

COLONIAL HEIGHTS CITY COUNCIL AGENDA

REGULAR MEETING CITY HALL

Council Members

Michael A. Cherry
Kenneth B. Frenier
W. Joe Green, Jr.
John E. Piotrowski
John T. Wood
Elizabeth G. Luck, Vice-
Mayor
T. Gregory Kochuba,
Mayor

October 13, 2020

201 James Avenue, Colonial Height, VA

7:00 PM

1. Call To Order
2. Roll Call
3. Devotion - Mr. Kenneth B. Frenier
4. Pledge Of Allegiance
5. Adoption Of Agenda
6. Declarations Of Personal Interest
7. Commendations And Presentations
 - A. Presentation Of The City's 2020 Annual Donation To The Chesterfield/Colonial Heights Christmas Mother, Phyllis Taylor Poats
8. Reading Of Manner Of Addressing Council.

ANY MEMBER OF THE PUBLIC addressing the Council shall approach the lectern, give his name and address in an audible tone of voice for the record, AND ADDRESS THE COUNCIL AS A BODY RATHER THAN SPEAK TO ANY MEMBER. Unless further time is granted by the Council, ANY MEMBER OF THE PUBLIC shall address the Council for a maximum of five (5) minutes, regardless of the number of issues he desires to discuss. PROVIDED however, that the main proponent of any application, petition, or plan that is the subject of a public hearing shall be allowed to address the Council initially for a maximum of ten (10) minutes and later in rebuttal for a maximum of three (3) minutes.
9. Written Petitions And Communications
 - A. Heidi Miro, 342 King Fisher Way - The Lucy's Life Petition To Ban Archery From Conjurers Drive North Through Whitebank And Conjurers Neck For Both Moral And Safety Reasons
 - B. Receive And Open Bids For A Gas Line Easement Along Conduit Road
10. Advertised Public Hearing
 - A. AN ORDINANCE NO. 20-28
(*First Reading*) Authorizing the City Manager to enter into a Right of Way or Easement Agreement with Columbia Gas of Virginia, Inc., whereby the City grants Columbia Gas of Virginia, Inc. an easement along the east side of Conduit Road which is 20 feet in width and approximately 278 feet in length for the purpose of installing a gas pipeline.

Documents:

EX SUMMARY ORD 20-28.PDF
CGV RW CORP PARTNSHP CITY OF COLONIAL HEIGHTS2.PDF
19-0374653-00 EXHIBIT.PDF
PLAT V570-91-19.PDF
AN ORDINANCE NO 20-28.PDF

B. AN ORDINANCE NO. 20-24

(First Reading) To grant a special use permit to KHJ Colonial LLC d/b/a Keystone Truck and Tractor Museum to allow for a 99 square foot electronic message board on the existing freestanding sign structure at Keystone Truck and Tractor Museum, 880 West Roslyn Road, also known as parcel identification number 6805000001A, which is zoned IN – Industrial District.

Documents:

EX SUMMARY ORDINANCE NO 20-24.PDF
PCRESO_20-10.PDF
SPECIALUSEPERMIT_DOCUMENTATION.PDF
AN ORDINANCE NO 20-24.PDF

C. A RESOLUTION NO. 20-39

Approving a revised Lease Agreement with Collegiate Baseball Experience for the use of Shepherd Stadium.

Documents:

EX SUMMARY CBE AGREEMENT.PDF
CITY-CBE LEASE PROPOSED REVISIONS.PDF
CITY-CBE REVISED LEASE (CLEAN COPY).PDF
A RESOLUTION NO 20-39.PDF

11. Hearing Of Citizens Generally On Non-Agenda Items

12. Consideration Of Uncontested Minutes, Ordinances, Resolutions, And Motions In Accordance With The Consent Agenda

A. AN ORDINANCE NO. 20-FIN-17

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$941,440 in prior year encumbrances.

To amend the Emergency Response Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, to appropriate the aggregate amount of \$67,252 which includes: 1) \$13,735 in prior year encumbrances; and 2) \$53,517 in CARES funds from the state Board of Elections for the November election.

To amend the Stormwater Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$41,634 in prior year encumbrances.

To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$74,139 in prior year encumbrances.

Documents:

EX SUM ORD 20-FIN-17.PDF
ELECT - CARES ACT INFO.PDF
ORDINANCE 20-FIN-17 (ORIGINAL).PDF
AN ORDINANCE NO 20-FIN-17 (REVISED).PDF

B. 2020 Retreat Minutes

Documents:

[RETREAT MINUTESFINAL.PDF](#)

C. June 16, 2020 Special Meeting Minutes

Documents:

[06162020 SPECIAL MTNG MINUTESFINAL.PDF](#)

D. July 14, 2020 Special Meeting Minutes

Documents:

[07142020 SPECIAL MEETING MINUTESFINAL.PDF](#)

E. July 14, 2020 Regular Meeting Minutes

Documents:

[07142020 REGULAR MEETING MINUTESFINAL.PDF](#)

F. July 21, 2020 Special Meeting Minutes

Documents:

[07212020 SPECIAL MTNG MINUTESFINAL.PDF](#)

G. August 11, 2020 Special Meeting Minutes

Documents:

[08112020 SPECIAL MEETING MINUTESFINAL.PDF](#)

H. August 11, 2020 Regular Meeting Minutes

Documents:

[08112020 REGULAR MEETING MINUTESFINAL.PDF](#)

I. August 25, 2020 Special Meeting Minutes

Documents:

[08252020 SPECIAL MEETING MINUTESFINAL.PDF](#)

J. September 8, 2020 Special Meeting Minutes

Documents:

[09082020 SPECIAL MEETING MINUTESFINAL.PDF](#)

K. September 8, 2020 Regular Meeting Minutes

Documents:

[09082020 REGULAR MEETING MINUTESFINAL.PDF](#)

L. September 23, 2020 Special Meeting Minutes

Documents:

[09232020 SPECIAL MEETING MINUTESFINAL.PDF](#)

13. Introduction And Consideration Of Ordinances And Resolutions

A. AN ORDINANCE NO. 20-29

(First Reading) Awarding A Bonus to City Employees Not Included in the Hazard Pay Program.

Documents:

[EX SUMMARY ORD 20-29.PDF](#)
[AN ORDINANCE NO 20-29.PDF](#)

B. AN ORDINANCE NO. 20-FIN-19

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$28,087, consisting of \$3,987 in grant funds from the Virginia Risk Sharing Association for safety supplies and \$24,100 in unassigned fund balance for police vehicles.

Documents:

[EX SUMMARY 20-FIN-19.PDF](#)
[VRSA GRANT NOTICE.PDF](#)
[REQUEST FROM POLICE CHIEF.PDF](#)
[AN ORDINANCE NO 20-FIN-19.PDF](#)

C. A RESOLUTION NO. 20-52

Authorizing the City Manager to enter into the First Amendment to the Lead-Acid Battery Collection and Recycling Service Agreement Between Central Virginia Waste Management Authority and Participating Local Jurisdictions.

Documents:

[EX SUMMARY.PDF](#)
[SERVICE AGREEMENT.PDF](#)
[AMENDMENT.PDF](#)
[A RESOLUTION NO 20-52.PDF](#)

D. A RESOLUTION NO. 20-53

To revise the job description for Assistant Director of Public Works.

Documents:

[EX SUMMARY.PDF](#)
[ASSISTANT DIRECTOR OF PUBLIC WORKS-ENGINEERING.PDF](#)
[A RESOLUTION NO 20-53.PDF](#)

E. A RESOLUTION NO. 20-54

Amending the Order of Business specified in the 2019 City Council Rules of

Procedure.

Documents:

[EX SUMMARY RESO 20-54.PDF](#)
[A RESOLUTION NO 20-54.PDF](#)

14. Unfinished Business, Contested Ordinances And Resolutions, And Items Removed From The Consent Agenda

A. AN ORDINANCE NO. 20-FIN-18

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$95,000, consisting of 1) \$60,000 in anticipated grant funds for GIS enhancements; and 2) \$35,000 in assigned fund balance for the replacement of the City's gas pumps.

Documents:

[EX SUMMARY 20-FIN-18.PDF](#)
[BUDGET SUMM SEPT 20.PDF](#)
[AN ORDINANCE NO 20-FIN-18.PDF](#)

15. Reports Of Officers And Documents Related Thereto

A. City Manager

1. Emergency Management And CARES Funding Update
2. Sewer Line Repair Update
3. Christmas Parade
4. General Activity Report

Documents:

[EX SUM CM ACTIVITY REPORT.PDF](#)
[DATES OF INTEREST - CM REPORT OCT 2020.PDF](#)

B. City Attorney

C. Director Of Planning And Community Development

1. Planning Boards And Commissions Summary

Documents:

[EX SUMMARY PLANNING SUMMARY.PDF](#)
[100620_PC_SUMMARY.PDF](#)

16. Adjournment



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: Ordinance No. 20-28

DEPARTMENT: City Attorney and Public Works

PROPOSED ACTION: The Mayor will receive and open any bids submitted at the meeting, and open any bids previously submitted to the City Attorney, to install a gas pipeline in a 20-foot wide x 278 feet long easement along Conduit Road. The City already has received a bid from Columbia Gas of Virginia, Inc. to install the gas pipeline. After any bids are received and opened, and Columbia's bid is summarized, the Council will hold a public hearing for citizen comment. Council will then vote on the ordinance on first reading.

BACKGROUND: Columbia Gas of Virginia, Inc. has requested to abandon in place its current gas pipeline on Conduit Road and relocate new pipeline into a new 20-foot wide easement along the east side of Conduit Road beginning at its intersection with Yacht Basin Drive and proceeding north for 278 feet. If approved, the City will need to enter into a new Right of Way or Easement Agreement with Columbia Gas of Virginia, Inc.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Approve Ordinance 20-28 on first reading.

ATTACHMENTS: Right of Way or Easement Agreement
Plat

- 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.

Parcel ID #: 681200000A2

RW#:

RIGHT OF WAY OR EASEMENT AGREEMENT

FOR AND IN CONSIDERATION of One Dollar (\$1.00) paid by **COLUMBIA GAS OF VIRGINIA, INC.**, a Virginia corporation, with mailing address at 1809 Coyote Drive, Chester, Virginia 23836, hereinafter called the Grantee, to **THE CITY OF COLONIAL HEIGHTS, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter, whether singular or plural, called the Grantor. The Grantor does hereby grant and convey to the Grantee an easement or right of way for forty (40) years to construct, operate, maintain, replace, repair, alter the size, upgrade, remove or abandon in place, pipelines and appurtenant equipment, together with valves, service connections and lateral connections for transporting gas with associated products, or other substances that can be transported through pipelines, and appurtenant facilities including, but not limited to, cathodic protection, and to perform pre-construction work/activities, over and through all that certain tract of land situate in the City of Colonial Heights, Commonwealth of Virginia, and described as follows:

The location of the easement area pursuant to the terms and conditions of this right of way agreement is shown on Drawing Number **V570-92-19**, attached hereto, made a part hereof, and recorded herewith.

With the right of ingress to and egress from the easement area by means of existing or future roads and other reasonable routes on the Premises and on Grantor's adjoining lands and to exercise all other rights necessary or convenient for the full use and enjoyment of the rights herein granted, including the right from time to time to: (a) clear the easement of all obstructions and (b) clear, cut, trim and remove any and all vegetation, trees, and brush and overhanging branches from the easement by various means.

Grantor may use and enjoy the easement, except to the extent such use and enjoyment interferes with the rights granted to Grantee under this Agreement. Grantor shall not construct or permit to be constructed or place any structure, including but not limited to, dwellings, garages, out-buildings, pools, decks, man-made bodies of water, trees, shrubbery, leach beds, septic tanks, or any other obstructions on or over the Right-of-Way that will, in any way, interfere with the use of the Right-of-Way by Grantee. Grantor shall not change the depth of cover in Right-of-Way; conduct grading operations within the Right-of-Way; permit the dumping of refuse or waste in the Right-of-Way; without the written consent of the Grantee.

Grantee shall replace and restore any area on the Premises disturbed by Grantee's laying,

construction, operation, replacement, and maintenance of said pipelines to as near as practical to the Premises' original condition, except as provided herein.

Grantor and Grantee have agreed as a part of the consideration hereof that any damages to lawn, driveways, shrubbery, drain tiles, trees, crops or fences on said premises, the amount of which cannot be mutually agreed upon, shall be determined by a panel of arbitrators composed of three disinterested persons, of whom Grantor and Grantee shall appoint one each and the two arbitrators so appointed shall appoint the third, the award of any two of whom shall be final and a condition precedent to the institution of any legal proceedings hereunder.

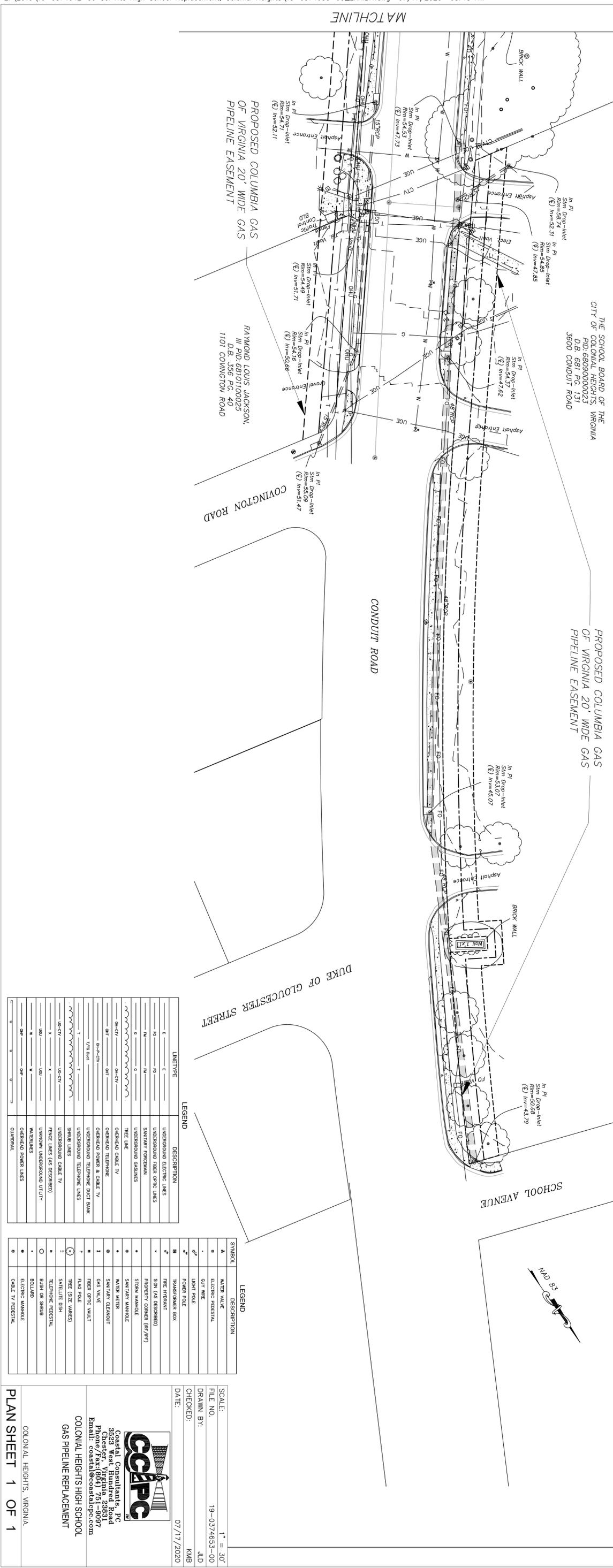
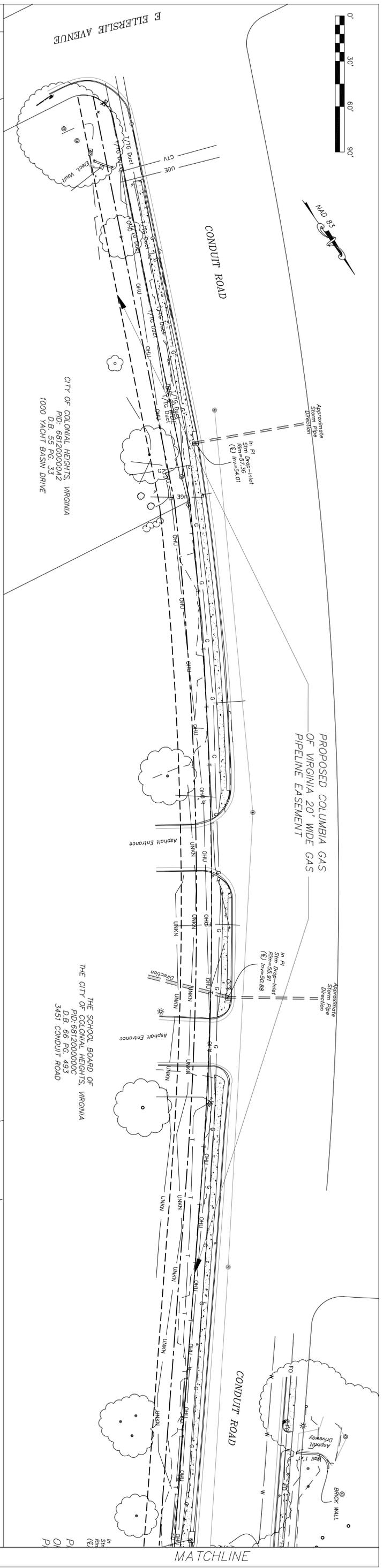
With regard to the lands encompassed by this Agreement, Grantor represents that, to the best of their knowledge: (a) No pollutants, contaminants, petroleum or hazardous substances have been disposed or released on or under the easement area which would cause or threaten to cause an endangerment to human health or the environment or require clean up. (b) Neither the Right-of- Way, nor any portion thereof, is legally or contractually restricted as to its use or is subject to special environmental protections that would affect the use of the easement for Grantee's intended use. (c) The easement is not currently and has not previously been used for industrial purposes. Grantor further represents that it has informed Grantee, prior to the execution of the Agreement, of any and all pollutants, contaminants, petroleum, hazardous substances and endangerments which the Grantor knows or has reason to know exist or may exist on or under the easement.

Grantor and Grantee agree that, except to the extent caused by the acts or omissions of the Grantee or its representatives and contractors, the Grantee shall not be liable for, and is hereby released from, any and all claims, damages, losses, judgments, suits, actions and liabilities, whether arising during, prior to or subsequent to the term of this Agreement, related to the presence of pollutants, contaminants, petroleum, hazardous substances or endangerments in, beneath or along the Easement Area.

The rights, privileges and terms hereby shall extend to and be binding upon Grantor and the Grantee and their respective representatives, heirs, successors and assigns.

Grantee and Grantor executed a Natural Gas Franchise Agreement on December 20, 2019, and January 2, 2020, respectively. Except for the provisions in this Right Of Way Or Easement Agreement that contradict provisions in the Natural Gas Franchise Agreement, the Grantee and Grantor shall comply with the provisions of the Natural Gas Franchise Agreement.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A



PROPOSED COLUMBIA GAS
OF VIRGINIA 20' WIDE GAS
PIPELINE EASEMENT

THE SCHOOL BOARD OF THE
CITY OF COLONIAL HEIGHTS, VIRGINIA
PID: 6812000000C
D.B. 66 PG. 493
3451 CONDUIT ROAD

PROPOSED COLUMBIA GAS
OF VIRGINIA 20' WIDE GAS
PIPELINE EASEMENT

THE SCHOOL BOARD OF THE
CITY OF COLONIAL HEIGHTS, VIRGINIA
PID: 68090000023
D.B. 681 PG. 131
3600 CONDUIT ROAD

PROPOSED COLUMBIA GAS
OF VIRGINIA 20' WIDE GAS
PIPELINE EASEMENT

RAYMOND LOUIS JACKSON,
III PID: 6810100025
D.B. 356 PG. 40
1101 COVINGTON ROAD

LINE/TYPE	DESCRIPTION
1	UNDERGROUND ELECTRIC LINES
2	UNDERGROUND FIBER OPTIC LINES
3	SANITARY FORECAST
4	UNDERGROUND GAS LINES
5	TREE LINE
6	OVERHEAD CABLE TV
7	OVERHEAD TELEPHONE
8	OVERHEAD POWER & CABLE TV
9	UNDERGROUND TELEPHONE DUCT BANK
10	UNDERGROUND TELEPHONE LINES
11	SHRUB LINES
12	UNDERGROUND CABLE TV
13	FENCE LINES (AS DESCRIBED)
14	UNKNOWN UNDERGROUND UTILITY
15	WATERLINES
16	OVERHEAD POWER LINES
17	QUADRANT

SYMBOL	DESCRIPTION
1	WATER VALVE
2	ELECTRIC FEDESTAL
3	GLY WIRE
4	LIGHT POLE
5	POWER POLE
6	TRANSFORMER BOX
7	FIRE HYDRANT
8	SOIL GAS RESERVOIR
9	PROPERTY CORNER (N/P/W)
10	STORM MANHOLE
11	SANITARY MANHOLE
12	WATER METER
13	SANITARY CLEANOUT
14	GAS VALVE
15	FIBER OPTIC WALL
16	FLAG POLE
17	TREE (SEE NOTES)
18	SATELLITE DISH
19	TELEPHONE FEDESTAL
20	BUSH OR SHRUB
21	BELLAND
22	ELECTRIC MANHOLE
23	CABLE TV FEDESTAL

SCALE: 1" = 30'

FILE NO. 19-0374653-00

DRAWN BY: JLD

CHECKED: KMB

DATE: 07/17/2020

CC&PC

Coastal Consultants, PC
3523 West Hundred Road
Phone/Fax: (804) 751-9097
Email: coastal@coastalpc.com

COLONIAL HEIGHTS HIGH SCHOOL
GAS PIPELINE REPLACEMENT

COLONIAL HEIGHTS, VIRGINIA.

PLAN SHEET 1 OF 1

Z:\2019\19-0374042-00 Col Hts High School Replacement, Colonial Heights\C-19-0374042-00.dwg 04/02/2019 02:04 PM



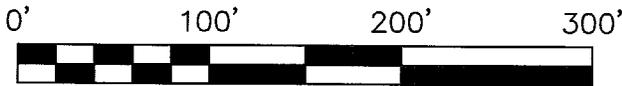
**CENTERLINE
OF 20' WIDE
GAS
PIPELINE
EASEMENT
C/L = 278'**

N/F
SCHOOL BOARD OF THE
CITY OF COLONIAL HEIGHTS
PID: 6812000000C
D.B. 66 PG. 493

CONDUIT ROAD
(90' R/W)

CITY OF COLONIAL HEIGHTS,
VIRGINIA
PID: 681200000A2
D.B. 55 PG. 33
1000 YACHT BASIN DRIVE

YACHT BASIN DRIVE
(60' R/W)



LINE	BEARING	DISTANCE
L1	N 27°30'00" E	273.04'
L2	N 32°39'20" E	4.32'



COMPANY COLUMBIA GAS OF VIRGINIA, INC.				WORK ORDER(S) 19-0374042-00 15-0378882-00	
PROJECT 20' WIDE GAS PIPELINE EASEMENT ACROSS THE PROPERTY OF CITY OF COLONIAL HEIGHTS, VIRGINIA				TAX DISTRICT(S)	
DATE 04/02/2019	ENGINEER COASTAL CONSULTANTS, P.C.	DRAWN BY JLD	SCALE 1" = 100'	COUNTY/CITY COLONIAL HEIGHTS	
SYSTEM NO. 38040007	REFERENCES	MAP(S) 8-284-124-H	REVISIONS	STATE VIRGINIA	
				DRAWING NO. V570-92-19	

AN ORDINANCE NO. 20-28

Authorizing the City Manager to enter into a Right of Way or Easement Agreement with Columbia Gas of Virginia, Inc., whereby the City grants Columbia Gas of Virginia, Inc. an easement along the east side of Conduit Road which is 20 feet in width and approximately 278 feet in length for the purpose of installing a gas pipeline.

WHEREAS, Columbia Gas of Virginia, Inc. ("Columbia Gas") currently has a gas pipeline located in an easement area on the east side of Conduit Road; and

WHEREAS, Columbia Gas desires to abandon in place part of its current pipeline on Conduit Road and relocate the pipeline into a new easement area that will be 20 feet wide and approximately 278 feet long; and

WHEREAS, the new easement's location will be on the east side of Conduit Road, commencing at its intersection with Yacht Basin Drive and proceeding north on Conduit Road; and

WHEREAS, Columbia Gas wishes the City to enter into a Right of Way or Easement Agreement, a copy of which is attached to and made a part of this Ordinance; which Agreement includes a plat depicting the requested easement; and

WHEREAS, relocation of Columbia Gas's pipeline will allow Columbia Gas easier access to the pipeline if repairs are needed; and

WHEREAS, the City Council duly advertised its desire to receive bids before or during the Council meeting beginning at 7:00 PM, on October 13, 2020, from any person or entity interested in installing the gas pipeline; and

WHEREAS, at the October 13, 2020 City Council meeting, Council's presiding officer summarized the bid from Columbia Gas, inquired if any other bids were being offered, noted that no other bids were offered, declared the bidding closed, and received the staff's recommendation on the Columbia Gas bid; and

WHEREAS, the Council properly advertised notice of a public hearing on this Ordinance and the approval of the easement and held such a public hearing; and

WHEREAS, the Council believes that it is appropriate to grant Columbia Gas the requested easement; NOW, THEREFORE,

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

1. That Douglas E. Smith, City Manager, is hereby authorized to enter into the attached Right of Way or Easement Agreement with Colombia Gas of Virginia, Inc., whereby the City grants an easement of 40 years to install a gas pipeline on City-owned real property that is 20 feet wide and approximately 278 feet long on the east side of Conduit Road, on parcel identification number 681200000A2.
2. That this ordinance shall be effective upon approval 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 Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

Adopted on its second reading on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: ORDINANCE NO. 20-24 (*First Reading*)

DEPARTMENT: Planning & Community Development

PROPOSED ACTION: City Council to have first reading on Ordinance No. 20-24

BACKGROUND:

(*First Reading*) Ordinance No. 20-24 will grant a special use permit to KHJ Colonial, LLC to allow for a 99 square foot electronic message board on the existing freestanding sign at Keystone Tractor Museum & Grill, 880 West Roslyn Road, also known as parcel identification number 6805000001A, which is zoned IN - Industrial District. This is the second special use permit request for signage on this property, the first special use permit is Ordinance No. 12-3, approved on April 10, 2012.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Planning Commission recommended approval (approved 6-0) of Ordinance No. 20-24 to the City Council on September 1, 2020.

ATTACHMENTS:

ORDINANCE NO. 20-24; PLANNING COMMISSION RESOLUTION NO. 20-10; Special Use Permit Documentation 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.



PLANNING COMMISSION RESOLUTION NO. 20-10

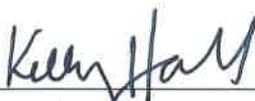
To recommend that the City Council approve Ordinance No. 20-24, a copy of which is attached, granting a special use permit to KHJ Colonial, LLC.

Approved this 1st day of September 2020.

APPROVED:


Chairman

ATTEST:


Secretary

AN ORDINANCE NO. 20-24

To grant a special use permit to KHJ Colonial LLC d/b/a Keystone Truck and Tractor Museum to allow for a 99 square foot electronic message board on the existing freestanding sign structure at Keystone Truck and Tractor Museum, 880 West Roslyn Road, also known as parcel identification number 6805000001A, which is zoned IN – Industrial District.

WHEREAS, KHJ Colonial LLC has filed an application for a special use permit to upgrade existing signage at the Keystone Truck and Tractor Museum, located at 880 West Roslyn Road, to allow for an electronic message board consisting of 99 square feet; and

WHEREAS, 880 West Roslyn Road is also known as parcel identification number 6805000001A and is zoned IN – Industrial District; and

WHEREAS, after due consideration, the Planning Commission approved Planning Commission Resolution No. 20-10, a copy of which is attached hereto and made a part of this ordinance; and

WHEREAS, the Planning Commission recommended that City Council approve this ordinance; and

WHEREAS, City Council has held a public hearing to receive citizen comment on the issuance of the special use permit; and

WHEREAS, upon recommendation of the Planning Commission, the City Council finds that the public necessity, convenience, general welfare, and good planning and zoning practice require that this special use permit be granted; and

WHEREAS, City Council further finds, after investigation by the Colonial Heights' Planning Commission, that issuance of the requested special use permit to KHJ Colonial LLC for property located at 880 West Roslyn Road will not be detrimental to the safety, health, morals, and general welfare of the community involved; will conform to the principles of good planning; will not tend to create congestion in streets, drives, alleys and other public ways and places in the area involved; will not create hazards from fire, panic or other dangers; will not tend to overcrowding of land and

cause an undue concentration of population; will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; and will not interfere with adequate light and air; NOW, THEREFORE,

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That KHJ Colonial LLC is granted a special use permit to upgrade existing signage at 880 West Roslyn Road, to allow for an electronic message board consisting of approximately 99 square feet on an existing sign structure.

2. The granting of this special use permit is contingent on the electronic message board complying with the following two conditions: (a) any movement, including flashing and scrolling, is prohibited; and (b) the sign must either freeze or go blank if there is a malfunction.

3. This permit shall be subject to review and revocation by Council, at Council's discretion, in the same manner and under the same conditions as required by law for the granting of such permits.

4. This ordinance shall be in full force and effect upon its approval 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 Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

Adopted on its second reading on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

From: noreply@civicplus.com
To: [Brandi Payne](#); [Kelly Hall](#); [Karen Epps](#)
Subject: Online Form Submittal: Request for Special Use Permit
Date: Friday, July 31, 2020 2:03:04 PM

Request for Special Use Permit

Step 1

Date of Request	8/3/2020
Name of Project	Museum Signage Change
Address of Request	880 West Roslyn Road
Description of Request	Changes to the existing pole sign for the Museum

Applicant Information

Property Owner	KHJ Colonial LLC
Owner Contact Name	Bob Cervarich
Address of Owner	880 West Roslyn Road Colonial Heights, VA 23834
Telephone No.	804-525-9005
Fax No.	<i>Field not completed.</i>
Email Address	bob@keystonetractorworks.com

Applicant Information (continued)

Developer (if applicable)	<i>Field not completed.</i>
Engineer (if applicable)	<i>Field not completed.</i>
Contact Name & Address	Bob Cervarich 880 West Roslyn Road Colonial Heights, VA 23834
Telephone No.	8045259005
Fax No.	<i>Field not completed.</i>
Email Address	bob@keystonetractorworks.com
Statement	All information is accurate to the best of my ability. By checking this box, you are agreeing to sign and take responsibility for the work on this permit.

Site Plan Information

Site Acreage	11.527 Acres
--------------	--------------

Parcel Identification	6805000001A
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Existing/Proposed Square Footage of Structure(s) (if applicable)	<i>Field not completed.</i>
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Proposed Land Use Activity	Museum
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Vehicles per Peak Hour (VPH)	<i>Field not completed.</i>
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Traffic Impact Analysis	<i>Field not completed.</i>
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Attachments

Attachments	Adjacent Property Owners Form, Responses to Questions on following page
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Please email attachments to hallk@colonialheightsva.gov to include with your submission.

Adjoining Property Owners

All adjacent property owners shall be listed. Adjacent property owners include all property across from roadways, watercourses, railroads, and/or municipal boundaries. The names and addresses below are those of adjacent property owners as listed in the tax records of the City Assessor and County Assessor if applicable.

Parcel ID #	7302
-------------	------

7300

7303

6272

6271

Name	U haul
------	--------

Medallion Pool

Keystone Tractor Museum

United Refrigeration/Eck/ Fastenal

Delfort

Street Address

804 West Roslyn Rd

840 West Roslyn Rd

860 West Roslyn Rd

1106 West Roslyn Rd

1106 West Roslyn Rd

Questions

What is the Land Use and Transportation Plan Map designation of the subject property?

Industrial

Describe in Detail the Proposed Use of the Property.

A Museum

Explain how this request is consistent with the Comprehensive Plan.

Requesting change in signage per existing SUP

List any sensitive environmental or unique features of the property.

None

Explain how this request will impact the surrounding neighborhood and/or the City of Colonial Heights.

No impact

Have you prepared a conceptual plan of the proposed development, including proposed

See attached rendition and details of sign

uses, general lot configurations and road locations?

What provisions will be made to provide safe and adequate access to the subject property? N/A

Please identify any known or suspected historic resources on both the subject property and adjacent properties. N/A

Email not displaying correctly? [View it in your browser.](#)



SUP – 20-10
Special Use Permit
880 West Roslyn Road, Parcel ID 68090000023
Electronic Message Board

KHJ Colonial, LLC d/b/a Keystone Tract & Museum is requesting a special use to allow for a 99 square foot electronic message board on the existing freestanding sign at Keystone Tractor Museum & Grill, 880 West Roslyn Road, also known as parcel identification number 6805000001A, which is zoned IN - Industrial District. This is the second special use permit request for signage on this property, the first special use permit is Ordinance No. 12-3, approved on April 10, 2012.

Below, you will find more detailed information regarding the location, zoning, land use, and staff analysis.

Location

Keystone Tractor & Museum is located at 880 West Roslyn Road, also known as parcel identification number 6805000001A. The 11.53-acre parcel is bounded by West Roslyn Road and Interstate 95 (Southbound) to the east and an easement to the west.

Zoning

The official zoning map shows this property zoned as IN – Industrial.

Surrounding Zoning

North: RL – Residential Low Density

South: IN – Industrial

East: GB – General Business, Colonial Heights Holding, LLC separated by Interstate 95

West: RL – Residential Low Density

Existing Land Use

The existing land use is “Commercial.” The City’s Land Use Plan identifies the parcel as “Commercial.”

Surrounding Land Use

Existing Land Uses:

North: Residential-Single-Family

South: Residential-Single Family

East: Commercial

West: Residential-Single Family

Land Use Plan:

North: Low Density- Single Family

South: Low Density- Single Family

East: Mixed Use

West: Low Density- Single Family

Analysis of Request

The applicant for this Special Use Permit request is KHJ Colonial, LLC.

Currently, Keystone Tractor & Museum has a freestanding sign structure that houses an approximately 75 square foot sign. The sign advertises the name of the museum and restaurant at 880 West Roslyn Road. The sign structure is located in the front of the property and setback approximately 41.8' from the front property line.

KHJ Colonial, LLC requests a 99 square foot electronic message board to replace the second internally illuminated sign, utilizing the existing freestanding sign structure.

This request necessitates a Special Use Permit. Electronic message boards are not permitted in IN-Industrial zoning district.

Below are the recommendations for this electronic message board request:

In accordance with City Charter §17.11-1 Uniformity of Regulations within a District—Special Use Permits, the City Council has the authority to issue a special use permit by adopting an ordinance; however, prior to such adoption, the planning commission must investigate the circumstances and conditions and hold a public hearing. Once this occurs, “The city planning commission may recommend and the council may impose such conditions upon the use of the land, buildings and structures as will, in its opinion, protect the community and area involved and the public from adverse effects and detriments that may result therefrom”. As provided in this same section of the Charter, the Commission should investigate the circumstances and conditions to determine whether the “special use will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public

requirements, conveniences and improvements, and will not interfere with adequate light and air”.

The following documentation is attached:

- Special Use Permit application
- Image of existing signage
- Image of proposed signage

Recommendation

The recommendation from staff is for the Planning Commission to approve Planning Commission Resolution 20-10 which recommends passage of Ordinance Number 20-24 with the following conditions:

- (i) The electronic message board shall not be in use prior to 7:00 a.m. or after 10:00 p.m. on any day, except in an emergency situation;
- (ii) Any movement including flashing and scrolling is prohibited;
- (iii) The minimal interval between messages is no less than 10 seconds;
- (iv) The maximum brightness allowed is 5,000 nits – day and 500 nits – night;
- (v) The sign must be programmed to dim and brighten automatically in response to changes in ambient light; and
- (vi) The sign must either freeze or go blank if there is a malfunction.

AN ORDINANCE NO. 12-3

To grant a special use permit to KHJ Colonial, LLC, for property located at 800 West Roslyn Road.

WHEREAS, the Planning Commission at its meeting on March 6, 2012, held a public hearing on the issuance of a special use permit to KHJ Colonial, LLC, for property located at 800 West Roslyn Road; which property is presently zoned IN Industrial District, has parcel identification numbers 6805380004A, 68050000012C and 6805000012B, and comprises 11.5 acres, to allow for the property to be partially used for a restaurant not to exceed 2,000 square feet, which would be located in the existing farm museum building; and a freestanding sign not exceeding 45 feet in height and 192 square feet in size, to be located within 500 feet of the Interstate 95 highway right-of-way lines, as generally depicted on the attached drawing prepared by Superior Sign Productions and dated July 26, 2010 (the "Drawing"); and

WHEREAS, after due consideration, the Planning Commission recommended that City Council approve this ordinance and the special use permit; and

WHEREAS, pursuant to §17.11-1 of the Colonial Heights City Charter and Va. Code § 15.2-2204, City Council advertised a public hearing in *The Progress-Index* and held a public hearing at its Regular Meeting on April 10, 2012, to receive citizen comment on the issuance of a special use permit; and

WHEREAS, upon recommendation of the Planning Commission, the determination of City Council is that the public necessity, convenience, general welfare and good zoning practice require that this special use permit be granted; NOW, THEREFORE,

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Council finds, after investigation by the Colonial Heights' Planning Commission, that issuance of a special use permit to KHJ Colonial, LLC, for property located at 800 West Roslyn Road, will not be detrimental to the safety, health, morals and general welfare of the community involved; will conform to the principles of good planning; will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; will not create hazards from fire, panic or other dangers; will not tend to overcrowding of land and cause an undue concentration of population; will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; and will not interfere with adequate light and air.

2. That KHJ Colonial, LLC, be and is hereby granted a special use permit for a 11.5 acre parcel of property located at 880 West Roslyn Road, which has parcel identification numbers 6805380004A, 68050000012C and 6805000012B, to allow the property to be partially used for a restaurant not to exceed 2,000 square feet, which would be located in the existing farm museum building; and a freestanding pole sign, not to exceed 45 feet in height and 192 square feet in size, to be located within 500 feet of the Interstate 95 right-of-way lines, as generally depicted on the Drawing; which Drawing is hereby attached to and made a part of this Ordinance.

3. That this permit also shall be subject to review and revocation by Council, at Council's discretion, in the same manner and under the same conditions as required by law for the granting of such permits.

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

Approved:

C. Scott Davis
Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on April 10, 2012

Ayes: 5 Nays: 0 Absent: 2 Abstain: 0

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

The Honorable Kenneth B. Frenier, Councilman: Aye

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

The Honorable Elizabeth G. Luck, Vice Mayor: Aye

The Honorable John T. Wood, Councilman: Aye

The Honorable Diane H. Yates, Councilwoman: Aye

The Honorable C. Scott Davis, Mayor: Aye

Adopted on its second reading on May 8, 2012

Ayes: 7 Nays: 0 Absent: 0 Abstain: 0

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

Aye

The Honorable Kenneth B. Frenier, Councilman:

Aye

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

Aye

The Honorable Elizabeth G. Luck, Vice Mayor:

Aye

The Honorable John T. Wood, Councilman:

Aye

The Honorable Diane H. Yates, Councilwoman:

Aye

The Honorable C. Scott Davis, Mayor:

Aye

City Clerk

Approved as to form:

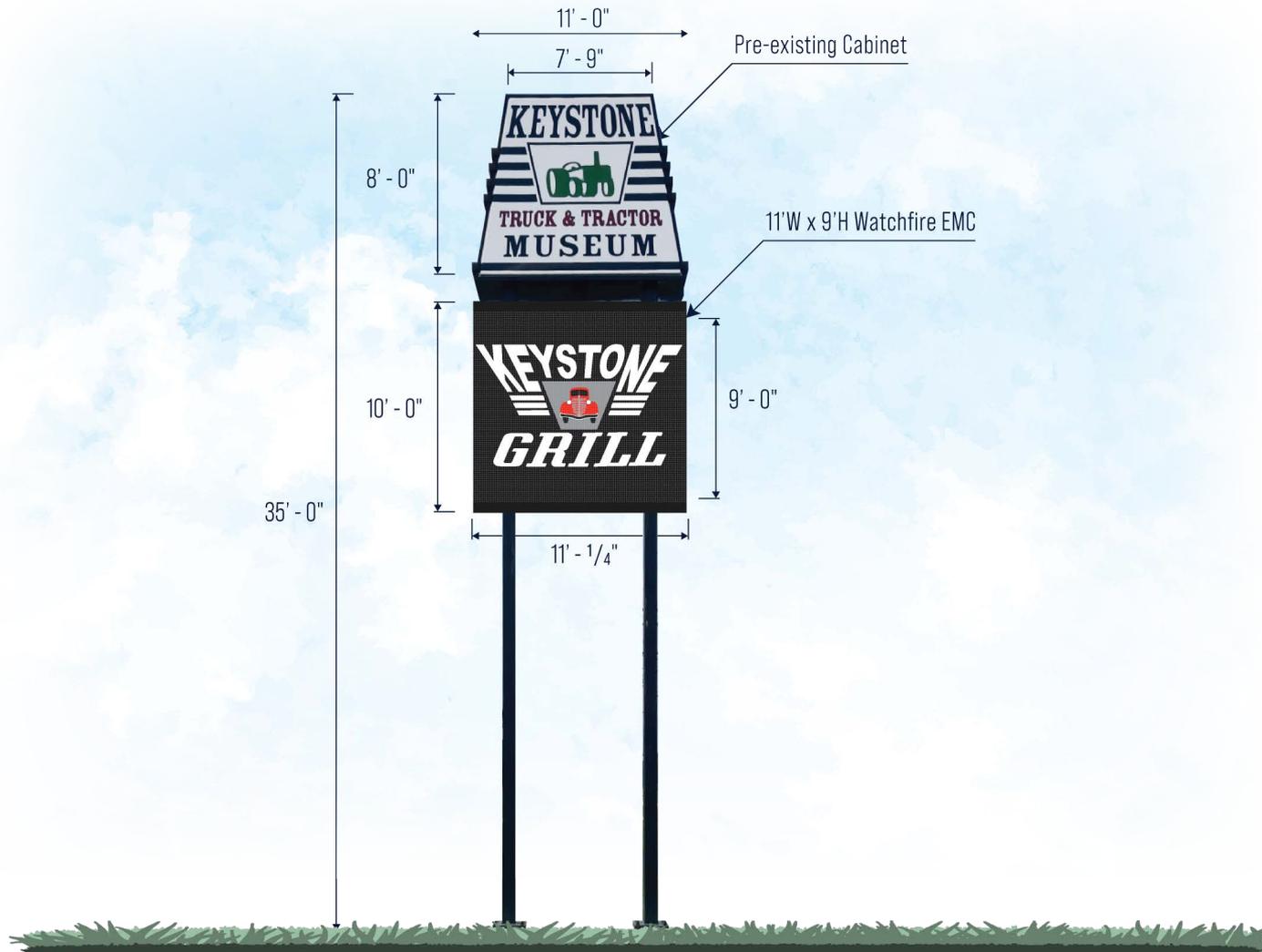
Hugh J. Foster, III
City Attorney



Existing Signage

SPECIFICATIONS:

1. Removal lower existing cabinet to be replaced with DF 11'W x 9'H Watchfire EMC.



EXISTING VIEW



PROPOSED VIEW

DRAWING #	KTTM_Colonial-Heights_02		
DATE	7/31/2020	SALES REP	Jonathan
		DESIGNER	Troy

REVISIONS
1. Add EMC. 7/17/20 - AB
2. 9'x11' option. Removed small cabinet. 7/31/2020 TR
3. Calculated square footage. 8.11.20 - SW
4. TBD

CLIENT APPROVAL		DATE	
SITE LOCATION	880 W Roslyn Rd, Colonial Heights, VA 23834		

PROOF IS USED FOR FINAL PRODUCTION. PLEASE LOOK OVER CAREFULLY. IF art is approved, Please PRINT, SIGN and/or FAX proof back to 540.899.9554 or EMAIL confirmation of approval. NOTICE: Customer is solely responsible for proof reading and content of proof once it is approved. Color can vary slightly from rendering as every screen displays differently. Signs are also not set to scale and may vary in size once installed. You must review the proof and sign prior to our production of this order. *Reproduction of designs without written consent from Sign Enterprise is strictly prohibited.*



SHEET NUMBER
1.0 R3

AN ORDINANCE NO. 20-24

To grant a special use permit to KHJ Colonial LLC d/b/a Keystone Truck and Tractor Museum to allow for a 99 square foot electronic message board on the existing freestanding sign structure at Keystone Truck and Tractor Museum, 880 West Roslyn Road, also known as parcel identification number 6805000001A, which is zoned IN – Industrial District.

WHEREAS, KHJ Colonial LLC has filed an application for a special use permit to upgrade existing signage at the Keystone Truck and Tractor Museum, located at 880 West Roslyn Road, to allow for an electronic message board consisting of 99 square feet; and

WHEREAS, 880 West Roslyn Road is also known as parcel identification number 6805000001A and is zoned IN – Industrial District; and

WHEREAS, after due consideration, the Planning Commission approved Planning Commission Resolution No. 20-10, a copy of which is attached hereto and made a part of this ordinance; and

WHEREAS, the Planning Commission recommended that City Council approve this ordinance; and

WHEREAS, City Council has held a public hearing to receive citizen comment on the issuance of the special use permit; and

WHEREAS, upon recommendation of the Planning Commission, the City Council finds that the public necessity, convenience, general welfare, and good planning and zoning practice require that this special use permit be granted; and

WHEREAS, City Council further finds, after investigation by the Colonial Heights' Planning Commission, that issuance of the requested special use permit to KHJ Colonial LLC for property located at 880 West Roslyn Road will not be detrimental to the safety, health, morals, and general welfare of the community involved; will conform to the principles of good planning; will not tend to create congestion in streets, drives, alleys and other public ways and places in the area involved; will not create hazards from fire, panic or other dangers; will not tend to overcrowding of land and

cause an undue concentration of population; will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; and will not interfere with adequate light and air; NOW, THEREFORE,

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That KHJ Colonial LLC is granted a special use permit to upgrade existing signage at 880 West Roslyn Road, to allow for an electronic message board consisting of approximately 99 square feet on an existing sign structure.

2. The granting of this special use permit is contingent on the electronic message board complying with the following two conditions: (a) any movement, including flashing and scrolling, is prohibited; and (b) the sign must either freeze or go blank if there is a malfunction.

3. This permit shall be subject to review and revocation by Council, at Council's discretion, in the same manner and under the same conditions as required by law for the granting of such permits.

4. This ordinance shall be in full force and effect upon its approval 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 Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

Adopted on its second reading on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: Resolution No. 20-39

DEPARTMENT: Recreation & Parks

PROPOSED ACTION: Approval of Resolution No. 20-39 providing for a revised Lease Agreement with Collegiate Baseball Experience for the use of Shepherd Stadium.

BACKGROUND: Staff has previously discussed amendments to the Collegiate Baseball Experience (CBE) agreement with City Council. The revised agreement is proposed to run for a three-year term from November 1, 2020 – October 31, 2023.

Other revisions include, but are not limited to:

- Up to ten youth baseball tournaments per year (with CBE paying applicable rental fees)
- Revised lease payment amounts (from \$11,000 to \$16,000 year 1; from \$25,000 to \$30,000 years 2 and 3) and revised payment dates
- CBE may store beer and wine on site if properly locked and secured in a CBE-provided on-site facility

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Staff recommends approval of Resolution No. 20-39.

ATTACHMENTS: Resolution No. 20-39; City-CBE Lease Proposed Revisions; City-CBE Revised Lease (clean copy)

- 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.

THIS LEASE AGREEMENT, (hereinafter "Lease") is made and entered into this ____ day of _____, ~~2019~~2020, by and between the City of Colonial Heights, Virginia (hereinafter "City"), P.O. Box 3401, Colonial Heights, Virginia 23834, and Collegiate Baseball Experience (hereinafter "CBE"), a Virginia Corporation, 2300 Oak Lake Blvd., Midlothian, VA 23112.

WITNESSETH:

WHEREAS, the City owns certain real property in Colonial Heights, Virginia, locally known as Shepherd Stadium (hereinafter "Stadium") and located at 901 Meridian Avenue, Colonial Heights, Virginia, 23834; and

WHEREAS, CBE desires to operate a Coastal Plain League (hereinafter "CPL") franchise baseball team in Colonial Heights, Virginia and desires to lease the Stadium from the City; and

WHEREAS, the City and CBE desire to provide the citizens of Colonial Heights and surrounding localities the opportunity to attend and view summer baseball; and

WHEREAS, the City and CBE agree that it is their desire to reduce to writing their agreement relating to their respective rights and duties with respect to the Stadium, as provided herein;

NOW, THEREFORE, in consideration of the terms and conditions expressed herein and other good and valuable consideration, the parties agree as follows:

1. Term. The initial term of this Lease shall run from ~~September-November 1, 2019-2020~~ through ~~August-October 31, 2022-2023~~. CBE and the City shall have the right to extend and renegotiate the terms of this Lease for additional years, if either party gives the other at least six months written notice prior to the expiration of the initial term.
2. Purpose. CBE commits to operate a summer collegiate baseball team as a member of the CPL, which shall play all of its home games at the Stadium for the term of the agreement unless the City and CBE agree in writing to an alternative location.
3. Use of Stadium. Each year the team shall play at the Stadium approximately 26 regular season CPL games, and any CPL post-season home playoff games; hold up to 10 youth baseball tournaments and be responsible for applicable rental fees; and hold up to five special events – such as a team naming event, fan appreciation nights, and sports' camps. CBE shall provide the City with a list of CBE's proposed scheduled games and events at the Stadium, which shall be subject to the City's approval. The City shall continue to schedule events at the Stadium, at its discretion, that do not interfere with the schedule for CBE games and events. CBE shall have the exclusive right to use those portions of the Stadium that are needed to operate CBE scheduled games, practices, and events, to include concession stand, City-owned concession equipment, press box, locker rooms, public address system, field lights, scoreboard, and reasonable access and use of a designated area of the Recreation & Parks Department office. It is expressly agreed and understood that during those times not specifically scheduled for CBE games, practices and sponsored events, the Stadium shall be open and available for use for other games and activities by the City.

4. Rental Payment. CBE shall pay the City ~~\$11,000~~\$16,000 for the first year of this Lease and payments of ~~\$25,000~~\$30,000 per year for the Leases' second and third years, according to the following schedule:

First Year – September 1, 2019 to August 31, 2020 <u>November 1, 2020 to October 31, 2021</u>	\$5,500 <u>\$8,000</u> payment due on October 1, 2019 <u>May 1, 2021</u>	\$5,500 <u>\$8,000</u> payment due on April 1, 2020 <u>July 1, 2021</u>
Second Year – September 1, 2020 to August 31, 2021 <u>November 1, 2021 to October 31, 2022</u>	\$12,500 <u>\$15,000</u> payment due on October 1, 2020 <u>May 1, 2022</u>	\$12,500 <u>\$15,000</u> payment due on April 1, 2021 <u>July 1, 2022</u>
Third Year – September 1, 2021 to August 31, 2022 <u>November 1, 2022 to October 31, 2023</u>	\$12,500 <u>\$15,000</u> payment due on October 1, 2021 <u>May 1, 2023</u>	\$12,500 <u>\$15,000</u> payment due on April 1, 2022 <u>July 1, 2023</u>

Such fees shall offset a portion of ~~planned capital improvements for the 2020 CPL season and~~ three years of facility operation costs (field preparation, materials, labor, light and power, etc.).

5. Maintenance Responsibilities. CBE shall, during and following CBE events and at its expense, keep the interior of the Stadium, the exterior of the Stadium between the Stadium and the public streets immediately bordering the Stadium, and City parking lots designated by City for game day parking, in a neat, clean, safe, and sanitary condition, including but not limited to the removal of all waste and litter. The City shall provide for dumpster access for use by CBE. The City shall provide any reasonable equipment, materials, or supplies necessary for the maintenance. The City is responsible for providing CBE pregame field preparation and regular field and facility maintenance. The City ~~shall~~has provided d minimal necessary and identified locker room and umpire area upgrades ~~prior to the 2020 season~~, and shall assist CBE on game and other event days by making available for CBE's use items from the City inventory of event supplies, including but not limited to chairs, tables, and popup tents.
6. Capital Improvements. ~~Prior to the start of the 2020 season, the~~The City ~~shall~~has provided d a dedicated sponsor wall (new wall for posting sponsors extending above a portion of the current outfield wall), outfield wall padding, heightened outfield and backstop netting, and relocated ~~foul territory out-of-play~~ fencing. Other temporary facilities CBE desires for game and event operations are the sole responsibility of CBE. The City and CBE may mutually agree upon capital improvements for the Stadium and adjacent areas to be made during the initial Lease term. Any such agreed upon capital improvements during the initial lease shall be funded as the parties agree. CBE may provide other Stadium improvements at its own expense upon the City's approval.
7. Utilities. The City shall be responsible for all costs for water, sewer, and electricity services used under this Lease. CBE shall be responsible for any telephone, cable, and internet services used for its operations at the Stadium, which CBE may obtain separately or may be provided through

City-paid services with reimbursement from CBE to the City at rates the parties mutually agree upon.

8. Staffing. CBE shall be responsible for all operations to conduct CBE games and other approved events. CBE, at its sole expense, shall be responsible for staffing of the Stadium, parking lot, in-game baseball field maintenance operations, and related facilities for CBE games and events. CBE shall hire at least one part-time employee who is a current Colonial Heights Department of Recreation & Parks fulltime employee, or a mutually agreed upon non-Recreation & Parks employee, and who is experienced in facilities maintenance that is consistent with the Recreation & Parks Department's practices and procedures, to assist with game operations. Installation and removal of a City-provided tarp if there is rain shall be the responsibility of CBE.
9. Security. CBE shall provide and pay for adequate staffing to accommodate its patrons, and it shall pay for at least three off-duty Colonial Heights Police Department (CHPD) officers during its use of the Stadium for CPL home games. Based on Stadium attendance for CPL home games, the City may determine that more or less than three off-duty CHPD officers are needed at CPL home games and CBE shall pay for the number of off-duty CHPD officers required by the City. CBE shall pay for off-duty CHPD officers at other CBE events as required by the City. CBE shall provide sufficient staff and personnel to ensure, to the maximum extent practical, that good behavior is maintained and the public's safety is protected at all of its events. CHPD off-duty officers shall be on duty at the Stadium a minimum of one hour before the event and shall remain until at least 30 minutes after the conclusion of the event, or until the parking lot is cleared of substantially all vehicles.
10. Licenses and Taxes. CBE is responsible for all applicable state and local licenses, taxes, and permits, including building permits if CBE undertakes any City-approved capital improvements at the Stadium.
11. Damages. CBE agrees to pay the City for any damages to the Stadium, or to its fixtures, appliances, furniture, lockers, or other appurtenances, caused by CBE or its agents or employees, the home or visiting team, or other invitees of CBE, with the exception of standard wear and tear, and any such payments from CBE to the City shall be in sufficient amounts to restore the damaged areas to the condition in existence immediately before the damages occurred.
12. Insurance. CBE shall maintain statutory workers compensation insurance during the term of this Lease covering all CBE employees and volunteers. Also, CBE shall maintain during the term of this Lease comprehensive commercial general liability insurance against claims for bodily injury of persons and damage to property occurring on or about the Stadium in any way relating to or arising out of CBE's use of the Stadium, with minimum combined single limits of \$1,000,000. The City shall be named as an additional insured on the general liability policy. CBE shall maintain during the life of this agreement liquor liability insurance with liability coverage of not less than \$1,000,000. The City shall be named as an additional insured on the liquor liability policy. CBE shall provide the City with certificates establishing that this section's requirements have been

met as a condition to CBE's right to use the Stadium under this Lease. All required insurance coverages shall require the insurance company to provide the City with notice of any policy's cancellation.

13. Indemnification and Hold Harmless. CBE shall exercise its privileges under this Lease at its own risk. CBE shall indemnify and hold the City harmless from and against any and all liability for damages, costs, and losses, resulting from or in any way connected with CBE's occupation or use of the Stadium, the occupation or use of CBE's invitees or guests, or CBE's failure of CBE to perform fully all promises contained in this Lease. The City shall not be liable to CBE if a third party disturbs CBE's occupation or use of the premises under this Lease. It is expressly agreed that CBE shall be liable for any personal injuries or property damage caused by batted balls during CBE events.
14. Ticket Sales. CBE shall have the exclusive right to set ticket prices for admission to all of its events, including CPL home games; and CBE shall be entitled to receive and retain all gross revenues for ticket sales.
15. Concessions and Merchandise. CBE shall be permitted to sell concessions and team merchandise inside the Stadium at CBE events and to retain all gross revenues from the sales. Concessions shall be defined as food, non-alcoholic beverages, and subject to Section 16 of this Lease, beer and wine. Team merchandise and concessions, with the exception of beer and wine, shall be sold in City-designated areas surrounding the stadium if the City grants approval. CBE is permitted to use City fixed concession stand equipment. CBE shall supply, at its own expense, all other equipment, fixtures, and supplies not available from the City and staff persons needed to sell concessions and merchandise at the Stadium. CBE shall be solely responsible for obtaining all necessary permits and licenses and remitting all required taxes for such sales. CBE and its employees and volunteers shall abide by all Health Department rules and regulations in the operation of CBE's food and beverage concessions.
16. Alcohol Sales. Subject to the limitations set forth in this section; applicable law; and the City of Colonial Heights Policy for Alcoholic Beverages on City Owned Property, CBE shall be permitted to sell beer and wine during CBE games and CBE events. However, beer and wine shall not be sold at any CBE youth event, which is defined as an event dedicated specifically to youth age 17 and under. If an event not sponsored by CBE occurs earlier on the same day as a CBE sponsored event, CBE shall only sell beer and wine, post signage for beer and wine sale, and have beer or wine at the Stadium only after the non-CBE sponsored event has ended. Beer and wine shall be sold inside the Stadium at a separate kiosk from the concession stand. The beer and wine kiosk shall be operated by an adult of 21 years of age or older. Beer and wine shall be served in cups or cans, and bottles are prohibited. Each adult must present a valid ID to purchase beer or wine as required by Virginia law. All beer and wine sales shall cease at the end of the 7th inning for each game. All beer and wine shall be removed from the Stadium at the end of a CBE event, or shall be properly locked and secured in a CBE-provided on-site facility. All signage regarding beer and wine sales shall be temporary in nature and removed at the end of each CBE event where beer and wine is sold. The City may revoke the authorization for CBE to sell beer and wine at the

Stadium if there are reoccurring adverse incidents related to alcohol consumption. The City shall first attempt to meet with CBE to implement alternative solutions in order to avoid future issues. In the event the parties are unable to agree to an alternative solution or adverse incidents reoccur, the City may revoke the authorization with 10 days written notice to CBE.

17. Advertising and Promotion. CBE shall have the exclusive right to lease advertising space inside the Stadium on the outfield wall and sponsor wall, and subject to approval of the City, on or adjacent to the scoreboard or in other areas inside the stadium. Any advertising on public property outside the Stadium shall be subject to City approval. CBE shall have the exclusive advertising rights to all programs and other print materials, to include scorecards and tickets. CBE shall have the exclusive radio and television broadcast rights for CBE games played at the Stadium. The City shall have the right to disapprove signs and advertising it considers objectionable and may require removal of, at CBE's expense, of objectionable signs and advertisements as well as signs the City considers in disrepair.
18. Notices. Any notice this Lease requires shall be in writing and be deemed given on the date of the mailing of such notice to the City or CBE, at the following address, by certified or registered mail, or electronic notification by email:

Collegiate Baseball Experience
2600 Loch Gate Lane
Powhatan, VA 23139
Email: Chris@risebaseball.com

City of Colonial Heights
c/o City Manager
P.O. Box 3401
Colonial Heights, VA 23834
Email: smithd@colonialheightsva.gov

19. Termination. If either party breaches its obligations under this Lease, the other party may terminate this Lease by giving the breaching party at least 30 days' prior written notice. Such notice shall not result in termination if the breaching party cures that breach before the 30 day period elapses. The City shall also have the right to terminate this Lease, within 60 days of receiving notice that the CPL has disbanded or suspended operations or that CBE will not field a team at the Stadium during the coming season, by providing written notice that this Lease is terminated. This Lease may be terminated at any time by mutual written agreement of the Parties.
20. Condition of Stadium upon Termination or Expiration of Lease. Upon termination or expiration of this Lease, CBE shall remove from the Stadium any of the equipment or improvements funded solely by CBE, unless otherwise agreed to by the City; and CBE will restore the Stadium to its prior condition, reasonable wear and tear excepted, within 30 days of such termination or expiration. Any CBE equipment or improvements not removed by CBE within 30 days of the Lease's termination or expiration shall become City property.

21. Modification of Agreement. Any modification of this Lease shall be binding only if made in writing and executed by the parties.
22. Assignment or Sublease. CBE shall not assign or transfer this Lease or any interest herein, or sublet the whole or any part of the Stadium, without the City's prior written consent.
23. Controlling Law. This Lease shall be governed by, construed, and enforced in accordance with the laws of the State of Virginia.
24. Venue. Any litigation between the parties relating to this Lease shall be filed and tried in the appropriate state court in Colonial Heights, Virginia.
25. Entire Agreement. This Lease shall constitute the entire agreement between the City and CBE and any prior understanding or representation of any kind preceding the date of this Lease shall not be binding upon either party except to the extent incorporated in this Lease.

City of Colonial Heights

By: _____
Douglas E. Smith

Title: City Manager _____

Approved as to form:

Hugh P. Fisher, III, City Attorney

Collegiate Baseball Experience

By: _____

Title: _____

Attest: _____

Title: _____

THIS LEASE AGREEMENT, (hereinafter "Lease") is made and entered into this ____ day of _____, 2020, by and between the City of Colonial Heights, Virginia (hereinafter "City"), P.O. Box 3401, Colonial Heights, Virginia 23834, and Collegiate Baseball Experience (hereinafter "CBE"), a Virginia Corporation, 2300 Oak Lake Blvd., Midlothian, VA 23112.

WITNESSETH:

WHEREAS, the City owns certain real property in Colonial Heights, Virginia, locally known as Shepherd Stadium (hereinafter "Stadium") and located at 901 Meridian Avenue, Colonial Heights, Virginia, 23834; and

WHEREAS, CBE desires to operate a Coastal Plain League (hereinafter "CPL") franchise baseball team in Colonial Heights, Virginia and desires to lease the Stadium from the City; and

WHEREAS, the City and CBE desire to provide the citizens of Colonial Heights and surrounding localities the opportunity to attend and view summer baseball; and

WHEREAS, the City and CBE agree that it is their desire to reduce to writing their agreement relating to their respective rights and duties with respect to the Stadium, as provided herein;

NOW, THEREFORE, in consideration of the terms and conditions expressed herein and other good and valuable consideration, the parties agree as follows:

1. Term. The initial term of this Lease shall run from November 1, 2020 through October 31, 2023. CBE and the City shall have the right to extend and renegotiate the terms of this Lease for additional years, if either party gives the other at least six months written notice prior to the expiration of the initial term.
2. Purpose. CBE commits to operate a summer collegiate baseball team as a member of the CPL, which shall play all of its home games at the Stadium for the term of the agreement unless the City and CBE agree in writing to an alternative location.
3. Use of Stadium. Each year the team shall play at the Stadium approximately 26 regular season CPL games and any CPL post-season home playoff games; hold up to 10 youth baseball tournaments and be responsible for applicable rental fees; and hold up to five special events – such as a team naming event, fan appreciation nights, and sports' camps. CBE shall provide the City with a list of CBE's proposed scheduled games and events at the Stadium, which shall be subject to the City's approval. The City shall continue to schedule events at the Stadium, at its discretion, that do not interfere with the schedule for CBE games and events. CBE shall have the exclusive right to use those portions of the Stadium that are needed to operate CBE scheduled games, practices, and events, to include concession stand, City-owned concession equipment, press box, locker rooms, public address system, field lights, scoreboard, and reasonable access and use of a designated area of the Recreation & Parks Department office. It is expressly agreed and understood that during those times not specifically scheduled for CBE games, practices and sponsored events, the Stadium shall be open and available for use for other games and activities by the City.

4. Rental Payment. CBE shall pay the City \$16,000 for the first year of this Lease and payments of \$30,000 per year for the Leases' second and third years, according to the following schedule:

First Year – November 1, 2020 to October 31, 2021	\$8,000 payment due on May 1, 2021	\$8,000 payment due on July 1, 2021
Second Year – November 1, 2021 to October 31, 2022	\$15,000 payment due on May 1, 2022	\$15,000 payment due on July 1, 2022
Third Year – November 1, 2022 to October 31, 2023	\$15,000 payment due on May 1, 2023	\$15,000 payment due on July 1, 2023

Such fees shall offset a portion of three years of facility operation costs (field preparation, materials, labor, light and power, etc.).

5. Maintenance Responsibilities. CBE shall, during and following CBE events and at its expense, keep the interior of the Stadium, the exterior of the Stadium between the Stadium and the public streets immediately bordering the Stadium, and City parking lots designated by City for game day parking, in a neat, clean, safe, and sanitary condition, including but not limited to the removal of all waste and litter. The City shall provide for dumpster access for use by CBE. The City shall provide any reasonable equipment, materials, or supplies necessary for the maintenance. The City is responsible for providing CBE pregame field preparation and regular field and facility maintenance. The City has provided minimal necessary and identified locker room and umpire area upgrades, and shall assist CBE on game and other event days by making available for CBE's use items from the City inventory of event supplies, including but not limited to chairs, tables, and popup tents.
6. Capital Improvements. The City has provided a dedicated sponsor wall (new wall for posting sponsors extending above a portion of the current outfield wall), outfield wall padding, heightened outfield and backstop netting, and relocated out-of-play fencing. Other temporary facilities CBE desires for game and event operations are the sole responsibility of CBE. The City and CBE may mutually agree upon capital improvements for the Stadium and adjacent areas to be made during the initial Lease term. Any such agreed upon capital improvements during the initial lease shall be funded as the parties agree. CBE may provide other Stadium improvements at its own expense upon the City's approval.
7. Utilities. The City shall be responsible for all costs for water, sewer, and electricity services used under this Lease. CBE shall be responsible for any telephone, cable, and internet services used for its operations at the Stadium, which CBE may obtain separately or may be provided through City-paid services with reimbursement from CBE to the City at rates the parties mutually agree upon.
8. Staffing. CBE shall be responsible for all operations to conduct CBE games and other approved events. CBE, at its sole expense, shall be responsible for staffing of the Stadium, parking lot, in-game baseball field maintenance operations, and related facilities for CBE games and events. CBE shall hire at least one part-time employee who is a current Colonial Heights Department of

Recreation & Parks fulltime employee, or a mutually agreed upon non-Recreation & Parks employee, who is experienced in facilities maintenance that is consistent with the Recreation & Parks Department's practices and procedures, to assist with game operations. Installation and removal of a City-provided tarp if there is rain shall be the responsibility of CBE.

9. Security. CBE shall provide and pay for adequate staffing to accommodate its patrons, and it shall pay for at least three off-duty Colonial Heights Police Department (CHPD) officers during its use of the Stadium for CPL home games. Based on Stadium attendance for CPL home games, the City may determine that more or less than three off-duty CHPD officers are needed at CPL home games and CBE shall pay for the number of off-duty CHPD officers required by the City. CBE shall pay for off-duty CHPD officers at other CBE events as required by the City. CBE shall provide sufficient staff and personnel to ensure, to the maximum extent practical, that good behavior is maintained and the public's safety is protected at all of its events. CHPD off-duty officers shall be on duty at the Stadium a minimum of one hour before the event and shall remain until at least 30 minutes after the conclusion of the event, or until the parking lot is cleared of substantially all vehicles.
10. Licenses and Taxes. CBE is responsible for all applicable state and local licenses, taxes, and permits, including building permits if CBE undertakes any City-approved capital improvements at the Stadium.
11. Damages. CBE agrees to pay the City for any damages to the Stadium, or to its fixtures, appliances, furniture, lockers, or other appurtenances, caused by CBE or its agents or employees, the home or visiting team, or other invitees of CBE, with the exception of standard wear and tear, and any such payments from CBE to the City shall be in sufficient amounts to restore the damaged areas to the condition in existence immediately before the damages occurred.
12. Insurance. CBE shall maintain statutory workers compensation insurance during the term of this Lease covering all CBE employees and volunteers. Also, CBE shall maintain during the term of this Lease comprehensive commercial general liability insurance against claims for bodily injury of persons and damage to property occurring on or about the Stadium in any way relating to or arising out of CBE's use of the Stadium, with minimum combined single limits of \$1,000,000. The City shall be named as an additional insured on the general liability policy. CBE shall maintain during the life of this agreement liquor liability insurance with liability coverage of not less than \$1,000,000. The City shall be named as an additional insured on the liquor liability policy. CBE shall provide the City with certificates establishing that this section's requirements have been met as a condition to CBE's right to use the Stadium under this Lease. All required insurance coverages shall require the insurance company to provide the City with notice of any policy's cancellation.
13. Indemnification and Hold Harmless. CBE shall exercise its privileges under this Lease at its own risk. CBE shall indemnify and hold the City harmless from and against any and all liability for damages, costs, and losses, resulting from or in any way connected with CBE's occupation or use

of the Stadium, the occupation or use of CBE's invitees or guests, or CBE's failure of CBE to perform fully all promises contained in this Lease. The City shall not be liable to CBE if a third party disturbs CBE's occupation or use of the premises under this Lease. It is expressly agreed that CBE shall be liable for any personal injuries or property damage caused by batted balls during CBE events.

14. Ticket Sales. CBE shall have the exclusive right to set ticket prices for admission to all of its events, including CPL home games; and CBE shall be entitled to receive and retain all gross revenues for ticket sales.
15. Concessions and Merchandise. CBE shall be permitted to sell concessions and team merchandise inside the Stadium at CBE events and to retain all gross revenues from the sales. Concessions shall be defined as food, non-alcoholic beverages, and subject to Section 16 of this Lease, beer and wine. Team merchandise and concessions, with the exception of beer and wine, shall be sold in City-designated areas surrounding the stadium if the City grants approval. CBE is permitted to use City fixed concession stand equipment. CBE shall supply, at its own expense, all other equipment, fixtures, and supplies not available from the City and staff persons needed to sell concessions and merchandise at the Stadium. CBE shall be solely responsible for obtaining all necessary permits and licenses and remitting all required taxes for such sales. CBE and its employees and volunteers shall abide by all Health Department rules and regulations in the operation of CBE's food and beverage concessions.
16. Alcohol Sales. Subject to the limitations set forth in this section; applicable law; and the City of Colonial Heights Policy for Alcoholic Beverages on City Owned Property, CBE shall be permitted to sell beer and wine during CBE games and CBE events. However, beer and wine shall not be sold at any CBE youth event, which is defined as an event dedicated specifically to youth age 17 and under. If an event not sponsored by CBE occurs earlier on the same day as a CBE sponsored event, CBE shall only sell beer and wine, post signage for beer and wine sale, and have beer or wine at the Stadium only after the non-CBE sponsored event has ended. Beer and wine shall be sold inside the Stadium at a separate kiosk from the concession stand. The beer and wine kiosk shall be operated by an adult of 21 years of age or older. Beer and wine shall be served in cups or cans, and bottles are prohibited. Each adult must present a valid ID to purchase beer or wine as required by Virginia law. All beer and wine sales shall cease at the end of the 7th inning for each game. All beer and wine shall be removed from the Stadium at the end of a CBE event, or shall be properly locked and secured in a CBE-provided on-site facility. All signage regarding beer and wine sales shall be temporary in nature and removed at the end of each CBE event where beer and wine is sold. The City may revoke the authorization for CBE to sell beer and wine at the Stadium if there are reoccurring adverse incidents related to alcohol consumption. The City shall first attempt to meet with CBE to implement alternative solutions in order to avoid future issues. In the event the parties are unable to agree to an alternative solution or adverse incidents reoccur, the City may revoke the authorization with 10 days written notice to CBE.
17. Advertising and Promotion. CBE shall have the exclusive right to lease advertising space inside the Stadium on the outfield wall and sponsor wall, and subject to approval of the City, on or

adjacent to the scoreboard or in other areas inside the stadium. Any advertising on public property outside the Stadium shall be subject to City approval. CBE shall have the exclusive advertising rights to all programs and other print materials, to include scorecards and tickets. CBE shall have the exclusive radio and television broadcast rights for CBE games played at the Stadium. The City shall have the right to disapprove signs and advertising it considers objectionable and may require removal of, at CBE's expense, of objectionable signs and advertisements as well as signs the City considers in disrepair.

18. Notices. Any notice this Lease requires shall be in writing and be deemed given on the date of the mailing of such notice to the City or CBE, at the following address, by certified or registered mail, or electronic notification by email:

Collegiate Baseball Experience
2600 Loch Gate Lane
Powhatan, VA 23139
Email: Chris@risebaseball.com

City of Colonial Heights
c/o City Manager
P.O. Box 3401
Colonial Heights, VA 23834
Email: smithd@colonialheightsva.gov

19. Termination. If either party breaches its obligations under this Lease, the other party may terminate this Lease by giving the breaching party at least 30 days' prior written notice. Such notice shall not result in termination if the breaching party cures that breach before the 30 day period elapses. The City shall also have the right to terminate this Lease, within 60 days of receiving notice that the CPL has disbanded or suspended operations or that CBE will not field a team at the Stadium during the coming season, by providing written notice that this Lease is terminated. This Lease may be terminated at any time by mutual written agreement of the Parties.
20. Condition of Stadium upon Termination or Expiration of Lease. Upon termination or expiration of this Lease, CBE shall remove from the Stadium any of the equipment or improvements funded solely by CBE, unless otherwise agreed to by the City; and CBE will restore the Stadium to its prior condition, reasonable wear and tear excepted, within 30 days of such termination or expiration. Any CBE equipment or improvements not removed by CBE within 30 days of the Lease's termination or expiration shall become City property.
21. Modification of Agreement. Any modification of this Lease shall be binding only if made in writing and executed by the parties.
22. Assignment or Sublease. CBE shall not assign or transfer this Lease or any interest herein, or sublet the whole or any part of the Stadium, without the City's prior written consent.

23. Controlling Law. This Lease shall be governed by, construed, and enforced in accordance with the laws of the State of Virginia.

24. Venue. Any litigation between the parties relating to this Lease shall be filed and tried in the appropriate state court in Colonial Heights, Virginia.

25. Entire Agreement. This Lease shall constitute the entire agreement between the City and CBE and any prior understanding or representation of any kind preceding the date of this Lease shall not be binding upon either party except to the extent incorporated in this Lease.

City of Colonial Heights

By: _____
Douglas E. Smith

Title: City Manager _____

Approved as to form:

Hugh P. Fisher, III, City Attorney

Collegiate Baseball Experience

By: _____

Title: _____

Attest: _____

Title: _____

A RESOLUTION NO. 20-39

Approving a revised Lease Agreement with Collegiate Baseball Experience for the use of Shepherd Stadium.

WHEREAS, Collegiate Baseball Experience (“CBE”) entered into an agreement with the City in 2019 to lease Shepherd Stadium in order to operate a Coastal Plains League baseball team and play its home games there; and

WHEREAS, CBE was unable to hold its regularly scheduled baseball season due to COVID-19; and

WHEREAS, CBE fully intends to have a baseball team play next season in order to provide the citizens of Colonial Heights and surrounding localities the opportunity to view summer Coastal Plains League baseball; and

WHEREAS, CBE and City staff have agreed on the revised terms of a Lease Agreement;
NOW, THEREFORE,

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

1. That the Council approves the attached revised Lease Agreement between the City and CBE, and the Lease Agreement is made a part of this resolution.
2. That the City Manager is authorized to execute the Lease Agreement, subject to the City Attorney’s approval.
2. That this resolution shall be in full force and effect upon its approval.

Approved:

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: (Second Reading 20-FIN-17) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$941,440 in prior year encumbrances.

To amend the Emergency Response Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by \$67,252 1) by appropriating \$13,735 in prior year encumbrances, and 2) appropriating \$53,517 in CARES funds from the state Board of Elections for the November election.

To amend the Stormwater Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$41,634 in prior year encumbrances.

To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$74,139 in prior year encumbrances.

DEPARTMENT: Finance

PROPOSED ACTION: This item is for second reading of requested budgetary changes.

BACKGROUND: At the end of Fiscal Year 2019-2020 the City had \$1,070,948 in unpaid purchase orders in four funds (\$941,440 in the general fund, \$13,735 in the emergency response fund, \$41,634 in the Stormwater Fund and \$74,139 in the water & sewer fund). As these are legally binding obligations to purchase goods and services, staff is requesting that these balances be appropriated into FY2021 to meet these obligations in the current fiscal year when they are payable. Encumbrances will be funded from fund balances in each fund.

At the end of July, the Voter Registrar was notified that the City would receive a special CARES Grant allocation from the Virginia Department of Elections. This allocation of \$53,517 is specifically for the costs "to prevent, prepare for, and respond to coronavirus...for the 2020 federal election cycle."

Staff has a minor amendment to propose to the ordinance for revenue/expense headings in the Water and Sewer Fund section of the Ordinance. The original Ordinance and proposed revision are attached.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: The Director of Finance recommends approval.

ATTACHMENTS:

BUDGET SUMMARY SEPT 20; ELECT- CARES ACT INFO; ORDINANCE 20-FIN-17 (Revised)

- 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.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

July 30, 2020

Re: Additional CARES Act Grant Information

Good day to all,

I wanted to provide an update to some questions that have been asked and provide some additional guidance on allowable charges.

Question: When will the grant funding be released?

For localities who have submitted their certification, we are currently planning to release their funding the first week of August. The release date is dependent on our actual receipt of the federal funds. Methods of funding will be transmitted to localities based on how they are set up in the state accounting system. For example, if you receive your annual reimbursement electronically, then the grant funding will be sent the same way.

Purpose and Use of Funds. The CARES Act makes clear that grant funds are for additional costs associated with the national emergency related to coronavirus, and are to be spent “*to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle.*”

Allowable uses include, but are not limited to:

- Printing of additional ballots and envelopes for anticipated higher levels of absentee by mail voting
- Registration list activities to improve the accuracy of registrant addresses
- Additional mailing and postage costs, including ballot-tracking software
- Acquisition of additional voting equipment, including high speed or central count tabulators
- Installation and security for absentee or mail drop-boxes
- Temporary elections office staffing
- Cleaning supplies and protective masks and equipment for staff and poll workers in early voting, vote center, or Election Day polling places (please note that ELECT will be providing certain PPE)

- Overtime salary and benefit costs for elections staff and poll workers
- Training of poll workers on sanitization procedures for in-person voting
- Public communication of changes in registration, ballot request options, or voting procedures, including information on coronavirus precautions being implemented during the voting process.
- Mailings to inform the public on changes or determination of procedures of coronavirus precautions, options in voting and other voting information.
- Pre- and post-election deep cleaning of polling places
- Leasing of new polling places when existing sites must be closed
- Additional laptops and mobile IT equipment
- Additional automated letter opening equipment

This list is not exhaustive and states/localities may encounter other costs. ELECT will determine allowable costs within the parameters of the CARES Act.

Additional Information

- Costs charged to the grant must be paid by 11/30/2020 so that federal reporting can be completed by December 30, 2020
- Any unexpended funds must be returned to ELECT by a TBD date in December
- You will be asked to put your expenses in one of the categories listed below for reporting:
 - Voting Processes, including additional costs for printing and mailing ballots, ballot tracking software, high speed scanners and letter opening equipment, mail drop boxes, hardware and software associated with signature comparison of returned ballots
 - Staffing: Additional poll workers, election office staff diverted to pandemic response, temporary staff
 - Security and Training: Security for additional absentee or mail drop-boxes, pre- and post election cleaning of polling places, staff and poll worker training on prevention processes
 - Communications: Notifying public of changes in registration, ballot request options, precautions or voting procedures
 - Supplies: Additional laptops, mobile IT equipment, cleaning supplies, masks

- ELECT will also request the amount of interest earned on the funding received. Interest earned can also be spent as part of the award.

I hope this additional information will help as you go through the process of spending the CARES Act funding and prepare for final reporting. If there are additional questions, please contact me at Kevin.Hill@elections.virginia.gov or call 804-864-8950. Stay safe and cool.

Thank you,

Kevin A. Hill/Business Manager

Virginia Department of Elections

Kevin.Hill@elections.virginia.gov

Washington Building | 1100 Bank Street, Richmond, VA 23219

AN ORDINANCE NO. 20-FIN-17

To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$941,440 in prior year encumbrances.

To amend the Emergency Response Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, to appropriate the aggregate amount of \$67,252 which includes: 1) \$13,735 in prior year encumbrances; and 2) \$53,517 in CARES funds from the state Board of Elections for the November election.

To amend the Stormwater Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$41,634 in prior year encumbrances.

To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$74,139 in prior year encumbrances.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That section 1 of Ordinance No. 20-FIN-14, the General Fund Budget, is hereby amended and re-ordained as follows:

a. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2020, and ending June 30, 2021, 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	225,121	
General and Financial Administration	4,641,639	4,738,798
Judicial Administration	5,861,192	5,899,562
Public Safety	12,221,294	12,674,323
Public Works	5,389,750	5,647,747
Health and Social Services	1,338,833	1,352,466
Culture and Recreation	2,715,980	2,754,871
Community Development	599,461	
Human Services	449,269	482,178
Nondepartmental	1,227,203	1,236,655
Debt & Transfers	<u>27,061,348</u>	
TOTAL	\$61,731,090	62,672,530

b. That the foregoing appropriation is based upon the following revenue for the fiscal year beginning July 1, 2020:

General Property Taxes	25,036,661
Other Local Taxes	19,720,112
Licenses, Permits & Fees	4,005,832

Fines and Forfeitures	361,843	
Use of Money & Property	167,200	
Intergovernmental Revenues	7,886,313	
Charges for Current Services	2,533,100	
Miscellaneous	<u>2,020,029</u>	2,961,469
TOTAL	\$61,731,090	62,672,530

2. That the Emergency Response Fund Budget, as previously adopted by Council, is amended as follows by making the foregoing appropriation from revenues available for these projects:

EXPENDITURES

Emergency Response	\$512,237	579,489
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REVENUE

Intergovernmental Revenue	\$512,237	579,489
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3. That the Stormwater Fund Budget, as previously adopted by Council, is amended as follows by making the foregoing appropriation from resources and revenues available for these projects:

EXPENDITURES

Stormwater	\$1,076,555	1,118,189
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REVENUE

Charges for current service	\$719,500	
Miscellaneous	\$357,055	398,698
	\$1,076,555	1,118,189

4. That the Water and Sewer Fund Budget, as previously adopted by Council, is amended as follows by making the foregoing appropriation from resources and revenues available for these projects:

EXPENDITURES

Charges for current service	\$5,192,565	
Non-operating revenue	\$ 78,139	152,278
	\$5,270,704	5,344,843

REVENUE

Water Distribution	\$1,754,922	1,757,922
Wastewater Treatment	\$3,231,619	3,300,309
Utility Billing	<u>\$284,424</u>	286,612
	\$5,270,704	5,344,843

5. That this ordinance shall be effective upon approval 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 Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable, John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

Adopted on its second reading on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

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The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

AN ORDINANCE NO. 20-FIN-17

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Community Development	599,461	
Human Services	449,269	482,178
Nondepartmental	1,227,203	1,236,655
Debt & Transfers	<u>27,061,348</u>	
TOTAL	\$61,731,090	62,672,530

b. That the foregoing appropriation is based upon the following revenue for the fiscal year beginning July 1, 2020:

General Property Taxes	25,036,661
Other Local Taxes	19,720,112
Licenses, Permits & Fees	4,005,832

Fines and Forfeitures	361,843	
Use of Money & Property	167,200	
Intergovernmental Revenues	7,886,313	
Charges for Current Services	2,533,100	
Miscellaneous	<u>2,020,029</u>	2,961,469
TOTAL	\$61,731,090	62,672,530

2. That the Emergency Response Fund Budget, as previously adopted by Council, is amended as follows by making the foregoing appropriation from revenues available for these projects:

EXPENDITURES

Emergency Response	\$512,237	579,489
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REVENUE

Intergovernmental Revenue	\$512,237	579,489
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3. That the Stormwater Fund Budget, as previously adopted by Council, is amended as follows by making the foregoing appropriation from resources and revenues available for these projects:

EXPENSES

Stormwater	\$1,076,555	1,118,189
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REVENUE

Charges for current service	\$719,500	
Miscellaneous	\$357,055	398,698
	\$1,076,555	1,118,189

4. That the Water and Sewer Fund Budget, as previously adopted by Council, is amended as follows by making the foregoing appropriation from resources and revenues available for these projects:

REVENUE

Charges for current service	\$5,192,565	
Non-operating revenue	\$ 78,139	152,278
	\$5,270,704	5,344,843

EXPENSES

Water Distribution	\$1,754,922	1,757,922
Wastewater Treatment	\$3,231,619	3,300,309
Utility Billing	<u>\$284,424</u>	286,612
	\$5,270,704	5,344,843

5. That this ordinance shall be effective upon approval 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 Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable, John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

Adopted on its second reading on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable, John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

**CITY OF COLONIAL HEIGHTS, VIRGINIA
City Council Retreat
Friday & Saturday, January 18-19, 2020
Captain Todd Lighthouse Suite, Smithfield Station
Smithfield, Virginia**

City Council and staff in attendance at Roll Call by the City Clerk:

**Mr. Michael A. Cherry
Mr. Kenneth B. Frenier
Mr. W. Joe Green, Jr. (arrived late)
Mr. John E. Piotrowski
Mr. John T. Wood (arrived late)
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba
Mr. Douglas E. Smith, City Manager
Mr. Hugh P. Fisher, III, City Attorney
Mrs. Sheila S. Minor, Director of Finance
Mrs. Pamela B. Wallace, City Clerk**

Beginning Friday, January 18, 2020, Mayor Kochuba called the meeting to order at 1:05 PM with Council and staff discussing the items listed on the agenda. Mayor Kochuba called for a recess at 5:45 PM for Council and staff to retire to the dining room from 6:00 to 7:30 PM for a dinner break. At the conclusion of dinner, Council reconvened at 7:30 PM for further discussion of agenda items. At 8:45 PM, Mayor Kochuba called for a recess, advising that Council would reconvene at 9:00 AM, Saturday, January 19, 2020 to resume discussions.

At 9:00 AM Saturday, January 19, 2020, Council reconvened to continue discussion of agenda items. A Roll Call vote by the City Clerk determined those Council members and staff present:

**Mr. Michael A. Cherry
Mr. Kenneth B. Frenier
Mr. W. Joe Green, Jr.
Mr. John E. Piotrowski
Mr. John T. Wood (arrived late)
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba
Mr. Douglas E. Smith, City Manager
Mr. Hugh P. Fisher, III, City Attorney
Mrs. Sheila S. Minor, Director of Finance
Mrs. Pamela B. Wallace, City Clerk**

At the conclusion of the meeting, a motion was made by Mayor Kochuba, seconded by Mr. Cherry, to adjourn the meeting. The meeting was adjourned at 12:30 PM.

Below is a summary of items discussed and considered by staff and Council relative to the January 18-19, 2020 Annual Retreat Agenda:

Development-Related Update and Discussion

Staff Economic Development Update/Report

- Several items can be considered during the budget process:
 - Funding for City-owned property on Dimmock Parkway (\$70,000) to move to state tier III level
 - Downtown revitalization consulting proposal from Retail Strategies
- Staff to bring back information on ideas for incentivizing Boulevard redevelopment.

Discussion of Development Opportunities for Various Properties

- Staff to review area of dumping at the side of Home Depot.
- Staff to review businesses on Pickwick/Dupuy and if a zoning change would help develop business.
- Staff to review property that the City could potentially purchase.

Discussion Regarding Boulevard Sidewalks/Other Sidewalk Locations

- Staff to bring back Temple Avenue sidewalk ideas to Council.
- Staff will continue to apply for funding for Boulevard Projects that include sidewalks.

City Facilities Security Assessment/South Park Mall Patrol Update and Discussion

- Council supported staff doing an RFP for a full City facilities security assessment. Staff will bring the topic back to Council for funding appropriation.
- Staff is to work with the Chamber on coordinating meetings of mall and businesses near the mall and then invite the Police Chief to attend a meeting.

Human Resources Topics

Employee Compensation Discussion

- Staff to work on developing a broader career development program (will be brought back to Council).

City Employee Training Program Discussion

- Staff will proceed with development/implementation of an employee training program.
- Training topics will include cyber security, first aid/CPR for field personnel, customer service, and other areas.

- HR will conduct training needs assessments with Departments.

Payroll/Benefit Policy Recommendations

- **Short-term Disability Benefits** – Council is OK with staff recommendation to only allow VRS Plan 1 and 2 Employees participate in the City Short-Term Disability Plan; no further Council action needed. Staff will implement this change.
- **City Code Sick Leave Payout** – Council supports changing the sick leave payout provision in the City Code to clarify that the five (5) years of service is with the City. Staff will bring this item forward for Council action.
- **Health Insurance Credit** – Staff brought a resolution to Council (February 11, 2020 Regular Meeting) to clarify that the years of service for the Retiree Health Insurance Credit is years of service with the City.
- **Sick Leave Bank Updates** – Council supported staff recommended changes to only allow VRS Plan 1 and 2 employees to use the sick leave bank and to modify the review process to be through HR with City Manager approval rather than using a review committee. Staff will bring forward an updated Sick Leave Bank Policy for Council action.

Financial Overview

- Council agreed to include the option for a right-of-way use fee in the Verizon agreement being negotiated by the City Attorney.
- Council discussed and determined to utilize the Cigarette Tax revenue above \$460,000 in the FY21 budget to split between the match for the SAFER Grant and road projects.

Discussion Regarding City Hall Office Needs/City-Owned Property near City Hall

- Staff will provide Council with an update on the cost for cleaning records stored at 218 Highland Avenue so the records can be relocated elsewhere.
- For 218 Highland Avenue, staff will get a cost estimate for tearing down the building and building a parking lot.
- For the Health Department Building, staff will pursue the building for the City and explore if the Health Department can be relocated to another location within Colonial Heights (several possible locations were mentioned).
- Staff is to obtain statistics for the number of people served by the Health Department location in Colonial Heights.

Review School Memorandum of Understanding

- Staff will review the trend in pay raises over time for Colonial Heights (City compared to Schools).

- Staff will prepare comparative information related to other localities local contribution for school funding to discuss at the joint meeting with the School Board in May 2020:
 - LCI information
 - Free and reduced lunch statistics
 - Percentage of funds contributed to schools; and what that percentage is calculated on (if there is a formula)
 - Show whether other locality's funds contributed to schools are structured to cover capital improvement projects for the schools
- Discussion occurred regarding possibility of the school system paying a portion of the City's annual audit (school system is a component unit of the City in the audit).
- City staff provided an overview of Colonial Heights Schools proposed renovations with some discussion by Council; further discussion on the proposed renovations will occur once the Schools submit a proposal.

Items for Brief Discussion

City Holiday Schedule

- Council confirmed the list of City Holidays for 2020, and Council was supportive of staff bringing the future year's list to Council prior to the end of the calendar year.

Violet Bank Restoration Phase I Project Update

- Staff is to look into source of funding Petersburg received for the Siege Museum.
- Staff will check on any impact to the cucumber tree roots if a house is built on a property for sale near Violet Bank.

Urban Archery

- Council decided to include a requirement for urban archery in the City to be from a 10-foot high elevated platform. The City Attorney will bring back a resolution to add this elevation requirement.

Tri-City Landfill Update

- Council does not support reopening of the (Tri-City) landfill.
- The City Manager will be writing a general letter for County Waste for a process they are working on for a landfill in another area.

Purchasing Used Vehicles

- Staff will plan on purchasing new vehicles as the main strategy with the option for purchasing used when that works for the Department and Fleet Maintenance.

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, June 16, 2020

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Kochuba at 6:07 P.M.

2. Roll Call.

Present: Councilman Michael A. Cherry
Councilman Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Councilman John E. Piotrowski
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba

Absent: Councilman John T. Wood (arrived at 6:13 PM)

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

3. Declarations of Personal Interest

Declarations of Personal Interest were read by Mr. Frenier and filed with the Clerk.

The Clerk announced the purpose of the meeting.

4. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

5. Advertised Public Hearings

- A. A RESOLUTION NO 20-25**
Adopting the City of Colonial Heights Housing and Community Development Annual Action, Plan, Consolidated Plan, Citizen Participation Plan, and Budget for 2020-2021.

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 20-25.

After brief comments from Mayor Kochuba, Ms. Brandi Payne, Assistant Planning and Community Development Director, requested Council's support of the CDBG Program. Mrs. Payne provided an in-depth review of the City's CDBG Program by further explaining the program and the funding awarded for 2020. Of the \$168,034 received, \$62,237 was supplemental CDBG COVID funds. Ms. Payne advised it was staff's

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recommendation that these funds be utilized for a Water Utility Grant to assist individuals who experienced a loss of income due to COVID-19 subsequently affecting their ability to pay their utility bill. Ms. Payne stated the grant would be a maximum of \$300 and priority would be given to those applicants in low-moderate neighborhoods. Applications for the CDBG program will be available June 28 and the grant applications for the Water Utility Grant program will be available starting tomorrow.

Continuing, Ms. Payne addressed questions from Council relative to the following criteria to be met in order to qualify for the Water Utility Grant program:

- Must live in one of the designated low-moderate income neighborhoods
- Households with disabilities
- Households with loss of income due to COVID-19

At the conclusion of Ms. Payne's presentation, Mayor Kochuba asked if there were any questions from the public; there being none, Mayor Kochuba opened the floor to questions from Council.

Addressing Mrs. Luck's question relative to how staff planned to further advertise the program, Ms. Payne stated it had been her intention to canvas the affected neighborhoods; however, with the onset of COVID-19, she was unable to do this and has advertised in the City Focus and on social media.

There being no further questions, Mayor Kochuba thanked Ms. Payne for her work on this program.

<u>Vote:</u>	7-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Piotrowski
	Wood
	Luck
	Kochuba
No:	None
Absent:	None
Abstained:	None

Motion UNANIMOUS PASS

6. Work Session on the Following Items:

- A. AN ORDINANCE NO 20-FIN-12
(First Reading To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by increasing appropriations by \$4,320 to 1) transfer anticipated revenue for vehicle**

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rental tax in the amount of \$210,701 from use of money and property to intergovernmental revenue; and 2) appropriate \$4,320 in state asset forfeiture funds for training.

A motion was made by Mayor Kochuba, seconded by Mr. Piotrowski, to adopt Ordinance No. 20-FIN-12.

Mr. Smith addressed the second appropriation listed in the ordinance, stating the funding discussed by Chief Faries is for CPT Ruxer to attend the Command College.

At the request of Mr. Smith, Mrs. Minor provided further details relative to the additional items listed in the ordinance.

<u>Vote:</u>	7-0
Yes:	Cherry Frenier Green, Jr. Piotrowski Wood Luck Kochuba
No:	None
Absent:	None
Abstained:	None

Motion UNANIMOUS PASS

**B. ORDINANCE NO 20-21
(First Reading) Awarding the City Manager a 4% bonus.**

A motion was made by Mayor Kochuba, seconded by Mrs. Luck, to adopt Ordinance No 20-21.

There was no discussion on this item.

<u>Vote:</u>	7-0
Yes:	Cherry Frenier Green, Jr. Piotrowski Wood Luck Kochuba
No:	None
Absent:	None
Abstained:	None

Motion UNANIMOUS PASS

C. Presentation of the Quarterly Financial Report

Mr. Smith stated the financial report was a particularly important one, noting staff delayed the previously scheduled presentation since additional information needed to be obtained due to the impacts of COVID. Mr. Smith advised Mrs. Minor, Director of Finance, would make the presentation, which would conclude with projections for the end of the year.

Mrs. Minor provided information relative to the general revenue and compared current figures to those of the same time last year. Mrs. Minor noted 2019 was a good year for revenue as the City was collecting well and were over revenue estimates in several categories. Mrs. Minor directed Council's attention to collections through May 31 and noted those numbers were beginning to fall behind with a 78.5% collection rate as compared to the previous 86.3% collection rate at this point last year. Mrs. Minor stated that much of the City's revenue stream will come in through the middle of August; therefore, it is not concerning that the percentage is not closer to 100%; however, it is concerning revenue will fall further behind over the next few months.

Due to anticipated revenue shortfalls, Mrs. Minor stated staff has considered several expenditure reductions and compared current expenditure percentages to those from the previous year. Mrs. Minor stated the City was under budget on the expenditure side in all categories except for debt service, which is to be expected.

Mrs. Minor provided the top six revenue sources and the cigarette tax revenue, specifically noting the impact to the sales and use tax and the meals tax. Continuing, Mrs. Minor reported that the meals tax incurred at 40% drop with the lodging tax incurring a 75% drop compared to the average. Mrs. Minor stated the significant impact to the personal property tax was not as concerning considering the delay in mailing the bills and the movement of the due date.

At the recommendation of City Auditor's, Mrs. Minor provided Council with an update of the City's cash and investments and provided balances for the City's various accounts with a total cash and investment total of just under \$22M for the end of May 2020.

Continuing, Mrs. Minor stated her staff had spent a lot of time compiling information to get a handle on where exactly City finances will be at the end of the fiscal year. The information presented including the budget, anticipated and difference in the General Fund estimated year end revenue. Mrs. Minor reported there was an anticipated General Fund Revenue shortfall of \$5,608,193.

Addressing expenditures, Mrs. Minor stated staff has taken a number of initiatives to try and reduce the impacts of COVID through savings. Mrs. Minor thanked

department heads for their efforts in assisting with identifying areas of savings. Mrs. Minor provided areas of expenditure savings which totaled approximately \$4.3M. Mrs. Minor advised that the Comprehensive Services Act was an area which, even before COVID, staff was not sure where funding would end up. Concluding, Mrs. Minor stated staff was anticipating a draw from the City's undesignated fund balance in the current fiscal year of approximately \$1.2M. Mrs. Minor advised Council she would have additional information affecting this figure toward the end of June and would keep Council apprised should there be any significant change.

Mrs. Minor addressed Mrs. Luck's question relative to the CARES Act funding by providing the many ways staff is currently utilizing those funds; specifically noting the EDA Grant, and the Water Utility Grant Program.

D. Public Safety Compression Adjustments

Mr. Smith recalled the Public Safety salary adjustments which were made across the board. Mr. Smith noted some of the adjustments were based on years of service which were made in small increments of adjustment. With this being said, Mr. Smith made a presentation to Council providing concepts in the three public safety areas addressing compression and related issues. Mr. Smith provided information supporting a salary benefit/cost of approximately \$79,000.

Mr. Smith stated it was staff's recommendation to implement the proposed salary adjustments July 1 and if budget adjustments are necessary further into the year, those adjustments can be made toward the end of the next fiscal year.

Addressing questions from Council, both MAJ Anspach and Deputy Chief Kissner stated they had seen a decline in the number of employees accepting positions in surrounding localities.

Chief Faries thanked Council for their efforts relative the proposed recommendation and support of the recent community issues. Concurring with Chief Faries' comments, Sheriff Wilson also provided positive comments relative to the staff retention and moral.

Mr. Wood stated he wanted officers to know Council supported them during this hazardous time.

At the conclusion of the presentation and comments, Mayor Kochuba polled Council as to their support of Mr. Smith's recommendation of the proposed salary adjustments.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski

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

Motion UNANIMOUS PASS

E. Discussion Regarding July 4th Fireworks

This item was initially discussed and approved at the June 9, 2020 Regular Meeting; however, at the request of Mr. Cherry, it has been placed on the agenda for further discussion.

Mayor Kochuba recalled a memo from Mr. Cherry expressing his concerns and current opinion related to the City’s annual July 4th firework display.

Chief Faries advised he had spoken with his staff, as well as confirming with Ft. Lee, that they would not have fireworks this year. Chief Faries stated the cancellation of fireworks in the surrounding areas was said to be from COVID; however, Chief Faries advised with the current unrest in surrounding localities, it was his recommendation to postpone the fireworks.

<u>Vote:</u>	7-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Piotrowski
	Wood
	Luck
	Kochuba
No:	None
Absent:	None
Abstained:	None

Motion UNANIMOUS PASS

F. Discussion Regarding the Tri-City Chili Peppers

Mr. Smith advised Council it was the decision of the Chili Peppers’ administration to cancel the current season noting this was not the type of opening “fan” season they had anticipated; and due to the restrictions, decided to cancel the season all together.

Mr. Smith stated staff was proposing an amendment to the Chili Peppers’ agreement to restructure the term of the agreement to reflect starting the season next year and

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moving the payments for this year to an appropriate time next year. Additionally, other areas within the agreement would be adjusted.

Mr. Skalak stated he was thankful, as were the Chili Peppers, for Council's support to start the contract in 2021 with slight modifications to dates, etc. Additionally, Mr. Skalak stated he and his staff are working with the Chili Peppers to recoup some of their lost revenue. Mr. Skalak advised they have installed cameras in an effort to livestream several showcase tournaments to enhance the recruiting process for high school players and NCAA recruiters alike. Mr. Skalak stated there were six scheduled long weekend events with teams from out of town, and some from out of state, which was a great opportunity for the Chili Peppers.

Mayor Kochuba asked for an informal vote for Mr. Smith and Mr. Skalak to move forward to renegotiate the lease agreement with the Chili Peppers.

<u>Vote:</u>	7-0
Yes:	Cherry Frenier Green, Jr. Piotrowski Wood Luck Kochuba
No:	None
Absent:	None
Abstained:	None

Motion UNANIMOUS PASS

Before adjournment, Mr. Green asked that his comments be noted as a matter of record for the minutes. Mr. Green stated that he meant for his comments to be complimentary; however, Council has viewed presentation which go above and beyond; the Finance Department has gone into tremendous detail on finances and COVID impacts and the City Manager with a comprehensive pay plan; the Planning Department with the building and housing. Mr. Green stated he has made these statements a couple of times before; however, he wanted his comments to be a matter of the record. Mr. Green stated, staff sends Council the information in advance so they can review it and come to Council meeting and ask questions on things they have concerns about and he is certain they have spent hours preparing the material, yet it is presented line-by-line, detail-by-detail and it discourages him from reading anything ahead of time because he knows staff will go over every jot and tittle at the meeting and it doesn't seem fair to him for staff; it seems like a disservice to staff.

Mr. Green asked that the material/presentation be provided to Council ahead of time in an effort for them to review and prepare any questions or concerns they may have once

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the presentation is made at the meeting; not review the entire presentation line for line; allow Council to review and study and ask questions of staff at the scheduled meeting.

Mr. Wood asked, for his own personal knowledge, if the City Attorney could provide him with the portion of the City Code relating to permits for public festivals, meeting, and/or gatherings.

Mr. Piotrowski inquired as to the condition of the pond at the Roundabout.

Addressing Mr. Frenier's question relative to the completion date of the Dupuy Project, Mr. Smith stated he was reviewing information and would get back with him tomorrow.

Addressing Mr. Cherry's question relative to the time frame for hazard pay for Public Safety, Mr. Smith stated he would consult with Mrs. Minor to determine that time and get back with him.

9. Adjournment.

A motion to adjourn the Special Meeting was made by Mrs. Luck, seconded by Mr. Cherry, and carried unanimously on voice vote at 8:15 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, July 14, 2020

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Kochuba at 6:45 P.M.

2. Roll Call.

Present: Councilman Michael A. Cherry
Councilman Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Councilman John T. Wood
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba

Absent: Councilman John E. Piotrowski

Also Present: Mr. Douglas E. Smith, City Manager
Mr. Hugh P. Fisher, III, City Attorney
Mrs. Jeri-Ann F. Tomlin, Deputy Clerk

The Clerk announced the purpose of the closed meeting.

3. Closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

- **Paragraph A.1 of Section 2.2-3711, to discuss appointments to the John Tyler Community College Board of Directors and Youth Services Commission.**

A motion to convene in a closed meeting was made by Mayor Kochuba, seconded by Mrs. Luck, at 6:46 P.M.

<u>Vote:</u>	6-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Wood
	Luck
	Kochuba
No:	None
Absent:	Piotrowski
Abstained:	None

Motion UNANIMOUS PASS

4. Voice Vote – Come back into Open Session.

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A motion to reconvene in open session was made by Mayor Kochuba, seconded by Mrs. Luck, and carried unanimously on roll call vote at 6:48 P.M.

<u>Vote:</u>	6-0
Yes:	Cherry
	Frenier
	Green
	Wood
	Luck
	Kochuba
No:	None
Absent:	Piotrowski
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 provisions:

- Paragraph A.1 of Section 2.2-3711, to discuss appointments to the John Tyler Community College Board of Directors and Youth Services Commission.**

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 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:

<u>Vote:</u>	6-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Wood
	Luck
	Kochuba
No:	None
Absent:	Piotrowski
Abstained:	None

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Motion UNANIMOUS PASS

5. Motions and Resolutions of Appointment

A RESOLUTION NO 20-37

Appointing Erin B. Barr as a member of the Youth Services Commission for the remainder of a three-year term which expires December 31, 2021; and Roberto Ramos as a member of the Youth Services Commission for the remainder of a three-year term which expires July 31, 2022.

A RESOLUTION NO 20-28

Appointing Douglas E. Smith a member of the Board of Trustees of John Tyler Community College for a four-year term which began July 1, 2020.

6. Adjournment.

A motion to adjourn the Special Meeting was made by Mayor Kochuba, seconded by Mrs. Luck, and carried unanimously on voice vote at 6:50 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, July 14, 2020

1. Call to Order

The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:13 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 Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Councilman John T. Wood
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba

Absent: Councilman John E. Piotrowski

Also Present: Mr. Douglas E. Smith, City Manager
Mr. Hugh P. Fisher, III, City Attorney
Mrs. Jeri-Ann Tomlin, Deputy Clerk

3. Devotion

A devotional prayer was led by Mrs. Luck.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kochuba.

5. Adoption of Agenda

A motion was made by Mr. Frenier, seconded by Mr. Green, to adopt the agenda as presented.

Vote: 6-0
Yes: Cherry
Frenier
Green, Jr.
Wood
Luck

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Kochuba
No: None
Absent: Piotrowski
Abstained: None

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

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

7. Commendations and Presentations

A. Introduction of Erin Barr, Assistant Commonwealth's Attorney

Mr. Gray Collins, Commonwealth's Attorney, introduced Mrs. Erin Barr.

8. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

9. Written Petitions and Communications

A. Councilman John Wood – Enhancements of City Parks

At the request of Mr. Wood, the following are his verbatim comments of the initial presentation:

“I want to bring a subject formally before Council with regard to our city parks because in the recent past, I have noticed controversies over historical monuments. It is rare that Council members or elected officials have the opportunity to do both a good and righteous thing and have that good and righteous thing be economically beneficial. So frequently what is economically beneficial might not necessarily be morally or ethically the best path to follow. I think we now have such an opportunity. Recently, we have viewed the destruction of historic monuments/statues erected by previous generations to honor those who made some type of contribution to the betterment of society. Today historical statues and monuments are being vandalized or destroyed or removed. In watching that with dismay and alarm, I am reminded of the Chinese character for crisis. The Chinese character for crisis or danger also is interpreted as the character for opportunity. I think we have an opportunity that may not avail itself again for a very, very long time.

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I don't suggest that we take any specific action with any specific statue or monument at this point in time because that is not my purpose. We have seen the destruction or removal of all sorts of statues. Initially the objection was to Confederate monuments. But now others are targets, such as George Washington, Christopher Columbus or presidents such as Theodore Roosevelt and Ulysses S. Grant or perhaps Hans Christian Heg, a Norwegian who immigrated to the United States, became an abolitionist, and fought for the Union. Also, statues of Saint Louis and the Virgin Mary are under attack. It is not my intent here tonight to propose a political statement for choosing any particular historical monument; whether it be a monument to unknown Civil War or Revolutionary War soldiers or whether it be a statue of Abraham Lincoln. That's not my point and it is not my desire for us to debate the merits of each particular historical monument throughout the country – this is not the purpose of my presentation tonight.

On the contrary, I regard myself as one interested in addition rather than subtraction. So rather than idly watch the destruction of various historical monuments of statesmen or composers or captains of industry or explorers or doctors or generals, or whoever may now erroneously be thought to be a burden on some communities, I suggest we act. If such monuments are now adjudged intolerable to some, we have an opportunity. I recall the parable of Noah. A new deluge is upon us. We stand at a precipice. God warned Noah that a deluge was imminent. Noah was directed to build an ark; and place into that ark a male and female of each animal without regard to whether that animal was large or small or whether the animal was fierce or tame. But each animal, regardless of its character was to be placed in the ark so when the deluge came, and the flood wiped out life on earth, the animals would be saved.

The ark was a refuge – a sanctuary. This is essentially what I am proposing to Council. To take no specific action with regard to any particular monument but to adopt a general policy of sanctuary. Adopt a policy, on a case-by-case basis, if there is any community in our state, primarily, or in a region, or throughout the nation, that finds itself so offended by a mute relic of a by-gone era that they can no longer tolerate its countenance, I suggest that we explore, with that particular jurisdiction/city/county/state, the opportunity to have that relic, monument, statue transferred to us and that we take that statue, without any sort of political or social agenda, and provide a plaque with just a name, the date of birth, and date of death. We then take that monument or statue and place it in one of our parks. We have a historical park. It is Fort Clifton, the Civil War fort on the Appomattox River. We also have White Bank Park and Appamatuck Historical Park, the site of an Indian village, and we do have an area that is in the center of the

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Roundabout at Temple Avenue and Interstate 95. We have been told it will cost a sizeable sum to erect a sign at the Roundabout entrance to our city. I'm not asking we choose any particular monument, but wouldn't it be just, wouldn't it be beneficial, wouldn't it be economically helpful, if people traveling from Boston to Miami on Interstate 95 could pull off the Interstate and see this little town called Colonial Heights, the little mouse that roared. A town that decided perhaps, these monuments can be displayed without a political agenda or historical dispute.

We will have a place, a sanctuary, an ark for all those monuments that have fallen from favor for whatever reason. When the current upheaval subsides and more rational times return, the monuments will be preserved. And again, I am not suggesting any particular one. I am proposing a sanctuary here for all such monuments where visitors can view and decide for themselves their value. Now, I know that my proposal will be attended with some controversy but nothing worthwhile has ever been attended without controversy.

I also understand my proposal will have some economic cost. However, one of the benefits of the Web and the ubiquitous ability to communicate with people across the country and the globe is access to a web site called GoFundMe. I believe that if we were to ask a particular locality for their monument and then go on that site and ask for funds, I'm almost certain there would be enough people willing to make financial contributions sufficient to offset our costs. Because actually folks, most of the monuments of which I speak, were erected with the nickels and dimes of school children, the donations from those of modest means, the contributions of civic organizations and subscriptions that were offered for years. Consequently, previous generations sacrificed economically to erect monuments to individuals held in esteem. I think there are enough of us who still honor these monuments. We would receive adequate donations allowing us to transport and erect in our parks and in our town these now disfavored monuments.

I am most certain that there would be many travelers north and south on Interstate 95 motoring through our little town of Colonial Heights willing to stop and see what others in other jurisdictions decided should not to be seen. This sort of censorship creates awareness. When communities prohibit or ban something, it generally generates an interest in the banned item. We should do the right thing in preserving the esteem of previous generations and we can benefit from it economically. The economic benefits of tourists spending money in our town during their visits are obvious. I suggest, as a policy, that this Council adopt my proposal to relocate monuments here. And as the opportunities present themselves, we ask or seek the placement of the

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fallen heroes in our city rather than in jurisdictions which regard them as undesirable burdens of the past. Now, many, many times, historical monuments and statues will be placed by other communities in some historical context or some particular historical park or museum or cultural association or they may be returned to people that initially sponsored and built historical monuments and, in those cases, that is all good and well. However, there will be many situations where some monuments will be orphans. And to those orphans I think we should offer a sanctuary.”

At the conclusion of Mr. Wood’s comments, Mayor Kochuba asked if Mr. Wood would like to put his request in the form of a motion. A motion was made by Mr. Wood, seconded by Mr. Frenier, that the City of Colonial Heights adopt a policy of seeking the repatriation of those historical monuments and statues that have been removed from various locations in the United States and consider having those transferred to the City for the purpose of erection in City parks and on City property.

Mrs. Luck stated she was opposed to Mr. Wood’s proposal stating the proposal had been brought before Council twice prior to the meeting, with no support. Continuing, Mrs. Luck stated it was her belief that Mr. Wood’s love of history is driving, what she considered an insane promotion of bringing the statues to the City. Mrs. Luck stated she was sure Mr. Wood was aware that the Mayor of Crewe, Virginia attempted this similar proposal, with the jurisdiction calling for his resignation soon thereafter. Mrs. Luck stated people do not see this as a love of history but rather with emotions and sensitivity versus insensitivity to what has happened in the past; so even considering this proposal, was beyond her belief. Mrs. Luck stated she felt this action would bring nothing but chaos.

Mr. Wood stated this was not a love of history but a love of civilization. Mr. Wood stated we could run from this but we would not be able to hide from it.

Mrs. Luck stated she did not want to be in the middle of it and does not feel the City is the place to place statues that, at the present moment, were causing huge demonstrations and chaos. Responding to Mrs. Luck’s comment, Mr. Wood asked if it was the statues themselves that were causing the chaos or the political movement that intended to destroy what the nation was founded upon. Mr. Wood stated citizens must defend society and culture.

Mr. Green stated he appreciated Mr. Wood’s concern with such issues; however, there are historical items in the City besides city parks, i.e. Violet Bank which the City struggles to maintain and to spend additional money on statues, monuments, etc. that have been removed for one reason or another removed because of popular opinion – whether right or wrong. Mr. Green

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stated bringing those statues to the City would not change that opinion and only bring attention to Colonial Heights that was not needed. Mr. Green stated if the City had enough money to take care of what it already had, he may feel differently; therefore, he did not see how the City could afford to implement such a proposal.

Mr. Frenier stated he did not agree with moving monuments to City parks, especially those that are in residential areas; however, suggested a person in Louisa who is collecting such statues. Mr. Frenier stated, the City did not have the space; however, would not mind them if there was one areas away from residential areas but with this not being the case, he could not support the proposal.

At this time, Mayor Kochuba called for the vote.

Vote:	1-6
Yes:	Wood
No:	Cherry
	Frenier
	Green, Jr.
	Piotrowski
	Luck
	Kochuba
Absent:	None
Abstained:	None

Motion FAIL

10. Advertised Public Hearing

There was none.

Before continuing, Mayor Kochuba recognized Cub Scout Robert Wheeler who was present in the audience.

11. Hearing of Citizens Generally on Non-Agenda Items

Glenn Royster, 321 Bristol Avenue – Spoke on the affects the current events have on young people.

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

A. AN ORDINANCE NO 20-21

(Second Reading) Awarding the City Manager a 4% bonus.

- B. AN ORDINANCE NO 20-FIN-11
(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, to increase appropriations by \$73,000 to 1) appropriate \$40,000 in insurance recoveries to cover the City's expenses for accidental losses; 2) transfer \$32,500 in savings from incarceration expenses to debt services for the 2019 computer lease; and 3) appropriate \$33,000 in proceeds from the sale of the courthouse property to purchase property adjacent to Violet Bank.**
- C. AN ORDINANCE NO 20-FIN-12
(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by increasing appropriations by \$4,320 to 1) transfer anticipated revenue for vehicle rental tax in the amount of \$210,701 from use of money and property to intergovernmental revenue; and 2) appropriate \$4,320 in state forfeiture funds for training.**
- D. June 9, 2020 Special Meeting Minutes**
- E. June 9, 2020 Regular Meeting Minutes**

A motion was made by Mr. Green, seconded by Mr. Frenier, to approve the Consent Agenda as presented.

Vote:	6-0
Yes:	Cherry Frenier Green, Jr. Wood Luck Kochuba
No:	None
Absent:	Piotrowski
Abstained:	None

Motion UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

- A. AN ORDINANCE NO 20-20**

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(First Reading) amending § 286-530.26 of Chapter 286, Zoning, of the Colonial Heights City Code by allowing donation collection bins in the City under certain circumstances.

A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Ordinance No. 20-20.

Mr. Fisher recalled Council's request that an exemption be added to the current ban on donation bins within the City, which would allow donation bins to be located on property of a store that is operated by a non-profit, 501(c)(3) organization. Mr. Fisher stated, he was aware of two places within the City which fall under this category and he tried to draft the ordinance in accordance with Council's wishes to limit it to just those locations where there was a retail store operated by a 501(c)(3) non-profit. Mr. Fisher advised the ordinance passed the Planning Commission last week by a 4-2 vote.

Mayor Kochuba thanked Mr. Fisher for his efforts to include Council's wishes into the proposed Ordinance No. 20-20.

<u>Vote:</u>	6-0
Yes:	Cherry Frenier Green, Jr. Wood Luck Kochuba
No:	None
Absent:	Piotrowski
Abstained:	None

Motion UNANIMOUS PASS

B. AN ORDINANCE NO 20-FIN-13

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by transferring appropriations in the amount of \$45,000 from Contingency to Buildings and Grounds for emergency repairs of the Courthouse HVAC system; and 2) transferring \$28,191 from Contingency to the Emergency Response Fund for hazard pay for certain public safety employees.

To amend the Emergency Response Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, to appropriate a total of \$594,051 for direct costs of the COVID-19

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response, comprised of \$565,860 received from federal sources and \$28,191 from the City.

A motion was made by Mr. Green, seconded by Mr. Frenier, to approve Ordinance No. 20-FIN-13.

Mr. Smith provided a brief overview of the ordinance then turned the floor over to Mr. Skalak and Mrs. Minor.

Mr. Green thanked staff for their attentiveness to the numbers and for keeping Council informed.

Addressing Mayor Kochuba's question relative to the appropriation for the Courthouse HVAC system and the time frame for completion of the maintenance, Mr. Smith advised he did not have a date for maintenance completion, and referred to Mr. Skalak for additional information. Mr. Skalak advised both contractors provided 30 to 31 days to receive the equipment, with the removal and installation of equipment to start soon thereafter.

Addressing Mr. Cherry's question relative to the receipt of any type of warranty on the equipment, Mr. Skalak advised the Courthouse had been open for six and one half years; however, the coils were only warranted for one year and the compressor for five years.

Mr. Wood asked if it would be more cost effective to locate the cooling units on the ground instead of the roof where accessibility would be better and the use of a crane would not be necessary. Addressing Mr. Wood's question, Mr. Cherry advised the cooling units were placed on the roof for noise abatement.

Vote:	6-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Wood
	Luck
	Kochuba
No:	None
Absent:	Piotrowski
Abstained:	None

Motion UNANIMOUS PASS

- C. AN ORDINANCE NO 20-FIN-14
(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$31,013; 1) to appropriate \$17,216 in Office of Emergency Medical Services grant funds for the purchase of EMS equipment, and 2) to appropriate \$123,797 in CDBG funds anticipated in excess of the current budget.**

To amend the Emergency Response Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, to appropriate \$512,237 received from federal sources for direct costs of the COVID-19 response.

To amend the Capital Projects Fund Budget, as previously adopted by Council, by reducing appropriations by \$210,972 and transferring funds from the Boulevard Enhancement Project and the Appomattox Greenway Trail Project (ARGT) to the North Elementary Sidewalks Project, and Redevelopment Project.

A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Ordinance No 20-FIN-14.

Mr. Smith provided brief comments relative to grant funds received, after which time Mrs. Minor further explained anticipated CDBG funding as previously presented by Ms. Payne. At the request of Mayor Kochuba, Mrs. Minor provided further explained the purpose of the CDBG Program stating it was an entitlement grant for specific purposes to help moderate and low income individuals which the City uses for a housing assistance program primarily to assist with the rehabilitation of homes that may have substantial infrastructure problems to ensure a safe environment.

Continuing, Mrs. Minor reported on the appropriation for COVID response funds to be used for Utility Bill Assistance Program as well as other allocations Council had been previously made aware of. Additionally, Mrs. Minor advised staff had been working with VDOT regarding the transfer of funds between projects; specifically, the transfer of funds from the two Boulevard enhancement projects approved in the CIP and allocation of those funds to the Appomattox River Greenway Trail and the North Elementary Sidewalk project. Mrs. Minor further explained a discrepancy noting the over-appropriation of funds for the Appomattox River Greenway Trail, which will be corrected to match the VDOT allocation. Additionally, Ms. Minor explained that the remainder of the funds would go to the North Elementary Sidewalks Project to complete the project.

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Vote:	6-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Wood
	Luck
	Kochuba
No:	None
Absent:	Piotrowski
Abstained:	None

Motion UNANIMOUS PASS

- D. A RESOLUTION NO 20-34**
Authorizing the submission of funding applications to the Commonwealth Transportation Board through the bi-annual SMART SCALE program for the following projects: 1) Lakeview Modernization Phase II (Brijidan Lane to City limits); and 2) Boulevard Modernization Phase II (Westover Avenue to Temple Avenue).

A motion was made by Mr. Green, seconded by Mr. Cherry, to adopt Resolution No. 20-34.

At the request of Mr. Smith, Mr. Flippen provided a brief overview of the two requested projects and asked that Council indicate their support for committing funds to these projects should they be awarded; however, Mr. Smith indicated funding may not be available for several years even with approval.

Mr. Flippen advised the two proposed projects had been submitted for scoring previously and had received the highest score of those submitted; Mr. Flippen stated staff was making efforts to ensure these projects were more competitive.

Continuing, Mr. Flippen provided information on the Lakeview project indicating this would be a continuation of Phase 1, which staff looks for construction to begin in the fall of 2020. Mr. Flippen noted the improvements to the corridor; specifically noting ornamental street lights, sidewalks, curb and gutter as well as replacement of the water and sewer infrastructure.

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Addressing Mayor Kochuba's question, Mr. Smith stated the total cost of the project was \$11M, with the City's contribution being \$500,000; therefore, this would be a \$10.5M request.

Mr. Flippen addressed Mrs. Luck's question relative to the addition of ornamental lighting along Lakeview Avenue stating staff made alterations relative to the spacing and placement of the lighting.

Continuing, Mr. Flippen moved to the second project, Boulevard Modernization Phase 2 at which time he explained that it was planned to include the enhancement work from the Boulevard Enhancement Project with Phase 2 of the Boulevard Modernization Project.

Mr. Flippen advised staff was searching for local matches for the two projects clarifying that VDOT was looking for cost benefit ratios; essentially, the more funding the locality can provide, increases the cost benefit ratio from the state and federal agency perspective. Mr. Flippen stated staff was looking for \$1M in local match for the Boulevard Modernization Project and \$500,000 for the Lakeview Modernization Phase 2.

Addressing Mayor Kochuba's question relative to commitment of funding, Mr. Smith clarified that commitment would be made to provide the funds for each of the project should they be approved and at such time, funds would need to be allocated. Comparing a previous project, Mr. Flippen advised that funding would not be likely be available for expenditure until 2024 or 2025.

<u>Vote:</u>	6-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Wood
	Luck
	Kochuba
No:	None
Absent:	Piotrowski
Abstained:	None

Motion UNANIMOUS PASS

- E. A RESOLUTION NO 20-35**
Supporting the submission and approval of funding of applications of the City of Petersburg and the Tri-Cities MPO to the Commonwealth Transportation Board through the bi-annual SMART SCALE program for the following projects: 1)

City of Petersburg Proposed Appomattox River Trail Project (Squaw Alley to Patton Park to the north shore of the Appomattox River and existing CHARTS trail); and 2) Tri-Cities Metropolitan Planning Organization Proposed Trail Project (part of the Ashland to Petersburg Trail) from River Road through Virginia State University to Patton Park in Petersburg with a spur trail to Colonial Heights.

A motion was made by Mayor Kochuba, seconded by Mrs. Luck, to adopt Resolution No. 20-35.

Mr. Smith introduced Wendy Austin, Executive Director of FOLAR and Heather Farrar, Regional Director of Trails, via telephone, to address Council in reference to the projects and how they connect to the City of Colonial Heights. Mr. Smith displayed a map showing both of the proposed trails.

Ms. Austin thanked Council for the City's representation on the FOLAR board, recognizing Mrs. Karen Epps and Mrs. Betty Estes. Additionally, Ms. Austin thanked City staff for their professional and knowledgeable responses; specifically recognizing, staff from Recreation and Parks, Public Works, and Planning. Concluding her comments, Ms. Austin congratulated Council and staff on the opening of the new CHARTS portion of the Appomattox River Trail.

At this time, Heather Farrar provided an overview of the applications for the proposed trail sections depicted in her presentation. The first trail viewed was a more urban trail beginning at Patton Park and continue through Old Town Petersburg. Ms. Farrar noted the application included a bicycle/pedestrian bridge using the historic train trestles and connecting Pocahontas Island with Colonial Heights. Ms. Farrar clarified FOLAR was supporting Petersburg and this was a Petersburg project and supporting application and advised Chesterfield would be providing a resolution and the Corp of Engineers will be involved.

Moving to the second project, Ms. Farrar indicated this was a Tri-Cities MPO Application which was part of the Ashland to Petersburg Trail. Ms. Farrar indicated the route would begin at the north edge of the VSU campus at River Road continuing along the east edge of the campus; also including a bicycle/pedestrian bridge across the Appomattox River tying into the trail off of Patton Park. Ms. Farrar indicated there was a third trail not indicated in her presentation; however, it extends from the Ashland Petersburg Trail to the Colonial Heights City line, making an easily accessible link to the future Colonial Heights North/South trail. Ms. Farrar indicated partners with this project were Chesterfield, Petersburg and Virginia State University.

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Continuing, Ms. Farrar addressed questions regarding the crossing of the Appomattox River at Patton Park.

Addressing Mr. Green's question relative responsibility of maintaining these trails, Ms. Farrar stated that each locality was taking a different approach regarding long-term maintenance. Ms. Farrar stated it was the goal of FOLAR that each locality own and maintain their section of trail and FOLAR would provide the long-term support; fundraising/volunteer support for their trails.

Mr. Smith addressed Mr. Wood's question clarifying the Petersburg location to cross the river into Colonial Heights. Additionally, Mr. Smith clarified future additions to the spur trail from Patton Park in Petersburg to Colonial Heights.

At the conclusion of the presentation and discussion, Mr. Smith stated staff was seeking Council's support of the resolution.

Vote:	6-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Wood
	Luck
	Kochuba
No:	None
Absent:	Piotrowski
Abstained:	None

Motion UNANIMOUS PASS

- F. A RESOLUTION NO 20-36**
Approving two Water Connection Agreements, whereby the City will furnish a supply of public water to serve two residences in Chesterfield County; and authorizing the City Manager to execute the Agreement.

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 20-36.

Mayor recalled Council's prior discussion in both closed and open session at the previous meeting. Mr. Smith had nothing to add.

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Vote: 5-1
Yes: Cherry
Frenier
Green, Jr.
Luck
Kochuba
No: Wood
Absent: Piotrowski
Abstained: None

Motion UNANIMOUS PASS

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

- A. A RESOLUTION NO 20-14**
Requesting the Virginia Department of Game and Inland Fisheries to Amend the Local Urban Archery Restrictions for the City of Colonial Heights.

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 20-14.

Mr. Fisher advised that the resolution was brought before Council at the March 10, 2020 Regular Meeting as well as the Council Retreat. Mr. Fisher stated the resolution included Council's request to add language specifying that any urban archery activity be from an elevated position of 10 feet in the air. Continuing, Mr. Fisher noted, at the request of Mr. Cherry, the resolution was tabled at the March 10 meeting in an effort for Mr. Fisher to include Mr. Cherry's request that an exception be made for the 10' high requirement for target shooting. Mr. Fisher advised that subsequently, the resolution was not brought back to Council at the March 17, 2020 meeting due to Council's decision to address only essential issues relative to the COVID-19 crisis.

Vote: 6-0
Yes: Cherry
Frenier
Green, Jr.
Wood
Luck
Kochuba
No: None
Absent: Piotrowski

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Mr. Smith reported on the ongoing situation regarding the vegetation in the pond at the Roundabout stating that staff will be purchasing a boat to address maintenance and cleaning issues. Additionally, Mr. Smith stated staff was moving forward with VDOT to receive approval addressing vegetation growth in the pond.

Mr. Smith reported that the closing on the property adjacent to Violet Bank was complete and thanked Mr. Fisher and his staff for their efforts. Regarding the Violet Bank Restoration Project, Mr. Smith stated that the consultant currently has the drawings and specifications about 90% complete and staff was inquiring as to the time frame in which the plans and bid specifications would be complete. Mr. Smith will advise Council when they are received.

Continuing, Mr. Smith stated that VML indicated that the Governor and General Assembly were likely to decide in the next several weeks whether to allocate an additional \$400M of the Federal CARES funding to Virginia localities. Mr. Smith requested Council to support the following: 1) sending of letters to appropriate state offices in support of the possible allocation and 2) request the City's federal congressmen and senators for their support in allowing localities more flexibility in an effort to offset certain revenue loss.

There was additional discussion relative to the allocation of CARES funding for the schools and the extension of the EDA grant funds.

Mr. Smith provided an update relative to the loss of the IT Director stating he has been working with ProActive to provide a second tier technical support system, with Andrew Blais, former IT Director, still providing the first tier support to Department Directors. Mr. Smith stated this was temporary, lasting for approximately 6 months then moving to a month to month basis. Mr. Smith stated there was no increase in funding for this change as funding was already budgeted.

Mr. Green thanked staff for the update and efforts addressing the issues relative to the pond at the Roundabout. Additionally, addressing Mr. Smith's previous update relative to contracting with ProActive for IT services, Mr. Green stated it was more cost effective in the long run to support a Department Director than to pay contract services over a length of time. Concluding his comments, Mr. Green provided complimented staff for their efforts in keeping the City groomed and asked if there was a timeline for which VDOT will address the aesthetic condition at the I95/Temple Avenue interchange. Mr. Smith stated he would request staff to coordinate with VDOT maintenance to address these issues.

B. City Attorney

Mr. Fisher stated he spoke for the staff in saying that everyone was sorry to see Andrew Blais leave; he was a professional and trusts that his replacement will be as good as him. Additionally, Mr. Fisher advised his office contracted with a company to scan all files over three years old and destroy the hard copies. Mr. Fisher also advised that the files stored in the house next to City Hall are being cleaned, scanned, and destroyed.

Concluding, Mr. Fisher provided additional comments on the property next to Violet Bank noting there had been some confusion with the chain of title in the deed to the property and in the process discovered a defect in the title of Lot 2. Mr. Fisher stated there was no additional cost to the City for the additional research in the closing of the property.

C. Director of Planning and Community Development

Ms. Hall reported the Planning Commission met July 7, 2020 hearing the following:

- Ordinance 20-20 – Addressing donation bins.**
- Ordinance 20-22 – Special Use Permit requested by St. Michaels Church for an electronic message board.**

Ms. Hall noted both ordinances passed and would come before Council at the August meeting.

Ms. Hall stated the Planning Commission would not be meeting in August but will resume their regular schedule in September. Additionally, Ms. Hall advised the Board of Zoning Appeals received an application for a variance and will be meeting August 19, 2020 to review.

Referring to Ms. Hall's report on the request for a special-use permit for an illuminated sign, Mr. Cherry advised there was discussion at the Planning Commission Meeting that since these requests have become more frequent and more and more businesses/organizations are turning to this type of signage, Mr. Fisher may want to look at changing the ordinance. Weighing in, Mr. Fisher stated that he was aware of this and stated Ms. Hall and Ms. Payne were in the process of reviewing the sign ordinance and Council would be receiving information to this effect.

16. Adjournment

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There being no further business, a motion was made by Mayor Kochuba, seconded by Mrs. Luck, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 9:13 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, July 21, 2020

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 Michael A. Cherry
Councilman W. Joe Green, Jr.
Councilman John E. Piotrowski
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba

Absent: Councilman Kenneth B. Frenier
Councilman John T. Wood (arrived late)

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

3. Declarations of Personal Interest

A Declaration of Personal Interest was read by Mr. Green and 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 retained by a public body regarding a specific legal matter – i.e., excess taxation and overstatement of certain employees' income – requiring the provision of legal advice by such counsel.**
- **Paragraph A.5 of Section 2.2-3711, to discuss prospective businesses or industries locating on a 10.84 acre parcel with parcel ID number 5400020000H and a street address of 401 Temple Avenue, where no previous announcement has been made of the businesses' or industries' interest in locating in the community.**

A motion to convene in closed meeting was made by Mayor Kochuba, seconded by Mrs. Luck, at 6:02 P.M.

Vote: 5-0
Yes: Cherry

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	Green, Jr.
	Piotrowski
	Luck
	Kochuba
No:	None
Absent:	Wood (arrived late)
	Frenier
Abstained:	None

Motion UNANIMOUS PASS

4. Voice Vote – Come back into Open Session.

A motion to reconvene in open session was made by Mayor Kochuba, seconded by Mrs. Luck, and carried unanimously on roll call vote at 8:04 P.M.

Vote:	6-0
Yes:	Cherry
	Green, Jr.
	Piotrowski
	Wood
	Luck
	Kochuba
No:	None
Absent:	Frenier
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 retained by a public body regarding a specific legal matter – i.e., excess taxation and overstatement of certain employees’ income – requiring the provision of legal advice by such counsel.**
- Paragraph A.5 of Section 2.2-3711, to discuss prospective businesses or industries locating on a 10.84 acre parcel with parcel ID number 5400020000H and a street address of 401 Temple Avenue, where no previous announcement has been made of the businesses’ or industries’ interest in locating in the community.**

Consideration of the following certification:

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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 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:

Vote:	6-0
Yes:	Cherry Green, Jr. Piotrowski Wood Luck Kochuba
No:	None
Absent:	Frenier
Abstained:	None

Motion UNANIMOUS PASS

6. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

7. Advertised Public Hearings

- A. AN ORDINANCE NO 20-23
(First Reading) Amending § 30-3 of Chapter 30, Finance of the Colonial Heights City Code, to require the Director of Finance to levy a convenience fee whenever a person uses a debit or credit card to pay the City for non-utility related charges; and adding a new § 30-3.1 to Chapter 30 that authorizes the City Manager to waive such fee during an emergency or disaster.**

A motion was made by Mr. Green, seconded by Mrs. Luck, adopt Ordinance No. 20-23.

Mrs. Minor provided background information relative to the decision to incorporate the proposed action stating the action is proposing a 2% fee across the board, except for utility bills. Mrs. Minor, addressing questions from Council, stated that both Visa and MasterCard offer a significant fee discount for not including utility payments. Additionally, Mrs. Minor, addressing Mrs. Luck's question, stated this was a reduction from the existing 3% fee already in place.

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There were no public comments.

Vote:	6-0
Yes:	Cherry Green, Jr. Piotrowski Wood Luck Kochuba
No:	None
Absent:	Frenier
Abstained:	None

Motion UNANIMOUS PASS

Mayor Kochuba called for a five-minute recess before moving to the work session.

8. Work Session on the following items:

A. Financial Update

At the request of Mr. Smith, Mrs. Minor provided Council with updates relative to the City's revenue status as it related to COVID impacts. Mrs. Minor's presentation included the City's top six revenue sources and the current impacts; specifically noting, there seemed to be a slight uptick in revenue. Mrs. Minor continued by providing information relative to the sales, meals and lodging taxes with the most significant affect to the sales and meals tax; meals being the worst.

Continuing Mrs. Minor provided additional information relative to the General Fund Revenue. This information listed losses from local taxes, fines, charges for services, and a refund to Riverside Regional Jail Authority; these losses totaled a General Fund Revenue Shortfall of \$3,394,114. Mrs. Minor also presented figures relative to expenditure savings totaling \$3,335.00. Listed in this savings was \$560,000 for reduction in transfer to schools.

Mr. Cherry stated Council and staff needed to be cognoscente of the schools' position with regard to opening and how that would affect the financial position placed on the schools with Mr. Green providing comments relative to the City's Memorandum of Understanding with the Schools.

In conclusion, Mr. Fisher stated the possibility of increased School Board cost if the Board approves anything other than complete virtual learning; due to the increased transportation needs due to social distancing.

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There being no further comments, Mr. Smith advised that staff would continue to update Council relative to financial developments related to COVID.

B. Discussion Regarding Revisions to the agreement with Collegiate Baseball Experience

Mr. Skalak commended Chris Martin and the Chili Peppers for incorporating showcase tournaments even with the cancellation of the season. Mr. Skalak advised of the proposed amendment to the agreement as follows:

- **Chili Peppers are responsible for securing the sale of alcohol in their own facility during their season**
- **Installation of infield turf**

Mayor Kochuba, with the consent of Council members, asked that further discussion be tabled in an effort for Mr. Martin to provide Council with additional detailed information relative to the installation of the proposed infield turf installation project.

C. Public Works Project Update

Mr. Todd Flippen provided Council with updates on the following projects:

Completed projects:

- **Holly Avenue and Jamestown Road**
- **Boulevard Resurfacing (Westover – Newcastle)**
- **Appomattox River Greenway Trail (Phase IV)**
- **Bridge Rehabilitation (The City currently has five structures which were addressed)**
- **Temple Avenue Signalization Project**

Active construction projects and completion date:

- **Temple Avenue Signalization (Summer 2020)**
- **Dupuy Avenue Modernization (Fall 2020)**
- **Hrouda Pump Station (Spring 2021)**
- **North Elementary Safe Routes to School Sidewalks Phase I (Spring 2021)**
- **Lakeview Avenue Modernization (Fall 2022)**

Anticipated new construction and start date:

- **Boulevard and Westover Avenue Turn Lane (Fall 2021)**
- **Appomattox River Greenway Trail, Phase V (Fall 2021)**
- **Boulevard and Branders Bridge addition of right turn lanes (Spring 2022)**
- **North Elementary Safe Routes to School Sidewalks Phase II (Spring 2022)**

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- **Boulevard and Temple Intersection Modernization (Fall 2021)**

There being no further business, Mayor Kochuba called to adjourn the meeting.

9. Adjournment.

A motion to adjourn the Special Meeting was made by Mrs. Luck, seconded by Mr. Piotrowski, and carried unanimously on voice vote at 9:23 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, August 11, 2020**

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Kochuba at 6:52 P.M.

2. Roll Call.

**Present: Councilman Michael A. Cherry
Councilman W. Joe Green, Jr.
Councilman John E. Piotrowski
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba**

**Absent: Councilman Kenneth B. Frenier
Councilman John T. Wood (arrived late)**

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

The Clerk announced the purpose of the closed meeting.

3. Closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

- Paragraph A.1 of Section 2.2-3711, to discuss appointments to the Advisory Board to Council, Advisory Board to Recreation and Parks, Board of Zoning Appeals, Economic Development Authority, Historical Commission, Transportation Safety Commission and Youth Services Commission.**

A motion to convene in a closed meeting was made by Mayor Kochuba, seconded by Mrs. Luck, at 6:53 P.M.

<u>Vote:</u>	6-0
Yes:	Cherry Frenier Green, Jr. Piotrowski Wood Luck Kochuba
No:	None
Absent:	Frenier
Abstained:	None

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Motion UNANIMOUS PASS

4. Voice Vote – Come back into Open Session.

A motion to reconvene in open session was made by Mayor Kochuba, seconded by Mr. Frenier, and carried unanimously on roll call vote at 7:02 P.M.

<u>Vote:</u>	6-0
Yes:	Cherry Frenier Green, Jr. Piotrowski Wood Luck Kochuba
No:	None
Absent:	Frenier
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 provisions:

- Paragraph A.1 of Section 2.2-3711, to discuss appointments to the Advisory Board to Council, Advisory Board to Recreation and Parks, Board of Zoning Appeals, Economic Development Authority, Historical Commission, Transportation Safety Commission and Youth Services Commission.**

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 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:

<u>Vote:</u>	6-0
Yes:	Cherry Frenier Green, Jr.

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	Piotrowski
	Wood
	Luck
	Kochuba
No:	None
Absent:	Frenier
Abstained:	None

Motion UNANIMOUS PASS

5. Motions and Resolutions of Appointment

A motion was made by Mayor Kochuba, seconded by Mrs. Luck, to adopt the following resolutions of appointment:

A RESOLUTION NO 20-40

Appointing Frederick G. Kneifer, Ann Sorensen, and Josie Henderson as members of the Advisory Board to City Council, each for a two-year term beginning September 1, 2020.

A RESOLUTION NO 20-40

Appointing Barry Tudor as a member of the Advisory Board to Recreation and Parks for a three-year term which begins on September 1, 2020.

A RESOLUTION NO 20-43

Appointing Marlon Dance as a member of the Board of Directors of the Economic Development Authority for a four-year term beginning September 1, 2020.

A RESOLUTION NO 20-44

Appointing Charlotte Price as a member of the Historical Commission for a three-year term beginning September 1, 2020.

A RESOLUTION NO 20-45

Appointing Edward B. Bish as a member of the Transportation Safety Commission for a four-year term beginning September 1, 2020.

A RESOLUTION NO 20-46

Appointing Emmanuel Sampson and Ashlyn Smith as student representative members of the Youth Services Commission for a one-year term which begins September 1, 2020.

6. Adjournment.

A motion to adjourn the Special Meeting was made by Mayor Kochuba, seconded by Mrs. Luck, and carried unanimously on voice vote at 7:05 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, August 11, 2020**

1. Call to Order

The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:14 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 Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Councilman John E. Piotrowski
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 Mayor Kochuba.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kochuba.

5. Adoption of Agenda

A motion was made by Mr. Frenier, seconded by Mr. Green, to adopt the agenda as presented.

**Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski**

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

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

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

7. Commendations and Presentations

There were none.

8. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

9. Written Petitions and Communications

There were none.

10. Advertised Public Hearing

- A. AN ORDINANCE NO 20-20
(Second Reading) Amending § 286-530.26 of Chapter 286,
Zoning, of the Colonial Heights City Code by allowing donation
collection bins in the City under certain circumstances.**

A motion was made by Mr. Cherry, seconded by Mr. Greene, to adopt Ordinance No. 20-20.

Mr. Fisher noted this was a very specific amendment to the previous ordinance banning donation bins. Mr. Fisher explained the ordinance carved out specific circumstances for a 501(c)(3) organization operating a retail store to have donation bins.

There were no public comments or comments from Council.

Vote: 7-0

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**Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba**

No: None

Absent: None

Abstained: None

Motion: UNANIMOUS PASS

- B. AN ORDINANCE NO 20-22
(First Reading) To grant a special use permit, with conditions, to the St. Michaels Church Trustees to allow for a 6.8 square foot internally illuminated sign and a 31 square foot electronic message board on a renovated freestanding sign structure at St. Michael’s Episcopal Church, 501 Old Town Drive, also known as parcel identification number 680101010A011, which is zoned RL – Low Density Residential District.**

A motion was made by Mr. Frenier, seconded by Mr. Green, to adopt Ordinance No. 20-22.

Ms. Brandy Payne, Assistant Director of Planning and Community Development, provided information relative to the request to Council with visuals of the specific location and look of the sign. Ms. Payne advised that the request had been brought before the Planning Commission and the requirements for the sign would follow the same illumination restrictions as required for the previously approved school signs.

Public Comments: None

Council Comments:

Mr. Cherry advised the Planning Commission unanimously approved the request and asked that Council consider, at the request of the Planning Commission, making these request part of zoning.

Vote: 7-0

**Yes: Cherry
Frenier
Green, Jr.**

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

Motion: UNANIMOUS PASS

- C. AN ORDINANCE NO 20-23**
(Second Reading) Amending § 30-3 of Chapter 30, Finance, of the Colonial Heights City Code, to require the Director of Finance to levy a convenience fee whenever a person uses a debit or credit card to pay the City for non-utility related charges; and adding a new § 30-3.1 to Chapter 30 that authorizes the City Manager to waive such fee during an emergency or disaster.

A motion was made by Mrs. Green, seconded by Mrs. Luck, to adopt Ordinance No. 20-23.

Mayor Kochuba recalled prior discussion regarding a rate increase with Mr. Smith adding that the rate increase would not be set for more than 2%.

There were no comments from the public or Council.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

11. Hearing of Citizens Generally on Non-Agenda Items

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The below is a summary of remarks Mr. Wood made addressing a publication on August 7, 2020 by WWBT 12 News titled, “Colonial Heights Police Department partners with Black Lives Matter activist” and Council’s response.

Mr. Wood stated he had been on City Council since 1984 and at no time had he ever criticized a City Department; however, it has come to his attention certain policies had been adopted that were inappropriate. Mr. Wood stated he had received notification from the City Manager regarding the Police Department’s partnership with a local Black Lives Matter (BLM) activist. Mr. Wood noted that the individual had been before Council and believes the actions of the Police Chief sets a false image further stating that BLM is, by its very nature, Marxist. Mr. Wood continued to provide remarks relative to the agenda of the BLM movement stating it is an agency of political change, violent and destructive and all those who embrace it, do so to their own peril.

Mr. Wood stated that it seems that Colonial Heights has apparently reacted like everyone else with regard to the police; however, there is no evidence of wrongdoing and what staff has placated to do is demonstrate we are not a racist city. Mr. Wood stated he disagreed with a non-citizen, particularly an activist with BLM, participating in the interview process of City Police officers.

In conclusion, Mr. Wood, directing his comments to City Administration and Council, asked, “If we are not perpetrators of these actions, then what is it that we need to prove?” Mr. Wood stated he knew and understood that this was to achieve a certain amount of peace and tranquility to accept the views of others and he thought this was all appropriate; but, to go so far to reward people for not destroying your city and awarding a position on an interview panel? Mr. Wood asked that this policy be stopped immediately.

At the conclusion of Mr. Wood’s comments, Mr. Cherry stated there was a difference in the BLM movement and the BLM organization, which was what Mr. Galberth, the individual referenced by Mr. Wood, was a part of; specifically noting there had been no violence or vandalism as a result of the protests organized by Mr. Galberth. Mr. Cherry stated he wanted to bring clarity as to what Mr. Galberth and Chief Faries were trying to do. Mr. Cherry also advised that for some time, Rev. George Lyons of Gillfield Baptist Church in Petersburg had participated in the hiring process for City police officers and he was not a City resident.

Mr. Wood stated that the media’s statement portrayed the City as supportive of the BLM organization and the action by the Police Department was simply appeasement and that the action should cease.

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Mrs. Luck stated we could not control what the media published and Mr. Wood's actions were reckless and she was proud of the actions of the Police Department. Directing her comments to Mr. Wood, Mrs. Luck stated he had once again brought a topic before Council with no warning or research and she did not appreciate being blindsided and comments such as these needed to be expressed to the City Manager and/or Council members prior to being made in a public meeting.

Mr. Smith stated he supported Chief Faries' actions and offers that staff would provide Council with a full description of their actions and intentions.

Mr. Green stated he would be concerned should the interview panel begin to hire unqualified officers.

Mr. Fisher stated that it seemed there should be objective criteria in choosing individuals to participate in the hiring process.

Mr. Frenier stated being that Rev. Lyons had been participating in the police officer hiring process in the past and he did not have any issues with this practice.

At the conclusion of the discussion, Mayor Kochuba asked for an informal roll call vote in support of Mr. Wood's request for the Police Department to not allow Mr. Galbert, to participate in the interview process for the hiring of Colonial Heights police officers.

**Vote: 1-6
Yes: Wood
No: Cherry
Frenier
Green, Jr.
Piotrowski
Luck
Kochuba
Absent: None
Abstained: None**

Informal Vote: FAIL

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

A. AN ORDINANCE NO 20-FIN-13

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by transferring appropriations in the amount of \$45,000 from Contingency to Buildings and Grounds for emergency repairs of the Courthouse HVAC system; and 2) transferring \$28,191 from Contingency to the Emergency Response Fund for hazard pay for certain public safety employees.

To amend the Emergency Response Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, to appropriate a total of \$594,051 for direct costs of the COVID-19 response, comprised of \$565,860 received from federal sources and \$28,191 from the City.

B. AN ORDINANCE NO 20-FIN-14

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$31,013; 1) to appropriate \$17,216 in Office of Emergency Medical Services grant funds for the purchase of EMS equipment, and 2) to appropriate \$13,797 in CDBG funds anticipated in excess of the current budget.

To amend the Capital Projects Fund Budget, as previously adopted by Council, by reducing appropriations by \$210,972 and transferring funds from the Boulevard Enhancement Project and the Appomattox Greenway Trail Project (ARGT) to the North Elementary Sidewalks Project, and Redevelopment Project.

A motion was made by Mr. Green, seconded by Mr. Cherry, to approve the Consent Agenda as presented.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

A. AN ORDINANCE NO 20-FIN-15

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by appropriating \$3,270 in State Homeland Security Program (SHSP) grant funds for personnel costs; transferring \$5,000 from the regional jail budget to debt service; and transferring \$125,750 from public safety to judicial administration for community corrections and drug court.

A motion was made by Mr. Green, seconded by Mr. Piotrowski, to adopt Ordinance No. 20-FIN-15.

Mr. Smith provided additional comments further explaining the appropriations and transfers with Ms. Fenner, Assistant Finance Director, clarifying that although the “books” were closed for the year, expenditure adjustments could be made through the end of August.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

B. AN ORDINANCE NO 20-FIN-16

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$8,980 in State Homeland Security Program (SHSP) grant funds for the purchase of police equipment.

To amend the Economic Development Authority Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30,

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2021, to appropriate \$500,000 received from the City's CARES funds for the Small Business Grant Program.

A motion was made by Mayor Kochuba, seconded by Mr. Piotrowski, to approve Ordinance No. 20-FIN-16.

Mr. Smith provided additional clarification of appropriations within the ordinance; specifically noting that the EDA had already allocated \$200,000 of the \$500,000 for the Small Business Grant Program.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
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.

There were none.

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Discussion Regarding the Agreement with Collegiate Baseball Experience and Shepherd Stadium Facility Updates

At the request of Mr. Smith, Mr. Skalak provided Council with a brief presentation showing the latest updates to Shepherd Stadium to accommodate the Chili Peppers. After the presentation, Mr. Skalak reported that the Chili Peppers season was canceled; however, City staff has been working with the Chili Peppers to provide a revenue source to help compensate for revenue loss due to the canceled season. Mrs. Skalak stated the Chili Peppers would be holding four-day "showcase tournaments" which were to be livestreamed;

this will bring teams and their families to the City, helping to boost lost revenue.

Continuing, Mr. Skalak reported the following amendments to the original agreement between the Chili Peppers and the City:

- Increase annual payments to the City by \$5000 per year
- Providing for up to 10 annual Colonial Heights Youth Tournaments
- Allowing for alcohol to be properly locked and secured in a CBE provided on-site facility
- Allowing for the Chili Peppers to hire a Recreation and Parks employee or a mutually agreed upon non-Recreation and Parks employee experienced in facilities maintenance consistent with the recreation and parks department's practices and procedures.

Mr. Skalak provided Council with additional information relative to the cost of the tournaments held and concerns relative to insurance coverage for the proposed employee hired for field maintenance.

2. Emergency Management

Chief Hoover provided comments relative to the most recent tropical storm affecting the area noting that his staff was prepared and there had been minimal power outages and damage. Continuing, Chief Hoover advised calls were back to pre-COVID activity. Chief Hoover thanked Mrs. Melvin and Mrs. Minor for their attentiveness to meeting the PPE needs.

In conclusion, Chief Hoover advised there had been a total of 8 employees with positive cases and 22 cases of employees' exposed or experiencing close contact.

Continuing, Mr. Smith provided an update on CARES funding received noting the City had received an additional \$1.3M in funding. Mr. Smith expressed challenges in appropriating the funding as the expiration is December 2020 and no allocation can be applied to revenue loss. Mr. Smith stated that current expenditures to date were \$480,000 and specifically noted that the EDA had added an additional tier of funding and was monitoring applications as they continue to come in for the Small Business Grant Program.

Mr. Smith recalled Council's approval of 12 weeks of hazard pay for public safety personnel and proposed an additional 12 weeks of such pay. Additionally, Mr. Smith recommended some type of compensation for employees who did not receive hazard pay.

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Mr. Smith provided information staff had researched relative to funding to acquire an ambulance to be dedicated as a COVID-19 response unit. At the request of Mr. Smith, Chief Hoover addressed questions from Council relative to the need for additional personnel to man the vehicle, stating additional personnel would not be necessary. Additionally, Chief Hoover, addressing Mrs. Luck's question, stated that the total cost of the ambulance would be approximately \$400,000 totally equipped.

After additional discussion, Mayor Kochuba asked for an informal vote authorizing the use of CARES Act funds for the purchase of an ambulance dedicated as a COVID response vehicle.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

3. Code Enforcement Update

Mr. Smith, with the assistance of Ms. Payne, provided Code Enforcement statistics specifically noting the YTD numbers for tall grass and trash can placement being the greatest numbers. Ms. Payne addressed the items associated with exterior storage of objects not allowed on the exterior of the residence. Additionally, Ms. Payne addressed the process for notification of violation and explained the timeframe for turnaround of certified letters sent.

Mr. Fisher stated he has encouraged staff to post notice at the property and send violation notices first class as well as certified.

4. General Activity Report

Mr. Smith advised of the following general information:

- There will be no August Work Session**

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- **The Billing and Collection Office will be closed August 24th and 25th for implementation of the new financial system.**

Mr. Cherry noted that the school and recreational leagues were canceled for the upcoming year and requested information on the schools position regarding the use of their sports facilities.

B. City Attorney

Mr. Fisher advised of code enforcement issues related to swimming pools. Additionally, Mr. Fisher provided Council with updates relative to the property at 608 Hamilton Avenue and the City's proposal for bids to repair the property. Mr. Fisher reported that bids had been received, and the lowest was \$73,000. Mr. Fisher stated there were possible modifications, and he and the City Manager were working with the purchasing agent to bring the price down to approximately \$55,000.

Addressing Mrs. Luck's question relative to demolition of the property, Mr. Fisher advised that the building official stated the property was not a candidate for demolition.

C. Director of Planning and Community Development

Ms. Payne reported on the following from the August 4, 2020 Planning Commission Meeting:

- **Unanimous pass to allow for collection bins in certain circumstances**
- **Unanimous pass to allow for an illuminated message sign at St. Michaels Church**
- **The next Planning Commission meeting would be held September 2, 2020**

Ms. Payne addressed questions from Council relative to the removal of those donations bins not allowed stating certified letters had been sent out but there had been no response at this time.

Mr. Smith addressed Mr. Frenier's question relative to the stagnation of the pond at the interchange stating staff had purchased an additional boat and was working with VDOT to obtain a chemical permit to treat the pond.

16. Adjournment

There being no further business, a motion was made by Mayor Kochuba, seconded by Mr. Cherry, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 9:16 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, August 25, 2020

1. Call to Order.

The Special Meeting of City Council was called to order by Vice Mayor Luck at 5:30 P.M.

2. Roll Call.

Present: Councilman Michael A. Cherry
Councilman Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Councilman John E. Piotrowski
Councilman John T. Wood
Vice Mayor Elizabeth G. Luck

Absent: Mayor T. Gregory Kochuba

Also Present: Mr. Douglas E. Smith, City Manager
Mrs. Pamela B. Wallace, City Clerk

3. Special Meeting on the following item:

- A. A RESOLUTION NO 20-47**
Consenting to and confirming the declaration of a local emergency by the Director of Emergency Services.

A motion was made by Mr. Cherry, seconded by Mr. Green, to adopt Resolution No. 20-47.

Mr. Smith advised the purpose of the meeting was to confirm an emergency declaration for the flood which occurred over the weekend of August 15-16, 2020. Mr. Smith provided information received by the Emergency Manager from the National Weather Service indicated from August 13 – 17, 2020, the City received over five inches of rain with Swift Creek at Brandermill receiving 11 inches subsequently causing the City's flooding.

Mr. Smith commended staff who responded to assist with efforts during the flooding as well as the leadership and coordination of Chief Hoover, Emergency Management and Police Department personnel.

Mr. Smith clarified that in an effort for the City for request assistance, confirmation from Council must be made. Mr. Smith stated this will be an opportunity for the City to receive state assistance versus federal, with the City receiving a 71% expense reimbursement. Mr. Smith provided Council with the areas impacted and if those areas

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would be available for assistance. Mr. Smith stated staff would plan to submit some of the expenses related to the sewer impact on Conduit including repairs to the home affected by the break. Mr. Smith advised the estimated expenses for the Conduit Road repairs, including those to the residence, would be approximate \$100,000+; this included the estimated state reimbursement. Council will be advised once a confirmed total is established.

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

Vote:	6-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Piotrowski
	Wood
	Luck
No:	None
Absent:	Kochuba
Abstained:	None
Motion UNANIMOUS PASS	

6. Adjournment.

A motion to adjourn the Special Meeting was made by Mr. Cherry, seconded by Mr. Frenier, and carried unanimously on voice vote at 5:21 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, September 8, 2020

1. Call to Order.

The Special Meeting of City Council was called to order by Mayor Kochuba at 6:52 P.M.

2. Roll Call.

Present: Councilman Michael A. Cherry
Councilman Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Councilman John E. Piotrowski
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

The Clerk announced the purpose of the closed meeting.

3. Closed meeting pursuant to the Code of Virginia in accordance with the following provisions:

- Paragraph A.1 of Section 2.2-3711, to discuss appointments District 19 Community Services Board, Fire Prevention Board of Appeals, and Senior Citizens Advisory Council.
- Paragraph A.8 of Section 2.2-3711, to consult with legal counsel retained by a public body regarding a specific legal matter – i.e. excess taxation and overstatement of certain employees' income – requiring the provision of legal advice by such counsel.
- Paragraph A.1 of Section 2.2-3711, to discuss or consider the salary of the City Attorney.

A motion to convene in a closed meeting was made by Mayor Kochuba, seconded by Mr. Cherry, at 6:02 P.M.

Vote: 6-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski

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	Luck
	Kochuba
No:	None
Absent:	Wood
Abstained:	None

Motion UNANIMOUS PASS

4. Voice Vote – Come back into Open Session.

A motion to reconvene in open session was made by Mayor Kochuba, seconded by Mr. Cherry, and carried unanimously on roll call vote at 6:48 P.M.

<u>Vote:</u>	6-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Piotrowski
	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 provisions:

- Paragraph A.1 of Section 2.2-3711, to discuss appointments District 19 Community Services Board, Fire Prevention Board of Appeals, and Senior Citizens Advisory Council.**
- Paragraph A.8 of Section 2.2-3711, to consult with legal counsel retained by a public body regarding a specific legal matter – i.e. excess taxation and overstatement of certain employees’ income – requiring the provision of legal advice by such counsel.**
- Paragraph A.1 of Section 2.2-3711, to discuss or consider the salary of the City Attorney.**

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

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closed meeting was convened were heard, discussed or considered in the meeting by the 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:

<u>Vote:</u>	6-0
Yes:	Cherry
	Frenier
	Green, Jr.
	Piotrowski
	Luck
	Kochuba
No:	None
Absent:	Wood
Abstained:	None

Motion UNANIMOUS PASS

5. Motions and Resolutions of Appointment

A motion was made by Mayor Kochuba, seconded by Mr. Piotrowski, to adopt the following resolutions of appointment:

Resolution No. 20-48

Appointing Bryant Haydt as a member of the Fire Prevention Board of Appeals for a two-year term beginning October 1, 2020.

Resolution No. 20-49

Appointing Mark Form as a member of the Senior Citizens Advisory Committee for a two-year term beginning October 1, 2020.

6. Adjournment.

A motion to adjourn the Special Meeting was made by Mayor Kochuba, seconded by Mrs. Luck, and carried unanimously on voice vote at 7:19 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

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ATTEST:

Pamela B. Wallace, City Clerk

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, September 8, 2020**

1. Call to Order

The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:20 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 Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Councilman John E. Piotrowski

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, 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 made by Mr. Green, seconded by Mr. Piotrowski, to adopt the agenda as presented.

**Vote: 6-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski**

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Luck
Kochuba
No: None
Absent: Wood
Abstained: None

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

There were none.

7. Commendations and Presentations

A. Presentation of the 2019-2020 Office on Youth Annual Report

Dr. Ann Sorensen made the presentation of the Annual Report to Council.

8. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

9. Written Petitions and Communications

**A. Mr. Roger Jones, 1013 Colonial Avenue
Commenting on current civil unrest**

Mr. Jones commented on the civil unrest and the destruction of historical monuments and property throughout the Country and urged Council to support local law enforcement and their ability and responsibility to enforce the law should rioting and looting present itself in the City of Colonial Heights.

10. Advertised Public Hearing

There were none.

11. Hearing of Citizens Generally on Non-Agenda Items

Arthur Spain, 1119 Jet Avenue – Mr. Spain expressed his displeasure with his neighbor and the condition of the property; directing his comments to Mayor Kochuba and Mr. Smith for failing to return his phone calls regarding the issue. Mr. Spain’s language prompted Mayor Kochuba to ask him to please be respectful to Council; however, Mr. Spain left the chambers.

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

A. AN ORDINANCE NO 20-22

(Second Reading) To grant a special use permit with conditions, to the St. Michael's Church Trustees to allow for a 6.8 square foot internally illuminated sign and a 31 square foot electronic message board on a renovated freestanding sign structure at St Michael's Episcopal Church, 501 Old Town Drive, also known as parcel identification number 680101010A011, which is zoned RL – Low Density Residential District.

B. AN ORDINANCE NO 20-FIN-15

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by appropriating \$3,270 in State Homeland Security program (SHSP) grant funds for personnel costs; transferring \$5,000 from the regional jail budget to debt service; and transferring \$125,750 from public safety to judicial administration for community corrections and drug court.

C. AN ORDINANCE NO 20-FIN-16

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, to appropriate \$500,000 received from the City's CARES funds for the Small Business Grant Program.

A motion was made by Mr. Green, seconded by Mr. Frenier, to approve the Consent Agenda as presented.

Vote: 6-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Luck
Kochuba
No: None
Absent: Wood
Abstained: None

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

A. AN ORDINANCE NO 20-FIN-17

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$941,440 in prior year encumbrances.

To amend the Emergency Response Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, to appropriate the aggregate amount of \$67,252 which includes: 1) \$13,735 in prior year encumbrances; and 2) \$53,517 in CARES funds from the state Board of Elections for the November election.

To amend the Stormwater Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$41,634 in prior year encumbrances.

To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$74,139 in prior year encumbrances.

A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Ordinance No. 20-FIN-17.

Mr. Smith further explained the appropriations listed in the ordinance and addressed any questions and/or comment by Council.

Vote: 6-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Luck
Kochuba
No: None
Absent: Wood
Abstained: None

Motion: UNANIMOUS PASS

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

There were none.

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Emergency Management Update

Chief Hoover provided the most recent COVID-19 updates reporting there had been no exposures and he felt the City was in great shape. He also advised that the City of Petersburg donated a large supply of hand sanitizer which had been distributed to City Departments and area medical facilities.

Following Chief Hoover's comments, Mr. Smith provided information showing the statewide, regional, and local statistics relative to COVID-19 cases; specifically noting that local COVID-19 cases seem to be improving.

Continuing, Mr. Smith made a presentation which showed the areas affected by the August 15-17 flooding and commended staff who assisted in the efforts during and after the event.

Chief Hoover provided information relative to his department's role in the flood recovery effort and evacuation plans set in place should they have been necessary and thanked Mr. Smith for his support during the entire event.

2. CARES Funding Update

Mr. Smith provided information relative to the Small Business Grant Program advising that 16 applications had been issued the previous week. Additionally, Mr. Smith advised the Department of Treasury has published additional CARES information which he will provide more updates on at the Council Work Session.

3. General Activity Report

Mr. Smith provided information on the following:

- City staff is working with a vendor who has determined the cause of the stagnation of the pond at the Roundabout. Staff is working to obtain permits for the use of herbicides. Mr. Flippen provided

comments relative to the review process and the implementation time associated with VDOT approval.

- **Conduit Road repair was completed today; however, the lanes will remain closed until paving is finished.**
- **Mr. Smith provided possible scenarios for Halloween in the Park in an effort to continue with Halloween festivities. Addressing Mr. Cherry's question with regard to allowing door-to-door trick or treating, Mayor Kochuba polled Council for opinion. It was Council's unanimous consensus that the decision should be left to the parent or individual and there should be no City-wide restriction.**

B. City Attorney

Mr. Fisher provided Council with an update relative to the cleaning, scanning and ultimate destruction of records in his office.

C. Director of Planning and Community Development

Ms. Hall reported on the following items discussed and/or approved at the September 1, 2020 Planning Commission Meeting:

- **A Public Hearing was held to discuss and consider a request for a special use permit allowing for a 99 sf. electronic message board on the existing freestanding sign at Keystone Tractor Museum and Grill at 880 West Roslyn Road – Unanimous Pass.**
- **A proposal for preliminary subdivision for Gills Point Section 11 which would create three new parcels in addition to the parent parcel – Unanimous Pass.**

Before adjournment, Mrs. Luck requested discussion at a work session to discuss and consider the addition of a new item on the Regular Council Agenda allowing for Council Comments. Mrs. Luck stated this would allow for Council's prior review of any items or proposed action to be presented by a Council member, prior to the meeting. Mayor Kochuba recommended this item be placed on the September 15, 2020 Work Session Agenda.

16. Adjournment

There being no further business, a motion was made by Mayor Kochuba, seconded by Mr. Cherry, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 8:24 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, September 23, 2020

1. Call to Order.

The Special Meeting of City Council was called to order by Vice Mayor Luck at 5:31 P.M.

2. Roll Call.

Present: Councilman Michael A. Cherry
Councilman Kenneth B. Frenier
Councilman W. Joe Green, Jr.
Councilman John E. Piotrowski
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba

Absent: Councilman John T. Wood (arrived late)

Also Present: Mr. Douglas E. Smith, City Manager
Mrs. Pamela B. Wallace, City Clerk

3. Declarations of Personal Interest

A declaration was read by Mr. Green and filed with the Clerk.

4. Special Meeting on the following item:

- A. A RESOLUTION NO 20-50**
Authorizing the City Manager to enter into two Highway Safety Grant Agreements with the Virginia Department of Motor Vehicles for the Selective Enforcement – Alcohol Project and the Selective Enforcement – Occupant Protection project partially funded by the U.S. Department of Transportation National Highway Traffic Safety Administration.

A motion was made by Mr. Green, seconded by Mr. Piotrowski, to adopt Resolution No. 20-50.

Mr. Smith provided additional brief comments stating the proposed resolution was a requirement for the grant further advising of staff's support of the resolution. There were no comments from Council.

Vote: 6-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski

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	Luck
	Kochuba
No:	None
Absent:	Wood
Abstained:	None

Motion UNANIMOUS PASS

B. A RESOLUTION NO 20-51

Approving the Economic Development Agreement and Memorandum of Agreement between the Economic Development Authority and Lee Hall Plaza, Inc. relating to project development at 401 Temple Avenue; and authorizing the City Manager to sign the Economic Development Agreement as “Seen and Agreed to” on behalf of the City.

A motion was made by Mr. Green, seconded by Mrs. Luck, to adopt Resolution No. 20-51.

Mr. Smith provided background information relative to the agreement and Memorandum of Agreement (MOA) between the City’s Economic Development Authority (EDA) and Lee Hall Plaza, Inc.; specifically noting that the dates in the agreement will be updated or amended due to the date change of the EDA meeting date being moved to October.

Before continuing, Mayor Kochuba clarified that the property at 401 Temple Avenue was owned by Kroger and not the City.

Mr. Smith turned the floor over to Mr. Fisher, who provided comments relative to the Deed of Sale. Mr. Fisher asked Council to recall a request by a Council member to obtain a deed restriction concerning the prohibited issues, which he was unsuccessful in obtaining. Mr. Fisher stated he was, however, able to have Lee Hall Plaza agree to alternative language; noting that page one of the MOA provides that immediately upon recordation of the MOA, the prohibited uses would be in full force and effect. Mr. Fisher also noted an additional significant change is the inclusion in an exhibit to the MOA of the definitions or meanings of the prohibited uses that the Zoning Ordinance provides.

Mr. Green clarified that the same restrictions would be imposed upon businesses seeking to locate on the property, as those originally imposed upon Kroger. Additionally, City staff had worked with the consultant that the limitations of what would be permitted would be in the deed or MOA. Mr. Green expressed his excitement at the opportunity to develop and attract businesses in an effort to generate revenue for the City.

Mr. Wood stated that he would be opposing the resolution for two primary reasons:

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- 1. The proposed developments are not the best or the best beneficial for the City of Colonial Heights.**
- 2. Does not agree with the cost to the City should the tax revenues not be met or generated by those businesses.**

Mayor Kochuba clarified for those in attendance that the reason for not holding a public hearing was that the City was not the property owner and therefore, the City cannot hold a public hearing regarding property it does not own.

Mr. Cherry expressed his previous concerns relative to the rebates the City would not receive; however, he was confident the City would see an increase in tax revenue from the property and the revenues would not be included in the rebate. Mr. Cherry noted that currently the only thing generated from the undeveloped property was property tax and with the proposed development, the City will receive a higher property tax on the developed property and will come out ahead in the long run for collecting tax revenue over what is currently being collected.

Mr. Frenier stated he echoed Mr. Cherry's comments adding City staff had worked on this project extensively and he felt the outcome is very good.

Mayor Kochuba stated he did not disagree with Messrs. Cherry and Frenier's comments; however, he struggles with the tax incentives for one of the businesses.

Mr. Smith clarified that the current agreement has its own conditions which should not be compared to the previous Kroger agreement; however, there are specific conditions which are listed as development conditions.

Additionally, Mayor Kochuba stated that when Kroger purchased the property, there was a clause in the agreement, which stated the City had the right to first refusal.

Mr. Green, for the benefit of those present, stated that the purchase by Kroger was for the entire property but will be developed as several parcels; therefore, increasing the number of restrictions.

<u>Vote:</u>	5-2
Yes:	Cherry
	Frenier
	Green, Jr.
	Piotrowski
	Luck
No:	None
Absent:	Wood
	Kochuba
Abstained:	None
Motion PASS	

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6. Adjournment.

A motion to adjourn the Special Meeting was made by Mayor. Cherry, seconded by Mr. Cherry, and carried unanimously on voice vote at 5:50 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Special Meeting

MEETING DATE: October 13, 2020

ITEM: ORDINANCE NO 20-29

DEPARTMENT: City Manager

PROPOSED ACTION: Approval of Ordinance No. 20-29 on First Reading for Awarding a Bonus to City Employees Not Included in the Hazard Pay Program.

BACKGROUND: During the COVID-19 emergency, the City implemented a hazard pay program for various public safety employees. The City has not yet implemented a cost-of-living raise during this fiscal year, but will review the possibility for doing so later in the fiscal year. In the meantime, the City Manager proposes the implementation of a bonus payment for full-time and year round part-time employees who were not part of the COVID hazard pay program. The proposed one-time bonus amounts are: \$600 for full-time employees and \$300 for year-round part-time employees. City Council supported the bonus concept at the September 15 worksession. September 1, 2020 is the ending period for the second round of hazard pay. Staff proposes for the employee bonuses for those not included in the hazard pay program to be implemented for staff members employed on September 1, 2020 who are still employed at the time that Ordinance No. 20-29 is approved.

BUDGET/FINANCIAL IMPACT:

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

While funds were not specifically budgeted for this type of bonus program, funding is available in the contingency account since cost of living funding was included there in the FY 20 budget due to the COVID impact. Estimated cost: \$90,000.

RECOMMENDATION: The City Manager recommends approval of Ordinance No. 20-29 on first reading.

ATTACHMENTS: ORDINANCE NO. 20-29

- 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.

AN ORDINANCE NO. 20-29

Awarding a Bonus to City Employees Not Included in the Hazard Pay Program.

WHEREAS, during the COVID-19 emergency, the City implemented a hazard pay program for various public safety employees; and

WHEREAS, the City Manager believes it is appropriate for the City to award a bonus to most full-time employees and year round part-time employees who were not included in the COVID-19 hazard pay program; NOW, THEREFORE,

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

1. The City Manager shall award a bonus of \$600 to all full-time employees who were not included in the COVID-19 hazard pay program who were employed on September 1, 2020, and who are still employed upon approval of this Ordinance; and a bonus of \$300 to all year round part-time employees who were not included in the COVID-19 hazard pay program who were employed on September 1, 2020, and who are still employed upon approval of this Ordinance.
2. This Ordinance shall be effective upon approval 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 Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

Adopted on its second reading on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: (First Reading 20-FIN-19) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$28,087 consisting of 1) \$3,987 in grant funds from the Virginia Risk Sharing Association for safety supplies, and 2) \$24,100 of unassigned fund balance for police vehicles.

DEPARTMENT: Finance

PROPOSED ACTION: This item is for first reading of requested budgetary changes.

BACKGROUND: The Fire and EMS Department was just notified that it received a grant in the amount of \$3,987 for the purchase of traffic cones and safety vests. There is no required local match.

Early in FY20, the Police Department ordered four budgeted replacement vehicles. Due to high demand and limited supply, those vehicles were not received until after the end of the fiscal year. The purchase order to outfit these vehicles with lights and other required equipment therefore wasn't placed until FY21, which impacted the budget for the current year's vehicles. Staff is requesting the appropriation of prior year fund balance to cover this prior year expenditure.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: The Director of Finance recommends approval.

ATTACHMENTS:

BUDGET SUMM OCT 20; VRSA GRANT NOTICE; REQUEST FROM POLICE CHIEF;
ORDINANCE 20-FIN-19

- 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.

Sheila Minor

From: Larry Melvin
Sent: Thursday, September 3, 2020 11:30 AM
To: Wayne Hoover
Cc: Sheila Minor
Subject: FW: VRSA Grant Approval- Fie Department

From: Thomas Bullock <tbullock@vrsa.us>
Sent: Thursday, September 3, 2020 11:25 AM
To: Larry Melvin <melvinl@colonialheightsva.gov>
Cc: Douglas Smith <smithd@colonialheightsva.gov>
Subject: VRSA Grant Approval

Dear Mr. Melvin,

This e-mail serves as confirmation of approval of your Risk Management Grant application to purchase traffic cones and safety vests. Please read the following carefully:

- If you have not already done so, please submit proof of purchase consistent with the options offered in the Risk Management Grant FAQ document, which can be referenced on our website at www.vrsa.us;
- Proof of purchase must arrive by December 2, 2020. If you find that you will have difficulty meeting the deadline, please contact me as soon as possible. Otherwise, any grant funding on hold will be released back to the general grant fund after the deadline.

Grant checks are processed approximately 30 days after receipts are received and are mailed to the attention of the grant applicant. Please call me at (804) 237-7365 or e-mail me at tbullock@vrsa.us with any questions. Thank you for allowing us to enhance your risk management program efforts through grant funding.

Regards,

Thomas C Bullock, III

Virginia Risk Sharing Association

Below is a brief summary of the recently submitted Grant Request. View the application on the VRSA website [here](#).

Member Info

Member Name: **City of Colonial Heights**

Member Number: #242

Applicant Info

Department requesting funds: **Colonial Heights Fire, EMS, and Emergency Management**

Applicant name: **Larry Melvin**

Applicant title: **Risk Manager**

Applicant email: melvinl@colonialheightsva.gov

Applicant phone: **804-520-9333**

Mailing address:

P.O. Box 3401

Colonial Heights, VA 238349001

Request Details

Provide a brief description of this grant request: **A grant request for traffic cones and safety vests**

How will this grant be used to help reduce the probability of claims and enhance your risk management effort? **This grant will be used to purchase new traffic safety cones for our emergency response vehicles and new safety vests for our responders. Traffic Incident Management best practice recommendations and our department policies require cones and vests for every roadway response. We deploy traffic cones around our vehicles for protection, advanced warning, traffic control, and visibility of our apparatus. Our crews don safety vests to give them increased visibility to drivers. This is especially important when operating in low light or night time conditions. Age and frequent use have greatly decreased the visibility, effectiveness, and reflectivity of our current highway safety equipment. This grant will allow us to completely replace these safety supplies and help reduce the probability of claims with this focus on our roadway incident risk management efforts.**

Coverages: **Auto, General Liability, Property, Workers' Compensation**

Requested Items / Services

Total Cost: \$3,987.00

Item / Service #1

Description: **(100) 18" Orange Traffic Cones with reflective bands**

Estimated Cost: **\$2,125.00**

Item / Service #2

Description: **(38) 7 Point Breakaway Safety Vest**

Estimated Cost: **\$1,862.00**

CAO Info

CAO name: **Douglas Smith**

CAO title: **City Manager**

CAO email: LM3757@yahoo.com

CAO phone: **804-895-3316**

Please send an e-mail to grants@vrsa.us if you have any questions about the grant process. A VRSA representative will respond as soon as possible within the business hours of 8 a.m. to 4:30 p.m. Monday through Friday.

Thank you,

Your VRSA Service Team

www.vrsa.us

800-963-6800



Follow VRSA on:    

Thomas Bullock, ARM-E
Director of Education and Training

800-963-6800 (Toll Free)

804-237-7365 (Direct)

804-273-0560 (Fax)

www.vrsa.us

VRSA has prepared a [Pandemic Preparation page](#) to aggregate resources and information for members to use in responding to COVID-19. New resources are added regularly. Access the page [here](#).

Sheila Minor

From: Jeffrey Faries
Sent: Friday, September 11, 2020 10:28 AM
To: Sheila Minor; Douglas Smith
Cc: William Anspach
Subject: recent expenditure report

Importance: High

Just wanted you to be aware that the current monthly listed motor vehicle expenditure of \$24,044.68 is for last year's vehicle purchases, as you recall it was over a year to get these vehicles in. If we don't address this now, then budgeted funds for current years vehicles will be significantly over in this years budget. Please let me know what you would like me to do to address this, if anything now. Thank you.

Colonel Jeffrey W. Faries
Chief of Police
FBINA 212th, 68th FBI LEEDS
ROCIC Virginia Board of Directors

Colonial Heights Police Department
100 A Highland Avenue
Colonial Heights, Virginia 23834
(804) 520-9311 fax (804) 524-8746
fariesj@colonialheightsva.gov



AN ORDINANCE NO. 20-FIN-19

To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$28,087, consisting of \$3,987 in grant funds from the Virginia Risk Sharing Association for safety supplies and \$24,100 in unassigned fund balance for police vehicles.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That section 1 of Ordinance No. 20-FIN-16, the General Fund Budget, is hereby amended and re-ordained as follows:

a. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2020, and ending June 30, 2021, 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	225,121	
General and Financial Administration	4,641,639	
Judicial Administration	5,861,192	
Public Safety	12,230,274	12,258,361
Public Works	5,389,750	
Health and Social Services	1,338,833	
Culture and Recreation	2,715,980	
Community Development	599,461	
Human Services	449,269	
Nondepartmental	1,227,203	
Debt & Transfers	<u>27,061,348</u>	
TOTAL	<u>\$61,740,070</u>	61,768,157

b. That the foregoing appropriation is based upon the following revenue for the fiscal year beginning July 1, 2020:

General Property Taxes	25,036,661	
Other Local Taxes	19,720,112	
Licenses, Permits & Fees	4,005,832	
Fines and Forfeitures	361,843	
Use of Money & Property	167,200	
Intergovernmental Revenues	7,895,293	7,899,280
Charges for Current Services	2,533,100	
Miscellaneous	<u>2,020,029</u>	2,044,129
TOTAL	<u>\$61,740,070</u>	61,768,157

2. That this ordinance shall be effective upon approval 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 Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable, John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

Adopted on its second reading on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable, John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: RESOLUTION NO. 20-52. Approving a Special Project Service Agreement with Central Virginia Waste Management Authority for Lead-Acid Battery Collection and Recycling Services, and the First Amendment to such Agreement.

DEPARTMENT: Public Works

PROPOSED ACTION: Adopt Resolution

BACKGROUND: The Central Virginia Waste Management Authority (CVWMA) has exercised an option to renew its contract with Batteries Barn of Virginia, LLC, its vendor for the hauling and processing of Lead-Acid batteries collected at convenience centers from participating localities including the City. Lead-Acid batteries are dropped off at the recycling center at a designated area for use by city residents, small businesses, and departments. The new contract extends through September 30, 2025 at which time it will expire. Accordingly, a new service agreement and amendment between the City and CVWMA must be executed to continue providing this service until contract expiration.

Also included in the amendment is the addition of a definition for Rechargeable Battery in Section 2, the replacement of Section 4 (A), and the addition of Rechargeable Batteries in Section 4 (D).

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Adopt Resolution

ATTACHMENTS: (1) Special Project Service Agreement; (2) First Amendment; (3) Resolution 20-52

- 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.

**SPECIAL PROJECT SERVICE AGREEMENT FOR
LEAD-ACID BATTERY COLLECTION AND RECYCLING**

This SPECIAL PROJECT SERVICE AGREEMENT (hereinafter "Service Agreement") is made by and between the CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY (hereinafter "CVWMA" or "Authority"), its successors and assigns, having its principal place of business at 2100 West Laburnum Avenue, Suite 105, Richmond, Virginia 23227; and (if executed on the appropriate page 8 – signature – end page of this agreement).

COUNTY OF HENRICO (HEN),
COUNTY OF HANOVER (HAN),
COUNTY OF NEW KENT (NKT),
COUNTY OF POWHATAN (POW),
CITY OF COLONIAL HEIGHTS (COL), and
CITY OF RICHMOND (RIC)

(hereinafter, collectively, "Participating Local Jurisdictions").

SECTION 1 - PURPOSE

A. The parties have entered into this Service Agreement pursuant to the authority of the Virginia Water and Waste Authorities Act (Title 15.2, Chapter 51 of the Code of Virginia, 1950 as amended), and the Articles of Incorporation of the CVWMA. Its purpose is to establish a special project for Lead-Acid Battery Collection and Recycling Services within the Participating Local Jurisdictions as authorized by Section 11 of the Articles.

B. The Participating Local Jurisdictions agree to participate in this special project according to the terms and conditions of this Service Agreement which references terms of the Contract. The Participating Local Jurisdictions further agree that this Service Agreement shall take effect in each Participating Locality upon execution and return of a signed copy of this Service Agreement to the CVWMA.

C. The parties agree that the CVWMA will implement this special project through a private vendor contract, based upon an Request for Proposals (RFP) 16-01 issued by the CVWMA on July 22, 2015 as reflected in a Service Contract entered into between the CVWMA and the Contractor, Battery Barn of Virginia, Inc.

SECTION 2 - DEFINITIONS

For the purpose of this Service Agreement, the definitions contained in this section shall apply unless otherwise specifically stated. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Use of the masculine gender shall include the feminine gender. The word "shall" is always mandatory and not merely discretionary.

A. *Authority or CVWMA* - shall mean the Central Virginia Waste Management Authority, the instrumentality created under the provisions of the Virginia Water and Waste Authorities Act, §15.2-5100, et seq., and includes the individual members (or voting alternates) of the CVWMA Board of Directors, and the officers, agents or employees of the Central Virginia Waste Management Authority. For the purposes of this Service Agreement, "Authority" shall not include the governing bodies, the individual elected officials of the Participating Local Jurisdictions served by this Service Agreement, except those elected officials who serve as members or alternates of the CVWMA Board of Directors, nor the employees or agents of the Participating Local Jurisdictions acting on behalf of their employer or principal, respectively.

- B. *Contract* – shall mean the written contract and all amendments thereto, between the CVWMA and the Contractor, governing the provision of lead-acid battery collection and recycling services.
- C. *Contractor* - shall mean the individual, Contractor, firm, partnership, joint venture, corporation, or association performing Lead-Acid Battery Collection and Recycling Services under Contract with the Central Virginia Waste Management Authority (CVWMA).
- D. *Force Majeure* - Any cause beyond the reasonable control of the party whose performance under this Service Agreement is affected, including but not limited to acts of God, change in law, war, riot, fire, explosion, wind storm, flood, inability to obtain or use fuel, power, or raw materials, shortage or failure of the usual means of transportation, injunction, action by governments not party to this Service Agreement, accident, and breakdown of machinery or equipment. "Reasonable control" of a party shall specifically exclude that party's ability to reach a resolution in a labor dispute and that party's ability to settle or compromise litigation.
- E. *Member Jurisdictions* – shall mean the members of the CVWMA including the Counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, Powhatan and Prince George; the Cities of Colonial Heights, Hopewell, Petersburg, Richmond and the Town of Ashland.
- F. *Lead-Acid Battery* – shall mean a device consisting of one or more cells each containing the essentials for producing voltage electricity and designed and used for the storage of electrical energy through chemical reactions involving lead and acids. The battery contains lead electrodes with dilute sulfuric acid as the electrolyte. Throughout this Contract, the term battery or batteries shall be deemed to mean lead-acid batteries unless the context clearly requires a different interpretation.
- G. *Special Project Service Agreement or Service Agreement* - shall mean this Service Agreement between the CVWMA and the Participating Local Jurisdictions, together with all modifications or amendments thereto.
- H. *Sealed Lead-Acid Battery* – shall mean a lead acid battery designed for low maintenance that does not require addition of water to the cells.
- I. *Participating Local Jurisdictions* – shall mean those Member Jurisdictions that have executed this Special Project Service Agreement.

SECTION 3 – TERM OF AGREEMENT

The term of this Service Agreement shall run concurrently with the term of the Contract with the Contractor, and shall terminate when such Contract terminates. The term of that Contract is on or about October 1, 2015 through September 30, 2020, with one (1) additional five (5) year renewal option. Renewal of any such Contract will be by mutual written consent of the CVWMA and the individual Contractor. The CVWMA and any Participating Local Jurisdiction may renew this Service Agreement by written consent given not less than one hundred and eighty (180) days prior to the expiration of its then current term. This Service Agreement shall become effective and operations hereunder may commence in a Participating Local Jurisdiction following execution of this Service Agreement by such Participating Local Jurisdiction.

SECTION 4 – SPECIAL PROJECT DESCRIPTION, PAYMENT SCHEDULE

- A. The CVWMA will contract with the Contractor for the collection of sealed and unsealed lead-acid batteries weighing two and one half pounds or more from collection sites designated by the CVWMA Participating Local Jurisdictions. The CVWMA will work with Participating Local Jurisdictions and the Contractor to coordinate collection sites, schedules and anticipated quantities.

- B.** The Contractor shall provide the services meeting the stated criteria as well as all federal, state and local laws and regulations for the loading, transportation and handling of all batteries collected by Participating Local Jurisdictions through this project. The Contractor shall assure that batteries be properly loaded, labeled, transported and handled during shipment to a licensed and properly permitted battery recycling facility. The Contractor will provide the CVWMA with documentation that the Contractor is in compliance with all applicable federal, state and local laws, regulations and ordinances for these responsibilities as well as all requirements necessary to perform Scope of Services. The Contractor will also certify and provide documentation to the CVWMA that all batteries collected, and handled through this project are being sent to a facility or facilities where the batteries are recycled in a manner compliant with all applicable federal, state and local laws regulations and ordinances. The Contractor shall provide all necessary equipment and personnel needed to carry out the project, either solely or through their subcontractors or affiliates. The Contractor will be required to report the number of batteries collected by size in each participating locality monthly to the CVWMA.
- C.** Collections shall be made at the request of the Participating Local Jurisdiction and the CVWMA. Requests for collection shall be made to the CVWMA by the Participating Locality and communicated in writing by the CVWMA to the Contractor. Neither the CVWMA nor the Participating Local Jurisdiction shall be charged for the collection of the lead-acid batteries.
- D.** The Contractor will pay the CVWMA as follows:
- a. Lead Acid Batteries greater than or equal to 2.5 pounds but less than 15.0 pounds - \$0.75 each
 - b. Lead Acid Batteries greater than or equal to 15.0 pounds but less than 35.0 pounds - \$2.00 each
 - c. Lead Acid Batteries greater than or equal to 35.0 pounds but less than 100.0 pounds - \$3.50 each
 - d. Lead Acid Batteries greater than or equal to 100.0 pounds - \$5.00 each
- E.** The Contractor shall provide a listing of the number by size of batteries collected during the prior month from each Participating Locality to CVWMA by the end of the tenth workday of each month. The Contractor shall provide that listing of the number of batteries by size collected by Collection Location for each Participating Locality. The CVWMA shall remit to each Participating Local Jurisdiction all amounts collected from the Contractor for lead-acid batteries from Collection Locations within such Participating Local Jurisdiction. The remittance shall be made by the 25th of the month following the month during which the CVWMA received payment.
- F.** The Contract is a "requirements" Contract and neither the CVWMA nor the Participating Local Jurisdictions guaranty any quantities of batteries to be presented to the Contractor. Nevertheless, the Contract provides that the Contractor shall purchase, collect, transport and recycle or otherwise dispose of all batteries collected by the Participating Local Jurisdictions in accordance with the terms of the Contract.
- G.** Each Participating Local Jurisdiction will specify to the CVWMA the site or sites from which it wishes to have the Contractor collect the lead-acid batteries.
- H.** Title to, control of and responsibility for batteries collected from the Collection Sites shall transfer to Contractor upon loading of such materials on the vehicles designated by the Contractor. The CVWMA will at no time hold title to batteries or other materials collected under this Agreement or the Contract.

SECTION 5 – NO PARTNERSHIP

Nothing herein shall be construed to constitute a joint venture or the formation of a partnership among or between the CVWMA, the Contractor and/or the Participating Local Jurisdictions, any or all of them.

SECTION 6 – FORCE MAJEURE

Should any Contractor fail to perform the services under the Contract with the CVWMA by reason of Force Majeure, the CVWMA shall, where practicable, take all reasonable steps to secure another Contractor to perform those services. Failure of the CVWMA to perform under this Agreement by reason of Force Majeure affecting the CVWMA or any Contractor shall not constitute a default or cause for termination of this Agreement. However, in case of non-performance due to Force Majeure, the CVWMA shall immediately notify the Participating Local Jurisdictions in writing of the failure, including reasons for such failure, and shall make reasonable efforts to correct such failure and to continue performance at the earliest possible date.

SECTION 7 – TERMINATION AND NON-APPROPRIATION

A. A Participating Local Jurisdiction desiring to withdraw from this Service Agreement shall give the CVWMA thirty (30) days advance written notice of its intent withdraw.

B. The parties to this Service Agreement agree that termination pursuant to Section 7 shall be without penalty or liability to either party.

C. Notwithstanding the withdrawal of any Participating Local Jurisdiction, this Service Agreement shall remain in effect with respect to any remaining Participating Local Jurisdiction(s).

SECTION 8 – COMPLIANCE WITH LAWS AND REGULATIONS AND GOVERNING LAW.

The parties to this Service Agreement agree that the laws of the Commonwealth of Virginia shall govern the validity, construction, interpretation, and effect of this Service Agreement. This Service Agreement is entered into and is to be performed in the Commonwealth of Virginia. Any dispute or claim arising out of or relating to this Service Agreement or the Contract shall be resolved in the Circuit Court of the City of Richmond, Virginia.

SECTION 9 – SEVERABILITY AND WAIVER

In the event any provision of this Service Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be binding upon the parties. Should any term, provision or other part of this Service Agreement be held to be unenforceable, such provision or portion thereof shall be reformed to comply with applicable laws or regulations preserving to the greatest extent possible the original intent of the unenforceable provision. Waiver of a breach by any party of any provision, term, condition, or covenant of this Service Agreement shall not be construed by the other party as a waiver of a subsequent breach of such provision by the waiving party.

SECTION 10 – NON-ASSIGNMENT

Neither the Participating Local Jurisdictions nor the CVWMA shall assign their respective duties under this Service Agreement without the written consent of all other signatories to this Service Agreement. This Service Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the parties.

SECTION 11 – INSURANCE AND INDEMNIFICATION

A. Insurance. The Contractor shall be required to carry and maintain in effect public liability insurance coverage with a company licensed to do business in the Commonwealth of Virginia and in the amounts and coverages specified below. The Contractor shall, prior to commencement of work under the Contract, deliver Certificates of Insurance from carriers acceptable to the Contractor specifying such limits, with the CVWMA and each Participating Local Jurisdiction participating in this proposed project named as additional insured parties. The Contractor shall insure that the carrier or carriers shall agree to give the CVWMA thirty (30) days written notice of its decision to cancel, change or fail to renew coverage. The CVWMA reserves the option to increase the required insurance amounts if the contract is renewed beyond the initial five-year term.

- a. Worker's Compensation
Coverage A - Statutory Requirements
Coverage B - \$100,000/\$500,000/\$100,000
Other States Endorsement
- b. Automobile Liability, Including Owned, Non-Owned and Hired Car Coverage
Limits of Liability - \$2,000,000 Combined Single Limit for Bodily Injury and Property Damage
- c. Comprehensive General Liability
Limits of Liability - \$2,000,000 Combined Single Limit for Bodily Injury and Property Damage
Including: Completed Operations/Products
Contractual Liability for Specified Agreements
Personal Injury
XCU (Explosion, Collapse and Underground Coverage)
Broad Form Property Damage

NOTE: The levels of coverage required in b. and c. can be met by the primary policy alone or in concert with an excess liability policy.

The Contractor shall provide, if required, evidence showing compliance with the above requirements to the satisfaction of the CVWMA prior to commencement of work under the Contract. Failure to comply with this requirement may be cause for termination of the Contract, in the sole discretion of the CVWMA.

B. Indemnification. The Contractor shall indemnify, and hold CVWMA, its agents and employees, as well as its member jurisdictions and its employees and agents, harmless, now and in the future for all obligations and situations, relating to compliance with any and all federal, state or local environmental laws and regulations applicable to any of facilities, properties (real or personal) or any operations or equipment used in connection with the Contractor's or any of its subcontractor's performance under this Contract, including such laws regulating the ownership, use, monitoring and/or operation of any facility, batteries or other associated equipment or operations pursuant to the Contract.

The Contractor shall indemnify and hold the CVWMA, its agents and employees, as well as its member jurisdictions and its employees and agents, harmless from and defend against all claims, (legal, equitable, or administrative), damages, losses, expenses, fees of consultants, experts and attorneys, remediation, removal and clean-up costs and all other costs, liabilities or expenses arising out of or resulting from (a) the performance or failure to perform contracted services or (b) the purchase, collection, sale or disposal of goods or the failure to do any of the foregoing under this Contract by either Contractor or subcontractor. Contractor's obligation to indemnify shall extend, but not be limited to, (c) any such claim, damage, loss or expense attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use, or economic loss, and (d) any and all claims against the CVWMA or any of the Participating Local

Jurisdictions by third-parties or agencies of the federal, state or local governments for any environmental liability due to a release of pollutants to the environment, whether imposed by statute, ordinance, regulation or common law now or hereafter in effect. The making of a claim or the institution of legal or equitable or administrative action on any one cause shall not prejudice or bar subsequent claim or action on any other cause or causes of action, regardless of when such cause of action may have arisen.

SECTION 12 – ADDITIONAL PARTIES

- A. It is understood and agreed upon by the parties, upon written request from any of the other Member Jurisdictions of the CVWMA service area, that the CVWMA may enter into a Service Agreement Addendum with such other Member Jurisdiction(s).
- B. It shall be understood by the parties to this Service Agreement that no other additional parties shall be eligible to participate in this special project without a written addendum to this Service Agreement.
- C. This Service Agreement shall remain in full force and effect between the remaining parties notwithstanding termination with respect to any Participating Local Jurisdiction.

SECTION 13 – ENTIRE AGREEMENT

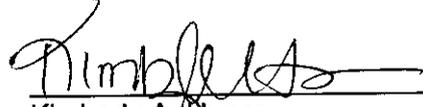
This Service Agreement represents the entire agreement between the CVWMA and the Participating Local Jurisdiction(s) and supersedes all prior negotiations, representations or agreements, either written or oral. This Service Agreement may only be amended by written document signed by the Participating Local Jurisdiction(s) and the CVWMA after approvals granted by the governing bodies of the Participating Local Jurisdiction(s) and the CVWMA unless said amendment authority has been previously delegated to the authorized representatives of the CVWMA and the Participating Local Jurisdiction(s) in the opinion of local and CVWMA legal counsel.

IN WITNESS WHEREOF, CVWMA and the Participating Local Jurisdictions have caused this Agreement to be executed.

APPROVED AS TO FORM:

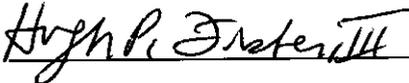

McCandlish Holton, P.C.

**CENTRAL VIRGINIA
WASTE MANAGEMENT AUTHORITY**

By: 
Kimberly A. Gynes
Executive Director

Date: 5/31/16

APPROVED AS TO FORM:


City Attorney or designee

CITY OF COLONIAL HEIGHTS

By: 
City Administrator/Deputy City Administrator

Date: 7/19/16

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**FIRST AMENDMENT TO THE
LEAD-ACID BATTERY COLLECTION AND RECYCLING SERVICE AGREEMENT
BETWEEN
CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY
AND
PARTICIPATING LOCAL JURISDICTIONS**

WHEREAS the Central Virginia Waste Management Authority (hereinafter "CVWMA") and Battery Barn of Virginia, Incorporated (hereinafter "Contractor") executed a Lead-Acid Battery Collection and Recycling Services Contract (hereinafter "Contract") effective October 1, 2015 and ending September 30, 2020; and

WHEREAS, Section 3. Term of Contract of the Contract provides for an additional five (5) year renewal option; and

WHEREAS, the CVWMA and the Contractor have amended certain terms of the Contracts herein, to include a five-year extension, extending the Contract to September 30, 2025 as provided under the existing Contract; and

WHEREAS, the CVWMA Board of Directors approved the extension of the Contract and Service Agreement in Resolution 21-01 on August 21, 2020; and

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants hereinafter provided:

BE IT RESOLVED that this First Amendment to the Service Agreement is made by and between CVWMA, its successors and assigns, having its principal place of business at 2100 West Laburnum Avenue, Suite 105, Richmond, Virginia 23227, and (if executed on the appropriate signature page at the end of this amendment).

MEMBER JURISDICTION	PARTICIPATING IN THIS AGREEMENT
Town of Ashland (ASH)	
County of Charles City (CCC)	
County of Chesterfield (CHE)	
City of Colonial Heights (COL)	
County of Goochland (GOO)	
County of Hanover (HAN)	
County of Henrico (HEN)	
City of Hopewell (HOP)	
County of New Kent (NKT)	
City of Petersburg (PET)	
County of Powhatan (POW)	
County of Prince George (PG)	
City of Richmond (RIC)	

(hereinafter, collectively, "Participating Local Jurisdictions").

BE IT FURTHER RESOLVED, that the CVWMA and the Participating Local Jurisdictions amend the Service Agreement as follows:

1. **SECTION 2. DEFINITIONS**, add the following:

J. *Rechargeable Battery* - is a type of electrical battery which can be charged, discharged into a load, and recharged many times, as opposed to a disposable or primary battery, which is supplied fully charged and discarded after use. Examples of rechargeables include: lead-acid, nickel zinc (Ni-Zn), nickel-cadmium (NiCd), nickel-metalhydride (NiMH), lithium-ion (Li-ion), Lithium Iron Phosphate (LiFePO₄), and lithium-ion polymer (Li-ion polymer) batteries. The definition does not include alkaline or button batteries or electric car batteries.

2. **SECTION 3. TERM OF AGREEMENT**, delete and replace with the following:

The term of this Service Agreement will be for a five (5) year term starting on or about October 1, 2020 and ending September 30, 2025. No additional extension will be granted for this Service Agreement.

3. **SECTION 4. SPECIAL PROJECT DESCRIPTION, PAYMENT SCHEDULE**

A., delete and replace with the following:

The CVWMA will utilize the Contractor for the collection of sealed and unsealed lead-acid batteries weighing two and one half pounds or more and for the collection of Rechargeable Batteries from collection sites designated by the Participating Jurisdictions. The CVWMA will work with Participating Local Jurisdictions and the Contractor to coordinate collection sites, schedules and anticipated quantities.

D., add the following:

e. Rechargeable Batteries – no rebate or cost

REMAINDER OF THIS PAGE LEFT BLANK

IN WITNESS WHEREOF, CVWMA and the Participating Local Jurisdictions have caused this Agreement to be executed.

APPROVED AS TO FORM:



McCandlish Holton, P.C.

CENTRAL VIRGINIA
WASTE MANAGEMENT AUTHORITY

By: 

Kimberly A. Hynes
Executive Director

Date: 9/14/20

APPROVED AS TO FORM:

City Attorney or designee
Print Name: _____

CITY OF COLONIAL HEIGHTS

By: _____
City Manager or designee
Print Name: _____

Date: _____

A RESOLUTION NO. 20-52

Authorizing the City Manager to enter into the First Amendment to the Lead-Acid Battery Collection and Recycling Service Agreement Between Central Virginia Waste Management Authority and Participating Local Jurisdictions.

WHEREAS, the City of Colonial Heights is a participating locality in the Central Virginia Waste Management Authority (“CVWMA”); therefore, the City needs to execute the first amendment to the Agreement with CVWMA in order for Battery Barn of Virginia, Incorporated (“Battery Barn”) to continue providing the City’s lead-acid battery collection and recycling services; and

WHEREAS, the initial agreement between CVWMA and Battery Barn expired September 30, 2020; and CVWMA and Battery Barn have extended the agreement to provide for an additional five year renewal term; and

WHEREAS, because of the extension of the initial agreement between CVWMA and Battery Barn, CVWMA and the City need to enter into the First Amendment to the Lead-Acid Battery Collection and Recycling Service Agreement Between Central Virginia Waste Management Authority And Participating Local Jurisdictions; and

WHEREAS, the First Amendment provides for changes to Section 2. Definitions – to include “rechargeable battery”; Section 3. Term of Agreement – to amend the term of the Agreement to October 1, 2020 through September 30, 2025; and to Section 4. Special Project Description, Payment Schedule, A. and D. – to describe the collection of sealed and unsealed rechargeable batteries from collection sites. NOW, THEREFORE,

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

1. That Douglas E. Smith, City Manager, on behalf of the City, is hereby authorized to enter into the "First Amendment To Lead-Acid Battery Collection and Recycling Service Agreement Between Central Virginia Waste Management Authority And Participating Local

Jurisdictions," a copy of which is attached to and made a part of this resolution; subject to approval by the City Attorney as to form.

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

Approved:

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____

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

The Honorable Michael A. Cherry, Councilman: _____

The Honorable Kenneth B. Frenier, Councilman: _____

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

The Honorable John E. Piotrowski, Jr, Councilman: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable T. Gregory Kochuba, Mayor: _____

City Clerk

Approved as to form:

City Attorney



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: RESOLUTION NO. 20-53. To revise the job description for Assistant Director of Public Works – Engineering.

DEPARTMENT: Public Works

PROPOSED ACTION: Adopt Resolution

BACKGROUND: At the September 15th work session, staff provided information regarding the evolving roles of the Engineering department and the need to provide flexibility in hiring the Assistant Director position. Adjustments to the job description include additional certifications to reflect more recent program responsibilities administered by the Engineering Division. At the work session, Council support the job description revisions.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Adopt Resolution

ATTACHMENTS: (1) Revised Assistant Director of Public Works – Engineering Job Description; (2) Resolution 20-53

- 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.

ASSISTANT DIRECTOR OF PUBLIC WORKS - ENGINEERING
JOB DESCRIPTION

Department: Public Works – Engineering Division
Reports To: Public Works Director/City Engineer

Overview: Plan, organize and supervise various engineering and maintenance operations; and to perform a variety of technical tasks relative to assigned areas of responsibility.

ESSENTIAL DUTIES

- Assist Director of Public Works/City Engineer in planning, establishing priorities and budget for public works programs and projects
- Assign, supervise, and review the work of consultants and staff involved in engineering design, permits, construction management, inspection, drafting and other project-related tasks.
- Provide technical assistance to other departments, contractors, developers, and citizens.
- Manage Capital Improvement Projects and Project Agreements, preparation of plans, specifications and estimates for bid advertising.
- Administer construction contracts and oversee construction of projects. Investigate and determine best solution to construction contract problems; negotiate, recommend approval of change orders when required. Oversee construction project documentation. Oversee project metrics related to schedule, budget and earned value.
- Oversee and participate in public meetings and hearings as required for design and construction projects. Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.
- Assist in the development, implementation, and administration of the engineering capital improvement program.

- Ensure compliance of operations with applicable federal, state, and local environmental and safety regulations.
- Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for requests; monitor and control expenditures.
- Assist in the interview, selection, and negotiation of contracts with consulting engineers and other vendors. Administer consulting engineering service and vendor contracts and approve payments.
- Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies and implement discipline procedures as needed in a timely, effective manner.
- Coordinate with government officials on matters affecting public works.
- Other duties as required.

NEW PAY GRADE: General – 18

FLSA DESIGNATION: Exempt

CLASS SPECIFICATION

Education & Directly Applicable Experience

A Bachelor's Degree and ~~ten~~ **eight** years directly related professional experience or
 A Master's Degree and over ~~five~~ **four** years directly related professional experience or
 any equivalent combination of experience and training which provides the required
 knowledge, skills, and abilities.

Must possess an ~~Engineer-in-Training (EIT) certification~~ **Erosion and Sediment Control
 Administrator certificate, Stormwater Management Program Administrator certificate
 and successfully complete the Local Administered Projects Qualification Program
 through VDOT within a specified period of time** (licensure as **an engineer-in-training or
 professional engineer** desirable); may require additional certification in engineering-related
 specialties.

Supervisory Controls

The position generally manages the operations of a division. The work is performed under
 general direction; the Department Head or City Manager identifies the overall objectives and
 resources available. The employee and supervisor, in consultation, develop the deadlines,
 processes and work to be done.

The employee is responsible for planning and carrying out assignments, resolving most of the
 conflicts that arise, coordinating the work with others as necessary, and interpreting policy in
 terms of established objectives.

Supervision Given

This position supervises the following positions: Project Coordinator, Senior Engineering
 Technician; Engineering Technician; Construction Inspector; Senior Traffic Technician;
 Traffic Technician; Administrative Assistant.

Guidelines

Guidelines are available, but are not completely applicable to the work or have major or
 structural gaps in their specificity. The employee uses judgment in interpreting and adapting
 guidelines such as organizational policies, regulations, precedents, and directions for
 application to specific cases or problems. The employee analyzes results and recommends
 changes.

Complexity

The work includes varied duties requiring many different and unrelated processes and
 methods applied to a broad range of activities or substantial depth of analysis. Decisions deal
 with major areas of uncertainty in approach, methodology or interpretation and evaluation
 processes resulting from such elements as continuing changes in program, technological

Assistant Director of Public Works - Engineering

developments or conflicting requirements. The work requires originating new techniques, establishing criteria or developing new information.

Scope and Effect

The work involves planning, developing, and administering programs essential to the mission of the agency or that affect a large number of people on a long-term or continuing basis.

Personal Contacts

The majority of personal contacts are with individuals or groups from outside the organization in a moderately unstructured setting or involve attempts to enforce ordinances, regulations, or rules where conflict or diverse interpretations may result.

Purpose of Contacts

The purpose is to influence, motivate, interrogate, or control persons or groups. The persons contacted may be fearful, skeptical, uncooperative or dangerous.

Physical Demands

The work requires some physical exertion such as long periods of standing; walking over rough or difficult surfaces; recurring stooping, climbing or walking; recurring lifting of moderately heavy items weighing less than 25 pounds and may require occasional lifting of objects weighing in excess of 25 pounds. The work may require specific, but common physical characteristics and abilities such as mobility and dexterity.

Work Environment

The work involves moderate risks or discomforts which require special safety precautions. The employee may be required to use protective clothing or equipment such as masks, coats, boots, goggles, gloves, or shield.

A RESOLUTION NO. 20-53

To revise the job description for Assistant Director of Public Works.

WHEREAS, the job description for the position of Assistant Director of Public Works is being revised without affecting the Classification Plan or the General Pay Plan Class and Salary Range; NOW, THEREFORE,

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

1. The City Council formally adopts and approves the revised job description (which includes class specification) for the Assistant Director of Public Works, a copy of which is attached hereto and incorporated as part of this resolution.

2. This resolution shall be in full force and effect upon its approval.

Approved:

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: Resolution No. 20-54

DEPARTMENT: City Attorney

PROPOSED ACTION: Discuss and act on Ordinance No. 20-54

BACKGROUND: During its September 15 meeting, a majority of Council approved amending item 9 of the Order of Business of Council's Rules of Procedure. Council's intent is to encourage Council Members desiring to address a substantive subject during a meeting to submit to the Clerk of Council, in writing, timely notice of their desire to speak on a on a subject. The resolution provides that Council Members who make a timely request to the Clerk will have the subject listed under agenda item 9.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Approve Resolution No. 20-54 on first reading.

ATTACHMENTS: n/a

- 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.

A RESOLUTION NO. 20-54

Amending the Order of Business specified in the 2019 City Council Rules of Procedure.

WHEREAS, during its Organizational Meeting held in January of each odd-numbered year, the City Council approves Rules of Procedure to govern its deliberations for the following two years; and

WHEREAS, Section 8 of the 2019 Rules of Procedure, which Council approved in Resolution No. 19-1, specifies the Order of Business for regular Council meeting; and

WHEREAS, item 9 of the Order of Business currently is "Written Petitions and Communications", which a majority of Council desires to amend; and

WHEREAS, a majority of Council believes that a Council member who desires to address a substantive issue during a regular meeting should advise the Clerk of Council, in writing, of his topic in sufficient time so that the topic will be listed on the meeting agenda when published; NOW, THEREFORE,

BE IT RESOLVED BY THE COLONIAL HEIGHTS CITY COUNCIL:

1. Item 9 of the Order of Business specified in the 2019 City Council Rules of Procedure is amended as follows:

9. Written Petitions and Communications by Members of the Public and Council Members.

2. This resolution shall be in effect upon approval.

Mayor

Attest:

City Clerk

I certify that the above resolution was:

Adopted on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: (Second Reading 20-FIN-18) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$95,000 1) by appropriating \$60,000 in anticipated GIS Grant funds for GIS enhancements, and 2) by appropriating \$35,000 in assigned fund balance for the replacement of the City's gas pumps.

DEPARTMENT: Finance

PROPOSED ACTION: This item is for second reading of requested budgetary changes.

BACKGROUND: In 2019, the city was awarded \$100,697 from the Virginia E-911 Services Board for enhancements to the City's GIS system to support next generation E-911 services. To date, \$37,250 has been utilized. Staff is requesting the appropriation of \$60,000 in grant funds for additional services to interface GIS layers with the E911 data and to correct inconsistent addressing.

The City's existing gas pump system at public works is over fifteen years old and has reached the end of its useful life. The pumps and card system have experienced repeated failures and are becoming more difficult and expensive to repair. Staff is proposing the use of \$35,000 in fund balance assigned for facilities to replace the system. Bids have already been received.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: The Director of Finance recommends approval.

ATTACHMENTS:

BUDGET SUMM SEPT 20; FY19 PSAP Grant Info; ORDINANCE 20-FIN-18

- 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
 Ordinance/Resolution Recap Worksheet
 Sept 2020

	GIS/NG911 Grant	Gas Pump Replacement	Total
GENERAL FUND			
<u>REVENUE:</u>			
Intergovernmental Revenues	\$60,000		60,000
Miscellaneous & Fund Balance		\$35,000	35,000
Total	<u>\$60,000</u>	<u>\$35,000</u>	<u>\$95,000</u>
<u>EXPENDITURES:</u>			
General & Financial	60,000	35,000	95,000
Community Development			-
Total	<u>\$60,000</u>	<u>\$35,000</u>	<u>\$95,000</u>

AN ORDINANCE NO. 20-FIN-18

To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$95,000, consisting of \$60,000 in anticipated grant funds for GIS enhancements and \$35,000 in assigned fund balance for the replacement of the City's gas pumps.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That section 1 of Ordinance No. 20-FIN-16, the General Fund Budget, is hereby amended and re-ordained as follows:

a. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2020, and ending June 30, 2021, 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	225,121	
General and Financial Administration	4,641,639	4,736,639
Judicial Administration	5,861,192	
Public Safety	12,213,058	
Public Works	5,389,750	
Health and Social Services	1,338,833	
Culture and Recreation	2,715,980	
Community Development	599,461	
Human Services	449,269	
Nondepartmental	1,227,203	
Debt & Transfers	<u>27,061,348</u>	
TOTAL	\$64,740,070	61,835,070

b. That the foregoing appropriation is based upon the following revenue for the fiscal year beginning July 1, 2020:

General Property Taxes	25,036,661	
Other Local Taxes	19,720,112	
Licenses, Permits & Fees	4,005,832	
Fines and Forfeitures	361,843	
Use of Money & Property	167,200	
Intergovernmental Revenues	7,895,293	7,955,293
Charges for Current Services	2,533,100	
Miscellaneous	<u>2,020,029</u>	2,055,029
TOTAL	\$64,740,070	61,835,070

2. That this ordinance shall be effective upon approval 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 Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable, John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

Adopted on its second reading on _____.

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

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

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

The Honorable, John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

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

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: General Activity Report

DEPARTMENT: City Manager

PROPOSED ACTION: This item allows for updates for various city projects or issues.

BACKGROUND: This item provides opportunities for updates and comments by the staff; and Q&A with the City Council relative to on-going projects and/or issues.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

N/A

ATTACHMENTS: Dates of Interest.

- 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.

OCTOBER 2020

<u>October</u>	<u>November</u>	<u>December</u>
<u>October 20th (6:00 pm)</u> – City Council Special Meeting – Council Chambers	<u>November 4th (7:00 pm)</u> – Planning Commission Meeting – Council Chambers	<u>December 2nd (7:00 pm)</u> – Planning Commission Meeting – Council Chambers
	<u>November 10th (7:00 pm)</u> – City Council Regular Meeting – Council Chambers	<u>December 8th (7:00 pm)</u> – City Council Regular Meeting – Council Chambers
	<u>November 17th (6:00 pm)</u> – City Council Special Meeting – Council Chambers	<u>December 15th (6:00 pm)</u> – City Council Special Meeting – Council Chambers

DATES OF INTEREST

Other Dates & Events

- Tuesday, November 3rd, 2020: General Election

HOLIDAYS

- Thursday, November 26th & Friday, November 27th, 2020: City Holiday-Thanksgiving Holiday Weekend (Government Offices Closed)
- Thursday, December 24th & Friday, December 25th, 2020: City Holiday-Christmas Holiday Weekend (Government Offices Closed)



Colonial Heights City Council Meeting Agenda Item Executive Summary

City Council Meeting

MEETING TYPE: City Council Regular Meeting

MEETING DATE: October 13, 2020

ITEM: Boards & Commission Planning Summary

DEPARTMENT: Planning & Community Development

PROPOSED ACTION: No Council action proposed or requested. This item is to provide a summary of various Boards and Commissions actions.

BACKGROUND:

Planning Commission met on October 6, 2020. See attached Planning Commission Summary.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

N/A

ATTACHMENTS:

Planning Commission Summary

- 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, VIRGINIA
MEETING OF THE PLANNING COMMISSION
Council Chambers in City Hall, 201 James Avenue
Tuesday, October 6, 2020
7:00 p.m.**

SUMMARY

I. Call to Order

II. Roll Call

Present:

Mr. Hartson

Mrs. Schiff

Mr. Cherry

Mr. Kohan

Mrs. Levenson-Melvin

Mr. Wade

Absent:

Mrs. Hamilton

III. Determination of Quorum

IV. Approval of Agenda

V. Approval of Minutes for September 1, 2020 Meeting

6-0 Approved

VI. Hearing of Citizens Generally

No citizens spoke.

VII. Public Hearings

A. PC RESOLUTION NO. 20-11 AND AN ORDINANCE NO. 20-25

To grant a special use permit to the City of Colonial Heights to allow a 110-foot monopole tower plus a 4-foot lightning rod at the top of the tower, for an overall height of 114 feet, at the Public Safety Building located at 100 Highland Avenue, known as parcel identification number 5100020102C; and repealing Ordinance No. 17-13.

VOTE: 6-0

Motion: Unanimous Pass

B. PC RESOLUTION NO. 20-12 AND AN ORDINANCE NO. 20-26

To grant a special use permit to Enright Properties, LLC to permit a pawn shop at 651 Boulevard, known as parcel identification number 4000020A01A, which is zoned BB – Boulevard Business District.

VOTE: 6-0

Motion: Unanimous Pass

C. PC RESOLUTION NO. 20-13 AND AN ORDINANCE NO. 20-27

To grant a special use permit to POTS, LLC allowing for an accessory off-street parking area at parcel identification number 2300020E015, which lacks a principal use, for the benefit of the business at 1400 Boulevard.

VOTE: 6-0

Motion: Unanimous Pass

VIII. Plans of Development/Preliminary Subdivision Plans

A. SUB 20-3 Preliminary Subdivision for Southpark Shopping Center

Property owner McBerw Southpark LLC proposes subdivision of 1891-1909 Southpark Boulevard, parcel identification number 68204700018, with a legal description of Parcel 18 of the Southpark Subdivision. The subject parcel is 6.055 acres and is zoned GB – General Business District. The proposed subdivision will create one new parcel in addition to the parent parcel.

VOTE: 6-0

Motion: Unanimous Pass

B. SUB 20-4 401 Temple Avenue

Property owner Kroger Limited Partnership I proposes subdivision of 401 Temple Avenue, parcel identification number 5400020000H. The subject parcel is 10.84 acres and zoned GB – General Business District. The proposed subdivision will create two new parcels in addition to the parent parcel.

VOTE: 6-0

Motion: Unanimous Pass

C. PD – 20-2 401 Temple Avenue

Property owner Kroger Limited Partnership I proposes development of 401 Temple Avenue, parcel identification number 5400020000H, on two of the three parcels noted in proposed subdivision SUB 20-4. Preliminary site plan shows a gas station / convenience store and car wash on the westernmost parcel, and a minor automobile repair service on the middle parcel.

Vote: 6-0

Motion: Unanimous Pass

IX. Old Business

X. New Business

Reports

- i. Chairman – Mr. Hartson**
- ii. Director of Planning and Community Development – Ms. Hall**
- iii. City Engineer or Designee – Mr. Chisolm, Asst Director of Public Works**
- iv. Others, as necessary or appropriate**
 - 1. City Manager – Mr. Smith**
 - 2. City Attorney – Mr. Fisher**

XI. Adjournment