

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, December 13, 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
Councilwoman Elizabeth G. Luck
Councilman John E. Piotrowski
Councilwoman Dr. Laura F. Poe
Councilman John T. Wood
Vice-Mayor Robert W. Wade
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 the Honorable John E. Piotrowski.

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 Vice-Mayor Wade, to approve the agenda as presented.

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

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

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

Declaration was read by Dr. Poe then 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. Fall Line Trail Public Comments

Mr. Todd Flippen, Director of Public Works, provided a history of the proposed Fall Line Trail from its conception to the present, to include the proposed route, approved project funding, and public information meetings.

At the conclusion of Mr. Flippen's comments, Mayor Kochuba opened the floor for public comments.

John Howe, 305 Prince Albert Avenue – Mr. Howe spoke in support of the proposed trail.

Sean Eichert , 201 Breezy Hill Drive– Spoke in support of the proposed trail.

David Hudson, 125 West Highland Avenue – Spoke in support of the proposed trail.

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Mike Norkus, 208 Biltmore Drive – Spoke in opposition of the proposed trail.

Heather Minitree, 500 Fairmont Drive – Spoke in opposition of the trail.

Tim Minitree, 500 Fairmont Drive – Spoke in opposition of the trail.

Michael Whitfield, 103 School Avenue – Spoke in support of the proposed trail.

Holly Whitfield, 103 School Avenue – Spoke in support of the proposed trail.

Amanda Minitree, 100 Creff Avenue – Spoke in opposition of the proposed trail.

Kevin Burcham, 224 Maple Lane – Spoke in support of the proposed trail.

Christine Eichert, 201 Breezy Hill Drive – Spoke in support of the proposed trail.

Cara Hicks, 1256 River Oak Drive – Spoke in support of the proposed trail.

Nathaniel Minitree, 100 Creff Avenue – Spoke in opposition of the proposed trail.

There being no further comments from the public, Mayor Kochuba closed the floor for comments.

Mr. Smith advised that the majority of the trail was located on City-owned property; therefore, there must be approval of such easement by the City allowing the trail. Mr. Smith then read the draft letter of support; specifically noting the proposed changes relative to alignment of the trail adjacent to homes with specific attention to the Biltmore Avenue area.

Both Mayor Kochuba and Dr. Poe shared similar concerns relative to the City's contractual ties to the letter of support. There was continued discussion relative to the expiration of the submission date for the letter of support and if there was the need for submission. Mr. Smith provided explanation for the delay and further advised he wished to provide Council's additional concerns with the submission of the letter.

Mr. Wood provided comments recalling discussion in early 2000 of the same proposed project with similar opposition. Continuing, Mr. Wood recalled the most recent presentation by the Virginia Department of Transportation (VDOT) including security concerns presented by Virginia State University.

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After providing additional comments, Mr. Wood stated that for the reasons previously stated; he could not approve the letter of support.

Mr. Wade noted the number of comments supporting and opposing the proposed trail and asked if those who opposed the project would support the trail if their safety and privacy concerns were met.

Mr. Frenier stated he could support the trail once the exact location had been identified.

Mayor Kochuba polled Council requesting their support of the letter with the revised language as provided by Mr. Smith.

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

B. AN ORDINANCE NO 22-20
(Second Reading) To adopt a revised General Pay Plan Class and Salary Range that increases to \$12.00 per hour, the starting salary for various part-time positions affected by the minimum wage increase effective January 1, 2023, mandated by the Virginia Legislature; increases the maximum pay rate for various part-time positions; removes job titles no longer part of the plan; and adopts two separate job descriptions under the financial Specialist II designation for Payroll and Accounts Payable.

A motion was made by Mr. Frenier, seconded by Mrs. Luck, to approve Ordinance No. 22-20.

After brief clarification of the ordinance, Mayor Kochuba opened the floor for public comments.

Public Comments: None

Council Comments: None

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There being no discussion, Mayor Kochuba called for the vote.

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

There was none.

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

- A. AN ORDINANCE NO 22-18**
(Second Reading) To grant a special exception permit to Stallings Oil Company and Boddie-Noelle Enterprises, Inc., to allow the construction of a new mini-warehouse/self-storage facility located on Temple Avenue, on parcel identification number 68035600003, which is zoned GB – General Business District.
- B. AN ORDINANCE NO 22-FIN-12**
(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2022 and ending June 30, 2023, by appropriating \$80,096 consisting of 1) \$58,165 in settlement funds from the National Opioid Settlement; 2) \$15,348 in asset forfeiture funds to purchase tasers; 3) \$1,850 for shoe donations; and 4) \$4,733 from Department of Criminal Justice Services Local Law Enforcement grant to purchase tourniquets.
- C. November 10, 2022 Special Meeting Minutes**
- D. November 10, 2022 Regular Meeting Minutes**

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

Vote: 7-0
Yes: Frenier
Piotrowski
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 22-21**
(First Reading) To ratify payment of a one-time \$1,000 pandemic bonus to School Resource Officers provided by Colonial Heights Public Schools.

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

Mr. Smith provided background information relative to the request; specifically noting the action was requested by the schools but must be approved by Council.

There being no additional discussion, Mayor Kochuba called for the vote.

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

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Abstained: None

Motion: UNANIMOUS PASS

- B. AN ORDINANCE NO. 22-22
(First Reading) Approving a Right of Way (easement)
Agreement with Virginia Electric and Power Company d/b/a
Dominion Energy Virginia.**

A motion was made by Mr. Frenier, seconded by Dr. Poe, to approve Ordinance No. 22-22.

Mr. Fisher stated that the poles and power lines were relocated along the Boulevard and Dupuy Avenue, but an easement agreement was not executed. However, since that time, and thanks to the diligence of City Engineering staff, Mr. Fisher advised the proposed action was required.

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

- C. A RESOLUTION NO 22-51
Resolution supporting Richard Bland College's transition to an
independent governance structure.**

At the request of Mr. Smith, Mr. Jeffrey Brown, Director of Special Projects and Operations at Richard Bland College (RBC) conveyed their desire to pursue legislation in the 2023 General Assembly to grant the College a dedicated governing board. Mr. Brown provided supporting information relative to their desire and further advised he had provided City staff with a draft resolution for the City to support this effort.

Addressing several questions from Council, Mr. Brown clarified that RBC would not change their two-year structure; however, they would not continue

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to be a college of William and Mary. Mr. Brown further explained that the mission required by the state for RBC was different from that of William and Mary, thus, the desire for a dedicated governing board.

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.

- A. AN ORDINANCE NO 22-19**
(Second Reading) Approving a Deed of Easement with RIO Prime, LLC, whereby the City grants RIO Prime, LLC a ten-year greenspace easement over approximately 9,880 square feet of Cedar Lane.

A motion was made by Dr. Poe, seconded by Mr. Wade, to adopt Ordinance No. 22-19.

Mayor Kochuba recalled the previous discussion and vote; however, there were no additional comments from Council members.

Vote: 5-2
Yes: Frenier
Poe
Wade
Luck
Kochuba
No: Piotrowski
Wood
Absent: None
Abstained: None

Motion: PASS

15. Reports of Officers and Documents Related Thereto.

A. City Manager

1. Office on Youth Student Survey Overview

At the request of Mr. Smith, Ms. Becca Lynch, Director of the Office on Youth, provided an overview and information regarding the recently administered Pride Survey. Ms. Lynch recalled the results of the previous survey which was administered pre-COVID in 2020 and further explained that since that time, there was limited access to students and they survey had not been administered until now.

After addressing several questions from Council, it was the recommendation of Mayor Kochuba, with the consensus of Council, to forward a letter of support to the School Board, requesting that Ms. Lynch present the survey findings at the School Board's Regular January Meeting.

2. Utility Infrastructure Improvements

At the request of Mr. Smith, Mr. Todd Flippen, Director of Public Works, recalled the recently completed Sewer Condition Assessment and Remediation Plan, which identified areas of focus including known "hot spots" outside of the previous study focus area. Mr. Flippen explained that with the results of the assessment study, the SLFRF funds currently held by the City can be utilized to address sanitary sewer, water distribution, and stormwater infrastructure improvements. Additionally, staff has identified the highest priorities of repair for each respective area of concern and recommends allocating a portion of the funding for equipment.

There being no further discussion, it was the consensus of Council for staff to move forward.

3. Christmas Parade Award Winners

Mr. Craig Skalak announced the following winners of the 69th Annual Colonial Heights Christmas Parade:

Mayors Award:

Angel DeSouza's School of Dance

Judges Choice Award:

1st Place – Genia Johnson Dance Company

2nd Place – Rolling Thunder VA Chapter 5

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Band Category:

1st Place – Petersburg High School Marching Band

2nd Place – Hopewell High School Marching Band

Dance Category:

1st Place – Dance Kraze

2nd Place – Making Moves Dance Company

Float Category:

1st Place – Norfolk Navy Shipyard

2nd Place – VMP BMX

4. City Logo Concept

At the request of Mayor Kochuba, Mr. Smith deferred discussion of the City Logo Concept to a later meeting.

5. To discuss a prospective lodging business proposed along Charles Dimmock Parkway.

Mr. Smith advised of the prior approval by the Planning Commission of the preliminary site plan for a new hotel located at the property on Dimmock Parkway at VCU Health Orthopedics. Mr. Smith provided information relative to the specifications of the proposed hotel.

6. General Activity Report

Mr. Smith provided the dates of interest; specifically noting Council's Organizational Meeting scheduled for January 3, 2023 at 7:30 P.M.

7. City of Colonial Heights Audit Statement

Mr. Smith advised of the notifications required by State Code should a localities audit not be completed as required by the statute. Mr. Smith advised this notification did not have an affect on the City obtaining an unmodified audit opinion.

B. City Attorney

Mr. Fisher reported on the following items:

- The last case for the Westover Avenue Improvement Project was heard in Circuit Court, at which time the Court sided with the City on agreeing to a fair market value for the City's take that was lower than the City's assessment.**

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- **The final steps are being taken to complete the parcel involving the McDonalds at Westover Avenue and the Boulevard. Mr. Fisher advised the multiple parties involved had reached an agreement with the exception of Truist Bank.**
- **The upcoming School Board Organizational Meeting is to be held at 8:00 A.M. January 3, 2023; and the Planning Commission Organizational Meeting is to be held 7:00 P.M. January 4, 2023.**
- **Mr. Fisher reported on an incident in September involving a resident of the Colonial Heights Rehabilitation and Nursing Center who tried to assault two staff members. Mr. Fisher advised that the incident was reported to the Police and Commonwealth Attorney; however, the Commonwealth Attorney deemed that the individual was not competent to stand trial. Mr. Fisher stated he was advising of this incident; because a FOIA request had been made, and he did not want Council to be blindsided should it be brought up again.**

C. Director of Planning and Community Development

Mr. Carter had no new business to report from the Planning Commission. He did confirm the Commission's Organization Meeting scheduled for January 4, 2023 at 7:00 P.M.

Dr. Poe advised she would be out of the country in Hawaii for the Organizational Meeting; however, she planned to attend the meeting virtually.

16. Adjournment

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 10:00 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk