

A RESOLUTION NO. 10-6

Recognizing Bruce and Connie Thornton for their contributions to the City of Colonial Heights.

WHEREAS, Connie Thornton is a lifelong resident of the City of Colonial Heights and a graduate of its School System; and

WHEREAS, Bruce Thornton has resided in the City of Colonial Heights since marrying Connie in 1978; and

WHEREAS, over the last 6 years, the Thorntons have graciously provided numerous donations to the City's Fire & EMS Department for the installation of Opticom intersection override systems at the following intersections: Longhorn Drive at Ellerslie Avenue; Westover Avenue at the Boulevard; Southpark Circle at Temple Avenue; the Boulevard at Dupuy Avenue; and Conduit Road at West Roslyn Road; and

WHEREAS, donations from the Thorntons also have allowed the Fire & EMS Department to purchase 17 Garmin GPS Systems for Fire/EMS Units; 750 High-visibility reflective bands for City fire hydrants; and smoke detectors for the elderly and low-income families throughout the City; and

WHEREAS, recent donations to the Police Department have made it possible for the purchase of a towable light tower for the Department and rifles for patrol officers; and

WHEREAS, during the 2009 Holiday Season, Mr. and Mrs. Thornton sponsored a trip for numerous citizens to attend the Petersburg Symphony Orchestra Holiday Concert; and

WHEREAS, in October 2009, the Thorntons sponsored presentations of "Magicadabra", a play presented by Swift Creek Mill Playhouse based on the Standards of Learning criteria, at the City's three elementary schools; and

WHEREAS, through the generous donations made by the Thorntons, they have significantly enhanced the effectiveness of the City's public safety operations and enriched the lives of numerous City residents; and

WHEREAS, Council finds this an appropriate time to recognize Mr. and Mrs. Thornton for their charitable contributions to the City of Colonial Heights; NOW, THEREFORE,

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

1. That Council hereby expresses, on behalf of the City, its gratitude to Bruce and Connie Thornton for their commitment and devotion to the well-being of the City of Colonial Heights and its citizens.

2. That, in attestation of the high regard in which Council holds Bruce and Connie Thornton, this resolution is hereby made a part of this meeting and the permanent record of the City of Colonial Heights, this 9th day of March, 2010; and the members of Council unanimously affix their signatures.

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

Approved:

\_\_\_\_\_  
Attest: \_\_\_\_\_  
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\*\*\*\*\*

I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

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

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

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

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

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

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

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

Approved as to form:

Hugh P. Johnson III  
City Attorney

# FEBRUARY 2010 EMPLOYEE OF THE MONTH



**NAME:** Lisa C. Briley

**POSITION:** Library Assistant

**EMPLOYMENT**

**HISTORY:** Mrs. Briley was hired in November, 2003 as a Library Assistant.

**NARRATIVE:**

Lisa comes to work each day with passion, and particularly a passion for helping the four thousand City residents who use the library each week. She always greets these residents with a smile and lighthearted kidding. She always makes it abundantly clear that she is available to help the senior citizen with a computer or help the ten year old locate a book.

In addition to her regular duties, Lisa routinely steps beyond her job description to install and maintain the library's numerous computers. Her growing knowledge of the operating systems, utility software packages and network configurations have enabled her to save the library and the City thousands of dollars each year in maintenance costs. She routinely helps the public and library staff with their numerous computer questions.

She also steps outside of her job description as the City staff member who maintains the City's website when the IT Administrator is on vacation or ill.

Her daily enthusiasm and helpfulness toward our citizens, and willingness to grow and accomplish beyond her regular duties exemplifies why Mrs. Lisa Briley is an outstanding employee.

AN ORDINANCE NO. 10-FIN-3

To amend the General Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to appropriate \$251,786, consisting of \$12,627 in grant funds to Public Safety for Fire/EMS to continue the City's Community Emergency Response Team (CERT); \$20,400 in donated funds to Public Safety for Fire/EMS to purchase GPS Navigation devices for units and high visibility reflective bands for City fire hydrants and for Police to purchase a towable light tower and AR-1296 rifle packages; \$18,875 in restricted Asset Forfeiture funds to Judicial for the Commonwealth Attorney's budget; \$3,884 in restricted Asset Forfeiture funds to Public Safety for the Police budget; and \$196,000 in restricted funds to the Street Maintenance budget.

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                      | 4,288,658 4,307,533 |
| Public Safety                 | 7,778,640 7,815,551 |
| Public Works                  | 3,044,162 3,240,162 |
| Health and Social Services    | 717,750             |
| Parks and Recreation          | 1,427,880           |
| Cultural Enrichment           | 92,257              |
| Library                       | 613,213             |
| Community Development         | 542,204             |
| Grant Programs                | 528,483             |
| Nondepartmental               | 664,265             |
| Debt Service                  | 3,217,341           |
| Operating Transfers Out       | 19,037,766          |

2. That the sum of \$49,449,710 49,701,496 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              | 6,518,941     |
| Charges for Current Services            | 1,149,401     |
| Miscellaneous                           | 1,262,908     |
| 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                                   | \$ 49,449,710 |
|   | 49,701,496    |

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

Approved:

Attest:

\_\_\_\_\_  
Mayor

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

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on February 9, 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. Drake, 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

February 18, 2010

**RECEIVED**

FEB 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 public hearings to accept public comments on and consider the adoption of Ordinance Nos. 10-3, 10-4 and 10-5.

You are requested to publish the notice on **February 26, 2010**.

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

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

Thank you for your assistance.

Very truly yours,

*Hugh P. Fisher, III*

Hugh P. Fisher, III  
City Attorney

Enclosure

cc: The Honorable C. Scott Davis, Mayor  
Richard A. Anzolut, Jr., City Manager  
~~✓~~Kimberly J. Rollinson, City Clerk  
William B. Bray, Commonwealth Attorney  
Jeffrey W. Faries, Chief of Police  
Joy W. Moore, Treasurer

## **NOTICE OF PUBLIC HEARINGS**

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

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

#### **AN ORDINANCE NO. 10-3**

To amend and reordain §187-3 of Chapter 187, Licenses, of the Colonial Heights City Code, to provide that a business license shall not be issued to any applicant for such a license if the applicant owes the City certain specified taxes.

#### **AN ORDINANCE NO. 10-4**

To amend and reordain §273-2.1 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code, to provide that certain expenses related to appropriate emergency responses shall be collectible as restitution at the time of sentencing rather than in a separate civil action.

#### **AN ORDINANCE NO. 10-5**

To repeal subsection F of §247-18 of Chapter 247, Streets and Sidewalks, of the Colonial Heights City Code, prohibiting a person from using earphones on or in both ears while walking, running, or standing on any public street, sidewalk, or right-of-way.

Copies of the proposed ordinances are on file for public examination during regular business hours in the City Clerk's Office in City Hall, 201 James Avenue, Colonial Heights, Virginia. All persons affected or interested are invited to be present at the public hearing of the City Council, to be held at the time and place stated above, when an opportunity will be given for them to be heard.

Hugh P. Fisher, III  
City Attorney

Any interested party whose participation in this meeting would require reasonable accommodation of a handicap should contact the City Manager's Office at 520-9265 at least six days in advance.

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# CITY OF COLONIAL HEIGHTS

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

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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council

**FR:** Richard A. Anzolut, Jr. *[Handwritten signature]* City Manager

**DATE:** March 4, 2010

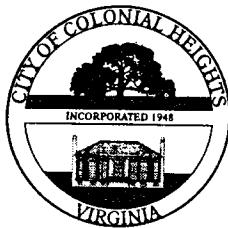
**SUBJ:** Public Hearing on Ordinance No. 10-3 Requiring Certain Taxes to be Paid Before the Issuance of a Business License

During the work session of February 16, 2010, Council reviewed a draft of this ordinance requiring certain taxes to be paid prior to the issuance of a business license. At the conclusion of the work session discussion, Council agreed to advance this matter to public hearing. In accordance with that direction, a public hearing has been scheduled on the ordinance for the Council Meeting of March 9, 2010. Work session materials are attached to assist Council with this matter.

If staff can be of any assistance to Council prior to the public hearing, please do not hesitate to contact me.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance  
Joy W. Moore, City Treasurer



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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council

**FR:** Richard A. Anzolut, Jr. *[Signature]* City Manager

**DATE:** February 11, 2010

**SUBJ:** Business License and Tax Delinquency

Attached is a draft ordinance that would amend Section 187-3 of the City Code and prohibit the issuance of a business license to any business with delinquent business license, personal property, meals, lodging and other taxes owed to the City. This matter is being advanced by the City Attorney in consultation with the City Treasurer's Office. A portion of the work session of February 16, 2010, has been scheduled for Council's initial discussion of this draft ordinance.

Depending of the outcome of Council's discussion, this matter can be scheduled for formal action, including public hearing, as early as March, 2010. Should any assistance be required from staff prior to the work session discussion, please do not hesitate to contact me.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance

## AN ORDINANCE NO. 10-3

To amend and reordain §187-3 of Chapter 187, Licenses, of the Colonial Heights City Code, to provide that a business license shall not be issued to any applicant for such a license if the applicant owes the City certain specified taxes.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That §187-3 of Chapter 187, Licenses, of the Colonial Heights City Code, be and is hereby, amended and reordained as follows:

### **§ 187-3. License requirement.**

A. Every person engaging in the City in any business, trade, profession, occupation or calling (collectively hereinafter, "a business") as defined in this article, unless otherwise exempted by law, shall apply for a license for each such business if:

- .
- .
- .

G. Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and penalty charged and collected on the amount of the assessment found to be erroneous shall be refunded, together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any tax paid under this article from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under the Code of Virginia, § 58.1-3916. No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment in the event of such adjustment, provided that the refund or the late payment is made not more than 30 days from the date of the payment that created the refund or the due date of the tax, whichever is later.

***H. No business license under this Chapter shall be issued until the applicant has produced satisfactory evidence that all delinquent business license, personal property, meals, transient occupancy, severance and admissions taxes owed by the business to the City have been paid.***

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

Approved:

\_\_\_\_\_  
Mayor

Attest:

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

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

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

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

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

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

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

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

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

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

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

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

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

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

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

---

City Clerk

Approved as to form:

Hugh P. Draper, III  
City Attorney



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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council

**FR:** Richard A. Anzolut, Jr. *RAA* City Manager

**DATE:** March 4, 2010

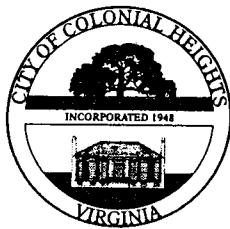
**SUBJ:** Public Hearing on Ordinance No. 10-4 that would make Expenses on Certain Emergency Responses Collectable as Restitution

During the work session of February 16, 2010, Council reviewed a draft ordinance that changes the process for recovery of certain emergency response reimbursement. As Council will recall from the work session, recovery of emergency response expenses related to certain infractions are currently recoverable under a separate civil action. Ordinance No. 10-4 would revise the City Code to provide restitution for these emergency response expenses at the time of sentencing. At the conclusion of the work session discussion, Council agreed to advance this matter to public hearing. Staff has advertised for a public hearing on this matter to be conducted during the Council Meeting of March 9, 2010.

If staff can be of any assistance to Council prior to the public hearing, please do not hesitate to contact me.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance  
A. G. Moore, Jr., Chief of Fire & EMS  
Jeffrey W. Faries, Chief of Police



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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council

**FR:** Richard A. Anzolut, Jr. *MA* City Manager

**DATE:** February 11, 2010

**SUBJ:** Restitution for Emergency Responses

Attached is a draft ordinance that would amend Section 273-2.1 of the City Code relating to the recovery of emergency response expenses when such is required based on violations of motor vehicle operation codes. At present, the City is legally authorized to recover emergency response expenses as a separate civil action after conviction. The purpose of the draft ordinance is to provide for restitution at the time of sentencing, rather than a civil action. A portion of the work session of February 16, 2010, has been scheduled for Council's initial discussion of this draft ordinance and its recovery methods.

This matter is being advanced by the City Attorney. Should Council be interested in advancing this concept, the matter can be scheduled for formal action, including public hearing, as early as March, 2010.

If staff can be of any assistance on this matter prior to the work session, please do not hesitate to contact the City Attorney or myself, at your convenience.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance

## AN ORDINANCE NO. 10-4

To amend and reordain §273-2.1 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code, to provide that certain expenses related to appropriate emergency responses shall be collectible as restitution at the time of sentencing rather than in a separate civil action.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That §273-2.1 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code, be and is hereby, amended and reordained as follows:

**§ 273-2.1. Reimbursement for expenses incurred in responding to DUI and other traffic accidents or incidents.**

A. A person convicted of violating any of the following provisions shall be liable ~~in a separate civil action~~ **for restitution at the time of sentencing** for reasonable expenses incurred by the City, including by the Sheriff's office of the City or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed \$1,000 in the aggregate for a particular accident or incident occurring in the City:

(1) The provisions of Code of Virginia §§ **18.2-36.1**, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738 ~~or~~, 29.1-738.02, **or 46.2-341.24**, as amended, or a similar City ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

(2) The provisions of Code of Virginia, Title 46.2, Chapter 8, Article 7 (§§ 46.2-852 et seq.), as amended, relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

(3) The provisions of Code of Virginia, Title 46.2, Chapter 3, Article 1 (§§ 46.2-300 et seq.), as amended, relating to driving without a license or driving with a suspended or revoked license; and

(4) The provisions of Code of Virginia, § 46.2-894, as amended, relating to improperly leaving the scene of an accident.

B. In determining "reasonable expenses", the City may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. The court may order as restitution the reasonable expenses incurred by the City for **responding law enforcement**, fire-fighting, rescue and emergency medical services.

C. The Police Department, and Sheriff's office, **and Fire and EMS Department** shall compile a report of the reasonable expenses of the appropriate emergency response for each accident or incident and forward that information to the City Attorney's office for appropriate proceedings. ~~The Fire Department shall have the same reporting~~

requirements except information concerning accidents or incidents for which restitution is sought shall be forwarded to the Commonwealth Attorney's Office to seek restitution.

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

Approved:

\_\_\_\_\_  
Mayor

Attest:

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

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_

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

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_

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

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_

The Honorable John T. Wood, Councilman: \_\_\_\_\_

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

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

Adopted on its second reading on \_\_\_\_\_

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_

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

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_

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

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

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

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

---

City Clerk

Approved as to form:

  
Hugh P. Stude, III  
City Attorney



# CITY OF COLONIAL HEIGHTS

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[www.colonial-heights.com](http://www.colonial-heights.com)

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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council

**FR:** Richard A. Anzolut, Jr. *[Signature]* City Manager

**DATE:** March 4, 2010

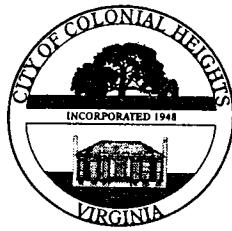
**SUBJ:** Public Hearing on Ordinance No. 10-5 Repealing the Prohibition of Using Earphones in Both Ears on a Public Street, Sidewalk or Right-of-Way

During the work session of February 16, 2010, City Council discussed this subject. Work session materials from the previous discussion are attached to assist Council in consideration of this matter. At the conclusion of the work session discussion, Council agreed to advance this matter to public hearing. Staff has scheduled the public hearing to be conducted during the Council Meeting of March 9, 2010.

If staff can be of any assistance to Council prior to the public hearing, please do not hesitate to contact me.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance  
Jeffrey W. Faries, Chief of Police



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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council  
**FR:** Richard A. Anzolut, Jr., City Manager  
**DATE:** February 11, 2010  
**SUBJ:** Using Earphones on City Streets, Sidewalks, and Rights-of-Way

Council is perhaps aware that Subsection F of Section 247-18 of the City Code prohibits wearing earphones in both ears while walking, running or standing on any public street, sidewalk, or right-of-way in the City. The safety aspects of this code section do not really require explanation. However, the use of earphones has become so prevalent in fitness and recreational activities in the City that the Police Department really does not enforce this section. Enforcement would appear impractical at this time. A portion of the work session of February 16, 2010, has been scheduled for Council to discuss the attached draft ordinance that would repeal the prohibition.

This matter is being coordinated by the City Attorney in conjunction with the Commonwealth's Attorney. Following Council's discussion, staff will be prepared to advance the matter, including a public hearing, as early as March, 2010.

If staff can be of any assistance to Council on this matter, please do not hesitate to contact the City Attorney or myself, at your convenience.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance  
Jeffrey W. Faries, Chief of Police

**AN ORDINANCE NO. 10-5**

To repeal subsection F of §247-18 of Chapter 247, Streets and Sidewalks, of the Colonial Heights City Code, prohibiting a person from using earphones on or in both ears while walking, running, or standing on any public street, sidewalk, or right-of-way.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That subsection F of §247-18 of Chapter 247, Streets and Sidewalks, of the Colonial Heights City Code, be and hereby is repealed.
2. That this Ordinance shall be in full force and effect upon its passage on second reading.

