

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, August 11, 2020**

1. Call to Order

The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:14 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
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 Mayor Kochuba.

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. Green, to adopt the agenda as presented.

**Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski**

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

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

A Declaration of Personal Interest was read by Mr. Frenier and filed with the Clerk.

7. Commendations and Presentations

There were none.

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 20-20
(Second Reading) Amending § 286-530.26 of Chapter 286,
Zoning, of the Colonial Heights City Code by allowing donation
collection bins in the City under certain circumstances.**

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

Mr. Fisher noted this was a very specific amendment to the previous ordinance banning donation bins. Mr. Fisher explained the ordinance carved out specific circumstances for a 501(c)(3) organization operating a retail store to have donation bins.

There were no public comments or comments from Council.

Vote: 7-0

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

Motion: UNANIMOUS PASS

- B. AN ORDINANCE NO 20-22**
(First Reading) To grant a special use permit, with conditions, to the St. Michaels Church Trustees to allow for a 6.8 square foot internally illuminated sign and a 31 square foot electronic message board on a renovated freestanding sign structure at St. Michael’s Episcopal Church, 501 Old Town Drive, also known as parcel identification number 680101010A011, which is zoned RL – Low Density Residential District.

A motion was made by Mr. Frenier, seconded by Mr. Green, to adopt Ordinance No. 20-22.

Ms. Brandy Payne, Assistant Director of Planning and Community Development, provided information relative to the request to Council with visuals of the specific location and look of the sign. Ms. Payne advised that the request had been brought before the Planning Commission and the requirements for the sign would follow the same illumination restrictions as required for the previously approved school signs.

Public Comments: None

Council Comments:

Mr. Cherry advised the Planning Commission unanimously approved the request and asked that Council consider, at the request of the Planning Commission, making these request part of zoning.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.

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

Motion: UNANIMOUS PASS

- C. AN ORDINANCE NO 20-23**
(Second Reading) Amending § 30-3 of Chapter 30, Finance, of the Colonial Heights City Code, to require the Director of Finance to levy a convenience fee whenever a person uses a debit or credit card to pay the City for non-utility related charges; and adding a new § 30-3.1 to Chapter 30 that authorizes the City Manager to waive such fee during an emergency or disaster.

A motion was made by Mrs. Green, seconded by Mrs. Luck, to adopt Ordinance No. 20-23.

Mayor Kochuba recalled prior discussion regarding a rate increase with Mr. Smith adding that the rate increase would not be set for more than 2%.

There were no comments from the public or Council.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

11. Hearing of Citizens Generally on Non-Agenda Items

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The below is a summary of remarks Mr. Wood made addressing a publication on August 7, 2020 by WWBT 12 News titled, “Colonial Heights Police Department partners with Black Lives Matter activist” and Council’s response.

Mr. Wood stated he had been on City Council since 1984 and at no time had he ever criticized a City Department; however, it has come to his attention certain policies had been adopted that were inappropriate. Mr. Wood stated he had received notification from the City Manager regarding the Police Department’s partnership with a local Black Lives Matter (BLM) activist. Mr. Wood noted that the individual had been before Council and believes the actions of the Police Chief sets a false image further stating that BLM is, by its very nature, Marxist. Mr. Wood continued to provide remarks relative to the agenda of the BLM movement stating it is an agency of political change, violent and destructive and all those who embrace it, do so to their own peril.

Mr. Wood stated that it seems that Colonial Heights has apparently reacted like everyone else with regard to the police; however, there is no evidence of wrongdoing and what staff has attempted to do is demonstrate we are not a racist city. Mr. Wood stated he disagreed with a non-citizen, particularly an activist with BLM, participating in the interview process of City Police officers.

In conclusion, Mr. Wood, directing his comments to City Administration and Council, asked, “If we are not perpetrators of these actions, then what is it that we need to prove?” Mr. Wood stated he knew and understood that this was to achieve a certain amount of peace and tranquility to accept the views of others and he thought this was all appropriate; but, to go so far to reward people for not destroying your city and awarding a position on an interview panel? Mr. Wood asked that this policy be stopped immediately.

At the conclusion of Mr. Wood’s comments, Mr. Cherry stated there was a difference in the BLM movement and the BLM organization, which was what Mr. Galberth, the individual referenced by Mr. Wood, was a part of; specifically noting there had been no violence or vandalism as a result of the protests organized by Mr. Galberth. Mr. Cherry stated he wanted to bring clarity as to what Mr. Galberth and Chief Faries were trying to do. Mr. Cherry also advised that for some time, Rev. George Lyons of Gillfield Baptist Church in Petersburg had participated in the hiring process for City police officers and he was not a City resident.

Mr. Wood stated that the media’s statement portrayed the City as supportive of the BLM organization and the action by the Police Department was simply appeasement and that the action should cease.

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Mrs. Luck stated we could not control what the media published and Mr. Wood's actions were reckless and she was proud of the actions of the Police Department. Directing her comments to Mr. Wood, Mrs. Luck stated he had once again brought a topic before Council with no warning or research and she did not appreciate being blindsided and comments such as these needed to be expressed to the City Manager and/or Council members prior to being made in a public meeting.

Mr. Smith stated he supported Chief Faries' actions and offers that staff would provide Council with a full description of their actions and intentions.

Mr. Green stated he would be concerned should the interview panel begin to hire unqualified officers.

Mr. Fisher stated that it seemed there should be objective criteria in choosing individuals to participate in the hiring process.

Mr. Frenier stated being that Rev. Lyons had been participating in the police officer hiring process in the past and he did not have any issues with this practice.

At the conclusion of the discussion, Mayor Kochuba asked for an informal roll call vote in support of Mr. Wood's request for the Police Department to not allow Mr. Galbert, to participate in the interview process for the hiring of Colonial Heights police officers.

**Vote: 1-6
Yes: Wood
No: Cherry
Frenier
Green, Jr.
Piotrowski
Luck
Kochuba
Absent: None
Abstained: None**

Informal Vote: FAIL

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

A. AN ORDINANCE NO 20-FIN-13

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by transferring appropriations in the amount of \$45,000 from Contingency to Buildings and Grounds for emergency repairs of the Courthouse HVAC system; and 2) transferring \$28,191 from Contingency to the Emergency Response Fund for hazard pay for certain public safety employees.

To amend the Emergency Response Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, to appropriate a total of \$594,051 for direct costs of the COVID-19 response, comprised of \$565,860 received from federal sources and \$28,191 from the City.

B. AN ORDINANCE NO 20-FIN-14

(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$31,013; 1) to appropriate \$17,216 in Office of Emergency Medical Services grant funds for the purchase of EMS equipment, and 2) to appropriate \$13,797 in CDBG funds anticipated in excess of the current budget.

To amend the Capital Projects Fund Budget, as previously adopted by Council, by reducing appropriations by \$210,972 and transferring funds from the Boulevard Enhancement Project and the Appomattox Greenway Trail Project (ARGT) to the North Elementary Sidewalks Project, and Redevelopment Project.

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

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

A. AN ORDINANCE NO 20-FIN-15

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, by appropriating \$3,270 in State Homeland Security Program (SHSP) grant funds for personnel costs; transferring \$5,000 from the regional jail budget to debt service; and transferring \$125,750 from public safety to judicial administration for community corrections and drug court.

A motion was made by Mr. Green, seconded by Mr. Piotrowski, to adopt Ordinance No. 20-FIN-15.

Mr. Smith provided additional comments further explaining the appropriations and transfers with Ms. Fenner, Assistant Finance Director, clarifying that although the “books” were closed for the year, expenditure adjustments could be made through the end of August.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

B. AN ORDINANCE NO 20-FIN-16

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, by appropriating \$8,980 in State Homeland Security Program (SHSP) grant funds for the purchase of police equipment.

To amend the Economic Development Authority Fund Budget for the fiscal year beginning July 1, 2020 and ending June 30,

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2021, to appropriate \$500,000 received from the City's CARES funds for the Small Business Grant Program.

A motion was made by Mayor Kochuba, seconded by Mr. Piotrowski, to approve Ordinance No. 20-FIN-16.

Mr. Smith provided additional clarification of appropriations within the ordinance; specifically noting that the EDA had already allocated \$200,000 of the \$500,000 for the Small Business Grant Program.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

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

There were none.

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Discussion Regarding the Agreement with Collegiate Baseball Experience and Shepherd Stadium Facility Updates

At the request of Mr. Smith, Mr. Skalak provided Council with a brief presentation showing the latest updates to Shepherd Stadium to accommodate the Chili Peppers. After the presentation, Mr. Skalak reported that the Chili Peppers season was canceled; however, City staff has been working with the Chili Peppers to provide a revenue source to help compensate for revenue loss due to the canceled season. Mrs. Skalak stated the Chili Peppers would be holding four-day "showcase tournaments" which were to be livestreamed;

this will bring teams and their families to the City, helping to boost lost revenue.

Continuing, Mr. Skalak reported the following amendments to the original agreement between the Chili Peppers and the City:

- Increase annual payments to the City by \$5000 per year
- Providing for up to 10 annual Colonial Heights Youth Tournaments
- Allowing for alcohol to be properly locked and secured in a CBE provided on-site facility
- Allowing for the Chili Peppers to hire a Recreation and Parks employee or a mutually agreed upon non-Recreation and Parks employee experienced in facilities maintenance consistent with the recreation and parks department's practices and procedures.

Mr. Skalak provided Council with additional information relative to the cost of the tournaments held and concerns relative to insurance coverage for the proposed employee hired for field maintenance.

2. Emergency Management

Chief Hoover provided comments relative to the most recent tropical storm affecting the area noting that his staff was prepared and there had been minimal power outages and damage. Continuing, Chief Hoover advised calls were back to pre-COVID activity. Chief Hoover thanked Mrs. Melvin and Mrs. Minor for their attentiveness to meeting the PPE needs.

In conclusion, Chief Hoover advised there had been a total of 8 employees with positive cases and 22 cases of employees' exposed or experiencing close contact.

Continuing, Mr. Smith provided an update on CARES funding received noting the City had received an additional \$1.3M in funding. Mr. Smith expressed challenges in appropriating the funding as the expiration is December 2020 and no allocation can be applied to revenue loss. Mr. Smith stated that current expenditures to date were \$480,000 and specifically noted that the EDA had added an additional tier of funding and was monitoring applications as they continue to come in for the Small Business Grant Program.

Mr. Smith recalled Council's approval of 12 weeks of hazard pay for public safety personnel and proposed an additional 12 weeks of such pay. Additionally, Mr. Smith recommended some type of compensation for employees who did not receive hazard pay.

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Mr. Smith provided information staff had researched relative to funding to acquire an ambulance to be dedicated as a COVID-19 response unit. At the request of Mr. Smith, Chief Hoover addressed questions from Council relative to the need for additional personnel to man the vehicle, stating additional personnel would not be necessary. Additionally, Chief Hoover, addressing Mrs. Luck's question, stated that the total cost of the ambulance would be approximately \$400,000 totally equipped.

After additional discussion, Mayor Kochuba asked for an informal vote authorizing the use of CARES Act funds for the purchase of an ambulance dedicated as a COVID response vehicle.

Vote: 7-0
Yes: Cherry
Frenier
Green, Jr.
Piotrowski
Wood
Luck
Kochuba
No: None
Absent: None
Abstained: None

Motion: UNANIMOUS PASS

3. Code Enforcement Update

Mr. Smith, with the assistance of Ms. Payne, provided Code Enforcement statistics specifically noting the YTD numbers for tall grass and trash can placement being the greatest numbers. Ms. Payne addressed the items associated with exterior storage of objects not allowed on the exterior of the residence. Additionally, Ms. Payne addressed the process for notification of violation and explained the timeframe for turnaround of certified letters sent.

Mr. Fisher stated he has encouraged staff to post notice at the property and send violation notices first class as well as certified.

4. General Activity Report

Mr. Smith advised of the following general information:

- There will be no August Work Session**

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- **The Billing and Collection Office will be closed August 24th and 25th for implementation of the new financial system.**

Mr. Cherry noted that the school and recreational leagues were canceled for the upcoming year and requested information on the schools position regarding the use of their sports facilities.

B. City Attorney

Mr. Fisher advised of code enforcement issues related to swimming pools. Additionally, Mr. Fisher provided Council with updates relative to the property at 608 Hamilton Avenue and the City's proposal for bids to repair the property. Mr. Fisher reported that bids had been received, and the lowest was \$73,000. Mr. Fisher stated there were possible modifications, and he and the City Manager were working with the purchasing agent to bring the price down to approximately \$55,000.

Addressing Mrs. Luck's question relative to demolition of the property, Mr. Fisher advised that the building official stated the property was not a candidate for demolition.

C. Director of Planning and Community Development

Ms. Payne reported on the following from the August 4, 2020 Planning Commission Meeting:

- **Unanimous pass to allow for collection bins in certain circumstances**
- **Unanimous pass to allow for an illuminated message sign at St. Michaels Church**
- **The next Planning Commission meeting would be held September 2, 2020**

Ms. Payne addressed questions from Council relative to the removal of those donations bins not allowed stating certified letters had been sent out but there had been no response at this time.

Mr. Smith addressed Mr. Frenier's question relative to the stagnation of the pond at the interchange stating staff had purchased an additional boat and was working with VDOT to obtain a chemical permit to treat the pond.

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 9:16 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk