

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, May 11, 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
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, Clerk

3. Devotion

A devotional prayer was led by Mr. Wade.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kochuba.

5. Adoption of Agenda

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

**Vote: 6-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood**

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No: Kochuba
Absent: Luck
Abstained: None

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

All councilmembers present read declarations which were then filed with the Clerk

7. Commendations and Presentations

- A. A PROCLAMATION
Recognizing Ellen McCoy upon earning the Girl Scout Gold Award.**
- B. Presentation by the City Manager regarding proposed compression related pay adjustments.**

Mr. Smith advised of his request from department heads to provide him with their compression concerns within their departments. Mr. Smith provided information relative to proposed pay changes for Grades 15-18 for Public Safety and Public Works beginning July 1, 2021. The following salary/benefit cost adjustments for these departments are as follows:

Police - \$52,000
Fire - \$35,800
Emergency Communications - \$13,200
Sherriff - \$3,000
Public Works - \$2,500

Mr. Smith address comments stressing that the proposed change would make Colonial Heights salaries within these departments more competitive.

Vote: 6-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Kochuba
No: None

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Absent: Luck

Abstained: None

Motion: UNANIMOUS PASS

Before continuing, Mayor Kochuba recognized Mrs. Angie Wood, School Board Chair.

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 21-5

(First Reading) To grant a special use permit to Southgate Square Virginia LLC to permit a hookah establishment at 90 Southgate Square, Suite 180, also known as parcel identification number 69010300001, which is zoned GB – General Business District.

A motion was made by Mayor Kochuba, seconded by Mr. Cherry, to adopt Ordinance No. 21-5.

Ms. Hall provided background information relative to the proposed establishment and also a history of hookah. She advised the applicant had requested a restaurant associated with the smoking lounge; however, the City did not define a use type for establishments dedicated to smoking, therefore, a Special Use Permit was required. Ms. Hall stated the Planning Commission recommended approval by resolution.

Mr. Wood, speaking on behalf of the client, Southgate Square, LLC, was finding it increasingly difficult to find viable tenants and was attempting to broaden the uses for the vacant property. Mr. Wood stated the proposed business would create more jobs, improve the tax base and revenue, and provide a social outlet.

Public comments:

Sue Neery, 415 Norwood Drive – Spoke in opposition of the applicant.

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Donna Pritchett, 210 Winston Avenue – Spoke in opposition of the applicant.

Bo Crowder, 212 Marvin Avenue – Spoke in opposition of the applicant.

In rebuttal, Mr. Wood, directing his comments to the negative statements by the public, stated that the opportunities for bad things to occur was with any business and he didn't feel that an establishment that was somewhat different was going to be more criminal than any other business. Mr. Wood stated that the hookah establishments in Chesterfield and Richmond did not have any more criminal activity than any bar could have. Mr. Wood stated that the response to the previous objections depended upon who was running the business; specifically noting that the land owner was concerned about the surrounding businesses and did not want a tenant who would be detrimental to surrounding businesses.

Mr. Wood continued by providing comments to support the location of the establishment; specifically noting it is a legal operation subject to restrictions as well as innovative and unique to the area.

Council Comment:

Messrs. Piotrowski and Cherry, and Dr. Poe referenced emails received by Council expressing City resident's concerns specific to the hookah establishment.

Mr. Wade recalled the Planning Commission's decision to approve; specifically noting, he was the only dissenting vote.

**Vote: 1-4-1
Yes: Kochuba
No: Cherry
Piotrowski
Poe
Wade
Absent: Luck
Abstained: Wood**

Motion: FAIL

- B. AN ORDINANCE 21-6
(First Reading) To change the land use classification of a 0.65 acre parcel of real property on the Land Use Plan map, which is part of the City Comprehensive Plan (i.e., Master Plan),**

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from Residential – Single Family to Transitional Office. The 0.65 acre parcel is owned by Cynthia Evelyn Peroe, Trustee of the Uma J. Spaight Estate Trust, and is known as 217 Battery Place, parcel identification number 3000010F012, Lots 11 and 12 of Block F of the Colonial Heights Subdivision

A motion was made by Mayor Kochuba, seconded by Mr. Cherry, to adopt Ordinance No 21-6.

Ms. Hall advised this was a land use change in the Comprehensive Plan and provided additional detailed information relative to the dimensions of the property. Ms. Hall stated the property was currently leased to tenants; however, the applicant felt the change to office would bring more desirable tenants.

Richard Peroe, 3229 Morango Drive, Virginia Beach, brother of Cynthia Peroe, executor of the estate. Mr. Peroe advised he and his sister wished to make enhancements to the property to make it more profitable until such time that the property was available to sell. Mr. Peroe advised that currently the property was being used for residential rental property, but it was his desire to convert the property to business rental to ensure payment in an effort to make improvements to the property.

Public Comment:

Janice Averett, 122 Marvin Avenue – Spoke in opposition to the request.

Dana Pritchett, 202 Battery Place – Spoke in opposition to the request.

Bo Crowder, 212 Marvin Avenue – Spoke in opposition to the request.

Council Comments:

Mr. Cherry spoke to the fact that the property was in the middle of single family homes with no close proximity to associated use.

Both Mr. Piotrowski and Mr. Wade echoed Mr. Cherry's comments.

Dr. Poe stated she empathized with Mr. Peroe; however, she did not feel the proposed use would be appropriate for the location.

Mr. Wood stated he would abstain from any comments as he was a resident neighbor.

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Vote: 0-5-1
Yes: None
No: Cherry
Piotrowski
Poe
Wade
Kochuba
Absent: Luck
Abstained: Wood

Motion: FAIL

- C. AN ORDINANCE NO 21-7**
(First Reading) to change the zoning classification of a 0.65 Acre Parcel of real property from RL – Residential Low-Density District to RO – Residential Office District, and to amend the Zoning Map accordingly. The 0.65 Acre parcel is owned by Cynthia Evelyn Peroe, Trustee of the Urma J. Spaight Estate Trust, and is known as 217 Battery Place, parcel identification number 3000010F012, Lots 11 and 12 of Block F of the Colonial Heights Subdivision.

A motion was made by Mayor Kochuba, seconded by Mr. Cherry, to adopt ordinance No. 21-7.

Before opening the floor for public comment, Ms. Hall advised the Planning Commission did not approve the request.

Public Comments:

Richard Peroe, 3229 Morango Drive, Virginia Beach – echoed his previous comments that it was his intent to improve the property by offering rental space to offices and/or small businesses and not residential rental as the current use.

Council Comments: There were none.

Vote: 1-4-1
Yes: Wade
No: Cherry
Piotrowski
Poe
Kochuba

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Absent: Luck
Abstained: Wood

Motion: FAIL

**D. AN ORDINANCE NO 21-11
(First Reading) 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.**

**A motion was made by Mayor Kochuba, seconded by Mr. Piotrowski, to
adopt Ordinance No. 21-11.**

Ms. Hall provided the following changes to the ordinance:

- **Permit length from three consecutive days to three months**
- **Maximum number of permits from four to unlimited**
- **Fee per permit increased to \$100 from \$50**
- **Permit locations from BB, GB, and religious assembly to all use types;
with the exception of residential.**
- **Number of Food Units remained the same; at the discretion of the
Zoning Administrator**
- **Allow one free-standing sign during operation**
- **Allowing for each mobile food unit to be on site only when unit is open
for business**
- **Mobile Food Units shall not operate between the hours of 10:00 P.M.
and 6:00 A.M.**

Public Comments:

**Kevin Paul, 215 Highland Avenue – Spoke in opposition of the increase to
\$100 for the permit fee.**

Council Comments:

**At the request of Dr. Poe, Ms. Hall clarified the changes to permit fees and the
hours of operation.**

**Mr. Wade stated he would like to see non-profit organizations considered
sometime in the future.**

**Mr. Wood stated he would again oppose mobile food unites because he felt
their operation would create a negative impact on the brick and mortar
restaurants in the area.**

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Vote: 5-1
Yes: Cherry
Piotrowski
Poe
Wade
Kochuba
No: Wood
Absent: Luck
Abstained: None

Motion: 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 21-2**
(Second Reading) To change the zoning classification of parcel identification number 69010700002, containing approximately 1.02 acre, known as Lot 2, Sadler Bros. Subdivision, with a street address of 401 Southpark Boulevard, from I – Industrial to GB – General Business; and to amend the Zoning Map accordingly.
- B. AN ORDINANCE NO 21-8**
(Second Reading) Providing for a tax levy on all tangible personal property not either exempt from taxation or otherwise taxed for the tax year commencing January 1, 2022, and ending December 31, 2022 for general municipal purposes.
- C. AN ORDINANCE NO 21-9**
(Second Reading) Providing for a levy on all real estate located in the City not exempt from taxation to be fixed at \$1.20 for the tax year commencing January 1, 2022, and ending December 31, 2022 for general municipal purposes.
- D. AN ORDINANCE No 21-FIN-4**
(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 2, 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 \$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.

- E. AN ORDINANCE NO 21-FIN-6
(Second Reading) Appropriating and providing funds for financing the City of Colonial Heights Public School Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, and approving such budget.**
- F. AN ORDINANCE NO 21-FIN-7
(Second Reading) Adopting the budgets for various funds for the fiscal year beginning July 1, 2021, and ending June 30, 2022, and appropriating the estimated revenues for the year for the principal purposes stated.**
- G. March 16, 2021 Special Meeting Minutes**
- H. April 13, 2021 Special Meeting Minutes**
- I. April 27, 2021 Special Meeting Minutes**

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

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Vote: 6-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Kochuba
No: None
Absent: Luck
Abstained: None

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

- A. AN ORDINANCE NO 21-FIN-8**
(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$28,191 in proceeds from the sale of property to the Violet Bank Restoration Project for the cost of change orders; and a \$20,000 transfer from the Communications budget to the Capital Projects fund for the Next Generation 911/911 Phone System Refresh Project.

To amend the Capital Projects Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$48,191 in transfers from the General Fund consisting of 1) \$28,191 for the Violet Bank Restoration Project; and 2) \$20,000 for the Next Generation 911/911 Phone System Hardware Refresh Project.

A motion was made by Mr. Piotrowski, seconded by Mr. Wade, to approve Ordinance No 21-FIN-8.

Vote: 6-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Kochuba
No: None
Absent: Luck
Abstained: None

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Motion: UNANIMOUS PASS

B. A RESOLUTION NO 21-15

**Approving the Colonial Heights Housing and Community
Development Annual Action Plan and Budget for 2021-2022.**

**A motion was made by Mayor Kochuba, seconded by Mr. Cherry, to approve
Resolution No 21-15.**

Vote: 6-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Kochuba
No: None
Absent: Luck
Abstained: None

Motion: UNANIMOUS PASS

C. A RESOLUTION NO 21-18

**Extending the due date for the payment of real estate taxes to
May 28, 2021.**

**A motion was made by Mayor Kochuba, seconded by Dr. Poe, to approve
Resolution No. 21-18.**

Vote: 6-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Kochuba
No: None
Absent: Luck
Abstained: None

Motion: UNANIMOUS PASS

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

A. AN ORDINANCE NO 21-FIN-5

(Second Reading) Adopting the General Fund Budget for the fiscal year beginning July 1, 2021, and ending June 30, 2022, and appropriating the estimated revenues for the year for the objects and purposes stated herein.

A motion was made by Mayor Kochuba, seconded by Mr. Piotrowski, to approve Ordinance No 21-FIN-5.

Vote: 6-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Kochuba
No: None
Absent: Luck
Abstained: None

Motion: UNANIMOUS PASS

B. A RESOLUTION NO 21-17

Approving the City Manager's Fiscal year 2021-2022 Proposed Annual Operating Budget.

A motion was made by Mayor Kochuba, seconded by Mr. Wade, to adopt Resolution No. 231-17.

Vote: 6-0
Yes: Cherry
Piotrowski
Poe
Wade
Wood
Kochuba
No: None
Absent: Luck
Abstained: None

Motion: UNANIMOUS PASS

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Discussion of the agenda for the joint City Council and School Board Meeting.

Mr. Smith reminded Council that he had previously forwarded a copy of the proposed meeting agenda. Additionally, Mr. Fisher reminded Council that the School Board was not a Council-appointed group, and it would be inappropriate for Council to inquire or discuss the internal operations of school staff.

Mayor Kochuba advised that he had spoken with Mrs. Woody and she and the Deputy Chair were open to speak with any Council member should they have issues they wish to discuss.

2. General Activity Report

Mr. Smith reported on the following:

- Thanked Council and staff for their support during the budget process.
- Reported that the City would be receiving two allocations of funds in the amount of \$6M from American Rescue Act Program. Guidance for use of the funds will be forwarded to the City, at which time Mr. Smith will advise Council.
- Trash collection would be delayed; however, Mr. Smith advised he had discussed this issue with Kim Hynes of CVWMA.
- City-wide clean-up scheduled for May 15 from 8A.M. to 12 P.M.
- Opening night for the Tri-Cities Chili Peppers May 29, 2021.

Before moving on, Mayor Kochuba thanked the Department of Recreation and Parks for their efforts for a successful Fort Clifton Festival.

B. City Attorney

Mr. Fisher advised he would be on vacation the week of August 16, 2021.

C. Director of Planning and Community Development

Ms. Hall advised the Planning Commission held its regular May meeting and reported the following:

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- **The Planning Commission approved Council Ordinance No. 21-11 regarding Mobile Food Units**
- **Planning Commission will hold a June meeting.**
- **The Board of Zoning Appeals will meet Wednesday, May 19, 2021 at 4:00 P.M.**

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 10:04 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk