

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, February 20, 2018**

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Kochuba at 5:30 P.M.

2. Roll Call.

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

Absent: Councilman W. Joe Green, Jr. (arrived late)
Councilman John T. Wood (arrived late)

Also Present: Mr. Douglas E. Smith, City Manager
Mr. Hugh P. Fisher, III, City Attorney
Mrs. Pamela B. Wallace, City Clerk

The Clerk announced the purpose of the meeting.

3. Declarations of Personal Interest.

Declarations were read by Messrs. Frenier and Green.

4. Special Meeting for the purpose of holding a closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

- **Paragraph A.3 of Section 2.2-3711, to discuss or consider the acquisition of real property at 401 Temple Avenue (the site of the former Courthouse) for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**

A motion to convene in a closed meeting was made by Mr. Frenier and seconded by Mr. Cherry to convene to a closed meeting.

Vote:	6-0
Yes:	Cherry Frenier Green Piotrowski Luck Kochuba
No:	None

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Absent: Wood (arrived late)

Abstained: None

Motion UNANIMOUS PASS

5. Voice Vote – Come back into Open Session.

A motion to reconvene in open session was made by Mr. Cherry, seconded by Mr. Piotrowski, and carried unanimously on roll call vote at 7:01 P.M.

Vote: 7-0
Cherry
Yes: Frenier
Green
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion UNANIMOUS PASS

As stated by the Clerk, Council was in a closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

- Paragraph A.3 of Section 2.2-3711, to discuss or consider the acquisition of real property at 401 Temple Avenue (the site of the former Courthouse) for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**

Consideration of the following certification:

Each member will now certify that to the best of the member's knowledge (i) only public business matters lawfully exempted from open meeting requirements of the act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member who believes there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.

Council members approved this certification, without any stating departure from the requirements of clauses (i) and (ii), by the following roll call vote:

Vote: 7-0

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Yes: Cherry
Frenier
Green
Piotrowski
Wood
Luck
Kochuba

No: None

Absent: None

Abstained: None

Motion UNANIMOUS PASS

6. Motions

There were none.

7. Work Session on the following items:

A. AN ORDINANCE NO 18-5

(First Reading) Awarding the City Attorney a 4% bonus.

A motion was made by Mrs. Luck, seconded by Mr. Frenier, to adopt Ordinance No. 18-5.

Vote: 6-0

Yes: Cherry
Frenier
Piotrowski
Wood
Luck
Kochuba

No: None

Absent: Green

Abstain: None

UNANIMOUS PASS

B. Presentation by CGI of a Community Video Program.

After a brief introduction by Mr. Smith, Andrea Tempio and Gabby Kiser of CGI provided specific information on the program. Mrs. Tempio stated that the program would showcase videos about the Community, which would be added to the existing city website. The program would be provided at no charge to the City; business sponsorships would be sought. Mrs. Tempio provided detailed information on specific

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sponsorship advertisement and how it worked in conjunction with the City's website. Additionally, Mrs. Tempio advised that the Colonial Heights Chamber of Commerce currently had CGI videos linked to its website.

At the conclusion of the presentation, Mayor Kochuba asked for a consensus vote to decide if Mr. Smith should further pursue discussions with CGI regarding implementation of the program.

Vote: 6-0
Yes: Cherry
Frenier
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: Green
Abstain: None

UNANIMOUS PASS

C. AN ORDINANCE NO 18-2

(Discussion Only) To amend Section 218-1.1 of Chapter 218, Peace and Good Order, of the Colonial heights City Code, by providing for beer and wine to be possessed and consumed on City-owned property subject to multiple conditions.

After brief comments by Mayor Kochuba, Mr. Fisher advised he had been working on the ordinance with considerable input from Mr. Skalak. Mr. Fisher thanked Mr. Skalak for his help and efforts and advised that they had attempted to put into effect what Council had indicated at previous meetings along with what Mr. Skalak felt was appropriate. Mr. Fisher pointed out the list of conditions that each applicant must meet as well as noting the ordinance only pertained to beer and wine. Applications will be filed with the Recreation and Parks Department then reviewed by a committee of specified City officials to include, but not be limited to, Mr. Skalak, Mr. Fisher, and Col. Jeff Faries. Mr Fisher advised that the committee would be monitoring the application process to ensure proper filing of necessary permits 30 days prior to the event. Mr. Fisher continued to explain the application process by noting that once the committee had given its approval, the request would then go to the City Manager for his review and ultimate approval. Mr. Fisher noted that even after the City Manager had given his approval, if he should have concerns, he can rescind his approval to stop the event any time up to the actual time of it being held.

After Mr. Fisher's review of the ordinance, Mayor Kochuba asked if there were any questions from Council relative to Section A of the ordinance. There being no

comments, Mayor Kochuba moved to Section B; there were no comments. Moving on to Section C, there was discussion relative to the required \$1M insurance policy. Mr. Skalak noted this was common practice. In addition to the required permits, Mr Skalak confirmed that the applicant could request, for a fee, additional security to be provided by the City. Additionally, addressing Mrs. Luck's comments, Mr. Skalak stated that clean-up could be done by the applicant or he could request, for a fee, City services.

Addressing Mr. Cherry's questions relative to further clarification as to who may serve on the committee and clarification relative to licensure of food trucks, Mr. Fisher stated that legally, he did not feel it necessary to state who was on the Committee but that was a matter of Council's preference. Mr. Smith concurred with Mr. Fisher's comments. Additionally, Mr. Fisher concurred with Mr. Cherry's comments that the provisions in the ordinance mandating a food license from the Chesterfield-Colonial Heights Health Department be changed to allow other appropriate agencies to issue a food license.

Addressing Mr. Piotrowski's question relative to what other localities allow alcohol in their parks, Mr. Skalak advised that he did not know at that time, but he would find out and let the Clerk know.

Mr. Cherry commended Mr. Fisher, Mr. Skalak, and Mr. Smith for their efforts in developing the ordinance.

Council indicated its desire that Ordinance No. 18-2 be scheduled for a public hearing and for first reading at its first March meeting.

D. Property Tax Exemptions for Spouses of Certain Emergency Services Providers

Mr. Fisher provided information relative to the November 2016 election, at which time voters of Virginia approved a State Constitutional amendment allowing the General Assembly to pass legislation authorizing (but not mandating) localities to exempt from real estate taxation the surviving spouse of any such person who was killed in the line of duty. Mr. Fisher reported that at its 2017 session, the General Assembly approved legislation authorizing localities to enact the exemption. Mr. Fisher stated it was at the request of Mr. Frenier that he brought this forward. Mr. Fisher clarified that the surviving spouse would qualify for the exemption as long as he or she did not remarry and continued to live in his or her principal residence. Mr. Fisher continued by clarifying other aspects of the legislation and stated that he did not think there was currently anyone in the City that would qualify. Mr. Fisher provided Council with information obtained from the Commissioner of Revenue, which showed localities that approved the exemption and those that did not. Mr. Fisher pointed out that generally, with the exception of Petersburg, the localities which had approved the legislation were growing counties which had a tax base to rely upon.

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Mr. Frenier stated that although there was no one at the present time who qualified for such an exemption, he primarily brought this forward for the City's own Public Safety personnel.

Addressing a question by Mayor Kochuba, Mr. Fisher stated, although he was not certain, he would assume the individual must be an Emergency Services employee of Colonial Heights. Mr. Fisher stated that many of the provisions were mandatory, but the locality could include provisions which were not addressed.

Addressing Mr. Wood's comments relative to the clarification of "in the line of duty", Mr. Fisher stated that if the individual was on duty, responded to an emergency and was killed, he would consider that "in the line of duty". There was additional discussion relative to the ongoing legislation to determine what is work-related and what is not.

After additional discussion by Council, Mr. Frenier stated that the Virginia Retirement System was the agency to determine if the individual died in the line of duty.

Mr. Wood stated if the drafted ordinance kept to the original intent of the legislation, he did not feel anyone would have any objection to giving some benefit to public safety personnel, who often times, are at risk. Mr. Wood continued by stating that he did not feel this would have much of an economic impact because it would not happen that frequently.

There being no further discussion, a voice vote was taken to determine if Council wished for Mr. Fisher to pursue drafting an ordinance for Council's adoption.

Vote: 6-0
Yes: Cherry
Frenier
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: Green
Abstain: None

UNANIMOUS PASS

Before adjournment, Mayor Kochuba reminded those in attendance that the Recreation and Parks Department was hosting Division 2 college baseball teams at Shepard Stadium Friday, Saturday, and Sunday.

6. Adjournment.

A motion to adjourn the Special Meeting was made by Mr. Cherry, seconded by Mr. Piotrowski, and carried unanimously on voice vote at 8:16 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk