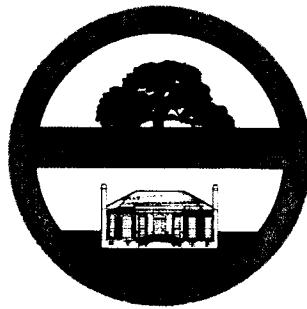


# OCTOBER 2010 EMPLOYEE OF THE MONTH



**NAME:** Phyllis J. Cheely

**POSITION:** Administrative Assistant

**EMPLOYMENT**

**HISTORY:** Ms. Cheely was hired in March, 1988 as a Secretary in the Office on Youth.

**NARRATIVE:**

When anyone calls or comes into the Office on Youth, Phyllis greets them with a warm smile and welcoming disposition whether it is a person or family in need, someone looking for Human Resources, or the UPS man. She does not judge people by their circumstances, but helps people who may be in a dire situation to find solutions that can make things better for them. If the Office on Youth does not provide the service, Phyllis helps the person find resources in the community that would be helpful. She embodies empathy, generosity, understanding, sensitivity and respect for the people she meets.

Ms. Cheely does not just operate from a job description, rather she will go the extra mile to help that citizen regardless of the need or concern. We will highlight two examples. The first concerns a citizen who is homeless and without much income. Phyllis was able to secure a free trac phone for him, arranged to inform him of places where he might enjoy a free hot meal, and is working on his behalf to get his Veteran's benefits restored. She has taken him to McGuire's VA Hospital, contacted his State Senator and will follow up with another trip to the VA to have a thorough physical (something this gentleman has not had in 20+ years). While Ms. Cheely is not a social worker, she is responding to a human need in a professional and compassionate manner.

Additionally, Ms. Cheely was praised by a citizen for the assistance she provided regarding a referral to DSS Child Protective Services division. A quote from the citizen's email; "Thank you very much for your help, subsequently and very importantly, we felt more at ease reporting this information. You were professional, sincere, appreciative and showed genuine concern. You were reassuring and effectual without being forceful, excellent at following up with us, expedient, and you gave us clear, complete directions regarding how to report the incident."

In addition to her responsibilities as Administrative Assistant, Phyllis serves as Chair to the Juvenile and Domestic Violence Task Force, teaches Red Cross Babysitting courses to young teens, is the head elf for the Christmas family sponsored by the City, provides orientation for new interns, assists citizens in completing and filing paperwork for needed services, and helps Office on Youth staff with a multitude of behind-the-scenes loose ends for projects and events.

Phyllis is much, much more than an Administrative Assistant. She is the Office on Youth's anchor, their go-to-person, their support, their confidant, and their friend. Phyllis reflects the attitudes of the Office on Youth and Human Services in the life she leads at the office, in the community, and at home. Her experience and knowledge of "All Things Office on Youth" are a valuable resource not only to their office staff, but also to the citizens of Colonial Heights.

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

## 1. Call to Order.

## **The Special Meeting of City Council was called to order by Mayor Davis at 6:01 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**  
**Mayor C. Scott Davis**

**Absent:** **Councilwoman Diane H. Yates**

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

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

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

- Section 2.2-3711.A.1. - for the purpose of discussing and considering the appointment of a City Manager.
- Section 2.2-3711.A.7 – to consult with legal counsel and be briefed by staff members pertaining to actual litigation – specifically the Circuit Court Judges’ lawsuit against the City regarding the Courthouse – where such consultation or briefing in open meeting would adversely affect the litigating posture of the public body.
- Section 2.2-3711A.3 – to discuss and consider the acquisition of easements for the Appomattox River Trail System for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

**Messrs. Green and Wood read Declarations of Personal Interest with regards to being members of a residential area in the immediate vicinity of the Colonial Heights Courthouse or 231 Chesterfield Avenue, which were filed with the Clerk.**

**A motion was made by Mrs. Luck, seconded by Mr. Frenier, and carried unanimously on voice vote to convene into closed session at 6:03 P.M.**

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

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A motion to reconvene into open session was made by Mrs. Luck, 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:

- Section 2.2-3711.A.1. - for the purpose of discussing and considering the appointment of a City Manager.
- Section 2.2-3711.A.7 – to consult with legal counsel and be briefed by staff members pertaining to actual litigation – specifically the Circuit Court Judges' lawsuit against the City regarding the Courthouse – where such consultation or briefing in open meeting would adversely affect the litigating posture of the public body.
- Section 2.2-3711A.3 – to discuss and consider the acquisition of easements for the Appomattox River Trail System for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy 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:

6-0

Yes:

Freeland, Jr.

Frenier

Green, Jr.

Luck

Wood

Davis

No:

None

Abstained:

None

Absent:

Yates

Motion UNANIMOUS PASS.

As a result of the closed meeting, a motion was made by Mayor Davis, seconded by Mrs. Luck to appoint Mr. Thomas L. Mattis to the position of City Manager pursuant to an employment agreement.

Mayor Davis provided an explanation of the steps taken by Council during the application process for the City Manager position. He also provided a brief history of Mr. Mattis' employment history.

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Mr. Wood expressed concerns relative to the small amount of applicants interviewed for the position, Mr. Mattis' lack of employment history in Virginia, and the salary negotiated for Mr. Mattis.

<u>Vote:</u>	5-1
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Davis
No:	Wood
Abstained:	None
Absent:	Yates

**Motion Passed.**

Mayor Davis read the following statement from Mrs. Yates: "Regretfully, I am unable to attend tonight's meeting, due to a trip that had been planned a long time. Nonetheless, I am in full support of the hiring of Mr. Mattis. I have met him and am aware of his credentials and previous work record and believe that he is the right individual to lead the City at this time. If present, I would vote in favor of hiring Mr. Mattis and look forward to him being a part of our team."

Mr. Mattis expressed appreciation for the opportunity to serve the citizens of the City of Colonial Heights.

**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 7:12 P.M.

**APPROVED:**

---

C. Scott Davis, Mayor

**ATTEST:**

  
DeAnna D. Atkins, City Clerk

**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 Mrs. 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.**

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

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

**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>	<b>Freeland, Jr. Frenier Green, Jr. Luck Wood Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Yates</b>

**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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No:	Davis
Abstained:	None
Absent:	None
	Yates

**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>	6-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Wood
	Davis
No:	None
Abstained:	None
Absent:	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>	6-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.
	Luck
	Wood
	Davis
No:	None
Abstained:	None
Absent:	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.**

**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 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. 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**

**CITY OF COLONIAL HEIGHTS, VIRGINIA**  
**Special Meeting of City Council**  
**Monday, October 25, 2010**

**1. Call to Order.**

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

**2. Roll Call.**

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

**Absent:**                   **None**

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

**Mr. A. G. Moore, Director of Fire/EMS**  
**Mr. George W. Schanzenbacher, Director of Planning**  
**Mr. David A. Salot, Deputy Director of Fire/EMS**  
**Ms. Kathy L. Sparks, Deputy Director of Finance**

**Mr. Green made a motion to amend the agenda by switching Item A and Item B, with the closed meeting to be held at the end of the meeting. Mr. Freeland seconded the motion.**

**Mr. Davis asked that the motion be amended to remove B.2 from the agenda, Fire Department Staffing Request.**

**Mr. Green amended his motion to remove item B.2 from the agenda. Mr. Freeland seconded the motion.**

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

**Motion UNANIMOUS PASS.**

Mr. Green made a motion to adopt the agenda, as amended. Mrs. Luck seconded the motion.

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

**Motion UNANIMOUS PASS.**

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

- A. Holding a work session for the following purposes: [moved from Item B. to Item A.]
  1. Fire Department Vehicle Purchase – The Honorable Kenneth Frenier.

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

Chief Moore provided history of the current fleet and reasons for requesting approval for the purchase of a multi-purpose fire vehicle, which would replace the 1982 Heavy Rescue Truck. He stated that the cost of the purchase would be \$871,000 and that the volunteers had committed to donating \$27,000 towards equipment.

Following Council discussion, Mr. Mattis stated that City staff would be looking at various financing scenarios. Per Council request, he also will provide cost estimates to rebuild the transmission and replace the brakes on the rescue truck. Mr. Mattis said he would provide to Council a calendar of events for discussion in November.

Based on discussion, it was the consensus of Council for staff to continue the process of purchasing a multi-purpose vehicle.

2. Fire Department Staffing Request - Mr. A.G. Moore, Jr., Chief of Fire and EMS

This item was removed from the agenda.

3. Possible Letter to Legislators Regarding Tall Grass Penalty – City Attorney Hugh P. Fisher, III

Mr. Fisher discussed provisions of the newly-adopted tall grass ordinance. Council had asked that he draft a letter to the City's legislators in the General Assembly requesting legislation that would increase the fines on repeat offenders. Mr. Fisher stated that, should Council so direct, he could either send a letter to Delegate Cox and Senator Martin requesting legislative action or the ordinance could be amended to raise the criminal fine on repeat offenders. When Council asked Mr. Schanzenbacher about enforcement issues, he advised at the end of the third quarter there were no outstanding offenses for violation of the tall grass ordinance. Following discussion, Council concurred that at this time it was not necessary to go back to the General Assembly for additional legislation or to make any further amendments to the ordinance.

4. Zoning Ordinance – Mr. George W. Schanzenbacher, Director of Planning.

- a. Brief project overview including project rationale, approach and major goals.
- b. Article III District Regulations and all Zoning Maps.

Mr. Schanzenbacher gave an overview of some of the recommended revisions to the current zoning ordinance and displayed current and revised zoning district maps. He stated that staff's intent was to modernize, organize, legalize and define current provisions. Mr. Schanzenbacher and Mr. Terry Harrington, Planning Consultant, answered questions and concerns raised by Council. Council will continue discussion of the proposed zoning ordinance at its November special meeting.

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

- AN ORDINANCE NO. 10-27 (Second Reading) (As Amended). 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.

Mr. Green made a motion to approve Ordinance No. 10-27, as amended. Mr. Frenier seconded the motion.

Minutes, Regular Meeting  
October 12, 2010  
Page 4

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

**Motion UNANIMOUS PASS.**

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

- **A RESOLUTION NO. 10-47. Authorizing signatures of certain officers to appear on checks of various accounts of the City of Colonial Heights, Virginia, effective October 26, 2010; and to repeal Resolution No. 10-12.**

**Mr. Green made a motion to approve Resolution No. 10-47. Mrs. Yates seconded the motion.**

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

**Motion UNANIMOUS PASS.**

**B. Holding a closed meeting pursuant to the Code of Virginia in accordance with the following provisions: [moved from Item A. to Item B.]**

- **Section 2.2-3711.A.7 – to consult with legal counsel and be briefed by staff members or consultants pertaining to the Circuit Court Judges lawsuit against the City over the Courthouse, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.**

**Minutes, Regular Meeting  
October 12, 2010  
Page 5**

**The Mayor announced the purpose of the closed meeting.**

**Messrs. Green and Wood read Declarations of Personal Interest with regards to being members of residential areas in the immediate vicinity of the current Colonial Heights Courthouse at 401 Temple Avenue and 231 Chesterfield Avenue (the site of the former Colonial Heights Baptist Church), respectively, which were filed with the Deputy Clerk.**

**A motion was made by Mrs. Yates, seconded by Mr. Green, and carried unanimously on voice vote to convene into closed session.**

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

**A motion to reconvene into open session was made by Mrs. Yates, seconded by Mr. Frenier, and carried unanimously on voice vote.**

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

- Section 2.2-3711.A.7 – to consult with legal counsel and be briefed by staff members or consultants pertaining to the Circuit Court Judges lawsuit against the City over the Courthouse, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.**

**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.**

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

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

**Motion UNANIMOUS PASS.**

Minutes, Regular Meeting  
October 12, 2010  
Page 6

As a result of the closed meeting, Mr. Green made a motion that Council approve the relocation of the Colonial Heights Courthouse, as soon as possible, from its present location to the property at 231 Chesterfield Avenue. [This motion relates only to relocating the Courthouse and does not relate to whether the entire structure at 231 Chesterfield Avenue shall be demolished or whether some or all of the existing structure shall be used as a Courthouse at this time.] Mr. Frenier seconded the motion.

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

**Motion UNANIMOUS PASS.**

Mr. Fisher asked if Council still anticipates holding a work session on November 16 as the School Board had moved its regular meeting in November to November 16, 2010. Mayor Davis stated that there would be a work session November 16, 2010.

**6. Adjournment of Special Meeting.**

A motion to adjourn the special meeting was made by Mr. Freeland, seconded by Mrs. Luck and carried unanimously on voice vote.

The meeting adjourned at 9:08 P.M.

**APPROVED:**

---

**C. Scott Davis, Mayor**

**ATTEST:**

---

**Robin P. Gay, Deputy City Clerk**

AN ORDINANCE NO. 10-FIN-20

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.

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)	\$ 139,753
Administrative (City Manager)	286,065
Legal (City Attorney)	207,671
Tax Collections & Assessments	579,995
Finance	5,788,175
Information Technologies	144,687
Board of Elections	130,899
Judicial	4,477,955
Public Safety	7,375,864 7,408,904
Public Works	2,726,602
Health and Social Services	658,800 552,040
Parks and Recreation	1,345,972
Cultural Enrichment	89,234
Library	578,536
Community Development	476,246
Grant Programs	340,364 518,717
Nondepartmental	518,387 625,147
Debt Service	2,843,031
Operating Transfers Out	18,551,172 18,611,172

2. That the sum of \$ 47,160,713 47,530,801 is appropriated for the fiscal year beginning July 1, 2010.

3. That the foregoing appropriation is based upon the following revenue for the 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	5,747,802
Charges for Current Services	1,190,840
Miscellaneous	787,921
<i>Restricted Fund Balance -</i>	
<i>Police Assets</i>	500
<i>Restricted Fund Balance -</i>	
<i>CDBG</i>	84,122
<i>Restricted Fund Balance -</i>	
<i>Asset Forfeiture - Police</i>	33,043
<i>Restricted Fund Balance -</i>	
<i>Dimmock Signal</i>	<u>60,000</u>
<b>TOTAL</b>	<b>\$ 47,437,758</b>
	<b>47,530,801</b>

2. That Sections 2 and 3 of Ordinance No. 06-FIN-4, the Capital Projects Fund Budget, be, and are hereby amended and reordained as follows:

1. 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>
<b>SUBTOTAL</b>	<b><u>\$ 3,205,093</u></b>

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>251,352</u>
<b>SUBTOTAL</b>	<b>\$ 598,711</b>
	653,711

EDUCATIONAL FACILITIES

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

### 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	<u>\$ 10,862,880</u>
	11,117,880

### UTILITY IMPROVEMENTS

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

### TRANSFERS

Transfer to School CIP Program	<u>\$7,500,000</u>
SUBTOTAL	<u>\$ 7,500,000</u>
 TOTAL	 <u>\$ 22,774,663</u>
	 \$ 23,084,663

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	\$ 2,649,257	2,764,257
Transfer from Recreation Activity Fund	1,700	
SUBTOTAL	<u>\$ 2,650,957</u>	2,765,957

### MISCELLANEOUS

Restricted Fund Balance – Fire Apparatus	\$ 141,585
Grants	401,503
Donations	<u>17,860</u>
SUBTOTAL	<u>\$ 560,948</u>
	620,948

### REVENUES

Intergovernmental	\$5,305,446	5,440,446
Future Bond Issues:		
General Fund	7,500,000	
Schools	2,500,000	
SUBTOTAL		<u>\$ 15,305,446</u>
		15,440,446

CONTINUING APPROPRIATED PROJECTS

General Fund	\$3,696,927	
Water and Sewer Fund	<u>560,385</u>	
SUBTOTAL		<u>\$ 4,257,312</u>
 TOTAL		 <u>\$ 22,774,663</u>
		23,084,663

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

Approved:

Attest: \_\_\_\_\_ Mayor  
DeAnna Q. Atkins  
 City Clerk

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on October 12, 2010

Ayes: 6 Nays: 0 Absent: 1 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:

Absent

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. Fratkin, 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

November 3, 2010

The Honorable Mayor and Members of City Council  
Colonial Heights, Virginia

RE: Ordinance No. 10-29

Ladies and Gentlemen:

City Council adopted Chapter 113, Rental Inspection Program, of the Colonial Heights City Code, on November 14, 2006 (Ordinance No. 06-25). The ordinance provided for two rental inspection districts – Shepherd Stadium and Violet Bank – Flora Hill. On November 18, 2008, Council adopted Ordinance No. 08-24, which added two additional districts – Toll House and Westover-Snead.

The Department of Planning and Community Development is recommending that new districts be added as part of the rental inspection program. Proposed Ordinance No. 10-29 creates the Oak Hill, Lakeview, and Ellerslie rental inspection districts. The ordinance has been advertised for public hearing at the November 9 Council meeting.

Sincerely,

Hugh P. Fisher, III  
City Attorney

Attachment

AN ORDINANCE NO. 10-29

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.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Chapter 113, Rental Inspection Program, of the Colonial Heights City Code, be, and is hereby, amended and reordained by adding therein §§ 113-4.3, 113-4.4, and 113-4.5, as follows:

**§ 113-4.3. The Oak Hill District.**

A. *District Boundaries.* There is hereby created an Oak Hill Rental Inspection District with boundaries as follows: All of the land lying and situate in the City of Colonial Heights bounded on the north by Dupuy and Bradsher Avenues, on the south by the Appomattox River, on the west by the Chesterfield County line, and on the east by the Boulevard. Bordering properties with a Bradsher Avenue, Dupuy Avenue, and Boulevard addresses are included in the district. A map showing the Oak Hill Rental Inspection District is hereby adopted as a part of this chapter and is available for public inspection in the Department's office.

B. *Findings Applicable to the District.* The Oak Hill Rental Inspection District is created by City Council based on the findings in § 113-1 of this chapter and on the same findings specified in subsection B. of § 113-4.1 that are applicable to the Toll House Rental Inspection District.

**§ 113-4.4 The Lakeview District.**

A. *District Boundaries.* There is hereby created a Lakeview Rental Inspection District with boundaries as follows: All of the land lying and situate in the City of Colonial Heights bounded on the north by Swift Creek Lake and Sherwood Drive, on the south by the CSXT Railroad right-of-way, on the west by the Chesterfield County line, and on the east by the Boulevard. Properties with a Boulevard address are included in this district. Properties with a Sherwood Drive address are not included. A map showing the Lakeview Rental Inspection District is hereby adopted as a part of this chapter and is available for public inspection in the Department's office.

B. *Findings Applicable to the District.* The Lakeview Rental Inspection District is created by City Council based on the findings in § 113-1 of this chapter and on the same findings specified in subsection B. of § 113-4.1 that are applicable to the Toll House Rental Inspection District.

**§ 113-4.5. The Ellerslie District.**

A. *District Boundaries.* There is hereby created an Ellerslie Rental Inspection District with boundaries as follows: All of the land lying and situate in the City of Colonial Heights bounded on the north by Swift Creek, on the south by Old Town River, on the east by Interstate 95, and on the west by the CSXT Railroad right-of-way. A map showing the Ellerslie Rental Inspection District is hereby adopted as a part of this chapter and is available for public inspection in the Department's office.

B. *Findings Applicable to the District.* The Ellerslie Rental Inspection District is created by City Council based on the findings in § 113-1 of this chapter and on the same findings specified in subsection B. of § 113-4.1 that are applicable to the Toll House Rental Inspection District.

2. That this ordinance shall be in full force and effect from the tenth day following its passage.

Approved:

\_\_\_\_\_  
Mayor

Attest:

Carol 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. Fisher, 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

October 25, 2010

The Progress-Index  
15 Franklin Street  
Petersburg, VA 23803

Attention: Legal Advertisements

**RECEIVED**

OCT 26 2010

**CITY CLERK'S OFFICE**

Dear Madam or Sir:

I have enclosed for publication in the legal advertisements section of your newspaper a notice of City Council holding public hearing to accept public comment on and consider the adoption of Ordinance No. 10-29.

You are requested to publish the notice on **October 27, 2010 and November 3, 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 date 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

## **NOTICE OF PUBLIC HEARING**

### **CITY OF COLONIAL HEIGHTS, VIRGINIA**

Notice is hereby given to all persons affected or interested that at the Colonial Heights City Council meeting to be held on **Tuesday, November 9, 2010, at 7:00 P.M.**, in Council Chambers of City Hall, 201 James Avenue, Colonial Heights, Virginia, the City Council shall hold a public hearing to accept comments on the following:

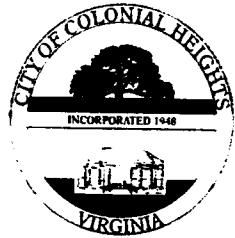
#### **AN ORDINANCE NO. 10-29**

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 copy of the proposed ordinance is on file for public examination during regular business hours in the City Clerk's Office in City Hall, 201 James Avenue, Colonial Heights, Virginia. All persons affected or interested are invited to be present at the public hearings of the City Council, to be held at the time and place stated above, when 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 handicap should contact the City Manager's Office at 520-9265 at least six days in advance.



# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
[www.colonial-heights.com](http://www.colonial-heights.com)

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## Office of the City Clerk

**October 21, 2010**

**Ms. Sandra Lewis  
19224 Maurer Lane  
Colonial Heights, VA 23834**

**Dear Ms. Lewis:**

**I am in receipt of your request to be placed on the agenda of the regular meeting of City Council on November 9, 2010.**

**Your request to address Council regarding the reinstating the certificate of convenience for transportation in the City of Colonial Heights will be placed on the agenda under "Written Petitions and Communications," and a copy of the agenda will be mailed to you prior to the meeting. The meeting will be held on November 9, 2010 at 7:00 P.M. in Council Chambers of City Hall, which is located at 201 James Avenue.**

**If this office can be of further assistance, please do not hesitate to contact me at 520-9360.**

**Sincerely,**

A handwritten signature in black ink that reads "DeAnna D. Atkins".  
**DeAnna D. Atkins  
City Clerk**

**City of Colonial Heights**

**Attention:**

**Office of the City Clerk**  
Post Office Box 3401  
Colonial Heights, VA 23834

**Name:** Sandra Lewis

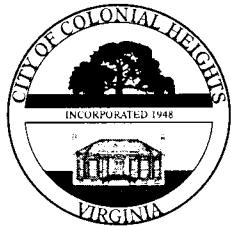
**Address:** 19224 Maurer Lane  
Colonial Heights Va 23834

**Telephone Number:** 804-931-2313

**Please place me on the City Council Agenda for** 11-09-10,  
(date)

**Purpose:** To discuss with the board to  
reinstate certificate of convenience for  
transportation in Col. Heights. This certificate  
of convenience, is required to transport  
on Ft Lee. I have my business license  
here in Col Heights & have to go to  
another city to obtain this certificate &  
have yet another business license there  
in that city.





# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
[www.colonial-heights.com](http://www.colonial-heights.com)

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## Office of the City Manager

November 4, 2010

The Honorable Mayor and Members of City Council  
Colonial Heights, Virginia

Ladies and Gentlemen:

The Budget Amendment for November 2010 is summarized as follows:

1. The Sheriff has obtained \$2,468 in grant funding from the Virginia Municipal League for the purchase of an additional taser and cartridges. No local funding is required.
2. The Sheriff has also obtained two additional donations, totaling \$125, from the Optimist Club of Colonial Heights and the Swift Creek Federated Woman's Club to help offset the annual Halloween in the Park event. No local funding is required.
3. The Library Director is requesting the use of \$7,200 in prior donations to replace six staff and public computers in the Library. No local funding is required.

Ordinance No. 10-FIN-21 has been prepared and is attached for your consideration. City staff associated with these requests will be present at the City Council Meeting to assist as necessary.

If any additional information or assistance is needed prior to the meeting, please do not hesitate to contact me.

Sincerely,  
  
Thomas L. Matis  
City Manager

TLM:eg

Attachments

cc: Hugh P. Fisher, III, City Attorney  
Todd B. Wilson, Sheriff  
Bruce N. Hansen, Library Director

Ordinance/Resolution Recap Worksheet  
11/2/10

	VML Grant Tasers	Library Computers	Halloween in the Park Donations	Total
<b>GENERAL FUND</b>				
<u>REVENUE:</u>				
Intergovernmental	\$2,468			
Restricted Fund Balance - Library		7,200		
Miscellaneous			125	
<b>Total</b>	<b>\$2,468</b>	<b>\$7,200</b>	<b>\$125</b>	<b><u>\$9,793</u></b>
<u>EXPENDITURES:</u>				
Judicial	\$2,468			
Library		7,200		
<b>Total</b>	<b>\$2,468</b>	<b>\$7,200</b>	<b>\$125</b>	<b><u>\$9,793</u></b>



# OFFICE OF THE SHERIFF

City of Colonial Heights



cc: Bill  
Robin

**TODD B. WILSON**  
SHERIFF

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

Email: [sheriff@colonial-heights.com](mailto:sheriff@colonial-heights.com)

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

## RECEIVED

TO: Tom Mattis  
City Manager

FROM: Sheriff Todd Wilson 

RE: Virginia Municipal League Grant City Manager's Office

DATE: October 27, 2010

OCT 28 2010

I am requesting City Council to appropriate \$2,468.00 in the Sheriff's Office account 1356-5250 to be spent on one (1) X3 Tazer and 30 cartridges.

This amount was received from a grant from the Virginia Municipal League and has been deposited into city account #10-4626.

Should you have any questions regarding this deposit, please give us a call.

Thank you.

TBW:sam  
Attachments  
C: William Johnson  
Director of Finance



# OFFICE OF THE SHERIFF

City of Colonial Heights



**TODD B. WILSON**  
SHERIFF

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

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

TO: Joy Moore, Treasurer  
FROM: Sheriff Todd B. Wilson   
RE: Virginia Municipal League  
DATE: October 27, 2010

Enclosed is a check in the amount of \$2,468.00 grant monies received from Virginia Municipal League. This grant money is to be utilized to purchase one (1) X3 Tazer and 30 cartridges. Please deposit this grant money into the city account #10-4626.

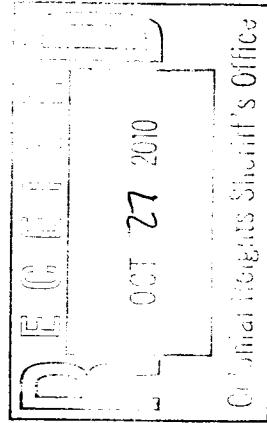
Your assistance in this matter is greatly appreciated.

Enclosure

C: Tom Mattis  
City Manager  
William Johnson  
Director of Finance

010483

OUR REF. NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
00021519	10212010	10/21/2010	2,468.00	2,468.00	0.00	2,468.00



VML INSURANCE PROGRAMS P.O. BOX 3239 GLEN ALLEN, VA 23058

THIS DOCUMENT CONTAINS PROTECTION AGAINST ALTERATIONS, A WATERMARK AND MICROFPRINT SIGNATURE LINES.



INSURANCE PROGRAMS  
Virginia's Local Government Specialists™  
P.O. Box 3239 • Glen Allen, VA 23058

010483  
SUNTRUST  
RICHMOND, VIRGINIA

DATE CONTROL NUMBER  
68-02  
510  
10/26/2010 70010483  
CREDIT AMOUNT  
\$\* \* \* \* \* 2,468.00

PAY Two Thousand Four Hundred Sixty-Eight and 00/100----- US Dollar

TO THE  
CITY OF COLONIAL HEIGHTS  
1507 BOULEVARD  
COLONIAL HEIGHT, VA 23834  
ORDER  
OF  
COLONIAL HEIGHTS  
SHERIFF

MP

10:05 10/26/2010 001439898



# OFFICE OF THE SHERIFF

**RECEIVED** City of Colonial Heights

OCT 27 2010

401 Temple Avenue  
P.O. Box 3401

**TODD B. WILSON**

SHERIFF

**City Manager's Office**

Colonial Heights, Virginia 23834  
Email: [sheriff@colonial-heights.com](mailto:sheriff@colonial-heights.com)

cc: Bill  
Robin



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

TO: William Johnson  
Director of Finance

FROM: Sheriff Todd Wilson 

RE: Donation

DATE: October 26, 2010

Please request on my behalf to City Council to appropriate \$125.00 into the Sheriff's Office account #1356-5242. These funds are coming from two separate donations and have been deposited into City account number 10-4812.

Check # 1276 Donated by the Optimist Club of Colonial Heights in the amount of \$100.00.

Check # 16663 Donated by the Swift Creek Federated Woman's Club in the amount of \$25.00.

These funds sponsor our annual Halloween in the Park event, hosted by this office on Halloween night. This event provides a safe place for our city's youth to display their customs, play games and receive candy. Some of our expenses include: purchasing of candy, safety pamphlets, gaming equipment, rental equipment, food products and more.

The attached documentation to Joy Moore, Treasurer reflects the above mentioned deposit transactions.

Please contact my office if you need any further information to complete this request. As always your attention to this matter is greatly appreciated.

TBW:sam  
Enclosures



# OFFICE OF THE SHERIFF

City of Colonial Heights 



**TODD B. WILSON**  
SHERIFF

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

Email: [sheriff@colonial-heights.com](mailto:sheriff@colonial-heights.com)

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

October 26, 2010

TO: Joy Moore, Treasurer  
FROM: Sheriff Todd B. Wilson   
RE: Donations

Enclosed are two (2) checks: \$100.00 from the Optimist Club and \$25.00 from the Swift Creek Federated Woman's Club. These checks were received as a donation to the Sheriff's Office for the Halloween event.

Please deposit these checks totaling \$125.00 into account #10-4812.

Thank you for your assistance and as always, should you need additional information, please call.

Enclosures  
C: Bill Johnson  
Director of Finance/Acting City Manager

OPTIMIST CLUB OF COL. HEIGHTS VA INC		1276
BINGO ACCOUNT		68-393514
PO BOX 155		07
COLONIAL HEIGHTS, VA 23834		
Pay to the Order of		10/25/10
<i>Colonial Heights Sheriff's Office</i>		Date
<i>One Thousand</i>		Dollars
<i>Bank of McKenney</i>		\$ 100.00
<i>Don't just</i> <i>link to quality service</i>		
<i>For Halloween in the Park</i>		
<i>Chester L. Fitzgerald</i>		
11:05 140393 11: 1102 165 711 1276		

**SWIFT CREEK FEDERATED WOMAN'S CLUB**  
P.O. BOX 1017  
COLONIAL HEIGHTS, VA 23834-1017

1  
683

October 20, 2010  
Date

1112

Pay to the City of Coonree Wages  
Order of Janet - fire and 150

ACH BT 051000017

For Valentine in the Park - John -

三

Vicki J. Smith

Harland Clarke

AN ORDINANCE NO. 10-FIN-21

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.

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	4,512,760 4,515,343
Public Safety	7,501,336
Public Works	2,906,095
Health and Social Services	802,585
Parks and Recreation	1,296,995
Cultural Enrichment	105,755
Library	582,067 589,267
Community Development	490,987
Grant Programs	536,829
Nondepartmental	497,201
Debt Service	2,843,031
Operating Transfers Out	18,551,172

2. That the sum of \$48,142,825 \$48,152,618 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 6,137,100
Charges for Current Services	1,190,840
Miscellaneous	865,095 865,220
Restricted Fund Balance – Police Assets	500
Restricted Fund Balance – CDBG CDBG	84,122
Restricted Fund Balance – Fire & EMS	10,582

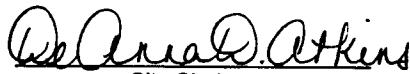
Restricted Fund Balance—Library	7,200
Fund Balance	413.904
TOTAL	\$48,142,825 48,152,618

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

Approved:

\_\_\_\_\_  
Mayor

Attest:

  
DeAnrae 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. Foster, III  
City Attorney

AN ORDINANCE NO. 10-28

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.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the Colonial Heights City Code be, and is hereby, amended to enumerate that Article I, General Provisions, in Chapter 245, Stormwater Management, shall consist of §§ 245-1 through 245-19.

*Article I. General Provisions . . .*  
[Editorial Note: Sections are unchanged.]

2. That Chapter 245, Stormwater Management, be, and is hereby further amended by adding an Article II, Stormwater Management Utility, that revises § 245-20 and adds §§ 245-21 through 245-27, as follows:

*Article II. Stormwater Management Utility*

**§ 245-20. Stormwater utility fees Findings and determinations.**

A. ~~The City Council shall set appropriate levels of utility fees so that sufficient revenues will be generated to provide for a balanced budget for the stormwater management system. Effective after approval of this section, stormwater utility fees shall be charged to owners of all developed property in the city.~~

B. ~~For the purpose of determining the stormwater utility fees, all properties in the City shall be classified by the Director of Public Works into one of the following categories:~~

- (1) Residential;
- (2) Nonresidential; and
- (3) Undeveloped property.

C. ~~The monthly utility fee for a residential property shall be the ERU rate of \$2.00 per month for one ERU.~~

D. ~~The monthly utility fee for a nonresidential property shall be the ERU rate of \$2.00 per month for one ERU, multiplied by the numerical factor obtained by dividing the total impervious area of the nonresidential property by one ERU (2,656 square feet). The Director of Public Works shall determine impervious area considering data supplied by the Real Estate Assessor, other city staff and/or the property owner. The assessed utility fee shall be updated by the Director of Public Works based on any change in impervious area. The numbered factor will be rounded to the nearest whole unit. The minimum utility fee for any nonresidential property shall be equal to one ERU rate.~~

E. ~~The utility fee for vacant developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class.~~

F. ~~Undeveloped property shall be exempt from the utility fee.~~

A. *The City of Colonial Heights has a system of manmade and natural components of a stormwater management infrastructure to both limit and manage the volume of stormwater to mitigate flood events and to minimize degradation of the City's waterways through stormwater quality management.*

B. *Stormwater runoff is associated with all improved properties in the City, whether residential or nonresidential, and the individual property impacts of runoff are directly related to the amount of impervious surface on the property and land-disturbing activities on property.*

C. The elements of the stormwater management infrastructure provide benefit and service to properties within the City through direct protection of property, through mitigation of flooding of critical components of the infrastructure, through protection of the City's natural environment and through protection of public health and safety.

D. The costs of monitoring, operating, maintaining, and constructing the stormwater system required in the City, both to meet new regulations and to address identified flood event needs, should therefore be allocated, to the extent practicable, to all property owners based on their runoff contribution to the stormwater management system.

**§ 245-21. Definitions.**

*The following words and terms used in this article shall have the following meanings:*

**AGRICULTURAL PROPERTY** means land used for the tilling, planting or harvesting of agricultural, horticultural or forest crops or land used for raising livestock.

**DEVELOPED MULTI-FAMILY RESIDENTIAL PROPERTY** means developed property containing more than one (1) residence or dwelling units, and accessory uses related to but subordinate to the purpose of providing permanent dwelling facilities. Such property shall include duplexes, triplexes, quadruplexes, townhouses apartments and condominiums.

**DEVELOPED NONRESIDENTIAL PROPERTY** means developed property which does not serve a primary purpose of providing permanent dwelling units. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, recreational and cultural facilities, hotels, offices and churches.

**DEVELOPED PROPERTY** means real property which has been altered from its "natural" state by the addition of any improvements such as buildings, structures, or other impervious surfaces. For new construction, property shall be considered developed pursuant to this subsection upon certification of the final building permit inspection.

**DEVELOPED SINGLE-FAMILY RESIDENTIAL PROPERTY** means a developed lot or parcel containing one (1) residence or dwelling unit, and accessory uses related to but subordinate to the purpose of providing permanent dwelling facilities. Such property shall include houses and mobile homes.

**EQUIVALENT RESIDENTIAL UNIT** or **ERU** means the equivalent impervious area of a developed single-family residential property per dwelling unit located within the City based on the statistical average horizontal impervious area of a single-family residence in the City. An equivalent residential unit (ERU) equals two thousand six hundred fifty-six (2,656) square feet of impervious surface area.

**ERU RATE** means the utility fee charged on an equivalent residential unit.

**IMPERVIOUS SURFACE AREA** means a surface which is compacted or covered with material that is highly resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

**REVENUES** means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the City, fees-in-lieu-of provided by developers or individual residents, and the proceeds from sale of utility bonds.

**STORMWATER MANAGEMENT SYSTEM** or **SYSTEM** means the stormwater management infrastructure and equipment of the City and all improvements thereto for stormwater control in the City. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilation stations, and other plants, structures, and real and personal property used for support of the system. The system does not include privately owned farm ditches and other private drainage systems.

**STORMWATER MANAGEMENT UTILITY** or **UTILITY** means the enterprise fund created by this section to operate, maintain and improve the City's stormwater management system.

**UNDEVELOPED PROPERTY** means any parcel which has not been altered from its natural state to disturb or alter the topography or soils on the property in a manner which substantially reduces the rate of infiltration of stormwater into the earth.

**UTILITY FEES** means the monthly service charges based upon the ERU rate applied to property owners or occupants, including condominium unit owners or tenants (when the tenant or occupant is the party to whom water and sewer service is billed) of developed residential property, developed multi-family residential property and developed nonresidential property, all as more fully described in § 245-23.

**§ 245-22. Establishment of stormwater management utility.**

A. The stormwater management utility is established to provide for the general welfare, health, and safety of the City and its residents.

B. The utility shall deposit in a separate ledger account all revenues collected pursuant to this section. The funds deposited shall be used exclusively to provide services and facilities related to the stormwater management system. The deposited revenues may be used for the following:

1. Acquisition of real or personal property, and interest therein necessary to construct, operate and maintain stormwater control facilities;

2. The cost of administration of such programs, to include the establishment of reasonable operating and capital reserves to meet unanticipated or emergency requirements of the utility;

3. Engineering and design, debt retirement, construction costs for new facilities, and enlargement or improvement of existing facilities;

4. Facility maintenance;

5. Monitoring of stormwater control devices; and

6. Pollution control and abatement, consistent with City, state and federal regulations for water pollution control and abatement.

**§ 245-23. Imposition of utility fees.**

Revenues shall be generated to provide for a balanced operating or capital improvement budget, or both, for maintenance and/or improvement of the stormwater management system by setting sufficient levels of utility fees. Income from utility fees shall not exceed actual costs incurred in providing the services and facilities described in § 245-22. Utility fees shall be charged to owners of all developed property in the City; provided, however, where a tenant or occupant is the person to whom water or sewer service, or both, are billed, the utility fee may be charged to such tenant or occupant.

A. For purposes of determining the utility fee, all properties in the City are classified into one of the following classes:

1. Developed single-family residential property;
2. Developed multi-family residential property;
3. Developed nonresidential property;
4. Undeveloped property; or
5. Agricultural property.

B. The monthly utility fee for developed single-family residential property shall equal the ERU rate.

C. The monthly utility fee for developed multi-family residential property shall be the ERU rate multiplied by the number of residences or dwelling units located on the lot or parcel.

D. The monthly utility fee for developed nonresidential property shall be the ERU rate multiplied by the numerical factor obtained by dividing the total impervious surface area of a developed nonresidential property by one (1) ERU (2,656 square feet). The numbered factor will be rounded to the nearest tenth of a unit. The minimum utility fee for any developed nonresidential property shall equal the ERU rate.

E. The utility fee for vacant developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class.

F. Undeveloped property shall be exempt from the utility fee.

G. Agricultural property shall be exempt from the utility fee. Provided however, each developed residential unit situated on a parcel devoted to agricultural use shall be charged a fee equal to the ERU rate.

**§ 245-24. Billing and payment, interest, liens.**

A. The utility fee is to be paid by the owner of each lot or parcel subject to the utility fee; provided, however, where a tenant or occupant is the person to whom water or sewer service, or both, is billed, the utility fee may be charged to such tenant or occupant. In any case in which a tenant or occupant fails to pay utility fees, the delinquent utility fees shall be collected from the owner of the property. All properties, except undeveloped property, shall be rendered bills or statements for stormwater services. Such bills or statements may be combined with water and sewer bills levied pursuant to Chapter 238, Sewage and Sewage Disposal, and Chapter 277, Water, provided that all charges shall be separately stated. The combined bill shall be issued for one (1) total amount. The Director of Finance is hereby authorized and directed to create policies and procedures for the efficient billing and collection of the combined bill, including a policy for allocating payments to the separate charges stated on the combined bill.

B. The bills or statements shall include a date by which payment shall be due. All bills for charges prescribed by this article shall be due and payable thirty (30) days from the date of the bill and shall be deemed delinquent if not paid in full within such time.

C. Any bill which has not been paid by the due date shall be deemed delinquent and the account shall be collected by any means available to the City. Notice to the owner shall be provided in every case when stormwater charges incurred by a tenant or occupant become more than ninety (90) days delinquent. All payments and interest due may be recovered by action at law or suit in equity. Unpaid fees and interest accrued shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. Records of all unpaid fees and interest, indexed by the name of the record owner of the real estate, shall be maintained in the City Treasurer's Office.

D. In the event charges are not paid when due, interest thereon shall commence on the due date and accrue at the rate of ten percent (10%) per annum until such time as the overdue payment and interest is paid.

E. When developed properties are brought into the utility, fees will accrue commencing with the release of the final plumbing inspection for the property. In the absence of a plumbing inspection, utility fees will accrue commencing with release of the final building inspection for the property. A bill will be issued in the next billing cycle and will be prorated for the number of days in which service was provided.

F. In the event of alterations or additions to developed multi-family property or developed nonresidential property which alter the amount of impervious surface area, the utility fees will be adjusted upon release of the final plumbing inspection. In the absence of a plumbing inspection, utility fees will be adjusted upon release of the final building inspection. A bill will be issued in the next billing cycle and will be prorated for the number of days in which service was provided.

**§ 245-25. Adjustment of fees, exemptions, credits.**

A. Full waiver of the utility fee shall be provided to properties owned by federal, state, and local government agencies when those agencies own and provide for maintenance of storm drainage and stormwater control facilities.

B. Any owner, tenant or occupant who has paid his utility fees and who believes his utility fees to be incorrect may submit an adjustment request to the City Manager or his designee. Adjustment requests shall be made in writing setting forth, in detail, the grounds upon which relief is sought. The responsibility for providing information that supports a change to the stormwater fee lies solely with the property owner. Any dispute of the impervious area determined for a property must be proven using drawings and measurements certified and sealed by a licensed engineer or Class B surveyor. Response to such adjustment requests, whether providing an adjustment or denying an adjustment, shall be made to the requesting person by the City Manager or his designee within sixty (60) days of receipt of the request for adjustment.

C. The City may provide a system of credits to reduce utility fees for properties on which stormwater control measures substantially mitigate the peak discharge or runoff pollution flowing from such properties or substantially decrease the City's cost of maintaining the stormwater management system. The Department of Public Works will develop written policies to implement the credit system.

1. No credit will be authorized until the City Council approves written policies to implement the system of credits; a copy of the approved policies shall be on file with the City Clerk. The City's policies may make credits retroactive to the date utility fees were initiated. Any bill charges requiring adjustments must be applied through the utility billing system. No credit will be granted for more than three (3) past years. Nothing shall prevent the City Council from modifying the adopted system of credits, and such modifications may apply to holders of existing credits.

2. Each credit allowed against the utility fee is conditioned on the continuing operation and functioning of the stormwater control measure as designed; credited stormwater control measures must comply with all applicable laws, ordinances and regulations, and credits may be rescinded for noncompliance with these standards.

3. Each credit for which a customer applies shall be subject to review and approval by the City Manager or his designee. The City Manager may approve or reject any application for a credit in whole or in part.

4. Credits shall only be applied to developed lands containing the credited stormwater control measure.

#### **§ 245-26. Limitations of responsibility.**

A. The City shall be responsible only for the portions of the drainage system which are in City maintained street rights-of-way and permanent storm drainage easements conveyed to and accepted by the City. Repairs and improvements to the drainage system shall be in accordance with established standards, policies, and schedules.

B. The City's acquisition of permanent storm drainage easements and/or the construction or repair by the City of stormwater control measures and drainage facilities does not constitute a warranty against stormwater hazards, including, but not limited to, flooding, erosion, or standing water.

#### **§ 245-27. Severability.**

The provisions of this article shall be deemed severable; and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this article shall remain in full force and effect and their validity unimpaired.

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

Approved:

\_\_\_\_\_  
Mayor

Attest:

DeAnnalee 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: \_\_\_\_\_

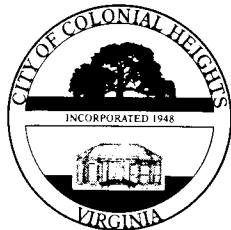
The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_

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

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

Approved as to form:

Hugh P. Foster, III  
City Attorney



# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
[www.colonial-heights.com](http://www.colonial-heights.com)

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## 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 *GW*

Date: November 4, 2010

#### **Subject: Planning Commission Actions at November 3, 2010 meeting**

At the November 3, 2010 meeting of the Commission the following actions were taken:

1. Approved minutes of the September 2010 meeting (enclosed).
2. Reviewed the draft 2011-2015 Capital Improvement program- summary of project scoring and unanimously recommended approval of the document.
3. Discussed alternative public participation processes for updating the Comprehensive Plan and decided to utilize a citizens planning committee, to be created, to assist in the process.
4. Heard staff overview of Chesapeake Bay Phase 111 compliance report of our local regulations prepared by DCR staff and briefly discussed alternative methods for insuring compliance by 2014. Specific recommendations will be developed by our consultant and presented to the city for future consideration.
5. Heard staff report on status of the Appomattox River Development Corridor project. A consultant team headed by LPDA has been selected and the contract is now in place, including detailed scope of work and is ready to be implemented. The project is estimated to take approximately 90-100 days.

**CITY OF COLONIAL HEIGHTS, VIRGINIA**  
**Minutes of the Regular Meeting**  
**of the Planning Commission**  
**Tuesday September 8, 2010**

**I. Call to Order: 7:01 p.m.**

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

**Present:**

Planning Commissioner Mary A. Hamilton  
Chairman Harry B. Hargis  
Vice-Chairman Lewis L. Johnson  
Planning Commissioner William Kollman  
Planning Commissioner Charles E. Townes  
Councilman Milton E. Freeland, Jr.  
Planning Commissioner James L. O'Connell  
City Attorney- Hugh P. Fisher, III  
Acting City Manager- William E. Johnson  
Planning Director- George W. Schanzenbacher  
Assistant Director of Public Works- Harold Caples

**Absent:**

**Also Present:**

**III. Approval of Minutes of July 2010**

The minutes of the July 2010 meeting were unanimously approved upon a roll call vote.

**IV. Approval of Agenda**

There were no additions to the agenda and Chairman Harry B. Hargis proceeded with the agenda as written.

**V. Hearing of Citizens Generally**

There was no response to the Chairman's request for input from the public.

**VI. Public Hearings**

There were no public hearings scheduled.

**VII. New Business**

Chairman Hargis welcomed Ms. Jamie Sherry, the new Neighborhood Revitalization Planner, to her first meeting of the Commission.

Mr. Schanzenbacher stated that since there were no Plans of Development on the Agenda for the month of September, Mr. Hargis and he thought that it would be a great opportunity to begin the discussion of the Comprehensive Plan update. Mr. Schanzenbacher stated that the last major update to the plan was in 1997 and by law we are required to revisit the plan every 5 years.

Mr. Schanzenbacher introduced Ms. Sherry and indicated that because the day to day operations of the CDBG Emergency Repair Program is being handed over to ElderHomes, a not-for profit-organization, Ms. Sherry will have the time to work on other projects such as the Comprehensive Plan.

Ms. Sherry presented an overview of what a Comprehensive Plan is, the legal requirements of the Plan, common elements of a Plan, and ways to involve the citizens in the planning process.

After the presentation, the Commission discussed the following:

It was suggested that staff work with the existing neighborhood groups to formulate the plan, similar to what was done on the Boulevard. A suggestion was made to form a planning committee.

It was also suggested that staff go to civic organizations, such as the Rotary Club with a presentation as a way to kick off the process and to get people involved. Other ways to get citizens involved included possibly holding charettes.

The need for senior housing was discussed. It was suggested that the city require houses be built to address senior needs. Others suggestions included having certain portions of subdivisions set aside for senior housing. Another idea included allowing mother-in-law suites. Mr. Schanzenbacher stated that the zoning ordinance is neutral as far as supporting this type of housing.

There was some discussion about the importance of Neighborhood Revitalization in the Plan. Neighborhood issues included litter, transportation for seniors and enforcing the temporary sign ordinance.

There was some discussion about planning for South Park Mall and the surrounding commercial development. It was suggested that any new or redeveloped buildings have design standards, such as no rear facades that look like backdoors. It was stated that mixed use development was a trend being used to redevelop older commercial areas. It was suggested that the Commission go on a field trip to other localities in the region that have done this type of development.

Mr. Schanzenbacher stated that staff would compile these comments and bring them back to the Commission with suggestions on how to proceed.

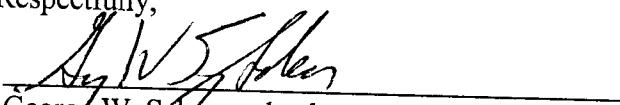
### **VIII. Reports**

There were no Committee reports.

### **IX. Adjournment**

The meeting adjourned at 7:50 p.m.

Respectfully,

  
George W. Schanzenbacher

Director of Planning and Community Development

APPROVAL:

  
Harry B. Hargis, Jr., Chairman