

CITY OF CHESAPEAKE
CITY COUNCIL MEETING
MARKED AGENDA
May 15, 2007
6:30 P.M.
City Hall Council Chamber
306 Cedar Road

**** ALL PRESENTATION MATERIALS MUST BE REVIEWED BY THE CITY CLERK PRIOR TO 6:30 P.M.****

NOTE: COPIES OF BACKUP MATERIALS FOR ALL AGENDA ITEMS, INCLUDING THE APPLICATION AND SUPPORTING MATERIALS FOR THE PLANNING PUBLIC HEARING ITEMS MAY BE VIEWED IN THE CITY CLERK'S OFFICE OR THE PLANNING DEPARTMENT AT ANY TIME DURING NORMAL BUSINESS HOURS OF 8:30 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY.

REMINDER: The work session will begin at 4:45 p.m. in the 4th floor Human Resources Training Room. The topics of discussion will be:

1. Dominion Boulevard and Steel Bridge Bike Path
2. Animal Control

The City Council Work Sessions and Meetings can be viewed live on WCTV-48 and heard on WFOS-FM 88.7. Meetings are retelecast on WCTV-48 at the following times: Tuesday - Work Session at 11:30 p.m. and Meeting at 12:30 a.m.; Wednesday - Work Session at 1:00 p.m. and Meeting at 2:00 p.m. and Saturday - Work Session at 8:00 p.m. and Meeting at 9:00 p.m.

PLEASE NOTE: Speaker Cards will not be accepted for the Council Meeting after 6:30p.m. Citizens who wish to speak may register on the date of the meeting in the City Council Chamber before 6:30 p.m. Citizens may also pre-register by calling the City Clerk's Office at 382-6151, Monday through Friday, (8:30 a.m. - 5:00 p.m.) prior to, and including the date of the Council meeting.

NO FOOD OR DRINKS PERMITTED IN THE CITY COUNCIL CHAMBER

PLEASE TURN OFF CELL PHONES WHILE IN THE CHAMBER

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1. INVOCATION – **Pastor Lara Barrett Bennett, Unity Renaissance Church**
2. PLEDGE OF ALLEGIANCE TO THE FLAG – **Council Member Collins**
3. ROLL CALL BY CITY CLERK – **All present**
4. APPROVAL OF MINUTES - **None**
5. PUBLIC HEARING

APPLICANTS', AGENTS, AND CITIZENS' COMMENTS ON PUBLIC HEARING ITEMS

COUNCIL'S CONSIDERATION OF PUBLIC HEARING ITEMS:

- A. **R(C)-05-29 PROJECT: Falcon Pointe Rezoning** APPLICANT: Titon Development Inc AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional zoning reclassification of an 11 acre parcel from M-1 Light Industrial District (10.5 acres) and R-8s Single-family Residential District (0.5 acres) to R-MF-1 Multifamily Residential District. PROPOSED COMP LAND USE & DENSITY: High density multi-family w/density not exceeding 24 units per acre EXISTING COMP LAND USE & DENSITY: Light industry and low density multi-family with density not exceeding 16 units per acre LOCATION: Terminus of Falcon Avenue TAX MAP SECTION/PARCEL: 1590000000510 BOROUGH: South Norfolk (Continued from the March 20, 2007 City Council meeting)

The Planning Commission recommends denial.

The following *revised* proffers are offered:

1. The owner/applicant agrees that the residential units resulting from this development shall be condominiums for sale.
2. The owner/applicant agrees that the residential dwellings constructed on the subject property shall be substantially similar in appearance to the building elevations depicted on the rezoning exhibit dated August 9, 2006. Materials to be used on the exterior of the residential dwellings shall include a mix of hardiplank and brick.

3. The owner/applicant agrees that the total number of residential units resulting from this application shall not exceed (75) seventy five.
4. The owner/applicant agrees that it shall provide acceleration/deceleration and left turn improvements at the intersection of Bainbridge Boulevard and Falcon Avenue as well as two outbound lanes on Falcon Avenue at Bainbridge Boulevard, in accordance with a Public Works approved warrant of need analysis to be performed by the owner/applicant prior to preliminary site plan submission. The owner/applicant further agrees that it shall widen Falcon Avenue to a minimum width of 22 feet and that all required paved improvements within the public right-of-way shall be substantially completed and dedicated as necessary prior to issuance of a Certificate of Occupancy for the first residential unit. It shall be the owner/applicant's sole responsibility to obtain any necessary additional right-of-way to complete the required improvements.
5. The owner/applicant agrees that a minimum two feet of clean fill material shall be spread on pervious common areas of the subject property exclusive of the landward limits of the fifty foot RPA to provide an effective barrier between the residents of the community and any potential landfill material contained below the ground surface, as recommended in the Risk Assessment dated April 17, 2006.
6.
 - a. The owner/applicant agrees that any and all wells shall draw groundwater from an aquifer shown to be free of contamination, as evidenced by a Phase 1 ESA, Phase 2 ESA, a Site Characterization Report, and/or Corrective Action Plan. Any and all wells on the subject property shall be approved by, and subject to the specifications of the Chesapeake Health Department.
 - b. All potable and non-potable uses of the shallow groundwater are prohibited on the subject property. The term "shallow groundwater" as it applies to this proffer is defined as the uppermost unconfined groundwater aquifer.
7. The owner/applicant agrees that any native materials excavated, removed and disposed of offsite shall be characterized for disposal and management according to Virginia solid waste and hazardous waste regulations. The use of "clean corridors" shall be deployed as appropriate and practicable in general accordance with Virginia Voluntary Remediation Program guidelines.
8. The owner/applicant agrees that a Health and Safety Plan (HASP) shall be created and utilized during development of the subject property to ensure the safety of site workers within trenches due to potential inhalation hazards from elevated lead levels within the uppermost unconfined groundwater aquifer.

9. The owner/applicant agrees that impervious materials or layers will be incorporated into all stormwater management ponds (BMP's) on the subject property to ensure that an impervious layer exists between the inverts of the BMP and the uppermost unconfined groundwater aquifer.
10. The owner/applicant agrees that prior to the initiation of excavation and land disturbance activities on the subject property, the activities shall be coordinated, reviewed and certified by a Qualified Environmental Professional (QEP) per the U.S. Environmental Protection Agency's approved All Appropriate Inquires Rule and applicable International ASTM standards, which condition will be included in the first deed of conveyance for each residential unit as well as the condominium declaration. This provision shall extend to all proposed and future land disturbance activities.
11. Information describing the history of environmental conditions on the subject property will be made available either through recording as a notice in the deeds or through inclusion in the condominium documents, in the following format:

Disclosure Language:

The owner/applicant shall provide full written disclosure statements within (i) the notes on all recorded subdivision plats, (ii) all initial contracts for purchase of lots by builders and first occupants, and (iii) all deeds of conveyance, restrictive covenants, and condominium association documents. Said disclosure statements shall contain contaminant data within the groundwater, surface water, and/or soils on the subject property identified within a Phase I & II ESA, Geotechnical Investigation Report, and the Risk Assessment investigating the source, extent, and risk posed by the subject property, in addition to remediation, monitoring, and corrective action measures conducted within the subject property. The disclosure statement shall read as follows: Elevated levels of TPHs, arsenic, barium, cadmium, chromium, lead, mercury, naphthalene, and unconsolidated apparently inert fill material at various locations on the subject property at depths from three (3) to seven (7) feet Below Ground Surface ("BGS") as reported within the Phase II Environmental Site Assessment dated April 17, 2006 and Geotechnical Exploration Report dated April 25, 2006, performed by Geo Environmental Resources, INC exist within the soils and uppermost unconfined groundwater aquifer. All potable and non-potable uses of the uppermost unconfined groundwater aquifer with the exception of environmental testing are prohibited on the subject property. In addition, prior to the initiation of future excavation activities on the subject property, the activities shall be coordinated, reviewed, and certified by a Qualified Environmental Professional ("QEP") per the US Environmental Protection Agency's approved All Appropriate Inquires Rule and applicable International ASTM standards. For additional information please refer to the Phase I&II ESA and Risk Assessment. The above referenced documentation shall be maintained by the Condominium Association and copies made available to the general public on request.

This disclosure statement shall be approved by the office of the City Attorney and the Department of Public Works prior to final site plan or final subdivision plan approval.

12. a. The owner/applicant agrees to make a cash contribution to the City of Chesapeake for the construction or expansion for the public school facilities, including but not limited to, land acquisition for additional classroom space, in the school planning district in which the subject property is located. The amount of the cash contribution shall be \$3,811.44 per residential dwelling unit shown on the approved final site plan. The cash contribution shall be paid to the City at the time of building permit issuance for each residential structure. The cash contribution shall be deposited into the City of Chesapeake's School "lock box", also known as the General Fund Reserve for School Capital Construction Costs, for the affected school district and shall be subject to City Council approval prior to appropriation.
- b. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public arterial and collector streets within the traffic shed impacted by the rezoning, including but not limited to, right-of-way acquisition, road design, road construction, project management, widening, paving, striping, adding turn lanes, adding acceleration or deceleration lanes, installing or adjusting traffic control devices, installing curb and gutter, making ditch and shoulder improvements, and constructing or improving roadside drainage facilities. The amount of the voluntary cash contribution shall be \$1,665.00 per residential dwelling unit. The cash contribution shall be in addition to any required or voluntary road improvements. The applicant/owner agrees to make the proffered cash contribution at the time of building permit issuance for each residential structure.
- c. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public libraries, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of voluntary cash contribution shall be \$701.45 per residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution at the time of building permit issuance for each residential structure.

- d. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public emergency service facilities, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the provision of emergency fire and medical services to the citizens of Chesapeake. The amount of the voluntary cash contribution shall be \$474.77 per residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution at the time of building permit issuance for each residential structure.
13. The owner/applicant agrees to provide additional fire fighting measures beyond that required by the Fire Code. These measures include the following:
 - a. Additional on-site fire hydrants shall be provided as required by the fire department.
 - b. A monitored fire alarm system shall be provided by the owner/applicant, and maintained by the Homeowners Association, for all occupied structures.
 - c. A sprinkler system for the purpose of fire suppression shall be installed for all occupied structures.
14. The applicant/owner agrees that: No more than fifteen percent (15%) of the residential units may be rented at any one time. Biannually, the condominium association will submit to the Zoning Administrator a survey of the occupancy of each unit to verify that the maximum tenant occupancy is 15%. The applicant/owner agrees to include this language in the condominium Declaration and by-laws.
15. The owner/applicant agrees that it shall construct right-of-way improvements on Falcon Avenue between point "A" and point "B" as generally shown on Rezoning Exhibit "B" dated April 20, 2007 to include pavement widening and ditch relocation. Such improvements shall be in accordance with a Public Works approved plan and shall be completed as determined by the Director of Public Works before issuance of any Certificate of Occupancy.

16. The owner/applicant agrees that if presented with a written request from the owner of tax parcel 159000000480, that it shall provide additional fill material and/or regrade such property to provide positive drainage as determined by the Director of Public Works or designee. Such improvements shall be in accordance with a Public Works approved plan and initialed by the property owner prior to commencement of work and shall be completed as determined by the Director of Public Works or designee before any Certificate of Occupancy is issued for the property subject to this rezoning.

APPROVED w/ revised proffers (Ward/Collins) (5-4) (Adams, de Triquet, Edge and Krasnoff voted no.)

- B. R(C)-07-02 PROJECT: Alta Great Bridge** APPLICANT: WP East Acquisitions, LLC AGENCY: Kaufman & Canoles, PC PROPOSAL: A conditional zoning reclassification of 12.32 acres from O&I Office and Institutional District to RMF-1, Multi-family Residential District. PROPOSED COMP LAND USE & DENSITY: Low density multi-family with density not exceeding 16 units per acre EXISTING COMP LAND USE & DENSITY: Office LOCATION: 129-153 Great Bridge Boulevard TAX MAP SECTION/PARCEL: 048000000770 BOROUGH: Washington (Continued from the April 17, 2007 City Council meeting)

The Planning Commission recommends approval with the following proffers:

1. The applicant and/or owner agrees to construct and maintain 20% of the residential dwelling units ("Affordable Housing Units") on the subject property as affordable housing in accordance with the following:
 - a. Affordable Housing Units shall be leased only to residents with an income at or below 50% of the City of Chesapeake area median income ("Qualifying Households"). For the purposes of this proffer, "area median income" shall be determined on an annual basis by the United States Department of Housing and Urban Development and adjusted for household size.
 - b. Affordable Housing Units shall be leased for a monthly fee not higher than 35% of the Qualifying Household's monthly gross income.
 - c. The Affordable Housing Units shall only be occupied by households that qualify under the guidelines referenced in subparagraph a.
 - d. The Affordable Housing Units shall be available for Qualifying Households for a period of 15 years.

The applicant has revised this proffer to read:

- d. **The Affordable Housing Units shall be available for Qualifying Households for a period of 25 years.**

- e. The applicant/owner shall annually prepare and file with the City's Office of Housing compliance reports to ensure that the Affordable Housing Units are occupied by Qualifying Households. In the event the Qualifying Household's income increases by more than 140% of the limits described in paragraph a., the unit will be designated a market rate unit upon lease expiration and the next available similar unit will be leased to a Qualifying Household. Termination and conversion events shall be reported in the annual compliance reports.
2. The applicant agrees that as to the subject property, the building design will be designed to promote and complement the overall draft design guidelines of the Great Bridge Battlefield Plan District dated October 9, 2006. The quality of development, the building design and the site plan shall be no less than the applicant's previous "Alta Bay" community located within the Washington Borough of the City of Chesapeake, Virginia. The exterior design shall be similar to the attached elevations A and B both being labeled "Alta Bay Apartments" dated August 2002, as determined by the Planning Director or designee. The exterior design shall generally include a colonial and nautical theme and may include such features as false dormers, a cupola, a combination of brick and cementitious board (e.g. "Hardiplank") siding, or a roof pitch that compliments the roof pitch of the visitors center building for the Great Bridge Battlefield & Waterways History Foundation. Amenities will include a clubhouse with a business center, an exercise facility, and a swimming pool, all being substantially completed before the issuance of a certificate of occupancy for the building containing the 192nd residential dwelling unit.
3. The applicant agrees to make a cash contribution to the City of Chesapeake for the expansion of classroom space in impacted public schools, including but not limited to, land acquisition for the expansion of public school facilities and construction of new schools and additions. The amount of the voluntary cash contribution shall be **\$9,909.74** per residential dwelling unit for all residential dwelling units that are not subject to proffer number 1 above. The applicant agrees to make the proffered cash contribution prior to issuance of a building permit for the residential dwelling units. The applicant acknowledges and agrees that the cash contribution shall be deposited into the City of Chesapeake's "lock box," also known as the General Fund Reserve for School Capital Construction Costs and shall be subject to City Council approval prior to appropriation. In the event the cash proffer is not expended for land acquisition or classroom expansion within time constraints imposed by state law, the applicant agrees that the cash proffer may be used for capital improvement projects for major repair, maintenance and renovation of public schools in the same school planning area as the rezoned property.

4. The applicant agrees to make a cash contribution to the City of Chesapeake for capital improvements to public arterial and collector streets within the traffic shed impacted by the rezoning, including but not limited to, right-of-way acquisition, road design, road construction, project management, widening, paving, striping, adding turn lanes, adding acceleration or deceleration lanes, installing or adjusting traffic control devices, installing curb and gutter, making ditch and shoulder improvements, and constructing or improving roadside drainage facilities. The amount of the voluntary cash contribution shall be \$1,912.00 per residential dwelling unit for all residential dwelling units that are not subject to proffer number 1 above. The cash contribution shall be in addition to any required or voluntary road improvements otherwise set forth herein. The applicant agrees to make the proffered cash contribution prior to issuance of a building permit for the residential dwelling units.
5. The applicant agrees to make a cash contribution to the City of Chesapeake for capital improvements to public libraries, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of the voluntary cash contribution shall be \$701.45 per residential dwelling unit for all residential dwelling units that are not subject to proffer number 1 above. The applicant agrees to make the proffered cash contribution prior to issuance of a building permit for the residential dwelling units.
6. The applicant agrees to make a cash contribution to the City of Chesapeake for capital improvements to public emergency service facilities, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the provision of emergency fire and medical services to the citizens of Chesapeake. The amount of the voluntary cash contribution shall be \$474.77 per residential dwelling unit for all residential dwelling units that are not subject to proffer number 1 above. The applicant agrees to make the proffered cash contribution prior to issuance of a building permit for the residential dwelling units.
7. The applicant agrees to design and construct a public sidewalk generally along the subject property's boundary with Great Bridge Boulevard. The sidewalk will be designed and constructed in accordance with the requirements and specifications of the City of Chesapeake Public Facilities Manual and will be so constructed before the issuance of a certificate of occupancy for the 192nd residential dwelling unit.
8. The maximum number of residential dwelling units on the subject property shall be 192.

9.
 - a. The applicant and/or owner shall grant a permanent easement to the City of Chesapeake of approximately 0.5 acres located in the approximately triangular-shaped area that begins at the extreme northwest corner of the subject property beginning at the point where the right-of-way of Route 168 intersects with its off-ramp to Great Bridge Boulevard. The easement shall be for the sole and exclusive use and benefit of the Great Bridge Battlefield and Waterways History Foundation to provide and maintain a special feature to highlight the gateway into the Great Bridge Battlefield Plan District.
 - b. The permanent easement provided for in paragraph 9a. above shall be granted to the City before the issuance of a certificate of occupancy for the building containing the 192nd residential dwelling unit.
10. The applicant/owner acknowledges that its project is located in proximity to the Great Bridge Battlefield site and to enhance the historic and cultural experience of the residents occupying the residential dwellings units on the subject property, as well as the general public, the applicant/owner agrees to make a cash contribution to the Great Bridge Battlefield and Waterways History Foundation in the amount of One Hundred Fifty Thousand Dollars (\$150,000). The cash contribution shall be made prior to the issuance of a building permit for the residential dwelling units.

Note: The Cash Proffers being made with this application are on a per-unit basis. The amounts tabulated above are based on a total 192 units, less 20%, or 39 units, which are for occupancy by individuals and families whose incomes do not exceed fifty percent (50%) of the area median income as set forth in Proffer #1, or 153 units.

APPROVED w/proffers (Parker/Collins) (5-4) (de Triquet, Edge, Krasnoff and Willis voted no)

- C. **R(C)-07-07 PROJECT: Shirley Estates** APPLICANT: Daniel and Shirley Hall
 AGENCY: Site Improvement Associates, Inc. PROPOSAL: A conditional zoning reclassification of 3.75 acres from A-1 Agricultural District to R-40 single family district and R-15s single family district. PROPOSED LAND USE & DENSITY: Suburban Single-family with 1 unit per acre to something less than 4 units per acre. EXISTING COMP LAND USE & DENSITY: Rural with one unit per 3 or more acres. LOCATION: The property is located 2300[±] feet from the southwest intersection of Forest Road and Hillwell Road. TAX MAP SECTION/PARCEL: 0730000001160
 BOROUGH: Pleasant Grove

The Planning Commission recommends denial

APPROVED w/proffers: (Collins/Hayes) (5-4)(Adams, Krasnoff, Ward and Willis voted no)

1. Lots 6, 7, 9 & 10 as shown on the attached rezoning exhibit will not apply for building permits prior to September 1, 2007.
2. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for the expansion of classroom space in impacted public schools, including but not limited to, land acquisition for the expansion of public school facilities and construction of new schools and additions. The amount of the voluntary cash contribution shall be \$14,229.37 per residential lot. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for all residential lots. The applicant/owner acknowledges and agrees that the cash contribution may be deposited into the City of Chesapeake's "lock box," also known as the General Fund Reserve for School Capital Construction Costs and shall be subject to City Council approval prior to appropriation. In the event the cash proffer is not expended for land acquisition or classroom expansion within time constraints imposed by state law, the applicant/owner agrees that the cash proffer may be used for capital improvement projects for major repair, maintenance and renovation of public schools in the same school planning area as the rezoned property.
3. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public arterial and collector streets within the traffic shed impacted by the rezoning, including but not limited to, right-of-way acquisition, road design, road construction, project management, widening, paving, striping, adding turn lanes, adding acceleration or deceleration lanes, installing or adjusting traffic control devices, installing curb and gutter, making ditch and shoulder improvements, and constructing or improving roadside drainage facilities. The amount of the voluntary cash contribution shall be \$3,179.00 per residential lot. The cash contribution shall be in the addition to any required or voluntary road improvements. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for all residential lots.
4. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public libraries, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of the voluntary cash contribution shall be \$949.00 per residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for all residential dwelling units.
5. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public emergency service facilities, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the provision of emergency fire and medical services to the citizens of Chesapeake. The amount of the voluntary cash

contribution shall be \$462.00 per residential dwelling unit or residential lot, whichever is greater. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for all residential dwelling units.

6. No more than five (5) lots shall be created within the proposed rezoned area.
7. The applicant/owner agrees to pay \$4,300.00 toward connection fees for every lot served by water & sewer along the proposed extension of the water & sewer mains along Forest Rd. (total of 10 lots affected) to serve the subject property. The said fee to be paid at time of utility activation to the owner of each lot affected. This proffer is valid for a period of six months after the water main & sewer main are accepted & activated by the Department of Public Utilities.
8. The applicant/owner agrees to restrict the home on the proposed development to a minimum of 2500 SF for single story house & 2800 SF of a 2 story house.
9. The applicant/owner agrees to restrict home construction within the proposed development to crawl spaces foundation, and the construction of the houses shall be predominately brick as determined by the Planning Director or Designee.
10. Applicant/owner agrees to limit access from all lots in the development including those already approved for construction in the R-15s zoning district to Daniel Court.

D. CP-07-02 RESOLUTION AMENDING THE 2026 COMPREHENSIVE PLAN, INCLUDING POLICIES, APPENDICES AND LAND USE MAP, TO ADD CITY-WIDE DESIGN GUIDELINES APPLICABLE TO MIXED-USE, INFILL AND GATEWAY DEVELOPMENTS AND APPLICABLE ALSO THROUGHOUT THE RURAL OVERLAY DISTRICT.

The Planning Commission recommends approval.

APPROVED (de Triquet/Ward) (9-0)

E. ST.C-07-02 PROJECT: Old Bells Mill Road Street Closure APPLICANT: City of Chesapeake PROPOSAL: A request to close the 30,731 square foot portion of Old Bells Mill Road at its western terminus. LOCATION: Western terminus of the Old Bells Mill Road TAX MAP SECTION/PARCEL: 046000000213, 046000000222 BOROUGH: Deep Creek

The Planning Commission recommends approval with the following stipulations:

1. The City reserves and establishes public access and utility easements across the entire vacated right-of-way. These easements shall be depicted on all site plans and subdivision plats that incorporate the vacated right of way.
2. The street closure shall not become effective until such time as a deed is executed by the City conveying its interest in the vacated right of way to the adjacent property owner. The City Manager or designee shall have authority to execute the deed."

