

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, March 10, 2020

1. Call to Order

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

2. Roll Call

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

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

Absent: Vice Mayor Elizabeth G. Luck

Also Present: Mr. Douglas E. Smith, City Manager
Mr. Hugh P. Fisher, III, City Attorney
Mrs. Pamela B. Wallace, City 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. Frenier, seconded by Mr. Piotrowski, to adopt the agenda as presented.

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

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Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

There were none.

7. Commendations and Presentations

A. Presentation of the City's Annual Donation for the Colonial Heights High School After Prom Celebration

B. Presentation of the FY2021-FY2025 Capital Improvement Plan

Mrs. Minor provided an overview of the City Manager's proposed CIP advising there would be detailed review and discussion at the March 17, 2020 Work Session. In the overview, Mrs. Minor stated a total request of \$174M in projects had been made with a total cost to the City of \$164M. Of the total, Mrs. Minor stated \$33M was required and \$14M remained unfunded.

In closing, Mrs. Minor provided dates of the upcoming Budget Meetings and Work Sessions.

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 20-8
(First Reading) Amending § 51-56.1 of Chapter 51, Personnel Policies and Grievance Procedure, of the Colonial Heights City Code, to provide that only Virginia Retirement System Plan 1 and 2 employees may participated in the City sick leave bank.**

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A motion was made by Mr. Green, seconded by Mr. Piotrowski, to adopt Ordinance No. 20-8.

Mr. Smith advised this action was a follow-up to Council's discussion at the Retreat. Additionally, Mr. Smith stated the ordinance was to specifically clarify the sick leave policy as it related to an employee's years of service and their eligibility through the Virginia Retirement System.

There were no comments from Council nor the Public.

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

Motion: UNANIMOUS PASS

B. AN ORDINANCE NO 20-9
(First Reading) Amending § 51-56.1 of Chapter 51, Personnel Policies and Grievance Procedure, of the Colonial Heights City code, to provide that only Virginia Retirement system Plan 1 and Plan 2 employees may participate in the City sick leave bank.

A motion was made by Mr. Green, seconded by Mr. Piotrowski, to adopt Ordinance No. 20-9.

Mr. Smith again advised this was an item that was previously discussed at the Retreat and explained this was to further clarify guidelines within the Sick Leave Bank Policy recommending only Virginia Retirement System Plan 1 and Plan 2 employees be eligible for voluntary participation in the bank; these employees do not have an option available to add the disability income replacement benefit through the Virginia Retirement System; employees with the hybrid plan are eligible for such coverage within the plan.

Vote: 5-0
Yes: Cherry
Piotrowski

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Wood
Luck
Kochuba
No: None
Absent: Frenier
Green, Jr.
Abstained: None

Motion: UNANIMOUS PASS

C. A RESOLUTION NO 20-15
Revising the City of Colonial Heights Sick Leave Bank Policy

A motion was made by Mr. Green, seconded by Mr. Frenier, to adopt Resolution No. 20-15.

Mr. Smith clarified the resolution was required due to the previous action made by Ordinance No. 20-9.

There were no comments from the public nor Council.

Vote: 5-0
Yes: Cherry
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: Frenier
Green, Jr.
Abstained: None

Motion: UNANIMOUS PASS

11. Hearing of Citizens Generally on Non-Agenda Items

Randy Thomas, 540 Roslyn Avenue – Expressed his concerns relative to speeding on Roslyn Avenue and the number of inoperable vehicles parked in the City.

Mr. Wood provided comments relative to his attendance at the most recent Metropolitan Planning Organization advising that the City had been awarded funding for Phase V of the Appomattox River Greenway Trail in addition to the allocation of funding for the High School sidewalk project.

- 12. Consideration of Uncontested Minutes, Ordinances, Resolutions, and Motions in accordance with the Consent Agenda.**
 - A. AN ORDINANCE NO 20-1**
(Second Reading) Amending § 286-202.04 of Chapter 286, Zoning, of the Colonial Heights City Code by updating terminology in the definition of “Group Home”.
 - B. AN ORDINANCE NO 20-2**
(Second Reading) To grant a special use permit, with conditions, to the Colonial Heights School Board to upgrade existing signage to allow for a 21.47 square foot internally illuminated sign and a 26.65 square foot electronic message board on the existing freestanding sign structure at Colonial Heights High School, 3600 Conduit Road.
 - C. AN ORDINANCE NO 20-3**
(Second Reading) To grant a special use permit, with conditions, to the Colonial Heights School Board to upgrade existing signage to allow for a 13.44 square foot internally illuminated sign and a 23.22 square foot electronic message board on the existing freestanding sign structure at Colonial Heights Middle School, 500 Conduit Road.
 - D. AN ORDINANCE NO 20-4**
(Second Reading) To grant a special use permit, with conditions, to the Colonial Heights School Board to upgrade existing signage to allow for an 11 square foot internally illuminated sign and a 15.28 square foot electronic message board on the existing freestanding sign structure at Lakeview Elementary School, 401 Taswell Avenue.
 - E. AN ORDINANCE NO 20-5**
(Second Reading) To grant a special use permit, with conditions, to the Colonial Heights School Board to upgrade existing signage to allow for an 11 square foot internally illuminated sign and a 15.28 square foot electronic Message Board on the existing freestanding sign structure at North Elementary School, 3201 Dale Avenue.
 - F. AN ORDINANCE NO 20-6**
(Second Reading) Awarding the City Attorney a 1% pay increase and a \$5,000 bonus.

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- G. November 12, 2019 Special Meeting Minutes**
- H. November 12, 2019 Regular Meeting Minutes Meeting Minutes**
- I. December 10, 2019 Special Meeting Minutes**
- J. January 14, 2020 Special Meeting Minutes**
- K. February 11, 2020 Special Meeting Minutes**

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

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

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

- A. AN ORDINANCE NO 20-7**
(First Reading) Amending §§ 98-42 and 98-43 of Chapter 98, Animals, of the Colonial Heights City Code, to prohibit the keeping of poultry and fowl in the City of Colonial Heights.

Before moving forward with the motion and second, Mr. Fisher advised that the ordinance as drafted needs to be amended. Mr. Fisher explained that upon further review of re-drafted Section 98-42, there was ambiguous language with regard to the sale of chickens; and he stated the following language should amend the existing language in Section 98-42: “It shall be unlawful for any person to engage, for either personal or business reasons, in owning, raising, feeding, keeping, and selling live poultry or fowl of any kind or purpose in the City.”

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A motion was made by Mr. Green, seconded by Mayor Kochuba, to amend Ordinance No. 20-7 as recommended by the City Attorney.

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

Motion: UNANIMOUS PASS

A motion was made by Mr. Green, seconded by Mr. Frenier, to approve Ordinance No. 20-7 as amended.

As a result of Council's decision at a prior meeting not to allow chickens in any zoning district in the City, Mr. Fisher stated the purpose of Ordinance No. 20-7 was to maintain consistency within the animal and zoning chapters of the City Code, as they related to the keeping of chickens and/or fowl.

Vote: 4-2
Yes: Frenier
Green
Wood
Kochuba
No: Cherry
Piotrowski
Absent: Luck
Abstained: None

Motion: PASS

- B. AN ORDINANCE NO 20-FIN-2**
(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by appropriating \$263,763 from assigned Fund Balance/Reserves for pavement preservation to Public Works for the Conduit Road pavement project.

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To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, to appropriate \$330,825 in reimbursements from the South Central Wastewater Authority (SCWA) for emergency repairs to various sewer lines in the City.

A motion was made by Mr. Green, seconded by Mr. Cherry, to adopt Ordinance No. 20-Fin-2.

Mr. Smith explained that funding addressed pavement preservation for the Conduit Road pavement project and emergency repairs to various sewer lines in the City. Mrs. Minor added the reserve funds had been rolled over also stating the City was fortunate to receive rebate funds from the South Central Wastewater Authority.

Addressing Mr. Wood's comments relative to pavement repair and the effect on pavement markings, Mr. Flippen confirmed that the contractor would be responsible for replacement of all pavement markings that were affected.

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

**C. 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. Piotrowski, seconded by Mr. Green, to adopt Resolution No. 20-14.

Mr. Fisher stated that Council agreed during its annual Retreat to request the Virginia Department of Game and Inland Fisheries to update its urban archery restrictions for the City to provide that all urban archery must be from an elevated position at least ten feet above the ground. Mr. Fisher advised he reviewed the Virginia Department of Game and Inland Fisheries

restrictions that apply in some other localities, and he included the following language in the proposed resolution: “No person shall discharge a bow unless from an elevated position of at least ten (10) feet above the ground.”

Mr. Cherry expressed his concerns relative to the proposed language recommending that the language specify either “hunting” or “except for target shooting”. After further discussion, and at the recommendation of Mr. Fisher, Mr. Piotrowski retracted his motion and Mr. Green retracted his second; and the item was tabled until the March 17 Work Session.

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

There was none.

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Shepherd Stadium Project Update

Mr. Matt Spruill provided updates relative to the current Shepherd Stadium projects; specifically noting the following:

- New and expanded concession stand windows
- Expansion of the sponsor wall to accommodate additional banners
- New out-of-play fencing and bullpens
- Heightened backstop

Additionally, Mr. Spruill reported on the following “in-progress” projects to be completed in mid to late March:

- Out-of-play fence netting
- Heightened outfield netting
- New 30” foul poles
- Outfield wall pads
- Locker room improvements

1. General Activity Report

Mr. Smith provided Council with the Dates of Interest to include the upcoming Budget Schedule.

B. City Attorney

Mr. Fisher advised he had completed the draft of the Franchise Agreement with Verizon Virginia, which had been forwarded to Verizon for their comments and review. Additionally, Mr. Fisher advised of the General Assembly's action on several proposals which would allow for collective bargaining by public employees. Mr. Fisher advised that after much discussion, the legislature passed a bill that allows localities to permit collective bargaining but did not mandate it.

Before moving forward, Mayor Kochuba advised Mr. Smith was to have a joint meeting with the Superintendent of Schools, Emergency Management and the Health Department to address the current issues surrounding Covid-19. Mr. Smith advised he had discussed with department heads and posted information to the City's Facebook page and employees on precautions to avoid the spread of and contraction of infection.

Mr. Green requested an update on the progress of Violet Bank and the cell tower progress on the Archileti property.

C. Director of Planning and Community Development

Ms. Hall reported the Planning Commission met on Wednesday, March 4 at which time the following action was taken:

- Public Hearing to adopt Planning Commission Resolution No. 20-6 – To recommend that the City Council approve the proposed FY2021-2025 Capital Improvement Plan (Unanimous approval)**
- Resolution No. 20-7 – Recognizing and commending the service of Mr. Bill Kollman (Unanimous approval)**
- Meeting of the Board of Zoning Appeals in the near future to review two applications for variance**
- Currently there are no applications for the commissions at the current time; therefore, if nothing is received, there will not be an April meeting**

Mr. Fisher advised of an upcoming joint meeting with the School Board on May 19, 2020 at City Hall.

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Addressing Mr. Piotrowski's question regarding the donation bins, Mrs. Hall stated that courtesy letters with notification of violation, were being sent out later in the week.

16. Adjournment

There being no further business, a motion was made by Mr. Cherry, seconded by Mr. Frenier, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 8:31 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk