1. City Council Meeting Agenda Summary October 24, 2016

   Documents:

   10-24-16 SUMMARY.PDF

2. General Assembly Summary Of Legislative Items

   Documents:

   GA SUMMARY.PDF

3. Regular Session Minutes October 11, 2016

   Documents:

   10-11-16 MIN.PDF

4. Work Session Minutes October 11, 2016

   Documents:

   10-11-16 WRK SES MIN.PDF

5. Ordinance Amending Chapter 70 Pertaining To Sign Regulations

   Documents:

   SIGN ORDINANCE.PDF

6. Resolution Making An Appointment To The Wetlands Board

   Documents:

   WETLANDS BOARD APPT.PDF

7. Resolution Cancelling The Second Meetings Of The Months Of November And December 2016

   Documents:

   CANCELING NOV DEC.PDF

POQUOSON CITY COUNCIL
MEETING OF
MONDAY, OCTOBER 24, 2016
7:00 P.M.
REGULAR SESSION

A. MEETING CALLED TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS - Councilman Vernall – Gift to City
Councilman Green – Legislative Items

D. AUDIENCE FOR VISITORS

E. APPROVAL OF THE MINUTES

1. **Regular Session – October 11, 2016**
2. **Work Session – October 11, 2016**

F. NEW BUSINESS

1. **Ordinance Amending Chapter 70 Pertaining to Sign Regulations**

2. **Resolution Making an Appointment to the Wetlands Board**

3. **Resolution Cancelling the Second Meetings of the Months of November and December, 2016**

G. COMMENTS OF THE CITY MANAGER

H. COUNCIL DIRECTIVES

I. ADJOURNMENT

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**

October 24, 2016

To: The Honorable City Council

From: City Manager

Subject: **Summaries Of The Three House Bills Introduced To The General Assembly Regarding Certificates Of Public Need For Your Consideration**

Background: At the September 26, 2017 City Council meeting Councilman Green brought to the Council's attention concerns regarding critically ill persons who are unable to receive medical attention since they do not qualify for Medicare or Medicaid and are not able to afford health insurance. He further explained that during the last General Assembly Session three bills were introduced to help resolve this issue, however none of these bills were passed by the General Assembly. Councilman Green requested the opportunity to present these three alternatives to Council in a work session in order to consider and formally endorse a preferred alternative which Council could officially incorporate support for a specific alternative into its legislative program for the 2017 Session. Copies of each bill reflective of all substitutes have been previously shared with Council.

Bill Summaries

2016 SESSION

HB 350 Certificate of public need; changes to Medical Care Facilities Certificate of Public Need Program.

Introduced by: Kathy J. Byron

SUMMARY AS PASSED HOUSE:

Certificate of public need. Makes changes to the Medical Care Facilities Certificate of Public Need Program. The bill removes various behavioral health facilities from the list of medical care facilities and projects subject to the requirement of a certificate of public need and makes various changes to procedures governing the certificate of public need process, including (i) defining "charity care" for purposes of the certificate of public need program; (ii) establishing an

expedited 45-day review process for applicants for projects determined by the Department of Health (the Department) to be uncontested and to present minimal health planning impacts and for which the applicant agrees to comply with quality assurance requirements established by the Board of Health (the Board) and consents to provide charity care in an amount specified by the Board; (iii) establishing an expedited 120-day review process for applicants for projects identified by the Department to be uncontested and to present limited health planning impacts that require an intermediate level of scrutiny and for which the applicant agrees to comply with quality assurance requirements established by the Board and consents to provide charity care in an amount specified by the Board; (iv) clarifies the content of a completed application for a certificate; (v) eliminates the requirement for a public hearing on applicants for certificates; (vi) reduces the timeline from 80 calendar days to four days for a person to be made party to the case for good cause following completion of the review and submission of recommendations related to an application; (vii) requires the Department to establish a website to make information about the certificate of public need program, including information about letters of intent received by the Department, available to the public; and (viii) establishes a permit process for projects that are no longer subject to the requirement for a certificate of public need, which includes provisions for charity care requirements and quality assurance. The bill also (a) directs the Secretary of Health and Human Resources to review requirements governing imposition and satisfaction of charity care requirements for certificates of public need, including provisions for defining charity care and calculating the amount and value of charity care required and provided, develop recommendations for standardizing and enforcing such requirements, and report his recommendations to the Governor and the General Assembly by December 1, 2016, and (b) requires the Department to work cooperatively with Virginia Health Information to develop a process for the collection of utilization data for recipients of certificates of public need describing specific types of equipment utilized.

SUMMARY AS INTRODUCED:

Certificate of public need. Makes changes to the Medical Care Facilities Certificate of Public Need Program. The bill (i) defines "charity care" for purposes of the certificate of public need program; (ii) removes mental hospitals from the list of reviewable medical care facilities; (iii) establishes an expedited 21-day review process for applicants for projects determined by the Department of Health (the Department) to be uncontested and to present minimal health planning impacts and for which the applicant agrees to comply with quality assurance requirements established by the Board of Health (the Board) and consents to provide charity care in an amount specified by the Board; (iv) establishes an expedited 45-day review process for applicants for projects identified by the Department to be uncontested and to present limited health planning impacts that require an intermediate level of scrutiny and for which the applicant agrees to comply with quality assurance requirements established by the Board and consents to provide charity care in an amount specified by the Board; (v) clarifies the content of a completed application for a certificate; (vi) reduces the timeline from 80 calendar days to four days for a person to be made party to the case for good cause following completion of the

review and submission of recommendations related to an application; (vii) requires the Department to establish a website to make information about the certificate of public need program, including information about letters of intent received by the Department, available to the public; and (viii) establishes a permit process for projects that are no longer subject to the requirement for a certificate of public need, which includes provisions for charity care requirements and quality assurance. The bill also (a) directs the Secretary of Health and Human Resources to review requirements governing imposition and satisfaction of charity care requirements for certificates of public need, including provisions for defining charity care and calculating the amount and value of charity care required and provided, develop recommendations for standardizing and enforcing such requirements, and report his recommendations to the Governor and the General Assembly by December 1, 2016, and (b) requires the Department to work cooperatively with Virginia Health Information to develop a process for the collection of utilization data for recipients of certificates of public need describing specific types of equipment utilized.

2016 SESSION

HB 193 Certificates of public need; creates three-phase process to sunset requirements for medical care.

Introduced by: John M. O'Bannon, III

SUMMARY AS PASSED HOUSE: (all summaries)

Certificates of public need. Creates a two-phase process to sunset certificate of public need requirements for many categories of medical care facilities and projects, with the requirement for a certificate of public need (i) for ambulatory and outpatient surgery centers other than rural ambulatory and outpatient surgery centers and for capital expenditures at medical care facilities other than rural medical care facilities repealed in effective July 1, 2016, and (ii) for all medical care facilities other than nursing homes, rehabilitation hospitals and beds, organ or tissue transplant services, certain open heart surgery services, and rural medical care facilities repealed effective January 1, 2017. The bill also creates a new permitting process for categories of facilities and projects exempted from the certificate of public need process that requires the Commissioner of Health to issue a permit but requires the Commissioner to condition a permit (a)on the agreement of the applicant to provide a specified level of care at a reduced rate to indigents, accept patients requiring specialized care, or facilitate the development and operation of primary medical care services in designated medically underserved areas of the applicant's service area and (b) on compliance of the applicant with quality of care standards. The bill also eliminates regional health planning agencies and makes numerous changes to the COPN process for facilities and projects that will still be subject to the requirement of a certificate.

2016 SESSION

HB 1083 Medical Care Facilities Certificate of Public Need Program; changes to Program, report.

Introduced by: Christopher P. Stolle

SUMMARY AS INTRODUCED:

Certificate of public need. Makes changes to the Medical Care Facilities Certificate of Public Need Program. The bill (i) removes specialized centers or clinics or that portion of a physician's office developed for the provision of lithotripsy, magnetic source imaging (MSI), or nuclear medicine imaging from the list of reviewable medical care facilities; (ii) provides that establishment of a medical care facility to replace an existing medical care facility with the same primary service area does not constitute a project; (iii) removes introduction into an existing medical care facility of any new lithotripsy, magnetic source imaging, or obstetrical service that the facility has never provided or has not provided in the previous 12 months and addition by an existing medical care facility of any medical equipment for the provision of lithotripsy and magnetic source imaging (MSI) from the definition of project; (iv) creates a new process for registration of projects exempted from the definition of project by the bill; (v) establishes an expedited 45-day review process for applicants for projects determined to be uncontested or to present limited health planning impacts; (vi) renames the State Medical Facilities Plan as the State Health Services Plan and establishes a State Health Services Plan Advisory Council to provide recommendations related to the content of the State Health Services Plan; (vii) clarifies the content of the application for a certificate; and (viii) reduces the timeline for a person to be made party to the case for good cause from 80 calendar days to four days following completion of the review and submission of recommendations related to an application.

The bill also (a) directs the Department to develop recommendations to reduce the duration of the average review cycle for applications for certificates of public need to not more than 120 days and to report on its recommendations to the Governor and the General Assembly no later than December 1, 2016; (b) directs the Secretary of Health and Human Resources to review charity care services delivered throughout the Commonwealth and recommend changes to the definition of charity and to the types of charity care requirements imposed on various health care services and report to the Governor and the General Assembly by December 1, 2016; (c) directs the Secretary of Health and Human Resources to convene a group of stakeholders to study and make recommendations related to the appropriate authority of the State Health Commissioner to impose additional conditions on certificates; (d) directs the Secretary of Health and Human Resources to implement a system to ensure that data needed to evaluate whether an application for a certificate is consistent with the State Health Services Plan is timely and reliable, to make all public records pertaining to applications for certificates and the review

process available in real-time in a searchable, digital format online, to make an inventory of capacity authorized by certificates of public need, both operational and not yet operational, available in a digital format online, and to make charity care conditions, charity care compliance reporting status, and details on the exact amount of charity care provided or contributed and to whom it was provided or contributed available in a digital format online; (e) directs the Commissioner of Health to develop an analytical framework to guide the work of the State Health Services Plan Advisory Council; and (f) directs the Joint Commission on Health Care to develop specific recommendations for eliminating differences in the certificate of public need review process from one region to another and report on the recommendations to the Chairmen of the House Health, Welfare and Institutions and Senate Education and Health Committees by December 1, 2016.

MINUTES OF THE CITY COUNCIL MEETING
OCTOBER 11, 2016, 7:00 P.M.
REGULAR SESSION

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

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

ABSENT: The Honorable Henry W. Ayer III

MEETING CALLED TO ORDER:

Mayor Hunt called the meeting to order at approximately 7:00 p.m. He apologized that the meeting was not being broadcast live for Cox Cable customers as a result of the recent severe weather.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

SPECIAL PRESENTATION:

Dominion Virginia Power

Ms. Melanie Rapp Beale, Dominion Virginia Power's External Affairs Manager for the Peninsula, provided a brief update on the restoration of power in the area in the wake of the recent storm. She pointed out that electrical power had now been restored to all Poquoson residents and she commended the City Police and Fire Departments for their invaluable support and assistance during the recent emergency weather event.

Ms. Stephenie Harrington, Dominion Virginia Power's Communications Manager, gave a brief presentation entitled *Powering the Peninsula* which included the following information:

- That over the past fifteen years, constant improvements have been made that have greatly reduced system-wide emissions;

- That due to environmental concerns, Units 1 and 2 (coal powered) and Unit 3 (gas powered) at the Yorktown Power Station must be retired no later than April 2017 and 2020, respectively;
- That based upon the decreased generation of power by the Yorktown Station, Dominion Power is concerned over its ability to provide safe and adequate power for the Peninsula in the near future;
- That Dominion Virginia Power will comply with all state and federal environmental laws to continue to reduce toxic emissions;
- That upon consideration of several options to address the imminent power deficiency that will face the Peninsula, the Surry-Skiffes Creek-Whealton Electric Transmission Project has been identified as the best solution;
- That historical data indicates that there are 50 to 80 high risk days per year for potential outages and that without the Skiffes Creek Project in service, blackouts on the Peninsula could occur starting in April 2017;
- That the towers, required by this project, to be located in the James River are shorter than several of Dominion's towers located in other similar bodies of water; and
- That the Virginia State Corporation Commission has approved the project; however, environmental and historical permitting agencies have recently stated they need more time in which to consider the ramifications of the Skiffes Creek Project.

In conclusion, Ms. Harrington requested an opportunity to attend a future Council meeting to provide an update on the status of this very important project.

In response, Mayor Hunt thanked Ms. Harrington for her presentation and expressed concern over the potential for blackouts on the Peninsula in the near future if this issue is not addressed satisfactorily and expeditiously.

Update on the Community Participation Team (CPT)

Mr. William Travis, Planning Commission Vice Chairman, stated that the CPT, tasked with collecting and documenting public input on the Comprehensive Plan update, continues to work hard to accomplish their assignment. Mr. Travis introduced Robert Liles, CPT Chair, and Anjie Emmett, CPT Vice Chair, who were also present in Council Chambers. He pointed out that the CPT is currently obtaining public feedback via the City's website and drop boxes placed in strategic locations throughout the community. He stated that future efforts to garner public comment include: manning a booth at the Seafood Festival, holding a public input session on October 18, 2016 at the High School and placing an informational flyer in the City's upcoming utility bills. Lastly, he stated that following the open session, the CPT will consider input received and will determine if a second public session is needed and/or whether a written survey will be utilized to obtain additional comments.

Upon conclusion of Mr. Travis's CPT update, Councilwoman Crawford suggested that if the CPT decided to use a public comment survey it should be publicized well in advance

so that residents would know what it is when received and would be more likely to complete it and return it to the City.

AUDIENCE FOR VISITORS:

There were no public comments.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Vernall, to adopt the minutes of the regular session held September 26, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

Councilman Green moved, seconded by Vice Chairman Freeman, to adopt the minutes of the work session held September 26, 2016 as submitted. Recorded vote on the motion:

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

NO: None.

NEW BUSINESS:

1. **RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR FINANCIAL ADVISORY SERVICES WITH DAVENPORT AND COMPANY, LLC**

The City Manager, J. Randall Wheeler, stated that the City's original contract with Davenport and Company for financial advisory services was for a 3-year period with two one year extensions. Under the terms and conditions of the RFP, City Council reserved the right to extend the contract after its final expiration date on an annual basis if deemed to be in the best interest of the City. An additional one year contract was granted last year and will expire on December 31, 2016.

Because of the continued outstanding services provided by Davenport and Company, a resolution extending the contract for an additional year to expire on December 31, 2017 was presented for Council's consideration. Councilman Green moved, seconded by Councilman Vernall that it be adopted. Recorded vote on the motion:

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

NO: None.

Councilwoman Crawford stated that in response to queries she had received from several citizens, she had assured them that financial guidance provided by Davenport and Company, LLC has been invaluable to the City.

2. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EAST COAST EQUIPMENT, LLC

The City Manager explained that Public Works was seeking authorization to replace a 1997 Ford tractor mower and a 2001 John Deere tractor mower that have had to be repaired numerous times during the year. Options for purchase or lease of new machines were considered and deemed to be in the best interest of the City. A cooperative contract with East Coast Equipment LLC through the National Joint Powers Alliance was found under which one or both of the tractors could be replaced with funds already appropriated in the Capital Projects Fund for this purpose.

A resolution authorizing the City Manager to enter into a contract with East Coast Equipment, LLC for purchase of one or two roadside mowers was presented for Council's consideration. Councilman Green moved, seconded by Councilman Vernall to adopt the resolution as amended by deleting the word "and" on the second line of the third "Whereas". Recorded vote on the motion:

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

NO: None.

3. RESOLUTION MAKING AN APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

A resolution making an appointment to the Colonial Community Criminal Justice Board to fill the vacancy created by the retirement of Lt. Craig Farinholt was presented for Council's consideration. Councilman Green moved, seconded by Vice Mayor Freeman, to appoint Police Sergeant Kelly Waddell to the Board and to adopt the resolution with his name inserted. Recorded vote on the motion:

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

NO: None.

4. LITTLE FLORIDA ROAD DITCH PIPING TRAFFIC CONTROL

The City Manager stated that the Little Florida Ditch Piping Project was to begin on October 17, 2016. As the work will impact traffic on this very busy City thoroughfare, he sought Council's guidance on how to enhance the safe flow of traffic while minimizing the inconvenience to our residents. He offered two options for their consideration, i.e. keeping only one lane open throughout the project using flaggers to direct traffic and on occasion detouring traffic when the contractor needs to relocate

utilities; or closing the road and detouring the traffic when needed during the entire construction project.

Mark Boesen, the City's Construction Inspector, provided the following details on the project for Council's consideration:

- That the project will consist of removing and relocating existing drainage and utility infrastructure and installing new drainage improvements along a portion of Little Florida Road;
- That the construction area will involve 14 homes on Little Florida Road from Kathy Drive to Cedar Road;
- That the hours of the construction project will be from 9 a.m. to 4 p.m., Monday through Friday, with weekend work requiring approval by the City; and
- That the proposed project, weather permitting, will take approximately 4 to 5 weeks to complete.

