

Memorandum

Date: October 13, 2011

To: Mayor and City Council

Subject: Agenda Briefing - - Special City Council
Meeting - *Tuesday, October 18, 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. Work Session/General Discussion:

- A.** Discussed at regular meeting this week; This item is for general discussion of a wide range of issues relating residential property maintenance, codes, requirements, and/or restrictions within the city – and whether such codes and/or requirements should be (or can be) amended to reflect Council's desires.

This discussion is also anticipated to include consideration of whether Council's goals in this regard can be addressed through an amendment to the city charter; and a review of the possibilities and process for such an amendment.

The staff and/or City Attorney will be seeking direction from the Council as to the desired action, if any, regarding this issue.

- B.** Discussed at previous meeting; This item is for general discussion of a wide range of the possibilities and/or the desire for enhanced aesthetic control of commercial buildings on the Boulevard (namely exterior characteristics including paint colors). A copy of a memorandum regarding this agenda item is included with the meeting packet.

The staff and/or City Attorney will be seeking direction from the Council as to the desired action, if any, regarding this issue.

- C.** Discussed at previous meeting; This item is to allow for further review and discussion of the *Appomattox River Corridor Development Plan* and the desired future for the city-owned property on Dimmock Parkway. Included with the packet you will find a reduced version of the staff's presentation on this issue at the 8/16 Council meeting. Councilmembers have already been provided a copy of the *ARCDP*.

- D.** Discussed at previous meeting; This item is for discussion of possible code revisions to annual licensing requirements for cats and dogs as recommended by the City Treasurer, including civil penalty provisions. A copy of a memorandum from the City Attorney regarding this agenda item is included with the meeting packet.

- E.** This item is to allow for a brief staff update on the City Website re-design.

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

Memorandum

Date: September, 2011

To: Mayor and City Council

Subject: Possible Architectural Review Process for
Boulevard Commercial Development



Recently, a commercial building on the northern end of the Boulevard was converted to a new use in compliance with applicable city rules and regulations. However, some confusion and frustration arose the exterior improvements to the building (particularly the fact that the building was painted pink) was not universally recognized as an overall aesthetic upgrade for the City.

One of the expressed concerns was the expectation on the part of some that the city had controls in place that would restrict or prevent undesirable commercial building improvements from taking place along the Boulevard (or maybe just pink buildings in general).

While I am confident that this particular project has been developed in compliance with the *current* rules, the staff is certainly prepared to research the possibilities, if it is Council's desire, for the city to exercise greater control over architectural aesthetics for future commercial projects within the Boulevard corridor.

In the prior two cities I have served as City Manager, I have had extensive experience in implementing just such measures within those city's commercial districts. This experience has taught me that it is a fairly simple proposition: Such increased controls can be achieved, but it requires a much greater effort on the part of the city – and an increased investment of time and energy on the part of the property owner.

Attached to this memorandum you will find a modified version of the basic legislation I have utilized in the past that spells out an effective process for architectural review and control.

As you know, this draft of possible legislation does not come from a Virginia locality; so it is important to note that this scenario has not been reviewed or approved by the City Attorney. It should also be acknowledged that the City Attorney, in preliminary discussions, has already expressed some legal concerns about this concept.

It is simply my goal at this time, however, to raise the issue for discussion by the Council in response to concerns raised by some Councilmembers and others in this regard. If the Council as a whole expresses a desire to move forward in considering such new regulations, the staff will proceed accordingly. If there is no such desire, we have fulfilled our obligation to raise the question.

Please let me know if you have any questions or comments; or would like additional information.

Thomas L. Mattis
City Manager

BOULEVARD COMMERCIAL OVERLAY DISTRICT

Section 1. Purpose

(a) The purpose of this chapter is to maintain a high character of community development, to promote stability of property and property values, to provide for orderly development, to provide for proper movement of traffic, and to secure the general safety of citizens by regulating the exterior architectural characteristics of structures and the characteristics of the property as a whole throughout the hereinafter defined Boulevard Commercial Overlay District.

(b) It is the further purpose of this chapter to recognize and preserve the distinctive architectural character of this community which has been greatly influenced by the architecture of an earlier period in this community's history. This purpose shall be served by the regulation of exterior design, use of materials, the finish grade line, ingress and egress, and landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled, removed or demolished in the hereinafter defined Boulevard Commercial Overlay District

(c) The City Planning Commission shall serve as the Review Board to review applications for zoning permits filed under this chapter and approve or disapprove the issuance of said permits within the district boundaries as delineated .

Section 2. Application and Notice

(a) Whenever a structure being used or to be used for commercial purposes, whether public or private, within the district is proposed to be constructed or erected and whenever an existing structure is proposed to be altered, reconstructed, enlarged or remodeled, if such alteration, additional curb cuts, reconstruction, enlargement remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure, an application for a zoning permit shall be filed with the City Manager together with a fee as determined from time to time by Council.

(b) Upon receipt of an application for a zoning permit, the City Manager shall place the application on the agenda for the appropriate Review Board to review at its next regular meeting following fourteen days from the date the application is filed. The City Manager shall notify the applicant and the contiguous property owners at least ten days in advance of the date the Review Board is to convene to review the application.

(c) The application shall be accompanied by such plans, specifications and other material as the Review Board may prescribe.

(d) Notwithstanding any other provisions to the contrary, applications for sign permits shall not be subject to the provisions of this chapter.

Section 3. Architectural and Aesthetic Plan Review

(a) Architectural Plan. The exterior architectural characteristics of structures and the characteristics of the property must be provided to allow and enable the community to recognize and preserve the distinctive architectural character of this community, which has been greatly influenced by the architecture of an earlier period in this community's history.

(b) The Review Board will determine if the proposed structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety and welfare. In

conducting its review, the Review Board shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application including, but not limited to;

- (1) Height, which shall conform to the requirements of City Ordinances;
- (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
- (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (4) Roof shape, which shall include type, form, and materials;
- (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
- (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
- (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
- (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
- (9) Signage, which shall include, in addition to the requirements of Ordinance No. 356, as amended, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;
- (10) Exterior lighting, which shall included location, type, and/or design of lighting and/or lighting fixtures to be used.

(c) In conducting its inquiry and review, the Review Board may request from the applicant such additional information, sketches and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding matters under examination. It may recommend to the applicant changes in the plans it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The Review Board shall keep a record of its proceedings and shall attach to the application copies of information, sketches and data needed to clearly describe any amendment to it.

(d) When its review is concluded, the Review Board will determine by a vote of its members, whether the zoning permit shall be approved. If approved, the Review Board shall return the application and all pertinent information to the City Manager with the instruction that the zoning permit be issued, provided all other requirements for a zoning permit are met. The zoning permit shall be valid for one year from the date of approval. The Review Board may grant an extension of the one-year limitation if sufficient documentation can be provided to warrant such an extension. If not approved, the Review Board shall return a copy of the application for the zoning permit along with the attached information to the applicant with a

notice that the zoning permit shall not be issued because the application did not meet the criteria and standards set forth herein.

(e) This Section shall not be construed to prevent any ordinary repair or maintenance of an exterior architectural feature or any ordinary planting or landscaping.

Section 4. Appeals

(a) The Review Board shall decide all applications for review no later than forty-five days after the last hearing thereon, unless extended at the request of the applicant.

(b) Any applicant may appeal such decision to the City Council by filing notice of intent to appeal with the City Manager within fourteen days of the date of the decision, setting forth the facts of the case.

(c) The City Council may then elect to hold a public hearing on the appeal by the affirmative vote of a majority of its members, or failing to so elect, shall reject the application for appeal. In the event Council elects to hold a public hearing on the request for appeal, the hearing shall be held not later than sixty days after a final decision has been rendered by the Review Board. Council, by a majority vote of its members, shall decide the matter and its decision shall be final.

(d) If no notice of the intent to appeal is filed with the City Manager within the period specified in subsection (b) hereof, Council may at the option of a majority of its members and not later than fourteen days following the expiration of the appeal period, elect to review any architectural review decision of the Review Board. Council shall schedule a public hearing on the matter, which shall not be held more than sixty days after a final decision was rendered by the Review Board. At a public hearing, Council by a majority vote of its members, shall decide the matter and its decision shall be final

Section 5. Public Notice Consistent with Zoning Procedures

(a) Notification and Public Notice shall be the same procedures and requirements as any zoning change and as determined by the Zoning Ordinance.



**CITY OF COLONIAL HEIGHTS
APPOMATTOX RIVER CORRIDOR DEVELOPMENT PLAN**

**Staff Review of
ARCDP and Recommendations
for City-Owned Dimmock Parkway Property**

August 16, 2011



Staff Review of

ARCDP and City-Owned Dimmock Property

Requested Council Direction/Action

- A.** Endorsement of Appomattox River Corridor Development Plan
- B.** Inclusion of elements of ARCDP into the City Comprehensive Plan
- C.** Policy consensus - development goals for city-owned land
- D.** Policy consensus – expectations of land sale
- E.** Endorsement of Phase I



Staff Review of

ARCDP and City-Owned Dimmock Property

General Economic Development Environment

- Colonial Heights in a “safe place” now
- Adjacent parcels are in play
- Longer term planning and initiatives are key
- Trends and shopping habits are changing
- Store footprints are changing
- Retail can be volatile (Consumers are fickle)



Staff Review of

ARCDP and City-Owned Dimmock Property

Challenges

- Limited resources
- Adjacent parcels are in play
- Location is a double-edged sword - *Desirable for its riverfront; Not as desirable for its visibility in the big box world*
- Perceived environmental issues/concerns magnify its marketability
- CH a 3rd-tier market “attached” to major metro
- Limited market demand/directing traffic patterns



TEMPLE AVE

SONIC

ENTERPRISE

PRIORITY
KIA

DOMINION
CHEVROLET

CHARLES H. DIMMOCK PKWY.

CITY
PROPERTY





Staff Review of

ARCDP and City-Owned Dimmock Property

Recognizing what is possible for the city-owned land and adjacent area.....

- What is the view of the “highest and best” for the property?
- What is the primary objective in the sale of the land?
 - ☐ \$\$ windfall from sale of the land?
 - ☐ Tax revenue generation?
 - ☐ Job creation?
 - ☐ Improved public access or recreation amenities?



Staff Review of

ARCDP and City-Owned Dimmock Property

- Are there specific financial expectations solely from the sale of the raw?

***The city's real estate agent (utilizing cost approach) estimates the land value at*

\$3,350,000



Staff Review of

ARCDP and City-Owned Dimmock Property

- Should the City consider becoming a development partner in a project?
- To what degree would the City be supportive of incentivizing a development agreement?
- Is there support for a concept that includes a significantly reduced sale on the land in exchange for specific development plan?
- Control over the other/adjacent land in play?



Staff Recommendation – ARCDP “Phase 1”



Staff Recommendation

– ARCDP “Phase 1”

- A.** Segregate Parcel No. 1 and focus primary economic development efforts on this site
- B.** Construct New Access Road – Extension of “Wal Mart Drive”
- C.** Initiate study/analysis of Resource Protection Area (RPA)
- D.** Convert Surface Landfill area to the south to “temporary” recreational use
- E.** Continue review/discussion of options for remaining land areas

Now or Formerly
BERCH, LLC
(C/O RICHMOND FITNESS, INC.)
DB 277, PG. 4281
Parcel ID: 69021000001

Now or Formerly
WAL-MART REAL ESTATE BUSINESS
(C/O LEE SCOTT TRUSTEE ETC.)
DB 275, PG. 947
Parcel ID: 69020500001

Now or Formerly
① CITY OF COLONIAL HEIGHTS
DB 130, PG. 798
Parcel ID: 69020000001

Now or Formerly
② ROSLYN FARM CORPORATION
(C/O ROBERT C. WALKER)
No DB on Record
Parcel ID: 69020000004

Now or Formerly
OF PETERSBURG
DB 139, PG. 690
Parcel ID: 69020000003

PARCEL 2A
14.460 Ac.

CITY OF COLONIAL HEIGHTS
CCCC DB 226, PG. 179
CHCC DB 79, PG. 8
Parcel ID: 69020900001
Parcel 1
19.829 Ac.

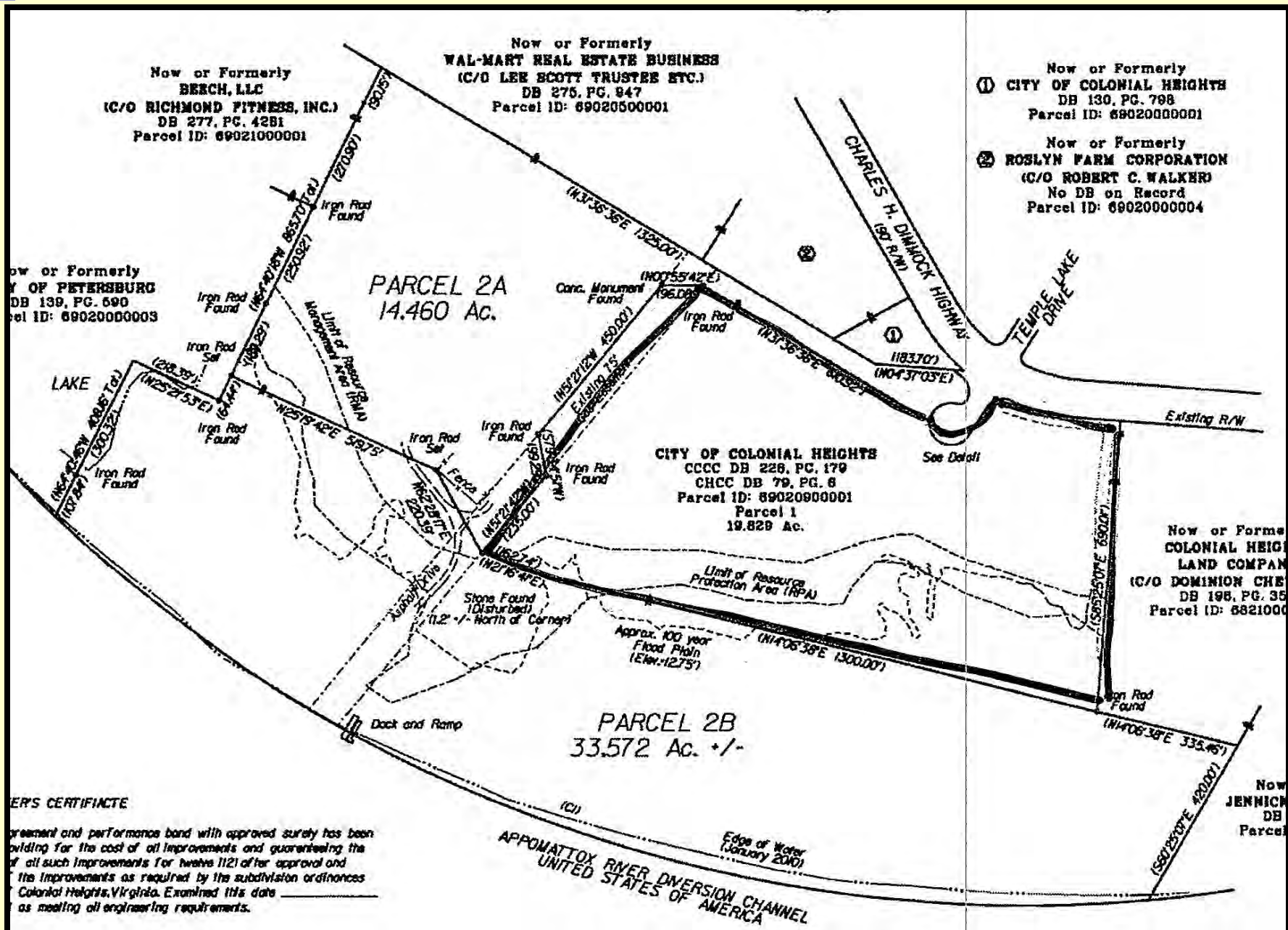
Now or Formerly
COLONIAL HEIGHTS
LAND COMPANY
(C/O DOMINION CHE)
DB 198, PG. 35
Parcel ID: 6821000

PARCEL 2B
33.572 Ac. +/-

ENGINEER'S CERTIFICATE

Agreement and performance bond with approved surety has been provided for the cost of all improvements and guaranteeing the completion of all such improvements for twelve (12) months after approval and the improvements as required by the subdivision ordinances of Colonial Heights, Virginia. Examined this date as meeting all engineering requirements.

APPOMATTOX RIVER DIVERSION CHANNEL
UNITED STATES OF AMERICA





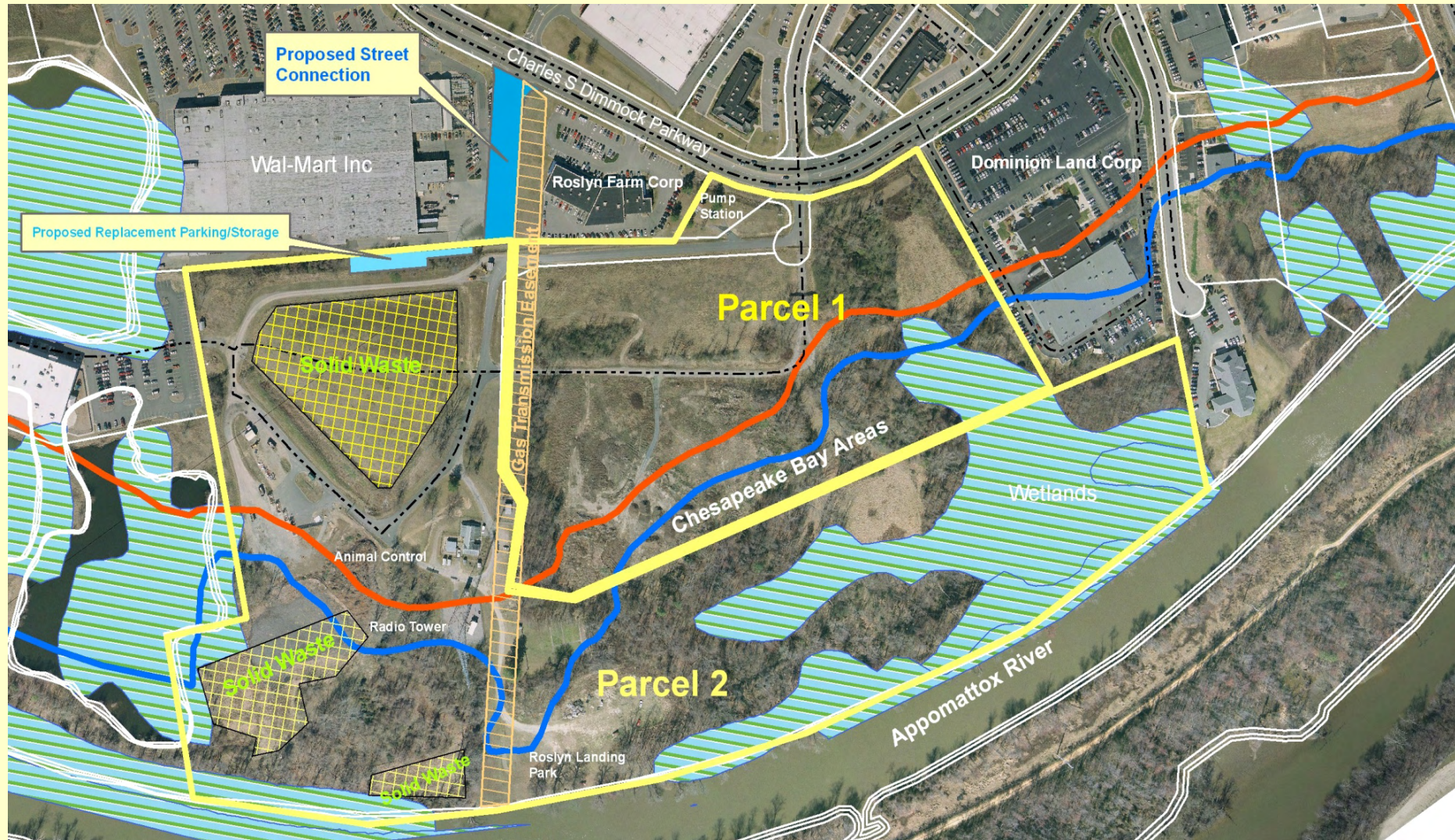
Staff Recommendation

– ARCDP “Phase 1”

A. Segregate Parcel No. 1 (19 acres) and focus primary economic development efforts on this site

- ☐ It is the “cleanest” portion of the property and has been cleared for development by the DEQ
- ☐ Provides greater confidence in initial negotiations as to commercial development opportunities for both buyer and seller
- ☐ Recognized as the easiest and/or most readily available site for immediate development
- ☐ Large enough to allow a variety of retail development options

Environmental and Transportation Considerations



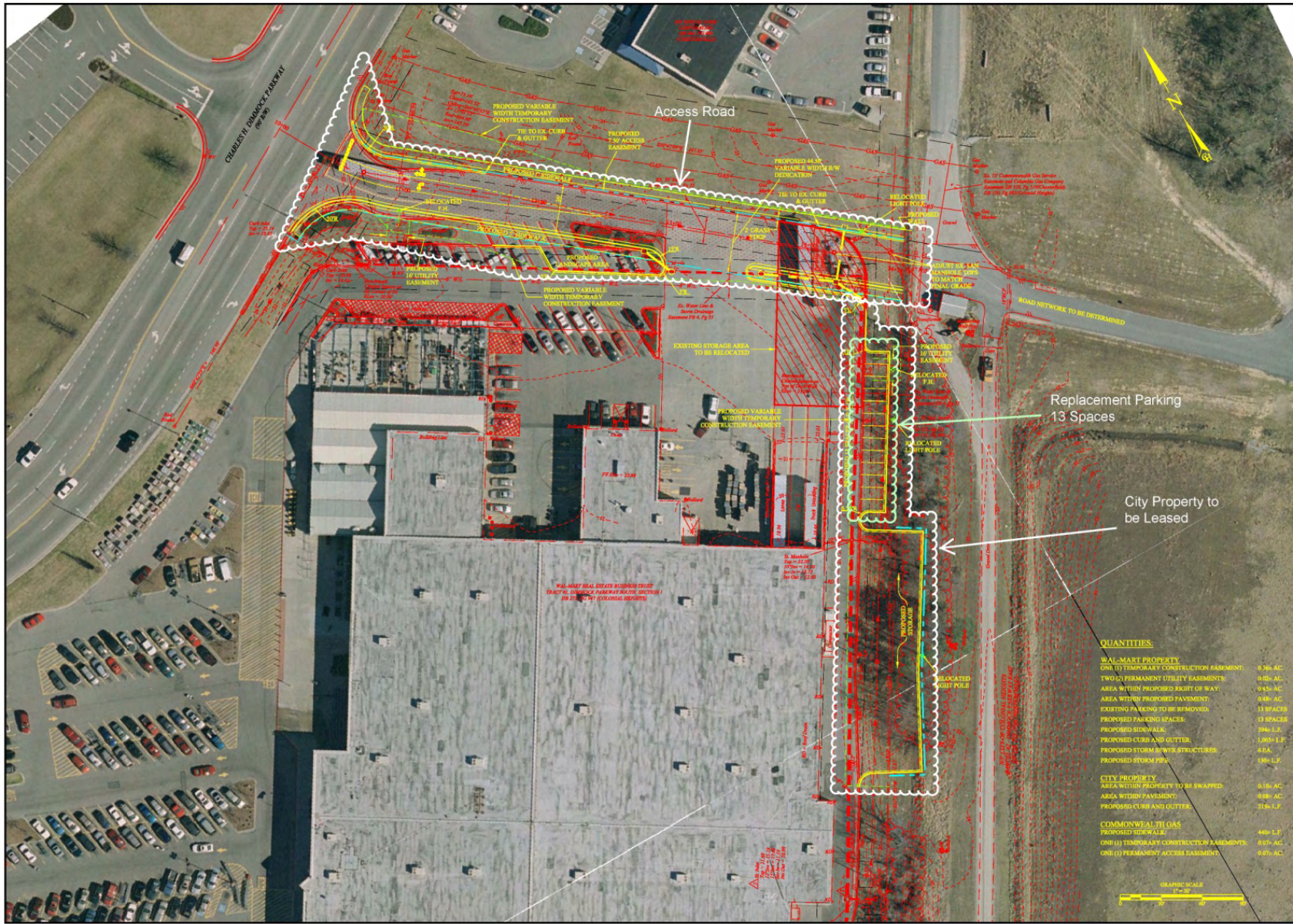


Staff Recommendation

– ARCDP “Phase 1”

B. Construct New Access Road – Extension of “Wal Mart Drive”

- ☐ Infrastructure investments needed
- ☐ Most effective access for multiple uses of property
- ☐ Roadway will be important access regardless of the ultimate development of the property
- ☐ Even with the possibility of full commercial development, access must be retained to animal shelter-gas substation-radio tower area



QUANTITIES:

WAL-MART PROPERTY	
ONE (1) TEMPORARY CONSTRUCTION BARRIERS	0.06 AC.
TWO (2) PERMANENT UTILITY BARRIERS	0.08 AC.
AREA WITHIN PROPOSED RIGHT OF WAY	0.08 AC.
AREA WITHIN PROPOSED PAVEMENT	0.08 AC.
EXISTING PARKING TO BE REMOVED	13 SPACES
PROPOSED SIDEWALK	194 L.F.
PROPOSED CURB AND GUTTER	1,200 L.F.
PROPOSED STORMWATER STRUCTURES	4.0 AC.
PROPOSED STORM POND	1.00 L.F.
CITY PROPERTY	
AREA WITHIN PROPERTY TO BE SWAPPED	0.16 AC.
AREA WITHIN PAVEMENT	0.08 AC.
PROPOSED CURB AND GUTTER	216 L.F.
COMMONWEALTH GAS	
PROPOSED SIDEWALK	446 L.F.
ONE (1) TEMPORARY CONSTRUCTION BARRIERS	0.07 AC.
ONE (1) PERMANENT ACCESS BARRIERS	0.07 AC.



CITY OF COLONIAL HEIGHTS
DEPARTMENT OF PUBLIC WORKS
ENGINEERING & DEVELOPMENT DIVISION
WAL-MART ACCESS ROAD

201 JAMES AVENUE | COLONIAL HEIGHTS, VA 23054
TEL 804.520.9334 FAX 804.520.9237
www.colonial-heights.com

DATE	REVISION DESCRIPTION
01/06/09 <td></td>	

DESIGNED
S. EDWARDS

CHECKED
B. CARLIS

SCALE
1" = 30'

JOB NO. _____

SHEET NO. **1**

Probable Costs¹

	Professional Services	Improvements by Contract	Land	Total
New street connection incl. utilities	\$10,000	\$200,000	\$450,000	\$660,000
Replacement parking and storage	\$5,000	\$60,000	N/A	\$65,000
Environmental studies	\$50,000	N/A	N/A	\$50,000

¹ Order of Magnitude Level of Accuracy



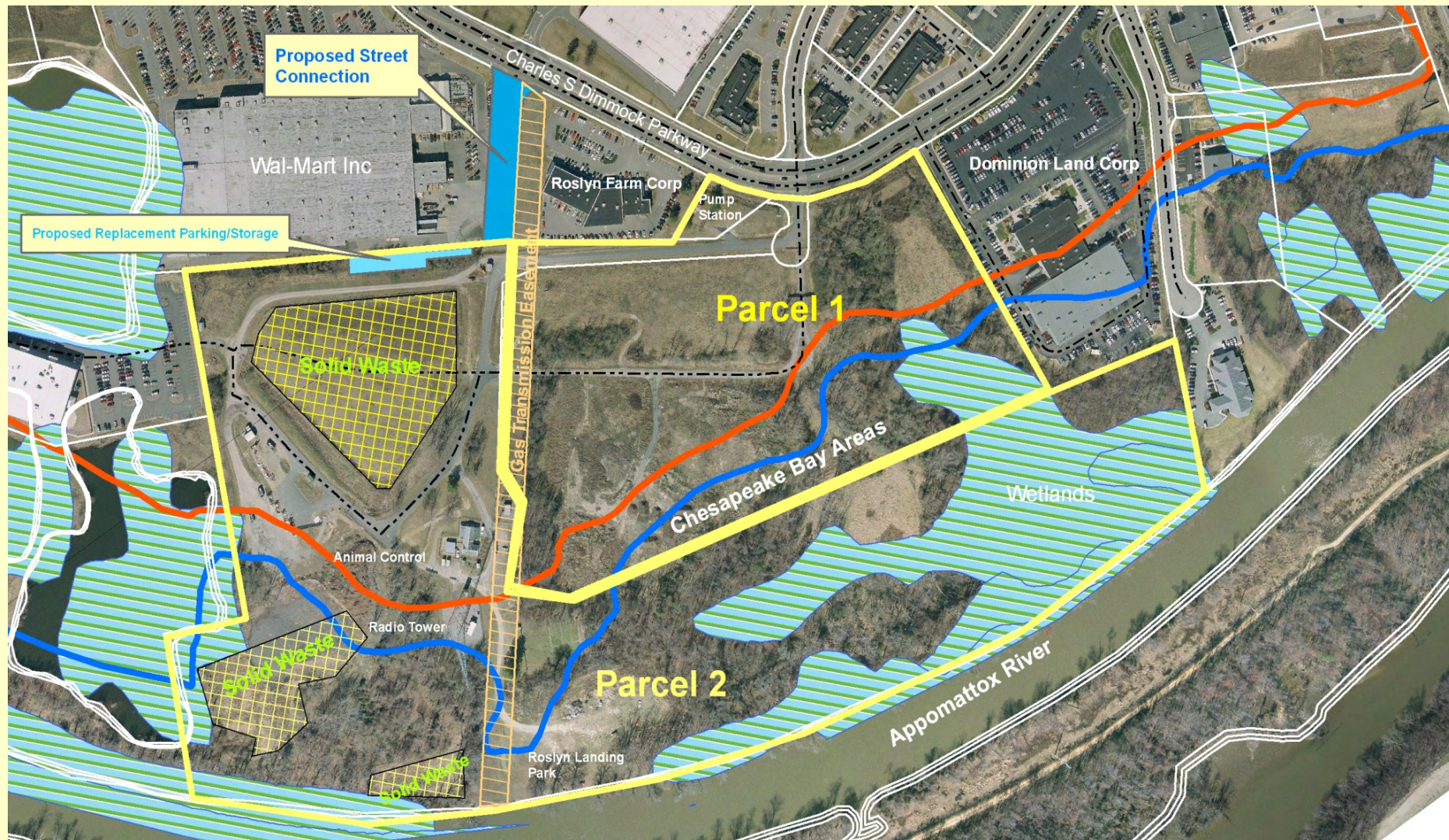
Staff Recommendation

– ARCDP “Phase 1”

C. Initiate study/analysis of Resource Protection Area

- ☐ Staff assessment is that the currently-designated RPA on the city’s property may be much greater than required
- ☐ Analysis by outside consultant should result in smaller RPA, thereby creating additional developable land
- ☐ Helps to address apparent need for more site-specific data relative to the city-owned property

Environmental and Transportation Considerations - Resource Protection Area



Staff Recommendation

– ARCDP “Phase 1”

D. Convert Surface Landfill area to the south to “temporary” recreational use

- ☐ Land area immediately south of access road/east of Wal-Mart converted to natural, green space area with hiking/biking trails and dog park
- ☐ Economic development opportunities for this particular area currently compromised by known and “unknown” landfill/solid waste issues
- ☐ Would require minimal funding and all work regarding conversion could be accomplished by city forces

Staff Recommendation

– ARCDP “Phase 1”

D. Convert Surface Landfill area to the south to “temporary” recreational use

- ☐ Would connect Appomattox River Greenway Trail and could be integrated with American Family Fitness and Hotels
- ☐ Conversion would not include significant investment/permanent changes to land
- ☐ Conversion would serve to “warehouse” the land area and future opportunities for commercial development



Recreation Area Components

Trail System & Dog Exercise Area

- ❖ Installation of a passive “fair weather” trail that would include approx. 2,300 linear feet of new trail and 2,500 linear feet of current pedestrian-ready trail.
- ❖ Trail amenities would include connection to the Appomattox River Greenway Trail, fishing outlook and proposed dog exercise area.



- ❖ Both the Trail System and Dog Exercise Area would require minimal funding and most work regarding conversion and maintenance could be accomplished by city forces.

Recreation Area Components

Trail System & Dog Exercise Area



- ☐ Installation of a 100' x 100' fenced Dog Exercise Area adjacent to the Animal Shelter.
- ☐ Amenity not currently available to Colonial Heights residents.
- ☐ Would compliment the Animal Shelter as an exercise area for sheltered animals and assisting shelter staff in their Adopt-A-Pet program.
- ☐ While both the Trail System and Dog Exercise Area would serve as temporary use components, permanent status and enhancements would be possible with minimal funding should either grow in popularity.

Staff Recommendation

– ARCDP “Phase 1”

E. Continue review/discussion of options on remaining land areas

- ☐ Phase I describes a “first-phase” approach to achieving highest and best use of entire property
- ☐ Discussions as to appropriate and effective use of the remainder of the land and would be on-going, simultaneous to implementation of “Phase 1”



Staff Recommendation

– ARCDP “Phase 1”

- Enhance public confidence by citizenry as a project will be perceived as at starting to “clean up the dump”
- Provide a reasonable/achievable goal or opportunity for some commercial development in short timeframe
- Make a public use/recreation project affordable and something that can be developed in a short timeframe?



Staff Review of

ARCDP and City-Owned Dimmock Property

Requested Council Direction/Action

- A.** Endorsement of Appomattox River Corridor Development Plan
- B.** Inclusion of elements of ARCDP into the City Comprehensive Plan
- C.** Policy consensus - development goals for city-owned land
- D.** Policy consensus – expectations of land sale
- E.** Endorsement of Phase I



CITY OF COLONIAL HEIGHTS
201 JAMES AVENUE
P. O. BOX 3401
COLONIAL HEIGHTS, VIRGINIA 23834-9001
(804) 520-9316 / FAX 520-9398

HUGH P. FISHER, III
CITY ATTORNEY

TAMARA L. DRAPER
LEGAL ASSISTANT

MEMORANDUM

TO: The Honorable Mayor and Members of Council
FROM: Hugh P. Fisher, III *HPF, III*
City Attorney
RE: Proposed Revisions to Chapter 98 of the City Code

Listed below is a synopsis of two amendments to Chapter 98, Animals, of the Colonial Heights City Code, for Council's consideration.

I.

This office received a request from the Office of the Treasurer for an amendment to City Code § 98-23. In September 2010, City Council revised this code section to allow for a one and three year license tag for dogs and cats. The Treasurer's Office is now requesting that the section be amended to add a two year tag. The Treasurer's rationale for this request is attached.

II.

This office has been working with Animal Control and Captain Early to develop a "Notice of Violation" form for police officers to use for the offenses in City Code § 98-11 for which a civil penalty, rather than criminal sanctions, is imposed. The form is in the process of being formatted by Karen Saunders for use by law enforcement officers. The attached ordinance has been drafted to amend this section by outlining the procedure to be followed when a civil "Notice of Violation" is issued.

If Council so directs, an ordinance will be prepared to incorporate amendments to both of these sections for consideration at the November 15 regular meeting. The proposed ordinance will need to be advertised for a public hearing at the November 15 meeting.

Enclosures

cc: City Manager
City Clerk



City of Colonial Heights

OFFICE OF THE TREASURER
201 JAMES AVENUE
POST OFFICE BOX 3401
COLONIAL HEIGHTS, VIRGINIA 23834-9001

JOY W. MOORE
TREASURER

(804) 520-9320
FAX (804) 520-9253

July 18, 2010

RECEIVED

JUL 18 2011

CITY ATTORNEY'S OFFICE

Hugh (Chip) Fisher
City Attorney

Re: Annual license for dogs and cats

Dear Chip:

In 2010, we requested council to change §98-23 so that 3 year dog and cat tags could be sold. On September 14, 2010, this was adopted by Ordinance No. 10-25.

We would respectfully ask that council now allow a 2 year tag to be sold and include the following fees under the current ordinance:

Unneutered or unsprayed pedigree dog or cat	\$20.00
Neutered or spayed dog or cat	\$4.00

We currently have 2013 tags which we could sell next year as a 2 year tag. Each year our 2 and 3 year tags could be sold the following year and we would not have to order new tags and further not have to destroy our leftover tags.

Any assistance in this matter would be greatly appreciated.

Peggy Whitehurst
Peggy Whitehurst, MGDT

**CODE OF THE CITY OF COLONIAL HEIGHTS, VIRGINIA, v43 Updated 01-01-2011 /
PART II GENERAL LEGISLATION / Chapter 98, ANIMALS / ARTICLE III, Licenses /
§ 98-23. Annual tax imposed on dogs, cats, and kennels. [Amended 9-14-2010 by
Ord. No. 10-25]**

§ 98-23. Annual tax imposed on dogs, cats, and kennels. [Amended 9-14-2010 by Ord. No. 10-25]

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

State law references: Amount of license tax, Code of Va., § 3.2-6528; Duplicate license tags, Code of Va., § 3.2-6532.

AN ORDINANCE NO. 11-_____

To amend and reordain § 98-11 of Chapter 98, Animals, of the Colonial Heights City Code, providing for a notice of violation for certain offenses and a civil penalty thereon.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That § 98-11 of Chapter 98, Animals, of the Colonial Heights City Code, be, and is hereby, amended and reordained as follows:

§ 98-11. Penalties.

A. Unless otherwise specified, any violation of a provision of this chapter shall constitute a Class 4 misdemeanor, punishable by a fine of up to \$250.

B. Payment of the annual dog and cat license tax required by this chapter subsequent to a summons to appear before a Court for failure to pay such fee within the time specified in § 98-24 shall not operate to relieve the owner from the penalties provided.

C. Civil penalties:

(1) *If an animal control officer or law enforcement officer determines that a civil penalty violation of this section has occurred, he shall issue and serve, or cause to be served a notice of violation on any and all persons committing the violation. The notice shall provide that the person served may elect to make an appearance, either in person or in writing by mail, before the Treasurer of the City, and admit liability for or plead no contest to the violation and pay the civil penalty established for the violation, all within the time period set forth in the notice. If a person so notified does not elect to admit liability or to plead no contest, the violation shall be tried in the Colonial Heights General District Court upon a warrant in debt or motion for judgment, with the same right of appeal as provided in civil actions at law. A finding or admission of liability or a plea of no contest shall not be deemed a criminal conviction for any purpose.*

(2) *For the purposes of this subsection, A* a civil penalty in the amount listed on the schedule below shall be assessed for a violation of the respective offense:

- (a) Not displaying a current City dog license:
 - [1] First offense: \$20.
 - [2] Second offense: \$30.
 - [3] Third and subsequent offenses: \$40.
- (b) No current rabies vaccination:
 - [1] First offense: \$20.
 - [2] Second offense: \$45.
 - [3] Third and subsequent offenses: \$60.
- (c) Barking or howling dog:
 - [1] First offense: \$50.
 - [2] Second offense: \$100.
 - [3] Third and subsequent offenses: \$150.

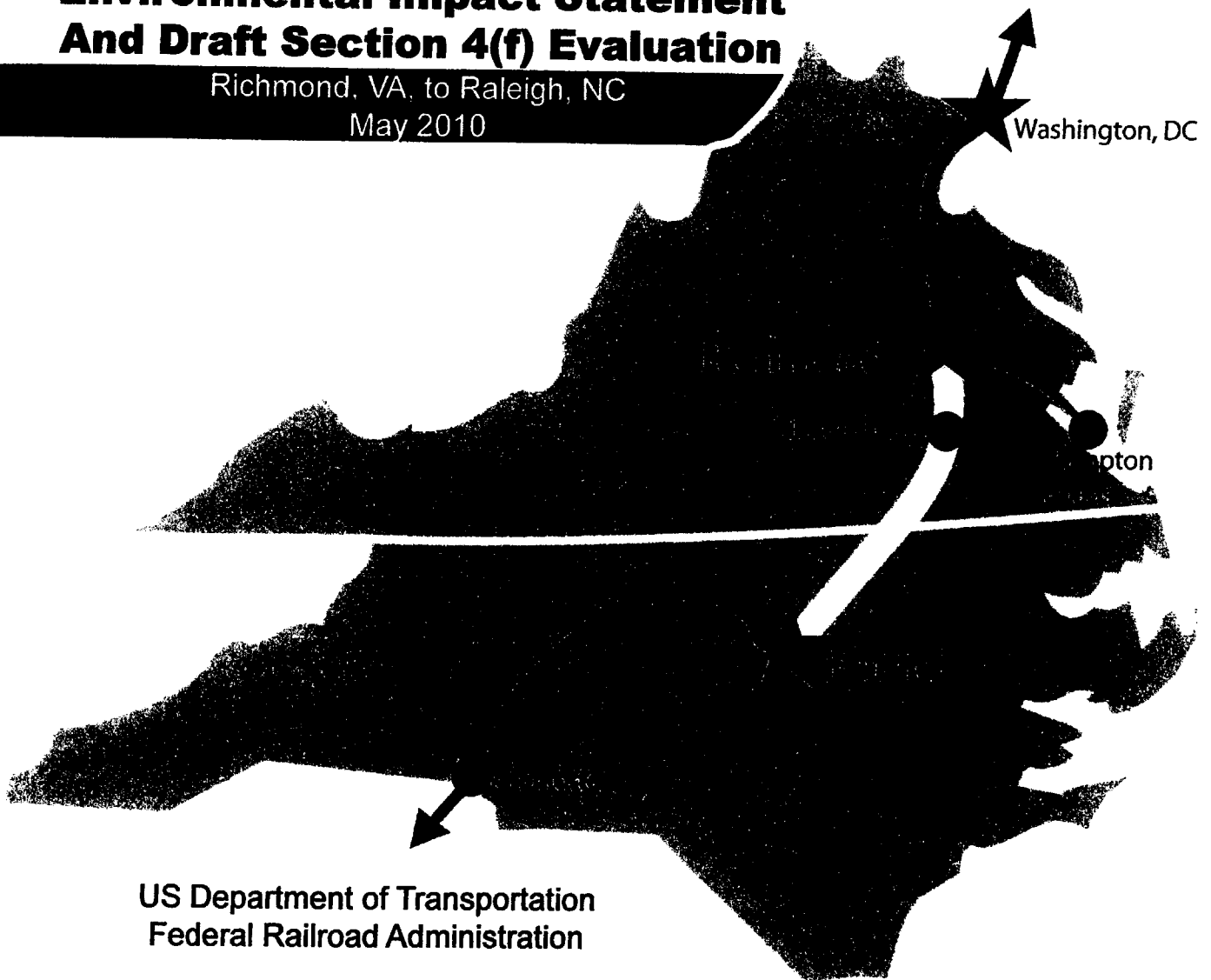
(2) (3) The assessment of any civil penalty for a violation shall be in lieu of criminal prosecutions for that violation.

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

SOUTHEAST HIGH SPEED RAIL

Tier II Draft Environmental Impact Statement And Draft Section 4(f) Evaluation

Richmond, VA, to Raleigh, NC
May 2010



US Department of Transportation
Federal Railroad Administration

Prepared by:

North Carolina Department of Transportation and
Virginia Department of Rail and Public Transportation



areas. Based on feedback from the public involvement process and on the size of the accessible population, the Virginia Department of Rail and Public Transportation (DRPT) and North Carolina Department of Transportation (NCDOT) recommend La Crosse, VA, and Henderson, NC, for the placement of the intermediate stops.

County/City	Population (2000 Census)	Population (2007 Estimate)
Brunswick County, VA	18,419	18,652
Alberta	314	302
Mecklenburg County, VA	32,380	32,845
La Crosse / South Hill	574 / 4,400	598 / 4,608
Warren County, NC	19,972	19,896
Norlina	1,092	1,086
Vance County, NC	42,954	43,590
Henderson	16,252	16,450

Source: (US Census Bureau, 2000; Weldon Cooper Center for Public Service, 2007; NC State Demographics, 2007)

2.2.4 Stations

The previous section described the operational model and revenue forecasting that were used to evaluate the five municipal locations for SEHSR stops in the Richmond, VA, to Raleigh, NC, SEHSR service area. The three municipalities with stations and existing Amtrak service are: Richmond, VA, Petersburg, VA, and Raleigh, NC. La Crosse, VA, and Henderson, NC, do not currently have passenger service or stations. The FRA also requested that alternative station sites be considered in Petersburg, VA, due to accessibility difficulties with the existing station at Ettrick.

This document does not evaluate environmental impacts related to specific station locations within those municipalities. Potential station locations are evaluated generally in terms of accessibility to the larger transportation network. Specific station locations will be determined in the future by the municipalities, and appropriate levels of environmental documentation will be undertaken at that time.

All proposed rail alternatives have been designed to accommodate operational requirements of 600 feet to 800 feet of straight alignment for station platforms at each stop location. The alternative rail designs also allow for flexibility in final station designs by ensuring the ability to meet Americans with Disabilities Act (ADA) standards for platform design at each stop location.

The public involvement process revealed a strong interest in conventional passenger rail service that would utilize the same equipment and speeds as high speed service, but would provide access opportunities to smaller towns along the route. This option will be given further consideration as the system develops based on user demand along the route.

2.2.4.1 Richmond, VA

Each high speed train will stop at Main Street Station in downtown Richmond, VA, the northern terminus for the project. Alternatives VA1 and VA2 are on common alignment in this location, as shown in Figure 2-4. Main Street Station was opened in 1901 and has remained one of Downtown Richmond's most visible landmarks. The station was closed in 1975 due to a decline in passenger rail service. The historic reopening of Main Street Station in 2003 marked the culmination of years of renovation to this 102-year-old landmark, and the return of passenger train service to downtown Richmond.

2.2.4.2 Petersburg, VA

Each high speed train will stop at a station in the vicinity of Petersburg, VA. All alternatives follow the CSX A-line on common alignment through the Petersburg area. The existing Amtrak station at Ettrick is located along the rail alternatives, as well as three alternative station locations: Dunlop, Washington Street, and Collier. These locations are shown in Figure 2-5.

As discussed above, FRA has an historical interest in evaluating alternative station sites in Petersburg, VA. There is a desire to determine whether or not alternative sites could better serve the Petersburg, VA, area by offering greater accessibility. As discussed above, this document evaluates the potential station locations only from an access perspective. Future studies of this matter will address key issues such as parking, transit connections, and potential impacts to the surrounding area. An additional consideration for the future selection of a station site in Petersburg, VA, will be connectivity to the planned Richmond/Hampton Roads Passenger Rail Project (R2HR). The SEHSR alternatives do not limit connectivity to R2HR.

The potential Dunlop location (approximate milepost A-19.8) is located north of the Appomattox River near Ellersbie Avenue, and is located near Interstate 95. There is no existing station at this location.

The current Ettrick Station was erected in the 1950s to allow Atlantic Coast Line (ACL) Florida-bound trains to avoid downtown Petersburg streets as well as the steep grades on the north side of the Appomattox River. Following the 1967 merger between the ACL and the Seaboard Air Line (SAL), passenger trains of both railroads stopped at Ettrick's red brick depot, making it the primary rail station in the Petersburg, VA, area. Passenger use of the Ettrick station continued when Amtrak took over intercity passenger service in 1971. The station currently accommodates eight passenger trains daily – the northbound and southbound Carolinian, Silver Star, Silver Meteor, and Palmetto trains.

The potential Washington Street location is on the west side of Petersburg, VA, near the intersection of the CSX A-line, S-line, and the NS N-line. There is no current railroad station at this location.

The potential Collier location is just north of Collier Yard at the intersection of the CSX A-line and the NS N&W Beltway. Collier Yard is a rail switching yard owned and operated by CSX Transportation, which serves as an interchange between CSX and NS. There is no existing station in this area.

2.2.4.3 La Crosse, VA, and Henderson, NC

There has been strong public support for high speed rail stations in Southside Virginia and northern North Carolina. Evaluation and ridership-revenue modeling (see Section 2.2.3) support one daily train stop in each of these areas. Specific locations of stations in La Crosse, VA, and Henderson, NC, have not been determined. However, sites proposed by both towns were determined to have adequate spacing for platforms. All alternatives are on common alignment through these two locations. The local municipalities will develop plans for the stations and conduct the required environmental documentation for these stations.

2.2.4.4 Raleigh, NC

Each high speed train will stop in Raleigh, NC. The southern terminus for this project is the Boylan Wye, in downtown Raleigh, NC. Alternatives NC1, NC2, and NC3 are on different alignments approaching the terminus, but come together on common alignment along a straight section of the CSX S-line near Jones Street, approximately 3 blocks north of the Boylan Wye.

The Southern Railway Company built the current Amtrak station in 1950; it is located south of the Boylan Wye as shown in Figure 2-6. Southern Railway discontinued passenger service to their Raleigh station in 1964. Service resumed in 1984, when Amtrak moved from the old Raleigh Seaboard station. Amtrak has completed renovations to expand the waiting room and to add a First Class passenger lounge and long-term parking facility to the Raleigh station, one of the busiest in North Carolina and in the South. Unfortunately, the station's location is not desirable for the SEHSR routing because it would require a backing movement for both southbound and northbound trains.

The City of Raleigh, NC, previously recognized the need for a new station to accommodate the current passenger load and to prepare for expanded service in coming years. In 1995, a study was conducted to identify a suitable location for a new, larger, multi-modal center. The study recommended the purchase of property adjacent to the Boylan Wye, which would allow all existing and proposed intercity and commuter trains to use a single facility. More recent studies have determined that a new station could serve more than 500,000 passengers annually by 2015. Conceptual planning for a multi-modal center is still underway. Completion is expected after designs for the Triangle Transit regional rail system are finalized.

Figure 2-4

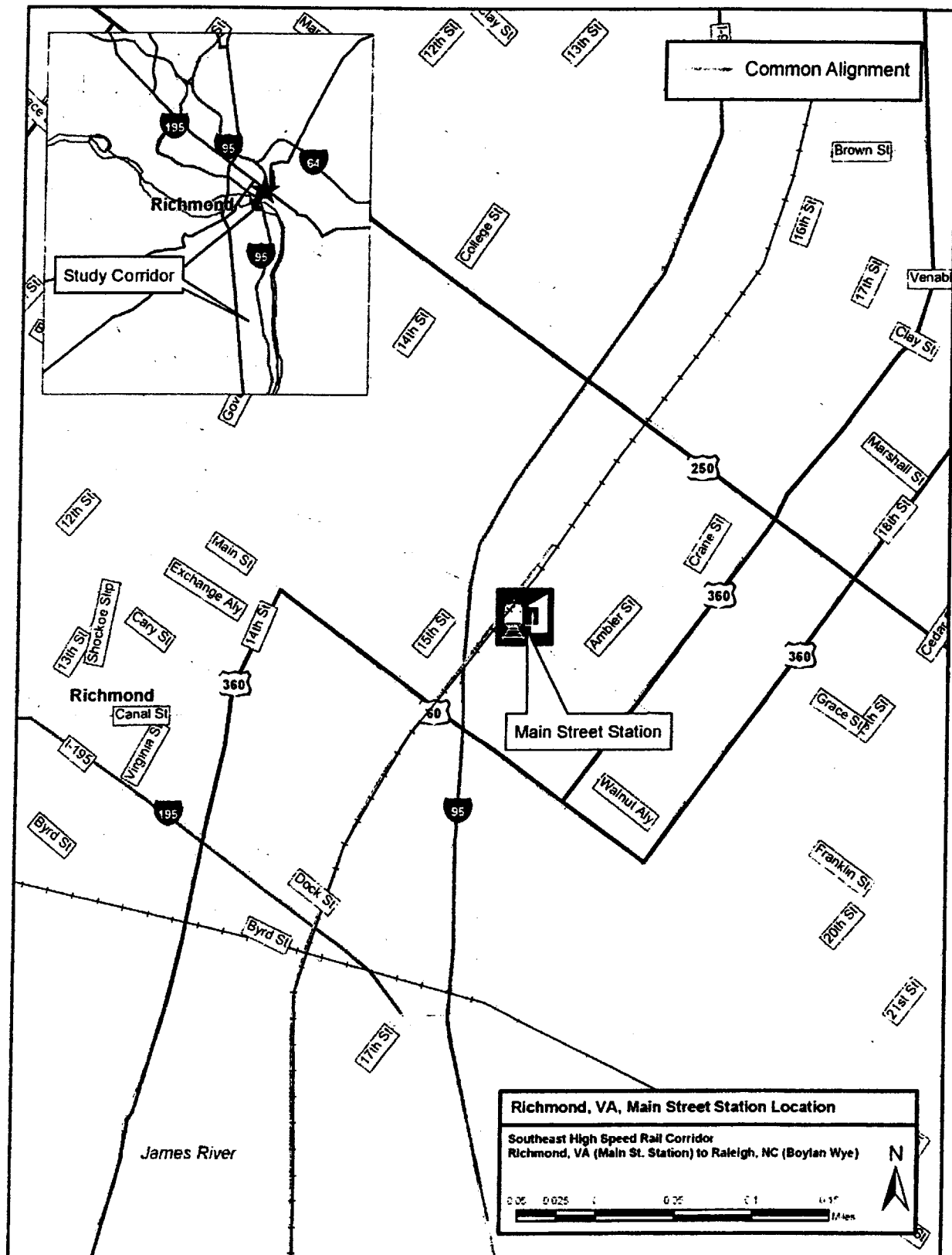


Figure 2-5

