

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, February 8, 2022**

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 Kenneth B. Frenier
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
Mr. Douglas E. Smith

3. Devotion

A devotional prayer was led by Mrs. Luck.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Vice Mayor Luck.

5. Adoption of Agenda

A motion was made by Mayor Kochuba, seconded by Mr. Wade, to amend the agenda by removing Items 10A and 10B to the March 8, 2022 Regular Meeting Agenda.

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

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

Motion: UNANIMOUS PASS

A motion was made by Mayor Kochuba, seconded by Mr. Frenier, to approve the agenda as amended.

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

Before moving forward, Mayor Kochuba recognized Mr. Chris Kollman, Chair of the Colonial Heights School Board.

7. Commendations and Presentations

- A. Recognizing Lieutenant Horace Hines on this retirement from the Colonial Heights Fire Department.**
- B. Presentation of the City's annual donation to the Colonial Heights High School After Prom Celebration.**

8. Reading of Manner of Addressing Council.

Mr. Fisher read the Manner of Addressing Council.

9. Written Petitions and Communications

A. Receive and open bids for a Variable Width Driveway Maintenance Easement to and from Ellerslie Avenue.

Mr. Fisher asked Council to recall the Public Hearing for first reading and approval of Ordinance No. 22-3 at the January 11, 2022 meeting, further explaining the advertisement and bid process for such a project. Mr. Fisher advised the City had already received a bid from Dunlop Station LLC for a variable width driveway maintenance easement to and from Ellerslie Avenue and the purpose of this item was to receive and open any other bids.

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. A motion was made by Mr. Piotrowski, seconded by Dr. Poe, to accept the bid from Dunlop Station LLC.

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

Motion: UNANIMOUS PASS

B. Request for a Special Use Permit allowing for an additional companion animal - Robert Trent, 225 Biltmore Drive requests approval to house one additional canine at his residence.

A motion was made by Mr. Piotrowski, seconded by Dr. Poe, to approve the Special Use Permit request from Robert Trent.

Mayor Kochuba reviewed the report presented by Animal Control noting staff's recommendation of approval. The applicant was not present at the meeting.

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

Motion: UNANIMOUS PASS

- C. Request for a Special Use Permit allowing for additional companion animals – Carli McCurry, 110 Lexington Drive requests to temporarily house six foster canines.**

A motion was made by Mr. Piotrowski, seconded by Dr. Poe, to approve the Special Use Permit request from Carlie McCurry.

Mayor Kochuba reviewed Animal Control’s report noting their recommendation to only maintain two foster canines.

Captain Foster provided background information relative to Ms. McCurry’s situation advising she currently has four foster canines ready for adoption and plans to only foster two at a time in the future. Captain Foster advised that inspection of the home and facility revealed substantial room for the canines and the neighbors were supportive of the request made by Ms. McCurry and her rehabilitation efforts of the canines.

Mr. Fisher asked for clarification as to the number of additional companion animals the applicant wanted to keep; specifically noting that there were already four birds at the residence, which met the maximum for companion animals.

There was continued discussion to clarify the number of animals at the residence and the number of rescue animals to be allowed at any given time.

At the request of Captain Foster, Ms. McCurry provided additional clarification of her request, agreeing to the recommendation made by Animal Control for the allowance of only two foster canines at one time.

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Council agreed to permit Ms. McCurry up to 6 extra companion animals (four “regular” dogs and 2 foster dogs at any one time).

10. Advertised Public Hearing

A. AN ORDINANCE NO 22-1

(First Reading) to grant a special exception permit to Southpark Mall CMBS LLC to permit multi-family residential apartments at the site of the former Sears Building located at Southpark Circle, also known as parcel identification number 68204700013, which is zoned GB – General Business District.

This item was removed from the agenda to be placed on the March 8, 2022 Regular Meeting Agenda.

B. AN ORDINANCE NO 22-2

(First Reading) To grant a special use permit to Southpark Mall CMBS LLC, located at Southpark Circle, also known as parcel identification number 68204700013, and zoned GB – General Business, to allow the redevelopment of the former Sears Building into multi-family residential apartments.

This item was removed from the agenda to be placed on the March 8, 2022 Regular Meeting Agenda.

C. AN ORDINANCE NO 22-4

(First Reading) Approving a real property tax exemption for parcel Identification number 69010000009, which is owned by Keystone Truck and Tractor Museum, Inc. and has a street address of 860 West Roslyn Road

A motion was made by Mr. Piotrowski, seconded by Mr. Frenier, to adopt Ordinance No. 22-4.

Mr. Fisher provided Council with information relative to Keystone’s request for tax exemption status for the 860 W. Roslyn Road location and reminded Council of their previous approval of a tax exemption for the museum located at 880 W. Roslyn Road in the amount of approximately \$40,000.

Public Comments: There were none.

Council Comments:

There was discussion by Council relative to the use of the proposed location as opposed to the museum location which generated revenue.

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After several minutes of discussion, it was the unanimous decision of Council not to approve the request based upon the fact that the building was not open to the public and served as a “warehouse” for equipment refurbishment and repair.

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

D. AN ORDINANCE NO 22-FIN-1

To amend the General Fund Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$131,038, consisting of 1) \$6,000 in donations to the Police Department, 2) \$15,500 in assigned fund balance for the TMDL Placeholder Project 3) \$85,000 in assigned fund balance for the North Elementary Sidewalks Phase I Project, 4) \$2,587 in COVID ES DCJS Grant to the Police Department, 5) \$16,463 in Byrne JAG Grant Program FY22 Training and Equipment for the Police Department, and 6) \$5,488 in assigned fund balance to the Police Department from asset forfeiture funds, which is the local match requirement for the Byrne JAG Grant Program.

To amend the Emergency Response Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$479,646, consisting of 1) \$375,492 in American Rescue Plan Act State and Local Fiscal Recovery Funds (SLFRF) for utility lines on Lakeview Avenue associated with the Lakeview Avenue Modernization Project and 2) \$104,154 in ARPA SLFRF Municipal Utility Assistance Program funds to be applied to Residential Utility Customer Accounts.

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To amend the Capital Projects Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$2,618,499, consisting of 1) \$2,142,507 of state and federal highway construction funds to the Lakeview Avenue Widening Project, 2) \$375,492 of SLFRF funds for utility lines on Lakeview Avenue associated with the Lakeview Avenue Modernization Project transferred from the Emergency Response Fund, 3) \$85,000 in transfer of assigned fund balance from the General Fund for the North Elementary Sidewalks Phase I Project, and 4) \$15,500 in transfer of assigned fund balance from the General Fund for TMDL Placeholder Project. Also, to amend the Capital Projects Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by transferring \$375,000 from the Lakeview Avenue Utilities Project to the Lakeview Avenue Modernization Project.

A motion was made by Dr. Poe, seconded by Mr. Wade, to adopt Ordinance No.22-FIN-1.

Mr. Smith recalled Council's previous approval of the ordinance on first reading and provided brief comments further explaining the appropriations listed.

Public Comments: There were none.

Council Comments: There were none.

Vote: 7-0
Yes: Frenier
Piotrowski
Poe
Wade
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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Lee Chapman, 1313 Hermitage Road – Expressed his concerns relative to the proposed trail along the old railroad bed behind Sherwood Hills.

Alayna Chapman, 1313 Hermitage Road – Spoke to the negative effects of wearing masks in school.

Hannah Fleeter, 1212 Burlington Drive – Spoke in opposition to the mask requirements as set forth by Colonial Heights Public Schools.

Rebecca Galyen, 1200 Covington Road – Spoke in opposition to the mask requirements as set forth by Colonial Heights Public Schools.

Mary Elizabeth Fleeter, 1202 Burlington Drive – Spoke in opposition to the mask requirements as set forth by Colonial Heights Public Schools.

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

**A. AN ORDINANCE NO 21-23
(Second Reading) To grant a special use permit to Christian Life Center located at 505 Lakeview Avenue, also known as parcel identification number 1900010Y001, and Swearingen Realty Company, allowing for an addition to the existing religious assembly, on a consolidated parcel**

**B. AN ORDINANCE NO 22-3
(Second Reading) Approving a Deed of Easement granting Dunlop Station, LLC a variable width driveway maintenance easement across parcel identification number 6702000001A, consisting of approximately 2,684 ± square feet, to allow for vehicles to make a right turn from Ellerslie Avenue into the Dunlop Village Shopping Center and a right turn onto Ellerslie Avenue from the Dunlop Village Shopping Center.**

C. April 19, 2016 Special Meeting Minutes

D. June 7, 2016 Special Meeting Minutes

E. July 12, 2016 Special Meeting Minutes

F. April 18, 2017 Special Meeting Minutes

G. April 17, 2018 Special Meeting Minutes

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- H. May 15, 2018 Special Meeting Minutes**
- I. September 18, 2018 Special Meeting Minutes**
- J. November 19, 2019 Special Meeting Minutes**
- K. December 8, 2020 Special Meeting Minutes**
- L. December 8, 2020 Regular Meeting Minutes**
- M. January 11, 2022 Special Meeting Minutes**
- N. January 11, 2022 Regular Meeting Minutes**

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

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

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

- A. AN ORDINANCE NO. 22-FIN-2**
(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$32,000, consisting of 1) \$1,200 in assigned fund balance to Water and Sewer; 2) \$26,000 in assigned facility fund balance for the Courthouse HVAC Software upgrade; and 3) \$5,100 in donations to the Sheriff's Department.

To amend the Water and Sewer Fund Balance for the fiscal year beginning July 1, 2021 and ending June 30, 2022, by appropriating \$125,712, consisting of 1) \$124,512 in refund

from the South Central Wastewater Authority (SCWA) for emergency repairs of Crestwood Drive sewer lines; and 2) \$1,200 transferred from the General Fund Assigned Balance.

A motion was made by Mrs. Luck, seconded by Mr. Wade, to adopt Ordinance No 22-FIN-2.

Mr. Smith provided brief comments relative to the appropriations; specifically noting the infrastructure project which began in January 2022 with a proposed completion date of July 2022.

**Vote: 7-0
Yes: Frenier
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. Discussion Regarding Debt Financing/re-financing

Mr. Smith advised this item was going to be moved to the February work session.

2. General Activity Report

Mr. Smith advised of tourism funds coming from ARPA fund in a City appropriation in the amount of \$50,000. Mr. Smith provided background information relative to Richmond Regional Tourism's marketing plan

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including participating entities with a goal to drive tourism recovery. Mr. Smith stated that the City's tourism industry was hotel use and further explained that Colonial Heights was part of the Petersburg Area Regional Tourism (PART). Mr. Smith advised that since if the City's previous ARPA funds were donated to PART to develop an advertising campaign.

With this being said, Mr. Smith recommended that the current ARPA funds be divided between Colonial Heights and Petersburg allocating \$25,000 each. Mr. Smith stated if need be, a follow-up appropriation would be brought before Council at a later meeting. Mr. Smith stated he was seeking Council's support of this action. At Mr. Smith's request, Mayor Kochuba polled Council for their support.

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

Motion: UNANIMOUS PASS

B. City Attorney

Mr. Fisher provided information on the Westover Intersection Improvement Project and the City's acquisition of property to allow for an additional turn lane onto the Boulevard. Mr. Fisher advised of three properties which will be involved in the condemnation process, that a resolution will be on the March 8 meeting agenda to authorize condemnation of the three properties.

C. Director of Planning and Community Development

Mr. Smith advised he had nothing to report as the Planning Commission and Board of Zoning Appeals did not meeting in February.

16. Adjournment

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There being no further business, a motion was made by Mr. Wade, seconded by Mrs. Luck, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 8:41 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk