

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, April 14, 2020**

1. Call to Order

The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:38 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
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba

Absent: None

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

3. Devotion

A devotional prayer was led by Mr. Green.

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. Piotrowski, to adopt the agenda as presented.

**Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski**

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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. Presentation of the City Manager's Proposed FY2020-2021 Annual Operating Budget

Mr. Smith provided comments specifically noting the changes affecting the budget due to the COVID-19 crisis. Mr. Smith thanked Council for their input during the Council/Manager budget meetings as well as thanking Mrs. Minor and her staff for their efforts in compiling the budget material.

Mrs. Minor stated it was important to present how the COVID-19 crisis would affect the budget and advised of the spending controls set in place moving forward during this time. With the ongoing changes, Mrs. Minor stated she contacted surrounding localities regarding strategies to address the crisis and had developed three scenarios to address the anticipated revenue shortfalls. Mrs. Minor provided information reflecting the potential shortfalls for City revenue ranging from moderate to severe.

Mr. Smith advised the FY2020 economic responses to budgetary controls highlighting the hiring freeze for vacant positions unless approved by the City Manager, freeze on unspent capital outlay in department budgets unless approved by the City Manager, and moving the COLA for employees and additional street maintenance to contingency.

Continuing, both Mrs. Minor and Mr. Smith provided information and possible changes to the Operating Plan, Operating Services, Equipment/Capital, and Pavement Inventory Data Collection. Additional information was provided relative to a proposed 5% increase in utility rates which would be presented to Council at the April 28, 2020 meeting.

Mrs. Minor reported that revenue had been trending upward and provided charts depicting the increase as well as charts depicting the specific portions

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of the budget and percentage of funding for each. Additionally, Mrs. Minor provided information relative to shared services with Chesterfield County advising of an increase of approximately \$63,000 with brief discussion and clarification by Mrs. Luck how individuals are selected for services. Concluding the presentation, Mrs. Minor reviewed the unfunded requests.

There being no further discussion, Mayor Kochuba advised that Council would be reviewing the budget document at the April 21, 2020 meeting at which time the opportunity would be given for more detailed questions and discussion.

8. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

9. Written Petitions and Communications

There were none.

10. Advertised Public Hearing

A. Public Hearing on the proposed FY2021-FY2025 Capital Improvement Plan

A motion was made by Mr. Frenier, seconded by Mrs. Luck, to adopt the Proposed FY2021-FY2025 Capital Improvement Plan.

Mr. Smith stated he had no additional comments as the presentation had previously been made to Council; however, staff would be available by phone should the public or Council have any questions.

Mr. Cherry confirmed the Capital Improvement Plan had been approved by the Planning Commission at its recent meeting.

Public Comments:

Daryl Childs, 115 Deerwood Drive – Mr. Childs noted the proposed CIP FY2022 storm drain and sewer run-off project at Lexington Drive asking if there was anything he could do in an effort to have this project moved up. Mr. Childs explained the on-going problem with flooding in the area of Lexington Drive advising that Public Works staff had visited the site.

Mayor Kochuba stated since Public Works staff had already visited the site, would it be possible to provide a temporary fix to hold out until next year.

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Addressing Mayor Kochuba's comments, Mr. Flippen advised that the project had been in the CIP since 2014 and due to the permit process, had been on hold. Mr. Flippen stated it had been staff's though to correct the problem in-house.

Council Comments:

Addressing Mayor Kochuba's comments relative to non-funded CIP projects, Mr. Smith provided a list of such projects. Continuing, Mr. Smith stated it was staff's desire to continue with those CIP projects which were receiving large amounts of state and federal funding.

Addressing a different project, Mr. Fisher suggested that although the public Security Project was on hold, interim building security measures needed to be put in place until a security study is completed. Continuing, Mr. Wood provided comments supporting Mr. Fisher's suggestion. Mr. Smith provided the most recent measures which had been taken, but advised he would come back to Council with additional measures to be taken in the meantime.

Mr. Wood provided comments relative to the Bruce Avenue project asking where construction stood in the phase sequence. Addressing Mr. Wood's question, Mr. Smith stated funds allocated for Bruce Avenue were directed to the Hrouda Pump Station Project. Additionally, Mr. Flippen stated Phases 1, 2, and 3 of the Bruce Avenue Project had been completed.

Mr. Green addressed Council relative to several unfunded projects which had been on the CIP for several years; specifically, Brookedge and Spring Drive. Mr. Green stated these projects needed to be taken seriously before the assessed property values decline because of the effects of the drainage and erosion problems. Continuing, Mr. Green addressed the ongoing issue of the Breezy Hill Drive stormwater outfall and requested the effected ditch be monitored by City Public Works staff and kept clean to avoid flooding at the location.

11. Hearing of Citizens Generally on Non-Agenda Items

Although there were no citizen comments, Mr. Wood expressed his appreciation to the City Manager and City staff for their efforts in dealing with the circumstances presented by the COVID-19 Pandemic. Mr. Wood provided lengthy comments relative to the current shut-down of businesses in the Commonwealth and the negative economic impacts which will follow.

After continued discussion and comments, a motion was made by Mr. Wood, seconded by Mr. Cherry to send a resolution to Governor Northam

requesting consideration to lift or shorten the most recent Executive Order No. 55 for the temporary stay-at-home order.

Mayor Kochuba polled Council members for the following vote:

Mr. Green – No

Mr. Frenier – No

Mr. Cherry – Yes

Mr. Piotrowski – Yes

Mayor Kochuba – No

Mrs. Luck – No

Mr. Wood - Yes

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

A. AN ORDINANCE NO 20-8

(Second Reading) Amending § 51-56.1 of Chapter 51, Personnel Policies and Grievance Procedure, of the Colonial Heights City Code, to clarify which employees may be paid for accrued but unused sick leave upon retirement through the Virginia Retirement System.

B. AN ORDINANCE NO 20-9

(Second Reading) Amending § 51-56.1 of Chapter 51, Personnel Policies and Grievance Procedure, of the Colonial Heights City Code, to provide that only Virginia Retirement System Plan 1 and Plan 2 employees may participate in the City sick leave bank.

C. AN ORDINANCE NO 20-10

(Second Reading) To adopt a revised General Pay Plan Class and Salary Range that adds a new Animal Control Supervisor position and a new Emergency Communications Center Manager position along with corresponding job descriptions.

D. AN ORDINANCE NO 20-FIN-2

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by appropriating \$263,763 from assigned Fund Balance/Reserves for pavement preservation to Public Works for the Conduit Road pavement project.

To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, to

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appropriate \$352,593 in reimbursements from the South Central Wastewater Authority (SCWA) and Virginia Risk Sharing Association (VRSA) for emergency repairs to various sewer lines in the City.

- E. December 10, 2019 Regular Meeting Minutes**
- F. January 14, 2020 Regular Meeting Minutes**
- G. March 10, 2020 Special Meeting Minutes**
- H. March 10, 2020 Regular Meeting Minutes**
- I. March 17, 2020 Special Meeting Minutes**

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

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

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

- A. A RESOLUTION NO 20-19**
Adopting a policy authorizing a City Council Member to participate remotely in a Council Meeting by electronic communication if a quorum of the Council is physically assembled in one location.

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 20-19.

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Mr. Fisher provided comments relative to the adoption of such policy allowing one or two Council members to remotely participate in a Council meeting. Mr. Fisher advised of the criteria for holding such a meeting; specifically noting a quorum must be present.

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

Motion: UNANIMOUS PASS

B. AN EMERGENCY ORDINANCE NO 20-1

An emergency ordinance to establish methods to assure continuity in Colonial Heights City Government.

A motion was made by Mr. Green, seconded by Mr. Cherry, to approve Emergency Ordinance No. 20-1.

Mr. Fisher again provided comments and specifically noted the Emergency Ordinance No. 1 was effective upon its passage by Council through June 10, 2020. Mr. Fisher provided specifics of the ordinance regarding Council's ability to meet and the flexibility allowing remote participation from the public, should the need arise in the coming weeks or months.

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

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Motion: UNANIMOUS PASS

- C. AN EMERGENCY ORDINANCE NO 20-2**
Waiving through June 10, 2020, any penalties and interest on late payments of the tax on purchased meals.

- D. AN EMERGENCY ORDINANCE NO 20-3**
Waiving through June 10, 2020, any penalties and interest on late payments of transient lodging tax.

A motion was made by Mr. Green, seconded by Mr. Cherry, requesting Item C – An Emergency Ordinance No. 20-2 and Item D – An Emergency Ordinance No. 20-3, be continued to a future date to be determined by Council.

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

Motion: UNANIMOUS PASS TO TABLE EMERGENCY ORDINANCE NOS. 20-2 AND 20-3.

- E. AN ORDINANCE NO 20-11**
(First Reading) amending § 277-8 of Chapter 277, Water, of the Colonial Heights City Code by providing under certain circumstances for discontinuance of penalties and charges for unpaid utility bills; and by amending chapter 277 by adding a § 277-18.1, authorizing the City Manager to impose a moratorium on disconnections of water service, due to non-payment of charges, during a declared disaster and for up to 60 days after the end of a City disaster declared pursuant to city Code § 27-10.

A motion was made by Mayor Kochuba, seconded by Mrs. Luck, to adopt Ordinance No. 20-11.

There was no discussion.

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

Motion: UNANIMOUS PASS

- F. A RESOLUTION NO 20-20
Consenting to the City Manager's proposed appointment of T. Wayne Hoover, Acting Chief of Fire and EMS, as the City's Coordinator of Emergency Services Activities.**

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 20-20.

There was no discussion.

**Vote: 7-0
Yes: Cherry
Frenier
Green
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.**

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- A. AN ORDINANCE NO 20-7, AS AMENDED
(Second Reading) Amending §§ 98-42 of Chapter 98, Animals,
of the Colonial Heights City Code, to prohibit the keeping of
poultry and fowl in the City of Colonial Heights.**

**A motion was made by Mr. Green, seconded by Mayor Kochuba, to adopt
Ordinance No. 20-7, As Amended.**

**Vote: 4-3
Yes: Frenier
Green
Wood
Kochuba
No: Cherry
Piotrowski
Luck
Absent: None
Abstained: None**

Motion PASS

- B. Discussion on Chili Peppers Baseball Sponsorship Opportunity
and Fireworks at Events.**

**Before turning the presentation over the Mr. Craig Skalak, Director of
Recreation and Parks, Mr. Smith advised there were to items to bring before
Council for their approval:**

- A proposed sponsorship by a company which would like to have a
field-naming sponsorship in association with the Chili Peppers as well
as some associated benefits to the City with that plan.**
- Presentation of fireworks at two of the Chili Peppers games – Opening
Day and Fourth of July.**

Mr. Smith stated he was supporting of both items.

**At this time, Mr. Skalak advised that the Chili Peppers had requested to
reach an agreement with Nutrien AG on a three-year sponsorship for field-
naming rights with the name being “Nutrien Field at Shephard Stadium”.
Mr. Skalak stated this was a substantial agreement and a great sponsorship
opportunity for the Chili Peppers as well as a substantial benefit to the City.
Mr. Skalak advised that the benefit to the City would include field products
(fertilizers, seed, etc.), consulting services for city parks and waterways, as
well as a “homerun” contest during the season. Mr. Skalak stated he and his**

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staff highly recommend the proposed partnership, and he was confident in Nutrien's commitment to the City. Mr. Skalak stated Nutrien has a long history of working with communities and again expressed his confidence in their commitment to the City of Colonial Heights. Additionally, Mr. Skalak stated that the naming of the field was essentially inside the stadium naming on banners and on the field using painted templates near home plate; however, it did not include any permanent signage on the outside of the stadium. Mr. Skalak stated there would be naming rights when marketing games and events at Shephard Stadium.

Directing his comments to Mr. Skalak, Mr. Green stated he was in favor of both aspects; however, did this preclude or negate any other "wall sponsorship" within the stadium. Addressing Mr. Green's concerns, Mr. Skalak stated the City's current lease agreement with the Chili Peppers gives the Chili Peppers all sponsorship opportunities inside Shepard Stadium including the outfield wall. Mr. Skalak advised that in the past, the sponsorships came through the Recreation Department through the Recreation Activity Fund; averaging approximately \$6,000 per year. Mr. Skalak advised these sponsorships will be used to offset those fees estimating approximately \$6,000 to \$7,000 brought in from the Home Run contest with additional free product and consulting offered to the City by Nutrien.

Mr. Skalak added that due to the current conditions brought on by the COVID-19 pandemic, the Chili Peppers have taken a significant loss in sponsors for the upcoming year. Mr. Skalak stated it was his hope that the City agrees that its commitment was ensured and continue to help the team out during this difficult time.

Clarifying Mr. Wood's question with regard to the naming of the field, Mr. Skalak clarified this sponsorship was in accordance with the three-year contract and would only allow signing and advertising on the inside of Shephard Stadium. However, Mr. Skalak clarified that any advertisement information for tournaments would reference the name Nutrien Field at Shephard Stadium.

There was continued discussion with Mr. Wood and Mayor Kochuba expressing their concerns relative to the change of the field name.

Moving forward, Mr. Skalak stated he had been in discussions with the Chili Peppers, Colonial Heights Fire Marshal, Joe Boisseau, and a local fireworks distributor deciding there would be two games with fireworks. The proposed games were May 29 and July 3; however, even though the opening game of May 29 will not happen, the plan still remains to have fireworks at two games. Mr. Skalak advised that fireworks would be shot from the Civic Field, across

from Shephard Stadium on Meridian Avenue with spectators viewing from the infield and outfield.

Mr. Boisseau advised that the fireworks display would last between five and 10 minutes. Continuing, Mr. Boisseau advised Dominion Fireworks was the local vendor providing the display, further noting he had worked with them on several occasions. Mr. Boisseau provided information on the type of fireworks to be used and addressed his initial concerns regarding the notification of surrounding residents of the fire display, advising the Chili Peppers assured they would notify such residents prior to any display and they would be responsible to provide both medical and fire protection during these times. Additionally, Mr. Boisseau stated the regulations set forth in the Fire Code and by the National Fire Protection Association before such a display takes place.

Addressing Mr. Frenier's question relative to the type of fireworks and the "fall-out" from the fireworks, Mr. Boisseau explained the differences between the fireworks displayed at the City's Fourth of July celebration and those proposed for the Shepard Stadium display. Mr. Boisseau explained the "fall-out" from this type of fire work is very short and limited; additionally, the noise would not be as loud.

Mr. Fisher advised Council of the hazards and liability set forth under the law associates with the use of fireworks at the stadium. Mr. Fisher advised that it did not matter as to the measure of precautions used, if property or individuals were injured, the City was liable.

With the request for Council's support to allow fireworks at 2 games at Shepard Stadium, Mayor Kochuba polled Council for the following vote:

Mr. Cherry – Yes

Mr. Frenier – Yes

Mr. Green – Yes

Mr. Piotrowski – No

Mr. Wood – No

Mrs. Luck – No

Mayor Kochuba – Yes

Before continuing, both Mayor Kochuba and Mr. Wood requested that the record reflect their vote of "No" for the sponsorship name change of Shephard Stadium to "Nutrien Field at Shephard Stadium".

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

A. City Manager

1. Emergency Management Update

Chief Hoover shared the timeline and the Continuity of Operation Plan (COOP) city staff had been following while addressing the COVID-19 outbreak. Additionally, Chief Hoover advised Council of the precautions his staff was taking while assisting the public during emergency calls and thanked Mr. Smith and Council for support in addressing the safety needs of those emergency services personnel during this time.

Mr. Smith provided Council with updates relative to the modified services city staff and departments were implementing while still addressing the needs of the public. Mr. Smith specifically addressed code enforcement and trash pick-up services. Mr. Smith advised he had received notification from CVWMA regarding the temporary suspension of bulk waste collection and how the City planned to address this change.

Directing his comments to Mr. Smith, Mr. Cherry advised of the current grass and parking lot condition of the vacant Walgreens on the Boulevard. Additionally, Mr. Cherry stated he had contacted Ms. Hall regarding the number of 5G cell towers in the City and if so, was Council part of the approval process for such towers.

Addressing Mr. Cherry's question regarding 5G towers currently in the City, Ms. Hall reported there were no 5G towers currently; however, there had been previous discussion to allow such which would be attached to Public Utilities, but to date, there have been no applications received. Addressing Mr. Cherry's second questions regarding Council's involvement in the approval of such towers, Ms. Hall stated she was not sure and would have to get back to him; however, her office was responsible for approval of the height and other zoning requirements. If 5G equipment was being attached to public equipment, Council would become involved.

Mr. Fisher stated that until he could see the letter he could not provide specific comments; however, the City does not have much regulatory authority on small cell towers.

2. General Activity Report

Mr. Smith provided Council with the Dates of Interest and asked if Council was ok with delaying the joint School Board meeting scheduled for May 19. Mayor Kochuba stated he would discuss this at an upcoming meeting between himself, Mrs. Luck, Mr. Smith, and the School Board Chair and Vice Chair.

Addressing Mr. Piotrowski's question relative to the collection bins and notification to property owners advising of bin removal, Mr. Fisher stated Ms. Payne sent out letters to the owners; however, he was not certain when they were sent or what the responses had been. Further addressing Mr. Piotrowski's question, Mr. Fisher clarified that letters were only sent to the property owners and not bin owners. Weighing in on the conversation, Ms. Hall stated she would get with Ms. Payne tomorrow to clarify Mr. Piotrowski's question. There was brief discussion, after which time it was the consensus of Council letters should be sent to both property owners who allow the collection bins and owners of such collection bins.

B. City Attorney

Mr. Fisher advised he had nothing to report at this time.

C. Director of Planning and Community Development

Ms. Hall reported the Planning Commission did not meet in May but plans to meet in June. Additionally, Ms. Hall advised the BZA will meet tomorrow, April 15, to discuss variances and will be meeting in upcoming months to discuss the same. Concluding, Ms. Hall reported the April construction season was as strong as it had been in previous years noting the Building Inspections Department had previously implemented a digital inspection program so there was no interruptions in permitting and inspections.

Addressing Mayor Kochuba's question relative to Mission BBQ, Mr. Smith stated he would provide him with an update as to the status of the plans.

Mayor Kochuba advised the next meeting was scheduled for Tuesday, April 21, 2020, at 6:00 P.M., with the largest portion of the meeting being designated to the budget.

16. Adjournment

There being no further business, a motion was made by Mr. Cherry, seconded by Mr. Frenier, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 10:55 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

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ATTEST:

Pamela B. Wallace, City Clerk