Approved:

\_\_\_\_\_ Mayor

Attest:

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

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

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

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

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

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

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

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

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

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

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

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

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

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

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

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

Approved as to form:

Hugh P. Frakes, III  
\_\_\_\_\_  
City Attorney



# CITY OF COLONIAL HEIGHTS

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

---

## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council  
**FR:** Richard A. Anzolut, Jr. *[Signature]* City Manager  
**DATE:** March 4, 2010  
**SUBJ:** March 2010 Budget Amendment

The FY10 Budget Amendment for March, 2010, is summarized as follows:

1. The Director of Recreation and Parks is reporting \$1,350 in donations for programming expenses including the Annual Easter Egg Hunt, programs at the Senior Center and a 6 week wellness program for teens to be conducted at the Teen Center. Our appreciation goes out to the American Legion Post 284, Sam's Club and Optima Health for those programmatic donations. It is recommended that this \$1,350 be appropriated to the General (\$350) and Recreation Activity (\$1000) Funds when Council considers this matter during the Council Meeting of March 9, 2010.
2. The Director of Recreation and Parks is requesting appropriation of \$2,600 in Recreation Activity Fund surplus to complete the Disc Golf Course at White Bank Park. Our monthly operations reports have outlined a donation by a private citizen to design the entire 18 hole Disc Golf Course and to install the first 9 holes at his expense. The Director of Recreation and Parks would like to complete the second 9 hole section so that the entire vision for disc golf at White Bank Park can be realized. Since private donations have funded half of the Disc Golf Course Project, it is recommended that this appropriation receive first reading when it is considered during the March 9<sup>th</sup> Council Meeting. Surplus proceeds from the Recreation Activity Fund are regularly used for capital improvements in the parks. Therefore, the completion of the Disc Golf Course meets the general uses of surplus recreation activity funds.

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

3. The Director of Finance is requesting the appropriation of all monies related to the 2010 General Obligation Public Improvement Bond Issue. Council is aware of the refinancing recently completed on the remaining balances of the 1996, 1998, 2000 general obligation bonds, as well as portions of the 2002 general obligation bonds. In order to complete the refunding on the accounting records of the City and pay certain expenses, the Director of Finance is requesting the appropriation of \$8,051,674 to receive the bond proceeds, retire the previous bond issues or portions thereof, and pay the expenses. Since the City saved over \$489,000 through the 2010 Refunding Issue, it is recommended that Council appropriated as requested when you consider this matter on March 9, 2010.

Staff associated with these budget amendments will be available during the Council Meeting of March 9<sup>th</sup> to assist, as necessary. If any questions arise prior to the Council Meeting, please do not hesitate to contact me.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance  
Craig R. Skalak, Director of Recreation & Parks

**Richard Anzolut, Jr.**

cc : Bill Johnson  
Tammy Drayer

**From:** Craig Skalak [skalakc@colonial-heights.com]  
**Sent:** Thursday, February 04, 2010 4:32 PM  
**To:** Richard Anzolut, Jr.; Bill Johnson  
**Subject:** March Council Agenda Items

March B.A.  
please  
RA  
2/5

The following groups have generously donated funds:

- American Legion Post 284 \$100.00 Easter Egg Hunt 1601-5224
- Sam's Club \$250.00 Agency on Aging 1602-5242
- Optima Health for teens \$1000.00 \*Teen Center 4280-5224 \*6 week wellness program

Craig Skalak  
Director of Recreation and Parks  
Office: 804-520-9392 or 804-520-9224

Fax: 804-520-9203

**Richard Anzolut, Jr.**

---

**From:** Craig Skalak [skalakc@colonial-heights.com]  
**Sent:** Wednesday, February 24, 2010 6:22 PM  
**To:** Richard Anzolut, Jr.  
**Subject:** March Council Agenda

Rick,

I'm requesting to transfer \$2600.00 from the recreation activities account to 1601-5242 to purchase nine baskets for the disc golf course at White Bank Park. Said money is revenue generated from our self sustaining activities and trips at no cost to tax payers, except to install the baskets which is minimal. We think that completing the course will add another diverse activity for our community.

Thank you,

Craig

Craig Skalak  
Director of Recreation and Parks  
Office: 804-520-9392 or 804-520-9224

Fax: 804-520-9203



# CITY OF COLONIAL HEIGHTS

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RECEIVED

~~FEB 23 2010~~

FINANCIAL ADMINISTRATION

## City Manager's Office

To: Richard A. Anzolut, Jr., City Manager  
From: William E. Johnson, Director of Finance *WEJ*  
Date: 2/23/2010  
RE: General Obligation Bond Sale Cost of Issuance

On January 21, 2010, the City received competitive bids for the refunding of \$7,675,000 in General Obligation Public Improvement Bonds. This sale included the remaining balances of the GO Bond Series 1996, 1998, 2000 and portions of the 2002 series. The sale as previously reported, is recapped below:

### Sources of Funds

|                     |                |
|---------------------|----------------|
| Par Amount of Bonds | \$7,600,000    |
| Reoffering Premium  | <u>451,674</u> |
| Total Sources       | \$8,051,674    |

### Uses of Funds

|                           |              |
|---------------------------|--------------|
| Deposit to Refunding Fund | \$7,947,616  |
| Cost of Issuance          | 71,900       |
| Underwriter's Discount    | 29,904       |
| Rounding                  | <u>2,254</u> |
| Total Uses                | \$8,051,674  |

The City received at the February 18<sup>th</sup> Bond Closing \$74,154.24 which reflects the above estimated cost of issuance and rounding in this transaction. Of the balance, \$7,947,616.31 was transferred to US Banks to recall the existing bonds, with the remaining \$29,903.50 being withheld by the Underwriters for their discount. These amounts must also be included in our year-end financial statements in order to show full disclosure of this transaction. These transfers and the associated costs therefore need to be appropriated in order that these do not reflect a negative variance of the authorized budget at year end.

If any additional information or clarification is needed, I am available at your convenience.

**Morgan Keegan and Company, Inc.**  
**WIRE MEMORANDUM**

**TO:** LeShayna Payne (Morgan Keegan)  
Karalee Herrin (US Bank)  
Bill Johnson (Colonial Heights)

**FROM:** Dianne Klaiss (804.225.1107)  
Kevin Rotty

**cc:** Chip Bassett, Bassett Financial Management  
Bonnie France, McGuireWoods

**DATE:** 2/16/2009

**\$7,600,000**  
**City of Colonial Heights, Virginia**  
**General Obligation Public Improvement Refunding Bonds**  
**Series 2010**

---

The above referenced transaction closes on **Thursday, February 18, 2010**. Morgan Keegan will wire fed funds in the amount of **\$8,021,770.55** per instructions below from account #941860040.  
On receipt of wire confirmation, please notify Dianne Klaiss at (804) 225-1107.

|                             |                               |
|-----------------------------|-------------------------------|
| Par Amount                  | \$ 7,600,000.00               |
| Net reoffering premium      | <u>451,674.05</u>             |
| Gross Production            | <u>8,051,674.05</u>           |
| Less Underwriter's Discount | <u>29,903.50</u>              |
| Net Wire Amount             | <b><u>\$ 8,021,770.55</u></b> |

Morgan Keegan will wire escrow related funds to US Bank

|                           |                        |
|---------------------------|------------------------|
| <b>Wire #1 to US Bank</b> | <b>\$ 7,947,616.31</b> |
|---------------------------|------------------------|

**Escrow Agent Instructions per Escrow Agreement:**

|   |                        |
|---|------------------------|
| Amount deposited to escrow fund for slgs purchase | \$ 3,226,681.00        |
| Amount deposited to escrow fund for cash deposit  | <u>4,720,935.31</u>    |
| Total received from Morgan Keegan                 | <u>\$ 7,947,616.31</u> |

Simultaneously, Morgan Keegan will wire Cost of Issuance Funds to the City:

|   |                     |
|---|---------------------|
| <b>Wire #2 to the City of Colonial Heights for Issuance Costs (BB &amp; T Bank)</b> | <b>\$ 74,154.24</b> |
|---|---------------------|

**Additionally on Thursday, February 18, 2010, the City will wire Fed Funds in the amount of \$1,100 to the Escrow Agent (US Bank) for services being provided.**

On receipt of all wires, Morgan Keegan, the Escrow Agent and Bond Counsel will call DTC (212.855.3752) to finalize the closing.

AN ORDINANCE NO. 10-FIN-4

To amend the Recreation Activity Fund and the General Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to appropriate \$8,054,624, consisting of \$350 in donated funding, and \$2,600 transferred from Recreation Activity Fund to Parks and Recreation, and \$8,051,674 from General Obligation Bond Sales.

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                      | 4,288,658            |
| Public Safety                 | 7,778,640            |
| Public Works                  | 3,044,162            |
| Health and Social Services    | 717,750              |
| Parks and Recreation          | 1,428,380 1,431,330  |
| Cultural Enrichment           | 92,257               |
| Library                       | 613,213              |
| Community Development         | 542,204              |
| Grant Programs                | 528,483              |
| Nondepartmental               | 433,817              |
| Debt Service                  | 3,217,341 11,269,015 |
| Operating Transfers Out       | 19,037,766           |

2. That the sum of \$49,219,762 57,274,386 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   | 6,299,993           |
| Charges for Current Services | 1,138,401           |
| Miscellaneous                | 1,262,908 9,317,532 |

|                                   |                                 |
|-----------------------------------|---------------------------------|
| 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                          |
| <b>TOTAL</b>                      | <b>\$ 49,219,762 57,274,386</b> |

2. That Section 2 of Ordinance No. 10-FIN-2, the Recreation Activity Fund, be and is hereby, amended and reordained as follows:

That the sum of \$253,270 256,870 be, and the same is hereby, appropriated from the estimated receipts from all existing sources of revenue during the ensuing fiscal year, which shall be used by the major operating units to the sums itemized in the Recreation Activity Fund Budget, as follows:

REVENUES

|                              |                          |
|------------------------------|--------------------------|
| Charges for Current Services | \$240,000                |
| Fund Balance                 | 13,270 15,870            |
| <i>Miscellaneous</i>         | <u>1,000</u>             |
| <b>TOTAL</b>                 | <b>\$253,270 256,870</b> |

EXPENDITURES

|                                  |                          |
|----------------------------------|--------------------------|
| Operating Expenses               | \$240,000 241,000        |
| Capital Outlay                   | 13,270                   |
| <i>Transfers to General Fund</i> | <u>2,600</u>             |
| <b>TOTAL</b>                     | <b>\$253,270 256,870</b> |

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

Approved:

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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: \_\_\_\_\_.

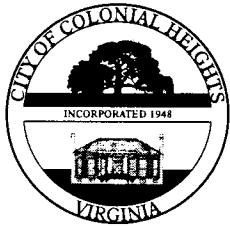
The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

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

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

Approved as to form:

Hugh P. Doster, III  
\_\_\_\_\_  
City Attorney



# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
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[www.colonial-heights.com](http://www.colonial-heights.com)

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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council  
**FR:** Richard A. Anzolut, Jr. *RAA* City Manager  
**DATE:** March 4, 2010  
**SUBJ:** Ordinance Increasing Membership on the Senior Citizens Advisory Committee

During the work session of February 16, 2010, City Council discussed this subject and generally agreed to consider an ordinance increasing the membership on the Senior Citizens Advisory Committee from its current 5 members to 7 members. In accordance with Council's direction, this matter has been scheduled for first reading during the Council Meeting of March 9, 2010.

If staff can be of any assistance to Council on this matter prior to the March 9<sup>th</sup> Council Meeting, please do not hesitate to contact me.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance  
Craig R. Skalak, Director of Recreation & Parks

## AN ORDINANCE NO. 10-6

To amend and reordain §13-11, of Chapter 13, Boards, Commissions and Authorities, of the Colonial Heights City Code, to provide for two additional members of the Senior Citizens Advisory Committee.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That § 13-11, of Chapter 13, Boards, Commissions and Authorities, of the Colonial Heights City Code, be, and is hereby amended and reordained as follows:

**§13-11. Committee established; membership; appointment; terms.**

A. There shall be a Senior Citizens Advisory Committee consisting of ~~nine~~ eleven members, each of whom shall be a qualified voter of the City of Colonial Heights and of whom one shall be a member of the American Association of Retired Persons, one shall be a member of the Senior Citizens Club of Colonial Heights, one shall be a member of City Council (Councilman), one shall be a representative of the City of Colonial Heights to the Board of Directors of the Crater District Area Agency on Aging (Crater Director), and ~~five~~ seven shall be members-at-large. The Director of Recreation and Parks (Recreation Director) shall serve as an ex officio member. The Crater Director and the Councilman shall be appointed by Council for terms concurrent with their terms in those offices, and all other members shall be appointed by Council for terms of two years; provided, however, that the member in office on January 1, 1987, and the member appointed by Resolution No. 87-13 shall remain in office for the remainder of their terms, and provided further that on June 9, 1987, two members shall be appointed for one-year terms, expiring December 31, 1987; three members shall be appointed for two-year terms, expiring December 31, 1988; and one member shall be appointed from the membership of the Senior Citizens Club for a one-year term, expiring December 31, 1987. Thereafter, except as provided for the Crater Director and the Councilman, their successors shall be appointed for full terms of two years.

B. In the event that there shall be no qualified voter of the City in a position or class entitled to representation hereunder, the Council shall appoint an additional at-large member to the Committee to serve until there is a qualified voter of the City in said position or class or until the passage of two years, whichever shall first occur.

C. A majority of the members of the Committee entitled to vote shall constitute a quorum for conducting business.

D. Except as otherwise provided herein, in the case of a vacancy occurring in the membership of the Committee, whether caused by death, resignation or otherwise, the Council shall appoint a successor to serve for the remainder of the unexpired term of the member whose office is so vacated. In the case of a vacancy in a position to which the Crater Director or the Councilman are entitled hereunder, the Council shall appoint a successor whose term shall be concurrent with his term in that office. The Council, in its discretion, shall have the power and authority to remove any member of the Committee for misconduct or neglect of duty. The members of the Committee shall serve without compensation for their service on the Committee.

E. The members of the Committee, immediately after their appointment and in the month of January every second year thereafter, shall meet, elect from their number a Chairman and adopt rules and procedures as they deem necessary. The Committee shall meet at least once each quarter.

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

Approved:

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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: \_\_\_\_\_

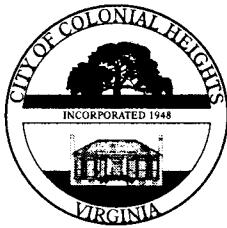
The Honorable C. Scott Davis, Mayor: \_\_\_\_\_

---

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](http://www.colonial-heights.com)

---

## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council  
**FR:** Richard A. Anzolut, Jr., City Manager  
**DATE:** March 4, 2010  
**SUBJ:** Deed of Dedication for the Right Turn Lane at Southpark Boulevard and Dimmock Parkway

Members of City Council are generally familiar with our desire to build a right turn lane on northbound Southpark Boulevard turning to eastbound Dimmock Parkway in front of Wal-Mart. This project has been contained in our regional transportation priorities for 3 years. While not yet funded by the Metropolitan Planning Organization (MPO) in conjunction with the Crater Planning Commission, the project has been one of the higher unfunded priorities. Regardless, the City Engineer's Office has been working with the Wal-Mart Real Estate Division to have the right-of-way donated by the Wal-Mart Corporation. These activities have basically concluded and Wal-Mart is willing to give the City the required right-of-way for the turn lane.

Attached is Resolution No. 10-7 that would authorize the City Manager to sign a deed of dedication on behalf of the City to accept the gift of the real estate for the turn lane. In effect, City Council accepts the dedication of property. This matter is scheduled for consideration during the March 9, 2010 City Council Meeting. It is recommended that City Council endorse Resolution No. 10-7 at that time.

Staff will continue to attempt to advance this matter with the MPO and get it included in regional transportation funding. At this point, no other sources of funding exist for construction of the turn lane.

If any questions arise on this matter prior to the Council Meeting, please do not hesitate to contact me.

Attachment

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

A RESOLUTION NO. 10-7

Accepting property dedicated by Wal-Mart Real Estate Business Trust to the City of Colonial Heights.

WHEREAS, Wal-Mart Real Estate Business Trust has agreed to dedicate 0.043 acre (1858.4 square feet) to the City for right-of-way as described in the attached Deed of Dedication and as depicted on the plat attached thereto entitled "Plat Showing 0.043 Acre Right-of-Way Dedication and Variable Width Permanent Access, Retaining Wall, Utility and Temporary Construction Easement to be Dedicated to the City of Colonial Heights, Located on Tract 1, Dimmock Parkway South, Section 1 Revised", prepared by the City of Colonial Heights and dated June 12, 2009 (the "plat"); NOW THEREFORE,

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

1. That City Council hereby accepts the dedication of property described in the attached Deed of Dedication and plat and requests that the City Attorney have the deed and plat properly recorded with the Circuit Court Clerk's Office.
  
2. That this resolution shall be in full force and effect upon its passage.

Approved:

Attest:

\_\_\_\_\_  
Mayor

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

\*\*\*\*\*

I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

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

Resolution No. 10-7

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

OC: City Attn  
XG:  
**Walmart**   
**Realty**

**Sam M. Walton Development Complex II 2001 SE 10<sup>th</sup> Street II Bentonville, AR 72716-0550**  
**Telephone: (479) 204-0157 FAX: (479) 204-9634 E-mail: [tracy.price@wal-mart.com](mailto:tracy.price@wal-mart.com)**

**RECEIVED**

February 16, 2010

**FEB 17 2010**

**CITY OF COLONIAL HEIGHTS  
DEPARTMENT OF PUBLIC WORKS**

Mr. Chuck Henley  
Director of Public Works/City Engineer  
City of Colonial Heights  
201 James Avenue  
Colonial Heights, VA 23834

**Re: Wal-Mart #1424  
Colonial Heights, Virginia**

Dear Chuck:

Enclosed are two (2) copies each of the Deed of Dedication, Deed of Easement, and Deed of Temporary Easement, which Walmart has signed for the above captioned property.

Please execute in the space provided, and return one (1) fully executed (and recorded, as necessary) copy of the documents to my attention for retention in our files.

If you have any questions, or wish to discuss further, please let me know

Thank you for all your help.

Very truly yours,

  
Tracy M. Price  
Realty Manager

tmp

## DEED OF DEDICATION

This Deed is exempt from recordation taxes pursuant to §58.1-806(B) of the Code of Virginia, 1950, as amended.

THIS DEED OF DEDICATION, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between, **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware business trust, and its successors and assigns, hereinafter referred to as "Owner", party of the first part; and the **CITY OF COLONIAL HEIGHTS, VIRGINIA**, a Municipal Corporation of the Commonwealth of Virginia, and its successors and assigns, hereinafter referred to as "City", party of the second part, whose address is City of Colonial Heights, c/o City Clerk's Office, P. O. Box 3401, Colonial Heights, VA 23834-9001.

### WITNESSETH:

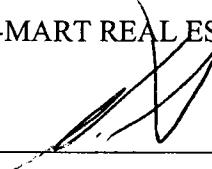
That for good and valuable consideration, the receipt of which is hereby acknowledged by the Owner, the party of the first part does hereby grant and convey with **SPECIAL WARRANTY and VIRGINIA STATUTORY COVENANTS OF TITLE** unto the City the following described property for right of way, to-wit:

All that certain piece, parcel or tract of land, together with all appurtenances thereto lying and situate in the City of Colonial Heights, Virginia, containing 0.043 acre, more or less, or 1858.4 square feet as shown on a certain plat entitled "Plat Showing 0.043 Acre Right-of-Way Dedication and Variable Width Permanent Access, Retaining Wall, Utility and Temporary Construction Easements to be Dedicated to the City of Colonial Heights, Located on Tract 1, Dimmock Parkway South, Section 1 Revised", prepared by the City of Colonial Heights, dated June 12, 2009, a copy of which plat is attached hereto and by this reference made a part hereof.

Being part of the property conveyed to Wal-Mart Real Estate Business Trust by deed dated October 21, 1996 and recorded in the Clerk's Office of the Circuit Court of the City of Colonial Heights in Deed Book 275, at page 947.

WITNESS the following signatures and seals:

WAL-MART REAL ESTATE BUSINESS TRUST

By 

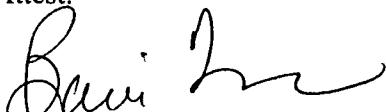
Notary Public

Type Name Nick Goodner

Type Title Director

Time  
10:00 AM

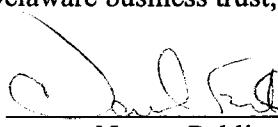
Attest:



Secretary

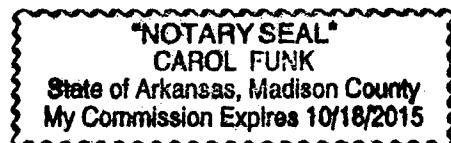
STATE OF ARKANSAS  
COMMONWEALTH OF VIRGINIA,  
City of Colonial Heights, to-wit:  
COUNTY OF BENTON

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of February, 2009, by Nick Goodner, Director on behalf of Wal-Mart Real Estate Business Trust, a Delaware business trust, party of the first part.



Notary Public

My commission expires: 10/18/2015



CITY OF COLONIAL HEIGHTS, VIRGINIA

By \_\_\_\_\_

Richard A. Anzolut, Jr.  
City Manager

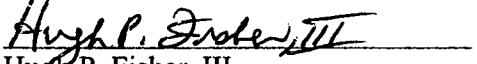
Attest:

Kimberly J. Rollinson  
City Clerk

Approved as to location and size:

  
City Engineer

Approved as to form:

  
Hugh P. Fisher, III  
City Attorney

COMMONWEALTH OF VIRGINIA,  
City of Colonial Heights, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by Richard A. Anzolut, Jr., City Manager, on behalf of the City of Colonial Heights, Virginia, party of the second part.

\_\_\_\_\_  
Notary Public

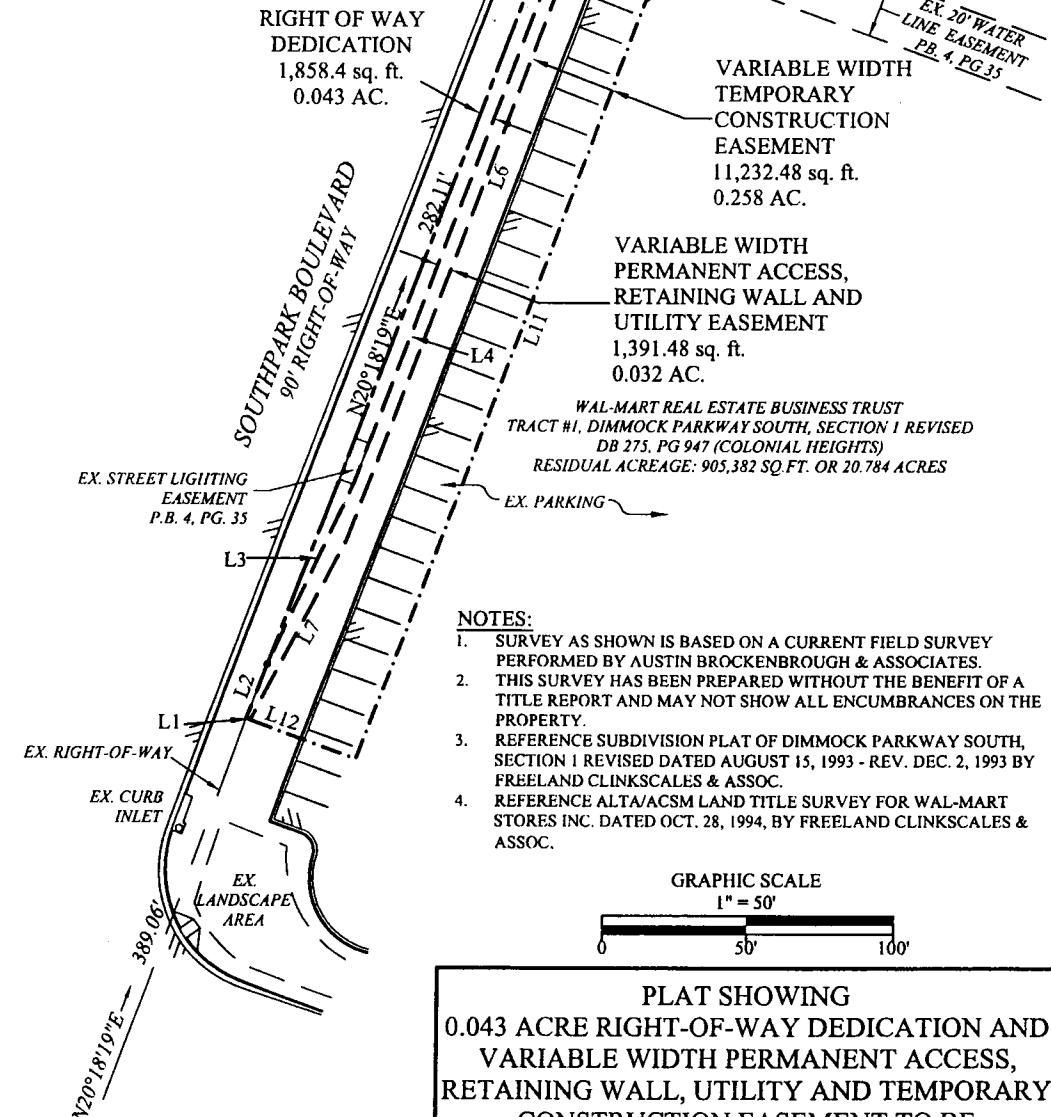
My commission expires: / /

LINE TABLE

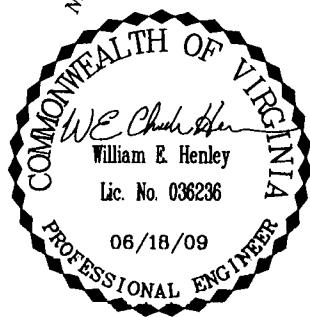
| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N69°50'18"W | 1.40'    |
| L2   | N20°18'19"E | 20.00'   |
| L3   | N24°31'32"E | 67.94'   |
| L4   | N20°18'19"E | 205.87'  |
| L5   | N55°18'10"E | 55.57'   |
| L6   | S20°19'16"W | 231.31'  |
| L7   | S27°09'53"W | 69.65'   |
| L8   | N55°18'10"E | 47.23'   |
| L9   | S69°41'37"E | 45.82'   |
| L10  | S55°18'02"W | 74.90'   |
| L11  | S20°19'46"W | 277.70'  |
| L12  | N69°50'18"W | 38.21'   |

$\Delta = 89^{\circ}52'15''$   
 LEN. = 58.04'  
 RAD. = 37.00'  
 TAN. = 36.92'  
 ChB = N65°10'29"E  
 Chd = 52.27'

N  
P.B. 4, PG. 35



PLAT SHOWING  
0.043 ACRE RIGHT-OF-WAY DEDICATION AND  
VARIABLE WIDTH PERMANENT ACCESS,  
RETAINING WALL, UTILITY AND TEMPORARY  
CONSTRUCTION EASEMENT TO BE  
DEDICATED TO THE CITY OF COLONIAL  
HEIGHTS, LOCATED ON TRACT 1, DIMMOCK  
PARKWAY SOUTH, SECTION 1 REVISED



CITY OF COLONIAL HEIGHTS

DEPARTMENT OF PUBLIC WORKS  
ENGINEERING & DEVELOPMENT DIVISION  
201 JAMES AVENUE | COLONIAL HEIGHTS, VA. 23834  
TEL 804.520.9334 FAX 804.520.9237  
[www.colonialheights.com](http://www.colonialheights.com)

DATE: JUNE 12, 2009

CHECKED: H. CAPLES

DRAWN: S. EDWARDS

JOH #:

SCALE: 1" = 50'

REVISED:



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

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**Department of Planning and Community Development**

**MEMORANDUM**

To: Honorable Mayor and Members of City Council  
Mr. Richard A. Anzolut Jr., City Manager

From: George W. Schanzenbacher, Director

Date: March 3, 2010

**Subject: Planning Commission Actions at March 2, 2010 meeting**

At the March 2, 2010 meeting of the Commission the following actions were taken:

1. Approved minutes of the February 2009 meeting (enclosed).
2. Held a public hearing on a special use permit request to allow for a new single family residence on a lot with out direct access to a public street and recommended approval of the request. Please see the attached resolution.
3. Gave conditional approval to a plan of development for a 8,267 square foot medical office building to be located at the corner of West Ellerslie Ave. and Dunlop Farms Blvd, adjacent to the existing CVS.
2. Continued discussion of the proposed Zoning ordinance.

**CITY OF COLONIAL HEIGHTS  
REGULAR PLANNING COMMISSION MEETING  
FEBRUARY 2, 2010, 7:00 P.M.**

**CALL TO ORDER**

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

**APPROVAL OF MINUTES OF JANUARY 5, 2010**

Mr. Johnson asked if there were any changes to the minutes. The minutes were approved on a 6 to 0 roll call vote.

**APPROVAL OF AGENDA**

There were no changes to the agenda.

**HEARING OF CITIZENS GENERALLY**

No one spoke.

**PUBLIC HEARINGS – None**

**PLANS OF DEVELOPMENT/SUBDIVISION – None**

**OLD BUSINESS**

A. Zoning Ordinance Review-summary of text changes and maps. Mr. Schanzenbacher stated that he had included in the packets a spreadsheet, which is a summary of all the issues that the Planning Commission has raised questions or concerns and the Staff recommendations. We have made most of these changes that are in the text. All the text changes have been sent to our consultant and we will be waiting for them to come back with a final draft, which includes these and a number of other changes, that Mr. Fisher and he have made along the way, including editorial changes and minor grammatical changes. We could talk about the zoning map. This would be the Commission's the first preview of the overall composite map. He then stated he wanted to make sure that the Commission was all right with the proposed changes that we have talked about. If there are any questions, now would be the time to bring them up before we get the final draft next month. On the first page these were issues that were discussed at our November meeting. We had a couple of definition issues and one dealt with construction and development and we have eliminated one of those items. We talked about placement of a deck in the rear yard and we have come up with a standard for that to make sure that, if there were a deck to be placed in the rear yard on a minimum size lot they would be able to have a reasonable size

building, so we are recommending a 10-foot rear yard setback. He then stated there were changes on erodible soils and personal services including massage clinics. Under the district regulations there was quiet a bit of discussion on low density residential and how to clarify the intent of that to allow new development, as well as existing lots of record. We have done some additional work as the intent of the district and also have changed some of the standards to specifically allow pre 1968 construction. There was some question concerning duplexes and townhouses in the R-L District. To clarify that, we only allow single-family detached homes in the R-L District. We have changed the standards on the Medium Density Residential. This district consolidates duplexes and townhouses.

We had a discussion on architectural controls and what we have concluded from that discussion is it would take some additional time to really deal with the architectural controls, and whether there could be some kind of over all architectural theme or styles. Staff is doing research on alternative approaches and what other communities do to try to deal with this issue. We will be coming back to the Commission with that probably mid-year, once we get through with this initial draft. Mr. Johnson asked if we could have some wording in here that would kind of leave it open, so that would be still under review. Mr. Schanzenbacher stated it would actually be something that we would add back in later on. He doesn't think there is anything that we would want to do right now without taking a full look at the issue. He then stated he knows there are some things that we could do, but it is just a matter of getting some clarity and some discussion with the whole Commission once we have alternatives laid out.

At the January meeting we had a discussion on the Boulevard Overlay District and there were a number of changes we have agreed to, including changing name of the City Engineer to the Department of Public Works, including VDOT sidewalks to be a minimum of 5-feet width, including Access management standards in all subareas, street lighting to eliminate the 60-foot spacing, as per ordinance allowing the standard to be up to the City Engineer to establish that standard, and changing the parking standard to allow more green space in the front yards. What we haven't accomplished yet is having our horticulturalist review all the list of plant materials.

We have changed the sight lighting standard in the PUD District to make it reference to Public Works' City lighting policy and eliminating specific standards. We established a minimum setback for building construction from the 100- year flood plain boundary to 10-feet and we did the same thing for the Wetland District. We changed the wetland definition to refer back to the US Army Corp of Engineers' definition. We did not need to change the definition of the RMA, because we checked that out against the State standard.

He then stated a couple of weeks ago we discussed accessory apartments, after feed back from the City Manager, based on the Council retreat, we decided to move the accessory apartments to allow them, as right, in the Low Density Residential District, limiting use to family members and no separate entrances or separate kitchens to be allowed. We consolidated some of the home occupations standards, as they appeared to be the same. We removed outdoor gatherings as a permitted land use. Those are regulated elsewhere in the City Code and they don't need to be in the Zoning Ordinance. Under site plan review, we have included the Planning Commission back in the preliminary site plan review, but we still do not have a language from

consultant on that yet, so that is one small piece that we still need to finalize. We included a 2-year bond provision in landscaping and trying to keep landscaping out of easements where possible. We changed the vehicle and pedestrian access standard in the Parking regulations as guidance only subject to the Director of Public Works. We removed the specific reference to the thickness of concrete and asphalt. We changed the bond provision under the signs to make it consistent with another provision in the code. We increased the site distance triangle to 25-feet from 15-feet. On the discussion of fences, we changed the maximum height in the front yard to a maximum height to 42-inches, which is the existing ordinance and recommend not to allow solid fencing in the front yard or chain link or other wire type fencing. This is an item you may want to consider discussing, but we included that in the draft. Finally, we focused on pods and storage containers, saying they can't be allowed in the front yard, unless there are no other options available and created a maximum of a 90-day as a provision for containers in our commercial or industrial areas, so they don't become permanent fixtures on the landscape. This is the summary of everything that he could get recorded.

Mr. Townes asked if we changed the site distance triangle to 25-feet. What was the site distance triangle?

Mr. Schanzenbacher stated it was 15-feet. He then stated that was a recommendation from the City Engineer. That in some cases may create a little bit of hardship.

Mr. Townes stated he doesn't remember all of the Commissioners agreeing on that.

Mr. Schanzenbacher stated that was in his notes that we did. He then stated that certainly could be revisited.

Mr. O'Connell asked if Mr. Schanzenbacher could refresh his mind on the front yard fencing.

Mr. Schanzenbacher stated what we are proposing in the ordinance, is currently what we allow any type of fencing in the front yard no higher than 42-inches. Based on the discussion that we heard at the meeting, we are suggesting that solid board or privacy fences not be allowed or that chain link or other type wire fences not be allowed in the front yard, but you could have picket fencing, decorative fence on something that were a little more upscale.

Mr. O'Connell asked if that was parallel to the property line.

Mr. Schanzenbacher stated they could be able to add it to the front.

Mr. O'Connell said it could go across the front.

Mr. Schanzenbacher stated they could add it to the front. They can do that now.

Mrs. Hamilton said how about if somebody has a metal fence and they tack latticework on top of it and wrap it all the way around the yard.

Mr. Johnson asked how tall is it.

Mrs. Hamilton stated it is 42-inches.

Mr. Schanzenbacher stated right now that would be allowed, because there aren't any standards that says you could not do that.

Mrs. Hamilton stated it is awful.

Mr. O'Connell asked when a citizen comes to get approval for a fence, are there questions that would be asked for what type of fence and the height.

Mr. Schanzenbacher stated there is permit that people actually have to fill out, including the type of fencing, where it is located and the height, and we do that now. There is a fee of \$10.00 that goes along with it.

Mr. O'Connell asked if a request was ever turned down.

Mr. Schanzenbacher stated that was very seldom.

Mr. Anzolut stated there are no requirements now.

Mr. Schanzenbacher stated the main thing now is the height requirement that he would be looking at. Sometimes people will come in for approval in the front yard and the height is too high, but we don't get too many front yard fence requests.

Mr. O'Connell asked once this guidance is approved, we would have something we could use.

Mr. Schanzenbacher stated that was correct.

Mr. Johnson asked what is the side yard height.

Mr. Schanzenbacher stated the height is 7-feet.

Mr. Johnson asked where does that line start.

Mr. Schanzenbacher stated it was the front of the house going backward, and that includes the side yard and the backyard.

Mr. Anzolut stated as a point of clarification, he would like to ask the definition of a fence, because to him fence is a total enclosure of the section of the property, but he thinks you spoke of a decorative split rail fence along the property line more for definition and decoration then for containment.

Mr. Johnson stated it doesn't hold anything.

Mr. Anzolut stated he was wondering if fencing for decorative purposes or definition of the yard line is the same thing as enclosed fenced area, because you had some concerns that your decorative fencing ran beyond the front building line, but did not enclose the yard, and other people use split rail fencing just for decoration. He didn't know if that was enclosure of the yard, under the assumption that maybe the Commission didn't want enclosure of the yard in certain areas.

Mr. Johnson stated we actually have a covenant in my subdivision that says no fencing in the front yard. We do not have a homeowners association, so it is not enforceable. He then stated that he had a neighbor that put up a short piece of solid white fence and it did looked pretty bad, but he couldn't do anything about it, but he didn't have a lot of room to say, because he had a split rail fence, not across the front, but just down the side of his driveway and then down the other property line.

Mr. Anzolut stated it is permissible and it doesn't sound like it is over 42-inches high, so it sounds like even if it is a decorative piece of fence for atheistic reasons or otherwise, it is permissible. He thought Mr. Johnson was saying there was no front yard fencing that he would actually be in violation, but he wouldn't have thought that, because he thinks the fencing that is in violation that he is familiar with is an enclosure, but not a piece.

Mr. Schanzenbacher stated we don't make that distinction. We don't have any definition of fencing.

Mr. Johnson stated in the older sections of the City there are a lot of chain link fences right up to the sidewalk all the way down, so he doesn't see any difference between that and a picket fence. If you are using a picket fence to keep your dog in, as well as a chain link fence to keep your dog in, what is the difference?

Mr. Anzolut asked Mr. Schanzenbacher with these regulations we couldn't fix the example Mrs. Hamilton brought up, but if someone attempted to do that post regulation, that would be a wire fence, because the framework is wire, even though it has decorative latticework, we could stop it in the future, but they can do it now.

Mr. Freeland stated he had a question for Mr. Fisher regarding home occupations. On page 138, Item 8 "No equipment or process shall be used in a home occupation which creates noise in excess of 50dB(A)". Our discussion at the last Council meeting about the noise ordinance, we are not using decibel meters to apply to the noise ordinance, how are we going to enforce that.

Mr. Fisher stated you would certainly have to have some measurement device for that.

Mr. Freeland stated the Council just passed the noise ordinance at first reading that changes all the noise ordinances in residential and commercial areas and there is no reference to any type of sound device, as far as dBs that you could enforce it by. After a certain amount of time at night after 11:00 P.M., you have certain decibel levels and then you exceed it you are then in violation.

Mr. Townes asked what does the new ordinance say.

Mr. Freeland stated it doesn't have one.

Mr. Anzolut stated it says clearly audible.

Mr. Johnson stated if you have a device that measures it, isn't it best to have it in there, so if there is a real complaint, you could even rent one to check it.

Mr. Anzolut stated it is a matter of perspective. It is permissible and legally enforceable to have audibility standards that are not measured by sound measuring devices. However, you can choose to have sound measuring devices at certain locations, generally from the property line. The Police Department asked, after the noise ordinance rewrite, that the equipment purchases and therefore, the necessary documentation, i.e. meter reading at a measured length, not be part of the ordinance, because, as we understand it, Chesterfield rewrote in this clearly audible at a distance and the judges in our courts liked that rewrite. So, we choose to go that way, which required less purchase and less actual measurement documentation, not sound measurement, but distance measurement.

Mr. Fisher stated what you would do there in #8 is to make it consistent with what you did with the noise ordinance you would take out "in excess of 50 decibels" and say per noise that could be heard, because that is what you have in the noise ordinance.

Mr. Freeland stated he would agree with that, but what his problem was is the way it is written. He then stated businesses differ from residences, because at certain times residents can make noise, such as a weed eater or a blower. But if you were standing on the sidewalk at WAWA, you can hear music for people who are out there pumping gas that would be in violation, but if the people next door are running their weed eater wide open, they aren't in violation.

Mr. Anzolut stated after 10:00 P.M.

Mr. Freeland stated there is no noise time on commercial.

Mr. Johnson asked if the Council is presently rewriting the noise ordinance.

Mr. Freeland stated it has already been written.

Mr. Anzolut stated they would have a second reading at the next Council meeting.

Mr. Johnson said so it really has nothing to do with this ordinance.

Mr. Freeland stated it does with that 50dB written in there.

Mr. Anzolut stated he thinks we need to make this consistent with the noise ordinance that Council has adopted.

Mr. Schanzenbacher stated he agrees that we should make it consistent with the noise ordinance.

Mr. Johnson asked if Mr. Schanzenbacher would take care of that.

Mr. Schanzenbacher stated we would take care of that.

Mr. Johnson asked if Mr. Freeland was satisfied with that.

Mr. Freeland stated the whole noise ordinance doesn't satisfy him, but he is being out voted on that.

Mr. Johnson asked if there were any other comments on this.

Mr. Caples stated he didn't see any addition in here on the screening for the HVAC that we talked about.

Mr. Schanzenbacher stated Mr. Caples was right.

Mr. Schanzenbacher stated we agreed to that, but he just missed that.

Mr. Townes asked what did we agree to.

Mr. Schanzenbacher stated that is should be screened from rooftops and other areas. That is what we were talking about. There would be a screening provision in the ordinance to cover HVAC equipment.

Mr. Townes asked if that was on all four sides.

Mr. Schanzenbacher stated you could have four sides, but normally you do it from where it is visible. We would have to work on the language.

Mr. Anzolut stated he would like a clarification on PODs. Mr. Schanzenbacher spoke on a limit on what he calls shipping containers in commercial and industrial, but those are not the residential PODs that we spoke of not allowed in the front yard, unless no other options were available, but he wonders if there is a time limit limitation on the PODs in the rewrite.

Mr. Johnson stated he though it said 90-days.

Mr. Schanzenbacher stated it is 45-days.

Mr. Anzolut asked Mrs. Hamilton if 45-days made since to her.

Mrs. Hamilton stated the one she was referring has been there almost a year, but she guesses she could live with 45-days.

Mr. Anzolut stated we had talked about the impact on the neighborhood versus the discussion on how much time was reasonable to perform the temporary storage for renovations or whatever. He then stated he could probably live with 45-days.

Mrs. Hamilton stated she still thinks it is awful that these issues exist and we still can't touch them. They still get away with it. The POD that she is referring to will be there forever and will be a blight on the neighborhood.

Mr. Anzolut stated he personally believes it is an outbuilding that is not in conformance with the zoning code and he would his best to convince the Zoning Administrator that is the case.

Mr. Schanzenbacher stated he would take a look at it.

Mr. Johnson asked if the 45-days going to be cut and dried, or if it is a viable renovation, and the man needs more time can he reapply for an additional 45-days.

Mr. Anzolut stated 45-days and it is out, but assumes that we catch him to even get the permit, because there could be some bumper time there just by virtue of we may not see it and nobody is going to call. We are going to have to enforce permit and the time limits on everybody, so it is really going to start at the point when we find it.

Mr. Johnson stated when he renovated his kitchen he didn't need a POD, but it took him more than 45-days to get it done.

Mr. Anzolut stated it doesn't provide for that discretion and he wouldn't suggest it, but maybe the Commission wants to recommend that.

Mr. Freeland stated he thinks it needs to something on there to give an incentive to move it, then after 45-days it would cost the person so much per permit to continue to use it.

Mr. Johnson stated it doesn't have to be part of the ordinance, but it could be part of the permit process.

Mr. Schanzenbacher stated this is an ordinance provision.

Mr. Anzolut stated there is no fee for the permit, but you have to get the permit.

Mr. Fisher stated you do need to be aware that there are going to be situations where somebody is in good faith working on a renovation, because they have one contractor and are delayed in getting somebody else it is going to take them more than 45-days. It is very easy to say that you are going to be done in 45-days and if it is not done pack up and move it to an outdoor storage place. He then stated he has been through that and he has renovated a kitchen himself and it took him considerably more than 45-days and it was a good faith effort. Be aware that you may put people to a fair amount of rental expense if you do adopt it.

Mr. Johnson stated we don't have to actually put it in the ordinance, but it might be part of the permit process that the department could allow for reasonable circumstances.

Mr. Schanzenbacher stated he thinks there is a distinction that needs to be made and he is not sure that we have made it between these portable storage containers that are used for moving and things that are used for construction, when someone has a building permit to do renovation and they need a container. That is not what we are talking about. We are talking about portable POD.

Mr. Anzolut stated the home renovator is a POD and they don't have a contractor.

Mr. Schanzenbacher said so maybe we need some more clarification. These PODs are meant to be temporary and not permanent.

Mr. Anzolut stated from a practical standpoint, he thinks he could tell you that, if that good faith effort were going on, it would take us some time to actually institute enforcement. The first thing that has to happen is the bell has to go off on the 45-day, well that doesn't happen, because we might find it on the 50-day and then we always give people notice, so at a very minimum we tell somebody they are over their permit and they have 10-days to abate the situation. We then have to get there on the eleventh day, which does happen more than it used to happen, but again, it is not guaranteed, it might be the thirteenth day. Then we tend to give them another notice to remove it or we would have to enforce this issue and then you get to the court process. He then stated he was not arguing with the concept, but he is arguing with his experience. Everybody has got a good reason, everybody need additional time and everybody does whatever the want to do and resents the fact that government would regulate them. With that in mind, sure Mr. Schanzenbacher could give them all the additional time in the world, but they are going to do what they want to do on the pace and they are going to have a lot of excuses.

Mr. Schanzenbacher stated the reality is 98% of the cases we have throughout the year when we are dealing with everything from inoperative vehicles, property maintenance and you name it 98% of the people will eventually comply. Once in awhile he has to lean on Mr. Fisher and those are the ones we have to issue a summons and take them to the judge. There are not very many of those when you look at everything.

Mr. Johnson said just leave the 45-days in the ordinance.

Mr. Schanzenbacher then passed around a composite map of the existing zoning map. That is what is on the books right now. He then passed around a proposed draft of the zoning map. He then stated the proposed zoning is really a consolidation in most cases of existing zoning. The white area, which is low-density residential, is a consolidation of the R-1 and the R-2 in the existing ordinance and under the new ordinance those would all become RL.

difference between the two zoning districts is the minimum lot sizes and the setbacks are the same. The brown, which is medium density residential, consolidates the townhouses district and the R-3 Duplex. The high-density residential really is the apartment district R-4 under the existing. Then we talk about the Boulevard business. This is the area that has the largest change in it, because it actually consolidates three zoning districts that are currently along the Boulevard, which are B-1, B-2 and B-3, this consolidates all of those into one zoning district. You have to remember most of the Boulevard is currently developed, so in terms of its impact it is much less than what it appears. The Boulevard District is consistent with the Boulevard Overlay District. He then stated the general business area is mostly the area around the mall and it also includes those parcels at the intersection of the Interstate and Temple Avenue. The industrial basically remains the same. The green is the PUD, which is Dunlop Farms and Conjurers Neck area.

Mr. Townes stated that industrial doesn't look right to him. That is a lot of industrial property. How many acres are down there?

Mr. Anzolut stated it is something like 48 acres.

Mr. Townes asked if Kollman's property was zoned multi-family, out on Lakeview Avenue.

Mr. Schanzenbacher stated he would have to check on that.

Mr. Townes stated the purple is going all the way across the other side of Lakeview Avenue.

Mr. Schanzenbacher stated we would check that. This is only a first draft, which was completed today.

Mr. Johnson asked why is the property where we are night zoned residential office.

Mr. Anzolut stated that we don't have a public use category.

Mr. Townes asked why would that be residential office.

Mr. Anzolut stated it was that way, because we are transitional here at City Hall.

Mr. Townes asked transitional what.

Mr. Anzolut stated we are P-BO now, because we don't have public use zoning.

Mr. Townes stated he would think this would be Boulevard Business.

Mr. Schanzenbacher stated we didn't change anything that was in one category to another whole category. We are not trying to make this a re-zoning process.

Mr. Johnson asked if there were any questions on the maps.

NEW BUSINESS – None

REPORTS

Chairman: No report.

Committees

Land Use: No report.

Subdivision: No report.

Zoning: No report.

City Manager: No report.

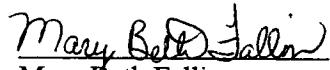
Assistant Director of Public Works: No report.

Director of Planning and Community Development: Mr. Schanzenbacher stated that the Commission would be getting a full draft of the zoning ordinance before the March meeting. Our game plan is to finalize everything in March and we are still shooting for a public hearing in April.

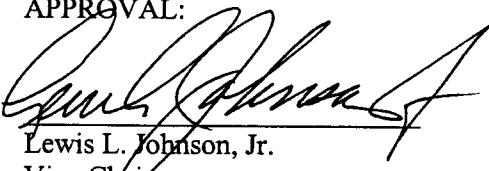
ADJOURNMENT

There, being no further business, the meeting was adjourned.

Respectfully,

  
Mary Beth Fallin

APPROVAL:

  
Lewis L. Johnson, Jr.  
Vice-Chairman

RESOLUTION NO. 10-1(PC)

**To recommend to City Council that an ordinance to grant a special use permit to John and Patsy Crowder allowing for a single-family home on a lot with no frontage on a public street. The property is a 3.67 acre part of Lot 24, A.B. Cook Farm, Identification # 1600010025A, and is located west of Sadler Avenue.**

WHEREAS, the Planning Commission has considered the attached ordinance, Exhibit A, relating to a proposed single-family home on a lot with no frontage on a public street, 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 February 14, 2010 and on February 21, 2010 and by holding a public hearing on March 2, 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 of the special use permit for a single family home 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 John and Patsy Crowder for a single family home on a 3.67 acre part of Lot 24, A.B. Cook Farm, that has no direct frontage on a public street, as depicted in Exhibit B.

Approved this 2nd day of March, 2010.

APPROVED:

Chairman

ATTEST:

  
Secretary