


# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
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:** December 10, 2009

**SUBJ:** FY10 General Reassessment of Real Estate

The City Assessor will present an overview of his work on the 2010 General Reassessment of Real Estate during the work session of December 15, 2009. As Council will recall, the City Assessor committed to this presentation during the City Council Retreat on January 17, 2009. Our last reassessment of real estate was effective January 1, 2008.

The Director of Finance and City Assessor had preliminary discussions on the City Assessor's conclusions for the 2010 reassessment. As Council may recall, the FY10 Budget estimated a 4% increase in the overall tax base for the City. Based on reassessment work performed by this agenda deadline, it appears that the overall general reassessment will be almost exactly the 2008 level. It appears we can take some consolation in knowing economic conditions have not caused an overall reduction in our real estate tax base. It also seems certain that we will not make the projected 4% increase contained in the FY10 Budget. As a result, the FY10 Budget will have another deficit revenue line. Initial indications by the Director of Finance estimates this real estate tax revenue deficit at \$300,000 for the remainder of the fiscal year. City Manager and Director of Finance will meet on this immediate problem prior to the 2010 Council Retreat and come up with solutions for Council's review.

If the City Manager or the Director of Finance can be of any assistance to Council prior to the work session presentation, please do not hesitate to contact us. Otherwise, questions on the General Reassessment of Real Estate in the City are probably best directed to the City Assessor.

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



## City of Colonial Heights City Assessor's Office

# Memo

**To:** Honorable Mayor & Members of City Council  
**From:** Kenneth W. Strickler, City Assessor  
**Date:** December 10, 2009  
**Re:** Work Session Presentation

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Ladies and Gentlemen:

For your information and to assist you in planning for the upcoming budget challenges, I will be presenting a PowerPoint demonstration on Tuesday, December 15, 2009.

The primary focus of this demonstration will be to inform you of critical details pursuant to compiling the 2010 General Reassessment. We have diligently verified two years of sales transfers and tracked properties which are currently on the market to analyze the days on market and any price reductions made to these properties. We have also followed the foreclosure market and kept abreast of similar circumstances in neighboring communities.

Close attention has been paid to the land sales in the community and also the trend to buy blighted properties and build new residential homes. This practice has become popular and has given several neighborhoods with blighted properties aesthetic improvement.

My presentation will show you some of the criteria I was required to use to compile the proposed 2010 General Assessment and also to inform you of some of the vital market statistics both residentially and commercially in the City. I look forward to seeing you on December 15, 2009




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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:** December 10, 2009

**SUBJ:** Emergency Operations Plan Update

Every four years, the City is required by the State Department of Emergency Services under State Code to update our Emergency Operations Plan (E.O.P.). Enclosed in this agenda packet is a disc containing our 2009 E.O.P. for Council's review. The printed document itself is about four inches thick single-sided. The Fire Chief and his staff have performed the staff work to update the E.O.P. to meet State requirements. A portion of the work session of December 15, 2009 has been scheduled for a staff presentation of the significant elements of the E.O.P. update.

The City is expected to adopt this E.O.P. update before the end of the calendar year. Attached is Resolution 09-57 that provides City Council's authorization of the E.O.P. update. Staff feels very confident that the E.O.P. update will meet both the City's needs and the State's expectations. Therefore, it is recommended that Council endorse the Resolution following the staff presentation.

If any questions arise on the E.O.P. prior to the work session, please do not hesitate to contact the Fire Chief or myself at your convenience.

Attachment

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

A RESOLUTION NO. 09-57

Approving the revised Colonial Heights Emergency Operations Plan.

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

1. That, pursuant to the "Commonwealth of Virginia Emergency Services and Disaster Law of 2000" (Va. Code §§ 44-146.13 *et seq.*) and Chapter 27, Emergency Services, of the Colonial Heights City Code, the City Manager be, and is hereby, authorized to promulgate the "City of Colonial Heights Emergency Operations Plan, Revised December 2009", a copy of such updated version being on file in the Office of the City Clerk and included herein by reference.

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

Approved:

\_\_\_\_\_  
Mayor

Attest:

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

\*\*\*\*\*

I certify that the above resolution was:

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

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

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

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

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

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

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

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

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

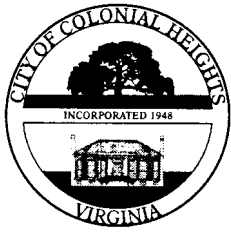
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City Clerk

Approved as to form:

  
City Attorney

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## Office of the City Manager

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

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

**DATE:** December 10, 2009

**SUBJ:** Dividing the Boulevard Modernization Project into Smaller Projects

During a closed session conducted on October 13, 2009, some Members of City Council expressed an interest in dividing the Boulevard Modernization Project into smaller projects so smaller (local) contractors could bid on the jobs. Staff was asked to analyze this possibility and report to Council at a future work session. The Director of Public Works and Engineering has met with the City's Engineering Consultants on the project, Lochner Engineering, and produced the attached estimates. This matter is scheduled for discussion on the work session agenda of December 15, 2009.

Most Members of City Council will recall that the Boulevard Modernization Project was originally three separate projects. The Director of Public Works and Engineering, with several City Council endorsement actions, consolidated the three projects into one large project for funding effectiveness and overall project efficiency and coordination. Funding effectiveness was both the ability to use the multiple sources of State funding toward our overall goal and economies of scale in contracting that exist with the large project as oppose to multiple small projects. The City originally qualified for State congestion mitigation funding on a section to add a fifth lane from Westover to Windsor, a revenue sharing grant to fund a fifth lane from Windsor to Pickwick, and regional surface transportation and congestion mitigation funding in multiple amounts to improve the Dupuy/Boulevard Intersection. We also have our urban allocation pledged to this project.

The attached report from Lochner breaks the current Boulevard Modernization Project into four sub-projects. The Director of Public Works and Engineering inquired with the local contractor that raised this question to determine sub-project totals that could meet the local contractor's bonding requirements. The local contractor commented that \$3 million is the upper end of their bonding capacity. Therefore, the overall Boulevard Modernization Project has been divided on the attached report to phases currently estimated to cost less than \$3 million each. Lochner estimates with additional redesign and additional construction costs, the total cost of the Boulevard Modernization

The Honorable Mayor and Members of City Council  
December 10, 2009  
Page 2

Project increases approximately \$2.6 million if divided into smaller projects. Even if this estimate is excessively conservative and the engineering consultants have estimated twice as high as needed, City Council will need to determine if it is willing to spend an additional \$1.3 million or more to divide the Boulevard Modernization Project into smaller components.

This matter is scheduled for discussion and review during the December 15<sup>th</sup> work session. The Director of Public Works and Engineering will lead this discussion.

If any questions arise 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

**Richard Anzolut, Jr.**

**From:** Chuck Henley  
**Sent:** Wednesday, December 02, 2009 11:12 AM  
**To:** Richard Anzolut, Jr.  
**Subject:** FW: Project Modification Memo  
**Attachments:** Project Modification Memo\_120209.pdf

Attached is a revised cost estimate to deploy multi-phase construction of the Boulevard Modernization project. Clearly, the fundamental problem with multi-phasing is that the more the phases, the more the additional cost and the more the additional cost, the more the phases – at least to accommodate an approximate \$3 M bonding limit. Not to mention the undue impacts that it would cause business owners and travelers in the corridor. . .

**From:** Stuart, John [mailto:jstuart@hwlochner.com]  
**Sent:** Wednesday, December 02, 2009 10:40 AM  
**To:** Chuck Henley  
**Subject:** Project Modification Memo

Chuck,

Attached is the project modification memo. Please let me know if you have any questions.

**John Stuart, PE**  
LOCHNER  
2727 Enterprise Parkway, Suite 203  
Richmond, VA 23294  
P: 804.935.7162  
C: 804.212.9445

12/2/2009

# LOCHNER

## Boulevard Modernization – Technical Memorandum City of Colonial Heights, Virginia

**From:** John Stuart, PE, H.W. Lochner  
**Date:** December 2, 2009  
**Subject:** Project Modification Review

### Project Modification

This is to present an estimated construction cost, scope of work and associated fee estimate to develop final construction plans for the Boulevard Modernization project, also known as Route 1/301 and Dupuy Avenue into separate plan sets for approval and advancement to construction advertisement. The project segments would be completed as follows:

SYIP Project No.	Project Segment	Current Estimated Construction Cost	Additional Estimated Construction Cost	Estimated Construction Cost	Additional Estimated Plan Development Cost	Total Project Cost
3945	Lafayette Ave. to Dupuy Ave.	\$2,473,568	\$669,000	\$3,142,568	\$129,000	\$3,271,568
90374	Dupuy to Pickwick Ave.	\$2,283,293	\$595,000	\$2,878,293	\$47,600	\$2,925,893
	Pickwick to Wright Ave.	\$1,902,744	\$425,000	\$2,327,744	\$34,000	\$2,361,744
52434	Wright to Westover Ave.	\$2,854,117	\$628,000	\$3,482,117	\$63,000	\$3,545,117
	TOTAL	\$9,513,722	\$2,317,000	\$11,830,722	\$273,600	\$12,104,322

As shown in the above project cost table, four segments could be advanced that would require an additional level of coordination for maintenance of traffic and construction activity to ensure that the phased construction can be completed safely and efficiently while minimizing impacts on area residents and businesses.

The project segments can be further modified or adjusted to balance the estimated construction costs more equally among the four projects.

### Work Tasks

A scope of work for separating the projects from their current condition (approximately 45% design stage) is outlined in the following tasks which include roadway engineering, traffic engineering, drainage engineering, streetscape/landscape design and construction phasing and maintenance of traffic design to accommodate a phased construction for the Boulevard improvements.

The following main project design elements would need to be developed to allow for the required plan approvals for three separate construction advertisements which could be undertaken on separate schedules.

- ❖ Design Separation – Modification to current design into separate projects with the establishment of a set geometric point of connection for the final construction of each project. This will require the development of storm drainage design and utility adjustment plans that will allow for temporary drainage and utility connections between the projects.
- ❖ Right-of-way Plans – Development of plans for design projects at 60% (ROW) stage allowing for review and approval for advancement to right-of-way acquisition phase of the project.
- ❖ Traffic Management Plan – Development of traffic management plans for separate projects that will provide for the required transition from a completed project to and adjacent project under construction. The phasing of project construction will need to be coordinated to ensure safe transition of travel lanes between the projects. Opening of new travel lanes and new intersection configurations will depend on the phasing of project construction.
- ❖ Final Construction Plan and Bid Package Assembly – Development of final construction plan assemblies and construction bid packages will need to be completed per the desired construction advertisement schedules.
  - Roadway and Drainage Plan and Profile
  - Separate Right of Way Plan
  - Survey and Alignment Data
  - Right of Way Data
  - Drainage Descriptions
  - Quantity Summaries
  - Design Details
  - Erosion and Sediment Control Plan
  - Temporary Traffic Control Plan including Maintenance of Traffic, Sequence of Construction (staging under traffic) and Construction Detour Plans (Type B Project)
  - Traffic Signal Plans
  - Signing and Pavement Marking Plan
  - Utility Construction Plan and Profile
  - Streetscape Plan

### **Construction Costs**

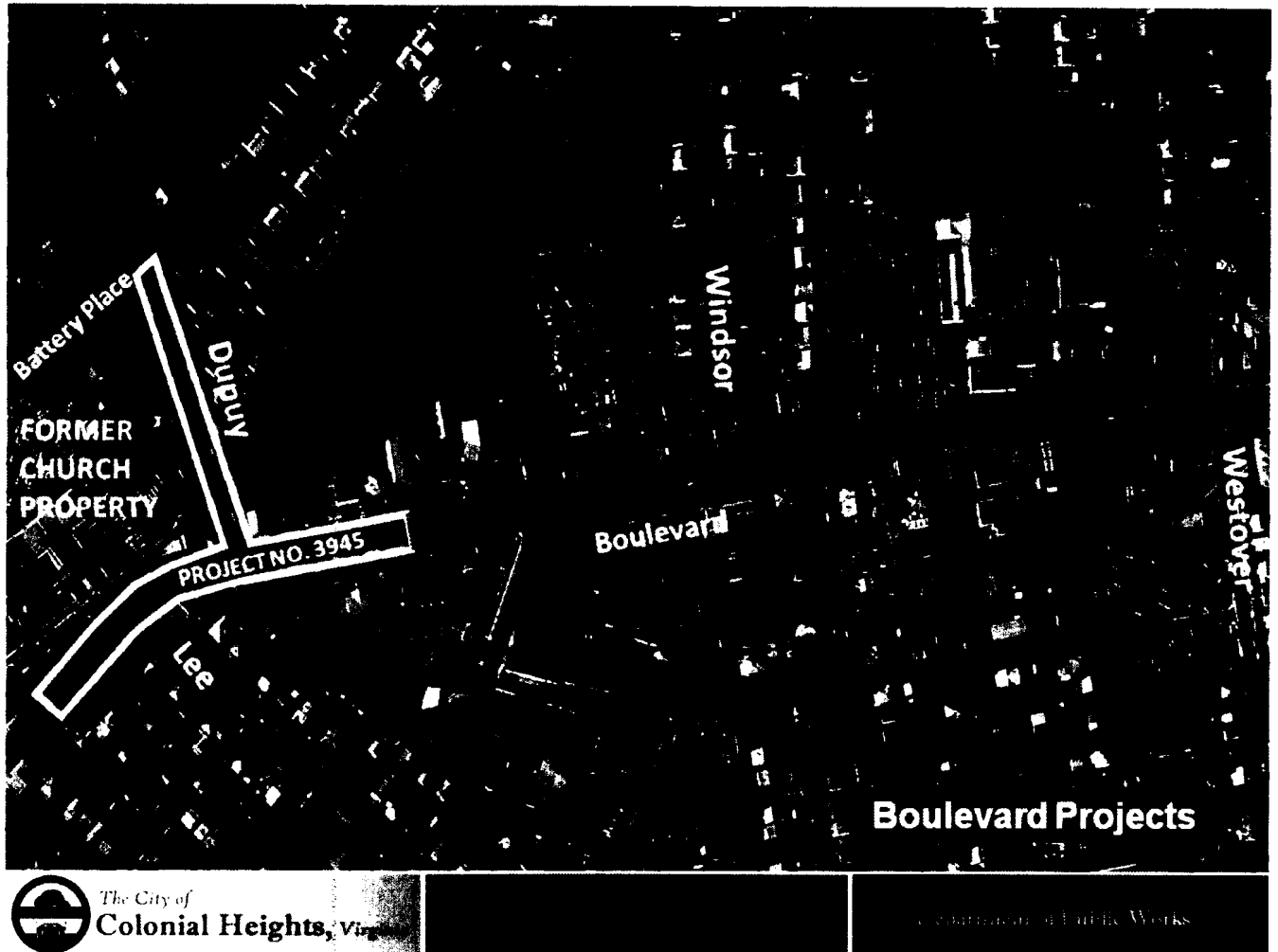
There will be an expected increase in the construction costs for separate projects that will allow for phased traffic operations and proper functioning of storm drainage and utility systems during construction and during a transition period between the completions of projects. Additional construction costs will include, but will not be limited to the following core construction elements:

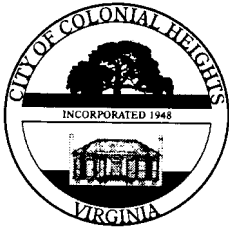
- Permanent Pavement Marking Removal
- Temporary Pavement Marking
- Temporary Pavement Marking Removal
- Temporary/Interim Drainage
- Removal of Temporary/Interim Drainage
- Temporary Signal System and Signing Modifications
- Permanent Signal System and Signing Modifications
- Temporary Traffic Control

The additional cost for providing separate construction projects is estimated to be \$1.74M. The associated additional construction inspection and administration cost is estimated to be \$579,000.

# Boulevard Modernization, City of Colonial Heights

## Project Location






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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:** December 10, 2009

**SUBJ:** Preliminary Roslyn Landing Park Plan

A portion of the work session of December 15, 2009, has been scheduled to present staff's concept on the formal boundary identification of the Roslyn Landing Park. Now that the park is open and more traffic is passing the Animal Shelter to enter it, staff needs to fix a minor problem with the gas company. As Council is aware, high pressure gas lines run through the park site. When one drives in the driveway, a parallel crossing of the gas lines occurs near the old location of the Convenience Center shed. The driveway then runs parallel to the gas line to the point where bearing left brings you around the north side of the Animal Shelter and bearing right takes you into the old Convenience Center location. When a vehicle bears left to come around the Animal Shelter and now enter the Roslyn Landing Park, it is traveling on top of the high pressure gas line. The gas company would like the City to end this practice.

As a result, staff would propose to use the driveway around the right (south) side of the Animal Shelter, come parallel across the gas line in the approximate location of the abandoned shooting range, and travel through the corner of the former shooting range onto the Roslyn Landing Park property. Attached is an areal photograph and map that depicts this vehicular movement.

The purpose of the work session discussion is to get Council's authorization for this to be the initial access to the park and to make minor physical improvements to accommodate it. Most of this can be done with volunteer labor and equipment, supplemented by City forces. With such, we will resolve this gas line problem.

A secondary purpose exists for the work session discussion. Should this preliminary plan and layout meet Council's approval, the City Manager would like the authority to engage surveyors to formally establish the boundaries of the park, the landfill retail parcel that is currently for sale, and the Convenience Center parcel that will someday be for sale once the solid waste buried on it is remediated. The attached exhibit also depicts our proposed boundary lines for both retail parcels. Since this will be a substantial expense, the City Manager would like the formal authorization to get this surveying work done using monies currently in our Economic Development Reserve.

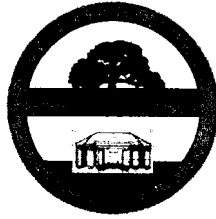
The Honorable Mayor and Members of City Council  
December 10, 2009  
Page 2

It is likely that this formal survey work will exhaust funding available in our Economic Development Reserve. The City Manager had always expected that a prospect to purchase the landfill retail parcel would necessitate the survey work and we would get it done. Now that the park has taken the lead position in our development activities, we can formally establish the boundaries of the park and the retail parcels for sale. Either way, it keeps this project moving forward and performs a task that would have needed to be performed if we had a prospect for sale of the real estate.

Staff associated with this matter will be available during the December 15<sup>th</sup> work session. If any questions arise 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  
George W. Schanzenbacher, Director of Planning & Community Development



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

**MEMORANDUM**

TO: Richard A. Anzolut Jr. City Manager

FROM: George W. Schanzenbacher, Director

A handwritten signature in black ink, appearing to be 'GS' or similar initials, written in a cursive style.

DATE: October 29, 2009

**SUBJECT: Roslyn Landing Park-Boundary definition and temporary access**

Attached please find a proposed plan map for the subject property. As per your request the proposed boundary of the park area has been defined along with a recommended interim road alignment to the Park and Boat Launch.

In regards to the park boundaries the following goals/guidelines were utilized:

1. Maximize economic development opportunities for the entire city site.
2. Utilize lands that were not acceptable for future development due to environmental constraints such as the RPA, wetlands, 100 year flood plain or land fill.
3. Incorporate water frontage to the maximum extent possible
4. Incorporate area that could be used for a Northern trailhead and for boat launch related activities

5. Incorporate areas that could be usable for future passive recreation and park activities including future trail linkages.

In regards to the interim road connection to the Park area the following goals/guidelines were considered:

1. The roadway needed to be outside the Columbia Gas Line easement, except for crossing the easement.
2. Use existing road/driveway to the maximum extent possible to reduce costs and impacts.
3. Avoid long term commitments that could negatively impact future economic development opportunities.

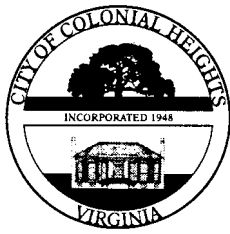
The area around the boat launch and trail starting point needs additional study to create the Northern Trailhead and a permanent location for boat/trailer parking. Our recent grant application before the VA Trail Program of DCR that would accomplish these objectives was not approved so we will need to seek other resources to accomplish this.

If you need any additional information please let me know.

Cc: Sean Gleason, Chuck Henley

[REDACTED]






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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:** December 10, 2009

**SUBJ:** Additional Funding to Virginia's Gateway Region to Match a Cameron Foundation Grant

Mayor Davis has requested the opportunity to discuss this subject with City Council during the work session of December 15, 2009. To summarize, attached is a letter from the Cameron Foundation that outlines a major grant award to Virginia's Gateway Region. As Members of Council are aware, the Cameron Foundation is established to help build capacity in community organizations and agencies. The Cameron Foundation chose to award a substantial grant to Virginia's Gateway Region to enhance its capacity to manage industrial recruitment in our region. Unfortunately, declining budgets and affordability in Gateway's member organizations led to some renegotiation of the timing of the grant. The Mayor reports that Gateway's Board is planning discussions with its member jurisdictions on identifying match funding so that a renegotiated form of the grant can occur. As the City's representative to the Gateway Board, the Mayor is bringing this matter to Council to ascertain the prospects for additional funding to Gateway in the FY11 Budget.

Staff will do its best to accommodate any direction from City Council in the development of the recommended FY11 Budget. If staff can be of any assistance to Council 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

FUI AAA  
1/30/09



**COPY**

*Dedicated to improving the health and quality of life in our communities.*

October 16, 2008

Ms. Renee Wyatt-Chapline  
Executive Director  
Virginia's Gateway Region  
256 East Ellerslie Avenue, Suite D  
Colonial Heights, VA 23834

Dear Ms. Wyatt-Chapline,

I am pleased to inform you that, at a meeting on October 16, 2008, the Board of Directors of The Cameron Foundation (hereinafter referred to as "Cameron") approved a grant of \$1,000,000 to Virginia's Gateway Region (hereinafter referred to as "VGR") upon the following terms and conditions:

*This is a three-year grant of \$1,000,000 for VGR's Capacity Initiative. In year one, \$400,000 will be paid by Cameron outright. In year two, \$150,000 will be paid outright and up to \$150,000 will be paid as a matching grant. In year three, \$150,000 will be paid outright and up to \$150,000 will be paid as a matching grant. Payment in years two and three is contingent upon VGR obtaining funds from outside sources; in year two Cameron will make matching payments at a ratio of one dollar for every one dollar raised by VGR, and in year three the match ratio will be one dollar for every two dollars raised by VGR. Matching fund payment requests from VGR must be in increments of not less than \$10,000. Payments in years two and three of the grant also are contingent upon submission of satisfactory progress reports for the previous year. The commencement of payments pursuant to this grant will be contingent upon the development and adoption of two board policies. The first such policy should be one that provides for (1) a prospective limitation on the number of terms a person may serve on the board (this will not apply to persons appointed to the board by governmental entities) and (2) a prospective limitation on the number of years an officer of VGR may serve in a particular office. These limitations are consistent with best practices in nonprofit governance, but Cameron will defer to VGR as to what the appropriate limitations should be. The second such policy should be one that demonstrates a commitment to diversity and inclusiveness.*

This grant has been approved with the specific understanding, based upon your representations, that VGR is an organization that is exempt from federal income tax under Section 501 (c) (3) of the Internal Revenue Code, and is not now, nor has within the last five years been, classified as a "private foundation" as described in Section 509 (a) of said Code. Further, in accepting this grant VGR agrees that the grant funds will be

used exclusively for exempt purposes as described in Section 501 (c) (3) of said Code, and will not be used for the carrying on of propaganda, nor for otherwise attempting to influence legislation (within the meaning of the taxable expenditure prohibition rules of Treasury Regulations §53.4945-2), nor for participating in, or intervening in, any political campaign on behalf of, or in opposition to, any candidate for public office.

The grant also is expressly conditioned upon the following:

1. The grant funds must be used exclusively for the purpose or purposes described in the proposal VGR submitted to the Foundation; provided, however, that if VGR determines that a material variance in use is required or desirable, VGR may request that Cameron approve such a variance. Cameron will have no obligation to permit such a variance, and your organization must not implement any such variance unless and until it receives written permission from Cameron.
2. VGR must submit to Cameron both a post-grant evaluation report and a post-grant financial report with respect to the activities funded by the grant. Copies of the forms to be used for these reports are available to be downloaded at the website of Cameron ([www.thecameronfoundation.org](http://www.thecameronfoundation.org)). If you do not have access to the Internet, please call our office and the forms will be mailed to you. These reports must be submitted on or before the following dates:

Progress Report:	11-30-09
Progress Report:	11-30-10
Post-Grant Evaluation Report:	11-30-11
Post-Grant Financial Report:	11-30-11

The Foundation also would welcome your submission of any other program or financial reports that your organization may prepare.

If VGR, without a reason acceptable to Cameron, fails to make when due the reports described above, Cameron reserves the right to require VGR to return all or a portion of the grant funds to Cameron. Unexcused delinquencies or tardiness in furnishing these reports will also be viewed as a basis for denying future requests by VGR for funding for a period of five years.

This grant will be made according to the following payment schedule:

To Be Determined

Virginia's Gateway Region  
October 16, 2008  
Page 3

**\* *Payments for Years 2 and 3 shall be contingent upon receipt of the previous year's satisfactory progress report.***

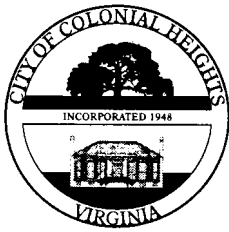
If you accept the foregoing terms and conditions of the grant, please indicate such acceptance by signing and returning the original of this letter (the copy is for your records). It is very important that you do this at your first opportunity, because the grant will be subject to cancellation by Cameron if the signed copy is not received by Cameron before the date for the first scheduled payment pursuant to the grant.

On behalf of the Board of Directors of Cameron, I congratulate your organization on its selection as a grant recipient, and I extend my best wishes for the success of your efforts. If you have concerns or questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Handy L. Lindsey, Jr.", written over the printed name.

Handy L. Lindsey, Jr.  
President




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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:** December 10, 2009

**SUBJ:** Draft Noise Ordinance

As Council will recall, consideration of a revised noise ordinance was initially scheduled for the Council Meeting of November 18, 2009. Council is aware that noise ordinances throughout the State that were written similar to ours have been declared unenforceable by the Supreme Court of Virginia. This decision related directly to the noise ordinance from the City of Virginia Beach, but we also lost a case earlier this year based on our ordinance wording. The City Attorney had redrafted a noise ordinance based on discussions and wording developed through the Local Government Attorneys Association of Virginia. Then we learned that a simpler, less specific version of a noise ordinance was adopted by Chesterfield County. We were made aware that the judges in our circuit like Chesterfield's version and find it workable. This observation led to rescheduling our discussion of a draft noise ordinance until the work session of December 15, 2009.

The City Attorney has re-drafted a copy of Chesterfield's ordinance for Council's review. In a general sense, the Chief of Police favors this version because it requires somewhat less specific documentation prior to the issuance of a violation. Specifically, the absence of the deployment of noise meters make the Chesterfield version appear more easily enforceable.

The Commonwealth's Attorney raised some questions with the City Attorney on this draft as this agenda was being finalized. These questions have not been worked-through as of today. The City Attorney is attempting further discussions with the Commonwealth's Attorney and will be prepared to report further during the work session. It is also possible that the Commonwealth's Attorney will be present during the work session to assist with these questions and this draft ordinance.

The Honorable Mayor and Members of City Council  
December 10, 2009  
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Staff associated with this matter will be available during the work session of December 15<sup>th</sup> to assist with this item. It is hoped that we can advance a draft as soon as possible. At this point, we do not have an enforceable noise ordinance.

If staff can be of any assistance to Council 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  
Jeffrey W. Faries, Chief of Police

AN ORDINANCE NO. 09-\_\_\_\_\_

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 plainly audible 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 plainly audible 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 generated from a gathering of ten or more people.

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 plainly audible 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 plainly

audible 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 plainly audible noise in residential areas between 10:00 p.m. and 5:00 a.m. in connection with the loading or unloading of refuse, waste or recycling collection vehicles.

F. To create plainly audible noise 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; 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.

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

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City Clerk

Approved as to form:

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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:** December 10, 2009

**SUBJ:** Tussing Window Replacement Project

During the Council Meeting of March 11, 2008, Mayor Davis proposed that the City and School Board partner on the replacement of the windows in the Tussing Elementary School. The Mayor made this proposal because the Tussing Elementary Expansion Project was under construction. He suggested that it would be a good idea to get all of Tussing's immediate capital needs resolved while the expansion project was in progress. The Mayor proposed that the City and the School Board split the project equally. At that time, the window replacement project was estimated at \$350,000, so each party would pay \$175,000 toward the windows.

On April 8, 2008, City Council formally approved a motion "That City Council appropriate \$175,000 to match for the installation of windows to go along with the expansion of the current project to be completed by next fall". While the motion did not specifically state anything about a "one-time" offer, it is clear through a review of the minutes that City Council's offer was contingent on the windows being replaced in conjunction with the Tussing Expansion Project. Council's thinking was that while the school was under construction, the windows should be replaced as well.

During the April 15, 2008 work session agenda, Council had further discussion on the subject of the Tussing Windows. City Council clarified that they wanted to provide the match funding, but they were not required to do so by the Memorandum of Understanding. Then on April 29, 2008, and May 6, 2008, City Council introduced and formally adopted a Budget Amendment placing a \$175,000 in reserve for the Tussing Window Project. Once again, Council clarified the fact that this appropriation tied directly to the Tussing Expansion Project and the fact that this offer was made because the school was under construction.

On July 22, 2008, the City Manager and Director of Finance had seen revenues declining through the later part of FY08 and had done some projections for future fiscal years. It was our unfortunate responsibility to inform Council that bonding capacity that we thought could exist in FY09 or FY10 was not likely to be there based on declining revenues. We had assumed partial bond funding for the Boulevard Modernization Project and the Bruce Avenue Phase II Drainage Project. At that time, the City had some cash reserves allocated to other smaller projects like the Vo-Tech Sports Complex and the Tussing Windows. The City Manager recommended that this cash be moved from the smaller projects toward Council's top two priorities, namely the Boulevard Modernization Project and the Bruce Avenue Phase II Drainage Project. At that time, it was clear that school administration was not going to get the window replacement project done as part of the Tussing Expansion Project. At that time, the City Manager thought we would have to restore the cash for the windows someday in the future when the School Board was ready to do the replacement project. Regardless, Council approved by consensus the movement of the cash allocated to other capital projects (including the windows) into the funding for the Boulevard and Bruce Projects. In September and October, Council introduced and adopted a budget amendment in the Capital Projects Fund formally moving the money.

The School Board is now asking if the City will match funding to replace the windows at Tussing. The School Board is using Federal stimulus money on this one-time expense. The Superintendent of Schools reports that it is the School Board's desire to "Get Tussing done". The attached letter outlines that the actual cost of the project is \$262,000 to remove and replace the windows. In effect, the School Board is asking if the City will provide \$131,000 toward the window replacement project. This matter is scheduled for discussion during the work session of December 15, 2009.

The City Manager has included copies of the minutes that offer insight into this discussion. If any questions arise 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



# Colonial Heights Public Schools

## SCHOOL ADMINISTRATION OFFICES

512 Boulevard  
COLONIAL HEIGHTS, VIRGINIA 23834-3798  
(804) 524-3400

Fax Number (804) 526-4524  
[www.colonialhts.net](http://www.colonialhts.net)

### SCHOOL BOARD

Sandra B. Coleman, Chairman  
Leslie P. Fryar, Vice Chairman  
J. Chris Kollman, III  
Bill Reade  
Cynthia G. Shortlidge  
Barbara Lunsford, Clerk

Dr. Joseph O. Cox, Jr.  
Superintendent

November 16, 2009

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

Dear ~~Mr. Anzolut~~: *hily*

As you recall, several years ago the City indicated an interest in sharing the cost of replacing outdated, inefficient, opaque windows as an ancillary project to the Tussing Elementary School expansion and renovation. We are in the process of finalizing contracts for the much needed project.

We anticipate the removal and replacement of 110 windows will take 180 days from the date we sign the contract. The demolition and asbestos abatement phase will cost \$20,935 and the window replacement phase will cost \$241,142 for a total project cost of \$262,077. Please call me and let me know if the City will help with the cost of the project.

Sincerely,

Dr. Joseph O. Cox, Jr.  
Superintendent

Mayor Wood called attention to the fact that a report was needed from the Police Department, and it was noted by the Chief of Police that there had not been sufficient time to prepare the report from the time it had been submitted.

It was the CONSENSUS of City Council that the request be DEFERRED to the Regular Meeting of April 8<sup>th</sup> to allow for the completion of a report from the Police Department.

C. Discussion of the renovation of Tussing Elementary School - The Honorable C. Scott Davis, Councilman.

**Mr. Davis** called attention to a letter City Council received from the Superintendent of Schools concerning anticipated capital improvements. He noted the renovations currently being done at Tussing Elementary School, including the placement of new heating and air-conditioning units in each room, and called attention to the line item concerning window renovations in the amount of \$350,000. He asked if the members of Council would be interested in allowing the City Manager to negotiate with the Superintendent of Schools and School Board regarding the possibility of Council splitting the cost of the window renovations to allow for a total renovation at one time and added that he would be agreeable with spending \$175,000 from the City's Contingency Budget if the School Board would be willing to match that amount.

In response to a request from Mayor Wood for comments from Mrs. Sandra Coleman, Chairman of the School Board, who was present in the audience, Mrs. Coleman expressed the feeling that it would be nice if the renovations could be done at one time and noted that any extra funds were going to be used for renovations to Lakeview Elementary School.

Mayor Wood suggested discussions between the School Superintendent and the City Manager to work out the details and facilitate matters in a more efficient manner.

Mrs. Cox expressed the feeling that the decision was made by the School Board regarding their capital improvements projects, and noted that she felt comfortable with their plan, but was open to discussions with the City and School Administration to see if the request would meet their needs.

**Mr. Davis** stated that he felt the proposal would help the project to be completed ahead of schedule along with the renovation of the current building.

Mrs. Coleman stated that the School Board was trying to save all they could to put in the fund to keep the projects going.

In response to a question from Mr. Anzolut concerning if it was the consensus of Council that he be directed to offer the Superintendent of Schools \$175,000 from the City's Undesignated Fund Balance to match \$175,000 of School Fund Balance, Mayor Wood stated that that was what Mr. Davis was proposing.

Mr. Freeland expressed the feeling that until the City could get something official from the School Board, they would be jumping ahead of the gun to offer \$175,000 for their capital improvement projects.

Mr. Davis' stated that that was the proposed figure in the School's list of capital improvement projects and reiterated that as a member of the Council, he did not have a problem with splitting the cost of the window renovation **if it meant getting the whole project done by the beginning of the next school year.**

Mayor Wood asked if the members of Council would be comfortable with directing the City Manager to contact the School Administration to see if the priority of the Tussing Elementary School window renovation project **might be done at the same time as the overall renovation of the school,** and let the City Manager report at Council's next meeting before any formal action was taken.

Mrs. Cox stated that she agreed with the proposed approach.

Mr. Salot stated for the record that his wife worked for the School System and noted that he was in agreement with moving forward with the discussions, but was not ready to authorize any expenditure of funds or to state any amount at the present time. He added that if there were benefits in doing the project at one time, he would be interested in hearing those, but that was all he wanted at the present time.

Mr. Fisher clarified Mr. Davis' request for Council to authorize a dialogue between the City Manager and Dr. Cox on the matter to see if something could possibly be worked out.

It was the **CONSENSUS** of City Council that the request for a City contribution for window renovations at Tussing Elementary School be **DEFERRED** to the City Manager for discussion with the School Administration, with a report to be included on the agenda of the Regular Meeting of City Council on April 8<sup>th</sup>.

Mr. Davis stated for the record that his spouse worked for the school system.

Mrs. Luck stated for the record that she worked for the school system, which was why she had refrained from the conversation.

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

■ Mr. George Sadler, 165 Wright Avenue, provided comments on the Bruce Avenue Drainage Project; two derelict vehicles located on the western boundary of Martin's car lot; the requested deeding of a right-of-way across his property to the City and the issue of a prescriptive easement owned by the City; a written complaint sent to Council regarding the trespassing of public works personnel across his property; a request for a response from City Council concerning the understanding of a prescriptive easement, noting that he had

Abstained: None  
Absent: None

Motion UNANIMOUS PASS.

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

- A. Report on request for permission to house six companion animals at 973 Edinborough Drive.**

Mayor Wood called attention to the report from the Police Department along with comments from surrounding neighbors.

Mrs. Cox made a MOTION based on the report by the Police Department, that the special permit be granted to Mrs. Fisher to house six companion animals, seconded by Mrs. Luck.

Vote: 7-0  
Yes: Cox  
Davis  
Freeland, Jr.  
Kochuba  
Luck  
Salot  
Wood  
No: None  
Abstained: None  
Absent: None

Motion UNANIMOUS PASS.

**14. Reports of Officers and Documents Related Thereto.**

- A. City Manager.**

- 1. Report on discussion with School Administration concerning City contribution for window renovation at Tussing Elementary School.**

**Mr. Anzolut provided an overview of his written report and reported that the School Board would be able to produce the matching funds of \$175,000 and was optimistic that the windows could be replaced in the upcoming summer in conjunction with the conclusion of the Tussing construction.**

In response to a question from Mayor Wood concerning where the City's match would come from, Mr. Anzolut reported that it would have to be taken from Undesignated Fund Balance that contained approximately \$500,000. He noted the costs associated with the expansion of the Senior Center to accommodate the larger space and the Teen Center as well as the Technical Center Sports Complex and the City's Capital Improvement Projects.

In response to a question from Mayor Wood concerning if an analysis had been done with regard to a substantial cost savings of completing the window renovation at the present time as opposed to waiting until the renovation was concluded, with the window renovation being done at a later time, Mr. Anzolut stated that he was not aware of an analysis of that type, but noted that everything the City appeared to buy seemed to go up in price every year.

Mr. Davis pointed out the fact that the match could come from the \$500,000 in the Undesignated Fund Balance and noted that that would complete the expansion by the time the students returned to school in the fall. He noted the benefits to completing the renovation at one time, which included the fact that the contractors would already be on-site and the potential increase in construction costs if they waited. He stated that if the project could be accomplished for less than \$350,000, he felt the School System would give the City their proportionate share back and felt this was one of those issues where costs could be cut and the project could be completed, with the exception of heating and air-conditioning renovation, which was expected to take several years, and would be bettering the community as a whole and show a willingness to share between the City and the Schools. He called attention to the Memorandum of Understanding between the Schools and the City and noted that the funds all came from the citizens and the revenue generated from businesses, which was not an issue for him.

In response to a question from Mayor Wood concerning if Mr. Hedblom had anything to add to Council's consideration with regard to the efficiency of replacing the windows at the present time rather than later, Mr. Troy Hedblom stated that there would be some cost savings and noted a window of opportunity with the downturn in the economy where people were looking for work, which could also add to some cost savings.

In response to a question from Mr. Kochuba concerning whether the windows were already included in the School's budgeted Capital Improvement Plan, Mr. Hedblom stated that they were not in the current year's budget.

Mrs. Luck stated that as a teacher at Tussing in a room that she had not been able to see out of for ten years, the window renovation would be very beneficial not only for the aesthetics of the building, but also for the instruction and climate control of the building.

Mr. Davis stated that since 1972, the windows had not been functional since they had been cleaned with the wrong solvent.

**Mr. Davis made a MOTION that City Council appropriate \$175,000 to match for the installation of windows to go along with the expansion of the current project to be completed by next fall, seconded by Mrs. Luck.**

**In response to a question from Mrs. Cox concerning if Council needed to take action at the present time, Mr. Anzolut stated that it would give the administration guidance to prepare an ordinance to formally appropriate the funds. He stated that he felt he would be remiss to the City's Capital Improvement Program and the department heads in attendance if he did not present the fact that the City had an unfunded \$50 million Capital Improvement Program, three major projects in play that were short of funding, stormwater mandates, and water and sewer infrastructure needs where the \$175,000 could be used, but noted that he supported school construction and had made points in the current budget message of trying to fund recurring revenue.**

**In response to a question from Mr. Freeland concerning the School's share of the revenue balance at year-end, Mr. Anzolut stated that he thought it was approximately \$227,000.**

**Mr. Davis called attention to the fact that the Schools were also putting money aside to save for further expansion of North and Lakeview Elementary Schools.**

**Mr. Anzolut recalled that the School's CIP had approximately \$10 million set aside.**

**Mr. Freeland stated that with all due respect to the School System and the job they did, he tended to agree with the City Manager in that the City had a large CIP with items that citizens had been wanting and asking for for many years and noted that he could not support the proposal at the current time. He added that when initial revenue sharing with the Schools was discussed, the funds were to be used basically for large-scale CIP additions and debt service money and not to help fund their CIP. He felt the Schools were going to have to cut their belt just as the City was to try to generate revenue to fund the smaller projects.**

**Mr. Anzolut called attention to the fact that he was not lobbying one way or the other on the matter, but was rather making parting comments as they considered the \$175,000. He expressed the belief that the Tussing window project was one of many projects that were very valuable and felt anything they could do to save money in the near term was good.**

**In response to a question from Mayor Wood concerning the status of the Lexington Drive and Yacht Basin Drive projects, Mr. Anzolut stated that they were in the preliminary design stage and had been suspended pending staff commitment, but were ready to get going again and would be reported on in the near future.**

**In response to a question from Mayor Wood concerning if it was anticipated that the projects would exceed the initial estimates, Mr. Anzolut stated that it appeared Lexington**

Drive would exceed the estimates due to additional work, with the Yacht Basin project being closer to the initial estimate.

In response to a question from Mr. Kochuba concerning if the windows were on the capital improvement share list, Mr. Anzolut stated that when the Superintendent of Schools provided the City with their CIP, there was a presumption that that would be financed and that those financings would be shared with the City and the School Division, so he believed the answer was “yes” because it was believed that major items in their CIP would fall under the agreement and be shared.

In response to a question from Mayor Wood concerning if the Tussing windows were specifically indicated as a project that the Schools listed as a project that would be shared on a 50/50 basis, Mr. Anzolut stated that the current Tussing expansion project that was being funded did not include the windows. He added that the new listing that had been provided stated that the windows would be funded in 2009 and was a near term project in the School Board’s objectives.

Mr. Hedblom stated that the windows were on the list in the five-year program.

Mrs. Luck pointed out that Council had tried to complete their projects in their entirety and by putting the windows off another year, it could potentially mean waiting more years when they had not been able to see out of the windows for 27 years.

Mayor Wood recalled the motion to appropriate \$175,000 toward the replacement windows at Tussing School in anticipation of the School Board placing another \$175,000 in matching funds, with any savings to be returned to the respective bodies in a 50/50 proportion.

<u>Vote:</u>	6-1
Yes:	Cox Davis Kochuba Luck Salot Wood
No:	Freeland, Jr.
Abstained:	None
Absent:	None

Motion Passed.

Mrs. Cox qualified her vote by stating that for the reasons stated by Mrs. Luck in trying to complete a project and complete it well, she was going to vote “yes” although she was well aware of the many projects the City had that could use the money as well.

**Mr. Kochuba** qualified his vote by stating that because the project was on the shared list of capital improvements and they were in the middle of a renovation, he would vote “yes”.

**Mr. Salot** qualified his vote by stating that since it was a case of “pay me now” or “pay me later” and it would be cheaper now, he was voting “yes”.

**Mayor Wood** qualified his vote by stating that for efficiency sake, he would vote “yes”.

**Mr. Anzolut** announced that the City Administration would incorporate a budget amendment and bring it back to Council for a formal appropriation in the Capital Projects Fund.

**2. Report on retiree health insurance participation policy.**

The City Manager provided an overview of his written report.

In response to a question from Mr. Davis concerning if a new policy would affect retirees that were already under the system, Mr. Anzolut stated that it would not.

In response to a question from Mayor Wood concerning if a more restrictive policy would generate a cost savings to the City, Mr. Anzolut stated that it was possible that late service retirees would not meet the qualifications, and therefore, would not be permitted to join the group, which could be looked at as a savings.

In response to a question from Mayor Wood concerning if the current employees would have to bear the expense of the retirees in a blended rate in the event the retirees were receiving a cheaper insurance that was subsidized by current workers, Mr. Anzolut stated that the blended rate was more favorable to the retiree.

In response to a question from Mrs. Luck concerning if the City offered any dependent coverage to retirees, Mr. Anzolut stated that dependent coverage was included at the same rate.

Mayor Wood stated that one of the enormous costs at present and in the future was the cost of health coverage and added that any effort the City could utilize to manage that expense in a more responsible fashion would generate some savings at some point and suggested a policy of more than the minimum.

In response to a question from Mr. Davis concerning those employees retiring with five years of service at age 50 being more of a department head or supervisor in nature, Mr. Anzolut stated that that would more likely be the case, but noted that it was possible

**School Fund**

Mr. Freeland called attention to the Memorandum of Understanding between the City and the School Board and submitted a copy for Council's information. He stated that the agreement's intent was to share funds with the Schools for Debt Service on capital projects and noted that the School Fund had over \$854,000 in Contingency Reserve and Capital Improvement Reserve. He further stated that he did not want to go into the School's Capital Projects list and hand pick projects for them or the City to do and noted that the City had hand picked the window renovation project at Tussing Elementary School which had been on the School's CIP list for a long time and did not appear to be a high priority. He stated that the \$175,000 that had been offered to complete the project had been done in good faith, but reiterated that the Schools had over \$800,000 in the bank which could be used to finish the project. He called attention to City projects that the \$175,000 could be used for and requested that Council reconsider the matter before a final decision was made.

Mr. Fisher clarified that the Memorandum of Understanding referred to Debt Service and added that technically, under the language of the agreement, the renovation of the windows fell under the category of school maintenance since they did not increase the footprint of the facility. He noted that while there was nothing to prevent the School Board from coming before Council and requesting a 50/50 split on maintenance, the matter technically fell outside the boundaries of the Memorandum of Understanding.

Mr. Freeland stated that he did not want the School Board picking out the City's Capital Projects. He added that he was aware of the history of the windows at Tussing and how badly they were needed, but called attention to the School's reserve of \$854,000.

Mrs. Cox stated that she could clearly see Mr. Freeland's point, and noted that over the past several years the State had really been helping to fund the Schools. She added that where the City had been giving the 50.73% of the City's Revenue to the Schools, the Schools had received more State and Federal funds and had been able to build up their fund. She noted that the City was presently feeling the pinch and looking to other areas to get funds and added that she was not recommending taking it from the Memorandum of Understanding, but could understand Mr. Freeland's point.

Mr. Freeland stated that he felt the City needed the \$175,000 worse than the Schools did, and Mrs. Cox agreed.

In response to a question from Mr. Davis concerning the School's Fund Balance, Mr. Anzolut called attention to Page 230 of the budget where the Contingency Reserve and the CIP Reserve appeared to add up to \$841,530.

Following additional discussion regarding funding for the remaining two elementary schools and the School's Contingency Reserve, Mr. Anzolut was asked to contact the Schools regarding funding in their Contingency Reserve.

Mayor Wood expressed the feeling that the allocation of funding for the windows was more than what was required in the Memorandum of Understanding.

Mr. Fisher stated that he was aware that the allocation of funding for the Tussing window renovation was an item for future discussion, but called Council's attention to the fact that if they were thinking of reversing the decision that had been made previously to appropriate the funds, they would need a two-thirds majority if three days' notice was not given for a motion to rescind to pass, but noted that since the matter was being deferred to another meeting to be considered, and everyone had been given notice, there would only have to be a majority to pass a motion to rescind.

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Mayor Wood stated that the City Manager had information relative to the State reductions and suggested that all the reductions be included in a line item in the budget labeled "Aid to the Commonwealth."

Mr. Anzolut distributed copies of an exhibit depicting State locality reductions and noted that the Jail Authority believed they would be able to absorb the jail's reduction in the first year without passing it on to the member localities. He called attention to the worksheet compiled by the Director of Finance regarding the revenue adjustments, leaving a net decrease of \$78,103. He stated that he concurred with a line item of "Aid to the Commonwealth" and reported that the City's fiscal policy required them to adopt a budget with a half of a percent in their Contingency, which equated to \$250,000. He noted that Council could choose to pass the budget as it was without addressing the State cuts and immediately after July 1<sup>st</sup>, amend the budget and reduce their Contingency Fund by the \$78,103 and still have a Contingency Fund of \$180,000.

Mayor Wood stated that he agreed with the City Manager's recommendation for the reason that it would identify the specific amount of money, and the City would be able to continue funding everything at the present level. He also noted the severe cuts in the areas of Comprehensive Services and Criminal Justice Services.

Mrs. Cox stated that she was in agreement with a line item of "Aid to the Commonwealth."

Following a brief discussion, it was agreed that Council would think about the matter and determine how to fund the reductions in the amount of \$78,103 at a later date.

**F. Consideration of:**

**AN ORDINANCE NO. 08-FIN-12 (First Reading). To amend the General Fund and Capital Projects Fund Budgets for the fiscal year beginning July 1, 2007, and ending June 30, 2008, to transfer \$175,000 to the School CIP Program to replace windows at Tussing Elementary School.**

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

**Mr. Freeland stated that he recognized the need for the windows at the school and hoped they would come in under budget, but did not feel it was part of the City's Revenue Sharing Agreement. He felt the Schools should find the funds to accomplish the work and called attention to the needs of the City.**

**Mayor Wood called attention to the Memorandum of Understanding between the City and the Schools and noted that it was not a dollar-for-dollar pledge, but to be used toward the credit worthiness of the School Board and the City Council for the purpose of providing capital improvements to the Schools.**

**Mr. Davis stated that it was not his intent to pick a topic every year out of the School Board's Capital Improvement Program, but saw the need to complete the project at one time. He felt the matter dealt with interpretation between a maintenance project and a capital improvement project and called attention to the Memorandum of Understanding where it stated that the School Board could approach the City to request matching funds, and he supported the completion of the project.**

**In response to a question from Mr. Freeland concerning the \$300,000 in the School's contingency reserve, Mr. Troy Hedblom and Ms. Maria Yench stated that the \$300,000 represented money set aside for unanticipated needs, with \$541,530 being the balance of the accumulation of General Operating Funds and \$400,000 being designated for the maintenance building. It was noted that the \$175,000 in matching funds would be a School Board decision.**

**Mr. Freeland stated that he would rather see the City's \$175,000 rolled into the Debt Service and noted the capital projects that needed funding from the City.**

**Mayor Wood stated that it was unfortunate that the Schools and the City had so many needs that it became a matter of picking and choosing.**

**Mr. Salot commented on the \$400,000 for the maintenance building expansion, stating the key that had his support was finishing the project in its totality and thought it was a fair deal.**

**Mr. Fisher called attention to the Memorandum of Understanding, which stated that the City would match dollar-for-dollar.**

**Mr. Davis** stated that he was the City's representative at the previous School Board meeting and noted that the School Board felt the matter was pretty much a done deal.

**Mrs. Luck** stated that it was very difficult for her to be objective on the subject, but noted the cost savings and the containment of asbestos in the bottom panels of the windows and added that she would support it.

In response to a question from **Mr. Kochuba** concerning whether the windows would fall under the agreement, **Mr. Fisher** stated that he felt the windows would be classified under major maintenance under the agreement but not as something subject to the dollar-for-dollar match.

In response to a question from **Mr. Salot** concerning whether the maintenance building would fall under the agreement, **Mr. Fisher** stated that a new facility would fall under the agreement.

**Mr. Freeland** stated that he would like to see the project finished also, but felt there were other needs on the City's side.

**Mrs. Cox** stated that she was in favor of a savings to complete the windows.

<u>Vote:</u>	6-1
Yes:	Cox
	Davis
	Kochuba
	Luck
	Salot
	Wood
No:	Freeland, Jr.
Abstained:	None
Absent:	None

**Motion Passed.**

**Mrs. Cox** qualified her vote by stating that it pained her to spend \$175,000 in light of all the other issues of the City, however, her point was the same as she had made previously, and her vote was "yes".

**Mr. Freeland** qualified his voted by referring to the comments of **Mrs. Cox**, but voting "no".

Before **Mr. Kochuba** voted on the matter, he stated that at the previous meeting, he had been led to believe that the windows would fall under the agreement, which was why he had voted "yes" previously. He noted that he would like to see the project completed and

did agree with points Mr. Freeland made, but added that he would continue to vote "yes" to finish the project.

Before Mr. Salot voted on the matter, he stated that he had anticipated changing his vote to "no", but with the \$400,000 that the Schools had not approached the City with and in the spirit of cooperation, it had changed his vote back to "yes".

There being no response to the Mayor's request for additional input from the public, he informally closed the public hearing to allow Council to return to deliberations on the budget.

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Mayor Wood noted the issues from the work session previous to the public hearing of Technology, the Tourism initiative and the Water and Sewer Fund.

At the request of Mrs. Cox, Mr. Anzolut provided a PowerPoint presentation on the financial status of the Water and Sewer Fund.

In response to a question from Mayor Wood concerning if the amount of money set aside in the Sewer Fund Balance would offset what the City would be required to pay as their proportionate share of the upgrades of the water treatment plant in the Appomattox River, Mr. Anzolut stated that he did not think the Appomattox River Water Authority Board would be able to structure a debt deal on a \$70 million new process with the City's share being \$300,000 in the upcoming Sewer Fund Budget.

In response to a question from Mayor Wood concerning why the Authority was being required to add the \$70 million process, Mr. Anzolut stated that it was due to State and Federal mandates and added that the City's share would be between 20% and 25% or \$700,000 and \$800,000.

Mayor Wood noted that the \$300,000 could be used to offset the expense.

In response to a question from Mayor Wood concerning the cause for the FY08 projected operating loss of \$36,000, Mr. Anzolut stated that the loss was due to reduced revenues below the City's projections based on the patterns that had developed.

In response to a question from Mayor Wood concerning the cause for the FY08 Sewer Plant Adjustment of \$25,000, Mr. Anzolut stated that there were reporting and metering discrepancies with the sewer plant and added that the sewer authority overspent the sewer plant budget by \$92,000, and the City's share was approximately \$25,000.

In response to a question from Mayor Wood concerning why the sewer authority overspent the budget, Mr. Anzolut stated that the authority would say it was due to the increasing cost of chemicals, transportation and energy, which were their predominant commodities.

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<b><u>Vote:</u></b>	<b>5-2</b>
<b>Yes:</b>	<b>Cox Freeland, Jr. Luck Salot Wood</b>
<b>No:</b>	<b>Davis Kochuba</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>

**Motion Passed.**

**AN ORDINANCE NO. 08-FIN-12 (Second Reading). To amend the General Fund and Capital Projects Fund Budgets for the fiscal year beginning July 1, 2007, and ending June 30, 2008, to transfer \$175,000 to the School CIP Program to replace windows at Tussing Elementary School.**

**A motion for adoption was made by Mayor Wood and seconded by Mrs. Cox.**

**Mayor Wood provided an overview of the ordinance.**

<b><u>Vote:</u></b>	<b>6-1</b>
<b>Yes:</b>	<b>Cox Davis Kochuba Luck Salot Wood</b>
<b>No:</b>	<b>Freeland, Jr.</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>

**Motion Passed.**

**AN ORDINANCE NO. 08-2 (Second Reading). To amend and reordain Chapter 250 of the City Code, Subdivision of Land, by adding or revising several words and phrases in Section 250-2, Definitions and word usage; and by adding a new Section numbered 250-62.1 that regulates flag-shaped lots.**

**A motion for adoption was made by Mayor Wood and seconded by Mrs. Cox.**

**Mayor Wood provided an overview of the ordinance.**

After a brief discussion, Mr. Fisher stated that a resolution could be developed for the Mayor's signature following the passage of the motion.

<b>Vote:</b>	<b>6-0</b>
<b>Yes:</b>	<b>Cox</b>
	<b>Davis</b>
	<b>Freeland, Jr.</b>
	<b>Luck</b>
	<b>Salot</b>
	<b>Wood</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Kochuba</b>


Motion UNANIMOUS PASS.

- Presentation of the phasing of the Bruce Avenue Regional Drainage Project.


Mr. Anzolut provided an overview of his written report, and Mr. Henley provided a PowerPoint presentation with regard to his recommendation with the construction phasing of the project, and expressed the feeling that it was a feasible and constructible plan. He noted that the financial aspects of the project would be reported by the City Manager.

During the presentation, Mrs. Cox noted that Mr. Henley was not employed with the City when the project first began, but called attention to the fact that the project began with the best intentions of "doing it right" and noted that the cost of "doing it right" continued to rise.

Mayor Wood expressed the feeling that Mr. Henley's recommendation was the only way they could sequentially phase the project.



Mr. Anzolut recalled that the Council financed \$2 million of the former two-phase project with the 2006 General Obligation Bond Issue and at that time, the administration presumed the revenues would grow sufficient in the two ensuing years to fund a late 2008 or 2009 Bond Issue for both \$2 million more for the Bruce Avenue Project and \$850,000 to match the revenue sharing funds from VDOT toward the Fifth Lane and Dupuy Avenue Intersection Projects, noting that Council had administratively moved the allocation from the Fifth Lane Project (Pickwick to Windsor Avenues) into the Dupuy Intersection at the previous meeting. He reported that national and local economic conditions made a 2008 or 2009 General Obligation Bond Issue impractical and noted that Council had just gone through a budget process that basically showed them much less revenue growth than had been experienced in the previous years and had just completed a fiscal year where for the last two months, it was touch and go on whether or not the City would operate in the black. He also noted that they were standing on the doorstep of telling the School Division for the



first time in the history of the contract funding agreement that they were going to owe the City money. He stated that the administration's best laid plans for funding the Fifth Lane Project and the Dupuy Intersection were not going as well as they had hoped and noted that there was no promising economic news for the future. He stated that the City's revenues were stabilizing, but were less than expected in growth, and there was not a great reason to believe for the rest of Calendar Year 2008 or all of Calendar Year 2009 that there would be any growth. The City Manager stated that with a presumption that Bruce Avenue and the Fifth Lane Projects were Council's top priorities, he was telling Council that they needed to stay focused on their highest priorities and suspend financial commitments already made to certain capital projects until revenues recovered and bond issues became more practical. He called attention to a PowerPoint presentation, which listed the projects that he recommended be suspended and other areas of funding in order to obtain \$1,500,000 for the New Phase II of the Bruce Avenue Drainage Project (Bradsher Avenue) and \$850,000 needed for the VDOT Revenue Sharing Match for the Dupuy-Boulevard Intersection. He distributed copies of the PowerPoint presentation to the members of Council and noted that it was possible that a bond issue could be made in Calendar Year 2010 since he did not believe they would have identified sufficient new revenue to support operational needs to pay for the church property and still have between \$300,000 and \$400,000 for new bonds and was hoping to preserve operations.

A brief discussion was held on the prospective growth at Fort Lee possibly mitigating some of the impact on the City.

In response to a question from Mr. Davis concerning if the timing would work for water and sewer construction to be performed on Dupuy Avenue before the paving work, Mr. Henley stated that he believed the timing would work if they completed the section on Bradsher Avenue before the Dupuy-Boulevard Project.

Mr. Anzolut asked that Council consider the exhibits he distributed and the notes on the proposal for further discussion at a future meeting.

In response to a question from Mayor Wood concerning if the sequence was in place to be able to accomplish the drainage at the interchange of Dupuy Avenue and the Boulevard, going down Bradsher Avenue to Fleets Branch, Mr. Henley stated that the sequence was in place and added that if the recommended project suspensions took place, the drainage projects and design and development work on the projects would still proceed since they would be doing that work with the staff Council had approved in the budget, and when funding was available, they would be positioned to implement construction.

In response to a comment from Mayor Wood concerning the fact that the income of the City, as a result of the economy, was less than anticipated which limited the City's ability to borrow against the stream of income, Mr. Johnson stated that the Mayor's comments were correct and noted that income went through periods such as what the City was experiencing, which was why the administration had always recommended keeping 15% in Fund Balance and not overextending themselves.

In response to a request from Mrs. Luck that the word “biweekly” on the survey form be replaced with “once every two weeks”, it was agreed that would be changed.

Mayor Davis noted that he had received concerns from businesses that wanted to recycle but who were not in the recycling program due to the fact that they did not pay for the service and instead used a private dumpster service. He requested that a recycling container be placed at the landfill for their use.

Mr. Anzolut reported that that service was currently being provided at the convenience center on Fridays and Saturdays.

In response to a question from Mr. Green concerning the progress made on the alternate locations for disposal service, Mr. Anzolut noted that an article was forthcoming in *The City Focus* identifying Cal’s and Shoosmith as alternate locations for the disposal of junk waste.

#### Water Distribution & Transmission

In response to a question from Mrs. Yates concerning the decrease in salary of the Utility Foreman, Mr. Johnson stated that that was the result of a replacement in personnel due to the retirement of an employee.

#### School Fund

In response to a question from Mayor Davis concerning if the City had received any word from the School Board on their budget, Mr. Johnson stated that he had not heard anything other than they had used revenues based on the City’s estimates.

In response to a question from Mayor Davis concerning School capital improvement projects, Mr. Anzolut stated that the School Board was delaying their projects and added that there had not been a great deal of assumption made in the proposed budget for the stimulus funds targeted for education systems, but he knew they were working through it and at such time as they figured it out, a budget amendment would be processed.

Mayor Davis called attention to the fact that the Schools still had money left over from the Tussing Project that could be put toward other capital projects.

Mr. Anzolut stated that those funds were still being held in the City’s account and amounted to approximately \$1.1 million.

In response to a question from Mr. Green concerning the Lakeview Project, Mr. Anzolut stated that he thought the project was still in design, but felt the School Board had stopped going any further than design to see if funds might be needed for operations. He added that by mid-summer, he felt Council was likely to see some form of amendment from the Schools that dealt with stimulus funding.