

**CITY OF COLONIAL HEIGHTS, VIRGINIA**  
**Regular Meeting of City Council**  
**Tuesday, July 10, 2018**

**1. Call to Order**

The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:00 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  
Councilwoman Elizabeth G. Luck  
Mayor T. Gregory Kochuba

**Absent:** Councilman Michael A. Cherry  
Councilman John T. Wood

**Also Present:** Mr. Douglas E. Smith, City Manager  
Mr. Hugh P. Fisher, III, City Attorney  
Mrs. Kelly M. Hall, Acting Director of Planning  
Mrs. Sheila S. Minor, CPA, Director of Finance  
Mr. Craig Skalak, Director of Parks and Recreation  
Mrs. Karen Epps, Director Economic Development  
Mr. William E. Henley, Director of Public Works

**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 Mr. Green, seconded by Mrs. Luck, to approve the agenda as presented.

**Vote:** 5-0  
**Yes:** Frenier

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

**Motion: UNANIMOUS PASS**

**6. Declarations of Personal Interest**

**There were none.**

**7. Commendations and Presentations**

- A. A PROCLAMATION**  
**Designating August 17, 2018 as Coats Disease Awareness Day in the**  
**City of Colonial Heights, Virginia.**

**Mayor Kochuba presented Jaxon Gibbs with the proclamation after which time his mother, Elke Gibbs, former City employee, provided information relative to the disease. Ms. Gibbs further described an upcoming procedure that Jaxon will undergo, which will provide him with a prosthetic shell to go over his Coats eye. Ms. Gibbs stated that the cost of the shell would be \$4,000, of which she had received \$2,500 in donations from the Hopewell Moose Lodge and the Colonial Heights American Legion.**

**A motion was made by Mr. Green, seconded by Mr. Frenier, to give Ms. Gibbs the remaining money needed, up to \$1,500, to cover the cost of Jaxon's shell.**

**Vote:** 5-0  
**Yes:** Frenier  
Green, Jr.  
Piotrowski  
Luck  
Kochuba  
**No:** None  
**Absent:** Cherry  
Wood  
**Abstained:** None

**Motion: UNANIMOUS PASS**

**Mayor Kochuba stated the Council donation would be \$500.**

- B. New Employee Introductions**  
**Introduction of new City employees hired by the Finance Department and Recreation and Parks Department.**

**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**

**There were none.**

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

**There were none.**

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

- A. AN ORDINANCE NO 18-22**  
**(Second Reading) to amend Sections 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.**
- B. AN ORDINANCE NO 18-24**  
**(Second Reading) to amend Section 114-1 of City code Chapter 114, Checks, Fraudulent, and Section 193-4 of City Code Chapter 193, Massage Clinics, by increasing certain fees; and amending Section 244-10 of City Code Chapter 244, Solid Waste, by providing fees for grass and weed cutting and removal.**
- C. AN ORDINANCE NO 18-FIN-11**  
**(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2017 and ending June 30, 2018, to increase appropriations in the aggregate amount of \$380,500 to appropriate 1) \$2,000 in donations to the Office on Youth for the after school program and the purchase of tablets; 2) \$378,000 in proceeds from**

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the sale of the old courthouse property to reimburse for uncollected receivables on transportation projects; and 3) to transfer \$7,108 in Community Development Block Grant funds that were previously appropriated in Community Development to Human Services.

- D. (Second 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. Green, seconded by Mrs. Luck, to approve the consent agenda as presented.**

**Vote: 6-0**  
**Yes: Frenier**  
**Green, Jr.**  
**Piotrowski**  
**Wood (arrived at 7:23 P.M.)**  
**Luck**  
**Kochuba**  
**No: None**  
**Absent: Cherry**  
**Abstained: None**

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

- A. A RESOLUTION NO 18-23**  
**Authorizing the submission of funding applications for four projects including the Multi-Modal Station (2600 Boulevard), Boulevard at CSX Overpass (Essex Avenue to Lakeview Avenue), Boulevard Modernization Phase II (Westover Avenue to Temple Avenue), and Lakeview Modernization Phase II (Vance Avenue to City Limits) to the Commonwealth Transportation Board through the bi-annual SMART Scale program.**

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

**Mr. Smith stated the purpose of the resolution was to allow staff to move forward with the application process allowing for grant funding opportunities of the SMART scale program. Mr. Smith provided information showing grant funding opportunities available relative to each project. There was continued discussion**

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relative to the project at which time, Mr. Smith stated that the purpose of the discussion was not to approve funding, but for him to make Council aware of funding opportunities.

At the request of Mr. Smith, Mr. Henley explained the time-frame by which funding would be awarded; specifically noting that nothing would happen quickly. Addressing Mrs. Luck's questions as to whether it would be beneficial for Council to go ahead and approve funding for the project, Mr. Henley advised that the BUILD grant application was most time sensitive, as it was due by July 19 and it was important that Council give their approval in an effort to make early submission. Mr. Henley stated realistically, it was unlikely the City would receive funding for all four projects through SMART scale; however, it could happen.

Mayor Kochuba stated it was his recommendation that Council vote on the proposed resolution then decide if funding discussions would continue now or at the work session.

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

**Motion: UNANIMOUS PASS**

Before continuing, it was the consensus of Council to discuss funding now and not delay until the work session. It was the opinion of Council that there will be several years to determine funding sources for the projects.

At the request of Mr. Smith, Mrs. Minor provided information relative to staff's calculations as to funding sources. Mr. Smith stated that the calculations were based upon the City being awarded all four projects, noting that this was highly unlikely. There being no further discussion, Mayor Kochuba polled Council as to their vote to accept staff's recommendation based on their calculations for future funding sources for the four projects.

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

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

**Motion: UNANIMOUS PASS**

- B. RESOLUTION NO 18-24**  
**Approving the Federal Railroad Administration’s selection of the Boulevard-Colonial Heights location for the Tri-Cities Multimodal Station project and authorizing the submission of the funding application to the United States Department of Transportation through the Better Utilizing Investments to Leverage Development or “BUILD” Transportation Discretionary Grant Program.**

**A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 18-24.**

**Mayor Kochuba again explained the proposed resolution was to authorize staff to apply for funding. Mr. Smith stated that based on the previous discussion by Council, staff would submit the application noting the City’s potential contribution.**

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

**Motion: UNANIMOUS PASS**

- C. RESOLUTION NO 18-25**  
**Affirming Council’s commitment to fund the locality share of projects under agreement with the Virginia Department of Transportation and provide signature authority.**

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**A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Resolution No. 18-5.**

**Mr. Smith stated that the resolution was to certify the City's funding commitment. Mr. Henley provided additional comments by stating that approval of the resolution would help streamline and expedite project initiation with VDOT for project development.**

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

**Motion: UNANIMOUS PASS**

- D. A RESOLUTION NO 18-27**  
**To approve an economic incentive grant to Kalyan Hospitality, subject to Kalyan Hospitality's construction of certain improvements.**

**A motion was made by Mr. Frenier, seconded by Mr. Green, to adopt Resolution No. 18-27.**

**Mayor Kochuba explained the resolution was to approve economic incentives for a Townplace Suites by Marriott at the property between Comfort Suites and Walmart. The incentives included the rebate of lodging tax for the second, third, and fourth years.**

**Mr. Smith stated that the language in the resolution was provided by Mr. Fisher. Mr. Fisher further explained he had clarified that the second year was to begin the January following the opening of the business, and the third and fourth calendar years following that. Mr. Fisher noted that although the EDA had agreed upon this conceptually, the EDA must still give its final approval being it will be disbursing the rebates at the appropriate time.**

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

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**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 18-23  
(Second Reading) Amending § 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.**

**Mayor Kochuba noted the proposed change in fees to cover administrative costs associated with such. Mr. Smith stated that after further review of the proposed changes, certain changes were not allowed under state code.**

**Mr. Green recognized Mrs. Glazier for her efforts relative to the animal shelter and her advocating the spaying and neutering of cats and dogs. Mr. Green stated that although Mrs. Glazier had opposed this change, he supported the change as it would cover administrative costs.**

**Mr. Fisher added that Mrs. Glazier wished to speak at the meeting, but was reminded that the meeting was a work session; therefore, Mrs. Glazier submitted a written statement to Council prior to the meeting.**

**Mrs. Luck stated she wished to reiterate that she agrees that the administrative costs should be covered; however, because this item was focused on animals which were neutered or spayed, she felt it was dissuading citizens from having their animals spayed or neutered.**

**Mr. Frenier stated that the benefit would be a half price license fee for the animal that was spayed or neutered.**

**Mr. Piotrowski stated he had previously supported the fee change, but after reading Mrs. Glazier's letter, he shared Mrs. Luck's opinion.**

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**Mrs. Minor provided additional comments relative to the different costs associated with the administrative fee.**

**Mr. Wood stated there was always a cost associated with administration. Mr. Wood stated he felt that the cost associated with the apprehension of animals as a result of overproducing, offsets the administrative cost. Mr. Wood noted the feral cat problem in the City and anything the City could do to act as an incentive promote spaying and neutering pets would be more economically in the long run.**

**Vote: 2-4**  
**Yes: Frenier**  
**Green, Jr.**  
**No: Piotrowski**  
**Wood**  
**Luck**  
**Kochuba**  
**Absent: Cherry**  
**Abstained: None**

**Motion: MOTION FAIL**

**B. AN ORDINANCE NO 18-25**  
**(Second 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 Mrs. Luck, seconded by Mr. Frenier, to adopt Ordinance No. 18-25.**

**Mr. Fisher stated that the new language allowed for flexibility for residents to take their trash receptacles to the alley.**

**Mrs. Luck stated that Container First Services provided a service to those who can prove it is a hardship in taking the receptacles to the front of the home or the alley, by which they will retrieve and return receptacles as instructed by the resident.**

**Mr. Fisher stated that enforcement as it related to placement and removal of the receptacles would be placed in the Department of Planning and Community Development; additionally, there will be a public notification period by staff. Mr. Fisher advised that Council, at a later date, must address the penalty provision which will be changed from a criminal to civil penalty.**

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Addressing Mayor Kochuba's comments, Mr. Smith stated staff would begin educating the public on the new process and provide information relative to the time-period involving compliance and changes to the penalty provision. Additionally, Mr. Smith stated that the public would be advised of the service available for placement and removal of the receptacles.

Mr. Henley addressed Mr. Piotrowski's concerns relative to anyone claiming to have special needs by stating it was the responsibility of CVWMA to verify those requesting the special service. Additionally, Mr. Henley stated there was a limited number eligible for the service and at the request of Mr. Piotrowski, agreed to determine the actual number.

Mayor Kochuba asked that the City Manager proceed with caution with this change.

**Vote: 5-1**  
**Yes: Frenier**  
**Piotrowski**  
**Wood**  
**Luck**  
**Kochuba**  
**No: Green, Jr.**  
**Absent: Cherry**  
**Abstained: None**

**Motion: UNANIMOUS PASS**

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

**A. City Manager**

Mr. Henley stated there was an agreement with CFS allowing for special provisions to assist placement and removal of the receptacles for those with special needs. Mr. Henley addressed Mr. Piotrowski's concerns relative to anyone claiming to have special needs by stating that they have specific criteria by which to determine if the individual was in need of the service. Additionally, Mr. Henley stated there was a limited number eligible for the service.

Mr. Smith provided Council with a copy of the Dates of Interest for the upcoming months. Mr. Smith noted the upcoming Work Session at which time the consultants would provide a report on the Violet Bank Structure Study and an update from Human Resources relative to a Pay-Study Plan and review of Council Retreat topics.

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**Mr. Smith congratulated Fire Chief A.G. Moore on his 30 years of service with the City. Additionally, Mr. Frenier was recognized for his selection by Allen and Allen as a 2018 Hometown Hero.**

**At the request of Mr. Smith, Mr. Skalak provided Council with an update relative to the status of the high school Tennis Court Project. Mr. Smith stated he would email Council the information provided by Mr. Skalak after the meeting.**

**Mr. Skalak provided an overview of the approved \$500,000 budgeted project; \$400,000 from the School Board and \$100,000 from City funds for eight courts; four rebuilds and four new. Mr. Skalak recalled the initial estimate received prior to the pre-budget of \$486,000 and also recalled an on-site meeting, at which time three certified contractors attended with only one providing a bid. Mr. Skalak stated that the bid was for \$750,000 and was from the Company who provided the initial pre-budget estimate. Mr. Skalak stated that City and school staff had met to devise a plan to stay within the budget with the two options being:**

- Six new courts, including lighting; and two additional courts without lighting**
- Six new courts; four including lighting (priced under budget)**

**Mr. Skalak reported that the cost for the six-court project was \$480,000 and the eight-court project was \$564,000. Mr. Skalak stated that in speaking with School Board administration, they were in favor of moving forward with the six-court project in an effort to stay within budget, with the possibility of adding the two courts at a future date. Mr. Skalak stated that the school would like to move forward as quickly as possible in an effort for construction to be underway by September with a completion date in the fall.**

**Mr. Skalak addressed questions relative to the absence of two courts and how that would affect matches. Mr. Skalak stated he did not want to speak to on behalf of the schools but felt this would not be a problem for matches but would have to be worked through for practices.**

**There were additional comments provided by Mr. Skalak relative to residential use at night and on the weekend during certain times of the year, and the need for lighting on those courts. Mr. Skalak stated that ideally, everyone would like to have eight courts; but at the present time, it's not possible.**

**Lastly, Mr. Smith advised that a CIP Amendment, which also involved the schools, would be presented to the Planning Commission's August meeting. Mr. Smith stated the amendment involved particular school projects that would potentially be included in upcoming borrowing.**

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At the request of Mr. Smith, Mrs. Minor stated that staff was approached by the School Board regarding a request for Council to amend the CIP and appropriate funds for the fall of the year. Mrs. Minor stated there were approximately \$1.3 million in projects, some of which were part of their CIP submission, others of which have come about through circumstances since the spring. Mrs. Minor advised that staff was planning to present this item to the Planning Commission at their next meeting; after which time, the item would be brought before Council to amend the CIP and appropriate the funds for financing. Mrs. Minor stated that the School Board indicated that they would service the debt for the duration of the debt issuance.

**B. City Attorney**

At the request of Mr. Fisher, Mayor Kochuba clarified that the July 17 Work Session would begin at 6:00 P.M.

Mr. Fisher reminded Council that his office had prepared a draft of the residential tax rehabilitation ordinance, which will be presented to the Planning Commission at their August meeting with possible presentation to Council at the August meeting or possibly September.

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

Mrs. Hall advised there was no July Planning Commission meeting, but there was a scheduled August meeting. Additionally, Mrs. Hall advised of a Wetlands Board meeting at 5:30 PM, July 12, 2018. Mrs. Hall stated that the purpose of the meeting was to advise and train Wetlands Board committee members of their new rolls according to the Chesapeake Bay Act.

**16. Consideration of Claims**

There were none.

**17. Adjournment**

Before adjournment, Mr. Green asked if there were any available funds which the City could provide to assist with the \$64,000 deficit relative to the tennis courts. Mayor Kochuba stated that he would defer to the City Manager for consideration, but further asked had the School Board considered adding additional funding. Mr. Smith stated he would further discuss with City staff before discussing further with the School Board.

Mr. Piotrowski questioned if the clothing and shoe donation centers were monitored by anyone. He stated that they were becoming “dumping grounds” for

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items other than clothes and shoes and once the bin was full, individuals were placing the items on the ground around the bin.

Addressing Mayor Kochuba's question relative to permit requirements, Mrs. Hall stated there was no oversight relative to the location of the container. However, Mrs. Hall stated that if trash was piling up around the container, citizens usually advise her office; and if the items are not removed within a reasonable time, a trash letter is sent to the property owner.

Addressing his comment to Mr. Smith, Mayor Kochuba asked if property owners could "police" these containers to ensure this does not occur.

Mr. Henley clarified for Mr. Wood the protocol required by CFS for large item curb pick-up at a residence.

There being no further business, a motion was made by Mrs. Luck, seconded by Mr. Green, to adjourn the meeting at 8:48.

**APPROVED:**

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**T. Gregory Kochuba, Mayor**

**ATTEST:**

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**Pamela B. Wallace, City Clerk**