

CITY OF COLONIAL HEIGHTS, VIRGINIA
Special Meeting of City Council
Tuesday, September 13, 2022

1. Call to Order.

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

2. Roll Call.

Present: Councilman Kenneth B. Frenier (participated remotely)
Councilman John E. Piotrowski
Councilwoman Laura F. Poe
Councilman Robert W. Wade
Councilman John T. Wood
Vice Mayor Elizabeth G. Luck
Mayor T. Gregory Kochuba

Absent: None

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

Mr. Frenier made the following statement:

- 1. He was unable to physically attend the meeting due to a medical condition that prevented his attendance at the meeting; and**
- 2. The remote location from where he was participating 212 Spring Drive.**

A motion to allow Mr. Frenier to participate remotely was made by Mayor Kochuba, seconded by Dr. Poe, and carried unanimously on voice vote.

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

Motion UNANIMOUS PASS

3. Declaration of Personal Interest

There were none.

The Clerk announced the purpose of the closed meeting.

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

- Paragraph A.1 of Section 2.2-3711, to discuss or consider appointments to the District 19 Community Services Board, Fire Prevention Board of Appeals, John Tyler Community College ASAP Policy Board, and Senior Citizens Advisory Committee.
- Paragraph A.3 of Section 2.2-3711, to discuss or consider the disposition of publicly-held real property – specifically, a 1.00 acre City-owned parcel on Temple Avenue – where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- Paragraph A.3 of Section 2.2-3711, to discuss or consider the disposition of publicly-held real property – specifically, the grant of an easement to use part of Cedar Lane – where discussion in opening meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- Paragraph A.7 of Section 2.2-3711, to consult with legal counsel pertaining to an actual or probable litigation – i.e., a former employee’s charge of discrimination filed against the City – where such consultation in an open meeting would adversely affect the negotiating or litigating posture of the public body.
- Paragraph A.8 of Section 2.2-3711, to consult with legal counsel employed by a public body regarding a specific legal matter – i.e., changes to several provisions in the legal counsel’s Employment Agreement – requiring the provision of legal advice by such counsel.

A motion to convene in a closed meeting was made by Mr. Wade, seconded by Mrs. Luck, at 5:38 P.M.

Vote: 7-0
Yes: Frenier
Piotrowski
Poe
Wade
Wood

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	Luck
	Kochuba
No:	None
Absent:	None
Abstained:	None

Motion UNANIMOUS PASS

5. Vote to come back into open meeting.

A motion to reconvene in open session was made by Mayor Kochuba, seconded by Mr. Wade, and carried unanimously on roll call vote at 7:04 P.M.

<u>Vote:</u>	7-0
Yes:	Frenier
	Piotrowski
	Poe
	Wade
	Wood
	Luck
	Kochuba
No:	None
Absent:	None
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 or consider appointments to the District 19 Community Services Board, Fire Prevention Board of Appeals, John Tyler Community College ASAP Policy Board, and Senior Citizens Advisory Committee.**
- Paragraph A.3 of Section 2.2-3711, to discuss or consider the disposition of publicly-held real property – specifically, a 1.00 acre City-owned parcel on Temple Avenue – where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**
- Paragraph A.3 of Section 2.2-3711, to discuss or consider the disposition of publicly-held real property – specifically, the grant of an easement to use part of Cedar Lane – where discussion in opening meeting would adversely affect the bargaining position or negotiating strategy of the public body.**

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- Paragraph A.7 of Section 2.2-3711, to consult with legal counsel pertaining to an actual or probable litigation – i.e., a former employee’s charge of discrimination filed against the City – where such consultation in an open meeting would adversely affect the negotiating or litigating posture of the public body.
- Paragraph A.8 of Section 2.2-3711, to consult with legal counsel employed by a public body regarding a specific legal matter – i.e., changes to several provisions in the legal counsel’s Employment Agreement – requiring the provision of legal advice by such counsel.

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>	7-0
Yes:	Frenier
	Piotrowski
	Poe
	Wade
	Wood
	Luck
	Kochuba
No:	None
Absent:	None
Abstained:	None

Motion UNANIMOUS PASS

6. Motions and Resolutions of Appointment

A RESOLUTION NO. 22-41

Appointing William A. Anspach, III as a member of the John Tyler ASAP Policy Board for the remainder of a three-year term expiring April 30, 2025.

A RESOLUTION NO. 22-42

Appointing Mark Form as a member of the Senior Citizens Advisory Committee for a two-year term beginning October 1, 2022.

A RESOLUTION NO. 22-43

Appointing Bryant Haydt as a member of the Fire Prevention Board of Appeals for a two-year term beginning October 1, 2022; and appointing Paul Repack as a member of the Fire Prevention Board of Appeals for a three-year term beginning October 1, 2022

A RESOLUTION NO. 22-44

Appointing Rebecca Lynch as a member of the District 19 Community Services Board for the remainder of a three-year term expiring October 31, 2022.

A motion was made by Dr. Poe, seconded by Mr. Piotrowski, to adopt the above listed Resolutions of Appointment.

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

Motion UNANIMOUS PASS

7. Adjournment.

A motion to adjourn the Special Meeting was made by Mayor Kochuba, seconded by Mr. Wade and carried unanimously on voice vote at 7:10 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

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Pamela B. Wallace, City Clerk