

Memorandum

Date: July 5, 2012

To: Mayor and City Council

Subject: Agenda Briefing - Regular City Council
Meeting - *Tuesday, July 10, 2012*



Following is a brief review and description of the various business items listed upon the agenda and set for discussion at the next regular meeting of City Council:

7. **Commendations and Presentations:**

- A. Discussed at last meeting; This item is for formal recognition recently deceased former CCH City Manager Byron Haner.
- B. This item is for formal recognition of Abby Lynch from the Office on Youth as June 2012 City Employee of the Month by Mayor Davis. A copy of the formal recognition is included with the meeting packet. The Mayor will be making a brief presentation of the award to Mrs. Lynch at the meeting.
- C. This item is for a formal presentation and recognition of the CH Police department "DUI 100 Club" by CHPD Chief Faries. This will be recognition of certain CHPD individual officers who have made at least 100 DUI arrests in their service to the City of Colonial Heights. A copy of a memorandum from Chief Faries relative to this item is included with the meeting packet.
- D. This item is for introduction and brief recognition of a new CHPD Police Officer Raul "Joey" Viera.

8. **Reading of Manner Addressing Council**

9. **Written Petitions/Communications –**

- A. A written petition/communication from Roland Gerheart of 395 Danville Avenue requesting an opportunity to address Council regarding his request to keep rescue dogs has been received and placed on the agenda in conformity with the Rules of Council. All supporting information relative to this item – including a memorandum from CHPD Chief Faries - received by the Clerk is included with the meeting packet.
- B. A written petition/communication from Judy Tyree representing Riverside Pace requesting an opportunity to address Council has been received and placed on the agenda in conformity with the Rules of Council. All supporting information relative to this item received by the Clerk is included with the meeting packet.

10. **Public Hearings:**

- A. ORDINANCE NO. 12-17 –This item is for a required Public Hearing and consideration of an Ordinance on First Reading to formally approve the closing of the portion of Chesterfield Avenue adjacent to sand part of the Courthouse Project.

10. Public Hearings (continued):

A. (cont'd) This item is a formality that has been contemplated since the beginning of the Dupuy Modernization and Courthouse projects. With the recent acquisition of the property at 243 Chesterfield, the City is actually the owners of all property adjacent to the portion of the street being closed by this action. This Public Hearing is a technical requirement, but no other property owner will be affected by this action.

Budgetary Impact – None.

As noted on the agenda, the notice of public hearing for this agenda item was published in *The Progress-Index*. A copy of the proposed Ordinance is also included in the meeting packet.

The staff recommends approval of this item as presented

11. Public Comments ("Hearing of Citizens Generally on Non-Agenda Issues"):

12. Consent Agenda ("Consideration of Uncontested Minutes, Ordinances, Resolutions, & Motions . . ."):

A. Copies of the minutes from the (1.) Special Meeting on 6/19/12 and the (2.) Regular Meeting on 6/19/12 are included in the meeting packet for your review.

B. "Adoption of:"

➤ ORDINANCE NO. 12-FIN-15 - Discussed and approved at the last regular meeting; This item is for Second Reading and Final Adoption of an Ordinance to authorize an amendment to the FY11-12 Annual Budget to accommodate various funding adjustments as follows:

- The CH Fire/EMS Department has received a grant of \$22,000 to purchase a pet housing trailer for the Police Department's Animal Control Division.
- The CHFD has also requested initial funding of \$46,000 for consulting services for the Chesterfield County/Colonial Heights Next Generation Radio System Phase 1 Assessment Project as previously discussed with Council.
- The Department of Planning and Community Development has received a grant of \$12,500 to prepare the nomination for the proposed Chesterfield Highlands Historic Tax District.
- The Department of Finance has requested formal appropriation of FEMA funds in the total amount of \$495,232 from FEMA and State revenues to reimburse the City's cash expenditures made from the Emergency Preparedness Budget (*The Director of Finance will be making a detailed presentation and answering any questions relative to this item at the meeting*).
- The CH Sheriff's Office has received has received donations in the total amount of \$3,833 from VML-Risk Management Safety Grant Program (\$3,733 to purchase cameras) and from the Optimist Club (\$100 for annual Halloween in the Park event).

Budgetary Impact - This amendment as proposed is bottom-line, "cost-neutral", as it is the formal appropriation of designated funds from FEMA, the Commonwealth, restricted or donated funds; and will not adversely affect overall funding or costs to taxpayers – with the exception being the funding associated with the Chesterfield/CH Next Generation Radio System Phase 1 which will come from fund balance.

A copy of the proposed Ordinance and supporting information is included in the meeting packet

The staff recommends approval of this item as presented

12. Consent Agenda (continued):

➤ ORDINANCE NO. 12-FIN-16 - Discussed and approved at the last regular meeting; This item is for Second Reading and Final Adoption of an Ordinance to formally amend the current-year General Fund Budget to address certain issues regarding the financial reporting of appropriations and/or debt proceeds primarily associated with the Courthouse Project. Basically, said funds were originally appropriated through the Capital Projects Fund; however, it has now been determined that the more appropriate avenue for funding and reporting is through the General Fund. Accordingly, this formal amendment to the Annual Budget is required to accommodate same.

Budgetary Impact – None; while this item will affect the General Fund Budget as it relates to accounting and/or reporting, it will have no impact on net, overall expenditures or fund balance; and will not adversely affect overall funding of the operating budget or costs to taxpayers.

A copy of the proposed Ordinance and supporting information is included in the meeting packet.

The staff recommends approval of this item as presented

13. New Business/Legislation (“Introduction and Consideration of Ordinances and Resolutions”):

➤ ORDINANCE NO. 12-FIN-14 - This item is for consideration of an Ordinance on First Reading to authorize an amendment to the FY11-12 Annual Budget to accommodate various funding adjustments as follows:

- The CH Police Department has received a Byrne Memorial Grant of \$3,828.
- The Office on Youth has requested access to annual designated funds in the total amount of \$11,500 from the Youth Service Corps Program at Pocahontas State Park.

Budgetary Impact - This amendment as proposed is bottom-line, “cost-neutral”, as it is the formal appropriation of grant funds and designated funds from the Commonwealth; and will not adversely affect overall funding or costs to taxpayers.

A copy of the proposed Ordinance and supporting information is included in the meeting packet.

The staff recommends approval of this item as presented

➤ RESOLUTION NO. 12-35 – Discussed previously in e-mail correspondence on 6/26; This item is for consideration of Resolution to formally (and retroactively) approve acquisition of the residential property at 243 Chesterfield Avenue (commonly referred to internally as “the Dunn Property”).

Budgetary Impact – Reviewed previously with Council; Initial funding for this purchase will come from unrestricted fund balance, however, the staff will be reviewing other funding options/plans with the council at the meeting.

A copy of the proposed Resolution and supporting information is included in the meeting packet.

The staff recommends approval of this item as presented

14. Unfinished Business . . . and Items Removed from Consent Agenda

– None identified for inclusion on the meeting agenda

15. **Staff Reports** (“*Reports of Officers . . .*”):

A. City Manager

1. ***Review of AR Greenway Trail Phase 2 Project and Additional Proposed Improvements to Trail Area*** – Discussed in prior recent correspondence with the Council; This item is for general review and discussion with the Council on pending plans for the development of “Hargis Point” along the Appomattox River Greenway Trail and the opening of Phase 2 of the trail. The staff will be making a short presentation and answering any questions at the meeting.
2. ***Discussion of Proposed Development of a New Trail Project in the Lakeview Area*** - Councilmember Frenier has proposed consideration of the possible development of a nature trail project within the city-owned, former RR right-of-way near Lakeview Avenue/Lakeview Park. We will use this opportunity to discuss the possibilities with the Council as to support for such a project; and receive any applicable direction from Council regarding same.
3. ***Status Report and Anticipated Schedule for the Lakeview and Dupuy Modernization Project*** - This item is for a presentation and updating of Council on the two major improvement projects as described; and to review the upcoming public review process for same.
4. ***Review and Discussion of New Trash Collection and Recycling Programs; and Related Transition Activities*** – This item is to allow for general update and/or review of general activities related to this on-going project
5. ***Update on City Courthouse Project*** - This item is to allow for general update and/or activities report on this on-going project.
6. ***July 10 Council Work Session*** - This item is to allow for a quick review of the agenda for this month’s work session.
7. ***General Activity Report and/or Project Update*** - This item is for miscellaneous updates and comments by the staff; and general Q&A with the City Council relative to on-going projects and/or issues.

B. City Attorney

C. Director of Planning and Community Development

16. **Consideration of Claims** – *None submitted for inclusion on the meeting agenda*

Please feel free to contact me anytime prior to Tuesday’s meeting if you have any questions or require additional information relative to any item on the agenda; or if you need an update on any item not listed on the agenda.



Thomas L. Mattis
City Manager

A RESOLUTION NO. 12-36

In memory of Byron E. Haner.

WHEREAS, Byron E. Haner, born November 26, 1920, the son of the late Carl and Ethel Haner, passed away on June 13, 2012, at the age of 91, leaving behind two sons, Stephen and his wife, Pamela, and Neil and his wife, Marilyn; four grandchildren; a brother, David Haner; and numerous nieces and nephews; and

WHEREAS, Mr. Haner had a distinguished military career in the United States Air Force from 1942 until 1967. Mr. Haner began his military career after the bombing of Pearl Harbor, as a radio operator in the Air Transport Command and ended his career as a Second Lieutenant, after completing a master's degree in architecture at VPI. Mr. Haner was distinguished as being the first American to fly with the RCAF on the polar supply route from Newfoundland to Scotland; flew numerous missions overseas, crossing the Atlantic to Africa and Europe; helped install American Jupiter missiles in Turkey; removed missiles as part of the resolution to the Cuban Missile Crisis; and was part of a team that suggested today's Air Force Red Horse Squadron. During Mr. Haner's military career, he served at home and abroad in China, Korea, France, Libya, Turkey, Vietnam, and Thailand; and

WHEREAS, Mr. Haner will be remembered for his dedicated years of service to the City of Colonial Heights – as City Manager from March 16, 1972 to December 31, 1972 and again from January 9, 1978 to April 17, 1984, the date of his retirement; and as a dutiful member of the Colonial Heights Kiwanis Club; and

WHEREAS, along with Mr. Haner's public service, he also was a member of Colonial Heights Presbyterian Church; and

WHEREAS, more importantly, Mr. Haner will be remembered as a devoted family man, who when facing death, had complete faith that he would be reunited with his loving wife of 60 years, Ann Shufflebarger Haner, who predeceased him in 2007; NOW, THEREFORE,

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

1. That Council expresses its heartfelt sympathy to the family of Byron E. Haner, and on behalf of the City, its gratitude for his public service and commitment to the community.
2. That, in attestation of the high regard in which the memory of Byron E. Haner is held, this resolution is read into the minutes of this meeting and permanent record of the City of Colonial Heights, this 10th day of July, 2012; and the members unanimously affix their signatures.

/s/ C. Scott Davis, Mayor

/s/ Milton E. Freeland, Jr. Councilman

/s/ Elizabeth G. Luck, Vice Mayor

/s/ Kenneth B. Frenier, Councilman

/s/ W. Joe Green, Jr., Councilman

/s/ John T. Wood, Councilman

/s/ Diane H. Yates, Councilwoman

Approved:

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

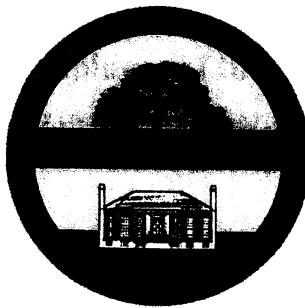
The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

EMPLOYEE OF THE MONTH



NAME: **ABBY LYNCH**

POSITION: **YOUTH SPECIALIST**

EMPLOYMENT

HISTORY: Abby was employed by the Office on Youth/Human Services Department in February 2006, as a Youth Specialist.

NARRATIVE: Abby Lynch represents what it truly means to be an “advocate” for youth in this community. She works tirelessly to create opportunities for the youth to find ways in which to meaningfully connect to their community and to learn leadership and citizenship skills. Fund raising for Pediatric Cancer, supporting the Christmas Mother Family Program, giving back through the summer work-camp lunch program are just a few examples of those opportunities. Those youth in the Youth Advisory Council know that she will be there for them – in any way that is needed.

Ms. Lynch always goes beyond her duties as defined in a job description. Just this month she attended the Senior Awards ceremony, took 4 youth to the opening night of Special Olympics in Richmond on Friday night and then took them back to Richmond to cheer the participants on – giving up a Saturday. She has recruited for YADAPP and Pocahontas – ensuring that the right mix of youth can take advantage of these opportunities. She assisted with the SCA student picnic at CHHS, using the vision goggles as a message for prevention of under-age drinking.

Abby is tasked with chairing several committees that oversee services to some of our most at-risk youth and their families. More often than not, the nature of the problems can be overwhelming and depressing – yet there are no complaints from her. She maintains excellent case notes and can be trusted to report accurately on what transpired. She strives to share information with a wide network of colleagues in the schools and community agencies – if she learns something new then she passes it on.

Abby’s work ethics reflect the best of what a public service employee should be.



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

ITEM: Commendations and Presentations

DEPARTMENT: POLICE

PROPOSED ACTION: Recognition of six (6) police officers as members of the "DUI 100 Club" that Chief Faries has recently initiated.

BACKGROUND: The DUI 100 Club is a program that came to fruition when the Chief attended the annual IACP Conference in Chicago in October, 2011. After discussions with Mothers Against Drunk Driving (MADD), it was learned that there was a similar program in the state of Georgia that recognizes officers' dedication to the elimination of drunk drivers. This is the only program known in the Commonwealth of Virginia.

BUDGET/FINANCIAL IMPACT:

Funding for this item was included not included in the current-year budget N/A

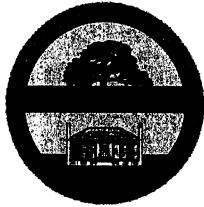
RECOMMENDATION:

Chief Faries would like to recognize Lt. William Anspach, Lt. Steven Groat, Sgt. Robert Helms, Sr. Officer Christopher Harris, Sr. Officer Mike Foster and Sr. Officer Travis Karr. These officers will receive a pin that recognizes their membership in the DUI 100 Club. MADD representative Cristi Cousins will be in attendance to assist Chief Faries with this presentation. Officers who are to receive pins in increments of 25 DUI's and 50 DUI's will receive them "in house". It is requested that those who are to receive the 100 DUI pins above are the ones being recognized at this Council meeting, since this is such a tremendous accomplishment.

ATTACHMENTS:

- Staff will be making a detailed presentation on this agenda item at the meeting.
- Staff will provide brief comments and answer questions on this item at the meeting.
- This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



City of Colonial Heights

Attention:

Office of the City Clerk
Post Office Box 3401
Colonial Heights, VA 23834

Name: Roland Gerheart

Address: 395 Danville Avenue
Colonial Heights, VA 23834

Telephone Number: _____

Please place me on the City Council Agenda for July 10, 2012.
(date)

Purpose: Request to be allowed to keep five
rescue dogs.

Please deliver this form to the City Clerk's Office or mail it to Office of the City Clerk, Post Office Box 3401, Colonial Heights, Virginia at least one week prior to the date of the Council Meeting in order to be placed on the agenda.

COLONIAL HEIGHTS POLICE DEPARTMENT

July 2, 2012

MEMORANDUM

TO: DeAnna Atkins, Clerk of Council
FROM: Col. Jeffrey W. Faries, Chief of Police
RE: *Additional Canine request*

Colonial Heights Animal Control Officer Jen R. Smith followed up on the request from Roland Gerheart (395 Danville Avenue) to house and care for five dogs. ACO Smith visited the residence and found both the home and yard to be well kept and maintained. The canines in question are all poodles, which they are all current on their vaccines and City licenses and appear healthy and groomed. All canines are kept inside however their fenced in back yard is kept secured. The back yard is well maintained too and is kept in a very sanitary condition. It was apparent to ACO Smith that the Gerhearts are very dedicated to their animals and they appear to be responsible owners. ACO Smith met with neighbors to the right, left and rear of the Gerheart residence on Danville Avenue and there were no objections to the request. A check of any and all animals complaints were done through records and dispatch and none existed.

In conclusion, it is the opinion of the Colonial Heights Police Department and ACO Smith that it would be appropriate to grant such request to house one additional canine to the Gerhearts.

AN ORDINANCE NO. 12-17

To vacate an approximate 0.59 acre portion of Chesterfield Avenue as a public right-of-way, commencing at Dupuy Avenue and proceeding south approximately 630.65 linear feet. The property is being vacated as part of the project to construct a new City Courthouse.

WHEREAS, the City of Colonial Heights, Virginia desires to vacate an approximate 0.59 acre portion of Chesterfield Avenue, commencing at Dupuy Avenue and proceeding south approximately 630.65 linear feet; as depicted on the attached "Plat Showing Segment Of Chesterfield Ave. 40' Right-Of-Way To Be Vacated" (the "Plat"), prepared by the City of Colonial Heights Department of Public Works on January 11, 2012, and last revised on June 21, 2012; and

WHEREAS, the Plat is incorporated into and made a part of this Ordinance; and

WHEREAS, City Council, after giving proper legal notice, held a public hearing at its Regular Meeting on July 10, 2012, to receive citizen comment on the proposed vacation; and

WHEREAS, the right-of-way vacation is part of the project to construct a new City Courthouse; and

WHEREAS, the Council has determined that the public necessity, convenience, general welfare, and good planning practice support the vacation of the above-referenced portion of Chesterfield Avenue; NOW, THEREFORE,

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

1. That pursuant to the authority granted in Va. Code § 15.2-2006 and City Charter § 17.36, City Council approves the vacation and discontinuance of the approximate 0.59 acre portion of Chesterfield Avenue, commencing at Dupuy Avenue and proceeding south approximately 630.65 linear feet, as depicted on the attached Plat.

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

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

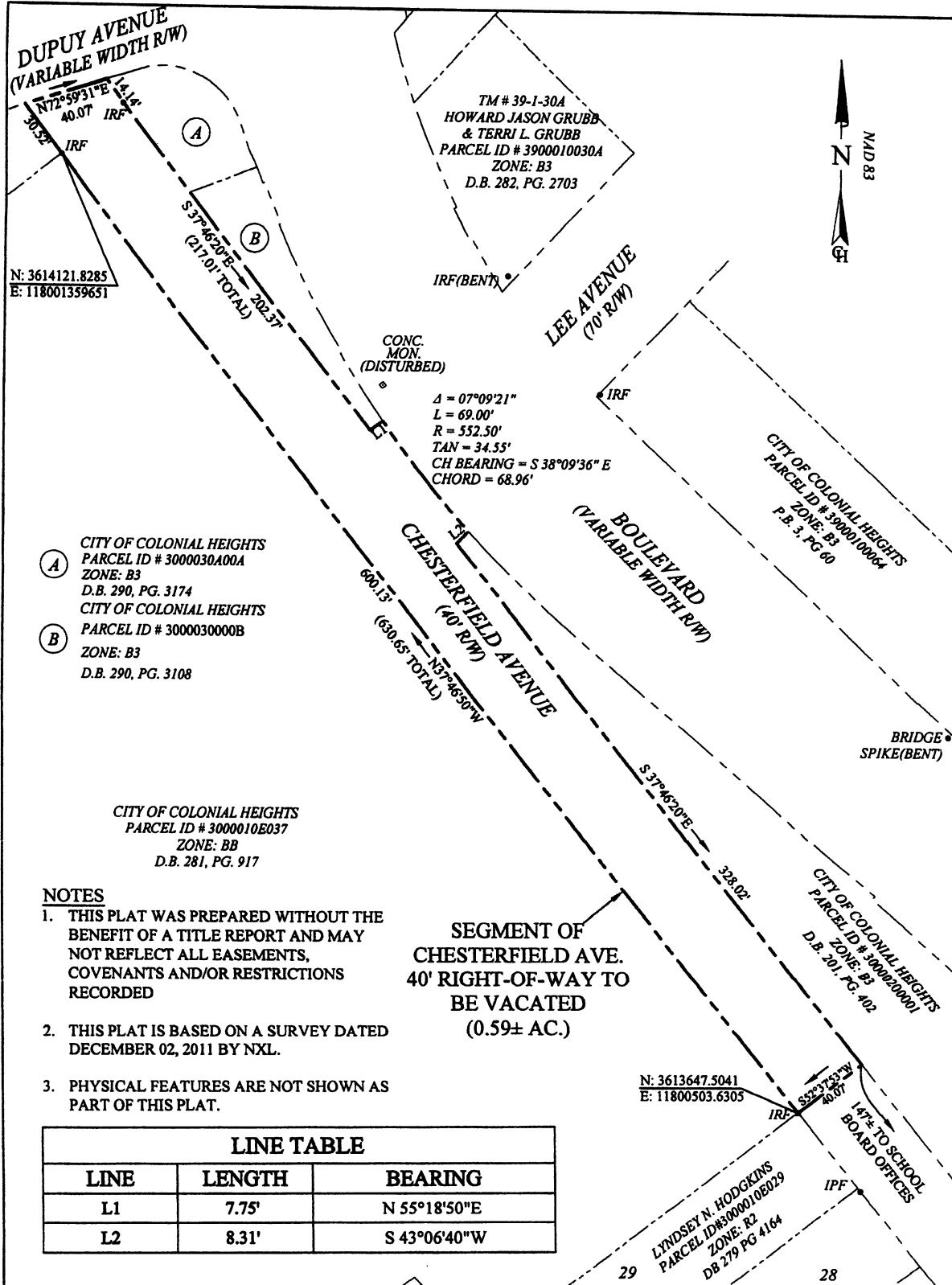
The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



LINE TABLE

LINE	LENGTH	BEARING
L1	7.75'	N 55° 18' 50" E
L2	8.31'	S 43° 06' 40" W



GRAPHIC SCALE

JOB #: 101112

0 60' 120'

**PLAT SHOWING
SEGMENT OF CHESTERFIELD AVE.
40' RIGHT-OF-WAY TO BE VACATED**



CITY OF COLONIAL HEIGHTS
DEPARTMENT OF PUBLIC WORKS
ENGINEERING & DEVELOPMENT DIVISION
201 JAMES AVENUE | COLONIAL HEIGHTS, VA. 23834
TEL 804.520.9334 FAX 804.520.9237
www.colonial-heights.com

DATE	JANUARY 11, 2012	DATE	REVISION
SCALE:	1" = 60'	1/27/12	PER CITY ATTORNEY'S COMMENTS
DRAWN:	S. EDWARDS	6/21/12	PER CITY ATTORNEY'S COMMENTS
CHECKED:	B. COPPLE	6/27/12	PER CITY ATTORNEY'S COMMENTS

June 21, 2012

The Progress-Index
15 Franklin Street
Petersburg, VA 23803

Attention: Legal Advertisements

Dear Madam or Sir:

I have enclosed for publication in the legal advertisements section of your newspaper a notice of City Council holding a public hearing to accept public comment on and consider the adoption of Ordinance No. 12-17.

You are requested to publish the notice on **Tuesday, June 26, 2012** and **Tuesday, July 3, 2012**.

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
Mr. Thomas L. Mattis, City Manager
Mrs. DeAnna Atkins, City Clerk
Mr. William E. Johnson, Director of Finance

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, July 10, 2012, 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. 12-17

To vacate an approximate .59 acre portion of Chesterfield Avenue as a public right-of-way, commencing at Dupuy Avenue and proceeding south approximately 630.65 linear feet. The property is being vacated as part of the project to construct a new City Courthouse.

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 and on the city website at www.colonialheightsva.gov . 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.

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, June 19, 2012

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Davis at 6:00 P.M.

2. Roll Call.

Present: **Councilman Milton E. Freeland, Jr.**
 Vice Mayor Elizabeth G. Luck
 Councilman John T. Wood
 Councilwoman Diane H. Yates
 Mayor C. Scott Davis

Absent: **Councilman Kenneth B. Frenier**
 Councilman W. Joe Green, Jr.

Also Present: **Mr. Thomas L. Mattis, City Manager**
 Mr. Hugh P. Fisher, III, City Attorney
 Mr. William E. Johnson, Director of Finance

3. Special Meeting for the purpose of:

A. Holding a closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

- **Section 2.2-3711.A.1, to discuss and consider appointments to the South Central Wastewater Authority, Community Criminal Justice Board, Library Board, Senior Citizens Advisory Board, and Personnel Board; and**
- **Section 2.2-3711.A.1, to discuss and consider the resignation of the City Clerk and the appointment and performance of a successor to that position; and**
- **Section 2.2-3711.A.1, to discuss and consider the salary of the City Manager.**

The Clerk announced the purpose of the meeting.

A motion to go into closed session was made by Mrs. Luck, seconded by Mrs. Yates, and carried unanimously on voice vote at 6:01 P.M.

4. Voice Vote – come back into Open Session.

A motion to reconvene in open session was made by Mrs. Luck, seconded by Mrs. Yates, and carried unanimously on voice vote at 7:10 P.M.

5. The Council has been in a closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

- Section 2.2-3711.A.1, to discuss and consider appointments to the South Central Wastewater Authority, Community Criminal Justice Board, Library Board, Senior Citizens Advisory Board, and Personnel Board; and
- Section 2.2-3711.A.1, to discuss and consider the resignation of the City Clerk and the appointment and performance of a successor to that position; and
- Section 2.2-3711.A.1, to discuss and consider the salary of the City Manager.

6. Each member will now certify that to the best of the member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the act and identified in the motion pursuant to which the closed meeting was convened were heard, discussed or considered. Any members who do not intend to so certify shall state now, for the minutes, their reasons.

7. Roll Call. An affirmative vote shall constitute certification of compliance.

Vote: 5-0

Yes: Freeland, Jr.

Luck

Wood

Yates

Davis

No: None

Abstained: None

Absent: Frenier
Green, Jr.

Motion UNANIMOUS PASS.

As a result of the closed meeting, a motion was made by Mayor Davis, seconded by Mrs. Luck, to make the following appointments:

South Central Wastewater Authority

Mr. Thomas Mattis

Mr. William E. Henley (Alternate)

Community Criminal Justice Board

The Honorable Frederick G. Rockwell, III
The Honorable Pamela O'Berry

(Circuit Court)
(General District Court)

Minutes, Special Meeting

June 19, 2012

Page 3

The Honorable William W. Davenport
The Honorable Todd B. Wilson
Mr. Thierry G. Dupuis
Mr. Jeff Faries
Mr. Bob Talley
Ms. Eileen Brown
Ms. Rachel Gillus

(Commonwealth's Attorney)
(Colonial Heights Sheriff)
(Chesterfield County Police Chief)
(Colonial Heights Police Chief)
(Educator)
(Colonial Heights City Representative)
(District 19, Mental Health)

Library Board

Mrs. Kay Q. Walker
Mrs. Sharon Christenson
Mr. Timothy J. Evans

Senior Citizens Advisory Committee

Ms. Mary Bettie Form
Mr. James A. Ingle, Sr.
Ms. Miriam Williams
Mr. Michael C. Gee

<u>Vote:</u>	5-0
Yes:	Freeland, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	Frenier
	Green, Jr.

Motion UNANIMOUS PASS.

Mrs. Luck made a motion, seconded by Mr. Freeland, to authorize the Mayor to execute an amendment to the City Manager's Employment Agreement providing that the City Manager pay five percent of his salary toward his VRS benefits, in exchange for a five percent salary increase. Moreover, the Employment Agreement shall be amended so that the City shall increase the Manager's salary to a level whereby he does not experience a salary decrease after he begins making the five percent VRS contribution and his salary is increased five percent.

Mayor Davis provided a brief explanation for the motion.

<u>Vote:</u>	5-0
Yes:	Freeland, Jr.
	Luck
	Wood

No:	Yates
Abstained:	Davis
Absent:	None
	None
	Frenier
	Green, Jr.

Motion UNANIMOUS PASS.

8. Adjournment of Special Meeting.

A motion to adjourn the Special Meeting was made by Mrs. Yates, seconded by Mr. Freeland, and carried unanimously on voice vote at 7:16 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, June 19, 2012

1. Call to Order.

The Regular Meeting of City Council was called to order by Mayor Davis at 7:16 P.M.

2. Roll Call.

The following members of Council and Council's staff were present for roll call by the Clerk:

Present:

**Councilman Milton E. Freeland, Jr.
Vice Mayor Elizabeth G. Luck
Councilman John T. Wood
Councilwoman Diane H. Yates
Mayor C. Scott Davis**

Absent:

**Councilman Kenneth B. Frenier
Councilman W. Joe Green, Jr.**

Also Present:

**Mr. Thomas L. Mattis, City Manager
Mr. Hugh P. Fisher, III, City Attorney**

**Mr. William E. Johnson, Director of Finance
Mrs. Jennifer N. Carpenter, Director of Human Resources
Mr. George W. Schanzenbacher, Director of Planning
Mr. William E. Henley, Director of Public Works/Engineering
Mr. Craig R. Skalak, Director of Recreation and Parks**

3. Devotion.

A devotional prayer was led by Mr. Freeland.

4. Pledge of Allegiance.

The Pledge of Allegiance was led by Mr. Freeland.

5. Adoption of Agenda.

A motion to adopt the agenda, as presented, was made by Mrs. Luck and seconded by Mr. Freeland.

Vote:

5-0

Yes:

**Freeland, Jr.
Luck
Wood**

No:	Yates
Abstained:	Davis
Absent:	None
	None
	Frenier
	Green, Jr.

Motion UNANIMOUS PASS.

6. Declarations of Personal Interest.

Mrs. Luck read a Declaration of Personal Interest as it pertained to Resolution No. 12-28 with specific regard to her employment with the School Board, which she filed with the Clerk.

Mr. Wood read a Declaration of Personal Interest with regard to his residential location near the former church property (the proposed site of the new Courthouse), which was filed with the Clerk.

7. Commendations and Presentations.

A. Presentation of Employee of the Month Award for May 2012 to Stacey Peterson, Administrative Assistant.

Mayor Davis recognized Ms. Peterson, read the commendation in its entirety and presented her with a certificate and a small token of appreciation from the City.

Ms. Peterson expressed appreciation for the recognition.

B. Introduction of New City Employees

1. Zachary Albiston – EMS Firefighter
2. Randy Foster – EMS Firefighter
3. Joey Hammack – EMS Firefighter
4. Heather Smith – EMS Firefighter

Chief Moore introduced Mr. Zachary Albiston, Mr. Randy Foster, Mr. Joe Hammack and Ms. Heather Smith.

Mayor Davis welcomed them to the City.

C. Presentation of Colonial Heights Beautification Award for June 2012 to E. Alvin Small Funeral Home.

Mayor Davis recognized Mr. Bryan Small and Mr. Lou Smith of E. Alvin Small Funeral Home, and presented them with a plaque.

Mr. Small expressed appreciation for the recognition.

8. Reading of Manner of Addressing Council.

The City Attorney read the Manner of Addressing Council.

9. Written Petitions and Communications.

There were none.

10. Advertised Public Hearings.

A. Public Hearing as advertised in *The Progress-Index* on Saturday, June 9, 2012.

AN ORDINANCE NO. 12-FIN-16. (First Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$4,593,304, consisting of \$4,282,107 for redemption of 2008 General Obligation Bonds and 2012 General Obligation Bond Issuance costs and the transfer of \$311,197 to the Courthouse Project; such funds coming from a Capital Project Bond sale and increased real estate tax collections.

To amend the Capital Projects Fund Budget to transfer \$4,281,197 in 2012 General Obligation Bond Proceeds issued for Courthouse construction to the General Fund Budget to redeem 2008 General Obligation Bonds issued for Courthouse Construction and Bond Issuance costs; and to appropriate \$55,000 in matching funds and previously authorized grant funding for Phase 2 (\$228,400) and Phase 3 (\$313,600) of the Appomattox Greenway Trail (totaling \$597,000) from the General Fund.

A motion for adoption of Ordinance No. 12-FIN-16 was made by Mrs. Luck and seconded by Mr. Freeland.

Mr. Mattis provided a brief explanation of Ordinance No. 12-FIN-16.

<u>Vote:</u>	5-0
Yes:	Freeland, Jr. Luck Wood Yates Davis
No:	None
Abstained:	None
Absent:	Frenier Green, Jr.

Motion UNANIMOUS PASS.

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

Mrs. Luck read the following statement:

Dear Mayor Davis, fellow Council members, City Administration, staff and fine citizens,

It is with mixed emotions that I announce that I will not seek reelection in November. I have enjoyed serving on both the Colonial Heights School Board (1993-1998) and the Colonial Heights City Council (2000-2012). There have been some wonderful changes made during my tenure, all of which I am proud to be a part, but none of which I can take full credit. I have had the honor of being part of projects such as the renovations of the Public Library and several schools. I have seen our City staff grow from one of discord to a staff that works together for the benefit of our City. The relationship between the School Board and City Council has transformed from one of adversity to one of mutual respect and cooperation, mostly due to our Memorandum of Understanding and people who are receptive to communication. While I was never supportive of the purchase of the Colonial Heights Baptist Church, I am pleased that the property is being used in a way that will benefit our City for many years to come, with the new Courthouse project.

I have enjoyed serving with so many devoted, effective, quality people, over the past 17 years. There have been some disagreements, but it is when we challenge each other that we come to the best end results. I respect and appreciate each of you for your willingness to serve our fine City. I only wish more of our citizens were involved and understood how important their voices are when heard by their local government.

It has been a privilege for me to serve our school system and our City. I hope I have made a small difference. Mostly, I hope I have been able to help the individuals who reached out to me with problems. I will leave this position in December knowing that our City is in good hands and that the Council members and administration will continue to do what they feel is best for the future of Colonial Heights. Thank you for allowing me to be a part of the decision making process. Please do not think this means I am leaving you. I will be here and active until December, and then, I may decide to run again at some point in the future; but for now, I need to take some time to be with my family. It has been an honor to serve our children and citizens of Colonial Heights, a place I have been proud to call home my entire life.

Mayor Davis expressed appreciation to Mrs. Luck for the statement and for serving the City.

A motion was made by Mr. Wood, seconded by Mayor Davis, for Council to present a Resolution to Mr. Byron Haner's family for his service to the City, at the July 10, 2012, Council meeting.

Vote:

5-0

Yes:	Freeland, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	Frenier
	Green, Jr.

Motion UNANIMOUS PASS.

12. Consideration of Uncontested Minutes, Ordinances, Resolutions, and Motions in Accordance with the Consent Agenda.

A. Approval of Minutes:

1. Special Meeting, April 17, 2012.
2. Regular Meeting, April 24, 2012.
3. Special Meeting, May 8, 2012.
4. Regular Meeting, May 8, 2012.
5. Special Meeting, May 15, 2012.

B. Adoption of:

AN ORDINANCE NO. 12-13. (Second Reading). To amend and reordain § 98-11 of Chapter 98, Animals, of the Colonial Heights City Code, providing for a notice of violation for certain offenses and civil penalty thereon. The offenses subject to a civil penalty would be not displaying a current dog license, not having current rabies vaccination, and having a barking or howling dog.

AN ORDINANCE NO. 12-15. (Second Reading). To adopt a revised General Pay Plan Class and Salary Range and to add the grade assignment for Youth Program Coordinator.

AN ORDINANCE NO. 12-FIN-12. (Second Reading). To amend the Solid Waste Management Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$25,000 of retained earnings to be used for additional landfill monitoring and preventative measures.

AN ORDINANCE NO. 12-FIN-13. (Second Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$708 of donated funds to be used by Human Services for the Kids' After-School Program.

A motion for adoption of the Consent Agenda, as presented, was made by Mr. Freeland and seconded by Mrs. Luck.

<u>Vote:</u>	5-0
<u>Yes:</u>	Freeland, Jr.
	Luck
	Wood
	Yates
	Davis
<u>No:</u>	None
<u>Abstained:</u>	None
<u>Absent:</u>	Frenier
	Green, Jr.

Motion UNANIMOUS PASS.

13. Introduction and Consideration of Ordinances and Resolutions.

A RESOLUTION NO. 12-24. Wherein the City of Colonial Heights will amend its Virginia Retirement System contribution rates effective July 1, 2012, in accordance with the 2012 Appropriation Act Item 468(H).

A motion for adoption of Resolution No. 12-24 was made by Mr. Freeland and seconded by Mrs. Luck.

Mayor Davis stated that the State has mandated that employees of localities contribute five percent towards their Virginia Retirement System (VRS) retirement within the next five years. He further stated that there were two ways in which the mandate could be achieved, either by contributing the entire five percent at one time or by contributing one percent per year over the next five years. He expressed concerns regarding the mandate having a negative impact on the amount of money the majority of the City's employees will take home in their paychecks. He stated he would rather the City increase employees' salaries by one percent over the next five years which would allow the City to offset the VRS payment by increasing the employees' salaries.

In response to a question from Mayor Davis, Mr. Mattis stated all of the City's employees will have a negative impact to the amount of their take home pay due to the State's mandate.

Mayor Davis stated that he does not support the five percent increase to employees' salaries to be contributed to the VRS.

Mr. Mattis stated the FY2012-13 budget was approved with the VRS contribution in place. He further stated how much each employee is affected will vary. He stated if the City increased the employees' salaries by one percent, the burden would be stretched out over the next five years on the City and the employees.

Mayor Davis stated Council could have a goal to increase the salaries by a true one percent to benefit the employees so they do not take home less money.

Mr. Mattis stated that staff is unaware of how giving the employees a true one percent raise to offset the VRS contribution would affect employees' salaries.

In response to a question from Mayor Davis, Mr. Mattis stated a benefit of doing the five percent contribution as a whole is that the City addresses a financial burden now, as opposed to prolonging it. He further stated there are internal procedural issues which would be caused by delaying it. He stated that staff's recommendation was based on what was felt to be the most responsible and cost effect way to handle the State's mandate.

Mayor Davis stated the mandate was in the Appropriations Act passed by the General Assembly and the City does not have an option to not participate.

Mr. Mattis stated localities that do not enact the five percent contribution now will have an imbalance between employees, which will create management reporting issues internally.

In response to a question from Mr. Wood, Mr. Johnson stated if the City opted to pay one percent per year over the next five years, it would end up paying more due to the multiplier on it. He further stated if the contribution is not handled at once, it will cause two sets of employees for the City.

In response to a question from Mayor Davis, Mr. Johnson stated the City could keep the employee whole by doing the multiplier to their salaries.

Mrs. Luck stated that it may be easier to keep the original plan which has already been adopted in the budget and make it Council's goal in the future to adjust employees' salaries to lessen the impact once the City knows how each employee is affected by the mandate.

Mr. Mattis stated staff can review the revenue flows into the City and bring a report back to Council in regards to the affordability of adjusting the employees salary to negate the impact of the Virginia Retirement System payment along with the professional development program midyear.

<u>Vote:</u>	4-1
Yes:	Freeland, Jr.
	Luck
	Wood
	Yates
No:	Davis
Abstained:	None
Absent:	Frenier
	Green, Jr.

Motion UNANIMOUS PASS.

Mayor Davis qualified his vote by stating he is concerned about the negative impact on the City's employees by instituting the five percent increase going to Virginia Retirement System rather than instituting a one percent increase over the next five years.

A motion to add Mr. Tom Ferguson from the VFW to the agenda was made by Mayor Davis, seconded by Mr. Wood and carried unanimously on voice vote.

Mr. Tom Ferguson, Commander of VFW Post #2239 presented Certificates of Appreciation to City Council, Police Department, Fire Department, and Recreation and Parks Department for their assistance with the Memorial Day Parade.

Mayor Davis expressed appreciation to Mr. Ferguson for presenting the Certificates of Appreciation and for coming up with the idea of the City placing a wreath at the War Memorial. He stated it helped to bring the hometown feel back to Colonial Heights.

A RESOLUTION NO. 12-25. Relating to contributions to the Virginia Retirement System by employees of the City of Colonial Heights required by Internal Revenue Code § 414(h).

A motion for adoption of Resolution No. 12-25 was made by Mrs. Luck and seconded by Mrs. Yates.

Mayor Davis provided a brief explanation of Resolution No. 12-25.

<u>Vote:</u>	4-1
Yes:	Freeland, Jr.
	Luck
	Wood
	Yates
No:	Davis
Abstained:	None
Absent:	Frenier
	Green, Jr.

Motion UNANIMOUS PASS.

Mayor Davis qualified his vote by stating he is concerned about the negative impact on the City's employees by instituting the five percent increase going to Virginia Retirement System rather than instituting a one percent increase over the next five years.

A RESOLUTION NO. 12-26. Authorizing the City Manager to enter into the First Amendment to a Special Project Service Agreement with the Central Virginia Waste Management Authority for the Propane Tank Collection and Recycling Program.

A motion for adoption of Resolution No. 12-26 was made by Mr. Freeland and seconded by Mrs. Luck.

Mayor Davis provided a brief explanation of Resolution No. 12-26.

Mr. Mattis stated Resolution Nos. 12-26, 12-27, and 12-29 are amendments which enumerates an existing service, but needs to be signed due to the new solid waste contract the City has entered into.

<u>Vote:</u>	5-0
Yes:	Freeland, Jr. Luck Wood Yates Davis
No:	None
Abstained:	None
Absent:	Frenier Green, Jr.

Motion UNANIMOUS PASS.

A RESOLUTION NO. 12-27. Authorizing the City Manager to enter into the First Amendment to a Special Project Service Agreement with the Central Virginia Waste Management Authority for Professional Debris Management Services.

A motion for adoption of Resolution No. 12-27 was made by Mrs. Luck and seconded by Mayor Davis.

Mayor Davis provided a brief explanation of Resolution No. 12-27.

<u>Vote:</u>	5-0
Yes:	Freeland, Jr. Luck Wood Yates Davis
No:	None
Abstained:	None
Absent:	Frenier Green, Jr.

Motion UNANIMOUS PASS.

A RESOLUTION NO. 12-28. A resolution whereby the City Council concurs with the School Division's election to pay the VRS Board-Certified Rate.

A motion for adoption of Resolution No. 12-28 was made by Mrs. Yates and seconded by Mr. Freeland.

Mayor Davis provided a brief explanation of Resolution No. 12-28.

<u>Vote:</u>	5-0
Yes:	Freeland, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	Frenier
	Green, Jr.

Motion UNANIMOUS PASS.

Mayor Davis qualified his vote by stated since the School Board approved their Resolution, he would vote for it.

A RESOLUTION NO. 12-29. Authorizing the City Manager to enter into the First Amendment to the Disaster Recovery Services Program with the Central Virginia Waste Management Authority.

A motion for adoption of Resolution No. 12-29 was made by Mr. Freeland and seconded by Mrs. Luck.

Mayor Davis provided a brief explanation of Resolution No. 12-29.

<u>Vote:</u>	5-0
Yes:	Freeland, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	Frenier
	Green, Jr.

Motion UNANIMOUS PASS.

AN ORDINANCE NO. 12-FIN-15. (First Reading). To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$22,000 in grant funds to the Fire & EMS Department operating budget to be used to purchase a pet housing trailer for the Police Department's Animal Control Division; to appropriate \$46,000 for consulting services for the Chesterfield County/Colonial Heights Next Generation Radio System Phase 1 Assessment Project; to appropriate \$12,500 in grant funds to the Department of Planning and Community Development to prepare the nomination for the proposed Chesterfield Highlands Historic Tax District; to appropriate \$495,232 from FEMA and State revenues to reimburse the City's cash expenditures made from the Emergency Preparedness Budget; and to appropriate \$3,833 in donations to the Sheriff's Department from VML-Risk Management Safety Grant Program (\$3,733 to purchase cameras) and from the Optimist Club (\$100 for annual Halloween in the Park event).

A motion for adoption of Ordinance No. 12-FIN-15 was made by Mrs. Yates and seconded by Mr. Freeland.

Mayor Davis provided a brief explanation of Ordinance No. 12-FIN-15. He stated the funding from the Homeland Security Grant Program is to purchase a trailer to house pets during emergencies when their owners need to go to the shelter. He further stated that the \$46,000 appropriation is to conduct a radio needs assessment in collaboration with Chesterfield County, whose portion is over \$250,000. He stated the City of Colonial Heights is a small partner in the regional radio system.

Mrs. Luck expressed concerns regarding contributing \$46,000 towards the needs assessment instead of putting it towards the actual upgrade of the radio system.

In response to questions from Mrs. Luck, Chief Moore stated the needs assessment is needed to find out exactly what the City needs to have in the next radio system. He further stated the consultant will walk the City through the process. He stated the process of upgrading the radio system will take place over the next three to five years. He further stated the City of Richmond and Henrico County are part of the regional radio system, but they have already started their upgrade separate from the City of Colonial Heights and Chesterfield County. He stated Chesterfield County is contributing approximately \$250,000 to the needs assessment.

In response to a question from Mr. Wood, Chief Moore stated the firm being utilized for the needs assessment is the most professional and qualified to make the recommendations to the City and Chesterfield County.

In response to a question from Mr. Freeland, Chief Moore stated current the City does not utilize mobile data through the radio system and it is done via air cards. Chief Moore further stated the City wants to explore utilizing the radio system for the mobile data needs of the City.

There was a brief discussion regarding the number of man hours which will be required for the mobile data analysis.

In response to a question from Mr. Freeland, Chief Moore stated the City and Chesterfield's mobile data systems are not currently compatible.

Mayor Davis stated Chesterfield currently does some mobile data through the radio system and the City utilizes air cards.

In response to questions from Mr. Freeland, Mayor Davis stated Chesterfield did not utilize the radio system for mobile data when the system was installed that it was added at a later time. He further stated the City has always done mobile data through an air card.

Chief Moore stated the City has a different CAD system than Chesterfield County.

In response to a question from Mr. Freeland, Mayor Davis stated the City is not developing a radio system for Chesterfield County. He further stated if the next radio system has the capability to utilize the radio system for mobile data computing and eliminates the air cards, it would be a better method of using mobile data.

In response to a question from Mr. Freeland, Chief Moore stated having mobile data computing with the next generation radio system would be an added bonus. He further stated that the City currently uses Verizon as their carrier for the air cards.

In response to a question from Mrs. Luck, Chief Moore he has no way of knowing how much it will cost the City to switch over to the radio method of using mobile data. He further stated that the cost would be in the needs assessment.

Mr. Paul Newton, Operations Division Chief for Chesterfield Fire/EMS, expressed appreciation for the seamless working relationship the county has with the Fire Chief. He provided a brief overview of how the county's radio system operates and the shortcomings it has. He stated the needs assessment will provide the City with the information which is needed to make the decisions regarding the radio system upgrade.

Mr. Jerry Fousz, Chesterfield Radio Shop, provided a brief explanation of the differences between Chesterfield County's and City of Colonial Heights' radio systems. He stated the county is considering utilizing air cards as a back up if their system goes down.

In response to a question from Mayor Davis, Chief Moore stated the lack of a compatible radio system affects the Fire Department more than the Police Department, due to the transport of patients to other jurisdictions.

Chief Moore stated that in disasters in the City in previous years, there have been issues with communicating to others throughout the City.

In response to a question from Mr. Freeland, Chief Moore stated the City currently utilizes an 800 mHz radio system.

In response to a question from Mr. Freeland, Mr. Fousz stated that Chesterfield is looking to replace an 800 mHz voice system with an 800 mHz voice system.

There was a brief discussion regarding the potential changes with the upgraded radio system for the Chesterfield and Colonial Heights.

In response to a question from Mr. Freeland, Mr. Fousz stated Chesterfield will be utilizing the same frequency as it currently does but will have upgraded base stations and portable radios.

In response to a question from Mayor Davis, Mr. Fousz stated the current radio system is a 3X System and Petersburg is currently on a 7X System. He further stated all of the systems are 800 mHz systems but are different as technology advances.

In response to a question from Mr. Freeland, Mr. Fousz stated Chesterfield would not be doing away with 400 mHz mobile data system, but simply upgrading it.

In response to a question from Mayor Davis, Mr. Fousz stated there would be a voice over IP option with the radio system, which is slower than what the City currently utilizes.

In response to questions from Mrs. Luck, Mr. Fousz stated the issue with the radio system is a regional problem because the brain for the system is in Henrico. He further stated that Henrico, City of Richmond and Chesterfield are all on the same system currently and will be moving forward as a region to replace the entire system. He stated the total cost of the needs assessment was broken down based on the number of users from each locality.

Mayor Davis stated if the City does not move forward with the needs assessment and ultimately the upgrade, the City will be where it was 12 years ago and public safety will be unable to communicate outside of the City.

Mr. Wood provided a recapitulation of what the needs assessment will provide regarding moving forward to a global compatible system which will allow each jurisdiction to communicate with each other.

In response to a question from Mr. Wood, Chief Moore stated if the City does not participate with the needs assessment, the communication amongst the jurisdictions would not be as seamless as it now.

There was a brief discussion regarding what frequency the current radio system is licensed to operate at.

In response to questions from Mr. Mattis, Chief Moore stated the needs assessment is a study to acquire a new radio system which is anticipated to cost approximately \$5 million.

Mayor Davis provided a brief explanation of the historic tax districts and the VML grant funding.

In response to questions from Mayor Davis, Mr. Johnson provided a breakdown of the reimbursements the City will receive from FEMA for the expenses incurred during Hurricane Irene. He stated all of the \$722,378 identified by the City as being expended was not actual dollars but also included overtime for employees. He further stated the City will receive all of the funding from FEMA which was expended for this event. He stated the City may not receive all of the \$495,000 expected from FEMA before the end of the fiscal year and the fund balance may be affected by approximately \$200,000.

Mr. Freeland stated that he does not like the way all of the budget amendments were bundled into Ordinance No. 12-FIN-15. He further stated he does not want to vote against some of the items in Ordinance No. 12-FIN-15.

In response to a question from Mayor Davis, Mr. Fisher stated Ordinance No. 12-FIN-15 was handled the same as other budget amendment ordinances have been in the past.

Mr. Freeland stated at times items may be bundled together so Council would approve the ordinance with minimal questions. He expressed concerns regarding the needs assessment study.

In response to questions from Mr. Freeland, Mayor Davis stated the City of Richmond and Henrico have already had a needs assessment study performed, so this particular study is just for Chesterfield County and the City of Colonial Heights. He further stated that Hopewell and Petersburg have an upgraded radio system but Colonial Heights system is will be more updated if the upgrade is done.

Mr. Freeland expressed concerns regarding funding the needs assessment study when the City may not have the \$5 million funding required for the radio system upgrade in five years.

Vote: **5-0**

Yes:	Freeland, Jr.
	Luck
	Wood
	Yates
	Davis
No:	None
Abstained:	None
Absent:	Frenier

Green, Jr.

Motion UNANIMOUS PASS.

Mr. Wood stated that the grouping budget amendments is a procedural matter which was done to have one ordinance which deals with multiple items with a financial impact. He further stated if each item was separated, Council would have to independently consider each item.

There was a brief discussion regarding Council separating items which impacts the budget into separate ordinances.

Mr. Mattis stated that Council was able to pull the item for funding for the needs assessment for the radio system from the ordinance.

Mr. Wood suggested that if Council members have issues with an item grouped together in an ordinance to speak with the City Manager so that item can be removed from the ordinance.

A RESOLUTION NO. 12-30. Authorizing the City Manager to enter into a Standard Project Administration Agreement with the Virginia Department of Transportation providing for certain sidewalk improvements.

A motion for adoption of Resolution No. 12-30 was made by Mrs. Luck and seconded by Mrs. Yates.

Mayor Davis provided a brief explanation of Resolution No. 12-30.

In response to a question from Mrs. Yates, Mr. Schanzenbacher stated the funding is only available for elementary and middle schools.

<u>Vote:</u>	5-0
Yes:	Luck
	Wood
	Yates
	Davis
No:	Freeland, Jr.
Abstained:	None
Absent:	Frenier
	Green, Jr.

Motion PASS.

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

15. Reports of Officers and Documents Related Thereto.

A. City Manager.

1. Update on New Trash Collection and Recycling Programs

Mr. Mattis provided an update on the new trash collection and recycling programs.

In response to a question from Mrs. Yates, Mr. Mattis stated more businesses are participating with the Recycling Perks Program, but he does not have a total amount.

2. Proposed 2012-17 Five-Year Capital Program

Mr. Mattis stated the proposed 2012-17 Five-Year Capital Program has been before the Planning Commission and a recommendation has been made. He further stated the Program will be presented to Council at the July 17, 2012 Work Session.

3. Update on City Courthouse Project

Mr. Henley stated the Courthouse Project was on schedule and under budget.

In response to a question from Mayor Davis, Mr. Henley stated the steel has been ordered and will start being placed by the beginning of September.

4. General Activity Report and/or Project Update

Mr. Mattis stated the City has secured the property adjacent to the Courthouse and the closing date is scheduled for June 28, 2012.

B. City Attorney.

Mr. Fisher stated the City has filed four Certificates of Take with the Circuit Court for the Moseley, Fordham, Wawa and Colonial Heights Business Trust properties for the Boulevard Modernization Project. He further stated the City can proceed with construction.

C. Director of Planning and Community Development.

- 1. Actions, Regular Meeting of Planning Commission, June 5, 2012.**
- 2. Minutes, Regular Meeting of Planning Commission, April 3, 2012.**

Mr. Schanzenbacher provided an update regarding the actions of the June 5, 2012, Planning Commission meeting.

16. Consideration of Claims.

17. Adjournment.

Minutes, Regular Meeting

June 19, 2012

Page 17

A motion to adjourn the Regular Meeting was made by Mr. Freeland, seconded by Mrs. Luck and carried unanimously on voice vote at 9:18 P.M.

APPROVED:

C. Scott Davis, Mayor

ATTEST:

DeAnna D. Atkins, City Clerk

AN ORDINANCE NO. 12-FIN-15

To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$22,000 in grant funds to the Fire & EMS Department operating budget to be used to purchase a pet housing trailer for the Police Department's Animal Control Division; to appropriate \$46,000 for consulting services for the Chesterfield County/Colonial Heights Next Generation Radio System Phase 1 Assessment Project; to appropriate \$12,500 in grant funds to the Department of Planning and Community Development to prepare the nomination for the proposed Chesterfield Highlands Historic Tax District; to appropriate \$495,232 from FEMA and State revenues to reimburse the City's cash expenditures made from the Emergency Preparedness Budget; and to appropriate \$3,833 in donations to the Sheriff's Department from VML-Risk Management Safety Grant Program (\$3,733 to purchase cameras) and from the Optimist Club (\$100 for annual Halloween in the Park event).

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1 and 2 of Ordinance No. 12-FIN-5, the General Fund Budget, be, and are hereby amended and reordained as follows:

a. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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)	\$ 142,210
Administrative (City Manager)	309,143
Legal (City Attorney)	219,869
Tax Collections	435,102
Finance	6,094,244
Information Technologies	225,492
Board of Elections	129,110
Judicial	4,407,980 4,411,813
Public Safety	7,860,799 8,424,031
Public Works	3,079,899
Health and Social Services	707,559
Parks and Recreation	1,454,578
Cultural Enrichment	97,265
Library	613,463
Community Development	473,384 485,881
Human Services	366,320
Nondepartmental	500,919
Debt Service	2,843,192
Operating Transfers Out	<u>19,043,934</u>
TOTAL	\$49,004,459 49,584,024

b. That the foregoing appropriation is based upon the following revenue estimates for the fiscal year beginning July 1, 2011:

General Property Taxes	\$21,283,149
Other Local Taxes	14,996,861
Licenses, Permits & Fees	3,368,705
Fines and Forfeitures	693,000
Use of Money & Property	158,000
Intergovernmental Revenues	6,317,651 6,847,383
Charges for Current Services	1,227,954—
Miscellaneous	318,662 368,495
Restricted Fund Balance – After School Program	400
Restricted Fund Balance – Violet Bank	11,500
Restricted Fund Balance – Asset Forfeiture	14,841
Restricted Fund Balance – Police	1,175
Restricted Fund Balance – Fire	21,483

Restricted Fund Balance – Senior Citizen	
Transportation	20,000
Restricted Fund Balance – Library	22,000
Fund Balance	<u>549,078</u>
TOTAL	\$49,004,459 49,584,024

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

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



CITY OF COLONIAL HEIGHTS

FIRE, EMS AND EMERGENCY MANAGEMENT

Public Safety Building
100-B Highland Avenue • P.O. Box 3401
Colonial Heights, Virginia 23834

A.G. Moore, Jr.
Fire Chief

David A. Salot
Deputy Chief

RECEIVED

MAY 23 2012

CITY ATTORNEY'S OFFICE

Memorandum

To: Thomas L. Mattis, City Manager
From: A. G. Moore, Jr., Chief of Fire & EMS
Subject: City Council Agenda
Date: May 21, 2012

Please have the following item placed on the June 2012 City Council agenda:

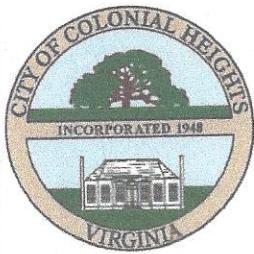
Amend the FY 2011-2012 Fire and EMS operating budget to reflect an increase of \$22,000.

Said funds are from the Virginia Department of Emergency Management FY 2009 State Homeland Security Grant Program. These funds are being used to purchase a pet housing trailer for the Police Department's Animal Control Division. The trailer will be used during emergencies such as hurricanes and tornadoes when pet housing is needed.

If you need further information, please advise.

AGM/ls
Attachments

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



CITY OF COLONIAL HEIGHTS

FIRE, EMS AND EMERGENCY MANAGEMENT

Public Safety Building
100-B Highland Avenue • P.O. Box 3401
Colonial Heights, Virginia 23834

A.G. Moore, Jr.
Fire Chief

David A. Salot
Deputy Chief

Memorandum

To: Thomas L. Mattis, City Manager

From: A. G. Moore, Jr., Chief of Fire & EMS *ASM*

Subject: Next Generation Radio System Assessment Project

Date: May 23, 2012

I am recommending the City move forward with the appropriation of \$46,000 to conduct the radio needs assessment for the next generation interoperable regional radio system.

After a detailed review of the needs assessment study and further discussions with Chesterfield County, myself and Chief Faries support moving forward with the consulting services for the Chesterfield County/Colonial Heights Next Generation Radio System Phase 1 Assessment Project.

We have confirmed that on May 21, 2012 Chesterfield County entered into a purchase order agreement with Altairis to conduct their portion of the study.

I have attached the proposal and the timeline from Altairis Technology Partners for your review. If you need additional information, please advise.

AGM/ls
Attachments
cc: William E. Johnson, Director of Finance
Colonel Jeffrey W. Faries, Police Chief

RECEIVED

MAY 23 2012

CITY ATTORNEY'S OFFICE

Bill Johnson

From: George Schanzenbacher
Sent: Tuesday, May 22, 2012 11:47 AM
To: Bill Johnson
Cc: Jamie Sherry
Subject: FW: DHR Grant

5/22/12

Bill- after talking with Jamie, think we should appropriate the funds in June. Please see here explanation below. Please let me know if you need any other documents.

Thanks

George W. Schanzenbacher, AICP
Director
Department of Planning and Community Development
Colonial Heights, Va 23834
(804) 520-9275
schanzenbacher@colonialheightsva.gov

*please note that my e-mail address has changed
and we have a new web page www.colonialheightsva.gov*

From: Jamie Sherry
Sent: Tuesday, May 22, 2012 11:43 AM
To: George Schanzenbacher
Subject: DHR Grant

George – Here is a brief description of the Grant amount and what it is going to be used for.

The City has received a grant from the Department of Historic Resources in the amount of \$12,500 to prepare the nomination for the proposed Chesterfield Highlands Historic Tax District. These funds will be used to hire an intern to prepare survey information as required by the state and to hire a consultant to prepare the nomination. Additionally, some funds will also be used for printing and supplies.

Jamie Sherry
Neighborhood Revitalization Planner
Department of Planning and Community Development
201 James Avenue
City of Colonial Heights, Virginia 23834
(804) 520-9382 (phone)
(804) 524-8755 (fax)

sherryj@colonialheightsva.gov
www.colonialheightsva.gov

Please note that our email address and website have changed.

RECEIVED

JUN 07 2012

CITY ATTORNEY'S OFFICE



OFFICE OF THE SHERIFF

City of Colonial Heights

TODD B. WILSON
SHERIFF

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



Phone: 804 520-9352
Fax: 804 520-9248

TO: Joy Moore, Treasurer
FROM: Sheriff Todd B. Wilson 
RE: VML-Risk Management Safety Grant Program and
Optimist Club
DATE: October 24, 2011

RECEIVED
JUN 07 2012
CITY ATTORNEY'S OFFICE

Please deposit the enclosed two (2) checks into city account #10-4626. The check for \$3,733.00 was received from VML-Risk Management Safety Grant Program to purchase cameras and a check for \$100.00 was received from the Optimist Club for our Halloween in the Park event.

Your assistance is greatly appreciated in depositing these two check and should you have any questions, please do not hesitate to contact this office.

Enclosure
C: William Johnson
Director of Finance



CITY OF COLONIAL HEIGHTS

DEPARTMENT OF FINANCE

City Hall · 201 James Avenue · P.O. Box 3401
Colonial Heights, Virginia 23834

William E. Johnson
Director

Kathy L. Sparks
Deputy Director

To: Thomas L. Mattis, City Manager
From: William E. Johnson, Director of Finance
Date: 6/1/2012
RE: FEMA Reimbursement

As we have done with the past weather events, all City expenditures for storm related activities are expensed in the Emergency Preparedness budget. This allows departments to operate normally for the remaining part of the year and allows Finance to track justifiable expenses under the ever-changing FEMA guidelines and regulations.

We are starting to receive FEMA reimbursements and need to appropriate the anticipated revenues and storm related expenditures. Under our reporting methods, we have identified \$722,378 in City authorized labor (\$110,138), equipment (\$593,784) and materials (\$18,456), with FEMA tentatively approving \$637,812 of these costs. Of these approved costs, we should receive 75% (\$478,359) from FEMA, 19% (\$121,184) from the State with the remaining 6% (\$38,269) being City responsibility. The City received \$206,546 on 4/19/12, which represents partial payment of FEMA's 75% responsibility of the \$491,958 in expenditures that have received final FEMA financial approval.

I am recommending that the City's actual cash expenditures amount of \$495,232, be appropriated at this time, with the funding source being FEMA and State revenues. This will bring our budget to a balanced status, and we anticipate receipt of these revenues by the end of the fiscal year's accrual timelines. As in the past, any revenues received over this amount will revert to fund balance.

I am free to discuss further at your convenience.

RECEIVED
JUN 11 2012
CITY ATTORNEY'S OFFICE

AN ORDINANCE NO. 12-FIN-16

To amend the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to appropriate \$4,593,304, consisting of \$4,282,107 for redemption of 2008 General Obligation Bonds and 2012 General Obligation Bond Issuance costs and the transfer of \$311,197 to the Courthouse Project; such funds coming from a Capital Project Bond sale and increased real estate tax collections.

To amend the Capital Projects Fund Budget to transfer \$4,281,197 in 2012 General Obligation Bond Proceeds issued for Courthouse construction to the General Fund Budget to redeem 2008 General Obligation Bonds issued for Courthouse Construction and Bond Issuance costs; and to appropriate \$55,000 in matching funds and previously authorized grant funding for Phase 2 (\$228,400) and Phase 3 (\$313,600) of the Appomattox Greenway Trial (totaling \$597,000) from the General Fund.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1 and 2 of Ordinance No. 12-FIN-5, the General Fund Budget, be, and are hereby amended and reordained as follows:

a. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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)	\$ 142,210
Administrative (City Manager)	309,143
Legal (City Attorney)	219,869
Tax Collections	435,102
Finance	6,094,244
Information Technologies	225,492
Board of Elections	129,110
Judicial	4,407,980
Public Safety	7,860,799
Public Works	3,079,899
Health and Social Services	707,559
Parks and Recreation	1,454,578
Cultural Enrichment	97,265
Library	613,463
Community Development	473,381
Human Services	366,320
Nondepartmental	500,919
Debt Service	2,843,192 7,125,299
Operating Transfers Out	<u>19,043,934</u> 19,355,131
TOTAL	\$49,004,459 53,597,763

b. That the foregoing appropriation is based upon the following revenue estimates for the fiscal year beginning July 1, 2011:

General Property Taxes	\$21,283,149	21,594,346
Other Local Taxes	14,996,861	
Licenses, Permits & Fees	3,368,705	
Fines and Forfeitures	693,000	
Use of Money & Property	158,000	
Intergovernmental Revenues	6,317,651	
Charges for Current Services	1,227,954—	
Miscellaneous	318,662	4,600,769
Restricted Fund Balance – After School Program		400
Restricted Fund Balance – Violet Bank		11,500
Restricted Fund Balance – Asset Forfeiture		14,841

Restricted Fund Balance – Police	1,175
Restricted Fund Balance – Fire	21,483
Restricted Fund Balance – Senior Citizen	
Transportation	20,000
Restricted Fund Balance – Library	22,000
Fund Balance	<u>549,078</u>
TOTAL	\$49,004,459 53,597,763

2. That Sections 2 and 3 of Ordinance No. 11-FIN-2, the Capital Projects Fund Budget, be, and are hereby, amended and reordained as follows:

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

GENERAL GOVERNMENT

Beautification Committee/Tourism	\$ 18,830
Courts Building Construction/A & E	<u>23,015,000</u> 19,045,000
Boulevard Redevelopment	29,237
Fire Apparatus	900,000
Ambulance	<u>218,525</u>
SUBTOTAL	\$24,181,592 20,211,592

RECREATIONAL FACILITIES

Facilities Masterplan/Improvements	57,238
Appomattox River Greenway Trail	<u>859,900</u> 1,456,900
SUBTOTAL	\$917,138 1,514,138

STREETS AND BRIDGES

Highway Construction Fund (Local Share)	\$ 12,561
Redevelopment Project	53,292
Bruce Avenue Drainage	261,503
Boulevard Widening – North End	439
Boulevard Enhancement Project	275,000
Dupuy Boulevard Intersection	5,376,898
Signal Coordination –	
Temple/Sherwood	463,837
Safe Routes to School	314,948
Traffic Signal – Dimmock Parkway	255,000
ARRA Funding – Southpark Paving	686,070
Dimmock/Southpark Boulevard Turn Lane	177,217
<i>Dupuy Avenue Modernization Project</i>	150,000
<i>Lakeview Avenue Modernization Project</i>	<u>150,000</u>
SUBTOTAL	\$ 7,876,765 8,176,765

TRANSFERS

Transfer to School CIP Program	\$ 813,024
SUBTOTAL	\$ 813,024
TOTAL	\$34,088,519 30,715,519

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

REVENUES

Grant Funds	\$ 1,259,554	1,801,554
Future Bond Issues:		
General Fund	23,165,000	18,883,803
Future Capital Lease	0	
Restricted Fund Balance—Fire Apparatus	146,025	
General Fund	<u>125,000</u>	491,197
SUBTOTAL		\$24,695,579
		21,322,579

CONTINUING APPROPRIATED PROJECTS

General Fund	\$ 9,392,940
SUBTOTAL	\$ <u>9,392,940</u>
 TOTAL	 \$34,088,519
	<u>30,715,519</u>

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

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

AN ORDINANCE NO. 12-FIN-14

To amend the General Fund Budget for the fiscal year beginning July 1, 2012 and ending June 30, 2013, to appropriate \$15,328, of which \$3,828 are grant funds to be appropriated to Public Safety to purchase law enforcement equipment, and \$11,500 are grant funds to be used for the Summer Youth Conservation Corps Program.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1 and 2 of Ordinance No. 12-FIN-7, the General Fund Budget, be, and are hereby amended and reordained as follows:

a. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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)	\$ 138,073
Executive (City Manager)	300,005
Legal (City Attorney)	205,536
Tax Collections	436,787
Finance	6,833,482
Information Technologies	172,061
Board of Elections	129,601
Judicial	4,248,409
Public Safety	7,556,104 7,559,932
Public Works	3,783,212
Health and Social Services	656,108
Parks and Recreation	1,313,733
Cultural Enrichment	85,207
Library	590,054
Community Development	473,409
Human Services	360,407 371,907
Nondepartmental	521,290
Debt Service	4,064,477
Operating Transfers Out	<u>19,187,551</u>
 TOTAL	 \$51,055,456 \$51,070,834

b. That the foregoing appropriation is based upon the following revenue for the fiscal year beginning July 1, 2012:

General Property Taxes	\$21,429,150
Other Local Taxes	16,509,565
Licenses, Permits & Fees	3,529,166
Fines and Forfeitures	718,000
Use of Money & Property	149,000
Intergovernmental Revenues	6,108,807 6,124,135
Charges for Current Services	2,276,475
Miscellaneous	335,293
 TOTAL	 \$51,055,456 \$51,070,834

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

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



CITY OF COLONIAL HEIGHTS

POLICE DEPARTMENT

Col. Jeffrey W. Faries
Chief of Police

100-A Highland Avenue • P.O. Box 3401
Colonial Heights, Virginia 23834

Babette B. Hansen
Administrative Assistant

RECEIVED

MAY 18 2012

FINANCE DEPARTMENT

May 17, 2012

Mr. Thomas Mattis, City Manager
201 James Avenue
Colonial Heights, VA 23834

RE: BYRNE JUSTICE ASSISTANCE GRANT for 2012 – Grant #12-N1110L011
[Through the Department of Criminal Justice Services]

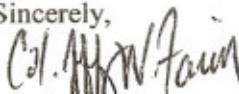
Dear Tom:

The Colonial Heights Police Department has been awarded a *Byrne Justice Assistance Grant* in the amount of **\$3,828.00** from the Virginia Department of Criminal Justice Services. Our department intends to direct the funds toward the purchase of items as listed and justified on the attached *Budget Narrative*. This grant requires City in-kind matching funds in the amount of **\$425.00**, for a total award of **\$4,253.00**, and covers the period April 1, 2012 through December 31, 2012.

Once the grant acceptance is approved by Council after two readings by members, we would ask that the funds be transferred into the Police Department's **Grant Funds Account #1401-5263**, making it available for spending.

Therefore, we would appreciate your placing this item on the next City Council agenda so that it may be reviewed at that time.

Many thanks for your attention to this matter.

Sincerely,

Colonel Jeffrey W. Faries
Chief of Police

JWF:bbh

Cc: Mr. William Johnson, Director of Finance
Ms. Kathy Sparks, Assistant Director of Finance
Capt. Wayne T. Newsome, Law Enforcement Services Division Commander
Capt. W. Keith Early, Patrol Division Commander
Sgt. Robert L. Ruxer, Law Enforcement Services Division
Mrs. Joy Moore, Treasurer

RECEIVED



APR 05 2012

COMMONWEALTH of VIRGINIA
City Manager's Office
Department of Criminal Justice Services

Garth L. Wheeler
Director

March 29, 2012

1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
TDD (804) 386-8732

Mr. Thomas L. Mattis
City Manager
City of Colonial Heights
P. O. Box 3401
Colonial Heights, VA 23834

Title: Byrne Justice Assistance Grant, 12-N1110LO11

Dear Mr. Mattis:

The Byrne Justice Assistance Grant Program (JAG) makes federal funds available to localities to help support their efforts to reduce crime and improve public safety. The Department of Criminal Justice Services has been designated to administer a portion of the JAG funds reserved for Virginia and to make those funds available to local units of government. I am pleased to advise you that we are awarding your locality \$3,828.00 in federal funds. With the required local cash matching funds of \$425.00, your total award is \$4,253.00.

Enclosed you will find a *Statement of Grant Award and a Statement of Grant Award Special Conditions*. To indicate your acceptance of the award and conditions, please complete and sign the award acceptance and return it to Janice Waddy, General Administration Manager II, Office of Grants Management, at the Department of Criminal Justice Services (DCJS). Please review the conditions carefully; as they include specific requirements about how the grant funds must be managed once you receive them. We are required to provide the entire federal portion of your award in one distribution. Please refer to the enclosed "Post Award Instructions and Reporting Requirements" for details on how to request funds using our online Grants Management Information System (GMIS). *All financial reports and request for funds must be submitted through GMIS.*

In order to complete the award acceptance, you must also provide information on how your locality will use the awarded federal funds. Instructions are attached.

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your project's success. If you have any questions, please contact Heather Smolka at (804) 371-0635 or by email at heather.smolka@dcjs.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Garth L. Wheeler".

Garth L. Wheeler

RECEIVED

APR 12 2012

Enclosures

Colonial Heights Police Dept.

cc: Col. Jeffrey W. Faries, Chief of Police
Mr. William E. Johnson, Finance Director
Ms. Heather Smolka, DCJS Monitor

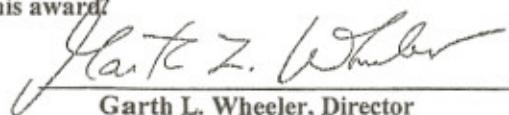
Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

Byrne Justice Assistance Grant Statement of Award/Acceptance

Subgrantee: City of Colonial Heights	Date: March 29, 2012 Grant No: 12-N1110LO11	Grant Period: April 1, 2012 - December 31, 2012
Project Director	Project Administrator	Finance Officer
Col. Jeffrey W. Faries Chief of Police City of Colonial Heights P. O. Box 3401 Colonial Heights, VA 23834 Phone No: (804) 520-9311	Mr. Thomas L. Mattis City Manager City of Colonial Heights P. O. Box 3401 Colonial Heights, VA 23834 Phone No: (804) 520-9265	Mr. William E. Johnson Finance Director City of Colonial Heights P. O. Box 3401 Colonial Heights, VA 23834 Phone No: (804) 520-9332
TOTAL PROJECT	Federal \$3,828	Subgrantee Cash Match \$ 425
		TOTAL \$4,253

This grant is subject to all rules, regulations, and special conditions included in this award?



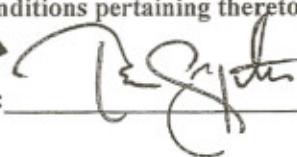
Garth L. Wheeler, Director

Please provide the information requested below. See attached instructions for completing the award acceptance. Enter the amount of Federal funds you plan to spend in each category below. The total of Federal funds entered must equal the total of Federal funds awarded in this grant. Please round to the nearest dollar.

Purpose Areas	Federal Amount	Category
1. Law Enforcement		
a. Hiring	\$ 0	# Current Officers 49
b. Overtime	\$ 0	# Officers to Hire 0
c. Equipment:		# Current Support Personnel 6
(1) Traditional Law Enforcement Equipment	\$	# Support Personnel to Hire 0
(2) Information Technology	\$ 2,841.00	Sworn <input type="checkbox"/> Civilian <input type="checkbox"/>
2. Prosecution & Courts	\$ 0	
3. Prevention & Education	\$ 987.00	
4. Corrections & Community Corrections	\$ 0	
5. Drug Treatment	\$ 0	
6. Planning, Education & Technology Improvement	\$ 0	

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and the conditions pertaining thereto, this 16th day of May, 2012.

Signature of Project Administrator:



Title:

5/16/12

Budget Narrative:

<u>Total Project Funds</u>	<u>Federal</u>	<u>Cash Match</u>	<u>Total</u>
	\$3828.00	\$425.00	\$4253.00

Purpose Areas:

Law Enforcement.

Equipment:

Mobile Data Computers	\$2841.00	\$425.00	\$3266.00
and accessories.			

Mobile Data

Prevention and Education:

Tuition for one officer

to attend the following class:

Child Abuse Investigations	\$595.00	\$0.00	\$3861.00
----------------------------	----------	--------	-----------

Tuition, room and board for

One officer to attend 12th

Annual Basic Diversion School.	\$392.00	\$0.00	\$4253.00
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CITY OF COLONIAL HEIGHTS

OFFICE ON YOUTH & HUMAN SERVICES

City Hall • 201 James Avenue • P.O. Box 3401
Colonial Heights, Virginia 23834-9001

Eileen M. Brown,
MSW, LCSW
Director

MEMORANDUM

TO: Thomas Mattis, City Manager
William Johnson, Director of Finance

FROM: Eileen M. Brown, Director
Youth & Human Services

SUBJECT: Youth Service Corps Program Funds at Pocahontas State Park

DATE: June 27, 2012

Once again, the City of Colonial Heights will act as fiscal agent for the Youth Service Corps Program Funds at Pocahontas State Park from July 23 to August 10, 2012.

An invoice has been mailed to Nancy Heltman, Virginia Department of Conservation and Recreation, in the amount of \$12,000 for stipends for fifteen crew members and three supervisors. A copy of that invoice is attached.

The funds will go into Account 10-4648. After approval, the funds should be transferred to Account 1801-5203.

Thank you for bringing this matter before City Council as we are requesting approval at their earliest convenience.

Thank you,

A handwritten signature in black ink, appearing to read "Eileen M. Brown".

Eileen M. Brown

Enclosure

RECEIVED

JUN 27 2012

FINANCE DEPARTMENT



CITY OF COLONIAL HEIGHTS

OFFICE ON YOUTH & HUMAN SERVICES

City Hall • 201 James Avenue • P.O. Box 3401
Colonial Heights, Virginia 23834-9001

Eileen M. Brown,
MSW, LCSW
Director

Youth Service Corps Program
Pocahontas State Park
Virginia Department of Conservation and Recreation

INVOICE

AMOUNT: \$12,000.00

REMIT TO: Office on Youth & Human Services (Acct 1801-5203)
P O Box 3401
Colonial Heights VA 23834

FOR: Youth Service Corps Program
Pocahontas State Park
Participant and Staff Salaries for Summer 2012

\$ 500 X 15 youth	\$ 7,500.00
\$ 1,500 X 3 supervisors	\$ 4,500.00

TOTAL \$ 12,000.00

APPROVED BY: Eileen M. Brown
Eileen M. Brown, MSW, LCSW
Director of Youth and Human Services

DATE: June 27, 2012

City of Colonial Heights

Ordinance/Resolution Recap Worksheet

July 2012

	Byrne Justice Assistance Grant	Youth Grant Va Dept of Conservation	Total
GENERAL FUND			
<u>REVENUE:</u>	<u>4647</u>	<u>4,648</u>	
Intergovernmental	\$3,828	\$11,500	\$15,328
Total	<u>\$3,828</u>		<u>\$15,328</u>
<u>EXPENDITURES:</u>			
Public Safety	\$3,828		\$3,828
Human Services		11,500	11,500
Total	<u>\$3,828</u>		<u>\$15,328</u>
		11,500	
1401-5263		1801-5203	

A RESOLUTION NO. 12-35

Ratifying the City Manager's execution of a deed and related documents in the purchase of 234 Chesterfield Avenue (Tax Parcel Number 3000050000A) from Dunn Right Properties, LLC. The City of Colonial Heights acquired the property to help enhance the area near the new City Courthouse at 231 Chesterfield Avenue.

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

1. That City Council ratifies the execution of a deed and related documents by Thomas L. Mattis, City Manager, on or about June 28, 2012, in the purchase of 234 Chesterfield Avenue (Tax Parcel Number 3000050000A) to help enhance the area near the new City Courthouse located at 231 Chesterfield Avenue.
2. That City Council further acknowledges that Thomas L. Mattis, City Manager, was authorized to enter into a purchase agreement, on behalf of the City, on June 6, 2012 with Dunn Right Properties, LLC to obtain the aforesaid property; subject to approval by the City Attorney as to form.
3. That this resolution shall be in full force and effect upon its passage.

Approved:

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____.

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

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

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

**AN ORDINANCE NO. 12-18
(EMERGENCY)**

To delete certain definitions from Section 286-200 of Chapter 286, Zoning, of the Colonial Heights City Code and to repeal and replace the current provisions of such Chapter relating to the Floodplain Overlay District.

WHEREAS, the City has until August 2, 2012, to adopt and have the Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management provisions that satisfy 44 Code of Federal Regulations, Section 60.3(d), of the National Flood Insurance Program (NFIP) regulations; and

WHEREAS, although the City staff has been working diligently to meet the above-referenced August 2, 2012 deadline, the deadline will not be met; and

WHEREAS, unless this emergency ordinance is approved, the City will be suspended from the NFIP as of August 2, 2012, which would result in: (a) City residents being ineligible for new flood insurance through the NFIP; (b) City residents being ineligible to have existing flood insurance policies renewed; and (c) the City of Colonial Heights not being eligible for certain types of assistance if there is a presidentially-declared disaster; and

WHEREAS, the severe consequences specified in the preceding paragraph that will result if the City is suspended from the NFIP constitute an emergency and mandate that the following changes to Section 286-200 and the Floodplain Overlay District provisions of the City Code be read one time and approved.

THEREFORE, THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That § 286-200 of Chapter 286, Zoning, of the Colonial Heights City Code be, and is hereby, amended as follows:

BASE FLOOD

~~A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of being equaled or exceeded in any given year). Areas including the base flood are depicted as Zone A-1 through A-5 on Colonial Heights Flood Insurance Rate Map (FIRM).~~

BASE FLOOD ELEVATION (BFE)

~~The water surface elevation which occurs in a one hundred year flood as designated by the Federal Emergency Management Agency.~~

DEVELOPMENT

Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations. ~~Within the Floodplain Overlay District this definition shall also include the storage of equipment or materials.~~

FLOOD

~~A general and temporary inundation of normally dry land areas from (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; (3) mudslides (i.e. mudflows), which are approximately caused or precipitated by accumulations of water on or under the ground; or (4) the collapse or subsidence of land along a body of water as a result of erosion or undermining caused by water or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated form of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in this section.~~

FLOOD, ONE HUNDRED YEAR

~~A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).~~

FLOOD PROOFING

~~Any combination of structural and nonstructural additions, changes or adjustments to a structure or property which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

FLOODPLAIN

~~(1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or, (2) an area subject to the unusual and rapid accumulation of runoff or surface waters from any source.~~

FLOODWAY

~~The stream channel and adjacent land area required to carry off the often fast moving floodwaters of the base flood and an area of high hazard potential; more specifically, the floodway is that certain area of the one hundred year floodplain that must be reserved in order to discharge such floodwaters without increasing the water surface elevation of that flood more than one foot at any point. Floodways are defined in the Flood Insurance Study adopted by the City of Colonial Heights and are shown on the Flood Insurance Rate Map (FIRM) accompanying that Study.~~

FLOODWAY FRINGE

~~That area characterized during floods by shallow, slow moving water that is a low hazard potential; more specifically, the floodway fringe is that area of the one hundred year flood elevations contained in the flood profiles of the Flood Insurance Study adopted by the City of Colonial Heights and as shown on the Flood Insurance Rate Map (FIRM) accompanying that Study.~~

RECREATIONAL VEHICLE

~~A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation camping, travel or seasonal use.~~

2. That §§ 286-320 through 286-320.26 of Chapter 286, Zoning, of the Colonial Heights City Code be, and are hereby, repealed and replaced by new §§ 286-320 through 286-320.16, as follows:

§ 286-320. FOD Floodplain Overlay District.

§ 286-320.02. Purpose.

~~A. The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:~~

~~(1) Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.~~

~~(2) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.~~

(3) Requiring all those uses, activities and development that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage.

§ 286-320.04. Applicability.

A. These provisions shall apply to all lands within the jurisdiction of the City of Colonial Heights and identified as being flood-prone in this section.

§ 286-320.06. Compliance.

A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.

§ 286-320.08. Districts established.

A. The various floodplain districts shall include areas subject to inundation by waters of the one-hundred-year flood. These districts shall be designated on the Official Zoning Map. The basis for the delineation of these districts shall be the Flood Insurance Study for the City of Colonial Heights prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, dated October 18, 1988, as subsequently amended or supplemented.

(1) The Floodway District is delineated for purposes of this chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any point. These areas included in this district are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map, as amended or supplemented.

(2) The Flood Fringe District shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall be the one-hundred-year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map, as amended or supplemented.

(3) The Approximated Floodplain District (for Fleet's Branch) shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one-hundred-year floodplain boundary has been approximated. For these areas, the one-hundred-year flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Such areas are shown on the Flood Boundary and Floodway Map. Where the specific one-hundred-year flood elevation cannot be determined for this area using other sources of data such as United States Army Corps of Engineers, Floodplain Information Reports, United States Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the City Engineer.

B. The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning District Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

C. Where there is any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying district, the more restrictive provisions shall apply.

D. All National Flood Insurance Program floodplain management criteria effective October 1, 1986, which are more restrictive than the provisions of this chapter or more restrictive than criteria for floodplain management as established in the Virginia Uniform Statewide Building Code and all other applicable regulations shall apply to their most restrictive extent.

~~E. The Administrator shall require all applications for zoning certificates in floodplain areas to be in compliance with these provisions.~~

~~§ 286-320.10. Flood Boundary and Floodway Map.~~

~~A. The boundaries of the floodplain districts are established as shown on the Flood Boundary and Floodway Map, which is declared to be a part of these provisions and which shall be kept on file in the office of the City Clerk. An official copy shall also be located and maintained in the office of the Administrator.~~

~~§ 286-320.12. District boundary changes.~~

~~A. The delineation of any of the floodplain districts may be revised by the City Council where natural or man-made changes have occurred or more detailed studies conducted or undertaken by the United States Army Corps of Engineers or other qualified agency or individual documents the need or possibility for such change. However, prior to consideration of any such change, approval shall have been obtained from the Federal Insurance Administration. All changes to the Floodplain District shall be accomplished in the same manner as other changes to this chapter and the Zoning Map.~~

~~§ 286-320.14. Interpretation of district boundaries.~~

~~A. Initial interpretations of the boundaries of the floodplain districts shall be made by the Administrator. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and shall submit his own technical evidence.~~

~~§ 286-320.16. General standards.~~

~~A. All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit for floodplain areas. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the provisions of the Code of the City of Colonial Heights. Prior to the issuance of any such permit, the Administrator shall require all applications to include compliance with all applicable state and federal law.~~

~~B. Under no circumstances shall any use, activity or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.~~

~~C. Prior to any proposed alteration or relocation of any channels or floodways of any watercourse or stream within the City of Colonial Heights, approval shall be obtained from the US Army Corps of Engineers, Division of Soil and Water Conservation (Department of Conservation and Recreation). Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Division of Soil and Water Conservation, and the Federal Insurance Administration.~~

~~D. All manufactured homes to be placed or substantially improved within the Floodplain District shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code.~~

~~§ 286-320.18. Floodway District.~~

~~A. In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities as required above.~~

~~B. In the Floodway District, the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any~~

~~other chapter, and provided that they do not require structures, fill or storage of materials and equipment:~~

- ~~(1) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.~~
- ~~(2) Accessory residential uses, such as yard areas, gardens, play areas and pervious loading areas.~~
- ~~(3) Accessory industrial and commercial uses, if permitted in the underlying zoning district, such as yard areas, pervious parking and loading spaces, airport landing strips, etc.~~
- ~~(4) Structures accessory to the uses and activities above, provided that no such structure shall be used for habitation and that such structures are appropriately anchored and flood proofed so as to eliminate the chances that materials may be swept to other lands or downstream to the injury of others and that such structures do not cause any rise in the one hundred year flood elevation.~~
- ~~(5) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants and other similar or related uses.~~
- ~~(6) Water related uses and activities, such as marinas, docks, wharves, and piers.~~
- ~~(7) Extraction of sand, gravel and other materials (where no increase in level of flooding or velocity is caused thereby).~~

~~§ 286-320.20. Flood Fringe and Approximated Floodplain District.~~

~~A. In the Flood Fringe and Approximated Floodplain Districts, the development or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.~~

~~B. No structure shall be located within 10 feet of the boundary of the Flood Fringe and Approximated Floodplain District.~~

~~§ 286-320.22. Design of utilities and facilities.~~

~~A. All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate the infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment.~~

~~B. All new or replacement water facilities shall be designed to minimize or eliminate the infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.~~

~~C. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. A primarily underground system may be required to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.~~

~~D. All utilities, such as gas lines and electrical and telephone systems, being placed in flood-prone areas shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.~~

~~E. Streets and sidewalks shall be designed to minimize their potential for increasing and aggravating the levels of the flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.~~

~~§ 286-320.24. Variances.~~

~~A. In considering applications for variances, the Board of Zoning Appeals shall address all relevant factors and procedures specified in other sections of this chapter and the following factors:~~

- ~~(1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within the Floodway District that will cause any increase in flood levels during the one hundred-year flood.~~
- ~~(2) The danger that materials may be swept on to other lands or downstream to the injury of others.~~
- ~~(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.~~
- ~~(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.~~
- ~~(5) The importance of the services provided by the proposed facility to the community.~~
- ~~(6) The requirements of the facility for a waterfront location.~~
- ~~(7) The availability of alternative locations not subject to flooding for the proposed use.~~
- ~~(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.~~
- ~~(9) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.~~
- ~~(10) The safety of access to the property in time of flood of ordinary and emergency vehicles.~~
- ~~(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.~~
- ~~(12) All other factors which are relevant to the purposes of this chapter.~~

~~B. The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for protection and other related matters.~~

~~C. Variances shall only be issued after the Board of Zoning Appeals has determined that such variance will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud or victimization of the public or conflict with local laws or ordinances.~~

~~D. Variances shall only be issued after the Board of Zoning Appeals has determined that the variance will be the legally required minimum relief to any hardship.~~

~~E. The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred year flood elevation:~~

- ~~(1) Increases the risks of life and property; and~~
- ~~(2) Will result in increased premium rates for flood insurance.~~

~~E. A record of the above notification as well as all variance actions, including justification for their issuance, shall be maintained, and any variances which are issued shall be noted in the annual report submitted to the Federal Flood Insurance Administration.~~

~~§ 286-320.26. Existing structures and uses.~~

~~A. A structure or use of a structure or premises which lawfully existed before the enactment of these provisions but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:~~

- ~~(1) Existing structures or uses located in the Floodway District shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements and such expansion or enlargement is otherwise permitted.~~
- ~~(2) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure or use located in any Floodplain District to an extent or amount of less than 50% of its market value, shall be elevated and/or flood proofed to the greatest extent possible.~~
- ~~(3) The modification, alteration, repair, reconstruction or improvement of any kind to a structure or use, regardless of its location, in a floodplain district to an extent or amount of 50% or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.~~
- ~~(4) In the event that a nonconforming use of any building, premises or land within areas covered by the provisions of this section is discontinued for a period of two years or more, the use thereof shall thereafter conform to the uses permitted in the Floodplain Overlay District.~~

§ 286-320. FOD Floodplain Overlay District.

§286-320.02. Authority and Purpose.

A. This floodplain ordinance is adopted pursuant to the authority granted to localities by § 15.2-2280 of the Code of Virginia.

B. The purpose of these provisions is to prevent the loss of life and property, health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;*
- (2) restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;*
- (3) requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and*
- (4) protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.*

§ 286-320.04. Applicability.

A. These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the City of Colonial Heights (the "City") and identified as areas of special flood hazard according to the flood insurance rate map ("FIRM") that is provided to the City by the Federal Emergency Management Agency ("FEMA").

B. Compliance and Liability.

(1) *No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the City.*

(2) *This ordinance shall not create liability on the part of any City officer or employee for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.*

C. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Floodplain Administrator.

D. If the provisions of this ordinance conflict with those in any other ordinance, the more restrictive provisions shall be applicable.

E. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

F. Any person who fails to comply with any of the requirements or provisions specified herein, or directions of the Zoning Administrator or his designee, shall be guilty of the appropriate violation and subject to the penalties specified in § 286-616 of this Code.

In addition to such penalties, all other actions are hereby preserved, including an action in equity for the proper enforcement of these provisions. The imposition of a fine or penalty for any violation of, or noncompliance with, the provisions herein shall not excuse the violation or noncompliance or permit it to continue; and all persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of these provisions.

§286-320.06. Administration.

A. The Zoning Administrator shall serve as the Floodplain Administrator. The Floodplain Administrator is hereby designated to administer and implement these regulations.

(1) *The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:*

- (a) *Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).*
- (b) *Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.*
- (c) *Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.*
- (d) *Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required.*
- (e) *Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.*

- (f) *Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.*
- (g) *Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.*
- (h) *Review Elevation Certificates and require incomplete or deficient certificates to be corrected.*
- (i) *Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.*
- (j) *Maintain and permanently keep records that are necessary for the administration of these regulations, including:*
 - [1] *Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and*
 - [2] *Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.*
- (k) *Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.*
- (l) *Advise the Board of Zoning Appeals regarding the intent of these regulations, and for each application for a variance, prepare a staff report and recommendation.*
- (m) *Administer the requirements related to proposed work on existing buildings:*
 - [1] *Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.*
 - [2] *Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.*
- (n) *Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting*

property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

- (o) *Notify the Federal Emergency Management Agency when the corporate boundaries of the City have been modified and:*
 - [1] *Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and*
 - [2] *If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption. Such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to the State Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.*
- (p) *Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.*
- (q) *It is the duty of the Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).*

B. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- (1) *Where field surveyed topography indicates that adjacent ground elevations:*
 - (a) *Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered a special flood hazard area and subject to the requirements of these regulations;*
 - (b) *Are above the base flood elevation, the area shall be regulated as a special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.*
- (2) *In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.*
- (3) *Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths or lower base flood elevations.*

(4) *Other sources of data shall be reasonably used if such sources show increased base flood elevations or larger floodway areas than are shown on FIRMs and in FISs.*

(5) *If a Preliminary Flood Insurance Rate Map or a Preliminary Flood Insurance Study has been provided by FEMA:*

(a) *Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.*

(b) *Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data and used where no base flood elevations or floodway areas are provided on the effective FIRM.*

(c) *Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change or appeal to FEMA.*

C. *The delineation of any of the Floodplain Districts may be revised, where natural or man-made changes have occurred or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from FEMA.*

D. *Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.*

E. *Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify FEMA of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.*

F. *When development in the floodplain causes a change in the base flood elevation, the applicant, including state agencies, shall notify FEMA by applying for a Conditional Letter of Map Revision or a Letter of Map Revision. Such revisions shall include, but not be limited to, the following:*

(1) *Any development that causes a rise in the base flood elevations within the floodway;*

(2) *Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; and*

(3) *Alteration or relocation of a stream, including but not limited to installing culverts and bridges.*

§ 286-320.08. Establishment of Zoning District.

A. *Basis of District.*

(1) *The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM prepared by the FEMA, Federal Insurance Administration, dated August 2, 2012, and any subsequent revisions or amendments thereto.*

The City may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA Districts are established as defined in Table 3 of the above referenced FIS and as shown on the FIRM, which is declared to be a part of this ordinance, and which shall be kept on file in the office of the Floodplain Administrator.

(2) *The Floodway District is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at any point.*

The following provisions shall apply within the Floodway District of an AE zone:

(a) *Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.*

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 286-320.10.

(b) *The placement of manufactured or mobile homes is prohibited, except in an existing manufactured or mobile home park or subdivision. A replacement manufactured home may be placed on a lot in such existing park or subdivision, provided the anchoring, elevation, and encroachment standards are met.*

(3) *The AE or AH Zones on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE or AH zone:*

(a) *Until a regulatory floodway is designated, no new construction, substantial improvements, or other development, shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.*

(b) *Development activities in Zones A1-30 and AE or AH, on the City FIRM which increase the water surface elevation of the base flood by more than one*

foot may be allowed, provided that the applicant first applies for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

(4) The A Zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply:

(a) The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports and U. S. Geological Survey Flood-Prone Quadrangles, then the applicant for the proposed use, development or activity shall determine this base flood elevation. For development proposed in the approximate floodplain, the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated at least one foot above the base floor elevation.

During the permitting process, the Floodplain Administrator shall obtain:

- [1] The elevation of the lowest floor, including the basement, of all new and substantially improved structures; and*
- [2] if the structure has been flood-proofed in accordance with applicable requirements, the elevation, in relation to mean sea level to which the structure has been flood-proofed.*

(5) The AO Zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply:

(a) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

(b) All new construction and substantial improvements of non-residential structures shall:

- [1] have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or*

[2] together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

[3] Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

B. Overlay Concept.

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map; and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions shall apply.

§ 286-320.10. District Provisions

A. Permit Requirement.

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a determination of zoning compliance. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances. Prior to any such determination, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Development and Permit Applications.

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

(1) *The elevation of the Base Flood at the site;*

The elevation of the lowest floor;

For non-residential structures to be flood-proofed, the elevation to which the structure will be flood-proofed; and

(2) *Topographic information showing existing and proposed ground elevations.*

C. General Standards.

(1) *The following provisions shall apply to all permits:*

(a) *New construction and substantial improvements shall be according to the Virginia USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.*

(b) *Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement as prescribed by the federal Department of Housing and Urban Development. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.*

- (c) *New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- (d) *New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.*
- (e) *Electrical, heating, ventilation, plumbing, air conditioning equipment, duct work, and other service facilities, shall be designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*
- (f) *New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.*
- (g) *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.*
- (h) *On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.*

(2) *In addition to provisions a through h above, in all special flood hazard areas, prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this City, a joint permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission. Furthermore, in riverine areas, the applicant shall give notification of the proposal to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required State agencies, and FEMA.*

(3) *The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.*

D. Elevation and Construction Standards.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with this ordinance, the following provisions shall apply:

- (1) *Residential Construction – New construction or substantial improvement of any residential structure, including manufactured homes, in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to at least one foot above the base flood level.*
- (2) *Non-Residential Construction – New construction or substantial improvement of any commercial, industrial, non-residential building, or manufactured building shall have the lowest floor, including basement, elevated to or above the base flood level. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Floodplain Administrator.*
- (3) *Space Below the Lowest Floor – In zones A, AE, AH, AO, and A1-A30, fully enclosed areas of new construction or substantially improved structures, which are below the regulatory flood protection elevation, shall:*

- (a) *not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles, limited storage of maintenance equipment, or entry to the living area;*
- (b) *be constructed entirely of flood resistant materials below the regulatory flood protection elevation; and*
- (c) *include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:*
 - [1] *Provide a minimum of two openings on different sides of each enclosed area subject to flooding.*
 - [2] *The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.*
 - [3] *If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.*
 - [4] *The bottom of all required openings shall be no higher than one foot above the adjacent grade.*
 - [5] *Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.*
 - [6] *Foundation enclosures made of flexible skirting shall not be considered enclosures for regulatory purposes; therefore, they do not require openings. Masonry or wood underpinning, regardless of structural status, shall be considered an enclosure and requires openings as outlined above.*

E. Standards for Manufactured Homes.

All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements specified in this Chapter.

F. Standards for Subdivision Proposals.

- (1) *All subdivision proposals shall be consistent with the need to minimize flood damage;*
- (2) *All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;*
- (3) *All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and*
- (4) *Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.*

§ 286.320.12. Existing Structures In Floodplain Areas.

A. *A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:*

- (1) *Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.*
- (2) *Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure or use located in any floodplain areas to an extent or amount of less than fifty percent of its market value shall conform to the Virginia USBC.*
- (3) *The modification, alteration, repair, reconstruction, or improvement of any kind to a structure or use, regardless of its location in a floodplain area to an extent or amount of fifty percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the Virginia USBC.*

§ 286.320.14. Variances: Factors To Be Considered.

A. (1) *Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals (“BZA”) has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the BZA has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) nuisances, (e) fraud or victimization of the public, or (f) conflict with local laws or ordinances.*

(2) *While the granting of variances is generally limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.*

B. *In passing upon applications for variances, the BZA shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:*

- (1) *The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the 100 year flood elevation.*
- (2) *The danger that materials may be swept onto other lands or downstream to the injury of others.*
- (3) *The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.*
- (4) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.*
- (5) *The importance of the services provided by the proposed facility to the community.*
- (6) *The requirements of the facility for a waterfront location.*

- (7) *The availability of alternative locations not subject to flooding for the proposed use.*
- (8) *The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.*
- (9) *The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.*
- (10) *The safety of access by ordinary and emergency vehicles to the property in time of flood.*
- (11) *The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.*
- (12) *The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.*
- (13) *Such other factors which are relevant to the purposes of this ordinance.*

E. *The BZA may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.*

F. *Variances shall be issued only after the BZA has determined that such issuance shall not result in (i) unacceptable or prohibited increases in flood heights, (ii) additional threats to public safety, (iii) extraordinary public expense, (iv) nuisances, (v) fraud or victimization of the public, or (vi) conflict with local laws or ordinances.*

G. *Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.*

H. *The BZA shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the 100 year flood elevation (i) increases the risks to life and property, and (ii) shall result in increased premium rates for flood insurance.*

I. *A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.*

§ 286-320.16 Definitions.

A. *For the purposes of these provisions relating to the Floodplain Overlay District, the following terms shall be defined as follows:*

- (1) *Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.*
- (2) *Base flood elevation - The Federal Emergency Management Agency designated one percent annual chance water surface elevation and the elevation determined per Section 4.6. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is one hundred (100) year flood or 1% annual chance flood.*
- (3) *Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.*

(4) **Board of Zoning Appeals** - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

(5) **Development** - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(6) **Elevated building** - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

(7) **Encroachment** - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

(8) **Existing construction** - Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

(9) **Flood or flooding** -

(a) A general or temporary condition of partial or complete inundation of normally dry land areas from

[1] the overflow of inland or tidal waters; or

[2] the unusual and rapid accumulation or runoff of surface waters from any source; or

[3] mudflows which are proximately caused by flooding as defined in paragraph (a) [2] of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)[1] of this definition.

(10) **Flood Insurance Rate Map (FIRM)** - An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(11) **Flood Insurance Study (FIS)** - A report by FEMA that examines, evaluates and determines flood hazards, and if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

(12) **Floodplain or flood-prone area** - Any land area susceptible to being inundated by water from any source.

(13) **Flood proofing** - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real

estate or improved real property, water and sanitary facilities, structures and their contents.

(14) *Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.*

(15) *Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.*

(16) *Highest adjacent grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.*

(17) *Historic structure - Any structure that is*

(a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

[1] by an approved state program as determined by the Secretary of the Interior; or

[2] directly by the Secretary of the Interior in states without approved programs.

(18) *Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.*

(19) *Letters of Map Change (LOMC) - An official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:*

(a) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that Land, as defined by meets and bounds or structure, is not located in a special flood hazard area.

(b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and

(c) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project

complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

(20) *Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR §60.3.*

(21) *Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.*

(22) *Manufactured home park or subdivision - A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.*

(23) *New construction - Construction commenced on or after September 2, 1981, including any subsequent improvements to such structures.*

(24) *Post-FIRM structure - A structure for which construction or substantial improvement occurred after September 2, 1981.*

(25) *Pre-FIRM structure - A structure for which construction or substantial improvement occurred on or before September 2, 1981.*

(26) *Recreational vehicle - A vehicle which is*

- (a) *built on a single chassis;*
- (b) *400 square feet or less when measured at the largest horizontal projection;*
- (c) *designed to be self-propelled or permanently towable by a light duty truck; and,*
- (d) *not primarily designed for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.*

(27) *Repetitive Loss Structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five percent of the market value of the building at the time of each flood event.*

(28) *Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.*

(29) *Special flood hazard area - The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in this ordinance.*

(30) *Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the*

first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; the installation of streets or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; and the installation on the property of accessory buildings. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(31) Structure - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(32) Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(33) Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(34) Violation - The failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

(35) Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

3. That this emergency ordinance shall be in full force and effect immediately when approved after one reading and shall be effective for sixty (60) days.

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: _____.

City Clerk

Approved as to form:

City Attorney



CITY OF COLONIAL HEIGHTS

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

City Hall · 201 James Avenue · P.O. Box 3401
Colonial Heights, Virginia 23834

George W. Schanzenbacher,
A.I.C.P., Director

MEMORANDUM

To: Honorable Mayor and Members of City Council
Mr. Thomas L. Mattis, City Manager

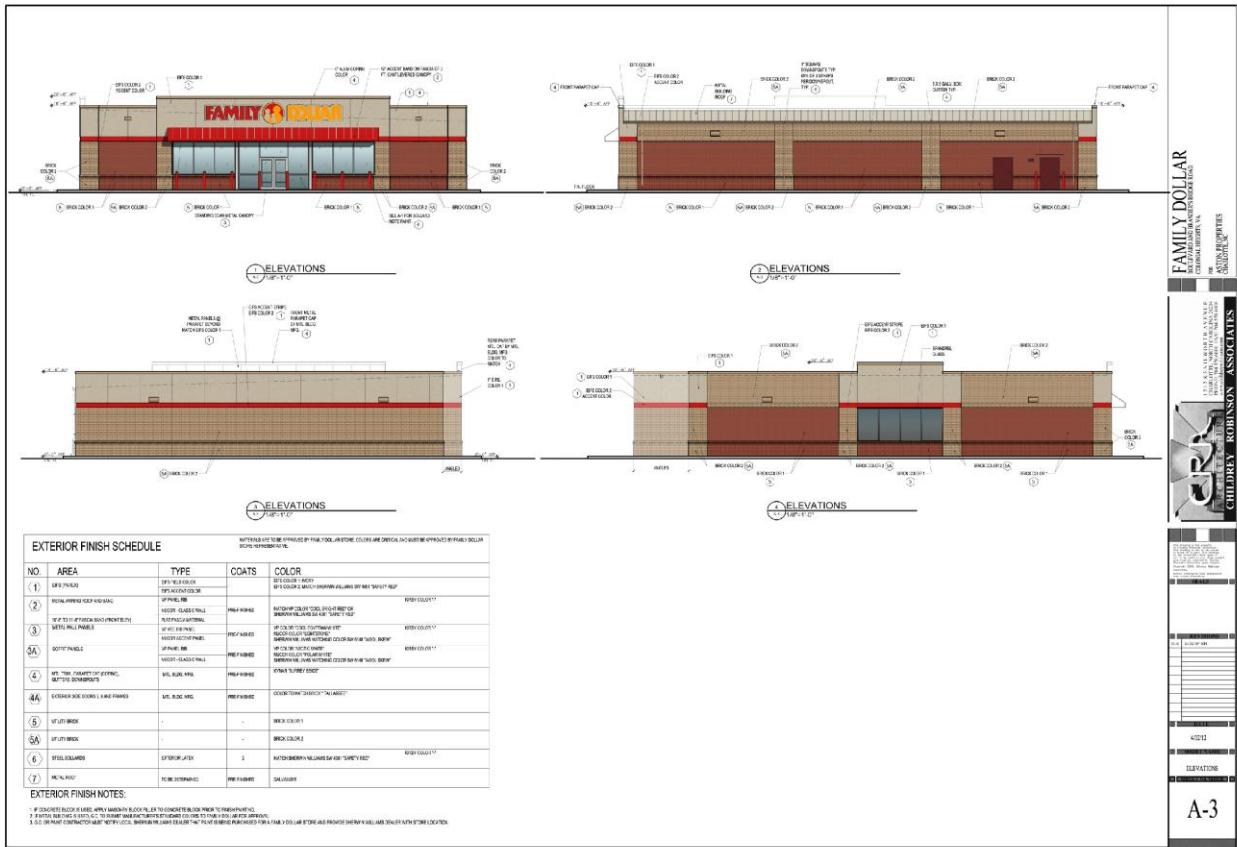
From: George W. Schanzenbacher, Director

Date: July 5, 2012

Subject: Planning Commission Actions at July 3, 2012 meeting

At the July 3, 2012 meeting of the Commission the following actions were taken:

1. Approved minutes of the June 5, 2012 meeting (attached).
2. Held a 2nd public hearing on proposed Flood Plain Overlay District and unanimously passed a resolution recommending its approval. (Please see attached resolution PC-12-3).
3. Heard project updates from staff on The Trail and Hargis Point, Boulevard Enhancement funding, Comprehensive Plan update process, Historic District nomination documentation, Court House and Boulevard modernization projects.



Proposed Family Dollar- 1600 Boulevard

2960 Boulevard- Approved Building Elevations



CITY OF COLONIAL HEIGHTS, VIRGINIA
Minutes of the Regular Meeting
of the Planning Commission
Tuesday, June 5, 2012

I. Call to Order

Chairman Townes called the meeting to order at 7:00 p.m.

II. Roll Call/Determination of Quorum

Mr. Schanzenbacher, Director of Planning and Community Development, called the roll.

Present: Mr. Townes

Mr. Kollman

Mr. O'Connell

Mrs. Hamilton

Mr. Hartson

Mrs. Schiff

Mr. Freeland

Mr. Schanzenbacher stated there was a quorum.

Also Present: City Manager Thomas L. Mattis, City Attorney Hugh P. Fisher, III, Planning Director George W. Schanzenbacher, Jamie Sherry, Neighborhood Revitalization Planner and Assistant Director of Public Works Brian Copple.

III. Approval of Minutes of April 2012

The minutes were approved on a roll call vote with no changes. Mr. Freeland abstained from the vote.

IV. Approval of Agenda

There were no changes to the agenda.

V. Hearing of Citizens Generally

There were no citizens in the audience that wanted to be heard.

VI. Public Hearings

Mr. Schanzenbacher read the rules of the public hearing.

Ordinance 12-14 Proposed Zoning Ordinance Amendments

Mr. Schanzenbacher stated that the amendment was for adding new side-yard setback requirements for corner lots; exempting the conversion of single family homes and duplexes to other uses from the site plan approval process; making minor changes to landscaping, parking and fencing regulations; and changing when the site plan review process is required in the Chesapeake Bay Overlay District.

He stated it was to clean up some of the small conflicts that have occurred since the new ordinance was adopted last year. After some brief discussion, Ordinance 12-14 passed unanimously on a roll call vote. No citizens spoke at the public hearing.

Ordinance No. 12-16 Floodplain Overlay District

Mr. Schanzenbacher stated that since the last meeting, the state Department of Recreation and Conservation (DCR) had some comments on the draft ordinance. The comments pertained to definitions that were removed from the Floodplain Overlay District portion of the ordinance and other minor technical points. The City had removed them because they were included in the overall definitions section of the zoning ordinance. DCR stated that they should be included in the Floodplain Overlay part of the ordinance. Because of this, the public hearing was postponed until the changes were made and readvertised; however, the floor was opened for public comment. There were no public comments.

VII. Site Plan /Subdivisions

SP-12-2 1600 Boulevard

Mr. Schanzenbacher stated that the site plan was for a Family Dollar store to be located at 1600 Boulevard. It is for the construction of an 8,712 square foot building on a 0.963 acre site, to be located on the northwest corner of Branders Bridge Road and the Boulevard. He stated that the existing site is currently vacant. Mr. Townes stated he would not be participating in the discussion.

Mr. Schanzenbacher read a memo from Mr. Brian Smith, of Aston Properties, Inc., who is the developer representing Family Dollar. It stated that there would be a planting strip of 5 ft. between the building and sidewalk. There will be a sidewalk where the storefront is located and a 6foot opaque wood fence for the dumpster enclosure. Family Dollar will provide a 12 ft. wide access easement from the alley to Branders Bridge through the parking area. Family Dollar will provide the ornamental lighting and connect to the existing lighting cabinet, a five foot sidewalk along Boulevard will be installed and the pavers will be completed as part of the Boulevard enhancement project. The email continued to state that on the northern property line between the Family Dollar property and the neighbor's property on Franklin Ave, a 7 foot opaque fence will be installed in lieu of the landscaping. The fence will begin at the alley and extend to the building setback line along Franklin Ave. Beginning at the building setback line, a 42-inch fence will be installed to the property line in lieu of the landscaping. The email also stated that there is an existing Pecan tree on the Lancaster Property. Family Dollar committed to minimizing the grading in the area of the tree. The email stated that Mr. Lancaster requested that Family Dollar stay 25 ft. away from the tree, which they will not be able to accomplish. Family Dollar committed to communicating with Mr. and Mrs. Lancaster, if necessary, during construction concerning the work around the tree.

Mr. Schanzenbacher stated that the design of the building included a window along the Dupuy façade that eliminated the blank wall effect. He continued by stating that the design met the Boulevard Overlay district architectural standards. He also stated that all the issues surrounding the traffic circulation had been resolved.

Mr. Smith stated that he had met with the neighbors on Franklin Avenue to discuss screening and potential impact of development on the pecan tree located on the neighbor's property. He stated that there would be a 7 foot opaque fence constructed along the neighbor's property from the front of the house to the rear of the parcel and a 42" fence from the front of the house to the street, which is what the code allows. Mr. Smith also stated that they would try not to impact the tree during development.

The Commission had questions in reference to the 12' easement on the property and about how the design compared to the new Family Dollar on Washington Street in Petersburg. The Family Dollar representatives stated the Boulevard design was an upgrade to the Washington Street design.

When asked about the time schedule, the Family Dollar representatives stated that the store is scheduled to open at the beginning of 2013.

Mrs. Hamilton asked about the Family Dollar located in the shopping center. The Family Dollar representatives stated that store would close and be relocated at the new site. Mrs. Hamilton also stated that she appreciated the overall design of the building, but asked the Family Dollar representatives to reconsider the colors on the sign. She stated that one color on the sign was preferred. The representatives stated that they would bring the concern back to the office, but thought that they would not reconsider because the colors are part of their brand.

Mr. Mattis asked if the sign in the parking lot would be a monument sign because it was shown as pole sign on the site plan. The Family Dollar representatives stated it would be a monument style sign as required by the ordinance.

Mrs. Elizabeth Lancaster, an adjacent neighbor on Franklin Avenue stated that she was concerned that there was no guarantee that the fence would be built and the tree wouldn't be harmed. Mr. Schanzenbacher gave her a copy of the email he read earlier at the meeting. Mr. Fisher stated that the assurance from the Family Dollar representatives to try to not harm the tree may be the best she could expect because a property owner has the right to do what they wanted on their property as long as it meets code.

Mr. Garland Lancaster, also an adjacent neighbor on Franklin Avenue stated his concern about use of the alley for cut through traffic. He stated that portions of the alley were not able to sustain auto traffic.

The Family Dollar representatives stated that they would update the memo and get a copy to the neighbors.

The Planning Commission approved SP-12-2 on a roll call vote. Mr. Townes abstained from the vote.

IX. Old Business

Proposed 2012 -2017 Capital Improvement Program

Mr. Mattis stated that he presented the draft 2012 -2017 CIP in detail to the Commission in April. Mr. O'Connell had some concerns about a historic area located in Conjours Neck. Although he was not asking for it to be placed in the CIP, he wanted to know if there were future plans for the site. Mr. Kollman noted that Fort Clifton had been moved from 13 to number 20 on the list. He wanted to ensure it would continue to be maintained.

The proposed 2012 -2017 Capital Improvement Program was unanimously approved on a roll call vote.

X. New Business

There was no new business.

XI. Committee Reports to the Commission

Before Chairman Townes asked for committee reports, he complimented Mr. Copple for his work on the new Courthouse project. He stated that he had heard several people state how easy it was to work with him. Mr. Freeland agreed.

Mr. Mattis stated that now that the development of courthouse is visible and the land use committee would be reconvening soon to discuss the land use around the courthouse.

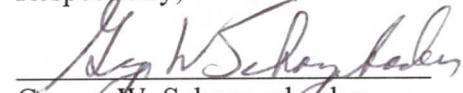
Mr. Copple stated that there would be steel structure on the site by the end of August. He said he was available for construction tours for Planning Commission and Council members. He stated that the design of the Boulevard would be complete by the end of summer. He also stated that there would be construction activity at the EVB site and the Joe Tyler site.

Mr. Schanzenbacher asked Ms. Sherry to update the Commission about the Historic Tax Credit District proposed for the city. Ms. Sherry stated that the City had received a grant from the Department of Historic Resources to complete the survey work started by the community in 2008 and to hire a consultant to write the nomination for the Chesterfield Highlands District to the National Registry of Historic Places. She introduced Daniel Hoogenboom, a Virginia Tech University student who had been hired as an intern for the summer to work on the survey.

XII. Adjournment

Meeting adjourned at 8:00 p.m.

Respectfully,


George W. Schanzenbacher
Director, Department of Planning and Community Development

APPROVAL:



Charles E. Townes
Chairman

RESOLUTION NO. 12-3 (PC)

To recommend that City Council approve an Ordinance No. 12-14, to amend and reordain sections 286-300.06, 286-302.06, 286-304.06, 286-306.06, 286-308.04, 286-308.06, 286-310.04, 286-310.06, 286-326.46, 286-506, 286-512.12, 286-518.04, 286-518.18, and 286-530.20 of Chapter 286, Zoning, of the Colonial Heights City Code by adding new side-yard set back requirements for corner lots; exempting the conversion of single family homes and duplexes to other uses from the site plan approval process; making minor changes to landscaping, parking and fencing regulations; and changing when the site plan review process is required in the Chesapeake Bay Overlay District; and

To recommend that City Council approve an Ordinance No. 12-16, significantly changing the City's Floodplain Overlay District provisions so as to comply with the National Flood Insurance Act of 1968, as amended. Among other changes, the Ordinance has: (i) new provisions that specify the responsibilities of the City Floodplain Administrator; (ii) new provisions relating to permitting, development, and construction in a floodplain district; (iii) more details regarding the establishment of a floodplain district; and (iv) its own definitional section.

WHEREAS, the Planning Commission advertised the above-mentioned ordinances in *The Progress Index* on May 22, 2012 and May 29, 2012, and held a public hearing on the proposed ordinances on June 5, 2012; and also held a public hearing on Ordinance 12-16, as modified, on July 3, 2012, with notices in *The Progress Index* on June 19, 2012 and June 26, 2012; and

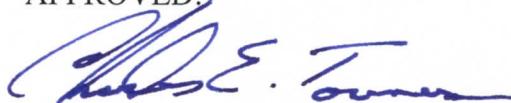
WHEREAS, the Planning Commission has determined that the public necessity, convenience, general welfare, and good zoning practice require that Chapter 286 of the City Code be amended as provided in the ordinances; NOW, THEREFORE,

BE IT RESOLVED BY THE COLONIAL HEIGHTS PLANNING COMMISSION:

That the Planning Commission recommends to City Council that it approve the proposed amendments to Chapter 286, Zoning, of the Colonial Heights City Code, as depicted in Ordinance Nos. 12-14 and 12-16.

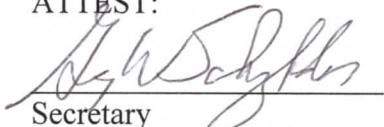
Approved this 3rd day of July, 2012.

APPROVED:



Chairman

ATTEST:



Secretary