APPROVED w/stipulations (Adams/Hayes) (9-0)

- F. **TA-Z-07-06 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING", SECTIONS 7-601.C.31, 8-601.C.24 AND 9-501.C.19 TO MODIFY THE CONDITIONAL USE PERMIT REQUIREMENTS FOR EATING OR DRINKING PLACES ADJACENT TO PROPERTY ZONED OR USED FOR RESIDENTIAL PURPOSES, CHURCHES AND PUBLIC AND PRIVATE SCHOOLS.** (Continued from the May 1, 2007 Special City Council Meeting)

The Planning Commission recommends approval of the version dated March 21, 2007.

APPROVED version dated March 21, 2007 with the following amended language as an emergency: (Willis/Ward) (6-3) (de Triquet, Edge and Hayes voted no)

Changing 100 feet to 200 feet in sections 7-601.C.31(a), 8-601.C.24(a), and 9-501.C.19(a)

Changing 1:00 a.m. to 12:00 midnight in sections 7-601.C.31(a), 8-601.C.24(a), and 9-501.C.19(a).

6. DOCKET
 - A. CITIZENS COMMENTS ON AGENDA ITEMS ONLY
 - B. REGULAR AGENDA

City Manager Items

- (1) A. REQUEST TO DE-APPROPRIATE \$1,562,126 OF GENERAL FUND TELECOMMUNICATIONS REVENUES FOR FY 2006-07 – BUDGET DEPARTMENT

APPROVED AS AN EMERGENCY ORDINANCE (Parker/Ward) (9-0)

- B. REQUEST FOR TRANSFER OF \$1,300,000 FROM THE FY 2006-07 GENERAL FUND TO THE FY 06-07 E-911 OPERATIONS FUND – BUDGET DEPARTMENT

APPROVED (Parker/Ward) (9-0)

- (2) REQUEST FOR CITY COUNCIL CONTINGENCY FUND TRANSFER OF \$5,200 TO PURCHASE CIVIL WAR TRAIL MARKERS - PLANNING DEPARTMENT

APPROVED (Ward/Adams) (7-2) (de Triquet and Krasnoff voted no)

7. COMMITTEE REPORTS

8. OLD AND NEW BUSINESS

- A) Request to reconsider the action to remove and reserve \$1.2 million for the VRS Multiplier from the FY 07-08 Operating Budget and consider it as part of the Employee Pay Plan Study, adopted as part of City Manager Item 1(m) (AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, AND ENDING JUNE 30, 2008, TO PRESCRIBE THE TERMS AND PAYMENT AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE) ADOPTED BY CITY COUNCIL DURING THE MAY 8, 2007 COUNCIL MEETING - COUNCIL MEMBERS BRYAN L. COLLINS, ELLA P. WARD, AND PATRICIA PRITCHARD WILLIS

Motion to approve reconsideration of the action taken May 8, 2007 to remove and reserve \$1.2 million from the FY 07-08 Operating Budget appropriation for the VRS Multiplier for Public Safety sworn employees. (Willis/Collins) (8-1) (Krasnoff voted no)

Motion to approve and return \$1.2 million to the FY 07/08 Operating Budget appropriation to implement the VRS Multiplier for Public Safety sworn employees. (Willis/Ward) (9-0)

Motion to suspend the City Council's Rules of Order and Procedure to consider a resolution not on the printed agenda. (de Triquet/Collins) (9-0)

Motion to approve a resolution to the Virginia Retirement System implementing the retirement multiplier for Public Safety sworn employees effective July 1, 2007. (de Triquet/Parker) (9-0)

9. CLOSED SESSION (If called) – 10:26 p.m.- 11:10 p.m.

10. ADJOURNMENT – 11:11 p.m.