

# Memorandum

**Date:** December 7, 2011

**To:** Mayor and City Council

**Subject:** Agenda Briefing - Regular City Council  
Meeting - ***Tuesday, December 13, 2011***



Following is a brief review and description of the various business items listed upon the agenda and set for discussion at the next regular meeting of City Council:

## 6. **Commendations and Presentations:**

- A. Requested by Mayor Davis; Discussed at previous meetings; This item is for formal a presentation by the Virginia Department of Transportation (VDOT) of revised and/or redesigned plans for a proposed realignment and improvement of the off ramp at the I-95/ Temple Avenue (Route 144) interchange in Colonial Heights.

VDOT representatives appeared before Council this past June to discuss their initial plans for an improved off ramp/intersection at this location. Primarily in response to comments received from Council at that time, however, VDOT has revisited the plan and now has a development concept that may be more mutually agreeable.

VDOT officials will be in attendance at the meeting to make the presentation and to answer any questions of the City Council.

- B. Discussed at previous meetings; This item is for a formal presentation of the staff recommendation of the Financing Plan for New City Courthouse by the City Manager and Director of Finance, Bill Johnson.

A copy of the written report and supporting information will be provided to Councilmembers prior to the meeting.

- C. Requested by the CH Public Schools administration; This item is for presentation by CH Public Schools Board.

- D. This item is for formal recognition of *Christopher Hagler*, CHFD Firefighter/EMT as November 2011 City Employee of the Month by Mayor Davis. A copy of the formal recognition is included in with the meeting packet. The Mayor will be making a brief presentation of the award to Firefighter Hagler at the meeting.

- E. This item is for introduction and brief recognition of three new city employees: (a) CHFD Firefighter/Paramedics Matt Glascock and Andrew Tatum and (b) CH Library Assistant Michelle Kvasnicka.

## 7. **Consent Agenda** (“*Consideration of Uncontested Minutes, Ordinances, Resolutions, & Motions . . .*”):

- A. Copies of the minutes from our (1.) Special Meeting on 11/15/11 and (2.) Regular Meeting on 11/15/11 are included in the meeting packet for your review.

### B. “**Adoption of:**”

- ORDINANCE NO. 11-21 - Discussed and approved at the last regular meeting; This item is for Second Reading and Final Adoption of an Ordinance to formally amend both the City Comprehensive Plan and the City Land Use and Transportation to properly reflect plans for the New City Courthouse.

**7. Consent Agenda (continued):**

This required procedural step has been known and contemplated since the Courthouse site was designated; and this matter comes before Council at this time consistent with our project development schedule from last year.

The Planning Commission completed its formal review of this proposal and has unanimously recommended its approval.

*Budgetary Impact* – This specific action has no direct budgetary impact.

**The staff recommends approval of this item as presented**

➤ ORDINANCE NO. 11-22 - (*Companion legislation related to ORD11-21 above*)  
Discussed and approved at the last regular meeting; This item is for Second Reading and Final Adoption of an Ordinance to formally amend both the City Comprehensive Plan and the City Land Use and Transportation to properly reflect plans for the New City Courthouse.

This required procedural step has been known and contemplated since the Courthouse site was designated; and this matter comes before Council at this time consistent with our project development schedule from last year.

The Planning Commission completed its formal review of this proposal and has unanimously recommended its approval.

*Budgetary Impact* – This specific action has no direct budgetary impact.

**The staff recommends approval of this item as presented**

➤ ORDINANCE NO. 11-24 - Discussed and approved at the last regular meeting; This item is for Second Reading and Final Adoption of an Ordinance to formally approve certain code revisions to annual licensing requirements for cats and dogs as recommended by the City Treasurer, including civil penalty provisions.

*Budgetary Impact* – It is assumed that this legislation should have no adverse impact on operating costs; and has been presented by the Treasurer as such.

**The staff recommends approval of this item as presented**

**8. Reading of Manner Addressing Council**

**9. Public Hearings: None**

**10. Written Petitions/Communications: None received for inclusion on this meeting agenda**

**11. Public Comments (“Hearing of Citizens Generally on Non-Agenda Issues”):**

**12. New Business/Legislation (“Introduction and Consideration of Ordinances and Resolutions”):**

➤ ORDINANCE NO. 11-FIN-23 - This item is for consideration of an Ordinance on First Reading to authorize an amendment to the FY11-12 Annual Budget to accommodate various funding adjustments as follows:

- The CH Fire Department has received a donation in the total amount of \$774 for the purchase of replacement knee pads for turnout gear and miscellaneous travel/training expense.
- The Sheriff's Office has received a donation in the total amount of \$500 in support of the “Halloween in the Park” event.

12. **New Business/Legislation (continued):**

- The CH Library has requested the utilization of donated funds in the total amount of \$12,000 to purchase and install a daily backup system of the Library's network database.
- The CH Police Department has received a donation in the total amount of \$1,200 to purchase crime prevention and safety education materials.

*Budgetary Impact* - This amendment as proposed is bottom-line, "cost-neutral", as it is the formal appropriation of donated funds and will not adversely affect overall funding or costs to taxpayers.

A copy of the proposed Ordinance and supporting information is included in the meeting packet.

**The staff recommends approval of this item as presented**

➤ **ORDINANCE NO. 11-FIN-24** - This item is for consideration of an Ordinance on First Reading formally appropriating and authorizing the expenditure of funds in support of the Appomattox River Greenway Trail Project.

This action is an "accounting housekeeping" item to formally authorize the actual expenditure of funds already discussed and approved in support of this project.

*Budgetary Impact* - This Ordinance as proposed will formally authorize the actual expenditure of accumulated grant funds or set-aside city funds as previously approved by the Council. As such, this item is "net cost-neutral" and will not adversely affect overall funding or costs to taxpayers.

A copy of the proposed Ordinance and supporting information is included in the meeting packet.

**The staff recommends approval of this item as presented**

➤ **RESOLUTION NO. 11-44** - This item is for consideration of a Resolution to authorize an agreement with the Transportation Board for Phase IV (and continuation) of the Appomattox River Greenway Trail Project.

This agreement is a required element to receiving additional grant funds in support of this project; and simply represents continuance of the same processes and procedures followed by the City in Phases I-III.

*Budgetary Impact* – This specific action has no direct budgetary impact.

A copy of the proposed Resolution and supporting information is included in the meeting packet.

**The staff recommends approval of this item as presented**

➤ **RESOLUTION NO. 11-45** - (*Companion legislation related to Item No. 6A - VDOT Presentation above*) This item is for consideration of a Resolution stating support for the revised and/or redesigned plans for a proposed realignment and improvement of the off ramp at the I-95/ Temple Avenue (Route 144) interchange in Colonial Heights.

*Budgetary Impact* – This specific action has no direct budgetary impact.

A copy of the proposed Resolution and supporting information is included in the meeting packet.

**The staff recommends approval of this item as presented**

**12. New Business/Legislation (continued):**

➤ **RESOLUTION NO. 11-46** - This item is for consideration of a Resolution to formally authorize the City Manager to execute agreements with consultants to initiate plan development, right-of-way acquisition, etc., in support of the Dupuy Avenue Modernization Project previously reviewed with the City Council..

*Budgetary Impact* – This specific action has no direct budgetary impact. All costs associated with this project will be provided for with federal/CMAQ funds

A copy of the proposed Resolution and supporting information is included in the meeting packet.

**The staff recommends approval of this item as presented**

➤ **RESOLUTION NO. 11-47** - This item is for consideration of a Resolution to formally authorize the City Manager to execute agreements with consultants to initiate plan development, right-of-way acquisition, etc., in support of the Lakeview Avenue Modernization Project previously reviewed with the City Council..

*Budgetary Impact* – This specific action has no direct budgetary impact. All costs associated with this project will be provided for with federal/CMAQ funds

A copy of the proposed Resolution and supporting information is included in the meeting packet.

**The staff recommends approval of this item as presented**

**13. Unfinished Business . . . and Items Removed from Consent Agenda**

– *None identified for inclusion on the meeting agenda*

**14. Staff Reports (“Reports of Officers . . .”):**

**A. City Manager**

1. ***Upcoming Meeting Schedule***– This item is for a brief discussion and review of our upcoming Council Meeting schedule and the format/potential topics for the Council Retreat next month.
2. ***General Activity Report and/or Project Update*** - This item is for miscellaneous updates and comments by the staff; and general Q&A with the City Council relative to on-going projects and/or issues.

**14. Staff Reports (“Reports of Officers . . .”):**

**B. City Attorney**

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

**15. Consideration of Claims – *None submitted for inclusion on the meeting agenda***

Please feel free to contact me anytime prior to Tuesday's meeting if you have any questions or require additional information relative to any item on the agenda; or if you need an update on any item not listed on the agenda.



Thomas L. Mattis  
City Manager

# NOVEMBER 2011 EMPLOYEE OF THE MONTH



**NAME:** Christopher D. Hagler

**POSITION:** EMS Firefighter

## **EMPLOYMENT**

**HISTORY:** Chris was hired in August, 2002 as a Firefighter/EMT in the Fire Department.

## **NARRATIVE:**

Chris is one of six members of the Fire & EMS Department's HAZ-MAT Team. He is committed to his training and is a valuable member of the team. He always assists with inventory and supplies for our response trailer and constantly submits ideas to make the team a more valuable resource to the department.

After attending HAZ-MAT training, Chris took it upon himself to share his training with his shift. He taught the process of "dam and dike" which is an important spill containment procedure. He also coordinated with Fort Lee to train the department on Level-A chemical protective suits. The Level-A suits are the top chemical protection suit you can wear in a hazardous chemical environment.

Chris attended the VA Hazardous Materials Training Conference in Hampton, VA. He attended the conference during his days off from his shift. He did not ask for paid leave or reimbursement for the class fee. It is evident in Chris's selfless acts that he takes his commitment to the team seriously.

Along with the HAZ-MAT Team, Chris was put in charge of the department's fire gear inspections. Together with his lieutenant, they developed a program to regularly clean, inspect, and document our structural fire gear to include helmets, boots, and gloves. Chris works additional hours each month to ensure that orders, repairs, and inspections are kept current. He is an asset to the Fire & EMS Department and a team player who is willing to go the extra mile to ensure firefighter safety is a priority.

**CITY OF COLONIAL HEIGHTS, VIRGINIA**  
**Special Meeting of City Council**  
**November 15, 2011**

**1. Call to Order.**

**The Special Meeting of City Council was called to order by Mayor Davis at 6:00 P.M.**

**2. Roll Call.**

**Present:**                   **Councilman Milton E. Freeland, Jr.**  
                                 **Councilman Kenneth B. Frenier**  
                                 **Councilman W. Joe Green, Jr.**  
                                 **Vice Mayor Elizabeth G. Luck**  
                                 **Councilman John T. Wood**  
                                 **Councilwoman Diane H. Yates**  
                                 **Mayor C. Scott Davis**

**Absent:**                   **None**

**Also Present:**           **Mr. Thomas L. Mattis, City Manager**  
                                 **Mr. Hugh P. Fisher, III, City Attorney**  
                                 **Mr. William E. Johnson, Director of Finance**

**3. Special Meeting for the purpose of:**

**A. Holding a closed meeting pursuant to the Code of Virginia in accordance with the following provisions:**

- **Section 2.2-3711.A.1 – to discuss and consider appointments to the Appomattox River Water Authority; and**
- **Section 2.2-3711.A.29 – To discuss the possible award of a public contract involving the expenditure of public funds with the Central Virginia Waste Management Authority and a service provider for municipal solid waste services, and to discuss the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; and**
- **Section 2.2-3711.A.7 – To consult with legal counsel and be briefed by staff members pertaining to probable litigation concerning alleged property damage caused by the City's stormwater management system, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.**

**The Clerk announced the purpose of the meeting.**

**A motion to go into closed session was made by Mrs. Luck, seconded by Mr. Frenier, and carried unanimously on voice vote at 6:02 P.M.**

**4. Voice Vote – come back into Open Session.**

**A motion to reconvene in open session was made by Mrs. Luck, seconded by Mrs. Yates, and carried unanimously on voice vote at 7:00 P.M.**

**5. The Council has been in a closed meeting pursuant to the Code of Virginia in accordance with the following provisions:**

- **Section 2.2-3711.A.1 – to discuss and consider appointments to the Appomattox River Water Authority; and**
- **Section 2.2-3711.A.29 – To discuss the possible award of a public contract involving the expenditure of public funds with the Central Virginia Waste Management Authority and a service provider for municipal solid waste services, and to discuss the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; and**
- **Section 2.2-3711.A.7 – To consult with legal counsel and be briefed by staff members pertaining to probable litigation concerning alleged property damage caused by the City's stormwater management system, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.**

**6. Each member will now certify that to the best of the member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the act and identified in the motion pursuant to which the closed meeting was convened were heard, discussed or considered. Any members who do not intend to so certify shall state now, for the minutes, their reasons.**

**7. Roll Call. An affirmative vote shall constitute certification of compliance.**

<b>Vote:</b>	<b>7-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr. Luck Wood Yates Davis
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	None

**Motion UNANIMOUS PASS.**

**As a result of the closed meeting, a motion was made by Mayor Davis, seconded by Mrs. Luck, to make the following reappointment:**

**Mr. Thomas Mattis and Mr. William Henley (alternate) to the Appomattox River Water Authority.**

**8. Adjournment of Special Meeting.**

**A motion to adjourn the Special Meeting was made by Mr. Green, seconded by Mr. Freeland, and carried unanimously on voice vote at 7:02 P.M.**

**APPROVED:**

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**C. Scott Davis, Mayor**

**ATTEST:**

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**DeAnna D. Atkins, City Clerk**

**CITY OF COLONIAL HEIGHTS, VIRGINIA**  
**Regular Meeting of City Council**  
**Tuesday, November 15, 2011**

**1. Call to Order.**

The Regular Meeting of City Council was called to order by Mayor Davis at 7:03 P.M.

**2. Roll Call.**

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

**Present:**

Councilman Milton E. Freeland, Jr.  
Councilman Kenneth B. Frenier  
Councilman W. Joe Green, Jr.  
Vice Mayor Elizabeth G. Luck  
Councilman John T. Wood  
Councilwoman Diane H. Yates  
Mayor C. Scott Davis

**Absent:**

None

**Also Present:**

Mr. Thomas L. Mattis, City Manager  
Mr. Hugh P. Fisher, III, City Attorney

Mr. William E. Johnson, Director of Finance  
Mrs. Jennifer N. Carpenter, Director of Human Resources  
Mr. Jeffrey W. Faries, Chief of Police  
Mr. George W. Schanzenbacher, Director of Planning  
Mr. William E. Henley, Director of Public Works/Engineering

**3. Devotion.**

A devotional prayer was led by Councilman Frenier.

**4. Pledge of Allegiance.**

The Pledge of Allegiance was led by Councilman Frenier.

**5. Adoption of Agenda.**

A motion to amend the agenda, to remove Item 6.A., Presentation of Proclamation designating November 13 – 19, 2011, *National Nurse Practitioner Week* in the City of Colonial Heights, Virginia, and Item 10.A., Mr. Millard "Pete" Stith, Virginia State University Development Office, to express appreciation for Council's support of Virginia

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**State University, due to the parties inability to attend the meeting, was made by Mayor Davis and seconded by Mrs. Luck.**

<b><u>Vote:</u></b>	<b>7-0</b>
<b>Yes:</b>	<b>Freeland, Jr.</b>
	<b>Frenier</b>
	<b>Green, Jr.</b>
	<b>Luck</b>
	<b>Wood</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>

**Motion UNANIMOUS PASS.**

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

<b><u>Vote:</u></b>	<b>7-0</b>
<b>Yes:</b>	<b>Freeland, Jr.</b>
	<b>Frenier</b>
	<b>Green, Jr.</b>
	<b>Luck</b>
	<b>Wood</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>

**Motion UNANIMOUS PASS.**

**6. Commendations and Presentations.**

**B. Presentation of Resolution No. 11-41. In memory of George Woody Stafford.**

**A motion for adoption of Resolution No. 11-41 was made by Mrs. Luck and seconded by Mr. Wood.**

**Mayor Davis recognized Ms. Stacy Stafford, Mr. Stafford's daughter, and family, and read the resolution in its entirety.**

**In memory of George Woody Stafford.**

**WHEREAS, George Woody Stafford, the son of John C. and Laura Woody Stafford, passed away on October 7, 2011, leaving behind his loving wife, Berkley; one son, Timothy, and his wife, Mary Susan; three daughters – Karen, Stacy and Robin – and Robin's husband, Ed; and six grandchildren; and**

**WHEREAS, Mr. Stafford served as a member of the United States Army during World War II; and in 1945 he fought in the Battle of the Bulge, where he sustained injuries from a landmine, losing his eyesight at the age of 24; and**

**WHEREAS, being blind did not hinder Mr. Stafford from achieving numerous accomplishments – aside from learning Braille, he went on to earn a Bachelor's Degree in Economics and a law degree from the University of Virginia after leaving the military; and**

**WHEREAS, following graduation from law school, Mr. Stafford and his family moved to the City of Colonial Heights, where he began his law practice, only to be named part-time Commonwealth's Attorney for the City in the early 1960s; and once the position became full-time in the 1980s, he continually served in this elected position until his retirement in 1993; and**

**WHEREAS, Mr. Stafford was a valuable member of the community, serving as a past President and member of the Colonial Heights Rotary Club (Paul Harris Fellows), the Colonial Heights American Legion Post #284, the Veterans of Foreign Wars Post #2239, and the Colonial Heights School Board; as well as a member of St. Michael's Episcopal Church; and**

**WHEREAS, Mr. Stafford will be fondly remembered not only for his accomplishments during his lifetime but for the man he was – a dedicated family man, who knew how to make others feel at ease with his warm smile and tremendous humor and who enjoyed being with family and friends, boating, swimming, fishing and working on anything mechanical; NOW, THEREFORE,**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:**

**1. That Council expresses its heartfelt sympathy to the family of George Woody Stafford, and on behalf of the City, its gratitude for his public service and commitment to the community.**

**2. That, in attestation of the high regard in which the memory of George Woody Stafford is held, this resolution is read into the minutes of this meeting and permanent record of the City of Colonial Heights, this 15th day of November, 2011; and the members unanimously affix their signatures.**

**Vote:**

**7-0**

**Yes:**

**Freeland, Jr.  
Frenier**

	Green, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

**Motion UNANIMOUS PASS.**

Mr. Wood expressed appreciation on behalf of the many members of the Chesterfield/Colonial Heights Bar Association for the many kindnesses and courtesies Mr. Stafford always showed to young members of the Bar.

**C. Presentation of Employee of the Month Award for October 2011 to Mr. Gregory A. Thinnes, Police Officer.**

Mayor Davis recognized Mr. Thinnes, read the commendation in its entirety and presented him with a certificate and a small token of appreciation from the City.

Mr. Thinnes expressed appreciation to Council for the recognition.

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

**A. Approval of Minutes:**

1. Special Meeting, October 11, 2011.
2. Regular Meeting, October 11, 2011.
3. Special Meeting, October 18, 2011.

**B. Adoption of:**

**AN ORDINANCE NO. 11-FIN-22. (Second Reading).** To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$129,989, consisting of \$24,146 in highway grant funds to be used for overtime expenses for selective enforcement and checkpoints; \$5,843 coming from asset forfeiture funds to be used for public safety purposes; \$100,000 to be used to purchase two 15-passenger handicapped vans, of which \$80,000 is coming from a grant; and \$23,477 coming from Contingencies & Reserve to be transferred to certain individual departmental accounts for the purchase of computer equipment.

A motion for adoption of the Consent Agenda, as presented, was made by Mrs. Yates and seconded by Mr. Frenier.

<u>Vote:</u>	7-0
Yes:	Freeland, Jr.
	Frenier

	Green, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

**Motion UNANIMOUS PASS.**

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

**The City Attorney read the Manner of Addressing Council.**

**9. Advertised Public Hearings.**

**A. Public Hearings as advertised in *The Progress Index* on October 30, 2011 and November 6, 2011.**

**AN ORDINANCE NO. 11-21.** (First Reading). To amend the “Public Buildings” component of the City Comprehensive Plan to change the reference to a “Courts & Justice Building” on page 81 to a “Courthouse” and to change the location of the Courthouse on page 81 from “Temple Avenue” to “Chesterfield Avenue.” Also, to amend the City’s Land Use and Transportation Plan map to reflect the change in location of the Courthouse and to approve the general location, character, and extent of the new Courthouse.

A motion for adoption of Ordinance No. 11-21 was made by Mr. Green and seconded by Mrs. Yates.

Mayor Davis provided a brief explanation of Ordinance No. 11-21 and stated the ordinance will change the City’s Comprehensive Plan, which is a planning map of how Council and the Planning Commission want the City to be developed in the future.

There was no response to Mayor Davis’ request for comment from the public.

Mr. Wood read a Declaration of Personal Interest with regard to his residential location near the former church property (the proposed site of the new Courthouse), which was filed with the Clerk.

In response to a question from Mayor Davis, Mr. Fisher stated the Courthouse could have an address on the Boulevard and the change to the Comprehensive Plan could be done as part of the revision to the Plan the Planning Department is currently undertaking. He further stated it would be appropriate to leave the address for the Courthouse as 231 Chesterfield Avenue in the Comprehensive Plan since that portion of Chesterfield Avenue has not been vacated.

**In response to a question from Mr. Wood, Mr. Schanzenbacher stated a portion of the former church property, a portion of Chesterfield Avenue, and a portion of the grassy area beside the School Board building are the three properties which are being rezoned for purposes of community facilities.**

**In response to a question from Mr. Wood, Mayor Davis stated the site plan which includes the buffers and screening is not included in this ordinance because it is not required at this point.**

**Mr. Mattis stated that the adoption of Ordinance Nos. 11-21 and 11-22 will not affect the City's ability to address buffers and screening in the future.**

**Mayor Davis stated regulations on items such as shrubbery and screening are in the zoning classification in the Zoning Ordinances.**

**In response to a question from Mr. Wood, Mr. Fisher stated the ordinance is approving the general character and extent of the Courthouse.**

**Mr. Green read a Declaration of Personal Interest with regard to his residential location near the Courthouse property, which was filed with the Clerk.**

**In response to a question from Mr. Green, Mr. Mattis stated the City is rezoning the property to general business.**

<b><u>Vote:</u></b>	<b>7-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr. Luck Wood Yates Davis
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	None

**Motion UNANIMOUS PASS.**

**Mayor Davis stated the Planning Commission unanimously approved the Comprehensive Plan revisions.**

**AN ORDINANCE NO. 11-22. (First Reading). To change the zoning classification of certain property presently zoned RL Low Density Residential District to BB Boulevard Business District and to amend the Zoning District Map accordingly. Such property is located at 231 Chesterfield Avenue, has parcel identification numbers 3000010E037 and 30000200001, and is owned by the City of Colonial Heights.**

**A motion for adoption of Ordinance No. 11-22 was made by Mr. Frenier and seconded by Mr. Freeland.**

**Mayor Davis provided a brief explanation of Ordinance No. 11-22 and stated it was approved by the Planning Commission.**

**There was no response to Mayor Davis' request for comment from the public.**

**Mr. Wood stated that approval of Ordinance No. 11-22 is required to proceed with the Courthouse project.**

<b>Vote:</b>	<b>7-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr. Luck Wood Yates Davis
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	None

**Motion UNANIMOUS PASS.**

**B. Public Hearing as advertised in *The Progress-Index* on November 1, 2011.**

**AN ORDINANCE NO. 11-24. (First Reading). To amend and reordain § 98-23 of Chapter 98, Animals, of the Colonial Heights City Code, to provide for the issuance of a two year City dog or cat license and tax thereon.**

**A motion for adoption of Ordinance No. 11-24 was made by Mr. Green and seconded by Mrs. Yates.**

**Mayor Davis provided a brief explanation of Ordinance No. 11-24.**

**There was no response to Mayor Davis' request for comment from the public.**

<b>Vote:</b>	<b>7-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr. Luck Wood Yates Davis
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	None

**Motion UNANIMOUS PASS.**

**10. Written Petitions and Communications.**

There were none.

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

Ms. Ann Coffin, 923 Forest View Drive, stated the resident at 1001 Forest View Drive has employed a tree service to clean up the fallen tree. She expressed appreciation to Council for their help in getting this issue resolved.

Mr. Wood expressed appreciation to the City Manager and administration for addressing the issue of the fallen tree. He stated it is better handled by working with the property owner than by a legal manner.

Mr. Freeland expressed appreciation to the citizens for their involvement and stated most of the tree has been removed and hopefully there will be additional clean up on the property.

Mr. Wood expressed appreciation to Mr. Mattis for his involvement of the opening of the Texas Roadhouse restaurant.

Mr. Freeland expressed appreciation to everyone who came out to help with the Dominion Work Day at Roslyn Landing.

Mayor Davis requested that Mr. Freeland pass along his appreciation for the Dominion employees who came out to work at Roslyn Landing.

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

**A RESOLUTION NO. 11-40.** Resolution of the City Council of the City of Colonial Heights, Virginia declaring its intention to reimburse itself from the proceeds of one or more financings for certain capital project costs.

A motion for adoption of Resolution No. 11-40 was made by Mr. Green and seconded by Mrs. Luck.

Mr. Frenier read a Declaration of Personal Interest as it pertained to Ordinance No. 11-40 with specific regard to his part-time employment with the Fire/EMS Department and the employment of his spouse by the City, which he filed with the Clerk.

Mayor Davis provided a brief explanation of Resolution No. 11-40.

Mr. Mattis stated the City has not technically purchased the fire apparatus and Resolution No. 11-40 needs to be approved prior to the purchase.

**In response to a question from Mayor Davis, Mr. Mattis stated the City is legislatively creating enough room for the fire apparatus and the Courthouse financing to repay itself with the debt proceeds.**

<b><u>Vote:</u></b>	<b>7-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr. Luck Wood Yates Davis
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	None

**Motion UNANIMOUS PASS.**

**A RESOLUTION NO. 11-42. To commemorate and support the bicentennial of the American War of 1812 in Virginia.**

**A motion for adoption of Resolution No. 11-42 was made by Mr. Green and seconded by Mrs. Luck.**

**Mayor Davis provided a brief explanation of Resolution No. 11-42. He stated he had received a letter from Delegate Kirkland Cox and Senator Steve Martin, Chairman and Co-Chairman of the Bicentennial of the American War of 1812 Committee requesting localities to participate in the commemoration by passing a resolution of support. He further stated the City has been requested to actively participate in any manner the City is able to.**

**In response to a question from Mrs. Luck, Mr. Green stated he would attend any meetings of the Historical Commission to discuss celebrating the bicentennial of the American War of 1812.**

**Mr. Wood stated it is important to recognize the significant events surrounding the American War of 1812 because without the treaty, westward expansion of the United States would have been limited. He further stated the treaty established America's right to the Ohio, Mississippi and Missouri Valleys.**

**Mr. Green stated the City could have displays or assist with advertising events surrounding the commemoration of the American War of 1812.**

<b><u>Vote:</u></b>	<b>7-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr.

	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

**Motion UNANIMOUS PASS.**

**13. Unfinished Business, Contested Ordinances and Resolutions, and Items Removed from the Consent Agenda.**

There was none.

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

**A. City Manager.**

**1. Update on Code Enforcement Status at 1001 Forestview Drive.**

Mr. Mattis provided before and after pictures of 1001 Forestview Drive to show the progress which has been made with the clean up of the trees knocked down during Hurricane Irene.

In response to a question from Mayor Davis, Mr. Mattis stated the cars have not been removed from the property. He further stated Ms. Christine Kifer, Planning Department, did an excellent job facilitating communication with the property owner.

In response to a question from Mrs. Yates, Chief Faries stated if an inoperable vehicle is parked on personal property, the Police Department cannot do anything about it.

There was a brief discussion regarding the City's inoperable vehicle policy and what constitutes an inoperable vehicle.

Mr. Mattis stated he would research the inoperable vehicle policy and have the vehicles located at 1001 Forestview Drive checked out.

In response to a statement by Mrs. Coffin, Mayor Davis stated the City has an inoperable vehicle policy, and the concerns expressed regarding the vehicles at 1001 Forestview Drive will be investigated.

**2. Review of City Supervisory Substitution Policy.**

Mr. Mattis stated the City's Supervisory Substitution Policy covers compensation for employees who are temporarily placed in a supervisory role. He further stated as the

policy is currently written it does not provide for discretion on the part of management to grant temporary pay increases for employees that step up into temporary supervisory rolls until either 14 days for non-supervisory employees and 28 days for supervisory employees.

Chief Faries stated the concerns with the Supervisory Substitution Policy came to light when the Police Department was given the opportunity to send a supervisory employee to the FBI Academy for 10 weeks. He further stated he appointed two acting positions to fill the void. He stated a lieutenant was placed into an acting captain position and is required to wait 28 days before receiving additional compensation and the non-supervisory employee moved to acting sergeant has to wait 14 days. He further stated the additional compensation of the employees will have a minimal impact on the Police Department's budget.

Mr. Mattis stated he is requesting that the policy to be softened to allow management discretion to grant the temporary pay increases where appropriate.

Ms. Carpenter stated the Supervisory Substitution Policy existed prior to the Mercer Group study, but was revised when the study was done.

Mayor Davis stated it was his understanding, not that he agrees with it, the reason for the 28 day wait period was because the supervisory employee would be taking on extra employees to supervise and it could be classified under "other duties as assigned". He further stated a non-supervisory employee receives the increase in compensation in 14 days because they do not normally supervise employees.

Mr. Mattis stated the employee is doing more work whether they are supervisory or non-supervisory, and the City wants to make sure they are compensated fairly.

Mayor Davis stated he would like to see a timeframe on when an acting position can be used in a policy format.

Mr. Freeland stated there should not be a timeframe set on the compensation for an employee which steps into an acting role.

Mrs. Luck stated a solution to the problem would be to change "shall" in the policy to "may", which would provide flexibility for management.

Mr. Mattis stated staff can prepare revisions to the policy and bring them back to Council.

In response to questions from Mrs. Yates, Mr. Mattis stated the continuous 28 days refers to calendar days not work days. He further stated if Council wishes, the policy could include a provision regarding retroactive pay.

**In response to a question from Mr. Frenier, Mr. Mattis stated the purpose of the discussion was to see how Council feels about the policy and to bring recommendations back to Council.**

**Mr. Frenier stated the policy needs to be revised.**

**In response to a question from Mr. Green, Chief Faries stated the waiting period for one employee has passed and is almost up for the other employee.**

**Mr. Mattis stated if the City is going to adjust the policy, it needs to be made right for these two employees.**

**Mr. Green stated he does not consider this a retroactive request as it is a request to correct a policy. He suggested that Council authorize the City Manager to correct the situation with the compensation for these two employees and to bring revisions to the policy to Council at a future date. He stated the City needs a definition of what constitutes an acting position rather than a timeframe on how long a position should be vacant before it is filled.**

**There was a brief discussion regarding the legal issues surrounding the retroactive compensation of employees.**

**Mr. Fisher stated the retroactive compensation will have to be looked at carefully in revising the policy.**

**Mayor Davis expressed concerns regarding the City's liability for retroactive compensation for employees.**

**Mr. Green stated taking on a supervisory role for 28 days without being paid for it is unfair to the employee.**

### **3. Review of Boulevard Government Center Enhancement Project and Streetlight Upgrades.**

**Mr. Mattis provided a brief overview of the recent improvements to the streetscape on the Boulevard in the vicinity of the Government Center. He stated the new streetlights are perpendicular to the Boulevard, as opposed to parallel like the Legacy lights on other sections of the Boulevard, which better displays banners. He further stated the streetlights were installed as they were displayed on the plans approved by Council. He stated in the Boulevard Enhancement Project there are five overlay districts.**

**Mr. Henley stated each of the five Boulevard Design Overlay zones has different design criteria for development. He further stated the new streetlights with the perpendicular lighting shows the typical placement of the lights. He stated the configuration of the Legacy lights along sections of the Boulevard began with a VDOT project in the City of Petersburg. He further stated the fundamental question is does the City want to have**

uniform ornamental lighting throughout the entire length of the Boulevard or is it acceptable to have different overlay districts to regulate lighting. He provided limitations of the old lighting configuration. He stated the new lighting configuration will save the City money and does not create light pollution. He further stated the City was awarded \$125,000 in federal aid to use towards the Government Center Streetscape Enhancement Project and applied \$150,000 in local funds. He stated if Council wishes, the new streetlights can be changed to be more in appearance with the lighting on the north and south ends of the Boulevard. He further stated the lighting poles are designed to accommodate larger banners for the Beautification Committee.

In response to a question from Mayor Davis, Mr. Henley stated the City will continue to use the Legacy lights on the north and south end of the Boulevard as properties are redeveloped. He further stated the Boulevard Modernization Project will renovate over a half mile of the Boulevard and the new lighting would be carried down to the Courthouse. He stated the City would be utilizing federal and state money for the renovations and will convert Legacy lights over to the new lights and use the Legacy lights in the future in the City.

Mayor Davis requested a map depicting the starting and stopping points of where the new lighting would be utilized.

In response to a question from Mayor Davis, Mr. Henley stated the orientation of the new streetlights is to have more visual impact from the arms, which will display the banners.

Mr. Mattis stated staff will do whatever Council desires with the new streetlights. He further stated the configuration of the lights was done to give the Government Center a different feel from the rest of the Boulevard.

In response to a question from Mrs. Luck, Mr. Henley stated staff would have to move the banners to keep them at the same orientation if the light poles were turned.

Mr. Green stated he likes the new lights because they are taller and more efficient. He stated with the lighting parallel to the Boulevard, it lights the sidewalk better and helps the citizens feel safer.

There was a brief discussion regarding the luminous level at the sidewalk with each of the lighting styles.

Mr. Henley stated the luminous level of the new lights is designed to be more uniform and create more lighted areas.

Mr. Frenier stated he receives questions daily regarding the direction of the lighting on the new poles installed on the Boulevard. He further stated that the lighting needs to be uniform along the Boulevard.

Mr. Wood stated if the new lights provide for more illumination on the sidewalks for the joggers and visibility for the drivers, it seems the new lighting would be more efficient

and less expensive to operate. He further stated the City installed lighting along the Boulevard in an attempt to have consistency with the re-development in Petersburg and the bridge across the Appomattox River and expanded along the Boulevard without any real study regarding effectiveness or efficiency of the lights.

Mr. Freeland stated the City spent a lot of money on the lights at the northern end of town. He further stated the banners will end up blocking some of the light on the new poles. He stated he is looking for consistency along the Boulevard.

Mayor Davis stated the new lights will not be used along the entire length of the Boulevard, only along a section near the Government Center.

In response to a question from Mr. Freeland, Mayor Davis stated if a property is redeveloped along the Boulevard where the old style of lights is used, the lights cannot be turned 90 degrees because it will be inconsistent.

Mr. Frenier stated he is not suggesting changing the kind of lights, just rotating the lights 90 degrees to be consistent.

In response to a question from Mr. Freeland, Mr. Mattis stated if Council would like the overhead lights removed from the poles along the Boulevard, the staff can look into it.

In response to a question from Mayor Davis, Mr. Mattis stated the light poles can be turned after the lights are illuminated.

Mayor Davis requested to see the three districts, including starting and stopping points, on paper before making a decision.

Mr. Henley stated the lighting from the decorative lights along the Boulevard is not enough to remove the overhead lights from the poles.

Mr. Wood stated if the City is going to create a distinctive Government Center then slight differences in architectural elements are going to be needed.

In response to a question from Mrs. Yates, Mr. Henley stated if the poles are turned, the banners would need to be moved to be viewed by motorists and to provide light on the sidewalks.

In response to a question from Mrs. Yates, Mayor Davis stated the old light poles did not have arms to hold banners, the Beautification Committee had to purchase those brackets separately.

It was a general consensus of Council to review a plan showing the stopping and starting locations of the new lights along the Boulevard.

#### 4. Update on City Courthouse Project.

Mr. Mattis provided a general update on the status of the City Courthouse Project.

**5. General Activity Report and/or Project Update.**

Mr. Mattis expressed appreciation to the Dominion Virginia Power employees that volunteered their time at Roslyn Park.

**B. City Attorney.**

Mr. Fisher stated he has been doing a lot of work on the Wachovia/Wells Fargo property on the Boulevard and is in the process of executing four different deeds. He further stated his office has not received the updated deeds on the easements from Roslyn Farm. He also stated that he has drafted an agreement, that if agreed to by Council and David Petroff, will convey a small section of city-owned property on Archer Avenue in exchange for \$10,000 and a 50-foot easement on Mr. Petroff's property.

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

1. Actions, Regular Meeting of Planning Commission, November 1, 2011.
2. Minutes, Regular Meeting of Planning Commission, October 4, 2011.

Mr. Schanzenbacher provided a brief update from the November 1, 2011, Planning Commission meeting.

**15. Consideration of Claims.**

There were none.

**16. Adjournment.**

A motion to adjourn the Regular Meeting was made by Mrs. Yates, seconded by Mr. Green and carried unanimously on voice vote at 9:03 P.M.

**APPROVED:**

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**C. Scott Davis, Mayor**

**ATTEST:**

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**DeAnna D. Atkins, City Clerk**

AN ORDINANCE NO. 11-21

To amend the "Public Buildings" component of the City Comprehensive Plan to change the reference to a "Courts & Justice Building" on page 81 to a "Courthouse" and to change the location of the Courthouse on page 81 from "Temple Avenue" to "Chesterfield Avenue." Also, to amend the City's Land Use and Transportation Plan map and to approve the general location, character, and extent of the new Courthouse.

WHEREAS, Council, by Ordinance No. 97-11, on second reading on June 10, 1997, adopted an amended Comprehensive Plan for the City as a guide for the orderly development of the City; and

WHEREAS, to relocate its Courthouse to 231 Chesterfield Avenue, the City has applied to have several changes made to page 81 of its Comprehensive Plan; and

WHEREAS, such changes involve changing "Courts & Justice Building" to "Courthouse" and changing the location thereto from "Temple Avenue" to "Chesterfield Avenue"; and

WHEREAS, it is also necessary to change the City's Land Use and Transportation Plan map, which is part of the Comprehensive Plan; and

WHEREAS, after review, consideration, and public hearing, the Planning Commission pursuant to Title 15.2 of the Code of Virginia, recommended approval of the proposed amendments to the Comprehensive Plan; and

WHEREAS, pursuant to Va. Code § 15.2-2204, City Council advertised a public hearing in *The Progress-Index* and held a public hearing at its Regular Meeting on November 15, 2011, to receive citizen comment on the amendments to the Comprehensive Plan; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That after public hearing and consideration, the City Council hereby approves and adopts amendments to page 81, the "Public Buildings" component, of the City Comprehensive Plan as described above and as recommended by the Planning Commission; such amendments being attached hereto as Attachment A and made a part of this ordinance.

2. That after public hearing and consideration, the City Council approves amending the City's Land Use and Transportation Plan map so as to change the land use classification of 231 Chesterfield Avenue from "Medium Density Residential" to "Community Facilities, Schools, Churches, Etc." Such amendment is attached hereto as Attachment B and made a part of this ordinance.

3. That the City Planning and Community Development staff shall proceed with incorporating the amendments into the Colonial Heights Comprehensive Plan.

4. That based on the recommendation of the Planning Commission and other factors, Council approves the general location, character, and extent of the new Courthouse.

5. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

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Mayor

Attest:

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City Clerk

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I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor:

\_\_\_\_\_.

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City Clerk

Approved as to form:

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City Attorney

## ATTACHMENT A

Ordinance No. 11-21 amends page 81 of the current Comprehensive Plan (dates February, 1997) and the Plan's Land Use and Transportation Map as follows, with all other provisions of the Plan remaining the same:

### Public Buildings

Public buildings operated by the City of Colonial Heights are located throughout the community and are used for a variety of purposes. These buildings represent a large capital investment and must be carefully located since on most sites, the location and use of such buildings is usually permanent. The major shortcoming of most site locations for municipal buildings is the lack of room for later expansions.

The City now operates and maintains various public buildings, including the Municipal Building and Fire Department, school structures, stadium, community building, various sewerage pump stations, library, maintenance departments, and the Courts Building (which includes the Police Department). The following is a list of the City's public buildings and their locations.

#### Public Buildings:

-Animal Shelter	Old City Landfill Area
-City Garage	Lakeview Park
-Community Building	Roanoke and Meridian Avenues
<del>-Courts &amp; Justice Building</del>	<del>Temple Avenue</del>
<del>-Courthouse</del>	<del>Chesterfield Avenue</del>
-Fire Station #1	Boulevard and James Avenue
-Fire Station #2	Dunlop Boulevard
-Health Department	Highland Avenue
-Library	Yacht Basin Drive and Conduit Road
-Main Pump Station	Conduit Road and Temple Avenues
-Municipal Building and Annex	Boulevard and James Avenue
-Police	Temple Avenue
-Street Operations Office	Lakeview Park
-Utility Operations Office	Conduit Road and Temple Avenue
-Violet Bank Museum	Virginia and Arlington Avenues

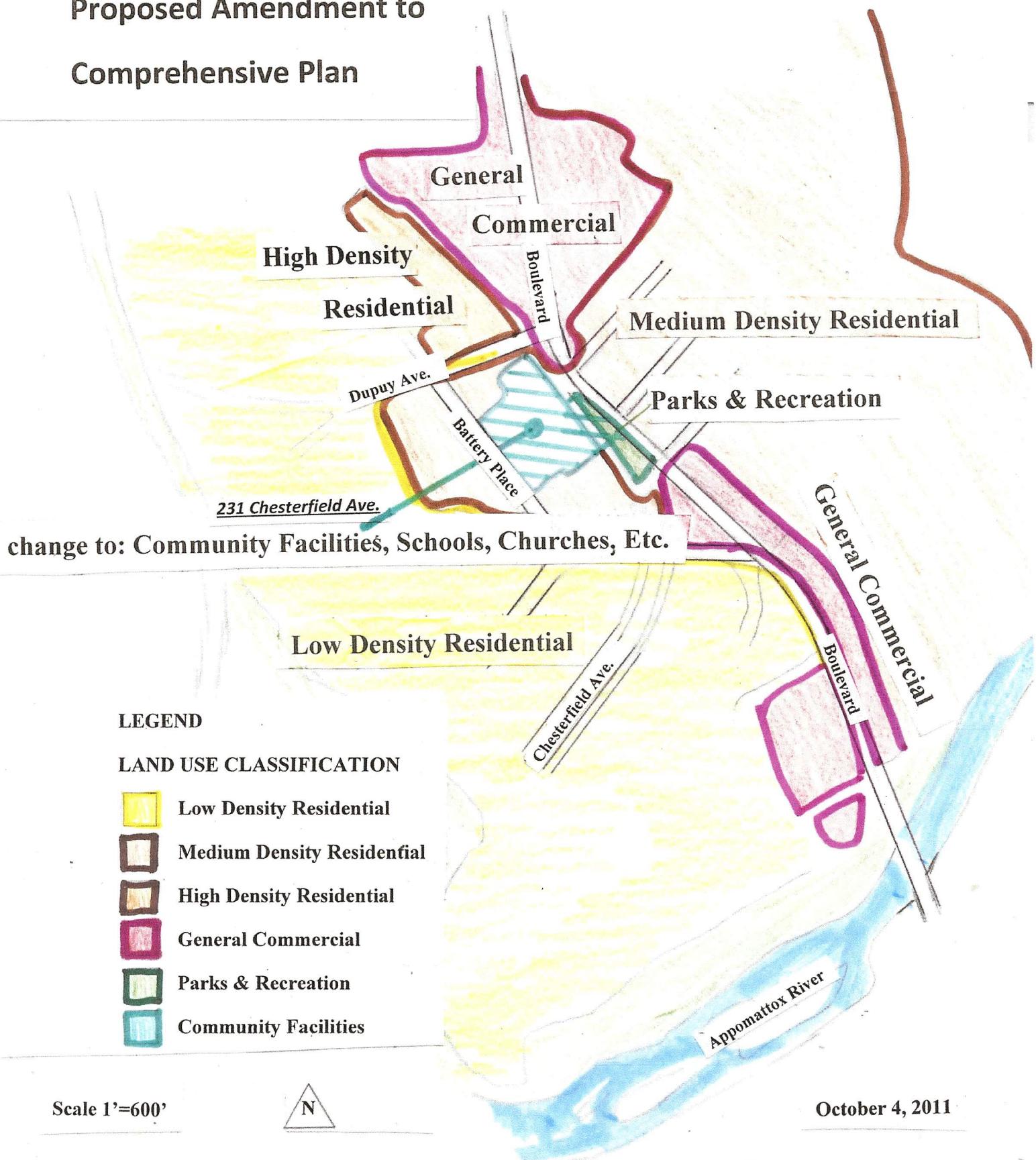
#### Schools:

-North Elementary School	Orange and Ross Avenues
-Lakeview Elementary School	Taswell Avenue
-Tussing Elementary School	Brockwell Lane and Conduit Road
-Colonial Heights Middle School	Lynchburg Avenue
-Colonial Heights High School	Conduit and Yorkshire Roads
-School Board Office	Boulevard and Hamilton Avenue
-Vocational Tech School	Conduit Road

# City of Colonial Heights

## Proposed Amendment to

### Comprehensive Plan



AN ORDINANCE NO. 11-22

To change the zoning classification of certain property presently zoned RL Low Density Residential District to BB Boulevard Business District and to amend the Zoning District Map accordingly. Such property is located at 231 Chesterfield Avenue, has parcel identification numbers 3000010E037 and 30000200001, and is owned by the City of Colonial Heights.

WHEREAS, the City of Colonial Heights has applied to have parcel identification number 3000010E037 and part of parcel identification number 30000200001 rezoned from RL Low Density Residential District to BB Boulevard Business District to allow for the construction of a new City Courthouse at 231 Chesterfield Avenue; and

WHEREAS, number 3000010E037 is 4.77 acres; and the part of number 30000200001 to be rezoned is .65 acre; and

WHEREAS, the Planning Commission at its meeting of October 4, 2011, held a public hearing on the rezoning; and after due consideration, the Planning Commission recommended approval by City Council; and

WHEREAS, pursuant to Va. Code § 15.2-2204, City Council advertised a public hearing in *The Progress-Index* and held a public hearing at its Regular Meeting on November 15, 2011, to receive citizen comment on the proposed rezoning; and

WHEREAS, upon recommendation of the Planning Commission, and other factors, the City Council finds that the public necessity, convenience, general welfare and good zoning practice require that this rezoning change be made; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That the zoning classification of the 4.77 acres presently zoned RL Low Density Residential District located at 231 Chesterfield Avenue, owned by the City of Colonial Heights, and known as parcel identification number 3000010E037, be and is hereby changed to BB Boulevard Business District.

2. That the zoning classification of the .65 acre presently zoned RL Low Density Residential District located at 231 Chesterfield Avenue, owned by the City of Colonial Heights, and part of the property known as parcel identification number 30000200001, be and is hereby changed to BB Boulevard Business District.

3. That the "Zoning District Map" as referred to in § 286-110 of the Colonial Heights City Code is amended accordingly.

4. That the Exhibit attached hereto and made a part hereof is a plat of parcel

identification numbers 3000010E037 and 30000200001 for the City of Colonial Heights, entitled "City of Colonial Heights Courthouse Proposed Rezoning of 231 Chesterfield Avenue," dated November 1, 2011, and prepared by the City of Colonial Heights Department of Public Works, Engineering & Development Division.

5. That the boundaries of the RL Low Density Residential District are amended so as to exclude the aforesaid property therefrom and the boundaries of the BB Boulevard Business District are amended to include the property therein.

6. That after the effective date of this ordinance, the aforesaid property shall no longer be subject to the provisions of the RL Low Density Residential District but shall be subject to all the regulations of the BB Boulevard Business District.

7. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

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Mayor

Attest:

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City Clerk

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I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.  
The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.  
-2-

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

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City Clerk

Approved as to form:

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City Attorney



**CITY OF COLONIAL HEIGHTS  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING & DEVELOPMENT DIVISION**

**CITY OF COLONIAL HEIGHTS COURTHOUSE  
PROPOSED REZONING OF 231 CHESTERFIELD AVE.**

201 JAMES AVENUE | COLONIAL HEIGHTS, VA 23834  
TEL 804.520.9334 FAX 804.520.9237  
[www.colonial-heights.com](http://www.colonial-heights.com)



SCALE:  
N.T.S.

DATE:  
NOV. 1, 2011

JOB TYPE:  
ZONING MAP

DRAWN:  
S. EDWARDS  
DESIGNED:  
S. EDWARDS  
CHECKED:  
S. EDWARDS  
APR 2011

JOB NO.

SHEET NO.

1

AN ORDINANCE NO. 11-24

To amend and reordain § 98-23 of Chapter 98, Animals, of the Colonial Heights City Code, to provide for the issuance of a two year City dog or cat license and tax thereon.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That § 98-23 of Chapter 98, Animals, of the Colonial Heights City Code, be, and is hereby, amended and reordained as follows:

§ 98-23. Annual tax imposed on dogs, cats, and kennels.

It shall be unlawful for any person to own a dog or cat four months old or older in the City, unless such dog or cat is licensed under the provisions of this Section. The owner of any such dog or cat shall obtain a current license for the dog or cat and pay the license tax imposed herein. The license shall be valid for a period of one, two or three years, depending on the license tax paid, provided that the period covered by the license does not exceed the period of time covered by the certificate of rabies vaccination. Any license tax paid shall be nonrefundable.

The license tax upon all dog kennels and all dogs and cats over the age of four months which are owned, possessed or kept in the City shall be as follows:

	1 Year	2 Years	3 Years
Unneutered or unspayed dog or cat	\$10.00	\$20.00	\$30.00
Neutered or spayed dog or cat	\$2.00	\$4.00	\$6.00
Kennel for up to 10 dogs	\$50.00	\$100.00	\$150.00
Two or more blocks of kennels, each consisting of 10 dogs or less	\$100.00	\$200.00	\$300.00
Duplicate for lost, destroyed or stolen tag	\$1.00	\$1.00	\$1.00

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

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\_\_\_\_\_  
Mayor

Attest:

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\_\_\_\_\_  
City Clerk

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I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.  
The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.  
The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.  
The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.  
The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.  
The Honorable John T. Wood, Councilman: \_\_\_\_\_.  
The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.  
The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.  
The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.  
The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.  
The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.  
The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.  
The Honorable John T. Wood, Councilman: \_\_\_\_\_.  
The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.  
The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

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City Clerk

Approved as to form:

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City Attorney

AN ORDINANCE NO. 11-FIN-23

To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate donated funds in the amount of \$14,474, of which \$774 is to be used by the Fire/EMS Department to purchase replacement knee pads for turnout gear and travel expense reimbursements; \$500 of which was used towards the "Halloween in the Park" event hosted by the Sheriff's Office; \$12,000 for the purchase and installation of a daily backup system of the Library's network database; and \$1,200 to be used by the Police Department to purchase crime prevention and safety education materials.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1 and 2 of Ordinance No. 11-FIN-6, the General Fund Budget, be, and are hereby amended and reordained as follows:

1. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted; and that, subject to transfers by resolution pursuant to § 6.15 of the City Charter, funds hereby appropriated shall be used for the following purposes:

Legislative (City Council)	\$ 142,210
Administrative (City Manager)	309,143
Legal (City Attorney)	219,869
Tax Collections	435,102
Finance	6,094,244
Information Technologies	225,492
Board of Elections	129,110
Judicial	4,407,480 4,407,980
Public Safety	7,856,000 7,857,974
Public Works	3,079,899
Health and Social Services	707,559
Parks and Recreation	1,454,578
Cultural Enrichment	97,265
Library	591,463 603,463
Community Development	473,381
Human Services	366,320
Nondepartmental	500,919
Debt Service	2,843,192
Operating Transfers Out	<u>19,043,934</u>
TOTAL	\$48,977,160 48,991,634

2. That the foregoing appropriation is based upon the following revenue estimates for the fiscal year beginning July 1, 2011:

General Property Taxes	\$21,283,149
Other Local Taxes	14,996,861
Licenses, Permits & Fees	3,368,705
Fines and Forfeitures	693,000
Use of Money & Property	158,000
Intergovernmental Revenues	6,317,651
Charges for Current Services	1,227,954
Miscellaneous	315,863 318,337
Restricted Fund Balance – After School Program	400
Restricted Fund Balance – Violet Bank	11,500
Restricted Fund Balance – Asset Forfeiture	12,341
Restricted Fund Balance – Police	1,175
Restricted Fund Balance – Fire	21,483
Restricted Fund Balance – Senior Citizen Transportation	20,000

<i>Restricted Fund Balance – Library</i>	12,000
Fund Balance	<u>549,078</u>
<b>TOTAL</b>	<b>\$48,977,160 48,991,634</b>

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

---

Mayor

Attest:

---

City Clerk

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

---

City Clerk

Approved as to form:

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City Attorney

Ordinance/Resolution Recap Worksheet

	Honeywell Donation	VA Assoc of Hazardous Material Response Spec.	Public Safety Grant	Library Donations IT Purchases	Halloween in the Park Donations	Total
<b>GENERAL FUND</b>						
<b><u>REVENUE:</u></b>						
Miscellaneous	\$274	\$500	\$1,200	\$500		\$2,474
Restricted - Public Library				12,000		12,000
<b>Total</b>	<b>274</b>	<b>500</b>	<b>1,200</b>	<b>12,000</b>	<b>500</b>	<b><u>14,474</u></b>
<b><u>EXPENDITURES:</u></b>						
Judicial				500		500
Public Safety	274	500	1,200			1,974
Library				12,000		12,000
<b>Total</b>	<b>\$274</b>	<b>\$500</b>	<b>\$1,200</b>	<b>\$12,000</b>	<b>\$500</b>	<b><u>\$14,474</u></b>



# CITY OF COLONIAL HEIGHTS

## FIRE, EMS AND EMERGENCY MANAGEMENT

**A. G. Moore, Jr.**  
Fire Chief

Public Safety Building  
100-B Highland Avenue • P.O. Box 3401  
Colonial Heights, VA 23834

**David A. Salot**  
Deputy Chief

### Memorandum

**To:** Thomas L. Mattis, City Manager  
**From:** A. G. Moore, Jr., Chief of Fire & EMS  
**Subject:** City Council Agenda  
**Date:** November 2, 2011

Please have the following item placed on the December 2011 City Council agenda:

Amend the FY 2011-2012 Fire and EMS operating budget to reflect an increase of \$500.00. Said funds were donated from the Virginia Association of Hazardous Materials Response Specialists.

Monies will be used to reimburse the department training account for expenses incurred for the Deputy Fire Marshal and the Deputy Fire Chief to attend the Virginia Hazmat Conference held in Hampton, VA, October 18 – 21, 2011.

AGM/ls  
Attachment  
cc: William E. Johnson, Director of Finance  
Hugh P. "Chip" Fisher, City Attorney



# CITY OF COLONIAL HEIGHTS

## FIRE, EMS AND EMERGENCY MANAGEMENT

**A. G. Moore, Jr.**  
Fire Chief

Public Safety Building  
100-B Highland Avenue • P.O. Box 3401  
Colonial Heights, VA 23834

**David A. Salot**  
Deputy Chief

### Memorandum

**To:** Thomas L. Mattis, City Manager  
**From:** A. G. Moore, Jr., Chief of Fire & EMS  
**Subject:** City Council Agenda  
**Date:** October 18, 2011

Please have the following item placed on the November City Council agenda:

Amend the FY 2011-2012 Fire and EMS operating budget to reflect an increase of \$274.37. Said funds were donated from Honeywell Hometown Solutions employee fund. Monies will be used to purchase replacement knee pads for turnout gear.

AGM/ls  
Attachment  
cc: William E. Johnson, Director of Finance  
Hugh P. "Chip" Fisher, City Attorney



## Honeywell Hometown Solutions

Colonial Heights Emergency Medical Services  
1507 Boulevard  
Colonial Heights, VA 23834

Check Date 07/21/2011  
Check Amount: \$274.37

Dear Colonial Heights Emergency Medical Services,

Each year, Honeywell provides the opportunity for employees to make a difference in their hometowns by contributing to charitable organizations. We are pleased to present you with the enclosed check on their behalf. It represents funds from the following:

Ongoing Payroll Deductions  
One-Time Payroll Deduction

April 2011 – June 2011  
April 2011 – June 2011

Please deposit the check as soon as possible so the funds can be put to immediate use.

Honeywell and our employees are committed to giving back to the community and we wish you the best of luck in all your endeavors.

Be advised that Honeywell **is not a matching company**. Please update your records and website to reflect this information.

If you have questions, please contact us at [honeywell@cybergrants.com](mailto:honeywell@cybergrants.com)

Best Regards,

Honeywell Hometown Solutions

6823 Morris Avenue, Morris Plains, NJ 07950  
6823 Morris Avenue, Morris Plains, NJ 07950  
6823 Morris Avenue, Morris Plains, NJ 07950  
6823 Morris Avenue, Morris Plains, NJ 07950



# OFFICE OF THE SHERIFF

City of Colonial Heights

**TODD B. WILSON**  
SHERIFF

401 Temple Avenue  
P.O. Box 3401  
Colonial Heights, Virginia 23834  
Email: [sheriff@colonial-heights.com](mailto:sheriff@colonial-heights.com)



Phone: 804 520-9352  
Fax: 804 520-9248

November 3, 2011

Mr. Mattis,

Please have the following request placed on the next available city council docket. These donations were received for the Sheriff's Office annual "Halloween in the Park" event and these funds have been deposited in the City Treasurer's Office city account 10-4812. Please have City Council appropriate these amounts into the Sheriff's donation account #1356-5275:

Colonial Heights Moose Lodge 1783	\$200.00
American Legion Auxiliary Unit 284	\$150.00
Swift Creek Federated Woman's Club	\$ 50.00
Optimist Club	\$100.00
 TOTAL	 \$500.00

As always, should you have any questions regarding this request, please do not hesitate to contact myself or Susy McDonald.

Thank you.

*Todd B. Wilson*

Sheriff



# CITY OF COLONIAL HEIGHTS

## COLONIAL HEIGHTS PUBLIC LIBRARY

Bruce Hansen  
Library Director

1000 Yacht Basin Drive  
Colonial Heights, VA 23834

November 21, 2011

TO: Mr. Tom Mattis, City Manager

FROM: Bruce Hansen, Library Director

REF: Network upgrades

This is to request that City Council approve the transfer of \$12,000 from the library's donation account (Acct. 1701-3209) to the library's operational budget (Electronic Equipment : Acct. 1701-5516) at their December meeting for the following projects:

Upgrading the library's primary network server and software to Windows 2008 (\$8,000); and

The purchase and installation of a Backup NAS Box at city hall for the daily back up of the library's network database (\$3,000).

Thank you for your consideration and effort on this request.



# CITY OF COLONIAL HEIGHTS

## POLICE DEPARTMENT

Col. Jeffrey W. Faries  
Chief of Police

100-A Highland Avenue • P. O. Box 3401  
Colonial Heights, Virginia 23834

Babette B. Hansen  
Administrative Assistant

December 8, 2011

Mr. Thomas L. Mattis, City Manager  
201 James Avenue  
Colonial Heights, VA 23834

**RE: TARGET PUBLIC SAFETY GRANT PROGRAM 2011**

Dear Tom:

The Colonial Heights Police Department has been awarded a **Public Safety Grant** in the amount of **\$1,200.00** from the Target Corporation. Our department intends to direct the funds toward the purchase of crime prevention and safety education materials. We have deposited these funds into the City's Account #10-3216 (Police Reserve Account for Grants and Donations).

We would appreciate your placing this item on the next City Council agenda so that it may be reviewed at that time. Once the grant is approved by Council after two readings, we would ask that the funds be transferred into the Police Department's **Grant Funds Account #1401-5263**, making it available for spending.

Many thanks for your attention to this matter.

Sincerely,

Colonel Jeffrey W. Faries  
Chief of Police

JWF:bbh

Cc: Mr. William Johnson, Director of Finance  
Ms. Kathy Sparks, Assistant Director of Finance  
Capt. Wayne T. Newsome, Law Enforcement Services Division Commander  
Capt. W. Keith Early, Patrol Division Commander  
Sgt. Robert L. Ruxer, Law Enforcement Services Division  
Ms. Joy Moore, City Treasurer

AN ORDINANCE NO. 11-FIN-24

To amend the Capital Projects Fund Budget to appropriate \$607,048 to Recreational Facilities to be used for the Appomattox River Greenway Trail; such funds coming from a state grant and local matching funds.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 2 and 3 of Ordinance No. 11-FIN-2, the Capital Projects Fund Budget, be, and are hereby, amended and reordained as follows:

2. That there shall be appropriated from the resources and revenues available to the City of Colonial Heights (City) in its Capital Projects Fund, until such appropriations are amended by the City Council or the subject projects are completed or abandoned, the following sums for the purposes stated:

GENERAL GOVERNMENT

Beautification Committee/Tourism	\$ 18,830
Courts Building Construction/A & E	1,590,000
Boulevard Redevelopment	29,237
Fire Apparatus	<u>900,000</u>
SUBTOTAL	\$ 2,538,067

RECREATIONAL FACILITIES

Facilities Masterplan/Improvements	57,238
Appomattox River Greenway Trail	<u>252,852</u>
SUBTOTAL	<u>859,900</u>
	\$ 310,090
	917,138

STREETS AND BRIDGES

Highway Construction Fund (Local Share)	\$ 12,561
Redevelopment Project	53,292
Bruce Avenue Drainage	261,503
Boulevard Widening – North End	439
Boulevard Enhancement Project	275,000
Dupuy Boulevard Intersection	5,376,898
Signal Coordination –	
Temple/Sherwood	463,837
Safe Routes to School	314,948
Traffic Signal – Dimmock Parkway	255,000
ARRA Funding – Southpark Paving	<u>686,070</u>
SUBTOTAL	\$ 7,699,548

TRANSFERS

Transfer to School CIP Program	\$ 813,024
SUBTOTAL	<u>\$ 813,024</u>
 TOTAL	 \$11,360,729
	<u>11,967,777</u>

3. That the foregoing appropriations are to be made from resources and revenues available for these projects, and anticipated as follows:

REVENUES

Grant Funds	\$ 132,837
	<u>674,837</u>
Future Bond Issues:	
General Fund	1,000,000
Future Capital Lease	<u>900,000</u>
SUBTOTAL	
	\$ 2,032,837
	<u>2,574,837</u>

CONTINUING APPROPRIATED PROJECTS

General Fund	\$ 9,327,892
	<u>9,392,940</u>
SUBTOTAL	\$ 9,327,892
	<u>9,392,940</u>
 TOTAL	 \$11,360,729
	<u>11,967,777</u>

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

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City Clerk

Approved as to form:

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City Attorney



# CITY OF COLONIAL HEIGHTS

## DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

City Hall · 201 James Avenue · P.O. Box 3401  
Colonial Heights, Virginia 23834

George W. Schanzenbacher,  
A.I.C.P., Director

### MEMORANDUM

To: Mr. Thomas L. Mattis, City Manager

From: George W. Schanzenbacher, Director

Date: November 28, 2011

**Subject: Appomattox River Trail- VDOT Agreement for Phase 4 Funding**

Attached please find the Amended Project Agreement between VDOT and the City for Phase IV of the Appomattox River Trail. In June, 2011 we were notified of the additional grant award of \$289,000 (Attached is the grant award letter). The 20% local share would be \$72,264. City Council approval of the revised agreement is requested.

Phase 4 of the project is from Rt. 1/301 Boulevard west through Appamatuck Park and would complete the original project.

In summary the following VDOT funding has been secured:

<b>Appomattox River Trail Project</b>				
<b>VDOT Grants</b>				
Year	Grant Amount	Estimated Total Project Cost	Local Share	
2008	\$294,000	\$ 367,500	\$73,500	
2009	\$248,000	\$ 310,000	\$62,000	
2011	\$289,000	\$ 361,318	\$72,264	
<b>TOTAL</b>	<b>\$831,000</b>	<b>\$ 1,038,818</b>	<b>\$207,764</b>	

In total, the project has received almost \$1,100,000 in government and foundation grants and private donations. Phase 1 is completed, Phase 2 is now out to bid and Phase 3 is under design.

Approval of funding for Phase 4 would allow design to begin immediately with construction estimated for 2013. Implementation of Phase 4 would complete the original project, with almost 2 miles of hard surface trail and other amenities along the River. It would connect two City parks and set the standard for other trail and pedestrian oriented projects in the future.

On the Agreement it notes that the total project estimated cost is \$1,319,121. That was the estimate when the application was originally submitted in December 2010. This includes Phase 1 costs, which are now completed and paid for. There is a slight difference (\$68) between the "Estimated Eligible Project Cost" and the estimate shown above (It should be noted that the grant is for \$54 less than requested and with the local 20% share that would explain the \$68 difference).

Please advise if there are any specific questions on this proposed request.

A RESOLUTION NO. 11-44

Requesting the Commonwealth Transportation Board to fund part of Phase IV of the project for the improvement of the Appomattox River Greenway Trail.

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction or state/federal agency in order that the Virginia Department of Transportation establish an enhancement project in the City of Colonial Heights; NOW THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That the City of Colonial Heights requests the Commonwealth Transportation Board to establish a project for the improvement of the Appomattox River Greenway Trail – Phase IV; and
2. That the City of Colonial Heights hereby agrees to provide a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project; and
3. That the City of Colonial Heights hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.
4. That the City of Colonial Heights will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.
5. That if the City of Colonial Heights subsequently elects to cancel this project, the City of Colonial Heights hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Colonial Heights also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.
6. That the grant from the Virginia Department of Transportation will be for approximately \$289,000; and the City's 20 percent share will be approximately \$72,318.

7. That the City Manager is authorized to sign the attached Appendix A dated November 2011 and any other necessary documents to implement this project.

8. That this resolution shall be in full force and effect upon its passage.

Approved:

Attest:

---

Mayor

---

City Clerk

\*\*\*\*\*

I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

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City Clerk

Approved as to form:

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City Attorney

## Appendix A

<b>Project Number:</b> EN08-106-110, P101, R201, C501 (UPC 91208) <b>Project Name:</b> Appomattox River Greenway Trail		<b>Locality:</b> City of Colonial Heights	
<b>Locality DUNS Number:</b> 010043883		<b>Locality ZIP+4:</b> 23834-2803	
<b>Project Narrative</b>			
<b>Scope:</b> Construction of a shared-use path along the Appomattox River in the City of Colonial Heights.			
<b>Locality Project Manager Contact Info:</b> George W. Schanzenbacher, City of Colonial Heights, 201 James Avenue, Colonial Heights, VA 23834, (804) 520-9275, <a href="mailto:Schanzenbacher@colonial-heights.com">Schanzenbacher@colonial-heights.com</a>			
<b>Department Project Coordinator Contact Info:</b> Michele Piccolomini, VDOT Richmond District Enhancement Coordinator, 2430 Pine Forest Drive, Colonial Heights, VA 23834, (804) 524-6411, <a href="mailto:Michele.Piccolomini@VDOT.Virginia.gov">Michele.Piccolomini@VDOT.Virginia.gov</a>			
<b>Project Costs and Reimbursement</b>			
<b>Phase</b>	<b>Estimated Project Costs (All Phases)</b>	<b>Estimated Eligible Project Costs</b>	<b>Estimated Eligible VDOT Project Expenses</b>
Preliminary Engineering	\$200,972		
Right-of-Way & Utilities	\$0		
Construction	\$1,118,149		
Total Estimated Cost	\$1,319,121	\$1,038,750	\$15,000
<b>Total Maximum Reimbursement by Locality to VDOT</b>			N/A
<b>Total Maximum Reimbursement by VDOT to Locality</b> (may be reduced by eligible VDOT project expenses)			\$831,000
<b>Project Financing</b>			
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Transportation Enhancement (80%)	Local Match (20%)	Local Funds (100%)	Aggregate Allocations (A+B+C)
\$831,000	\$207,750	\$280,371	\$1,319,121
<b>Program and Project Specific Funding Requirements</b>			
This project will be administered in accordance with the "Enhancement Program Procedure Manual" and the "Guide for Local Administration of Virginia Department of Transportation Projects".			
Any expenses above the combined federal (80%) and local (minimum 20% match) will be at 100% project sponsor cost.			
100% of eligible VDOT project expenses will be recovered as follows: <ul style="list-style-type: none"> <li>• 20% will be deducted from reimbursement requests.</li> <li>• 80% will be deducted from the Federal Enhancement allocation amount.</li> </ul>			
Any ineligible items identified throughout project development will not be reimbursable.			
For Transportation Enhancement projects, the LOCALITY shall maintain the Project, or have it maintained, in a manner satisfactory to the Department or its authorized representatives, and make ample provision each year for such maintenance unless otherwise agreed to by the DEPARTMENT.			
The Department will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The applicant is responsible for implementing any environmental commitments from the environmental document. In addition, the applicant is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the applicant and deducted from the project funds.			
In accordance with CTB policy, the project must be completed and the \$831,000 Enhancement allocation expended by <b>October 1, 2013</b> , or the project may be subject to de-allocation.			

This attachment is certified and made an official attachment to this document by the parties of this agreement

Authorized Locality Official

date

VDOT Enhancement Program Manager

date

November 2011



## COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219-2000

**GREGORY A. WHIRLEY**  
COMMISSIONER

June 16, 2011

Mr. George W. Schanzenbacher  
Dept. of Planning & Community Development  
City of Colonial Heights  
201 James Avenue  
Colonial Heights, Virginia 23834

SUBJECT: Enhancement Program – Appomattox River Greenway Trail

Dear Mr. Schanzenbacher:

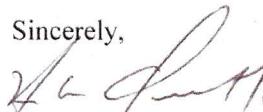
Congratulations! On June 15, 2011 your application for Enhancement Program funds was approved by the Commonwealth Transportation Board (CTB) in the amount of \$289,000. Meetings will be held this fall in several different areas of the state to discuss necessary steps for implementation of your enhancement project. You will receive a notification of those Project Sponsor meetings once they have been scheduled.

Please do not expend any funds or initiate any phase of your project, for which you wish to be reimbursed, until you are authorized in writing by VDOT to do so. **Since this is a federally funded program, starting any project activities before securing proper authorization would jeopardize federal participation in the entire project.** These funds are for the federal fiscal year that begins October 1, 2011 so no authorization of funds can occur before then. The current federal transportation legislation (SAFETEA-LU) expired on September 30, 2009 and we are currently operating under a continuing resolution that will provide funding through September 30, 2011. Another continuation of SAFETEA-LU or passage of new legislation may be needed before all of the Enhancement Program funds are available.

The next deadline for Enhancement Program applications is November 1, 2011. Please visit the Enhancement Program website at: <http://www.virginiadot.org/business/prenhancegrants.asp> for information about the application process and a schedule of the upcoming Applicant Workshops.

If you have any questions about implementing this project, please contact your VDOT District Enhancement Project Coordinator, Mr. Lamont Benjamin at (804) 524-6400. Thank you for your interest in Virginia's Transportation Enhancement Program.

Sincerely,

  
H. Wade Chenault, Jr.  
Federal Programs Manager  
Local Assistance Division

Cc: Mr. Gerald P. McCarthy, District CTB Member  
Mr. Thomas L. Mattis, City Manager



## COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219-2000

**GREGORY A. WHIRLEY**  
COMMISSIONER

November 9, 2011

Mr. George W. Schanzenbacher  
Director, Department of Planning and Community Development  
201 James Avenue  
City of Colonial Heights, VA 23834

SUBJECT: Project EN08-106-110, P101, R201, C501 (UPC 91208)  
City of Colonial Heights, Appomattox River Greenway Trail  
Transmittal of Project Agreement Amendment – Appendix A

Dear Mr. Schanzenbacher:

Enclosed are three (3) copies of the Amendment to Project Development and Administration Agreement (Appendix A) for the subject project. This agreement amendment addresses the \$289,000 (2011) allocation to this project by the Commonwealth Transportation Board. The subject project's federal Enhancement allocation now totals \$813,000 and the project completion deadline remains October 1, 2013.

After your review and signature, please return all copies to this office.

Please do not hesitate to call me at (804) 786-9125 if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink that reads "Erica Jeter".

Erica Jeter  
Enhancement Program Manager

Enclosures

cc: Michele Piccolomini, Richmond District Enhancement Coordinator

A RESOLUTION NO. 11-45

Relating to the realignment of the I-95/Temple Avenue Interchange.

WHEREAS, the Virginia Department of Transportation (VDOT) has initiated plans for the off-ramp realignment of the I-95/Temple Avenue Interchange in Colonial Heights, Virginia; and

WHEREAS, VDOT presented a project proposal to the Colonial Heights City Council at its regular meeting on June 14, 2011, which included discussion of closing the crossover on Temple Avenue at the Hardee's and Kangaroo gas station and improving the entrance ramp to I-95 North; and

WHEREAS, based on concerns City Council raised at the June 14<sup>th</sup> meeting, and subsequent discussion between members of City Council and representatives from VDOT, an alternative proposal is being suggested; and

WHEREAS, the alternative proposal is referred to as "Option #9 – Roundabout," and City staff has provided analysis thereof in a staff report; and

WHEREAS, "Option #9 – Roundabout" is depicted in an attachment to this Resolution and the City staff report also is attached hereto; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That Council hereby endorses the construction and realignment of the I-95/Temple Avenue Interchange in accordance with the above-described alternative proposal.

2. That this resolution shall be in full force and effect upon its passage.

Approved:

---

Mayor

Attest:

---

City Clerk

\*\*\*\*\*

I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

---

City Clerk

Approved as to form:

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City Attorney

## Option # 9 – Roundabout





# CITY OF COLONIAL HEIGHTS

## DEPARTMENT OF PUBLIC WORKS

William E. Henley, P.E.  
Director/City Engineer

City Hall □ 201 James Avenue □ P.O. Box 3401  
Colonial Heights, Virginia 23834

**DATE:** November 9, 2011  
**TO:** Thomas L. Mattis, City Manager  
**FROM:** William E. "Chuck" Henley, P.E., Director of Public Works/City Engineer  
**SUBJECT:** Staff Report on VDOT Option No. 9 for the Modification of the Temple/I-95 Interchange

### **BACKGROUND**

Continued growth in the City and the Tri-Cities Region is steadily increasing traffic volume at the Temple/I-95 Interchange. Construction of a northbound on-ramp from westbound Temple Avenue, which was recently completed by the Virginia Department of Transportation (VDOT), alleviated some congestion. To accommodate continued growth and to improve safety at this interchange, the Commonwealth Transportation Board allocated funding for another modification scheduled for construction in 2013. Below are the current funding details from the final Six-Year Plan approved for FY 2012:

UPC	Description	Route	District	Road System	Juris-diction	Estimate	Previous	FY12	FY13-17	Balance
						(Values in Thousands of Dollars)				
85623	RTE 95 - INTERCHANGE IMPROVEMENT/REALIGNMENT	95	Richmond	Inter-state	Colonial Heights	\$6,455	\$1,559	\$1,733	\$3,163	\$0

VDOT and City staff brainstormed and evaluated eight options for reconfiguration of the interchange. VDOT's preferred option (Option 8) realigns the southbound off-ramp and the northbound on- and off-ramps west of the Interstate's mainline. It also widens the ramps and Temple Avenue to add turning lanes. This option was presented to City Council at its June 14, 2011 meeting. In addition, VDOT held a public hearing on this option in Council Chambers on June 28, 2011.

City staff and several council members quickly expressed concern about the operational performance and impact of Option No. 8. Of concern to staff and some council members was the short distance available for motorists to change lanes on the southbound and northbound off-ramps ("weaving") in order to turn left or right onto Temple Avenue. In addition, some council members objected to the proposed closure of the median opening at the driveway for the Kangeroo fuel station. Currently, the opening allows left turns in to and out of the driveway.

Subsequently, Mayor Davis and Delegate Cox met with the administrators of the Richmond District to revisit the proposed scope of the interchange modification project. To address the City's concerns, VDOT staff proposed two additional options. They are identified as Options 8a and 9 in their revised presentation titled "Design Re-evaluation," an excerpt of which is attached.. However, Option 8a would provide only a marginal benefit compared to Option 8 and is not being further considered at this time.

The remaining option, Option 9, which is being evaluated, would incorporate a roundabout (in lieu of traffic signals) to control traffic flow at a new intersection of the southbound ramps and Temple Avenue. It also would realign the westerly ramps to intersect Temple at the approximate location of the two existing bridge overpasses of the abandoned CSX railroad line, approximately 200 feet west of the current intersection.

### **STAFF EVALUATION OF OPTION 9**

Below, I offer the following pro/con analysis for the City's consideration in the decision-making process to reevaluate and select a design option for the interchange modification. Items are presented in no particular order and without weighting:

<b><u>Advantages of VDOT Option No. 9 w/Roundabout</u></b>	<b><u>Disadvantages of VDOT Option No. 9 w/Roundabout</u></b>
Relocation of the Temple Avenue ramps and intersection would preserve full access (including left turns in and out) to the commercial parcels in the southwest quadrant (currently Kangeroo and Hardee's) of the intersection of the Temple Avenue/I-95 ramps and would allow unrestricted access to development of a vacant commercial property to the south of these parcels	Relocation of the Temple Avenue intersection and implementation of a roundabout at that location would likely eliminate or at least complicate the provision of access to vacant commercial property north of Temple and to the easterly portion of city property south of Temple
Realignment of the I-95 ramps could make additional land available for commercial development (in the vacant footprint of the ramps)	Realigned ramps would be located closer to established neighborhoods and adverse effects more noticeable by residents
Fewer and less severe crashes would likely occur at a Temple Avenue intersection controlled by a roundabout than by traffic signals (for the same entering volume of traffic)	Realignment of ramps would require acquisition of one residential parcel and displacement of one or more persons
A roundabout would reduce the annual operating costs of the Temple Avenue intersection when compared to the same intersection controlled by traffic signals	The initial cost of realigned ramps and a roundabout would be relatively high (construction and right of way acquisition) although sale of vacating the existing ramp right of way would offset some cost

<b><u>Advantages of VDOT Option No. 9 w/Roundabout</u></b>	<b><u>Disadvantages of VDOT Option No. 9 w/Roundabout</u></b>
A roundabout would improve the operational and safety performance of the Temple Avenue intersection by improving capacity, reducing overall delay and calming traffic	According to the City Assessor's records, realignment of ramps would likely require time consuming acquisition of property owned by CSX, Inc.
A roundabout at the Temple Avenue intersection could include enhanced landscaping, lighting and signing) to provide a more aesthetically pleasing gateway to the City although this would increase annual maintenance costs	Although roundabouts have been constructed throughout Virginia and in the Richmond Metropolitan area, they are unfamiliar traffic control devices to motorists in the City of Colonial Heights and in the Petersburg area
	Removal of Temple Avenue overpass bridges eliminates under crossing capability for future road, trail or other facility
	A roundabout at the Temple intersection could reduce overall level of service in a coordinated signal network such as is funded for Temple Avenue
	Roundabout would require motorists to alter their travel paths to go straight through the intersection and more so to make left turns
	Roundabout could slow emergency vehicles when compared to emergency preemption of traffic signals

A RESOLUTION NO. 11-46

Authorizing the City Manager to execute a Memorandum of Agreement for the Dupuy Avenue Modernization Project.

WHEREAS, the City of Colonial Heights has the opportunity to enter into a Memorandum of Agreement with H. W. Lochner, Inc. for Preliminary Engineering & Acquisition of Right-of-Way for Modernization of Dupuy Avenue (the "MOA"); and

WHEREAS, the Letter of Agreement of the MOA is attached to this Resolution; and

WHEREAS, the entire MOA, including Attachments, is available for review in the City Clerk's Office and is incorporated by reference into this Resolution; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That Thomas L. Mattis, City Manager, be, and is hereby authorized to execute the "Memorandum of Agreement for Preliminary Engineering & Acquisition of Right-of-Way for Modernization of Dupuy Avenue," Invitation No. SP11-062303-989; subject to the City Attorney approving such MOA.
2. That this resolution shall be in full force and effect upon its passage.

Approved:

---

Mayor

Attest:

---

City Clerk

\*\*\*\*\*

I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

---

City Clerk

Approved as to form:

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City Attorney

Revised: May 23, 2008



# MEMORANDUM OF AGREEMENT

FOR

Preliminary Engineering & Acquisition of Right-of-Way for  
Modernization of Dupuy Avenue  
Invitation No. SP11-062303-989

STATE PROJECT NUMBER: VDOT UPC 101287

FEDERAL PROJECT NUMBER: U000-106-139

City of Colonial Heights, Virginia



## **LETTER OF AGREEMENT**

1. CONTRACTING PARTIES: This Agreement is between the City of Colonial Heights, hereinafter referred to as "the Locality," and

H.W. Lochner, Inc.  
2727 Enterprise Parkway  
Suite 203  
Richmond, VA 23294  
Fed. ID #: 36-233-8811

hereinafter referred to as "the Consultant."

Payment remittance shall be sent to the following address:

H.W. Lochner, Inc.  
2727 Enterprise Parkway  
Suite 203  
Richmond, VA 23294  
Fed. ID #: 36-233-8811

2. DESCRIPTION AND LIMITS OF PROJECT: This Agreement is for:

Preliminary Engineering and Acquisition of Right of Way for the Modernization of Dupuy Avenue.

The following subcontractors shall be utilized as included in Attachment D – Lochner Scope/Fee Proposal :

• T3 Design	* Land Planning Design Associates
• NXL Construction Services	* KDR Real Estate Services
• Froehling & Robertson	* Accumark
• Cultural Resources Analysts, Inc	* EEE Consulting

Disadvantaged Business Enterprise Subconsultants are also noted in Attachment D (Proposed Staff).

3. INCLUDED DOCUMENTS: This Agreement shall consist of the following documents:

- a. This signed Letter of Agreement;
- b. Certifications of the Consultant and the City of Colonial Heights;
- c. The following Attachments:

- Statement of Work
- Proposed Staff
- Computation of Fee
- FAR Audit Letter
- Title VI Evaluation Approval
- Certificates of Insurance

4. CONSIDERATION: This is a Fixed Billable Rate contract.

The maximum total compensation payable to the Consultant for services authorized by this Agreement will not exceed \$ 743,716.22.

5. TIME TO COMPLETE WORK: As set forth in the Appendix titled "Work Plan and Schedule" showing Notice to Proceed December 20, 2011 and Advertisement for Construction on November 20, 2013.

Any work underway at the expiration of this Agreement shall be completed by the Consultant under the terms of the Agreement. Services to be performed by the Consultant under this Agreement shall be for project assignments made during a period of the earlier of one calendar year, commencing on the date of this Agreement, or when the cumulative total of fees for project assignments issued reaches the maximum total compensation. The Agreement may be renewable for two additional one year terms at the option of the City of Colonial Heights.

6. INTENT: It is the intent of this Agreement that the Consultant, employing qualified, competent and experienced personnel, shall perform the stated services equal to the practice prevalent among consultants within the subject area of work and commensurate with the magnitude and intricacy of the work under consideration. These services shall be so complete that it will not be necessary for the City of Colonial Heights to supplement any of the operation by its own personnel, except as noted.

The services under this Agreement will be performed as a multi-phase professional services contract. Upon satisfactory completion of Phase I and the determination of the scope of the additional services to be performed in subsequent phases, fair and reasonable compensation will be negotiated for a Supplemental Agreement to perform the services. In the event that the City of Colonial Heights and the Consultant cannot agree on fair and reasonable compensation for the additional phases, the City of Colonial Heights reserves the right to terminate this Agreement in accordance with the relevant provisions in Attachment A.

7. SIGNATURES: The parties hereto agree to abide by all the provisions of this Agreement.

IN WITNESS WHEREOF, the parties sign and cause this Agreement to be executed on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
John Stuart, P.E.  
H.W. Lochner, Inc. \_\_\_\_\_  
\_\_\_\_\_  
Branch Manager \_\_\_\_\_  
TITLE \_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_

\_\_\_\_\_  
City of Colonial Heights \_\_\_\_\_  
\_\_\_\_\_  
TITLE \_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness \_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_  
\_\_\_\_\_  
Signature of Witness \_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_

**VDOT REVIEW**  
EXTERNAL & CONSTRUCTION AUDIT \_\_\_\_\_  
\_\_\_\_\_  
Date: \_\_\_\_\_

## CERTIFICATION OF CONSULTANT

I hereby certify that I am a duly authorized representative of H.W. Lochner, Inc., 2727 Enterprise Parkway, Suite 202, Richmond, VA 23294, and that neither I, nor the above firm I here represent, have:

- a. Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this Agreement,
- b. Agreed, as an express or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the Agreement, or
- c. Paid or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant), any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the Agreement, except as here expressly stated (if applicable):  
\_\_\_\_\_  
\_\_\_\_\_.

I acknowledge that this certificate is to be furnished to the City of Colonial Heights, in connection with any agreement involving participation of Federal-Aid highway funds, and is subject to applicable state and federal laws, both criminal and civil.

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Signature

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Title

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Date

## **CERTIFICATION OF THE CITY OF COLONIAL HEIGHTS**

I hereby certify that I am a duly authorized representative of the City of Colonial Heights, and that the above consulting firm or its representative has not been required, directly or indirectly, as an express or implied condition in connection with obtaining or carrying out this Agreement to:

- a. employ or retain, or agree to employ or retain, any firm or person, or
- b. pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind, except as here expressly stated (if applicable):

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I acknowledge that this certificate is to be furnished to the Federal Highway Administration, U. S. Department of Transportation, in connection with this Agreement involving participation of federal-aid highway funds, and is subject to applicable state and federal laws, both criminal and civil.

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Signature

Title

Date

# **ATTACHMENT A**

## **GENERAL TERMS AND CONDITIONS**



## **ATTACHMENT A – GENERAL TERMS AND CONDITIONS**

1. COMPLIANCE WITH LAWS AND REGULATIONS: The Consultant shall keep fully informed of all federal, state, and local laws, ordinances, and regulations, and all orders and decrees of bodies or tribunals having any jurisdiction or authority, which in any manner affect those engaged or employed on this Agreement, or which in any way affect the conduct of the services provided by the Consultant. It shall at all times observe and comply with, and shall cause its agents, subcontractors and employees to observe and comply with, all such laws, ordinances, regulations, orders, and decrees; and shall protect and indemnify the City of Colonial Heights and its employees and appointees against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order, or decree, whether by itself or its agents, subcontractors or employees. If any discrepancy or inconsistency is discovered between this Agreement and any such law, ordinance, regulation, order, or decree, the Consultant shall immediately report the same to the Department in writing.

2. VIRGINIA PROHIBITED EMPLOYMENT DISCRIMINATION: The Consultant, its agents, employees, assigns or successors, and any person, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Section 2.2-4311 of the Code of Virginia (1950), as amended. During the performance of this Agreement, the Consultant agrees as follows:

- a. The Consultant will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Consultant. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- b. The Consultant, in all solicitations or advertisements for employees placed by or on behalf of the Consultant, will state that the Consultant is an equal opportunity employer.
- c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The Consultant will include the provisions of the foregoing paragraphs "a", "b" and "c" in every subcontract or purchase order of over ten thousand dollars, so that such provisions will be binding upon each subcontractor or vendor.

3. NON-DISCRIMINATION PROVISION: The Consultant agrees to abide by the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (42 USC 2000e), which prohibits discrimination against any employee or applicant for employment, or any applicant or recipient of services, on the basis of race, religion, color, sex or national origin; and further agrees to abide by Executive Order No. 11246 entitled "Equal Employment Opportunity," as amended by Executive Order No. 11375 and as

supplemented in the Department of Labor Regulations (41 CFR Part 60), which prohibit discrimination on the basis of age. Section 49 CFR 21 is incorporated by reference in all contracts and subcontracts funded in whole or in part with federal funds. The Consultant shall comply with the Americans with Disabilities Act (ADA), and with the provisions of the Virginians with Disabilities Act, Sections 51.5-40 through 51.5-46 of the Code of Virginia (1950), as amended, the terms of which are incorporated herein by reference.

In the event of the Consultant's noncompliance with the nondiscrimination provisions of this Agreement, the City of Colonial Heights shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- a. withholding of payments to the Consultant under this Agreement until the Consultant complies; and/or
- b. cancellation, termination or suspension of this Agreement, in whole or in part.

4. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964: During the performance of this Agreement, the Consultant, for itself, its assignees and successors in interest (herein referred to as "the Consultant"), agrees as follows:

- a. Compliance with Regulations: The Consultant will comply with the Regulations of the U.S. Department of Transportation relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (Title 49), Code of Federal Regulations, Part 21, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- b. Nondiscrimination: The Consultant, with regard to the services provided by it after award and prior to completion of this Agreement, will not discriminate on the grounds of race, religion, color, sex, national origin, age or handicap in the selection and retention of subconsultants, including procurements of materials and leases of equipment. The Consultant will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the services cover a program set forth in Appendix B of the Regulations.
- c. Solicitations for Subconsultants: In all solicitations, either by competitive bidding or negotiation made by the Consultant for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the Consultant of the Consultant's obligations under this Agreement.
- d. Information and Reports: The Consultant will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the Consultant is in the exclusive possession of another who fails or refuses to

furnish this information, the Consultant shall so certify to the Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information. Consultants and subconsultants with 15 or more employees will submit an updated Title VI Evaluation Report (EEO-D2) annually as long as the consultant or subconsultant is performing in accordance with this Agreement.

e. **Sanctions for Noncompliance:** In the event of the Consultant's noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- 1) withholding of payments to the Consultant under this Agreement until the Consultant complies, and/or
- 2) cancellation, termination or suspension of this Agreement, in whole or in part.

f. **Incorporation of Provisions:** The Consultant will include the provisions of paragraphs "a" through "f" in every subcontract of \$10,000 or more, including procurements of materials and leases of equipment, unless exempt by the Regulations, order or instructions issued pursuant thereto. The Consultant will take such action with respect to any subcontractor or procurement as the City of Colonial Heights or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, in the event the Consultant becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Consultant may request the City of Colonial Heights to enter into such litigation to protect the interests of the City of Colonial Heights and, in addition, the Consultant may request VDOT and the United States to enter into such litigation to protect the interests of the Commonwealth and United States.

5. **CERTIFICATION REGARDING NON-SEGREGATED FACILITIES:** By the execution of this Agreement, the Consultant certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. It certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location under its control, where segregated facilities are maintained. The Consultant further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, national origin, age or handicap, because of habit, local custom or otherwise. It agrees that, except where it has obtained identical certification from proposed subcontractors and material suppliers for specific time periods, it will obtain identical certification from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements exceeding ten thousand dollars, and that it will retain such certifications in its files.

A RESOLUTION NO. 11-47

Authorizing the City Manager to execute a Memorandum of Agreement for the Lakeview Avenue Modernization Project.

WHEREAS, the City of Colonial Heights has the opportunity to enter into a Memorandum of Agreement with Bowman Consulting Group, Ltd. for Preliminary Engineering & Acquisition of Right-of-Way for Modernization of Lakeview Avenue (the "MOA"); and

WHEREAS, the Letter of Agreement of the MOA is attached to this Resolution; and

WHEREAS, the entire MOA, including Attachments, is available for review in the City Clerk's Office and is incorporated by reference into this Resolution; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That Thomas L. Mattis, City Manager, be, and is hereby, authorized to execute the "Memorandum of Agreement for Preliminary Engineering & Acquisition of Right-of-Way for Modernization of Lakeview Avenue," Invitation No. SP11-062302-988; subject to the City Attorney approving such MOA as to form.
2. That this resolution shall be in full force and effect upon its passage.

Approved:

---

Mayor

Attest:

---

City Clerk

\*\*\*\*\*

I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

---

City Clerk

Approved as to form:

---

City Attorney

# Preliminary Engineering & Acquisition of Right of Way for the Modernization of Lakeview Avenue

Invitation # SP11-062302-988  
(VDOT UPC 101288)

## CONTRACT DOCUMENTS November 21, 2011

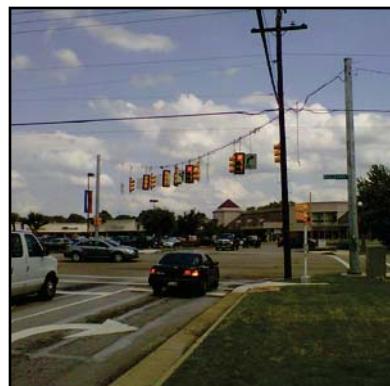
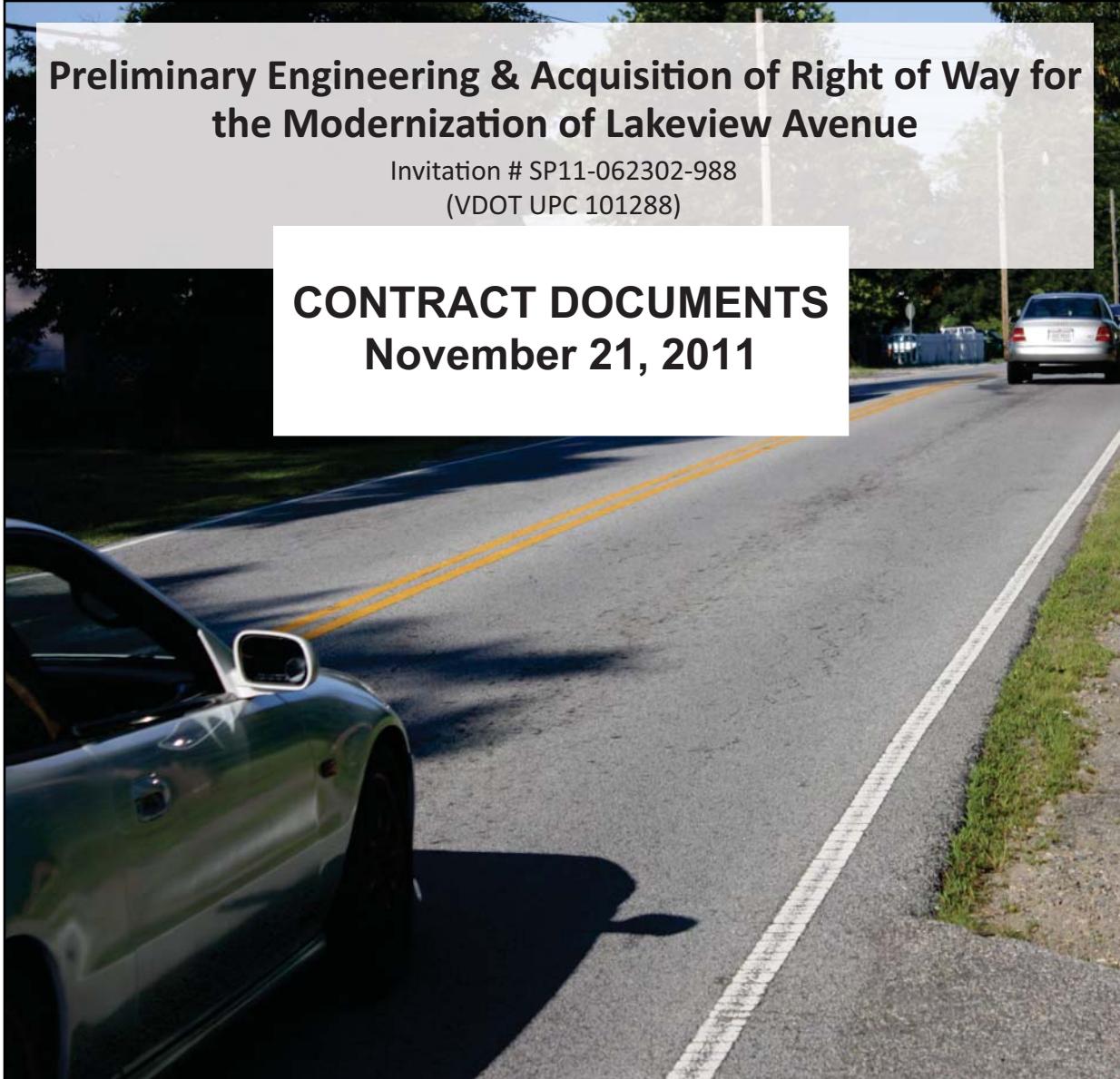
ENGINEER'S  
SEAL

**Bowman**  
CONSULTING

SUBMITTAL DATE	
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DATE	REVISION
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SCALE	—
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CITY OF COLONIAL HEIGHTS  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING & DEVELOPMENT DIVISION

SHEET NO.  
11



Prepared for:



**City of Colonial Heights**  
Purchasing Department  
201 James Avenue - P. O. Box 3401  
Colonial Heights, VA 23834  
Larry H. Melvin, Purchasing Agent

Prepared by:

**Bowman**  
CONSULTING

# Bowman

CONSULTING

November 21, 2011

Mr. William E. Henley, PE  
City Engineer/Director of Public Works  
City of Colonial Heights  
201 James Avenue  
Colonial Heights, VA 23834

Re: Lakeview Avenue Modernization Project, Colonial Heights, Virginia  
Bid Invitation #SP11-062302-988 (VDOT UPC 101288)

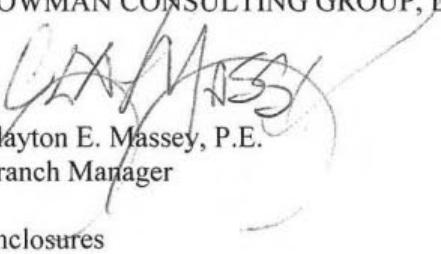
Dear Mr. Henley:

Bowman Consulting Group is pleased to submit the revised contract and work proposal for the Lakeview Avenue Modernization Project for the City of Colonial Heights. This project is identified as Colonial Heights Procurement #SP11-062302-988 and VDOT UPC# 101288. Attached you will find the following:

- VDOT Standard Contract for Services, signed for review.
- Attachment A: General Terms and Conditions.
- Attachment B: Special Terms and Conditions. We have not identified special terms or conditions for this project.
- Attachment C: Payment.
- Attachment D: Scope of Services and Fee Generation.
- Attachment E: Project Schedule.
- Attachment F: Subconsultants.

Please let me know if you have any questions or concerns. Thank you.

Sincerely,  
BOWMAN CONSULTING GROUP, LTD.

  
Clayton E. Massey, P.E.  
Branch Manager

Enclosures

Revised: May 23, 2008



# **MEMORANDUM OF AGREEMENT**

**FOR**

**Preliminary Engineering & Acquisition of Right-of-Way for  
Modernization of Lakeview Avenue  
SP11-062302-988**

**STATE PROJECT NUMBER: VDOT UPC 101288**

**FEDERAL PROJECT NUMBER:**

**ROUTE NUMBER: Lakeview Avenue State Route 626**

**City of Colonial Heights, Virginia**



## **LETTER OF AGREEMENT**

1. CONTRACTING PARTIES: This Agreement is between the City of Colonial Heights, hereinafter referred to as "the Locality," and

Bowman Consulting Group, Ltd.  
1561 Bradford Road, Suite 202  
Virginia Beach, VA 23455  
Fed. ID #: 54-1762351

hereinafter referred to as "the Consultant."

Payment remittance shall be sent to the following address:

Bowman Consulting Group, Ltd.  
3863 Centerview Drive, Suite 300  
Chantilly, VA 20151  
Fed. ID #: 54-1762351

2. DESCRIPTION AND LIMITS OF PROJECT: This Agreement is for:

Roadway design and right of way services for Lakeview Avenue.

The following items of work shall be subcontracted to:

For a complete list of work items to be subcontracted in Attachment F.

\*Disadvantaged Business Enterprise Subconsultants are also noted in Attachment F.

3. INCLUDED DOCUMENTS: This Agreement shall consist of the following documents:

- a. This signed Letter of Agreement;
- b. Certifications of the Consultant and the City of Colonial Heights;
- c. The following Attachments:

Attachment A – General Terms and Conditions

Attachment B – Special Terms and Conditions

Attachment C -- Payment

Attachment D – Scope of Work and Fee Proposal

Attachment E – Year 2000 Compliance

Attachment F – Subconsultants

In the event of any conflict between a provision in Attachment A and a provision in Attachment B, the conflicting provision in Attachment B shall govern this Agreement.

4. CONSIDERATION: This is a Cost Plus Net Fee contract.

The maximum total compensation payable to the Consultant for services authorized by this Agreement will not exceed \$433,296.22.



# CITY OF COLONIAL HEIGHTS

## DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

City Hall · 201 James Avenue · P.O. Box 3401  
Colonial Heights, Virginia 23834

George W. Schanzenbacher,  
A.I.C.P., Director

### MEMORANDUM

To: Honorable Mayor and Members of City Council  
Mr. Thomas L. Mattis, City Manager

From: George W. Schanzenbacher, Director

Date: December 8, 2011

#### **Subject: Planning Commission Actions at December 7, 2011 meeting**

At the December 7, 2011 meeting of the Commission the following actions were taken:

1. Approved minutes of the November 1, 2011 meeting (enclosed).
2. Gave Conditional Site Plan approval for:
  - EVB Bank- -3012 Boulevard
  - BB & T Bank- 2609 BoulevardArchitectural elevation drawings of the new facilities are enclosed
3. Heard staff presentation on results of Comprehensive Plan community survey.
4. Approved meeting schedule for 2012. There will not be a January meeting of the Planning Commission.

**CITY OF COLONIAL HEIGHTS, VIRGINIA**  
**Minutes of the Regular Meeting**  
**of the Planning Commission**  
**Tuesday, November 1, 2011**

**I. Call to Order**

Chairman Hargis called the meeting to order at 7:00 p.m.

**II. Roll Call/Determination of Quorum**

Mr. Schanzenbacher, Director of Planning and Community Development, called the roll.

Present: Mr. Hargis  
Mr. Hartson  
Mr. Townes  
Mr. Freeland  
Mr. Kollman  
Mr. O'Connell

Absent: Mrs. Hamilton

Mr. Schanzenbacher stated there was a quorum.

**Also Present:** City Manager Thomas L. Mattis, City Attorney Hugh P. Fisher, III, Planning Director George W. Schanzenbacher, Jamie Sherry, Neighborhood Revitalization Planner and Assistant Director of Public Works Brian Copple.

**III. Approval of Minutes of October 2011**

Mr. Fisher asked that the minutes reflect the correct spelling of Mr. Thibault's last name. The minutes were approved on a roll call vote with this change.

**IV. Approval of Agenda**

There were no changes to the agenda.

**V. Hearing of Citizens Generally**

There were no citizens in the audience that wanted to be heard.

**VI. Public Hearings**

Mr. Schanzenbacher stated the public hearing was to amend the "Public Building" component of the City Comprehensive Plan to change the reference to a "Courts & Justice Building" on page 81 to a "Courthouse" and to change the location of the Courthouse on page 81 from "Temple Avenue" to "Chesterfield Avenue;" to amend the City's Land Use and Transportation Plan map so as to change the land use classification of 231 Chesterfield Avenue from "Medium Density Residential" to "Community Facilities, Schools, Churches, Etc."; and to approve the general location, character and extent of the new Courthouse.

Mr. Schanzenbacher read the public hearing rules. Mr. Fisher stated that the attachment resolution to the draft Planning Commission resolution that was sent out in the agenda packet was not correct. He stated that the correct attached resolution was handed out to the Commission that evening.

The first person to speak at the public hearing was Mr. Kirk Thibault, a resident of Battery Place. He stated that the new courthouse would have an immediate impact on the surrounding properties. This is why his request to rezone the properties along Battery Place cannot wait until it is addressed by the Comprehensive Plan update, which is not expected to be completed for approximately three years. He stated that half of the properties on the block behind the courthouse site were rental properties. Mr. Thibault asked the Commission for a commitment to look at the properties around the courthouse now and consider rezoning them to business.

The second speaker at the public hearing was Mr. Harry Royel, also a resident of Battery Place. Mr. Royel asked that the Commission not forget those who will be most impacted by the new courthouse.

The public comment period of the public hearing was closed and the floor was opened for Commission discussion. Mr. Mattis stated that the citizen-based Courthouse Land Use Committee was formed not only to address the courthouse site, but to look at the use of its surroundings. Although their main focus has been on the courthouse site thus far, a citizen-based discussion of the broader area will continue through the use of this committee.

Mr. Fisher stated that City Council has started a discussion about a possible historic district and overlay district in the southern portion of the city and that it may include Battery Place. Mr. Townes stated that the land use and the historic overlay and district should be looked at the same time.

Mr. Thibault asked to readdress the Commission. Mr. Hargis welcomed his comments. Mr. Thibault asked what the buildings on the corner of Boulevard and Dupuy would be if they are zoned for business. He was concerned about the use and possible impacts to the neighborhood with the development of that area.

Mr. Mattis assured Mr. Thibault that the process would continue to be one that would be open for public input.

Mr. Royel also readdressed the Commission. He stated that he appreciated the opportunity to be heard because in past years that this was not always the case.

After no further discussion, the agenda item was unanimously approved by roll call vote.

## **VII. Plans of Development/Subdivisions – PD-11-5 – 1914 Snead Avenue- Staples Office Service Building**

Mr. Schanzenbacher stated that the Snead Avenue- Staples Office Service Building was for the construction of a 5,600 square foot office and automobile services building on a 0.37 acre site located on the west side of Snead Avenue just south of Temple Avenue.

Mr. Dean Hawkins gave a presentation on the proposed plan. He stated that he was contacted by the Planning Director and told that the building materials were not consistent with the Boulevard Overlay district so he changed them to match the requirements.

Mr. Townes asked why the plans were not submitted with the required format. Mr. Copple stated that the Engineering Department made an exception for Mr. Hawkins. Mr. Townes asked that plans be submitted with the required format in the future for consistency. Mr. Copple stated they would.

When asked about the right of way easement mentioned in the staff report, Mr. Copple stated that this agenda item was only for preliminary approval and that all easement issues would be addressed prior to final approval.

When asked the future use of the building, Mr. Hawkins stated that it was unknown; however, it would be for a use allowed by zoning.

This item was approved on roll call vote; Mr. Townes abstained.

### **VIII. Old Business**

There was no old business.

### **IX. New Business**

There was no new business.

### **X. Committee Reports**

Chairman Hargis asked if there were any committee reports. There were no reports from the Commission members.

Mr. Mattis stated that there were a number of business proposals that he hopes to be able to discuss at the next meeting. He said that there was one new house being built in the city and the courthouse project is continuing to move forward.

Mr. Schanzenbacher stated that Phase II of the Colonial Heights Appomattox River Trail is ready to go out for bid and, if all goes well, construction could begin as early as January.

There were no other reports from staff.

Mr. Kollman stated that the landscaping along the Boulevard near the Government Center looked nice; however, he had concerns about the inconsistencies in the light placement.

## **XI. Adjournment**

Meeting adjourned at 7:55 p.m.

Respectfully,



George W. Schanzenbacher  
Director, Department of Planning and Community Development

APPROVAL:



Harry B. Hargis Jr.  
Chairman





NOTES:  
1. REFER TO ROOF PLAN, PLUMBING, AND MECHANICAL DWGS. FOR ROOF PENETRATIONS.  
2. ALL PENETRATIONS (VENTS, INTAKES, ETC.) SHALL BE PAINTED TO MATCH ROOF.  
3. BOLLARDS NOT SHOWN ON ELEVATIONS & SECTIONS FOR CLARITY. REFER TO FLOOR PLAN FOR BOLLARDS. COORDINATE SPECIFIC BOLLARD LOCATIONS W/ BANK EQUIPMENT SHOP DRAWINGS.  
4. PROVIDE DIVERTER FLASHING AT HIGH/ LOW ROOF LOCATIONS, SEE DETAIL 4E-A2.3.  
5. OWNER PROVIDED BANK EQUIPMENT SHOWN WITH DASHED LINES. REFER TO 1G-A2.1 FOR MORE INFORMATION.

