

1. City Council Agenda May 24, 2021

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**POQUOSON CITY COUNCIL  
REGULAR SESSION MEETING  
MONDAY, MAY 24, 2021, 7:00 P.M.**

**A. MEETING CALLED TO ORDER**

**B. INVOCATION AND PLEDGE OF ALLEGIANCE – Councilman Hux**

**C. SPECIAL PRESENTATION**

- **Special Recognition – Mayor Helsel**
- **New Employee Introduction – Sean Crawford, City Engineer**

**D. AUDIENCE FOR VISITORS**

**E. APPROVAL OF THE MINUTES**

- (a) Regular Session May 10, 2021**

**F. PUBLIC HEARING**

- 1. Ordinance Amending the City Zoning Ordinance by Modifying Section 1-3 (Definitions) and Section 10-2 (Permitted and Conditional Uses)**
- 2. Resolution Approving Amendments to a Conditional Use Permit for the Establishment of a Farmer's Market at 0 Victory Boulevard, Tax Map Parcel No. 18-1-121**
- 3. School Board Appointments – (No Action Required)**

**G. NEW BUSINESS**

- 1. Ordinance Making Additional Appropriations for Fiscal Year 2021 in General Fund (Local Donations, State Aid, State and Federal Grants)**

**H. COMMENTS OF THE CITY MANAGER**

**I. COUNCIL DIRECTIVES**

**J. CLOSED SESSION**

- 1. Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia (1950), as amended to discuss a personnel matter; and pursuant to Section 2.2-3711(A)(7) of the Code of Virginia (1950), as amended to discuss appointments to School Board and City Council.**

**K. RECONVENEMENT – Certification of Closed Session**

**L. ADJOURNMENT**

**MINUTES OF THE CITY COUNCIL MEETING**

**May 10, 2021 7:00 P.M.**

**REGULAR SESSION**

**PRESENT:** The Honorable Gordon C. Helsel, Jr., Mayor  
The Honorable Carey L. Freeman, Vice Mayor  
The Honorable Herbert R. Green, Jr.  
The Honorable David A. Hux  
The Honorable Charles M. Southall III  
The Honorable Thomas J. Cannella II  
The Honorable Jana D. Andrews

J. Randall Wheeler, City Manager  
Kimberly Healy, City Clerk  
D. Wayne Moore, Attorney

**ABSENT:** None

**MEETING CALLED TO ORDER:**

Mayor Helsel called the meeting to order at approximately 7:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Councilman Green rendered the invocation and led the audience in the Pledge of Allegiance.

**SPECIAL PRESENTATION:**

- Special Recognition – Mayor Helsel

Mayor Helsel recognized City Attorney, Wayne Moore, for his service to the City for more than 24 years.

- We Love the Bay Sticker – Garrett Feagans

Acting City Engineer, Garrett Feagans presented a regional campaign through the HRPDC with the We Love the Bay Sticker that will be placed on the sidewalks along Wythe Creek Road, one near Oxford Run and one near the old Farm Fresh shopping center to remind citizens to keep the storm drains clear of anything other than storm water.

**APPROVAL OF THE MINUTES:**

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt the minutes of the regular session held on April 26, 2021 as submitted. Recorded vote on the motion:

**YES:** Councilmembers Southall, Cannella, Hux, Green, Vice Mayor Freeman and Mayor Helsel

**NO:** None

**ABSTAIN:** Councilmember Andrews

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt the minutes of the work session held on April 26, 2021 as submitted. Recorded vote on the motion:

**YES:** Councilmembers Green, Hux, Cannella, Southall, Vice Mayor Freeman and Mayor Helsel

**NO:** None

**ABSTAIN:** Councilmember Andrews

**AUDIENCE FOR VISITORS:**

None

**UNFINISHED BUSINESS:**

**1. Second Reading and Final Adoption of the FY 2022 Annual Financial Plan**

Four Ordinances were presented to City Council for second reading and final adoption of the FY 2022 annual plan.

There are four Ordinances to be considered to adopt the budget and they are as follows:

- Ordinance Appropriating Funds to Various Governmental Funds
- Ordinance Establishing the Real Estate Rate
- Ordinance Establishing the Personal Property, Watercraft and Privately Owned Camping Trailers and Mobile Home Tax Rates
- Ordinance Amending Chapter 1 – Section 1-13 General Provisions of the Code of Ordinances of the City of Poquoson, Virginia

Vice Mayor Freeman moved, seconded by Councilman Southall to adopt the ordinance to appropriate funds to the various governmental funds of the City of Poquoson, Virginia for Fiscal Year 2022.

**YES:** Councilmembers Southall, Hux, Green, Cannella, Andrews, Vice Mayor Freeman, and Mayor Helsel

**NO:** None

Vice Mayor Freeman moved, seconded by Councilman Cannella to adopt the ordinance to lay a \$1.13 levy 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.

**YES:** Councilmembers Andrews, Cannella, Southall, Hux, Green, Vice Mayor Freeman and Mayor Helsel

**NO:** None

Vice Mayor Freeman moved, seconded by Councilman Southall to adopt the 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 \$1.13 levy on all vehicles without motive power, used or

designed to be used as manufactured homes in the City of Poquoson, Virginia, for the general operations of the various departments of the City government.

**YES:** Councilmembers Cannella, Andrews, Green, Southall, Hux, Vice Mayor Freeman and Mayor Helsel

**NO:** None

Vice Mayor Freeman moved, seconded by Councilman Cannella to adopt an ordinance amending Chapter 1, Section 1-13 general provisions of the Code of Ordinances of the City of Poquoson, Virginia.

**YES:** Councilmembers Andrews, Southall, Cannella, Hux, Green, Vice Mayor Freeman and Mayor Helsel

**NO:** None

**COMMENTS OF THE CITY MANAGER:**

City Manager, Randy Wheeler, recognized Robin Bellamy as the Acting Finance Director and thanked her for stepping into the position and attending the meeting.

Mr. Wheeler requested the City Clerk, Kimberly Healy, review the process that will take place for three open School Board appointments. Mrs. Healy stated that City Council would hold a public hearing on May 24, 2021 to fill positions for At Large, Eastern and Central districts. Anyone interested in one of the positions should fill out a bank board application and have it turned in to the City Clerk no later than 4:30pm on May 24, 2021. Only those names read at the public hearing will be considered for appointment.

Mr. Wheeler added that during the public hearing on May 24, 2021 citizens can also submit their names for consideration. Interviews will be scheduled with City Council once applications are reviewed.

**COUNCIL DIRECTIVES:**

Councilman Cannella addressed Council and the public to announce his resignation from City Council effective 4:30pm on Friday, May 14, 2021 as he has accepted the position of Principal Planner with Community Development for the City of Poquoson. Mr. Cannella thanked Mayor Helsel for being a source of his inspiration for his desire to serve the City. He also thanked City Manager Wheeler and other City staff for their guidance and assistance during his tenure.

Vice Mayor Freeman expressed that he has enjoyed serving with Councilman Cannella and wished him luck in the future.

Councilman Green concurred with Vice Mayor Freeman's remarks.

Councilwoman Andrews wished Councilman Cannella luck.

Councilman Southall congratulated City Attorney, Wayne Moore, on his recognition and wished Councilman Cannella well in his new position. He also thanked the public for watching.

Mayor Helsel thanked Councilman Cannella for doing an outstanding job as a member of Council and wished him well in his position with the City.

**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 Hux, Southall, Green, Andrews, Cannella, Vice Mayor Freeman and Mayor Helsel

**NO:** None

The meeting was adjourned at approximately 7:21 p.m.



# CITY OF POQUOSON

COMMUNITY DEVELOPMENT

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

## MEMORANDUM

**Date:** May 24, 2021

**To:** The Honorable City Council

**From:** Wally Horton, Director of Community Development

**Subject:** **Amendment to Article I, Section 1-3 and Article X, Section 10-2 of the Zoning Ordinance regarding the definition and conditional use of 'Farmer's Markets' in the B-2 zoning district**

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Presented for public hearing and consideration are amendments to Article I, Section 1-3 and Article X, Section 10-2 of the Zoning Ordinance regarding the definition of 'farmer's markets' and their allowance as a permitted/conditional use in the B-2 zoning district.

The City currently has one farmer's market operated by Victory Church with a Conditional Use Permit, which was approved by City Council on October 13, 2020. During their review of this application, the Planning Commission noted that the existing definition was very narrow and did not include the varied retail and handicraft uses proposed by the applicant. Community Development staff discussed this issue and potential changes with the Planning Commission in work sessions on January 21 and March 15, 2021. Proposed changes incorporating feedback from those work sessions was recommended for approval by the Planning Commission at their April 19, 2021 regular session by a vote of 6-0.

The proposed changes first amend Section 1-3 (Definitions) by removing the existing definition of 'farmer's market' and replacing it with a new definition for 'open-air market.' This new definition would read as follows:

***Open-Air Market:*** An occasional or periodic market where temporary stalls or tables are erected in an open area and where one or more individuals offer goods for sale to the public, including farmed produce, seafood, handicrafts, antiques, and other retail goods. This definition shall not be construed to include sidewalk sales by retail merchants, bake sales, or garage/yard sales held in conjunction with and incidental to residential uses or sponsored and conducted by religious, civic, or charitable organizations on their own developed property.

This new definition is based on the definitions for ‘farmers markets’ and ‘flea markets’ in Gloucester County and James City County, and is meant to better capture the expanded retail and handicraft uses present in modern outdoor markets, such as the one currently permitted by Victory Church.

The second proposed change amends Section 10-2 (Permitted and Conditional Uses) for the B-2 (Business/Commercial) zoning district. The proposed changes replace ‘flea markets’ with ‘open-air markets’ as a conditional use for B-2, dependent on a Conditional Use Permit from City Council. Flea markets are currently not defined by our Zoning Ordinance, whereas open-air markets would be governed by the above new definition.

Accompanying this is the following change to the list of permitted by-right uses:

**(a) (9) The outdoor display and sale of seasonal items, when deemed by the zoning administrator as an accessory use to a primary commercial use; as a primary use by a bona fide non-profit civic group organized and located in the City of Poquoson; or by a farmer's market fruit or produce stand.**

As ‘farmer’s markets’ will no longer be specifically defined by the Zoning Ordinance, this section will be modified to instead permit the outdoor sale of seasonal items by individual fruit or produce stands by right, in line with the spirit of the existing ordinance. Larger outdoor marketplaces would be considered ‘open-air markets’ and would be subject to Conditional Use Permit approval. In addition, open-air markets would be allowable by Conditional Use Permit in other districts, based on Section 1-8 of the Zoning Ordinance.

It is suggested by staff that Victory Church’s Conditional Use Permit be amended if these changes are approved, in order to take advantage of this updated (and more permissive) language.

These amendments were advertised in the Daily Press on May 14<sup>th</sup> and 21<sup>th</sup>, 2021.



ORDINACE # \_\_\_\_\_

**AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE BY MODIFYING SECTION 1-3 (DEFINITIONS) AND SECTION 10-2 (PERMITTED AND CONDITIONAL USES)**

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

**Section 1:** That the Zoning Ordinance of the City of Poquoson, Virginia be amended by modifying Appendix A, Section 1-3, Definitions, to read as follows:

**ARTICLE I. – GENERAL PROVISIONS**

**Sec. 1-3. - Definitions.**

~~*Farmer's market:* A place where farmers or other people who are engaged in truck farming gather regularly for the purpose of selling produce and goods produced at their farms. The sale of seafood is included in this definition.~~

[...]

*Open-Air Market:* An occasional or periodic market where temporary stalls or tables are erected in an open area and where one or more individuals offer goods for sale to the public, including farmed produce, seafood, handicrafts, antiques, and other retail goods. This definition shall not be construed to include sidewalk sales by retail merchants, bake sales, or garage/yard sales held in conjunction with and incidental to residential uses or sponsored and conducted by religious, civic, or charitable organizations on their own developed property.

**Section 2:** That the Zoning Ordinance of the City of Poquoson, Virginia be amended by modifying Appendix A, Section 10-2, Permitted and Conditional Uses, to read as follows:

**ARTICLE X. – B-2 DISTRICT REGULATIONS**

**Section 10-2. – Permitted and conditional uses.**

(a) In the general business district B-2, structures and land shall be used for one or more of the following uses:

[...]

(9) The outdoor display and sale of seasonal items, when deemed by the zoning administrator as an accessory use to a primary commercial use; as a primary use by a bona fide non-profit civic group organized and located in the City of Poquoson; or by a farmer's ~~market~~ fruit or produce stand.

[...]

(b) In the B-2 general business district structures and land to be used for one or more of the following uses shall be permitted only after the issuance of a conditional use permit using the procedures in section 1-7 of this ordinance [appendix]. If a proposed use cannot be made acceptable through the establishment of conditions, a conditional use permit request may be denied by city council.

[...]

(9) ~~Flea markets~~ Open-air markets.

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

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_

City Clerk



# CITY OF POQUOSON

COMMUNITY DEVELOPMENT

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

## MEMORANDUM

**Date:** May 24, 2021

**To:** The Honorable City Council

**From:** Wally Horton, Director of Community Development

**Subject:** **Amendment to the terms of a Conditional Use Permit for a Farmer's Market at 0 Victory Boulevard – Tax Parcel No. 18-1-121**

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Presented for public hearing and consideration is an amendment to Victory Church's Conditional Use Permit (Resolution #5140) to operate a farmer's market on Tax Parcel #18-1-121 off of Victory Boulevard. The Church's current CUP was approved by City Council on October 13, 2020 and allows the operation of a 'farmer's market' on the property, as defined by Section 1-3 of the City Zoning Ordinance. During their review of this application, the Planning Commission noted that this definition was very narrow and did not include the varied retail and handicraft uses proposed by the applicant.

Community Development staff are therefore proposing to amend the words 'farmer's market' to 'open-air market' within Section 1 and Condition 2 of the existing Use Permit. This change will bring the CUP into line with the new definition of 'open-air market' being proposed for Section 1-3 of the Zoning Ordinance. This amendment is therefore contingent on the new definition being approved, and should not be approved unless the definitional change is made.

Jamé Bolds of Victory Church was notified of this proposed change on March 24, 2021 and expressed his support and approval of the amendment. A copy of this correspondence is included with the resolution. This amendment was brought before the Planning Commission at their April 19, 2021 regular session, which they recommended to approve by a vote of 6-0.

This amendment was also advertised in the Daily Press on May 14 and 21, 2021.

## Dannan OConnell

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**From:** Jamé Bolds <jame@victory.nu>  
**Sent:** Wednesday, March 24, 2021 3:45 PM  
**To:** Dannan OConnell  
**Subject:** Re: Farmers Market Zoning Change

HI Dannan,

Thanks so much for reaching out to us and thinking about our public ministry in the way that we continue to love Poquoson.

We have no objection Dannan.

I think an open air market is a much better framework and a more descriptive language that speaks to the initiative in front of us.

Thank you for the change on our Use Permit, and if there is anything that we can do to help the city or you personally feel free to reach out to me. Here's my mobile: (757) 504-0322

Blessings on you!

Discover Open Air Market,

~ PJB

Jamé Bolds, Lead Pastor  
Victory Church & School  
Discover What Faith Can Do

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On Mar 24, 2021, at 3:28 PM, Dannan OConnell <[Dannan.OConnell@poquoson-va.gov](mailto:Dannan.OConnell@poquoson-va.gov)> wrote:

Good Afternoon Mr. Bolds,

After your Use Permit for the Poquoson Farmers Market was approved, our Planning Commission recommended that we look at revising our definition of a 'farmers market' to be more modern and inclusive of uses like yours, which include handmade items and other retail that isn't specifically produce. We're currently working to pass this new definition to the Commission next month, and City Council the following May.

The new definition would read as follows:

*Open-Air Market: An occasional or periodic market where temporary stalls or tables are erected in an open area and where one or more individuals offer goods for sale to the public, including farmed produce, seafood, handicrafts, antiques, and other retail goods. This definition shall not be construed to include sidewalk sales by retail merchants, bake sales, or garage/yard sales held in conjunction with and incidental to residential uses or sponsored and conducted by religious, civic, or charitable organizations on their own property.*

We chose the term 'open-air market' since it seems more fitting than either 'farmers market' or 'flea market', both of which are currently in our Code.

My question to you is this: would you object to us modifying your Use Permit at the same time, in order to take advantage of this new definition? All we would be doing is changing one word, from 'farmers market' to 'open-air market'. No other changes to your Use Permit would be made, and all the conditions would stay the same. There would be a public hearing on this before City Council, but we'd advertise and present it ourselves without charging you anything.

Let me know if this sounds satisfactory to you, or if you have any questions.

Thanks,

Dannan

Dannan O'Connell  
Planner, City of Poquoson  
(757)868-3040  
[dannan.oconnell@poquoson-va.gov](mailto:dannan.oconnell@poquoson-va.gov)

**RESOLUTION  
APPROVAL**

**A RESOLUTION APPROVING AMENDMENTS TO A CONDITIONAL USE PERMIT  
FOR THE ESTABLISHMENT OF A FARMER'S MARKET AT 0 VICTORY  
BOULEVARD, TAX MAP PARCEL NO. 18-1-121**

**WHEREAS**, a request was submitted by Victory Church, applicant, for a Conditional Use Permit to operate a farmer's market at 0 Victory Boulevard, Tax Map Parcel No. 18-1-121, Zoned R&D (Research and Development); and

**WHEREAS**, a public hearing to receive public comments and review amendments to the request was held before the City Council on May 24, 2021; 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 Victory Church, applicant, for a Conditional Use Permit to operate ~~a farmer's market~~ an open-air market at 0 Victory Boulevard, Tax Map Parcel No. 18-1-121 is recommended for approval with the following conditions:

1. The use must comply with all local, state and federal permits, licenses and regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.
2. The approved use permit shall be only for ~~a farmer's market~~ an open-air market use and shall not be interpreted for any other use that cannot be reasonably categorized as such. If the proposed use changes to another form of outdoor services or sales the permit shall be evaluated by the Zoning Administrator, who will determine if the new use meets the intent of this use permit.
3. The use shall only be operated during daylight hours, a maximum of one day per week.
4. Goods, materials, or products associated with the use shall not be stored out of doors on the site when it is not in operation.
5. The permittee shall be responsible for providing adequate off-street parking area for the use. No vehicles associated with this use shall be parked within the right-of-way of Victory Boulevard.

6. The entrance to the property shall be operated in such a manner as to prevent dirt and debris from being tracked onto Victory Boulevard. Any such debris shall be removed by the permittee as directed by the Zoning Administrator or his designee.
7. The permittee shall coordinate with the Poquoson Police Department to ensure adequate vehicle safety and traffic signage is provided on site to accommodate the use.
8. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
9. City Council reserves the right to review and amend the conditions of this permit as they see fit.

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

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_

City Clerk



# CITY OF POQUOSON

FINANCE DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996

May 24, 2021

**TO:** City Council

**THROUGH:** Randy Wheeler, City Manager

**FROM:** Robin Bellamy, Acting Finance Director

**SUBJECT:** Ordinance Making Additional Appropriations for Fiscal Year 2021 in General Fund (Local Donations, State Aid, State and Federal Grants)

Attached is an appropriation for City Council's consideration for additional revenue for Fiscal Year 2021 for various departments.

- The Police Department through DMV received U.S. Department of Transportation Alcohol and Speed Safety grants in Fiscal Year 2021. The grant funds provide the department's the ability to decrease alcohol impaired driving and related incidents and increase the safety of the City's roadways by focusing on enforcement and speed reduction efforts. This ordinance appropriates the federal grants of \$4,725 and \$5,005 respectively to the General Fund.
- The Police Department received \$1,770 from the state asset forfeiture program. The funds received will be used in accordance with the required asset forfeiture guidelines to enhance law enforcement capabilities of the Police Department.
- The Fire Department received a Dominion Resources Radiological Emergency Preparedness Program (REPP) grant from the Virginia Department of Emergency Management for fiscal year 2021 to establish awareness of emergency preparedness, prevention, response measures. The department will use the funds to update the security access to the EOC at City Hall. This ordinance appropriates the state grant of \$20,500 to the General Fund.
- The Fire Department received an allocation of funds Four for Life Program from the Virginia Department of Health Office of Emergency Medical Services. The funds can be used for training and necessary equipment and supplies for medical services. This ordinance appropriates the revenue of \$13,000 to the General Fund.
- The Library received an additional \$9,270 from state aid and \$4,417 in donations to be used for various programs. This ordinance appropriates the funding to the Library Department.
- The City an additional \$1,881 in funding from the Department of Environmental Quality for the Litter Control Grant. The Department of Public Works over sees the expenditures of the grant. This ordinance appropriates the grant revenue to be used in accordance with the program.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE MAKING ADDITIONAL APPROPRIATIONS  
FOR FISCAL YEAR 2021 IN GENERAL FUND**

**WHEREAS**, the City has received additional revenue from local donations, state aid, state grants and federal grants to be appropriated, and

**WHEREAS**, the Police Department has received federal grants totaling \$9,730 from U.S. Department of Transportation for overtime to patrol for alcohol and speed safety, and

**WHEREAS**, the Police Department has received funds of \$1,770 from the state asset forfeiture program to enhance law enforcement capabilities, and

**WHEREAS**, the Fire Department has received funds of \$20,500 from Dominion Resources Radiological Emergency Preparedness Program grant through the Virginia Department of Emergency Management to establish awareness of emergency preparedness, prevention and response measures, and

**WHEREAS**, the Fire Department has received an allocation of \$13,000 associated with the Four for Life Program from the Virginia Department of Health Office of Emergency Medical Services to be used for training and necessary equipment for medical supplies, and

**WHEREAS**, the Library Department has received \$9,270 of additional state aide to be used to purchase furniture, and

**WHEREAS**, the Library Department has received \$4,417 of additional donations to be used for various programs, and

**WHEREAS**, the City has received \$1,881 of additional funding from the Virginia Department of Environmental Quality for litter control, and

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

**Section 1:** That an additional \$60,568 in revenues in the General Fund be and the same hereby are appropriated within the Fiscal Year 2021 Budget as follows:

**GENERAL FUND**

**Revenues:**

State Revenues	\$46,421
Local Revenues	4,417
Federal Revenues	<u>9,730</u>
Total Revenues:	\$60,568

**Expenditures:**

Police Department	\$11,500
Fire Department	33,500
Library	13,687
Community Development	<u>1,881</u>
Total Expenditures:	\$60,568

**Section 2:** That the City Manager is hereby authorized to utilize the funds per the requirements of the Grants.

**Section 3:** 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**

**RESOLUTION NO. \_\_\_\_\_**

**CERTIFICATION OF CLOSED SESSION**

**WHEREAS**, the Council of the City of Poquoson, Virginia convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, 2.2-3711(A)(1) of the Code of Virginia (1950), as amended requires a certification by this Council that such closed session was conducted in conformity with Virginia Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Poquoson, Virginia does hereby certify that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution applies and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Council.

**ADOPTED:** \_\_\_\_\_

**TESTE:** \_\_\_\_\_

**City Clerk**