

**CITY OF COLONIAL HEIGHTS, VIRGINIA  
Regular Meeting of City Council  
Tuesday, February 13, 2018**

**1. Call to Order**

The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:09 P.M.

**2. Roll Call**

The following members of Council and Council's staff were present for roll call by the Clerk:

**Present:** Councilman Michael A. Cherry  
Councilman Kenneth B. Frenier  
Councilman John E. Piotrowski  
Councilman John T. Wood  
Councilwoman Elizabeth G. Luck  
Mayor T. Gregory Kochuba

**Absent:** Councilman W. Joe Green, Jr.

**Also Present:** Mr. Douglas E. Smith, City Manager  
Mr. Hugh P. Fisher, III, City Attorney  
Mrs. Kelly M. Hall, Acting Director of Planning  
Col. Jeffrey W. Faries, Police Chief  
Mr. A. G. Moore, Fire Chief  
Mr. Craig Skalak, Director of Parks and Recreation  
Mr. William E. Feasenmyer, Commissioner of Revenue

**3. Devotion**

A devotional prayer was led by Mr. Piotrowski.

**4. Pledge of Allegiance**

The Pledge of Allegiance was led by Mayor Kochuba.

**5. Adoption of Agenda**

A motion was made by Mr. Frenier, seconded by Mr. Cherry, to approve the agenda as presented.

**Vote:** 6-0  
**Yes:** Cherry

**Regular Meeting Minutes**

**February 13, 2018**

**Page 2**

**Frenier  
Piotrowski  
Wood  
Luck  
Kochuba**

**No: None  
Absent: Green, Jr.  
Abstained: None**

**Motion: UNANIMOUS PASS**

**6. Declarations of Personal Interest**

**A Declaration of Personal Interest was read by Mr. Frenier and filed with the Clerk.**

**7. Commendations and Presentations**

- A. A PROCLAMATION  
In Support of the Colonial Heights High School After Prom  
Celebration 2018.**

**Karen Tomlinson, Co-Chair of the After Prom Committee, accepted the proclamation and donation.**

**8. Reading of Manner of Addressing Council.**

**The City Attorney read the Manner of Addressing Council.**

**9. Written Petitions and Communications**

- A. Request for Special Use Permit  
Christine Lantau of 5043 Nantucket Court requests a Special Use  
Permit for an additional companion animal at the residence.**

**Vote: 6-0  
Yes: Cherry  
Frenier  
Piotrowski  
Wood  
Luck  
Kochuba  
No: None  
Absent: Green, Jr.**

**Abstained: None**

**Motion: UNANIMOUS PASS**

**10. Advertised Public Hearing**

**A. AN ORDINANCE NO 17-30**

**(First Reading) To grant a Special Use Permit to Harbor Freight for property located at 820 Southpark Boulevard (Lot 11, Park South, parcel identification number 680559000111), to permit Harbor Freight to mount a building sign above the roofline on the front elevation of the building and to permit a 277.5 square foot building sign.**

**Mr. Fisher advised the applicant had requested the application for Special Use Permit be withdrawn.**

**Council acknowledged the applicant's withdrawal of its application.**

**B. AN ORDINANCE NO 17-31**

**(First Reading) To grant a Special Use Permit to Lewis and Christy Archileti for an 88± acre vacant parcel of land (Lot 2, Pearson, parcel identification number 6705150000) to allow agricultural use and to allow accessory structures without a primary structure.**

**A motion was made by Mr. Cherry, seconded by Mr. Piotrowski, to adopt Ordinance No. 17-31.**

**Mrs. Archileti asked that her request for a Special Use Permit be tabled until the first March Meeting when hopefully all Council Members would be present.**

**There being no objections from the City Attorney or Council Members, Mayor Kochuba announced that the ordinance would be placed on the March agenda.**

**C. AN ORDINANCE NO 17-32**

**(First Reading) To change the land use classification on the Land Use and Transportation Plan Map of an approximate 0.32 acre parcel consisting of parcel identification number 6815130006 and known as Lot 6, Block O, Mt. Pleasant Acres from "Residential-Single Family", to "Transitional Office".**

**Regular Meeting Minutes**

**February 13, 2018**

**Page 4**

**A motion was made by Mr. Frenier, seconded by Mr. Cherry, to adopt Ordinance No. 17-32.**

**Mrs. Hall, Acting Planning Director, provided background information on the project and the request, and further advised that it was the Planning Commission's recommendation at their January meeting, not to approve the request.**

**At the request of Mrs. Luck, Mrs. Hall provided Council with a summary of the Planning Commission's decision to deny the request. Mrs. Hall stated that the reasoning was that the Comprehensive Plan's future land use plan recognizes the subject area as single-family residential; and although it could potentially be a transitional change, currently they are being used as single-family residential. Therefore, the Planning Commission's recommendation was to adhere to the Comprehensive Plan. Mrs. Hall stated there was discussion that its decision may or may not have been different if the lot was a corner lot.**

**Public Comment:**

**Sid Maze, 3007 Conduit Road – spoke in opposition of the request.**

**Cindy Lepler, 11 Lakeview Terrace – spoke in opposition of the request.**

**At the request of the City Attorney, Mayor Kochuba asked if the applicant was present. He was not.**

**Council Comments:**

**Mr. Cherry commended Planning staff and the Planning Commission for their unanimous recommendation and further stated this request was not a good idea and lends much credence that Council's vote should be "No" and Council should stand with their decision.**

**Addressing Mr. Wood's question as to the ultimate purpose for the rezoning, Mrs. Hall stated that the applicant submitted plans that were for a small, four-unit office, which was not yet occupied. Each unit would be one room with a restroom and supply closet. Continuing, Mrs. Hall addressed Mr. Wood's question relative to parking, stating that the site-plan was not submitted with parking; therefore, it was not clear whether or not parking requirements could be met on site.**

**Mr. Fisher stated that due to the potential change to the Comprehensive Plan and a rezoning change, it was important for Council to state with some specificity the reasons for its vote.**

**Vote: 6-0**

**Regular Meeting Minutes**

**February 13, 2018**

**Page 5**

**Yes: None**

**No: Cherry – The change to zoning does not fit the tenor of the neighborhood, as it stands as residential.  
Frenier – Based upon the recommendation of the Planning Commission and the opposition of the surrounding residents.  
Piotrowski – Based upon the recommendation of the Planning Commission and the opposition of the surrounding residents.  
Wood – There was no specific site plan and no provision for parking; therefore, minimizing the impact on the neighboring properties.  
Luck – Based upon the recommendation of the Planning Commission, opposition of the surrounding residents, no site plan provided, and there was no one present to represent the request.  
Kochuba – Does not feel a business should be put between two residential homes.**

**Absent: Green, Jr.**

**Abstained: None**

**Motion: UNANIMOUS FAIL**

**D. AN ORDINANCE NO 17-33**

**(First Reading) To change the zoning classification of an approximate 0.32 acre parcel with parcel identification number 68151300006 (Lot 6, Block O, Mt. Pleasant Acres) from “RL Low Density Residential District” to “RO Residential Office District” and to amend the Zoning Map accordingly.**

**A motion was made by Mr. Cherry, seconded by Mrs. Luck, to adopt Ordinance No. 17-33.**

**Public Comment: None**

**Council Comment: None**

**Yes: None**

**No: Cherry – Based on the recommendation of the Planning Commission and this would allow a business in the middle of a residential neighborhood.  
Frenier – Based upon the recommendation of the Planning Commission.  
Piotrowski – Based upon the recommendation of the Planning Commission and the opposition of the surrounding residents.  
Wood – There was no specific site plan and no provision for parking; therefore, minimizing the impact on the neighboring properties.**

**Regular Meeting Minutes**

**February 13, 2018**

**Page 6**

**Luck – Stated she likes residential better than business.**

**Kochuba – Stated it would be a business between two residential homes.**

**Absent: Green, Jr.**

**Abstained: None**

**Motion: UNANIMOUS FAIL**

**D. AN ORDINANCE NO 18-1**

**(First Reading) To abolish the requirement for a City motor vehicle decal by amending § 273-43, and repealing §§ 273-44, 273-45, 273-46, 273-47, 273-48, and 273-49 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code.**

**A motion was made by Mr Frenier, seconded by Mr. Piotrowski, to adopt Ordinance No. 18-1.**

**Mr. Fisher stated that the Virginia State Police had enacted a new regulation, which the State Police would begin enforcing in January 2019 that would require all state inspection stickers be placed on the left side of the front windshield of the vehicle; as opposed to the center. The current requirement to have a local decal is that the decal must be to the immediate right of the state inspection sticker. Mr. Fisher pointed out that the state changing the location of the inspection sticker means that all City decals must be moved as well to the left side of the windshield. Mr. Fisher recalled Council's discussion at its Retreat to revisit this issue and to consider whether or not the Council wanted to maintain the current ordinance providing for each person to have a permanent sticker in lieu of obtaining a sticker annually; or if Council wanted to eliminate the requirement entirely. Mr. Fisher reported that at the Retreat it was the consensus of Council that City decals be eliminated; but, while the decal would be eliminated, there would still be the annual decal or license fee.**

**Mayor Kochuba stated that a large majority of localities within the Commonwealth did not require a decal, but continued to charge the license fee. Mr. Fisher confirmed that Dinwiddie, Prince George and Hopewell did not require decals and Petersburg was in the process of determining whether or not to continue with the decal requirement.**

**Public Comments: None**

**Council Comments:**

**Regular Meeting Minutes**

**February 13, 2018**

**Page 7**

**Mr. Wood, directing his question to Mr. Fisher, asked if the current ordinance required the placement of the City decal be next to the state inspection sticker. If it was moved, the City could just as easily change the ordinance to have the placement of the decal elsewhere on the windshield other than just next to the state inspection sticker. Mr. Fisher stated he did not believe this was allowed, noting that it was his understanding that state law mandates that the local decal be just immediately to the right of the inspection sticker.**

**Mr. Wood stated he was not in favor of the elimination of the City decals primarily because the decal is or could be used by both law enforcement and by the schools to determine who may or may not be attending City schools without being a City resident. Mr. Wood stated he felt this was one of many tools that could be utilized by the schools to identify when there are students being transported from other localities to attend City schools. Mr. Wood noted the significant cost difference in the purchase of City decals as compared to the cost to educate one student in the school system. Mr Wood stated the decal is something that is useful, and as a consequence, he felt it was unnecessary to eliminate a useful tool. Additionally, Mr. Wood stated he saw no good sense in charging the citizens for something they would not get; charging for a decal when there was no decal. Mr. Wood stated he felt it was important to be able to identify who may or may not be authorized as a city resident and if there is some tool available, it is better than none at all. He stated, he could not appreciate the rationale behind charging a fee and not having the decal other than that state law allowed it.**

**Mr. Cherry stated that based on the information Council was given from the Commissioner of Revenue, over 80% of the localities within the Commonwealth have done away with a decal requirement. Mr. Cherry stated he felt that the City should be leading the way, and not years behind, in eliminating cumbersome ideas. Additionally, based on the antidotal evidence Council received from the City Attorney, who also serves as the School Board Attorney, the decals are virtually never used as beginning an investigation into whether a student is rightfully at a school or not. With regard to the fee charged for the decal, Mr. Cherry pointed out that the fee was not paid for the decal, but for the processing fee and for the time and man-hours the Commissioner of the Revenue's Office must spend on tax assessment and billing.**

**Mayor Kochuba concurred with Mr. Cherry's comments relative to the City being in line with other localities within the Commonwealth.**

**Vote: 5-1  
Yes: Cherry  
Frenier  
Piotrowski  
Luck**

**Regular Meeting Minutes**

**February 13, 2018**

**Page 8**

**No:** Kochuba  
**Absent:** Wood  
**Abstained:** Green, Jr.  
None

**Motion: PASS**

**11. Hearing of Citizens Generally on Non-Agenda Items**

**Robert Clerk, 2523 White Oak Court – Expressed his concerns relative to the smell coming from the landfill.**

**12. Consideration of Uncontested Minutes, Ordinances, Resolutions, and Motions in accordance with the Consent Agenda.**

- A. AN ORDINANCE NO 18-FIN-1  
(Second Reading) to amend the Capital Projects Budget for the fiscal year beginning July 1, 2017 and ending June 30, 2018, to increase appropriations in the amount of \$269,624 for the purchase of a medic unit (ambulance), funded through RSAF grant funds and the use of assigned reserves.**
- B. November 14, 2017 Special Meeting Minutes**
- C. November 30, 2017 Special Meeting Minutes**
- D. December 12, 2017 Special Meeting Minutes**
- E. January 9, 2018 Special Meeting Minutes**
- F. January 9, 2018 Regular Meeting Minutes**

**A motion was made by Mr. Frenier, seconded by Mrs. Luck, to approve the Consent Agenda as presented.**

**Vote:** 6-0  
**Yes:** Cherry  
Frenier  
Piotrowski  
Wood  
Luck  
Kochuba  
**No:** None  
**Absent:** Green, Jr.



**Abstained: None**

**Motion: UNANIMOUS PASS**

**13. Introduction and Consideration of Ordinances and Resolutions**

- A. AN ORDINANCE NO 18-FIN-2**  
**(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2017 and ending June 30, 2018, to increase appropriations in the aggregate amount of \$373,876 for the purposes of 1) appropriating \$300,000 in reserved fund balance from the proceeds of the courthouse property sale to the capital projects fund for White Bank Park Restrooms; 2) appropriating Homeland Security Grant funds in the amount of \$59,844 to the Fire and EMS Department for equipment purchases; 3) appropriating \$13,532 in federal asset forfeiture funds for use by the Commonwealth's Attorney; and 4) appropriating a corporate donation in the amount of \$500 to be used for police events.**

**To amend the Capital Projects Budget for the fiscal year beginning July 1, 2017 and ending June 30, 2018, to increase appropriations in the amount of \$300,000 for the replacement of restroom facilities at White Bank Park.**

**A motion was made by Mrs. Luck, seconded by Mr. Piotrowski, to adopt Ordinance No. 18-FIN-2.**

**Mr. Piotrowski stated he was glad to see a planned upgrade to the restrooms at White Bank Park.**

**Addressing Mr. Wood's questions relative to the restrooms at White Bank Park, Mr. Skalak provided comments relative to the construction of the new restrooms at a different location in an effort to make the restrooms ADA compliant.**

**Addressing Mrs. Luck's comments relative to the demolition of the existing facilities, Mr. Skalak stated that initially, they would not, but it was the plan to demolish at some point.**

**Vote: 5-1**  
**Yes: Cherry**  
**Frenier**  
**Piotrowski**  
**Luck**  
**Kochuba**

**Regular Meeting Minutes**

**February 13, 2018**

**Page 10**

**No: Wood**  
**Absent: Green, Jr.**  
**Abstained: None**

**Motion: UNANIMOUS PASS**

- B. RESOLUTION NO 18-9**  
**Amending City Council's Rules of Procedure by deleting**  
**"Consideration of Claims" from Council's regular meeting order of**  
**business.**

**A motion was made by Mr. Cherry, seconded by Mrs. Luck, to adopt Resolution No. 18-9.**

**Mr. Fisher provided comments regarding the decision noting that the item had been relatively dormant and Council discussed its removal at the Retreat. Mr. Fisher stated it was Council's decision at the Retreat that any claims over \$10,000 be reported to Council by the City Attorney. Mr. Fisher further stated that while the proposed resolution did delete the requirement for Consideration of Claims, it did provide that the City Attorney would report any such large claims to Council. Mr. Fisher stated that approximately 95% of the claims received were for small amounts ranging from \$300 to \$2500, and that it was unusual to receive large claims. Any large claims would be in the form of a lawsuit.**

**Mr. Wood stated that he preferred knowing what was happening in the City with regard to claims that had been filed. Mr. Wood agreed it was more significant that Council be aware of larger claims so that they had the ability to act on them, but suggested if they knew about the number of small claims that could lead to a consideration of other larger issues. Mr. Wood recalled the number of small claims from around Shephard Stadium and the result of those claims leading to the net being erected around the field at the stadium. For this reason, Mr. Wood stated he would prefer that the claims typically remain on the agenda.**

**Addressing Mayor Kochuba's question relative to the last time there was a claim presented on the agenda, Mr. Fisher stated he had been unclear as to what claims Council wanted under the item and had interpreted this to meaning larger, more significant claims.**

**After having heard from the City Attorney, that the largest number of claims that come through his office were small, Mayor Kochuba stated he was interested in larger claims with significant dollar amounts so as to be transparent with the public.**

**Regular Meeting Minutes**

**February 13, 2018**

**Page 11**

**Mr. Fisher stated that he included the number of claims within his monthly report to Council.**

**Mrs. Luck asked that Mr. Fisher make Council aware of repeated claims or any problems that continue to generate such claims.**

**The majority of Council was in agreement with the language presented in the proposed resolution.**

**Vote: 5-1**  
**Yes: Cherry**  
**Frenier**  
**Piotrowski**  
**Luck**  
**Kochuba**  
**No: Wood**  
**Absent: Green, Jr.**  
**Abstained: None**

**Motion: PASS**

- C. RESOLUTION NO 18-10**  
**Authorizing the signatures of certain officers to appear on checks of various accounts of the City of Colonial Heights, Virginia, effective February 13, 2018; and to repeal Resolution No. 17-54.**

**A motion was made by Mrs. Luck, seconded by Mr. Cherry, to adopt Resolution No. 18-10.**

**Mr Fisher clarified that the proposed action granted the new School Board Clerk authorization to sign checks.**

**Vote: 6-0**  
**Yes: Cherry**  
**Frenier**  
**Piotrowski**  
**Wood**  
**Luck**  
**Kochuba**  
**No: None**  
**Absent: Green, Jr.**  
**Abstained: None**

**Motion: UNANIMOUS PASS**

**14. Unfinished Business, Contested Ordinances and Resolutions, And Items Removed From the Consent Agenda.**

**There was none.**

**15. Reports of Officers and Documents Related Thereto.**

**A. City Manager**

**1. Discussion of the Roundabout Landscape and Signage Project**

**Mr. Smith stated that Council had discussed the project at the Retreat and since that time, there had been some feedback from the Beautification Committee, which was provided for Council's information. Mr. Smith stated this item was being brought back to Council for their guidance regarding possible courses of action by staff.**

**Mr. Smith stated that the first two courses of action involve the updated version of the bid to include staff's adjustments; option one was to focus on the sign and landscaping in the center island, and mulching some of the other areas (\$215,000). Mr. Smith reported that the more extended option, which would entail the landscaping of the median and splitter islands, would increase to \$238,000. However, there was the option of rejecting of the bids and regrouping with feedback from Council now or at a future time.**

**Mayor Kochuba stated he had spoken to the Beautification Committee and they advised their concerns relative to the proposal; therefore, it was the recommendation of Mayor Kochuba to throw out the proposal and actively seek new bids. Mayor Kochuba stated it was the suggestion of the Committee to seek two proposals; one for the sign by itself and one for the landscaping, utilizing the Beautification Committee to determine specific needs.**

**Mrs. Luck concurred with Mayor Kochuba's comments and suggestion, but also suggested consideration of previous discussions at the Retreat relative to the rebranding and possibly put the purchase of the sign on hold until a decision was made on the rebranding.**

**Mayor Kochuba stated that Council should look at where the City was financially and what the City could afford.**

**Mr. Wood, addressing his question to Mr. Henley, asked if he had any opinion or idea as to why the cost of the sign was as high as it was. Mr. Henley responded that the significant cost was due to the fact that it was to be 2.5 to 3 times larger than**

other similar signs in the City. Additionally, Mr. Henley stated the consultant initially underestimated the cost of the sign.

Addressing his question to Mayor Kochuba, Mr. Wood asked if the Beautification Committee had any suggestions relative to the plantings and if there were any additional clubs that would have the ability to contribute toward the plantings of the roundabout. Addressing Mr. Wood's question, Mayor Kochuba advised that was a good question and he would have to get that information from the Committee.

Mr. Cherry agreed with Mayor Kochuba's comments relative to the City's financial status and felt it was always a good idea to obtain multiple bids.

Mr. Frenier commented at how nice the grass looked in the roundabout and the medians. Mayor Kochuba added that he felt less was better; and as a driver, one appreciates the visibility as it currently exists.

Addressing Mayor Kochuba's questions relative to the fund being designated for capital projects, and could they only be used for projects such as the roundabout project, Mr. Smith stated that some of the funds were coming from the Kroger proceeds; but, there were additional funds coming from various capital but he would double check to see if they were restricted.

There was continued discussion relative to surrounding localities and their efforts to improve community gateways through grants. Mayor Kochuba advised of a previous grant proposal by the Cameron Foundation and the City's reasons for rejection of the grant.

Mr Smith commended Mr. Skalak and his staff for completion of the Shephard Stadium seating upgrade in time for the NCAA Division 2 baseball games being held February 23-25<sup>th</sup>.

Mr. Smith reported that advertising for the Boulevard Resurfacing Project had taken place with bids to begin coming in later in the month; and construction is projected to begin in April. Most of the work will take place in the evening.

Mr. Smith commended Lewis Archileti, Interim IT Director, for his efforts in obtaining a \$100,000 GIS grant. This will be funding for analysis and corrections of the current system, which will be completed in phases with the overall benefit to better enhance the City's 911 capabilities.

After providing background information and a recommendation from staff to discontinue after-hours water reconnect service, Mr. Smith stated he would support this recommendation. He advised that staff had been taking payments in

**Regular Meeting Minutes**

**February 13, 2018**

**Page 14**

the field from approximately 10 houses, but in the interest of employee safety, recommends this service be discontinued. Mr. Smith stated this service would not be discontinued without first providing notification to the public.

At the request of Mr. Cherry, Mr. Smith advised he would consider a summer and winter policy so that staff would not be operating during the evening hours.

Addressing Mr. Piotrowski's comments, Mr. Smith stated that staff received comp time for after-hours work. Mr. Piotrowski pointed out that this was for residents who had not paid their water bill after they received a bill and a delinquent notice; and subsequently expected staff to come out to cut their water on. He stated he supported discontinuing the service.

There was continued discussion relative to the situation and the collection of money outside of the Billing and Collections Office.

Mr. Smith provided an update on the revised Leaf Collection Schedule.

Mr. Smith advised of some areas of asphalt repair and the patching had not been completed. This was due to inclement weather and the availability of asphalt this time of year due to closure of the asphalt plant.

Mayor Kochuba commended Mr. Henley and the Public Works staff for their efforts during the recent cold weather and their attention to water line breaks.

**B. City Attorney**

Mr. Fisher advised of the upcoming Work Session scheduled for next week, beginning with a walk-through of Violet Bank at 5:30 P.M.

Mr. Fisher stated there was still one property owner on Dupuy, and another on Lakeview, who had not resolved differences regarding the modernization projects.

**C. Director of Planning and Community Development**

Mrs. Hall reported that the Planning Commission did not meet in February, but she was certain one would likely occur in March. Additionally, Mrs. Hall stated, relative to the CDBG Program, her office was at the height of fixing six of the homes and once complete, she will determine if a seventh could be added.

Mr. Cherry commended Mrs. Hall for her efforts and for the information conveyed to him regarding these projects.

**16. Consideration of Claims**

**Regular Meeting Minutes**

**February 13, 2018**

**Page 15**

**There were none.**

**17. Adjournment**

**Before adjournment, Mayor Kochuba reminded Council of the upcoming Work Session on February 20<sup>th</sup> beginning 5:30 PM at Violet Bank, and the upcoming Government Academy to be held March 8, 2018 at 6:00 P.M. There being no further business, a motion was made by Mr. Cherry, seconded by Mrs. Luck, to adjourn the meeting. The meeting was adjourned at 8:47 P.M.**

**APPROVED:**

---

**T. Gregory Kochuba, Mayor**

**ATTEST:**

---

**Pamela B. Wallace, City Clerk**