

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, April 28, 2020

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Kochuba at 5:32 P.M.

2. Roll Call.

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

Absent: Councilman John T. Wood (arrived at 5:35 P.M.)

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

3. Declarations of Personal Interest

Declarations of Personal Interest were read by Messrs. Frenier, Green, Piotrowski, Mrs. Luck, and Mayor Kochuba and filed with the Clerk.

The Clerk announced the purpose of the meeting.

4. Closed meeting pursuant to the Code of Virginia in accordance with the following provision:

- **Paragraph A.5 of Virginia Code Section 2.2-3711, to discuss perspective businesses or industries locating on a 10.84 acre parcel with parcel ID number 5400020000H and a street address of 401 Temple Avenue, where no previous announcement has been made of the businesses' or industries' interest in locating in the community.**

A motion to convene in closed meeting was made by Mayor Kochuba, seconded by Mr. Frenier, at 5:34 P.M.

Vote: 6-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Luck

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No: Kochuba
Absent: None
Abstained: Wood (arrived at 5:35 P.M.)
None

Motion UNANIMOUS PASS

4. Voice Vote – Come back into Open Session.

A motion to reconvene in open session was made by Mayor Kochuba, seconded by Mr. Green, and carried unanimously on roll call vote at 5:51 P.M.

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

- **Paragraph A.5 of Virginia Code Section 2.2-3711, to discuss perspective businesses or industries locating on a 10.84 acre parcel with parcel ID number 5400020000H and a street address of 401 Temple Avenue, where no previous announcement has been made of the businesses' or industries' interest in locating in the community.**

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.

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

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

Motion UNANIMOUS PASS

Mayor Kochuba called for a short recess at 5:53 P.M.

Council reconvened in open session at 6:07 P.M.

6. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

7. Advertised Public Hearings

A. Increasing Real Property Tax Levies Due to a 4.71% Increase in Assessed Value – 6:00 P.M.

A motion was made by Mrs. Luck, seconded by Mr. Frenier, to increase Real Property Tax Levies as stated above.

Mayor Kochuba stated although this was confusing, the rate would not increase and further clarified the reasoning for such advertising.

There were no comments from the public or Council.

<u>Vote:</u>	7-0
Yes:	Cherry Frenier Green, Jr. Piotrowski Wood Luck Kochuba

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No: None
Absent: None
Abstained: None

Motion UNANIMOUS PASS

- B. AN ORDINANCE NO 20-13**
(First Reading) Providing for a levy on all real estate located in the City not exempt from taxation to fixed at \$1.20 for the tax year commencing January 1, 2020, and ending December 31, 2020; and providing for a levy on all real estate located in the City not exempt from taxation to be fixed at \$1.20 for the tax year commencing January 1, 2021, and ending December 31, 2021, for general municipal purposes.

A motion was made by Mr. Green, seconded by Mayor Kochuba, to adopt Ordinance No. 20-13.

There was no public comment.

Council Comment: Mr. Wood further clarified the purpose of the proposed ordinance.

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

Motion UNANIMOUS PASS

- C. AN ORDINANCE NO 20-14**
(First Reading) Providing for a tax levy on all tangible personal property not either exempt from taxation or otherwise taxed, for the tax year ending December 31, 2020; and for the tax year commencing January 1, 2021, and ending December 31, 2021; for general municipal purposes.

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Ordinance No. 20-14.

There were no comments from the public or Council.

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

Motion UNANIMOUS PASS

- D. AN ORDINANCE NO 20-15**
(First Reading) Providing for a tax levy on motor vehicles owned by members of a volunteer rescue squad or volunteer fire department, and persons appointed to serve as auxiliary police officers for the tax year ending December 31, 2020; and for the tax year commencing January 1, 2021, and ending December 31, 2021, for general municipal purposes.

A motion was made by Mayor Kochuba, seconded by Mr. Frenier, to adopt ordinance No. 20-15.

There was no comment from the public or Council.

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

Motion UNANIMOUS PASS

- E. AN ORDINANCE NO 20-16**
(First Reading) Providing for a personal property levy of one dollar (\$1.00) on each motor vehicle which is specifically equipped to provide transportation for physically handicapped individuals for the tax year commencing January 1, 2020, and ending December 31, 2020; and providing for such levy on motor vehicles which are specifically equipped

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to provide transportation for physically handicapped individuals for the tax year commencing January 1, 2021, and ending December 31, 2021, for general municipal purposes.

A motion was mad by Mrs. Luck, seconded by Mr. Piotrowski, to adopt Ordinance No. 20-16.

There was no comment from the public or Council.

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

Motion UNANIMOUS PASS

**F. AN ORDINANCE NO 20-17
(First Reading) Providing for a tax levy of \$2.00 on each \$100 of assessed value on machinery and tools, tangible personal property used in a research and development business, and motor vehicles, trailers and semitrailers with a gross weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce, for the tax year ending December 31, 2020; and for the tax year commencing January 1, 2021, and ending December 31, 2021; for general municipal purposes.**

A motion was made by Mrs. Luck, seconded by Mr. Piotrowski, to adopt Ordinance No. 20-17.

There was no comment from the public or Council.

<u>Vote:</u>	7-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Piotrowski
	Wood
	Luck
	Kochuba

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No: None
Absent: None
Abstained: None

Motion UNANIMOUS PASS

- G. AN ORDINANCE NO 20-18**
(First Reading) Establishing a tax rate pursuant to Chapter 35.1 of Title 58.1 of the Code of Virginia (“Personal Property Tax Relief”) on all qualifying vehicles under the Chapter.

A motion was made by Mayor Kochuba, seconded by Mr. Frenier, to adopt Ordinance No. 20-18.

There was no comment from the public or Council.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba

No: None
Absent: None
Abstained: None

Motion UNANIMOUS PASS

- H. AN ORDINANCE NO 20-FIN-3**
(First Reading) Adopting the General Fund Budget for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and appropriating the estimated revenues for the year for the objects and purposes stated herein.

A motion was made by Mayor Kochuba, seconded by Mrs. Luck, to adopt Ordinance No. 20-FIN-3.

Public Comment:

Henry Kidd, 100 Waterfront Drive – Mr. Kidd requested that Council reconsider his request for a contribution to the Side Street Gallery in Pic Wick Shopping Center.

Sharon Jadrnak, Executive Director, Petersburg Symphony Orchestra, 19 Goodrich Avenue, Petersburg – Mrs. Jadrnak advised Council did not approve the requested

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funding for the Petersburg Symphony Orchestra and requested they reconsider their decision.

Mayor Kochuba thanked both individuals for coming and making their request and further explained the process used for approval of such funds. Mayor Kochuba continued to explain that due to the unforeseen financial constraints, many items had to be removed from the budget.

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

Motion UNANIMOUS PASS

- I. AN ORDINANCE NO 20-FIN-4
(First Reading) Appropriating and providing funds for financing the City of Colonial Heights Public School Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, and approving such budget.**

A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Ordinance No. 20-FIN-1.

There was no comment from the public.

Council Comment:

Mr. Wood stated Colonial Heights had always supported the schools with a large percentage of the overall annual City budget going to them.

<u>Vote:</u>	7-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Piotrowski
	Wood
	Luck
	Kochuba
No:	None

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Absent: None
Abstained: None

Motion UNANIMOUS PASS

- J. AN ORDINANCE NO 20-FIN-5
(First Reading) Adopting the Recreation Activity Fund for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and appropriating the estimated revenues for the year for the principal purposes stated.**

A motion was made by Mr. Green, seconded by Mayor Kochuba, to adopt Ordinance No. 20-FIN-5.

There were no comments from the public or Council.

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

Motion UNANIMOUS PASS

- K. AN ORDINANCE NO 20-FIN-6
(First Reading) Adopting the Capital Projects Fund Budget for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and appropriating the estimated revenues for the year for the principal purposes stated.**

A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Ordinance No. 20-FIN-6.

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

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Absent: None
Abstained: None

Motion UNANIMOUS PASS

- L. AN ORDINANCE NO 20-Fin-7**
(First Reading) Adopting the Stormwater Fund for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and appropriating the estimated revenues for the year for the principal purposes stated.

A motion was made by Mayor Kochuba, seconded by Mrs. Luck, to adopt Ordinance No. 20-FIN-7.

There was no comment from the public or Council.

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

Motion UNANIMOUS PASS

- M. AN ORDINANCE NO 20-FIN-8**
(First Reading) Adopting the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and appropriating the estimated revenues for the year for the operating expenses stated.

A motion was made by Mayor Kochuba, seconded by Mr. Frenier, to adopt Ordinance No. 20-FIN-8.

There was no comment from the public.

Council Comment:

Mr. Green advised he was opposed to the 5% increase and recalled Council's "gradual increase" discussion.

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Mr. Smith advised of the upcoming utility rate study presentation from the consultant. Mr. Smith stated any rate increase must be approved by Council; however, he would not consider a rate increase during the pandemic but possibly in the upcoming months.

Mrs. Minor stated a rate increase was necessary to balance the budget for the utility fund adding that the operating budget was being used for replacement and upkeep of infrastructure issues.

It was the suggestion of Mr. Green to hear the rate study presentation before approval of the proposed Ordinance No. 20-FIN-8.

Mayor Kochuba clarified although Council could vote to increase the utility rate by 5%, they also have the ability to change it as well.

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

Motion PASS

**N. AN ORDINANCE NO 20-FIN-9
(First Reading) Adopting the Economic Development Authority Budget for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and appropriating the estimated revenues for the year for the operating expenditures stated.**

A motion was made by Mayor Kochuba, seconded by Mr. Frenier, to adopt Ordinance No. 20-FIN-9

There was no comment from the public or Council.

<u>Vote:</u>	7-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Piotrowski
	Wood
	Luck
	Kochuba

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No: None
Absent: None
Abstained: None

Motion UNANIMOUS PASS

- O. Discussion and Consideration of the Proposed 2020-2021 City of Colonial Heights Annual Operating Budget – 6:05 P.M.**

A motion was made by Mrs. Luck, seconded by Mr. Piotrowski, to approve the proposed 2020-2021 City of Colonial Heights Annual Operating Budget.

There was no comment from the public or Council.

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

Motion UNANIMOUS PASS

- 8. Discussion and approval of the following items:**

- A. Presentation of the Utility Rate Study**

Mr. Smith provided a brief introduction of the Utility Rate Study noting the Condition Assessment and Long-term Forecast before turning the presentation over to Mrs. Minor. Mrs. Minor introduced Will Kerr and Barat Krepps of Raftellis and Chris Tabor and Francis Malik of Hazen & Sawyer who began the presentation of the Water and Sewer Rate Study results.

The study included the following:

Study Goals:

- Evaluation of effectiveness of the existing rate structure
- Recommendation of defensible rates that support utility operational and capital needs
- Communication of the basis and merits of recommended rate structure changes
- Promotion of long-term system sustainability and financial health

Study Objectives:

- **Financial Plan and Rate Study**
 - Develop forecast of revenues and revenue requirements
 - Integrate results from Condition Assessment
 - Assess level of future increases
 - Calculate cost-justified rate options
 - Create a financial planning model for use by City staff
- **Condition Assessment**
 - Evaluate existing water and sewer assets
 - Assess level of future capital investment needs

The consultants provided information relative to the development of a financial plan explaining operating expenses and debt service. In short, the consultants stated the “bottom line” was a risk-based approach resulted in identifying a minimum capital need of \$188M over the next 25 years, averaging \$7.5M per year.

The Projected Financial Plan with a \$7.5M Capital Spend would begin with a 5% increase in 2021 and increase to 11.6% in 2022 to 2029. A second Projected Financial Plan with a \$4M Capital Spend was presented with a 5% increase beginning in 2021, increasing to 7.6% in 2022 through 2029. Continuing, consultants provided information relative to bi-monthly, long-range customer impacts, and proposed rate options.

At the conclusion of the presentation, Mr. Todd Flippen provided comments on the life cycle of the City’s infrastructure noting the most common life cycle of popular pipes is 50 years. Additionally, Mr. Flippen stated Colonial Heights was not unique to this situation, as many localities were faced with the same issue.

Mr. Green expressed his opinion that the proposed increases were not acceptable. Continuing discussion followed by Council and staff relative to the ongoing breaks and repairs to the City’s current infrastructure.

There being no further comments, Mayor Kochuba asked for a summary of the presentation to be provided to Council at the May 12, 2020 Regular Council Meeting.

**B. A RESOLUTION NO 20-21
Approving and adopting the City of Colonial Heights Fiscal Years 2021-2025 Capital Improvement Plan**

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 20-21.

Mr. Smith advised of one adjustment to the Hrouda Pump Station item which would be brought before Council as a budget transfer.

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Mr. Green reiterated his past comments relative to the Breezy Hill issues and moving the Brook Edge and Spring Drive projects further up the project list.

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

Motion UNANIMOUS PASS

C. A RESOLUTION NO 20-22

Requesting the Governor of the Commonwealth of Virginia to seriously consider modifying Executive Orders Fifty-One, Fifty-Three, and Fifty-Five so as to allow for the reopening of Virginia’s society and economy no later than May 25, 2020.

A motion was made by Mr. Piotrowski, seconded by Mrs. Luck, to table Resolution No. 20-22 until the May 12 Regular Meeting to see what actions Governor Northam may make in the upcoming weeks.

Both Mr. Cherry and Mr. Green agreed that Council should move forward with approval of the resolution in an effort to “send a message” now.

Mr. Wood advised of the State of New York’s consideration of May 15, 2020 to begin loosening the restrictions and further stated that Council’s expression could only bolster Governor Northam’s decision to loosen the current restrictions on the Commonwealth. Mr. Wood reminded Council members that the resolution only requests the modification of the Governor’s current Executive Order.

Mayor Kochuba stated he agreed with Mr. Piotrowski’s motion that the resolution should be tabled until the May 12, 2020 meeting.

Mr. Frenier stated he sees the number of positive cases of COVID-19 increasing every day in the City of Colonial Heights and once the restrictions are lifted, most individuals will have no regard for social distancing or self-protection.

Mrs. Luck stated in her opinion, the resolution should be tabled until the May 12, 2020 meeting to see what Governor Northam had to say.

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

Motion UNANIMOUS PASS

9. Adjournment.

A motion to adjourn the Special Meeting was made by Mrs. Luck, seconded by Mr. Piotrowski, and carried unanimously on voice vote at 8:49 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk