriates the grant funds to be used in accordance with the grant guidelines.

- Fire Department has applied for a 50/50 Office of Medical Services grant to replace two Lifepack 15's. The City expects to receive preliminary notification of the funding in late June but the official notification should be released in July. The Fire Department will have vacancy savings in FY 2016 and would like to use these funds for the required match. This ordinance appropriates the required $35,000 match in the Capital Projects Fund for the grant should the City get approval.

ORDINANCE NO. _____

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

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

WHEREAS, the City has additional needs to be appropriated.

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

Section 1: That an additional $43,686 in revenues in the General Fund,$76,240 in the Capital Projects Fund and $498,784 in the Special Revenue Fund be and the same hereby are appropriated within the Fiscal Year 2015-2016 Budget as follows:

GENERAL FUND

Revenues and Transfers:

State Categorical Aid –Asset Forfeiture	$2,199
Federal Revenue –Asset Forfeiture	10,781
Federal Revenue-Citizen Corp Grant	21,794
Donations-Library	8,712
Donations-Police	200
TOTAL	**$43,686**

Expenditures:

Police Department	$34,974
Library	8,712
TOTAL	**$43,686**

CAPITAL PROJECTS FUND

Revenues:

Local Revenue-Miscellaneous	$41,240
Transfer from the General Fund	35,000
TOTAL	**$76,240**

Expenditures:

Beta Street Improvements	$41,240
Lifepack 15	35,000
TOTAL	**$76,240**

SPECIAL REVENUE FUND

Revenues:

Local Revenue-Homeowner match	$1,963
State Grants-HMGP	7,853
Federal Grant-HMGP	29,449
Federal Grant-FMA	459,519
TOTAL	**$498,784**

Expenditures:

HMGP- 4072	$16,813
HMGP- 4042	22,452
FMA	459,519
TOTAL	**$498,784**

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

ADOPTED: _____

TESTE: _____
City Clerk

CITY OF POQUOSON
Office of the City Manager
J. Randall Wheeler
500 City Hall Avenue, Poquoson, Virginia 23662-1996
(757)868-3000 Fax (757)868-3101

May 23, 2016

To: City Council

From: City Manager

Subject: **Resolution Making An Appointment To The Library Advisory Board**

Mr. George Curtis recently submitted his resignation from the Library Advisory Board. A resolution appointing a replacement to fill Mr. Curtis' unexpired term is therefore presented for your consideration. For some unknown reason the expiration date for this appointee only is in August. All others are in January. It is recommended that the date of expiration be extended to January 31, 2017.

JFW:ei

RESOLUTION NO. ____

RESOLUTION MAKING APPOINTMENTS
TO THE LIBRARY ADVISORY BOARD

WHEREAS, George F. Curtis has submitted his resignation from the Library Advisory Board which is accepted with regret.

WHEREAS, because the expiration date for this appointment is in August and all others are in January, it is recommended that the expiration date of this appointee be extended to January 1, 2017.

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

Section 1: That the following person be and the same hereby is appointed to the Library Advisory Board for the terms indicated:

Name		**Terms Expire**
	(Central)	January 31, 2017

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

ADOPTED: _____

TESTE: _____
City Clerk