

CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, March 14, 2023

1. Call to Order

The Regular Meeting of City Council was called to order by Mayor Kochuba at 7:08 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 T. Gregory Kochuba.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kochuba.

5. Adoption of Agenda

A motion was made by Mr. Wood, seconded by Vice Mayor Wade, to move Item 13D, Ordinance No. 23-3, to Item 7D.

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 and Mr. Frenier then filed with the Clerk.

7. Commendations and Presentations

A. A PROCLAMATION

Proclaiming the week of March 19 - 25, 2023, as Emergency Management Professional's Week in the City of Colonial Heights, Virginia.

B. Presentation of the City's Annual Contribution to the Colonial Heights High School after Prom Committee.

**C. New City Employee Introductions
Introduction of new employees hired by the Police Department.**

Chief Anspach introduced the following newly hired Certified Police Officers:

Joshua Bland

John Davis

Anna-Christin Polumbo

**D. AN ORDINANCE NO 23-3 (This item was moved from 13A)
(First Reading) To amend § 51-54 of Chapter 51, Personnel Policies and Grievance Procedure, of the Colonial Heights City Code, to include Juneteenth as a City Holiday.**

A motion was made by Mr. Wood, seconded by Mrs. Luck, to adopt Ordinance No. 23-3.

Mr. Wood provided comments supporting the addition of and supporting Juneteenth as an official City-wide holiday; specifically noting, this would be the 14th paid holiday for City employees. Mr. Wood provided comments supporting the historical significance of June 19; further noting that the holiday recognizes and commemorates the significance of the abolishment of

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slavery in the United States. Concluding, Mr. Wood commended the City of Colonial Heights for recognizing the historical significance of this date.

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

Motion: UNANIMOUS PASS

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 23-2**
(First Reading) Amending §§ 244-5.1, 244-6, 244-8, 244-9, 244-10, 244-11.1, and 244-12 of Chapter 244, Solid Waste, of the Colonial Heights City Code, to define “clutter”; to prohibit clutter; to change the method of giving real property owners written notice of violations regarding exterior storage of certain objects and tall grass, weeds, or other foreign growth; reducing from ten to seven days the time period to remedy such violations in a growing season; and establishing liens on real estate for charges that remain unpaid 20 or more days after notice of a violation is given. Also, deleting § 244-11 of Chapter 244, which has language that is duplicative of amended §244-10.

A motion was made by Mr. Frenier, seconded by Mrs. Luck, to approve Ordinance No. 23-2.

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Mr. Fisher advised that the changes made to the proposed amendments to the language within the ordinance were designed to offer clarity and consistency of the ordinance.

Mr. Carter provided information relative to tall grass of select jurisdictions comparing it to that of Colonial Heights; specifically noting maximum height, compliance schedule, imposed administrative fee, and civil penalty costs. At the request of Dr. Poe, Mr. Carter provided staff's involvement associated with enforcement of such violations; noting it was difficult to put a dollar amount of staff's time/involvement.

Vice Mayor Wade advised it was necessary to ensure the improvement of City properties to increase the City's real estate values and the image of the City. Additionally, Vice Mayor Wade advised he would like to see continued enforcement and removal of inoperable vehicles in and around the City.

Public Comment:

Judy Reighard, 107 Watercress Court – Spoke in support of the proposed amendment.

Bonnie Davis, 3242 Jersey Court – Spoke in support of the proposed amendment.

Council Comments:

Dr. Poe advised of Council's reasoning for the amendment and the definition of "clutter" stating it was Council's hope to eliminate ambiguity in the definition.

Mrs. Luck thanked Mr. Carter and his staff for their efforts to bring this before Council.

Mrs. Frenier recalled Council's deliberation of the subject at the March Retreat; further advising it will be a work-in-progress.

Vote: 7-0
Yes: Frenier
Piotrowski
Poe
Wade
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Luck
Kochuba

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No: None
Absent: None
Abstained: None

B. AN ORDINANCE NO 23-4

- **(First Reading) To grant a special use permit to Christian Life Center Inc. for the property located at 505 Lakeview Avenue, also known as parcel identification number 19000100Y001, currently zoned RL – Low Density Residential and RH –High Density Residential: 1) to allow a maximum lot coverage of 70% within the RL – Low Density Residential zoning district; 2) to allow a maximum building coverage of 40% within the RL – Low Density Residential zoning district; and 3) to reduce to ten feet the minimum width of the Buffer Type C. Option 1, required along the southern property line of the RH – High Density Residential zoning district.**

A motion was made by Vice-Mayor Wade, seconded by Mr. Piotrowski, to adopt Ordinance No 23-4.

At the request of Mr. Smith, Mr. Carter made a presentation of the proposed project showing a conceptual plan from the initial presentation and a revised conceptual plan, and provided explanation of the split zoning of the property and how the applicant planned to meet the requirements to achieve uniformity of the site. Continuing, Mr. Carter provided the conditions of approval as recommended by the Planning Commission at its March meeting.

At this time Mr. Pavie, the applicant, commended Mr. Carter and City staff for their efforts to assist in the process and progress of the project.

Public Comments: There were none.

Council Comments:

Mr. Wade thanked Mr. Pavie and his church staff for being good neighbors.

Addressing Mr. Wood’s question relative to the acceptance of the project by neighboring residents, Mr. Pavie advised there had been no opposition of the project.

Mr. Piotrowski stated it was exciting to see a church growing in the City.

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Addressing Mrs. Luck's question relative to any proposed day-school functions, Mr. Pavie advised there were no plans for a school.

There being no further comments, Mr. Smith requested, with Mr. Fisher's concurrence, that Ordinance No. 23-4 be brought back for second reading at the March 21, 2023 Work Session.

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

- C. AN ORDINANCE NO 23-5**
(First Reading) To amend §§ 51-55,51.1, and 51-56 of Chapter 51, Personnel Policies and Grievance Procedure, of the Colonial Heights City Code, to remove the prohibition on using annual leave during the first six months of employment; to adjust the leave time accrual rate of 24-hour employees, and to increase from \$8,000 to \$10,000 the amount of sick leave payable to certain employees upon retirement.

A motion was made by Mr. Frenier, seconded by Mr. Piotrowski, to adopt Ordinance No. 23-5.

Mr. Fisher recalled Mr. Smith's recommendation to eliminate the provision prohibiting the use of annual leave by full-time permanent employees during the first six months of their employment. Continuing, Mr. Fisher advised that due to the addition of Juneteenth as a City holiday, there needed to be an increase in the annual and vacation leave accrued by 24-hour employees; specifically, Fire and EMS personnel. Concluding, Mr. Fisher provided additional information relative to the suggestion of Mr. Frenier to raise the payout of certain employee's sick leave, from \$8,000 to \$10,000. Mr. Fisher advised there were certain conditions which must be met prior to payout.

Mr. Smith, addressing Mr. Fisher's previous comments relative to vacation leave for 24-hour employees, advised it had come to his attention that a provision in the holiday Code section which addresses an additional holiday

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being added. The Code section states that if a holiday is added, the 24-hour shift employees would receive 12 hours for a full-day holiday.

Addressing Mr. Smith's comments, Dr. Poe asked if there was a provision for EMS personnel who work 12 hours and are only receive 8 hours of holiday; Mr. Smith requested time to research the Code to address the questions.

Public Comments: None

Council Comments: None

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

11. Hearing of Citizens Generally on Non-Agenda Items

Mr. Wood provided updates relative to the Metropolitan Planning Organizations awarding the City an additional \$193,000 for the Branders Bridge and Boulevard project to cover associated costs. Additionally, Mr. Wood reported that the Crater Planning District Commission has proposed a change to membership participation based upon population.

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

- A. AN ORDINANCE NO 23-1**
(Second Reading) Granting an easement to Verizon Virginia Inc. allowing Verizon Virginia Inc. to install communication system lines on utility poles across four parcels bordering the Boulevard or Dupuy Avenue that the City of Colonial Heights owns.

- B. AN ORDINANCE NO 23-FIN-2**
(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2022 and ending June 30, 2023, by

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\$464,462 consisting of 1) \$179 from DMV Select Services to Nondepartmental; 3) \$162,151 from assigned fund balance for the Lakeview Dam to Public Works; 4) \$1,236 in reimbursement for the diesel fuel spill to Public Safety; 5) \$240,080 from a FEMA grant to Public Safety; 6) \$100 to Judicial Administration for a donation to the Sheriff's Department; and 7) \$60,000 from assigned fund balance for implementation of Microsoft Office 365 to General and Financial Administration.

C. January 17, 2023 Special Meeting Minutes

D. February 14, 2023 Special Meeting Minutes

A motion was made by Vice Mayor Wade, 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. This item was moved to Item 7A

B. AN ORDINANCE NO 23-6
(First Reading) To amend § 258-16 of Chapter 258, Taxation of the Colonial Heights City Code, to increase by 10% the income limits, and by \$20,000 the maximum net worth allowed, for elderly citizens and permanently and totally disabled persons to qualify for a real estate tax exemption.

A motion was made by Mr. Frenier, seconded by Mr. Piotrowski, to approve Ordinance No. 23-6.

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Mr. Smith recalled Council's previous discussion at the Council Retreat and provided additional information clarifying the qualifications for participation. There was no additional discussion by Council.

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

Motion: UNANIMOUS PASS

- C. AN ORDINANCE NO 23-FIN-3**
(First Reading) to amend the General Fund Budget for the fiscal year beginning July 1, 2022 and ending June 30, 2023, by \$94,475 consisting of 1) \$53,109 in bond funds for emergency sewer repairs; 2) \$8,000 in donations to the Police Department from the American Legion for a K-9 kennel and dog food; 3) \$19,225 in grant funds to the Fire Department for ballistic vests and accessories from Firehouse Subs; ; 4) \$10,000 from HEAT program to Public Safety for a surveillance camera system; 5) \$2,732 in State Asset Forfeiture to the Commonwealth Attorney for crime scene screens; 6) \$1,209 in remaining grants and donations from last year to the Office on Youth; and 7) also, to transfer \$2,250 from Nondepartmental to Human Services for the City's annual contribution to the Youth Advisory Council.

To amend the Capital Projects Budget for fiscal year beginning July 1, 2022 and ending June 30, 2023, by appropriating \$53,109 in transfer from the General fund for emergency sewer repairs.

A motion was made by Vice-Mayor Wade, seconded by Mrs. Luck, to adopt Ordinance No. 23-FIN-3.

Mr. Smith provided additional comments clarifying the proposed ordinance. Addressing Mr. Wood's question relative to ballistic vests for fire personnel,

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Chief Hoover stated that unfortunately, there was a need for EMS personnel to wear these vests. Chief Hoover stated the grant was 100% funded.

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. General Activity Report

Mr. Smith provided information on the following:

- Recognition of Maj. Robert Ruxer's selection to participate in the National FBI Academy.**
- Recognition of the Fire Department for passing their annual inspection.**
- Demolition to begin on the two houses adjacent to the City Hall on Highland and James Avenue.**
- Dates of Interest**

2. City of Colonial Heights Audit Statement

In accordance with requirements in the Code of Virginia §15.2-2511, if a locality's audit is not completed as required by this statute, the locality must promptly post a statement on its website, if such website exists, with the following information:

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- **That the required audit is pending,**
- **The reasons for the delay,**
- **And the estimated date of completion.**

City of Colonial Heights Audit Statement

The City of Colonial Heights audit for the fiscal year ending June 30, 2022 is pending. The major factors for the delay of the audit are the implementation of a new financial system and vacancies in various important positions related to the audit: the Director of Finance (vacant for a significant portion of FY 21-22) and the Deputy Director of Finance. The City of Colonial Heights finance team is working diligently to complete their tasks for the auditors to prepare the audit report. Our estimated date of completion for the audit report is February 28, 2023.

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 effect on the City obtaining an unmodified audit opinion.

Mr. Smith provided information relative to the City's audit.

B. City Attorney

Mr. Fisher advised of his review of the Public Works contract regarding work to be conducted on the Lakeview Avenue Dam spillway in the amount of approximately \$600,000.

C. Director of Planning and Community Development

Mr. Carter advised of a Code revision to be brought to Council at the April regular meeting. Additionally, Mr. Carter advised his office has been researching Short Term Rentals and plans to bring their findings to before Council in May for further discussion and action at a later date.

Vice-Mayor Wade requested a thank you letter be forwarded to Firehouse Subs for their generous contribution toward the ballistic vests for EMS personnel.

16. Adjournment

There being no further business, a motion was made by Vice-Mayor Wade, seconded by Dr. Poe, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 9:27 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk