

September 27, 2010

**MINUTES OF THE CITY COUNCIL MEETING
SEPTEMBER 27, 2010, 7:00 P.M.
REGULAR SESSION**

PRESENT: The Honorable Gordon C. Helsel, Jr., Mayor
The Honorable W. Eugene Hunt, Jr., Vice Mayor
The Honorable Carey L. Freeman
The Honorable Frank A. Kreiger
The Honorable E. T. "Tom" Meree
The Honorable Traci-Dale Crawford
The Honorable Charles M. Southall, III

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

MEETING CALLED TO ORDER:

Mayor Helsel called the meeting to order at approximately 7:05 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

SPECIAL PRESENTATIONS:

City Manager, J. Randall Wheeler, introduced new City employees: Ann Smith, Library Administrative Secretary; Deborah Morrissey, Library Cataloger & Manager of Technical Services; Debra Graves, Police Officer; James Wenzel, Police Officer; and Ellen Roberts, Engineer. On behalf of Council, Mayor Helsel welcomed the new full-time employees.

The City Manager introduced Ms. Leslie Bowie, Coordinator of the Workforce Development Summer Youth Program, sponsored by the American Recovery & Reinvestment Act (ARRA). Ms. Bowie thanked the City, the School System and Councilman Frank Kreiger for supporting this year's Program which was a great success. Ms. Bowie introduced the youth and their respective supervisors and specified their place of employment as follows:

<u>Participant</u>	<u>Work Location</u>	<u>Supervisor</u>
Matthew B. DeRousse	High School	Bernard Wright
Richard S. Lovejoy (absent)	School Tech Team	Joe Coccimiglio
Maurice Martinez	School Tech Team	Joe Coccimiglio

Ryan Patton	City Library	Brenda Sinclair
Cassandra Pryce	Primary School	Susan Butler
Michael Richardson	Public Works	Jerry Cagle & Milton Wiggs
William B. Stefula (absent)	Middle School	Todd Perelli
Andrew Sturgeon (absent)	Middle School	Todd Perelli

In conclusion, Councilman Kreiger thanked Ms. Doris Feltman, Director of Student Services, and Ms. Leslie Bowie for their leadership and dedication that ensured the success of Poquoson's Workforce Summer Youth Program again this year.

Mr. Trey Brundige, Economic Development Intern, briefed Council on and provided a preview of the newly developed Economic Development website. Mayor Helsel and Council commended Mr. Brundige for his hard work and for the excellent website.

AUDIENCE FOR VISITORS:

There were no speakers.

APPROVAL OF THE MINUTES:

Vice Mayor Hunt moved, seconded by Councilman Meree, to adopt the minutes of the regular session held August 23, 2010. Recorded vote on the motion:

YES: Councilmembers Crawford, Hunt, Southall, Kreiger, Freeman, Meree and Mayor Helsel.

NO: None.

Councilman Kreiger moved, seconded by Councilman Freeman, to adopt the minutes of the work session held August 23, 2010. Recorded vote on the motion:

YES: Councilmembers Southall, Freeman, Meree, Crawford, Kreiger, Hunt and Mayor Helsel.

NO: None.

Vice Mayor Hunt moved, seconded by Councilman Freeman, to adopt the minutes of the special session held September 13, 2010. Recorded vote on the motion:

YES: Councilmembers Hunt, Crawford, Meree, Freeman, Southall and Mayor Helsel.

NO: None.

ABSTAIN: Councilmember Kreiger.

UNFINISHED BUSINESS:

1. ORDINANCE AMENDING THE NOISE ORDINANCE (1ST Reading)

The City Manager stated that following Council's August 23, 2010 meeting, the ordinance had been amended by removal of the subjective standards and by adding the word "animals" to the definition of *sound generation*.

During Council's discussion, it was suggested that Section 34-40 of the ordinance be amended so that noise from restaurants would be prohibited from 12 a.m. to 7 a.m. rather than the proposed 10 p.m. to 7 a.m. Mayor Helsel expressed concern over the proposed amendment, especially for homeowners whose property is adjacent to a restaurant. In response to a Council query, Police Chief, Cliff Bowen, stated that the proposed Noise Ordinance is a good beginning and can be amended as warranted in the future.

Vice Mayor Hunt moved, seconded by Councilman Kreiger, to amend the proposed ordinance by restricting noise from restaurants from 12 a.m. to 7 a.m., to dispense with the second reading of the ordinance and to adopt it on first reading. Recorded vote on the motion:

YES: Councilmembers Meree, Freeman, Kreiger, Southall, Hunt and Crawford.

NO: Mayor Helsel.

NEW BUSINESS:

1. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ACCOUNTS PAYABLE AGREEMENT WITH COMMERCE BANK

Ms. Theresa Owens, City Finance Director, explained that the proposed agreement will allow the City to pay vendors using credit issued by Commerce Bank and, in return, the City would receive a portion of the generated revenue. She also pointed out that the agreement can be canceled at any time and requires no investment from the City.

A resolution authorizing the City Manager to enter into an accounts payable agreement with Commerce Bank was presented for consideration and Councilman Meree moved, seconded by Councilman Kreiger, that it be adopted. Recorded vote on the motion:

YES: Councilmembers Crawford, Hunt, Southall, Kreiger, Freeman, Meree and Mayor Helsel.

NO: None.

2. RESOLUTION PROTESTING THE PROPOSED CLOSURE OF THE UNITED STATES JOINT FORCES COMMAND (JFCOM)

A resolution protesting the closure of the Joint Forces Command (JFCOM) was presented for Council consideration.

Vice Mayor Hunt moved, seconded by Councilman Kreiger, to adopt the resolution. Recorded vote on the motion:

YES: Councilmembers Southall, Freeman, Meree, Crawford, Kreiger, Hunt and Mayor Helsel.

NO: None.

3. RESOLUTION MAKING APPOINTMENTS TO THE BOARD OF ZONING APPEALS

A resolution making appointments to the Board of Zoning Appeals was presented for consideration.

Councilman Kreiger moved, seconded by Councilman Freeman, to reappoint Richard Beland and Nancy Wissinger to the Board of Zoning Appeals and to adopt the resolution with their names inserted. Recorded vote on the motion:

YES: Councilmembers Hunt, Kreiger, Crawford, Meree, Freeman, Southall, and Mayor Helsel.

NO: None.

4. ORDINANCE APPROPRIATION - MUSEUM

The City Manager reminded Council that in December 2008 they purchased a deed of trust note for the Poquoson Museum. To show support for the Museum, an ordinance forgiving the interest from December 1, 2008 through June 30, 2010 of one-tenth of the principal was presented for Council consideration.

Vice Mayor Hunt moved, seconded by Councilman Freeman, to dispense with the second reading and to adopt the ordinance on first reading. Recorded vote on the motion:

YES: Councilmembers Meree, Freeman, Kreiger, Southall, Hunt, Crawford and Mayor Helsel.

NO: None.

COMMENTS OF THE CITY MANAGER:

City Manager, J. Randall Wheeler, reminded Council of the upcoming Seafood Festival, October 15-17 and the kick-off events, i.e. the Fishing Tournament and the MacKenzie 5K run/walk on October 9th and the Workboat Race on Sunday, October 10th. He also pointed out that the rain dates for the Kids Island Project would be October 8-9, 2010. Many volunteers from the U. S.

Navy and local civic organizations are expected to assist with the project scheduled for October 1st and 2nd.

COUNCIL DIRECTIVES:

Councilwoman Crawford applauded the Fleet Maintenance staff for keeping their operating costs so low. She also commended the City's DMV Select Office and Graham Wilson, Commissioner of the Revenue, for their excellent work performance.

Councilman Kreiger thanked the City and the School Administration for participating in the Summer Youth Program. He stated that he had received positive feedback on the two new solid waste disposal programs, i.e. bagged leaf pickup and bulky item drop-off, scheduled to commence this fall.

Councilman Meree stated that, prior to the next budget, Council needs to revisit the eligibility income limits for senior citizens to participate in the City's real estate tax exemption/deferral program. He reported that approximately 10-12 citizens had attended the recent public input session on the proposed sidewalk along Poquoson Avenue, between Wythe Creek Road and the Middle School. In conclusion, he stated that a Virginia Department of Transportation (VDOT) grant application to construct all or part of the proposed sidewalk would be submitted by the end of the week.

Councilman Freeman commended the City for using its allotted American Recovery & Restoration Act (ARRA) funds so expeditiously on needed infrastructure.

Mayor Helsel reported that the City had hosted the Virginia Peninsula's Mayors and Chairs luncheon meeting earlier that day and that he and the City Manager would meet with Colonel Kirkland in the near future. He commended the Finance Department on the steadily increasing unappropriated fund balance.

CLOSED SESSION:

Councilman Meree moved, seconded by Councilman Freeman, to go into closed session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia (1950), as amended to discuss the disposition of publicly held real property; i.e. Tower. Recorded vote on the motion:

YES: Councilmembers Crawford, Hunt, Southall, Kreiger, Freeman, Meree, and Mayor Helsel.

NO: None.

RECONVENEMENT:

Upon reconvening from closed session, Vice Mayor Hunt moved, seconded by Councilman Freeman, to adopt a resolution certifying that only disposition of publicly held property was discussed. Recorded vote on the motion:

YES: Councilmembers Southall, Freeman, Meree, Crawford, Kreiger, Hunt and Mayor Helsel.

NO: None.

ADJOURNMENT:

There being no further business, Councilman Freeman moved, seconded by Councilman Southall, to adjourn the meeting. Recorded vote on the motion:

YES: Councilmembers Hunt, Kreiger, Crawford, Meree, Freeman, Southall and Mayor Helsel.

NO: None.

The meeting was adjourned at approximately 8:16 p.m.