

**CITY OF COLONIAL HEIGHTS, VIRGINIA**  
**Regular Meeting of City Council**  
**Tuesday, October 13, 2020**

**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 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. Pamela B. Wallace, 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 moving Item 12A to 14B.**

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

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

**Motion: UNANIMOUS PASS**

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

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

**Motion: UNANIMOUS PASS**

**6. Declarations of Personal Interest**

**A declaration was read by Mr. Frenier and filed with the Clerk.**

**7. Commendations and Presentations**

- A. Presentation of the City's 2020 Annual Donation to the Chesterfield/Colonial Heights Christmas Mother, Phyllis Taylor Poats**

**Mayor Kochuba recognized Mrs. Poats and presented her with the annual donation.**

**8. Reading of Manner of Addressing Council.**

**Mr. Fisher read the Manner of Addressing Council.**

**9. Written Petitions and Communications**

- A. Heidi Miro, 342 King Fisher Way – The Lucy’s Life Petition to Ban Archery from Conjurers Drive North Through White Bank and Conjurers Neck for both moral and safety reasons.**

**Mrs. Miro addressed the large deer population in Conjurers Neck; specifically noting the number of deer that have become tame. Mrs. Miro stated she was not asking Council to ban urban archery completely; however, she requested that the ban be from Conjurers Drive, north through Conjurers Neck which would cover the area where the subject herd lives. Mrs. Miro also stated Council’s action would convey, as leaders of the City, that we need to respect the land and its resources. Mrs. Miro noted the recent killing of two deer in the area and felt Council’s action would be an educational tool.**

**Mayor Kochuba advised the subject of urban archery had been discussed on several occasions, noting it was currently banned on City property and in residential areas with the homeowner’s permission. Addressing a comment regarding sharp shooting, both Mr. Fisher and Mayor Kochuba agreed that they had never heard of this in the area; however, Mrs. Luck commented this had occurred several years ago but it had to be approved by Council and it had not been approved for several years.**

**Rebutting Mayor Kochuba’s comment relative to hunting with permission of the homeowner; Mrs. Miro stated this was still a risk to the children as they play in the residential area.**

**Mr. Green, noting Mrs. Luck’s comment, recalled a couple of incidents of deer deaths in the Kenan Point Area and Yacht Basin area because of herd size and further stated the point he was trying to make was that permission must be given in order to hunt in these areas.**

**There was discussion, initiated by Mr. Piotrowski relative to the time which the City could repeal their decision with the Virginia Department of Game and Inland Fisheries.**

- B. Receive and open bids for a gas line easement along Conduit Road**

**Mr. Fisher explained Columbia Gas currently had gas pipe easements along Conduit Road, noting roughly the east side of Conduit Road from Yacht Basin Drive to the Tech Center. Mr. Fisher stated there was also an easement on the west side of Conduit Road which was being addressed by the School Board. Mr. Fisher advised the Columbia Gas line on the east side of Conduit Road needs to be relocated, stating the easement would be approximately three feet wide, 278 feet long from the areas previously stated. Mr. Fisher**

explained the process by which the easement must be granted prior to Council's approval of an ordinance granting such easement.

After Mr. Fisher's clarification of the process for the receipt and opening of any additional bids, Mayor Kochuba asked if there was anyone from the public who wished to submit a bid. There being none, Mr. Fisher advised that Staff favorably recommended the bid from Columbia Gas.

**10. Advertised Public Hearing**

**A. AN ORDINANCE NO. 20-28**

**(First Reading) Authorizing the City Manager to enter into a Right of Way or Easement Agreement with Columbia Gas of Virginia, Inc., whereby the City grants Columbia Gas of Virginia, Inc. an easement along the east side of Conduit Road which is 20 Feet in width and approximately 278 feet in length for the purpose of installing a gas pipeline.**

A motion was made by Mayor Kochuba, seconded by Mr. Piotrowski, to adopt Ordinance No. 20-28.

Mr. Flippen recalled Mr. Fisher's comments relative to the location of the proposed gas pipeline and provided additional specifications regarding the location.

**Council Comments:**

Addressing Mrs. Luck's question, Mr. Flippen stated the reason for the relocation was to upgrade the existing lines in that location.

Mr. Cherry asked if there were any concerns or dangers with the existing pipeline once it was abandoned. Addressing Mr. Cherry's question, Mr. Flippen advised the existing line, once the new line was operational, would be capped.

Addressing Mayor Kochuba's question, the Columbia representative ensured there would be no interruption in service during the change.

Clarifying for Mr. Green, the Columbia Gas representative stated there would be no interruption for the Mount Pleasant and Yacht Basin area residents.

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**Addressing Mrs. Luck's question relative to the time frame, the Columbia Gas representative stated that the construction process would last, at max, four months, with a contractor performing the work.**

**Public Comment: There were none.**

**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. 20-24**

**(First Reading) To grant a special use permit to KHJ Colonial LLC d/b/a Keystone Truck and Tractor Museum to allow for a 99 square foot electronic message board on the existing freestanding sign structure at Keystone Truck and Tractor Museum, 880 West Roslyn Road, also known as Parcel Identification No. 6805000001A, which is zoned IN – Industrial District.**

**A motion was made by Mr. Green, seconded by Mr. Cherry, to adopt Ordinance No. 20-24.**

**Ms. Hall stated this was a unique request due to its size and location within the industrial area. Ms. Hall advised the Planning Commission approved the request with two conditions: 1) No flashing or scrolling lights; and 2) when the sign malfunctions, it will freeze or go blank.**

**Council Comments:**

**Mrs. Luck recalled the signage for the mall and compared this sign to that of the mall. Ms. Hall clarified the mall sign was smaller and met City requirements.**

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**Mr. Frenier brought to Ms. Hall's attention an advertisement sign on a trailer at the museum with Ms. Hall stating she would have to further investigate as she was not aware of the sign.**

**Mr. Green stated he would be in support of the sign.**

**Public Comment: There were none.**

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

**Motion: UNANIMOUS PASS**

**C. A RESOLUTION NO. 20-39**  
**Approving a revised Lease Agreement with Collegiate Baseball Experience for the use of Shepherd Stadium.**

**A motion was made by Mayor Kochuba, seconded by Mr. Frenier, to adopt Resolution No. 20-39.**

**Mr. Fisher stated that the revised lease agreement was necessitated by the fact that the season was "a bust" due to COVID-19. Mr. Fisher specifically note the addition of a paragraph stating the current lease agreement replaces the existing lease agreement the parties made and entered into on August 28, 2019 and approved by Council in Resolution No. 19-43.**

**Mr. Skalak stated staff and Collegiate were moving things forward a year with CBE paying an additional \$5,000 per year which will allow up to 10 youth showcase baseball tournaments during the season. Specific changes noted by Mr. Skalak included: 1) The allowance of beer and wine to be stored on City Property but must be contained in a secured site provided by CBE; and 2) the allowance of CBE to hire non Recreation and Parks staff, with the approval of the Recreation and Parks Department.**

**Public Comments: There were none.**

**Council Comments: There were none.**

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

**Motion: UNANIMOUS PASS**

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

**Mary Kay Hatton, 3243 Jersey Court – Mrs. Hatton addressed several Code Compliance issues specifically referencing 1918 Franklin Avenue and the condition of the property; the number of vehicles with decals which had obviously not been moved because of the grass growing under and around them; and the overgrowth of vegetation at 127 Suffolk Avenue. Mrs. Hatton asked Council if something could be done to correct these on-going issues.**

**Mayor Kochuba thanked Mrs. Hatton for her comments and stated it was his desire to make Code Enforcement issues part of the agenda for the upcoming Council Retreat.**

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

- A. 2020 Retreat Minutes**
- B. June 16, 2020 Special Meeting Minutes**
- C. July 14, 2020 Special Meeting Minutes**
- D. July 14, 2020 Regular Meeting Minutes**
- E. July 21, 2020 Special Meeting Minutes**
- F. August 11, 2020 Special Meeting Minutes**
- G. August 11, 2020 Regular Meeting Minutes**
- H. August 25, 2020 Special Meeting Minutes**
- I. September 8, 2020 Special Meeting Minutes**
- J. September 8, 2020 Regular Meeting Minutes**
- K. September 23, 2020 Special Meeting Minutes**

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**Mr. Wood asked if the August 11, 2020 and July 14, 2020 Regular Meeting Minutes be removed from the Consent agenda for corrections.**

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

**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. 20-29**  
**(First Reading) Awarding a bonus to City employees not included in the Hazard Pay Program.**

**A motion was made by Mrs. Luck, seconded by Mr. Piotrowski, to adopt Ordinance No., 20-29.**

**Mr. Smith provided additional information relative to the award time and the estimated initial cost of approximately \$90,000 with the final cost to be determined in the payroll allocation.**

**Mr. Green advised it had been brought to his attention that, due to the creation of the Hazard Pay Program, Supervisors are making equal to or not making as much as those they are supervising. Mr. Green asked that Council be aware of this in the future. Mr. Green clarified his comments were not directed at the proposed bonus.**

**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. 20-FIN-19**  
**(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$28,087, consisting of \$3,987 in grant funds from the Virginia Risk Sharing Association for safety supplies and \$234,100 in unassigned fund balance for police vehicles.**

**A motion was made by Mayor Kochuba, seconded by Mr. Piotrowski, to adopt Ordinance No. 20-FIN-19.**

**Mr. Smith provided background information on the proposed appropriations with no questions from Council.**

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

**Motion: UNANIMOUS PASS**

- C. A RESOLUTION NO 20-52**  
**Authorizing the City Manager to enter into the First Amendment of the Lead-Acid Battery ‘Collection and Recycling Service Agreement between Central Virginia Waste Management Authority and participating local jurisdictions.**

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**A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Resolution No. 20-52.**

**Mr. Smith stated the resolution was straight forward and recommended Council's approval. There was no discussion by Council.**

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

**Motion: UNANIMOUS PASS**

**D. A RESOLUTION NO 20-53**  
**To revise the job description for the Assistant Director of Public Works.**

**A motion was made by Mr. Cherry, seconded by Mr. Piotrowski, to adopt Resolution No. 20-53.**

**There were no questions or comments from staff or Council.**

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

**Motion: UNANIMOUS PASS**

**E. A RESOLUTION NO. 20-54**

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**Amending the Order of Business specified in the 2019 City Council Rules of Procedure.**

Before the motion to approve, Mr. Fisher suggested one amendment to the proposed Resolution stating the language was correct; however, a portion within the “Resolve” section of the resolution did not show the addition of “members of the public” with underline.

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 20-54.

Mr. Fisher stated the proposed resolution encapsulated what the majority of Council discussed at a previous meeting suggesting that the rules of procedure be change to encourage Council members to notify the City Clerk of their intention to bring items before Council in an effort for other Council members to be made aware of such item(s) prior to the meeting. Mr. Fisher stated that the resolution made it clear that both members of the public and Council members must submit items for discussion to the Clerk prior to the meeting.

Mr. Green asked for clarification relative to the time restrictions; Mayor Kochuba stated “yes”.

**Vote: 6-1**  
**Yes: Cherry**  
**Frenier**  
**Green, Jr.**  
**Piotrowski**  
**Luck**  
**Kochuba**  
**No: Wood**  
**Absent: None**  
**Abstained: None**

**Motion: UNANIMOUS PASS**

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

- A. AN ORDINANCE NO. 20-FIN-18**  
**(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$95,000, consisting of 1) \$60,000 in anticipated**

**grant funds for GIS enhancements; and2) \$35,000 in assigned fund balance for the replacement of the City's gas pumps.**

**A motion was made by Mayor Kochuba, seconded by Mr. Cherry, to adopt Ordinance No. 20-FIN-18.**

**Mayor Kochuba recalled Council's decision to remove \$60,000 for repairs to 608 Hamilton Avenue, with Mr. Smith advising there had been previous discussion of the cost of the fuel tanks and he did not have that information at the present time.**

**Mr. Frenier asked if Mr. Smith had any information on the DEF Tank. Addressing Mr. Frenier's question, Mr. Flippen stated this could certainly be an option and his staff would research the DEF tank along with other tanks.**

**Mr. Frenier stated his concern with the current DEF tank was its accessibility to vehicles. Mr. Green also shared comments similar to Mr. Frenier stating the need for the DEF tank to be in a location which is readily accessible to vehicles.**

**Mayor Kochuba expressed his concerns relative to flooding affecting the tanks. Mr. Flippen stated that for a typical rainfall, they were sealed enough that water would not be able to infiltrate the vital electric parts of the tank or the tank itself. Mr. Flippen stated he would have to research the effects on the tank from flooding.**

**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. 20-FIN-17  
(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$941,440 in prior year encumbrances.**

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**To amend the Emergency Response Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, to appropriate the aggregate amount of \$67,252 which includes; 1) \$13,735 in prior year encumbrances; and 2) \$53,517 in CARES funds from the state Board of Elections for the November Election.**

**To amend the Stormwater Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$41,634 in prior year encumbrances.**

**To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$74,139 in prior year encumbrances.**

**A motion was made by Mayor Kochuba, seconded by Mr. Frenier, to adopt Ordinance No. 20-17.**

**Mr. Smith advised staff was requesting an amendment with regard to the Stormwater Fund Budget noting minor heading revisions and strikethrough errors within the resolution. Mr. Smith requested that Council approve the resolution as amended.**

**A motion was made by Mr. Green, seconded by Mr. Piotrowski, to amend Ordinance No. 20-17, as requested by the City Manager.**

**There was no discussion.**

**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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**A motion was made by Mr. Green, seconded by Mayor Kochuba, to adopt Ordinance No. 20-17 as amended.**

**There was no discussion.**

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

**Motion: UNANIMOUS PASS**

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

**A. City Manager**

**1. Emergency Management and CARES Funding Update**

**Mr. Smith thanked the Fire Department staff and Deputy Fire Marshal Joe Boisseau for their efforts in assisting the Red Cross promoting the City's Civic Ready Emergency Alert System Video. Mr. Smith advised staff had been working on and now completed the City's Infectious Disease Plan, as required by the Department of Labor. Additionally, Mr. Smith advised staff has prepared packets supporting the Infectious Disease Plan.**

**Mrs. Smith offered his congratulations to Emergency Manager Beverly Brandt who will be leaving the City after 11 years with the City and thanked her for her years of dedicated service to the community during times of emergency.**

**Mr. Smith stated staff was making progress with the Small Business Grant Program; specifically noting that the Economic Development Authority agreed to extend the deadline for the first round of the grant until October 31, 2020. To date, Mr. Smith stated \$375,000 had been issued through 64 grants.**

**Mr. Smith advised there had been additional information published by the Office of the Inspector General which supports payroll cost for Public Safety**

**Employees through CARES funding. Mr. Smith advised he would provide a more in depth review at the October work session.**

## **2. Sewer Line Repair Updates**

**Mr. Flippen provided updates on the Conduit Road sewer line repair noting paving began today with all lanes currently open to traffic. Mr. Flippen stated completion of the remainder of work, including reinstallation of signal loops at the intersection and installation of permanent pavement markings will be conducted at night. In addition to the 650' of sewer line repair, a sewer service lateral entering the Mount Pleasant Subdivision needed to be addressed; therefore, while the main line was being addressed, the service line was also addressed.**

**Mr. Flippen stated the initial estimate provided was approximately \$450,000; however, the new estimate was reduced considerably to \$335,000. Mr. Flippen stated this was in addition to the \$198,000 for work completed north of Ellerslie Avenue.**

**Mr. Green thanked Mr. Flippen staff, as well as Mr. Smith for their swift attention to the incident, also acknowledging the reduction in construction costs. Acknowledging Mr. Green's comments, Mr. Flippen commended his staff in engineering and utilities as well as Southern Construction for their coordination of the work.**

**Mrs. Luck thanked Mr. Flippen and his staff for their efforts on the projects; specifically noting their attention to the Mount Pleasant area in an effort to avoid future failures.**

## **3. Christmas Parade**

**Mr. Smith advised it was staff's recommendation to cancel the annual Christmas Parade. At the request of Mr. Smith, Mr. Skalak stated he regretfully came before them with the recommendation to cancel the 2020 Christmas Parade; this would have been the 68<sup>th</sup> annual parade. Continuing, Mrs. Skalak advised he had spoken to several localities that were leaning to canceling; however, the City of Richmond would hold their but with no spectators and the City of Hopewell was holding a "reverse" parade. This concept allowed the units to be stationary along a parade route with spectators driving by. Mr. Skalak stated both he and Chief Faries agreed there were too many obstacles; particularly along the Boulevard at night. Mr. Skalak stated in an effort to adhere to current guidelines he feels this is the correct approach.**

**4. General Activity Report**

**Mr. Smith provided information relative to issues involving the second round of utility bills. Mr. Smith advised staff had been working with the vendor in an effort to correct the issue and as soon as a timeline is identified, staff will advise Council.**

**Addressing Mayor Kochuba's question relative to the vendor, Mrs. Minor stated there was not a vendor on site. Under a normal circumstance, there would be regular visits from implementation consultants to assist staff through critical parts of the implementation process. Unfortunately, with COVID-19, the vendor has imposed a strict moratorium on all travel of its employees. Mrs. Minor stated staff was being assisted virtually, by the same implementation consultants.**

**Mr. Smith provided the upcoming meeting schedule for October; however, it was decided that Council would further discuss the November and December meeting schedule at the October work session.**

**Addressing Mrs. Luck's comments relative to updates relative to the pond, Mr. Flippen advised VDOT approved staff's chemical plan to address the "duck weed". Mr. Flippen stated that the chemical would be applied in the spring to last approximately 18 months. Mr. Flippen stated that an 18-month application was approximately \$1,800.**

**B. City Attorney**

**Recalling previous discussions relative to 608 Hamilton Avenue, Mr. Fisher stated that the City's court order authorized the City to repair the property; however, they were under no mandate to do so. Mr. Fisher stated should Council decide to move forward with the renovations, he would research other avenues in an effort to collect expended funds quicker than waiting until the property was sold.**

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

**Ms. Hall advised that the Planning Commission met in October and reviewed the following items:**

- 1. Preliminary subdivision for South Park Shopping Center for the proposed location of Panera.**
- 2. Subdivision and site plan for the Temple Avenue Project.**
- 3. Special Use Permit for the City's Public Safety radio tower**
- 4. Special Use Permit for Enright Properties, LLC**



**5. Special Use Permit for POTS, LLC**

**Concluding, Ms. Hall stated the Planning Commission would meeting in November.**

**16. Adjournment**

**There being no further business, a motion was made by Mr. Cherry, seconded by Mrs. Luck, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 8:42 P.M.**

**APPROVED:**

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**T. Gregory Kochuba, Mayor**

**ATTEST:**

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**Pamela B. Wallace, City Clerk**