

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, August 13, 2019**

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
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. Jeri-Ann F. Tomlin, Deputy City Clerk

3. Devotion

A devotional prayer was led by Mr. Greene.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kochuba.

Mayor Kochuba recognized and welcomed Mrs. Angie Woody, School Board Chair, Mr. Chris Kollman, Vice-Chair, and Dr. William Sroufe, Superintendent.

5. Adoption of Agenda

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

Vote: 7-0

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**Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba**

No: None

Absent: None

Abstained: None

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

There were none.

7. Commendations and Presentations

A. Presentation of the 2018-2019 Office on Youth Annual Report.

The Annual Report was presented by Mr. Doug Harris on behalf of the Youth Services Commission.

B. Presentation by John Thomas on the Colonial Heights High School Building Trades Program

Mr. John Thomas, Assistant Principal, Colonial Heights High School, as well as Ms. Kristin Janssen, Colonial Heights High School Principal, provided Council with information on the re-implemented Building Trades Program at the high school. Mr. Thomas stated the previous curriculum for Building Trades I included electrical, masonry and carpentry; however, Building Trades II will be offered this year allowing students who have completed Building Trades I to implement those skills by constructing a structure or repairing an existing structure.

Mr. Thomas provided information relative to the Building Trades Foundation - an organization which donates funding for the purchase of homes/structures in need of repair, in an effort for trade students to implement the skills they have learned as part of their schools building and trades program.

Ms. Janssen expressed her enthusiasm for the implementation of the III phase of the program to be offered next year. She also recognized the program teachers and community businessmen and women who support the program.

Mr. Thomas stated it was the hope that there will be a Building and Trades III program in the future, which will include an apprenticeship program for those students wishing to continue in the trades.

Mayor Kochuba thanked Mrs. Thomas and Ms. Janssen for the presentation and stated that although the City did not have any property, he felt this was a wonderful program.

Mr. Cherry stated he applauded the effort in helping students find the right path for their life in an effort to help them be successful citizens.

Mr. Frenier recalled the prior program and the impact it had on his son who went through the program.

Mr. Wood stated that one of the things most important about a building trades program is it teaches young people that they can contribute and make a difference by actually seeing the results of their efforts – this is the first building block of a contributing citizen. Mr. Wood commended the School Board and school for promoting this type of activity.

**C. New Employee Introduction
Introduction of New Employee Hired by the Police Department
and the Commonwealth’s Attorney.**

Officer Marcus Hall was introduced by Chief Jeff Faries and Ms. Noel Sanders, Assistant Commonwealth’s Attorney was introduced by Mr. Gray Collins, Commonwealth’s Attorney.

8. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

9. Written Petitions and Communications

**A. Request for a Special Use Permit
Charity Cochran, 403 Danville Avenue – Request a Special Use Permit to allow two additional K9s at the residence, for a total of six K9s.**

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Ms. Cochran was present to address questions by Council. Addressing Mrs. Luck's question, Ms. Cochran explained that she had acquired two additional dogs due to the loss of a family member.

There being no further questions, it was the unanimous decision of Council to grant a special use permit to Ms. Cochran for two additional dogs at the residence on Danville Avenue.

Vote: 7-0
Yes: Cherry
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Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

10. Advertised Public Hearing

- A. AN ORDINANCE NO 19-20**
(First Reading) Amending § 258-12 of Chapter 258, Taxation, of the Colonial Heights City Code, to grant the Director of Finance more flexibility in publicizing the due dates of real estate taxes.

A motion was made by Mr. Frenier, seconded by Mr. Green, to adopt Ordinance No. 19-20.

Mr. Smith advised the request was introduced by the Department of Billing and Collections in an effort allow staff more flexibility in advertising due dates for real estate and personal property taxes.

Public Comment: There were no comments.

Council Comments:

There was discussion by Council as to the number of individuals who receive the newspaper and if there were other more cost efficient ways to advertise. Mr. Fisher clarified that the Virginia Press Association has consistently lobbied the General Assembly to keep notices in the newspaper.

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Mr. Frenier stated, although most people do not receive the newspaper in their homes, they still read it online and receive the information via the internet.

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No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

11. Hearing of Citizens Generally on Non-Agenda Items

Deborah Shaffer, 215 Biltmore Drive addressed Council on the issue of allowing urban chickens. Ms. Shaffer stated she has anxiety and has a letter from her doctor stating that they are therapy animals. Ms. Shaffer stated she would like to keep her nine chickens and further described the benefits of allowing citizens to keep them. Ms. Shaffer stated she had a petition with 120 signatures in support of allowing urban chickens. Mr. Piotrowski asked how many of the signatures on the petition were neighbors? Addressing Mr. Piotrowski, Ms. Shaffer stated there were four or 5 signatures of neighbors directly beside or around her. Ms. Shaffer advised she has a disabled son who is a vet and the chickens provided therapy for him as well.

Addressing Mr. Frenier's question as to how many other animals were at the residence, Ms. Shaffer advised she had three dogs and four ducks but has made arrangements for the ducks to be rehomed.

Mr. Green stated he would not support changing the ordinance to allow farming in the City; however, he asked if there was some way to allow for a waiver for compassion since Ms. Shaffer's son was a disabled vet.

At the request of Mayor Kochuba, Council was polled whether or not to continue discussion allowing urban chickens and/or allowing a waiver for chickens as therapy animals.

Vote: 6-1

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**Yes: Cherry
Frenier
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Piotrowski
Luck
Kochuba**

No: Wood

Mr. Fisher noted the Virginia State Code allows for a provision of an “assistance animal”; however, it was for animals inside the home and not exterior.

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

**A. AN ORDINANCE NO 19-16
(Second 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.**

**B. 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.**

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.

C. July 9, 2019 Special Meeting Minutes

D. July 9, 2019 Regular Meeting Minutes

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

Vote: 7-0
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Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

- A. AN ORDINANCE NO 19-FIN-14**
(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 \$583,150 which includes: 1) \$105,000 in local sales taxes to cover expenditures over budget for the Comprehensive Services Act; 2) \$60,000 in personal property taxes to cover expenditures over budget for employee health insurance and retirement costs; and 3) a \$418,150 transfer from the General Fund to the Capital Projects fund.

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

Mr. Smith provided further clarification of the first two items listed in the ordinance with Mrs. Minor clarifying in detail the \$418,150 transfer from the General Fund to the Capital Project Fund as this had been a “loan” in the past from the Capital Project Fund now a portion to be paid back to the General Fund.

At the request of Mr. Frenier, Mrs. Minor provided funding amounts relative to the Comprehensive Services Act (CSA) for current and 2020 budget year. Additionally, at the request of Mr. Frenier, Mrs. Minor explained that the CSA was a program mandated by the state, for children that are considered at risk or require special education and/or foster care as required by the court system.

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Mrs. Minor further clarified for both Mayor Kochuba and Mr. Wood the reason for the \$418,150 transfer; agreeing with Mr. Wood that it was an accounting housekeeping item.

Vote: 7-0
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Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

B. AN ORDINANCE NO 19-FIN-15

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, to appropriate \$539,946 in encumbrances from the prior fiscal year.

To amend the Recreation Activity fund Budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, to appropriate \$8,620 in encumbrances from the prior fiscal year.

To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2019 , and ending June 30, 2020, to appropriate \$221,279 in encumbrances from the prior fiscal year.

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

There were no questions from Council.

Vote: 7-0
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Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

C. RESOLUTION NO 19-42
Approving and adopting Design-Build Procedures for certain construction contracts.

Before the motion, Mr. Fisher pointed out two minor amendments on pages one and two to define D-B and RFQ. Mr. Fisher asked that Council adopt the amendments first before the resolution.

A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt the amendments as requested by the City Attorney.

Vote: 7-0
Yes: Cherry
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Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

A motion was made by Mr. Green, seconded by Mr. Piotrowski, to adopt Resolution No. 19-42.

Mr. Green stated he appreciated the effort toward the design build procedures, and although they are not perfect, but this is a good starting point as a standard moving forward.

Mr. Fisher stated the procedures, attached to the resolution, were mandated by the state; specifically noting that the State Code specifies that if a locality is to enter into a contract and use design-build procedures, it must have adopted procedures which were consistent with those adopted by the state. Mr. Fisher

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stated the procedures presented were consistent with those of the state. Mr. Fisher continued to clarify that the Department of Public Works would soon request permission to perform a renovation of the pump station with design-build procedures. However, before Council could approve a specific project, they must approve the procedures in general first.

Vote: 7-0
Yes: Cherry
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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.

There was none.

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Coastal Plain League Baseball Team Update

Mr. Smith provided an update on the progress and negotiations relative to the Coastal Plain League and requested a special meeting be held to further discuss and vote on the lease agreement. After a brief discussion, it was the consensus of Council to hold a special meeting on August 26, 2019 at 6:00 P.M.

2. Quarterly Public Works Project Update

Mr. Henley began by stating there were 25 projects “in-the-works” which represent approximately \$24.5M with a net city cost of \$5.6M. Mr. Henley stated that of the 25 projects, three were in progress and 22 were under design and three under construction.

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Mr. Henley stated that the three projects currently under construction are the following:

- **Annual pavement resurfacing on the south end of the City scheduled to end in September.**
- **Intersection of Conduit Road and Ellerslie Avenue scheduled to end in September.**
- **Dupuy Avenue Project scheduled to be completed in September of 2020.**

Mr. Henley provided notable projects under design for the fall:

- **Hemlock and Nantucket drainage project - October**
- **Pump Station Renovation (Design-build) - October**
- **Bridge Rehabilitation Project - October**
- **Temple Avenue Pond Improvements - September**
- **Holly Avenue and Jamestown Project - October**

Other projects continuing into next year included:

- **Appomattox River Trail – March 2020**
- **Temple Avenue Signalization Project – January 2020**
- **Completion of the Boulevard Resurfacing Project – Spring of 2020**
- **Lakeview Improvements - 2020**

Mr. Henley advised his staff has submitted applications for three projects in hopes of receiving Councils approval; they are:

- **Resubmission of the application for sidewalks on conduit (TAP funds)**
- **Appomattox River Trail Phase 5 (TAP funds)**
- **Reconstruction of Ridge Road at North Temple Avenue**

Mr. Henley provided Council clarification relative to funding and noting that a resolution would be required before October, should Council decide to approve the above noted projects.

Mr. Green provided comments relative to the specific projects he would like to see funded with any surplus funds, as stated by Mrs. Minor. Mr. Green also thanked Mr. Wood for his efforts supporting the City as he served on the Metropolitan Planning Organization.

3. Ashland to Petersburg Trail Study Update.

Mr. Henley provided a brief history of the project, which would extend from Ashland to Petersburg. Mr. Henley stated that VDOT had been tasked with a study for alternatives for the trail and formed an advisory group comprised of members from the seven localities along the route. This group has met several times to review proposals for alignment of the trail and give input of the trail. Mr. Henley stated it was his understanding from VDOT that each locality would have the responsibility to own and maintain their portion of the trail. Mr. Henley advised that the costs of such a project would be in the range of \$80M to \$140M. Mr. Henley stated that the preferred alternative route would run the trail through the property the City owns in Chesterfield County along the abandoned Atlantic Coast Line, entering the City around Lakeview/Branders Bridge following the Atlantic Coast Line approximately one mile.

Mr. Henley stated VDOT was looking for input and was planning to have a public meeting in September with Mr. Henley suggesting a Council wait until October to entertain a meeting with VDOT in an effort for them to gather additional alternatives for trail alignment.

Mr. Henley stated VDOT will help localities make application through the SMART scale program; however, it is VDOT's expectation that the localities would apply for the funding, administer the project and own and maintain the facility.

4. Discussion of VML Presentation on Scooter Regulation

Mr. Frenier advised he serves on the transportation subcommittee for the Virginia Municipal League (VML) and that VML, as the City's insurance carrier, advised localities to develop regulations on the use of scooters. Mr. Frenier stated there have been many cases of accidents and vandalism involving the scooters, which places additional hardship on the police department.

Mr. Frenier stated there would be a House Bill presented to the General Assembly in 2020 allowing a locality to place regulations on the use of scooters and prohibit them from use on sidewalks and parking on sidewalks, which would impede pedestrian traffic.

Mr. Frenier stated that VML was requesting localities to develop an ordinance by the end of the year in an effort to compile support for a House Bill to present to the General Assembly. Mr. Frenier asked for Council to consider directing staff to develop such an ordinance.

Mr. Fisher stated he was somewhat confused by VML's request and stated he would need additional clarification before developing such an ordinance. It was the consensus of Council to further discuss the item at a work session. Mr. Fisher suggested that staff obtain legislation from a locality which has such, so that Council has the opportunity to review before proceeding with an ordinance.

5. General Activity Report

Mr. Smith provided additional information about upcoming City events and activities.

Mrs. Minor provided an update on the Cigarette Tax stating things were going smoothly and there had been very few complaints. Mrs. Minor provided an update relative to the situation with Sam's noting there had been no change. Additionally, Mrs. Minor provided updates on revenue to date and projections.

Chief Faries provided information on vacancies which have been filled and upcoming promotions. Chief Faries also stated he anticipated additional retirements, all of which are in good standing.

At the request of Mayor Kochuba, Mr. Smith stated that he and Chief Faries had been working on building security and would be providing that information to Council at some point once finalized.

Mayor Kochuba asked staff to clarify if the Archer Avenue apartment status had changed from a Section 8 to a non-Section 8 status. Mr. Smith stated he would confirm that information and report his findings to Mayor Kochuba.

B. City Attorney

Mr. Fisher had nothing to report.

C. Director of Planning and Community Development

Mrs. Hall reported the Planning Commission met August 6, 2019 and reported on the following:

- Subdivision of 2500 Boulevard – Conversion of existing units into commercial condos – Preliminary approval**
- Continued review of the Comprehensive Plan**

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- **Discussion of the Adjacent Localities Collaborative and Communications Committee ALCCC. Mrs. Hall provided history of the formation of this committee and its function.**

16. Adjournment

There being no further business, a motion was made by Mayor Kochuba, seconded by Mrs. Luck, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 9:20 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk