

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, October 9, 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: Michael A. Cherry
Councilman Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Councilman John E. Piotrowski
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. Jeri-Ann F. Tomlin, Deputy City Clerk

3. Devotion

A devotional prayer was led by Mr. Wood.

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. Piotrowski, 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

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

7. Commendations and Presentations

- A. Introduction of the 2018 Chesterfield-Colonial Heights Christmas Mother and Presentation of the City Donation.**
- B. A PROCLAMATION
Designating the Month of October 2018 as “Domestic Violence Awareness and Prevention Month” in the City of Colonial Heights, Virginia**
- C. Introduction of the City’s Newest K9 Officer, Justice, by his partner, Senior Officer Hermon “P.J.” Calhoun.**

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. 18-10
(First Reading) Amending Chapter 258, Taxation, of the Colonial Heights City Code by Adding an Article IIC, consisting of §§ 258-16.11 through 258-16-17, establishing a program to partially exempt from real estate taxation certain qualifying rehabilitated residential structures.**

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A motion was made by Mr. Green, seconded by Mr. Cherry, to approve Ordinance No. 18-10.

Mr. Fisher asked that Mayor Kochuba rescind the motion and second since he had an amendment to discuss. Mr. Fisher stated that due to the provision added, the tax exemption was irrevocably lost if any installment of real estate tax was made per Council request and language included in a State law provided that the exemption could not be lost unless the applicant was advised when applying, that he or she could lose the exemption. Mr. Fisher advised he added the following provision: "The written material shall include notice that the failure to pay each installment of the nonexempt amount of the property's real estate tax by the installments due date, shall, pursuant to paragraph B of § 258-16.15 result in the irrevocable cancelation of any approved partial tax exemption." Mr. Fisher stated he felt this would satisfy any concern and make the ordinance consistent with the State Code.

At the request of Mr. Fisher, a motion was made by Mr. Green, seconded by Mr. Frenier, to amend Ordinance No. 18-10, as Mr. Fisher suggested.

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

A motion was made by Mr. Green, seconded by Mr. Cherry, to adopt Ordinance No. 18-10 as amended.

Mr. Fisher provided a brief explanation of the tax abatement program.

Council Comment:

Addressing Mrs. Luck's question asking if the abatement would transfer with a new owner, Mr. Fisher stated that it would transfer. Additionally, Mrs. Luck asked how this information was going to be made aware to the public. Mayor Kochuba stated it would be heavily publicized with Mr. Fisher adding that there

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was plenty of time for advertisement as this would not go into effect until January 1, 2019.

Mr. Fisher addressed Mr. Wood's question by stating that the amount of the exemption of tax would be based on that portion of the base value that had increased from the improvement.

Public Comment:

Mr. Larry Brown, 311 Brookedge Drive – Spoke in opposition of Ordinance No. 18-10.

Ms. Bonnie Davis, 3242 Jersey Court – Spoke in opposition of Ordinance No. 18-10.

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

UNANIMOUS PASS

- B. AN ORDINANCE NO 18-31**
(First Reading) Amending § 244-14 of Chapter 244, Solid Waste, of the Colonial Heights City Code to provide for civil penalties for noncompliance.

A motion was made by Mr. Frenier, seconded by Mr. Piotrowski, to adopt Ordinance No. 18-31.

Mr. Fisher stated that he drafted the ordinance at Council's request with language allowing for a civil penalty of \$50 if a penalty levy was warranted. Mr. Fisher asked that Council recall that the subject section was that which regulates the placement and times of solid waste containers and recycling containers; and further explained the specified times and locations such containers were to be moved behind the front plane of the property. Mr. Fisher continued by explaining the penalties and the procedure for noncompliance to the proposed ordinance. Additionally, Mr. Fisher advised that the ordinance allows for the Director of the Department of Planning and Community Development to promulgate rules and regulations to deal with certain situations at her discretion.

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Public Comments:

Larry Brown, 311 Brookedge Drive – Mr. Brown asked for clarification as to who would be responsible for the penalties if the property was rental.

Addressing Mr. Brown’s question, Mr. Fisher stated the penalty would be the responsibility of the name on the utility account.

Council Comment:

Addressing Mr. Frenier’s question, Mr. Smith stated the ordinance allowed for a start date of January 1, 2019, which would give staff adequate time to publicize the proposed change.

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

PASS

- C. AN ORDINANCE NO 18-33**
(First 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 the Chesapeake Bay Preservation Area; to repeal § 286-326.20 of the Chapter; and to rescind Ordinance No. 18-3.

A motion was made by Mr. Cherry, seconded by Mr. Piotrowski, to adopt Ordinance No. 18-33.

Mr. Fisher provided comments and further explanation of Council’s previous adoption of Ordinance No. 18-3 and the necessary changes reflected in proposed Ordinance No. 18-33. Mr. Fisher advised he had to make too many changes to Ordinance No. 18-3; therefore, it was necessary to draft another ordinance. He

explained that some of the changes were required by the State Department of Environmental Quality.

Public Comment: None
Council Comment: None

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

UNANIMOUS PASS

11. Hearing of Citizens Generally on Non-Agenda Items

Russell Garrison, 1117 Oakwood Drive – Publicly thanked the Colonial Heights Police Department for helping him with a room scan and the Fire and EMS for their services. Mr. Garrison spoke to Council in reference to his concerns with the deer population in the City.

Ann Coffin, 1001 Forestview Drive – Mrs. Coffin shared her concerns relative to the condition of a neighboring property; and although unsightly and unkempt, the homeowner manages to stay within City code. Mrs. Coffin stated she was not going to let the issue continue to bother her and thanked Mrs. Hall and the City for their efforts. Continuing, Mrs. Coffin thanked the Police Department for their efforts regarding their investigation resulting in the placement of a stop sign at Brookhill and Forestview, and Public Works for their efforts to repair her street.

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

- A. AN ORDINANCE NO 18-29**
(Second Reading)Amending §§ 32-1, 32-3, 32-6, and 32-13 of Chapter 32, Fire Department, of the Colonial Heights City Code by updating the Fire Department’s title, including the provision of emergency medical services as a main Department duty, and updating the Code of Virginia legal reference; and to further amend Chapter 32 by

adding a new section 32-14 relating to criminal background checks for employment applicants.

B. AN ORDINANCE NO 18-FIN-24

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2017 and ending June 30, 2018, by transferring appropriations of 1) \$4,200 from the Circuit Court budget to the Board of Elections to cover employee leave payout; and 2) \$259,000 from the Contingency Fund to Health and Social Services for Comprehensive Services Act and Social Services expenditures.

To amend the Recreation Fund Budget for the fiscal year beginning July 1, 2017 and ending June 30, 2018 by increasing expenditure appropriations by \$22,200 and revenue appropriations by \$13,000 to appropriate revenue collected for Senior Citizens programming that was spent during the fiscal year.

C. AN ORDINANCE NO 18-FIN-18

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019, to increase appropriations in the aggregate amount of \$149,374, consisting of 1) a \$2,000 donation from Walmart for K9 expenses to the Police Department; 2) a \$3,963 VML grant to the Police Department; 3) an \$11,510 DMV Selective Enforcement Grant to the Police Department; 4) a \$2,000 grant from Walmart for the Kids After School Program to Youth & Human Services; and 5) \$129,901 in encumbrances from the prior fiscal year.

To amend the Stormwater Fund Budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019, to appropriate \$5,378 in encumbrances from the prior fiscal year.

To amend the Water & Sewer Fund Budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019, to appropriate \$145,766 in encumbrances from the prior fiscal year.

D. August 14, 2018 Regular Meeting Minutes

A motion was made by Mr. Cherry, seconded by Mr. Frenier, to approve the consent agenda as presented.

**Vote: 7-0
Yes: Cherry
Frenier**

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**Green, Jr.
Piotrowski
Wood
Luck
Kochuba**

**No: None
Absent: None**

UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

A. AN ORDINANCE NO 18-FIN-16

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019, to appropriate the aggregate amount of \$109,836, consisting of 1) \$87,739 of fund balance to be transferred to the CIP local matches on CIP transportation projects not transferred from prior fiscal years; 2) \$4,057 in donations to the Sheriff's Department received in current and previous fiscal years; 3) \$5,100 of library donations received in prior fiscal years for the purchase of electronic equipment; 4) \$2,000 in grants received from Walmart for K9 expenses; and 5) \$10,940 in funds forfeited to the Police Department for the purchase of equipment. To amend existing Capital Projects' budgets as previously adopted by Council, by increasing expenditure appropriations by \$109,939 to 1) appropriate \$87,739 in local matches not transferred from the general fund in previous fiscal years; and 2) appropriate \$22,200 in anticipated state funds not previously appropriated.

A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Ordinance No. 18-FIN-16.

At the request of Mr. Smith, Mrs. Minor provided brief explanation of the ordinance and previous local match found from 2016 which Council had appropriated, but had not been transferred from the General Fund. Mrs. Minor stated that now that the projects were underway, the local match funds must be transferred to the CIP.

**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

B. RESOLUTION NO 18-41

Providing signatory authority to the City Manager to execute the Fifth Amendment to the Special Project Service Agreement with the Central Virginia Waste Management Authority (CVWMA) for Residential Recycling and Drop-off Processing Services.

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 18-41.

Mr. Smith provided an overview of the amendment to the agreement with CVWMA specifically noting a potential projected cost of approximately \$57,000. Mr. Smith stated staff was not anticipating passing this increase to residents, but rather examine the solid waste and recycling budget at the end of the fiscal year and utilize surplus funds and to budget appropriately for the upcoming budget.

Mr. Henley provided further information relative to the increase.

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.

There was none.

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. General Activity Report

- **Mr. Smith congratulated the Building Department staff for receiving a rating increase from a Class 3 to a Class 2 level from the Insurance Institute.**
- **Mr. Smith addressed the list of streets from Public Works for the pavement preservation work to be completed within the current fiscal year.**
- **Mr. Smith advised of the upcoming Work Session scheduled for October 16 at 6:00 PM noting the specific items to be discussed.**
- **Mr. Smith provided Council with the Dates of Interest for the next two months.**

B. City Attorney

Mr. Fisher had nothing to report.

C. Director of Planning and Community Development

Mrs. Hall advised the Planning Commission held their regularly scheduled monthly meeting on October 2, at which time the Commission approved the item presented to Council in Ordinance No. 18-33; approval of the preliminary site plan for the Extended Stay Hotel; and a subdivision of an outparcel of the lot at Gabe's. Additionally, Mrs. Hall advised that the November 6th Planning Commission Meeting had been moved to November 7 due to Election Day.

16. Adjournment

There being no further business, a motion was made by Mr. Cherry and carried unanimously on voice vote to adjourned the meeting. The meeting was adjourned at 8:51 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk