

DECEMBER 2010 TEAM OF THE MONTH



TEAM: Lieutenant Billy Anspach
Sergeant Stephanie Early
Sergeant Rob Ruxer

NARRATIVE: During the month of November 2010, these three supervisors planned and executed the responses of our personnel, members of the Bureau of Alcohol Tobacco Firearms and Explosives, the Virginia State Police, and members of the Alcohol Beverage Control regarding the policing of the Sonny Barger (author/founding member) Hell's Angels Book Signing Event. The event was attended by an estimated two to three hundred Hell's Angels members, and affiliates, at a local business on the south end of our City.

A week prior to the scheduled event, members of our Agency received from another law enforcement entity, what was thought to be a credible, significant, public safety threat directed towards attendees of the book signing event. Sergeant Stephanie Early, upon receiving this information, directed our Agency's investigation into the matter. Subsequent to several hours of intense, skillful investigations, the threat was determined to be "bogus." The quick determinations concluded about the threat enabled our organizational leaders to develop an appropriate response to the event. It should be pointed out, that even after the specific threat was deemed "not credible," the nature of the event, and the presence of other, rival outlaw motorcycle gangs in the area, still required an intelligent, well planned response from our department.

Lt. Billy Anspach, Sgt. Rob Ruxer, and Sgt. Stephanie Early delivered just that and much more. Lt. Anspach was tasked with leading, planning, communicating and executing all of our "uniformed" personnel's activities during the event. Lt. Anspach provided direction for (11) Colonial Heights Police Officers and (10) Virginia State Troopers. This direction entailed briefing affected personnel, ensuring that proper equipment was available, assigning duty posts, and supervising activities.

In addition to the preliminary investigations already mentioned, Sgt. Stephanie Early was tasked with obtaining/communicating all intelligence regarding the activities, and she was responsible for planning, briefing and executing the activities of all "plain clothes" personnel. She provided direction for (12) ATF agents, (5) ABC agents, and (6) Colonial Heights Police officers.

Last but not least, Sgt. Rob Ruxer was tasked with all of the logistical responsibilities, which are often taken for granted, for an operation of this magnitude. Some of Sgt. Ruxer's responsibilities included; assistance with constructing the operational plan, dissemination of the plans, food and drink, communication equipment/plans, constructing a functional command post, and demobilization. The attention to details provided by Sgt. Ruxer were instrumental for the operation success regarding the policing of this event.

Overall, the event turned out to be a non-event and we are very grateful for such however without the supervision of Lt. Anspach, Sgt. Ruxer, and Sgt. Early and their abilities to work as a team, this would not have been possible. Neither supervisor involved was searching for individual "glory," and it was extremely evident during all of the meetings of planning and implementation. The Police Chief has only heard positive comments regarding our preparations, execution and response. He is a firm believer that this team and those that were tasked with specific assignments aided in increased pride and moral within our agency. Chief Faries is very proud of this group along with their respective supervisors, Captain Keith Early and Capt. Wayne Newsome, but feels strongly that this "team" deserves proper recognition for a job well done and their commitment to public safety.

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, December 14, 2010

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Davis at 6:05 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

Mayor Davis made a motion to amend the agenda by adding to the closed meeting Item 3.A.2., Section 2.2-3711.A. To discuss and consider the resignation of a specific public officer, the City Assessor, of the public body, Mrs. Luck seconded the motion.

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

Motion UNANIMOUS PASS.

3. Special Meeting for the purpose of:

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

1. **Section 2.2-3711.A.1 – To discuss and consider appointments to the Central Virginia Waste Management Authority, South Central Wastewater Authority, Appomattox River Water Authority, Regional Tourism Corporation, Planning Commission, Crater District Planning Commission, City Wetlands Board, District 19**

Minutes, Special Meeting

December 14, 2010

Page 2

Community Services Board, Economic Development Authority, Personnel Board, Senior Citizens Advisory Committee, Youth Services Commission and the Board of Zoning Appeals.

2. **Section 2.2-3711.A.1. To discuss and consider the resignation of a specific public officer, the City Assessor, of the public body.**

The Clerk announced the purpose of the meeting.

A motion was made by Mrs. Yates, seconded by Mr. Frenier, and carried unanimously on voice vote to convene into closed session at 6:07 P.M.

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

A motion to reconvene into open session was made by Mr. Green, seconded by Mr. Freeland and carried unanimously on voice vote at 7:01 P.M.

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

A. Section 2.2-3711.A.1 – To discuss and consider appointments to the Central Virginia Waste Management Authority, South Central Wastewater Authority, Appomattox River Water Authority, Regional Tourism Corporation, Planning Commission, Crater District Planning Commission, City Wetlands Board, District 19 Community Services Board, Economic Development Authority, Personnel Board, Senior Citizens Advisory Committee, Youth Services Commission and the Board of Zoning Appeals.

B. Section 2.2-3711.A.1. To discuss and consider the resignation of a specific public officer, the City Assessor, 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.**

Vote:

7-0

Yes:

Freeland, Jr.

Frenier

Green, Jr.

Luck

Wood

Yates

Davis

Minutes, Special Meeting

December 14, 2010

Page 3

No: None

Abstained: None

Absent: None

Motion UNANIMOUS PASS.

As a result of the closed meeting, a motion was made by Mayor Davis, seconded by Mr. Frenier, to make the following appointments:

Thomas L. Mattis to the Central Virginia Waste Management Authority, South Central Wastewater Authority, Appomattox River Water Authority, Regional Tourism Corporation, Planning Commission, and Crater District Planning Commission.

Mr. James L. O'Connell and Mr. Lewis L. Johnson to the City Wetlands Board

Councilman John T. Wood to the Crater Planning District Commission

Mrs. Carolyn Thompson to the District 19 Community Services Board

Mr. Harry B. Hargis and Mr. David J. Whiting to the Economic Development Authority

Mr. John Sullivan to the Personnel Board

Mr. James O'Connell, Ms. Mary Ann Hamilton, Mr. William Kollman, Councilman Milton Freeland, Jr., and Mr. Mitchell Hartson to the Planning Commission

Mrs. Ardenia Worthen to the Senior Citizens Advisory Committee

Mr. Dann P. Ferguson, Mr. Rennie Glazer, Mr. Douglas C. Harris, and Mr. Thomas E. Coon to the Youth Services Commission

Mr. Charles E. Townes, Mrs. Miriam Williams, and Mr. Bill Hundley to the Board of Zoning Appeals

Vote: 7-0

Yes: Freeland, Jr.

Frenier

Green, Jr.

Luck

Wood

Yates

Davis

No: None

Abstained: None

Absent: None

Motion UNANIMOUS PASS.

Minutes, Special Meeting
December 14, 2010
Page 4

8. Adjournment of Special Meeting.

A motion to adjourn the Special Meeting was made by Mr. Freeland, seconded by Mr. Frenier and carried unanimously on voice vote at 7:03 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins
DeAnna D. Atkins, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, December 14, 2010

1. Call to Order.

The Regular Meeting of City Council was called to order by Mayor Davis at 7:04 P.M.

2. Roll Call.

The following members of City 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**

**Ms. Jennifer N. Carpenter, Director of Human Resources
Mr. Craig R. Skalak, Director of Recreation and Parks
Mr. William E. Henley, Director of Public Works/Engineering
Mr. A. G. Moore, Jr., Chief of Fire and EMS
Ms. Karen K. Saunders, Information Technology
Administrator
Mr. George W. Schanzenbacher, Director of Planning
Mr. William E. Johnson, Director of Finance
Ms. Kathy L. Sparks, Deputy Director of Finance**

3. Devotion.

A devotional prayer was led by Vice Mayor Luck.

4. Pledge of Allegiance.

The Pledge of Allegiance was led by Vice Mayor Luck.

5. Adoption of Agenda.

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

Minutes, Regular Meeting

December 14, 2010

Page 2

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

Motion UNANIMOUS PASS.

6. Commendations and Presentations.

A. RESOLUTION NO. 10-49. Recognizing The Public Service of Annie M. Mickens.

Mayor Davis recognized Mayor Annie M. Mickens from the City of Petersburg, read the Resolution in its entirety, and expressed appreciation for Mayor Mickens for being a wonderful partner in the region.

Mayor Mickens expressed appreciation to Council for the recognition and to Mr. Wood for being a mentor throughout the years.

Mr. Wood stated the Resolution reflects the work of a citizen that has benefited the Tri-city region and expressed appreciation to Mayor Mickens for her dedication to the region.

B. RESOLUTION NO. 10-53. Recognizing The Public Service of Leslie P. Fryar.

Mayor Davis recognized Mr. Fryar, read the Resolution in its entirety, and expressed appreciation to Mr. Fryar for his service to the citizens of Colonial Heights.

Mr. Fryar expressed appreciation to Council for the recognition.

C. Presentation of Employee of the Month Award for November 2010 to Mr. Jose L. Benitez, Traffic Technician.

Mayor Davis recognized Mr. Benitez, read the commendation in its entirety, and presented him with a certificate and a small token of Council's appreciation.

**Minutes, Regular Meeting
December 14, 2010
Page 3**

Mr. Benitez expressed appreciation to Council for the recognition, and to his co-workers for writing the recommendation for the recognition. He stated he looks forward to many more years working for the City.

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

A. Approval of Minutes:

1. Special Meeting, November 9, 2010.
2. Regular Meeting, November 9, 2010.
3. Special Meeting, November 16, 2010.

B. Adoption of:

AN ORDINANCE NO. 10-FIN-21 (Second Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to appropriate \$9,793, consisting of \$2,593 to the Sheriff's Office, \$2,468 of which is from a grant to purchase an additional taser and cartridges, and \$125 in donated funds to help offset the annual Halloween in the Park event; and \$7,200 of donated funds to the Library to replace six staff and public computers.

AN ORDINANCE NO. 10-28 (Second Reading). To amend and reordain Chapter 245, Stormwater Management, of the Colonial Heights City Code, so as to enumerate that Article I, General Provisions, of such chapter shall consist of §§ 245-1 through 245-19 therein; and to add an Article II, Stormwater Management Utility, revising § 245-20 and adding §§ 245-21 through 245-27, establishing provisions relating to the utility.

AN ORDINANCE NO. 10-29 (Second Reading). To amend and reordain Chapter 113, Rental Inspection Program, of the Colonial Heights City Code, by adding therein §§ 113-4.3, 113-4.4, and 113-4.5, to create three new rental inspection districts; namely, Oak Hill, Lakeview, and Ellerslie.

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

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

Motion UNANIMOUS PASS.

Minutes, Regular Meeting
December 14, 2010
Page 4

8. Reading of Manner of Addressing Council.

The City Attorney read the Manner of Addressing Council.

9. Advertised Public Hearings.

A. Public Hearing as advertised in *The Progress-Index* on December 2, 2010.

AN ORDINANCE NO. 10-FIN-23 (First Reading). To amend the Capital Projects Fund Budget to appropriate \$900,000 to be used for the purchase of a new multi-purpose fire vehicle; such vehicle being purchased through a lease-purchase agreement.

A motion for adoption was made by Mr. Green and seconded by Mr. Freeland.

Mayor Davis provided a brief explanation of Ordinance No. 10-FIN-23.

No members of the public accepted the Mayor's invitation to comment on the Ordinance.

Mr. Frenier read a Declaration of Personal Interest with regard to his employment as a part-time logistics officer with the City Fire/EMS Department, which was filed with the Clerk.

Mr. Wood stated that after reviewing all of the information presented at the two work sessions and considering the condition of the economy, he believes now is an inappropriate time to purchase the multi-purpose fire vehicle due to the cost.

Mrs. Luck stated she had some reservations regarding the purchase of a multi-purpose fire vehicle due to the huge expense, but due to the concern for the safety of the City's firefighters, she will vote for the purchase.

Mayor Davis stated the current truck used by the Fire Department does not meet the national safety standards.

<u>Vote:</u>	6-1
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Yates
	Davis
No:	Wood
Abstained:	None
Absent:	None

Motion PASS.

Mr. Freeland qualified his vote by stating he was going to vote “yes” due to the safety concerns of the City’s Fire Department personnel utilizing the current vehicle, which is unsafe.

Mrs. Luck qualified her vote by stating she was going to vote “yes” due to the safety concerns of the City’s Fire Department personnel utilizing the current vehicle, which is unsafe.

B. Public Hearing as advertised in *The Progress-Index* on December 6, 2010.

A RESOLUTION NO. 10-50. Requesting the Virginia Recreational Trails Fund Program to provide funding for the development of a recreational trail and related improvements along the Appomattox River as a part of the Appomattox River Greenway.

A motion for adoption was made by Mr. Green and seconded by Mr. Freeland.

No members of the public accepted the Mayor’s invitation to comment on the Resolution.

Mr. Freeland provided a brief explanation of Resolution No. 10-50.

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

Motion UNANIMOUS PASS.

10. Written Petitions and Communications.

(There were none.)

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

There was no response to the Mayor’s request for citizens input on non-agenda issues.

Minutes, Regular Meeting
December 14, 2010
Page 6

12. Introduction and Consideration of Ordinances and Resolutions.

AN ORDINANCE NO. 10-FIN-22 (First Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to appropriate \$2,213 to Public Safety, \$818 of which is to be used to purchase a replacement camera for the Deputy Fire Marshal, such funds coming from Court restitution; \$395 to be used to purchase equipment and supplies for the Animal Shelter, and \$1,000 to be used to purchase accreditation supplies and handheld video cameras, such funds coming from donations.

A motion for adoption was made by Mr. Green and seconded by Mrs. Luck.

Mayor Davis provided a brief explanation of Ordinance No. 10-FIN-22.

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

Motion UNANIMOUS PASS.

AN ORDINANCE NO. 10-30 (First Reading). To amend the General Pay Plan Class and Salary Range so as to add the job classification for Administrative Services Deputy; and to approve the job description and class specification for Administrative Services Deputy.

A motion for adoption was made by Mr. Green and seconded by Mr. Frenier.

Mayor Davis provided a brief explanation of Ordinance 10-30.

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

Motion UNANIMOUS PASS.

A RESOLUTION NO. 10-48. Authorizing the City Manager to execute certain grant applications for the purpose of obtaining federal financial assistance under the National Domestic Preparedness Office Grant Program(s).

A motion for adoption was made by Mr. Green and seconded by Mrs. Luck.

Mayor Davis provided a brief explanation of Resolution No. 10-48.

<u>Vote:</u>	7-0
Yes:	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 were none.)

14. Reports of Officers and Documents Related Thereto.

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

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

A. City Manager.

1. Update on City Courthouse Project.

Mr. Mattis provided a brief update on the demolition schedule for the former Colonial Heights Baptist Church. He stated that all of the demolition is scheduled to be completed by mid-June.

There was a brief discussion regarding the obligation of a bond and the process which will be used.

In response to a question from Mr. Green regarding the demolition process, Mr. Mattis stated the main concern with the demolition is the abatement of the asbestos and lead paint.

2. Review of FY2011-12 Annual Budget Development Calendar.

Mr. Mattis stated that the FY2011-12 Budget process has began and he would like to receive more detail on policy direction at Council's retreat.

3. General Activity Report and/or Project Update.

Mr. Mattis expressed appreciation for the Welcome Reception for his wife and himself.

B. City Attorney.

Mr. Fisher reminded Council of the Crowder Special Use Permit request. He stated Council may want to consider a date within the next month or two in which the permit needs to be considered.

Mayor Davis requested that Mr. Fisher contact the applicant to determine his intention regarding the matter and he stated Council will decide how to handle the request at the January meeting.

Mr. Fisher provided an update on the Jennick/Dimmock Parkway traffic signal and reminded Council to let him know of any changes they desired to the Rules of Procedure.

C. Director of Planning and Community Development.

Mr. Schanzenbacher stated that the City has received a grant through the Cameron Foundation for \$50,000 towards the historic overlook at the Appomattox River Trail.

Sheriff Wilson expressed appreciation for Fire Marshall Boisseau's work on a three-day arson trial.

Mayor Davis stated City Council's Organizational Meeting will be held January 3, 2011 at 7:30 p.m., and there will be a Work Session on December 21, 2010 at 6:00 p.m.

15. Consideration of Claims.

(There were none.)

Minutes, Regular Meeting
December 14, 2010
Page 9

16. Adjournment.

A motion to adjourn the Regular Meeting was made by Mr. Freeland, seconded by Mrs. Luck and carried unanimously on voice vote at 8:13 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins
DeAnna D. Atkins, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA

Special Meeting of City Council

Tuesday, December 21, 2010

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Davis at 6:05 P.M.

2. Roll Call.

Present: **Councilman Milton E. Freeland, Jr.**

Councilman Kenneth B. Frenier

Vice Mayor Elizabeth G. Luck

Councilwoman Diane H. Yates

Mayor C. Scott Davis

Absent: **Councilman W. Joe Green, Jr.**

Councilman John T. Wood (Arrived at 6:16 P.M.)

Also Present: **Mr. Thomas L. Mattis, City Manager**

Mr. Hugh P. Fisher, III, City Attorney

A motion was made by Mr. Frenier and seconded by Mrs. Yates to amend the agenda to move Item No. 3.A.1., Review of Proposed Zoning Ordinance, to follow Item 3.A.2., Staff Presentation on City Emergency Warning Procedures and Outbound Notification Telephone System.

Vote: **5-0**

Yes: **Freeland, Jr.**

Frenier

Luck

Yates

Davis

No: **None**

Abstained: **None**

Absent: **Green, Jr.**

Wood

Motion UNANIMOUS PASS.

3. Special Meeting for the purpose of:

A. Holding a work session to consider the following:

1. Staff Presentation on City Emergency Warning Procedures and Outbound Notification Telephone System – Mr. A.G. Moore, Chief of Fire and EMS

Mr. Frenier read a Declaration of Personal Interest with regard to his employment as a part-time logistics officer with the City Fire/EMS Department, which was filed with the Clerk.

Chief Moore presented information on the City's Emergency Warning Procedures and Outbound Notification Telephone System. He reviewed the process which is used when a notification is sent to the citizens. He stated the current vendor's contract renewal date is June 30, 2011. He presented options available through other vendors to the City.

Mr. Mattis stated staff will begin the RFP process after the first of the year and there will be opportunities for public input throughout the process.

There was a brief discussion regarding the options which will be available for the citizens to receive the messages, and the notification to the citizens about the utilization of a new vendor and the options available.

In response to a question from Mr. Freeland, Chief Moore stated the current system costs approximately \$16,800 per year.

There was a brief discussion regarding the cost of the utilization of a new vendor and the goal of the City to enhance the system and keep the cost relatively unchanged.

In response to a question from Mr. Freeland, Chief Faries stated there is no limit on the number of times the City can use the outbound notification system through the current vendor. He further stated it is important to not overuse the system, which could cause the citizens to stop listening to the messages conveyed.

In response to a question from Mrs. Yates, Chief Moore stated if the City elects to utilize another vendor, the phone calls would not come from a local telephone number.

Mayor Davis stated the City would hold public information sessions to notify the citizens of the changes to the City's outbound notification system.

2. Review of Proposed Zoning Ordinance – Mr. George Schanzenbacher, Director of Planning.

Mr. Schanzenbacher stated each suggested modification from Council for the proposed zoning ordinance was reviewed by the consultant and changes were made to the zoning ordinance.

In response to a question from Mayor Davis concerning condominiums, Mr. Schanzenbacher stated condominiums are listed in the definition section and not the permitted use section because accordingly condominium is a form of ownership and not a type of dwelling. He further stated that in the R1 zoning district, a condominium would not meet the standards for the R1 zoning.

There was a brief discussion regarding the square footage amounts for single family residences which were provided to Council.

Minutes, Special Meeting

December 21, 2010

Page 3

In response to a question from Mr. Freeland concerning tattoo parlors, Mr. Fisher stated he thinks they are allowed in the City of Hopewell by a special use permit and that in Chesterfield County they are discouraged. He further stated he will contact other localities to discuss their policies on tattoo parlors.

In response to a question from Mrs. Yates, Mr. Schanzenbacher stated the existing zoning ordinance was utilized to get the minimum square footage numbers provided to Council.

There was a brief discussion about the minimum square footage numbers for single family residences.

In response to a question from Mr. Mattis concerning an overlay zoning district, Mr. Schanzenbacher stated that conceptually the City could use an overlay zoning district to place more restrictions on certain businesses, but in practicality it may be hard to enforce.

Mr. Fisher stated that in the State Code tattoo parlors are treated like hairstylists and salons; and it may be difficult to restrict some and not all of those facilities.

In response to a question from Mr. Freeland concerning adult use businesses, Mr. Schanzenbacher stated those businesses are allowed in a general business district with a special exception permit.

Mr. Fisher stated that in the proposed zoning ordinance, tattoo parlors will only be located in the general business district and will not be located along the Boulevard.

There was a brief discussion regarding implementing a fee on certain businesses and the requirements which need to be met to implement a fee.

Mr. Schanzenbacher stated the City is getting new floodplain maps and part of the review process is that the federal government is reviewing the current ordinance and will provide the City with any comments.

In response to questions from Mayor Davis concerning the wetlands protection district, Mr. Schanzenbacher stated there are no major changes from the current ordinance other than adding a requirement for a ten-foot boundary around wetlands, which would allow construction to be carried on without disturbing the wetlands.

Mr. Schanzenbacher stated the Chesapeake Bay Overlay District did not change from the current ordinance but there may be changes in the future once the new Chesapeake Bay guidelines are issued.

There was a brief discussion regarding the amount of time allowed for the installation and approval of stormwater management facilities on commercial properties.

In response to a question from Mr. Wood, Mr. Schanzenbacher stated the Board of Architectural Review could be its own Board separate from the Planning Commission.

Minutes, Special Meeting

December 21, 2010

Page 4

Mayor Davis stated Council could appoint the members of the Board of Architectural Review the same way other appointments are made to other boards or commissions in the City.

Mr. Wood stated he would not be in favor of Council appointing a Board of Architectural Review.

Mr. Fisher stated that Council cannot be the Board of Architectural Review, because it acts as an appeal body for the Board of Architectural Review.

In response to a question from Mrs. Yates concerning the sale of cosmetics or jewelry out of a home, Mr. Schanzenbacher stated if goods are being sold out of a home, it does not comply with a home occupation.

Mr. Fisher stated the sale of goods out of a home would defeat one purpose of a home occupation, which is to minimize disruption to a neighborhood.

Mr. Schanzenbacher stated a home occupation is supposed to have only a minimal impact on the surrounding neighborhood.

There was a brief discussion regarding the number of customers or clients allowed per week for an in-home beauty shop and Internet gun sales from the home.

Mayor Davis stated that Council will pick up with manufactured homes on page 137 of the zoning ordinance at the next meeting.

Council recessed at 7:38 p.m. for a five minute break.

Council reconvened at 7:43 p.m.

3. Initial Review of Development Process for New City Courthouse Project and Staff Recommendation(s) Regarding Same – Mr. Thomas L. Mattis, City Manager.

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

Mr. Henley presented the proposed road map of to the new courthouse, which consisted of a brief background, site overview, staff recommendations, Council's checkpoints, land use and development considerations, and a timetable to follow. He stated it is important to move quickly with this project because the cost of financing will continue to increase.

Mr. Schanzenbacher stated the courthouse is a unique opportunity for the City to do something more than just build a building. He further stated the location of the building on the site can help facilitate commercial development. He provided a brief explanation of supplementary policies and actions which could help with redevelopment of the area.

Mr. Henley stated that utilizing the Public-Private Education Facilities Infrastructure Act (PPEA) by the City for this project will allow multiple phases to be underway simultaneously.

Mr. Mattis stated the biggest variable with the presented timetable will be policy decisions about the project being done in a timely manner. He further stated that staff is proposing an oversight-building committee to guide the process with continuous updates and public discussion along the process.

Mayor Davis expressed appreciation to the City Manager and staff for the presentation. He stated the communication has to continue between himself and the judge. He further stated the illustrative site concept as presented allows for expansion. He stated the building design needs to be sent to the National Center for State Courts and recommended that be done as soon we get more information such as square footage, etc., to receive feedback.

In response to a question from Mayor Davis, Mr. Henley stated the timetable presented reflects some contingencies which would allow for approval from the National Center for State Courts.

Mr. Fisher stated he would contact Mr. Broaddus and discuss receiving approval from the National Center for State Courts.

In response to a question from Mayor Davis concerning the rezoning and special use permit for the proposed courthouse property, Mr. Schanzenbacher stated the issue will have to go before the Planning Commission.

Mayor Davis stated Council does not need to be bogged down with the specifics of the project and suggested allowing the experts on staff to guide the City throughout the project.

Mrs. Luck stated she liked that the building will complement the architecture of other buildings in the area and impact the neighborhood with safety features.

Mr. Mattis stated this project will be a benchmark for the entire corridor and a unique opportunity for our community.

In response to a question from Mr. Wood concerning the composition of the oversight advisory – building committee, Mr. Henley stated it can be composed of a technical element, a citizen element and a governing body element. He further stated that staff would like to discuss that further and present a specific recommendation to Council.

There was a general consensus of Council to move forward with the action plan for the new courthouse.

Mayor Davis stated he has spoken with Mr. Mitchell Hartson and discussed his qualifications to be appointed to the Planning Commission.

Minutes, Special Meeting

December 21, 2010

Page 6

Mr. Wood passed out pens to each of the Council members, who he said are the leading lights of the City.

A motion to adjourn the Special Meeting was made by Mrs. Yates, seconded by Mrs. Luck and carried unanimously on voice vote at 8:35 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins

DeAnna D. Atkins, City Clerk

AN ORDINANCE NO. 10-FIN-22

To amend the General Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to appropriate \$2,213 to Public Safety, \$818 of which is to be used to purchase a replacement camera for the Deputy Fire Marshal, such funds coming from Court restitution; \$395 to be used to purchase equipment and supplies for the Animal Shelter, and \$1,000 to be used to purchase accreditation supplies and handheld video cameras, such funds coming from donations.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1, 2 and 3 of Ordinance No. 10-FIN-5, 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, 2010, and ending June 30, 2011, 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)	\$ 139,965
Administrative (City Manager)	286,065
Legal (City Attorney)	209,571
Tax Collections & Assessments	580,950
Finance	5,988,018
Information Technologies	179,669
Board of Elections	131,784
Judicial	4,512,750
Public Safety	7,534,379 7,536,592
Public Works	2,906,095
Health and Social Services	695,825
Parks and Recreation	1,296,995
Cultural Enrichment	105,755
Library	582,067
Community Development	490,987
Grant Programs	536,829
Nondepartmental	603,961
Debt Service	2,843,031
Operating Transfers Out	18,611,172

2. That the sum of \$48,235,868 \$48,238,081 is appropriated for the fiscal year beginning July 1, 2010.

3. That the foregoing appropriation is based upon the following revenue fiscal year beginning July 1, 2010:

General Property Taxes	\$21,388,966
Other Local Taxes	13,789,050
Licenses, Permits & Fees	3,319,134
Fines and Forfeitures	651,000
Use of Money & Property	295,000
Intergovernmental Revenues	6,134,632
Charges for Current Services	1,190,840
Miscellaneous	866,095 866,490
Restricted Fund Balance – Police Assets	500
Restricted Fund Balance – CDBG CDBG	84,122
Restricted Fund Balance – Fire & EMS	10,582 11,400

Restricted Fund Balance – Police	33,043
Restricted Fund Balance – Dimmock	
Signal	60,000
Fund Balance	<u>413,904</u>
TOTAL	\$48,235,868 48,238,081

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

Approved:

Mayor

Attest:

DeAnita Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on December 14, 2010.

Ayes: 7 Nays: 0 Absent: 0 Abstain: 0.

The Honorable Milton E. Freeland, Jr., Councilman: Aye

The Honorable Kenneth B. Frenier, Councilman: Aye

The Honorable W. Joe Green, Jr., Councilman: Aye

The Honorable Elizabeth G. Luck, Vice Mayor: Aye

The Honorable John T. Wood, Councilman: Aye

The Honorable Diane H. Yates, Councilwoman: Aye

The Honorable C. Scott Davis, Mayor: Aye

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:

Hugh P. Dreher, III
City Attorney

AN ORDINANCE NO. 10-FIN-23

To amend the Capital Projects Fund Budget to appropriate \$900,000 to be used for the purchase of a new multi-purpose fire vehicle; such vehicle being purchased through a lease-purchase arrangement.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 2 and 3 of Ordinance No. 06-FIN-4, the Capital Projects Fund Budget, as severally amended, 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

Senior Citizen/Youth Center Addition	\$ 701,356
Beautification Committee/Tourism	
Jamestown 2007	62,465
Courts Building Renovation/A & E	481,610
Library Renovation/Addition/A & E	1,349,087
Emergency Shelter – Power Modification	70,722
Boulevard Redevelopment	333,927
Fire Apparatus	<u>205,926</u>
SUBTOTAL	\$ 1,105,926
	\$ 3,205,093
	4,105,093

RECREATIONAL FACILITIES

Vocational School Sports Complex	\$ 9,246
Shepherd Stadium	70,000
Violet Bank Museum	63,113
Facilities Masterplan/Improvements	205,000
Appomattox River Greenway	<u>306,352</u>
SUBTOTAL	\$ 653,711

EDUCATIONAL FACILITIES

Asbestos Abatement/	
Renovation High School	\$ <u>95,575</u>
SUBTOTAL	\$ 95,575

STREETS AND BRIDGES

Highway Construction Fund (Local Share)	\$ 12,561
Access Road – Transfer Station	100,000
Conduit Road Drainage Improvements	863
Bruce Avenue Drainage	2,740,671
I-95 Northbound Ramp – Temple Avenue	563,000
Lynchburg Avenue Reconstruction	162,305
Longhorn Drive Drainage	191,302
Boulevard Widening – North End	670,825
Boulevard Enhancement Project	275,000
Lafayette Avenue Paving	68,500
Yacht Basin Drive Storm Sewer	14,235
Lexington Drive Storm Sewer	33,172
Dupuy Boulevard Intersection	5,376,898
Signal Coordination –	
Temple/Sherwood	331,000

Safe Routes to School	322,548
Traffic Signal – Dimmock Parkway	<u>255,000</u>
SUBTOTAL	\$11,117,880

UTILITY IMPROVEMENTS

Sanitary Sewer Rehabilitation	\$ 319,926
Waterline Rehabilitation	84,061
Utility System Line Testing	<u>108,417</u>
SUBTOTAL	\$ 512,404

TRANSFERS

Transfer to School CIP Program	<u>\$7,500,000</u>
SUBTOTAL	<u>\$ 7,500,000</u>

TOTAL	\$23,084,663
	<u>\$23,984,663</u>

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

TRANSFERS

Transfer from General Fund	\$2,764,257
Transfer from Recreation Activity Fund	1,700
SUBTOTAL	\$ 2,765,957

MISCELLANEOUS

Restricted Fund Balance – Fire Apparatus	\$ 141,585
Grants	401,503
Donations	<u>77,860</u>
SUBTOTAL	\$ 620,948

REVENUES

Intergovernmental	\$5,440,446
Future Bond Issues:	
General Fund	7,500,000
Schools	2,500,000
<i>Future Capital Lease</i>	<u>900,000</u>
SUBTOTAL	\$15,440,446
	16,340,446

CONTINUING APPROPRIATED PROJECTS

General Fund	\$3,696,927
Water and Sewer Fund	<u>560,385</u>
SUBTOTAL	<u>\$ 4,257,312</u>
TOTAL	\$23,084,663
	<u>\$23,984,663</u>

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

Approved:

Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on December 14, 2010.

Ayes: 7 Nays: 0 Absent: 0 Abstain: 0

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

Aye

The Honorable Kenneth B. Frenier, Councilman:

Aye

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

Aye

The Honorable Elizabeth G. Luck, Vice Mayor:

Aye

The Honorable John T. Wood, Councilman:

Aye

The Honorable Diane H. Yates, Councilwoman:

Aye

The Honorable C. Scott Davis, Mayor:

Aye

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:

Hugh P. Beale III
City Attorney

AN ORDINANCE NO. 10-30

To amend the General Pay Plan Class and Salary Range so as to add the job classification for Administrative Services Deputy; and to approve the job description and class specification for Administrative Services Deputy.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That, pursuant to City Charter §§ 9.7 and 9.8, "Classification Plan" and "Pay Plan" respectively, the General Pay Plan Class and Salary Range attached as Exhibit A is hereby approved and incorporated as part of this ordinance.

2. That, pursuant to City Charter §§ 9.7 and 9.8, the job description and class specification for Administrative Services Deputy, attached as Exhibit B, is hereby approved and incorporated as part of this ordinance.

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

Approved:

Mayor

Attest:

DeAnnate Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on December 14, 2010.

Ayes: 7 Nays: 0 Absent: 0 Abstain: 0

The Honorable Milton E. Freeland, Jr., Councilman: Aye

The Honorable Kenneth B. Frenier, Councilman: Aye

The Honorable W. Joe Green, Jr., Councilman: Aye

The Honorable Elizabeth G. Luck, Vice Mayor: Aye

The Honorable John T. Wood, Councilman: Aye

The Honorable Diane H. Yates, Councilwoman: Aye

The Honorable C. Scott Davis, Mayor: Aye

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:

Hugh R. Foster, III
City Attorney



CITY OF COLONIAL HEIGHTS

P.O. Box 3401

COLONIAL HEIGHTS, VA 23834-9001

www.colonial-heights.com

RECEIVED

JAN 6 2010

City Manager's Office

To: Thomas L. Mattis, City Manager
From: William E. Johnson, Director of Finance *WES*
Date: 1/11/2011
RE: 2011 Bond Funding

City Council has shown its intent to fund the construction of the new Court House with a bond sale. It is now necessary to increase the appropriation of this project to proceed and to enact a new Bond Authorization to finance this project. It is my recommendation that this appropriation be set at one million dollars to finance site preparation and the design phases. As in the past, the Bond Authorization is a little higher than the actual need of the capital project, which allows the funding of any cost of issuance or the need to adjust the issue size to take advantage of bond bid dynamics at the time of the sale.

At this time I am also recommending the readopting of the Capital Projects Fund ordinance that has been in used since 2006. This reflects our past practice to readopt the Capital Projects Fund at the beginning of each new bond issuance process. This process eliminates completed projects and reestablishes an ordinance that only shows currently active projects. This new ordinance will only show currently active projects and the recommended increase of the Courthouse Project by one million dollars.

If you have any questions or need additional clarification, please advise.

A RESOLUTION NO. 11-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLONIAL HEIGHTS, VIRGINIA AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS IN THE ESTIMATED MAXIMUM AMOUNT OF \$1,050,000

WHEREAS, the City Council of the City of Colonial Heights, Virginia ("City") has determined that it is advisable to issue up to \$1,050,000 general obligation bonds of the City to finance the cost, in whole or in part, of certain preliminary costs associated with the construction of a new courthouse (the "Project").

WHEREAS, the City Council has held a public hearing on the issuance of such general obligation bonds in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended (the "Virginia Code") on January 11, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. Authorization of Bonds and Use of Proceeds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation bonds in the aggregate maximum principal amount of \$1,050,000 (the "Bonds"). The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to pay all or a portion of the costs of the Project.

2. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Bonds shall be issued in one or more series and may be issued in combination with such other general obligation bonds of the City as may be authorized by the City Council. The Bonds shall be issued in fully registered form, shall be dated such date or dates as the City Manager and the Director of Finance, or either of them, may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the City Manager and the Director of Finance, or either of them, may approve, provided that the final maturity of any Bond is not more than approximately 25 years from its date and the aggregate principal amount of the Bonds is not more than \$1,050,000. The City Manager and the Director of Finance, or either of them, is authorized and directed to determine the method of sale of the Bonds which may be a bank placement or a competitive or negotiated sale. The City Manager and the Director of Finance, or either of them, is authorized and directed to accept a bid for the purchase of the Bonds which results in the lowest true interest cost to the City, or in the case of a bank placement or a negotiated sale, to accept a proposal from such bank or execute and deliver on behalf of the City a bond purchase agreement with such underwriter or underwriters as such officers determine to be in the best

interests of the City. The Bonds shall bear interest, payable on such dates, at such rate or rates and shall be sold to the successful bidder or bidders at such price as may be set forth in the bid or proposal so accepted, provided that the true interest cost of the Bonds shall not exceed 6.5% per annum. The City Manager and the Director of Finance, or either of them, is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City.

4. Form of Bonds. The Bonds shall be in substantially the form attached to this Resolution as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. Book-Entry-Only-Form. The Bonds may be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and may be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”) as registered owner of the Bonds, and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds may be registered to Cede & Co. In such event, beneficial owners of the Bonds shall not receive physical delivery of the Bonds and principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds may be made by DTC and its participants (the “Participants”), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. In such event, the City shall notify DTC of any notice required to be given pursuant to this Resolution or the Bonds not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given and the City shall also comply with the agreements set forth in the City's Letter of Representations to DTC.

In the event the Bonds are issued in book-entry-only form and registered in the name of DTC's nominee as permitted above, replacement Bonds (the “Replacement Bonds”) may be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

- (i) DTC determines not to continue to act as securities depository for the Bonds; or
- (ii) The City has advised DTC of its determination not to use DTC as a securities depository; or
- (iii) The City has determined that it is in the best interest of the beneficial owners of the Bonds or the City not to continue the book-entry system of transfer.

Upon occurrence of the event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to the Resolution to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to

DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Resolution to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Resolution and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Resolution and the Bonds.

6. Appointment of Bond Registrar and Paying Agent. The City Manager and the Director of Finance, or either of them, are authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds and as long as the Bonds are in book-entry form, either of such officers may serve as Paying Agent.

The City Manager and the Director of Finance, or either of them, may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

7. Execution of Bonds. The City Manager and the Clerk of the City Council are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the City Manager and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

8. CUSIP Numbers. The Bonds may have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

9. Registration, Transfer and Exchange. Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Resolution and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

10. Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

11. Non-Arbitrage Certificate and Tax Covenants. The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are authorized and directed to execute with respect to each series of the Bonds a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Tax Code, including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants relating to such Bonds, to be delivered simultaneously with the issuance and delivery of the Bonds and that the City shall comply with the other covenants and representations contained therein.

12. Disclosure Documents. The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Director of Finance shall determine. The Director of Finance is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

13. Further Actions. The City Manager and the Director of Finance and such officers and agents of the City as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds including the execution and delivery of such bond purchase agreement as may be required in connection with any negotiated sale of the Bonds and the execution and delivery of any such other documents, agreements and certificates as they may deem necessary or desirable and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

14. Reimbursement. The City Council adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The City Council reasonably expects to reimburse advances made or to be made by the City to pay the costs of the Project from the proceeds of its debt. The maximum amount of debt expected to be issued for the Project is set forth in paragraph 1 above.

15. Bank Qualification. The City Council designates the Bonds as "qualified tax-exempt obligations" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code. The City Council does not reasonably

anticipate that the City, the City's subordinate entities, and the entities which issue obligations on the City's behalf will issue, in the aggregate, more than \$10,000,000 in tax-exempt obligations during calendar year 2011, or such later year as the Bonds may be issued, and the City Council will not designate more than \$10,000,000 of qualified tax-exempt obligations in calendar year 2011, or such later year as the Bonds may be issued.

16. Authorization of Bond Anticipation Notes. If prior to the offering of the Bonds, market or other conditions are such that the City Manager determines that it is not advisable to enter into a long-term financing for all or any portion of the costs of the Project, the City Manager, without further approval of Council as to documentation or otherwise, may execute, deliver and issue short-term notes of the City (the "Notes") as provided in Section 15.2-2628 of the Virginia Code at public or private sale in anticipation of the issuance of any or all of the Bonds; provided that the aggregate principal amount of the Notes shall not exceed \$1,050,000, the term to maturity thereof shall not exceed five years and the true interest cost thereon shall not exceed six percent (6%) and the Notes shall be subject to such other terms and conditions contained in this Resolution or approved by the City Manager to the extent not inconsistent with this paragraph 16.

17. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Virginia Code, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991. This Resolution shall take effect at the time of its adoption.

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

Exhibit A
FORM OF BOND

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA

No. R-

CITY OF COLONIAL HEIGHTS
GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND,
SERIES _____

MATURITY DATE

INTEREST RATE

CUSIP

REGISTERED OWNER:

PRINCIPAL AMOUNT:

CITY OF COLONIAL HEIGHTS, VIRGINIA (the "City"), for value received, acknowledges itself indebted and promises to pay to the registered owner of this Bond or legal representative, the principal amount stated above on the maturity date set forth above and to pay interest on the principal amount of this Bond at the rate specified above per annum, payable semiannually on _____ 1 and _____ 1, beginning on _____ 1, _____. This Bond shall bear interest (a) from _____, ____, if this Bond is authenticated before _____ 1, ____ or (b) otherwise from the _____ 1 or _____ 1 that is, or immediately precedes, the date on which this Bond is authenticated; provided that, if at the time of authentication of this Bond, interest on this Bond is in default, this Bond shall bear interest from the date to which interest has been paid. Both principal of and interest on this Bond are payable in lawful money of the United States of America. The principal of this Bond is payable upon presentation and surrender hereof at the office of _____, as Bond Registrar and Paying Agent ("Bond Registrar" or "Paying Agent"). Interest on this Bond is payable by check or draft mailed to the registered owner hereof at its address as it appears on the registration books maintained by the Bond Registrar without presentation of this Bond (or by wire if requested by any owner of at least \$1,000,000 in principal amount of the Bonds). All interest payments shall be made to the registered owner as it appears on the registration books kept by the Bond Registrar on the first day of the month in which each interest payment date occurs.

This Bond has been duly authorized by the City Council of the City (the "City Council") and is issued for the purpose of providing funds to pay all or a portion of certain preliminary costs associated with the construction of a new courthouse. The full faith and credit of the City are irrevocably pledged for the payment of the principal of and premium, if any, and interest on this Bond in accordance with its terms.

This Bond is one of a series of \$_____ General Obligation Public Improvement Bonds, Series _____ of the City, (the "Bonds") of like date and tenor, except as to number, denomination, rate of interest and maturity, issued under the authority of and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, and, more particularly,

issued pursuant to the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Code of Virginia of 1950, as amended and a Resolution adopted by the City Council on January 11, 2011 (the "Resolution").

[Bonds maturing on or before _____, _____ are not subject to redemption before maturity. Bonds at the time outstanding which are stated to mature on or after _____, _____ may be redeemed before their maturities on or after _____, _____, at the option of the City in whole or in part (in installments of \$5,000) at any time or from time to time upon payment of the principal amount to be redeemed together with the interest accrued thereon to the date fixed for redemption.]

If less than all of the Bonds are called for redemption, the Bonds to be redeemed shall be redeemed in such order as may be determined by the Director of Finance of the City in such officer's discretion. If at any time less than all of the Bonds of any maturity are called for redemption, the particular Bonds of such maturity or portions thereof to be redeemed shall be selected by The Depository Trust Company or any successor securities depository, or, if the book-entry-only system is discontinued, by the Bond Registrar and Paying Agent by lot in such manner as the Bond Registrar in its discretion may determine.

If any of the Bonds or portions thereof are called for redemption, the Bond Registrar shall send notice of the call for redemption identifying the Bonds by serial or CUSIP numbers, and in the case of partial redemption, identifying the principal amount to be redeemed, and identifying the redemption date and price and the place where Bonds are to be surrendered for payment, by facsimile transmission, first class mail or overnight express delivery not less than 30 nor more than 60 days before the redemption date to the registered owner of each Bond to be redeemed at such owner's address as it appears on the registration books maintained by the Bond Registrar, but failure to mail such notice shall not affect the validity of the proceedings for redemption. Provided funds for their redemption are on deposit at the place of payment on the redemption date, all Bonds or portions thereof so called for redemption shall cease to bear interest on such date, shall no longer be secured by the Resolution and shall not be deemed to be outstanding. If a portion of this Bond shall be called for redemption, a new Bond in principal amount equal to the unredeemed portion hereof will be issued to the registered owner upon the surrender of this Bond.

The Bonds are issuable as fully registered bonds in denominations of \$5,000 and integral multiples thereof. Any Bond may be exchanged for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations at the principal office of the Bond Registrar.

This Bond may be transferred only by an assignment duly executed by the registered owner hereof or such owner's attorney or legal representative in a form satisfactory to the Bond Registrar. Such transfer shall be made in the registration books kept by the Bond Registrar upon presentation and surrender hereof and the City shall execute, and the Bond Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner hereof or such owner's attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Bond Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The City may designate a successor Bond Registrar and/or Paying Agent, provided that written notice specifying the name and location of the principal office of any such successor shall be given to the registered owner of the Bonds. Upon registration of transfer of this Bond, the Bond Registrar shall furnish written notice to the transferee of the name and location of the principal office of the Bond Registrar and/or the Paying Agent.

The Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the first day of the month in which each interest payment date occurs.

This Bond shall not be valid or obligatory for any purpose unless and until authenticated at the foot hereof by the Bond Registrar.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to the issuance of this Bond have happened, exist or been performed in due time, form and manner as so required and that the indebtedness evidenced by this Bond is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City Council of the City of Colonial Heights, Virginia, has caused this Bond to be signed by the facsimile signature of its City Manager, a facsimile of its seal to be affixed and attested by the facsimile signature of its Clerk and this Bond to be dated _____, _____.

CITY OF COLONIAL HEIGHTS, VIRGINIA

By _____
City Manager, City of Colonial Heights,
Virginia

[SEAL]

ATTEST:

Clerk, City Council,
City of Colonial Heights, Virginia

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE OF
ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE: _____

the within Bond and does hereby irrevocably constitute and appoint

_____, attorney, to transfer said Bond on
the books kept for registration of said Bond, with full power of substitution in the premises.

Dated _____

Signature Guaranteed:

(NOTICE: Signature(s) must be
guaranteed.)

Registered Owner

(NOTICE: The signature above
must correspond with the name
of the Registered Owner as it
appears on the books kept for
registration of this Bond
in every particular, without
alteration or change.)

CERTIFICATE OF AUTHENTICATION

The undersigned Bond Registrar hereby certifies that this is one of a series of Bonds of the City of Colonial Heights, Virginia described in the within-mentioned Resolution.

Authentication Date: _____

By: _____
[Director of Finance]



OFFICE OF THE
CITY ATTORNEY

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

December 17, 2010

The Progress-Index
15 Franklin Street
Petersburg, VA 23803

Attention: Legal Advertisements

Dear Madam or Sir:

I have enclosed for publication in the legal advertisements section of your newspaper a notice of City Council holding a public hearing to accept public comment on the proposed issuance of general obligations bonds.

You are requested to publish the notice on **Tuesday, December 21, and Tuesday, December 28, 2010.**

Please send a certificate of publication to the Office of the City Clerk in City Hall so that we may have evidence that legal requirements have been met.

If there is any problem in publishing the notice on the dates requested, please notify this Office immediately so that we may make other arrangements for publication.

Thank you for your assistance.

Very truly yours,

Hugh P. Fisher, III
City Attorney

Enclosure

cc: The Honorable C. Scott Davis, Mayor
Mr. Thomas L. Mattis, City Manager
✓ Mrs. DeAnna Atkins, City Clerk
Mr. William E. Johnson, Director of Finance

NOTICE OF PUBLIC HEARING ON PROPOSED
GENERAL OBLIGATION BOND ISSUANCE
BY THE CITY OF COLONIAL HEIGHTS, VIRGINIA

Notice is hereby given that the City Council of the City of Colonial Heights, Virginia (the "City") will hold a public hearing in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, on the issuance of general obligation bonds (the "Bonds") of the City in the estimated maximum amount of \$1,050,000, the proceeds of which will be used, along with other available funds, if any, to finance certain preliminary costs associated with construction of a new courthouse.

The Bonds will be secured by the full faith and credit of the City.

The public hearing, which may be continued or adjourned, will be held at 7:00 p.m., or as soon thereafter as the matter may be heard by the City Council, on Tuesday, January 11, 2011, before the City Council in the Council Chambers, City Hall, 201 James Avenue, in Colonial Heights, Virginia.

All persons affected or interested are invited to be present at the public hearing at the time and place aforementioned, and an opportunity will be given for them to be heard.

Hugh P. Fisher, III
City Attorney

Any interested party whose participation in this meeting would require reasonable accommodation of a disability should contact the City Manager's Office at 804-520-9265 at least 48 hours prior to the meeting.

AN ORDINANCE NO. 11-FIN-2

To adopt the Capital Projects Fund Budget, consisting of General Governmental, Recreational and Streets and Bridges projects, to provide continuing appropriation for the projects in such program.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the budget designated as the Capital Projects Fund Budget, be, and is hereby, adopted.

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 Renovation/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	<u>252,852</u>
SUBTOTAL	\$ 310,090

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	331,000
Safe Routes to School	314,948
Traffic Signal – Dimmock Parkway	255,000
ARRA Funding – Southpark Paving	<u>686,070</u>
SUBTOTAL	\$ 7,566,711

TRANSFERS

Transfer to School CIP Program	\$ 813,024
SUBTOTAL	<u>\$ 813,024</u>
 TOTAL	 <u>\$11,227,892</u>

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

REVENUES

Future Bond Issues:	
General Fund	1,000,000
Future Capital Lease	900,000
SUBTOTAL	\$ 1,900,000

CONTINUING APPROPRIATED PROJECTS

General Fund	\$ 9,327,892
SUBTOTAL	\$ 9,327,892

TOTAL	\$11,227,892
-------	--------------

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

Approved:

Mayor

Attest:

ReAnna D. Atkins
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:

Hugh P. Yates, III
City Attorney



OFFICE OF THE
CITY ATTORNEY

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 *H.P.F., III*
City Attorney
DATE: January 5, 2011
RE: Resolution No. 11-4

Resolution No. 11-4 is included for action in your January 11, 2011, meeting materials for two reasons: (1) to allow Council to make findings justifying the use of the PPEA and the City's local PPEA guidelines in the construction of a new courthouse at 231 Chesterfield Avenue; and (2) to allow Council to direct the City Manager to use the PPEA and guidelines in coordinating the efforts to build the courthouse.

Please do not hesitate to contact me if you have any questions concerning this resolution.

cc: Thomas L. Mattis, City Manager
William E. Henley, City Engineer
William E. Johnson, Director of Finance

A RESOLUTION NO. 11-4

Finding that it is in the public interest to follow the Public-Private Education Facilities and Infrastructure Act of 2002 and the local guidelines adopted thereto in the design and construction of a new courthouse.

WHEREAS, at its regular meeting on December 8, 2009, City Council, by Ordinance No. 09-24, adopted and implemented local guidelines pursuant to the Public-Private Education Infrastructure Act of 2002 ("PPEA"), which allows the City, as a public entity, to enter into public-private partnership agreements for a "qualifying project"; and

WHEREAS, pursuant to the PPEA guidelines, the construction of a new courthouse is a "qualifying project," and the City Council has decided to construct a new courthouse at 231 Chesterfield Avenue; and

WHEREAS, City Council finds that the use of the PPEA to design and construct a new courthouse offers the following advantages over other procurement procedures: (i) time savings; (ii) cost savings; (iii) project flexibility; (iv) the transfer of greater risk to the private sector; and (v) more disclosure during the procurement process; NOW, THEREFORE,

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

1. That it is in the public interest to follow the PPEA and the local guidelines adopted thereto in the design and construction of a new courthouse.

2. That the City Manager shall henceforth take all necessary and appropriate steps under the PPEA and the local guidelines that will result in a new courthouse at 231 Chesterfield Avenue.

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

Approved:

Mayor

Attest:

DeAnna D. Atkins
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:

Hugh P. Frater, III
City Attorney

AN ORDINANCE NO. 11-FIN-1

To amend the General Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to appropriate donated funds of \$1,008 to Judicial for the Sheriff's Office to purchase equipment.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1, 2 and 3 of Ordinance No. 10-FIN-5, 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, 2010, and ending June 30, 2011, 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)	\$ 139,965
Administrative (City Manager)	286,065
Legal (City Attorney)	209,571
Tax Collections & Assessments	580,950
Finance	5,988,018
Information Technologies	179,669
Board of Elections	131,784
Judicial	4,515,343 4,516,351
Public Safety	7,534,379
Public Works	2,906,095
Health and Social Services	695,825
Parks and Recreation	1,296,995
Cultural Enrichment	105,755
Library	589,267
Community Development	490,987
Grant Programs	536,829
Nondepartmental	603,961
Debt Service	2,843,031
Operating Transfers Out	18,611,172

2. That the sum of \$48,245,661 \$48,246,669 is appropriated for the fiscal year beginning July 1, 2010.

3. That the foregoing appropriation is based upon the following revenue fiscal year beginning July 1, 2010:

General Property Taxes	\$21,388,966
Other Local Taxes	13,789,050
Licenses, Permits & Fees	3,319,134
Fines and Forfeitures	651,000
Use of Money & Property	295,000
Intergovernmental Revenues	6,137,100
Charges for Current Services	1,190,840
Miscellaneous	865,220 866,228
Restricted Fund Balance – Police Assets	500
Restricted Fund Balance – CDBG CDBG	84,122
Restricted Fund Balance – Fire & EMS	10,582

Restricted Fund Balance - Police	33,043
Restricted Fund Balance - Dimmock	
Signal	60,000
Restricted Fund Balance - Library	7,200
Fund Balance	413,904
TOTAL	\$48,245,661 \$48,246,669

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

Approved:

Mayor

Attest:

DeAnna D. Atkins
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:

Diane H. Yates, III
City Attorney



OFFICE OF THE SHERIFF

City of Colonial Heights

CC: Bill
Robin
DeAnna

TODD B. WILSON
SHERIFF

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

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

RECEIVED

DEC 22 2010

City Manager's Office

TO: Thomas L. Mattis.
City Manager

FROM: Sheriff Todd Wilson 

RR: Donation

DATE: December 21, 2010

The Sheriff's Office has received a donation from Bruce W. and Connie T. Thornton in the amount of \$1,007.65 to purchase a new X-26 Taser and Digital Power Module. This amount has been deposited in the City Treasurer's Office, city account 10-4812.

Mr. Mattis, will you please have the following request placed on the next available city council docket:

1. City Council appropriate \$1,007.65 into Sheriff's account 1356-5250, fund deriving from a donation. This donation will be used to purchase a new X-26 Taser and replacement batteries (digital power modules) for five (5) current Tasers.

Your attention to this matter is greatly appreciated and should you require additional information to process this request, please do not hesitate to contact me.



OFFICE OF THE SHERIFF

City of Colonial Heights



RECEIVED

TODD B. WILSON

SHERIFF DEC 22 2010

401 Temple Avenue
P.O. Box 3401
Colonial Heights, Virginia 23834

Email: sheriff@colonial-heights.com

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

December 21, 2010

City Manager's Office

TO: Joy Moore, Treasurer
FROM: Sheriff Todd B. Wilson 
RE: Donation from Bruce W. and Connie T. Thornton

Please deposit the enclosed check in the amount of \$1,007.65 from Bruce W. and Connie T. Thornton as a donation to the Sheriff's Office to purchase a new X-26 Taser and Digital Power Modules.

Please deposit the donation of \$1,007.65 into account fund #10-4812.

Thank you for your assistance in this matter. Should you require additional information, please do not hesitate to contact this office.

TBW:sam

Enclosure

c: Thomas L. Mattis
City Manager
William Johnson
Director of Finance

CORNELIA T. THORNTON
3704 CONDUIT RD
COLONIAL HEIGHTS, VA 23834-2430

768
68-464/514

Pay to the City of Colonial Heights
Order of City of Colonial Heights

One thousand seven & 65/100

\$ 1007.65

Dollars ① Security details
on back

BSV The Bank of Southside Virginia

P.O. BOX 608

COLONIAL HEIGHTS, VIRGINIA 23834

For check deposit
Check printed in WCG

Cornelia Thornton
Mo

10514046421: 151 988 311 0758

A RESOLUTION NO. 11-2

Authorizing the City Manager to execute a "Standard Project Administration Agreement" with the Virginia Department of Transportation for the installation of a northbound right turn lane on Southpark Boulevard (Project Number SPB1-106-133, P101, C501).

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 enter into, on behalf of the City, an Agreement with the Virginia Department of Transportation entitled "Standard Project Administrative Agreement", a copy of which is attached to and made a part of this resolution; subject to approval by the City Attorney as to form.

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

Approved:

Mayor

Attest:

DeAnna T. Atkins
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:

Hugh P. Foster, III
City Attorney



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

RICHMOND DISTRICT
2430 Pine Forest Drive
COLONIAL HEIGHTS, VA 23834
www.VDOT.Virginia.gov

Greg A. Whirley
COMMISSIONER

December 3, 2010

Mr. Harold Caples, PE
Assistant Director of Public Works
201 James Avenue
P. O. Box 3401
Colonial Heights VA 23834-9001

RE- Standard Project Administration Agreement
Southpark Blvd Turn Lane
Project SPB1-106-133, P101, C501 UPC 97692
City of Colonial Heights

Dear Mr. Caples:

Enclosed are three originals of the agreement for the above project. Please have all three processed with the appropriate signatures and return all to me for VDOT processing. The date on the first page of each original will be inserted by VDOT.

In the middle of the page below where the authority signs, there is reference to the authority which allows the authority to sign this agreement, please provide three copies of this authority. An original of this agreement will be returned for your files.

Let me know if you have any concerns by calling 524-6400.

Sincerely,

A handwritten signature in black ink, appearing to read "Lamont L. Benjamin".

Lamont L. Benjamin, PE
Program Manager

Cc: Project File

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
SPB1-106-133, P101,C501	97692	City of Colonial Heights

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20____, by and between the City of Colonial Heights, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of each Project described in Appendix A in an expeditious manner; and;

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:

- a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT
- b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match and/or termination of this Agreement

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over

\$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.

- k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
 - a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements

agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.1-94 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.
8. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

____ OF _____, VIRGINIA:

Typed or printed name of signatory

Date

Title

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
TRANSPORTATION:**

Commonwealth Transportation Commissioner Date
Commonwealth of Virginia
Department of Transportation

Attachments

Appendix A (list out all App A's to be included, by UPC)

Project Number: SB1-106-133, P101, C501
(UPC 97692)

Locality: City of Colonial Heights

Project Location ZIP+4: Intersection of Southpark Blvd and Dimmock Parkway 23834-9001	Locality DUNS#: 010043883	Locality Address (include ZIP+4): Department of Public Works 201 James Avenue P. O. Box 3401 Colonial Heights VA 23834-9001
Project Narrative		
Scope: Installation of a North Bound Right Turn Lane on Southpark Blvd		
From: The Intersection of Dimmock Parkway		
To: 300 Feet East of the intersection of Dimmock Parkway		
Locality Project Manager Contact Info: Harold Caples (804)520-9334		
Department Project Coordinator Contact Info: Michelle Piccolomini (804)524-6411		

Project Costs and Reimbursement				
Phase	Estimated Project Costs	Estimated Eligible Project Costs	Estimated Eligible VDOT Project Expenses	Estimated Reimbursement to Locality
Preliminary Engineering	\$45,000	\$45,000	\$5000	\$45,000
Right-of-Way & Utilities				
Construction	\$255,000	\$255,000	\$5000	\$255,000
Total Estimated Cost	\$300,000	\$300,000	\$10,000	\$300,000

Total Maximum Reimbursement/Payment by Locality to VDOT	
Total Maximum Reimbursement by VDOT to Locality	\$300,000

Project Financing				
A	B	C	D	E
CMAQ	CMAQ match			Aggregate Allocations (A+B+C+D)
\$240,000	\$60,000			\$300,000

Program and Project Specific Funding Requirements				
<ul style="list-style-type: none">This project shall be administered in accordance with VDOT's Urban Construction Initiative Program Administration GuideThis project is funded with federal-aid Congestion Mitigation and Air Quality (CMAQ) funds. By Appropriations Act, these funds must be obligated within 24 months of CTB allocation and expended within 48 months of the obligation.<ul style="list-style-type: none">FY 11 - \$45,000 – Allocation by CTB July 1, 2010, Obligation Deadline July 1, 2012, Expenditure Deadline July 1, 2014FY 12 - \$255,000 – Allocation by CTB July 1, 2011, Obligation Deadline July 1, 2013, Expenditure Deadline July 1, 2015				

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

Authorized Locality Official and date	Authorized VDOT Official Recommendation and date
Typed or printed name of person signing	Typed or printed name of person signing



CITY OF COLONIAL HEIGHTS

P.O. Box 3401
COLONIAL HEIGHTS, VA 23834-9001
www.colonial-heights.com

Department of Planning and Community Development

MEMORANDUM

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

From: George W. Schanzenbacher, Director

Date: January 6, 2011

Subject: Planning Commission Actions at January 4, 2011 meeting

At the January 4, 2011 meeting of the Commission the following actions were taken:

1. Approved minutes of the November 2010 meeting (enclosed).
2. Held Annual organization meeting:
 - Harry Hargis- reelected Chairman
 - Charles Townes elected Vice-Chairman
 - Jim O'Connell appointed to Parks and Recreation Advisory Board
 - Adopted meeting schedule for the year
3. Gave conditional approval to plan of development for Texas Roadhouse restaurant to be located at the corner of Conduit Road and Old Town Creek Way (in front of Home Depot)
4. Discussed revised plan of Development for North Riverview Commercial Center, located on Temple Avenue at C.H. Dimmock Parkway. Proposed WAWA (adjacent to Patient First-now under construction) would replace two restaurants. Recommended approval subject to an existing billboard being removed.
5. Heard staff presentation and supported proposed process and work plan for updating the City's Comprehensive Plan, including creation of a citizens planning committee to assist in the effort. Creating the Committee will begin immediately.
6. Approved Resolution of Appreciation to Lewis Johnson for serving twelve years on the Commission.

CITY OF COLONIAL HEIGHTS, VIRGINIA
Minutes of the Regular Meeting
Of the Planning Commission
Wednesday November 3, 2010

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: Mrs. Hamilton

Mr. Johnson
Mr. O'Connell
Mr. Hargis
Mr. Townes
Mr. Kollman

Absent: Mr. Freeland.

Mr. Schanzenbacher stated there was a quorum.

III. Approval of Minutes of September 2010

The minutes of the September 2010 meeting were unanimously approved on roll call vote. Mr. James O'Connell abstained from the vote.

IV. Approval of Agenda

There were no changes or additions to the agenda.

V. Hearing of Citizens Generally

No citizens asked to speak to the Commission.

VI Public Hearings

There were no public hearings scheduled.

VII. New Business

Chairman Hargis welcomed Mr. Thomas Mattis, the new City Manager to his first Planning Commission meeting.

1. The first item on the agenda was the Draft 2011-2012 Capital Improvement Project – Summary of Project Scoring presented by Mr. Schanzenbacher.

He stated that the scoring structure was a way to attempt to rank projects that were very different and which were difficult compare at face value. He noted that there were two (2) projects from last year that were committed, completed or nearly completed that were removed from the list. These were Phase Two of the Trail and the Southpark Boulevard/Dimmock Parkway resurfacing project near the Southpark Mall.

Mr. Schanzenbacher also noted that there were five (5) new projects added to the list by the Public Works and Planning and Community Development Departments. He stated that all these projects would be funded from outside sources, such as grants received by the City or transportation funds.

There were some specific questions that were raised about some of the projects. Mr. Mattis stated that the Commission did have the right to comment on the CIP, but the Commission was voting on the scoring system and not the projects themselves.

Mr. Hargis had questions about the fire station renovation and the yacht basin storm overflow. Staff stated that these projects did not go away, but other projects were funded. These projects continue to remain on the list.

A motion was made by Chairman Hargis and seconded by Mr. James O'Connell to approve the Draft 2011-2012 Capital Improvement Project – Summary of Project Scoring. The vote was passed unanimously.

2. The second item on the agenda was Alternative Public Processes proposed for the Comprehensive Plan Update presented by Jamie Sherry, from the Planning and Community Development Department.

She presented two alternative citizen participation processes that could be used for the Comprehensive Plan update. The first alternative utilized a citizen planning committee that would help formulate general direction of the plan. The second had all the elements of the first including a citywide kick off meeting, open houses and public hearings at both the Planning Commission and City Council, but did not have a citizen planning committee. After some discussion the Commission decided that a citizen planning committee was the preferred option. Additional discussion included the method upon which those potential members would be found. Suggestions included advertising in the newspaper and in the City's newsletter. Ms. Sherry stated that, based on the evening's discussion, she would return to the Commission with a more detailed process.

3. The third item on the agenda was a status report on the Chesapeake Bay Preservation Area Designation and Management regulations – Phase III Advisory review presented by Mr. Schanzenbacher.

He stated that the City has been working with a consultant to bring the City's ordinances, including the zoning and subdivision regulations, up to State Code by 2013. Mr. Schanzenbacher identified a chart prepared by the consultant that showed the areas of the City code that need updated. He stated that the proposed State regulations are more stringent and since the City has a significant amount of water running through and surrounding it the entire City will be impacted. He noted that the areas of concern had been identified; now the City will need to determine which codes and ordinance could/should be modified. Our consultant is now working on draft recommendations for future consideration.

4. The last item on the agenda was the Appomattox River Development Corridor consultant scope of work presented by Mr. Schanzenbacher.

Mr. Schanzenbacher stated that the City received a \$10,000 grant to study the area along the Appomattox River, between Temple Ave and I-95 east of Dimmock Parkway. The City received six proposals and staff, along with Mr. Hargis, interviewed three consultants. LPDA, from Charlottesville, was selected. He stated the City was in the process of executing a contract. The project is expected to take 2-3 months.

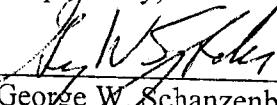
VIII. Committee Reports

Mr. Hargis asked if the Commissioners had any reports. Mr. Mattis thanked the Commission and stated that he was glad to be here. Mr. Schanzenbacher stated that the next meeting date was changed to December 8 because the Christmas Parade falls on the Commission's regular meeting night. He did not anticipate that there would be any new plans of development for the Commission to consider.

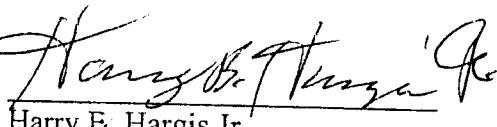
IX. Adjournment

Meeting adjourned at 8:00 p.m.

Respectfully,


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

APPROVAL:


Harry E. Hargis Jr.
Chairman