

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, October 12, 2021

1. Call to Order

The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:00 P.M.

2. Roll Call

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

Present: Councilman Michael A. Cherry
Councilman John E. Piotrowski
Councilwoman Dr. Laura F. Poe
Councilman Robert W. Wade
Councilman John T. Wood
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba

Absent: None

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

3. Devotion

A devotional prayer was led by Mr. Cherry.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kochuba.

5. Adoption of Agenda

A motion was then made by Mr. Wood, seconded by Mayor Kochuba, that Item 12F, September 14, 2021 Regular Meeting Minutes, be considered as Item 13A.

Vote: 7-0
Yes: Cherry
Piotrowski
Poe

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Wade
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

A motion was made by Mayor Kochuba, seconded by Mr. Wood, to approve the Agenda as amended.

Vote: 7-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

Declarations were made by Dr. Poe and Mrs. Luck and filed with the Clerk.

7. Commendations and Presentations

- A. Presentation of the City's 2021 Annual Donation to the Chesterfield/Colonial Heights Christmas Mother, Phyllis Taylor Poats.**

8. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

9. Written Petitions and Communications

There were none.

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10. Advertised Public Hearing

There were none.

11. Hearing of Citizens Generally on Non-Agenda Items

Kevin Paul, Highland Avenue – Mr. Paul thanked Council for approving the food truck ordinance advising his sales had increased by 20% because of the changes.

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

**A. AN ORDINANCE NO 21-20
(Second Reading) Awarding a one-time \$3,000 bonus to the City Sheriff and full-time sworn Sheriff's deputies.**

**B. AN ORDINANCE NO 21-FIN-11
(First Reading) to amend the General Fund Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$1,120,199 consisting of: 1) \$767 in prior year donations to the Office on Youth shoe account; 2) \$2,000 in donations made to the Sheriff's Office; 3) \$1,117,432 in prior year encumbrances, Additionally, to transfer the following amounts: 1) \$2,250 from the contributions budget to the Office on Youth; and 2) \$1,790 from the Council contingency account to the contributions budget for the Crater Regional Workforce.**

To amend the Recreation Fund budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$8,176 in prior year encumbrances.

To amend the Stormwater Fund budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$71,696 in prior year encumbrances

To amend the Water and Sewer Fund budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$198,924 in prior year encumbrances.

C. August 10, 2021 Regular Meeting Minutes

D. September 10, 2021 Special Meeting Minutes

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E. September 14, 2021 Special Meeting Minutes

F. September 21, 2021 Special Meeting Minutes

A motion was made by Mrs. Luck, seconded by Mr. Wade, to approve the Consent Agenda as presented.

Vote: 7-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

A. September 14, 2021 Regular Meeting Minutes

A motion was made by Mr. Wood, seconded by Dr. Poe, requesting that Mr. Wood's comments made relative to the renaming of Ft. Lee reflect his reasoning and justification for his recommendation and be so noted in the September 14, 2021 Regular meeting minutes.

Vote: 7-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

- B. AN ORDINANCE NO 21-FIN-12
(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$854,600 in additional funds to be transferred to the schools pursuant to the Memorandum of Understanding between the City and the School Board.**

A motion was made by Mrs. Luck, seconded by Mr. Piotrowski, to adopt Ordinance No. 21-FIN-12.

First, Mr. Smith advised the Ordinance was the end-of-the-year adjustment for the School Board's budget based upon revenue received. Then Mr. Smith asked Mrs. Minor to address Council with additional information.

Recalling the Memorandum of Understanding (MOU) between the City and the School Board, Mrs. Minor explained the process by which the City collects and reconciles the school's monthly revenue from the six sources identified in the MOU. Mrs. Minor reported the City was fortunate in FY21 that there was a significant recovery from COVID 19; specifically noting revenue collections in some of the six revenue sources were well in excess of the budgeted projections. Mrs. Minor stated that in keeping with the spirit of the MOU, the City shared 50.73% of that collection with the schools; noting the \$854,600 reflected in Ordinance No. 21-FIN-12. Mrs. Minor shared a history of the transfers noting this was one of the larger transfers.

Mrs. Minor, addressing Mayor Kochuba's question relative to the audit, stated that at June 30, staff records any asset or liability which would be due, based upon the operations of June 30. Because there is a contractual agreement with an outside entity; by accounting standards, staff must recognize that the contractual agreement creates an expense or liability for the City. Therefore, it is proper accounting at that time to record that the contractual agreement with the schools would require the City to provide the additional revenue. To Mayor Kochuba's point, Mrs. Minor advised that the funds had not actually transferred; the transfer of funds would actually take place toward the end of the next fiscal year when the cash transfer is adjusted.

There were additional comments pertaining to the increased revenue with Mrs. Minor reporting she was happy to report staff would be reporting a surplus addition to Fund Balance at the end of FY21. Mrs. Minor noted these funds were still unaudited; however, they total approximately \$1.4M. Advising she had been working with Mr. Smith to assign some of the additional fund balance in the reserves.

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Vote: 7-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

C. AN ORDINANCE NO 21-FIN-13

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$31,878 consisting of: 1) \$650 in prior year donations to the Animal Shelter; 2) \$1,253 in donations made to the Youth Advisory Council; 3) \$7,900 in prior year reserves for the Office on Youth; 4) \$925 in donations to the Office on Youth Shoe Fund; 5) \$5,000 in donations to the K-9 program for vehicle equipment; and 6) \$16,150 in funding from the Compensation Board for bonuses in the Sheriff's Office.

To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$3,629 in insurance recoveries for the replacement of a lawn mower.

A motion was made by Mr. Cherry, seconded by Mr. Wood, to adopt Ordinance No. 21-FIN-13.

Mr. Smith provided brief clarifying comments relative to the contributions with Mr. Wood asking if staff could provide thank you letters for the contributions.

Vote: 7-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Luck

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Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

D. A RESOLUTION NO 21-40, AS AMENDED

Authorizing the submission to the Virginia Department of Transportation (VDOT) of an application for federal FY 2022-23 Transportation Alternatives Program funding; requesting financial assistance in an amount up to \$188,855 for the Safe Routes to School Phase III Middle School Project; \$615,293 for the Boulevard Spur of the Appomattox River Greenway Trail; \$4,151,088 for Phase VI of the Appomattox River Greenway Trail; and committing to pay the 20% local match for each project and provide for future maintenance and upkeep of the completed projects. Also repealing Resolution No. 21-40, which Council approved on September 14, 2021.

A motion was made by Mr. Wade, seconded by Mr. Cherry, to adopt Resolution No. 21-40, AS AMENDED.

Mr. Smith advised the amended resolution had adjustments which needed to be brought back before Council for review and approval. Mr. Smith relinquished the floor to Mr. Flippen for further clarification.

Mr. Flippen recalled his presentation at the September 14, 2021 meeting to present Resolution No. 21-40. Mr. Flippen noted his staff tried to do their due-diligence and apologized for having to come before Council again to discuss Resolution 21-40. Mr. Flippen explained the staff received word from VDOT regarding the adjustment of the estimate as noted above. Mr. Flippen stated these amounts were quite a bit larger than originally stated in September; specifically stating approximately \$2M for the river trail Phase VI and approximately \$300,000 for the Boulevard Spur. Mr. Flippen expressed his frustration with VDOT and advised he would reach out at the next MPO meeting to inquire about their estimating tools to ensure everyone is on the same playing field.

Mayor Kochuba assured Mr. Flippen Council did not hold him responsible for the change. Mr. Flippen clarified that the 80/20 split would increase ratio wise with VDOT's portion increasing just as the City's portion.

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Addressing Mr. Cherry's question relative to the increase in the project, Mr. Flippen stated staff was seeing increase in most of the projects due to the increase in materials.

Mr. Wood stated he was the City's representative on the Metropolitan Planning Organization and he was conflicted in this particular situation and explained there was a lot of competition between the localities and VDOT for state funds. Continuing, Mr. Wood stated the City had been very successful, mainly because of the City's Public Works Department, in identifying projects and being able to manage them allowing the City to be more competitive. Mr. Wood noted the current need for funding to address infrastructure needs stating he did not anticipate the cost for materials to decrease; therefore, he stated he paused at having to spend the noted sum on a trail when there are vital infrastructure needs and would leave it to Council to decide.

Mr. Smith, noting the budgeting of Phase VI, stated the funding would be over several fiscal years. Additionally, not knowing if the grant would be awarded or how much may apply to the City; Mr. Smith advised of possible funds available from FOLAR to assist with right-of-way acquisition.

Vote: 7-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

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

AN ORDINANCE NO 21-17

(Second Reading) To grant a special exception permit, with conditions, to Roslyn Farm Corporation to permit a substance abuse clinic at 300A Temple Lake Drive, also known as parcel identification number 68125800008, which is zoned GB – General Business District.

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A motion to approve Ordinance No. 21-17 was made by Mr. Cherry, seconded by Mr. Wade.

Addressing Mr. Wade's question, Mr. Smith clarified there were no changes other than the times of operation which would be Monday to Friday 6:00 AM to 4:00 PM and Saturday and Sunday from 6:00 AM to 10:00 AM.

There being no further comments, Mayor Kochuba called for the vote.

Vote: 6-1
Yes: Cherry
Piotrowski
Poe
Wade
Luck
Kochuba
No: Wood
Absent: None
Abstained: None

Motion: PASS

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Update on Transaction Fees for Credit/Debit Card Payments

Mr. Smith provided updates on the current ordinance providing for convenience fees for the use of credit and debit card use for online and over-the-counter transactions; specifically noting, there was a stipulation allowing for waiver of the fees during the state of emergency. Mr. Smith advised fees had been waived since March of 2020 with the exception of the Recreation Department fees which are processed differently. Mr. Smith advised that staff was prepared to initiate these fees and wished to brief Council before implementation. Most importantly, Mr. Smith advised that these fees would not apply to utility bill payments.

Addressing Mayor Kochuba's comments relative to utility bills being the largest number of payments being received; Mrs. Minor stated he was correct and historically individuals tend to pay the larger personal property and real estate bills when there was not an online fee applied. Mrs. Minor stated staff

had come to a point that this was the best opportunity to reinstate the fees which were intended to be applied 18 months ago. Additionally, Mrs. Minor advised staff would simultaneously be releasing a new online payment portal in associated with the ERP project. Mrs. Minor advised with this new portal, customers will be able to search their information.

Continuing, Mrs. Minor advised 2% will apply to all debit and credit card transactions with the exception of utility bills and customers will be able to be able to pay through electronic check on-line as well as cash and check in-person payments. Mrs. Minor advised that if approved, the change will be in effect October 18, 2021.

Mrs. Minor provided comments explaining why there were no fee charges for utility bills; additionally, noting there was a fee for returned checks justifying staff's efforts.

Addressing Mr. Wade's question relative to the previously scheduled September cut-offs, Mrs. Minor advised the schedule was delayed to the current month due to the quarantine of utility billing staff with cut-offs beginning tomorrow (October 13). Mrs. Minor continued to answer questions relative to utility bill assistance and cut-offs.

2. General Activity Report

Mr. Smith reported on the following:

- **Thanked the Police Department for their efforts in coordinating the Celebrate Safe Communities Night.**
- **Reminded Council of the upcoming work session on Tuesday, October 19 at 6:00 PM.**
- **Fort Clifton Fall Festival, scheduled for Saturday, October 16 from 12:00 PM to 4:00 PM.**

Before continuing, Mr. Smith addressed Mr. Wade's question relative to his request to increase handicap parking violations advising he had previous discussions with Police Department; however, he would have to bring that information back to Council at an upcoming meeting.

B. City Attorney

Mr. Fisher stated he would be submitting his monthly report within the next day or so but he had nothing additional to report.

C. Director of Planning and Community Development

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Mr. Smith advised there was no Planning Commission in October. Mr. Smith added that the Board of Zoning Appeals did meet in September approving three variance requests at that time.

16. Adjournment

There being no further business, a motion was made by Mrs. Luck, seconded by Mr. Cherry, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 8:15 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk