

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, April 13, 2021**

1. Call to Order

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

2. Roll Call

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

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

Absent: None

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

3. Devotion

A devotional prayer was led by Dr. Poe.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kochuba.

5. Adoption of Agenda

A motion was then made by Mr. Cherry, seconded by Mrs. Luck, to approve the agenda as presented.

**Vote: 7-0
Yes: Cherry
Piotrowski
Poe
Wade**

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

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

A declaration was read by Dr. Poe and filed with the Clerk.

7. Commendations and Presentations

- A. Designating the month of April as Child Abuse Awareness and Prevention Month in the City of Colonial Heights, Virginia.**

Ms. Becca Lynch of the Department of Youth and Human Services, received the proclamation.

- B. Presentation by Jennifer Tunstall, Executive Director, District 19 Community Services Board**

Ms. Tunstall presented an overview of the function, purpose, and services provided by District 19 as a whole; and specifically noted services provided to citizens in the City of Colonial Heights. Continuing, Ms. Tunstall advised of legislative updates regarding the recent passage of the “Markus Alert”, which created a state-wide mental health alert system to ensure behavioral health experts are involved in responding to people in crisis.

At the conclusion of the presentation, Mayor Kochuba thanked Ms. Tunstall and advised of the current vacancy on the District 19 Board of Directors, stating that the vacancy would be filled by a member of the school’s staff.

Before continuing, Mayor Kochuba recognized Lea Tremblay who was present from the School Board.

- C. Presentation of the City Manager’s FY2021-2022 Proposed Annual Operating Budget**

Mr. Smith advised that the full budget would be reviewed and discussed at the April 20, 2021 work session. He then asked that Mrs. Minor begin the presentation. Mrs. Minor provided the following information:

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- **Expected impact of COVID response on the remainder of FY20 and planning for FY21**

Mrs. Minor recommended Council adopt the FY21 budget at pre-COVID levels advising staff would implement and adjust spending controls as revenue situations dictate.

- **Scenarios run in April 2020, as projected in March 2021, showed moderate impact to Real Estate, Personal Property and Lodging taxes; however, there was no impact to sales, meals, or BPOL taxes.**
- **Looking forward to 2022, the proposed tax revenues are slightly higher than the 2021 budget.**
- **The proposed FY21-22 - \$61,839,700**
- **Proposed budget highlights for personnel, operating services, equipment/capital, and equipment/capital – water/sewer**
- **Fund Balance used for one-time equipment/capital needs:**
 - **Replace Engine 941**
 - **Replacement of patrol cars**
 - **Demolition of 218 Highland Avenue**
 - **Address Public Safety Building HVAC**
 - **Shepherd Stadium Wall Replacement**
 - **Replacement of Police Administration Car**
 - **Fire Station #2 lights replacement**
- **Revenue Changes**
 - **5% increase in utility rates and restructuring**
- **Structural Changes**
- **Animal Control as a separate budget department**
- **Information Technology Service Fund**
 - **Monthly IT charges to departments**
 - **IT Replacement Fund**
 - **Outsourced IT charges**
- **General Fund operational transfer to Water & Sewer Fund**

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- **Chesterfield Shared Services**
- **Mrs. Minor advised City estimates were based on anticipated actual expenditures in each service with County request based on County's proposed budget. Mrs. Minor provided Chesterfield County's FY22 Request as well as the City's FY22 proposed budget and the FY22 reduction.**
- **Overview – All Funds**
Mrs. Minor provided an overview of all City Funds noting a 3.6% change.
- **Year-to-Year Change – General Fund**
Mrs. Minor provided the proposed changes in the FY22 General Fund; specifically noting a \$130,000 increase.
- **Unfunded Requests**
 - **Remainder of the FT position for Economic Development**
 - **Salary supplements for General District and Juvenile Courts**
 - **Fire Department staff vehicle**
 - **SUV for Office on Youth**

At the conclusion of the presentation, Mr. Smith advised a formal presentation would be made to Council at the monthly work session.

D. Mayor Kochuba to Provide Update on the Crater Regional Workforce Development Board (CRWD)

Mayor Kochuba advised of his service on the CRWD and provided a brief background for the board, and its mission, goals, and funding source. Mayor Kochuba advised of the reason for bringing this to Council stating there was a finding identifying a payment made to a non-approved state contractor and based upon the agreement between the Workforce Board and participating localities, those participating localities are equally responsible, based on a percentage, for any disallowed costs. Mayor Kochuba advised the City's portion of the \$17,000 was \$1,700.

There was discussion relative to the responsibility of the contractor involved with Mr. Fisher clarifying that the agreement states the localities were equally responsible for any disallowed costs.

A motion was made by Mr. Cherry, seconded by Dr. Poe, to make no payment because of the negligence in the selection of a non-approved state contractor.

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

Motion: UNANIMOUS PASS

8. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

9. Written Petitions and Communications

- A. Presentation of Information by Mr. Cherry on Police Mandate with regard to Temporary Detention Orders for suspects while detained in hospitals awaiting transfer.**

Mr. Cherry advised Council of the current situation regarding temporary detention orders which affect 20% of the daily patrol officers. Mr. Cherry stated it was his desire to bring this to Council's attention and felt this should be addressed by legislation in the upcoming General Assembly session as well as discussed with staff in an effort to develop a solution.

Mr. Fisher advised this was an on-going problem all over the Commonwealth, which the Legislature has failed to address. Mr. Fisher suggested the solution may be to ask the Virginia Municipal League (VML) to lobby for legislation to change the law. Mr. Fisher also suggested that, following the example of another Community Service Board, perhaps District 19 CSB can consider the development of a Crisis Intervention Center.

Mr. Wood stated he did not feel District 19 would be able to fund such a center. Continuing, Mr. Wood advised of his service on the General Laws Committee at VML; and he would, should he be reappointed, address this issue with the Committee.

It was the consensus of Council for Mr. Wood to pursue such action with the VML General Laws Committee upon his reappointment.

B. Mr. Cherry to provide comments on the operation of a mobile health clinic in the City of Colonial Heights.

Mr. Cherry provided background information on the operation of a mobile chiropractic clinic operating in the parking lot of Southpark Carpet and Flooring. Mr. Cherry asked that Council be willing to look at the Itinerate Merchant Permit allowing for the business to function, and further requesting a 30 to 45-day continuous permit in an effort to allow continued business.

Mr. Fisher advised there was no ordinance allowing mobile businesses to operate in the City. Mr. Fisher then clarified the definition of “itinerate vendors”, and asked that Council give great thought to the parameters of such use. Mr. Fisher advised that surrounding localities, except for Dinwiddie County, did not allow such an operation and further advised that Chesterfield County, where the business was currently locating, operated on complaint-driven enforcement; however, the City of Colonial Heights did not operate in that manner.

There was continued discussion relative to the operation of such a business in a stationary location with Mr. Piotrowski asking if the business was operating with a business license. Mr. Cherry stated they did not have a business license; however, they were willing to obtain such.

Ms. Hall advised, upon her research, the business does not have a business license in any of the localities in which it practices and provided background information on the operation of a mobile unit.

There was continued discussion by Council with some Council members concerned that the continued operation of such a mobile business would hurt existing brick and mortar businesses. Mayor Kochuba recalled previous discussions by Council relative to the revitalization of the Boulevard and felt authorizing this type of operation could be detrimental to the aesthetics the City was trying to achieve.

There being no further discussion, Mayor Kochuba polled Council relative to its desire to further consider Mr. Cherry’s request to amend the Zoning Chapter’s itinerate merchant provisions so that mobile businesses can operate for 45 days each year:

Poll: 3-4 (FAIL)

Cherry – Yes

Piotrowski – Yes

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Poe – Yes

Wade – No

Wood – No

Luck – No

Kochuba – No

10. Advertised Public Hearing

A. Public Hearing on the proposed FY2022-FY2026 Capital Improvement Plan

Mr. Smith recalled Council’s review and discussion of the Capital Improvement Plan (CIP) advising this was the opportunity for the public hearing with Council’s adoption of the plan at a future meeting.

Mayor Kochuba advised he would concentrate on CIP items, which would be included in the upcoming budget.

Public Comment:

Daryle Chilles, 115 Deerwood Drive, Sean McCawan 113 Deerwood Drive, Dawn Frappollo, 113 Deerwood Drive – The noted individuals approached the podium together to provide comments relative to the erosion of waterfront properties and contamination of the river from run-off water and requested that the project noted in the CIP be moved to 2022.

Mr. Smith advised that the project was scheduled to be addressed in 2022.

Council Comments:

Addressing Mr. Wood’s comments relative to the improvements to the entrance to the animal shelter, Mr. Smith advised the entrance also supported the property marketed by Economic Development which had not been sold; however, the project would not begin until the sale of the property or at some point which may be an incentive for the sale of the property.

Addressing the purchase of a new fire engine, Mr. Piotrowski stated he was still concerned with the condition of the reserve unit and suggested the purchase of a used back-up unit. Responding to Mr. Piotrowski’s comment, Mr. Smith stated he would discuss with Chief Hoover and prepare a response. Before continuing, Mayor Kochuba called for a short recess beginning at 9:16 P.M. At 9:30 P.M., Mayor Kochuba called the meeting to order.

B. AN ORDINANCE 21-FIN-4

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$2,458,986, consisting of 1) \$941,054 in restricted fund balance from VDOT maintenance funds for pavement preservation projects; 2) \$1,500,000 in unassigned fund balance for emergency sewer repairs; 3) \$8,000 in assigned fund balance for the replacement of the HVAC unit on the utilities building; 4) \$2,833 in animal shelter donations; 5) \$6,399 in restricted fund balance for the purchase of a narcotics canine and the associated supplies; 6) \$700 in additional fire program grant funds; and 7) \$125,000 from the contingency reserve to be transferred to the emergency response fund for the August flooding event and February ice storms.

To amend the Emergency Response Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$125,000 which is transferred from the general fund for the August flooding event and February ice storms.

To amend the Capital Projects Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$1,246,353 consisting of 1) \$1,109,604 in state and federal funds for the completion of the Dupuy Avenue Modernization project; and 2) \$136,749 in state and federal funds for the completion of the City Bridges Rehabilitation project.

To amend the Water and Sewer Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$1,500,000 which is transferred from the general fund for emergency sewer repairs.

A motion was made by Mayor Kochuba, seconded by Mr. Piotrowski, to adopt Ordinance No 21-FIN-4.

Mrs. Minor provided background on the ordinance relative to the following:

- **Mrs. Minor reported that the \$941,054 in VDOT maintenance funds are funds which, if not expended, must be reserved and used for street maintenance in future years. Mrs. Minor advised that the amount is reserved Fund Balance which cannot be used for any other purpose.**
- **Mrs. Minor advised that the \$1.5M in unassigned fund balance was for emergency sewer repairs; reporting that there have been six**

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emergency sewer projects since July 1, 2020. Mrs. Minor advised the projects were in need of appropriation as there are not sufficient funds in the water and sewer fund to cover the balance.

- Mrs. Minor reiterated that the \$125,000 would be a transfer from the contingency fund, which is appropriations for the winter storms and summer flooding events.

Mrs. Minor advised staff was following up on the August flooding event in hopes to receive a state declaration which would allow for reimbursements from the Virginia Department of Emergency Management. However, this reimbursement is contingent upon Chesterfield's action moving forward on their part and a declaration for the Governor's Office. With this being said, due to the uncertainty of any action from Chesterfield and the Governor's Office, staff proposed to move forward with funding from the contingency fund.

- Mrs. Minor reported on the two existing transportation project in the Capital Projects Budget which are 100% state-funded and the amounts listed in the budget were to cover additional expenditures for the projects. Mrs. Minor clarified not local funds will be used for the specified appropriations.

Public Comment: None

Council Comments:

Addressing Mr. Wood's question relative to pavement marking installation after roadway projects, Mr. Flippen advised that the contractor was responsible for re-installation for pavement markings. However, the staff utilizes the VDOT state maintenance fund when pavement markings are installed by City staff.

At the request of Mayor Kochuba, Chief Faries provided comments relative to the addition of a new K-9 officer in training. Chief Faries recalled the fundraiser by a local child who raised over \$3,200, matched by approximately \$2,800 raised by the Police Department.

Vote: 7-0
Yes: Cherry
Piotrowski
Poe

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

Motion: UNANIMOUS PASS

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

Motion: UNANIMOUS PASS

11. Hearing of Citizens Generally on Non-Agenda Items

There were none.

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

- A. AN ORDINANCE NO 21-4**
(Second Reading) Awarding the City Manager a 2% bonus.
- B. AN ORDINANCE NO 21-FIN-3**
(Second Reading) To amend the General Fund Budget for the fiscal year beginning July , 2020 and ending June 30, 2021, by appropriating \$45,000 in unassigned fund balance for the purchase of a spreader rack for Public Works.
- C. November 8, 2014 Special Meeting Minutes**
- D. April 26, 2016 Special Meeting Minutes**

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E. March 9, 2021 Special Meeting Minutes

F. March 9, 2021 Regular Meeting Minutes

A motion was made by Mayor Kochuba, seconded by Mr. Piotrowski, to approve the Consent Agenda as presented.

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

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

There were none.

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

A. AN ORDINANCE NO 21-11 – For Discussion Only
To amend § 286-410.62 of Chapter 286, Zoning, of the Colonial Heights, City Code to authorize the operation of mobile food units on a less restrictive basis.

Ms. Hall provided the following information relative to the current and proposed ordinance:

- The permit length extended from three consecutive days to three months**
- The maximum number of permits per year from four to no maximum with easy renewal**
- Fee per permit from \$50 to \$100 regardless of the number of mobile food units which will operate**
- Permitted locations from BB, GB, and religious assembly to all use types; excluding residential**

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- **There was no change in the number of food units allowed**
- **Current ordinance to allow one free-standing sign during operation.**

Dr. Poe stated she felt the increase to \$100 per permit was excessive. There was additional discussion to determine the amount of the fee and whether or not it would deter property owners from allowing mobile food unit (MFU) operation.

Mr. Wood provided comments stating he felt allowing MFU operation would be detrimental to the brick and mortar restaurants in the City. Both Mr. Piotrowski and Mr. Cherry disagreed with Mr. Wood's comments.

It was the decision of Council that MFUs should not operate between the hours of 10:00 P.M. and 6:00 A.M. of any day.

Mayor Kochuba asked for an informal vote to move forward with the proposed changes to Ordinance No. 21-11.

**Yes: Cherry
 Piotrowski
 Poe
 Wade
 Luck
 Kochuba
No: Wood**

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Update on Request for proposals process for City's Audit Firm

Mrs. Minor advised she had received six proposals, of which, the Audit Committee had selected two firms for interview on Wednesday of the following week.

2. Update on Congressional Earmark Funding

Mr. Smith advised he had been contacted by Congressman McEachin's office advising his office was conducting Congressional Earmarks for requests for consideration of project funding. Mr. Smith advised there were no City projects; however, noted the following regional projects which would directly affect the City:

- **Request from FOLAR for several trail projects which would improve the existing trail further benefiting the City's portion of the Appomattox River Greenway Trail.**
- **The potential for a fire training tower project at Ft. Lee allowing for regional fir training.**
- **Several projects submitted through the Tri-Cities Metropolitan Planning Organization**

3. Trash Collection Update

Mr. Smith advised Central Virginia Waste Management Authority (CVWMA) had scheduled a regional call at which time regional participants would hear from the vendor then discussing an action plan to address the inconsistencies being experienced relative to waste collection.

Both Mr. Piotrowski and Dr. Poe expressed their discontent with the service provided by Meridian Waste. Additionally, Mayor Kochuba requested that it be conveyed to CVWMA the number of complaint calls to City Hall which interfere with City staff attention to their daily work.

4. General Activity Report

Mr. Smith thanked Chief Hoover and his staff for their efforts to ensure COVID-19 vaccinations for homebound residents.

Addressing Mr. Cherry's question relative to continued teleworking, Mr. Smith advised he would published additional guidelines addressing teleworking now that many have received their vaccinations.

Mayor Kochuba advised he had spoken with Mrs. Woody to request a joint meeting with the School Board and that meeting is tentatively scheduled for May 18, 2021.

B. City Attorney

Mr. Fisher did not have anything to report.

C. Director of Planning and Community Development

Ms. Hall advised of the following Public Hearings at the April 6, 2021 Planning Commission Meeting:

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- **Ordinance No. 21-10 To adopt the new Comprehensive Plan for the City through 2044**
- **Ordinance No. 21-5 To grant a special use permit to Southgate Square Virginia LLC To permit a hookah establishment at 90 Southgate Square, Suite 180.**
- **Ordinance No. 21-6 To change the land use classification of a 0.65 acre property located at 217 Battery Place**
- **Ordinance No. 21-7 to change the zoning classification of a 0.65 acre property at 217 Battery Place**

Ms. Hall advised that the Planning Commission recommended approval of Ordinance No. 20-10 and 20-5; however, did not recommend approval of Ordinance Nos. 21-6 and 21-7.

Ms. Hall stated the Planning Commission would be meeting in May to discuss Mobile Food Units and the Board of Zoning Appeals would be meeting sometime in May as well.

16. Adjournment

There being no further business, a motion was made by Mr. Cherry, seconded by Mr. Wade, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 10:33 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk