

**CITY OF COLONIAL HEIGHTS, VIRGINIA**  
**Regular Meeting of City Council**  
**Tuesday, October 12, 2010**

## 1. Call to Order.

**The Regular Meeting of City Council was called to order by Mayor Davis at 7:12 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  
Mayor C. Scott Davis**

### Absent:

### **Councilwoman Diane H. Yates**

#### Also Present:

**Acting City Manager William E. Johnson  
City Attorney Hugh P. Fisher, III**

**Mrs. Eileen M. Brown, Director of Youth and Human Services**  
**Mrs. Jennifer N. Carpenter, Director of Human Resources**  
**Mr. Jeffrey W. Faries, Chief of Police**  
**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**  
**Mr. Karen K. Saunders, Information Technology Administrator**  
**Mr. George W. Schanzenbacher, Director of Planning**  
**Ms. Kathy L. Sparks, Deputy Director of Finance**

### 3. Devotion.

A devotional prayer was led by Councilman Frenier.

#### 4. Pledge of Allegiance.

**The Pledge of Allegiance was led by Mayor Davis.**

## 5. Adoption of Agenda.

A motion to adopt the agenda was made by Mrs. Luck and seconded by Mr. Frenier.

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<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	<b>Freeland, Jr.</b>
	<b>Frenier</b>
	<b>Green, Jr.</b>
	<b>Luck</b>
	<b>Wood</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Yates</b>

**Motion UNANIMOUS PASS.**

**Mayor Davis recognized Mrs. Sandra Coleman, who was present in the audience representing the School Board.**

**6. Commendations and Presentations.**

**A. Introduction of 2010 Chesterfield-Colonial Heights Christmas Mother, Mrs. Johanna Beers, and presentation of donation.**

**Mayor Davis introduced Mrs. Beers and presented her with a monetary contribution from the City.**

**Mrs. Beers provided a brief overview of the role of the Christmas Mother and thanked the City for their contribution.**

**B. Presentation of Proclamation designating October 2010 as *Domestic Violence Awareness Month* in the City of Colonial Heights, Virginia – Ms. Phyllis Cheely, Chairperson of the Colonial Heights Juvenile and Domestic Violence Task Force.**

**Mayor Davis recognized Ms. Cheely, read the proclamation in its entirety and presented her with a framed copy.**

**Ms. Cheely expressed appreciation to Council for the proclamation, provided a brief explanation of the work of the Task Force, and recognized some members of the Task Force who were present in the audience.**

**C. Presentation of Proclamation designating October 2010 as *Community Planning Month* in the City of Colonial Heights, Virginia – Mr. George Schanzenbacher, Director of Planning and Community Development.**

**Mayor Davis recognized Mr. Schanzenbacher, read the proclamation in its entirety and presented him with a framed copy.**

**Mr. Schanzenbacher expressed appreciation to Council for the proclamation.**

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**D. Presentation of Employee of the Month Award for September 2010 to Mr. David W. Avent, Facilities Groundskeeper II.**

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

**Mr. Avent expressed appreciation to Council for the recognition, and to the City for the opportunity to continue to work 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, September 14, 2010.**
2. **Regular Meeting, September 14, 2010.**
3. **Special Meeting, September 21, 2010.**

**B. Adoption of:**

**AN ORDINANCE NO. 10-FIN-19 (Second Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to appropriate \$445,990, consisting of \$413,904 for FY2010 encumbrance carryover funds to various departments; \$19,644 in grant funding to Public Safety; \$10,582 in grant funding from the Department of Emergency Management in restricted fund balance to Public Safety; \$1,085 in donations for the Sheriff's sponsored events; \$675 in matching funds for the Public Safety vest program and \$100 in donation for the Police K-9 Program.**

**Mrs. Luck read a Declaration of Personal Interest with regard to her employment as a teacher at Tussing Elementary School in the City, which was filed with the Clerk.**

**Mr. Frenier read a Declaration of Personal Interest with regard to his part-time employment with the Fire Department, which was filed with the Clerk.**

**A motion for adoption of the Consent Agenda as presented was made by Mr. Green and seconded by Mrs. Luck.**

**Vote:**

**6-0**

**Yes:**

**Freeland, Jr.**

**Frenier**

**Green, Jr.**

**Luck**

**Wood**

**Davis**

**None**

**Abstained:**

**None**

**Absent:**

**Yates**

**Motion UNANIMOUS PASS.**

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Mayor Davis expressed appreciation to Mr. Johnson on behalf of Council for doing a great job until a City Manager could be appointed.

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

ANY MEMBER OF THE PUBLIC ADDRESSING THE COUNCIL SHALL APPROACH THE LECTERN, GIVE HIS NAME AND ADDRESS IN AN AUDIBLE TONE OF VOICE FOR THE RECORD, AND ADDRESS THE COUNCIL AS A BODY RATHER THAN SPEAK TO ANY MEMBER. UNLESS FURTHER TIME IS GRANTED BY THE COUNCIL, ANY MEMBER OF THE PUBLIC SHALL ADDRESS THE COUNCIL FOR A MAXIMUM OF FIVE (5) MINUTES, REGARDLESS OF THE NUMBER OF ISSUES HE DESIRES TO DISCUSS. PROVIDED HOWEVER, THAT THE MAIN PROPOSER OF ANY APPLICATION, PETITION, OR PLAN THAT IS THE SUBJECT OF A PUBLIC HEARING SHALL BE ALLOWED TO ADDRESS THE COUNCIL INITIALLY FOR A MAXIMUM OF TEN (10) MINUTES AND LATER IN REBUTTAL FOR A MAXIMUM OF THREE (3) MINUTES.

**9. Advertised Public Hearings.**

**A. Public Hearing as advertised in *The Progress-Index* on September 23, 2010 and October 1, 2010.**

**AN ORDINANCE NO. 10-26 (Second Reading) (As Amended). To add §245-20, "Stormwater utility fees", to Chapter 245, Stormwater Management, of the Colonial Heights City Code.**

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

Mayor Davis provided a brief explanation of Ordinance No. 10-26.

<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr. Luck Wood Davis
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	Yates

**Motion UNANIMOUS PASS.**

**B. Public Hearing as advertised in *The Progress-Index* on October 5, 2010.**

**A RESOLUTION NO. 10-45. Requesting the Commonwealth Transportation Board to fund part of Phase IV of the project for the improvement of the Appomattox River Greenway Trail.**

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

**Mayor Davis provided an explanation of Resolution No. 10-45.**

In response to a question from Mayor Davis concerning the total cost of the project, Mr. Schanzenbacher stated when the project is complete the cost will be \$1.2 million, which includes a \$200,000 local match. He further stated Phase IV is the final phase for the project.

<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr. Luck Wood Davis
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	Yates

**Motion UNANIMOUS PASS.**

**10. Written Petitions and Communications.**

**A. Request for permission to keep nine companion animals at a residence – Mr. Lance E. Mortimer, 212 Stratford Drive.**

In response to a question from Mr. Green regarding a kennel permit, Mr. Mortimer stated he has not applied for a kennel permit.

Mayor Davis provided a brief explanation of Mr. Mortimer's request and the findings of the City.

**A motion was made by Mr. Green and seconded by Mr. Frenier to approve a waiver to allow Mr. Mortimer to keep nine companion animals at his residence.**

<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr. Luck Wood Davis
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	Yates

**Motion UNANIMOUS PASS.**

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

**Mr. Bobby Moore, of 204 Prince Albert Avenue, requested information regarding the type of development planned for the Archer Avenue property located near the bridge. He also expressed appreciation to the City for the Appomattox Park. He suggested the City set up districts or wards in the City. He expressed concerns about the state of the City's roads on which the asphalt is coming up.**

**Mr. Freeland provided an explanation for what the owner of the Archer Avenue property plans to build on the property.**

**Mr. Henley stated some of the City's roads have sustained snow plow damage from the winter last year.**

**Mr. Wood requested Mr. Mattis to have staff to work with the waste management company to pick up the large couch which has been placed in the front yard at 105 School Avenue.**

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

**AN ORDINANCE NO. 10-FIN-20. (First Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to appropriate \$93,043, consisting of \$33,043 in Police Asset Forfeiture Funds to Public Safety to be used by the Police Department for the purchase of supplies for the Investigations & Patrol divisions; \$60,000 in donated funds for the construction of a traffic signal at Dimmock Parkway; and the transfer of \$106,760 from Comprehensive Services to Non Departmental to provide funding for 2 unpaid holidays.**

**And to amend the Capital Projects Fund Budget to appropriate \$55,000 for the City's share of matching funding for the Appomattox River Greenway Trail system; and appropriate \$255,000 from donations and grants for the traffic signal at Dimmock Parkway.**

**Mayor Davis, Chief Faries, and Mr. Henley provided an explanation of Ordinance No. 10-FIN-20.**

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

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

<b>Vote:</b>	<b>6-0</b>
<b>Yes:</b>	<b>Freeland, Jr.</b>
	<b>Frenier</b>
	<b>Green, Jr.</b>
	<b>Luck</b>
	<b>Wood</b>

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<b>No:</b>	<b>Davis</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>
	<b>Yates</b>

**Motion UNANIMOUS PASS.**

**AN ORDINANCE NO. 10-27 (First Reading).** To vacate an approximate 0.308 acre portion of Cedar Lane, commencing approximately 514.92 feet north of Brame Avenue; to convey the vacated portion to C & T Land, LLC; to approve the construction of a hammerhead turnaround and its conveyance to the City; and to repeal Ordinance No. 09-13.

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

**Mayor Davis provided an explanation of Ordinance No. 10-27.**

**Mr. Fisher suggested that Council adopt two amendments, to include revised plats and a revision to the Company name in the Ordinance.**

**Mrs. Luck rescinded her motion for adoption of Ordinance No. 10-27, and Mr. Frenier rescinded his second.**

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

**A motion for adoption was made by Mr. Green and seconded by Mr. Freeland to amend Ordinance No. 10-27.**

<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	<b>Freeland, Jr.</b>
	<b>Frenier</b>
	<b>Green, Jr.</b>
	<b>Luck</b>
	<b>Wood</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Yates</b>

**Motion UNANIMOUS PASS.**

**A motion for adoption was made by Mr. Green and seconded by Mr. Freeland to adopt Ordinance No. 10-27, as amended.**

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<u>Vote:</u>	<b>6-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr. Luck Wood Davis
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	Yates

**Motion UNANIMOUS PASS.**

**There was a general consensus to add Ordinance No. 10-27 to the October 25, 2010, Special Meeting agenda.**

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

**AN ORDINANCE NO. 10-FIN-18. (Second Reading) (As Amended). To amend and reordain the School Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, so as to modify said budget by \$355,450 for the fiscal year ending June 30, 2010, pursuant to School Board action.**

**A motion for adoption was made by Mr. Green and seconded by Mr. Freeland to amend Ordinance No. 10-FIN-18.**

<u>Vote:</u>	<b>6-0</b>
<b>Yes:</b>	Freeland, Jr. Frenier Green, Jr. Luck Wood Davis
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	Yates

**Motion UNANIMOUS PASS.**

**A motion for adoption was made by Mr. Green and seconded by Mr. Frenier to adopt Ordinance No. 10-27, as amended.**

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<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	<b>Freeland, Jr.</b>
	<b>Frenier</b>
	<b>Green, Jr.</b>
	<b>Luck</b>
	<b>Wood</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Yates</b>

**Motion UNANIMOUS PASS.**

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

**A. City Manager.**

**1. Incentives – Economic Development Authority**

**Mr. Johnson stated JCPenney would like to receive an incentive of a one-time grant from the Economic Development Authority for the improvements made to their store.**

**Mrs. Luck expressed concerns regarding setting a precedent for future requests for the one-time grants from other businesses.**

**There was a brief discussion regarding the incentives available to businesses and the options of the City.**

**There was a general consensus of Council to move forward with the one-time grant through the Economic Development Authority for JCPenney; however, Mr. Wood indicated he could not currently support the one-time grant.**

**2. Zoning Ordinance Work Session Schedule**

**Mr. Schanzenbacher presented the proposed schedule for work sessions to review the proposed Zoning Ordinance with Council.**

**There was a general consensus of Council to begin reviewing the proposed Zoning Ordinance at the October 25, 2010 Work Session.**

**B. City Attorney.**

**Mr. Fisher stated his legal assistant, Mrs. Robin Gay, starts on October 18, 2010. He expressed appreciation to Mrs. DeAnna Atkins, Mrs. Elke Gibbs, and Mrs. Jennifer**

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Carpenter for their assistance in his office and with the applications. He stated the Corps of Engineers has approved the easement for Phase 2 of the River Trail.

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

**Mr. Schanzenbacher reported that the Planning Commission is not meeting in October.**

**Mr. Freeland presented an invitation to the citizens and Council to come out for Dominion's work day on October 28 at Roslyn Landing. He stated he is glad he is living in a democracy versus a monarchy where one person gets to make all the decisions for City Council. He further stated he took offense to some of Mr. Wood's earlier comments while Council was welcoming the new City Manager. He stated he respected Mr. Wood's comments, but he has been through the process of selecting a City Manager twice and each time there has been 75 to 80 applicants. He further stated six of the seven Council members agreed on the list of candidates to interview and the person to carry the City forward. He stated Council came together and picked a fine City Manager and he looks forward to working with him to take the City to another level.**

**Mr. Wood stated his comment was not made to arrogate unto himself the authority to make the decision; however, he reserved his right to decent.**

**Mr. Frenier stated he has received good comments from the citizens in reference to the street crossings which have been installed and the work done at Bradshur Avenue.**

**Mr. Johnson expressed appreciation to Council and the department heads for all of the support.**

**15. Consideration of Claims.**

**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 8:39 P.M.**

**APPROVED:**

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**C. Scott Davis, Mayor**

**ATTEST:**

DeAnna D. Atkins  
DeAnna D. Atkins, City Clerk