

**CITY OF COLONIAL HEIGHTS, VIRGINIA
Regular Meeting of City Council
Tuesday, August 8, 2023**

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
Vice-Mayor Robert W. Wade
Mayor T. Gregory Kochuba

Absent: Councilman John T. Wood

Also Present: Mr. Douglas E. Smith, City Manager
Mr. Hugh P. Fisher, III, City Attorney
Mrs. Pamela B. Wallace, Clerk

Mr. Frenier stated the following:

"I am unable physically to attend the meeting since I am out of town on vacation. The remote location from where I am participating is Nags Head, North Carolina."

This is the second meeting this calendar year in which Mr. Frenier has participated remotely due to a personal matter.

A motion was made by Vice-Mayor Wade, seconded by Mr. Piotrowski, allowing Mr. Frenier's remote participation.

**Vote: 6-0
Yes: Frenier
Luck
Piotrowski
Poe
Wade
Kochuba**

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No: None
Absent: Wood
Abstained: None

Motion: UNANIMOUS PASS

3. Devotion

A devotional prayer was led by the Vice-Mayor Wade.

4. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kochuba.

5. Adoption of Agenda

A motion was made by Dr. Poe, seconded by Mr. Piotrowski, to approve the agenda as presented.

Vote: 6-0
Yes: Frenier
Luck
Piotrowski
Poe
Wade
Kochuba
No: None
Absent: Wood
Abstained: None

Motion: UNANIMOUS PASS

6. Declarations of Personal Interest

A declaration was read by Dr. Poe 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 23-17

(First Reading) Amending § 273-37 of Chapter 273, Vehicles and Traffic, of the Colonial Heights City Code by authorizing the Chief of the Department of Fire and EMS, or his designee, to issue a citation for the illegal parking of a motor vehicle in a fire lane; and to increase the penalty from \$20 to \$50 for numerous parking violations.

A motion was made by Vice-Mayor Wade, seconded by Dr. Poe, to approve Ordinance No. 23-17.

There being no comments from staff relative to the proposed ordinance, Mayor Kochuba opened the floor for comments.

Public Comment:

Larry Brown, 311 Brookedge Drive – Mr. Brown asked if the amount of the fine would increase with additional violations.

Addressing Mr. Brown's question, Mr. Fisher clarified the ordinance language by stating that except for handicap parking violations, non-payment after five business days would result in the fine being doubled.

Council Comments:

Mr. Piotrowski stated that it was his desire for the ordinance to pass in an effort for enforcement to begin immediately.

Vice-Mayor Wade stated it was his opinion that the time be increased for repeat offenders as well as to increase the amount of the fine. Mr. Fisher advised that in order to increase the penalty, the ordinance would have to be re-advertised. Additionally, it was difficult for the Police Department to track repeat offenders.

Addressing Mr. Fisher's comment, Chief Anspach advised that the majority of violations were inoperable vehicles illegally parked, making it difficult to track and continued to explain the process by which his staff addressed and issued citations for violators.

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Addressing Mr. Piotrowski's question relative to who would be issuing citations from the Fire Department, Deputy Chief Kissner advised that would be his responsibility.

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

Vote: 6-0
Yes: Frenier
Luck
Piotrowski
Poe
Wade
Kochuba
No: None
Absent: Wood
Abstained: None

Motion: UNANIMOUS PASS

11. Hearing of Citizens Generally on Non-Agenda Items

There were none.

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

A. AN ORDINANCE NO 23-FIN-12
(Second Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2023, and ending June 30, 2024, by appropriating \$5,418 in Local Law Enforcement Grant Funds from the Department of Criminal Justice Services to the Police Department

To amend the Emergency Response Fund Budget by appropriating \$418,000 in American Rescue Plan Act – Law Enforcement Equipment Grant Funds to the Police Department.

B. June 13, 2023 Special Meeting Minutes

C. June 20, 2023 Special Meeting Minutes

D. July 11, 2023 Special Meeting Minutes

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

Vote: 6-0
Yes: Frenier
Luck
Piotrowski
Poe
Wade
Kochuba
No: None
Absent: Wood
Abstained: None

Motion: UNANIMOUS PASS

13. Introduction and Consideration of Ordinances and Resolutions

A. AN ORDINANCE NO 23-FIN-13
(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2023, and ending June 30, 2024, by appropriating \$27,224, consisting of: 1) \$1,500 to the Police Department from the American Legion; 2) \$12,500 in grant funds to the Police Department from HEAT (Help Eliminate Auto Theft); 3) \$1,600 to the Police Department in state asset forfeiture funds; 4) \$8,000 to the Library from the Library Donation Fund balance; 5) \$1,381 to the Office on Youth from carryover Shoe Fund balance; 6) \$641 to the Office on Youth from lemonade stand donations; 7) \$1,602 to the Office on Youth from FY 23 carryover Youth Advisory Council funds along with a transfer of \$2,250 from the Contribution & Subsidies budget.

A motion was made by Dr. Poe, seconded by Mr. Piotrowski, to adopt Ordinance No. 23-FIN-13.

Mr. Smith provided additional comments relative to the donations listed with Mayor Kochuba advising he, along with Mr. Smith, and Chief Anspach, attended the American Legion monthly meeting to personally thank them for their ongoing generous donations to the City, particularly the recent donation to the Police Department.

Vote: 6-0

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**Yes: Frenier
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No: None
Absent: Wood
Abstained: None

Motion: UNANIMOUS PASS

B. A RESOLUTION NO 23-26

To approve an economic incentive grant to Shamin Hotels, subject to Shamin Hotel's construction of certain improvements.

A motion was made by Vice-Mayor Wade, seconded by Dr. Poe, to adopt Resolution No. 23-26.

Mr. Smith advised this resolution was a follow-up request from discussion at the Council Retreat. Mr. Smith advised that Shamin Hotels was constructing a Home 2 Suites and was requesting an economic incentive grant. Mr. Smith explained that the grant would consist of a rebate to the hotel of up to \$150,000 per year from the lodging tax that the hotel collects during its first four full calendar years in operation, not to exceed the total amount of lodging tax collected by the hotel for each applicable year. The total rebate to Shamin hotels shall not exceed \$600,000. Mr. Smith advised that the Economic Development Authority was supportive of this request.

There being no additional comments from Council, Mayor Kochuba called for the vote.

Vote: 6-0
**Yes: Frenier
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No: None
Absent: Wood
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. Code Enforcement Update

Mr. Smith shared Code Enforcement updates as provided by Mr. Carter relative to tall grass, clutter, and inoperable vehicles. The information included the number of cases and those which had voluntary compliance, forced compliance, and in-progress compliance. Additionally, Mr. Smith provided before and after photographs of several locations which required removal of inoperable vehicles and/or trash/clutter. Mr. Smith asked that Council advised him of locations of concern around the City.

Addressing Vice-Mayor Wade's question relative to the responsible party for removal of the above-mentioned items, Mr. Fisher advised that the violator was responsible for the entire cost of such removal. Vice-Mayor Wade continued by expressing his frustration with City residents who neglect the care of their property; and it becomes the burden of the City and neighboring residents.

Mayor Kochuba noted that 25% of City revenue comes from Real Estate and if swift action is not taken, real estate values will decline, along with City revenue.

Mr. Piotrowski asked if code enforcement positions need to be full-time positions and if modifications could be made to the bulk waste pick-up protocol? Mr. Piotrowski stated that the bulk waste issue is contributing to this problem in the fact that it is sitting on the curb/street for weeks without being picked up.

Addressing Mr. Piotrowski's questions, Mr. Smith advised he would need to confer with Mr. Carter regarding full-time staff positions in his office; however, the current code inspectors are outstanding but he will follow-up

with Mr. Carter. Additionally, Mr. Smith advised he would speak with CVWMA administration to address Mr. Piotrowski's bulk waste concern.

Dr. Poe and Mrs. Luck both expressed their concerns relative to the growing amount of litter in and around the City. Dr. Poe stated it was a growing issue across the country. Dr. Poe suggested installation of "No Littering" signs around the City. Mrs. Luck suggested the implantation of civic groups or community service groups to assist with trash pick-up.

There was continued discussion relative the increased litter problem in the City.

2. General Activity Report

Mr. Smith provided the dates of interest beginning in August with the BIB Tournament and concluding in December with the Christmas Parade. Mr. Smith also provided additional information relative to Student Government Day scheduled for November 15th.

Mayor Kochuba commended Chief Anspach for his department's efforts relative to the recent National Night Out activities.

B. City Attorney

Mr. Fisher advised that the appeal hearing relative to the decertification of the former Chief of Police would go before the Department of Criminal Justice Services on September 21st. Mr. Fisher stated the hearing had been continued a number of times; however, the Department of Criminal Justice Services has advised there will be no more continuances.

Additionally, Mr. Fisher provided information relative to the sale of the Sherwood Hills Swim Club property, advising that the sale had occurred and the City received over \$30,000 in fees.

C. Director of Planning and Community Development

In the absence of Mr. Carter, Mr. Smith reported that the Planning Commission, at its last meeting, discussed the proposed rezoning and Comprehensive Plan amendment at the EXXON gas station on the Boulevard. Mr. Smith provided the background on the proposed request, noting there is a residential structure, owned by the same individual, behind the subject property. Mr. Smith advised that the proposal is to rezone both properties and expand the business property to allow for additional cooler space.

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Mr. Smith stated there was lengthy discussion by the Planning Commission; however, there was no decision made relative to the request. Should there be further requests by the business owner, there will be additional advertising and consideration by the Planning Commission.

Both Mr. Fisher and Vice-Mayor Wade provided comments relative to the discussion at the Planning Commission meeting; specifically noting that the applicant's representative was very cooperative. Mr. Fisher further advised that it was the intention of the applicant for the residential property to remain residential.

Before adjournment, Mr. Piotrowski recognized Mr. Frenier upon his retirement from his part-time position at the fire department.

16. Adjournment

There being no further business, a motion was made by Vice-Mayor Wade, seconded by Mr. Piotrowski, and carried unanimously on voice vote to adjourn the meeting. The meeting was adjourned at 8:09 P.M.

APPROVED:

T. Gregory Kochuba, Mayor

ATTEST:

Pamela B. Wallace, City Clerk