

# DECEMBER 2009 EMPLOYEE OF THE MONTH



**NAME:** Dann P. Ferguson

**POSITION:** Police Lieutenant

**EMPLOYMENT**

**HISTORY:** Lieutenant Ferguson was hired in November, 1997 as a Police Officer.

**NARRATIVE:**

Dann has been with the Police Department for 12 years now and is currently assigned as the Supervisor in the Investigations Unit. He has the responsibility of overseeing the detectives, as well as our street crimes unit. Dann continues to lead by example. He does not ask anyone to do a job that he has not done or is unwilling to do himself. Dann not only performs at a high level, but also does so with the utmost integrity and dedication. He is dependable, loyal, goal-oriented and mindful of good customer service.

Dann recently graduated from the University of Virginia's National Command College, where he represented our Police Department and our City in a very professional manner. A few examples of his work ethic include his continued involvement in promoting and assisting our residents with the Project Life-Saver Program, which assists those with no cost equipment that is worn to help locate wandering individuals with Alzheimer's disease, dementia disorders, Autism and Down's syndrome. Dann continues to manage the program as well as the grant. He also volunteered to manage all of the department's overtime assignments. This benefits the officers as well as the local businesses in coordinating their needs and expectations. Dann also conducts the majority of our internal affairs investigations and when tasked with tracking and documenting them better, he provided a quarterly report that is timely and useful. He is committed to keeping our community safe by documenting and sending out nuisance letters to residents where there is a police response due to alcohol and/or drug violations. This notification places the property owner on notice that they will be held responsible for future calls for service. This program continues to benefit our citizens and their quality of life within the City.

There have been countless times where he has helped his fellow officers working a case and/or a traffic accident, while in a plain clothes assignment. He has also been involved with the Youth Services Commission for years and assists with the Annual Youth Forum. His dedication to young people in our City is commendable.

Dann is a doer and he sets examples for many others to follow.

A RESOLUTION NO. 10-1

A Resolution to Endorse Extension of the Designation of the Appomattox River as a Component of the Virginia Scenic River System.

WHEREAS, the Department of Conservation and Recreation completed an evaluation of the Appomattox from the current designation at Route 36 to its confluence with the James River and concluded that the 13 miles of the Lower Appomattox River meets the designation criteria of the Virginia Scenic Rivers Program; and

WHEREAS, the portion of the Appomattox River 100 feet from the base of the Lake Chesdin Dam, to the Route 36 Bridge in Petersburg, a distance of 6.2 miles, was designated by the Virginia General Assembly as a State Scenic River; and

WHEREAS, the designation of the Appomattox River as a component of the Virginia Scenic Rivers System would help facilitate development of active recreation activities along the river; and

WHEREAS, the designation would enhance promotion of the Appomattox River as a regional destination center; and

WHEREAS, the City of Colonial Heights has opened two new parks on this portion of the Appomattox River in the past five years and designed and partially constructed a river trail system adjacent to this portion of the river in partnership with regional business and through grants from the Commonwealth of Virginia; and

WHEREAS, the City Council of the City of Colonial Heights desires to endorse this proposed designation.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That City Council hereby endorses designation of the Appomattox River extension from 100 feet from the base of Lake Chesdin Dam, to continue to the confluence with the James River at City Point in the City of Hopewell, a total distance of approximately 19.2 miles, as a component of the Virginia Scenic Rivers System.

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

Approved:

C. Scott Davis  
Mayor

Attest:

Lynbury J. R. Wilson, cmc  
City Clerk

\*\*\*\*\*

I certify that the above resolution was:

Adopted on January 12, 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

Lynbury J. R. Wilson, cmc  
City Clerk

Approved as to form:

Hugh P. Doster, III  
City Attorney

AN ORDINANCE NO. 09-FIN-21

To amend the General Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to appropriate \$8,438 to Public Safety, consisting of \$5,256 in grant funding to Fire & EMS for the purchase of an Orion Vehicle Mount Weather Station with software and display console for the HAZ-MAT trailer and \$3,182 in donated funding to Police to purchase supplies for the new narcotics K-9.

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	4,288,458
Public Safety	7,730,727 7,739,165
Public Works	3,044,162
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	528,215
Nondepartmental	664,265
Debt Service	3,217,341
Operating Transfers Out	19,037,766

2. That the sum of \$49,401,329 49,409,767 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	6,474,410 6,479,666

Charges for Current Services	1,149,401
Miscellaneous	4,259,058
Restricted Fund Balance – Fire/EMS	1,262,240
Reserve – Fire/EMS Donations	5,000
Restricted Fund Balance –	1,350
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
TOTAL	\$ 49,401,329 49,409,767

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 December 8, 2009.

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

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

Aye.

The Honorable Kenneth B. Frenier, Councilman:

Aye.

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

Absent.

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

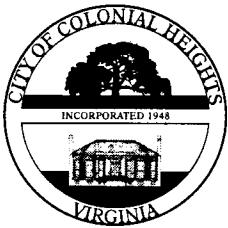
The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

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

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

Approved as to form:

Hugh P. Doster, 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)

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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:** January 7, 2010

**SUBJ:** Public Hearing on Stormwater Management Easement Vacation

Members of City Council are generally familiar with the expansion project at American Family Fitness. Earlier last year, the Planning Commission approved site plans for the parking lot expansion and the expansion of the building itself. The parking lot expansion is filling some of the stormwater pond in front of the American Family Fitness building. Additional parking for the facility will be placed on this filled area. As part of the parking lot expansion project, a stormwater management easement will need to be relocated. An ordinance approving the vacation of the existing stormwater management easement in the area of the parking lot expansion is scheduled for Council's consideration in public hearing during the Council Meeting of January 12, 2010.

At the conclusion of the public hearing, it is recommended that Council provide first reading to Ordinance No. 10-1. The ordinance vacates the easement and authorizes the City Manager to sign the necessary documentation thereto once a relocated easement is recorded. Staff expects the Roslyn Farm Corporation to handle all of the necessary paperwork for the relocation of the easement. Assuming the ordinance is adopted on second reading during the Council Meeting of February 9, 2010, the City Manager will sign the necessary paperwork once the new easement is recorded.

Staff associated with this matter will be present during the Council Meeting of January 12<sup>th</sup> to assist, if necessary. 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  
George W. Schanzenbacher, Director of Planning & Community Development  
William E. Henley, Director of Public Works & Engineering



OFFICE OF THE  
CITY ATTORNEY

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

HUGH P. FISHER, III  
CITY ATTORNEY

TAMARA L. DRAPER  
LEGAL ASSISTANT

(804) 520-9316 / FAX 520-9398  
December 21, 2009

**VIA FACSIMILE 861-9452**

The Progress-Index  
15 Franklin Street  
Petersburg, VA 23803

**RECEIVED**

DEC 21 2009

**CITY CLERK'S OFFICE**

Attention: Legal Advertisements

Dear Madam or Sir:

I have enclosed for publication in the legal advertisements section of your newspaper a notice of City Council holding a public hearing to accept public comments on and consider the adoption of Ordinance No. 10-1.

