

**CITY OF COLONIAL HEIGHTS, VIRGINIA  
Special Meeting of City Council  
Tuesday, February 15, 2022**

**1. Call to Order.**

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

**2. Roll Call.**

**Present: Councilman Kenneth B. Frenier  
Councilman John E. Piotrowski  
Councilwoman Dr. Laura F. Poe  
Councilman Robert W. Wade  
Vice Mayor Elizabeth G. Luck  
Mayor T. Gregory Kochuba**

**Absent: Councilman John T. Wood**

**Also Present: Mr. Douglas E. Smith, City Manager  
Mr. Hugh P. Fisher, III, City Attorney  
Mrs. Pamela B. Wallace, City Clerk**

**A motion was made by Mayor Kochuba, seconded by Mr. Wade, to amend the agenda by adding an additional item to the Closed Meeting portion of the agenda which states, "Paragraph A.8 of Section 2.2-3711, to consult with legal counsel employed by a public body regarding a specific legal matter, certain behavior by a public safety employee, requiring the provision legal advice by such counsel."**

<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	<b>Frenier Piotrowski Poe Wade Luck Kochuba</b>
<b>No:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>
<b>Abstained:</b>	<b>None</b>

**Motion UNANIMOUS PASS**

**A motion was made by Mayor Kochuba, seconded by Mrs. Luck, to approve the agenda as amended.**

<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	<b>Frenier Piotrowski</b>

**Special Meeting Minutes**

**February 15, 2022**

**Page 2**

	<b>Poe</b>
	<b>Wade</b>
	<b>Luck</b>
	<b>Kochuba</b>
<b>No:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>
<b>Abstained:</b>	<b>None</b>

**Motion UNANIMOUS PASS**

**3. Declarations of Personal Interest**

**A Declaration of Personal Interest was read by Dr. Poe and Mr. Frenier filed with the Clerk.**

**The Clerk announced the purpose of the meeting.**

**4. Closed meeting pursuant to the Code of Virginia in accordance with the following provision:**

- Paragraph A.8 of Section 2.2-3711, to consult with legal counsel employed by a public body regarding a specific legal matter, certain behavior by a public safety employee, requiring the provision legal advice by such counsel.**
- Paragraph A.3 of Section 2.2-3711, to discuss or consider the disposition of a 1.489 acre parcel of publicly held real property that is zoned BB Boulevard Business District, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**
- Paragraph A.3 of Section 2.2-3711, to discuss or consider the disposition of a 19.38 acre parcel of publicly held real property that is zoned IN, Industrial, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**

**A motion to convene in closed meeting was made by Mr. Wade, seconded by Mrs. Luck, at 6:04 P.M.**

<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	<b>Frenier</b>
	<b>Piotrowski</b>
	<b>Poe</b>
	<b>Wade</b>
	<b>Luck</b>
	<b>Kochuba</b>
<b>No:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>

**Special Meeting Minutes**

**February 15, 2022**

**Page 3**

**Abstained: None**

**Motion UNANIMOUS PASS**

**5. Voice Vote – Come back into Open Session.**

**A motion to reconvene in open session was made by Mayor Kochuba, seconded by Mr. Wade, and carried unanimously on roll call vote at 7:39 P.M.**

**Vote: 6-0**  
**Yes: Frenier**  
**Piotrowski**  
**Poe**  
**Wade**  
**Luck**  
**Kochuba**  
**No: None**  
**Absent: Wood**  
**Abstained: None**

**Motion UNANIMOUS PASS**

**As stated by the Clerk, Council was in a closed meeting pursuant to the Code of Virginia in accordance with the following provision:**

- **Paragraph A.8 of Section 2.2-3711, to consult with legal counsel employed by a public body regarding a specific legal matter, certain behavior by a public safety employee, requiring the provision legal advice by such counsel.**
- **Paragraph A.3 of Section 2.2-3711, to discuss or consider the disposition of a 1.489 acre parcel of publicly held real property that is zoned BB Boulevard Business District, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**
- **Paragraph A.3 of Section 2.2-3711, to discuss or consider the disposition of a 19.38 acre parcel of publicly held real property that is zoned IN, Industrial, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**

**Consideration of the following certification:**

**Each member will now certify that to the best of the member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements of the act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the**

**Special Meeting Minutes**

**February 15, 2022**

**Page 4**

public body. Any member who believes there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.

Council members approved this certification, without any stating departure from the requirements of clauses (i) and (ii), by the following roll call vote:

<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	<b>Frenier</b>
	<b>Piotrowski</b>
	<b>Poe</b>
	<b>Wade</b>
	<b>Luck</b>
	<b>Kochuba</b>
<b>No:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>
<b>Abstained:</b>	<b>None</b>

**Motion UNANIMOUS PASS**

**6. Work Session on the following items:**

- A. A RESOLUTION NO. 22-6**  
**Awarding the City Attorney a 2.5% salary increase.**

**A motion was made by Mr. Piotrowski, seconded by Mr. Wade, to approve Resolution No. 22-6.**

<b><u>Vote:</u></b>	<b>6-0</b>
<b>Yes:</b>	<b>Frenier</b>
	<b>Piotrowski</b>
	<b>Poe</b>
	<b>Wade</b>
	<b>Luck</b>
	<b>Kochuba</b>
<b>No:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>
<b>Abstained:</b>	<b>None</b>

**Motion UNANIMOUS PASS**

- B. Discussion Regarding Debt Financing/Re-Financing**

**Mr. Smith recalled the FY 21-22 budgets anticipated issuance of \$1.78 million in debt for multiple projects:**

**Special Meeting Minutes**

**February 15, 2022**

**Page 5**

- **Security Upgrades (\$1 million)**
- **Water and Sewer Projects (main pump station valve and Hill Place sewer replacement) (\$400,000)**
- **Shepherd Stadium improvements (turf renovation) (\$140,000)**
- **Balance of funding for Fire Unit #941 (\$240,000)**

**Council adopted Resolution No. 21-29 in August 2021 declaring intent to reimburse certain expenditures with bond proceeds (up to \$1.9 million). Additionally, Mr. Smith asked that Council recall their support at the November 9, 2021 meeting, providing direction to staff to move forward with approximately \$2.2 million in funding in next year's CIP for the High School Administration/Guidance project and an additional project to-be-determined by the School Board. For the second project, the School Board prioritized the Fine Arts renovations. The High School Administration and Finance Arts projects result in a City share of \$2,188,088.**

**Mr. Smith advised that the City has the opportunity for refinancing 2012 and 2018 debt during this fiscal year and the opportunity to front-load savings from the refinancing to help offset some of the costs of borrowing for the City projects and the City share of the school projects. Mr. Smith asked that Kevin Rotty, the City's financial advisor from PFM, provide additional comments and clarification of information provided.**

**At the conclusion of the presentation, Council approved staff's recommendation to proceed with a debt refinancing process including issuance of new debt for approximately \$3.97M in City and school projects.**

<b>Vote:</b>	<b>6-0</b>
<b>Yes:</b>	<b>Frenier</b>
	<b>Piotrowski</b>
	<b>Poe</b>
	<b>Wade</b>
	<b>Luck</b>
	<b>Kochuba</b>
<b>No:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>
<b>Abstained:</b>	<b>None</b>

**Motion UNANIMOUS PASS**

**C. Discussion of City Code Provisions on Fences**

**Mayor Kochuba advised he requested this item be brought before Council to obtain clarification of the City Code relative to "open" or "closed" fencing. Mrs. Maxie Brown, Acting Planning Director, advised that the current ordinance does limit the height of fencing in the front yard to 42" further advising that the ordinance prohibits solid privacy or chain-link fencing. Mrs. Brown advised she had obtained information from Chesterfield County which revealed Chesterfield does allow decorative solid**

fencing no higher than 42". Mrs. Brown continued to provided findings from various other localities relative to their rulings relative to solid fencing and the height of such.

After the presentation of findings by Mrs. Brown, it was the suggestion of Mayor Kochuba for Council to reconsider the City's fencing ordinance allow fencing along the side of the structure to be open or solid, excluding metal or chain link, with a continued height of 42".

There was continued deliberation and discussion by Council and staff including the differentiation between commercial and residential property. Additionally, Mrs. Brown advised that Chesterfield County allowed discretion by the Planning Director for unique requests for commercial uses.

At the conclusion of the discussion, it was the consensus of Council to request that Mr. Fisher amend the current ordinance to also include discretion by the Planning Director for unique requests for commercial uses.

#### **D. Presentation of the Quarterly Financial Report**

At the request of Mr. Smith, Mrs. Sadler, acting Finance Director, provided highlights of the quarterly financial report. Mrs. Sadler reported there were no significant changes in reporting; however, there was a slight 20% increase in the lodging tax for the current year.

There was discussion relative to the Cigarette Tax with Mr. Piotrowski advising he had noticed some packs in certain areas of the City did not have the required stamp. Mr. Smith stated Mr. Feasenmyer's office was responsible for enforcement of such and Mr. Piotrowski should advise Mr. Feasenmyer of his findings.

Addressing Mr. Wade's question relative to the collection of delinquent utility bills, Mrs. Sadler advised the office of Billing and Collections was moving forward with collection. Mrs. Sadler addressed other questions from Council with no action being necessary.

#### **E. Lakeview Dam Updates**

Mr. Flippen, Public Works Director, provided information to Council regarding upcoming improvement work on the Lakeview Dam as a result of the August 2020 flooding event throughout the City. Mr. Flippen described the erosion which took place resulting in a voluntary evacuation order downstream of the dam structure. Mr. Flippen reported that soon after the event, the Federal Energy Resources Commission (FERC) required mitigation action to protect the dam structure from future extensive erosion. Mr. Flippen advised that the City, in coordination with the hydroelectric operator, KEI, has worked to provide a design plan to address this requirement.

**Special Meeting Minutes**

**February 15, 2022**

**Page 7**

**Mr. Flippen advised that although KEI had previously been the license holder through FERC, the City was the license holder and would now be responsible for any improvement work on the Lakeview Dam. With this shift in responsibilities, the City will need to assign a Chief Dam Safety coordinator and also an Emergency Action Plan coordinator and would be responsible for all safety documents as required by FERC.**

**Mr. Flippen advised that along with the improvement work, FERC was requiring the City, as the license holder, to address dam stability concerns during the Inflow Design Flood (IDF); requiring outside resources to assist with the IDF assessment. Mr. Flippen advised that the next steps would be to submit drawings for bid, work with the contractor to update all required documents, and put out and RFP seeking professional services to address the IDF.**

**Addressing Mrs. Luck's question relative to funding, Mr. Smith advised there may be some state funding available.**

**7. Adjournment.**

**A motion to adjourn the Special Meeting was made by Mr. Wade, seconded by Dr. Poe, and carried unanimously on voice vote at 8:49 P.M.**

**APPROVED:**

---

**T. Gregory Kochuba, Mayor**

**ATTEST:**

---

**Pamela B. Wallace, City Clerk**