

**CITY OF COLONIAL HEIGHTS, VIRGINIA  
Regular Meeting of City Council  
Tuesday, July 9, 2019**

**1. Call to Order**

**The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:10 P.M.**

**2. Roll Call**

**The following members of Council and Council's staff were present for roll call by the Clerk:**

**Present:** 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:** Councilman Michael A. Cherry

**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. Frenier.**

**4. Pledge of Allegiance**

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

**5. Adoption of Agenda**

**A motion was made by Mayor Kochuba, seconded by Mr. Green, to amend the agenda by removing Item 15.A.1, "Consideration of a request for water and sewer connection for property located outside the City of Colonial Heights" from the agenda and to be place on the August Regular Agenda.**

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

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

**Motion: UNANIMOUS PASS**

**A motion was made by Mayor Kochuba, seconded by Mrs. Luck, to adopt the agenda as amended.**

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

**Motion: UNANIMOUS PASS**

**6. Declarations of Personal Interest**

**Declaration of Personal Interest was read by Mr. Frenier and filed with the Clerk.**

**Before continuing, Mayor Kochuba recognized Mrs. Angie Woody, School Board Chair.**

**7. Commendations and Presentations**

- A. A RESOLUTION NO 19-32**  
**Supporting the Appomattox River Trail through the Tri-Cities Region**

**A motion was made by Mrs. Luck, seconded by Mr. Piotrowski, to adopt Resolution No. 19-32.**

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**After a brief presentation by Heather Barrar from Friends of the Lower Appomattox (FOLAR), Mayor Kochuba presented her with a framed resolution supporting FOLAR's efforts in the region.**

- B. New City Employee Introductions  
Employees hired by the Department of Public Works and the  
Department of Recreation and Parks.**

**Austin Fisher – Public Works Technician  
Shamiya Taylor-Bland – Recreation Specialist II**

**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. AN ORDINANCE NO 19-16  
(First Reading) Amending Colonial Heights City Code Chapter 273,  
Vehicles and Traffic, by adding a section numbered 273-2.2, providing  
for a \$5.00 fee to be assessed as part of the defendants' costs in  
criminal and traffic cases in the Colonial Heights circuit and district  
courts, which shall be used to fund an electronic summons system.**

**A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Ordinance No. 19-16.**

**At the request of Mr. Smith, Captain William Anspach provided an overview of the electronic summons system as part of the Tyler CAD system providing the benefits to those issuing the summons and the overall efficiency of the program.**

**Council Comments:**

**Addressing Mr. Green's questions, Captain Anspach stated that the \$5.00 fee was set by the Commonwealth.**

**Due to the number of summons issued, Captain Anspach, addressing Mr. Wood's questions, stated that the \$5.00 would more than cover the cost of implementation of the proposed system.**

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**There were no public comments.**

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

**Motion: UNANIMOUS PASS**

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

**There were none.**

**Before continuing, Mr. Wood asked that Council pass a resolution recognizing the service and advocacy of Senator Rosalyn Dance. It was the consensus of Council that Senator Dance would be recognized at the September or October meeting.**

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

**A. ORDINANCE NO 19-17**

**(Second Reading) To vacate an existing 16' sanitary sewer easement recorded in Deed Book 300, page 304, in the Colonial Heights Circuit Court Clerk's Office; an existing 16' waterline easement recorded in Plat Book 6, page 45, in the Colonial Heights Circuit Court Clerk's Office, and an existing 30' non-exclusive ingress-egress and storm water management basin access easement recorded in Plat Book 6, page 45, in the Colonial Heights Circuit Court Clerk's office; all across Lot 8, Dominion Southpark, parcel identification number 68216200008, as part of the Extended Stay Hotel development.**

**B. AN ORDINANCE NO 19-18**

**(Second Reading) To adopt a revised General Pay Plan Class and salary ranges pursuant to the results of the recent pay study the Human Resources Director conducted.**

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- C. AN ORDINANCE NO 19-FIN-12  
(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, to appropriate an aggregate amount of \$29,799, which consists of 1) \$12,900 in Youth Conservation Corps Day program Funds to the Office on Youth; 2) \$14,899 in additional Community Development Block Grant entitlement program funds; and 3) \$2,000 in donations received from Walmart for the Police Department.**
- D. June 11, 2019 Special Meeting Minutes**
- E. June 11, 2019 Regular Meeting Minutes**
- F. June 18, 2019 Special Meeting Minutes**

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

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

**Motion: UNANIMOUS PASS**

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

- A. AN ORDINANCE NO 19-FIN-13  
(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by increasing appropriations by \$10,200 to 1) appropriate a \$2,000 grant to the Police Department; 2) reduce appropriations for the planned lease of computers and increase appropriations for the debt service payment on the computer lease from excess sales tax revenue for a net increase in appropriations of \$8,200; and 3) transfer \$35,877 from the public works budget to the capital project fund to cover overages for the Stratford Drive project.**

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**To amend the Capital Projects Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by increasing appropriations \$35,877 for General Fund transfer to cover additional expenditures on Stratford Drive.**

**A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Ordinance No. 19-FIN-13.**

**Mayor Kochuba stated he was not sure of the action to be taken for the planned lease of computers and asked that Mr. Smith further clarify. Mr. Smith advised that the next item on the agenda was a resolution authorizing the lease financing of computers. Mr. Smith stated this was a three-year lease purchase of a large number of computers, which must be upgraded due to the Window support requirements. Additionally, Mr. Smith stated there was a block of funds budgeted within the departmental budgets, which would offset what was needed for borrowing.**

**Mrs. Minor stated that Mr. Blais was able to secure a special with the computer vender for the purchase of six computers for the price of five if purchased within a limited time-frame which is now. Mrs. Minor stated that \$250,000 was budgeted for the lease purchase; however, only \$225,000 is being borrowed. Mrs. Minor stated that due to the deal coming earlier in the fiscal year than originally anticipated, there will be an additional unbudgeted debt service payment which will move up into the current fiscal year. Mrs. Minor stated this will be a “trade-off” so-to-speak, and the City will be making an additional debt service payment out of the savings.**

**Mr. Green asked that his comments be recorded for the minutes. Mr. Green stated that for those who say we are only spending more money, we, not only have a reduction here, but we are using that reduction to make an extra payment on a debt. Is it permitted that we can do a reduction and an extra debt payment? Addressing Mr. Green’s question, Mrs. Minor stated that the way staff was proposing, “Yes.” Mr. Green stated that it all made very much sense and he just wanted it pointed out and it recorded that this was a noted reduction and an additional debt payment being made by the City and that it was noted in the minutes that the City was being thrifty and frugal.**

**Continuing, Mr. Henley provided comments on the Stratford Drive Project advising there had been unforeseen and unavoidable expenses due to poor soil conditions cause by drainage.**

**Vote: 5-0**

**Yes: Frenier**

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

**Motion: UNANIMOUS PASS**

**B. A RESOLUTION NO 19-31  
A Resolution of the City Council of the City of Colonial Heights,  
Virginia authorizing the lease financing of certain equipment**

**A motion was made by Mr. Frenier, seconded by Mrs. Luck, to adopt Ordinance No. 19-31.**

**Mr. Smith stated the requested action was a continuation of the lease/purchase of the computers.**

**Addressing Mayor Kochuba's question, Mrs. Minor stated that the majority of the cost was associated with the hardware purchase.**

**Mr. Wood inquired as to the number of computers to be replaced. Addressing his questions, Mr. Blais stated there were 150 computers identified to be replaced.**

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

**Motion: UNANIMOUS PASS**

**C. A RESOLUTION NO 19-33  
Authorizing the City Manager to enter into a Special Project  
Service Agreement for Roll-Off Hauling and Front-End  
Collection and Recycling Services Between Central Virginia**

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**Waste Management Authority and Participating member jurisdictions.**

**A motion was made by Mr. Frenier, seconded by Mr. Green, to adopt Ordinance No. 19-33.**

**Mr. Smith clarified that the agreement would assist with the City's recycling service. Adding to Mr. Smith's comments, Mr. Henley stated this was a renewal of the contract with CVWMA but with a different vendor.**

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

**Motion: UNANIMOUS PASS**

**D. A RESOLUTION NO 19-34**

**Authorizing the City Manager to accept a grant from the Department of Criminal Justice Services for a new School Resource Officer.**

**A motion was made by Mr. Green, seconded by Mr. Piotrowski, to adopt Resolution No. 19-34.**

**At the request of Mr. Smith, Captain Anspach provided background information on the requested position stating the position would be located at the Colonial Heights Technical Center. Captain Anspach further explained the reasoning behind the request, stating this was the only educational facility which did not have a resource officer.**

**Mr. Fisher stated the School Board previously approved this request, and also stated that the grant was for approximately \$40,000. Mr. Fisher also advised the grant was for only one year, but he stated that Captain Anspach was confident it would continue to be funded.**

**Addressing Mayor Kochuba's funding concerns, Mr. Smith clarified the City's financial portion of the grant would be approximately \$7,900.**



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

**Motion: UNANIMOUS PASS**

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

**A. AN ORDINANCE NO 19-FIN-11**  
**(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2018, and ending June 30, 2019, to appropriate \$21,500, which consists of 1) \$19,000 in cigarette tax revenue for the purchase of cigarette stamps; and 2) \$2,500 in donations to the Library for the summer reading program.**

**To amend the Capital Projects Budget for the fiscal year beginning July 1, 2018, and ending June 30, 2019, by appropriating \$23,211 for additional work required on the tennis courts project.**

**A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Ordinance No. 19-FIN-11.**

**Mrs. Minor provided an update relative to the ongoing issues with Sam's Club and the stores decision not to participate with the City to stamp its cigarettes.**

**Mayor Kochuba requested an update to be included in the City Manager's monthly report.**

**Vote: 5-1**  
**Yes: Frenier**  
**Green, Jr.**  
**Piotrowski**  
**Luck**

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**No:** Kochuba  
**Absent:** Wood  
**Abstained:** Cherry  
**Motion:** UNANIMOUS PASS

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

**A. City Manager**

- 1. Consideration of a Request for Water and Sewer Connection for Property Located Outside the City of Colonial Heights.**

**This item was removed from the agenda and deferred to the August 13, 2019 Closed Meeting for consideration.**

**2. General Activity Report**

**Mr. Smith provided the following information on upcoming dates and issues relative to the City:**

- Ground breaking for the Maddie may Foundation Playground – July 19, 2019, at noon.**
- Roundabout Pond Project – VDOT has issued the permit to proceed; however, the estimate from Dominion Energy has not been received relative to the installation of electricity at the site. Mr. Smith stated staff is also awaiting estimates for aeration of the site and chemical treatment and other work at the pond.**

**Addressing Mayor Kochuba’s question relative to the maintenance of on/off ramps, Mr. Henley advised that VDOT had drastically decreased the frequency of mowing work to one or two times per year. Mr. Henley provided additional information relative to VDOT regulations related to access and clean-up of the pond.**

- Mr. Smith provided an update on the complaints received relative to missed trash collection over the past few weeks. Mr. Smith stated CVWMA was addressing the situation with CFS. Continuing, Mr. Smith addressed Mr. Piotrowski’s comments stating that the reason for missed pick-up was due to new drivers.**

**Mr. Piotrowski stated he had been contacted by a resident whose trash had not been collected in 12 days; and this was not the kind of service**

the City was paying for. Mr. Piotrowski asked if CFS could attend a Council Meeting.

Mr. Henley stated that one of the reasons for the delay and missed collection was due to the closure of the Petersburg landfill and the increased travel by collection drivers to the Lunenburg Landfill.

- Mr. Smith reported there would be no July or August Work Sessions.

**B. City Attorney**

Mr. Fisher asked Council to recall Mr. Piotrowski's question as to the status of the Department of Environmental Quality (DEQ) show cause matter with the landfill. Mr. Fisher stated DEQ had issued a show cause against CFS and provided Council with details. Mr. Fisher stated he had spoken with inside counsel for DEQ regarding the administrative hearing; however, the DEQ inside counsel told Mr. Fisher that there was a separate civil proceeding the Attorney General's office has filed on behalf of DEQ against CFS seeking monetary fines/civil penalties. Mr. Fisher advised that apparently these proceedings have been put on hold waiting for the administrative proceedings to end. Mr. Fisher advised it was the goal of DEQ relative to the administrative proceeding to have the landfill shut down. Continuing, Mr. Fisher stated the administrative hearing was held on June 19-20, 2019, and continued to explain the process of the hearing specifically noting that the hearing officer had until October 2, 2019 to make his recommendation. After such time, DEQ must make a decision within 30 days, based upon that recommendation.

At the conclusion of Mr. Fisher's report, Mayor Kochuba asked if it was the opinion of Council to request CFS to come before Council.

Mr. Wood stated he did not feel this request would improve their performance; however, it would communicate that their poor performance has been recognized. Mr. Wood stated if Council did not communicate their dissatisfaction, silence was consent.

It was the consensus of Council, after polling by Mayor Kochuba, that Mr. Smith draft a letter to CFS outlining Council's concerns regarding the current situation at the landfill and the City's displeasure with regard to missed and delayed trash pick-up.

Continuing, Mr. Fisher asked Council to recall the General District Court Case involving a tow truck operator in which the operator was found guilty;

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stating that the case was appealed to Circuit Court, at which time the City settled the case with the operator.

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

- **Mrs. Hall reported there was no Planning Commission Meeting in June; however, the Commission will be meeting in July and August to continue their review of the Comprehensive Plan.**

**16. Adjournment**

**There being no further business, a motion was made by Mrs. Luck, seconded by Mr. Piotrowski, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 9:07 P.M.**

**APPROVED:**

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**T. Gregory Kochuba, Mayor**

**ATTEST:**

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**Pamela B. Wallace, City Clerk**