

**CITY OF COLONIAL HEIGHTS, VIRGINIA**  
**Regular Meeting of City Council**  
**Tuesday, March 14, 2017**

**1. Call to Order**

**The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:00 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 W. Joe Green, Jr.  
Councilman John E. Piotrowski  
Councilman John T. Wood  
Councilwoman Elizabeth G. Luck  
Mayor T. Gregory Kochuba

**Absent:** None

**Also Present:** Mr. Hugh P. Fisher, III, City Attorney/Acting City Manager  
Mrs. Tomeka M. Smith, Acting Director of Finance  
Dr. C. Scott Davis, Director of Planning  
Col. Jeffrey W. Faries, Police Chief  
Mr. A. G. Moore, Fire Chief  
Mr. Craig Skalak, Director of Parks and Recreation  
Ms. Jennifer N. Carpenter, Director of Human Resources  
Mrs. Karen Epps, Director Economic Development  
Mr. William E. Henley, Director of Public Works

**3. Devotion**

**A devotional prayer was led by Mrs. Luck.**

**4. Pledge of Allegiance**

**The Pledge of Allegiance was led by Mayor Kochuba.**

**Mayor Kochuba recognized and welcomed Dr. Krishan Agrawal, School Board Member.**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 2**

**5. Adoption of Agenda**

**At the request of Mayor Kochuba, a motion was made by Mr. Frenier, seconded by Mrs. Luck, to approve the agenda as presented.**

**Vote: 7-0**

**Yes: Cherry  
Frenier  
Green, Jr.  
Piotrowski  
Wood  
Luck  
Kochuba**

**No: None**

**Absent: None**

**Abstained: None**

**Motion: UNANIMOUS PASS**

**6. Declarations of Personal Interest**

**There were none.**

**7. Commendations and Presentations**

- A. A PROCLAMATION  
In Support of the colonial heights High School After Prom  
Celebration 2017**

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

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

**9. Written Petitions and Communications**

- A. Presentation by the Freedom Support Center**

**A presentation was mad by Ms. Tara Anderson, Executive Director of the Freedom Support Center. Ms. Anderson provided information relative to the purpose of the Center and entertained questions from Council at the conclusion of her presentation.**

**10. Advertised Public Hearing**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 3**

- A. AN ORDINANCE NO 17-11  
(First Reading) To amend § 218-1.2 of Chapter 218, Peace and Good Order, of the City Code by increasing the time period that beer and wine may be sold on-premises and off-premises.**

**A motion was made by Mr. Cherry, seconded by Mr. Piotrowski, to adopt Ordinance No. 17-11.**

**Mayor Kochuba stated that the proposed ordinance would expand the hours which beer and wine could be sold on and off premise. Mr. Fisher further clarified that the proposed ordinance would make the City Code provisions consistent with the maximum sales allowed under state law as well as consistent with what most other jurisdictions allow. Mr. Fisher stated that the proposed change would eliminate the restriction the City currently has which bars the sale of wine and beer between 12:00 midnight Saturday until 1:00 P.M. Sunday, making the City consistent with state law whereby the only time which beer, wine, and alcohol could not be sold on premises would be between 2:00 A.M. and 6:00 A.M. Additionally, Mr. Fisher stated that the only time beer, wine, and alcohol could not be sold off premises would be between 12:00 midnight and 6:00 A.M.**

**Public Comments:**

**None**

**Council Comments:**

**Mr. Green stated for the record that he did not drink, nor did he condone drinking; but as an elected member of City Council, he felt it was to the benefit of the City to make this proposed change consistent with State Code.**

**Mr. Cherry noted that the Planning Commission was one of the reasons Council was pursuing the proposed change. Mr. Cherry stated he felt this was a good change and noted that the City was losing business revenue. Additionally, Mr. Cherry stated that the ordinance, as currently written, was for beer and wine sales only, which meant that alcohol was not affected, and he was glad to see the City pursuing this proposed change.**

**Mr. Wood stated that the City was in economic competition with every other locality and this was one way the City could enhance the viability of the City's own businesses and attract new. Mr. Wood stated that the City's ability to maintain its fiscal responsibility gave us the ability to educate students, provide funds for police protection to the point that the City could be more economically healthy as a result of such actions. Mr. Wood stated this change could bring about more good than could be anticipated by a restrictive policy which was more restrictive than the**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 4**

state's law would prevent. Having said this, Mr. Wood stated that under the circumstances, individuals needed to be responsible and as with all matters, the more responsible people were, the less government intervention was required. Mr. Wood felt this was an opportunity for the City, an opportunity for the citizens, and an opportunity for those who partake of alcoholic beverages to do so in a responsible manner that was respectful to the rights of others and to the safety of others.

Mr. Frenier stated he could not support the proposed change due to his being involved in public safety over the years and seeing the consequences of over-indulgence of alcohol.

Mayor Kochuba reiterated previous comments from Mr. Fisher and Mr. Wood stating that the proposed change would make the city code consistent with state code.

**Vote: 6-1**  
**Yes: Cherry**  
**Green, Jr.**  
**Piotrowski**  
**Wood**  
**Luck**  
**Kochuba**  
**No: Frenier**  
**Absent: None**  
**Abstained: None**

**Motion: PASS**

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

**There were none.**

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

- A. AN ORDINANCE NO 17-FIN-2**  
**(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2016 and ending June 30, 2017, to appropriate funds in the aggregate amount of \$72,906, which consists of \$43,330 Center and \$10,833 from Reserve – Senior Center for the purchase of a 14-passenger van; a total of \$6,493 in numerous donations for the animal shelter Expansion project; and a \$12,250 grant from the**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 5**

**Virginia Department of Emergency Management for the State Homeland Security Program. A transfer of funds in the amount of \$40,000 in salary lapse from Police Salaries and Wages and \$30,000 from Contingencies to Capital Project for completion of the Animal Shelter Expansion project will also be made.**

**To amend the Capital Improvement Budget for the fiscal year beginning July 1, 2016 and ending June 30, 2017, too appropriate funds in the aggregate amount of \$76,493 for the Animal Shelter Expansion from General Funds transfers.**

- B. July 9, 2015 Regular Meeting Minutes**
- C. December 13, 2016 Regular Meeting Minutes**
- D. February 14, 2017 Special Meeting Minutes**

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

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

**Motion: UNANIMOUS PASS**

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

- A. AN ORDINANCE NO 17-9**  
**(First Reading) To amend § 51-56 of Chapter 51, Personnel Policies and Grievance Procedures, of the City Code, by increasing from \$4,000 to \$8,000 an employee's maximum payment upon retirement for the employee's accrued sick leave balance.**

**A motion was made by Mr. Green, seconded by Mr. Piotrowski, to adopt Ordinance No. 17-9.**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 6**

**In addition to Mayor Kochuba's comments clarifying the proposed ordinance, Mr. Fisher stated that the change in policy would only affect a small number of employees. Mr. Fisher specifically noted that currently an employee must be with the City for a minimum of 5 years to be eligible for this benefit and are paid only 25% of their accrued sick leave up to the maximum amount of \$4,000. The proposed ordinance would increase the maximum payout to \$8,000.**

**Mayor Kochuba noted that last year's budget reflected an impact of only \$9,000.**

**Mrs. Luck asked if she was correct in assuming this was only for those employees eligible for retirement. Mr. Fisher responded that Mrs. Luck was correct and the employee must make application with the Virginia Retirement System.**

**Mr. Green stated for the public, that after previous discussion by Council, the proposed change was an indirect incentive for employees who do not use their sick leave to receive a payout upon retirement.**

**Mr. Wood stated he could support the proposed change was it was anticipated that this would provide the incentive to the employee to not utilize all of the sick leave that they would normally have available to them, knowing that at some point in the future, they would gain a benefit upon retirement.**

**Mayor Kochuba stated he echoed Council's comments.**

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

**Motion: UNANIMOUS PASS**

- B. AN ORDINANCE NO 17-10  
(First Reading) To amend § 98-10 of Chapter 98, Animals, of the City Code, to grant the City Council Advisory Board the duty of considering citizen requests to keep more than four companion animals per residence, and to provide for appeals to the City Council.**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 7**

**Mayor Kochuba provided brief comments on the procedures noted in the current ordinance relative to obtaining a special use permit to keep more than four companion animals. Mayor Kochuba clarified that the proposed change would move the approval of such a request to the Advisory Board to Council.**

**Mr. Fisher clarified that the citizen would have the right of appeal to Council for reconsideration of their request should it be denied by the Advisory Board to Council.**

**Mr. Cherry stated it was not a good idea for Council to divest themselves of influence and authority. Mr. Cherry continued by stating that with the requester having the option to appeal, it would end up before Council anyway. Mr. Cherry stated the it was his opinion that the change would not allow for much gain in the long run, as these request were so infrequent.**

**Mrs. Luck stated that having another set of eyes and ears to review these requests gives Council the freedom to consider more important City matters.**

**For clarification, Mr. Frenier asked if the Advisory Board to Council would be making the total decision or would they be performing the study then submitting to Council for a final decision. Mr. Fisher stated that the Advisory Board would actually be making the decision on the request. Mrs. Luck injected that Council would only become involved if the requester made an appeal to the decision of the Advisory Board to Council. Having heard these comments, Mr. Frenier stated he was not comfortable with giving this authority to the Advisory Board; further stating that he felt it was Council's responsibility to handle such matters.**

**Mr. Green stated that should Council decide to make the proposed change and see that it was not working, they could certainly change the ordinance back to its original intent.**

**There was continued discussion after which time the Mayor asked for a roll call vote.**

<b>Vote:</b>	<b>2-5</b>
<b>Yes:</b>	<b>Green</b>
	<b>Luck</b>
<b>No:</b>	<b>Cherry</b>
	<b>Frenier</b>
	<b>Piotrowski</b>
	<b>Wood</b>
	<b>Kochuba</b>
<b>Absent:</b>	<b>None</b>

**Abstained: None**

**Motion: MAJORITY FAIL**

- C. A RESOLUTION NO 17-8  
Authorizing the Acting City Manager to execute a Special Project  
Service Agreement with the Central Virginia Waste Management  
Authority for Municipal Solid Waste Collection Services.**

**A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 17-8.**

**Mr. Fisher reported that Central Virginia Waste Management Authority (CVWMA) had issued a Request for Proposal (RFP) in late summer of 2016 at which time they received three bids. Mr. Fisher stated that CVWMA selected the lowest and best bid, in CVWMA's opinion, being Container First Services, Inc. (CFS). Mr. Fisher stated the proposal, although the lowest bid, provided for a considerable increase in waste management collection fees to the citizens. With this being said, Mr. Fisher advised that CVWMA entered into a contract with CFS. Mr. Fisher noted that Council has been provided a copy of the contract between CVWMA and the City, but would receive a copy of the contract between the City and CFS once approved by Council.**

**Mr. Green provided comment relative to the current CFS service and the situation of the landfill. Mr. Green stated the current situation with CFS concerned him as a citizen as well as an elected official. Mr. Green stated that if the Council voted not to renew its contract with CFS, the City would be responsible for its own trash collection, which would be far more expensive. Mr. Green stated he was advocating that with the proposed increased collection fees, the current landfill conditions relative to the odor, concerns with pollution to the Appomattox River, and the increased number of seagulls and scavenger birds attracted to the landfill, the City needed to "tighten the screws" on CFS management to improve the current condition of service and the landfill. Mr. Green stated he was concerned if conditions worsened, businesses would move and/or citizens would shop elsewhere. Mr. Green asked that the issues with the landfill not be confused with increase of collection fees, and encouraged Council as a whole, to consider further action to ensure improvement of the City's collection service being there was a proposed increase in service.**

**Mrs. Luck stated that CFS did provide a wonderful service for the elderly and handicapped citizens and asked if those services would remain in place with the proposed contract. Mr. Fisher stated that they would.**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 9**

**Mr. Fisher stated that there were increased incentives included in the proposed contract to avoid some of the past problems with CFS, specifically, inoperable collection vehicles, late pick-ups, etc. Mr. Fisher advised that CFS had a contractual commitment to purchase several new trucks and there are enhanced penalty provisions for spills and failure to clean up spills.**

**Mr. Piotrowski requested that a CFS representative meet with Council so that they may present their concerns.**

**Mr. Wood, addressing his comment to Mr. Fisher, stated that it was his understanding that the current contract was between CVWMA and CFS, and further, it was his understanding that the CFS proposal was substantially less than the other competitors' were. Mr. Wood continued by stating that it was also his understanding that if the City were to undertake, as it had in the past, its own trash collection, this would be an extraordinary expense above that of the contract with CFS. Mr. Fisher agreed with Mr. Wood's comments. Mr. Wood proposed that Council not approve the agreement until there was a meeting with CFS, at which time they should provide some concrete reassurance that something could be done about the landfill, which was having an adverse economic impact on the City.**

**Mayor Kochuba concurred with Mr. Wood's comments.**

**Mr. Green stated that if Council did not approve the proposed contract with CFS, the contract would expire and City residents would be without trash collection; again clarifying that conditions related to the landfill and trash collection were two separate issues.**

**Discussion continued relative to Council's wish to present their concerns to CFS, with Mrs. Luck recommending that further discussions be tabled for the work session, at which time representatives from CFS and the Department of Environmental Quality (DEQ) would be present to hear Council's concerns.**

**After continued discussion, it was the consensus of Council to table approval of Resolution No 17-8 until a meeting with CFS and DEQ officials could be arranged for a work session or regular meeting.**

- D. A RESOLUTION NO 17-9  
Authorizing the Acting City Manager to execute a Standard Project Administration Agreement with the Virginia Department of Transportation (VDOT) for the rehabilitation of City-owned bridges.**

**A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Resolution No. 17-9.**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 10**

**There was brief discussion relative to which bridges were City-owned and VDOT maintained.**

**Vote: 7-0**

**Yes: Cherry  
Frenier  
Green, Jr.  
Piotrowski  
Wood  
Luck  
Kochuba**

**No: None**

**Absent: None**

**Abstained: None**

**Motion: UNANIMOUS PASS**

**E. A RESOLUTION NO 17-10**

**Authorizing signatures of certain officers to appear on checks of various accounts of the City of Colonial Heights, Virginia, effective March 23, 2017; and to repeal Resolution No. 16-48.**

**A motion was made by Mr. Frenier, seconded by Mrs. Luck, to adopt Resolution No. 17-10.**

**Mayor Kochuba and Mr. Fisher both explained that this action was a housekeeping matter in an effort to change signature requirements from the current Acting City Manager to the new City Manager, who would begin his position March 23, 2017.**

**Vote: 7-0**

**Yes: Cherry  
Frenier  
Green, Jr.  
Piotrowski  
Wood  
Luck  
Kochuba**

**No: None**

**Absent: None**

**Abstained: None**

**Motion: UNANIMOUS PASS**

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

**There was no unfinished business.**

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

**A. City Manager**

- 1. AMENDMENT TO EMPLOYMENT AGREEMENT  
Consideration of the Amendment to Employment Agreement  
relating to Section 13 of Council's agreement with the new  
City Manager.**

**Mr. Fisher stated this action was necessary due to provisions within Mr. Smith's recently enacted Employment Agreement relative to temporary housing allowance.**

**A motion was made by Mr. Piotrowski, seconded by Mr. Cherry, to approve the amendment to the employment agreement.**

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

**Motion: UNANIMOUS PASS**

- 2. State of Good Repair Program**

**Mr. Fisher referred Council to a memo in their packet from Mr. Henley to Mr. Fisher explaining the program. Mr. Fisher said that under the program, the City must submit a grant application for \$1M in funding to be used for the resurfacing and repaving of the Boulevard from Eilerslie Avenue to Westover Avenue. Mr. Fisher continued by stating this was for Council's information and he had already signed the application; which had to be submitted by March 17, 2017.**

**Addressing questions from Council, Mr. Henley stated the cost of all pavement markings were included in the grant. Additionally, Mr. Henley stated that there**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 12**

was a quick turnaround and approval process with implementation of the project within six months after execution of the agreement.

**3. 218 Highland Avenue**

Mr. Fisher provided background information and stated this item was originally brought to Council's attention by Mr. Frenier at the Retreat, suggesting that gravel be put in the yard at the property to extend parking for City vehicles. Mr. Fisher stated that staff obtained an estimate and advised that materials were in stock and would require approximately 6 dump truck loads estimated at \$1,500 to complete the project.

A motion was made by Mr. Green, seconded by Mrs. Luck, to approve the project.

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

**Motion: UNANIMOUS PASS**

**4. Plaques for new businesses**

Mr. Fisher stated Mr. Frenier brought this item to Council at the Retreat. After brief discussion, a motion was made by Mr. Frenier, seconded by Mrs. Luck, for the Clerk to coordinate the funding for such plaques from Council's budget through her office.

**Vote: 7-0**  
**Yes: Cherry**  
**Frenier**  
**Green, Jr.**  
**Piotrowski**  
**Wood**  
**Luck**  
**Kochuba**  
**No: None**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 13**

**Absent: None**

**Abstained: None**

**Motion: UNANIMOUS PASS**

**5. Proposed Roundabout Landscape Project**

**Mr. Fisher recalled Council's prior authorization of \$25,000 for a landscape design plan, which had been completed by the City's consultant and had been presented to the Beautification Committee. Mr. Fisher advised that the design plan had a price tag of \$500,000. Mr. Fisher continued by stating that the Beautification Committee made modifications to the plan and it was his understanding that the architect/engineering firm was going to incorporate the Beautification Committee's revisions in a revised plan, which would be presented to Council at the upcoming Council work session on March 21, 2017.**

**Mayor Kochuba stated that he attended the Beautification Committee Meeting and commended Mr. Henley for his presentation; and also stated that the proposed plan included all the "bells and whistles" which could be included in the project.**

**Mr. Henley added that the revised plan came with a proposal structure that could be scaled down even more to meet any priorities.**

**Mr. Cherry stated he voted against the initial approval of the \$25,000 landscape design, and knowing there were valid needs in the City, he could not support the proposed \$500,000 plan. Mr. Cherry suggested using the City's horticulturalist and adding contracts to an already formed government contract would only drive the cost up significantly. Mr. Cherry stated this was something which should have been thought about three years ago when the original plans were submitted.**

**Addressing a question by Mr. Frenier, Mr. Henley confirmed that the City horticulturalist was an employee of the Recreation and Parks Department.**

**Mrs. Luck stated that although she did not feel the City needed to approve the \$500,000.00 proposed plan, she felt the plan could be scaled back considerably and other funding options researched.**

**Mr. Fisher stated that staff was hopeful that what the City was proposing would actually minimize the need for some of VDOT's work, giving the City a credit. Mr. Fisher stated that unfortunately, information would not be known until the plan had been approved by Council and submitted to VDOT.**

**Addressing additional questions regarding items included in the proposed plan, Mr. Henley stated that water and electricity, plantings and signage were included.**

**Mayor Kochuba stated Council would be surprised when receiving the revised plan with the substantially reduced dollar amount; he also stated he was in agreement with additional exploration of funding. Mayor Kochuba noted this area would be a the gateway into the City with an estimated 30,000 vehicles per day passing through that intersection and sometimes in order to attract people to come to the City from I95, this area must look presentable. Mayor Kochuba stated, “You have to spend money to make money.”**

**6. Possible Brasfield Dam Raising**

**Mr. Fisher noted that the Executive Summary stated there was no action necessary, but stated things had recently changed and the Water Authority was meeting in two days and would have before it, a proposal to fund Phase I of the dam raising. Mr. Fisher stated the expenditure would be \$10 million for the dam raising consisting of \$ 5 million from the Commonwealth of Virginia and \$5 million from the authority itself. Mr. Fisher recalled Council’s decision to oppose contributing to the raising of the dam but felt it would be beneficial for Mr. Johnson to provide additional information relative to the cost to City ratepayers.**

**Mr. Johnson stated that the estimated percentage of the City’s portion of the \$5 million was very small with an increase of approximately \$0.06 per household. Mr. Johnson warned that if the City did not utilize the \$5 million available from the state, it would send the wrong message.**

**There was continued discussion relative to the cost associates with bridges affected by the dam raising. At the conclusion of the discussion, an informal vote was taken relative to Council’s support of funding for Phase I of the dam raising:**

- Mr. Frenier – support**
- Mr. Cherry – support**
- Mr. Green – support**
- Mrs. Luck – cannot support**

**Mr. Fisher injected that if Council was inclined to wait, that was totally within their purview. He did not want them to feel rushed in any way to make a decision.**

**Before the complete vote was taken, it was the decision of Council to wait until after Thursday’s meeting after which time, additional information may be available.**

**7. Upcoming Schedule of Meetings and Events**

**Regular Meeting Minutes**

**March 14, 2017**

**Page 15**

**Mr. Fisher advised Council of the schedule of upcoming events through the month of May, which was included in their packet; specifically noting the upcoming work session scheduled for March 21, 2017 at 6:00 PM.**

**Mr. Fisher reported that the Appomattox River Water Authority (ARWA) must make substantial in-house maintenance improvements that cost approximately \$16 million. Mr. Fisher stated the funds for the in-house improvements obtained from the Virginia Resources Authority require that each locality agree to a moral obligation clause because of the situation with Petersburg. Mr. Fisher stated that although Mr. Henley was the authority on this, he could not recommend that the City of Colonial Heights put its moral authority behind the City of Petersburg, given what has been seen in the past.**

**After brief comments by Council, it was the consensus that Council would not support.**

**Additionally, Mr. Fisher stated that ARWA was to consider an amendment to allow members to buy and sell their treatment plan capacity to other members which didn't need all of its capacity. Mr. Fisher advised this was the issue with Petersburg and Prince George because Petersburg does not need all of its capacity and Prince George needs more and has expressed an interest in this exchange. It was the opinion of both Messrs. Fisher and Henley there was no down side to this amendment. Mr. Henley stated this would allow more flexibility in the use of resources. Mr. Fisher concluded that this would require Council's approval at some point.**

**B. City Attorney**

**Mr. Fisher had nothing to report from his office.**

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

**Dr. Davis had nothing additional to report this month.**

**16. Consideration of Claims**

**17. Adjournment**

**There being no further comments, a motion was made by Mr. Cherry, seconded by Mr. Piotrowski, to adjourn the meeting. The motion was carried unanimously by voice vote at 9:13 P.M.**

**APPROVED:**

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**T. Gregory Kochuba, Mayor**

**ATTEST:**

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**Pamela B. Wallace, City Clerk**