

**CITY OF COLONIAL HEIGHTS, VIRGINIA  
Regular Meeting of City Council  
Tuesday, November 13, 2012**

**1. Call to Order**

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

**2. Roll Call**

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

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

**Also Present:**  
Mr. Thomas L. Mattis, City Manager  
Mr. Hugh P. Fisher, III, City Attorney  
Mr. William E. Johnson, Director of Finance  
Mr. George W. Schanzenbacher, Director of Planning  
Col. Jeffrey W. Faries, Police Chief  
Chief A. G. Moore, Fire and EMS

**3. Devotion.**

**A devotional prayer was led by Mayor Davis.**

**4. Pledge of Allegiance.**

**The Pledge of Allegiance was led by Mayor Davis.**

**5. Adoption of Agenda.**

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

**Vote:**  
7-0  
Frenier  
Freeland

	<b>Green</b>
	<b>Luck</b>
	<b>Wood</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>

**Motion UNANIMOUS PASS**

**6. Declarations of Personal Interest**

**Mayor Davis read a Declaration of Personal Interest relative to Agenda Item 13.A – ORDINANCE NO. 12-FIN-22, stating his wife is employed as a teacher by the Colonial Heights School Board and is therefore affected by the transaction. Declaration of Personal Interest was filed with the Clerk.**

**Mrs. Luck read a Declaration of Personal Interest relative to Agenda Item 13.A – ORDINANCE NO. 12-FIN-22, stating she is employed as a teacher by the Colonial Heights School Board and is therefore affected by the transaction. Declaration of Personal Interest was filed with the Clerk.**

**Mr. Green read a Declaration of Personal Interest relative to Agenda Item 15.A.3 – Update on City Courthouse Project, stating his residence, located at 514 Walnut Avenue, is in the immediate vicinity of the current Courthouse property. Declaration of Personal Interest was filed with the Clerk.**

**Mr. Wood read a Declaration of Personal Interest relative to Agenda Item 15.A.3 – Update on City Courthouse Project, stating his residence, located at 211 Battery Place, is in the immediate vicinity of the property known as 550 Boulevard, site of the new Colonial Heights Courthouse. Declaration of Personal Interest was filed with the Clerk.**

**Mr. Frenier read a Declaration of Personal Interest relative to Agenda Item 13.C – Resolution No. 12-57, stating he is employed as a part-time Logistics Officer with the City Department of Fire and EMS and is therefore affected by the transaction. Declaration of Personal Interest was filed with the Clerk.**

**7. Commendations and Presentation**

**A.**

**B. A RESOLUTION NO. 12-62 – Recognizing and commending the public service of William C. Reade.**

Mayor Davis advised that Mr. Reade could not be present at the meeting but noted he had been recognized at a School Board retirement function earlier in the month. Mayor Davis read RESOLUTION No. 12-62.

Mayor Davis made a motion to adopt RESOLUTION NO. 12-62, seconded by Mrs. Luck.

<b>Vote:</b>	<b>7-0</b>
	<b>Frenier</b>
	<b>Freeland</b>
	<b>Green</b>
	<b>Luck</b>
	<b>Wood</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>

**Motion UNANIMOUS PASS**

**C. Employee of the Month – October 2012 Terry Schane (Fire & EMS)**

Mayor Davis asked Terry Schane to come forward and introduced him as the October Employee of the Month. Mayor Davis read the commendation in its entirety and presented Mr. Schane with a certificate and a small token of appreciation form the City.

Mr. Schane thanked Mayor Davis for the recognition.

Mayor Davis recognized Boy Scout Troop Number 912 of Fort Lee, led by Scout Master Wesley Palmer and Assistant Scout Master Brian Waits. Mayor Davis advised that the Scouts were present to observe a Council Meeting to earn Merit Badges. Mayor Davis noted that this is one of the largest groups Council has had visit in quite a while.

**8. Reading of Manner of Addressing Council**

The City Attorney read the Manner of Addressing Council.

**9. Written Petitions and Communications**

There were none.

**10. Advertised Public Hearings**

**A. AN ORDINANCE NO. 12-FIN-21**

**(First Reading) To adopt the Capital Projects Fund Budget of \$41,959,377, consisting of General Government, Recreational Facilities, Streets and Bridges, and Utility Improvement projects to provide continuing appropriation for the projects in such budget; and to repeal Ordinance 12-FIN-19, as severally amended.**

**A motion for adoption of Ordinance No. 12-FIN-21 was made by Mr. Green, seconded by Mr. Frenier.**

**Mayor Davis explained that the purpose of the Ordinance is to appropriate the funds in the Capital Projects which include Temple Avenue, the Conduit Road turn lane, Boulevard Modernization, Dupuy Avenue Modernization (including utilities), and Lakeview Avenue Modernization. Mayor Davis advised this is a routine task performed by Council and the Finance Department to reduce those funds already expended in Capital Projects and to add new Capital Projects.**

**Mr. Mattis noted that Ordinance No. 12-FIN-21 is to “clean up” left over appropriations that are not necessary projects. Mr. Mattis stressed that this is not an authorization for any specific project but simply a budgeting and appropriations step that Council is required to perform.**

<b>Vote:</b>	<b>7-0</b>
	<b>Frenier</b>
	<b>Freeland</b>
	<b>Green</b>
	<b>Luck</b>
	<b>Wood</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>

**Motion UNANIMOUS PASS**

**B. AN ORDINANCE NO. 12-23**

**(First Reading) To grant a special use permit to CBL and Associates Properties Inc. to make changes to two existing pylon signs and to install**

**one new pylon sign for property located at 324 Southpark Circle; which property is zoned GB General Business District.**

**A motion to approve Ordinance No. 12-23 was made by Mr. Green, seconded by Mrs. Yates.**

**Mayor Davis advised that this has already been presented to the Planning Commission and they have made their recommendation to approve the signage. Mr. Mattis displayed pictures of the type of signs now being used at the entrances and exits of Southpark Mall that will change due to the addition of Dick's Sporting Goods.**

**Mr. Mattis advised that the next two items on the agenda are both related items associated with the Dick's Sporting Goods project, replacing the Dillard's at Southpark Mall. A map was displayed showing the locations of the pylon signs. Mr. Mattis pointed out the location of the existing signs and where the new pylon sign will be located off Conduit Road. Action taken tonight includes the other two pylon signs as well.**

**Mr. Frenier pointed out that there are no funds being used that involve the City – it is being paid for by the Mall.**

<b>Vote:</b>	<b>7-0</b>
	<b>Frenier</b>
	<b>Freeland</b>
	<b>Green</b>
	<b>Luck</b>
	<b>Wood</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>

**Motion UNANIMOUS PASS**

**C. AN ORDINANCE NO. 12-24**

**(First Reading) To grant a special use permit to CBL and Associates Properties Inc. to install three wall signs for the proposed Dick's Sporting Goods, at the former Dillard's Department Store, in the aggregate amount of 680 square feet; on property located at 324 Southpark Circle; which property is zoned GB General Business District.**

**A motion to approve Ordinance No. 12-24 was made by Mr. Green, seconded by Mrs. Luck.**

**Mayor Davis advised that Dick's Sporting Goods wallboard signs will be located at each of the entrances and exits at the store location. Mr. Mattis agreed with Mayor Davis and stated that this special used permit has to do with both size and number. The signage for the front of the store exceeds the sign requirements thus, the special use permit.**

<b>Vote:</b>	<b>7-0</b>
	<b>Frenier</b>
	<b>Freeland</b>
	<b>Green</b>
	<b>Luck</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>

**Motion UNANIMOUS PASS**

**D. AN ORDINANCE NO. 12-27**

**(First Reading) To amend and reordain Subsection D(1) of Section 51-82 of Chapter 51, Personnel Policies and Grievance Procedure, of the Code of the City of Colonial Heights, by changing and clarifying the duty of the Personnel Board; and to amend Ordinance No. 73-53 by deleting Section 33 of Article 3 thereof, which relates to the Personnel Board's duties.**

**A motion to approve Ordinance No. 12-27 was made by Mr. Green, seconded by Mrs. Yates.**

**Mayor Davis explained the function of the Personnel Board and advised that this amendment will help simplify what the Personnel Board will hear relative to an employee grievance. Additionally, it will help "clean up" old Ordinances that have been around since the 70's.**

**Mayor Davis asked Mr. Fisher that, under Section 51-82 of the Code, if the employee still has the opportunity to go before the Equal Employment Commission (EEOC) for a hearing. Mr. Fisher clarified by stating assuming it is a matter within the jurisdiction of the EEOC, yes, an employee may go before the EEOC. Mayor Davis also asked if an employee has the ability to appear before the Circuit Court if one of the parties does not following the guidelines set forth by the Personnel Board. Mr. Fisher agreed with Mayor Davis' statement saying the agreed party can petition the Circuit Court to try to force the aggrieving party to follow through on the Personnel Board's decision.**

<b>Vote:</b>	<b>7-0</b>
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	<b>Frenier</b>
	<b>Freeland</b>
	<b>Green</b>
	<b>Luck</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>

**Motion UNANIMOUS PASS**

**11. Hearing of Citizens Generally On Non-Agenda Items.**

**Mr. Lewis Waskey, 406 Dupuy Avenue, addressed Council regarding the fact that there were several residents of Dupuy Avenue and the surrounding area interested in how Council works and noted they have concerns relative to the Dupuy Modernization project. Mr. Waskey asked those present from the area to raise their hands.**

**Mayor Davis thanked Mr. Waskey for his comments and stated that Mr. Waskey has been present at meetings where the Dupuy Modernization Project has been discussed. Mayor Davis noted that the Engineering Department has had an outreach in which citizens could share their initial concerns and there will be additional meetings where additional concerns may be shared.**

**Mrs. Ann Hoopskick, 401 Dupuy Avenue, addressed Council noting two specific areas relative to the Dupuy Avenue Project. Mrs. Hoopsick addressed Council by asking, how many of the Council Members have looked at the detailed plans of the project. Mrs. Hoopsick stated that Mr. Green was shown the plans by her husband and Mr. Waskey.**

**Mayor Davis interrupted and advised that the plans are not final and are not to specific detail. Mrs. Hoopsick clarified by stating, the plans that were presented to them in July with more detail than Council may have originally seen.**

**Additionally, Mrs. Hoopsick asked how many Council Members had read the City Engineer's responses to citizen's questions. Mrs. Hoopsick continued by stating that it is possible to make an alternate plan. She expressed concern relative to the future plans of Virginia State University and the affects it will have on Dupuy Avenue. Their concerns are that the plans of the City and the plans of Virginia State will not match and another project will develop.**

**Mrs. Hoopsick stated that the neighborhood would like to have more details and information from City Council relative to communication with Virginia State and**

what Virginia State's plan is for the future.

Mayor Davis advised Mrs. Hoopsick that Chesterfield County controlled the road from the University. He also advised he has met with Mr. Elswick, Matoaca District Representative, and Chesterfield County is not at a position nor has the County planned, as the City has planned, to utilize State and Federal funds for this project, which has been on the books since the 1970's. Additionally, the City has received over \$1M from the Regional Metropolitan Organization recognizing the need for this project and the benefits to this jurisdiction and the Region.

Mrs. Hoopsick again reiterated that she would like other Council Members to look at the details of the plan currently in place and also visit to see what takes place on their street.

Mr. Green addressed Mrs. Hoopsick by stating during the campaigning process; he and Mr. Frenier spoke with a couple of the residents, the City Manager and the City Engineer. Mr. Green stated that residents were assured that the plans presented were initial plans, feedback has been received and Mr. Hendley assured Mr. Frenier and himself that the plans are in the process of being adjusted where adjustments are possible. Mr. Green advised that the Engineering Department is working on adjusted plans and will present them at the earliest, the December Public Hearing or the latest, the January Public Hearing. Mr. Green reiterated that these plans are by no means in the final stages, but only the initial stages.

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

A. AN ORDINANCE NO. 12-FIN-18

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2012 and ending June 30, 2013, to appropriate donated funds in the aggregate amount of \$63,390, consisting of \$12,500 in restricted State funding from the Department of Historical Resources to continue preparation of the Chesterfield Highlands Historical Tax District nomination, \$3,812 of Grant Funds from the VML-Risk Management Safety Grant Program to purchase trunk mount rifle locks, \$160 of donated funds for the purchase of supplies for the Colonial Heights Animal Shelter, \$16,560 of Grant funds from DMV for equipment and selective enforcement, \$4,000 of Grant Funds from DMV for occupant protection selective enforcement, \$26,358 of Grant Funds from the Rescue Squad Assistance Fund; and to reappropriate \$434,611 in encumbered FY2012 funds as required under the Governmental Accounting Standards Board (GASB) for budgetary reporting purposes.

**B. AN ORDINANCE NO 12-25**

**(Second Reading) To amend and reordain chapter 218, Peace and Good Order, of the Code of the City of Colonial Heights by adding an Article VI entitled Trespassing and Enforcement, consisting of Section 218-11.**

**C. Regular Meeting Minutes, September 11, 2012**

**D. Special Meeting Minutes October 11, 2012**

**E. Regular Meeting Minutes October 11, 2012**

**F. Special Meeting Minutes November 1, 2012**

**A motion to approve the Consent Agenda was made by Mr. Frenier, seconded by Mrs. Luck.**

<b>Vote:</b>	<b>7-0</b>
	<b>Frenier</b>
	<b>Freeland</b>
	<b>Green</b>
	<b>Luck</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>

**Motion UNANIMOUS PASS**

**13. Introduction and Consideration of Ordinances and Resolutions**

**A. AN ORDINANCE NO 12-FIN-20**

**(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2012 and ending June 30, 2013, to appropriate \$2,216 in additional grant funds from the Department of Environmental Quality for the Litter Prevention and Recycling Program; and to appropriate \$25,700 in donations, consisting of \$1,700 to the Sheriff's Department for Halloween in the Park, consisting of \$1,700 from Walmart, and \$200 from VFW Post 2239; and \$24,000 in donations to the Police Department, which consists of \$1,500 from the Petersburg/Colonial Heights Society for the Prevention of Cruelty to Animals (SPCA) for an animal transport box for a new truck, \$8,000 from the Commonwealth Attorney's Office (obtained in a drug distribution case) to purchase equipment to preserve DNA and for**

vehicle maintenance, and \$1,000 from the Colonial Heights Moose Lodge to purchase a police rifle.

Mr. Fisher requested that Council note a typographical error in the title relative to the amount of \$15,000, which should be corrected to \$1,500.

A motion to amend Ordinance No. 12-FIN-20 was made by Mayor Davis, seconded by Mr. Green.

**Vote:** 7-0  
Frenier  
Freeland  
Green  
Luck  
Yates  
Davis  
**No:** None  
**Abstained:** None  
**Absent:** Wood

**Motion UNANIMOUS PASS**

A motion to approve Ordinance No. 12-FIN-20 as amended was made by Mayor Davis, seconded by Mr. Freeland.

Mr. Mattis pointed out that the \$1,500 received from the SPCA is a good partnership on the City's part to help meet the needs of the Animal Shelter. Mr. Mattis also thanked the Police Department and the SPCA.

**Vote:** 7-0  
Frenier  
Freeland  
Green  
Luck  
Yates  
Davis  
**No:** None  
**Abstained:** None  
**Absent:** Wood

**Motion UNANIMOUS PASS**

**B. AN ORDINANCE NO 12-FIN-22  
(First Reading) To amend and reordain the School Fund Budget for the**

**Fiscal year beginning July 1, 2011, and ending June 30, 2012, so as to modify such budget by \$498,744 for the fiscal year ending June 30, 2012; pursuant to School Board action.**

**A motion to approve Ordinance No. 12-FIN-22 was made by Mr. Green, seconded by Mrs. Yates.**

**Mayor Davis advised that approval by Council is need for an increase of the \$498,744 for the final School Board Budget. Mayor Davis noted there was an increase in Local Funds of \$88,000; an increase in Other Funds of \$104,069.64; a decrease in State Funds of \$64,242.32; and an increase in Federal Funds based on reimbursement of \$370,916.83 totaling the increase of \$498,744. Mayor Davis noted that the final 2011-2012 budget for the School System for would have been \$34,873,108.15.**

**Mayor Davis reminded those present that for many years, Council has been in a Memorandum of Understanding that the school system receive 50.7% of the top six revenue sources of the City. This is to assist our school system in being one of the leaders in education in our area. Additionally, the School Board determines where the funds will be distributed.**

<b>Vote:</b>	<b>7-0</b>
	<b>Frenier</b>
	<b>Freeland</b>
	<b>Green</b>
	<b>Luck</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>

**Motion UNANIMOUS PASS**

**C. A RESOLUTION NO. 12-57**

**Authorizing the City Manager to enter into a mutual aid agreement between the City and the United States Department of the Army.**

**A motion to approve Resolution No. 12-57 was made by Mr. Green, seconded by Mr. Freeland.**

**Mayor Davis advised that the purpose of this resolution is to permit Colonial Heights and Fort Lee's Fire and EMS Departments to work together to secure the benefits in the likelihood assistance is needed.**

**Mr. Mattis noted there was no change in the agreement and a good working**

**relationship continues.**

<b>Vote:</b>	<b>7-0</b>
	<b>Frenier</b>
	<b>Freeland</b>
	<b>Green</b>
	<b>Luck</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>

**Motion UNANIMOUS PASS**

**D. A RESOLUTION NO. 12-61**

**Supporting the Department of Historic Resources' possible nomination of the Chesterfield Highlands Historic District to the National Register of Historic Places and the Virginia Landmarks Register.**

**A motion to approve Resolution No. 12-61 was made by Mr. Green, seconded by Mr. Frenier.**

**Mayor Davis advised that Jamie Sherry, Neighborhood Revitalization Planner, Department of Planning and Community Development would make a presentation and recognized several members of the neighborhood by asking them to stand. Mayor Davis noted that the ladies present have worked hard on this project.**

**Ms. Sherry advised the presentation the background, nomination process and the benefits of the Chesterfield Highland Tax Credit District. Ms. Sherry proceeded to explain her PowerPoint presentation of the Highlands Historic District.**

**Ms. Sherry advised that survey work was completed this summer and the District nomination was submitted this fall. A state-sponsored public hearing was held last week in which 30 attendees expressed their support of the district. The nomination is scheduled to be considered by the Department of Historic Resources at its December 13 board meeting.**

**Mr. Mattis asked for clarification relative to the downside of the property. Ms. Sherry advised that there really is no downside. Mr. Mattis noted that the language encourages development in those areas and redevelopment of the historic properties, tax credits and no architectural control. Ms. Sherry advised that if tax credits are sought, improvements to the house must be at least 25%.**

**Mayor Davis thanked Ms. Sherry for her help and also thanked those present for their hard work.**



**No:** None  
**Abstained:** None  
**Absent:** Wood

**Motion UNANIMOUS PASS**

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

**A. AN ORDINANCE NO 12-26 AS AMENDED**

**(Second Reading) To amend and reordain Section 273-32 and Section 273-46 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code, by eliminating a presumption as to when a vehicle is abandoned and by specifying that a City vehicle owner or operator has 30 days to obtain and display a City license decal.**

**A motion to approve Ordinance No. 12-26 was made by Mayor Davis, seconded by Mr. Green.**

**Mr. Fisher advised that Section 273-46, in the as-amended Ordinance, the original language that was struck was “or to display on a vehicle any City license”. Mr. Fisher noted that the original intent was to remove the language regarding an expiration date.**

**Mr. Freeland noted that antique and vintage plate vehicles are not required to display a City vehicle license and asked if this will now be a requirement.**

**Mr. Fisher advised that the State will preempt that requirement. Mayor Davis advised that the question raised by Mr. Freeland was not the issue here but clarified that the issue is to set a requirement of 30 days to obtain a City license decal.**

**Vote:** 7-0  
Frenier  
Freeland  
Green  
Luck  
Yates  
Davis  
**No:** None  
**Abstained:** None  
**Absent:** Wood

**Motion UNANIMOUS PASS**

**15. Reports of Officers and documents Related Thereto**

**A. City Manager**

**1. Consideration Of A Request By Keep 95 Toll Free To Fund Legal Services Associated With Opposition To The Governor's Proposed Plan To Toll Interstate 95**

**Mr. Mattis referenced a letter enclosed in Council's packet from the Greenville County Manager describing an effort by localities along the southern corridor of 95 trying to stop the tolling proposal. Mr. Mattis advised that this coalition of localities has hired a law firm from Washington.**

**Mr. Mattis advised that he did not know much about dollar amounts other than what has been provided in the contract. Mr. Mattis noted that the City's portion is significantly higher than other localities in our area. Mr. Mattis has reached out to colleagues in the Tri-Cities area and asked what their feelings are on this issue.**

**Mr. Mattis expressed he was looking for direction from Council regarding this request and what expectations Council may have from his office relative to involvement. Mr. Mattis noted that Council has previously passed a Resolution stating their opposition to this plan.**

**Mayor Davis noted that the previous Resolution stating it would not be in the best interest for the surrounding localities nor the City. Mayor Davis expressed his concern regarding the fact that an attorney has been hired without first consulting the localities and advising them of their portion of the cost.**

**Mayor Davis noted that he did not think it a bad proposal but was hesitant to join in something that has not been previously discussed. He also noted that not all localities gave the amount that was requested with Hopewell still undecided. Mayor Davis stated that he was opposed to the amount of \$7,500.**

**Mr. Frenier noted that the City always tries to avoid using tax payer's money for litigation purposes and he does not see the real purpose; the resolution set forth should be good enough.**

**Mr. Fisher advised Mayor Davis that although this is a policy decision for Council to make, while the decision was made to retain the law firm, there is no inclination as to the criteria for selection. Mr. Fisher continued by stating that there is no criteria available to base the selection.**

**Mr. Green asked what the law firm plans to accomplish or what they have promised to provide with the \$53,000 they are seeking. Additionally, is there an amount that the City Manager would recommend in coordination with the Finance Department that we can afford to put toward this effort?**

**Mr. Mattis advised that the he has had no involvement and has provided Council with all the information he has relative to this proposal.**

**Mr. Green stated that while the City has expressed its opposition to the tolls on I95, he would be interested in tabling any decision until the City is aware of what accomplishments the attorneys hope to obtain.**

**Mr. Freeland also agreed with the Mr. Green's decision to table and Mr. Fisher's comments relative to the reliability of the attorney's that have been retained. Mr. Freeland stated that he was not close-minded about the donation but feels more information should be gathered before a decision is made.**

**Mayor Davis stated that if the City has been requested to be a part of the funding mechanism for this to continue, we need to "have a seat at the table" on any further decisions that are made at a larger level. Mayor Davis commended that**

**we need to "play catch-up" to find out the history, why and who. He also suggested that an agreement should be made in writing, what will happen from this point forward.**

**A motion to table a request to fund legal services associated with opposition to the Governor's proposed plan to toll Interstate 95 was made by Mr. Freeland, seconded by Mr. Green.**

<b>Vote:</b>	<b>7-0</b>
	<b>Frenier</b>
	<b>Freeland</b>
	<b>Green</b>
	<b>Luck</b>
	<b>Yates</b>
	<b>Davis</b>
<b>No:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Absent:</b>	<b>Wood</b>

**Motion UNANIMOUS PASS**

**Mr. Mattis added that in speaking with his colleagues from other localities, specifically, Hopewell, their City Manager feels like they will not contribute anything close to the \$5,000, if they do anything.**

**Mrs. Yates expressed that we should be team players but feels \$50,000 will not go very far and her concern is if we contribute funds now then "down the road" will they ask for even more, making this an ongoing thing.**

**Mayor Davis agreed with Mrs. Yates.**

## **2. Upcoming Council Meeting Schedule**

**Mr. Mattis advised that we are on a really tight schedule and still do not plan on having a work session in December but there will be a few items, one of the items being the Dupuy Avenue Project. Mr. Mattis noted that given the interest in this project, he wants to make sure Council is on-board with the procedural steps as they move forward. Mr. Mattis stated that the City has taken very deliberate and procedural steps and have put this project on the board and tried to discuss in a constructive way.**

**Mr. Mattis advised that there will be a public meeting, similar to the work session discussion, where the plan will be reviewed in detail with Council. The goal of the December meeting is to come from the meeting with Council's endorsement of the plan, whatever the plan may be. At the January meeting, there will be a required Public Hearing, where the final approved plan will be presented as the plan for the road project.**

**Mr. Mattis stressed that still, the exact impact on every individual lot will not be known. He stated that questions cannot be answered until the City approves the plan. It is after that, the hearing and there is an agreed upon plan for the road, that the individual breakdown can be made.**

**In addition to the Dupuy Avenue Project, the Audit will be another significant item on the December Agenda.**

**Mr. Green stated that the only involvement Virginia State will have in the Dupuy Avenue Project is any property they own within the City limits of Colonial Heights that may be impacted by this project.**

**Mayor Davis advised that Virginia State can have other involvement, if they so choose, but they do not have any involvement in the road improvements.**

**Mr. Mattis noted the upcoming Council Retreat in January.**

**Mayor Davis advised that the regularly scheduled facility in Smithfield is already booked and the Clerk is working on a new location. Mayor Davis will advise Council of the plans.**

## **3. Update on City Courthouse Project.**

**Mr. Mattis shared a photograph that Mr. John Rooney took of the progression of the project. Mr. Mattis advised that the road project is moving forward on schedule and the Building Committee will be reassembled later in the month to**

**discuss the final details.**

**Mayor Davis asked if the Christmas Parade is still scheduled. Mr. Mattis assured that the Parade is still scheduled.**

**B. City Attorney**

**Mr. Fisher advised that for the next two days he will be in Williamsburg attending the Virginia School Boards Association Conference. Additionally, Mr. Fisher**

**advised that the new organizational meeting for a new Council will be Wednesday, January 2, 2013 at 7:30 PM at which time Council will elect a Mayor, Vice Mayor and adopt Rules of Procedure.**

**Mayor Davis congratulated Mrs. Yates, Mr. Frenier and Mr. Green on their reelection and Council will be joined by a former councilman Mr. Kochuba, beginning in January.**

**Mr. Green reported that from the Regional Chamber of Commerce Meeting, the Southside Builders Association generated a few reports that he feels Council may be interested in having access to as well as their interest in some of the City's properties. Mr. Green advised that he said he would make Council and the City Manager aware and ask permission to have a meeting between the City Manager and the Southside Builders Association.**

**C. Director of Planning And Community Development**

**16. Consideration of Claims**

**17. Adjournment**

**There being no further business, a motion was made by Mrs. Luck, seconded by Mr. Frenier, and carried unanimously on voice vote at 8:34 PM.**