You are requested to publish the notice on **December 24, 2009 and December 31, 2009**.

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  
City Attorney

Enclosure

cc: The Honorable C. Scott Davis, Mayor  
Richard A. Anzolut, Jr., City Manager  
Kimberly J. Rollinson, City Clerk

**NOTICE OF PUBLIC HEARING  
CITY OF COLONIAL HEIGHTS, VIRGINIA**

Notice is hereby given to all persons affected or interested that at the Colonial Heights City Council meeting to be held on **Tuesday, January 12, 2010, at 7:00 P.M.**, in Council Chambers of City Hall, 201 James Avenue, Colonial Heights, Virginia, the City Council shall hold a public hearing to accept comments on the following:

**AN ORDINANCE NO. 10-1**

For the City to vacate a stormwater management easement across Lot 1, Section 3, East Roslyn Farm, owned by Roslyn Farm Corporation, as part of a project by American Family Fitness to expand its parking lot.

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

Hugh P. Fisher, III  
City Attorney

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

AN ORDINANCE NO. 10-1

For the City to vacate a stormwater management easement across Lot 1, Section 3, East Roslyn Farm, owned by Roslyn Farm Corporation.

WHEREAS, Roslyn Farm Corporation (the "Applicant"), as owner of Lot 1, Section 3, East Roslyn Farm (the "Property") has requested that the City vacate a stormwater management easement across the Property; and

WHEREAS, as part of a development by American Family Fitness, the existing easement will be relocated; NOW, THEREFORE,

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

1. That, pursuant to the authority granted in Va. Code §15.2-2270, a stormwater management easement across the Property, being more particularly shown on a plat prepared by Townes Site Engineering and entitled "Plat of 0.87 Acre of Stormwater Management Easement Vacated Across Lot 1, Section 3, East Roslyn Farm," dated May 28, 2008 and last revised November 20, 2009 (the "Plat"), a copy of which is attached hereto and made a part hereof, is vacated.

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

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

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

Approved:

\_\_\_\_\_  
Mayor

Attest:

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

\*\*\*\*\*

I certify that the above ordinance was:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

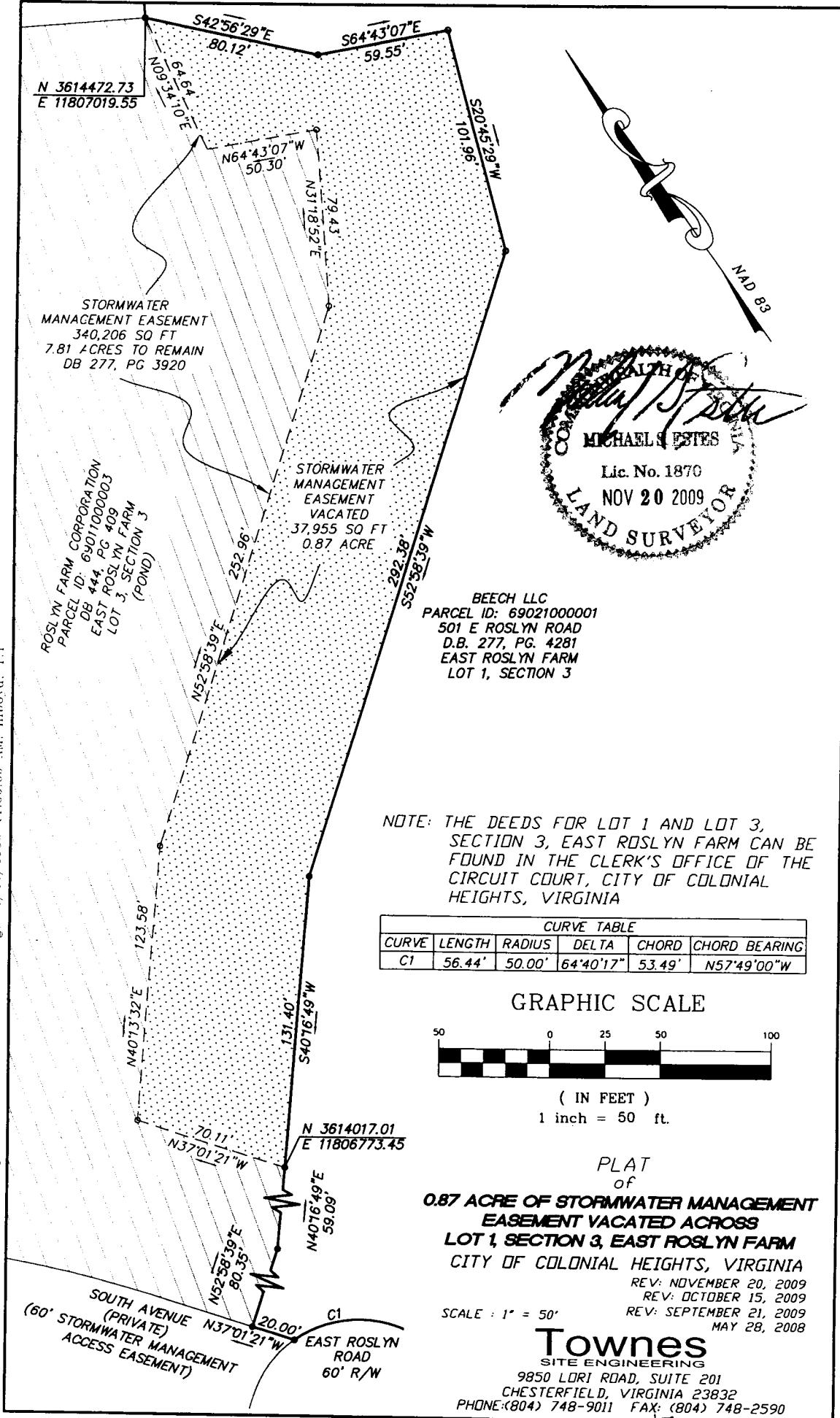
The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

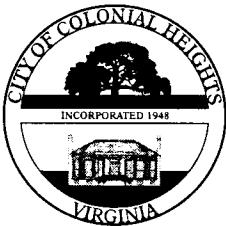
The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

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

Approved as to form:

Hugh P. Dudley 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. *[Handwritten signature]* City Manager

**DATE:** January 7, 2010

**SUBJ:** Public Hearing on a Revised Noise Ordinance

During the work session of December 15, 2009, City Council discussed draft language for a revised noise ordinance. Members of Council are aware of the history of this matter that has led to our noise ordinance effectively becoming unenforceable. During the work session, Council discussed minor amendments to the draft ordinance prepared by the City Attorney. As Council will recall, the ordinance parallels one being used by Chesterfield County that had a favorable reaction from our General District Court Judges. At the conclusion of the December 15<sup>th</sup> work session, staff was directed to move this matter to public hearing on the agenda for the Council Meeting of January 12, 2010.

Attached is the revised noise ordinance that contains changes suggested during the December 15<sup>th</sup> work session. It is recommended that Council conduct a public hearing on the draft noise ordinance and give it first reading, if appropriate. Staff is prepared to assist Council with any further revisions that may be needed at the conclusion of the public hearing.

Staff associated with noise ordinance enforcement will be present during the Council Meeting of January 12<sup>th</sup> to assist with this matter if necessary. If any questions arise prior to the Council Meeting, 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



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

December 21, 2009

HUGH P. FISHER, III  
CITY ATTORNEY

TAMARA L. DRAPER  
LEGAL ASSISTANT

**VIA FACSIMILE 861-9452**

The Progress-Index  
15 Franklin Street  
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DEC 21 2009

**CITY CLERK'S OFFICE**

Attention: Legal Advertisements

Dear Madam or Sir:

I have enclosed for publication in the legal advertisements section of your newspaper a notice of City Council holding a public hearing to accept public comments on and consider the adoption of Ordinance No. 10-2.

You are requested to publish the notice on **December 31, 2009**.

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

**NOTICE OF PUBLIC HEARING  
CITY OF COLONIAL HEIGHTS, VIRGINIA**

Notice is hereby given to all persons affected or interested that at the Colonial Heights City Council meeting to be held on **Tuesday, January 12, 2010, at 7:00 P.M.**, in Council Chambers of City Hall, 201 James Avenue, Colonial Heights, Virginia, the City Council shall hold a public hearing to accept comments on the following:

**AN ORDINANCE NO. 10-2**

To repeal and replace the current provisions of Article IV ("Noise") of Chapter 218 of the Colonial Heights City Code, regulating noise in the City. The Ordinance prohibits the making of a wide variety of noises heard during all or parts of the day and provides that the making of prohibited noise shall be a misdemeanor.

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

Hugh P. Fisher, III  
City Attorney

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

AN ORDINANCE NO. 10-2

To repeal and replace the current provisions of Article IV ("Noise") of Chapter 218 of the Colonial Heights City Code, regulating noise in the City.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the current provisions of Article IV ("Noise") of Chapter 218 of the Colonial Heights City Code are hereby repealed and are replaced by the following provisions:

**ARTICLE IV, NOISE**

**§218.4. Loud noises prohibited.**

It shall be unlawful for any person:

A. To use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is heard between 12:01 a.m. and 7:00 a.m. (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at fifty (50) or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events.

B. To allow noise between the hours of 12:01 a.m. and 7:00 a.m. that is heard either inside the confines of the dwelling unit, house or apartment of another person or at fifty (50) or more feet when the noise is made by one or more persons.

C. To operate, install, have, or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is heard on any public sidewalk or street unless it is used only intermittently for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning.

D. To play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is heard from outside the motor vehicle at a distance of 50 feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.

E. To create noise heard in residential areas between 10:00 p.m. and 7:00 a.m. in connection with the loading or unloading of refuse, waste or recycling collection vehicles.

F. To create noise heard in residential areas between 10:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal, other landscaping, lawn or timbering activities; the operation of any mechanically powered saw, drill, grinder, sander or similar device; or the construction, demolition, repair, paving, excavation or alteration of a building or street. Provided however, that the prohibitions of this section shall not apply to emergency work to provide public facilities or utilities, or to remove debris, when necessary to protect the public health or safety.

G. Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$100 nor more than \$500. Any person violating this section within two (2) years after a previous conviction shall be guilty of a misdemeanor punishable by a fine or not less than \$500 nor more than \$1,000.

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:

Hoyle P. Parker, III  
City Attorney



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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. *(Handwritten signature)* City Manager

**DATE:** January 7, 2010

**SUBJ:** January FY10 Budget Amendments

The FY10 Budget Amendments for January, 2010 are summarized as follows:

1. The Director of Recreation and Parks is reporting a donation of \$500 from Bruce and Connie Thornton that provided funds for senior citizens to attend the Christmas concert of the Petersburg Symphony Orchestra. Mrs. Thornton had proposed a senior van service to provide transportation for the Christmas concert. The donation was later expanded to include tickets to the show, as well. The Director of Recreation and Parks is requesting the appropriation of this donation to reimburse accounts where the expenses were charged.
2. Council is aware of a grant approved for the purchase of new playground equipment to be installed in Wakefield Park. The grant of \$10,511 through the supplier, Cunningham Associates, would not be appropriated in the Recreation Activity Fund since it is recorded by the supplier as a discount. The remaining \$13,270 in surplus fund balance would be appropriated to pay the invoice. With this action, the Wakefield Park gets its first equipment in 40 years.

Attached are Ordinances No. 10-FIN-01 and 10-FIN-02 that would appropriate funds to the Parks, Recreation and Cultural category of the FY10 General Fund Budget and appropriate the net playground expense in the Recreation Activity Fund. It is recommended that Council provide first reading to the budget amendments during the Council Meeting of January 12, 2010.

The Honorable Mayor and Members of City Council  
January 7, 2010  
Page 2

The Director of Recreation and Parks will be available during the Council Meeting to assist with this matter if necessary. If any questions arise on the budget amendments 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

AN ORDINANCE NO. 10-FIN-1

To amend the General Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to appropriate \$500 in donated funding to Parks and Recreation to fund the trip to the Petersburg Symphony.

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
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2. That the sum of \$49,441,272 49,441,772 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:

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Other Local Taxes	14,403,852
Licenses, Permits & Fees	3,409,794
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Charges for Current Services	1,149,401
Miscellaneous	1,259,726

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>\$ 49,441,272 49,441,772</b>

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:

High P. Frater, III  
City Attorney

AN ORDINANCE NO. 10-FIN-2

To amend the Recreation Activity Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to appropriate \$13,270 in grant funding for Wakefield Playground.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Section 2, Ordinance No. 09-FIN-6, be, and is hereby, amended and reordained as follows:

That the sum of \$240,000 253,270 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	<u>13,270</u>
<b>TOTAL</b>	<b>\$240,000 253,270</b>

EXPENDITURES

Operating Expenses	\$240,000
Capital Outlay	<u>13,270</u>
<b>TOTAL</b>	<b>\$240,000 253,270</b>

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

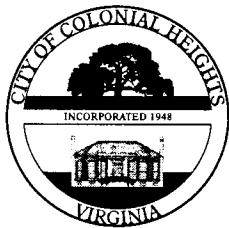
The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

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

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

Approved as to form:

Hugh P. Parker, 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)

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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:** January 7, 2010  
**SUBJ:** Approach to Using the PPEA for the City Courthouse Project

Throughout the latter half of calendar year 2009, City Council had numerous discussions on the use of the former Colonial Heights Baptist Church as the City Courthouse and the use of the Public-Private Educational Facilities and Infrastructure Act as a mechanism to pursue this proposal. Most recently, during the Council Meeting of December 8, 2009, City Council adopted PPEA guidelines for the City's use. As Council will recall, this is a legally mandated element so the PPEA can be used as a designated procurement process. While Council has yet to formally decide on the location for the courthouse project, it seems clear to staff that Council would like to explore the practicality of relocating the courthouse to the former church building through the use of the PPEA. Most of this guidance came from staff presentations and Council discussions held during the work session of October 20, 2009.

Staff has been giving a great deal of thought to the City's use of the PPEA and the courthouse project. The City Manager and Director of Public Works and Engineering have discussed several approaches for using the PPEA to pursue the courthouse project. A portion of the City Manager's Report Section of the Council Agenda for January 12, 2010, has been scheduled for the Director of Public Works and Engineering to make a presentation on a staff recommended approach to using the PPEA for the courthouse project on the church site. To summarize the upcoming presentation, staff will be recommending that Council engage its own design architect/engineer to do the spatial and schematic planning to convert the church building into the courthouse as recommended by the Reuse Committee. This process would provide the City with information needed to get approval for the courthouse design through the judges. Once the agreed upon design is finalized, staff would then recommend the use of the PPEA to solicit proposals on converting the church into the City Courthouse. Staff will be recommending the use of a process called Construction Management At Risk with a Guaranteed Maximum Price. With this, proposers on the courthouse project would go through the PPEA process and offer a project with a guaranteed maximum price for Council's consideration. Through the various phases of the PPEA, Council will then be able to determine if it gets an acceptable proposal on which to base final negotiations and an eventual contract.

The Honorable Mayor and Members of City Council

January 7, 2010

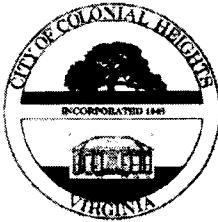
Page 2

Attached are materials prepared by the Director of Public Works and Engineering to prepare Council for this presentation. As mentioned, we believe the use of this process both gets buy-in on the design of the facilities by the judges and fixes a price for the church conversion into the courthouse. While this process is likely to take all of calendar years 2010 and 2011 to get near final negotiations, we believe it is the best way to pursue the use of the PPEA to convert the church into the courthouse.

If any questions arise on this matter prior to the presentation scheduled for January 12<sup>th</sup>, 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

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

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## Department of Public Works Staff Report to Council

Date of Council Meeting: January 12, 2010

Date of Report: January 7, 2010

Item Title: Request for consensus approval of a CM-at-Risk methodology utilizing PPEA procedures to develop a request for proposals for an adaptive reuse of city-owned property at 231 Chesterfield Avenue

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### Summary Recommendations:

1. Staff recommends the use of a construction management at-risk (CM-at-Risk) approach utilizing Public-Private Procurement Act (PPEA) guidelines to develop a request for proposals to renovate the former Colonial Heights Baptist Church for use as a city courthouse. The request for proposals would include provisions for a renovated facility that conforms to the Virginia Courthouse Facility guidelines including, but not limited to employee safety, prisoner security, energy efficiency and adequate space for current and future operations.
2. Staff recommends the use of a Guaranteed Maximum Price (GMP) contract requiring that not more than 10% of the construction work will be performed by the Construction Management firm (CM) with its own forces and that the remaining construction work will be performed by subcontractors of the CM.
3. Staff recommends a "green" adaptive reuse of the former Church property utilizing Leadership in Energy and Environmental Design (LEED) principles published by the United States Green Building Council (USGBC). The request for proposals would include provisions for a renovated facility that conforms to the 2009 LEED for Construction and Major Renovations.

### Background:

After making clear that no definite decision had been made, Council moved at its regular meeting on July 14, 2009 to approve the development of plans for formal consideration of the future reuse of city-owned property at 231 Chesterfield Avenue for potential use as a courthouse.

At its October 20, 2009 meeting, Council permitted the City Manager to research an appropriate individual to lend the City assistance in the development of specifications for a PPEA on the renovation of the former church building to a courthouse with three courtrooms.

At its December 8, 2009 meeting, Council enacted Ordinance No. 09-24 (Second Reading). Adopting and implementing local guidelines pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 for the City of Colonial Heights, Virginia.

Subsequently, the City Manager assigned the Director of Public Works/City Engineer to develop a request for PPEA proposals based on the Director having public and private sector experience with both PPEA and regular proposals for architecture/engineering (A/E) services. The Director reviewed procedures established by the Commonwealth of Virginia's Department of General Services (DGS) and consulted with DGS staff to determine that the use of a construction management approach was the most appropriate method of project delivery for this type of construction. In addition, the Director researched applications of the PPEA for public facilities and found that CM-at-Risk had been successfully employed in conjunction with PPEA procedures in Virginia.

Attachment A illustrates the CM-at-Risk method of project delivery. Attachment B is an excerpt from the state Construction and Professional Services Manual outlining the procedures and criteria for utilizing construction management.

Below is an outline of the recommended approach to developing for Council's consideration the request for proposals:

Recommended Methodology:

1. City appoints design and construction committee to act in advisory capacity to City's staff, consultants and contractors.
2. City retains its own A/E to develop schematic/preliminary design development documents for the adaptive reuse of the property as a courthouse.
3. City issues RFP that includes scope of services under the City's PPEA guidelines:
  - a. **Interim Agreement.** Upon completion of the selection process as set forth in the applicable provisions of the City's PPEA Guidelines, the City enters into an Interim Agreement with the selected CM-at-Risk firm for the following scope of services:
    - i. Development of a "Guaranteed Maximum Price" (GMP) to construct the project. The selected CM-at-Risk firm will be provided with schematic/preliminary design development documents for use in the development of the GMP;
    - ii. Recommendation of strategies for the organization of the project including bidding packages for various project components; and
    - iii. Preparation of project implementation schedule (critical path);

NOTE: In the event that the City accepts the GMP proposal under the Interim Agreement, a Comprehensive Agreement shall be developed between the CM-at-Risk firm and the City for construction services. Failure to reach an acceptable GMP shall be cause for termination of the Interim Agreement with no subsequent Comprehensive Agreement.

- b. **Comprehensive Agreement.** Should the City elect to accept the GMP under the Interim Agreement, a Comprehensive Agreement will be developed between the City and CM-at-Risk firm for final design and construction phase services. Such services would include, but not be limited to the following:

- i. Providing insurance and bonds;
- ii. Acquiring entitlements related to construction, such as building permits, licenses, Certificates of Occupancy, etc;
- iii. Procuring and managing subcontract services from an A/E and necessary trade contractors in accordance with the applicable provisions of the Code of Virginia and/or Virginia Procurement Act;
- iv. Managing subcontractor shop drawings and other submittals necessary to accomplish the work;
- v. Establishing and maintaining the construction schedule;
- vi. Managing and enforcing job site safety;
- vii. Fulfilling the requirements of construction documents;
- viii. Guaranteeing quality of construction;
- ix. Correcting deficiencies covered by the guaranteee;
- x. Attending monthly meetings of Council and meetings of the Design and Construction Committee;
- xi. Providing at each monthly meeting of Council a monthly report document detailing the status of construction activities, a report on the financial aspects of the project, schedule update, and other applicable information;
- xii. Submitting monthly applications for payment to the City's Architect/Engineer for review and approval to include CM-at-Risk services and the services of applicable subcontractors;
- xiii. Providing value engineering, life-cycling analysis, and constructability review for bidding packages; and
- xiv. Other services as mutually agreed upon between the City and CM-at-Risk firm.



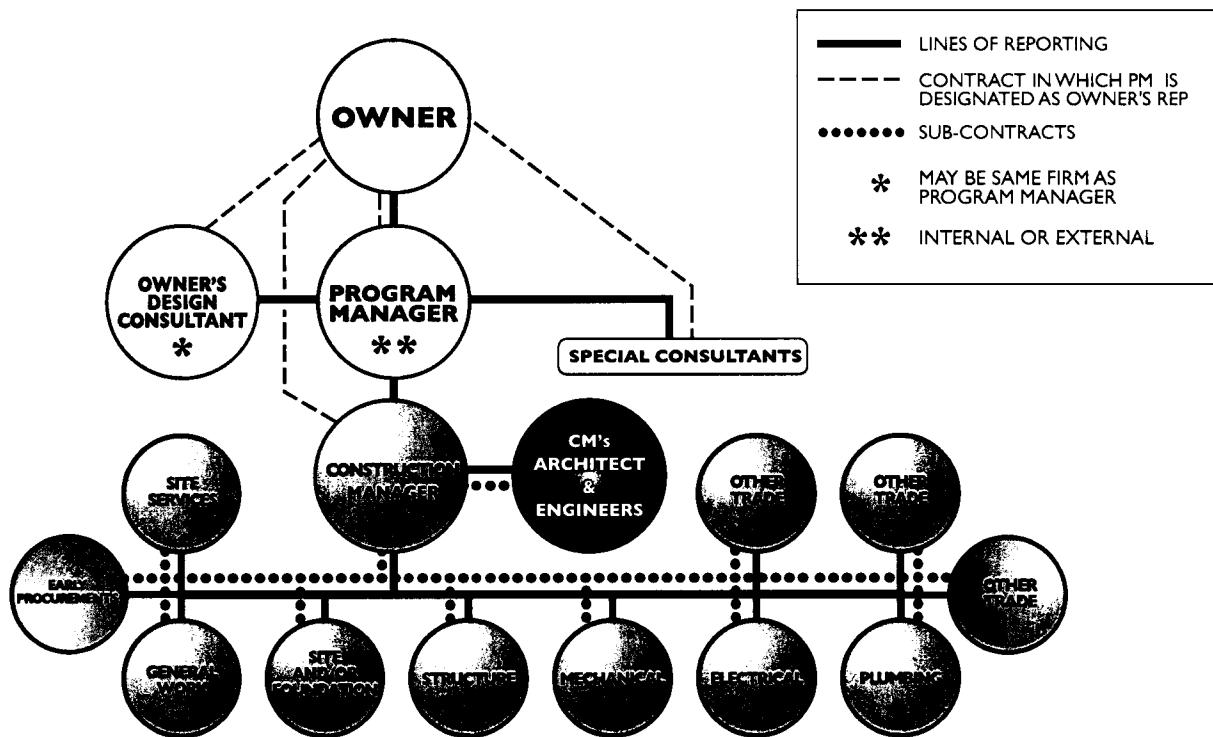
The typical CM-at-Risk delivery method has become more widely used in recent times due to its popularity with contractors and construction managers who vigorously market it. At the same time there has been an increased number of Owners who have been concerned with the lack of enforceability of a Guaranteed Maximum Price ("GMP") which is issued before contract drawings and specifications are fully complete. CM-at-Risk/Bridging can be an effective way for an Owner and the Owner's Program Manager to deal with that issue.

**CM-at-Risk/Bridging** has two forms, both based on the framework of the traditional CM-at-Risk method. The method provides more protection for the Owner, particularly with respect to the enforceability of the Guaranteed Maximum Price GMP. Because of the nature of the early issuance of the GMP, basic CM-at-Risk is not always enforceable by the Owner, thus the Owner often ends up taking on more risk than the CM.

**There are two different forms of CM-at-Risk/Bridging:**

1. **CM-at-Risk/Bridging** - A combination of CM-at-Risk with the Bridging method, which has many advantages and additional benefits for the Owner. In this, the Owner's Design Consultant is separate from the Contractor's AE.
2. **Utilizing aspects of the Bridging method** - with the Owner's Design Consultant changing roles to the Contractor's AE upon award of the main contract to the CM(Contractor).

**Diagram of Project Organization for Form 1**



**In Form 1** of CM-at-Risk/Bridging, the design team of architects and consulting engineers which works directly with and for the Owner is referred to as the Owner's Design Consultant (or the "Bridging Architect") and provides the same services the Owner's Design Consultant provides in the Bridging method. In CM-at-Risk/Bridging Form 1., as illustrated on the preceding page, the Architect and Engineers "of record" (Contractor's AE), who prepare the Construction Documents in compliance with the Bridging Contract Documents, are separate from the Owner's Design Consultant and are subcontractors to the CM. Under CM-at-Risk/Bridging, all of the aspects of CM-at-Risk are retained for the Owner and additional advantages of Bridging are realized by the Owner.

A major improvement for the Owner of CM-at-Risk/Bridging Form 1. over CM-at-Risk is that the price obtained part way through the three design phases is highly enforceable and meaningful for the Owner compared to a GMP based on less than 100% complete construction documents.

Bridging is a method being used more frequently today to reduce construction costs to the Owner for a fully equivalent end result as well as improved results in terms of obtaining a highly enforceable fixed price for the construction much earlier than in Design-Bid-Build. This price is more enforceable than a GMP in the typical CM-at-Risk method. Bridging also significantly reduces the Owner's exposure to contractor initiated change orders, claims and post construction frustrations as well as unexpected and unbudgeted correction costs.

As in the case of CM-at-Risk, because of the price guarantees issued by the CM in any form of CM-at-Risk/Bridging, there is a conflict of interest between the CM and the Owner. Because of this, Program Management services should be delivered by the Owner's staff or a separate professional Program Manager.

**In Form 2**, upon the award of the construction contract (which has Design-Build responsibilities for the Contractor), by prior option for the Owner, the Owner's Design Consultant becomes the Contractor's Architect-Engineers. At that same point, or before the construction starts, the Owner engages another AE or CM firm or expands the Program Manager's role to carry out site observation and other construction administration services.

With regard to both forms, the level of effort and approach to developing the Bridging Contract Documents is illustrated as Page 7 in the section on the Bridging method.

For more information on the Bridging Method go to [www.bridgingmethod.com](http://www.bridgingmethod.com) or see Brookwood's publications on the Bridging Method.

**For more details on CM-at-Risk/Bridging see Brookwood's publication entitled:  
"CM-at-Risk/Bridging"**

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## **CONSTRUCTION & PROFESSIONAL SERVICES MANUAL – 2004**

### **CHAPTER 11: SPECIAL CONSTRUCTION PROCEDURES**

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#### **SECTION 1102.0 CONSTRUCTION MANAGEMENT PROCEDURES:**

The **PROCEDURES FOR UTILIZING CONSTRUCTION MANAGEMENT (CM) CONTRACTS** which follow were adopted by the Secretary of Administration on September 7, 1988 and previously included in Chapter IX of the *Commonwealth of Virginia Capital Outlay Manual*. The procedures were modified in December 2003, posted, and subjected to a public hearing. The procedures below are those adopted by the Secretary of Administration on December 18, 2003 after the public hearing. All references in other documents to the Construction Management Procedures in Chapter IX of the *Commonwealth of Virginia Capital Outlay Manual* shall be interpreted to mean these Construction Management Procedures as revised in SECTION 1102.0 of the **Commonwealth of Virginia Construction and Professional Services Manual - 2003 Edition**.

#### **PROCEDURES FOR UTILIZING CONSTRUCTION MANAGEMENT (CM) CONTRACTS**

In accordance with the provision of § 2.2-4306 of the *Code of Virginia*, I hereby adopt the following procedures for the procurement of construction management contracts which shall be followed by all departments, agencies and institutions of the Commonwealth (each of which is hereinafter referred to as the "Agency"). These procedures shall be effective January 1, 2004.

- A. **LEGISLATIVE AUTHORITY:** Under authority of § 2.2-4306 of the *Code of Virginia*, the Commonwealth may enter into a contract with a Construction Manager in accordance with these procedures. Under authority of § 2.2-4303 (D) (1) of the *Code of Virginia*, the Commonwealth is authorized to use competitive negotiation to procure Construction Management contracts.
- B. **CRITERIA FOR USE OF CONSTRUCTION MANAGEMENT:** Construction management (CM) contracts may be approved for use on projects with an estimated construction cost in excess of \$10,000,000 where 1) fast tracking of construction is needed to meet Agency program requirements and/or 2) where value engineering and/or constructability analyses concurrent with design are required. Projects under \$10,000,000 may be authorized for the use of construction management contracting if the agency can demonstrate compelling circumstances.
- C. **PROCEDURE FOR APPROVAL TO USE CONSTRUCTION MANAGEMENT:** The Agency shall request authority, in writing to the Director of the Division of Engineering and Buildings, to use a CM contract.

The request shall justify and substantiate that a CM contract meets the criteria found in paragraph B above and the use of CM is more fiscally advantageous than a competitive sealed bid construction contract with a general contractor.

The Director of the Division of Engineering and Buildings is the approving authority for requests to use CM.

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## **CONSTRUCTION & PROFESSIONAL SERVICES MANUAL – 2004**

### **CHAPTER 11: SPECIAL CONSTRUCTION PROCEDURES**

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**D. PREQUALIFICATION PROCEDURES:** On projects approved for CM, the Agency shall proceed as follows to pre-qualify offerors who may submit proposals.

1. The Agency shall appoint an Evaluation Committee which shall include a licensed professional engineer or architect provided by the Division of Engineering and Buildings. Agency members shall include licensed design professional, if possible.
2. The Agency shall publish an invitation to pre-qualify (Request For Qualifications) in at least two daily newspapers and on the On-Line Bids page of eVA, Virginia's central electronic procurement website. The URL is <http://vbo.dgs.state.va.us>. The requirement to publish on eVA may be waived by the Director of Engineering and Buildings in order to expedite the process.
3. The Committee shall evaluate each responding firm's submittals and any other relevant information and shall determine those deemed qualified with respect to the criteria established for the project.
4. In addition to the procedures described above for pre-qualifying firms for individual CM projects, the Division of Engineering and Buildings may establish prequalification procedures for particular types of construction projects in accordance with § 2.2-4317 of the *Code of Virginia* and firms qualified under that procedure may compete for projects of the type for which they qualified unless the Director of the Division of Engineering and Buildings determines that further pre-qualification for particular project is desirable.

**E. SELECTION PROCEDURES:**

1. The Evaluation Committee will send Request for Proposals (RFP) to the pre-qualified firms and request submission of formal proposals from them.
2. The Committee will evaluate and rank the proposals and conduct negotiations with two or more offerors submitting the best proposals. Should the Agency determine in writing and at its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, then, with the consent of the Director of the Division Engineering and Buildings, a contract may be negotiated with and awarded to that offeror.
3. The Committee shall make its recommendation on the selection of a Construction Manager to the Agency head based on its evaluation and negotiations. The Agency head shall select the Construction Manager.
4. The Agency shall notify the Division of Engineering and Buildings of the Agency head's selection of the Construction Manager and shall request authority to award a contract by submission of GS Form E&B CO-8 and supporting documents for the Governor's approval.

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## **CONSTRUCTION & PROFESSIONAL SERVICES MANUAL – 2004**

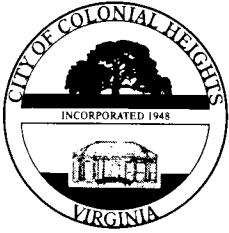
### **CHAPTER 11: SPECIAL CONSTRUCTION PROCEDURES**

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5. Upon receipt of the Governor's approval to award the contract, the Agency will notify all offerors who submitted proposals which offeror was selected for the project. In the alternative, the Agency may notify all offerors who submitted proposals of the Agency's intent to award the contract to a particular offeror at any time after the Agency head has selected the Construction Manager without waiting for the Governor's approval.

F. **REQUIRED CONSTRUCTION MANAGEMENT CONTRACT TERMS:** Any Guaranteed Maximum Price construction management contract entered into by any department, agency or institution of the Commonwealth will contain provisions requiring that (1) not more than 10% of the construction work (measured by cost of the work) will be performed by the CM with its own forces and (2) that the remaining 90% of the construction work will be performed by subcontractors of the CM which the CM must procure by publicly advertised, competitive sealed bidding. In extraordinary circumstances the Director of Division of Engineering may grant a waiver of these contractual requirements in whole or in part.

/s/ Sandra D. Bowen 12-18-03  
Secretary of Administration Date



# 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: January 6, 2010

**RECEIVED**

JAN 06 2010

**CITY CLERK'S OFFICE**

### **Subject: Planning Commission Actions at January 5, 2010 meeting**

At the January 5, 2010 meeting of the Commission the following actions were taken:

1. Approved minutes of the November 2009 meeting (enclosed).
2. Held its Annual organization meeting:
  - Harry Hargis elected Chairman
  - Lewis Johnson elected Vice Chairman
  - Approved Annual Report (enclosed)
3. Reviewed and approved 2010-2014 Capital Improvement Program (CIP)
4. Heard presentation on the Boulevard Modernization Plan by Dept of Public Works
4. Continued review of the proposed Zoning ordinance rewrite.

**CITY OF COLONIAL HEIGHTS  
REGULAR PLANNING COMMISSION MEETING  
NOVEMBER 5, 2009, 7:00 P.M.**

**CALL TO ORDER**

The regular meeting of the Colonial Heights Planning Commission was called to order by Chairman Harry B. Hargis, Jr. Mrs. Mary Ann Hamilton; Mr. Lewis L. Johnson, Jr.; 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 OCTOBER 7, 2009**

Mr. Hargis 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**

A. PD 09-9 American Family Fitness Expansion-501 E. Roslyn Road. Mr. Schanzenbacher stated American Family Fitness is proposing 9,775 square foot addition to their existing facility on East Roslyn Road. He then stated the existing building is about 35,000 square feet and the site is 6.6 acres. The proposed addition would be located on the west side of the building.

Mr. Brian Mitchell of Townes Site Engineering addressed the Commission. He stated that what they are doing is bringing the building out 62 linear feet and it will be a nice expansion. We have already gone ahead and gotten the approval for the parking. This expansion would be done by American Family Fitness.

Mr. O'Connell stated he noticed in the Staff's comments, they made recommendation to convert four parking spaces into landscaping to satisfy the landscape ordinance requirements. He then asked if they had any problem with that.

Mr. Mitchell stated that they are in agreement with that.

Mr. Magnusson stated he understands that they are going to have to fill up part of the lake. Is that correct?

Mr. Mitchell stated that was actually done under the parking adding expansion. He then stated what they are doing as far as this portion of the lake is a couple of rows of parking. He doesn't recall exactly how many spaces there would be, but it would be around 140 additional spaces.

Mr. Magnusson asked if that is considered to be a non-titled wetlands.

Mr. Mitchell stated that it is designated as a hidden water impact. It is not a wetlands impact, but it does have to be permitted in order to be able to do that for operation.

Mr. Schanzenbacher stated in the landscaping provisions the ordinance requires a 10-foot landscape boundary around the building, but they are not proposing to do that, because of the way the parking is configured they will just have a sidewalk along the edge of the building. He then stated that is why he recommended the additional landscaping in the parking lot as a trade off, so there would be additional green space. The existing parking lot is pretty wide open and there is no landscaping in that section at all.

Mr. Mitchell stated that with the 62-foot expansion there is room for a sidewalk adjacent to the building, which is really what is reflected out there now. American Family is really set on having a 62-foot expansion, and in order to accommodate the additional landscaping strip it would require stripping the parking lot and curb line and redoing all parking spacing. So they are in agreement with the additional parking island to accommodate that landscaping requirement.

Mrs. Hamilton asked if they were going to fill in the water?

Mr. Mitchell stated that was correct.

Mrs. Hamilton asked if there would be any landscaping or anything there?

Mr. Mitchell stated no there wouldn't be and that plan has been approved and it meets the City's requirement for parking lot landscaping.

Mrs. Hamilton stated it looks very austere looking to her when she goes down there. She did ride through the area yesterday and thinks there is not enough greenery around the area and she thinks the building is boring. Architectural style and design is important and do we have any input over that or do they just decide what they are going put there. Do we have any say so about that?

Mr. Schanzenbacher stated that the way the ordinance is now written, no there are no provisions for architectural review.

Mrs. Hamilton stated in her mind it is ugly. She then stated she thinks the area could look so much better.

Mr. Mitchell stated when the building was originally built in 2000, the landscape ordinance had not come into effect, so what we have out there is very parking driven, because they wanted as many parking spaces as possible. Now that the landscape ordinance is in effect, the additional parking that they are putting in would meet that requirement.

Mrs. Hamilton stated she think we could do better and she thinks the movie theater is the most garish building she has ever seen in her life and why are we building buildings like this. She asked why are we not building buildings with more integrity and beauty.

Mr. Mitchell stated he has not seen the architectural elevations, but he has a footprint for the expansion and he doesn't know if there are windows on that to bring in any light.

Mr. Hargis stated he thinks Mrs. Hamilton made an excellent point.

Mr. O'Connell stated he thinks so too.

Mr. Hargis asked if the parking spaces that the Commission approved in 2008 was coming on line now before the building is built?

Mr. Mitchell stated they would all come together.

Mr. Hargis asked if the manager was aware of that beautiful trail that is almost right behind them for exercise purposes?

Mr. Mitchell stated yes they are aware, but he didn't know if they would utilize it.

Mr. Hargis asked if there were any more questions for Mr. Mitchell. He then asked for a motion. Mr. O'Connell made MOTION to approve and seconded by Mr. Johnson. The motion passed on a 6 to 0 roll call vote.

Mr. O'Connell said someone correct him if he is wrong, but we do have cities that try to regulate the architectural design.

Mr. Anzolut stated there are a number of places that have architectural designs standards based on their community. He knows they are most dramatic when see places built in the southwest and nothing looks like this and it blends into the adobe or sandy brick kind of look and McDonald's doesn't look like McDonald's everywhere else. When you want to be in that market, which is usually a pretty strong market, whoever has strong standards, you must stylize your structure to fit in. He then stated it would be a great project if the Commission wanted to have work sessions for the next two years once we get done with the zoning code. It would take that kind of an effort to establish a character standard that you wanted to push toward. It is not undoable if you have the horses to do the work.

OLD BUSINESS – None

NEW BUSINESS – None

#### REPORTS

Chairman: Mr. Hargis reported that the next Commission meeting would be on Wednesday, December 2, 2009.

##### Committees

Land Use: No report

Subdivision: No report

Zoning: Mr. Magnusson stated we are still working on the zoning ordinance and we would have three or four more months of work sessions.

City Manager: No report

Assistant Director of Public Works: No report

Director of Planning and Community Development: No report

ADJOURNMENT

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

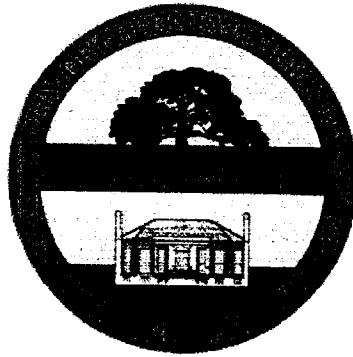
Respectfully,

Mary Beth Fallin  
Mary Beth Fallin

APPROVAL:

Harry B. Hargis, Jr.

Harry B. Hargis, Jr.  
Chairman



## **2009 ANNUAL REPORT**

### **CITY OF COLONIAL HEIGHTS PLANNING COMMISSION**

#### **I. RESOLUTIONS ACTED ON BY THE PLANNING COMMISSION**

##### **ZONING ORDINANCE, SUBDIVISION REGULATIONS, SPECIAL USE PERMIT, AND ALLEY & CITY PARCEL VACCTIONS RECOMMENDATIONS**

1. RESOLUTION NO. 09-2 (PC) – To recommend to City Council that Chapter 286, Zoning, of the City Code, and the Zoning District Map, be amended by changing the zoning classification of certain property presently zoned M-1 Heavy Industrial District to R-1 Single Family Dwelling District and to amend the Zoning District Map accordingly. Such property is located on the south side of Mt. Pleasant Drive, has parcel identification number 68170000018, and is owned by Roslyn Farm Corporation, which has a contract with FCR Group to purchase the property. The area to be rezoned is +/- 67.1 acres. 3/3/09 - Approved
2. RESOLUTION NO. 09-3 (PC) – To recommend to City Council to amend and reordain §286-179 of Chapter 286, Zoning, of the Colonial Heights City Code, to provide that no freestanding ground sign shall be located with eight (8) feet of any curbing or road pavement, regardless of other setback requirements in that section. 6/2/09
3. RESOLUTION NO. 09-4 (PC) – To recommend to City Council to amend and reordain §§187-3 and 187-9, of Chapter 187, Licenses, of the Colonial Heights City Code and §§286-2, 286-99 of Chapter 286, Zoning, of the Colonial Heights City Code, relating to Itinerant Merchants.

10/7/09

## **II SUBDIVISION/RESUBDIVISION**

1. S-09-1 Resubdivision of Lot 39, J. A. Picardat & J. H. Pritchett Subdivision. 7/7/09
2. S-09-2 Resubdivision of Part of the Northwestern Portion of Block "A" Mount Pleasant Acres-lot 21 Wildwood Avenue. 3/3/09 Deferred
3. S-09-3 Temple Ave. Associates Property-Temple Ave. 4/13/09
4. S-09-4 Mount Pleasant Acres-Section 2. 9/9/09

## **III. PLANS OF DEVELOPMENT (SITE PLANS)**

1. PD-09-1 Lakeview Elementary School Addition. 1/6/09
2. PD-09-2 A B Cook Farm-Commercial Development – Phase I – Abandonment of a portion of Cedar Lane 520' north of Brame Avenue. 2/3/09 revised 8/10/09
3. PD-09-3 Townplace Suite-East Roslyn Farm Section 2, block: Lot 6-128 room 6 story hotel. 3/3/09
4. PD-09-4 Southlake III-East Roslyn Road. 4/13/09
5. PD-09-5 North Riverview Commercial Center-Temple Avenue. 4/13/09
6. PD-09-6 Cricket Communication-Collocation of Antenna and Equipment on VDOT Tower-West Roslyn Road. 5/5/09
7. PD-09-7 Cricket Communication-Collocation of Antennas and Equipment on VSU Water Tank. 6/2/09
8. PD-09-8 Roslyn Office Park-Phase IV – C. H. Dimmock Parkway at Temple Lake Drive. 7/7/09
9. PD-09-9 American Family Fitness Expansion-501 E. Roslyn Road. 11/5/09

#### **IV. MISCELLANEOUS**

1. Appomattox River Greenway Trail-Phase I. 3/3/09
2. Sidewalk Policies. 4/13/09
3. Plan of Development Review Information Requirements. 4/13/09
4. By-Law Amendment-plan of development submittal time frame. 7/7/09
5. I-95/Temple Avenue and Southpark Boulevard Interchanges-proposed plans. 10/7/09

A RESOLUTION NO. 10-1

A Resolution to Endorse Extension of the Designation of the Appomattox River as a Component of the Virginia Scenic River System.

WHEREAS, the Department of Conservation and Recreation completed an evaluation of the Appomattox from the current designation at Route 36 to its confluence with the James River and concluded that the 13 miles of the Lower Appomattox River meets the designation criteria of the Virginia Scenic Rivers Program; and

WHEREAS, the portion of the Appomattox River 100 feet from the base of the Lake Chesdin Dam, to the Route 36 Bridge in Petersburg, a distance of 6.2 miles, was designated by the Virginia General Assembly as a State Scenic River; and

WHEREAS, the designation of the Appomattox River as a component of the Virginia Scenic Rivers System would help facilitate development of active recreation activities along the river; and

WHEREAS, the designation would enhance promotion of the Appomattox River as a regional destination center; and

WHEREAS, the City of Colonial Heights has opened two new parks on this portion of the Appomattox River in the past five years and designed and partially constructed a river trail system adjacent to this portion of the river in partnership with regional business and through grants from the Commonwealth of Virginia; and

WHEREAS, the City Council of the City of Colonial Heights desires to endorse this proposed designation.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That City Council hereby endorses designation of the Appomattox River extension from 100 feet from the base of Lake Chesdin Dam, to continue to the confluence with the James River at City Point in the City of Hopewell, a total distance of approximately 19.2 miles, as a component of the Virginia Scenic Rivers System.

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

Approved:

C. Scott Davis  
Mayor

Attest:

Lynbury J. R. Wilson, cnc  
City Clerk

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I certify that the above resolution was:

Adopted on January 12, 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

Lynbury J. R. Wilson, cnc  
City Clerk

Approved as to form:

Hugh P. Doster, III  
City Attorney