



Office on Youth



Office on Youth & Human Services
201 James Avenue, PO Box 3401
Colonial Heights, VA 23834
520-9286



Office on Youth & Human Services

August 1, 2010

Honorable C. Scott Davis
Honorable Members of City Council
City of Colonial Heights
PO Box 3401
Colonial Heights, VA 23834

Dear Mayor Davis & City Council Members:

It is with a sense of pride and renewed commitment that I present the 2009-2010 Annual Report for the Office on Youth. The Youth Services Commission and staff of the Office on Youth have worked to make a positive difference for the youth and families in our city.

A slogan, often seen in publications presented by the Office on Youth, is "***Youth Matter in Colonial Heights***". They truly do matter and the Youth Advisory Council and the Youth Services Commission are grateful for your continued support of youth and youth programming in our community. We wish to thank all who have assisted us throughout the year.

Sincerely,

Margie Strum

Chair, Youth Services Commission

OFFICE ON YOUTH

2009-10 ANNUAL REPORT

Mission Statement

The Office on Youth & Human Services serves the citizens of Colonial Heights by working to develop and improve community assets which assist families in raising healthy children.

To accomplish this, the Office on Youth & Human Services partners with, collaborates with, and supports the work of various groups and organizations in the City and surrounding communities.

Collaborative Partnerships

The Office on Youth serves as a collaborative partner working with other organizations to meet youth needs. In this role, the Office on Youth has been active in the following local and regional efforts.

- Comprehensive Services Act Program (FAPT & CPMT)
- Colonial Heights Public Schools
- Adult & Juvenile Drug Court
- Community Criminal Justice Board
- Department of Conservation & Recreation
- Twelfth District Court Service Unit
- Families First Program
- Juvenile & Domestic Violence Task Force
- Partnership for Youth
- S.A.F.E.—Substance Abuse Free Environment
- Community Coalitions of Virginia
- Regional Drug Free Alliance
- Virginia Juvenile Community Crime Control Act
- Interagency Prevention Team
- Colonial Heights CADRE Coalition
- Positive Parenting Coalition
- Virginia Department of Alcoholic Beverage Control



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|-------------------------|-----------------------------|
| Margie Strum, Chair | Stephen Ball |
| Thomas Agee, Vice Chair | Steven Patchen |
| David Whiting | Thomas Coon |
| Doug Harris | George Miller |
| Rennie Glazer | Diane Yates, Council Rep. |
| Sandra Coleman | Katie Finch, Youth Rep. |
| Lt. Dann Ferguson | Aaron Doherty, Youth Rep. |
| Ryan Small | Natasha Sheybani, YAC Pres. |

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|--|------------------------------|
| Natasha Sheybani, President | Nicole Knick |
| Vincent Kong, 1st VP | Christian Kochuba |
| Brittany Drumright, 2nd VP | Beau Mackie |
| Autumn Braithwaite, Secretary | Brian Madl |
| Anna-Claire Bousquet, Historian | Kaitlyn Morgan |
| Aaron Doherty, Youth Rep. | Caleb Reese |
| Katie Finch, Youth Rep. | Alexandra Rivero |
| Nick Ball | Nojan Sheybani |
| Kari Christopher | Danny Stoneback |
| Lisa Chung | Samantha Tyler |
| Nyara Djavadi | Natalie Uzzle |
| Maryam Gharibani | Andrea Zhou |
| Sandy Hersee | Alan Zhou |
| Bobby Jackson | |
| Andrea Jimenez | Advisor—Abby Lynch |
| Alex Jolly | YSF Rep—Stephen Ball |
| Emily Jolly | YSF Rep—Rennie Glazer |
| Jennifer Kaiser | |

YOUTH
ADVISORY
COUNCIL

Helping change our world,
one step at a time[®]

Leadership
Volunteerism
Activities
Education
Community Outreach



Information & Referral

The Office on Youth & Human Services provides information on a variety of youth related issues or services. Resource information is available through our Resource Directory, available on the City's web page.

Planning & Program Development

The Office on Youth & Human Services works with different community organizations, groups and agencies to develop needed resources and services for youth and families in Colonial Heights.

Public Information

The staff of the Office on Youth are available to speak to community groups and civic organizations on a variety of educational topics related to youth and family functioning.

- ◆ Hosted the Annual Youth Forum attended by about 100 teens who voiced their opinions on issues of "Healthy Relationships", "Time Management", "Conflict Resolution", "Internet Ethics", "Block Scheduling", and "Identity Theft". Invited Mr. Jim Crinkley, CHHS Teacher & Girls' Basketball Coach as guest speaker.
- ◆ Participated in Tri-Cities Work Camp Lunch Program as community service project.
- ◆ Awarded two "Coleman Voice of Youth" scholarships to YAC members.
- ◆ Sponsored a "Christmas Mother" family and an elderly person.
- ◆ Sponsored the "Lemon-Aid" stand to support research for pediatric cancer.
- ◆ "Volunteered to Cheer" for Special Olympics.
- ◆ Continued to develop good citizenship and leadership skills through meetings, community activities and special projects.

- ♦ Supported and assisted the Youth Advisory Council with their annual Youth Forum.
- ♦ Supported activities at Pete's Place in the Teen Center.

- ♦ Supported Regional Domestic Violence Task Force Press Conference, acknowledged the community's role, and helped with domestic violence issues. Conference hosted in Prince George. Two Colonial Heights' Task Force Members received the Community Impact Award for their work. Recipients were: Elvira Shaw and Jan Gunnels.
- ♦ Distributed dating violence materials at "Freshman Orientation" at Colonial Heights High School in late August 2009.
- ♦ Task Force, Youth Advisory Council and Daisy Troop #80 planted a "Pinwheel Garden" at the Colonial Heights Public Library in April 2010 to honor all children during Child Abuse Prevention Month. In addition, a resource table was available for library patrons.



- ♦ Provided twenty seven youth with vouchers for shoes during school year with private funding.

- ♦ City Council agreed to support the Coalition with a \$4,000 city allocation as the State of Virginia cut the Better Beginnings programs state-wide.
- ♦ Better Beginnings Coalition worked on programs for teens at Pete's Place which included life skills, healthy relationships, and building self-esteem.



- ♦ Served fourteen youth and their families with a variety of human services to include In-Home Counseling, Therapeutic Foster Care, Respite, and Day Treatment Programs.
- ♦ Education accounted for 64% of cases served; DSS accounted for 29% of cases served; CSU accounted 7% of cases served.
- ♦ Comprehensive Services Act expenditures for 2010 were \$225,000 as of June 30, 2010.



"Youth programs encourage accountability of youth, improves self-esteem, citizenship, and responsibility, as well as instills a sense of community pride."

- ◆ KAP served 47 youth from North, Tussing and Lakeview Elementary schools with youth tutoring and mentoring programs.
- ◆ The participants in KAP also enjoyed monthly family dinners and special outings.

- ◆ Fifteen youth and three staff took part in the Youth Conservation Corp project at Pocahontas State Park.
- ◆ Participants worked for three weeks in July and August, and created new trails from the campgrounds to the pool.

- ◆ VJCCA is funded by state and local governments, and provided programs to divert youth away from the courts and to provide sanctions and education to prevent re-offending.

- ◆ This three hour educational program is designed to inform youth and their parent about the consequences of stealing. The program served 603 youth and their families.

- ◆ Service learning served 102 youth with job sites and supervision of youth, who are court ordered, to complete hours of restitution.
- ◆ The program builds knowledge, develops character, and fosters civic responsibility through community service.



- ◆ This program offered 269 juveniles structured discussions and group activities designed to improve self-esteem, improve decision-making skills, addresses substance abuse, communication skills, anxiety and assertiveness. The focus is on decision-making and challenges of life for middle school and early high school students.

“Parenting With Love & Limits”

- ◆ A six week program for both teens and their parents. This program helps to restore parental control and lost nurturance. At-risk youth are served in a small group setting.
- ◆ Twenty-five families were served this year.



“Parenting Wisely”

- ◆ A self-driven computer program that assists parents in improving/developing skills that help in communicating and lowering children’s risk of problems.
- ◆ This program served six parents.

- ◆ Nine youth attended the ten session program to develop better decision making and coping skills.

- ◆ The Interagency Prevention Team is a multi-disciplinary team of professionals working to identify and assist youth at-risk in our community.
- ◆ The Team meets monthly to discuss cases and make recommendations to enhance a youth’s success at school, at home and in the community.
- ◆ Teachers, guidance counselors, school administration, team members or parents may refer a child to the Team.

- ◆ The Office on Youth received a \$4,150 grant from the VA ABC Board to address underage drinking in our community.
- ◆ In addition to sending two teams of four students to the YADAPP Leadership Conference, teens completed two Project Sticker Shock events and helped to organize our annual Youth Forum.
- ◆ PRIDE Youth Survey was completed by students in eighth, tenth and twelfth grades.



Lemon-Aid Stand
Fundraiser for pediatric cancer



Youth Advisory Council
Christmas Family Project

Pinwheel Garden at Library
April 2010



2010 Youth Forum Participants
taking it all in!



Substance-Free Activity Night
Sponsored by CADRE Coalition



CADRE Project Sticker Shock



Pocahontas State Park
Youth Conservation Corp



Work Camp 2010
YAC provided lunches



YAC participating in City-wide
Clean-Up Day



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JULY 2010 EMPLOYEE OF THE MONTH



NAME: Donald W. Hannuksela

POSITION: Deputy Sheriff

EMPLOYMENT

HISTORY: Mr. Hannuksela was hired in March, 2004 as a Deputy Sheriff in the Sheriff's Office.

NARRATIVE:

Donald was selected as the Employee of the Month because of his continuous personal dedication to the betterment of the Sheriff's Office, his above and beyond approach, his visionary thinking and his continued success in saving the City money. With over 30 years of law enforcement experience, Donald offers a wide range of services. In addition to his normal duties, Donald provides a great deal of I.T. assistance to the Sheriff's Office along with many of the offices inside the courthouse. He designs and instructs annual firearms training for the Sheriff's Office and assists the Police Department with their annual firearms qualifications. He maintains all records of those training cycles, writes grants and assures all sworn staff members in the Sheriff's Office maintain up-to-date state certifications as required by the Department of Criminal Justice Services. Donald has successfully written several grants providing funding for projects that otherwise would have remained on a wish list. The unique approach Donald takes is that he is always looking for ways, not only to benefit the Sheriff's Office, but also all of those around him. For example: each of Donald's successful grants has directly benefited other City departments such as the Police Department, Dispatch, Commonwealth Attorney's Office and the Clerk of Courts. When including so many groups in any project, he creates an additional workload for himself but always sees the end project as worth the extra sweat.

During the month of June, Donald took the initiative to solicit a nationally known premier rifle training company. He negotiated with that company to provide a rifle instructor and an armorer training right here at our Crater Academy. That company has agreed to offer this training and we now have agencies from all over the state committing to take advantage of this training. As a result of Donald's hard work, we are the host agency for this training. As such, we are able to participate in this training free of charge. In addition as the host agency, we may also receive as many as four free rifles which can be donated/given to our Police Department to be utilized by patrol officers, saving our City the expense of purchasing these expensive budget items. Donald is truly an asset to this City and a dedicated employee worthy of the recognition of Employee of the Month. Thank you Deputy Hannuksela for all of your efforts.

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, July 13, 2010

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Davis at 6:03 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 W. Joe Green, Jr.
 Vice Mayor Elizabeth G. Luck
 Councilwoman Diane H. Yates
 Mayor C. Scott Davis

Absent: **Councilman Kenneth B. Frenier**
 Councilman John T. Wood (arrived at 6:20 P.M.)

Also Present: **Acting City Manager William E. Johnson**
 City Attorney Hugh P. Fisher, III
 Mr. William E. Henley, Director of Public Works/Engineering

A MOTION was made by Mayor Davis and seconded by Mrs. Luck to amend Item 3(C) to add the following language: and to discuss and consider the disposition of publicly held undeveloped property off of Dimmock Parkway where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Vote: **5-0**
Yes: **Freeland, Jr.**
 Green, Jr.
 Luck
 Yates
 Davis
No: **None**
Abstained: **None**
Absent: **Frenier**
 Wood

Motion passed.

3. Closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

A. Section 2.2-3711.A.1 – to discuss and consider prospective candidates for employment as City Manager.

- B. Section 2.2-3711.A.1 – to discuss and consider appointments to the Community Criminal Justice Board, Board of Directors of the Crater District Area Agency on Aging, and Senior Citizens Advisory Committee.
- C. Section 2.2-3711.A.3 – to discuss and consider the acquisition of real property – specifically, a privately-owned right-of-way within Southpark Mall – for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and to discuss and consider the disposition of publicly held undeveloped property off of Dimmock Parkway where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

The Mayor announced the purpose of the meeting.

A MOTION was made by Mrs. Yates, seconded by Mrs. Luck and carried unanimously on voice vote to convene into closed session at 6:05 P.M.

4. Voice Vote – come back into Open Session.

A motion to reconvene into open session was made by Mrs. Luck, seconded by Mr. Freeland and carried unanimously on voice vote at 7:09 P.M.

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

- A. Section 2.2-3711.A.1 – to discuss and consider prospective candidates for employment as City Manager.
- B. Section 2.2-3711.A.1 – to discuss and consider appointments to the Community Criminal Justice Board, Board of Directors of the Crater District Area Agency on Aging and Senior Citizens Advisory Committee.
- C. Section 2.2-3711A.3 – to discuss and consider the acquisition of real property – specifically, a privately-owned right-of-way within Southpark Mall – for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and to discuss and consider the disposition of publicly held undeveloped property off of Dimmock Parkway 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

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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.

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|-------------------|---------------|
| Vote: | 6-0 |
| Yes: | Freeland, Jr. |
| | Green, Jr. |
| | Luck |
| | Yates |
| | Wood |
| | Davis |
| No: | None |
| Abstained: | None |
| Absent: | Frenier |

Motion UNANIMOUS PASS.

As a result of the closed meeting a motion to approve the following appointments was made by Mayor Davis and seconded by Mrs. Luck:

Community Criminal Justice Board

Lee Cobel and Thierry G. Dupuis

Board of Directors of the Crater District Area Agency on Aging

Elvira Shaw

Senior Citizens Advisory Committee

Elvira Shaw

| | |
|-------------------|---------------|
| Vote: | 6-0 |
| Yes: | Freeland, Jr. |
| | Green, Jr. |
| | Luck |
| | Wood |
| | Yates |
| | Davis |
| No: | None |
| Abstained: | None |
| Absent: | Frenier |

Motion UNANIMOUS PASS.

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8. **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 at 7:12 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins
DeAnna D. Atkins, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, July 13, 2010

1. Call to Order.

The Regular Meeting of City Council was called to order by Mayor Davis at 7:13 P.M.