In response to Council queries, Mr. Boesen stated that, should Council choose the closed road/detour option, the School Administration and the Public Safety Departments would be properly notified and that residents living along the project area would have unrestricted access to their properties. He also pointed out that guard rails will be utilized in some areas along the route when it will not adversely impact pedestrians.

Council expressed concerns over school age children who would be boarding/unboarding school buses in the vicinity of the project. They requested that additional signage be erected in specific areas to facilitate smoother traffic flow and to alleviate driver frustration. It was stressed that the safety of school children was the top priority.

Subsequent to Council's discussion, it was agreed that the contractor could utilize the road closure/detour option; however, the City was directed to aggressively advertise this project in advance.

COMMENTS OF THE CITY MANAGER:

The City Manager particularly thanked the Police, Fire, Public Works and Utility Departments for their vigilance over the weekend due to the storm. He also announced that the City would initiate storm debris pickups on Monday, October 24, 2016 and reminded citizens to separate bulk from landscaping and if it is necessary to use bags the Fall Leaf Program guidelines should be followed; i.e. clear bags with no drawstrings.

COUNCIL DIRECTIVES:

Councilman Vernall expressed gratitude for City staff's hard work to keep the City moving forward during the most recent severe weather.

Councilman Green stated that he and Councilwoman Crawford had recently met with state legislators at a United Way/Bon Secours event at which time over ninety-five non-profit organizations described what they do as well as the services they offer. He reminded Council of the health care issues facing many citizens that he mentioned at the last meeting. He stated that State Delegate Gordon Helsel had sent him three draft bills

that offered relief options for these individuals which he planned to share with Council at an upcoming work session.

Councilwoman Crawford invited everyone to visit and patronize the Poquoson Kiwanis Club barbeque booth at the Seafood Festival. She also commended City staff on how well they prepare for and handle severe weather events.

Vice Mayor Freeman stated that he and the City Manager had recently attended the Virginia Municipal League conference. He too expressed admiration for how well the City Manager and staff perform during emergency events and at all other times as well.

Mayor Hunt reminded everyone how very fortunate the City was to have been minimally impacted by the recent storm. He commended the City's Police, Fire and Public Works Departments for their hard work in preparing for and during the storm. Lastly he reminded everyone of the Poquoson Seafood Festival and encouraged them to attend and safely enjoy this special annual event.

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

NO: None.

The meeting was adjourned at approximately 8:21 p.m.

MINUTES OF THE CITY COUNCIL MEETING
OCTOBER 11, 2016, 6:15 P.M.
WORK SESSION
Council Chambers, 500 City Hall Avenue

PRESENT: The Honorable W. Eugene Hunt, Jr., Mayor
The Honorable Carey L. Freeman, Vice Mayor
The Honorable Traci-Dale Crawford
The Honorable Charles "Bud" M. Southall III
The Honorable Herbert R. Green, Jr.
The Honorable Raymond E. Vernall

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

ABSENT: The Honorable Henry W. Ayer III

The meeting was called to order by Mayor Hunt at approximately 6:15 p.m. in the Council Chambers.

Sign Ordinance Re-Write:

The City Manager, J. Randall Wheeler, stated that Dannan O'Connell, Graduate Management Assistant, had worked closely with the Community Development Director, Deborah Vest and him to re-write the City's sign regulations. He reminded Council that at its March 2016 retreat, re-writing the City's Sign Ordinance was discussed and staff was asked to draft amendments to the existing regulations due to the proliferation of signs in the public right-of-way and to consolidate the regulations into one standalone ordinance.

Mr. O'Connell provided the following brief overview of the amendments drafted by staff to reflect guidance provided by Council at the aforementioned retreat:

- That Sections 1 through 6 of Appendix D be amended by removing redundant/contradictory/unnecessary language; prohibiting all non-City signs in public rights-of-way; allowing electronic signs in the Wythe Creek Road commercial district; permitting short-term, temporary signs without a permit; and providing clearer regulations for political, real estate and contractor signs;
- That Articles II and IV of Chapter 6 be removed to improve clarity and to confine sign regulations to Appendix D only;
- That Section 5 of Chapter 70 (sidewalks) of the City Code be amended to ensure that protection from interference applies only to City signs in the right-of-way;
- That a definition for *Political Sign* be added to Appendix D, Section 1;

- That the definition for *Portable Sign* be modified to reference Appendix D and not Chapter 6 of the City Code and that the definition of *Sign* be modified for additional clarity;
- That Sections 2, 3 and 4 of Appendix D be amended by clarifying language in the Administration, Permitted Signs and Prohibited Signs;
- That Section 5 of Appendix D be amended relative to Signs Not Requiring Permits to include the public School System, maximum size of signs, when they can be erected and for how long, and short-term, temporary signs;
- That language be added to Section 6, Appendix D - General Regulations clarifying the placement of signs; and
- That Articles II and IV of Chapter 6 be eliminated and that language be added to Chapter 70, Section 5 addressing interference with signs erected in the public right-of-way.

In conclusion, Mr. O'Connell stated that all of the above amendments had been incorporated into the draft ordinances presented for consideration.

During and following the presentation, the following concerns were mentioned:

- What is the definition of a political sign and does that include signs expressing citizen's views on governmental issues?
- Do the proposed amendments address portable signs mounted on vehicles?
- Do the draft ordinances prohibit free speech?
- Since the location of the City rights-of-way are uncertain, how can the placement of signs be enforced?
- How will construction and/or home improvement signs in private yards be regulated?

In conclusion, Mayor Hunt reminded Council that staff had been directed to modify the Sign Ordinance to enhance its clarity and enforceability. However, since Council has numerous suggestions and/or concerns he asked that a work session be scheduled in the near future in order to discuss this matter further. He thanked the City Manager and staff for their hard work on the draft ordinances.

ADJOURNMENT:

There being no further business, the work session was adjourned at approximately 6:58 p.m.

MINUTES OF THE CITY COUNCIL MEETING
OCTOBER 11, 2016, 6:15 P.M.
WORK SESSION
Council Chambers, 500 City Hall Avenue

PRESENT: The Honorable W. Eugene Hunt, Jr., Mayor
The Honorable Carey L. Freeman, Vice Mayor
The Honorable Traci-Dale Crawford
The Honorable Charles "Bud" M. Southall III
The Honorable Herbert R. Green, Jr.
The Honorable Raymond E. Vernall

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

ABSENT: The Honorable Henry W. Ayer III

The meeting was called to order by Mayor Hunt at approximately 6:15 p.m. in the Council Chambers.

Sign Ordinance Re-Write:

The City Manager, J. Randall Wheeler, stated that Dannan O'Connell, Graduate Management Assistant, had worked closely with the Community Development Director, Deborah Vest and him to re-write the City's sign regulations. He reminded Council that at its March 2016 retreat, re-writing the City's Sign Ordinance was discussed and staff was asked to draft amendments to the existing regulations due to the proliferation of signs in the public right-of-way and to consolidate the regulations into one standalone ordinance.

Mr. O'Connell provided the following brief overview of the amendments drafted by staff to reflect guidance provided by Council at the aforementioned retreat:

- That Sections 1 through 6 of Appendix D be amended by removing redundant/contradictory/unnecessary language; prohibiting all non-City signs in public rights-of-way; allowing electronic signs in the Wythe Creek Road commercial district; permitting short-term, temporary signs without a permit; and providing clearer regulations for political, real estate and contractor signs;
- That Articles II and IV of Chapter 6 be removed to improve clarity and to confine sign regulations to Appendix D only;
- That Section 5 of Chapter 70 (sidewalks) of the City Code be amended to ensure that protection from interference applies only to City signs in the right-of-way;
- That a definition for *Political Sign* be added to Appendix D, Section 1;

- That the definition for *Portable Sign* be modified to reference Appendix D and not Chapter 6 of the City Code and that the definition of *Sign* be modified for additional clarity;
- That Sections 2, 3 and 4 of Appendix D be amended by clarifying language in the Administration, Permitted Signs and Prohibited Signs;
- That Section 5 of Appendix D be amended relative to Signs Not Requiring Permits to include the public School System, maximum size of signs, when they can be erected and for how long, and short-term, temporary signs;
- That language be added to Section 6, Appendix D - General Regulations clarifying the placement of signs; and
- That Articles II and IV of Chapter 6 be eliminated and that language be added to Chapter 70, Section 5 addressing interference with signs erected in the public right-of-way.

In conclusion, Mr. O'Connell stated that all of the above amendments had been incorporated into the draft ordinances presented for consideration.

During and following the presentation, the following concerns were mentioned:

- What is the definition of a political sign and does that include signs expressing citizen's views on governmental issues?
- Do the proposed amendments address portable signs mounted on vehicles?
- Do the draft ordinances prohibit free speech?
- Since the location of the City rights-of-way are uncertain, how can the placement of signs be enforced?
- How will construction and/or home improvement signs in private yards be regulated?

In conclusion, Mayor Hunt reminded Council that staff had been directed to modify the Sign Ordinance to enhance its clarity and enforceability. However, since Council has numerous suggestions and/or concerns he asked that a work session be scheduled in the near future in order to discuss this matter further. He thanked the City Manager and staff for their hard work on the draft ordinances.

ADJOURNMENT:

There being no further business, the work session was adjourned at approximately 6:58 p.m.

CITY OF POQUOSON

PLANNING DEPARTMENT

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

October 24, 2016

To: The Honorable City Council

Through: City Manager

From: Dannan O'Connell, Graduate Management Assistant

Subject: **Ordnances Amending Poquoson's Sign Regulations by Revising Chapter 70 – Streets, Sidewalks and Other Public Places**

Presented for your regular session is a resolution to amend Chapter 70 – Streets, Sidewalks and Other Public Places of the City Code of Ordnances. At its March retreat the Council discussed the proliferation of temporary signs within the city right-of-way, and the possibility of changing the Sign Ordinance(s) to streamline and clarify sign regulation, and to reduce excessive signage within residential areas and on public land. City staff reviewed all relevant sections of the City Code pertaining to signs, and presented a set of three resolutions to amend sections of the Code (Chapter 6, Chapter 70 and Appendix D) to Council at a work session on October 11, 2016. Council expressed several concerns and suggestions regarding both the existing sign regulations, and the proposed changes, and decided to return the resolutions to City staff for revision and reconsideration at a later date. However, the resolution modifying Chapter 70 was deemed satisfactory and significant enough to be considered independent of other changes. A modified version of this resolution is therefore presented for consideration at tonight's meeting.

The proposed resolution to modify Chapter 70 amends the language of Section 5 to specify that only signs or structures legally placed in the City right-of-way are protected from interference or removal by anyone other than the structure's legal owner or their representative. The current wording of Section 5 protects <u>all</u> signs, poles or structures placed in the City right-of-way from interference. This poses a significant legal hazard to the city, as the current ordinance makes it effectively illegal to remove <u>any</u> signs placed in the right-of-way, at any time. The amended language will clarify Section 5 to allow for nonconforming signs to be legally removed, while protecting any sign legally permitted by the current or future City Code from tampering or removal, unless said removal is conducted by the sign or structure's rightful owner.

DRO

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 70 OF THE CITY CODE BY REVISING SECTION 5, INTERFERING WITH SIGNS, POLES, OR STRUCTURES WITHIN STREET RIGHT-OF-WAY

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

Section 1: That Chapter 70 of the Code of the City of Poquoson, Virginia be amended by modifying Section 5, Interfering with signs, poles, or structures within street right-of-way, to read as follows:

Section 70-5. –Interfering with signs, poles or structures within street right-of-way

It shall be unlawful for any person other than the specific structure's legal owner or their designated representative to interfere in any way with signs, poles, or structures legally erected within the public right-of-way on any street in the city.

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

ADOPTED: _____

TESTE: _____
City Clerk

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

October 24, 2016

To: City Council

From: City Manager

Subject: **Resolution Making An Appointment To The Wetlands Board**

Presented for your consideration is a resolution making an appointment to the Wetlands Board. There have not been any new Board Bank applications submitted.

JFW:ei

RESOLUTION NO. ____

RESOLUTION MAKING AN APPOINTMENT TO THE WETLANDS BOARD

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 Wetlands Board for the term indicated:

Name	**Terms Expire**
	October 31, 2021

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

ADOPTED: _____

TESTE: _____
City Clerk

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

October 24, 2016

To: City Council

From: City Manager

Subject: **Resolution Cancelling the Second Meetings of the Months of November and December 2016**

As has been done in the past, presented for your consideration is a resolution cancelling the second meetings of the months of November and December, 2016.

JFW:ei

RESOLUTION NO. ____

RESOLUTION CANCELLING THE SECOND MEETINGS OF THE MONTHS OF NOVEMBER AND DECEMBER 2016

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

Section 1: That the meetings scheduled for November 28, 2016 and December 26, 2016 are hereby cancelled.

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

ADOPTED: _____

TESTE: _____
City Clerk