

**CITY OF CHESAPEAKE  
CITY COUNCIL MEETING  
AGENDA  
July 24, 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 THE APPLICATION AND COMPLETE SUPPORTING MATERIAL OF 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:** **5:00 p.m.** Work Session, 4<sup>th</sup> Floor, Human Resources Training Center. The topic of discussion will be:

1. Update on Naval Facilities Oceana, Fentress and Northwest Annex

**Port Authority interviews have been moved to August 14, 2007.**

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 6:30 p.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 Wayne Carter, Deep Creek United Methodist Church**
2. PLEDGE OF ALLEGIANCE TO THE FLAG **Council Member Adams**
3. ROLL CALL BY CITY CLERK **(Council Member de Triquet excused)**
4. APPROVAL OF MINUTES
5. PUBLIC HEARING

APPLICANTS', AGENTS, AND CITIZENS' COMMENTS ON PUBLIC HEARING ITEMS  
COUNCIL'S CONSIDERATION OF PUBLIC HEARING ITEMS:

Non-Planning Public Hearing Items

- A. ORDINANCES AWARDED TELECOMMUNICATIONS FRANCHISES TO LEVEL 3 COMMUNICATIONS, LLC; TELCOVE, INC.; CAVALIER TELEPHONE, LLC; VERIZON COMMUNICATIONS; AND AT&T

**CONTINUED NPPH-A Items 1-5 to the August 21, 2007 City Council meeting - Hayes/Parker (7-0) (Council Member Adams voted no, and Council Member de Triquet was Excused)**

- 1) AN ORDINANCE GRANTING A FRANCHISE TO LEVEL 3 COMMUNICATIONS, LLC FOR THE TERM AND UPON THE CONDITIONS HEREIN STATED TO OCCUPY AND USE THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF CHESAPEAKE TO INSTALL, MAINTAIN, UPGRADE, REPAIR AND REMOVE POLES, WIRES, ELECTRICAL CONDUCTORS, CONDUITS, SUBWAYS, MANHOLES, FIXTURES, APPLIANCES AND APPURTENANCES OF A TELECOMMUNICATIONS SYSTEM IN THE CORPORATE LIMITS OF THE CITY OF CHESAPEAKE.
- 2) AN ORDINANCE GRANTING A FRANCHISE TO TELCOVE, INC. FOR THE TERM AND UPON THE CONDITIONS HEREIN STATED TO OCCUPY AND USE THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF CHESAPEAKE TO INSTALL, MAINTAIN, UPGRADE, REPAIR AND REMOVE POLES, WIRES, ELECTRICAL CONDUCTORS, CONDUITS, SUBWAYS, MANHOLES, FIXTURES, APPLIANCES AND APPURTENANCES OF A TELECOMMUNICATIONS SYSTEM IN THE CORPORATE LIMITS OF THE CITY OF CHESAPEAKE.

- 3) AN ORDINANCE GRANTING A FRANCHISE TO CAVALIER TELEPHONE, LLC FOR THE TERM AND UPON THE CONDITIONS HEREIN STATED TO OCCUPY AND USE THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF CHESAPEAKE TO INSTALL, MAINTAIN, UPGRADE, REPAIR AND REMOVE POLES, WIRES, ELECTRICAL CONDUCTORS, CONDUITS, SUBWAYS, MANHOLES, FIXTURES, APPLIANCES AND APPURTENANCES OF A TELECOMMUNICATIONS SYSTEM IN THE CORPORATE LIMITS OF THE CITY OF CHESAPEAKE.
- 4) AN ORDINANCE GRANTING A FRANCHISE TO VERIZON COMMUNICATIONS FOR THE TERM AND UPON THE CONDITIONS HEREIN STATED TO OCCUPY AND USE THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF CHESAPEAKE TO INSTALL, MAINTAIN, UPGRADE, REPAIR AND REMOVE POLES, WIRES, ELECTRICAL CONDUCTORS, CONDUITS, SUBWAYS, MANHOLES, FIXTURES, APPLIANCES AND APPURTENANCES OF A TELECOMMUNICATIONS SYSTEM IN THE CORPORATE LIMITS OF THE CITY OF CHESAPEAKE.
- 5) AN ORDINANCE GRANTING A FRANCHISE TO AT&T FOR THE TERM AND UPON THE CONDITIONS HEREIN STATED TO OCCUPY AND USE THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF CHESAPEAKE TO INSTALL, MAINTAIN, UPGRADE, REPAIR AND REMOVE POLES, WIRES, ELECTRICAL CONDUCTORS, CONDUITS, SUBWAYS, MANHOLES, FIXTURES, APPLIANCES AND APPURTENANCES OF A TELECOMMUNICATIONS SYSTEM IN THE CORPORATE LIMITS OF THE CITY OF CHESAPEAKE.

6. DOCKET

- A. CITIZENS' COMMENTS ON AGENDA ITEMS ONLY
- B. CONSENT AGENDA

**APPROVED Collins/Ward (8/0) (Council Member de Triquet was excused)**

City Clerk Items

- (1) RESIGNATIONS
  - a. Kevin A. Cahoon – Stormwater Committee
  - b. Sherwood E. Lowery, Jr. – Stormwater Committee

City Manager Items

- (1) CONSIDERATION OF A RESOLUTION APPROVING THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR FIVE STAR MEDICAL TRANSPORT, PURSUANT TO CHESAPEAKE CITY CODE CHAPTER 82, ARTICLE II, DIVISION 2, ENTITLED "CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY," SECTION 82-61 ENTITLED "REQUIRED; APPLICATION; EXAMINATION; DURATION" – POLICE DEPARTMENT
- (2) REQUEST FOR AUTHORITY TO SUBMIT A 2007 BYRNE GRANT APPLICATION (\$300,000 FEDERAL) TO THE U.S. DEPARTMENT OF JUSTICE – POLICE DEPARTMENT
- (3) REQUEST FOR AUTHORITY TO SUBMIT A 2007 JUSTICE ASSISTANCE GRANT APPLICATION (\$202,589 FEDERAL) TO THE U. S. DEPARTMENT OF JUSTICE – POLICE DEPARTMENT
- (4) REQUEST FOR APPROPRIATION OF \$35,000 IN 2006 CITIZEN CORPS GRANT FUNDS AWARDED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY – FIRE DEPARTMENT

City Attorney Item

- (1) AN ORDINANCE AMENDING CHAPTER 30 OF THE CHESAPEAKE CITY CODE, ENTITLED "FINANCE AND TAXATION," ARTICLE XVII, ENTITLED "UNCOLLECTIBLE TAXES," TO AMEND SECTION 30-525(a) BY ADDING SUBSECTION (a)(6) THERETO REQUIRING THE CITY TREASURER TO MAKE OUT A LIST OF UNCOLLECTED BALANCES OF PREVIOUSLY BILLED TANGIBLE PERSONAL PROPERTY TAXES ON VEHICLES THAT (i) WERE OWNED BY TAXPAYERS, NOW DECEASED, UPON WHOSE ESTATES NO QUALIFICATION HAS BEEN MADE, OR (ii) WERE TRANSFERRED TO BONA FIDE PURCHASERS FOR VALUE WITHOUT KNOWLEDGE, ON THE PART OF THE PERSONS SO TRANSFERRING, TO BRING SAID SECTION INTO COMPLIANCE WITH NEWLY AMENDED VIRGINIA CODE SECTION 58.1-3921.

## C. REGULAR AGENDA

City Clerk Item

## (2) CONSIDERATION OF USE PERMIT EXTENSION REQUEST

- a. UP-05-06 PROJECT: Western Branch Blvd, Dunkin Donuts  
 APPLICANT: Kuber Suraj Donuts Corporation c/o Hitesh Patel  
 AGENCY: Hoggard/Eure Associates, P.C. PROPOSAL: A conditional use permit to construct and operate a drive-thru facility with a speaker within 300 feet of residential property. This proposed conditional use is associated with the proposed redevelopment of a restaurant on a 0.47-acre site. ZONE: B-2 General Business District  
 SIC CODE: 58 LOCATION: 3277 Western Branch Boulevard and a portion of 3552 Collins Boulevard TAX MAP SECTION/PARCEL: 0051001000001, portion of 0051001000005 PLANNING AREA: Western Branch

Approved by City Council on **August 16, 2005** with the following stipulation:

The final geometry of the drive-thru facility shall be subject to the approval of the Public Works Director or designee to accommodate the turning movements of vehicles. The final geometry of the drive-thru shall not affect the location of the speaker box unless the alternative location is approved as a minor deviation under section 17-114 of the Zoning Ordinance. The geometry of the drive-through facility, as approved by the Public Works Director or designee, shall be reflected on the final site plan.

**APPROVED Willis/Collins (8/0) (Council Member de Triquet was excused)**

City Manager Item

- (5) REQUEST FOR AUTHORITY TO SUBMIT A 2006 HOMELAND SECURITY LOCAL INTEROPERABILITY COMMUNICATIONS GRANT APPLICATION (\$2,050,037 FEDERAL) TO THE U. S. DEPARTMENT OF HOMELAND SECURITY – FIRE DEPARTMENT

**APPROVED Adams/Parker (8/0) (Council Member de Triquet was excused)**

7. CITIZENS' COMMENTS ON THE SERVICES, POLICIES, AND AFFAIRS OF THE CITY (NON AGENDA SPEAKERS)
8. COMMITTEE REPORTS

9. OLD AND NEW BUSINESS

10. APPOINTMENTS TO BOARDS AND COMMISSIONS

- A. Community Services Board – 3 Appointments  
**Appointed Jeffrey M. Coleman and Timothy W. Latsko  
Continued One Vacancy “Consumer” to September 25, 2007**
- B. Local Emergency Planning Committee – 3 Appointments  
**Appointed Jennifer L. Foster (Nurse), Bryan C. Genzler  
(Environmental), and Theodore “Ted” J. Lepski (Citizen)**
- C. Mosquito Control Commission – 1 Appointment  
(Continued from June 26, 2007 City Council Meeting)  
**Appointed Herb F. Poindexter**
- D. Port Authority – 1 Appointment  
**(Interviews Scheduled for August 14, 2007)**
- E. Public Art Committee – 1 Appointment  
**Appointed Virgil P. Kocher (Fine Arts Commission Member)**
- F. Senior Services of Southeastern Virginia – 2 Appointments  
**Reappointed Willar M. Baum and Appointed Weeatha P. Carey**
- G. South Norfolk Revitalization Commission – 1 Appointment  
**Appointed Larry L. Wright**
- H. Transportation Safety Commission – 2 Appointments  
**Appointed Frederick P. McKenna and Continued one Appointment**
- I. Southeastern Public Service Authority – 1 Appointment  
**Appointed City Manager William E. Harrell**

11. CLOSED SESSION (If called)

**8:55 p.m.**

12. ADJOURNMENT

**10:56 p.m.**