2. Roll Call.

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

Absent: **Councilman Kenneth B. Frenier**

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

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

Mrs. Abby Lynch, Youth and Human Services
Mrs. Jennifer N. Carpenter, Director of Human Resources
Mr. William Keith Early, Captain Police Department
Mr. Craig R. Skalak, Director of Recreation and Parks
Mr. Bruce N. Hansen, Library Director
Mr. A.G. Moore, Jr., Chief of Fire and EMS
Ms. Karen K. Saunders, Information Technology Admin.
Mr. George W. Schanzenbacher, Director of Planning
Ms. Kathy L. Sparks, Deputy Director of Finance

3. Devotion.

A devotional prayer was led by Councilwoman Yates.

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 Mr. Green and seconded by Mrs. Yates.

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

Motion UNANIMOUS PASS.

6. Commendations and Presentations.

A. A Resolution No. 10-28. Appointing DeAnna D. Atkins to the position of City Clerk beginning July 14, 2010.

A motion for adoption was made by Mayor Davis and seconded by Mrs. Yates.

Mayor Davis recognized Mrs. DeAnna D. Atkins and presented her with a framed copy of the Resolution.

Mrs. Atkins thanked Council for the opportunity to work in the City of Colonial Heights.

B. Adoption and Presentation of Resolution No. 10-29. Recognizing Michael E. Souders for his contributions to the youth of the City of Colonial Heights.

A motion for adoption was made by Mayor Davis and seconded by Mrs. Luck.

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

Motion UNANIMOUS PASS.

A RESOLUTION NO. 10-29

Recognizing Michael E. Souders for his contributions to the youth of the City of Colonial Heights.

WHEREAS, Michael E. Souders began his employment with the Colonial Heights Public Schools in August, 2006 as a Music Teacher for grades K-12; and

WHEREAS, during his tenure Mr. Souders has taught general music classes, prepared students for musical PTO presentations, prepared special performances for Earth Day, Arbor Day, the Fine Arts Festival, the Holiday sing-a-long, and the Fort Clifton Festival and through his use of music helped to reinforce Standards of Learning; and

WHEREAS, Mr. Souders was voted Teacher of the Year for 2010 at Tussing Elementary by his colleagues and subsequently named the school system's Teacher of the Year; and

WHEREAS, Mr. Souders has been nationally recognized for "Thank You Soldiers", a song/video which he co-wrote with his wife, Angela. The video has received over 1,370,000 views on the internet, over 10,000 emails and requests for sheet music, and multiple radio interviews all over the country; and

WHEREAS, through Mr. Souders' hard work and dedication he has enriched the lives of many youth of this City; NOW, THEREFORE,

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

1. That Council hereby expresses, on behalf of the City, its gratitude to Michael E. Souders for his commitment and devotion to the well-being of the young citizens of the City of Colonial Heights.

2. That, in attestation of the high regard in which Council holds Michael E. Souders, this resolution is hereby made a part of this meeting and the permanent record of the City of Colonial Heights, this 13th day of July, 2010; and the members of Council unanimously affix their signatures.

Mayor Davis recognized Mr. Michael E. Souders, read the resolution in its entirety and presented him with a framed copy.

Mr. Souders thanked Council for the recognition.

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C. Presentation of Proclamation Designating the Month of July as "Recreation and Parks Month" in the City of Colonial Heights, Virginia – Mr. Craig R. Skalak, Director of Recreation and Parks.

Mayor Davis recognized Mr. Craig R. Skalak, Director of Recreation and Parks, read the proclamation in its entirety and presented him with a framed copy.

Mr. Skalak thanked Council for their continued support of the Department of Recreation and Parks, which allows them to provide programs for the citizens.

D. Presentation of Employee of the Month Award for June 2010 to Kevin J. Joyce, Building Inspector.

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

Mr. Joyce thanked Council for the recognition.

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

A. Approval of Minutes:

- 1. Special Meeting, June 8, 2010.**
- 2. Regular Meeting, June 8, 2010.**

B. Adoption of:

AN ORDINANCE NO. 10-FIN-15 (Second Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to appropriate \$300 in donated funds to Judicial for the purchase of items for the Sheriff's annual "Ride for the Torch".

AN ORDINANCE NO. 10-22 (Second Reading). For the City to vacate a 16' waterline easement across Lot 1, Section 3, East Roslyn Farm, owned by Beech, LLC.

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.
Green, Jr.
Luck
Wood**

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|------------|---------|
| No: | Yates |
| Abstained: | Davis |
| Absent: | None |
| | None |
| | Frenier |

Motion UNANIMOUS PASS.

8. Reading by City Attorney of Manner of Addressing Council.

The City Attorney read the Manner of Addressing Council.

9. Advertised Public Hearings.

A. Public Hearing as advertised in *The Progress-Index* on June 23, 2010 and June 30, 2010.

AN ORDINANCE NO. 10-23 (First Reading). To grant a special use permit to R.L. Dunn for property located at 1210, 1212, and 1214 Boulevard, which property is presently zoned B-3 General Business (high density) District, has parcel identification number 24000200009, and comprises 1.7 acres, to allow for the property to be used for up to 15,800 square feet (32 units) of multiple-family dwellings and 6,800 square feet of commercial space.

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

Mayor Davis explained the purpose of the ordinance.

Mr. R.L. Dunn stated he should be closing on the purchase of the property at anytime and he would like to beautify that area of the Boulevard.

In response to a question from Mayor Davis concerning use on the property, Mr. Schanzenbacher stated the applicant is seeking a special use permit to allow multifamily use on the property. He further stated the current zoning on the property was adopted in the 1960s.

In response to a question from Mayor Davis concerning the mixed use development, Mr. Schanzenbacher stated the Boulevard Business District would allow the mixed use development if the new ordinance being considered by Council is adopted.

In response to a question from Mayor Davis concerning types of business which will be in the commercial portion of the project, Mr. Dunn stated he would have his office on the property along with maybe an accounting firm, doctor's office, dental office and hairdresser. He further stated he would like to keep smaller businesses on the property.

In response to a question from Mayor Davis concerning converting the commercial space into residential, Mr. Dunn stated the commercial space will not have plumbing for showers and if he wanted to convert it in the future, he would have to come back before Council for approval.

In response to a question from Mayor Davis concerning the tap fees for utilities, Mr. Schanzenbacher stated the number of tap fees which will be applied to this property is unknown at this time due to not knowing exactly what is located on the property and the plans have not been finalized.

In response to a question from Mayor Davis concerning multiple tap fees for utilities, Mr. Henley stated the Code is clear when connections are required. He further stated if apartments have a shared entrance then one tap fee is required for up to three apartments, but when dwelling units have separate entrances, either attached or unattached, a tap fee is required for each unit. He stated the total number of connections needed will not be known until a final site plan is submitted for review.

Mr. Dunn stated hopefully a compromise can be met on the tap fees.

In response to a question from Mayor Davis concerning the floorplans of the apartments, Mr. Dunn stated the minimum square footage for the proposed apartments will be approximately 450 square feet and will include a living room, kitchen, bathroom and a bedroom.

Mayor Davis stated increasing the size of the apartments will bring in a different type of renter and will change the aesthetics of the project.

Mr. Dunn introduced Ms. Brenda Norview, who has been living on the property for 15 years. He stated he is trying to make the property nicer for the current and prospective renters of the apartments.

In response to a question from Mayor Davis concerning the conditions for redevelopment for the property in reference to the Boulevard Overlay guidelines, Mr. Schanzenbacher stated the project will have to meet all City Codes and zoning regulations including preserving trees and including sidewalks.

Mr. Dunn stated he is willing to meet all of the conditions and it is important to beautify the Boulevard area.

A brief discussion followed concerning which buildings currently on the property will be torn down and which buildings will remain.

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In response to a question from Mayor Davis concerning the future of the property, Mr. Dunn provided an overview of what he plans to do with each portion of the property over the next two to three years.

In response to a question from Mayor Davis concerning the size of the apartments on the property, Mr. Dunn stated due to the size of the property and limited amount of parking available, one-bedroom apartments will be placed along Charlotte Avenue. He further stated along the front of the property above the commercial portion, two- or three-bedroom apartments would very easily fit in that space.

In response to a question from Mayor Davis concerning the current use of the property, Mr. Schanzenbacher stated if Council did not approve the special use permit for Mr. Dunn, he would continue the current use of the property as a new owner.

In response to a question from Mayor Davis concerning the special use permit, Mr. Fisher stated if Council approves the special use permit and the applicant decides not to change the use of the property, he could continue the existing use. He further stated the special use permit basically permits the applicant to do the additional use.

In response to a question from Mrs. Yates concerning parking on the property, Mr. Dunn stated the commercial portion of the project will only be accessed from the front of the buildings and the residential units will only have access from the rear. He further stated there will be limited extra parking for the residential units.

In response to a question from Mrs. Yates concerning the proposed rooflines on the project, Mr. Dunn stated the rooflines will be staggered with a couple dormers added to them.

A brief discussion followed concerning the rooflines for each of the buildings on the property.

In response to a question from Mrs. Yates concerning occupancy rates and the displacement of current renters during renovations, Mr. Dunn stated the property currently is at 95 percent occupancy. He further stated during the renovations, he will try to move the tenants around as vacancies occur to prevent from any of them being forced out.

Mr. Green stated Council is not approving the final site plan for the project but simply approving a permit for mixed use on the Boulevard.

Mayor Davis stated Council does not have the authority to approve the final site plan. He further stated this is the only opportunity Council has to have questions answered.

Mr. Green stated Council is asking questions about final development plans that do not exist and the matter before Council tonight is the special use permit so they can do mixed use on the Boulevard.

Mr. Green thanked Mr. Dunn for his willingness to invest in the property and beautify the Boulevard.

In response to a question from Mr. Wood concerning the use on the property, Mr. Fisher stated if Mr. Dunn acquires the property and no favorable decision is made by Council, he can continue with the current uses on the property.

In response to a question from Mr. Wood concerning the number of units on the property, Mr. Dunn stated he is proposing two less residential units on the property than currently being utilized. He further stated he is unsure of where those two units would be eliminated. He stated there is a possibility that when the site plan for the project is complete, the number of proposed units may be decreased. He further stated there is currently enough parking on the parcel to accommodate all of the units.

Mr. Wood stated he would prefer to see larger floorplans on the individual rental units to give them more of an apartment complex feel as opposed to a motel.

In response to a question from Mr. Wood concerning the size of the apartments, Mr. Dunn stated the one-bedroom apartments will be approximately 400 square feet. He further stated 400 square feet is not big enough for two-bedroom apartments.

In response to a question from Mr. Wood concerning the parking for the residential use, Mr. Dunn stated the number of residential units will not be reduced unless it is required for parking or landscaping.

Mr. Wood stated too much intensity in the residential units could hinder the ability to effectively market the commercial portions of the project. He further stated he can support the permit because the applicant is proposing to reduce the density of the residential units some.

Mr. Freeland stated Mr. Dunn wants to do a quality project on the property. He further stated there is a need in the city for this type of housing.

In response to a question from Mrs. Luck concerning the timeline for completion, Mr. Dunn stated he would like to have the project complete in no more than three years.

Mayor Davis stated if Council votes against the special use permit no improvements will be made to the property. He further stated he can support the special use permit as well.

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Mr. Green stated the Council has an opportunity to set a precedent by approving this special use permit, which will bring new revenue in the city.

There was no response to the Mayor's request for input from the public or the Council.

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

Motion UNANIMOUS PASS.

AN ORDINANCE NO. 10-24 (First Reading). To amend and reordain Article II, Property Maintenance, of Chapter 244 of the Colonial Heights City Code by requiring the owner of any real property to cut or remove any grass, weeds, or other foreign growth exceeding 12 inches in height and by making other changes to such Article.

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

Mayor Davis explained the purpose of the Ordinance.

Mrs. Yates stated she receives the most calls about overgrown grass in the city.

In response to a question from Mrs. Yates concerning the impact on staff, Mr. Schanzenbacher stated adoption of this ordinance will allow staff to have the authority to deal with overgrown grass or weeds.

In response to a question from Mrs. Yates concerning enforcement of the ordinance, Mr. Schanzenbacher explained the process used by staff to enforce the ordinance.

Mr. Freeland expressed concerns relative to the enforcement aspect of the ordinance.

Mrs. Yates expressed concerns relative to the enforcement aspect of the ordinance.

Mr. Fisher stated the City Manager has the authority to proceed either by arranging for the grass to be cut and a lien placed on the property or by filing another through the court system.

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In response to a question from Mrs. Yates concerning enforcement of the ordinance, Mr. Fisher stated currently a letter is sent out to the property owner; then after 10 days if the grass has not been cut, it is taken to the courts.

Mayor Davis stated the ordinance clarifies the definition of grass.

Mr. Fisher stated the only real change in the ordinance is that it allows the city to enforce grass 12 inches or higher on occupied properties, where in the past it only applied to vacant property.

Mr. Lewis Waskey of 460 D Avenue, expressed concerns relative to the city not enforcing the ordinance all along.

A brief discussion followed concerning the city's ability to enforce tall grass prior to adoption of this ordinance.

Mr. Fisher stated one of the problems facing the city is the properties which are in foreclosure and the inability to locate an owner for the property.

In response to a question from Mr. Freeland, Mr. Fisher stated a lien on a property is typically recorded with the Treasurer and a title search on the property would reveal the lien.

Mrs. Luck left the meeting at 8:41 P.M.

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| <u>Vote:</u> | 5-0 |
| Yes: | Freeland, Jr. |
| | Green, Jr. |
| | Wood |
| | Yates |
| | Davis |
| No: | None |
| Abstained: | None |
| Absent: | Frenier |
| | Luck |

Motion UNANIMOUS PASS.

10. Written Petitions and Communications.

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

There was no response to the Mayor's request for Citizen's input on Non-Agenda Issues.

12. Introduction and Consideration of Ordinances and Resolutions.

AN ORDINANCE NO. 10-FIN-16 (First Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to appropriate \$259,077, consisting of 219,054 in additional State Funding changes, grants, and intergovernmental reimbursements; \$18,523 in grant funding to Public Safety; \$11,500 in state funding to the Office on Youth to administer the work experience program; and \$10,000 in grant funding to the Department of Planning and Community Development for a special study of the City's Appomattox River Corridor.

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

Mayor Davis provided an overview of the City Manager's written report.

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|---------------------|---|
| <u>Vote:</u> | 5-0 |
| Yes: | Freeland, Jr. Green, Jr. Wood Yates Davis |
| No: | None |
| Abstained: | None |
| Absent: | Frenier Luck |

Motion UNANIMOUS PASS.

A RESOLUTION NO. 10-30. Authorizing the Acting City Manager to enter into an Exclusive Right to Sell Agreement with Divaris Real Estate, Inc.

Mayor Davis made a MOTION, seconded by Mr. Green to table the Resolution to the August 10th meeting to give the City Attorney and City Staff time to finalize the Exclusive Right to Sell Agreement with Divaris and to allow for a public hearing on the possible sale of City-owned real property.

Mr. Fisher stated a public hearing is required before the city can sell property it owns.

Mr. Green expressed concerns relative to the lack of a right of refusal in the contract.

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| <u>Vote:</u> | 5-0 |
| Yes: | Freeland, Jr. Green, Jr. Wood Yates |

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July 13, 2010

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|------------|---------|
| No: | Davis |
| Abstained: | None |
| Absent: | None |
| | Frenier |
| | Luck |

Motion UNANIMOUS PASS.

A RESOLUTION NO. 10-31. Acknowledging that certain volunteers in the City of Colonial Heights are to be deemed City employees for Workers' Compensation purposes; and to repeal Resolution No. 96-64.

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

Mayor Davis provided an overview of the resolution.

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|--------------|---------------|
| <u>Vote:</u> | 5-0 |
| Yes: | Freeland, Jr. |
| | Green, Jr. |
| | Wood |
| | Yates |
| | Davis |
| No: | None |
| Abstained: | None |
| Absent: | Frenier |
| | Luck |

Motion UNANIMOUS PASS.

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

AN ORDINANCE NO. 10-20 (Second Reading) (As Amended). To amend and reordain § 218-2 of Chapter 218, Peace and Good Order, of the Colonial Heights City Code, to make the provisions of certain State criminal statutes effective in the City of Colonial Heights by local ordinance, effective July 1, 2010; and to repeal Ordinance No. 09-15 09-14.

A MOTION was made by Mayor Davis, seconded by Mr. Green, to amend Ordinance No. 10-20, which has been previously adopted, so that it repealed Ordinance No. 09-14 rather than 09-15 and was in full force and effect upon passage on second reading.

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|--------------|---------------|
| <u>Vote:</u> | 5-0 |
| Yes: | Freeland, Jr. |
| | Green, Jr. |

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| | |
|------------|---------|
| | Wood |
| | Yates |
| | Davis |
| No: | None |
| Abstained: | None |
| Absent: | Frenier |
| | Luck |

Motion UNANIMOUS PASS.

A motion for adoption as amended was made by Mayor Davis and seconded by Mr. Green.

| | |
|--------------|---|
| <u>Vote:</u> | 5-0 |
| Yes: | Freeland, Jr. Green, Jr. Wood Yates Davis |
| No: | None |
| Abstained: | None |
| Absent: | Frenier Luck |

Motion UNANIMOUS PASS.

AN ORDINANCE NO. 10-21 (Second Reading) (As Amended). To amend and reordain § 273-2 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code, so as to adopt the provisions and requirements of the laws of the Commonwealth contained in Title 46.2, in Article 9 of Chapter 11 of Title 16.1, and in Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, effective July 1, 2010; and to repeal Ordinance No. 09-16 09-15.

A MOTION was made by Mayor Davis, seconded by Mr. Green, to amend Ordinance No. 10-21, which has been previously adopted, so that it repealed Ordinance No. 09-15 rather than 09-16 and was in full force and effect upon passage on second reading.

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|--------------|---|
| <u>Vote:</u> | 5-0 |
| Yes: | Freeland, Jr. Green, Jr. Wood Yates Davis |
| No: | None |

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Abstained: **None**

Absent: **Frenier**
Luck

Motion UNANIMOUS PASS.

A motion for adoption as amended was made by Mayor Davis and seconded by Mr. Green.

Vote: **5-0**

Yes: **Freeland, Jr.**

Green, Jr.

Wood

Yates

Davis

No: **None**

Abstained: **None**

Absent: **Frenier**
Luck

Motion UNANIMOUS PASS.

14. Reports of Officers and Documents Related Thereto.

A. City Manager.

The City Manager advised Council that he had made a press release reminding citizens that voluntary water usage restrictions that were put in place in 2007 remain in effect.

B. City Attorney.

C. Director of Planning and Community Development.

- 1. Actions, Regular Meeting of Planning Commission, July 6, 2010.**
- 2. Minutes, Regular Meeting of Planning Commission, June 1, 2010.**

Mr. Schanzenbacher reported on the actions of the Regular Meeting on July 6th.

Mrs. Yates expressed appreciation to Mr. Skalak, Chief Moore and Chief Faries for the wonderful 4th of July firework display.

15. Consideration of Claims.

16. Adjournment.

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A motion to adjourn the Regular Meeting was made by Mr. Freeland, seconded by Mr. Green and carried unanimously on voice vote at 9:07 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins
DeAnna D. Atkins, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, July 20, 2010

1. Call to Order.

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

2. Roll Call.

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
Councilwoman Diane H. Yates
Mayor C. Scott Davis

Absent: **Councilman John T. Wood (Arrived at 6:15 P.M.)**

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

Mr. George W. Schanzenbacher, Director of Planning

3. Special Meeting for the purpose of:

A. Holding a work session for the following purposes:

- **CDBG – Subgrantee assistance**

The City Manager provided an overview of his written report.

Mr. Schanzenbacher provided details of the CDBG program.

In response to a question from Mayor Davis concerning additional costs to the city, Mr. Johnson stated utilizing the CDBG program through subgrantee assistance will not cost the City any additional money.

• Appomattox River Greenway Trail – Phase 3

The City Manager provided an overview of his written report.

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

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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 2.2-3711.A.1 – to discuss and consider prospective candidates for employment as City Manager.

The Clerk announced the purpose of the closed meeting.

A motion was made by Mr. Freeland, seconded by Mrs. Luck and carried unanimously on voice vote to convene into closed session at 6:18 P.M

4. Voice Vote – come back into Open Session.

A motion to reconvene into open session was made by Mr. Green, seconded by Mr. Freeland and carried unanimously on voice vote at 8:04 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.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 2.2-3711.A.1 – to discuss and consider prospective candidates for employment as City Manager.

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

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

Vote:

7-0

Yes:

**Freeland, Jr.
Frenier
Green, Jr.
Luck
Wood
Yates
Davis**

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No: **None**

Abstained: **None**

Absent: **None**

Motion UNANIMOUS PASS.

8. Adjournment of Special Meeting.

A motion for adjournment of the Special Meeting was made by Mrs. Luck, seconded by Mr. Frenier and carried unanimously on voice vote at 8:06 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins
DeAnna D. Atkins, City Clerk

AN ORDINANCE NO. 10-23

To grant a special use permit to R.L. Dunn for property located at 1210, 1212, and 1214 Boulevard, which property is presently zoned B-3 General Business (high density) District, has parcel identification number 24000200009, and comprises 1.7 acres, to allow for the property to be used for up to 15,800 square feet (32 units) of multiple-family dwellings and 6,800 square feet of commercial space.

WHEREAS, the Planning Commission at its meeting on June 1, 2010, held a public hearing on the issuance of a special use permit to R.L. Dunn for property located at 1210, 1212, and 1214 Boulevard, which is presently zoned B-3 General Business (high density) District, to allow the property to be used for up to 15,800 square feet (32 units) of multiple-family dwellings and 6,800 square feet of commercial space, as depicted on the attached plat prepared by Townes and dated April 6, 2010 (the "Plat"); and

WHEREAS, after due consideration, the Planning Commission recommended that City Council approve this ordinance and the special use permit; and

WHEREAS, pursuant to §17.11-1 of the Colonial Heights City Charter and Va. Code §15.2-2204, City Council advertised a public hearing in *The Progress-Index* and held a public hearing at its Regular Meeting on July 13, 2010, to receive citizen comment on the issuance of a special use permit; and

WHEREAS, upon recommendation of the Planning Commission, the determination of City Council is that the public necessity, convenience, general welfare and good zoning practice require that this special use permit be granted; NOW, THEREFORE,

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Council finds, after investigation by the Colonial Heights' Planning Commission, that issuance of a special use permit to R.L. Dunn, for property located at 1210, 1212, and 1214 Boulevard, will not be detrimental to the safety, health, morals and general welfare of the community involved; will conform to the principles of good planning; will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; will not create hazards from fire, panic or other dangers; will not tend to overcrowding of land and cause an undue concentration of population; will not

adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; and will not interfere with adequate light and air.

2. That R.L. Dunn be and is hereby granted a special use permit for a 1.7 acre parcel of property located at 1210, 1212, and 1214 Boulevard, which has parcel identification number 24000200009, to allow the property to be used for up to 15,800 square feet (32 units) of multiple-family dwellings and 6,800 square feet of commercial space, as depicted on the Plat; which Plat is hereby attached to and made a part of this Ordinance.

3. That the special use permit is granted subject to the following conditions:

a. All buildings shall be, wherever reasonable, red brick; and the architectural treatment shall be consistent with the existing buildings that remain on the site.

b. The buildings shall have a residential look. Design features shall include, but not be limited to, dormers, articulated roofs, cornices, brick corbelling and fretwork, and articulation of doors and windows that have a residential look.

c. The mass of any single building wall shall resemble residential dwellings. This can be accomplished by altering roof lines, avoiding a single continuous wall and other design features.

d. 32 dwelling units shall be the maximum number allowed. The actual number of dwelling units permitted on the site is dependent on meeting all existing city requirements, including: set backs in the B-3 General Business (high -density) District, parking and landscaping, and the Boulevard Overlay District requirements.

4. That this permit also shall be subject to review and revocation by Council, at Council's discretion, in the same manner and under the same conditions as required by law for the granting of such permits.

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

Approved:

Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on July 13, 2010.

Ayes: 6 Nays: 0 Absent: 1 Abstain: 0

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

The Honorable Kenneth B. Frenier, Councilman: Absent

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

The Honorable Elizabeth G. Luck, Vice Mayor: Aye

The Honorable John T. Wood, Councilman: Aye

The Honorable Diane H. Yates, Councilwoman: Aye

The Honorable C. Scott Davis, Mayor: Aye

Adopted on its second reading on _____.

Ayes: _____ Nays: _____ Absent: _____ Abstain: _____

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

The Honorable Kenneth B. Frenier, Councilman: _____

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Dickerson, III

City Attorney

AN ORDINANCE NO. 10-24

To amend and reordain Article II, Property Maintenance, of Chapter 244 of the Colonial Heights City Code by requiring the owner of any real property to cut or remove any grass, weeds, or other foreign growth exceeding 12 inches in height and by making other changes to such Article.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Article II, Property Maintenance, of Chapter 244 of the Colonial Heights City Code, be, and is hereby, amended as follows:

§ 244-6. Property owners to remove unsafe substances.

~~It shall be the duty of the owner and occupant of any property situated within the City at all times to remove therefrom Whenever there exists upon any property in the City any trash, garbage not collected by the City, refuse, rubbish, litter and other substances which might endanger the health, comfort or general welfare of other residents of the City, the owner of the property shall forthwith remove, or cause to be removed, such materials or substances.~~

§ 244-7. Cutting or removal of vegetation.

A. ~~It shall be the duty of all owners of any vacant developed or undeveloped property situated within the City at all times to cut and remove from the land or premises so occupied or owned all grass, weeds, or other foreign growth that may be detrimental to the health, comfort or general welfare of other residents of the City or which exceeds 12 inches in height.~~

B. ~~It shall be the duty of all owners and occupants of private and public property to remove from their property all weeds exceeding 12 inches in height.~~

C. A. ~~Whenever there exists upon any property in the City any trash, garbage, refuse, rubbish, litter or other substance which might endanger the health, comfort or general welfare of other residents of the City; or whenever Whenever there exists upon any vacant developed or undeveloped property in the City, whether vacant or occupied, any grass, weeds, or other foreign growth that may be detrimental to the health, comfort or general welfare of other residents of the City, or which exceeds 12 inches in height; or whenever there exists on private or public property any weeds exceeding 12 inches in height, the owner or the occupant shall forthwith remove, or cut and remove, the same.~~

D. B. This section shall not apply to wooded areas of land in their natural state.

§ 244-8. Notice to correct dangerous situations.

Whenever it is made to appear to the City Manager, or his designee, that there exists upon any property in the City any trash, garbage, refuse, rubbish, litter and other substances which might endanger the health, comfort or general welfare of other residents of the City; or whenever it is made to appear to the City Manager, or his designee, that there exists upon any ~~vacant~~ developed or undeveloped property in the City, *whether vacant or occupied*, any grass, weeds, or other foreign growth that may be detrimental to the health, comfort or general welfare of other residents of the City, or which exceeds 12 inches in height; or whenever it is made to appear to the City Manager, or his designee, that there exists on private or public property any weeds exceeding 12 inches in height, he shall notify the owner of such property and the occupant, if there is an occupant on the property, by written notice which shall set forth and contain the provisions of § 244-6 or 244-7, as applicable, the location of the property, and his order for such owner, and occupant if applicable, to comply with the provisions of § 244-6 or 244-7, as applicable.

§ 244-9. Contents of notice; service.

A. The notice referred to in § 244-8 shall specify the time, not less than 10 days, within which such owner and occupant, or owner of vacant land, shall comply with the order of the City Manager, or his designee, and the provisions of § 244-6 or 244-7, as applicable.

B. The notice shall be served on the occupant and the owners of such property, or on the owners of vacant land, by delivering a copy to them in person; or, if they cannot be found at their usual place of abode in the City, by delivering such copy and giving information of its purport to any person found there who is a member of their family, other than a temporary sojourner or guest, above the age of 16 years; or, if neither they nor any such person is found there, by leaving such the copy posted at the front door of such place of abode.

C. If the owner of any vacant land or unoccupied premises is not a resident of the City, service of such notice may be made upon the agent of the owner, but if such the nonresident owner of the City does not have an agent in the City upon whom service

may be served, ~~such the~~ notice may be given by publication for not less than 10 days in any newspaper having general circulation in the City; ; and in addition, notice shall be sent by certified mail to such owner's last known address. The cost of ~~such the~~ publication shall be collected as part of the expense of making such removal.

D. In lieu of the procedure for giving notice set forth in Subsections B and C herein, notice may be given by certified mail, return receipt requested, to such person's last known address.

§ 244-10. Failure to comply; removal by City.

A. Upon the failure, neglect or refusal of those so notified as provided in this article to comply, within the specified time, with the provisions of §§ 244-6, 244-7 and 244-8, the City Manager, or his designee, may, at his sole discretion, cause such trash, garbage, refuse, rubbish, litter and other like substances which might endanger the health, comfort or general welfare of other residents of the City to be removed by the agents or employees of the City; or he may, at his sole discretion, cause to have removed, or cut and removed, by the agents or employees of the City all grass, weeds, or other foreign growth on ~~vacant~~ developed or undeveloped property, ~~whether vacant or occupied, that may be detrimental to the health, comfort or general welfare of other residents of the City, or which exceeds 12 inches in height; or he may, at his sole discretion cause to have cut and removed therefrom all weeds on private or public property exceeding 12 inches~~ in height, in which event the cost and expenses thereof shall be chargeable to and paid by the owners of such property. Upon completion of such removal, or cutting and removal, the City Manager, or his designee, shall transmit to the Director of Finance and the City Treasurer a statement of all costs or expenses incurred thereby, which shall be added to the taxes assessed against such property on which such removal, or cutting and removal, was made for the ensuing tax year and shall be collected with such taxes by any manner prescribed by law for the collection of City taxes.

B. Instead of engaging in the enforcement action specified in this section, the City Manager, or his designee, may pursue the criminal penalties provided for in § 244-12

of this Code; or he may simultaneously pursue both the enforcement action specified in this section and the criminal penalties specified in § 244-12.

§ 244-11. Unpaid charges to constitute lien.

Every charge made pursuant to the provisions of this article and which remains unpaid shall constitute a lien against such property, as provided by the applicable provisions of § 15.2-901 of the Code of Virginia; ~~except that only an unpaid charge in excess of \$200 for the cutting and removal of weeds on any non-vacant property shall constitute a lien as provided by the applicable provisions of § 15.2-1115 of the Code of Virginia.~~

§ 244-11.1. Exterior storage of objects and equipment.

A. Except as provided herein, no person who owns or is in possession of, in charge of or in control of any property shall store, deposit, scatter or keep on the premises in any residential area any of the following: lumber, scrap metal, construction materials, machinery components, equipment, appliances, furniture not designed and intended for exterior use, or any similar object which is not clearly intended for outdoor use on the premises.

B. This section shall not apply to lumber, construction materials, or equipment which is intended for use within 30 days in construction or renovation on the premises. This section shall not apply to any lumber, construction materials, or equipment which is intended for use in construction or renovation on the premises for which there exists an active building permit.

C. This section shall not apply to any object in an enclosed building or so located upon the premises as not to be readily visible from any public place or street or adjacent property. This section shall not apply to any objects located in the rear yard of any premises in an area of no more than eight feet by eight feet by six feet in height and shielded from view by a covering.

D. The City Manager, or his designee, upon observation or upon complaint that conditions exist on any real property in the City that violate this section, shall investigate the conditions existing upon such property. If as a result of such investigation the City Manager, or his designee, determines that the owner, occupant

or person in charge of such property is in violation of this section, the City Manager, or his designee, shall give written notice to the person or persons found to be in violation specifying the nature of the violation and directing such the person or persons to take such action within the time specified in the notice, not less than 10 days, as shall be necessary to rectify the violation identified in the notice. Such notice may be given by certified mail to such person's last known address or it may be given as provided in § 244-9 herein.

§ 244-12. Penalties for offenses.

Every owner and occupant, or every owner of vacant or occupied property, person who shall fail, refuse or neglect to comply with the order of the City Manager, or his designee, or who otherwise violates the provisions of this article, shall, upon conviction thereof, be punished by a fine of not more than \$500.

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

Approved:

Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on July 13, 2010

Ayes: 5 Nays: 0 Absent: 2 Abstain: 0

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

The Honorable Kenneth B. Frenier, Councilman: Absent

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

The Honorable Elizabeth G. Luck, Vice Mayor: Absent

The Honorable John T. Wood, Councilman:

Aye

The Honorable Diane H. Yates, Councilwoman:

Aye

The Honorable C. Scott Davis, Mayor:

Aye

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Foster, III
City Attorney

AN ORDINANCE NO. 10-FIN-16

To amend the General Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to appropriate \$259,077, consisting of \$219,054 in additional State Funding changes, grants, and intergovernmental reimbursements; \$18,523 in grant funding to Public Safety; \$11,500 in state funding to the Office on Youth to administer the work experience program; and \$10,000 in grant funding to the Department of Planning and Community Development for a special study of the City's Appomattox River Corridor.

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 5,970,311 |
| Information Technologies | 144,687 |
| Board of Elections | 130,899 |
| Judicial | 4,477,955 4,498,681 |
| Public Safety | 7,286,172 7,335,084 |
| Public Works | 2,726,602 2,802,845 |
| Health and Social Services | 658,800 |
| Parks and Recreation | 1,345,972 1,284,234 |
| Cultural Enrichment | 89,234 |
| Library | 578,536 |
| Community Development | 476,246 479,020 |
| Grant Programs | 340,361 351,861 |
| Nondepartmental | 518,387 496,911 |
| Debt Service | 2,843,031 |
| Operating Transfers Out | 18,551,172 |

2. That the sum of \$ 47,169,713 47,428,790 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 | 5,747,802 6,006,879 |

| | |
|------------------------------|---------------------------------|
| Charges for Current Services | 1,190,840 |
| Miscellaneous | <u>787,921</u> |
| TOTAL | \$ 47,160,713 47,428,790 |

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

Approved:

Attest: _____ Mayor

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on July 13, 2010.

Ayes: 5 Nays: 0 Absent: 2 Abstain: 0

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

The Honorable Kenneth B. Frenier, Councilman: Absent

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

The Honorable Elizabeth G. Luck, Vice Mayor: Absent

The Honorable John T. Wood, Councilman: Aye

The Honorable Diane H. Yates, Councilwoman: Aye

The Honorable C. Scott Davis, Mayor: Aye

Adopted on its second reading on _____.

Ayes: _____ Nays: _____ Absent: _____ Abstain: _____

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

The Honorable Kenneth B. Frenier, Councilman: _____

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Foster, 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

July 21, 2010

The Progress-Index
15 Franklin Street
Petersburg, VA 23803

Attention: Legal Advertisements

Dear Madam or Sir:

I have enclosed for publication in the legal advertisements section of your newspaper a notice of City Council holding public hearings to accept public comment on and consider the adoption of Resolution No. 10-30 and Ordinance No. 10-25.

You are requested to publish the notice on **July 25, 2010 and August 1, 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

Hugh P. Fisher, III
City Attorney

Enclosure

cc: The Honorable C. Scott Davis, Mayor
William E. Johnson, Acting City Manager
✓DeAnna Atkins, City Clerk
Joy Moore, Treasurer

NOTICE OF PUBLIC HEARINGS

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, August 10, 2010, at 7:00 P.M.**, in Council Chambers of City Hall, 201 James Avenue, Colonial Heights, Virginia, the City Council shall hold public hearings to accept comments on the following:

A RESOLUTION NO. 10-30

Expressing City Council's desire to sell some or all of approximately 67.84 acres of land located on Charles Dimmock Parkway, consisting of Lot 1 of the Dimmock Parkway East Subdivision, comprising 19.829 acres, and Lot 2 of the Dimmock Parkway East Subdivision, comprising 48.02 acres; and authorizing the Acting City Manager to enter into an Exclusive Right to Sell Agreement with Divaris Real Estate, Inc. to sell such property.

AN ORDINANCE NO. 10-25

To amend and reordain §§98-22, 98-23 and 98-24 of Chapter 98, Animals, of the Colonial Heights City Code, so as to add provisions for the issuance of a three year City dog or cat license and tax thereon.

Copies of the proposed resolution and ordinance are 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.

A RESOLUTION NO. 10-30

Expressing City Council's desire to sell approximately 67.84 acres of City-owned land and authorizing the Acting City Manager to enter into an Exclusive Right to Sell Agreement with Divaris Real Estate, Inc. to sell such property.

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

1. That City Council desires to sell some or all of approximately 67.84 acres of land located on Charles Dimmock Parkway, consisting of Lot 1 of the Dimmock Parkway East Subdivision, parcel identification number 69020900001, comprising 19.829 acres; and Lot 2 of the Dimmock Parkway East Subdivision, parcel identification number 69020900002, comprising 48.02 acres (collectively, the "Property"); and
2. That on August 10, 2010, Council held a public hearing on the sale of the Property; and
3. That after holding such public hearing and carefully considering the relevant facts, Council authorizes William E. Johnson, Acting City Manager, on behalf of the City, to enter into an Exclusive Right to Sell Agreement with Divaris Real Estate, Inc. for the sale of the Property; such agreement to be in substantially the same form as that which is attached hereto and made a part hereof, subject to approval by the City Attorney as to form.
4. That this resolution shall be in full force and effect upon its passage.

Approved:

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____

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

The Honorable Kenneth B. Frenier, Councilman: _____

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

High P. Estewill
City Attorney



EXCLUSIVE RIGHT TO SELL AGREEMENT

THIS AGREEMENT ("Agreement") is made as of the ____ day of _____, 2010, between the City of Colonial Heights a subdivision of the Commonwealth of Virginia (hereinafter, the "Owner") and Divaris Real Estate, Inc., a Virginia Corporation (hereinafter, "DRE").

WITNESSETH:

RECITALS

- A. Owner is the owner of certain property consisting of Lot 1 of the Dimmock Parkway East Subdivision, comprising 19.829 acres, and Lot 2 of the Dimmock Parkway East Subdivision, comprising 48.02 acres (the "Property").
- B. DRE is fully licensed and engaged in the real estate brokerage business.
- C. Owner desires to sell the Property, and DRE is willing to provide sales services to the Owner in this regard.
- D. **Statutory Disclosures.** *By its signature hereto Owner acknowledges that from time to time DRE and its licensees may represent a buyer who wishes to buy the Property. In instances when DRE represents buyers interested in the Property, DRE may be required to act as a Dual Representative or DRE's principal broker may designate one of its licensees to represent Owner and another one of its licensees to represent the other party to the transaction. In either case no such action shall be taken by DRE without the informed written consent of Owner and the other party. If Buyer agrees thereto, Owner and Buyer might be asked to agree in writing, to one or other of the above alternatives.*

NOW, THEREFORE, in consideration of the foregoing recitals, all of which is made a part of this Agreement and for good and other valuable consideration, the receipt and sufficiency of which is acknowledged, and, intending to be legally bound, the parties to this Agreement do hereby agree as follows:

ARTICLE 1 APPOINTMENT OF EXCLUSIVE SALES BROKER

1.1 Appointment. Owner hereby appoints DRE as sole and exclusive sales broker for the purpose of selling the Property, any part thereof or any interest therein (hereinafter sometimes referred to together or separately as the "Property") during the Term (defined in section 4), or until sooner terminated by the terms of this Agreement (the "Termination"). Owner shall determine the selling price of the Property and the conditions of a sale and advise DRE thereof in writing from time to time.

1.2 Acceptance of Appointment. DRE hereby accepts the appointment as sole and exclusive selling broker for Owner and agrees to use all reasonable efforts to sell the Property on such terms and conditions approved by Owner. For this purpose, DRE may employ the services of other real estate brokers. To promote the sale DRE may place advertisements in newspapers, place and advertise on site signs, and engage in other forms of marketing, public relations, advertising and promotional activities in accordance with a marketing budget first agreed to by Owner.

1.3 DRE to Conduct Negotiations Subject to Owner's Approval. Owner shall refer all inquiries by potential buyers to DRE. DRE shall control and conduct all negotiations for the sale of the Property but shall not offer the Property for sale at a price or on conditions that have not been approved in writing by Owner first.

ARTICLE 2 COMPENSATION

2.1. Commission. Owner agrees and covenants to pay DRE a commission (the "Commission"), determined as a percentage of the gross sales price or other consideration for any sale, contract, syndication, exchange or other alienation of the Property or any interest therein, ("Sales Transaction"), at a price and terms communicated by Owner to DRE in writing, or confirmed by DRE to Owner in writing, from time to time.

2.2. General Warranty Deed. It is understood and agreed that, if the Property is sold on terms and conditions acceptable to Owner during the Term of this Agreement, Owner will on the closing of the Sales Transaction execute and deliver a general warranty deed conveying title in fee simple to the Property; subject only to the contract of sale between Seller and Buyer; existing easements, existing rights of way, and existing restrictive covenants; and those encumbrances that the Buyer has agreed to assume under the contract of sale. Owner shall pay the Grantor's Tax, and the Buyer shall pay the cost of recordation and its own legal fees.

2.3. Deemed Fulfillment. DRE shall be deemed to have executed its mandate and earned its Commission on the due date of the closing of the Sales Transaction entered into or contemplated by this Agreement. If the closing is terminated by Owner, acting in bad faith and the Commission is otherwise legally due and payable, then the entire Commission shall be immediately due and payable by Owner to DRE.

2.4. Rate of Commission. The commission payable to DRE under this section 2 shall be calculated at the rate of Three percent (3%) of the gross consideration received or accruing to the Owner for the Sales Transaction (the "Commission"). The Commission shall be increased by one percent (the "Additional Commission") to four percent (4%) if the Sales Transaction is procured by an Outside Broker. Outside Broker shall mean an independent, third party licensed real estate broker other than DRE or an affiliate in which DRE has an ownership).

DRE shall pay a share of the Commission due to an Outside Broker following its agreement with the Outside Broker notwithstanding the fact that such Outside Broker has a brokerage relationship with another party to this transaction. DRE shall document to Owner's satisfaction the involvement of such Outside Broker. All payments that DRE is required to make under this section 2.4 shall be the sole responsibility of DRE, provided, however, that DRE receives from Owner the Commission due under this Agreement.

Owner shall pay the Commission to DRE even if, during the Term of this Agreement, the Sales Transaction is procured or done by Owner, itself, or another broker engaged by Owner.

2.5. Post Termination Sales. No later than fourteen (14) days after Termination DRE shall submit to Owner a written list (the "Sales List") of all prospective buyers of the Property with whom DRE, and Outside Brokers have been in active negotiation or discussions during the Term of this Agreement. Owner agrees to pay DRE the applicable Commission pursuant to this section 2 if, within one hundred eighty (180) days after the Termination, Owner enters into a Sales Transaction for the Property with a party named in the Sales List and the closing of the Sales Transaction in fact occurs pursuant to such sales contract.

2.5.1 New Broker. If Owner lists the Property with another broker after Termination of this Agreement Owner agrees to make it a condition of any subsequent listing agreement that a commission will not be payable to the new broker with respect to Sales Transactions for which Owner remains obligated to pay a Commission to DRE under this section 2.5. Owner's failure to do so, however, shall not affect Owner's obligations to pay the said commission to DRE under this Agreement.

2.6. Leasing. If, while seeking a purchaser for the Property, DRE procures a tenant or tenants for the Property on terms that the Owner is willing to accept, Owner agrees to pay the DRE a leasing fee (the "Leasing Fee") equal to Four percent (4%) and Six percent (6%) if there is an Outside Broker of the aggregate "Base Rent" (as defined below) to be paid under such lease over the initial lease term. Owner shall pay DRE (a) fifty percent (50%) of the Leasing Fee upon the execution of each such lease, and (b) fifty percent (50%) of the Leasing Fee when the applicable tenant takes occupancy of its space in the Property. The term "Base Rent" shall mean the base, fixed or minimum rent specified to be payable under the applicable lease, including any specified rental increases that are to take effect during

the initial term. Base Rent shall not include percentage rent, repair reimbursement or pass through charges.

ARTICLE 3 OBLIGATIONS OF THE PARTIES

3.1 **DRE's Duties**. DRE agrees to perform its marketing services with due diligence and to endeavor to procure buyers for the Property in accordance with the terms and conditions of this Agreement. Without limitation on the foregoing, DRE shall conduct on behalf of Owner, all negotiations in good faith to find a buyer for the Property who is ready and willing to buy the Property. DRE shall deliver to Owner, as soon as it is practical to do so, copies of every offer, made by Buyers for the Property. DRE shall not sell the Property and shall not make any counter offer to offers made by Buyers or variation thereto without Owner's written consent. DRE shall use its best efforts under prevailing market conditions to obtain for Owner the best possible terms for a sale of the Property. In the performance of DRE's duties no guarantees or warranties expressed or implied will exist or be created in favor of Owner on the part of DRE as to the Buyer's performance of its obligation under any negotiated sale.

3.2 **Presentation of Standard Forms**. DRE does not practice law. Owner shall provide DRE with standard forms prepared by its attorneys required for the sale of the Property. Should Owner require DRE to do so, DRE will present to Owner such standard forms for Owner's approval at Owner's sole risk and responsibility. DRE advises Owner to first submit such forms presented to it by DRE to Owner's counsel for review and approval at Owner's expense. DRE shall be required only to complete the forms that Owner approves in accordance with standard instructions from Owner and/or its counsel. DRE shall use its best endeavors to advise Owner when DRE deems legal assistance necessary in respect of any matter arising pursuant to this agreement for any reason but accepts no responsibility for any such duty or consequence of not doing so. On being instructed to do so, DRE will at Owner's expense consult with counsel approved by Owner.

3.3 **Incorporate this Agreement by Reference**. Owner shall incorporate a condition in the agreement of sale of the Property procured by DRE a stipulation that Owner has agreed to pay to DRE a Commission following this Agreement. Furthermore, Owner shall instruct the title company or the settlement attorney or broker, to deduct such Commission from the selling price of the Sales Transaction and pay it to DRE before settlement with Owner.

3.4 **Acceleration of Payments**. If Owner is required to pay any remuneration due to DRE in installments and Owner fails to pay any one installment on due date or is otherwise in default under this Agreement, the payment of the installments shall be accelerated (albeit that such installments are payable at some time in the future) whereupon the unpaid balance of the remuneration due shall forthwith become payable to DRE in one lump sum.

3.5 **Code of Virginia**. The provisions of Section 2.2-4311 of the Code of Virginia are fully applicable to DRE, and such provisions are hereby incorporated into and made a part of this Agreement.

ARTICLE 4 TERM AND TERMINATION

4.1. **Term**. This Agreement shall begin on the _____ day of _____, 2010 ("Effective Date") and shall be for a term of one (1) year ending on the _____ day of _____, 2010 (the "Term"). Thereafter, this Agreement shall automatically extend and renew for two (2) terms of one (1) year each ("Extended Terms"), unless either party gives sixty (60) days written notice to the other party terminating this Agreement prior to the expiration of the original Term or any of the two Extended Terms.

4.2 **Voluntary Termination**. Both parties hereto acting jointly in the exercise of their business judgment may terminate this Agreement at any time.

4.3 **Termination for Cause**. If either Owner or DRE defaults in the performance of any of its material obligations under this Agreement, the party declaring the default shall deliver to the other party (the "Recipient") a written notice thereof setting forth the nature of the default (the "Notice of Default"). The

Recipient shall have (i) ten (10) days to cure a monetary default or (ii) thirty (30) days to cure a non-monetary default. However, if the nature of the alleged non-monetary default is such that it cannot reasonably be cured within the thirty (30) days period the Recipient may cure such default by commencing in good faith to cure the default promptly after Recipient's receipt of the Notice of Default and prosecuting the cure of such default to completion with diligence and continuity within a reasonable time. Failing such cure the party that declared the default shall have the right to terminate this Agreement at any time thereafter and shall have all other rights and/or remedies provided by law and/or this Agreement against the defaulting party.

4.4 Payment of Costs by Defaulting Party. The defaulting party shall pay any costs and expenses incurred by the other party (including, without limitation, reasonable attorney's fees) in enforcing any of its rights or remedies under this Agreement.

4.5 Automatic Termination. This Agreement shall terminate automatically if:

4.5.1 All or substantially all of the Property is condemned or acquired by eminent domain;

4.5.2 Fire or other casualty destroys all or substantially all of the Property;

4.5.3 An involuntary case in bankruptcy under the laws of any Federal or State statute is commenced against Owner or DRE, as the case may be, shall fail to dismiss the same within sixty (60) days.

4.6 Bankruptcy, Foreclosure and Sale of Property. In the event that prior to the expiration of this Agreement the Property falls to be dealt with in bankruptcy or under foreclosure proceedings then this Agreement shall be suspended (unless DRE shall elect to terminate this Agreement) until Owner may reacquire its interest in the Property within the Term or until the Court may approve the appointment of DRE as broker for the sale of the Property, as the case may be. If this Agreement is suspended pursuant to this paragraph, DRE shall be free to enter into a listing agreement with any receiver, the party initiating the foreclosure, the party purchasing the Property at a foreclosure sale, or any other person having an interest in the Property. Owner shall use its best endeavors to support any such appointment sought by DRE.

ARTICLE 5 INDEMNIFICATION & INSURANCE

5.1 Indemnification by DRE: DRE agrees to indemnify, defend and hold Owner harmless from and against all claims, demands, liabilities, losses, costs or expenses, including attorney's fees, court costs and other fees and expenses, incurred in investigating, defending and/or settling any claim caused by or in any way related to any negligent action of, inaction of, or misrepresentation made by DRE to any potential Buyer or other third party.

5.2 Indemnification by Owner. To the extent allowed by law, Owner agrees to indemnify, defend and hold DRE harmless from and against all claims, demands, liabilities, losses, costs or expenses, including attorney's fees, court costs and other fees and expenses, incurred in investigating, defending and/or settling any claim arising from or in any way related to any gross negligence of, or intentional misrepresentation made by Owner to DRE or a third party.

5.3 Survival of Provisions on Termination. The provisions of this Article 5 shall survive the expiration or termination of this Agreement.

ARTICLE 6 OBLIGATIONS OF OWNER AND DRE

6.1 Compliance with Laws. The parties agree to offer the Property for sale in compliance with all applicable federal, state, and local fair housing and anti-discrimination laws and regulations

6.2. Confidentiality and Disclosure of Information relating to the Physical Condition of the Property. Owner shall disclose to DRE and to prospective Buyers any and all information of which Owner has actual knowledge regarding the physical condition of the Property, including without limitation, present and future zoning matters, information affecting the structural, and mechanical condition of

improvements to the Property; the soil condition of the Property; the presence and location of asbestos. DRE may disclose any such information to the prospective buyers or purchasers of the Property. DRE shall otherwise maintain strict confidentiality respecting personal or financial information or other information Owner requests during the brokerage relationship shall be kept confidential, unless otherwise provided by law or the Owner's written consent to the release of such information.

6.3. Hazardous Waste. Owner acknowledges that DRE shall not be responsible to determine whether or not hazardous waste or substances or other undesirable materials are present at the Property or location of the Property that is the subject of a Sales Transaction entered into by Owner in connection with this Agreement; provided, however, that DRE agrees to bring to Owner's attention any information of which DRE is or becomes aware that may bear on the issue of the potential presence of any hazardous waste or substances or other undesirable materials.

ARTICLE 7 TIMELY PERFORMANCE

7.1 Timely Performance. Time is of the essence of this contract. Owner and DRE shall each perform all of their respective obligations under this Agreement in a proper, prompt, and timely manner. Each shall furnish the other with such information and assistance as the other may from time to time reasonably request. They shall cooperate with each other to avoid or minimize any delay or impairment of either party's performance of its obligations under this Agreement.

ARTICLE 8 WHOLE AGREEMENT, NO AMENDMENTS UNLESS IN WRITING & SIGNED

8.1 Whole Agreement, No Amendments Unless in Writing & Signed. This Agreement embodies the entire agreement and understanding between the parties and supersedes all prior oral or written agreements and understandings relating to the subject matter hereof. This Agreement may not be modified, amended, or terminated, nor may any term or provision hereof be waived or discharged, except in writing signed by the party against whom such amendment, modification, termination, waiver, or discharge is sought to be enforced.

ARTICLE 9 GENERAL

9.1 Notices.

9.1.1 Address for service of notices:

Owner: City of Colonial Heights
P.O. Box 3401
Colonial Heights, VA 23834
Attention: City Manager
Telephone: 804-520-9265

DRE: Divaris Real Estate, Inc.
One Columbus Center, Suite 700
Virginia Beach, Virginia 23462
Attention: Gerald S. Divaris
Telephone: (757) 497-2113

With copy to: Williams Mullen, Attorneys
222 Central Park Avenue, Suite 1700
Virginia Beach, VA 23462
Attention: Thomas Frantz, Esquire

9.1.2 When Delivered. Any and all notices or other communications given under this Agreement shall be deemed to have been properly given when delivered, if personally delivered, or three (3)

days after the date mailed, if sent certified or registered mail, return receipt requested and postage prepaid, and addressed to the parties at their respective Addresses for service hereinbefore set forth.

Any notice delivered by either party in any manner other than those described above shall be deemed properly given, when received. Either party may change its address for the giving of notices under this Agreement by delivering to the other party ten (10) days written notice of this change of address.

9.1.3 Emergency Notices. Either party may give the other notice of emergency situations, verbally (personally, by telephone, or otherwise) or by facsimile, telex, telegram, or other method, provided that the party giving any emergency notice as provided above in this paragraph shall confirm the same by written notice as soon as practical.

9.2 Assignment. Neither Owner nor DRE may assign this Agreement without the prior written consent of the other, provided, however, that either party may assign this Agreement to a successor corporation or partnership, a parent company, a wholly owned subsidiary corporation, or an entity which controls, is controlled by, or is under common control with Owner or DRE, as the case may be.

9.2.1 Assumption and Release. Each permitted assignee of this Agreement shall agree in writing to personally assume, perform, and be bound by all of the terms, covenants, conditions, and agreements contained in this Agreement, and thereupon the assignor of this Agreement shall be relieved of all obligations under this Agreement, except those which shall have accrued before the effectiveness of such assignment.

9.3 Miscellaneous. This Agreement shall be construed and enforced in accordance with, and governed by, the laws of the Commonwealth of Virginia. All of the terms of this Agreement, whether so expressed or not, shall be binding upon the respective successors and permitted assigns of the parties hereto and shall inure to the benefit of and be enforceable by the parties hereto and their respective successors and permitted assigns. If any of the provisions of this Agreement shall to any extent be invalid or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and every provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. The headings of this Agreement are for purposes of reference only and shall not limit or otherwise affect the meaning hereof. This Agreement may be executed in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Any reference in this Agreement to any one gender, masculine, feminine, or neuter, includes the other two, and the singular includes the plural and vice versa unless the context otherwise requires. Any provisions of City of Colonial Heights Invitation #10-02173-963 (Commercial Real Estate Brokerage Services Request for Proposal) not otherwise included in this Agreement are hereby incorporated into and made a part of the Agreement by reference.

9.4 No Construction against Preparer of Agreement. This Agreement has been prepared by DRE and its professional advisors and reviewed by Owner who has been advised by DRE to submit it to Owner's counsel for review. DRE and Owner believe that this Agreement fairly expresses their Agreement, and that it should not be interpreted in favor of either DRE or Owner merely because it was initially prepared by DRE and reviewed by Owner.

9.5 Power to Execute Agreement. Owner and DRE covenant, warrant and represent that they, respectively, (i) have full right and power to execute and attest to this Agreement (ii) the officer(s) and representative(s) of each party executing and attesting the Agreement have all requisite power and authority to do so and (iii) no other person, corporation or entity is required to join in or consent to the execution of this Agreement as it affects each respective party in order to make it, including its execution by each party, enforceable and binding upon Owner or DRE, as the case may be.

9.6 Independent Contractor. DRE is an independent contractor and the execution of this Agreement shall not be construed to create a joint venture or partnership arrangement between Owner and DRE.

9.7 Nondiscrimination. Owner understands and acknowledges that there shall be no discrimination against or segregation of, any person or group of persons on account of sex, marital status, race, color, religion, creed, national origin or ancestry in the sale, lease, sublease, rental, transfer, use, occupancy, tenure or enjoyment of the land, nor shall the transferee itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with

reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees of the land.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized offices as of the day and year written below.

OWNER: CITY OF COLONIAL HEIGHTS

By: _____

Title: _____

Date: _____

DRE: DIVARIS REAL ESTATE, INC.

By: W _____

Title: PRESIDENT _____

Date: 8/8/10 _____

[Last reviewed 3/10/06
-Shared/Company Forms/Exclusive Right to Sell

AN ORDINANCE NO. 10-25

To amend and reordain §§98-22, 98-23 and 98-24 of Chapter 98, Animals, of the Colonial Heights City Code, so as to add provisions for the issuance of a three year City dog or cat license and tax thereon.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That §§98-22, 98-23 and 98-24 of Chapter 98, Animals, of the Colonial Heights City Code, be, and is hereby, amended as follows:

§ 98-22. Duplicate license tags.

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the City Treasurer, or his designee, for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner before the City Treasurer, or his designee, that the original license tag has been lost, destroyed, or stolen, the Treasurer shall issue a duplicate license tag which shall be immediately affixed to the collar of the dog by its owner. The Treasurer, or his designee, shall endorse the number of the duplicate license tag and the date of issuance on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall be \$1.00.

State law reference: Similar provisions, Code of Va., § 3.2-6532.

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

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

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

| | <u>1 year</u> | <u>3 years</u> |
|--|---------------|----------------|
| Unneutered or unspayed pedigree dog or cat | 10.00 | 30.00 |
| Unneutered or unspayed non-pedigree dog or cat | 15.00 | |
| Neutered or spayed dog or cat | 2.00 | 6.00 |
| Kennel for up to ten dogs | 50.00 | 150.00 |
| Two or more blocks of kennels, each consisting of 10 dogs or less | 100.00 | 300.00 |
| Duplicate for lost, destroyed or stolen tag | 1.00 | 1.00 |

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

§ 98-24. When license tax due; exemption for certain dogs.

A. The license tax as prescribed in this chapter is due not later than 30 days after a dog or cat has reached the age of four months, or not later than 30 days after an owner acquires a dog or cat four months of age or older, and each year thereafter.

B. Any kennel license tax prescribed pursuant to this chapter shall be due annually or *tri-annually* on January 1 and not later than January 31 of each *the applicable year*. *Whether the license tax is due annually or tri-annually shall depend on whether a person is buying a one or three year license.* If any person shall fail to remit to the City Treasurer the applicable license tax for a dog, cat, or kennel when due, a penalty of 25% shall be added to such tax.

C. No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person or that is trained and serves as a service dog for a mobility-impaired person.

As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

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

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

Adopted on its second reading on _____

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____

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

The Honorable Kenneth B. Frenier, Councilman: _____

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Doty, III
City Attorney

A RESOLUTION NO. 10-34

Seeking action by the General Assembly and Governor to prohibit all predatory, usurious lending practices in the Commonwealth of Virginia.

WHEREAS, the City Council of the City of Colonial Heights, Virginia, represents the citizens of the City of Colonial Heights, Virginia; and

WHEREAS, the City Council of the City of Colonial Heights, Virginia, believes the citizens of the City remain concerned over what are perceived to be predatory, usurious lending practices in the City and elsewhere in the Commonwealth, including practices that can exploit dedicated, brave women and men called to serve in the United States armed services; and

WHEREAS, the Council of the City of Colonial Heights, Virginia, shares these continuing concerns and intends through this Resolution to express the collective sentiments and will of its citizens that the General Assembly and Governor of Virginia need to take action to prohibit all predatory, usurious lending practices; and

WHEREAS, it is essential that the General Assembly and the Governor of Virginia address this matter as a high priority at the next legislative session, leading to enactment of laws strictly prohibiting and deterring all predatory, usurious lending practices in the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Colonial Heights, Virginia that, at the next legislative session, the General Assembly and the Governor of the Commonwealth of Virginia are hereby requested to enact laws strictly prohibiting and deterring all predatory, usurious lending practices, including but not limited to provisions that would:

1. Impose an interest rate cap of thirty-six percent (36%), calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia;
2. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account; and
3. Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.

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

Approved:

Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above resolution was:

Adopted on _____

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____

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

The Honorable Kenneth B. Frenier, Councilman: _____

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Freeland, III

City Attorney



CITY OF COLONIAL HEIGHTS

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

Office of the City Manager

August 5, 2010

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

Ladies and Gentlemen:

As presented in the July 15 work session, the City has received the VDOT agreement for federal funding of the Appomattox River Greenway Trail – Phase 3. This would complete the section of trail between I-95 and the Boulevard. The design work is approximately 80% complete and is currently scheduled for a fiscal year 2012 construction date.

The City must assure that an additional \$80,500 of local matching funds will be available for the funding to be awarded. Depending upon timing of trail easements and several design issues, the project may be broken into several smaller phases and funding requirements may go over several fiscal years. Staff is also looking at various other revenue sources that could be utilized for the local matching funds. However, under the current schedule, this funding will be required in fiscal year 2012. It is my recommendation that the City proceed with Phase 3 of this project.

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

Sincerely,

William E. Johnson
Acting City Manager

WEJ:eg

Attachment

cc: George W. Schanzenbacher, Director of Planning & Community Development



Department of Planning and Community Development

MEMORANDUM

TO: William E. Johnson, Acting City Manager

FROM: George W. Schanzenbacher, Director

DATE: May 13, 2010

gj

SUBJECT: Amendment to VDOT Project Agreement EN08-106-110, P101. R201, C501 (UPC 91208 Appomattox River Greenway trail)

The enclosed agreement adds the grant funds from the second (2009) trail grant award of \$248,000 to the original contract and consolidates them into one project.

As a practical matter, this additional \$248,000 will be for Phase 3 of the project, which is about a year away from bidding out. It is now under design. The City has not funded the local share for Phase 3 and we are working on securing additional resources for the minimum 20% match, pursuing several foundation possibilities.

As you are aware Phase 2 is about ready to bid out and the local share has been included in the City's 2010-2011 Operating budget.

VDOT has requested approval to consolidate the projects into one.

Please call with any questions.



COMMONWEALTH of VIRGINIA

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

GREGORY A. WHIRLEY
ACTING COMMISSIONER

May 11, 2010

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

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

George
Dear Mr. Schanzenbacher:

Enclosed are three (3) copies of the Amendment to Project Development and Administration Agreement (Appendix A) for the subject project. This agreement amendment addresses the \$248,000 (2009) allocation to this project by the Commonwealth Transportation Board. The subject project's federal Enhancement allocation now totals \$542,000 and the project completion deadline has been extended to October 1, 2013.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Erica Jeter".

Erica Jeter
Enhancement Program Manager

Enclosures

cc: Lamont Benjamin, P.E., Richmond District Enhancement Coordinator

Appendix A

| | |
|---|---|
| Project Number: EN08-106-110, P101, R201, C501 (UPC 91208) | Locality: City of Colonial Heights |
| Project Name: Appomattox River Greenway Trail | |

Project Narrative

Scope: Construction of a shared-use path along the Appomattox River in the City of Colonial Heights.

Locality Project Manager Contact Info: George W. Schanzenbacher, City of Colonial Heights, 201 James Avenue, Colonial Heights, VA 23834, (804) 520-9275

Department Project Coordinator Contact Info: Lamont Benjamin, Local Assistance Team Leader, VDOT Richmond District, 2430 Pine Forest Drive, Colonial Heights, VA 23834, (804) 524-6400

| Project Costs and Reimbursement | | | | |
|--|--------------------------------------|----------------------------------|--|-------------------------------------|
| Phase | Estimated Project Costs (All Phases) | Estimated Eligible Project Costs | Estimated Eligible VDOT Project Expenses | Estimated Reimbursement to Locality |
| Preliminary Engineering | \$201,472 | | | |
| Right-of-Way & Utilities | \$0 | | | |
| Construction | \$989,458 | | | |
| Total Estimated Cost | \$1,190,930 | \$677,500 | | \$527,000 |
| Total Maximum Reimbursement by Locality to VDOT | | | | N/A |
| Total Maximum Reimbursement by VDOT to Locality (may be reduced by eligible VDOT project expenses) | | | | \$542,000 |

| Project Financing | | | | |
|----------------------------------|-------------------|--------------------|---|-------------------------------|
| A | B | C | D | E |
| Transportation Enhancement (80%) | Local Match (20%) | Local Funds (100%) | | Aggregate Allocations (A+B+C) |
| \$542,000 | \$135,500 | \$513,430 | | \$1,190,930 |

Program and Project Specific Funding Requirements

This project will be administered in accordance with the "Enhancement Program Procedure Manual" and the "Guide for Local Administration of Virginia Department of Transportation Projects".

Any expenses above the combined federal (80%) and local (minimum 20% match) will be at 100% project sponsor cost.

100% of eligible VDOT project expenses will be recovered as follows:

- 20% will be deducted from reimbursement requests.
- 80% will be deducted from the Federal Enhancement allocation amount.

Any ineligible items identified throughout project development will not be reimbursable.

For Transportation Enhancement projects, the LOCALITY shall maintain the Project, or have it maintained, in a manner satisfactory to the Department or its authorized representatives, and make ample provision each year for such maintenance unless otherwise agreed to by the DEPARTMENT.

The Department will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The applicant is responsible for implementing any environmental commitments from the environmental document. In addition, the applicant is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the applicant and deducted from the project funds.

In accordance with CTB policy, the project must be completed and the \$542,000 Enhancement allocation expended by **October 1, 2013**, or the project may be subject to de-allocation.

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

Authorized Locality Official

date

VDOT Enhancement Program Manager

date

A RESOLUTION 10-35

Authorizing the City Manager to execute an amended Appendix A to the "Standard Project Administration Agreement" with the Virginia Department of Transportation pertaining to the Appomattox River Greenway Trail previously authorized by Resolution No. 08-49.

WHEREAS, Resolution No. 08-49 authorized the City Manager to enter into a Standard Project Administration Agreement with the Virginia Department of Transportation (VDOT) involving a shared-use path along the Appomattox River; and

WHEREAS, the City and VDOT wish to accept an amended Appendix A to such Agreement that increases project costs and reimbursements so as to allow approximately 3800 more linear feet of the Appomattox River Greenway Trail to be built; and

WHEREAS, Council has reviewed the changes made to Appendix A and finds them acceptable; NOW, THEREFORE

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

1. That the City Manager be, and is hereby, authorized to enter into, on behalf of the City, an amended Appendix A dated May, 2010 to the Standard Project Administration Agreement executed in November, 2008, a copy of which is attached to and made a part of this resolution; subject to approval by the City Attorney as to form.

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

Approved:

Attest:

Mayor

DeAnna D. Atkins
City Clerk

I certify that the above resolution was:

Adopted on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Frenier, III

City Attorney



CITY OF COLONIAL HEIGHTS

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

Office of the City Manager

August 5, 2010

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

Ladies and Gentlemen:

The Budget Amendment for August 2010 is summarized as follows:

1. The Police Chief has received a donation of \$500 from the Woodman of the World Camp #264 in Hopewell. These funds will be used for material and supplies for the D.A.R.E. Program.
2. The Police Chief also received a donation of \$500 from Giant Food Stores who are the owners of the new Martin's grocery store. These funds will be used for material and supplies for the department's crime prevention program.
3. The City has received the annual appropriation from the Community Development Block Grant (CDBG) Program. The Fiscal Year 2011 Annual Action Plan for the use of these funds has been developed and approved by the Commonwealth. We not only need to appropriate the \$94,234 in CDBG funding for the FY11 grant, but also appropriate \$84,122 in FY09 funding that needs to be carried over to the current fiscal year. These funds will go towards home repair for low to moderate income homeowners in the City. No local funding is required.
4. The Fire Chief has obtained an award of \$8,200 from the Virginia Department of Emergency Management. These funds are an allocation of the 2009 State Homeland Security Grant and were awarded for the funding of the CERT Program. The acceptance of this grant is recommended and presented for your consideration. No local funding is required.
5. The Fire Chief has obtained an award of \$5,000 from the Virginia Department of Emergency Management. These funds are an allocation of the 2010 Local Emergency Management Program from the Department of Homeland Security. This grant was awarded to be used for enhancements to our Comprehensive Emergency Management Program and Local Emergency Operations Plan. The acceptance of this grant is recommended and presented for your consideration. No local funding is required.

The Honorable Mayor and Members of City Council
August 5, 2010
Page 2

6. The generosity of our citizens continues to amaze the staff. The estate of Delia Cogbill Michael has donated \$75,489 to the Fire Department for their use. These funds will be utilized to replace current vehicles and other equipment that are all well past their useful lives due to these economic times. We truly appreciate the gifts of our citizens that enable us to better serve others.

Ordinance No. 10-FIN-17 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,



William E. Johnson
Acting City Manager

WEJ: eg

Attachments

cc: Hugh P. Fisher, III, City Attorney
Jeffrey W. Faries, Chief of Police
A. G. Moore, Jr., Chief of Fire & EMS
George W. Schanzenbacher, Director of Planning & Community Development



RECEIVED

CITY OF COLONIAL HEIGHTS

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

JUL 02 2010

FINANCE DEPARTMENT

COLONIAL HEIGHTS POLICE DEPARTMENT

July 1, 2010

Mr. William Johnson
Acting City Manager
201 James Avenue
Colonial Heights, VA 23834

RE: DONATED FUNDS FROM WOODMAN OF THE WORLD (CAMP #264)

Dear Bill:

We have received a check in the amount of **\$500.00** from Woodman of the World Camp #264 out of Hopewell, Virginia. The donation has been deposited in the City's **General Donations Account #10-4812**. These funds will be used toward the purchase of items directly related to our ongoing D.A.R.E. Program and crime prevention.

It is our understanding that this request must undergo two readings by City Council. Therefore, I would appreciate your placing this on the next agenda for review by City Council. If and when approved, we further request that the funds be transferred from **Account #10-4812** to **Account #1401-5275 (CHPD Donated Funds)** to make them available for spending.

Thank you for your prompt attention to this request.

Sincerely,

Colonel Jeffrey W. Faries
Chief of Police

JWF:bbh

Cc: Kathy Sparks, Deputy Director of Finance
Capt. Wayne T. Newsome, Law Enforcement Services Division Commander
Capt. W. Keith Early, Patrol Division Commander
Sgt. Robert L. Ruxer, Law Enforcement Services
Mrs. Joy Moore, Treasurer

WOODMAN OF THE WORLD CAMP NO 264
1206 WALL AVE
HOPEWELL, VA 23860

1865

68-2/510

5-24-10

DATE

PAY TO THE ORDER OF *Colonial Heights Police Department*

\$1500.00

Security Details Back

LOCKED

SUNTRUST

SunTrust Bank

FOR *D.A.R.T. Program*

DAR

105-1000020-002-356372 1865

© HARLAND 2001

City of Colonial Heights
OFFICE OF THE TREASURER
MISCELLANEOUS RECEIPT

8172

RECEIVED OF

CHPD

\$ 500.00

FOR

City of Colonial Heights

00/00 DOLLARS

PAID

JUL 01 2010

FUND

GENERAL

CLASSIFICATION *10-4812*

BY

7-1-2010

BY *J. Penn*

JOY W. MOORE, Treasurer



RECEIVED
CITY OF COLONIAL HEIGHTS JUL 02 2010
P.O. Box 3401
COLONIAL HEIGHTS, VA 23834-9001
www.colonial-heights.com **FINANCE DEPARTMENT**

COLONIAL HEIGHTS POLICE DEPARTMENT

July 1, 2010

Mr. William Johnson
Acting City Manager
201 James Avenue
Colonial Heights, VA 23834

RE: DONATED FUNDS FROM GIANT FOOD STORES, L.L.C. (Martin's)

Dear Bill:

We have received a check in the amount of **\$500.00** from Giant Food Stores, L.L.C., owners of the new Martin's which recently replaced our Ukrop's Supermarket. The donation was initially deposited in the City's **Donations Account #10-4812** on April 16, 2010. These funds are to be used toward the purchase of items directly related to crime prevention.

In an e-mail dated May 3, 2010, we requested that you transfer this \$500.00 to a "10-3" City account so that they would be restricted for spending in the 2010-2011 fiscal year (see attached copy). Since we are now prepared to make a purchase, we are requesting that the donation be put before City Council for approval.

It is our understanding that this request must undergo two readings by City Council. Therefore, I would appreciate your placing this on the next agenda for review by City Council. If and when approved, we further request that the funds be transferred from the "10-3" restricted account to **Account #1401-5275 (CHPD Donated Funds)** to make them available for spending.

Thank you for your prompt attention to this request.

Sincerely,

Colonel Jeffrey W. Faries
Chief of Police

JWF:bbh

Cc: Kathy Sparks, Deputy Director of Finance
Capt. Wayne T. Newsome, Law Enforcement Services Division Commander
Capt. W. Keith Early, Patrol Division Commander
Sgt. Robert L. Ruxer, Law Enforcement Services
Mrs. Joy Moore, Treasurer

CHECK NO. 0005494826

MARCH 30, 2010

52-153/112



AHOLD FINANCIAL SERVICES
P.O. BOX 7200
CARLISLE, PA 17013

TO THE
ORDER OF
CITY OF COLONIAL HEIGHTS
DEPARTMENT OF POLICE
100 A HIGHLAND AVE
PO BOX 3401
COLONIAL HEIGHTS, VA 23834
PAY EXACTLY **FIVE HUNDRED AND NO/100 DOLLARS**

*****500.00***

Bank of America, N.A.
South Portland, ME

CHIEF FINANCIAL OFFICER

0005494826 011201539 00800 76864

| | | |
|--|-------------------------------------|-------------------------------|
| City of Colonial Heights OFFICE OF THE TREASURER MISCELLANEOUS RECEIPT | | 7818 |
| RECEIVED OF | <u>CHPD</u> | \$ <u>500</u> |
| FOR | <u>City of Colonial Heights, VA</u> | <u>00/1.00</u> DOLLARS |
| FUND | <u>General</u> | CLASSIFICATION <u>10-4812</u> |
| BY | JOY W. MOORE, Treasurer | |
| | <u>4-16 2010</u> BY <u>J. Paauw</u> | |

Babette Hansen

From: Babette Hansen
Sent: Monday, May 03, 2010 2:19 PM
To: Bill Johnson
Subject: RE: DONATED FUNDS

Bill-

I have not responded to your e-mail concerning this particular donation (\$500.00 from Giant Foods/Martin's) due to the fact that the Chief was trying to make a final decision on whether or not to spend this donation in this budget season or next. The final answer: NEXT budget season. Therefore, would you be kind enough to transfer this \$500.00 to a "10-3" account so that it will be restricted for next year?

Concerning Asset Forfeiture funds, I try to send you a copy of each deposit I make, plus I keep a list of where and when I deposited Asset Forfeiture funds so that we don't lose these at the end of the year. You mentioned in your e-mail that our "Police Forfeiture" accounts were in 10-3212. As you can see by the attached listing, a lot of them have been deposited in the 10-4802 (Recoveries and Rebates) account, which is where I thought they were supposed to go. I am very confused by where these funds are supposed to go, especially when there are different "types" of DCJS cases (and some NON-DCJS cases!). Anyway, I would very much like to see all of this money consolidated and made available year after year for spending on "special" items for the department.

I guess the biggest issue is that we do NOT want to lose any of it at the end of the year, so please let me know what I need to do (or what YOU need to do) to make certain that it is available each year. Many thanks for your assistance on this, Bill...

From: Bill Johnson
Sent: Monday, April 19, 2010 3:28 PM
To: Babette Hansen
Subject: RE: DONATED FUNDS

Babette,

No, the 10-4812 is for current donations and will be lost at 6/30 unless it is moved into a restricted fund balance account. Your restricted fund balance accounts start with a 3 such as your Police Forfeiture accounts 10-3212. If you tell me which one you want it in I can transfer it by journal entry. It may be good for you to give me all the restricted accounts you have listed, so we can agree to type and amount. Accounting regulations is going to require us next year to report those differently, so it might be a good time to consolidate

Bill

William E. Johnson
Director of Finance
Acting City Manager
City of Colonial Heights, VA

804 520-9332
804 524-8723 Fax

cc: George

RECEIVED

JUL 13 2010

U. S. Department of Housing & Urban Development



City Manager's Office

Richmond Field Office
600 E. Broad Street, 3rd Floor
Richmond, VA 23219
1-800-842-2610

JUL - 9 11

Mr. William E. Johnson
Acting City Manager
City of Colonial Heights
201 James Avenue
Colonial Heights, Virginia 23834

Dear Mr. Johnson:

I am pleased to inform you of our approval of the Consolidated Plan (2010-2014) and the FY 2010 Action Plan submitted by the city of Colonial Heights. The grant assistance that is being approved with the Action Plan is as follows:

| | |
|--|----------|
| Community Development Block Grant (CDBG) Program | \$94,234 |
|--|----------|

The total allocation for the city of Colonial Heights is \$94,234. The city's 2010 program year began on July 1, 2010.

Enclosed for your signature are three copies of the CDBG Entitlement Agreement/Funding Approval (HUD 7082). These documents constitute the contract between the Department of Housing and Urban Development (HUD) and the city of Colonial Heights. You should note any special conditions included in the Funding Approvals (Item 8 for the CDBG program). Please execute all copies of each contract with original signatures, return two copies of each contract to HUD, and retain one copy of each agreement for your records. Failure to execute and return the grant agreements within 60 days of the date of this letter may be deemed a rejection of the grant and cause for HUD to determine that the funds are available for reallocation to other grantees. In addition to the grant agreements, we have also enclosed a copy of "Consolidated Plan Guidance" applicable to the various programs.

We appreciate the efforts of city staff in successfully preparing its Consolidated Plan (2010-2014) and 2010 Action Plan. We look forward to working with you to accomplish the goals you have set forth for the city and to further refine and improve the consolidated planning process.

If you have any questions concerning this letter or other items related to community development programs, please contact me at 822-4831 or Barry Brown, Senior Community Planning and Development Representative, at 822-4823.

Sincerely,

A handwritten signature in black ink, appearing to read "R.J. Legette".

Ronnie J. Legette
Director, CPD

Enclosures

CONSOLIDATED PLAN GUIDANCE

Line of Credit Control/Integrated Disbursement System

In order to establish a Line of Credit for the fiscal year 2010 grant, it will be necessary to execute and return two copies of the Grant Agreements. Also, if there is a need to establish or change the depository account to which these grant funds are to be wired, a Direct Deposit Sign-Up Form (SF-1199A) must be completed by the Grantee and the financial institution and mailed to this office.

Executive Order 12372

As the Consolidated Plan relates to CDBG program funding, the city is not required to submit the Plan to the Commonwealth of Virginia under Executive Order 12372. Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 still requires that the submissions be made to the appropriate Planning District Commission (PDC). Those submissions are limited to proposals related to, "open space land projects or for the planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewerage facilities, and waste treatment works, highways, transportation facilities, law enforcement facilities, and water development and land conservation projects within any metropolitan area..."

Environmental Review Procedures

Activities included in the Consolidated Plan are subject to the provisions of 24 CFR 58. Funds for such activities may not be obligated or expended unless HUD has approved the release of funds in writing. A request for the release of funds must be accompanied by an environmental certification.

Reporting Requirements for Fiscal Year 2010

All previous reporting requirements no longer apply since they are superseded by the annual reporting requirements under the Consolidated Plan Final Rule (24 CFR Part 91.520). The Integrated Disbursement and Information System (IDIS) is fully operational and should be utilized to generate reports and assessments which would satisfy the reporting requirements for the program year July 1, 2010 to June 30, 2011. Additionally, the required Consolidated Annual Performance and Evaluation Report (CAPER), covering activities completed in the period July 1, 2009, to June 30, 2010, is due in this office by September 28, 2010. Please note that certain required narrative assessments must be generated outside the IDIS environment following the guidance in the Ramirez memorandum dated February 18, 1998. It should also be noted that there are several reports generated by IDIS that contain information that must be provided to citizens in order to meet the annual performance report requirements for Consolidated Planning under 24 CFR 91.520. The information may be presented in a format developed by the city. However, the easiest means of meeting this requirement is to download and attach as part of the Consolidated Annual Performance and Evaluation Report (CAPER) the reports highlighted with an asterisk in the Ramirez memorandum regarding reporting.

Funding Approval/Agreement

Title I of the Housing and Community Development Act (Public Law 930383)

U.S. Department of Housing and Urban Development

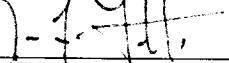
Office of Community Planning and Development

Community Development Block Grant Program

HI-00515R of 20515R

| | | |
|---|--|---|
| 1. Name of Grantee (as shown in item 5 of Standard Form 424) City of Colonial Heights 3FD FY2010 (P) EC1 860/20162 | 3. Grantee's 9-digit Tax ID Number 54-6001228 | 4. Date use of funds may begin (mm/dd/yyyy) 07/01/2010 |
| 2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 201 James Avenue Colonial Heights, VA 23834 | 5a. Project/Grant No. 1 B-09-MC-51-0011 | 6a. Amount Approved \$94,234 |
| | 5b. Project/Grant No. 2 | 6b. Amount Approved |
| | 5c. Project/Grant No. 3 | 6c. Amount Approved |

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

| | | | |
|--|--|--|---|
| U.S. Department of Housing and Urban Development (By Name) Ronnie J. Legette | Grantee Name William E. Johnson. | | |
| Title Director, Office of Community Planning & Development | Title Acting City Manager | | |
| Signature  | Date (mm/dd/yyyy) JUN 30 | | |
| 7. Category of Title I Assistance for this Funding Action (check only one) | 8. Special Conditions (check one) <input checked="" type="checkbox"/> a. Entitlement, Sec 106(b) <input type="checkbox"/> b. State-Administered, Sec 106(d)(1) <input type="checkbox"/> c. HUD-Administered Small Cities, Sec 106(d)(2)(B) <input type="checkbox"/> d. Indian CDBG Programs, Sec 106(a)(1) <input type="checkbox"/> e. Surplus Urban Renewal Funds, Sec 112(b) <input type="checkbox"/> f. Special Purpose Grants, Sec 107 <input type="checkbox"/> g. Loan Guarantee, Sec 108 | 9a. Date HUD Received Submission (mm/dd/yyyy) 04/20/2010 9b. Date Grantee Notified (mm/dd/yyyy) 9c. Date of Start of Program Year (mm/dd/yyyy) 07/01/10 | 10. check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number |
| 11. Amount of Community Development Block Grant | FY (2010) | FY () | FY () |
| a. Funds Reserved for this Grantee | | | |
| b. Funds now being Approved | 94234 | | |
| c. Reservation to be Cancelled (11a minus 11b) | | | |

12a. Amount of Loan Guarantee Commitment now being Approved
0

12b. Name and complete Address of Public Agency

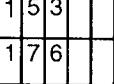
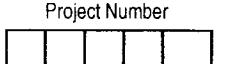
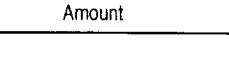
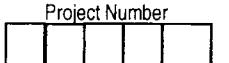
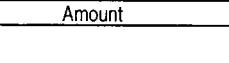
Loan Guarantee Acceptance Provisions for Designated Agencies:
The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

12c. Name of Authorized Official for Designated Public Agency

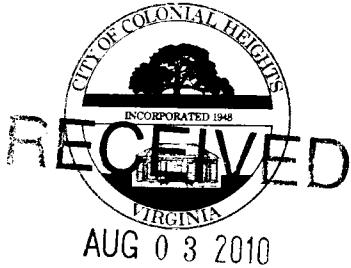
Title

Signature

HUD Accounting use Only

| Batch | TAC | Program | Y | A | Reg | Area | Document No. | Project Number | Category | Amount | Effective Date (mm/dd/yyyy) | F |
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| Date Entered PAS (mm/dd/yyyy) | Date Entered LOCCS (mm/dd/yyyy) | Batch Number | Transaction Code | Entered By | Verified By |
|-------------------------------|---------------------------------|--------------|------------------|------------|-------------|



CITY OF COLONIAL HEIGHTS

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

City Manager's Office
Department of Fire, EMS & Emergency Management

MEMORANDUM

TO : Bill Johnson, Acting City Manager
FROM : A. G. Moore, Jr., Fire Chief *AGM*
SUBJECT : Council Agenda
DATE : July 23, 2010

Please have the following item placed on the next available City Council agenda:

Amend the FY 10-11 Emergency Management budget to reflect an increase of \$13,200. Said funds have been awarded from the Virginia Department of Emergency Management from the 2009 Local Emergency Management Performance Grant (LEMPG) and 2009 State Homeland Security Grant.

\$5000 of these funds will be used to continue part time funding of the Emergency Management Assistant Position. The remaining \$8,200 will be used for citizen preparedness activities such as CERT. There is no match required by the City.

If you should have any questions, please contact me at extension 319.



COMMONWEALTH of VIRGINIA

Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JACK E. KING
Chief Deputy Coordinator

BRETT A. BURDICK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

July 1, 2010

Mr. William E. Johnson, Acting City Manager
Colonial Heights City
P.O. Box 3401
Colonial Heights, VA 23834

Dear Mr. Johnson:

We are pleased to inform you that Colonial Heights City has been awarded funds in the amount of \$8,200.00 from the 2009 State Homeland Security Grant, (CFDA # 97.071) from the National Preparedness Directorate (NPD), United States Department of Homeland Security (DHS) and administered by the Commonwealth for the Citizen Corps Program.

Included in this package of particular importance is the Certification of Compliance, and Special Conditions, for your signature. It certifies you have read and understand Federal and State terms and conditions associated with accepting the grant. Please return these forms to us within 30 days.

The Commonwealth will send grant funds to a sub-grantee on a reimbursement basis for allowable expenditures. To accomplish this, use the attached "Request for Funds" form. This form can also be found at: <http://www.vaemergency.com/grants/forms/>. You are required to attach invoices that reflect your spending plan.

The end of the program period is May 31, 2011, for obligation purposes and August 31, 2011, to complete expenditures and finalize the close out reporting process. During this program period, all subgrantees are required to submit quarterly progress reports. This form can be found at <http://www.vaemergency.com/grants/forms/>.

Mr. William E. Johnson

Page 2

July 1, 2010

All projects must comply with Environmental and Historic Preservation (EHP) requirements. Subrecipients shall not undertake any project having the potential to impact Environmental or Historical Preservation (EHP) resources without the prior approval of FEMA. For more information, please visit <http://www.vaemergency.com/grants/forms/> or contact your Grant Specialist.

Grant recipients will be monitored periodically by VDEM and/or NPD to ensure that the program goals, objectives, timelines, budgets, and other related program criteria are being met. Monitoring will be accomplished through a combination of office-based and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic and administrative as well as other issues relative to each program, and will identify areas where technical assistance and other support may be needed. Subgrantees may be required to submit a special progress report in addition to the quarterly reports if the Commonwealth deems necessary. This award is subject to all administrative and financial requirements, including the timely submission of all financial/programmatic reports and adhering to the Special Conditions submitted with your grant application. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination and reallocated.

If you have any questions regarding this award, please contact JoAnn Maher at (804) 897-6500 extension 6601 or email joann.maher@vdem.virginia.gov.

Sincerely,



Michael M. Cline

CC Mr. David Salot, Colonial Heights Deputy Emergency Management Coordinator

July 1, 2010

FISCAL YEAR 2009 URBAN AREA SECURITY INITIATIVE GRANT
SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE
Citizen Corps Program

Subgrantee:
Colonial Heights

As the duly authorized representative of the above listed organization, I hereby accept the subgrant award and certify that I have read and understand the terms and conditions presented in the following documents:

FY 2009 URBAN AREA SECURITY INITIATIVE GRANT:
http://www.fema.gov/pdf/government/grant/hsgp/fy09_hsgp_guide.pdf

Special Conditions

Non-Supplanting Certification

Grant Assurances

Certification Regarding Lobbying

Environmental and Historical Preservation Checklist

VDEM Grant Application

Print Name

Print Title

Signature

Date

SPECIAL CONDITIONS

1. The recipient shall **not** undertake any project having the potential to impact Environmental or Historical Preservation (EHP) resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures and objects that are 50 years old or greater. Recipient **must** comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will **not** be eligible for FEMA funding.
2. The recipient agrees to comply with the financial and administrative requirements set forth by the Commonwealth of Virginia and the FEMA Grants Programs Directorate (GPD).
3. The recipient agrees that federal funds under this award will be used to supplement, but not supplant, state or local funds for homeland security preparedness.
4. The recipient agrees that the use of funds under this grant will be in accordance with the Fiscal Year 2009 Homeland Security Program Grant Guidelines and must support the goals and objectives included in the State Homeland Security Strategy.
5. The recipient must submit a Quarterly Progress Report. Failure to provide this information may result in VDEM withholding grant funds from further obligation and expenditure.
6. The recipient agrees that all publications created with funding under this grant shall prominently contain the following statement: "This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security."
7. The recipient agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
8. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
9. Drawdown of Funds: Funds received by subrecipients must adhere to Rule 44 CFR Part 13, *Uniform Administrative Requirements For Grants And Cooperative Agreements To State And Local Governments*

Jurisdiction _____

Initial _____

RECEIVED

JUL 13 2010



City Manager's Office

COMMONWEALTH of VIRGINIA

Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JACK E. KING
Chief Deputy Coordinator

BRETT A. BURDICK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

July 8, 2010

Mr. William E. Johnson
Acting City Manager
Colonial Heights City
P.O. Box 3401
Colonial Heights, VA 23834

Dear Mr. Johnson:

The Virginia Department of Emergency Management is pleased to announce the allocation of the 2010 Local Emergency Management Program Grant (LEMPG) CFDA # 97.042 from the National Preparedness Directorate (NPD), United States Department of Homeland Security (DHS). Your jurisdiction has been funded in the amount of \$5,000.00.

VDEM recognizes the critical role of emergency management at the local level. Strong local emergency management programs keep the Commonwealth safer, and allow all of us to respond and recover effectively and efficiently when an emergency or disaster occurs. The objective of the LEMPG, then, is to support your efforts to develop and maintain a Comprehensive Emergency Management Program.

Included in this package of particular importance is the Letter of Agreement which must be returned to your VDEM Regional Coordinator by August 1, 2010.

Also included in this package are the Work Elements. These Work Elements describe the items to be completed by your locality during the performance period and are designed to enhance local capabilities in the areas of Planning, Training and Exercises, Situational Awareness and Capability Reporting. The VDEM Regional Coordinator can provide technical assistance and advice in completing these Work Elements.

Mr. William E. Johnson
Colonial Heights City
Page 2

There are two additional forms to be returned during the grant period, the Mid-Cycle Review and the Final Review Reports. These reports are not included with this package, but will be disseminated to your locality's emergency management coordinator by their VDEM Regional Coordinator later this year.

The Final Review Report summarizes your locality's compliance with the Work Elements and is due back to the Regional Coordinator no later than March 15, 2011.

VDEM views LEMPG as an opportunity to partner with localities to enhance preparedness across the Commonwealth. To that end, we will work with you to support your efforts as you develop and enhance your local emergency management program.

Sincerely,



Michael M. Cline

MMC/jac/ms

Attachments:

1. LEMPG 10 Work Elements
2. Letter of Agreement

cc: Mr. Joe Coyle, VDEM Emergency Services Operations Director
Ms. Cheryl Adkins, VDEM Grant Manager
VDEM Regional Coordinators
Allan G. (A. G.) Moore, Coordinator, Emergency Management

VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT

Local Emergency Management Performance Grant (LEMPG)

Letter of Agreement – LEMPG 10

Note: This Letter of Agreement is to be sent to your ***VDEM Regional Coordinator*** by August 01, 2010.

Colonial Heights City acknowledges that the LEMPG 10 funding figure of \$5,000.00 is to be used for enhancements to its Comprehensive Emergency Management Program and in direct support for accomplishment of work elements described in Attachment 1 to this program's cover letter dated **July 8, 2010**.

Jurisdiction agrees to provide a 1:1 ratio of local funding or in-kind match for the LEMPG 09 funds allocated and that the total amount will be expended for the purpose of enhancing local emergency management capabilities.

The Jurisdiction has budgeted \$ _____ for emergency management activities for the current fiscal year.

A guide to generally allowable uses of EMPG funding may be found at:

http://www.fema.gov/pdf/government/grant/2010/fy10_empg_kit.pdf

We agree to meet the conditions of LEMPG 10 and to complete and submit the required Final Review Report by the date stipulated.

To be eligible to receive funds from this program, locality must meet NIMS compliance requirements as established by the federal government and must report local NIMS status using NIMSCAST.

Coordinator of Emergency Management

Date

County Administrator/City/Town Manager

Date

VDEM Regional Coordinator

Date Received

State Coordinator of Emergency Management

Date



VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT

Local Emergency Management Performance Grant (LEMPG)

2010 Work Elements

Program Period: July 1, 2010 – March 15, 2011

To be eligible to receive funds from this program, locality must meet NIMS compliance requirements as established by the federal government and document NIMS compliance via NIMSCAST.

To receive funds from this program, locality must complete the following work elements and must submit final report by stated deadline:

Planning

- 1. Local Emergency Operations Plan (EOP):** Locality must have a current Emergency Operations Plan. A current plan is defined by §44-146.19 (E) of the Code of Virginia as undergoing a comprehensive review and revision, and being adopted by the locality's governing body every four years. Local EOPs that were adopted prior to July 1, 2007 will be readopted within five years of the previous adoption, and every four years thereafter. Grant awards will not be made to localities that do not have a current EOP as of August 1, 2010.
- 2. College and University Coordination:** Each locality that has within its borders a public college or university, including community colleges, is required to coordinate planning with the institution, which includes collaboration with the designated emergency management point of contact. Each locality that has within its borders a private college or university is encouraged to coordinate planning with the institution.

Training and Exercises

1. Professional Development Series (PDS):

- Current Coordinators and Deputy Coordinators must have completed PDS certification by March 15, 2011. The PDS series is available entirely online.
- Coordinators and Deputy Coordinators new to their positions beginning July 1, 2010 will complete at least the following two PDS courses:
 - Principles of Emergency Management (FEMA IS 230)
 - Emergency Planning (FEMA IS 235)

2. **Exercise Workshop:** Localities will attend the annual Regional Exercise Workshop sponsored by VDEM.
3. **Local Exercise Program:** Localities are to submit to their Regional Coordinator a multi-year exercise program in accordance with the principles outlined in the Homeland Security Exercise and Evaluation Program (HSEEP), Volume I: HSEEP Overview and Exercise Program Management. More details regarding this program can be found on the HSEEP website, located at: https://hseep.dhs.gov/pages/1001_HSEEP7.aspx.
 - Exercises are to use components of the local EOP as the basis for development, and exercises planned in a three year period are to be progressively more complex and challenging.
 - Funded localities are to prepare a post-exercise After Action Review (AAR) that documents performance in terms of areas of strength and areas requiring improvement. In addition, an Improvement Plan matrix must be completed and used to update plans and procedures.
 - *Localities actively engaged in the regional exercise program for the current year either as hosts or participants will be deemed to have met this local exercise program requirement.*
 - *Emergency Planning Zone localities actively engaged in the North Anna or Surry exercises as jurisdictional participants for the current year will be deemed to have met this local exercise program requirement.*

Crisis Management System

1. **Trained Personnel:** Locality shall maintain a cadre of personnel who are trained in, and have account access to, the state's online crisis management system (currently WebEOC).

Capability Reporting

1. **Submit Updated Local Capability Assessment for Readiness (LCAR).** §44-146.19 (F) of the Code of Virginia requires all political subdivisions to provide an annually updated emergency management assessment to the State Coordinator of Emergency Management on or before July 1 of each year. Locality will submit an updated LCAR no later than 1 August 2010.

Program Updates

1. **Coordinator's Briefings:** The Local Emergency Management Coordinator and/or principle Deputy Emergency Management Coordinator are required to attend at least one of VDEM's Coordinator's Briefings. Each locality is responsible for monitoring the VDEM calendar for the schedule.



CITY OF COLONIAL HEIGHTS

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

Department of Fire, EMS & Emergency Management

MEMORANDUM

TO : Bill Johnson , Acting City Manager
FROM : A. G. Moore, Jr., Fire Chief *AGM*
SUBJECT : Council Agenda
DATE : July 23, 2010

Please have the following item placed on the next available City Council agenda:

Amend the FY 10-11 Fire and EMS budget to reflect an increase of \$75,489.23. Said funds have been donated to the department from the Estate of Delia Cogbill Michael.

These funds will be used for the purchase of 3 replacement vehicles for the Fire and EMS department. The vehicles being replaced are 10, 13, and 15 years old. There is no match required by the City.

If you should have any questions, please contact me at extension 319.



CITY OF COLONIAL HEIGHTS

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

Department of Fire, EMS & Emergency Management

MEMORANDUM

TO : A. G. Moore, Jr., Fire Chief
FROM : David A. Salot, Deputy Fire Chief *(DAS)*
SUBJECT : Proposed use of donated funds
DATE : July 27, 2010

As you are aware we have received a donation from the Estate of Delia Cogbill Michael in the amount of \$75,489.23. After reviewing the multiple needs of the department I am recommending the funds be used to replace 3 aging vehicles in our response fleet. The vehicles to be replaced are as follows:

1995 Ford Bronco (15 years old) with 93,700 miles
1997 Ford Tahoe (13 years old) with 117,000 miles
2000 Ford Crown Victoria (10 years old) with 95,000 miles

All of these vehicles have mostly city miles and are showing significant wear both in appearance and mechanics.

The state contract price for the Ford Explorer is currently \$20,742. This contract price was only valid for vehicles ordered by May 15, 2010. The new state contract pricing is due to be released in September, but is not expected to be significantly changed. The Explorer is a mid sized SUV that will meet the storage capacity needed for emergency response equipment as well as supplying 4 wheel drive for emergency response in difficult areas. With the exception of the Ford Crown Victoria the new vehicles will be smaller than the vehicles they will replace.

I do not recommend the replacement of the existing Crown Victoria with a similar vehicle. The current State contract price for the Ford Crown Victoria is \$22,052. That vehicle is actually more expensive and offers much less capability than the proposed Explorer. The proposed vehicles will be more fuel efficient as they will contain 6 cylinder flex fuel motors as compared to 8 cylinder motors in all of the existing vehicles.

Please contact me if you have any questions that I may assist you with.

Pricing Schedule : Mid Size SUV 4x4

| Option Description | Option Code | Contract Price |
|---|-----------------------------------|----------------|
| BASE VEHICLE PRICE: | | |
| Price of Base Vehicle: Mid Size SUV 4x4 (Ford Explorer) | U7D | \$20,742.00 |
| | | |
| | | |
| OPTIONAL EQUIPMENT: | | |
| Delete carpeted floor mats, add heavy duty vinyl/rubber floor mats | 16N | \$67.50 |
| Side Impact Airbags | STD | STD |
| Skid Plate Kit | 51E | \$315.00 |
| Trailer Towing Package to include 7-wire harness, Class II/III/IV receiver and heavy duty flasher | 53G | \$247.50 |
| Running Boards – step rails | 18P | \$445.50 |
| Power Drivers Seat | STD | STD |
| V8 Engine Upgrade (FFV or Gasoline) – requires trim pkg 101A | 998 | \$1,782.00 |
| Daytime Running Lights | 51D | \$40.50 |
| Engine Block Heater | 41H | \$31.50 |
| AM/FM Stereo with in-dash single CD | STD | STD |
| Rear Air Conditioning | STD | STD |
| Third Row Seating | Rear A/C and 3 rd Seat | \$1,413.00 |
| Reverse Sensing System | 652 | \$400.50 |
| Factory Keyless Entry | STD | STD |
| Service Manual with Wiring Diagrams | After market | \$315.00 |
| | | |
| Additional Options: | | |
| None | | |

AN ORDINANCE NO. 10-FIN-17

To amend the General Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to appropriate \$268,045, consisting of \$1,000 in donations to Public Safety to be used by the Police Department for the purchase of supplies for the DARE and Crime Prevention Programs; \$13,200 in grant funding for use by the Fire/EMS Department to assist in the administration of the CERT Program and enhancements to the Comprehensive Emergency Management Program and Local Emergency Operations Plan; \$94,234 in grant funding for the Community Development Block Grant to assist in the home repair for low to moderate income homeowners in the City and \$84,122 in FY09 funding to be carried over to the current fiscal year; and \$75,489 in donated funds to Public Safety to assist Fire/EMS in the purchase of 3 vehicles and other departmental equipment.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1, 2 and 3 of Ordinance No. 10-FIN-5, the General Fund Budget, be, and are hereby amended and reordained as follows:

1. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, is hereby adopted; and that, subject to transfers by resolution pursuant to § 6.15 of the City Charter, funds hereby appropriated shall be used for the following purposes:

| | |
|-------------------------------|---------------------|
| Legislative (City Council) | \$ 139,753 |
| 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 | 7,286,172 7,375,861 |
| Public Works | 2,726,602 |
| Health and Social Services | 658,800 |
| Parks and Recreation | 1,345,972 |
| Cultural Enrichment | 89,234 |
| Library | 578,536 |
| Community Development | 476,246 |
| Grant Programs | 340,361 518,717 |
| Nondepartmental | 518,387 |
| Debt Service | 2,843,031 |
| Operating Transfers Out | 18,551,172 |

2. That the sum of \$ 47,169,713 47,437,758 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 | 5,747,802 |
| Charges for Current Services | 5,855,236 |
| Miscellaneous | 1,190,840 |
| <i>Restricted Fund Balance -</i> | |
| Police Assets | 787,924 |
| <i>Restricted Fund Balance -</i> | |
| CDBG | 863,910 |
| TOTAL | \$ 47,169,713 |
| | 47,437,758 |

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

Approved:

_____ Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

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

The Honorable Kenneth B. Frenier, Councilman: _____

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

_____ City Clerk

Approved as to form:

Hugh P. Justice, III
City Attorney

AN ORDINANCE NO. 10-15
(As Amended)

To grant a special use permit to John and Patsy Crowder for a 3.67 acre parcel of property located west of Sadler Avenue, which property is presently zoned R-4 Apartment and Multiple-Family Dwelling District, is part of lot 24, A.B. Cook Farm, and has parcel identification number 1600010025A, to allow for the property to be used for a single-family home with no direct access to a public street.

WHEREAS, the Planning Commission at its meeting on March 2, 2010, held a public hearing on the issuance of a special use permit to John and Patsy Crowder for a 3.67 acre parcel of property presently zoned R-4 Apartment and Multiple-Family Dwelling District, to allow the property to be used for a single-family home with no direct access to a public street, as depicted on the attached plat prepared by Timmons Group and revised on November 13, 2009 (the "Plat"); and

WHEREAS, after due consideration, the Planning Commission recommended that City Council approve this ordinance and the special use permit; and

WHEREAS, pursuant to §17.11-1 of the Colonial Heights City Charter and Va. Code §15.2-2204, City Council advertised a public hearing in *The Progress-Index* and held a public hearing at its Regular Meeting on April 13, 2010, to receive citizen comment on the issuance of a special use permit; and

WHEREAS, upon recommendation of the Planning Commission, the determination of City Council is that the public necessity, convenience, general welfare and good zoning practice require that this special use permit be granted; NOW, THEREFORE,

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Council finds, after investigation by the Colonial Heights' Planning Commission, that issuance of a special use permit to John and Patsy Crowder, for property located west of Sadler Avenue, will not be detrimental to the safety, health, morals and general welfare of the community involved; will conform to the principles of good planning; will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; will not create hazards from fire, panic or other dangers; will not tend to overcrowding of land and cause an undue concentration of population; will not adversely affect or interfere with public or private schools, parks, Ordinance No. 10-15

playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; and will not interfere with adequate light and air.

2. That John and Patsy Crowder be and are hereby granted a special use permit for a 3.67 parcel of property located west of Sadler Avenue that is part of lot 24, A.B. Cook Farm, and has parcel identification number 1600010025A, to allow the property to be used for a single-family home with no direct access to a public street, as depicted on the Plat; which Plat is hereby attached to and made a part of this Ordinance.

3. That this permit also shall be subject to review and revocation by Council, at Council's discretion, in the same manner and under the same conditions as required by law for the granting of such permits.

4. That Council grants this special use permit without regard to whether another single-family home already exists on Lot 24, A.B. Cook Farm; and the effectiveness and validity of this special use permit shall not be impacted by the existence, if any, of another single family home on Lot 24.

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

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Detter, III

City Attorney

