

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, May 14, 2019

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 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 Mayor Kochuba.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kochuba.

5. Adoption of Agenda

A motion was made by Mr. Piotrowski, seconded by Mrs. Luck, to adopt the agenda as presented.

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

Regular Meeting Minutes

May 14, 2019

Page 2

Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

Declarations of Personal Interest were read by Mayor Kochuba, Vice Mayor Luck, and Messrs. Frenier and Green.

7. Commendations and Presentations

- A. A RESOLUTION NO 19-23
Recognizing Debra M. Russell upon her retirement from the City of Colonial Heights, Virginia**
- B. A PROCLAMATION
Proclaiming May 12 through May 18, 2019 as National Law Enforcement Officers' Memorial Week in the City of Colonial Heights, Virginia**
- C. A PROCLAMATION
Declaring May 2019 "Business Appreciation Month" in the City of Colonial Heights, Virginia**
- D. Citizens Government Academy
Recognizing the program participants in the Citizens Government Academy (spring 2019)**
- E. New Employee Introductions
Introduction of new City employees hired by the Economic Development/Planning & Community Development Department, Recreation & Parks Department, and Fire and EMS Department.**

8. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

9. Written Petitions and Communications

Mr. Haywood Gray, 219 Spring Drive – Address Council Regarding Parking of Tractor Trailers in Residential Areas

Mr. Gray requested a waiver from Council allowing him to keep his semi-tractor parked in his driveway. Mr. Gray explained the vehicle had been parked at his residence for over 35 years. After much discussion by Council, Mayor Kochuba advised that according to City Code, Mr. Gray was not in compliance and could apply for a special use permit.

Mr. Fisher clarified that Council could change the ordinance or Mr. Gray had the following options: 1. Apply for a special use permit through the Department of Planning and Community Development; or 2. Request a variance through the Board of Zoning Appeals.

10. Advertised Public Hearing

A. ORDINANCE NO 19-5

(First Reading) To grant a special use permit to Lewis and Christy Archileti to allow a 199-foot monopole tower with associated 50'x50' fenced compound on parcel identification number 67051500002, also known as Lot 2, Pearson, containing 88± acres and being zoned planned unit development.

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Ordinance No. 19-1.

After brief introduction of the ordinance by Mayor Kochuba, Mrs. Hall provided a visual presentation depicting the location of the proposed property as well as advising of additional specifications and requirements for the location and placement of the monopole.

Mr. Will Shumake, representative for PI Tower Development, recalled his prior presentation to Council; specifically noting that cell coverage had become a utility. Mr. Shumake stated that although challenging, the proposed site was the best site to service the largest number of users and thanked City staff for their willingness to work with him.

Before voting, Mr. Fisher advised Council that federal law stated that they, as a body, could not base their vote on environmental or health issues presented by the public as to radio emissions.

Public Comment:

Regular Meeting Minutes

May 14, 2019

Page 4

Sandy Benoit, 1224 Briarcliffe Drive – Spoke in opposition to the special use permit.

Jay Staffort, 112 Pinecliffe Drive – Spoke in opposition of the special use permit.

Eddie Adams 1212 Briarcliffe Drive – Spoke in opposition of the special use permit.

Ralph Benoit, 1214 Briarcliffe Drive – Spoke in opposition of the special use permit.

In rebuttal, Mr. Shumake explained that his firm had worked diligently to find the best site within the City to service the largest area.

Council Comment:

Addressing Mr. Wood’s question relative to the selection of the site, Mr. Shumake stated the selected site was best suited to serve the maximum number of users.

Mr. Cherry recalled points made by the Planning Commission upon approval of the special use permit and his decision to vote no for the prior request.

Mr. Frenier advised of constituents who had approached him advising of the lack of cell coverage in the proposed area. Mr. Frenier expressed his concerns relative to the lack of cell coverage and its effect on public safety.

Mr. Green thanked the citizens for coming out and their willingness to express their opposition, recalling his prior vote against the request. However, Mr. Green expressed his concerns relative to the lack of cell service effecting the schools and emergency services.

Mr. Piotrowski recalled his prior vote against the first proposed monopole; however, continued by expressing his concerns relative to the lack of coverage effecting emergency services.

Mrs. Luck expressed her concerns and the pros and cons of the location of the monopole; however, she stated she could not support the proposed location because of the aesthetics, as it would be visible from other properties.

Mr. Fisher stated that although the City had special use requirements, Council could not prohibit cell towers everywhere in the City and this appeared to be the best location.

Regular Meeting Minutes

May 14, 2019

Page 5

There were no specific questions from Council.

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

Motion: PASS

B. AN ORDINANCE NO 19-12
(Second Reading) Amending Chapter 258, Taxation, of the
Colonial Heights City Code by Adding an Article IX, Cigarette
Tax, to such Chapter.

A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt
Ordinance No. 19-12.

Public Comment: None.

Council Comment: There were no relevant comments from Council.

Vote: 5-2
Yes: Frenier
Green, Jr.
Piotrowski
Luck
Kochuba
No: Cherry
Wood
Absent: None
Abstained: None

Motion: PASS

C. AN ORDINANCE NO 19-14

Regular Meeting Minutes

May 14, 2019

Page 6

(First Reading) Amending §§ 277-4.1 of City Code Chapter 277, Water, by increasing the charge for unauthorized use of water from \$25 to \$50.

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Ordinance No. 19-14.

Addressing Mr. Wood, Mrs. Minor explained the utility billing process and the reasoning for the proposed increase of fines imposed for subsequent unauthorized and abuse of water usage.

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 19-15
(First Reading) Approving a real property tax exemption for parcel identification number 6805000001A, which is owned by KHJ Colonial, LLC and has a street address of 880 West Roslyn Road (site of the Keystone Truck & Tractor Museum).

A motion was made by Mr. Green, seconded by Mr. Piotrowski, to adopt Ordinance No 19-15.

There were no comments from the public or from Council.

Vote: 6-1
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Luck
Kochuba
No: Wood

Regular Meeting Minutes

May 14, 2019

Page 7

Absent: None

Abstained: None

Motion: PASS

E. A RESOLUTION NO 19-27

Council approval of the PY2019 Community Development Block Grant (CDBG) Annual Action Plan and Budget

A motion was made by Mr. Cherry, seconded by Mr. Piotrowski, to adopt Resolution No. 19-27.

Ms. Brandy Payne, Assistant Director of Planning and Community Development, provided a presentation explaining CDBG funding and the increase from \$94K+ to \$104K+ awarded the City this year. Additionally, Ms. Payne provided Council with the requirements for eligibility.

There were no public comments.

Ms. Payne addressed Mrs. Luck's question stated that homes were selected outside of the City's two districts. Additionally, Ms. Payne, addressing Mr. Wood, stated there was a point system by which certain groups meeting specific criteria received additional points.

Vote: 7-0

Yes: Cherry

Frenier

Green, Jr.

Piotrowski

Wood

Luck

Kochuba

No: None

Absent: None

Abstained: None

Motion: UNANIMOUS PASS

11. Hearing of Citizens Generally on Non-Agenda Items

Gordon Pulley, 1091 Moore Avenue – Mr. Pulley advised Council of the number of speeding vehicles along Moore Avenue and requested an additional stop sign on the street.

Regular Meeting Minutes

May 14, 2019

Page 8

Kathy Temple-Harris, 613 Hamilton Avenue – Mrs. Harris provided Council with pictures of Cal’s on the Boulevard and expressed her on-going concerns relative to the condition of the property.

Mr. Smith stated he would schedule a follow-up with Mr. Meadows at which time, he and Mrs. Hall would discuss Mrs. Harris’s on-going concerns.

Michael Hamilton, 118 ½ Marvin Avenue – Mr. Hamilton stated he did not see any problem with the condition of Cal’s.

Before continuing, Mayor Kochuba called for a five-minute recess at 9:56 P.M.

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

- A. AN ORDINANCE NO 19-6
(Second Reading) 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, 2019, and ending December 31, 2019; 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, 2020, and ending December 31, 2020, for general municipal purposes.**
- B. AN ORDINANCE NO 19-7
(Second 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, 2019; and for the tax year commencing January 1, 2020, and ending December 31, 2020; for general municipal purposes.**
- C. AN ORDINANCE NO 19-8
(Second 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, 2019; and for the tax year commencing January 1, 2020, and ending December 31, 2020, for general municipal purposes.**
- D. AN ORDINANCE NO 19-9
(Second 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, 2019, and ending December 31, 2019; and providing for such levy on motor vehicles which are specifically equipped to provide transportation for physically handicapped individuals for the tax year commencing January 1, 2020, and ending December 31, 2020, for general municipal purposes.

- E. AN ORDINANCE NO 19-10**
(Second 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, certain energy generating equipment, personal property used in manufacturing, testing or operating satellites, 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, 2019; and for the tax year commencing January 1, 2020, and ending December 31, 2020; for general municipal purposes.
- F. AN ORDINANCE NO 19-11**
(Second 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.
- G. AN ORDINANCE NO 19-13**
(Second Reading) To adopt a revised General Pay Plan Class and Salary Range for Fiscal Year 2019-2020.
- H. AN ORDINANCE NO 19-FIN-3**
(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2018, and ending June 30, 2019, to appropriate \$304,149 in funds from the Riverside Regional Jail Authority (RRJA) back to the RRJA in compliance with bond requirements.
To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019, by appropriating \$398,150 in reimbursement funds from the South Central Wastewater Authority (SCWA) for emergency repairs of various sewer lines in the City and for completion of an infrastructure condition assessment and utility rate study.
- I. AN ORDINANCE NO 19-FIN-4**

(Second Reading) Adopting the General Fund Budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and appropriating the estimated revenues for the year for the objects and purposes stated herein.

- J. AN ORDINANCE NO 19-FIN-5
(Second Reading) Appropriating and providing funds for financing the City of Colonial Heights Public School Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, and approving such budget.**
- K. AN ORDINANCE NO 19-FIN-6
(Second Reading) Adopting the Recreation Activing Fund Budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and appropriating the estimated revenues for the year for the principal purposes stated.**
- L. AN ORDINANCE NO 19-FIN-7
(Second Reading) Adopting the Capital Projects Fund Budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and appropriating the estimated revenues for the year for the principal purposes stated.**
- M. AN ORDINANCE NO 19-FIN-8
(Second Reading) Adopting the Storm Water Fund Budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and appropriating the estimated revenues for the year for the principal purposes stated.**
- N. AN ORDINANCE NO. 19-FIN-9
(Second Reading) Adopting the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and appropriating the estimated revenues for the year for the operating expenses stated.**
- O. AN ORDINANCE NO 19-FIN-10
(Second Reading) Adopting the Economic Development Authority Budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and appropriating the estimated revenues for the year for the operating expenditures stated.**
- P. March 19, 2019 Special Meeting Minutes**
- Q. April 9, 2019 Special Meeting Minutes**

Regular Meeting Minutes

May 14, 2019

Page 11

R. April 9, 2019 Regular Meeting Minutes

S. April 16, 2019 Special Meeting Minutes

T. April 23, 2019 Special Meeting Minutes

A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt 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. A RESOLUTION NO 19-26
Providing for representation on the Chesterfield-Colonial Heights Social Services Board

A motion was made by Mr. Piotrowski, seconded by Mr. Cherry, to adopt Resolution 19-26.

Mr. Smith explained this would reduce the City's representation on the board by one. Mr. Smith continued to address questions by Council as to the rationale behind the request by Chesterfield for the reduction in representation by stating that the determination was based upon the population of Chesterfield versus that of Colonial Heights. Mr. Smith stated there would be additional discussion with Chesterfield County in the fall relative to shared services.

Mr. Wood expressed his concern relative to relinquishing a seat on the board. Mr. Fisher added that there was something to be said for "good will"; specifically noting that this was a joint local social services department and it

Regular Meeting Minutes

May 14, 2019

Page 12

would be quite a financial burden on the City should there be an independent social services department.

After continued discussion, a motion was made by Mr. Cherry, seconded by Mr. Wood, to table further discussion until the May 21, 2019 work session.

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.

A. Approval of the FY2019-2020 Operating Budget

A motion was made by Mr. Green, seconded by Mr. Frenier, to approve and adopt the FY2019-2020 Operating Budget.

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

Motion: UNANIMOUS PASS

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Pay Study Presentation

Mr. Smith and Ms. Carpenter made a presentation to Council and summarized the Pay Plan Study. Ms. Carpenter stated the study concentrated on Public Safety and provided jurisdictional comparisons. Ms. Carpenter provided a summary of grade/position title changes and the methodology for pay adjustments and department specific adjustments. Ms. Carpenter stated that the total cost of the adjustments would be \$215,000.

Mr. Smith stated that there would be additional discussion and an additional presentation at the upcoming May 21, 2019 work session.

2. General Activity Report

Mr. Smith recognized and thanked Mr. Skalak and his staff for their efforts and success on the Fort Clifton Festival. Additionally, Mr. Smith thanked Mrs. Minor and her staff for their award on the CAFR.

Mr. Smith advised of the interest of an individual to bring a Coastal Plain League to Shepherd Stadium. Mr. Smith stated there would be additional information and a presentation at the May 20, 2019 work session.

B. City Attorney

Mr. Fisher had nothing to report.

C. Director of Planning and Community Development

Mrs. Hall advised the Board of Zoning Appeals met on May 9, 2019 approving a request for a variance by Ann Krotec for the property located on Eastman Avenue in the Dunlop Park Subdivision, Lots 50, 51, and 52. Mrs. Hall also provided Council with a grass cutting update.

Before adjourning the meeting, Mayor Kochuba advised those in attendance of the upcoming Independent Schools Tournament held at Shepherd Stadium.

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 10:50 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk