

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, December 14, 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. Hugh P. Fisher, III, City Attorney
Mrs. Pamela B. Wallace, Clerk
Mrs. Sheila Minor, Finance Director

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 made by Mayor Kochuba, seconded by Mr. Cherry, to adopt the agenda as presented.

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

Regular Meeting Minutes

December 14, 2021

Page 2

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

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

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

Before moving forward, Mayor Kochuba recognized Senator Amanda Chase, and Mr. Keith Kapinskis from the School Board.

7. Commendations and Presentations

A. New City Employee Introductions

Chief Faries introduced the following new employees to the Police Department:

Christopher Ayers – Police Officer
Zaneisha Clay – Police Officer
Rocky Navarro – Police Officer
Hannah Jones – Staff Assistant

B. Recognizing Mrs. Sheila Minor for her services as City Finance Director and Mrs. Harriet Frenier for her services as City Treasurer.

Mayor Kochuba recognized and thanked both Mrs. Minor and Mrs. Frenier for their services during their time at the City and presented each with a City coin.

C. Recognition of Councilman Michael A. Cherry for his service to the City of Colonial Heights while serving as Councilman.

Mayor Kochuba thanked Mr. Cherry for his service and dedication to the City while serving on Council and congratulated and wished him well as he will be serving as the City's delegate, replacing Kirk Cox. Mayor Kochuba presented Mr. Cherry with a gift from Council as well as a City coin. At the

invitation of Mayor Kochuba, the Council Members, and the City Attorney made remarks to Mr. Cherry.

D. Presentation of the Annual Comprehensive Financial Report.

Mr. Travis Gilmer of Brown Edwards provided comments supporting the City's Annual Comprehensive Financial Report. Mr. Gilmer thanked Council for the opportunity to provide services to the City and advised the City received a clean audit opinion. Mr. Gilmer also thanked Mrs. Minor and the Finance Department staff for the cooperation and willingness to assist him and his staff during the audit process.

8. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

9. Written Petitions and Communications

- A. Dr. Laura Poe to address Council requesting to evaluate the creation of a 'Collection and Usage Policy of Vaccination Status' for all City Departments that will provide Protection of confidential medical information, protection of employee medical data, and protection against discriminatory litigation.**

Dr. Poe provided Council with several handouts which provided information relative to COVID policy requirements in the workplace. Dr. Poe inquired of Mr. Smith as to the City's current COVID policy relative to vaccinated and unvaccinated employees and the reporting of such. Dr. Poe stated she did not have an opinion as to the vaccination status of an employee.

After Dr. Poe provided Council with information, she advised Senator Amanda Chase was present to present additional information to Council. Mr. Fisher advised that a motion and second had to be made by Council, to allow Senator Chase to speak. This being said, a motion was made by Mr. Wood, seconded by Mr. Cherry, to allow Senator Chase to address Council. There was no roll call by the Clerk.

Senator Chase advised Council of her intent to introduce legislation at the next session of the General Assembly which will address the mask and vaccination mandate and provided further information relative to the proposed legislation.

A motion was made by Dr. Poe, seconded by Mr. Cherry, to not collect vaccination status information from employees at the current time.

Regular Meeting Minutes

December 14, 2021

Page 4

Mr. Cherry stated he would side with Dr. Poe; however, staff needed adequate time to assess the current procedure and put a policy in place.

At this time, Mr. Smith addressed questions from Dr. Poe relative to the current status of a City-wide COVID Policy.

Mrs. Luck requested that, due to the large amount of information presented to Council prior to the motion, Dr. Poe withdraw her motion to give Council adequate time to review the information presented before making a decision.

Mr. Fisher stated it was his opinion that staff should not rush into the creation of another policy and should wait until the new administration in the Governor's office determines their position; as this may be a moot point. There was continued discussion between Mr. Wood and Mr. Fisher relative to the need for a policy.

At the conclusion of the discussion, Mayor Kochuba called for the vote.

Vote: 3-4
Yes: Cherry
Poe
Wood
No: Piotrowski
Wade
Luck
Kochuba
Absent: None
Abstained: None

Motion: FAIL

Dr. Poe requested that the failed motion be placed on the Retreat agenda for further discussion.

- B. Dr. Laura Poe to address Council regarding Public School mental health available resources – Information al Update.**

Dr. Poe provided background information relative to her service on the Youth Services Commission and the Office on Youth's participation in a survey administered to school students which identified a percentage of students who have had thoughts of suicide. Dr. Poe advised that the Office on Youth has been working with school administration and the implementation of Mental Health First Aid. Dr. Poe advised a member of the school administration is

Regular Meeting Minutes

December 14, 2021

Page 5

enrolled in the Mental Health First Aid program which will train him to further train teachers in identifying mental health issues in students.

Dr. Poe advised that District 19 no longer receives funding to provide school-based therapy to address those with identified needs. Additionally, the schools have had difficulty hiring psychologists and currently there is only one school psychologist for the entire school system.

Dr. Poe stated she was only providing Council with this information.

C. Receive and Open Bids for a Telecommunications Franchise.

Mr. Fisher advised the City was in need of a new franchise agreement from at least one provider to provide telecommunications services within the City. Mr. Fisher advised the City had solicited bids from any possible provider to provide such services and had received only one response from the current provider; which was Verizon Virginia. Mr. Fisher further advised he had negotiated with Verizon a 15-year franchise agreement to become effect upon signing by both parties. Mr. Fisher clarified that Verizon would not provide cable services.

At the request of Mr. Fisher, Mayor Kochuba asked if there was anyone present who wished to submit a bid for consideration. There being none, Mayor Kochuba closed the bidding process and moved forward to the public hearing to vote on the franchise ordinance.

10. Advertised Public Hearing

**A. AN ORDINANCE NO 21-21
(First Reading) To grant a non-exclusive franchise to Verizon Virginia LLC to operate a telecommunications system in the City of Colonial Heights, Virginia and to approve a Telecommunications Franchise Agreement.**

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

There were no comments from the public or Council. Therefore, Mayor Kochuba called for a vote.

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

Regular Meeting Minutes

December 14, 2021

Page 6

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

Motion: UNANIMOUS PASS

- B. AN ORDINANCE NO 21-22**
(Second Reading) To adopt a revised General Pay Plan Class and Salary Range that increases the salary range for various part-time positions, including, but not limited to, those part-time positions affected by the Virginia legislative mandate effective January 1, 2022, for an \$11.00 per hour minimum wage.

A motion was made by Mrs. Luck, seconded by Mr. Cherry, to adopt Ordinance No. 21-22.

There were no comments from the public or Council.

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

Motion: UNANIMOUS PASS

- C. AN ORDINANCE NO 21-24**
(First Reading) Amending §§ 286-202.10 and 286-310.04 of Chapter 286, Zoning, of the Colonial Heights City Code, and adding § 286-410.26 to Chapter 286, providing for the location of cannabis dispensing facilities in the GB – General Business District. (The City manager recommends postponing to a future meeting)

Regular Meeting Minutes

December 14, 2021

Page 7

Mayor Kochuba advised the ordinance would be modified and sent back before the Planning Commission for consideration and review before coming back to Council for approval.

- D. AN ORDINANCE NO 21-25
(First Reading) Amending § 30-3 of Chapter 30, Finance, of the Colonial Heights City Code, by imposing a maximum convenience fee of 2% of the amount paid whenever a person uses, for any transaction with the City, except for a transaction with the Department of Recreation and Parks, a credit or debit card the City accepts; and further amending § 30-3 by allowing the imposition of a convenience fee whenever an accepted credit or debit card is used to pay a City utility bill.**

A motion was made by Mr. Wade, seconded by Mrs. Luck, to adopt Ordinance No. 21-25.

There were no comments from the public.

Council comments:

Mr. Cherry stated he did not approve of imposition of fees upon citizens; however, these were fees imposed by the credit card company and the City was just cost sharing with those using this service.

**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

Regular Meeting Minutes

December 14, 2021

Page 8

Lee Chapman, 1313 Hermitage Road – Spoke to the mask requirements imposed on children and teachers in the schools and expressed his opposition to such requirements.

Mr. Fisher clarified that the School Board was mandated by the State Health Commissioner to enforce such requirements and Council had no authority over the matter.

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

**A. AN ORDINANCE NO 21-18
(Second Reading) To amend § 258-16 of Chapter 258, Taxation, of the Colonial Heights City Code to include income from all sources living in the household, including non-relatives of the owner, when calculating real estate tax relief for the elderly and disabled.**

**B. AN ORDINANCE NO 21-FIN-15
(Second Reading) To adopt the Emergency Response Fund Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, and deposit into such Fund \$630,000 in American Rescue Plan Act State and Local Fiscal Recovery Funds (SLFRF) for an assessment of the City's Sewer Infrastructure.**

C. August 13, 202 Special Meeting Minutes

D. April 20, 2021 Special Meeting Minutes

E. May 11, 2021 Regular Meeting Minutes

F. November 9, 2021 Special Meeting Minutes

G. November 9, 2021 Regular Meeting Minutes

H. November 16, 2021 Special Meeting Minutes

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

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

Regular Meeting Minutes

December 14, 2021

Page 9

**Poe
Wade
Wood
Luck
Kochuba**

No: None

Absent: None

Abstained: None

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

- A. AN ORDINANCE NO 21-27
(First Reading) Awarding a \$500 bonus to each full-time sworn employee in the Police Department and awarding to certain police officers signing bonuses of \$1,500 and referral bonuses of \$1,000.**

A motion was made by Mr. Cherry, seconded by Mr. Piotrowski, to adopt Ordinance No. 21-27.

Mr. Smith advised that the City previously received \$36,130 in state funding from the Department of Criminal Justice Services for recruitment and retention of police department sworn personnel. Mr. Smith and Chief Faries propose awarding a \$500 bonus to all full-time sworn personnel in the Police Department (approximate cost: \$24,000 before FICA).

For the remaining funds, the Mr. Smith and Chief Faries propose the following:

- Award a \$1,500 signing bonus for incoming certified police officers**
- Award a \$1,000 referral bonus to existing officers (to be paid in installments) when referring a new officer who is hired by the department. For the signing bonus and referral bonus programs above, staff proposes to continue these programs indefinitely (including after the state funds are utilized, as long as funding is available within the Police Department's approved budget).**

Mr. Cherry commended Mr. Smith and Chief Faries for the proposal.

**Vote: 6-0-1
Yes: Cherry
Piotrowski
Wade**

Regular Meeting Minutes

December 14, 2021

Page 10

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

Motion: UNANIMOUS PASS

B. AN ORDINANCE NO 21-FIN-16

(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$128,542, consisting of 1) \$4,000 in Virginia Risk Sharing Association Grant funds to the Police Department; 2) \$3,700 in e-citation funds to the Police Department; 3) \$3,371 in Byrne Justice Assistance Grant Funds to the Police Department; 4) \$55,000 in assigned fund balance to reimburse the Contingency Fund for the purchase of a fire truck; 5) \$21,200 in Library of Virginia ARPA Grants to the Library; 6) \$2,961 in current and prior year litter control funds; 7) \$36,310 in prior year DCJS Grant funds to the Police Department; and 8) \$2,000 donation from Asset Protection Group, Inc. to the Sheriff's Department

A motion was made by Mr. Cherry, seconded by Mr. Wade, to adopt Ordinance No. 21-FIN-14.

Mr. Smith provided additional explanation of the ordinance with Mr. Cherry noting the majority of the items listed in the ordinance were grant funded.

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

Motion: UNANIMOUS PASS

Regular Meeting Minutes

December 14, 2021

Page 11

- C. A RESOLUTION NO 21-44
Appointing Kenneth B. Frenier to fill a vacancy on City Council, effective on January 1, 2022, until the City's qualified voters fill the vacancy by special election and the person so elected has qualified.**

A motion was made by Mrs. Luck, seconded by Mr. Cherry, to adopt Resolution 21-44.

**Vote: 7-0
Yes: Cherry
Piotrowski
Poe
Wade
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 was none.

- 15. Reports of Officers and Documents Related Thereto.**

- A. City Manager**

- 1. City Council Retreat Draft Agenda**

Mr. Smith advised of the attached draft agenda and requested Council to forward him any additional retreat agenda items; noting he would include Dr. Poe's earlier request related to the creation of a collection and usage policy of vaccination status.

Mrs. Luck challenged Council members to think of Council priority items when submitting their retreat agenda items.

- 2. Emergency Management Update**

Mr. Smith provided current COVID statistics and advised the Community Building was currently closed due to COVID.

3. General Activity Report

Mr. Smith took the opportunity to thank Mrs. Minor and Mrs. Maria Yench, Finance Director of Colonial Heights Schools, for their efforts supporting the City's preparation of the audit. Mr. Smith continued by thanking Mrs. Minor and recognizing her for her efforts and dedication to the Finance Department and wished her well in her future endeavors as Henrico County's Finance Director. Mr. Smith then recognized Christina Sadler as the Acting Finance Director.

B. City Attorney

Mr. Fisher advised that Mrs. Maria Yench would be retiring at the end of the year and commended her for an outstanding job.

C. Director of Planning and Community Development

Mr. Smith advised that the Planning Commission did meet last week and would hold a meeting on January 4, 2022.

Mr. Cherry invited Council to his official swearing in as Delegate at the State Capital on January 23, 2022.

16. Adjournment

There being no further business, a motion was made by Mr. Cherry, seconded by Dr. Poe, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 9:18 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk