

**CITY OF CHESAPEAKE  
CITY COUNCIL MEETING  
MARKED AGENDA  
January 22, 2008  
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 8:00 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) Financial Analysis for Dominion Boulevard / US 17 and Southeastern Parkway & Greenbelt

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, (8:00 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 James E. Jones, First Baptist Church West Munden**
2. PLEDGE OF ALLEGIANCE TO THE FLAG - **Star Scout Judson Gauf, Troop 996**
3. ROLL CALL BY CITY CLERK **Vice Mayor Parker Excused, Mayor Edge Excused at 7:45 p.m.**
4. APPROVAL OF MINUTES - **APPROVED March 20, 2007 City Council Meeting Minutes - Collins/Ward (8-0) (Vice Mayor Parker excused)**
5. PUBLIC HEARING

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

Public Hearing Item

- A. **R(PUD)-05-02 PROJECT: Belharbour Station at SoNo** APPLICANT: Truxton Development, LLC AGENCY: Kimley-Horn and Associates, Inc. PROPOSAL: A conventional zoning reclassification of approximately 23 acres from M-2 General Industrial District to PUD Planned Unit Development. PROPOSED COMP LAND USE & DENSITY: General Business/Commercial; Office; High density multi-family with density not exceeding 24 units per acre EXISTING COMP LAND USE & DENSITY: Water related industry LOCATION: West of 120 Jefferson Street TAX MAP SECTION/PARCEL: 1320000000020 BOROUGH: South Norfolk

**APPROVED – Hayes/Ward (5-2) (Council Members de Triquet and Krasnoff voted no, Mayor Edge abstained, and Vice Mayor Parker was excused)**

Non-Planning Public Hearing Items

- B. ORDINANCE CREATING THE SOUTH NORFOLK BELHARBOUR WATERFRONT COMMUNITY DEVELOPMENT AUTHORITY IN ACCORDANCE WITH THE VIRGINIA WATER AND WASTE AUTHORITIES ACT, CHAPTER 51, TITLE 15.2 OF THE CODE OF VIRGINIA, 1950 AS AMENDED.

**APPROVED – Willis/Hayes (5-2) (Council Members de Triquet and Krasnoff voted no, Mayor Edge abstained, and Vice Mayor Parker was excused.)**

1. ARTICLES OF INCORPORATION FOR SOUTH NORFOLK BELHARBOUR WATERFRONT COMMUNITY DEVELOPMENT AUTHORITY – APPOINTMENT OF BOARD

**APPROVED THE ARTICLES OF INCORPORATION FOR SOUTH NORFOLK BELHARBOUR WATERFRONT COMMUNITY DEVELOPMENT AUTHORITY AS PRESENTED, WITH THE ADDRESS OF THE PRINCIPAL OFFICE AND THE NAME AND ADDRESS OF THE REGISTERED AGENT TO BE COMPLETED BY THE AUTHORITY AT A LATER DATE; AND APPOINTED THE FOLLOWING INDIVIDUALS TO SERVE AS BOARD MEMBERS FOR A FOUR YEAR TEM: Russell G. Hanson, Jr., Dorothy Scott Grant, James Creekmore; Charles Hackworth; and City Manager William E. Harrell to serve as Board Members on the Community Development Authority – Willis/Hayes (5-2) (Council Members de Triquet and Krasnoff voted no, Mayor Edge abstained, and Vice Mayor Parker was excused.)**

2. RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AN AGREEMENT WITH THE SOUTH NORFOLK BELHARBOUR WATERFRONT COMMUNITY DEVELOPMENT AUTHORITY AND TRUXTON DEVELOPMENT, LLC, FOR THE MIXED-USE DEVELOPMENT OF THE BELHARBOUR SITE LOCATED WEST OF INTERCHANGE I-464 AND EAST OF THE SOUTHERN BRANCH OF THE ELIZABETH RIVER OFF POINDEXTER STREET, SAID DEVELOPMENT AGREEMENT TO PROVIDE FOR PUBLIC AND PRIVATE FUNDING AND INVESTMENTS; TO ALLOCATE CONSTRUCTION OWNERSHIP AND MAINTENANCE RESPONSIBILITIES; AND TO ESTABLISH A SCHEDULE OF DEVELOPMENT.

**APPROVED as presented - Adams/Ward (5-2) (Council Members de Triquet and Krasnoff voted no, Mayor Edge abstained, and Vice Mayor Parker was excused.)**

- C. RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT OF EXCHANGE AND CORRESPONDING DEEDS OF CONVEYANCE BETWEEN WILLIAM L. FEARNES AND CATHERINE V. FEARNES AND THE CITY OF CHESAPEAKE, WHEREBY MR. AND MRS. FEARNES WILL CONVEY TO THE CITY A 2.337-ACRE DRAINAGE EASEMENT AND A 0.649-ACRE INGRESS-EGRESS EASEMENT ON PROPERTY FRONTING ON THE EASTERN SIDE OF HILLWELL ROAD IN THE PLEASANT GROVE BOROUGH OF THE CITY OF CHESAPEAKE, AND THE CITY WILL CONVEY TO MR. AND MRS. FEARNES A 0.679-ACRE PARCEL OF LAND IN FEE SIMPLE, LOCATED EAST OF HILLWELL ROAD IN THE PLEASANT GROVE BOROUGH OF THE CITY OF CHESAPEAKE.

**APPROVED - Ward/Willis (7-0) (Mayor Edge out of the Chamber and Vice Mayor Parker was excused)**

- D. RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC UTILITIES TO EXECUTE A DEED OF VACATION FOR THE VACATION OF AN EXISTING 25' UTILITY EASEMENT ON PROPERTY BEING DEVELOPED AS BENSON-LEBRAY PLAZA.

**WITHDRAWN WITHOUT OBJECTION**

- E. RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A LEASE WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS TO CONSTRUCT, MAINTAIN AND OPERATE A PRIVATE TELECOMMUNICATIONS FACILITY AT A TELECOMMUNICATION TOWER OWNED BY THE CITY LOCATED AT 3800 BUNCH WALNUTS ROAD.

**APPROVED - Ward/Hayes (6-0) (Council Member Collins abstained, Mayor Edge was out of the Chamber, and Vice Mayor Parker was excused.)**

- F. RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A LEASE WITH CELLCO PARTNERSHIP D/B/A/ VERIZON WIRELESS TO CONSTRUCT, MAINTAIN AND OPERATE A PRIVATE TELECOMMUNICATIONS FACILITY AT A TELECOMMUNICATION TOWER OWNED BY THE CITY LOCATED AT 304 ALBEMARLE DRIVE.

**APPROVED – Ward/Willis (6-0) (Council Member Collins abstained, Mayor Edge was out of the Chamber and Vice Mayor Parker was excused.)**

- G. AN ORDINANCE AMENDING AN ORDINANCE ADOPTED ON AUGUST 21, 2007, GRANTING A FRANCHISE TO VERIZON COMMUNICATIONS FOR THE TERM AND UPON THE CONDITIONS THEREIN 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, AMENDING THE TITLE AND SECTIONS 1 AND 54 TO CHANGE VERIZON COMMUNICATIONS TO "VERIZON VIRGINIA INC." AND SECTIONS 8, 21 AND 36 TO MODIFY CERTAIN WORDING.

**APPROVED – Ward/Willis (6-0) (Council Member Collins abstained, Mayor Edge was out of the Chamber, and Vice Mayor Parker were excused.)**

- H. AN ORDINANCE AMENDING AN ORDINANCE ADOPTED ON OCTOBER 23, 2007, GRANTING A FRANCHISE TO VERIZON SOUTH INC. FOR THE TERM AND UPON THE CONDITIONS THEREIN 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, AMENDING SECTIONS 8, 21 AND 36 TO MODIFY CERTAIN WORDING.

**APPROVED – Adams/Willis (6-0) (Council Member Collins abstained, Mayor Edge was out of the Chamber, and Vice Mayor Parker was excused.)**

- I. AN ORDINANCE AMENDING AN ORDINANCE ADOPTED ON AUGUST 21, 2007, GRANTING A FRANCHISE TO CAVALIER TELEPHONE, LLC FOR THE TERM AND UPON THE CONDITIONS THEREIN 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, AMENDING SECTIONS 8, 21 AND 36 TO MODIFY CERTAIN WORDING.

**APPROVED – Collins/Ward (7-0) (Mayor Edge and Vice Mayor Parker were excused.)**

- J. AN ORDINANCE AMENDING AN ORDINANCE ADOPTED ON AUGUST 21, 2007, GRANTING A FRANCHISE TO LEVEL 3 COMMUNICATIONS, LLC FOR THE TERM AND UPON THE CONDITIONS THEREIN 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, AMENDING SECTIONS 8, 21 AND 36 TO MODIFY CERTAIN WORDING.

**APPROVED – Hayes/Collins (7-0) (Mayor Edge and Vice Mayor Parker were excused.)**

6. DOCKET

- A. CITIZENS' COMMENTS ON AGENDA ITEMS ONLY

B. CONSENT AGENDA

**APPROVED CONSENT AGENDA – Collins/Ward (7-0) (Mayor Edge and Vice Mayor Parker were excused.)**

City Clerk Items

(1) RESIGNATIONS

- (a) Shelley Taylor-Donahue – Chesapeake Commission for the Prevention of AIDS

(2) REFUNDS

- (a) Rose Industries #139 t/a Brentwood Shell - \$2,811.08

City Manager Item

- (1) CONSIDERATION OF A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ADD AND DELETE STREETS TO THE URBAN HIGHWAY SYSTEM – DEPARTMENT OF PUBLIC WORKS

C. REGULAR AGENDA

City Manager Items

- (2) (A) CONSIDERATION OF A RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT INVESTMENT GRANT TO DOLLAR TREE STORES, INC. AND TRANSFERRING APPROPRIATED FUNDS THEREFOR – DEPARTMENT OF ECONOMIC DEVELOPMENT

**APPROVED – Hayes/Collins (7-0) (Mayor Edge and Vice Mayor Parker were excused.)**

- (B) CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PERFORMANCE AGREEMENT WITH DOLLAR TREE STORES, INC. FOR THE DISBURSEMENT AND USE OF A GRANT AWARDED BY THE VIRGINIA ECONOMIC PARTNERSHIP FROM THE GOVERNOR’S OPPORTUNITY FUND – DEPARTMENT OF ECONOMIC DEVELOPMENT

**APPROVED – Hayes/Collins (7-0) (Mayor Edge and Vice Mayor Parker were excused.)**

(3) CITY MANAGER UPDATES

7. CITIZENS’ COMMENTS ON THE SERVICES, POLICIES, AND AFFAIRS OF THE CITY (NON AGENDA SPEAKERS)

8. COMMITTEE REPORTS
9. OLD AND NEW BUSINESS
  - A. RESOLUTION REQUESTING THE PLANNING COMMISSION TO CONSIDER AND MAKE RECOMMENDATIONS CONCERNING AMENDMENTS TO SECTION 13-600 THROUGH 13-608 OF THE CHESAPEAKE ZONING ORDINANCE TO REVISE AND UPDATE THE REQUIREMENTS APPLICABLE TO COMMUNICATIONS TOWERS. (Council Member Rebecca Adams)  
  
**APPROVED – Adams/Collins (7-0) (Mayor Edge and Vice Mayor Parker were excused.)**
10. APPOINTMENTS TO BOARDS AND COMMISSIONS
  - A. Animal Control Advisory Board – 2 appointments  
**Appointed Dr. Jeff Klemm (Veterinarian) and continued one appointment**
  - B. Cable Television Commission – 1 appointment  
**Appointed Clifton E. Pierce**
  - C. Chesapeake Bicycle/Trails Advisory Committee – 1 appointment  
**Appointed Jennie E. Virden (Organized Trail)**
  - D. Chesapeake Commission on Substance Abuse – 5 appointments (2 appointments continued from November 27, 2007 City Council meeting)  
**Appointed Patrick G. Sawyer (citizen) Continued 4 appointments**
  - E. Chesapeake Community Criminal Justice Board – 10 appointments  
**Reappointed Rufus A. Banks, Jr. (Judge), William J. Facenda (citizen), Nancy G. Parr (Commonwealth Attorney), Michelle R. Scoggins (Education Rep.), Steven V. Terry (Citizen); and appointed Wanda A. Barnard-Bailey (City Manager Rep.), Joseph J. Scislowicz (Community Services Board Rep.) Brian A. Hunt (Asst. Public Defender), Linda W. Faircloth (Citizen), and Christina F. Pullen (Citizen)**
  - F. Chesapeake Historic Preservation Commission – 1 appointment  
**Appointed Geraldine B. Foster**
  - G. Chesapeake Interagency Consortium – 2 appointments  
**Appointed Joseph J. Scislowicz (Community Services Board Rep.) and continued one appointment (Private Organization Rep.)**
  - H. Citizens Juvenile Advisory Council – 1 appointment  
**Appointed Michele Johnson-Deneau**
  - I. CSB of Chesapeake, Inc. – 1 appointment  
**Appointed Joseph J. Scislowicz (Community Services Board Rep.)**
  - J. Law Library Board – 1 appointment  
**Appointed James E. Short**
  - K. Planning Council – 1 appointment  
**Reappointed John de Triquet (Council Member)**
  - L. South Norfolk Revitalization Commission – 1 appointment

(Continued from November 27, 2007 City Council meeting)

**Appointed Marie Breedon**

M. Stormwater Committee – 6 Appointments

**Reappointed Patricia Biegler (Public Works Department) and K.**

**Wayne Jarman; Appointed James T. Coghlan, Patricia B. Newbern,**

**David J. Parks and Jimmy R. Smith.**

11. CLOSED SESSION (If called)

12. ADJOURNMENT **8:33 p.m.**