

A RESOLUTION NO. 10-28

Appointing DeAnna D. Atkins to the position of City Clerk beginning July 14, 2010.

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

1. That, pursuant to Section 4.4 of the Colonial Heights' City Charter, DeAnna D. Atkins be, and is hereby, appointed to the position of City Clerk for an indefinite term, beginning July 14, 2010.

2. 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:


City Attorney

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.

\s\ C. Scott Davis
Mayor

\s\ Milton E. Freeland, Jr.
Councilman

\s\ Kenneth B. Frenier
Councilman

\s\ W. Joe Green, Jr.
Councilman
\s\ John T. Wood
Councilman

\s\ Elizabeth G. Luck
Vice Mayor
\s\ Diane H. Yates
Councilwoman

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:

Hugh P. Yates, III
City Attorney

Proclamation



COLONIAL HEIGHTS, VIRGINIA

DESIGNATING THE MONTH OF JULY 2010 AS RECREATION AND PARKS MONTH IN THE CITY OF COLONIAL HEIGHTS, VIRGINIA

WHEREAS, public parks and recreation systems are dedicated to enhancing the quality of life for millions of residents in communities around the world through recreation programming, leisure activities and conservation efforts; and

WHEREAS, parks, recreation activities and leisure experiences provide opportunities for young people to live, grow and develop into contributing members of society; create lifelines and continuous life experiences for older members of the community; and generate opportunities for people to come together and experience a sense of community; and

WHEREAS, we recognize the vital contributions of employees and volunteers in our parks and recreation facilities who provide a wide range of high-quality programs for people of all ages and abilities; and

WHEREAS, these dedicated supporters keep public parks clean and safe for visitors, organize youth activities, and ensure that City facilities are accessible places for all citizens to enjoy.

NOW, THEREFORE, I, C. Scott Davis, Mayor of the City of Colonial Heights, do hereby proclaim the month of July 2010 as "Recreation and Parks Month" in the City of Colonial Heights and call upon our citizens to enjoy what our community has to offer by taking part in their favorite sports, visiting the outdoors and spending time with family and friends.

Signed this 13th day of July, 2010.

C. Scott Davis, Mayor

Attest:

Tamara L. Draper, Deputy City Clerk

JUNE 2010 EMPLOYEE OF THE MONTH



NAME: Kevin J. Joyce

POSITION: Building Inspector

EMPLOYMENT

HISTORY: Mr. Joyce was hired in April, 2006 as a part-time Building Inspector in the Planning Department.

NARRATIVE: In April of 2010, Mr. Joyce went above and beyond the call of duty when it came to locating a citizen and protecting their information. A contractor found information in the City Hall parking lot that was sensitive in nature for a citizen. He gave that information to Kevin, who realizing the importance of the information, went back to the parking lot to see if there were anymore papers. He returned to the office, researched the individual and tried to notify them of the location of their documents. He was unable to reach them that day, so he took the information to the Treasurer's Office for safekeeping overnight. The next morning he successfully contacted the citizen and they discussed the documents and she immediately came to City Hall to retrieve them. This information was not only subject to identity theft in multiple areas, but it was also time sensitive. The citizen was an elderly woman who was extremely grateful for all Kevin did, along with the contractor who originally found the documents. To thank them, she baked them both homemade chocolate chip cookies. This information could have been thrown away, left to float in the parking lot or mailed, but realizing the importance, Kevin made every effort possible and did not give up until he reached the elderly woman. This is the kind of action that shows caring, concern and the extra mile Kevin took to assist our citizen.

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, June 8, 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 6:02 P.M.)

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

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 appointments to the Chesterfield-Colonial Heights Board of Social Services, Community Criminal Justice Board, District 19 Community Services Board, Henricus Foundation Board, Library Board and Riverside Regional Jail Authority; and to discuss and consider the position of a City Officer - specifically, potential applicants for the position of City Clerk.**
- B. Section 2.2-3711A.3 – to discuss and consider the acquisition of an easement for the Appomattox River Trail System for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**
- C. Section 2.2-3711A.29 – to discuss the award of a public contract involving the expenditure of public funds for architectural/engineering services for a preliminary design of the former Colonial Heights Baptist Church for use as a Courthouse and discussion of the terms and scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.**

The Clerk announced the purpose of the meeting.

A motion was made by Mrs. Luck, seconded by Mr. Green and carried unanimously on voice vote to convene into closed session at 6:02 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. Frenier and carried unanimously on voice vote at 7:04 P.M.

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

- A. Section 2.2-3711.A.1 – to discuss and consider appointments to the Chesterfield-Colonial Heights Board of Social Services, Community Criminal Justice Board, District 19 Community Services Board, Henricus Foundation Board, Library Board and Riverside Regional Jail Authority; and to discuss and consider the position of a City Officer - specifically, potential applicants for the position of City Clerk.**
- B. Section 2.2-3711A.3 – to discuss and consider the acquisition of an easement for the Appomattox River Trail System for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**
- C. Section 2.2-3711A.29 – to discuss the award of a public contract involving the expenditure of public funds for architectural/engineering services for a preliminary design of the former Colonial Heights Baptist Church for use as a Courthouse and discussion of the terms and scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.**

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

Mr. Green and Mr. Wood read Declarations of Personal Interest pertaining to the location of their personal residences to the Courthouse and the former church property, respectively.

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

Vote:	7-0
Yes:	Freeland, Jr.
	Frenier
	Green, Jr.

	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	None

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 Mr. Freeland:

Chesterfield-Colonial Heights Board of Social Services - Juanita J. Hundley and John T. Thios

Community Criminal Justice Board - Judge Frederick G. Rockwell, III, Judge Thomas L. Murphey, William Davenport, Todd B. Wilson, Jeffrey W. Faries, Eileen Brown, Brad Peebles and James Zahringer

District 19 Community Services Board - Raenord B. Walker

Henricus Foundation Board - Diane H. Yates

Library Board - Frank R. Friedman, JoAn Jones, John T. Thios and Raenord B. Walker

Riverside Regional Jail Authority - William E. Johnson and Kathy L. Sparks (alternate)

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

Motion UNANIMOUS PASS.

Mayor Davis announced that there was no decision to be made under Item B; however, he made a MOTION, which was seconded by Mr. Green, relative to Item C, to approve the Standard Contract and Memorandum of Understanding with Moseley Architects and allow

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the Acting City Manager to enter into agreements for initial feasibility and design work not to exceed the maximum contract amount of \$68,150.

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

Motion UNANIMOUS PASS.

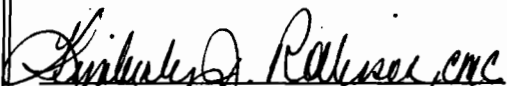
8. Adjournment of Special Meeting.

A motion to adjourn the Special Meeting was made by Mr. Frenier, seconded by Mr. Green and carried unanimously on voice vote at 7:10 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:


Kimberly J. Rollinson, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, June 8, 2010

1. Call to Order.

The Regular Meeting of City Council was called to order by Mayor Davis at 7:10 P.M.

2. Roll Call.

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

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

Absent: None

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

Mr. Jeffrey W. Faries, Chief of Police
Mr. Bruce N. Hansen, Library Director
Mr. William E. Henley, Director of Public Works/Engineering
Mr. A. G. Moore, Jr., Chief of Fire and EMS
Ms. Karen K. Saunders, Information Technology Administrator
Mr. George W. Schanzenbacher, Director of Planning
Mr. Craig R. Skalak, Director of Recreation and Parks
Ms. Kathy L. Sparks, Deputy Director of Finance

3. Devotion.

A devotional prayer was led by Councilman Wood.

4. Pledge of Allegiance.

The Pledge of Allegiance was led by Mayor Davis.

5. Adoption of Agenda.

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

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

Motion UNANIMOUS PASS.

6. Commendations and Presentations.

- A. Presentation of Colonial Heights Beautification Award for June 2010 to Living Word World Outreach Center.**

Mayor Davis recognized Mr. Thomas with the Living Word World Outreach Center and presented him with a plaque for the Center's beautification efforts on the Boulevard.

Mr. Thomas expressed appreciation for the award.

- B. Presentation of Employee of the Month Award for May 2010 to Deborah L. Rose, EMS Firefighter.**

Mayor Davis recognized Ms. Rose, read the commendation in its entirety and presented her with a small token of appreciation.

Ms. Rose expressed appreciation for the recognition.

Mayor Davis recognized School Board Vice Chairman Mr. Les Fryar who was present in the audience representing the School Board.

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

- A. Approval of Minutes:**

- 1. Special Meeting, May 11, 2010.**
- 2. Regular Meeting, May 11, 2010.**
- 3. Special Meeting, May 18, 2010.**
- 4. Special Meeting, May 27, 2010.**

B. Adoption of:

AN ORDINANCE NO. 10-FIN-14 (Second Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to appropriate \$9,000, consisting of \$2,000 in donated funds to Parks and Recreation for the purchase of baseball/softball fence guards and for replacement of the batting cage net at Shepherd Stadium; and \$7,000 in grant funds for the evaluation of the new Chesapeake Bay regulations along with other related ordinances and their impact on the Phase III water quality regulations.

And to amend the Capital Projects Fund Budget to appropriate \$35,000 for the City's share of matching funding for the Appomattox River Trail system; transfer residue amounts from completed projects, Library \$629 and Violet Bank \$646, to the Senior Citizen/Youth Center; and transfer \$26,657 from the Mayor's Beautification project to the Longhorn Drive and Senior Citizen/Youth Center Projects.

AN ORDINANCE NO. 10-20 (Second Reading). 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.

AN ORDINANCE NO. 10-21 (Second Reading). 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.

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

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

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 May 19, 2010 and May 26, 2010.**

AN ORDINANCE NO. 10-22 (First 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 was made by Mr. Green and seconded by Mrs. Yates.

Mayor Davis provided an overview of the document being considered.

Mr. Jason Wilkins with Townes Site Engineering, representing Beech, LLC, explained the purpose of the request.

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

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

Motion UNANIMOUS PASS.

10. Written Petitions and Communications.

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

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

12. Introduction and Consideration of Ordinances and Resolutions.

AN ORDINANCE NO. 10-FIN-15 (First 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".

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

Mayor Davis provided an overview of the document being considered.

Mr. Johnson reported that the funds being appropriated would be forwarded to the Special Olympics.

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

Motion UNANIMOUS PASS.

A RESOLUTION NO. 10-20. Authorization to Pick-up the Employee's Contribution to VRS Under § 414(h) of the Internal Revenue Code For Plan 2 Employees.

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

Mayor Davis provided an overview of the document being considered.

In response to a question from Mr. Wood concerning funding for the contribution, Mr. Johnson stated that the budget had been developed with that in mind.

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

Abstained: None
Absent: None

Motion UNANIMOUS PASS.

A RESOLUTION NO. 10-21. Authorizing the City Manager to enter into a special project service agreement with the Central Virginia Waste Management Authority for CFC/HCFC Collection and Processing Services Program.

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

Mayor Davis provided an overview of the document being considered.

Mr. Johnson stated that the agreement was a continuation of a previous five-year contract.

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

Motion UNANIMOUS PASS.

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

AN ORDINANCE NO. 10-15 (Second Reading) (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.

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

In response to a request from Mayor Davis for comments from Mr. Crowder, Mr. Crowder stated that he had nothing more to say.

In response to a question from Mayor Davis concerning whether or not Mr. Crowder had seen the amendment made by the City Attorney, Mr. Crowder stated that he had and was in agreement with the amendment.

In response to a question from Mr. Wood concerning whether or not the amendment was sufficient to allay some of the concerns the Attorney had expressed earlier with regard to the identification of the parcels, Mr. Fisher recalled that his concern was with whether or not there had been a valid subdivision of Lot 24 because all references referred to Mr. Crowder's parcel as being "part" of Lot 24 and added that it was unclear as to whether or not the parcel had been subdivided into two parcels. He noted that there was a home located on part of Lot 24 that was in the County of Chesterfield and added that by adding the additional language to the ordinance, it should give Council and the applicant more of a comfort level that even if the lot had not been subdivided and there was, in fact, a house already on it, that Mr. Crowder would not run afoul of the Code provision which stated that a resident could only have one house on a lot.

In response to a question from Mr. Wood concerning whether or not the jurisdictional line through the lot divided the lot for that purpose, Mr. Fisher stated that he had been unable to conclusively determine whether or not it did, but added that generally, the jurisdictional line did not act to subdivide a lot.

In response to a question from Mayor Davis concerning whether or not the deed shown to Mr. Fisher by Mr. Crowder clearly showed a division of the lot, Mr. Fisher stated that the two deeds shown to him did not resolve the issue to his satisfaction and added that regardless of what had happened, if a parcel was not validly subdivided, it was, in effect, an illegal subdivision no matter the posture.

In response to a question from Mayor Davis concerning the need for subdivision of lots in two jurisdictions, Mr. Fisher stated that typically a subdivision line did not act to subdivide a lot and added that nothing said the lot had to be subdivided.

Mr. Crowder stated that the City Code clearly implied that a parcel recorded in the Circuit Court of the jurisdiction was a separate parcel and added that one parcel was recorded in Chesterfield County and one was recorded in Colonial Heights. He did not understand how there could be any questions of whether or not they were separate parcels.

Mr. Fisher noted that there was an Attorney General's opinion that irrespective of what had happened, if a parcel had not been validly subdivided, the subdivision did not stand. He added that from what he had seen, he was not convinced there was a valid subdivision because Mr. Crowder had not presented him proof to that effect.

In response to a question from Mrs. Luck concerning whether or not the taxes had been paid on the properties in question, Mr. Crowder stated that there was an issue he was

going to have to deal with because he was being taxed in Chesterfield for the property located there and taxed in Colonial Heights for both properties. He added that he was told that former Mayor Kollman informed the City Assessor that the entire parcel was in Colonial Heights and should be taxed as such. He also stated that he was being taxed by Colonial Heights for other parcels of property he owned that were located in Chesterfield.

Mrs. Luck stated that there were obviously some discrepancies between Mr. Crowder's version of the matter and the City's.

Mr. Fisher stated that he had been approached by the City Assessor's Office in the past concerning back taxes owed on the parcel in question and other parcels for approximately two and a half years.

In response to a question from Mr. Green concerning whether or not Mr. Crowder had receipts for the tax bills, Mr. Crowder stated that he would have to check in his office.

In response to a question from Mr. Green concerning whether or not Mr. Crowder currently owed taxes on the property in question, Mr. Crowder stated that he did.

In response to a question from Mr. Green concerning whether or not Mr. Crowder could get the taxes paid before his request was approved, Mr. Crowder stated that he could not get a building permit before the taxes were paid.

Mr. Fisher stated that he was unsure if there was authority to deny a building permit based upon the owing of taxes.

In response to a question from Mr. Green concerning whether or not Mr. Crowder was willing to take care of the tax issue before he started building, Mr. Crowder stated that he was.

Mr. Green stated that he was good with the matter based on Mr. Crowder's word.

Mr. Fisher provided the option that the matter could be continued for another month in an effort to allow Mr. Crowder to pay the taxes.

A SUBSTITUTE MOTION was made by Mrs. Yates and seconded by Mrs. Luck to continue Ordinance No. 10-15 (As Amended) to the Regular Meeting on July 13th to allow Mr. Crowder the opportunity to pay his delinquent real estate taxes.

Mr. Frenier called attention to the fact that in order to obtain a business license or to conduct business with DMV, delinquent taxes must be paid and added that he felt the same should apply prior to City Council issuing any further indebtedness to that person.

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

Motion UNANIMOUS PASS.

Mayor Davis stated that for the purpose of the tax issue, he would vote "yes", but wanted to clarify that another option would be to put liens on the property and allow Mr. Crowder to move forward.

14. Reports of Officers and Documents Related Thereto.

A. City Manager.

1. Presentation on recommended changes to Temple Avenue as part of the Temple Avenue Interchange Project.

Mayor Davis provided a summary of the Acting City Manager's report.

Mr. Johnson stated that the information was being brought to Council's attention because the design had not been completed.

Mr. Henley stated that he felt the information would be important to be heard directly from VDOT on what they would present in terms of recommendations for changes and access management and recommended that VDOT be given the opportunity to present in August or September before taking a firm position on the matter.

In response to a question from Mayor Davis concerning whether or not Council should send a letter expressing concern over restricting business access before their presentation, Mr. Henley stated that VDOT controlled and owned the right-of-way between the Temple Avenue Interchange and the main line of I-95.

Mr. Green stated that unless VDOT was going to provide alternative accesses to the businesses, what they had proposed to-date was totally unacceptable because it would put three businesses out of business and decrease the City's revenue.

Mayor Davis recalled a similar situation when Conduit Road was expanded and Temple Avenue was added where the 7-Eleven on the corner went out of business due to lack of access to the store. He stated that he did not want that to happen to the current businesses.

Mr. Wood stated that a lot of time and trouble had been spent in the area being discussed to make it safe and felt the recommended changes would create more accidents if citizens were forced to make u-turns. He added that while VDOT might not be concerned with the negative impact on businesses, they might be concerned with safety. He noted that he would be in favor of drafting a letter expressing Council's reluctance to eliminate the accesses without some alternate means of crossing the median to allow access to the businesses involved.

Mrs. Luck stated that she felt it would be appropriate to send something from Council so VDOT understood it would not be acceptable because of the lack of business access and would create more problems overall.

Mr. Green noted his concerns with regard to funding, time and energy spent on the interchange of the Interstate and Temple Avenue by making it six lanes across at the intersection and three lanes coming off the Interstate which multiplied the City's traffic problems on the ramp, but eliminated backup on the Interstate. He stated that he saw the same thing in their current discussion and would hate to see taxes spent for three more months to prepare something that would not help the City.

Mayor Davis stated that he was in agreement with the letter, but noted a comment from Mr. Henley that two of the options were beyond the City's control.

Mr. Henley stated that he did not see it as a firm proposal or VDOT making a decision to cut off access, but instead felt they were attempting to get a sense of where the City stood.

Mrs. Luck stated that she felt VDOT needed some guidance from Council before they held a public hearing.

Mr. Henley noted that one of the intended consequences of widening the ramp was that it pushed it closer to the driveway and crossover which raised safety concerns, and he felt they would come back and address that issue.

Following further discussion on safety and access concerns with VDOT's proposals, it was the CONSENSUS of Council that the City Clerk, in conjunction with City Staff, draft a letter to VDOT expressing Council's reluctance to eliminate the proposed accesses to businesses along Temple Avenue, in conjunction with the I-95/Temple Avenue Interchange Realignment Project, without some alternate means of crossing the median to allow access to the businesses involved.

2. Other matters.

■ Mr. Johnson noted that the draft Zoning Ordinance had been approved by the Planning Commission and was in the process of being printed. He added that it was a very lengthy document and recommended 30 to 60 days for review.

In response to a question from Mayor Davis concerning whether or not something could be provided showing the recommended changes to the existing ordinance, Mr. Schanzenbacher stated that since the old Code was so old, disjointed and unorganized, the Planning Commission had begun a whole new rewrite of the document.

Mr. Fisher called attention to the fact that Mr. Schanzenbacher had a summary of changes, but that while some changes were significant to some, they might not be to everyone.

Mr. Freeland stated that he felt it would take longer than 60 days to review.

- Mr. Johnson reminded City Council of the City Employee Picnic on June 11th.
- Mr. Johnson announced that there would not be a Work Session in June.
- Mr. Johnson reported that revenue figures were looking better and were up by possibly another 25%.

B. City Attorney.

C. Director of Planning and Community Development.

1. Actions, Regular Meeting of Planning Commission, June 1, 2010.
2. Minutes, Regular Meeting of Planning Commission, May 4, 2010.

Mr. Schanzenbacher reported on the actions of the Regular Meeting on June 1st and requested that a public hearing be scheduled on the R. L. Dunn request.

■ Mayor Davis stated that he had received a citizen complaint with regard to the difficulty in making a left turn onto Conduit Road from Ellerslie Avenue and felt the far left turn lane should be set back to correct the problem. He asked that Mr. Henley and Chief Faries look at the site distance associated with that area.

■ In response to a question from Mr. Green concerning the Fourth of July festivities, Mr. Johnson reported that the fireworks would be held on Sunday, July 4th.

■ Mr. Frenier announced that he would be absent from the Regular Meeting on July 13th.

15. Consideration of Claims.

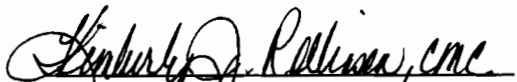
16. Adjournment.

A motion to adjourn the Regular Meeting was made by Mr. Freeland, seconded by Mrs. Yates and carried unanimously on voice vote at 8:12 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:


Kimberly J. Rollinson, City Clerk

AN ORDINANCE NO. 10-FIN-15

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".

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1, 2 and 3 of Ordinance No. 09-FIN-4, 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, 2009, and ending June 30, 2010, 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)	\$	148,167	
Administrative (City Manager)		310,589	
Legal (City Attorney)		207,578	
Tax Collections & Assessments		619,076	
Finance		5,873,655	
Information Technologies		207,867	
Board of Elections		130,159	
Judicial		4,333,683	4,333,983
Public Safety		7,860,601	
Public Works		3,240,162	
Health and Social Services		717,750	
Parks and Recreation		1,430,980	
Cultural Enrichment		92,257	
Library		613,213	
Community Development		542,204	
Grant Programs		528,483	
Nondepartmental		433,817	
Debt Service		11,269,365	
Operating Transfers Out		19,037,766	

2. That the sum of ~~\$ 57,597,372~~ 57,597,672 is appropriated for the fiscal year beginning July 1, 2009.

3. That the foregoing appropriation is based upon the following revenue estimates for the fiscal year beginning July 1, 2009:

General Property Taxes	\$	21,216,669	
Other Local Taxes		14,403,852	
Licenses, Permits & Fees		3,409,794	
Fines and Forfeitures		556,500	
Use of Money & Property		427,000	
Intergovernmental Revenues		6,354,370	6,354,670
Charges for Current Services		1,138,401	
Miscellaneous		9,337,932	
Reserve – Fire/EMS Donations		1,350	

Restricted Fund Balance Fire/EMS	5,000	
Restricted Fund Balance –		
Civic Organizations	450	
Restricted Fund Balance –		
Police Assets	18,929	
Restricted Fund Balance – Streets	132,000	
Fund Balance	305,505	
Restricted Fund CDBG	41,411	
Restricted Fund – Commonwealth Attorney	18,875	
Restricted Fund – Police Asset Forfeit	7,184	
Restricted Fund – Street Maintenance	196,000	
Restricted Fund Balance –		
Courthouse Security Fees	26,150	
TOTAL	\$ 57,597,372	57,597,672

2. 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 June 8, 2010

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

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

Aye

The Honorable Kenneth B. Frenier, Councilman:

Aye

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

Aye

The Honorable Elizabeth G. Luck, Vice Mayor:

Aye

The Honorable John T. Wood, Councilman:

Aye

The Honorable Diane H. Yates, Councilwoman:

Aye

The Honorable C. Scott Davis, Mayor:

Aye

Adopted on its second reading on _____

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

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

City Clerk

Approved as to form:



City Attorney

AN ORDINANCE NO. 10-22

For the City to vacate a 16' waterline easement across Lot 1, Section 3, East Roslyn Farm, owned by Beech, LLC.

WHEREAS, Beech, LLC (the "Applicant"), as owner of Lot 1, Section 3, East Roslyn Farm (the "Property") has requested that the City vacate a 16' waterline easement across Lot 1, Section 3, East Roslyn Farm; and

WHEREAS, this vacation request is due to a plan of development by American Family Fitness; NOW, THEREFORE,

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

1. That, pursuant to the authority granted in Va. Code §15.2-2270, a 16' waterline easement across the Property, being more particularly shown on a plat prepared by Townes Site Engineering and entitled "Plat of Existing 16' Waterline Easement to be Vacated across Lot 1, Section 3, East Roslyn Farm," dated February 3, 2010, last revised March 10, 2010 (the "Plat"), a copy of which is attached hereto and made a part hereof, is vacated.

2. That, pursuant to Va. Code § 15.2-2204, the cost of publishing the notice of public hearing shall be taxed to and paid by the Applicant.

3. That the City Manager be, and is hereby, authorized to execute a deed vacating a 16' waterline easement across Lot 1, Section 3, East Roslyn Farm, designated on the hereinabove referenced plat as "TO BE VACATED", subject to approval by the City Attorney as to form; provided, however, that the City Manager shall not execute such deed until the easement and facilities have been relocated as agreed to by the City Engineer. The cost of recording this ordinance and the deed shall be borne by the Applicant.

4. 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 June 8, 2010

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

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

Aye

The Honorable Kenneth B. Frenier, Councilman:

Aye

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

Aye

The Honorable Elizabeth G. Luck, Vice Mayor:

Aye

The Honorable John T. Wood, Councilman:

Aye

The Honorable Diane H. Yates, Councilwoman:

Aye

The Honorable C. Scott Davis, Mayor:

Aye

Adopted on its second reading on _____

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

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

The Honorable Kenneth B. Frenier, Councilman:

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

The Honorable Elizabeth G. Luck, Vice Mayor:

The Honorable John T. Wood, Councilman:

The Honorable Diane H. Yates, Councilwoman:

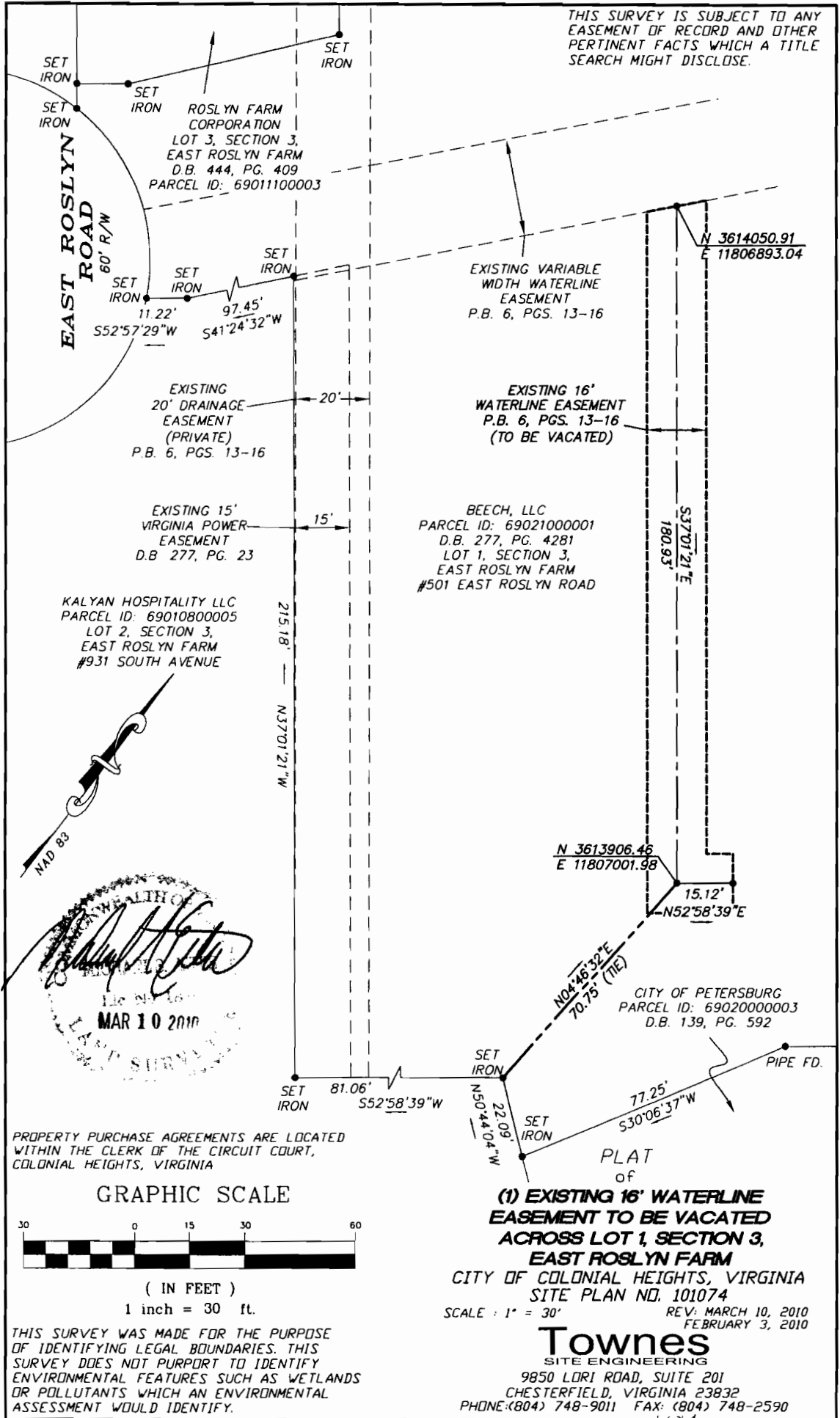
The Honorable C. Scott Davis, Mayor:

City Clerk

Approved as to form:

Hugh B. Fisher, III
City Attorney

THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.



J: SPSKPR04 20090219 dwg 20090219 WATER VACATION dwg 03.10.2010 9:08:13 AM mwood 1-1

DRAWN BY: MWB

CHECKED BY: [Signature]



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

June 17, 2010

RECEIVED

JUN 17 2010

CITY CLERK'S OFFICE

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 comments on and consider the adoption of Ordinance Nos. 10-23 and 10-24.

You are requested to publish the notice on **June 23, 2010 and June 30, 2010.**

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

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

Thank you for your assistance.

Very truly yours,

Hugh P. Fisher, III
City Attorney

Enclosure

cc: The Honorable C. Scott Davis, Mayor
William E. Johnson, Acting City Manager
✓ Kimberly J. Rollinson, City Clerk

**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, July 13, 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:

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.

AN ORDINANCE NO. 10-24

An Ordinance providing that the owner of any developed or undeveloped property in the City, whether vacant or occupied, shall forthwith remove, or cut and remove, any grass, weeds or other foreign growth which exceeds 12 inches in height.

Copies of the proposed ordinances 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 hearing 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.



Revised 5/27/10

SP-10-2-R.L. Dunn – 1210,1212 and 1214 Boulevard –Special use permit request to allow 32 units of multi-family dwellings and 6,800 square feet of commercial space and to demolish 34 units of multi-family housing.

R.L. Dunn, the contract purchaser, is requesting approval to construct 34 units of multi-family dwelling units and 6,800 square feet of commercial space and to tear down 34 units of multi-family housing on a 1.7 acre parcel. The property is currently zoned B-3 General Business (high –density) District

Location:

This property is located at 1210-1214 Boulevard, (southwest corner of Charlotte Ave and the Boulevard). Please see aerial photo below.

Existing land use:

The 1.7 acre site currently has 9 existing buildings located on the site. Please see enclosed Plat map.

Surrounding land uses:

- North- commercial
- South-commercial
- East- commercial (across Boulevard)
- West- single family residential

Existing zoning is as follows:

The site: B-3 General Business (high –density) District

North. B-3 General Business (high –density District and R-PO Residential-Professional Office District

South-. B-3 General Business (high –density District and R-2 Single Family Dwelling District

East-. B-3 General Business (high –density) District

West- R-2 Single Family Dwelling District

Please see the aerial photo for the surrounding areas existing land use and zoning

Relationship to Comprehensive Plan:

The Land Use Plan depicts this area as General Commercial.

Analysis of request:

A special permit application has been filed as the applicant wishes to construct 32 units of multi-family dwellings and remove 34 units and add 6,800 square feet of commercial space. The B-3 Zoning District does not allow multi-family dwellings as a permitted use. This project would remove several old residential structures containing a total of 34 rental units and replace them with new construction consisting of 2 new two story buildings, one would contain 20 dwelling units and the other would be a mixed use, with 6,800 sq. ft. of commercial on the first floor and 12 dwelling units on the second floor. The net site impact would be 2 less dwelling units and the addition of 6,800 square feet of new commercial space.

The enclosed plat map shows that location of the existing buildings and the proposed location of the two new buildings. Also enclosed are architectural renderings of the proposed buildings. The applicant is showing this as a phased project.

The proposed zoning ordinance would generally allow for mixed use developments such as is being proposed. This redevelopment represents an opportunity to upgrade development on the Boulevard. The site is currently 100 % buildings and hard surfaced area.

This project may be developed under the proposed new zoning code or may be under the existing code, depending on timing. There are different standards that would have to be met and these would be considered at the time of site plan review, including setbacks, landscaping, parking etc. The Boulevard Overlay District regulations would also be applicable for this site.

The proposed mixed use development would not be inconsistent with the land use plan designation of General Commercial. There is no mention however of mixed use development in the commercial text of the plan as currently written.

Preliminary building elevations were submitted at the last meeting. Based on these plans the following staff recommendations are proposed:

- All buildings shall be primarily red brick and the architectural treatment shall be consistent with the existing buildings that remain on the site.
- 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.
- 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.
- 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 codes and standards, including; set backs in the B-3 General Business (high - density) District, parking and landscaping, and the Boulevard Overlay District requirements. All buildings should be primarily red brick and the architectural treatment should be consistent with the existing buildings that remain on the site.

Public Work Comments:

A Preliminary Plan of Development needs to be prepared and submitted thru the Site Plan Review process for evaluation of the proposed and existing site conditions for the following:

- a. Storm drainage and storm water management systems.
- b. Public and Private sanitary sewer and water systems.
- c. Landscaping as required by ordinance.
- d. Ingress/Egress to the site provides for safe access to the public.
- e. Off-street parking to determine adequate number of parking spaces shall be provided as per ordinance.
- f. Minimum Handicapped requirements are met regarding parking spaces, ramps, and walkways

Building Official Comments

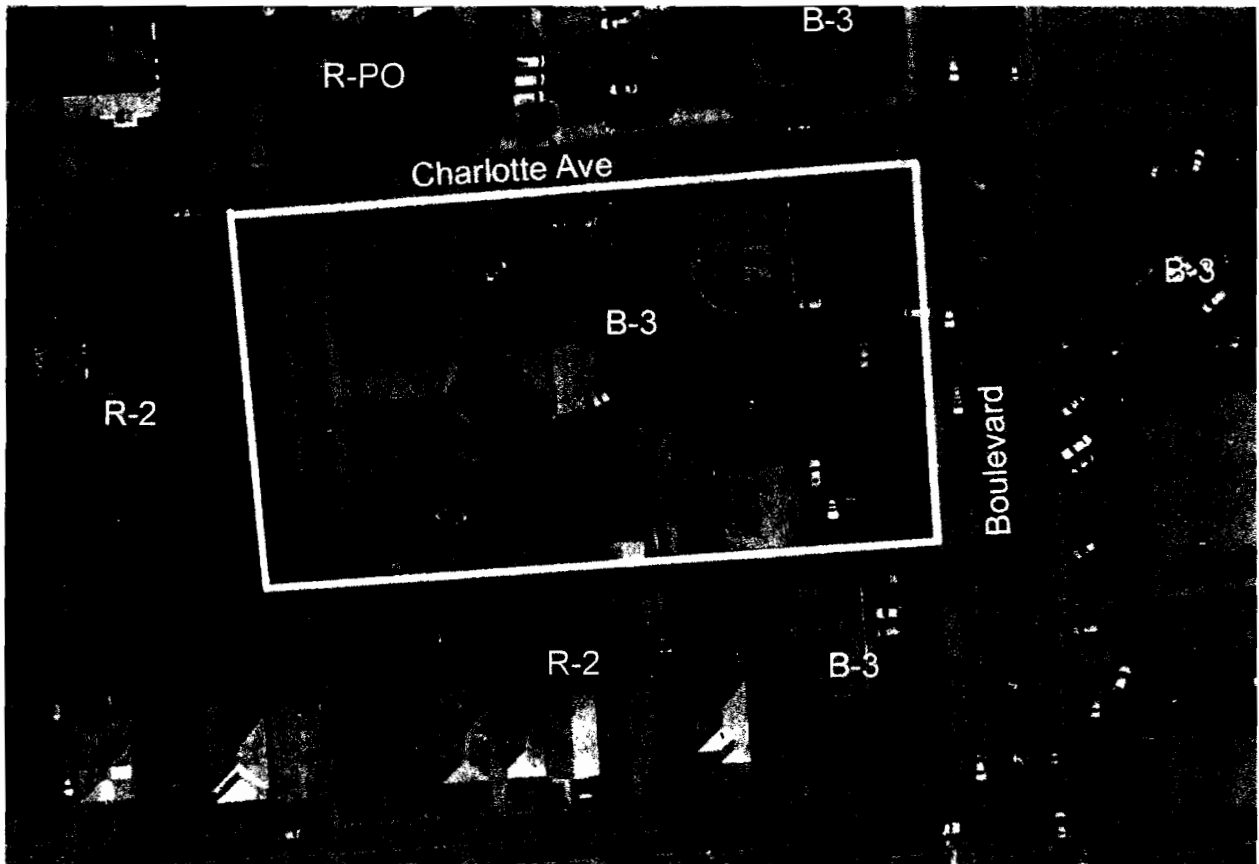
I have no issues on site plan.

Fire Commissioner Comments

- Provide fire flow calculations for each building in accordance with the International Fire Code (IFC).
- Provide fire hydrants in accordance with the International Fire Code (IFC).
- There should be no trees, bushes, or materials within 3 feet of any fire hydrant.
- Need to provide fire access road and turn radius into the property.
- “No Parking Fire Lane” signage and yellow curbing on the south side of Charlotte Avenue adjacent to the property.
- Recommend that each building have different address or apartment addresses that quickly identify the locations.
- If any building has a sprinkler system, they need to install the FIR-3 pit vault with fire hydrant within 50’ feet of the FDC.
- Install the “FDC” signage at the fire department connection in accordance with the IFC.

Enclosed please find the applicants application and a draft resolution for your consideration.

Aerial Photo



Photos



Looking west across the Boulevard



This building would remain



Looking south from Charlotte Ave.



Looking south from Charlotte Ave



Looking north along Charlotte Ave.



Looking north along Charlotte Ave.



Looking south west along Charlotte Ave.



Looking west from Boulevard

DECISION OF PLANNING COMMISSION

Recommend Approval- 4 (Hargis, Johnson, O'Connell, Freeland)

Recommend Denial-2 (Kollman, Hamilton)

Abstain-1 (Townes

THIS SURVEY IS MADE FOR THE PURPOSE OF RECORDING THE BOUNDARY LINES OF THE LOT TO IDENTIFY ENVIRONMENTAL FEATURES AN ENVIRONMENTAL ASSESSMENT REPORT.

THIS SURVEY IS SUBJECT TO ANY ASSESSMENT OF RECORD OR OTHER FACTS THAT MAY BE CURRENT TITLE REPORT MIGHT INDICATE. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

THIS PROPERTY IS NOT LOCATED IN A FEM-DEFINED SUBDIVISION PLAT DATED DECEMBER 18, 1913 BY LARABEE ENGINEERS & SURVEYORS. P.O. BOX 1000, EFFECTIVE SEPTEMBER 2, 1961. NOTE: THIS SURVEY IS BASED UPON A MEASUREMENT FOUND IN THE FIELD. NOTE: SEE NEXT PAGE FOR BUILDING DIMENSIONS.

REFERENCE PLAT: CHESTERFIELD PLACE SUBDIVISION PLAT DATED DECEMBER 18, 1913 BY LARABEE ENGINEERS & SURVEYORS. P.O. BOX 1000, EFFECTIVE SEPTEMBER 2, 1961. PICARDAT SUBDIVISION AT CHESTERFIELD PLACE PLAT DATED AUGUST 28, 1918 BY CARTER & BISHOP.

REFERENCE PLAT: (CONTINUED) PLAT OF BOUNDARY LINE ADJUSTMENT OF LOTS 1 & 2, SUBDIVISION OF LOT 1, DATED FEBRUARY 21, 1998 BY CHARLES C. TOWNE & ASSOCIATES. PLAT AT 100' WIDE AT SURVEYOR'S AT CHESTERFIELD PLACE, DATED AUGUST 1, 2001 BY BASELINE INC.

- UTILITY POLE
- LIGHT POLE
- GRAVEL AREA
- PAVEMENT AREA
- CONCRETE AREA

LINE AS SHOWN BY BASELINE INC. DATED 8/1/01

CHARLOTTE AVENUE
50' & 40' RW

U.S. ROUTE #1 & #301
VARIABLE WIDTH RW

FENCE ENCROACHES OFF PROPERTY 8.32' OFF PROPERTY 1.82'

PIEDMONT AVENUE
50' & 40' RW

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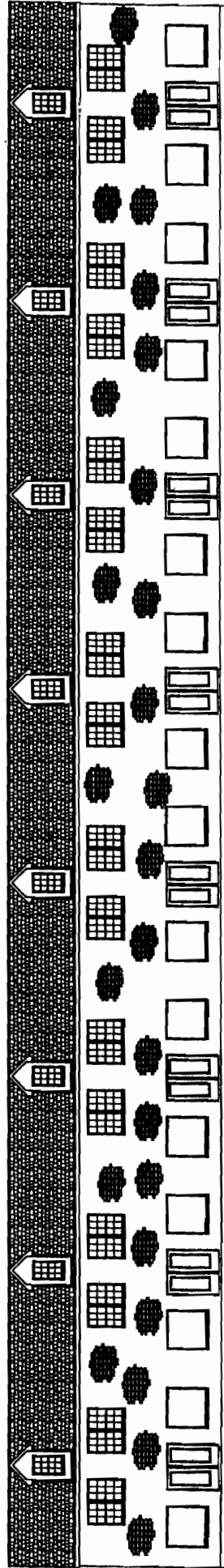
IRON FD. 4.05' NORTH OF LINE

IRON FD. 4.05' NORTH OF LINE

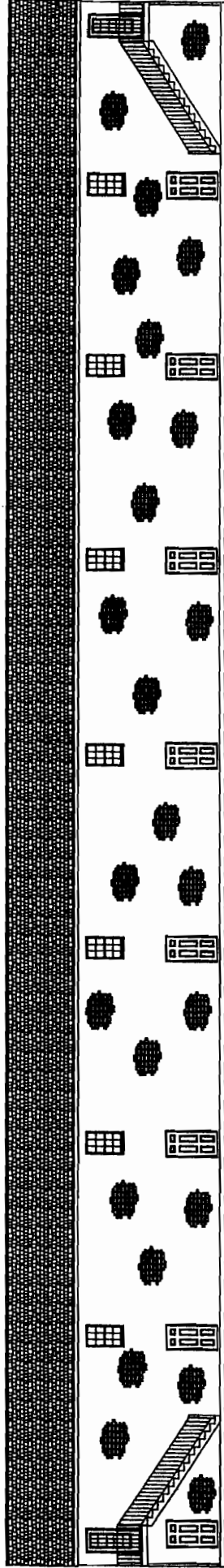
IRON FD. 4.05' NORTH OF LINE

IRON FD. 4.05' NORTH OF LINE

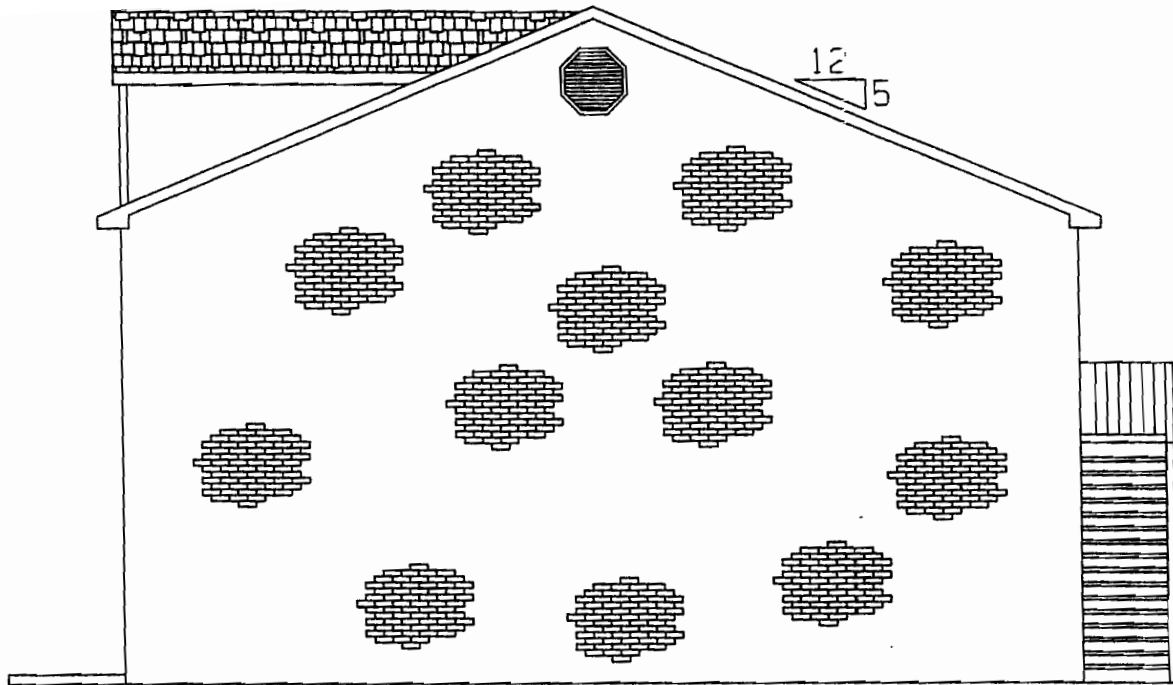
COMMERCIAL & RESIDENTIAL ON BOULEVARD



Front Elevation
Scale 1/4"=1'-0"

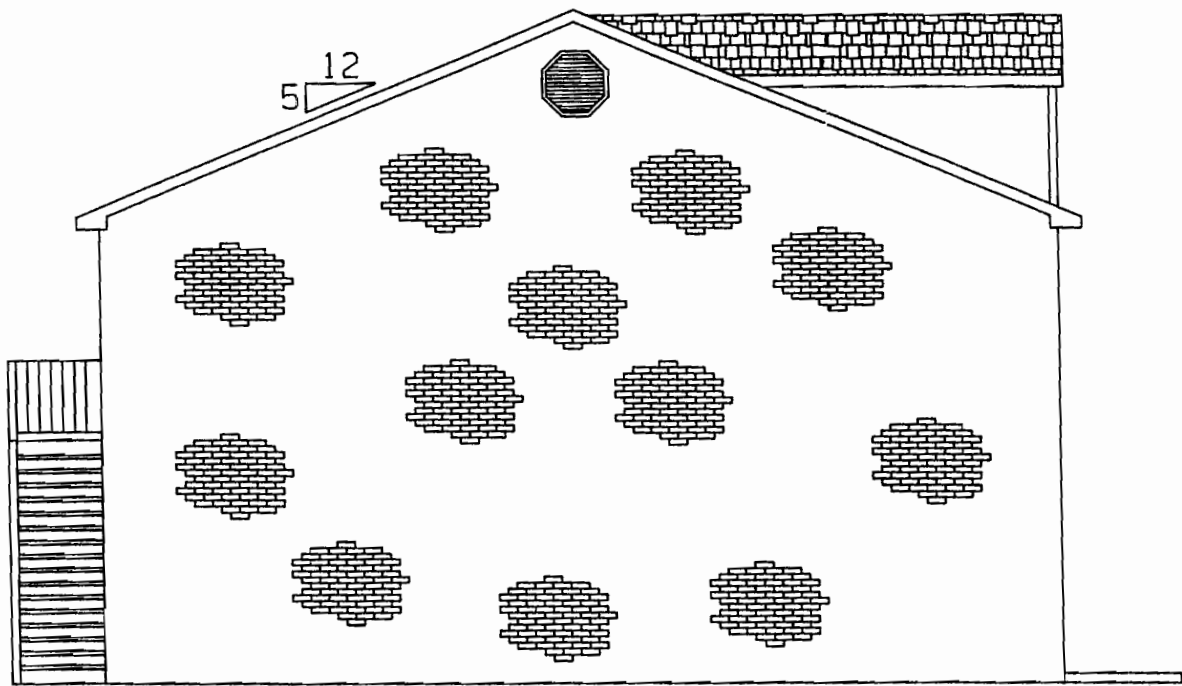


Rear Elevation
Scale 1/8"=1'-0"



Right Elevation

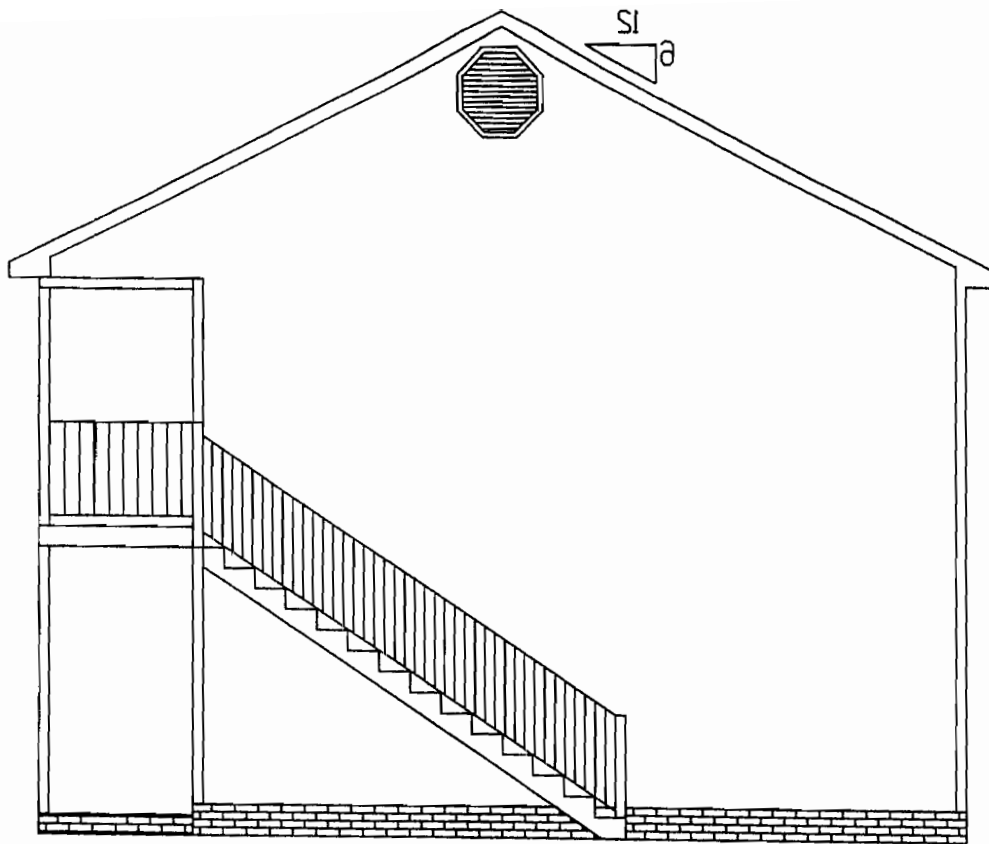
Scale 1/8"=1'



Left Elevation

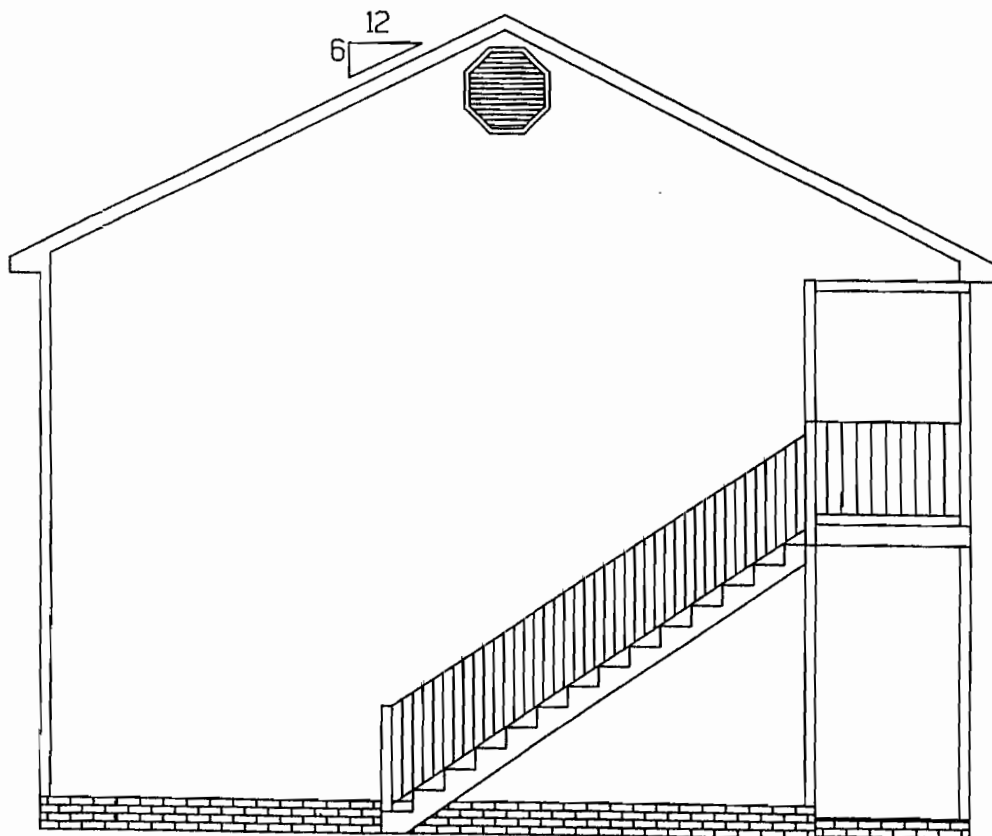
Scale 1/8"=1'

COMMERCIAL & RESIDENTIAL ON BOULEVARD



Right Elevation

Scale 1/8"=1'

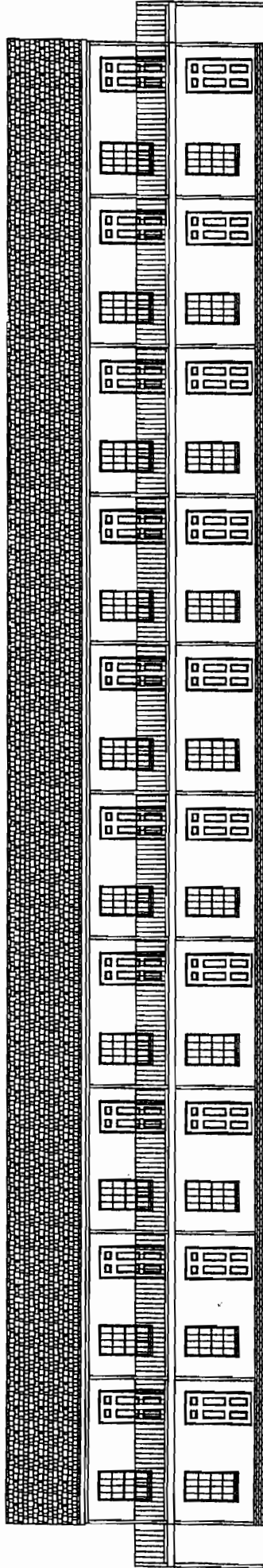


Left Elevation

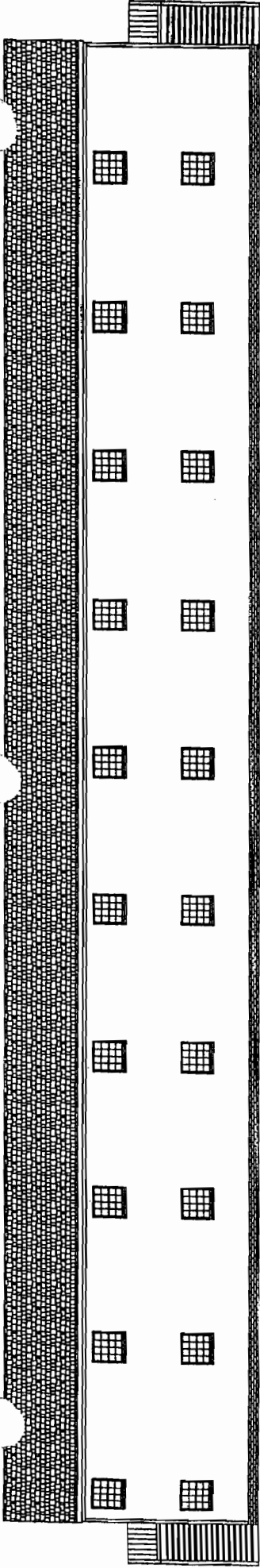
Scale 1/8"=1'

RESIDENTIAL ON CHARLOTTE AVE

RESIDENTIAL ON CHARLOTTE AVE



Front Elevation
Scale 1/4"=1'



Rear Elevation
Scale 1/8"=1'

RESOLUTION NO. 10-2(PC)

To recommend to City Council that an ordinance be approved that grants a special use permit to R.L. Dunn allowing for 32 units of multi-family housing and 6,800 square feet of commercial space. The property is 1.7 acres, Identification # 24000200009, and is located at 1210, 1212 and 1214 Boulevard.

WHEREAS, the Planning Commission has considered the attached ordinance, Exhibit A, relating to the development of 32 units of multi-family housing and 6,800 square feet of commercial space as depicted in Exhibit B; and

WHEREAS, the Planning Commission has received comment on the proposed use by duly advertising a public hearing in The Progress Index on May 17th, 2010 and on May 24th, 2010 and by holding a public hearing on June 1, 2010; and

WHEREAS, the Planning Commission has determined that the public necessity, convenience, general welfare, and good planning practice support the special use and conditions requested for the area; and

WHEREAS, the Planning Commission finds that granting the special use permit 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.

NOW, THEREFORE, BE IT RESOLVED BY THE COLONIAL HEIGHTS PLANNING COMMISSION:

That the Planning Commission recommends to City Council that the attached ordinance, Exhibit A, be approved and that a special use permit be issued to R.L. Dunn allowing for 32 units of multi-family housing and 6,800 square feet of commercial space on a 1.7 acre parcel, 1210, 1212 and 1214 Boulevard, as depicted in Exhibit B., subject to the following conditions:

- All buildings shall be wherever reasonable red brick and the architectural treatment shall be consistent with the existing buildings that remain on the site.
- 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.
- 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.
- 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 codes and standards, including; set backs in the B-3 General

Business (high -density) District, parking and landscaping, and the
Boulevard Overlay District requirements.

Approved this 1st day of June, 2010.

APPROVED:

Chairman

ATTEST:

Secretary

Vote:

In favor: Hargis, Johnson, O'Connell, Freeland

Against: Hamilton, Kollman

Abstain: Townes

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:

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. Doherty 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 occupants 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:

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: _____

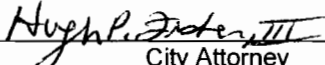
The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:



City Attorney



CITY OF COLONIAL HEIGHTS

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

Office of the City Manager

July 8, 2010

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

Ladies and Gentlemen:

The Budget Amendment for July 2010 is summarized as follows:

1. The Police Chief has obtained an award of \$3,523 from the Byrne Justice Assistance Grant Program. These funds will be used to purchase two patrol rifles and will allow the Police Department to continue toward the goal of outfitting all officers with a rifle. The acceptance of this grant for these items is recommended and presented for your consideration. No additional local funding is required.
2. Traditionally the Director of Finance recommends an amendment to City Council's Final Budget, once final appropriations are available from the Commonwealth of Virginia. This amendment finalizes Commonwealth estimates after the General Assembly has completed its budget activities, and the City's through various State Agencies, once they have received final figures on state aid and other reimbursements. My attached report identifies the numerous revenue changes. In addition, we have made adjustments including an unanticipated increase in the Virginia Retirement System rate. These were partially offset by salary savings and lapse from employees whose retirements were finalized after the budget process was completed.
3. The Fire Chief has obtained an award of \$15,000 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 training exercises and equipment for the Crater Regional Haz-Mat Team. The acceptance of this grant for these items is recommended and presented for your consideration. No local funding is required.

The Honorable Mayor and Members of City Council
July 8, 2010
Page 2

4. Annually, the Office on Youth administers a work experience program funded by the Youth Conservation Corps that is conducted at Pocahontas State Park. The City serves as the fiscal agent for the program and the \$11,500 in State Funding needs to be appropriated for the operating expenses and the stipends can be disbursed.
5. Staff has identified a grant that will provide funding for a special study of the City's Appomattox River Corridor and will be the start of an economic development strategy for this area. This area of more than 100 acres of vacant and transitional holdings contains the largest vacant/undeveloped commercial land holdings in the City. The Virginia Housing Development Authority (VHDA) has given preliminary approval of grant funding to carry out a mixed use study of the area. In addition to possible mixed use housing opportunities, this study would look at overall infrastructure needs and how to maximize the potential development of this area. This general study would also explore ideas such as walking trails, financing and design options. If you authorize this appropriation, we would develop a RFP to continue this initial phase of this process.

Ordinance No. 10-FIN-16 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
Eileen M. Brown, Director of Office on Youth & Human Services
George W. Schanzenbacher, Director of Planning & Community Development

City of Colonial Heights
Ordinance/Resolution Recap Worksheet
July 2010

	Local Emergency Management Planning Grant	State Budget & Miscellaneous Budget Adjustments	Homeland Security Grant	Youth Grant Va Dept of Conservation	VHDA Grant	Total
GENERAL FUND						
REVENUE:						
Intergovernmental						
Total	3,523	199,804	15,000	11,500	10,000	239,827
	\$3,523	\$199,804	\$15,000	\$11,500	\$10,000	\$239,827
EXPENDITURES:						
Finance		182,136				182,136
Judicial		\$20,726				20,726
Public Safety	3,523	(7,111)	15,000			11,412
Public Works		76,243				76,243
Parks & Recreation		(61,738)				(61,738)
Community Development		(7,226)			10,000	2,774
Grants				11,500		11,500
Nondepartmental		(3,226)				(3,226)
Total	\$3,523	\$199,804	\$15,000	\$11,500	\$10,000	\$239,827



CITY OF COLONIAL HEIGHTS

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

COLONIAL HEIGHTS POLICE DEPARTMENT

RECEIVED

June 30, 2010

JUL 06 2010

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

City Manager's Office

**RE: BYRNE JUSTICE ASSISTANCE GRANT PROGRAM
LOCAL LAW ENFORCEMENT BLOCK GRANT (L.L.E.B.G.) for 2010**

Dear Bill:

The Colonial Heights Police Department has been awarded a *Byrne Justice Assistance Grant* (#10-L1110LO09) in the amount of **\$3,523.00** from the Department of Criminal Justice Services. Our department intends to use the funds to purchase two (2) new .223 caliber patrol rifles with all pertinent equipment. Additionally, the department will send two officers to rifle instructor and rifle armorer school, requiring the department to supply ammunition for training. This acquisition and training will help to meet the department's objective of outfitting all officers with a rifle. The grant requires local cash matching funds in the amount of \$391.00, making the grant total \$3,914.00, and covers the period April 1, 2010 through December 31, 2010.

We would appreciate your placing this item on the next City Council agenda or work session so that it may be reviewed at that time. Once the grant acceptance is approved by Council after two readings, we would ask that the funds be transferred into the Police Department's **Grant Funds Account #1401-5263**, making it available for spending.

Many thanks for your attention to this matter.

Sincerely,

Colonel Jeffrey W. Faries
Chief of Police

JWF:bbh

Cc: Ms. Kathy Sparks, Assistant Director of Finance
Capt. Wayne T. Newsome, Law Enforcement Services Division Commander
Sgt. Robert L. Ruxer, Law Enforcement Services Division
Mrs. Joy Moore, Treasurer

RECEIVED
JUL 06 2010
FINANCE DEPARTMENT

Department of Criminal Justice Services
1100 Bank Street, 12th Floor, Richmond, VA 23219

Byrne Justice Assistance Grant Statement of Award/Acceptance

Subgrantee: City of Colonial Heights	Date: May 17, 2010 Grant No: 10-L1110LO09	Grant Period: April 1, 2010– December 31, 2010
Project Director	Project Administrator	Finance Officer
Col. Jeffrey W. Faries Chief of Police City of Colonial Heights P. O. Box 3401 Colonial Heights, VA 23834 Phone No: (804) 520-9311	Mr. William E. Johnson Acting City Manager City of Colonial Heights P. O. Box 3401 Colonial Heights, VA 23834 Phone No: (804) 520-9265	Mr. William E. Johnson Finance Director City of Colonial Heights P. O. Box 3401 Colonial Heights, VA 23834 Phone No: (804) 520-9332
TOTAL PROJECT	Federal \$3,523	Subgrantee Cash Match \$ 391
		TOTAL \$3,914

This grant is subject to all rules, regulations, and special conditions included in this award.

Garth L. Wheeler, Director

Please provide the information requested below. See attached instructions for completing the award acceptance. Enter the amount of Federal funds you plan to spend in each category below. The total of Federal funds entered must equal the total of Federal funds awarded in this grant. Please round to the nearest dollar.

Purpose Areas	Federal Amount	Category
1. Law Enforcement		
a. Hiring	\$	# Current Officers _____
b. Overtime	\$	# Officers to Hire _____
c. Equipment:		# Current Support Personnel _____
(1) Traditional Law Enforcement Equipment	\$ 2,523.00	# Support Personnel to Hire _____
(2) Information Technology	\$	Sworn <input type="checkbox"/> Civilian <input type="checkbox"/>
2. Prosecution & Courts	\$	
3. Prevention & Education	\$	
4. Corrections & Community Corrections	\$	
5. Drug Treatment	\$	
6. Planning, <u>Education</u> & Technology Improvement	\$ 1,000.00	

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this 29th day of June, 2010.

Signature of Project Administrator: William E. Johnson Title: Acting City Manager

Budget Narrative
Local Law Enforcement Block Grant
City of Colonial Heights Police Department
10-L1110LO09

The Colonial Heights Police Department will purchase two .223 caliber patrol rifles. These rifles will allow the department to continue towards the goal of outfitting all officers with a rifle.

Additionally the department will send two officers to rifle instructor school and rifle armorer school. This school required the department to supply ammunition for training.

<u>Item Name and Description</u>	<u>Quantity</u>	<u>Cost per item</u>	<u>Total Cost</u>
Patrol Rifle	2	\$905.00	\$1810.00
Patrol Rifle Accessories			\$341.56
Rifle ammunition			\$762.44
Rifle Instructor and Armorer School			\$1000.00
TOTAL			\$3914.00



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Garth L. Wheeler
Director

May 17, 2010

1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
TDD (804) 386-8732

Mr. Richard A. Anzolut Jr.
City Manager
City of Colonial Heights
P. O. Box 3401
Colonial Heights, VA 23834

Title: Byrne Justice Assistance Grant, 10-L1110LO09

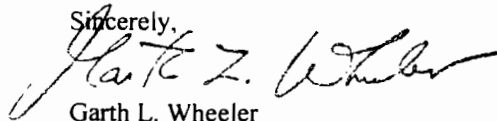
Dear Mr. Anzolut:

The Byrne Justice Assistance Grant Program (JAG) makes federal funds available to localities to help support their efforts to reduce crime and improve public safety. The Department of Criminal Justice Services has been designated to administer a portion of the JAG funds reserved for Virginia and to make those funds available to local units of government. I am pleased to advise you that we are awarding your locality \$3,523 in federal funds. With the required local cash matching funds of \$391, your total award is \$3,914.

Enclosed you will find a *Statement of Grant Award* and a *Statement of Grant Award Special Conditions*. To indicate your acceptance of the award and conditions, please complete and sign the award acceptance and return it to Janice Waddy, General Administration Manager II, Office of Grants Management, at the Department of Criminal Justice Services (DCJS). Please review the conditions carefully, as they include specific requirements about how the grant funds must be managed once you receive them. We are required to provide the entire federal portion of your award in one distribution. Please refer to the enclosed "Post Award Instructions and Reporting Requirements" for details on how to request funds using our online Grants Management Information System (GMIS). **All financial reports and request for funds must be submitted through GMIS.**

In order to complete the award acceptance, you must also provide information on how your locality will use the awarded federal funds. Instructions are attached.

We appreciate your interest in this grant program and will be happy to assist you in anyway we can to assure your project's success. If you have any questions, please contact Heather Black at (804) 371-0635 or by email at heather.black@dcjs.virginia.gov.

Sincerely,

Garth L. Wheeler

Enclosures

cc: Col. Jeffrey W. Faries, Chief of Police
Mr. William E. Johnson, Finance Director
Ms. Heather Black, DCJS

RECEIVED

JUN 14 2010

Colonial Heights Police Dept.

STATEMENT OF GRANT AWARD SPECIAL CONDITIONS

Department of Criminal Justice Services

1100 Bank Street, 12th Floor

Richmond, Virginia 23219

Byrne Justice Assistance Grant Program -- Local Agencies

Subgrantee: Colonial Heights City

Grant Number: 10-L1110LO09

Federal Catalog No.: 16.738

Title: Local L. E. Block Grant

Date: May 17, 2010

The following conditions are attached to and made a part of this grant award:

1. By signing the Statement of Grant Award/Acceptance, the grant recipient agrees:
 - to use the grant funds to carry out the activities subgrantee establishes in the Statement of Grant Award/Acceptance, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
 - to adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions;
 - and, to comply with all terms, conditions, and assurances attached to this award.
2. The subgrantee agrees to submit such reports as requested by DCJS.
3. By accepting this grant, the recipient assures that funds made available through it will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purposes.
4. By accepting this grant, the recipient assures that a trust fund will be established in which to deposit grant funds. Any interest gained from the trust fund may be used to add to the Federal award amount. Any interest earned must be spent within the grant period, and on eligible program activities.
5. If these requirements can be met within the recipient's current financial management system, there is no need to establish a separate account.
6. Grant funds are not to be used to purchase, lease, rent, or acquire tanks or armored vehicles, fixed-wing aircraft, limousines, real estate, yachts, consultants, or any vehicle not used primarily for law enforcement.
7. The subgrantee agrees to forward a copy to the DCJS of the scheduled audit of this grant award.
8. All purchases for goods and services must comply with the Virginia Public Procurement Act. Procurement transactions, whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. An exemption to this regulation requires the prior approval of the DCJS and is only given in unusual circumstances. Any request for exemption must be submitted in writing to the DCJS.
9. **PROJECT INCOME:** Any funds generated as a direct result of DCJS grant funded projects are deemed project income. Project income must be reported on forms provided by DCJS. The following are examples of project income: Service fees; Client fees; Usage or Rental fees; sales of materials; income received from sale of seized and forfeited assets (cash, personal or real property included).

10. By accepting the accompanying grant award, you are agreeing to submit financial reports during the grant period, as well as a final report to close out the grant. **Financial reports are due no later than the close of business on the 12th working day after the end of the quarter.**
11. Grant funds, including match, must be expended and/or obligated during the grant period. All legal obligations must be liquidated no later than 90 days after the end of the grant period. The grant recipient agrees to supply a final grant financial report and return all unexpended grant funds to DCJS within 90 days of the end of the grant period.
- 12. No extensions of the grant period for this award will be permitted.**
13. Prior to DCJS disbursing funds, the Grantee must comply with the following special conditions:
 - (a) Submit a budget narrative outlining all expenditures.



CITY OF COLONIAL HEIGHTS

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

FINANCIAL ADMINISTRATION

To: City Council

From: William E. Johnson, Director of Finance *W E Johnson*

Date: 7/13/10

RE: Budget Modifications

The City has received funding notifications based on final State formulas for grants and other intergovernmental reimbursements that were estimated during the annual budget process. This is also the time we normally make modifications to salary & wages budgets to reflect turnover in personnel and make any corrections found since the presentation of the originally proposed budget.

State Funding Changes

We have now received revised funding notifications due to State budget changes for the following intergovernmental revenue accounts: Library Funds, Street Construction & Maintenance, Juvenile Crime Grant, Law Enforcement Recoveries (HB 599) Victim Witness Grant and re-estimated our portion of State revenue reimbursement that we label as Aid to Commonwealth. These were previously estimated due to the timing of the State budget process. Any increase in State street construction funding has been traditionally added to the street paving account, and my proposed budget revision continues this tradition. Also included is the updated Four for Life and Department of Fire Programs Aid to Localities funding for Fire Equipment. This will increase the budgeted purchase of equipment by \$37,500 in the upcoming year.

Intergovernmental Reimbursements

These reflect increases/decreases in State funding for salary reimbursement changes in constitutional and election official offices. These offices include Commissioner of Revenue, Treasurer, Circuit Court, Sheriff, Commonwealth Attorney and Electoral Board. As part of the State budget process, the Treasurer and Commissioner of Revenue each lost a State funded position, whereas Circuit Court received a new funded position. My recommended modification adds the new position in Circuit Court and does not provide for any current reduction of employees in the Treasurer or Commission of Revenue offices at this time.

Salaries & Wages

These accounts only contain differences based on turnover and corresponding saving in budgeted salaries, with the exception of the new state funded position in Circuit Court noted above. With several retirements, these reductions helped rebalance the budget without additional departmental cuts.

Fringe Benefits

The Virginia Retirement System modification to the employer contribution rates for Local employees did not follow the same leveling methodology that they adopted for the State and School employees. The City's employer rate was increased from 10.63% to 13.24% which does not include the 5% employee share. This unexpected rate increase raised our projected cost by over \$220,000.

Required Appropriations

At this time, I am not recommending any changes to the pending personnel reductions or the inclusion of two unpaid holidays for all employees. With the past mid-year corrections of estimated State and Local revenues, I still see the need of maintaining this budgetary flexibility. I will continue to monitor the situation with the desire to eliminate the unpaid holidays before they come due.

I have attached a detailed summary of my proposed modifications, which totals \$219,054 in overall budget increases. This includes the recommended \$76,243 increase in the street paving program and \$37,500 increase in fire equipment funded by State Fees and results in a decrease of \$21,476 in the Contingencies and Reserve account.

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

	<u>Budget</u>	<u>Modifications</u>	<u>Revised Budget</u>
REVENUES:			
Intergovernmental Revenues			
Library Funds	150,725	(8,854)	141,871
Street Construction & Maintenance	\$2,090,675	76,243	\$2,166,918
Commissioner of Revenue - Recoveries	86,481	(3,618)	82,863
Treasurer - Recoveries	85,324	(6,796)	78,528
Circuit Court - Recoveries	184,640	48,843	233,483
Sheriff - Recoveries	273,764	18,473	292,237
Commonwealth's Attorney - Recoveries	432,595	6,844	439,439
State Board of Election - Reimbursement	43,000	118	43,118
Dept of Fire Programs	31,750	14,850	46,600
Dept of Health & Medical Services	12,500	4,400	16,900
Juvenile Crime Grant	93,000	(20,358)	72,642
Law Enforcement Recoveries HB599	488,161	94,021	582,182
Victim Witness Grant	40,000	13,574	53,574
Aid to Commonwealth	(93,432)	(18,686)	(112,118)
Total	<u>3,919,183</u>	<u>219,054</u>	<u>4,138,237</u>
TOTAL REVENUES	<u>\$3,919,183</u>	<u>\$219,054</u>	<u>\$4,138,237</u>
EXPENDITURES:			
FINANCE			
Financial Administrat Salary Lapse	383,876	(4,796)	379,080
Employee Benefits Employer Fica	903,090	(6,506)	896,584
VRS Retirement	1,774,042	220,019	1,994,061
Group Life Insurance	57,192	(26,581)	30,611
Total	<u>3,118,200</u>	<u>182,136</u>	<u>3,300,336</u>
JUDICIAL			
Circuit Court Salary - New Position	224,953	23,726	248,679
Temporary & Seasonal	6,000	(3,000)	3,000
Total	<u>230,953</u>	<u>20,726</u>	<u>251,679</u>
PUBLIC SAFETY			
Police Salaries	2,618,080	(7,111)	2,610,969
Fire Fire Equipment	26,000	37,500	63,500
Total	<u>2,644,080</u>	<u>30,389</u>	<u>2,674,469</u>
PUBLIC WORKS			
Street Maintenance Professional & Special Services	375,000	76,243	451,243
Total	<u>375,000</u>	<u>76,243</u>	<u>451,243</u>
RECREATION			
Recreation Salary Lapse	242,815	(31,415)	211,400
Parks Salary Lapse	299,628	(30,323)	269,305
Total	<u>542,443</u>	<u>(61,738)</u>	<u>480,705</u>
Community Development			
Planning Salary Lapse	170,260	(7,226)	163,034
Total	<u>170,260</u>	<u>(7,226)</u>	<u>163,034</u>
NONDEPARTMENTAL			
Contingencies & Reserve - Revenue Estimates	100,000	(21,476)	78,524
Total	<u>100,000</u>	<u>(21,476)</u>	<u>78,524</u>
TOTAL EXPENDITURES	<u>\$7,010,676</u>	<u>\$219,054</u>	<u>\$7,236,956</u>



RECEIVED OF COLONIAL HEIGHTS


JUN 23 2010
P.O. Box 3401
COLONIAL HEIGHTS, VA 23834-9001
www.colonial-heights.com

City Manager's Office

COLONIAL HEIGHTS FIRE, EMS AND EMERGENCY MANAGEMENT

Memorandum

To: William E. Johnson, Acting City Manager

From: David A. Salot, Deputy Chief of Fire & EMS 

Date: June 21, 2010

Subject: July Council Agenda

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

Amend the FY 10-11 Fire & EMS operating budget to reflect an increase of \$15,000.00. Said funds have been appropriated from the Virginia Department of Emergency Management (VDEM) 2009 Homeland Security Grant. No matching funds are required. (See attached allocation letter).

The funds will be used to be used for training exercises and equipment for the Crater Regional Haz-Mat Team.

If you have any additional questions, please feel free to contact me at extension 319, thank you.

AGM/ls

Attachments

cc: Hugh P. Fisher, City Attorney

A. G. Moore, Jr., Chief of Fire & EMS



COMMONWEALTH of VIRGINIA

Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

BRETT A. BURDICK
Deputy Coordinator

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

April 13, 2010

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

Dear Mr. Johnson:

The Virginia Department of Emergency Management (VDEM) is pleased to announce the allocation of 2009 State Homeland Security Grant, (CFDA # 97.073) from the National Preparedness Directorate (NPD), United States Department of Homeland Security (DHS). Your locality has been funded for:

- Project Title: Crater Region Haz-Mat Team Equipment Exercise and Training
- Amount: \$ 15,000.00

The obligation period for this program is June 1, 2010 to December 31, 2011. Reimbursement may be requested for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB circular A-133.

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.

All subrecipients are requested to submit a completed VDEM grant application. The application, project plan, and timeline will be due 30 days from the receipt of this letter. Below is a list of the documents that comprise the VDEM grant application:

"Working to Protect People, Property and Our Communities"

Mr. William E. Johnson
April 13, 2010
Page 2

POC Form and Budget Sheets	www.vaemergency.com/grants/forms
Grant Assurances	www.vaemergency.com/grants/forms
Cert. Regarding Lobbying	www.vaemergency.com/grants/forms
Non-Supplanting Certification	www.vaemergency.com/grants/forms
EHP Checklist	www.vaemergency.com/grants/forms

A quarterly report will be required 15 days after each quarter starting (July 15, 2010). The quarterly report will be due until the end of the grant period or when the project is complete. An electronic copy of these documents can be found at www.vaemergency.com under grant forms. The final reports are due by April 15, 2012. These reports should be held for at least three years after the close of the grant period and are subject to audit by DHS and/or the Commonwealth of Virginia.

The Commonwealth will only send grant funds to a subrecipient upon proof of purchase of allowable expenditures. To accomplish this, VDEM will forward a "Request for Drawdown" form once you have completed your application process.

Please review and sign the required documents and return them to the Grants Management Office by May 13, 2010. If you have any questions regarding this award, please contact JoAnn Maher at the VDEM Grant Management Office at (804) 897-6500 extension 6601.

Sincerely,



Michael M. Cline

Enclosures:

Cc: The Honorable Terrie L. Suit, Assistant to the Governor for Commonwealth Preparedness
The Honorable Marla G. Decker, Secretary of Public Safety
Mr. Mike McAllister, Deputy Assistant to the Governor for Commonwealth Preparedness
Mr. Brett Burdick, Administrative Deputy State Coordinator
Ms. Cheryl Adkins, VDEM Grant Administrator
Mr. Gregory Britt, Director of Technical Hazards Division
Mr. Wade Collins, Deputy Director of Technical Hazards Division
Mr. Joe Boisseau, Deputy Fire Marshal



CITY OF COLONIAL HEIGHTS

P.O. Box 3401
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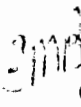
JUL 13 2010

Office on Youth & Human Services
804-520-9286

Human Resources Office

MEMORANDUM

TO: William Johnson, Acting City Manager

FROM:  Eileen M. Brown, Director
Office on Youth & Human Services

SUBJECT: Summer Youth Conservation Corps Program Funds

DATE: July 6, 2010

Once again Colonial Heights will be the fiscal agent for the Pocahontas State Park Project, Summer Youth Conservation Corps. An invoice has been mailed to Nancy Heltman, Virginia Dept. of Conservation & Recreation in the amount of \$11,500. A copy of the invoice is attached.

Thank you for bringing this before City Council as we are requesting approval at their earliest convenience.

Thank you.

EMB/pc

Enclosure

Office on Youth & Human Services
Summer Youth Conservation Corps
Virginia Department of Conservation

INVOICE

ATTN Nancy Heltman - Virginia Department of Conservation & Recreation
203 Governor Street, Suite 306, Richmond, VA 23219

REMIT TO Office on Youth & Human Services
PO Box 3401
Colonial Heights VA 23834

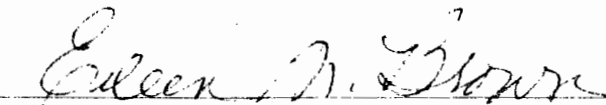
FOR Summer Youth Conservation Corps – Pocahontas State Park Project
Participants & Staff Salary for Summer 2010

\$500 x 14 youth = \$7,000.00

\$1,500 x 3 staff = \$4,500.00

TOTAL \$ 11,500.00

Approved by



Eileen M. Brown, MSW, LCSW

Director, Youth & human services

Phone: 804-520-9286 browne@colonial-heights.com

Date

July 6, 2010

NOTE We appreciate you expediting this money to us, so participants can be paid by graduation date of the program.*

Department of Planning and Community Development

TO: Planning Commission

FROM: George W. Schanzenbacher, AICP- Director

DATE: Monday June 28, 2010

SUBJECT: Appomattox River Corridor Economic Development Strategy

Enclosed please find a special study summary of the Appomattox River Corridor and how staff believes that from it an economic development strategy for this area could be created. In support of this concept the Virginia Housing Development Authority (VHDA) has given preliminary approval of grant for \$10,000 to carry out a mixed use study of the area. This area contains the largest vacant commercial land holdings in the city. In total there are more than 100 acres of vacant land and other lands that are now in transition due to the recent closing of Dominion Auto Group and the future relocation of the Priority Nissan dealership to Ruffin Mills (now under construction).

We have talked to both Dominion Auto Group and Roslyn Farm Corporation about this concept. Along with the City, they are the major land owners in the corridor. In addition to looking at possible mixed use housing opportunities this study would look at the infrastructure needs of the area, what the highest and best land usage might be and how the entities working together could leverage the resources to maximize its development potential. Ideas such as walking trails, financing and design options will also be explored.

The next step in the process would be to develop and RFP to secure consultant assistance to carry out the detailed scope of work for the effort. Planning Commission participation in this effort as work elements progress is expected and I wanted to make sure that you were all informed about the study effort.

Please call with any questions at 520-9275

George

**City of Colonial Heights, VA
Appomattox River Development Corridor
An Economic Development Opportunity**

Introduction

Changing circumstances often present new opportunities, like when the negative loss of businesses can lead to previously unidentified positive redevelopment opportunities. The City is at a point where a new economic development opportunity is before us. We have always recognized that the Appomattox River is a unique resource, but are discovering that it can and should be utilized in new and better ways. It of course can be a recreation amenity to the City, but it has the potential for being a catalyst for change and economic growth.

The purpose of this brief report is to introduce the concept that the corridor along the river should be viewed and treated as an economic asset. As such it is recommended that the City should begin a dialogue to build partnerships with private land owners leading to the preparation of a detailed development strategy. Such a strategy would look at the potential for the development / redevelopment of the entire corridor from Temple Ave. to I-95. It is felt that there is much more economic potential than what might be realized based on individual uncoordinated actions.

The Area



Along the Appomattox River, between Temple Ave and I-95 and Charles Dimmock Parkway/E. Roslyn Road is approximately 189 acres of land that has the potential to be developed/redeveloped into a much more productive and dramatically different form than currently exists. This study area now contains vacant parcels, developed areas, recreational uses and transitioning uses. The City of Colonial Heights also owns 34 acres of land in the middle of this corridor that are suitable for development. The Map above shows the general location of the study area.

Study Goals and Objectives

- Provide a framework to establish the highest and best use of the area that could include a mixture of office, retail, service and residential uses offering live/work opportunities
- Provide Transportation facilities and other infrastructure that open up access to the area and provide convenience and efficiency within the area and between other areas of the city and the region
- Preserve open spaces and provide landscaping to enhance the appearance of the area and provide passive and active recreational opportunities for residents, workers and visitors
- Provide enhanced economic development mechanisms to create efficiencies and incentives for the development and redevelopment of the area.

Development Challenges and Opportunities

The Appomattox River can be used as a catalyst for not just recreational use but as a spring board for other potential activities as well. The aggregated sites are large enough to allow for a full range of live/work opportunities that could unlock the economic potential of the area, and revitalize a declining commercial district. To accomplish this the City as the responsible government must create a vision of the potential for development and build the framework that will allow this to occur in partnership with the private sector over time.

As part of this process the City must develop a strategy to connect the land uses that comprise the area, as the land is now held by various private owners, as well as the City. A joint collaborative planning process should be created to determine positive possible uses and connectivity. An overall economic development strategy for the area could then be developed that would maximize the uses and activities and the connectivity between them.

For currently vacant sites the framework would provide guidance and direction for future development. For existing sites and development there would be assurances that adjacent uses and activities would be compatible and supportive. For sites now in transition the strategy would give guidance as to highest and best uses and what additional resources both public and private would be best suited to the area.

The area could be tied together by an efficient infrastructure system and because it is located along the river, a strong recreational element including trails and pedestrian access could be incorporated to complement existing initiatives.

Form of new development

The plan would identify the economic potential for a new form of development that could incorporate mixed –use opportunities to better utilize the infrastructure necessary to support the area. Because of the environmental constraints on certain types of development for the area, innovative and creative land use options would need to be explored.

- Are there opportunities to create residential living areas that could take advantage of increased amenities yet be compatible with retail and service area developments?
- Can existing automobile dealerships be converted to other productive retail, office and service businesses?
- What additional roads and other public infrastructure are necessary to service the area?
- Can the trail concept be expanded to fully take advantage of the river, and create pedestrian access to connect retail, service and office uses and activities?

We are at a point when through the planning process, we can offer a new look at the area and explore a future quite different than what might be expected before a concerted plan is developed.

Next Steps

- The City should begin helping property owners understand more about this concept and opportunity
- Explore grant funding opportunities to provide the resource to develop an economic development strategy for the area.
- Start the visioning process around what this area could become.
- Educate our elected and appointed officials about the concept.
- Start building the partnerships that can take this concept into future plans for development.

APPENDIX –Existing Land Use

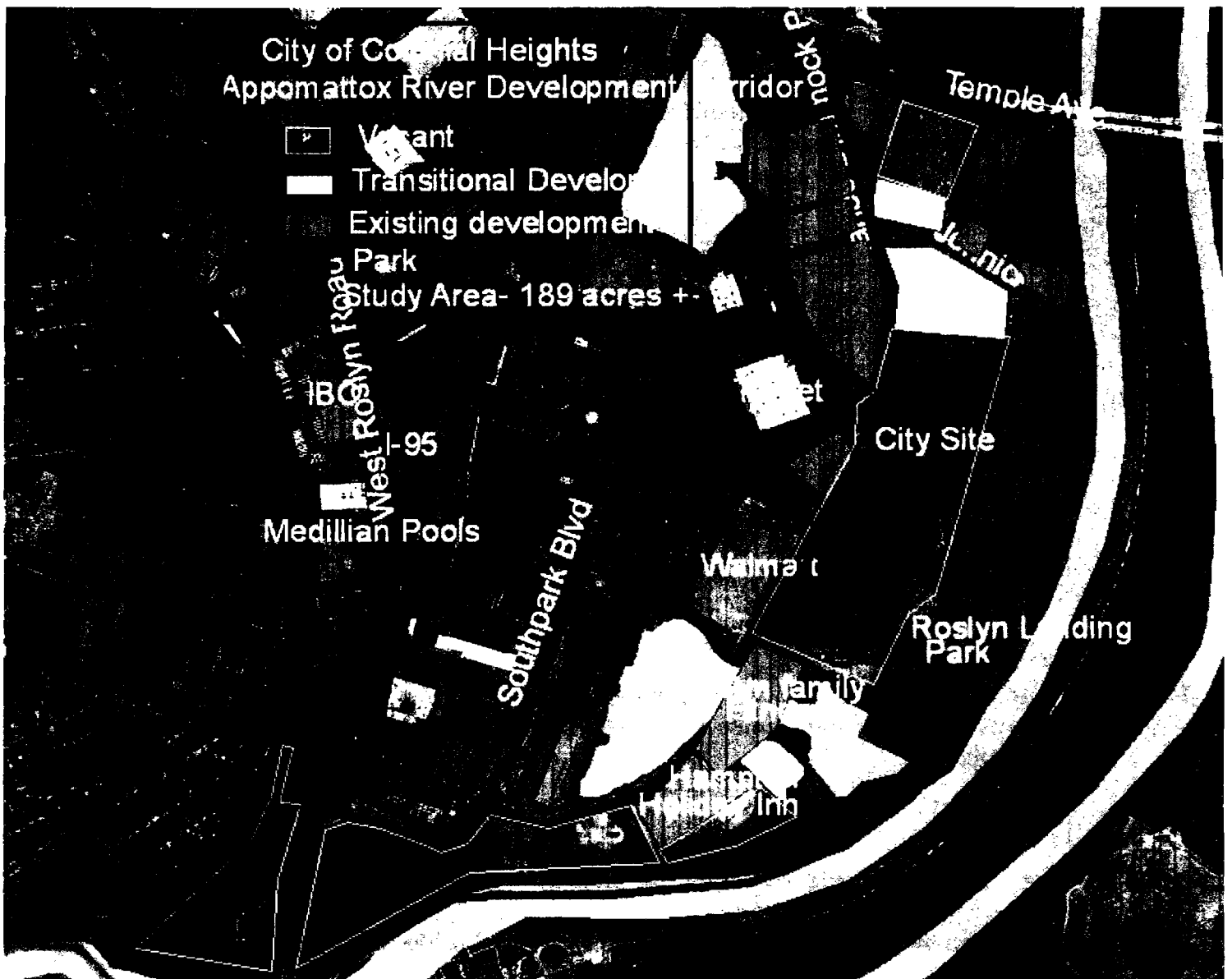


Table 1
Existing Land Use

Use	Acres	Bldgs
Park		
Vacant		
City	34.3	
Private	63.6	
Transitional	11.5	
Developed		
Office/retail	24.3	132,873
Restaurant	4.6	30,962
Hotel	10.9	203,224
Fitness center	5.5	38,168
Other	1	2,228
Total	46.3	407,455
Other	0.6	
Grand Total	189.9	

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		5,788,475	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	\$ 47,169,743	47,428,790

2. 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. Foster, 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

July 8, 2010

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

Ladies and Gentlemen:

As you authorized, Staff and the City Attorney have met and negotiated with Divaris Real Estate (DRE), Inc. for the contract documents needed for Commercial Real Estate Services you have requested. These documents will appoint DRE as sole and exclusive sales broker for the purpose of selling of the City property on Charles Dimmock Parkway for a minimum contract period of one year, but would be renewable for two additional one year periods. DRE will conduct all negotiations for the sale of the property under your guidelines.

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: Hugh P. Fisher, III, City Attorney

A RESOLUTION NO. 10-30

Authorizing the Acting City Manager to enter into an Exclusive Right to Sell Agreement with Divaris Real Estate, Inc.

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

1. That William E. Johnson, Acting City Manager, on behalf of the City, be, and is hereby, authorized to enter into an Exclusive Right to Sell Agreement with Divaris Real Estate, Inc. for the sale of two parcels of City owned property, totaling approximately 67.84 acres, located on Charles Dimmock Parkway; 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.

2. 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: _____.

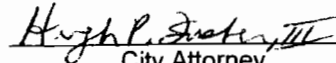
The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor:

City Clerk

Approved as to form:



City Attorney



EXCLUSIVE RIGHT TO SELL AGREEMENT

THIS AGREEMENT ("Agreement") is made as of the ____ day of _____, 200__, between _____ a _____ (hereinafter, the "Owner") and Divaris Real Estate, Inc., a Virginia Corporation (hereinafter, "DRE").

WITNESSETH:

RECITALS

- A. Owner is the owner of certain property located at _____, developed and operated as a _____, commonly known as _____ (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.

ARTICLE 4
TERM AND TERMINATION

4.1. **Term.** This Agreement shall begin on the ____ day of _____, 200__ ("Effective Date") and shall be for a term of one (1) year ending on the ____ day of _____, 200__ (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:

Attention: _____
Telephone: _____

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.

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: _____

By: _____

Title: _____

Date: _____

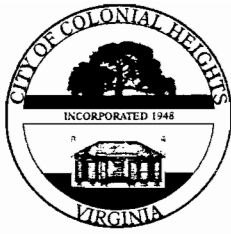
DRE: DIVARIS REAL ESTATE, INC.

By: _____

Title: _____

Date: _____

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



CITY OF COLONIAL HEIGHTS

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

Office of the City Manager

July 8, 2010

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

Ladies and Gentlemen:

The Sheriff is in the process of organizing an auxiliary sheriff function in his office. In order for this group to be covered under the City's workmen's compensation coverage, a resolution must be passed authorizing the coverage. This resolution is similar to those passed for the police and fire auxiliaries. This coverage is not available to general volunteers and by State Code is only applicable to those who perform an auxiliary position function in these departments.

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: Hugh P. Fisher, III, City Attorney
Todd B. Wilson, Sheriff

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.

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

1. That, as provided in §65.2-11 *et seq.* of the Code of Virginia (1950), as amended, auxiliary police officers, *auxiliary or reserve deputy sheriffs*, volunteer law-enforcement chaplains, volunteer firefighters, volunteer emergency medical technicians, and volunteer lifesaving or rescue squad members, including volunteer Emergency Medical Services (EMS) personnel, serving within the Department of Public Safety of the City of Colonial Heights be, and are hereby, acknowledged to be employees of the City for the purposes of the Virginia Workers' Compensation Act.

2. That Resolution No. 96-64 be, and is hereby, repealed.

3. 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:


City Attorney



OFFICE OF THE
CITY ATTORNEY

CITY OF COLONIAL HEIGHTS
201 JAMES AVENUE
P. O. BOX 3401
COLONIAL HEIGHTS, VIRGINIA 23834-9001

(804) 520-9316 / FAX 520-9398

HUGH P. FISHER, III
CITY ATTORNEY

TAMARA L. DRAPER
LEGAL ASSISTANT

MEMORANDUM

TO: The Honorable Mayor and Members of City Council

FROM: Hugh P. Fisher, III, City Attorney *HPF, III*

RE: Ordinance Nos. 10-20 and 10-21

DATE: July 8, 2010

During its June 8 meeting, Council approved Ordinance Nos. 10-20 and 10-21, which amended and reordained the Peace and Good Order and the Vehicles and Traffic Chapters of the City Code. A provision in each ordinance was designed to repeal the corresponding ordinance Council approved last year. Unfortunately, the references to last year's ordinances were incorrect. Ordinance No. 10-20 (Peace and Good Order) repealed Ordinance No. 09-15, when it should have repealed Ordinance No. 09-14. Similarly, Ordinance No. 10-21 repealed Ordinance No. 09-16, when it should have repealed No. 09-15.

Because of the inaccurate references in the approved ordinances, Council needs to take the following actions at its July 13 meeting for both Ordinance No. 10-20 and Ordinance No. 10-21: (1) approve a motion to amend the ordinance previously adopted so that it cites the correct ordinance to be repealed and (2) approve the ordinance on second reading as amended.

Please do not hesitate to contact me if you have any questions about these matters.

cc: William E. Johnson, Acting City Manager
Jeffrey W. Faries, Chief of Police

AN ORDINANCE NO. 10-20
(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~~.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That § 218-2 of Chapter 218, Peace and Good Order, of the Colonial Heights City Code, be and is hereby, amended and reordained as follows:

§ 218-2. Adoption of state misdemeanor statutes; violations and penalties.

A. Except as specifically changed or modified by this Code and other ordinances of the City, the criminal laws and statutes of the Commonwealth contained in Title 18.2 of the Code of Virginia (1950), as amended, including, with the same effective date, those provisions enacted prior to the adoption of this section but of subsequent effective date, are hereby incorporated in and made a part of this chapter to the same extent as if such state criminal laws and statutes were herein written in full. There shall, however, be excepted from the provisions of this section all of said state laws and statutes which have reference to felonies or which, by their own wording or judicial determination, cannot be adopted by the City; and the provisions contained in Article 2 of Chapter 7 of Title 18.2. It shall be unlawful for any person within the City to violate or fail to comply with the provisions of law hereby adopted.

B. The penalty imposed for the violation of laws and statutes hereby incorporated in and made a part of this chapter shall be as provided in § 1-3 of this Code, except insofar as state law shall impose or mandate the imposition by localities of some other penalty, in which event said penalties are hereby imposed.

C. Each provision of Title 18.2 of the Code of Virginia (1950) incorporated hereby without modification shall be cited for all purposes as "City Code § 218-2." followed by the number by which it is designated in said title (*i.e.*, the numbers, with punctuation, following the title number and hyphen).

D. Pursuant to § 1-220 of the Code of Virginia (1950), as amended, this ordinance shall include all future amendments to the state statutes herein incorporated by reference.

2. That Ordinance No. ~~09-15~~ **09-14** be, and is hereby, repealed; such repeal, however, shall not affect any act or offense done or committed, nor any penalty or forfeiture incurred, nor any right established, accrued or accruing before the effective date of this ordinance or applicable part thereof, nor any prosecution, suit or action pending on that day. Except as herein otherwise provided, neither the repeal of Ordinance No. ~~09-15~~ **09-14** nor the enactment of this ordinance shall apply to offenses committed prior to the effective date of this ordinance or applicable part thereof, and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this ordinance, an offense was committed prior to the effective date of this ordinance or applicable part thereof, if any of the essential elements of the offense occurred prior thereto.

3. That if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

4. That, except as otherwise provided herein, this ordinance shall be in full force and effect ~~on and after July 1, 2010~~ **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. Zetser III
City Attorney

AN ORDINANCE NO. 10-21
(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. 09-46 ~~09-15~~.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That § 273-2 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code, be, and is hereby, amended and reordained as follows:

§ 273-2. Adoption of statutory provisions.

A. Pursuant to the authority granted in § 46.2-1313 of the Code of Virginia (1950), as amended, all of 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, as amended, including, with the same effective date, those provisions enacted prior to the adoption of this section but of subsequent effective date; excepting, however, those provisions and requirements the violation of which constitutes a felony, and excepting those provisions and requirements which by their very nature can have no application to or within the City; are hereby adopted and incorporated in this chapter by reference and made applicable within the City. References to "highways of the state" contained in the provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the City, and the provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the City. Said provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the City to violate or fail, neglect or refuse to comply with the provisions of Title 46.2, or of Article 9 of Chapter 11 of Title 16.1, or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, which are adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted differ from the

penalty imposed for a similar offense by the Code of Virginia.

B. Pursuant to § 1-220 of the Code of Virginia (1950), as amended, this ordinance shall include all future amendments to the state statutes herein incorporated by reference.

2. That Ordinance No. ~~09-16~~ **09-15** be, and is hereby, repealed; such repeal, however, shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, accrued or accruing before the effective date of this ordinance or applicable part thereof, or any prosecution, suit or action pending on that day. Except as herein otherwise provided, neither the repeal of Ordinance No. ~~09-16~~ **09-15** nor the enactment of this ordinance shall apply to offenses committed prior to the effective date of this ordinance or applicable part thereof, and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this ordinance, an offense was committed prior to the effective date of this ordinance or applicable part thereof, if any of the essential elements of the offense occurred prior thereto.

3. That if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

4. That this ordinance shall be in full force and effect ~~on and after July 1, 2010~~
upon its passage on second reading.

Approved:

Mayor

Attest:

City Clerk

Ordinance No. 10-21 (As Amended)

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 R. Foster, III
City Attorney



CITY OF COLONIAL HEIGHTS

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

Department of Planning and Community Development

MEMORANDUM

To: Honorable Mayor and Members of City Council
Mr. William E. Johnson., Acting City Manager

From: George W. Schanzenbacher, Director

Date: July 7, 2010

Subject: Planning Commission Actions at July 6, 2010 meeting

At the July 6, 2010 meeting of the Commission the following actions were taken:

1. Approved minutes of the June 2010 meeting (enclosed).
2. Gave conditional approval of a plan of development for Cookout Restaurant, to be located in the 600 block of the Boulevard (adjacent to the new Walgreen's), subject to several conditions.
3. Staff presented the concept of a proposed economic development strategy study for the area along the Appomattox River.

**CITY OF COLONIAL HEIGHTS, VIRGINIA
MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
Tuesday June 1, 2010**

Call to Order: 7:00 p.m.

I. Roll Call/Determination of Quorum

Present: Councilman Milton E Freeland, Jr., Planning Commissioners Mary A Hamilton, Harry B Hargis, Lewis L Johnson, William. Kollman, James L O'Connell and Charles E Townes

Absent: None

Also Present: City Attorney Hugh P Fisher, III, Acting City Manager William E Johnson, Assistant Director of Public Works Harold Caples and Planning Director George W Schanzenbacher

II. Welcome: Mr. Kollman

III. Approval of Minutes of May 2010

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

IV. Approval of Agenda

The agenda as written was unanimously approved upon a roll call vote.

V. Hearing of Citizens Generally

There were no speakers.

VI. Public Hearings

SUP- 02-10-1210, 1212 and 1214 Boulevard-allow property to be used for 32 units of multi-family dwellings and 6,800 square feet of commercial space and to tear down 34 existing dwelling units.

Mr. Schanzenbacher reads the rules of the hearing and gave a brief overview of the project noting that a special use permit was required as multi-family housing was not a permitted use in the B-3 Zoning District.

Mrs. Jessica Sears 305 Norwood Drive, representing the Beautification Committee spoke to the Commission. She noted that there is some concern from the Beautification Committee, that the plan and approval is ambiguous, this is not a special project and that this project is not going to add value to the city. It is not bring any aesthetic value and that area is already a drain on resources and putting more units there would not be in the best interest of the city. She requested that the special use permit not be granted.

Mr. Hugh Luby Luben Hauere of 3706 Conduit Road noted that this is the first Planning Commission meeting he has ever spoken at and is concerned that there will be multiple families in the same units, which would be a drain to the schools and that other people are

also against the development. He asked that the project not be approved.

Ms. Peggy Brown of 96 Swift Creek Lane indicated that there is not a need for apartments directly on the Boulevard and does not think that it will do anything to improve the city to build apartments there.

Mr. RL Dunn, the applicant, then spoke to the Commission. He noted that the buildings have already been there for 60 or 70 years and no more units are being proposed, just a rebuilding and modernizing of the same number of units. There was a concern about the number of families living in the units. He is not changing anything and is just updating it. If he needs to he can keep it as is and try to maintain the existing buildings.

He also noted that the city requires that there be a minimum of 450 sq feet for each unit and the designs vary across the units. The ones on the front would be larger because of the depth of the building.

The City code calls for a certain amount of parking spaces per unit. There is a minimum of one parking space per unit. And the larger the units are the more the parking requirements are. There are other requirements that need to be met also. We are not sure that this proposed plan could meet all the requirements that are necessary. No one really knows exactly what would be the impact.

There was a gentleman at the last meeting that was concerned about traffic impacts. There are currently three access points on Charlotte Ave. One entrance will be removed and the residents will be encouraged to park on the inside of the development.

Mr. Colman then spoke on several issues. He noted that in the staff recommendations one stipulation is that the buildings are primarily red brick and that could mean 51%. What will be the composition of these buildings? What would be the estimate of percentages of brick versus other materials? How will the buildings be heated and cooled? On the sketches window heat pumps are shown. They would be under the windows. Would they be visible on the Boulevard? Would there be something visible like a grate?

There is a lack of detail on the plans and there are design elements left to chance that bothers him. He drove through the neighborhood and what is there is not pretty.

What type of shingles will be used? Are they going to be 20 year or life time?

Last month Mr. Dunn said that there were 4 families sharing one bathroom. The building where Reeds Tax service is there used to be three rental units with two bathrooms. Each bathroom has its own sink. The only option that he has is to tear down the building. There would be some form of this allowed under the new zoning. If he is not approved tonight there might be some use in the future.

There is actually a net increase of 4 or 5 units for the record, when the commercial units are factored in.

Do the tenants pay by the week or the month or are there leases. Mr. Dunn responded that there are few leases. However there are some tenants that work and pay weekly. Why not let them keep doing that. About 50% have been there for over a year. This project is a continuation of what already exists.

Mrs. Hamilton asked if he would consider creating a more upscale development that would truly beatify the Boulevard and benefit the neighborhood, or is he only interested in the continuing the same thing. Mr. Dunn indicated that two and three bedroom units will not fit. One bedroom units are the only things that fit.

There is some concern about the adjacent neighborhood. There have been 57 Police calls in the past year. Quite a few were for loud music and disturbing the peace. She also inquired about the financing of the project.

Mr. Dunn indicated that he is financing 80% of the project or about \$400,000 out of pocket. The purchase of the buildings should happen in the next two or three weeks. The appraisals and the phase one environmental report took a long time.

Mr. Kollman asked where the number of 34 units originated from. For example in planning a project he knew what the return on investment would be and what the minimum number necessary to make it work would be. Would 34 units would be the number that needed to be built? He likes to deal in absolutes like the number of units. There is some body of evidence that helps guide these decisions.

Mr. Dunn indicated that he did some detailed calculations; they were not however engineering count. That should be ready in the next day or two. This is the maximum he is asking for, as of today.

He also indicated that the recommendation that the building shall have all a residential look scares him to death. We can't make it 100% residential on the front.

Mr. Freeland asked if he was familiar with the Chester Village Green and the ones at Short Pump. There are a lot of possibilities for improvement on the site and I would like to see a larger square footage apartment. Hotels and motels are allowed in B-3 but multifamily housing is not. I would think that this could be an asset if there is good architecture and well thought and planned and engineered. The specifics will all be worked out in the site plan process. The wording for primarily brick has potential but that should be explored to make sure that this could be achieved, that is a little premature. Whether we want to allow mixed use that is the question.

Mr. O'Connell agreed with the comments, giving food for thought. I have been listening to Mr. Kollman and Mrs. Sears and Mr. Luby and their comments are premature and there should be a lot of improvement in the final product.

Mr. Dunn noted that he can make a profit from day one if he leaves it as is. If I just look at the money that is not the motivation. I would rather have something nicer than what is there now.

It was suggested that the condition of primarily red brick be changed to whatever is reasonably possible. This was incorporated into the resolution.

VOTE

There was a motion by Mr. Johnson, seconded by Mr. O'Connell to recommended approval.

Voting in favor were: Councilman Milton E Freeland, Jr., Commissioners Harry B Hargis, Lewis L Johnson and James L O'Connell.

Voting in Opposition: Commissioners Mary A Hamilton and William Kollman.

Abstaining: Commissioner Charles Townes.

MOTION PASSED 4-2.

Mr. Fisher noted that there is one minor change necessary in the City council draft resolution. The dates need to be corrected to reference the second public hearing on June 1, 2010.

VII. Plans of Development /subdivision

No items

VIII. Old Business

Consideration of the draft comprehensive replacement of the Zoning Ordinance (Chapter 286) and the Official Zoning Map

Mr. Schanzenbacher summarized the staff recommendations noting that there are not any additional changes proposed based on the public hearing and community workshops. He also noted that the recommendation includes health care structures as approved by the legislature and previously submitted to the Commission. A resolution recommending approval to the City Council was included in your information.

Mr. Kollman indicated that he wanted to bring to the Commissions attention two differences in the apartment district from what was currently in the code. First that there were no standards for minimum size of individual apartments in the proposed code and that the density in the new high density district was considerably different that the existing code.

Mr. Schanzenbacher in response noted that our consultant had determined that individual minimum apartment sizes were not necessary and perhaps were discriminatory. The overall density of units would be sufficient.

In regards to densities in the new proposed code vs. the existing code he explained the differences noting that in the proposed High density residential the maximum density would be 12 dwelling units per acre and that in the medium density district the maximum density would be 8 units per acre.

In the existing code the density in the R-4 Apartment district is between 19-26 dwelling units per acre and in the Residential Townhouse district the density is 10 units per acre.

VOTE

Commissioner O'Connell made a motion to approve. This was seconded by Commissioner Johnson

AYES: Councilman Milton E Freeland, Jr., Planning Commissioners Mary A Hamilton, Harry B Hargis, Lewis L Johnson, James L O'Connell and Charles E Townes.

NAYS: None.

Abstaining: Commissioner Kollman

MOTION APPROVED: 6-0.

IX. New Business

None

X. Reports

Chairman – Mr. Hargis-appointed Mr. Kollman to the Zoning committee and asked Mr. Townes to chair the Zoning Committee

Land Use-Mr. Freeland Chairman - no report

Subdivision-Mr. Johnson Chairman-no report

Zoning- Mr. Townes Chairman- no report

City Manager – Mr. Johnson –no report

Assistant Director of Public Works- Mr. Caples –no report

Director of Planning and Community Development–Mr. Schanzenbacher

He noted that there will be a workshop on Green Infrastructure held on July 29, 2010 at the Crater Planning Commission. CHARTS will be presented as part of that program.

A revised telephone/address listing was also enclosed.

Mr. Townes added his cell phone number to the listing.


Adjournment.

RESPECTFULLY,



GEORGE W. SCHANZENBACHER
DIRECTOR

APPROVAL:



HARRY B. HARGIS, JR.
CHAIRMAN