



CITY OF COLONIAL HEIGHTS

P.O. Box 3401
COLONIAL HEIGHTS, VA 23834-9001
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: February 11, 2010

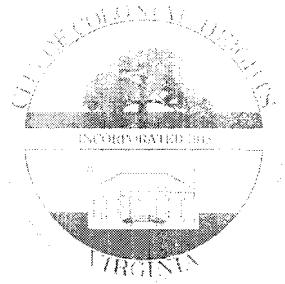
SUBJ: Adoption of Courthouse Action Plan

During the Council Meeting of February 9, 2010, City Council conducted a public hearing on the Proposed Action Plan for the City Courthouse Project. At the conclusion of the public hearing, Council took the matter under advisement and scheduled final consideration of the Proposed Action Plan for the Special Meeting (work session) of February 16, 2010. This item has been placed on the agenda as requested by City Council.

If staff can be of any assistance to Council on this matter prior to the work session, please do not hesitate to contact me.

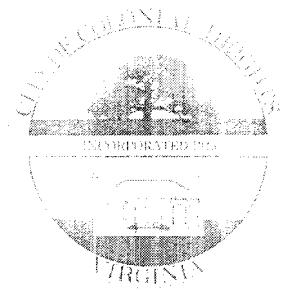
Attachment

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



City of Colonial Heights

Courthouse Action Plan



City of Colonial Heights

Courthouse Action Plan

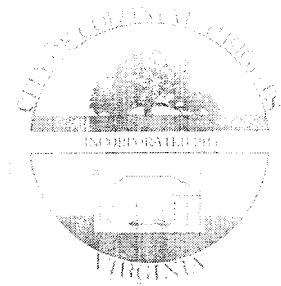
- Adopted PPEA Guidelines - December 8, 2009
- Considered Approach to PPEA - January 12, 2010
- Developed Action Plan - January 16, 2010
- Public Hearing on Action Plan - February 9, 2010



City of Colonial Heights

Courthouse Action Plan

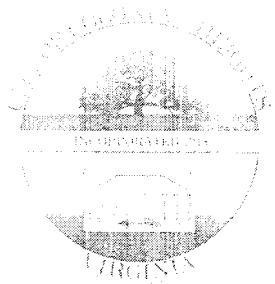
- Prepare and Circulate RFP for Architect February 2010
- Architect Interviews in Council Meeting April 13
- Selection of Architect No Later Than April 29
- Architect Evaluation of Initial Design and May – August
Preliminary Structural, Electrical and Mechanical
Engineering Assessment



City of Colonial Heights

Courthouse Action Plan

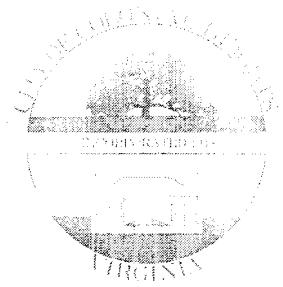
- First Conceptual Design Meeting with Council (including financial estimates) September 14th
- First Conceptual Design Meeting with Circuit Court November
- Second Conceptual Design Meeting with Circuit Court January 2011
- First Review with G.D. and J & DR Courts February
- Second Review with G.D. and J & DR Courts March



City of Colonial Heights

Courthouse Action Plan

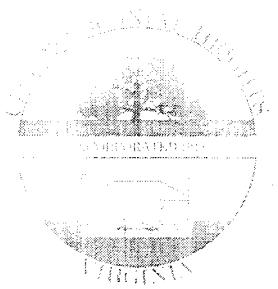
- Final Design Meeting with Circuit Court April
- Council Reviews Final Design May
- Council Authorizes PPEA RFP June
- Solicited PPEA Proposal Review by Council July
- Finalist(s) Selected by Council August
- PPEA Negotiations Aug – Nov
(including interim agreement with guaranteed maximum price)



City of Colonial Heights

Courthouse Action Plan

- City Enters Final Comprehensive Agreement December 2011
- Contractor Breaks Ground on Project January 2012
- City Adopts Revenue Measures for Debt Spring 2012
- City Issues G. O. Bonds Summer 2012
- Courthouse Opens Summer 2013



City of Colonial Heights

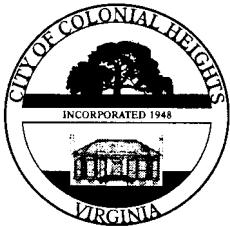
Courthouse Action Plan

Existing Courthouse Air Quality

- Church Site Action Plan Takes 3 1/2 Years to Complete
- Roof Survey and Repairs Authorized
- HVAC Evaluation Received
- HVAC Repairs – Duct Cleaning – Mold Remediation

\$105,000

Staff Recommends Proceeding with this Work



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Office of the City Manager

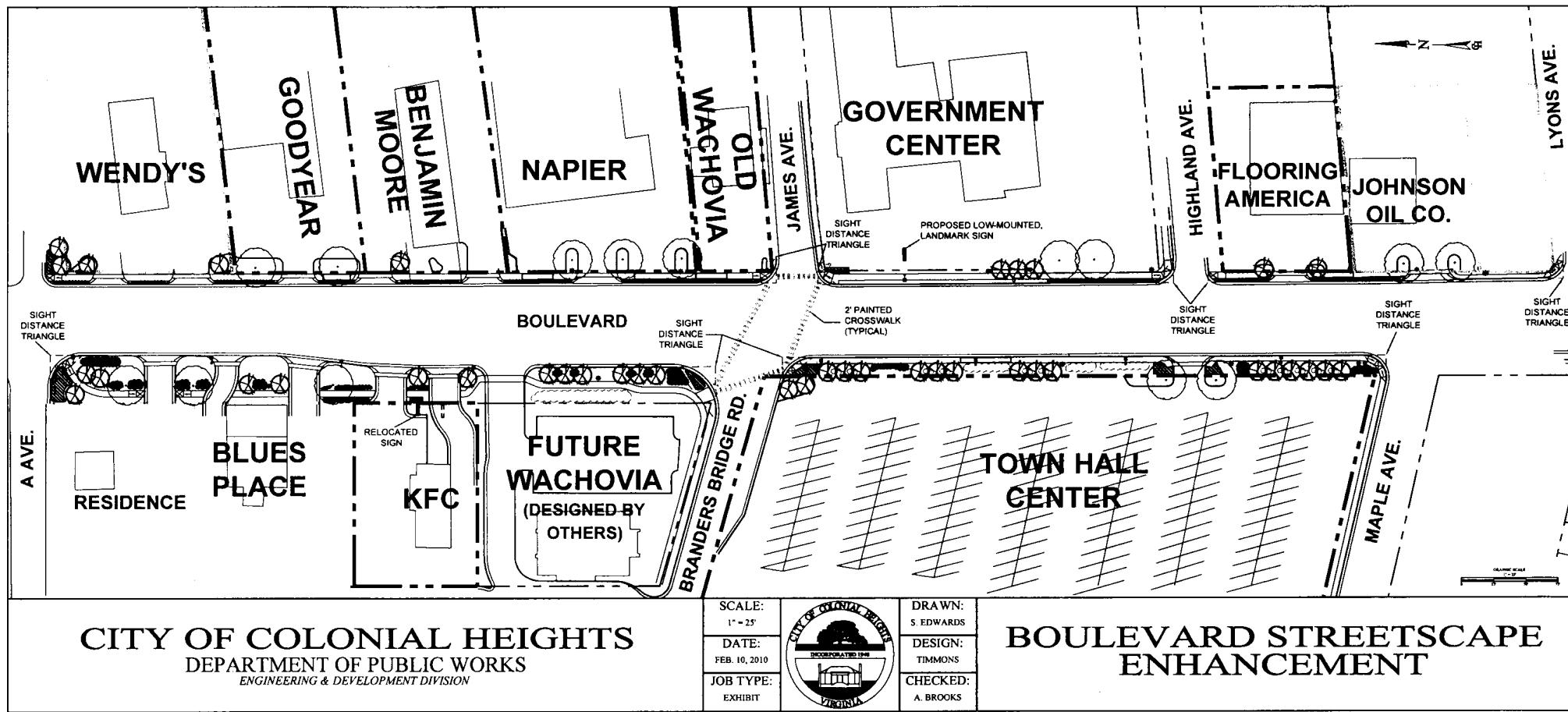
TO: The Honorable Mayor and Members of City Council
FR: Richard A. Anzolut, Jr., City Manager
DATE: February 11, 2010
SUBJ: Update on the Boulevard Modernization and Government Center Streetscaping Projects

It has been several months since staff initiated the public outreach components of both the Boulevard Modernization and Government Center Streetscaping Projects. In the Summer of 2009, Council reviewed preliminary design work on both and acknowledged that staff would be contacting businesses and making progress toward the implementation of both projects. It now seems appropriate to update Council on staff's work to-date. A portion of the work session of February 16, 2010, has been scheduled for the Director of Public Works and Engineering to give City Council these updates. The Director of Public Works and Engineering will have presentation materials prepared to brief Council during the work session.

Should any questions arise on this matter prior to the work session, 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





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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: February 11, 2010

SUBJ: Continued Discussion of Stormwater Management Utility Fees

City Council had a full briefing on the study of this subject during the work session of June 30, 2009. In addition, Council discussed the concept of implementing a stormwater management utility fee during its 2010 Council Retreat. The City Manager was instructed to advance this subject for further discussion during the next work session. As a result, a portion of the work session of February 16, 2010, has been scheduled for some continued review of this topic.

The Director of Public Works and Engineering will make a presentation during the work session that is outlined on the attached exhibits. Based on our guidance from the Retreat, staff has met with the Stormwater Management Consultants to develop a residential and business rate structure based on a flat rate per drainage unit. Council had expressed an interest in a flat rate for residents and a two tiered structure for businesses recognizing the smaller lot from the large lot. The consultants have actually assisted in the development of a three tier business structure to accompany the single tier for residential properties.

As a supplemental element of the presentation by the Director of Public Works and Engineering, a rate structure that would "fully fund" our Stormwater Management Program will also be presented for Council's information. As Members of Council will recall, the basic rate structure being discussed would fund our current operational program with a stormwater management utility fee. However, our current program does not generate any funding for capital improvements and equipment replacement. If the City is to have a fully functional Stormwater Management Program, we would need a higher rate structure to fully fund all aspects of this program, including capital repairs, drainage modifications, and equipment replacements. Option B on the attached exhibits depicts what we could call a fully funded program.

The Honorable Mayor and Members of City Council

February 11, 2009

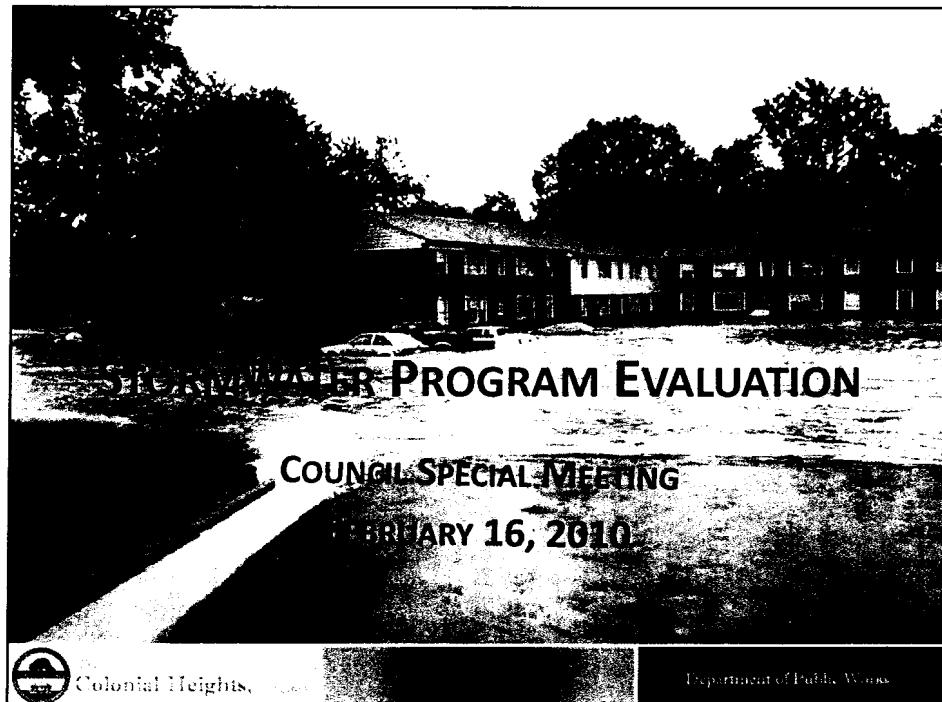
Page 2

Staff expects that this work session presentation will advance this topic further, but will not be asking for any specific actions at this time. At this point, it is expected that recommendations will be contained in the City Manager's Recommended FY11 Budget to implement a stormwater management utility fee to fund our current operational expenses, not a fully funded program. Staff hopes the presentations will be informational and will help advance the topic.

If any questions arise prior to the work session of February 16th, 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



Tonight's Presentation

- Background**
- User Fee Concepts**
- Key Considerations and Options**



Feasibility Phase Project Purpose

- ◆ Understand the existing and future stormwater program needs
- ◆ Address compliance requirements of the Consent Special Order related to the City's NPDES Phase II permit
- ◆ Study the feasibility of an alternative funding mechanism, including a stormwater utility fee



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Department of Public Works

Regulations Drove the Need to Evaluate the Existing Level of Service of the Program

- ◆ National Pollutant Discharge Elimination System (NPDES) Phase II Permit
- ◆ Chesapeake Bay Protection Rules
- ◆ VA DEQ Impaired Waters



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Department of Public Works

Consent Special Order
(by the Department of Conservation & Recreation)

- ◆ Implement all elements of the NPDES permit
- ◆ Complete a stormwater utility feasibility study
- ◆ Select an appropriate funding mechanism
- ◆ Establish measurable goals



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Department of Public Works

New and/or Pending Stormwater Regulations

- ◆ Virginia Stormwater Management Permit Program
 - ◆ Restrictions for phosphorus discharge from developed properties
 - ◆ More stringent monitoring and review of construction activities
- ◆ Chesapeake Bay TMDL
 - ◆ Restrictions on the amount of pollutants that may be discharged from the City's stormwater system
 - ◆ Storm sewer outfall monitoring; stricter development criteria; closer tracking of illegal discharges



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Department of Public Works

Four Functional Areas For Stormwater Management

PROGRAM MANAGEMENT	REGULATORY COMPLIANCE
<ul style="list-style-type: none"> • Master planning • Complaint response • Development review 	<ul style="list-style-type: none"> • Post-construction • S&E control • Public education
OPERATIONS AND MAINTENANCE	CAPITAL IMPROVEMENT PROJECTS (CIP)
<ul style="list-style-type: none"> • Storm sewer cleaning • Culvert cleaning and repair 	<ul style="list-style-type: none"> • Culvert upgrades & replacement • Stream restoration



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Department of Public Works

CDM Has Evaluated the City's Existing Stormwater Program Level of Service

Level of Service	Program Management	Regulatory Compliance	Operation and Maintenance	Capital Improvement Projects
5	Comprehensive Planning & Full Implementation Capabilities	Exemplary Permit Compliance	Fully Preventative 100% Routine	Programized Fully-Funded
4	Pro-Active Planning & Systematic CIP Implementation Capabilities	Pro-Active Permit Compliance	Mixture of Routine and Inspection Based	Phased Implementation Moderate Budgets
3	Priority Planning & Partial CIP Implementation Capabilities	Minimal Permit Compliance	Mixture of Inspection and Response Based	Compliant, Inspection Based Moderate Budget
2	Reactive Planning & Minimal CIP Implementation Capabilities	Below Minimum Permit Compliance	Responsive Only	Critical Needs Only / Minimum Budget
1	No Planning & No CIP Implementation Capabilities	Non-Compliance	Non-Responsive	No Planning No Budget

Note: _____ denotes CDM level of service determination for given program area.

Total Program Cost = \$651,000



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Department of Public Works

Future Level of Service Cost Summary

Example Costs for Various Levels of Service

Level of Service	Program Management	Regulatory Compliance	Operation and Maintenance	Capital/Improvement Projects	Total Program Cost
5 Comprehensive Planning & Full Implementation Capabilities	\$272,000	\$115,000	\$601,000	\$200,000	\$1,184,000
	Exemplar; Permit Compliance		Fully Preventative 100% Routine	Prioritized Fully-Funded	
4 Pro-active Planning & Systematic CIP Implementation Capabilities	\$219,000	\$91,000	\$504,000	\$100,000	\$914,000
	Pro-Active Permit Compliance		Mixture of Routine and Inspection Based	Phased Implementation Allocated Budgets	
3 Priority Planning & Partial CIP Implementation Capabilities	\$174,000	\$73,000	\$407,000	\$50,000	\$704,000
	Full Permit Compliance		Mixture of Inspection and Responsive Based	Complaint, Inspection-Based Moderate Budget	
Existing LOS (2.0) Adequate Staffing & Oversight Responsive to Customers Minimal Long Range Planning	\$168,000	\$68,000	\$407,000	\$35,000	\$661,000
	Partial Permit Compliance		Responsive-Based System Maintenance Annual Street Sweeping	Critical Needs Only: Minimum Budget	

Note: Cost for master planning as required in NPDES permit is included in the Program Management category



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Tonight's Presentation

Background

User Fee Concept

Key Considerations and Options



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Ad Valorem Taxes Versus Enterprise Fee Comparison

Ad Valorem

- ◆ **Advantages**
 - ◆ In place already
 - ◆ Easy to collect and administer (City Assessor)
 - ◆ Can be sufficient for all services
- ◆ **Disadvantages**
 - ◆ Not dedicated
 - ◆ Competition
 - ◆ Not based on service provided (i.e., not equitable)

Enterprise (User) Fee

- ◆ **Advantages**
 - ◆ Fee related to service provided (i.e., equitable)
 - ◆ Stable & dedicated funding
 - ◆ Incentivizes good practices
 - ◆ Sufficient for all services
- ◆ **Disadvantages**
 - ◆ Start-up costs
 - ◆ Administrative costs



What is a Stormwater User Fee?

- ◆ **Enterprise Fund Similar to Water, Wastewater, Electric Utilities**
- ◆ **Dedicated Funding through User Fee**
- ◆ **Fee Related to Benefit Received or Service Provided**



Benefits = Charge

- ◆ Management of Runoff Benefits Owners and Tenants
- ◆ Benefit Relates to Property's Contribution to the Problem (Runoff Burden)
- ◆ Fee Relates to Runoff
- ◆ Common Proxy for Runoff is Impervious Area

Customer receives services
from the utility in direct
measure to the runoff burden



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How is the Fee Calculated?

Residential Customers

Single Family Units

Multi-Family Units

Condominiums

Mobile Homes



Each is assigned 1 or less billing units depending on type and number of dwelling units.

Fee = Billing Unit x Rate (\$ per billing unit per month)

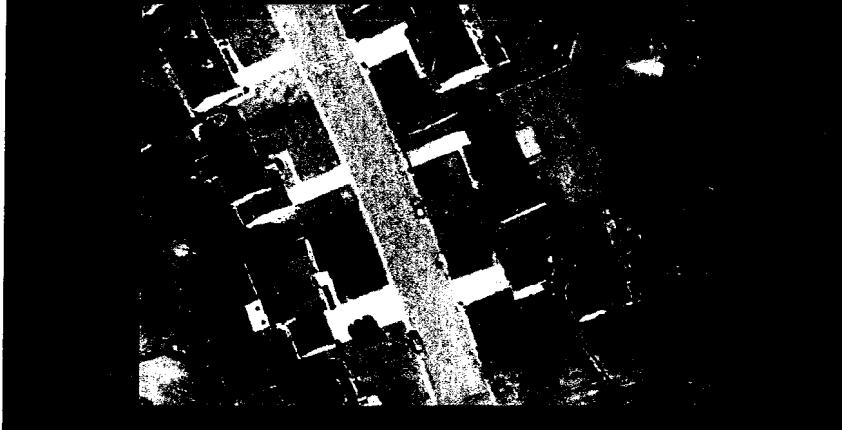


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A Typical Residential Customer is Assigned One Unit

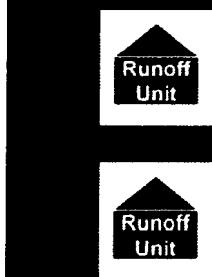


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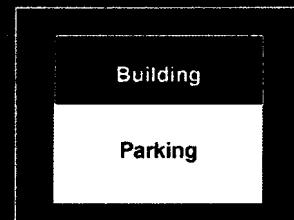
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A Stormwater Utility Fee Is Based on the Amount of Stormwater Runoff Generated By a Given Customer



Average Residential Home is
Typically Charged One (1) Unit



A Commercial Property Pays
In Relation to the
Average Residential Property

In this example, the commercial customer pays three times
the amount as the residential customer.



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Commercial Example
Impervious Area = 30,525.7 sq. ft.
ERU = 11.5 units



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City of Colonial Heights, Virginia Stormwater Utility Feasibility Study Summary of Parcel Data								
Land Use	# of Parcels	% of Developed Parcels	% of Total Parcels	Total Impervious Area (sq ft)	% of Developed Area	Number of Dwelling Units (DU)	% of Total Dwelling Units (DU)	Impervious Area per DU (sq ft)
Residential								
Single Family Home	6,061	85.6%	80.5%	17,898,133	42.0%	6,061	80.0	2,953
Duplex	147	2.1%	2.0%	779,100	1.8%	294	3.9	2,650
Townhouse	119	1.0%	1.5%	75,716	0.2%	115	1.5	658
Multifamily	61	0.9%	0.8%	1,455,717	3.4%	1,206	14.6	1,216
Residential Subtotal	6,384	90.2%	84.7%	20,208,666	47.4%	7,576	100.0%	2,667
Nonresidential								
Commercial	464	5.6%	6.2%	19,398,811	45.5%			
Church	55	0.8%	0.7%	831,935	2.0%			
Governmental	119	1.2%	1.6%	786,670	1.8%			
School	19	0.3%	0.3%	1,415,426	3.3%			
Utility	18	0.3%	0.2%	0	0.0%			
Miscellaneous	18	0.3%	0.2%	0	0.0%			
Nonresidential Subtotal	693	9.8%	9.2%	22,431,762	52.6%			
Vacant								
Residential Vacant	360	4.8%	0					
Nonresidential Vacant	96	1.3%	0					
Vacant Subtotal	456	6.1%	0					
Total Developed	7,077	100.0%		42,640,428	100.0%	7,576		
Total City	7,533		100.0%	42,640,428				

Colonial Heights, Virginia

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Department of Public Works

Tonight's Presentation

- Background**
- User Fee Concepts**
- Key Considerations and Options**



Key Considerations and Options

- Start-up strategy**
- Fee structure**
- Multi-family approach**
- Fee basis and data collection**
- Expenses covered**
- Exemptions and Credits**



OPTION A: START-UP WITH SIMPLIFIED FEE STRUCTURE

PROS

- Public gets exposure to the concept of a fee prior to refining
- No extensive data collection prior to initial adoption
- May foster educational focus on stormwater needs

CONS

- May be a backlash, if perception is the fees were rushed without due consideration
- More likely to be challenged legally and politically
- Once initially adopted, it may be difficult to change
- Still requires considerable data gathering to establish thresholds.



OPTION B: START-UP WITH A REFINED FEE STRUCTURE

PROS

- Can be presented as a thoroughly-considered and well-conceived approach, rather than an interim measure
- Avoids the “cons” of Option A involving legal and political defensibility, and difficulty of changing the system once it is in place

CONS

- Typically requires a lot of time and money to get a fee structure that may not be sustainable
- Lacks the “pros” of Option A: particularly in avoiding extensive data gathering and being able to initially sell and administer a relatively simple system



Key Considerations

<input checked="" type="checkbox"/> Start-up strategy	<input type="checkbox"/> Fee basis and data collection
<input checked="" type="checkbox"/> Fee structure	<input type="checkbox"/> Expenses covered
<input type="checkbox"/> Multi-family approach	<input type="checkbox"/> Exemptions and Credits



Colonial Heights, Virginia

UTILITY FEE STRUCTURES

RESIDENTIAL (Single-Family)	NON-RESIDENTIAL
FLAT	FLAT
FLAT	TIERED
FLAT	VARIABLE
TIERED	TIERED
TIERED	VARIABLE
VARIABLE (Simple)	VARIABLE
VARIABLE (Complex)	VARIABLE



Colonial Heights, Virginia

FEE STRUCTURE BENEFIT ANALYSIS

RATE STRUCTURE OPTION	EQUITY	SIMPLICITY (For public and decision-makers to understand)	DATA COLLEC- TION NEEDS*	COST/ EASE OF ADMIN.	LEGAL DEFENS- IBILITY
A: Flat Res. Flat/Tiered Non-res.	Poor/ Poor+	Excellent	Excellent	Excellent	Poor
B: Flat Residential Variable Non-Res.	Fair	Good	Good-	Good	Fair+
C. Tiered Residential Tiered Non-Res	Fair-	Good	Fair	Good	Fair
D. Tiered Residential Variable Non-Res.	Good	Fair+	Fair	Fair	Good
E. Variable all classes: Simplified	Excellent	Fair+	Poor	Poor	Excellent
F. Variable: all classes: Complex	Excellent+ Poor		Poor	Poor-	Excellent



FEE STRUCTURE ILLUSTRATION

OPTION A: Flat Residential/Tiered Non-residential

Parcel Type/Size	Runoff Contribution	Monthly Rate	Annual Rate
Residential	Each	\$1.56	\$18.72
Non-Residential/ Small	2.00 acres or less	\$12.00	\$144.00
Non-Residential/ Medium	Greater than 2.00 acres and less than or equal to that 11.0 acres	\$106.10	\$1,273.20
Nonresidential/ Large	Greater than 11.0 acres	\$576.00	\$6,912.00

Approximate Gross Income = \$250,000 per year



OPTION A: Flat Residential/ Tiered Non-residential

PROS

- Reduces data collection needs – requires only rough impervious surface calculations to set non-residential classes.
- Easy to explain and for public to understand
- Easy to administer
- Might be adopted as an interim system, while more refined approach is developed

CONS

- May be vulnerable to legal challenges as nexus between fee and volume of stormwater generated is weak, particularly for non-residential users
- May be challenged by residential users who feel they are subsidizing large commercial uses
- Essential “ceiling” for non-residential parcels may keep revenue stream relatively low



Colonial Heights, Virginia

FEE STRUCTURE ILLUSTRATION

OPTION B: Flat Residential/Variable Non-residential

Residential Category	No. of Parcels	Total Impervious Area (sq ft)	No. of Dwelling Units	Billing Units per Dwelling Unit	No. of Billing Units
Single Family					
Home	6,061	17,899,951	6,061	1	6,061
Duplex	147	779,100	294	1	294
Townhouse	115	75,716	115	1	115
Multifamily	61	1,455,717	1,106	1	1,106
Residential Subtotal					
	6,384	20,210,485	7,576		7,576



Colonial Heights, Virginia

FEE STRUCTURE ILLUSTRATION

OPTION B: Flat Residential/Variable Non-residential

Non-Residential Category	No. of Parcels	Impervious Area	No. of Billing Units (Impervious Area per Residential Billing Unit)
Commercial	464	19,398,811	6,569
Church	55	831,505	282
Governmental	119	786,020	266
School	19	1,415,426	479
Utility	18	0	0
Miscellaneous	18	0	0
Nonresidential Subtotal	693	22,431,762	7,595



Colonial Heights, Virginia

FEE STRUCTURE ILLUSTRATION

OPTION B: Flat Residential/Variable Non-residential

	No. of Parcels	% of Parcels	Impervious Area	% of Impervious Area	No. of Billing Units	% of Billing Units
Residential Subtotal	6,384	90%	20,210,485	47%	7,576	50%
Nonresidential Subtotal	693	10%	22,431,762	53%	7,595	50%
Total	7,077	100%	42,642,247	100%	15,171	100%

Each \$1 per Mo. per Billing Unit ~ \$173,000 per year¹

¹ Assumes 5% of billings uncollectible



Colonial Heights, Virginia

OPTION A: Flat Residential/ Variable Non-residential

PROS

- Offers more equity than flat or tier fee system for non-residential properties
- Less vulnerable to legal challenge – approach has been upheld in court cases
- Avoids having to collect comprehensive info on residential properties

CONS

- Initial information gathering needs still substantial.
- Having one class of residential uses may lead to challenges, i.e. owner of small home unhappy to be paying the same as the owner of a large home
- Billing concept initially difficult for some ratepayers to understand.

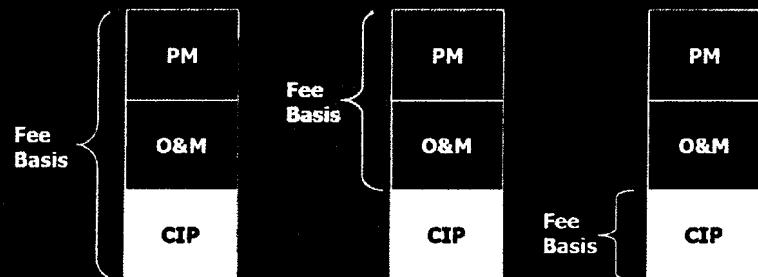


Key Considerations

<input checked="" type="checkbox"/> Start-up strategy	<input type="checkbox"/> Fee basis and data collection
<input checked="" type="checkbox"/> Fee structure	<input checked="" type="checkbox"/> Expenses covered
<input type="checkbox"/> Multi-family approach	<input type="checkbox"/> Exemptions and Credits



The User Fee Does Not Always Fund the Entire Program



Example 1

Example 2

Example 3



Colonial Heights, Virginia

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Department of Public Works



CITY OF COLONIAL HEIGHTS

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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: February 11, 2010
SUBJ: Operation of Golf Carts on Designated City Streets

During the Council Meeting of December 8, 2009, Mr. Bob Collins of 306 Kingfisher Way approached City Council requesting that an ordinance be adopted permitting the operation of golf carts under certain conditions on designated City streets. City Council took this request under advisement and referred it to staff and the Transportation Safety Commission for further evaluation.

On December 10, 2009, the Transportation Safety Commission met and discussed the matter. At the conclusion of their discussion, the Transportation Safety Commission voted unanimously to reject the operation of golf carts on designated City streets. While the Transportation Safety Commission considered the operation of golf carts to be somewhat unsafe on City streets, they also did not support the designation of certain areas in the City. While they acknowledged that certain City streets with a 25 mph speed limit were more likely to provide for the safe operation of golf carts, they were unwilling to recommend it for one area and not Citywide. In their final decision, the Transportation Safety Commission was unwilling to favor one area over another and saw numerous streets with 25 mph speed limits as not reasonable for golf cart operation.

The Chief of Police has also done some follow-up evaluation of the matter. His report is attached for Council's review. In addition, we have attached the State Code sections granting authority for golf cart operation on public streets and providing for certain restrictions.

Based on a review of this matter by the Transportation Safety Commission and the Police Department, the City Manager does not recommend adoption of an ordinance permitting the operation of golf carts on certain designated City streets. While some residential streets could be viewed as more likely to provide for the safe operation of golf

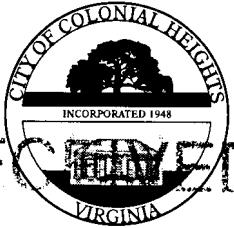
The Honorable Mayor and Members of City Council
February 11, 2010
Page 2

carts, staff also cannot favor one neighborhood over another. So while Mr. Collins' request for the streets in White Bank Landing, Conjurer's Neck and the Tussing Elementary/Fort Clifton areas could be seen as less risky for golf cart operation, we certainly could not see it on Westover and Lynchburg Avenues. Council would have to be willing to favor one area over another when it comes to designating City streets with 25 mph speed limits. We, as staff, have concerns about unlicensed operators using golf carts on City streets, as well.

This matter has been scheduled for additional discussion during the work session of February 16, 2010. If staff can be of any further assistance to Council on this matter prior to the work session, please do not hesitate to contact the Chief of Police 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
 William E. Henley, Director of Public Works & Engineering



RECEIVED

FEB 10 2010

CITY OF COLONIAL HEIGHTS

P.O. Box 3401
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COLONIAL HEIGHTS POLICE DEPARTMENT City Manager's Office

February 10, 2010

Mr. Richard A. Anzolut, Jr.
City Manager
201 James Avenue
Colonial Heights, VA 23834

RE: GOLF CARTS IN COLONIAL HEIGHTS

Dear Rick:

I have given great consideration to the possible use of golf carts in our community and have concluded that the benefits do not outweigh the concerns. The use of golf carts, although a nice "quality of life" extra, serves no valid transportation purpose in our community other than recreation. I am respectful of the stipulations that Mr. Collins mentioned, but those only create additional issues to consider such as licensing, inspections and insurance.

From a public safety standpoint, I can foresee an increased number of calls for service for use in unauthorized areas of the city, as well as juveniles operating them in an unsafe manner, which in turn leads to a quagmire of highway safety concerns. The crossing at intersections could pose a problem as well. Due to the perception and/or reality of speeding in our residential areas, the addition of golf carts could relate to some serious traffic crashes throughout our city limits.

In reviewing the *Virginia Code*, should we allow golf carts in the city, they cannot "impede the safe and efficient flow of motor vehicle traffic"—and I believe that they would. I also believe that golf carts are meant for use in gated and/or vacation communities that provide many recreational opportunities for their residents. However, our city is not structured or operated as such, and I would not recommend advancing the issue.

Respectfully,

Colonel Jeffrey W. Faries
Chief of Police

JWF:bbh

Richard Anzolut, Jr.

From: Jeffrey Faries
Sent: Tuesday, February 09, 2010 11:33 AM
To: Richard Anzolut, Jr.
Subject: Clarksville Town Police

I spoke with Officer Jemar Florence and he advised that an ordinance was recently passed this year allowing golf carts in only a small area of their town (25mph limit, working lights,OL). Officer Florence said they have gotten a few calls on misuse, underage juveniles on them but they expect a lot more come this summer since it will be their first summer with the ordinance. Officer Florence also stated that Chief Wilkinson was against it from the start; he was unavailable due to him being on vacation.

I hope this helps.

Jeff

Colonel Jeffrey W. Faries
Chief of Police, FBI NA 212

Colonial Heights Police Department
100 A Highland Avenue
Colonial Heights, Virginia 23834
(804) 520-9311 fax (804) 524-8746

§ 46.2-916.1. Golf cart and utility vehicle operations on public highways not otherwise designated for such operation.

No person shall operate a golf cart or utility vehicle on or over any public highway in the Commonwealth except as provided in this article.

(2004, c. 746.)

§ 46.2-916.2. Designation of public highways for golf cart and utility vehicle operations.

A. No portion of the public highways may be designated for use by golf carts and utility vehicles unless the governing body of the county, city, or town in which that portion of the highway is located has reviewed and approved such highway usage.

B. The governing body of any county, city or town may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries after (i) considering the speed, volume, and character of motor vehicle traffic using such highways, and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in § 33.1-23.03:001.

C. Notwithstanding the other provisions of this section, no town that has not established its own police department, as defined in § 9.1-165, may authorize the operation of golf carts or utility vehicles. The provision of this subsection shall not apply to the Towns of Claremont, Irvington, or Saxis.

D. No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

E. The county, city or town that has authorized the operation of golf carts or utility vehicles shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. Such county, city or town may include in its ordinance for designating highways the ability to recover its costs of the signs and maintenance pertaining thereto from organizations, individuals or entities requesting the designations. The cost of installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles shall not be paid by the Virginia Department of Transportation.

(2004, c. 746; 2006, c. 728; 2008, c. 196; 2009, cc. 68, 504.)

§ 46.2-916.3. Limitations on golf cart and utility vehicle operations on designated public highways.

A. Golf cart and utility vehicle operations on designated public highways shall be in accordance with the following limitations:

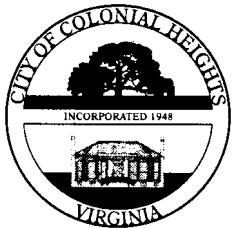
1. A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less. A golf cart or utility vehicle may cross a highway at an intersection controlled by a traffic light and in the Town of Colonial Beach at an intersection conspicuously marked as a golf cart crossing by signs posted by the Virginia Department of Transportation if the highway has a posted speed limit of no more than 35 miles per hour;
2. No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;
3. Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with § 46.2-1081; and
4. Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 of this title, for different classes of vehicles.

B. The limitations of subdivision A 1 shall not apply to golf carts and utility vehicles being operated as follows:

1. To cross a highway from one portion of a golf course to another portion thereof or to another adjacent golf course; or to travel between a person's home and golf course if (i) the trip would not be longer than one-half mile in either direction, and (ii) the speed limit on the road is no more than 35 miles per hour;
2. To the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less;
3. As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less; and
4. On a secondary highway system component that has a posted speed limit of no more than 35 miles per hour and is within three miles of a motor speedway with a seating capacity of at least 25,000 but less than 90,000 on the same day as any race or race-related event conducted on that speedway.

C. The governing body of any county, city, or town may by ordinance impose additional restrictions or limitations on operations of golf carts, utility vehicles, or both, on public highways within its boundaries, provided that the restrictions or limitations imposed by any such ordinance are no less stringent than the restrictions and limitations contained in this article. In the event that any provision of any such ordinance conflicts with any provision of this section, the provision of the ordinance shall be controlling.

(2004, c. 746; 2008, c. 456; 2009, cc. 743, 835.)



CITY OF COLONIAL HEIGHTS

P.O. Box 3401
COLONIAL HEIGHTS, VA 23834-9001
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: February 11, 2010
SUBJ: Continued Discussion of Economic Development Incentives

This subject has been on numerous Council Meeting and work session agendas since the Spring of 2009. Most recently, some general discussion was held during the 2010 Council Retreat. Council was preliminarily advised that the Industrial Development Authority would have to be reactivated to serve as a conduit for further incentives. Council also expressed a preliminary willingness to consider a 5 year program of business license tax incentives by development agreement. Finally, Council was initially informed of the concept of co-marketing the City's retail parcel on Dimmock Parkway with the real estate owned by the Dominion Auto Group. Follow-up discussion of these three elements has been scheduled for the work session of February 16, 2010.

The City Attorney and City Manager will give further information on the reactivation and use of the Industrial Development Authority (IDA) as a conduit for these incentives when the matter is discussed in work session. Initially, it will be suggested that the Industrial Development Authority be reactivated and renamed the Economic Development Authority (EDA) and that modifications be made to its purpose and rules of procedure. City Manager believes that the IDA/EDA can serve as an effective middleman between the City Council and a development prospect. Any development agreement that meets the approval of City Council can be facilitated by the IDA/EDA.

The City Manager would also like to get Council's final consensus on the use of business license taxes paid as an economic development incentive. In short, it was suggested that a program like the Real Estate Tax Abatement Program be put in place for business license taxes (BPOL). Staff would be authorized to negotiate with potential retail prospects for a business license tax refund through the IDA/EDA for an amount not to exceed 50% of the tax paid in a given year for a period not to exceed 5 years. Once again, this would be for marketing and staff negotiating purposes only. The refund of

The Honorable Mayor and Members of City Council

February 11, 2010

Page 2

business license taxes is not an item that would be done by ordinance. Staff would simply use it for marketing and discussion purposes. We expect to draft an overall development agreement with incentives to attract a prospect that would provide a reasonable financial return to the City for its investment in incentives. Any and all incentives, other than the real estate tax abatement, would be subject to a development agreement (contract) with the retail prospect. All development agreements would require the prospect to perform certain functions to qualify for any agreed upon incentives.

Finally, Council was advised that the Dominion Auto Group is listing its real estate for sale with a commercial broker. A brief portion of the February 16th work session on incentives will be used to explore the concept of using a commercial broker for the City's retail parcel on Dimmock Parkway. To-date, the sign listing the property has not generated any serious prospects. City staff's effort with developers has not resulted in any proposals to City Council. Although we had several discussions with developers and some of them showed promise, the economic downturn basically suspended these discussions and they do not yet appear to be fruitful in 2010. Perhaps listing the property with a commercial realty group, even in conjunction with the Dominion Auto Group, may lead to an overall corridor retail plan that could attract destination and other retailers to the Dimmock Parkway corridor. There may be some advantages to some joint planning and marketing with the Dominion Auto Group to transform the eastside of the Dimmock Parkway into a more productive retail corridor.

The City Manager and City Attorney will handle most of the elements in these discussions. If any questions arise on these subjects prior to the work session, please do not hesitate to contact me.

Attachment

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



CITY OF COLONIAL HEIGHTS

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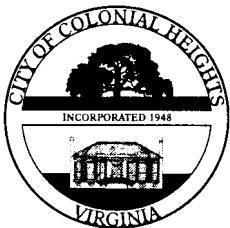
Office of the City Manager

TO: The Honorable Mayor and Members of City Council
FR: Richard A. Anzolut, Jr., City Manager
DATE: February 11, 2010
SUBJ: Expanded the Membership on the Senior Citizens Advisory Committee

Councilwoman Luck serves as City Council's liaison to the Senior Citizens Advisory Committee. Mrs. Luck has requested the opportunity to discuss expanding the membership on the committee by ordinance of City Council. The concept here is to enlarge the group from its current 5 members to 7 members. A portion of the work session of February 16, 2010 has been scheduled for City Council's discussion of this subject.

Depending on Council's determination in this regard, staff can be available to prepare the necessary ordinance to adopt any changes, if necessary. If staff can be of any assistance to Council prior to the work session, please do not hesitate to contact me.

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



CITY OF COLONIAL HEIGHTS

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www.colonial-heights.com

Office of the City Manager

TO: The Honorable Mayor and Members of City Council

FR: Richard A. Anzolut, Jr. *RAA* 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-_____

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:

City Attorney



CITY OF COLONIAL HEIGHTS

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COLONIAL HEIGHTS, VA 23834-9001
www.colonial-heights.com

Office of the City Manager

TO: The Honorable Mayor and Members of City Council

FR: Richard A. Anzolut, Jr. *RAA* 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-_____

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: _____

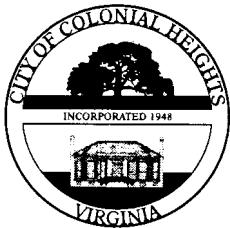
The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

City Attorney



CITY OF COLONIAL HEIGHTS

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

Office of the City Manager

TO: The Honorable Mayor and Members of City Council
MA

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

§ 247-18. Playing on streets and sidewalks. [Amended 3-13-1984 by Ord. No. 84-9]

- A. Except as provided in this section, no person shall play on a street, other than upon the sidewalks thereof, within the city.**
- B. It shall be unlawful for any person to coast or slide on any sidewalk in a B-1, B-2 or B-3 Zoning District by means of any sled, coaster wagon or other devices on wheels or runners.**
- C. No person shall use, on a street where play is prohibited, roller skates, sleighs, sleds or other similar devices on wheels or runners, except bicycles and motorcycles.**
- D. The City Manager may, by administrative order, designate temporary areas on streets where play is prohibited, in which persons may be permitted to use roller skates, sleighs, sleds, toys or other similar devices on wheels or runners, and if such streets have two traffic lanes, such persons shall keep as near as possible to the extreme left side or edge of the left-hand traffic lane so that they will be facing oncoming traffic at all times.**
- E. No person riding upon any bicycle, roller skates, sleigh, sled, toy or other device on wheels or runners shall attach the same or himself to any motor vehicle, wagon or vehicle upon a roadway, highway or street within the city.**
- F. No person shall walk, run or stand on any public street, sidewalk or right-of-way while using earphones on or in both ears. For the purpose of this subsection, "earphones" shall mean any device worn on or in both ears which converts electrical energy to sound waves or which impairs or hinders the person's ability to hear but shall not include any device worn in the line of duty by any police officer, fire fighter or member of any emergency, rescue or lifesaving organization.**



AN ORDINANCE NO. 10-_____

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:

City Attorney