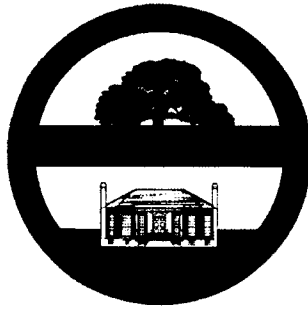


MAY 2010 EMPLOYEE OF THE MONTH



NAME: Deborah L. Rose

POSITION: EMS Firefighter

EMPLOYMENT

HISTORY: Ms. Rose was hired in March, 1991 as a part-time EMT Ambulance Attendant in the Fire Department.

NARRATIVE: Deborah started with the Fire Department as a volunteer in October 1988. She continued as a volunteer and working part-time until she was hired as the first female firefighter in June of 1994.

She is certified to teach Advanced Cardiac Life Support (ACLS), Cardiopulmonary Resuscitation (CPR), Automatic External Defibrillator (AED), and is a Fire Instructor I. Other certifications she holds are Emergency Vehicle Operator Course (EVOC) 3 and Pre-Hospital Trauma Life Support.

Deborah is an excellent provider who is dedicated not only to the Fire Department, but also to the City of Colonial Heights. On her own time and without asking or expecting compensation, she tutors her co-workers so they can be better providers. She also has assisted with EMT classes by tutoring students for their practical exam.

In April of 2009, several of the Telecommunicators needed either to be certified or recertified in CPR and Deborah agreed to teach the class. Again, without compensation, she stayed after working all night on Friday to teach the half day class on Saturday. She is an excellent instructor and makes learning easy and fun for the students.

Deborah is truly an asset to the Fire Department and the City. She always has a positive attitude, is upbeat and it is always a pleasure to interact with her. She takes her own time to insure the citizens of Colonial Heights receive the best possible care.

AN ORDINANCE NO. 10-FIN-14

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.

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		4,307,533	
Public Safety		7,815,551	
Public Works		3,240,162	
Health and Social Services		717,750	
Parks and Recreation		1,430,980	1,432,980
Cultural Enrichment		92,257	
Library		613,213	
Community Development		542,204	549,204
Grant Programs		528,483	
Nondepartmental		433,817	
Debt Service		11,269,365	
Operating Transfers Out		19,037,766	

2. That the sum of ~~\$57,526,172~~ 57,535,172 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	6,312,620	6,319,620
Charges for Current Services	1,138,401	
Miscellaneous	9,337,932	9,339,932
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	3,884	
Restricted Fund – Street Maintenance	196,000	
TOTAL	\$ 57,526,172	57,535,172

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

2. That there shall be appropriated from the resources and revenues available to the City of Colonial Heights (City) in its Capital Projects Fund, until such appropriations are amended by the City Council or the subject projects are completed or abandoned, the following sums for the purposes stated:

GENERAL GOVERNMENT

Senior Citizen/Youth Center Addition	682,007	701,356
Beautification Committee/Tourism Jamestown 2007	89,122	62,465
Courts Building Renovation/A & E	481,610	
Library Renovation/Addition/A & E	1,349,716	1,349,087
Emergency Shelter—Power Modification	70,722	
Boulevard Redevelopment	333,927	
Fire Apparatus	205,926	
SUBTOTAL		\$ 3,213,030
		3,205,093

RECREATIONAL FACILITIES

Vocational School Sports Complex	9,246	
Shepherd Stadium	70,000	
Violet Bank Museum	63,759	63,113
Facilities Masterplan/Improvements	205,000	
Appomattox River Greenway	216,352	251,352
SUBTOTAL		\$ 564,357
		598,711

EDUCATIONAL FACILITIES

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

STREETS AND BRIDGES

Highway Construction Fund (Local Share)	12,561	
Access Road—Transfer Station	100,000	
Conduit Road Drainage Improvements	863	
Bruce Avenue Drainage	2,740,671	
I-95 Northbound Ramp—Temple Avenue	563,000	
Lynchburg Avenue Reconstruction	162,305	
Longhorn Drive Drainage	182,719	191,302
Boulevard Widening—North End	670,825	
Boulevard Enhancement Project	275,000	
Lafayette Avenue Paving	68,500	
Yacht Basin Drive Storm Sewer	14,235	
Lexington Drive Storm Sewer	33,172	
Dupuy Boulevard Intersection	5,376,898	
Signal Coordination – Temple/Sherwood	331,000	
Safe Routes to School	322,548	
SUBTOTAL		\$ 40,854,297
		10,862,880

UTILITY IMPROVEMENTS

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

TRANSFERS

Transfer to School CIP Program	\$ 7,500,000	
SUBTOTAL		\$ 7,500,000

TOTAL	<u>\$22,739,663</u>	
	\$22,774,663	

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

TRANSFERS

Transfer from General Fund	\$ 2,614,257	2,649,257
Transfer from Recreation Activity Fund	1,700	
SUBTOTAL		\$ 2,615,957
		2,650,957

MISCELLANEOUS

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

SUBTOTAL \$ 560,948

REVENUES

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

CONTINUING APPROPRIATED PROJECTS

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

TOTAL	<u>\$22,739,663</u>
	22,774,663

3. 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 May 11, 2010

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

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:

Ordinance No. 10-FIN-14

The Honorable John T. Wood, Councilman:

Aye

The Honorable Diane H. Yates, Councilwoman:

Absent

The Honorable C. Scott Davis, Mayor:

Aye

Adopted on its second reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman:

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

The Honorable Elizabeth G. Luck, Vice Mayor:

The Honorable John T. Wood, Councilman:

The Honorable Diane H. Yates, Councilwoman:

The Honorable C. Scott Davis, Mayor:

City Clerk

Approved as to form:

Hugh P. Zerk III
City Attorney

AN ORDINANCE NO. 10-20

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.

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 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 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.

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on May 11, 2010

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

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

The Honorable Kenneth B. Frenier, Councilman: Aye

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

The Honorable Elizabeth G. Luck, Vice Mayor: Aye

The Honorable John T. Wood, Councilman: Aye

The Honorable Diane H. Yates, Councilwoman: Absent

The Honorable C. Scott Davis, Mayor: Aye

Adopted on its second reading on _____

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

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

The Honorable Kenneth B. Frenier, Councilman: _____

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Foster, III
City Attorney

AN ORDINANCE NO. 10-21

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.

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 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 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.

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on May 11, 2010

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

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

The Honorable Kenneth B. Frenier, Councilman: Aye

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

The Honorable Elizabeth G. Luck, Vice Mayor: Aye

The Honorable John T. Wood, Councilman: Aye

The Honorable Diane H. Yates, Councilwoman: Absent

The Honorable C. Scott Davis, Mayor: Aye

Adopted on its second reading on _____

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

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

The Honorable Kenneth B. Frenier, Councilman: _____

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

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

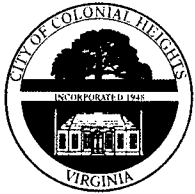
The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Foster III
City Attorney



OFFICE OF THE
CITY ATTORNEY

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

(804) 520-9316 / FAX 520-9398

HUGH P. FISHER, III
CITY ATTORNEY

TAMARA L. DRAPER
LEGAL ASSISTANT

May 17, 2010

RECEIVED

MAY 18 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 a public hearing to accept public comments on and consider the adoption of Ordinance No. 10-22.

You are requested to publish the notice on **May 19, 2010 and May 26, 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 HEARING
CITY OF COLONIAL HEIGHTS, VIRGINIA**

Notice is hereby given to all persons affected or interested that at the Colonial Heights City Council meeting to be held on **Tuesday, June 8, 2010, at 7:00 P.M.**, in Council Chambers of City Hall, 201 James Avenue, Colonial Heights, Virginia, the City Council shall hold a public hearing to accept comments on the following:

AN ORDINANCE NO. 10-22

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

A copy of the proposed ordinance is on file for public examination during regular business hours in the City Clerk's Office in City Hall, 201 James Avenue, Colonial Heights, Virginia. All persons affected or interested are invited to be present at the public 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.

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 _____.

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: _____.

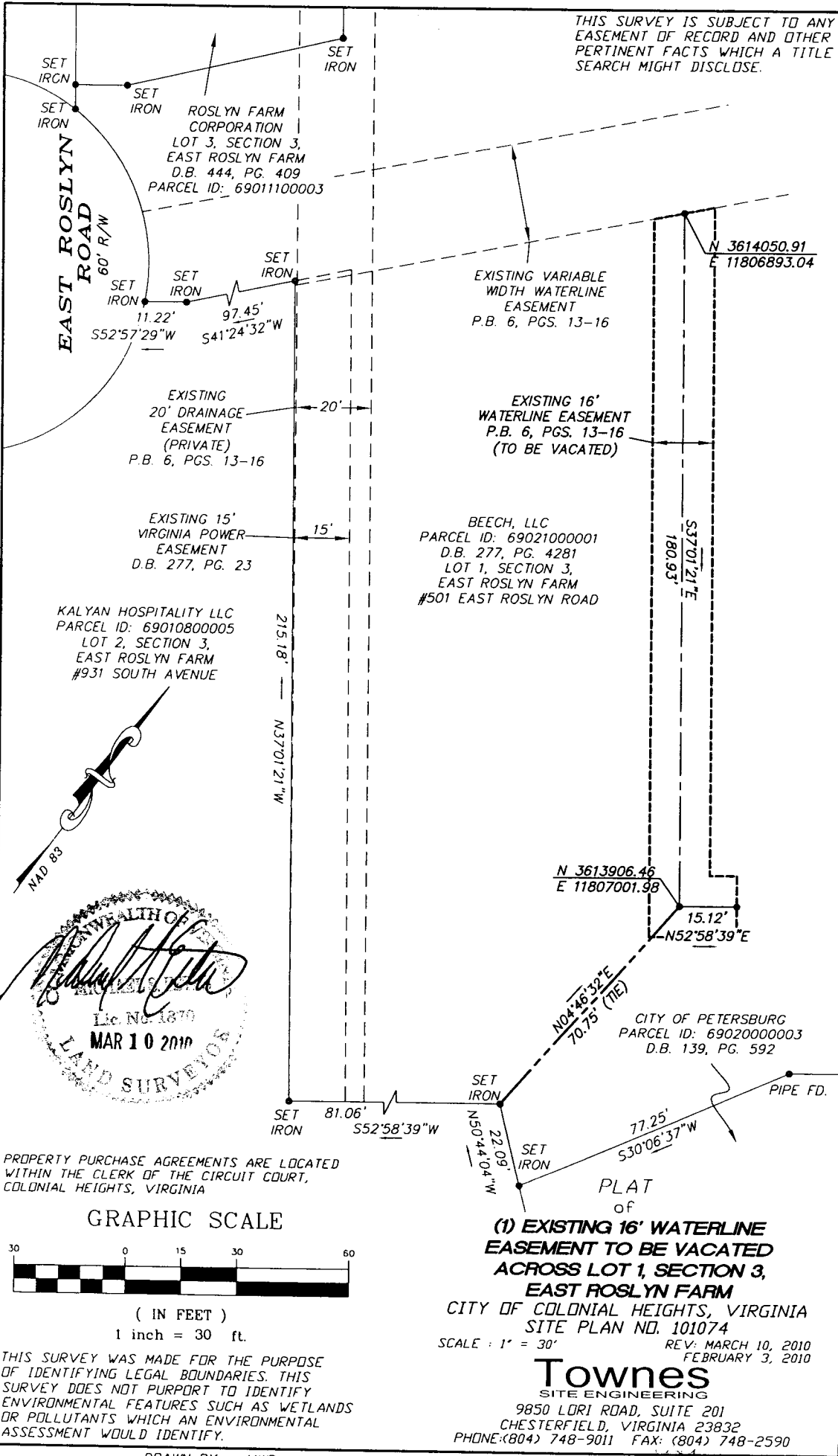
The Honorable C. Scott Davis, Mayor: _____.

City Clerk

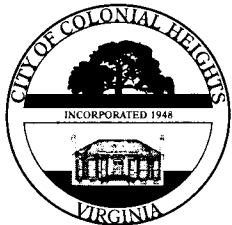
Approved as to form:

City Attorney

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



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CITY OF COLONIAL HEIGHTS

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

Office of the City Manager

June 4, 2010

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

Ladies and Gentlemen:

The Budget Amendment for June 2010 is summarized as follows:

1. The Sheriff has received two \$150 donations from The Law Offices of Jean M. McKeen and from Linda M. H. Tomin to support the Sheriff's "Ride For The Torch" event.

Ordinance No. 10-FIN-15, has been prepared and is attached for your consideration. The Sheriff and 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
Todd B. Wilson, Sheriff
Kathy L. Sparks, Deputy Director of Finance



TODD B. WILSON
SHERIFF

OFFICE OF THE SHERIFF

City of Colonial Heights

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



Phone: 804 520-9352

Fax: 804 520-9248

RECEIVED

MAY 11 2010

FINANCE DEPARTMENT

TO: William Johnson
Acting City Manager/Director of Finance

FROM: Sheriff Todd Wilson

RR: Donation from The Law Offices of McKeen and Tomlin

DATE: May 11, 2010

The Sheriff's Office has received two (2) donations from The Law Offices of Jean M. McKeen and Linda M. H. Tomin for the Sheriff's "Ride For The Torch" event in the amount of \$150.00 each. These funds have been deposited into the City Treasurer's Office, account 10-4812.

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

1. City Council appropriate \$300.00 into Sheriff's account 1356-5242, funds deriving from a donation. This donation will be used to purchase items for the Sheriff's Office annual "Ride For The Torch", Special Olympics event.

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



TODD B. WILSON
SHERIFF

OFFICE OF THE SHERIFF

City of Colonial Heights

401 Temple Avenue

P.O. Box 3401

Colonial Heights, Virginia 23834

Email: sheriff@colonial-heights.com



Phone: 804 520-9352

Fax: 804 520-9248

RECEIVED

MAY 11 2010

FINANCE DEPARTMENT

May 11, 2010

TO: Joy Moore, Treasurer

FROM: Sheriff Todd B. Wilson

RE: Donation from Law Offices of Jean M. McKeen and
Attorney Linda M. H. Tomlin

Please deposit the enclosed two (2) checks, both in the amount of \$150.00 each, from The Law Office of Jean M. McKeen and Linda M. H. Tomlin for the Sheriff's Ride For The Torch event.

Please deposit the donation of \$300.00 into account fund #10-4812.

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

TBW:sam

Enclosure

c: Bill Johnson
Director of Finance

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 _____.

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: _____.

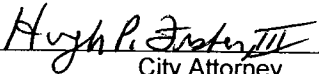
The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

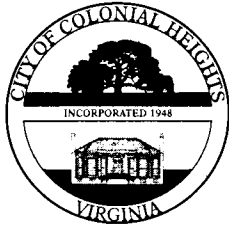
The Honorable C. Scott Davis, Mayor: _____.

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

June 4, 2010

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

Ladies and Gentlemen:

As you may be aware, the 2010 General Assembly made new retirement plan provisions for local government employees hired after July 1, 2010, with no prior Virginia Retirement System (VRS) Service. These new hires will be subject to pay the 5 percent member contribution through salary reduction on a pre-tax basis. The City does have the ability to pay all of this contribution as it does now for all current employees.

If the City elects to maintain the current structure for all employees, City Council must pass a resolution by June 30, 2010. This election would be in effect until another resolution was passed, and would affect any employee, without previous 6/30/2010 service hired on or after July 1, 2010. Current City VRS employees are not affected by this change.

As was discussed at the City Council Retreat, management does not believe that the development of two classes of City employees is the best long-term course of action for the City. The proposed budget was developed maintaining this uniformity and even with the increase in our contribution rate, I still feel this is the best course of action. The attached resolution would have the City electing to maintain our current benefit structure, and I recommend its passage.

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

The Honorable Mayor and Members of City Council
June 4, 2010
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Johnson". The signature is fluid and cursive, with a large, stylized initial "W".

William E. Johnson
Acting City Manager

WEJ:eg

Attachment

cc: Hugh P. Fisher, III, City Attorney



Virginia
Retirement
System

P.O. Box 2500, Richmond, Virginia 23218-2500
Toll free: 1-888-VARETIR (827-3847)
Web site: www.varetire.org

Memorandum

TO: Administrative Heads and Fiscal Officers

FROM: Robert P. Schultze, Director, Virginia Retirement System

DATE: May 24, 2010

SUBJ: **Member Contribution Pick-Up Guide Resolution**

The Virginia General Assembly, in its 2010 session, passed legislation implementing new plan provisions for employees hired or rehired on or after July 1, 2010 with no prior Virginia Retirement System (VRS) service. The new plan is called the VRS Plan 2. The legislation stipulates that Plan 2 employees will pay the 5 percent member contribution through salary reduction on a pre-tax basis according to Internal Revenue Code §414(h). However, you may elect to pay some or all of the 5 percent member contribution on behalf of your Plan 2 employees. To do so, you must submit a resolution to VRS.

Attached is a guide resolution. Here are your options regarding payment of the member contribution:

- Your employees pay the 5 percent member contribution. This option does not require action by your governing body. Check the first box in the attachment, fill in the blank with the name of your political subdivision and sign by **June 30, 2010**. The resolution is due to VRS **by no later than August 1, 2010**.
- You elect to pick up between 1 percent and 5 percent of the member contribution with the balance paid by your employee. Check the second box in the attachment and have your governing body complete and duly authorize the rest of the resolution by **June 30, 2010**. The resolution is due to VRS **by no later than August 1, 2010**.
- You elect to pick up the full 5 percent member contribution on a six-year, phase-in schedule. To implement this option, contact one of the individuals listed below for a separate guide resolution (not attached). Your governing body must complete and duly authorize this resolution by **June 30, 2010**. The resolution is due to VRS **by no later than August 1, 2010**.

Once you elect a payment option for member contributions, send the resolution to the attention of the VRS Employer Representatives listed below **by no later than August 1, 2010**. If we do not receive your resolution by August 1, VRS will hold your payroll and contact you to see if you have elected an option. If your governing body does not approve a pick up of member contributions before June 30, your employees will pay the 5 percent member contribution on a pre-tax salary reduction basis. Your payroll system will need to accommodate this. Once your governing body sends a resolution to VRS electing one of the above options, VRS will process the payroll to reflect your governing body's decision regarding member contributions.

The decision you make regarding member contributions remains in effect for fiscal year 2011 (July 1, 2010 – June 30, 2011). Your election remains in effect until you submit another resolution. Any change becomes effective the beginning of the next fiscal year. Payment decisions affect all Plan 2 members hired on or after July 1, 2010.

Resources:

Contact VRS Employer Representatives:

- Rohn Brown at rbrown@varetire.org or (804) 775-3228
- Marie Daniels at mdaniels@varetire.org or (804) 344-3197

View more information about the new plan design provisions in the June issue of *Employer Update*, available on the VRS Web site at www.varetire.org. Select the Employer tab.

Enclosure

MSLETT

An Independent Agency of the Commonwealth

The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2" employees). The legislation amended VA Code § 51.1-144 to provide that Plan 2 employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h). Internal Revenue Code § 414 (h) provides that a governmental employer may "pick-up" mandatory employee contributions and thereby cause the contributions to be made on a pre-tax basis. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up has been taken by the General Assembly with the Governor's signature.

The legislation also permits each county, city, town, local public school board or other local employer to pick-up, in whole or in part (in 1 percent increments), the 5 percent member contribution as an additional benefit not paid as salary. The employer's optional payment of the 5 percent member contribution may be phased in over a period approved by the VRS Board not to exceed 6 years and may only be made on a uniform basis for all its Plan 2 employees. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up using the alternatives permitted by the legislation must be taken by the governing body of the specific employing entity and must be effective only on a prospective basis.

Please indicate, by selecting one option below, how member contributions will be paid:

- ☐ This is to acknowledge that _____ (Employer Name) will have the employees pay the 5 percent member contribution according to the terms of the legislation. This action does not require action by your governing body. _____ (Authorized Signature) _____ (Date)
- ☐ This is to acknowledge that _____ (Employer Name) elects to pick-up some or all of the 5 percent member contributions as detailed in the following duly approved resolution.

RESOLUTION

Authorization to Pick-up the Employee's Contribution to VRS Under § 414(h) of the Internal Revenue Code For Plan 2 Employees

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the _____, (Employer Name) to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, the _____ (Employer Name) desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to (1%) (2%) (3%) (4%) (5%) of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of _____ **[stated month must be after the date this Resolution is adopted]**, the _____ (Employer Name) shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to (1%) (2%) (3%) (4%) (5%) of creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the _____ (Employer Name) in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the _____ (Employer Name) directly instead of having them paid to VRS.

Adopted in _____, Virginia this _____ day of _____, _____.

Authorized Signature Title

The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2" employees). The legislation amended VA Code § 51.1-144 to provide that Plan 2 employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h). Internal Revenue Code § 414 (h) provides that a governmental employer may "pick-up" mandatory employee contributions and thereby cause the contributions to be made on a pre-tax basis. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up has been taken by the General Assembly with the Governor's signature.

The legislation also permits each county, city, town, local public school board or other local employer to pick-up, in whole or in part (in 1 percent increments), the 5 percent member contribution as an additional benefit not paid as salary. The employer's optional payment of the 5 percent member contribution may be phased in over a period approved by the VRS Board not to exceed 6 years and may only be made on a uniform basis for all its Plan 2 employees. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up using the alternatives permitted by the legislation must be taken by the governing body of the specific employing entity and must be effective only on a prospective basis.

Please indicate, by selecting one option below, how member contributions will be paid:

- ☐ This is to acknowledge that _____ (Employer Name) will have the employees pay the 5 percent member contribution according to the terms of the legislation. This action does not require action by your governing body.
_____(Authorized Signature)_____(Date)
- ☐ This is to acknowledge that the City of Colonial Heights elects to pick-up some or all of the 5 percent member contributions as detailed in the following duly approved resolution.

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

WHEREAS, the Virginia General Assembly, in its 2010 session, passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the City of Colonial Heights, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, the City of Colonial Heights desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of July, 2010, the City of Colonial Heights shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the City of Colonial Heights in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the City of Colonial Heights directly instead of having them paid to VRS.

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



CITY OF COLONIAL HEIGHTS

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

Office of the City Manager

June 4, 2010

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

Ladies and Gentlemen:

As you are aware, the City utilizes Central Virginia Waste Management Authority (CVWMA) as its contracting source for numerous City waste collection and processing services. The CVWMA has signed a renewal contract with Tri-City Appliance Company for CFC/HCFC collection and processing services for the period July, 1, 2010 to June 30, 2015. This service removes the refrigerants from the City's curbside appliance collections as required by federal statute. Fees are maintained at the current level of \$10 per unit.

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
William E. Henley, Director of Public Works & Engineering



OC: B.M. Johnson
Pls request signature
authority -
CENTRAL VIRGINIA
WASTE MANAGEMENT AUTHORITY

2100 West Laburnum Avenue, Suite 105, Richmond, Virginia 23227 • 804/359-8413 • Fax 804/359-8421 • www.cvwma.com

RECEIVED

April 26, 2010

APR 27 2010

CITY OF COLONIAL HEIGHTS
DEPARTMENT OF PUBLIC WORKS

Mr. William Henley
Public Works/Utilities Supt.
City of Colonial Heights
P.O. Box 3401
Colonial Heights, VA 23834

Dear Chuck:

Enclosed please find the Special Project Service Agreement and three signature pages for the CVWMA's CFC/HCFC Collection and Processing Services Program. The CVWMA has signed a new contract with Tri-City Appliance Company to provide CFC/HCFC collection and processing service as needed at sites designated by the CVWMA member jurisdictions that choose to participate in the program. Tri-City Appliance has been a long time CVWMA Contractor for the removal of CFC/HCFCs from White Goods.

The term of the Agreement is for a five-year period commencing on July 1, 2010 when the current Contract expires and extending through June 30, 2015. The Contract provides for a five-year renewal option.

Fees for the service remain unchanged from the current Contract, \$10 per unit.

Once the Service Agreement has been reviewed and signed, please return two signature pages to me. The copy of the Service Agreement and one signature page is for your records. Let me know if you have questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Bernie".

Bernard B. Harris
Director of Operations

Enclosures



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.

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 agreement with the Central Virginia Waste Management Authority entitled "Special Project Service Agreement for CFC/HCFC Collection and Processing Services," a copy of such agreement being attached to and made a part of this resolution; subject to approval by the City Attorney as to form.

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

Approved:

Mayor

Attest:

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

SPECIAL PROJECT SERVICE AGREEMENT FOR CFC/HCFC COLLECTION AND PROCESSING SERVICES

This SPECIAL PROJECT SERVICE AGREEMENT (hereinafter "Service Agreement") is made by and between the CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY (hereinafter "CVWMA" or "Authority" and collectively the "Parties"), its successors and assigns, having its principal place of business at 2104 West Laburnum Avenue, Suite 105, Richmond, Virginia 23227; and (if executed on the appropriate page 10 – signature – end page of this agreement).

COUNTY OF CHESTERFIELD (CHE),
COUNTY OF HENRICO (HEN),
COUNTY OF NEW KENT (NKT),
COUNTY OF POWHATAN (POW),
COUNTY OF PRINCE GEORGE (PRG),
CITY OF COLONIAL HEIGHTS (COL),
CITY OF HOPEWELL (HOP), and
CITY OF RICHMOND (RIC)

(Hereinafter, collectively, "Participating Local Jurisdictions" unless later amended).

ARTICLE I - PURPOSE

- A.** The Parties have entered into this Service Agreement pursuant to the authority of the Virginia Water and Waste Authorities Act (Title 15.2, Chapter 51 of the Code of Virginia, 1950 as amended), and the Articles of Incorporation of the CVWMA. Its purpose is to establish a special project for CFC/HCFC Collection and Processing Services within the Participating Local Jurisdictions as authorized by Section 11 of the Articles.
- B.** The Participating Local Jurisdictions agree to participate in this special project according to the terms and conditions of this Service Agreement. The Participating Local Jurisdictions further agree that this Service Agreement shall take effect in each Participating Local Jurisdiction upon execution and return of a signed copy of this Service Agreement to the CVWMA by that Participating Local Jurisdiction.
- C.** The Parties agree that the CVWMA will implement this special project through a private vendor contract (Contract"), based upon a Request for Proposals (RFP) 10-47 issued by the CVWMA on January 19, 2010, as reflected in Service Contract entered into between the CVWMA and the Contractor, Tri City Appliance, Inc. ("Contractor").

ARTICLE II - DEFINITIONS

For the purpose of this Service Agreement, the definitions contained in this section shall apply unless otherwise specifically stated. When not inconsistent with the context, words used

in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Use of the masculine gender shall include the feminine gender. The word "shall" is always mandatory and not merely discretionary.

- A. *Authority or CVWMA*** - shall mean the Central Virginia Waste Management Authority, the instrumentality created under the provisions of the Virginia Water and Waste Authorities Act, §15.2-5100, et seq., and includes the individual members (or voting alternates) of the CVWMA Board of Directors, and the officers, agents or employees of the Central Virginia Waste Management Authority. For the purposes of this Service Agreement, "Authority" shall not include the governing bodies, the individual elected officials of the Participating Local Jurisdictions served by this Service Agreement, except those elected officials who serve as members or alternates of the CVWMA Board of Directors, nor the employees or agents of the Participating Local Jurisdictions acting on behalf of their employer or principal, respectively.
- B. *CFC/HCFC Collection and Processing*** - shall mean the collection of CFC's/HCFC's from white goods stockpiled by Participating Local Jurisdictions at Collection Sites by the Contractor and the Contractor's arranging for subsequent processing of CFC's/HCFC's.
- C. *CFC/HCFC Collection and Processing Services*** - shall mean those services to be performed by the Contractor including, but not limited to: **a)** collecting CFC's/HCFC's from white goods stockpiled by Participating Local Jurisdictions at designated Collection sites; **b)** affixing stickers to white goods serviced to evidence evacuation of CFC's/HCFC's; **c)** arranging for the processing of CFC's/HCFC's collected for recycling, reclaiming or disposal; and **d)** reporting to the CVWMA the results of activities associated with **a)**; **b)**; and **c)**.
- D. *CFC's/HCFC's*** - shall mean those substances described under section 608 of the Clean Air Act, Title VI Part 82, Stratospheric Ozone Protection, and in any subsequent implementing regulations. Hydrofluorocarb (HFC), perfluorocarbon (PFC) and other substances as designated by subsequent Clean Air Act regulations are also included in this category.
- E. *Collections Sites*** -shall mean sites where the collection of CFC's/HCFC's is to be performed. The CVWMA will notify the Contractor in writing as to the location of Collection Sites within the Participating Local Jurisdictions and any changes, additions or deletions.
- F. *Contract*** – shall mean the written Contract and all amendments thereto, between the CVWMA and the Contractor, governing the provision of CFC/HCFC Collection and Processing services and other services as specified in the Contract.
- G. *Contractor*** - shall mean the individual, Contractor, firm, partnership, joint venture, corporation, or association performing CFC/HCFC Collection and Processing Services under Contract with the Central Virginia Waste Management Authority (CVWMA) and for purposes of this service agreement shall mean **Tri City Appliance, Inc.**

- H. *Force Majeure* - Any cause beyond the reasonable control of the party whose performance under this Service Agreement is affected, including but not limited to acts of God, change in law, war, riot, fire, explosion, wind storm, flood, inability to obtain or use fuel, power, or raw materials, shortage or failure of the usual means of transportation, injunction, action by governments not party to this Service Agreement, accident, and breakdown of machinery or equipment. "Reasonable control" of a party shall specifically exclude that party's ability to reach a resolution in a labor dispute and that party's ability to settle or compromise litigation.
- I. *Member Jurisdictions* – shall mean the members of the CVWMA including the Counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, Powhatan and Prince George; the Cities of Colonial Heights, Hopewell, Petersburg, Richmond and the Town of Ashland.
- J. *Participating Local Jurisdictions* – shall mean those Member Jurisdictions that have executed the Special Project Service Agreement for Used Electronic Equipment Collecting, Transporting and Processing Services pursuant to Article 11 of the CVWMA Articles of Incorporation.
- K. *Special Project Service Agreement* – shall mean an agreement between the CVWMA and the Participating Local Jurisdictions specifying the terms and conditions under which those jurisdictions will participate in the program outlined in the Contract between the CVWMA and the Contractor as defined in the preamble.
- L. *White Goods* - shall mean refrigerators, freezers, air conditioners, dehumidifiers, and other appliances designed to utilize CFC's/HCFC's in their internal operation.

ARTICLE III – TERM OF AGREEMENT

The term of this Service Agreement shall run concurrently with the term of the Contract with the Contractor, and shall terminate when such Contract terminates or is terminated. The term of that Contract is on or about July 1, 2010, through June 30, 2015, with one (1) additional five (5) year renewal option. Renewal of any such Contract will be by mutual written consent of the CVWMA and the individual Contractor. The CVWMA and any Participating Local Jurisdiction may renew this Service Agreement by written consent given not less than ninety (90) days prior to the expiration of its then current term. This Service Agreement shall become effective and operations hereunder may commence in a Participating Local Jurisdiction following execution of this Service Agreement by such Participating Local Jurisdiction.

ARTICLE IV – SPECIAL PROJECT DESCRIPTION AND COMPENSATION FOR SERVICES

The Contractor shall provide the following CFC/HCFC Collection and Processing Services:

- A. The Contractor shall collect CFC's/HCFC's in compliance with the federal Clean Air Act, any amendments and implementing regulations, as well as any other applicable federal, state and local laws, regulations and ordinances. Each locality will have an established regular schedule of service at a specific location(s) where the CFC/HCFC collection is to be performed. Each locality will give reasonable advance notice to the CVWMA when it wishes to receive any "extra" service outside of the schedule established under this Contract. The schedule will be

specified in a letter from the CVWMA to the Participating Local Jurisdiction(s) and the Contractor after consultation with all parties.

B. The Contractor shall provide all equipment required to safely perform the requirements of this Contract including, but not limited to, evacuation equipment, tapping valves, pressure and temperature gauges, DOT approved storage tanks, and all other equipment and materials required by applicable federal, state and local laws, ordinances, rules or regulations.

C. Once CFC's/HCFC's have been removed, the Contractor shall affix a sticker to each white good serviced verifying the removal of such elements. The sticker shall include the Contractor's name, address, phone number and date of removal. The sticker shall be provided by the Contractor at its expense. A removal verification form shall be signed by the Contractor and a representative of the Participating Local Jurisdiction; a copy of the verification shall be provided to the CVWMA.

D. The Participating Local Jurisdiction(s) requesting service by the Contractor shall be responsible for the marketing or disposal of all white goods after proper collection of CFC's and HCFC's by the Contractor.

E. Each designated Collection Site shall be open to the Contractor from 7:30 a.m. until 6:00 p.m., Monday through Friday. No service operations shall take place on Thanksgiving Day, Christmas Eve, Christmas and New Year's Day.

F. The Contractor and the CVWMA have agreed, in the event any PCBs are observed in any white goods that are to be processed, the Contractor shall recover only CFC's/HCFC's as provided under the Contract. The Contractor shall not issue the approved sticker and shall mark the contaminated white good as requiring special handling by the Participating Local Jurisdiction.

G. Each month the Contractor shall report to the CVWMA the number and type of units serviced in each Participating Local Jurisdiction and the date and location of service. In addition, the Contractor shall report upon request to the CVWMA the quantity of refrigerants recovered and the facilities utilized for processing CFC's/HCFC's. The Contractor shall report to the CVWMA the date of transfer, the weight of CFC's/HCFC's transferred, the name of the receiving facility, the processing outcome (recycling, reclaiming or disposal) of the transferred CFC's/HCFC's, and the revenue paid for the CFC's/HCFC's and/or the price charged by the facility accepting them.

H. The Contractor agrees to store, manage and process CFC's and HCFC's which are removed in accordance with all applicable federal, state and local laws, regulations and ordinances

I. The CVWMA shall, through this Special Project Service Agreement with the Participating Local Jurisdictions, require the following:

1. Participating Local Jurisdictions shall be responsible for the collection of White Goods requiring the removal of CFC/HCFS in a manner making them accessible for service. The Participating Local Jurisdiction(s) requesting service by the Contractor shall be responsible for the marketing or disposal

of all white goods after proper collection of CFC's and HCFC's by the Contractor.

2. Participating Local Jurisdictions shall provide appropriate supervision of the collection site and White Goods and shall accept responsibility for improper CFC/HCFC removal while such goods are awaiting service at Collection Sites.
3. Participating Local Jurisdictions shall comply with all federal, state and local laws, regulations and ordinances applicable to the materials collected prior to them being collected by the Contractor.
4. Participating Local Jurisdictions shall hold clear title to all materials to be transferred hereunder (except CFC/HCFC once collected by Contractor) and shall not be under any legal constraint which would prohibit the handling of such materials or the transfer of possession and title to such materials to the Contractor.

J. *Annual Recycling Rate Report:* The Contractor shall provide information for the annual Virginia Recycling Rate Report as specified in VAC 20-130-10 et seq. upon request by CVWMA.

K. The CVWMA shall prepare monthly invoice for amounts due for CFC/HCFC collection and processing services. The Participating Local Jurisdictions shall pay invoiced amounts within thirty (30) days of the date of the invoice. The fee shall be \$10 for each unit from which CFC's/HCFC's are collected.

L. The Participating Local Jurisdictions shall pay CVWMA for services provided pursuant to this Agreement as summarized below. The Local Jurisdictions agree to pay any service fee adjustments approved by the CVWMA that are required under the Contract implementing this Agreement or contained in this Agreement which are applied to all Participating Local Jurisdictions. Each Participating Local Jurisdiction agrees to pay any service fee adjustments approved by the CVWMA that result from changes in service implemented in that individual Participating Local Jurisdiction.

M. The Contract is a "requirements" contract and neither the CVWMA nor any specific Participating Local Jurisdiction has guaranteed any quantities of White Goods to be processed for CFC/HCFC removal to the Contractor.

N. Title to, control of and responsibility for the CFC/HCFCs collected from the White Goods shall vest to the Contractor upon collection by the Contractor. At no time shall title vest to CVWMA.

ARTICLE V – NO PARTNERSHIP

Nothing herein shall be construed to constitute a joint venture or the formation of a partnership among or between the CVWMA, the Contractor and the Participating Local Jurisdictions any or all of them.

ARTICLE VI – FORCE MAJEURE

Should any Contractor fail to perform the services under the Contract with the CVWMA by reason of Force Majeure, the CVWMA shall, where practicable, take all reasonable steps to secure another Contractor to perform those services. Failure of the CVWMA to perform under this Agreement by reason of Force Majeure affecting the CVWMA or any Contractor shall not constitute a default or cause for termination of this Agreement. However, in case of non-performance due to Force Majeure, the CVWMA shall immediately notify the Participating Local Jurisdictions in writing of the failure, including reasons for such failure, and shall make reasonable efforts to correct such failure and to continue performance at the earliest possible date.

ARTICLE VII – TERMINATION AND NON-APPROPRIATION

- A. A Participating Local Jurisdiction desiring to withdraw from this Service Agreement shall give the CVWMA thirty (30) days advance written notice of its intent to withdraw.
- B. The Parties to this Service Agreement agree that termination pursuant to Article VII shall be without penalty or liability to either party.
- C. Notwithstanding the withdrawal of any Participating Local Jurisdiction, this Service Agreement shall remain in effect with respect to any remaining Participating Local Jurisdiction(s).
- D. The CFC/HCFC Collection and Processing Services implemented and governed by this Agreement are funded solely through funds appropriated to the CVWMA by the Participating Local Jurisdictions. The continuation of the terms, conditions and provisions of this Agreement beyond the end of any Participating Local Jurisdiction's fiscal year is subject to the approval and ratification by the governing body of the Participating Local Jurisdiction and appropriation of the necessary money to fund this Agreement for the succeeding fiscal year by that Participating Local Jurisdiction. Should the governing body of the Participating Local Jurisdiction fail to appropriate necessary funding for CFC/HCFC Collection and Processing, the Participating Local Jurisdiction may terminate this Agreement or any unfunded portion of this Agreement without incurring any penalty, liability or additional costs whatsoever.

ARTICLE VIII – AUDIT PROVISIONS

- A. CVWMA's records, which shall include but not be limited to all documents, accounting records, written policies and procedures, contract files (including proposals of successful and unsuccessful offerors), payroll records, original estimates, estimating worksheets, correspondence, change order files (including documentation covering negotiated settlements), and any other supporting evidence necessary to substantiate charges related to this Service Agreement or the Contract, shall be open to inspection by the Participating Local Jurisdictions and subject to audit and/or reproduction, during normal working hours or at such other times as are mutually agreed upon by the parties, to the extent necessary to adequately permit evaluation and verification of any invoices, payments or claims submitted by

CVWMA or any of its agents or vendors pursuant to this Agreement.

- B. For the purpose of such audits, inspections, examinations and evaluations, the Participating Local Jurisdiction' agent or authorized representative shall have access to records from the effective date of this Agreement, for the duration of the Agreement, and until five (5) years after the date of final payment by Participating Local Jurisdictions' to CVWMA for each fiscal year of service pursuant to this agreement.
- C. Participating Local Jurisdictions' agent or authorized representative shall have reasonable access to CVWMA's facilities, shall have reasonable access to all necessary records, and shall be provided reasonable access to adequate and appropriate work space in order to conduct audits in compliance with this Article. Participating Local Jurisdictions' agent or authorized representative shall give the CVWMA reasonable advance notice of intended audits.

ARTICLE IX - COMPLIANCE WITH LAWS AND REGULATIONS AND GOVERNING LAW.

The Parties to this Service Agreement agree that the laws of the Commonwealth of Virginia shall govern the validity, construction, interpretation, and effect of this Service Agreement. This Service Agreement is entered into and is to be performed in the Commonwealth of Virginia. Any dispute or claim arising out of or relating to this Service Agreement shall be resolved in the applicable court of the City of Richmond, Virginia.

ARTICLE X – SEVERABILITY AND WAIVER

In the event any provision of this Service Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be binding upon the parties. Should any term, provision or other part of this Service Agreement be held to be unenforceable, such provision or portion thereof shall be reformed to comply with applicable laws or regulations preserving to the greatest extent possible the original intent of the unenforceable provision. Waiver of a breach by any party of any provision, term, condition, or covenant of this Service Agreement shall not be construed by the other party as a waiver of a subsequent breach of such provision by the waiving party.

ARTICLE XI – NON-ASSIGNMENT

Neither the Participating Local Jurisdictions nor the CVWMA shall assign their respective duties under this Service Agreement without the written consent of all other signatories to this Service Agreement. This Service Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the parties.

ARTICLE XII – INSURANCE AND INDEMNIFICATION

- A. Insurance. The Contractor shall be required to carry and maintain in effect public liability insurance coverage with a company licensed to do business in the Commonwealth of Virginia and in the amounts and coverage specified below. The Contractor shall, prior to commencement of work under the Contract, deliver Certificates of Insurance from

carriers acceptable to the Contractor specifying such limits, with the CVWMA and each Participating Local Jurisdiction participating in this proposed project named as additional insured parties. The Contractor shall ensure that the carrier or carriers shall agree to give the CVWMA thirty (30) days written notice of its decision to cancel, change or fail to renew coverage. The CVWMA reserves the option to increase the required insurance amounts if the contract is renewed beyond the initial three-year term.

- a. Worker's Compensation
Statutory Requirements
- b. Automobile Liability, Including Owned, Non-Owned and Hired Car Coverage
Limits of Liability - \$2,500,000 Combined Single Limit for Bodily Injury and Property Damage
- c. Comprehensive General Liability
Limits of Liability - \$2,500,000 Combined Single Limit for Bodily Injury and Property Damage
Including: Completed Operations/Products
Contractual Liability for Specified Agreements
Personal Injury
XCU (Explosion, Collapse and Underground Coverage)
Broad Form Property Damage

NOTE: The levels of coverage required in b. and c. can be met by the primary policy alone or in concert with an excess liability policy.

The Contractor shall provide, if required, evidence showing compliance with the above requirements to the satisfaction of the CVWMA prior to commencement of work under the Contract. Failure to comply with this requirement may be cause for termination of the Contract, in the sole discretion of the CVWMA.

- B. Indemnification: The Contractor shall indemnify and hold the CVWMA and its Member Jurisdictions and their officers, agents and employees harmless from and defend against all claims, damages, losses, and expenses, including attorney's fees, of whatever kind or nature arising out of or resulting from the Contractor's or any of its subcontractor's providing or failing to provide any construction, product, goods, or services required under the Request for Proposals or a related Contract, including, but not limited to, any such claim, damage, loss, or expense that is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property; provided, however, that the Contractor's indemnification obligation under the scope of services of a Contract resulting from the Request for Proposals shall be limited to claims, damages, losses, and expenses caused by any negligent act or omission of the Contractor or any subcontractor performing work required by the Contractor's Contract with the CVWMA or anyone directly or indirectly employed by any of them or anyone for whose acts the Contractor or any subcontractor may be liable.
The Contractor shall indemnify and hold the CVWMA and its Members Jurisdictions, and their officers, agents and employees harmless from and defend against all claims (legal, equitable or administrative), damages, losses, expenses (including expert witness

fees), consultant and attorney fees, remediation costs, removal costs, clean-up costs and all other costs, liabilities or expenses arising out of or resulting from the performance of services set forth in this Contract, or the failure to perform said services. It is understood that this indemnification shall extend to any and all claims against the CVWMA or the Participating Local Jurisdictions by third-parties or agencies of the federal, state or local governments for any environmental liability due to a release of pollutants to the environment, whether imposed by statute, ordinance, regulation or common law, relating to activities under this Contract. This Section shall survive the expiration or termination of this Contract.

ARTICLE XIII – ADDITIONAL PARTIES

- A. It is understood and agreed upon by the parties, upon written request from any of the other member local governments of the CVWMA service area, that the CVWMA may enter into a Service Agreement Addendum with such other member Jurisdiction(s)
- B. It shall be understood by the parties to this Service Agreement that no other additional parties shall be eligible to participate in this special project without a written addendum to this Service Agreement.
- C. This Service Agreement shall remain in full force and effect between the remaining parties notwithstanding termination with respect to any Participating Locality.

ARTICLE XIV – ENTIRE AGREEMENT

This Service Agreement represents the entire agreement between the CVWMA and the Participating Local Jurisdictions and supersedes all prior negotiations, representations or agreements, either written or oral. This Service Agreement may only be amended by written document signed by the Participating Local Jurisdictions and the CVWMA after approvals granted by the governing bodies of the Participating Local Jurisdictions and the CVWMA unless said amendment authority has been previously delegated to the authorized representatives of the CVWMA and the Participating Local Jurisdictions in the opinion of local and CVWMA legal counsel.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

AN ORDINANCE NO. 10-15

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

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

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

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

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

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Council finds, after investigation by the Colonial Heights' Planning Commission, that issuance of a special use permit to John and Patsy Crowder, for property located west of Sadler Avenue, will not be detrimental to the safety, health, morals and general welfare of the community involved; will conform to the principles of good planning; will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; will not create hazards from fire, panic or other dangers; will not tend to overcrowding of land and cause an undue concentration of population; will not adversely affect or interfere with public or private schools, parks,

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

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

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

4. That 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 April 13, 2010

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

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

Aye

The Honorable Kenneth B. Frenier, Councilman:

Aye

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

Aye

The Honorable Elizabeth G. Luck, Vice Mayor:

Aye

The Honorable John T. Wood, Councilman:

Aye

The Honorable Diane H. Yates, Councilwoman:

Aye

The Honorable C. Scott Davis, Mayor:

Aye

Adopted on its second reading on _____.

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

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

_____.

The Honorable Kenneth B. Frenier, Councilman:

_____.

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

_____.

The Honorable Elizabeth G. Luck, Vice Mayor:

_____.

The Honorable John T. Wood, Councilman:

_____.

The Honorable Diane H. Yates, Councilwoman:

_____.

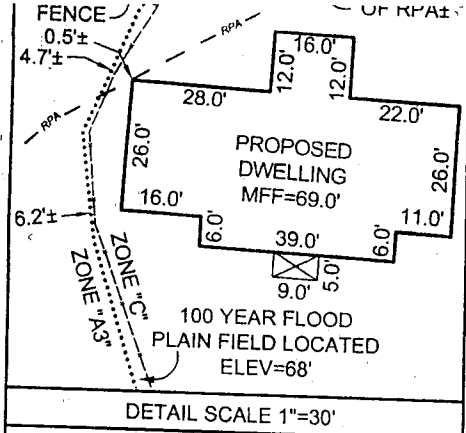
The Honorable C. Scott Davis, Mayor:

_____.

City Clerk

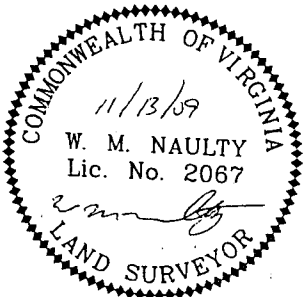
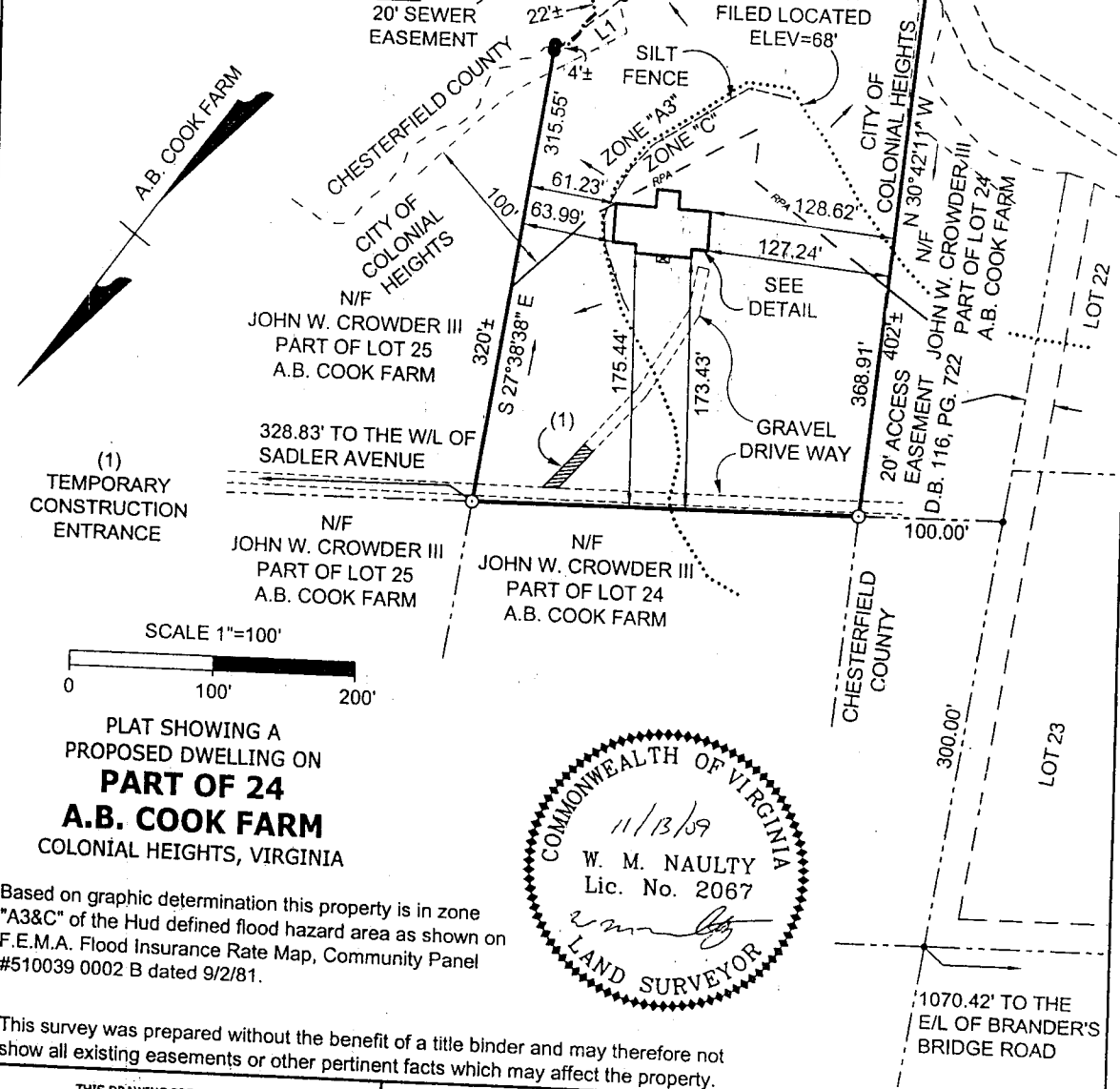
Approved as to form:

Hugh P. Foster, III
City Attorney



DETAIL SCALE 1"=30'

LINE	BEARING	DISTANCE
L1	S 14°12'45" W	62.09'
L2	S 39°31'47" W	196.05'
L3	N 68°56'09" W	27.07'



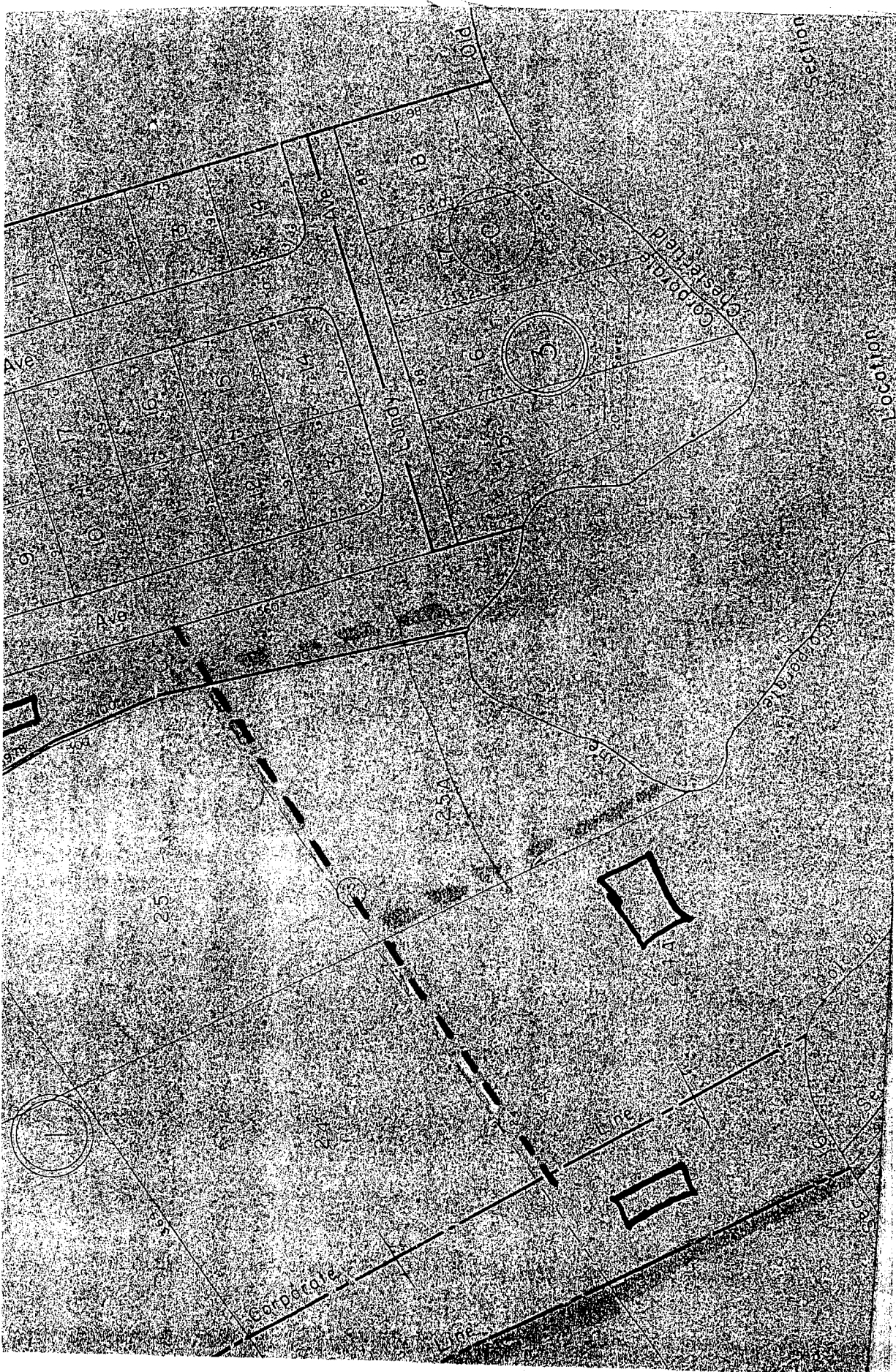
Based on graphic determination this property is in zone "A3&C" of the Hud defined flood hazard area as shown on F.E.M.A. Flood Insurance Rate Map, Community Panel #510039 0002 B dated 9/2/81.

This survey was prepared without the benefit of a title binder and may therefore not show all existing easements or other pertinent facts which may affect the property.

THIS DRAWING PREPARED AT THE TRI-CITIES OFFICE 4260 Crossings Blvd Prince George, VA 23875 TEL 804.541.6600 FAX 804.751.0798 www.timmons.com		YOUR VISION ACHIEVED THROUGH OURS.	
DATE: OCTOBER 5, 2009	SCALE: AS SHOWN		
REV: NOVEMBER 13, 2009	J.N.: 27540-903		
DRAWN BY: JNL	CHECK BY: WMN		

TIMMONS GROUP

Cell 334-4895



AN ORDINANCE NO. 10-15
(As Amended)

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

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

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

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

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

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Council finds, after investigation by the Colonial Heights' Planning Commission, that issuance of a special use permit to John and Patsy Crowder, for property located west of Sadler Avenue, will not be detrimental to the safety, health, morals and general welfare of the community involved; will conform to the principles of good planning; will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; will not create hazards from fire, panic or other dangers; will not tend to overcrowding of land and cause an undue concentration of population; will not adversely affect or interfere with public or private schools, parks,

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

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

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

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

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

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Dyer, 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

June 8, 2010

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

Ladies and Gentlemen:

As you are aware, the Virginia Department of Transportation (VDOT) is in the process designing the I-95/Temple Avenue Interchange Realignment Project. VDOT hired a consultant to produce the Interchange Modification Report (IMR) that needs to be approved by the Federal Highway Authority (FHWA) before the project can be advertised. VDOT's goal is to have this completed and approved before the public hearing, now scheduled for May 2011. A rough draft has been completed and preliminary design should start soon.

Part of this process includes Value Engineering which was held on April 8, 2010 and their recommendations were distributed within VDOT's structure for review and approval. The following recommendations impact City business's access and they desire the City's reaction to these proposals that, in their opinion, improve traffic flow and promote access management:

1. Close the eastern entrance to the Kangaroo Station.
2. Close the existing crossover on Temple Avenue across from the shared entrance to the Hardees and Kangaroo
3. Close the existing crossover on Temple Avenue across from the BP Station.

It is staff's opinion that these commercial interests would object to any changes that would appear to reduce access to or from their properties. We believe that VDOT retained ownership of the limited access right-of-way and gives them discretion concerning the crossovers and the entrance, but recommended that VDOT address these recommendations directly with City Council. They may have other options to reduce the impacts to our local businesses.

The Honorable Mayor and Members of City Council
June 4, 2010
Page 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Johnson". The signature is fluid and cursive, with the first name "William" and last name "Johnson" clearly distinguishable.

William E. Johnson
Acting City Manager

WEJ:eg

Attachment

cc: Hugh P. Fisher, III, City Attorney
William E. Henley, Director of Public Works & Engineering

Bill Johnson

From: Chuck Henley
Sent: Thursday, May 06, 2010 11:25 AM
To: Millikan, Ian; P.E.
Cc: Bill Johnson; Harold Caples; Hugh (Chip) Fisher; SAMUEL.HAYES@VDOT.VIRGINIA.GOV
Subject: RE: I-95/ Temple Avenue Project

In partial response to your questions, it's my opinion that the commercial interests likely would object to any changes that reduce access to or from their properties. It's also likely that those same interests would petition City Council to intervene on their behalf. Consequently, establishing City Council's position on the matter is important.

If I recall correctly VDOT retained ownership of the limited access right-of-way between the mainline and the off-ramp. I assume the access management regulations provide you with some absolute discretion regarding the disposition of the crossovers and the driveway. All the same, I have recommended initiating the discussion of these issues in an upcoming council work session and further recommend that VDOT be given the opportunity to address the issues directly with City Council.

In my thinking due consideration of your proposals should include whether and how forced out-of-direction travel could be addressed in order to mitigate the impacts to street level of service and to commercial activity. I trust this makes clear my current thoughts on the matter. However, should you have questions or require additional information, please let me know.

William (Chuck) E. Henley, P.E.
Director of Public Works/City Engineer
City of Colonial Heights
201 James Avenue
PO Box 3401
Colonial Heights, VA 3401
Office: (804) 520-9334
Mobile: (804) 400-8218
Fax: (804) 520-9237
E-mail: henleyec@colonial-heights.com
Web: [www.colonial-heights.com/public works](http://www.colonial-heights.com/public%20works)

From: Millikan, Ian; P.E. [<mailto:Ian.Millikan@VDOT.Virginia.gov>]
Sent: Thursday, April 29, 2010 3:56 PM
To: Chuck Henley
Cc: Harold Caples
Subject: I-95/ Temple Avenue Project

Good afternoon Chuck,

It's been a while since we've spoken about the I-95/ Temple Avenue interchange realignment project so I wanted to bring you up to speed on the project and gauge the City's interest in some of the Value Engineering Recommendations which were recently developed.

VDOT hired a consultant to produce the Interchange Modification Report (IMR) that needs to be approved by FHWA before the project can be advertised. My goal is to have the IMR completed and approved prior to the public hearing (currently scheduled for May 2011) so that we'll know what we are showing the public is consistent with the approved document. The consultant has already sent me a rough draft of the

5/27/2010

IMR and is working on addressing my initial comments. Additionally, I am expecting to receive the project survey in the next few weeks so we can begin preliminary design.

We held the Value Engineering for the project on April 8, 2010 and the group's recommendations were distributed to various levels of VDOT executive management earlier this week for final review and approval. Several of the recommendations involve items that may impact the City so I wanted to run them by you to determine the City's initial reaction. These recommendations were:

1. Improve traffic flow and promote access management by closing the eastern entrance to the Kangaroo Station.
2. Improve traffic flow and promote access management by closing the existing crossover on Temple Avenue across from the shared entrance for the Hardees and Kangaroo.
3. Improve traffic flow and promote access management by closing the existing crossover on Temple Avenue across from the BP Station.

Let me know what the City thinks about those three recommendations and let me know if you have any other questions about the project.

Thanks,

Ian

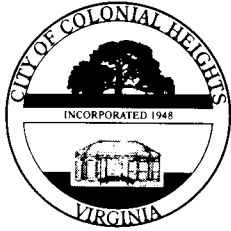
Ian Millikan, PE, PMP

Project Manager | Virginia Department of Transportation | Richmond District

2430 Pine Forest Drive, Colonial Heights, VA 23834 | 804-524-6153

Ian.Millikan@VDOT.virginia.gov

5/27/2010



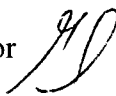
CITY OF COLONIAL HEIGHTS

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: June 2, 2010

Subject: Planning Commission Actions at June 1, 2010 meeting

At the June 1, 2010 meeting of the Commission the following actions were taken:

1. Approved minutes of the May 2010 meeting. Please see attached minutes.
2. Held a public hearing on a special use permit request at 1210, 1212 and 1214 Boulevard. Commission voted (4-2-1) to recommended approval. Please see attached resolution.
3. Discussed proposed Zoning ordinance and official zoning map. Commission voted (6-0-1) to recommend approval. Please see attached resolution.

RECEIVED

JUN 02 2010

CITY CLERK'S OFFICE

CITY OF COLONIAL HEIGHTS, VIRGINIA
REGULAR MEETING OF THE PLANNING COMMISSION
TUESDAY MAY 4, 2010 7:00 P.M.

CALL TO ORDER

The regular meeting of the Colonial Heights Planning Commission was called to order by Chairman Harry A. Hargis, Jr., Councilman Mr. Milton E Freeland, Jr.; Mrs. Mary Ann Hamilton; Vice-Chairman Lewis L Johnson; Mr. Michael A Magnusson; Mr. James L O'Connell; and Mr. Charles E Townes were in attendance. Also in attendance were City Attorney Hugh P Fisher, III, Acting City Manager William E Johnson, Planning Director George W Schanzenbacher, and Assistant Director of Public Works Harold Caples. A quorum was determined for the conducting of business.

APPROVAL OF MINUTES OF APRIL 6, 2010 MEETING AND APPROVE AMENDMENT TO FEBRUARY 2010 MINUTES:

Charlie Townes pointed out on page 4 on the April 6th minutes it should indicate that there were two votes taken instead of one. There needed to be a correction to include the inspection fees that did not pass, and vote to accept the fee schedule without inspection fees that did pass. With this correction the minutes were approved on a unanimous roll call 5-0.

APPROVAL OF AGENDA

There were no changes or additions to the agenda.

HEARING OF CITIZENS GENERALLY FOR NON AGENDA ITEMS

Mr. John Davis of 3108 Farris Ave. addressed the commission. He has a Paraplegic wife; their daughter has moved in to help with the wife. He wants language inserted in the zoning to allow for privacy fences to block items in his yard from view. Mr. Schanzenbacher and Mr. Caples were able to address his concern that there was already provision for fences in the code.

He also brought up concerns about high speed rail and straightening a curve in the road. He also requested to insert special consideration language to hide brush. He inquired about the where to dump brush. Mr. Hargis restated the questions and identified three concerns.

Brush drop off can be done at the utilities yard and. Mr. Caples will look into additional time for the drop offs, outside of the established schedule. Friday and Saturday are the current days for brush collection

High speed rail system information is not available at this time.

The fence requirements are as follows 42" in front 72" in rear. He has a refrigeration unit

that needs to be covered. Mr. Schanzenbacher indicated that he can put up the fence according to the current regulations.

PUBLIC HEARINGS

A. Rewrite of Zoning ordinance (Chapter 286) and map. Complete rewrite of Chapter 286 and preparation of new zoning maps.

Mr. Schanzenbacher reads the rules of hearing, and gives a brief overview of the objectives of the proposed ordinance.

For over two years a consultant and staff have been working to revise the city's zoning ordinance. There had been amendments but there was a need to rewrite the code update rules and definitions to modernize the ordinance, but to largely keep the same intent. Zonings that were residential remain residential, but there is a consolidation of zoning classifications. Major additions included adding provisions for; accessory apartments; landscaping buffering and screening standards; and new guidelines for home occupations, home offices, and internet businesses. The impact of the home occupation regulations is that you would not know that the business was operating there. It established amended fees and revised zoning districts. There are also new zoning maps. The maps are similar in uses but show the consolidation of zoning classifications.

CITIZEN COMMENT:

Vickie Parks, of Medallion Pools on West Rosalyn Road, inquired if they want to sell as industrial can someone come in and use the property as industrial or would there have to be a rezoning.

Mr. Schanzenbacher explained that for any change of zoning or use there would have to be a request to change it and the request has to be addressed through the established process. It would not be changed by the ordinance rewrite.

Mr. Freeland shared some citizen concerns that he received by phone that existing multifamily R-4 zoning was going to remain the same for undeveloped land? There was a lot of confusion about the rezoning vs. updating the ordinance.

Mr. Hargis asked for any commissioner response. None

The public hearing on the Zoning ordinance was closed. Mr. Hargis indicated that the Commission would not be acting on the ordinance tonight.

B. SUP 02-10-1210-1214 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 indicated that RL Dunn is the contract purchaser of the property and is requesting a special use permit for the proposed development. The site is at the corner of the Boulevard and Charlotte Ave and consists of 1.7 acres with 9 existing buildings on the site.

The proposed development request requires a special use permit because the property is currently zoned B-3 and the existing zoning does not allow multifamily dwellings. Under the new code mixed use would be allowed. The application is for two new buildings containing 32 units of housing and 6800 square feet of commercial space. Mr. Dunn is here and would like to address the Commission.

Mr. Fisher indicated that the draft local ordinance the commission has, needs to be replaced with a different draft than the one that the Commissioners have because it is incomplete. The updated materials were distributed to the Commission.

Mr. Dunn indicates that he wants to close on the property in the next 2 to 3 weeks. He is proposing to remove the worst two buildings because they are a fire trap right now.

He wants to tear down several buildings and replace one with a commercial strip facing the Boulevard with an entrance for the residential units from the rear of the building. The other building would run parallel to Charlotte Ave. He inquires if the doors need to face Charlotte or the inside of the complex? The plans show that there would be no back doors. There would just be one entrance and parking is on the inside. The trash cans would be replaced with front load dumpsters.

Commission member requested clarification on the buildings that will be demolished and the ones that will remain.

He wants to take down 4 buildings on the Boulevard take down two of three on Charlotte. The long row building with 8 units along the back would be kept as rentals.

It was indicated that the project would need to go through the site plan review process for landscaping and additional design requirements. Clarification is needed on the calculations as there are 9000 square feet of residential plus 6,800 commercial on the bottom on the front building, and a 2nd floor at 6800 square feet if residential. Mr. Fisher indicated that the hearing announcement would need to be re-advertised due to this discrepancy.

Mr. Schanzenbacher raised concerns about the design of the buildings and appearance. Mr. Dunn explained that the designs were quick but he was open to feedback. There needs to be a maximum number of units put on the special use exception. Mr. Dunn could keep the site as it is, but wants to improve the area.

Ms. Hamilton wanted to know what the setback is from Charlotte Ave. It is very close to the street. Can it be set back further as part of the special use? The normal residential setback is

25 feet. If the building can be broken up some it may help with the aesthetics.

Mr. Fisher pointed out that there is discretion allowed to put reasonable conditions not required by zoning because of the special permit request. He could put a business there with out the special use exception.

These would be efficiency units at a minimum of 450 square feet. The current occupancy varies from 90-100%. One resident has been there since his honeymoon 40 years ago.

Current residents would be able to move to other units in the property to keep from being displaced. Improvements to the back and left units needed are; paint, siding and tree trimming. Phase one will not start until next year. It will take 12 months to start construction. The proposed business uses could be, an accounting firm, locksmith business, hair dresser, R.L. Dunn's office, there would only be room for 6 or 7 units. Residential access from the rear of the buildings is proposed

CITIZENS TO SPEAK ON THE SPECIAL USE PERMITS

Bruce Hearn of 146 Charlotte Ave. raised a concern that traffic might increase as the street already has problems and the development might make it worse.

Staff noted that if the special use permit is approved site plan review of the project is required. A parking determination and potentially a traffic impact study could be required. According to the traffic standards study, there will be a determination of infrastructure and utility improvements. For the back apartments, can there still be an entrance? If Charlotte was closed off then there would be little impact on the traffic.

Commissioners inquired as to what the rental price will be for the new units. Current rents are \$150 a week for a single occupant, \$187 for two people, or \$600 a month including utilities. The tenants need help with utilities. How many units are vacant? There are some in one building that are not filled. There are 4 families that share a bathroom in one building.

Is there a plan for sprinklers in the buildings? It would depend on the design. Concrete construction would remove that need.

Mr. Fisher addresses the ad for the public hearing. If the ad references the square footages are not the same as the plan then it may need to be re advertised. The notice says residential units, and specifies 11300 square feet for the units. Attachments to the units and dimensions total 15,800 square feet of residential for the 32 units, and 6800 of commercial space. Mr. Fisher requested that the hearing be closed and re-advertised for next months meeting with a corrected square footage figure.

OLD BUSINESS – NONE

NEW BUSINESS

RESOLUTION OF APPRECIATION

Mr. Hargis presented Mr. Magnusson a resolution of appreciation upon his retirement from the Commission.

REPORTS

CHAIRMAN – Mr. Hargis – none

LAND USE - Mr. Freeland Chairman, Mr. O'Connell, Mr. Townes– none

SUBDIVISION- Mr. Johnson Chairman; Mr. O'Connell, Mrs. Hamilton– none

ZONING- Mr. Magnusson Chairman; Mr. Johnson and Mr. Townes– none

CITY MANAGER – Mr. Johnson– none

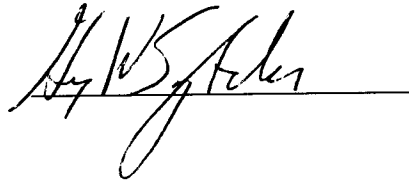
ASSISTANT DIRECTOR OF PUBLIC WORKS - Mr. Caples– none

DIRECTOR OF PLANNING – Mr. Schanzenbacher– none

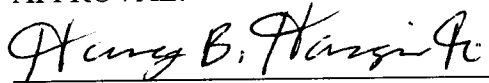
Mr. Johnson inquired about the new care givers legislation included in the packet. Mr. Schanzenbacher indicated that it did not require any action this evening and would be included as part of the final draft ordinance.

ADJOURNMENT

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Mr. Schanzenbacher", written over a horizontal line.

APPROVAL:

A handwritten signature in black ink, appearing to read "Harry B. Hargis, Jr.", written over a horizontal line.

HARRY B. HARGIS, JR.
CHAIRMAN

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:

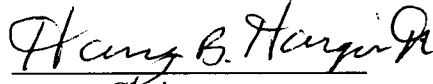
That the Planning Commission recommends to City Council that the attached ordinance, Exhibit A, be approved and that a special use permit be issued to R.L. Dunn allowing for 32 units of multi-family housing and 6,800 square feet of commercial space on a 1.7 acre parcel, 1210, 1212 and 1214 Boulevard,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

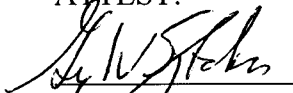
Business (high -density) District, parking and landscaping, and the
Boulevard Overlay District requirements.

Approved this 1st day of June, 2010.

APPROVED:


Chairman

ATTEST:


Secretary

Vote:

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

Against: Hamilton, Kollman

Abstain: Townes

RESOLUTION NO. 10-3 (PC)

To recommend to City Council the replacement of Chapter 286, Zoning, and the Official Zoning Map, of the Colonial Heights City Code, as rewritten.

WHEREAS, the Planning Commission advertised a proposed new zoning ordinance and official zoning map in The Progress Index on April 19, 2010 and April 26, 2010; and held a public hearing on the proposed ordinance and map on May 4, 2010;and

WHEREAS the staff sent notice of the proposed public hearing and workshops to all City property owners on April 13, 2010 and held community workshops on April 22, 2010 and April 27, 2010;and

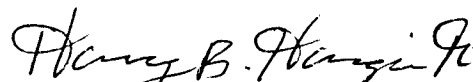
WHEREAS, the Planning Commission has determined that the public necessity, convenience, general welfare, and good zoning practice require that the current zoning ordinance and map be replaced with the proposed ordinance and map; NOW, THEREFORE,

BE IT RESOLVED BY THE COLONIAL HEIGHTS PLANNING COMMISSION:


That the Planning Commission recommends to City Council that it approve the proposed replacement of Chapter 286, Zoning, of the Colonial Heights City Code, and the Official Zoning Map, as rewritten.

Approved this 1st day of June 2010.

APPROVED:


Chairman

ATTEST:


Secretary

Vote:

In Favor: Freeland, Hamilton, Hargis, Johnson, O'Connell, Townes

Abstain: Kollman