

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, June 12, 2018

1. Call to Order

The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:11 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. 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. Cherry.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kochuba.

5. Adoption of Agenda

A motion was made by Mrs. Luck, seconded by Mr. Cherry, to approve 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 no Declarations of Personal Interest.

7. Commendations and Presentations

There were none.

8. Reading of Manner of Addressing Council.

The City Attorney read the Manner of Addressing Council.

9. Written Petitions and Communications

10. Advertised Public Hearing

A. AN ORDINANCE NO 18-21

(Second Reading) To amend § 245-23 of City Code Chapter 245, Stormwater Management, by charging a monthly \$4.00 stormwater utility fee on owners or tenants of all developed real property in the City.

A motion was made by Mr. Cherry, seconded by Mrs. Luck, to approve Ordinance No. 18-21.

Mayor Kochuba explained this was an enterprise fund and the revenue generated would go toward capital. Mr. Fisher stated that the proposed monthly charge was not listed in the cCode and it was appropriate to have it spelled out.

There was no public comment.

Council comments:

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Mr. Green stated he pays more in stormwater fees than anything else on his utility bill and he was certain that others noticed the same thing. He asked that Council be conscious of this and not let it get out of hand.

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 18-22**
(First Reading) To amend §§ 277-4 and 277-8 of City Code Chapter 277, Water, by increasing the turn-on, extension and administrative fees; and increasing the required security deposit.

A motion was made by Mr. Green, seconded by Mr. Piotrowski, to adopt Ordinance No. 18-22.

Mayor Kochuba stated that the proposed increase was to cover administrative fees. Mr. Smith stated that the language within the Code was changed to reflect renters, delinquent, and administrative changes.

There was no public comment.

Council Comments:

Addressing Mr. Wood's request for clarification of the administrative fee, Mrs. Minor stated that the fee was to cover administrative fees, i.e. mailings and employees' time, associated with disconnect and reconnect services. She elaborated on the reasoning for the increase as it related to rental property.

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

- C. AN ORDINANCE NO 18-23
(First Reading) To amend § 98-23 of City Code Chapter 98, Animals,
by increasing licensing fees.**

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Ordinance No. 18-23.

Mr. Fisher provided background information leading up to the proposed change, further explaining after additional research, the City was already at the maximum allowed for all of the noted fees with the exception of fees for spay/neuter.

Mayor Kochuba clarified for the public that the only change would be for someone wishing to obtain a license for their dog or cat; there will be an increased fee for those animals which are not spayed or neutered.

Mr. Smith added there were some additional fees noted in the ordinance which had increased, but were administrative fees; and Mr. Fisher confirmed the increase.

Public Comment:

Joanne Glazier, 218 Stratford Drive – Mrs. Glazier stated she was present representing the SPCA and spoke in opposition of the increase. Mrs. Glazier provided information relative to the funding provided by the SPCA toward their efforts to assist the public with spay/neuter costs for cats. Mrs. Glazier asked that Council reconsider charging those who spay and neuter their cats.

Council Comment:

Mr. Wood asked if the increase would be enough to dissuade someone from spaying or neutering their animal. Addressing from the audience, Mrs. Glazier stated it was not a lot, but it may psychologically dissuade someone from making the decision to spay or neuter.

**Vote: 5-2
Yes: Frenier**

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Green, Jr.
Piotrowski
Wood
Kochuba
No: Cherry
Luck
Absent: None
Abstained: None

Motion: PASS

- D. AN ORDINANCE NO 18-24**
(First Reading) To amend § 114-1 of City Code Chapter 114, Checks, Fraudulent, and § 93-4 of City Code Chapter 193, Massage Clinics, by increasing certain fees; and amending § 244-10 of City Code Chapter 244, Solid Waste, by providing for fees for grass and weed cutting and removal.

A motion was made by Mr. Cherry, seconded by Mrs. Luck, to adopt Ordinance No. 18-24.

Mr. Smith stated that this ordinance stemmed from the administrative cost incurred from the receipt of fraudulent checks and the bid process necessary to contract for the cutting and removal of tall grass and weeds. Both Mrs. Minor and Chief Faries concurred that the administrative costs incurred due to fraudulent checks had become a burden on staff.

Public Comments: None

Council Comments: None

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

Motion: UNANIMOUS PASS

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- E. AN ORDINANCE NO 18-25
(First Reading) Amending §§ 244-13, 244-14, 244-14.1, 244-15, 244-16, 244-17, 244-18, 244-19, 244-20, and 244-21 of Chapter 244, Solid Waste, of the Colonial Heights City Code; and adding a new section numbered 244-19.1 to such Chapter.**

A motion was made by Mr. Frenier, seconded by Mr. Green, to adopt Ordinance No. 18-25.

Mayor Kochuba recalled Council's discussion relative to the location of the City residential trash receptacles. Mr. Fisher further clarified that the proposed changes were an attempt to impose uniform language throughout the ordinance, addressing many inconsistencies within the current ordinance. Mr. Fisher addressed the changes individually, and one specific change noted was the change in enforcement being removed from the Department of Public Works and placed on the Department of Planning and Community Development.

Mr. Smith stated that due to the limited number of Code Enforcement officers, the staff would attempt to implement the enforcement into their daily routing. Mr. Smith stated the staff would continue to address complaints throughout the City. Mr. Smith suggested some type of educational program to make citizens aware of the change. Additionally, Mr. Smith stated he and Mr. Fisher had discussed future modification to the provision for penalty for non-compliance.

Public Comments:

Larry Brown, 311 Brook Edge Drive – Mr. Brown asked three specific questions:

- 1. There was no provision addressing the placement of receptacles for corner lots.**
- 2. Suggested Code Enforcement staff target those areas which were known to be problem violation areas.**
- 3. Suggested a civil penalty be imposed to replace the existing misdemeanor penalty.**

Addressing Mr. Brown's last point, Mr. Fisher stated that he and Mr. Smith had discussed modifications to the penalty and planned to discuss with Mrs. Hall for further input. Although this would come before Council later, Mr. Fisher stated that would not delay implementation of this ordinance. Addressing Mr. Brown's concerns relative to corner lots, Mr. Fisher stated that was addressed in the proposed ordinance.

Council Comments:

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Mr. Green stated a misdemeanor charge could jeopardize someone's employment.

Addressing Mr. Wood's question asking if it would be best not to vote on the ordinance until the penalty section had been modified; Mr. Fisher recommended that staff not engage in enforcement, regardless of the effective date, until the penalty issue was determined. Additionally, Mr. Fisher stated a survey was conducted of six jurisdictions, with three jurisdictions not addressing this issue at all, and the other three providing for a civil penalty of up to \$50.

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

Motion: PASS

- 11. Hearing of Citizens Generally on Non-Agenda Items**
- 12. Consideration of Uncontested Minutes, Ordinances, Resolutions, and Motions in accordance with the Consent Agenda.**
 - A. AN ORDINANCE NO 18-3**
(Second Reading) To amend §§ 286-326.04 and 286-326.08 of Chapter 286, Zoning, of the Colonial Heights City Code, to change several incorrect legal citations; to amend §§ 286-326.30, 286-326.32, 286-326.34, and 286-326.36 of the chapter, which relate to general performance standards, resource protection area standards, nonconformities, and administrative waivers and exceptions within a Chesapeake Bay Preservation Area; and to repeal § 286-326.20 of the chapter.
 - B. AN ORDINANCE NO 18-4**
(Second Reading) To amend §286-626.02 of Chapter 286, Zoning, of the Colonial Heights City Code, by revising the criteria that the Board of Zoning Appeals shall consider in determining whether to grant a variance.

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- C. AN ORDINANCE NO 18-7
(Second Reading) To change from “Mixed Use” to Industrial” the land use classification on the Land Use Plan Map of an approximate 19.829 acre tract of vacant property owned by the City of Colonial Heights, which is parcel identification number 6902090001, Lot 1, Dimmock Parkway East.**
- D. AN ORDINANCE NO 18-8
(Second Reading) To change the zoning classification of an approximate 19.829 acre parcel identification number 69020900001 from “GB – General Business” to “I – Industrial” and to amend the Zoning Map accordingly.**
- E. AN ORDINANCE NO 18-9
(Second Reading) To amend Chapter 7, Environment, of the 2014 Comprehensive Plan.**
- F. April 10, 2018 Special Meeting Minutes**
- G. May 8, 2018 Special Meeting Minutes**

A motion was made by Mr. Cherry, 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. AN ORDINANCE NO 18-FIN-11
(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2017 and ending June 30, 2018, by increasing appropriations by \$380,500 1) to appropriate \$2,500 in donations to**

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the Office on Youth for the After School Program and purchase of tablets; 2) to appropriate \$378,000 in proceeds from the sale of the old courthouse property to reimburse for uncollected receivables on transportation projects; and 3) to transfer \$7,108 in CDBG funds that were previously appropriated in Community Development to Human Services.

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Ordinance No. 18-FIN-11.

At the request of Mayor Kochuba for a breakdown of the funding sources and how they would be used, Mr. Smith asked Mrs. Minor to provide background relative to the proceeds from the sale of the courthouse property and uncollectable amounts for transportation projects; specifically, the Boulevard Modernization Project. Mrs. Minor advised that staff was working together on collecting some of the receivables to increase the amount of the fund balance.

Mr. Henley addressed the issue of uncollectable funds relative to the Boulevard Project advising it was important to understand that the reduction in the amount of accounts receivables, and staff had worked to comply with the State's requirements; and anything that the City spent on the project was eligible for reimbursement. Mr. Henley stated the City had worked with the Metropolitan Planning Organization (MPO) relative to the transfer of funds for the Boulevard Modernization Project to reduce the deficit. Mr. Henley continued by providing examples where the City would not be eligible for reimbursement; however, he felt confident the City would receive a large share of the \$378,000.

Mr. Wood stated that the MPO had designated \$200,000 from other projects to go toward the Boulevard Modernization Project which had already been transferred. Mrs. Minor further explained the accounting process by which the Finance Department must properly account for the uncollected and collected funds.

Mrs. Minor clarified for Mrs. Luck that the funding was not coming from the Contingency Fund, but from the sale of the old Courthouse. There was additional discussion relative to the addition and subtraction of funds relating to the contingency fund total.

Mayor Kochuba thanked Mrs. Minor and her staff for their efforts and asked that letters be sent to the American Legion and Kiwanis for their generous donation.

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

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

Motion: UNANIMOUS PASS

- B. AN ORDINANCE No. 18-FIN-12**
(First Reading) To Amend the General Fund Budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019, by increasing appropriations by \$20,287 1) to appropriate \$12,900 in Youth Conservation Corps Day Program Funds to the Office on Youth; and 2) to appropriate \$7,387 in additional Community Development Block Grant entitlement program funds.

A motion was made by Mr. Cherry, seconded by Mrs. Luck, to adopt Ordinance No. 18-FIN-12.

Mr. Smith provided a brief explanation of the ordinance.

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. Senior Transportation Service Expansion**

Mr. Skalak, Director of Recreation and Parks, stated that the difference in the program would be to expand to a half day on Saturday and include special needs

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and handicap adult residents. Staff recommends the Saturday service begin August 1, 2018; this will allow for additional part-time staff to be hired, but recommends the handicap and special needs service to begin July 1, 2018. Mr. Skalak stated he was comfortable stating this change would be approximately a \$14,000 increase in the budget to include part-time staff, overtime, and possible fuel increases.

Mr. Cherry thanked Mr. Skalak for the information he provided.

Mrs. Luck stated she was happy to see this type of service being offered since the PAT service had been discontinued.

Addressing Mr. Frenier's question, Mr. Skalak stated staff was discussing standard operations relative to holiday schedules.

Both Mayor Kochuba and Mr. Piotrowski asked that the public be advised of the proposed changes and the associated costs.

A motion was made by Mr. Green, seconded by Mr. Piotrowski, to allow staff to move forward with the expansion of the Senior Transportation Services and the associated costs.

Vote: 6-0
Yes: Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba
No: Cherry
Absent: None
Abstained: None

Motion: PASS

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Dates of Interest – June 2018

Mr. Smith provided Council with a calendar noting upcoming dates of interest; specifically noting the July 17, 2018 Council Work Session to further discuss the progress on Violet Bank and a presentation by the consultant.

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Mayor Kochuba advised there would not be a July or August Work Session.

Mrs. Luck proposed that until it was clear what direction Council took relative to the Violet Bank renovations, the search for the Museum Curator be put on hold. Additionally, Mrs. Luck requested that the City Manager and his staff research ways to utilize Violet Bank in an effort to maintain and/or fund the reconstruction. Mrs. Luck stated she had been contacted by a representative from the Violet Bank Garden Club asking what their role would be and she asked that they send a representative to the July 17, 2018 meeting.

Mr. Fisher stated it may be more appropriate to name the part-time individual at the museum as the interim manager, if it was staff's intention to keep the museum open.

Mr. Smith stated it would need to be determined by Mr. Skalak if the part-time employee would be available to serve in an interim capacity.

Mr. Skalak, agreeing with Mr. Smith's previous comments, stated that there had been previous discussions relative to this proposal and it would need to be discussed further with Human Resources.

It was the consensus of Council that the museum remains open and staff look to maintain someone in an interim position to manage the property.

Continuing, Mr. Smith provided information and a visual presentation relative to the design of the Historic District sign for Violet Bank and the Violet Bank Historical District. Mr. Smith thanked Mrs. Boshier for her efforts as well as Mrs. Mary Ann Hamilton for her initiation supporting the project. Mr. Smith stated staff would move forward with the implementation of the project which would cost approximately \$1,100.

At the request of Mr. Smith, Mr. Henley provided updates on the following projects:

Boulevard Modernization Project: This should be wrapping up by week's end. The contract had to be extended with additional costs being incurred.

Temple Avenue Project: The City had received another \$1M award from the Virginia Department of Transportation for resurfacing of the Boulevard with construction to begin in the spring of 2019.

Dupuy Avenue Modernization: Contested cases had been settled.

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Lakeview Avenue: The City had obtained right-of-entry for all properties with construction to begin within six months and a completion date approximately one year after start of construction.

Mr. Henley stated that none of the applications submitted during the current cycle of funding had been approved by the Commonwealth Transportation Board including the constructing of Appomattox River Trail Phase IV, the sidewalks on Conduit Road, and the Revenue Sharing Project submitted for reconstruction of Deerwood and several other streets off of Conduit Road. He provided background information relative to the reasoning for the lack of funding stating that the state determined the prioritization method and localities were competing against one another for funding for a large share of the Surface Transportation Funds.

Mr. Henley continued by further explaining the application process for SMART SCALE advising that the applications must be submitted on-line through the SMART SCALE portal, after which time they are evaluated by a scoring and ranking process for the projects. At the end of the process, the ranked lists would be provided to the Commonwealth Transportation Board for a final decision.

Mr. Henley stated his staff had submitted pre-applications for four projects; one of which was the Multi-Modal Rail Station. Mr. Henley stated that in order to receive funding through the Commonwealth, an application must be submitted which would go through a pre-screening process. Mr. Henley advised that staff had submitted four pre-screening applications:

1) Multi-Modal Station.

2) CSX Crossing (widening to eliminate the bottle-neck). Mr. Henley stated he did not feel it would be funded this time, but wanted to submit the application because he felt it would be a project which would be influenced by the Multi-Modal project.

3) The extension of the Lakeview Avenue Project.

4) Boulevard Modernization Phase II. Mr. Henley provided a strategy scenario in an effort for the City to obtain funding for the project. He stated that localities such as Colonial Heights were at a disadvantage because they were not in the position to provide a match or resources were in a better position than others. With this being said, Mr. Henley stated that the City would be in a better position if they could show there was a commitment of other funding of the project to reconstruct the Boulevard from Westover Avenue to Temple Avenue.

Mr. Henley advised that a resolution from Council would be required as part of the prescreening application before the final application due in August. Mr. Henley advised that a BUILD Grant would also be submitted at the same time.

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Addressing Mrs. Luck's question, Mr. Henley stated that any project could be locally funded; specifically referring to the sidewalk project. Secondly, Mrs. Luck asked for clarification as to which project would be started next; Temple, Lakeview, or Dupuy. Mr. Henley stated that they could all three start simultaneously.

At the request of Mr. Frenier, Mr. Henley provided updates relative to Conduit Road and Elersley Avenue stating that staff was 50% through the design phase and scheduled for construction to begin next year. Additionally, Holly and Jamestown was an in-house project with a construction start-date of next year.

B. City Attorney

Mr. Fisher provided updates on the Dupuy Modernization Project, stating that the City had reached agreement with all property owners on compensation for the City's acquisitions of easement. Continuing, Mr. Fisher stated there was one outstanding property owner on the Lakeview Modernization Project for which a petition for condemnation had been filed, but it was doubtful that the landowner would settle.

With regard to the Ellerslie and Conduit Road intersection, Mr. Fisher advised that the City would take property from all four corner lots. Mr. Fisher stated that the City is owner of one of the lots (Library); he is hopeful that a voluntary agreement can be reached with the other three property owners.

Finally, Mr. Fisher stated that the Residential Tax Abatement Rehabilitation Program would be placed on the Planning Commission Agenda for their next meeting.

C. Director of Planning and Community Development

Mrs. Hall reported that the Planning Commission did not hold a meeting in June and there would no meeting in July as well. Mrs. Hall stated the CDBG applications were due June 30 and she had been steadily receiving applications. Mrs. Hall reported there was an increase in funding and she expected to address one or two more houses. Mr. Hall stated the Wetlands Board would be meeting to entertain regulatory relief for the Chesapeake Bay with building in or near the resource protection area.

Mr. Green stated he had become aware of another property with vegetation overgrowth similar to that on Forestview. Mr. Green stated more than grass and weeds needs to be addressed relative to properties that are not being maintained and are detrimental to the neighborhood.

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16. Adjournment

A motion was made by Mrs. Luck, seconded by Mr. Cherry, to adjourn the meeting. The meeting was adjourned at 9:05 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk