

**POQUOSON ECONOMIC DEVELOPMENT AUTHORITY**

**Board of Directors Meeting**

**September 1, 2015, 8:30 a.m.**

**Poquoson City Hall – Council Chambers Room**

**PRESENT:** Donald F. Booth, Jr., Chairman  
 Timothy O. Trant, II, Vice Chairman  
 P. Craig Moore, Treasurer/Director  
 Henry L. Freeman, Director  
 Alan E. Meetze, Director  
 Walter E. Apelt, Director

David Callis, Economic Development (ED) Director  
 Deborah Vest, Community Development Director  
 Kevin Wyne, Planner  
 Charity Gavaza, Economic Development (ED) Coordinator  
 D. Wayne Moore, City Attorney  
 Mary J. “Evie” Insley, Secretary

**ABSENT:** Angela Ward-Costello, Director

Chairman Booth called the meeting to order at approximately 8:30 a.m. in the Council Chambers located at 500 City Hall Avenue. He thanked everyone in attendance and gave a brief history and charge of the Economic Development Authority.

**APPROVAL OF THE CONSENT AGENDA**

Vice Chairman Trant moved, seconded by Director Meetze, to approve the Consent Agenda which included May 5, 2015 Minutes, Report of the Secretary and Report of the Treasurer. Recorded vote on the motion:

YES: Directors Moore, Freeman, Meetze, Apelt, Trant and Chairman Booth.

NO: None.

**PUBLIC COMMENT**

Six (6) speakers, listed below, addressed the Directors regarding the possibility of zoning changes which would allow a WalMart to be erected and operate on EDA Tax Map Parcel Nos. 18-1-116; 18-1-117; 18-1-134; 18-1-93A; 18-1-94A and 18-01-00-0119, :

Shannon Dalrymple, 4 Hansom Dr.; Devin Cupp, 6 Hollingsworth Way; Kathy Guthrie, 17 Valasia Rd.; Natalie Cannella, 84 Rowe Dr.; and Jim Kennedy, 12 Lakeview Dr.; expressed opposition to the rezoning citing the following:

- WalMart is not the best use for this property,
- Loss of small town appeal,

- Increase in crime and traffic,
- Negative ecological issues,
- Lacks sustainability,
- Tax revenue will be great for WalMart but, not for community, and
- City could potentially lose local businesses.

Suzie Pauls Burnette, 118 Darden Dr. spoke in favor of WalMart since it would increase the City's tax base.

Vice Chairman Trant thanked the speakers and commented on the apparent confusion about which City Board or Commission was responsible for the overview of the different requirements to be met by a prospective development. He further stated that the purpose of the EDA was to promote economic development and business retention by attracting and retaining professional and commercial land uses thus diversifying the City's tax and employment base. He stated that the EDA was responsible for the sale of the parcels only and that the plan would be presented to the Planning Commission for a recommendation to City Council who would make the final decision. Vice Chairman Trant advised the public in attendance that the developer was holding a public information meeting on Thursday, September 3<sup>rd</sup> at 6:00 p.m. at the Poquoson Middle School cafeteria and the Planning Commission would be holding a public hearing on this development on September 21<sup>st</sup> at 7:00 p.m. in Council Chambers.

### **UNFINISHED BUSINESS**

#### *CRES – Applications for Rezoning*

Dave Callis, Economic Development (ED) Director, introduced Deborah Vest, Community Development Director and Kevin Wyne, Planner, to the audience in attendance. He stated that CRES-EG, with the EDA as the property owner, has submitted the following 3 land use applications to the Planning Commission for consideration:

- Request an amendment of the Future Land Use Map to change Parcel 18-01-00-0119 to GC to conform to the other five (5) parcels.
- Request a change of the zoning classification from Research and Development (RD) to General Commercial (GC) to conform to the remaining five (5) parcels to develop a grocery anchored shopping center.
- Request a Conditional Use Permit for a fuel center associated with the grocery anchored shopping center.

As noted previously, these requests will be considered by the Planning Commission on the September 21<sup>st</sup> in order to make a recommendation (approval or denial) to City Council.

#### *Fountains of Poquoson – Request for Additional Capacity to the BMP*

A request had been received from Mr. Robert Moses, Managing Member of the Fountains of Poquoson (Fountains), to obtain additional capacity for utilization of the EDA's retention pond for an anticipated expansion of his project. Chairman Booth reminded the Directors that the

pond is now regulated by post 2014 EPA standards and that the City Engineer, Ellen Roberts, had indicated that 5 acres under the new regulations would require the Fountains engineer to submit a formula to identify the amount of phosphorous removal required for the amount of non-pervious structures constructed. The Chairman then requested that the current EDA pond formula be re-evaluated and a Committee report back to the EDA in 60 days, at the November meeting. He asked the Secretary to contact the previous Chairman, Manfred Freeman, to serve on this Committee and Vice Director Trant volunteered to serve as he assisted with the original formula.

### NEW BUSINESS

#### CRES – Request For Extension

Chairman Booth received a letter dated July 29, 2015 from CRES, the developer for the EDA's Big Woods property, requesting an extension of the October 23, 2015 permitting period to June 15, 2016. In the letter he cited four considerations for the request:

1. They had only received the delineation of additional wetlands that week.
2. They have experienced site plan delays due to concerns expressed by the Planning Department.
3. The prospective user's approval had been delayed by the significant redesign changes.
4. The Legacy Project's delay in obtaining their Traffic Impact Analysis (TIA) delayed CRES's TIA finalization needed for rezoning.

Subsequent to a discussion, the consensus of the Authority was to deny the request for an extension. Chairman Booth requested Mr. Callis to deliver this response to Mr. Green of CRES-EG.

#### Alphus Street BMP

The Directors were advised that City Council, at its July 27, 2015 meeting, raised some questions with regard to the safety of the EDA's BMP adjacent to the Fountains project on Alphus Street. The City Engineer, Ellen Roberts, was invited to address this issue. Mrs. Roberts presented a brief history stating that the pond was constructed sometime between 2001 and 2003 at which time there were no regulations addressing safety issues associated with drainage ponds. Since that time, City Council has recommended that developers utilize the following precautionary measures designed to discourage people from activity near ponds:

1. A safety bench, which is an area of flat land just above the actual water, which is currently in effect at the EDA pond.
2. Landscaping consisting of unfriendly shrubs and bushes such as yucca or holly which creates a physical barrier.

Mrs. Roberts specifically pointed out that fencing can be an attractive nuisance delaying first responders and would not prevent someone from jumping over.

It was determined that the EDA meets the legal requirements since their pond includes a shelf.

Use of EDA Land for the Chesapeake Bay TMDL Project

Mrs. Roberts presented a request to the EDA to consider allowing construction of a Chesapeake Bay retrofit on EDA parcel no. 27-1-3. She stated that this property fits the “do no harm” objective of the City with regard to implementing TMDL goals due to the following:

- A 0.155 acre parcel it is too small to be developed;
- Per VDOT standards, it is located too close to City Hall to build a Victory Boulevard access;
- It is located at the corner of two major ditches so that installing a treatment practice would increase the flood storage capacity and provide some relief for upstream property owners; and
- This treatment practice will improve the aesthetics at this location.

Mrs. Roberts further stated that the TMDL program is extremely expensive and currently projected to cost between \$6 million and \$10 million by 2028. Potential treatment sites are being selected which are owned by the City in order to help mitigate economic impact and offer a secondary benefit, such as increased flood storage, sites and have limited ED potential. She stated this project would allow the City to take advantage of a \$262,000 state grant opportunity.

After some discussion, Director Freeman moved, seconded by Director Moore, to allow the construction of a Chesapeake Bay Retrofit on the EDA parcel no. 27-1-3. Recorded vote on the motion:

YES: Directors Moore, Freeman, Meetze, Apelt, Trant and Chairman Booth.

NO: None.

826 Poquoson Avenue

ED Director, Dave Callis, stated that the City recently acquired 826 Poquoson Avenue which is a residential property consisting of approximately 2 acres adjacent to the Parks and Recreation Building on the corner of Poquoson Avenue and Municipal Drive. Subsequent to a subdivision of the subject property so that the City may retain ownership of the rear portion of the lot, Mr. Callis, on behalf of City Council, asked if the Authority would act as the sales broker for the residence if ownership is conveyed to them.

Vice Chairman Trant moved, seconded by Director Moore, that the EDA act as the sales broker for 826 Poquoson Avenue. Recorded vote on the motion:

YES: Directors Moore, Freeman, Meetze, Apelt, Trant and Chairman Booth.

NO: None.

By-laws Amendment to Order of Business for Consent Agenda

Secretary, Evie Insley, presented a Resolution to amend the Authority's by-laws order of business to reflect the new Consent Agenda. The following was presented for adoption:

**RESOLUTION**

**WHEREAS**, the City of Poquoson Economic Development Authority (EDA) in an effort to streamline its agenda approved the introduction of a Consent Agenda, and

**WHEREAS**, the current By-laws of the Authority under *Article III – Meetings, Order of Business* reflect an order of business which is inconsistent with a Consent Agenda.

**NOW, THEREFORE, BE IT RESOLVED** by the Economic Development Authority of the City of Poquoson, Virginia:

**Section 1:** That the Economic Development Authority By-Laws be amended to read as follows:

*Article III – Meetings*  
*Order of Business*

1. ROLL CALL
2. CONSENT AGENDA
  - a. Reading and approval of the minutes of the previous meeting
  - b. Report of the Secretary
  - c. Report of the Treasurer
3. PUBLIC COMMENT
4. CLOSED SESSION
5. UNFINISHED BUSINESS
6. NEW BUSINESS
7. STAFF ACTIVITIES
8. ADJOURNMENT

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

Vice Chairman Trant moved, seconded by Chairman Booth, to approve the above resolution, amending the EDA By-laws. Recorded vote on the motion:

YES: Directors Moore, Freeman, Meetze, Apelt, Trant and Chairman Booth.

NO: None.

Public Works Request for Disaster Storage on Big Woods Property

Mr. Callis relayed a request from Tom Jones, Director of Public Works, asking the EDA for permission to store equipment and/or supplies on the Big Woods property across from City Hall Avenue in the event of a disaster or severe weather event. It was discussed that the property was under contract; however, as long as it was EDA property and Mr. Jones returned the property to pre-situation condition after use, there were no objections to this use.

Vice Chairman Trant moved, seconded by Chairman Booth, to allow Public Works utilization of the EDA's vacant parcels across from City Hall Avenue in disaster and/or severe weather situations. Recorded vote on the motion:

YES: Directors Moore, Freeman, Meetze, Apelt, Trant and Chairman Booth.

NO: None.

Teen Center Building

Charity Gavaza, Economic Development (ED) Coordinator stated that Jonathan Manning had advised the Economic Development Department that the Poquoson Island Players were disbanding and would no longer use the Teen Center Building after October 31<sup>st</sup> but would continue to pay utilities until that date.

STAFF ACTIVITIES

1. *Messick Point*

Mr. Callis informed the Authority that the City's lease agreement with Robert Moses for specific Messick Point properties had been terminated and that the City is currently serving as "Dock Master" as well as maintaining the restrooms. He also informed the Directors that the Messick Point breakwater project, to be partially funded by a grant, is currently in the design phase with a project completion date of June 30, 2016.

2. *START Peninsula Event*

The ED Director pointed out that due to the lack of funds this year, the ED Department, on behalf of the Authority, would provide a \$1,000 sponsorship for the START Peninsula event to be held on November 13<sup>th</sup> through November 15, 2015. This annual event to be held at the Applied Research Tech Center adjacent to the Jefferson Lab in Newport News will bring entrepreneurs and business leaders to facilitate the incubation of new businesses. As a result of this sponsorship, four free event tickets will be provided and the Poquoson EDA name will be included on the event website, program and event materials.

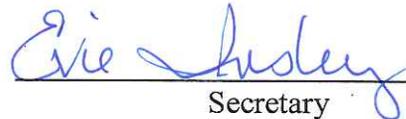
3. *Next Meeting*

The next meeting of the Authority was scheduled for Tuesday, October 6, 2015 at 8:30 a.m.

ADJOURNMENT

Vice Chairman Trant thanked everyone who attended the meeting. Chairman Booth then adjourned the meeting at approximately 9:53 a.m.

  
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Chairman

  
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Secretary