

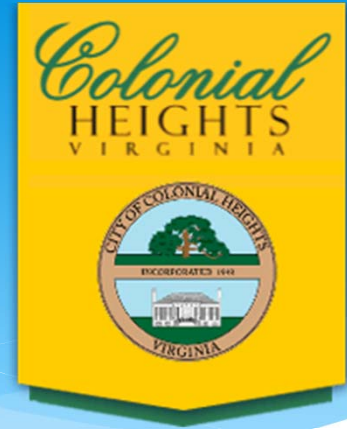
Colonial Heights City Council Special Meeting *(Work Session)*

March 19, 2019



Colonial Heights City Council Meeting

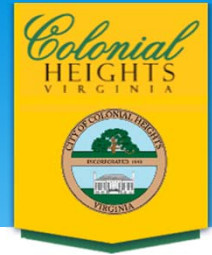
March 19, 2019



- 1. Call to Order**
- 2. Roll Call**
- 3. Declarations of Personal Interest**

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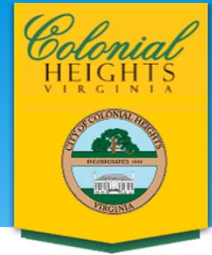


4. Closed Meeting Pursuant To The Code Of Virginia In Accordance Wit The Following Provision:

- * Paragraph A.1 of Virginia Code Section 2.2-3711, to discuss and consider the performance of the City Manager.
- * Paragraph A.5 of Virginia Code Section 2.2-3711, to discuss a prospective business or industry interested in operating at 401 Temple Avenue, where no previous announcement has been made of the business or industry's interest in locating in the community.

Colonial Heights City Council Meeting

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4. Closed Meeting Pursuant To The Code Of Virginia In Accordance Wit The Following Provision continued:

- * Paragraph A.8 of Virginia Code Section 2.2-3711, to consult with legal counsel employed by a public body regarding a specific legal matter - namely, an organization's request to be exempted from paying real estate taxes - requiring the provision of legal advice by such counsel.

Colonial Heights City Council Meeting

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5. Vote To Come Back Into Open Meeting:

The Council has been in a closed meeting pursuant to the code of Virginia in accordance with the following provision:

- * Paragraph A.1 of Virginia Code Section 2.2-3711, to discuss and consider the performance of the City Manager.
- * Paragraph A.5 of Virginia Code Section 2.2-3711, to discuss a prospective business or industry interested in operating at 401 Temple Avenue, where no previous announcement has been made of the business or industry's interest in locating in the community.

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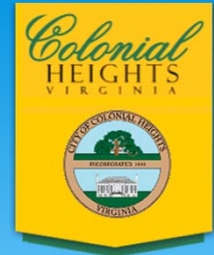


5. Vote To Come Back Into Open Meeting continued:

- * Paragraph A.8 of Virginia Code Section 2.2-3711, to consult with legal counsel employed by a public body regarding a specific legal matter - namely, an organization's request to be exempted from paying real estate taxes - requiring the provision of legal advice by such counsel.

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5. Vote To Come Back Into Open Meeting cont.:

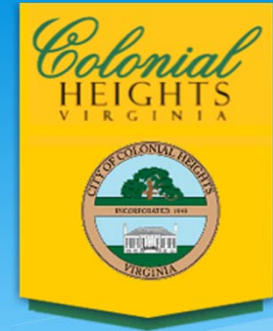
Consideration of the following certification:

Each member will now certify that to the best of the member's knowledge (i) only public business matters lawfully exempted from open meeting requirements of the act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member who believes there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.

Roll Call. An affirmative vote shall constitute certification of compliance.

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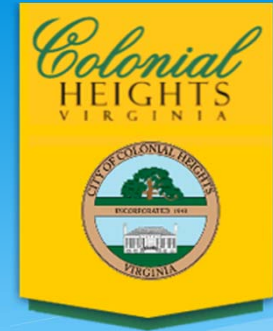
6. Work Session On The Following Items:

A. Discussion On Capital Improvement Plan

A work session on the FY2020-FY2024 Proposed Capital Improvement Plan

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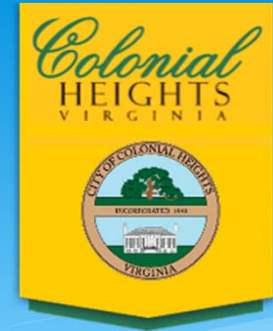


6. Work Session On The Following Items cont.:

**B. Colonial Heights Police Department 2018
Annual Report And Policy Review**

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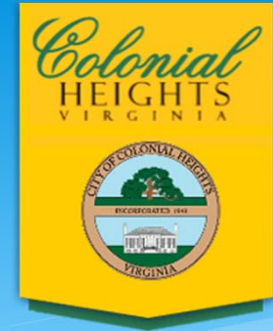
6. Work Session On The Following Items cont.:

C. Council Discussion And Action On The Re- Purchase Of 401 Temple Avenue

Council discussion and action relative the re-purchase of Parcel ID No. 5400020000H, with a street address of 401 Temple Avenue, from Kroger Limited Partnership I.

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6. Work Session On The Following Items cont.:

D. Discussion on Proposed Cigarette Tax

Cigarette Tax Information

Authorization

- * Chapter 38, Article 7 of the Code of Virginia provides authority for cities to charge a cigarette tax.

Cigarette Tax Information – Other Cities

- * Summary information from some other Virginia cities that charge a cigarette tax shows rates ranging from a low of 14 cents up to 90 cents per pack, while surrounding counties do not have a cigarette tax.
- * Sam's Club in Colonial Heights sells cigarettes wholesale to business in Petersburg.
- * Colonial Heights businesses may also be purchasing wholesale from Sam's.

Cigarette Tax Information, cont.

Staff Recommendation

- * Staff's recommendation to Council is to implement a 35 cents per pack cigarette tax beginning in FY 19-20.
- * Estimated revenue for the City of Colonial Heights is \$460,000 at this rate.
- * Funding will provide the City with a much needed revenue stream that diversifies our revenue base and that can help address public safety staffing and other budget needs.

Similar Cities with Cigarette Taxes				
City	Per Pack Rates	2018 Revenue (or 2017 with *)	Surrounding County/Counties	Cigarette Tax In County?
Bristol	0.14	\$ 465,120	Washington	No
Charlottesville	0.55	\$ 666,356	Albemarle	No
Franklin	0.60	\$ 298,773	Southhampton, Isle of Wight	No
Fredericksburg	0.31	\$ 498,154	Spottsylvania, Stafford	No
Harrisonburg	0.30	\$ 543,750	Rockingham	No
Lynchburg	.35-.438	\$ 870,084	Campbell, Amherst, Bedford	No
Manassas Park*	0.75	\$ 297,600	Prince William	No
Petersburg*	0.90	\$ 1,056,029	Prince George, Chesterfield, Dinwiddie	No
Roanoke	0.54	\$ 2,152,811	Roanoke	No
Salem	.15-.225	\$ 791,715	Roanoke	No
Staunton	0.30	\$ 397,536	Augusta	No
Waynesboro	0.20	\$ 336,686	Augusta	No
Williamsburg	0.30	\$ 167,638	James City	No

Cigarette Tax Information, cont.

Revenue Estimate Research

- * Staff analyzed the cigarette tax revenue collected by other cities as compared to their retail sales tax revenue.
- * Sales tax serves as a proxy to measure the retail activity, which would directly impact the volume of cigarette sales.
- * Staff used these comparisons of the cigarette tax revenue received per penny with the level of sales tax received from other communities to help estimate cigarette tax revenue.

Cigarette Tax Information, cont.

Implementation

- * **Administration** - If approved by Council, cigarette stamps would be sold to wholesalers by the City and be required to be placed on packs purchased for resale on or after July 1, 2019.
- * **Stamps** – The City would purchase the printed stamps to sell to the wholesalers that sell cigarettes to businesses in the City.
- * Staff would recommend that a discount be provided to purchasers of the stamps to offset the cost of affixing the stamps to the cigarettes.
- * The tax stamps do not have to be attached by the City, but can be sold by the City to the wholesalers/retailers who can attach the stamps.
- * The City collects revenue for the tax when the stamps are sold to wholesalers or directly to retailers.

Cigarette Tax Information, cont.

Implementation cont.,

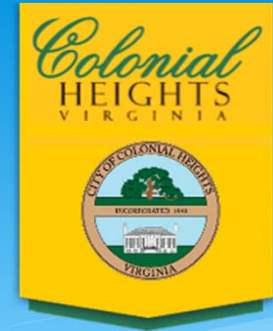
- * **Enforcement** – The Commissioner of Revenue could potentially conduct site visits to ensure proper labeling.

Action for Tonight's Meeting

- * Staff recommends approval from Council for bringing forward an Ordinance for implementation of a 35 cents per pack cigarette tax for FY 19-20.

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6. Work Session On The Following Items cont.:

E. Solid Waste And Recycling Container Placement Implementation Update

POLICY CONSIDERATIONS REGARDING TRASH & RECYCLING CAN PLACEMENT

§ 244-14 SUPERVISION OF COLLECTION; CANS AND CONTAINERS



§ 244-14 (E)

SUPERVISION OF COLLECTION; CANS AND CONTAINERS

Solid waste shall be placed in the manner required by this section in the City right-of-way between the extended side lot lines of, and in front of, the residence or commercial establishment from which it is to be collected, unless some other public place, including but not limited to a location near or in an alley in the rear of the property, has been designated for a specific residence or commercial establishment by the Director of Public Works in the interest of the public or convenience and safety.

In no event shall any solid waste can or container, or recycling can or container, be placed in the City right-of-way, or other designated place, prior to 12:00 noon of the day preceding the scheduled collection day. For the purposes of this subsection, the term "solid waste" shall include tree limbs, shrubbery, brush cuttings, hedge trimmings, lawn rakings, leaves and similar materials, which are regulated by § 244-21 of this Code. All solid waste cans and containers, and recycling cans and containers, after being emptied, shall be removed from the City right-of-way by the owners or tenants by 7:00 p.m. of the day following collection. Except for the time period specified in this subsection that a can or container may remain in the City right-of-way, all solid waste and recycling cans and containers shall remain in a location behind the front plane of the residence or business.

The Director of the Department of Planning and Community Development or his designee shall enforce these provisions relating to the placement in, and removal from, the City right-of-way of cans and containers.

§ 244-14 (G)

SUPERVISION OF COLLECTION; CANS AND CONTAINERS

The Director of the Department of Planning and Community Development or his designee (the "Director") shall send any owner or tenant who violates the provisions of this section a warning letter by first-class mail for the owner's or tenant's first violation during a calendar year.

The letter shall advise the owner or tenant that he shall remedy the violation within 10 calendar days. If the owner or tenant fails to remedy the violation within 10 calendar days, or if the owner or tenant commits a second violation within the same calendar year, the Director shall impose a civil penalty of \$50 upon the violator; and such penalty shall be paid within 30 calendar days.

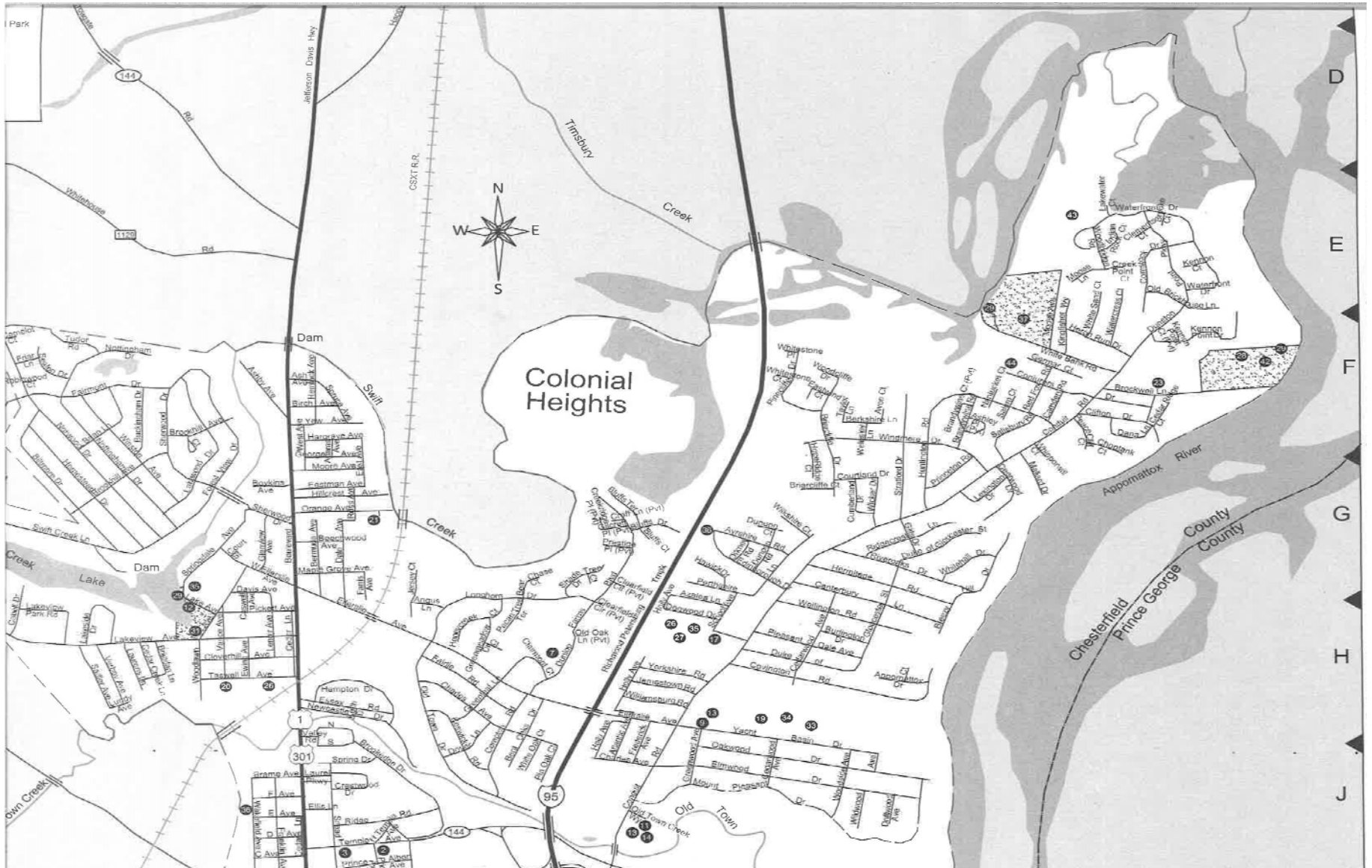
The Department of Finance shall notify the violator of the penalty and the thirty-day payment period in a letter sent by first-class mail. If the \$50 civil penalty is not paid within 30 days, the Department of Finance shall add the penalty to the owner's or tenant's bi-monthly water and sewer bill. The Director is authorized to promulgate policies and procedures to administer and enforce these penalty provisions.



OVERVIEW

1. Private streets
2. Attached housing with separate parcels
3. CVWMA Pick-Up Service
4. Implementation

PRIVATE STREETS



PRIVATE STREETS

- HOA provides enforcement of HOA codes in private communities.
- Trash/Recycling can placement will be enforced on public streets, but not on private streets.

Old Oak Lane
Clearfield Circle
Prestige Place
Gilcreff Place
Creekridge Place
Creff Lane

Brandywine Ct
Ashley Place

Kennon Point Ct

Southpark Circle
South Ave

ATTACHED HOUSING



- Attached housing on separate parcels
- No common area parcel for access to side/rear
- Public street
- Currently, containers are stored by front doors.

ATTACHED HOUSING CABELL DRIVE



ATTACHED HOUSING CABELL DRIVE



ATTACHED HOUSING GILCREFF PLACE

- Attached housing is on separate parcels
- Common parcel does not provide access to rear yards
- However, Gilcreff Place is a private street community
- Currently, containers are store in front or in garage



ATTACHED HOUSING BRANDERS BRIDGE APARTMENTS



Branders Bridge Apartments

- Attached housing on separate parcels per building
- Common parcel provides access to side and rear
- Currently, dumpsters are used at this site.

ATTACHED HOUSING WILLOW RUN TOWNHOUSES (FAIRFAX AVE)

- Parcel lines not associated to specific units. The 5 parcels that make up this site act as one common parcel under single ownership.
- Common parcel provides access to side and rear.
- Currently, containers are stored in the public right-of-way on Fairfax Avenue. Previously, the management company stored containers on the concrete pad in front of the building.



Residential Trash Porch Pick Up Form

Residential Trash Porch Pick Up Request Form

Name *

First

Last

Address *

Street Address

Address Line 2

City

State

ZIP Code

Phone *

Search

Search

Stay



Use y

stay i

Facel

maso

Facel

Cur

View

up to

Spe

CVWMA PICK-UP SERVICE

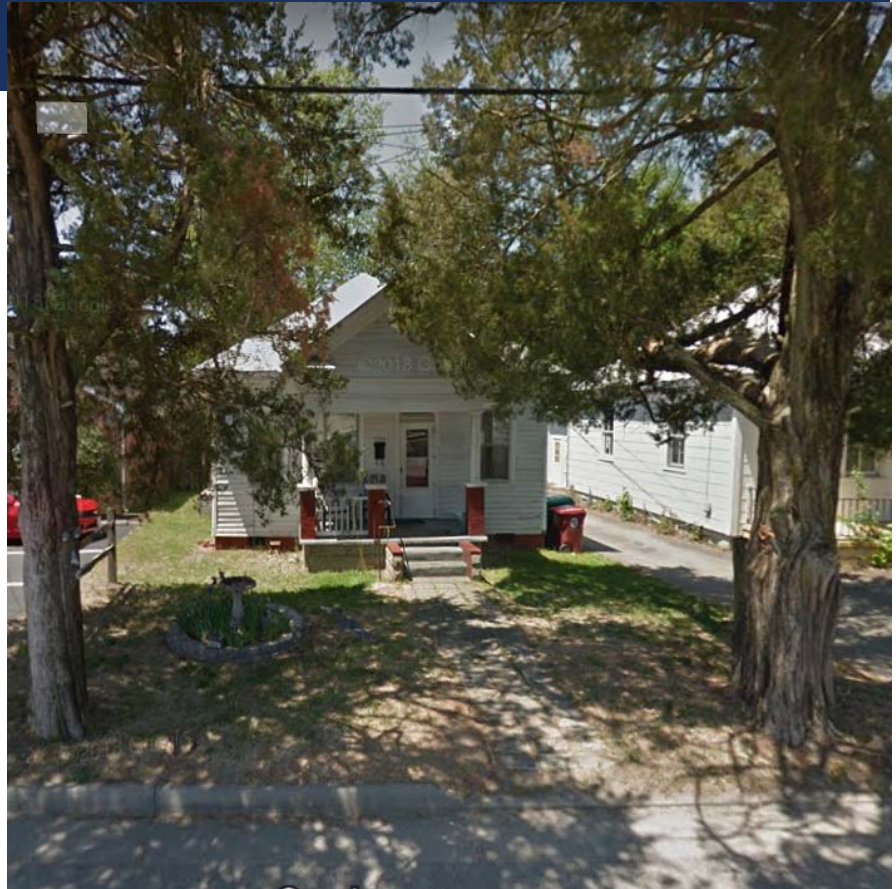
CVWMA PICK-UP SERVICE

- CVWMA has a special pick-up service to accommodate those who cannot bring their cans back and forth to the curb.
 - 114 households for recycling pick-up.
 - 110 households for trash pick-up
- CVWMA specifies that location of the cart must be in the sightline of the driver.
- This list is updated on a monthly basis.

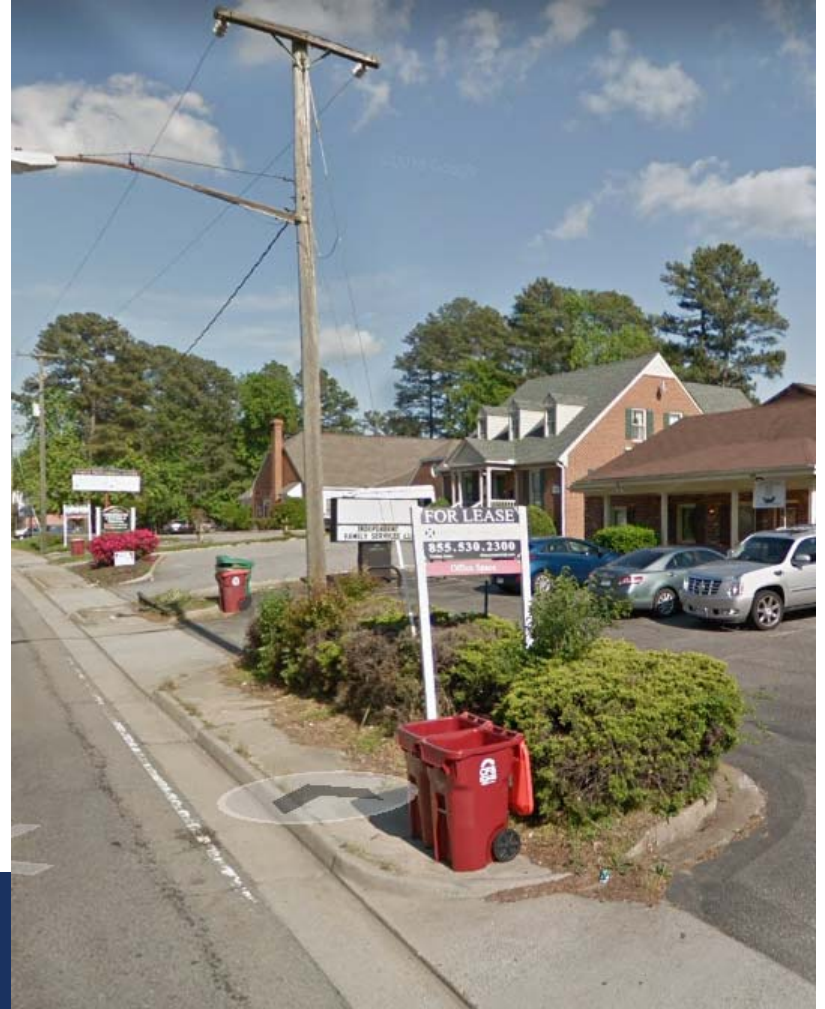
CVWMA PICK-UP SERVICE

Two choices in policy decision:

- **Compliance.** The side of the house is within sightline of the driver and therefore a household on the pick-up list can use the pick-up service while being in compliance with this code.
- **Exemption.** Exempt all households on the pick-up list.



ROLLING OUT CAN PLACEMENT ENFORCEMENT



ROLLING OUT CAN PLACEMENT ENFORCEMENT ENFORCEMENT SCHEDULE

TRASH & RECYCLING BIN SCHEDULE ENFORCEMENT DAYS HIGHLIGHTED

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Violation	Violation	<i>(Prior to Noon Violation)</i>	Trash Collection Every Wednesday		Violation	Violation
Violation	Violation	Violation	Violation	<i>(Prior to Noon Violation)</i>	Recycling Collection Every Other Friday	

IMPLEMENTATION

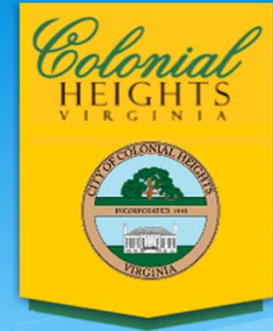
“UNROLLING CAN PLACEMENT ENFORCEMENT”

- The enforcement of can placement is assigned as a supplemental task to the Code Enforcement.
Continuing the proactive enforcement of the City’s codes is priority.
- The first year of enforcement of can placement is a “trial” to determine if additional staffing or policies is necessary.
- Stage One – reactive enforcement of can placement.
- Stage Two – proactive enforcement of can placement, which will be done street-by-street.
- Please note, over 300 violations were found in a sample area of the City (Sherwood Hills, neighborhoods directly off of Boulevard that are north of the rail crossing)

RECOMMENDATIONS REGARDING THE CONTAINER PLACEMENT REQUIREMENTS

- **ATTACHED HOUSING ON SEPARATE PARCELS –**
Recommend an ordinance amendment for attached housing with units located on separate parcels to revise the requirement to bring trash/recycling cans behind the front plane of the structure to allow the cans to be located near the front of the structure.
- **CONSIDERATION OF PROPERTIES ON CVWMA LIST**
– Recommend that the properties on the CVWMA porch pick-up list be exempted from the requirement to bring trash/recycling cans behind the front plane of the structure.

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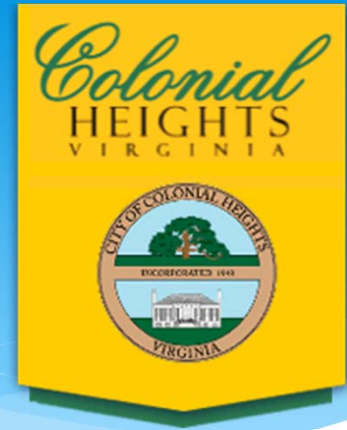


6. Work Session On The Following Items cont.:

F. Appomattox River Greenway Trail – Phase IV Funding Update

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7. Adjournment

**Colonial Heights
City Council
Special Meeting
March 19, 2019**

