

A Regular Work Session of the Chesapeake City Council was held January 16, 2007, at 5:00 p.m., in the City Hall Building, 306 Cedar Road.

**Present:** Council Member Rebecca Adams  
Council Member Bryan Collins  
Council Member Clifton E. Hayes, Jr. (arrived at 5:06)  
Vice Mayor Dwight M. Parker  
Council Member Ella Ward  
Council Member Patricia Pritchard Willis

**Absent:** Council Member John M. de Triquet (excused)  
Mayor Dalton S. Edge (excused)  
Council Member Alan P. Krasnoff (excused)

**Present from Administration:** Acting City Manager Anne Odell, City Attorney Ronald Hallman, Deputy City Manager Wanda Bernard-Bailey, City Clerk Dolores Moore, Finance Director Nancy Tracy and other staff members.

**The Following Topic was discussed during the Work Session:**

- 1) Reserves and Debt Policies

The Work Session adjourned at 5:45 p.m.

/dah

A Regular Meeting of the Chesapeake City Council was called to order by Vice Mayor Dwight M. Parker on January 16, 2007 at 6:30 p.m., in the City Hall Building, 306 Cedar Road.

INVOCATION: Reverend Ben Bonnici, Cedar Road Assembly of God

PLEDGE OF ALLEGIANCE: Council Member Clifton E. Hayes, Jr.

ROLL CALL BY CLERK OF COUNCIL:

**Present:** Council Member Rebecca Adams  
Council Member Bryan Collins  
Council Member John M. de Triquet  
Council Member Clifton E. Hayes, Jr.  
Council Member Alan P. Krasnoff (arrived at 6:35 p.m.)  
Vice Mayor Dwight M. Parker  
Council Member Ella Ward  
Council Member Patricia Pritchard Willis

**Absent:** Mayor Dalton S. Edge (excused)

**Present from Administration:** Acting City Manager Anne Odell, City Attorney Ronald Hallman, Deputy City Manager Amar Dwarkanath, Deputy City Manager Wanda Barnard-Bailey, City Clerk Dolores Moore, Planning Director Brent Nielson, Assistant City Attorney Grady Palmer, and other staff members.

#### **APPROVAL OF MINUTES**

Vice Mayor Parker advised that there were no minutes for approval at that time.

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

City Clerk Moore stated there were no speakers prior to the presentation of the public hearing items.

#### **PUBLIC HEARING ITEMS**

A. UP-06-21 PROJECT: Marx Carts APPLICANT: Mark & Connie Thomas AGENCY: Brown, Denslow, Black & Billups, P.C. PROPOSAL: A conditional use permit to allow the customization and on-line sale of golf carts in an existing residence with a detached garage/workshop. This would be a level II home occupation in accordance with Section 14-302 of the Zoning Ordinance. ZONE: A-1 Agricultural District SIC CODE: 5941 LOCATION: 2129 West Road TAX MAP SECTION/PARCEL: 0820000001060 BOROUGH: Pleasant Grove

The Planning Commission recommends approval with the following stipulations:

1. The applicant/owner agrees that no signage of any kind will be permitted on the site.
2. The applicant/owner agrees that the street address of the business will not be advertised.

3. The applicant/owner agrees that no more than one employee other than Mr. and Mrs. Thomas will be allowed on the property.
4. The applicant/owner agrees that all landscaping as shown on the preliminary site plan stamp-dated December 4, 2006, shall be installed within 60 days of City Council approval of the use permit application.
5. The applicant/owner agrees that sales will be conducted by internet or phone with no display of carts for sale on the property. Customization will be conducted entirely indoors. Outdoor storage will be limited to the area beside the workshop as shown on the preliminary site plan. The combined area of indoor and outdoor space devoted to the use shall not exceed 939.25 square feet, or 25% of the gross floor area of the dwelling.
6. The applicant/owner agrees that customer visits and delivery of carts and parts shall be limited to the period between 8:00 a.m. and 6:00 p.m., Monday through Saturday.
7. The applicant/owner agrees to provide a pond for fire fighting as shown on the revised preliminary site plan stamp-dated December 4, 2006. The pond will be constructed within 90 days of the date of City Council approval of this use permit in accordance with Fire Department and Public Works requirements. The following stipulations will also apply:
  - a. Any application of flammable finishes shall comply with Chapter 15 of the Fire Code and require the appropriate fixed automatic fire protection system.
  - b. Routine fire safety inspections shall be conducted by the Fire Department and the owner shall duly cooperate to provide correction of either any Fire Code violations noted, or provide corrections as a result of changes in the stipulations of the code modification as granted.
  - c. A Fire Code Operational Permit shall be obtained as applicable for any operation requiring a permit such as but not limited to repair garages, spraying or dipping of any flammable finishes, cutting or welding, storage or use of LP gas, storage use or handling of flammable or combustible liquids, or battery systems.
  - d. A portable fire extinguisher(s) shall be provided in accordance with the Fire Code.

City Clerk Moore stated that the applicant, agent, and several speakers in support were present and available for questions.

Council Member Krasnoff on a motion seconded by Council Member Ward, moved to approve UP-06-21 with stipulations as presented.

Council Member Collins commented on use permits.

Council Member Willis asked that those present in support of the application be recognized. Approximately seven (7) stood.

There was no additional discussion.

On the motion to approve UP-06-21 with stipulations as presented, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Mayor Edge excused)

B. UP-06-38 PROJECT: Kramer Tire, Edinburgh Commons North  
APPLICANT: Kramer Management Company, LLC AGENCY: Faggert & Frieden,  
P.C. PROPOSAL: A conditional use permit for the sale and installation of tires and other minor automotive repairs on 1.08 acres. ZONE: Edinburgh PUD SIC CODE: 75 LOCATION: North east corner of Hillcrest Parkway and Edinburgh Parkway TAX MAP SECTION/PARCEL: a portion of 0730000001770 BOROUGH: Pleasant Grove

The Planning Commission recommends approval with the following stipulations:

1. The property shall be used exclusively for the operation of a business engaged in the sale of tires (both new and re-treads) which also provides repair services to automobiles and trucks. Repair service to automobile and trucks shall mean and refer to tire, lube and muffler service, post sale service and maintenance of tires and wheels, and under-hood and under-car services, but shall not include the operation of an automobile body shop.
2. New or used tires shall not be kept or stored on the subject property in any manner that is visible from adjacent property or the public right-of-way. All tires shall be kept or stored within an enclosed building.
3. The rear of the site within the required buffer yard along Hillcrest Parkway shall be screened by landscaping and a landscaped berm in accordance with PUD criteria and as approved by the City Arborist. Two (2), 15 foot breaks in the berm shall be provided to permit access to the sewer easement, and shrubs shall be planted along the edge of the parking lot adjacent to these two breaks.

City Clerk Moore stated that the applicant and agent were present and available for questions.

Council Member Krasnoff, on a motion seconded by Council Member de Triquet, moved to approve UP-06-38 with stipulations as presented.

Council Member Willis asked that those in favor of the application be recognized. Approximately five (5) people stood.

On the motion to approve UP-06-38 with stipulations as presented, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Mayor Edge excused)

C. UP-06-42 PROJECT: 7-Eleven, Dominion Commons APPLICANT: 7-Eleven, Inc. AGENCY: LeClair Ryan, A Professional Corporation PROPOSAL: A conditional use permit for a motor vehicle fuel supply facility with a permitted convenience store on a  $\pm 1.5$  acre site. ZONE: B-2 General Business District SIC CODE: 554 LOCATION: the property is located within the Dominion Commons subdivision on the east side of Grassfield Parkway, south of the intersection with Dominion Boulevard. TAX MAP SECTION/PARCEL: 0460000001590 BOROUGH: Deep Creek

The Planning Commission recommends approval with the following stipulations:

1. The applicant/owner agrees that no outdoor public telephones shall be permitted.
2. The applicant/owner agrees to take all action necessary to prohibit loitering as defined in Section 46-13 of the City Code.
3. The applicant/owner agrees to keep the property in a clean and well-maintained condition at all times.
4. The applicant/owner agrees that no loudspeakers shall be permitted on the subject site, with the exception of localized speakers at the individual gas pumps.
5. The landscaping on the subject site shall be in accordance with Article 19-600 of the Chesapeake Zoning Ordinance and the Transportation Corridor Overlay District.
6. In addition to the landscaped berm shown on the preliminary site plan, a landscaped berm shall be constructed along Grassfield Parkway from the proposed sidewalk running southward and extending eastward to the entrance of the site. The berming shall be reflected on the final site plan.
7. Building foundation plantings will be required as indicated on the preliminary site plan. Evergreen shrubs shall be planted 4 feet on center and a recommended species is the dwarf Burford Holly.
8. The applicant/owner agrees that the proposed architectural design and signage of the proposed facility shall be substantially similar in appearance to that depicted on the rendering of architectural elevations, entitled "7-Eleven Convenience Store with Gas" and

stamped dated November 22, 2006 as determined by the Planning Director or designee. The applicant/owner also agrees that a final architectural plan, which includes without limitation a description of exterior colors and materials and demonstrates compliance with this stipulation, shall be submitted to, and approved by, the Planning Director or designee prior to the approval of the final site plan for the subject property. The applicant/owner further agrees that the approved final architectural plan shall be incorporated in the building plans that are submitted to the City for approval.

9. The applicant/owner agrees that no advertising shall be permitted on the proposed pump island canopy with the exception of a 3x3 foot identification sign on the west, south and north sides of the canopy.
10. The applicant/owner agrees that no product advertising shall be permitted on the interior glass and exterior of the proposed convenience store with the exception of the 7-Eleven sign over the front door depicted on the rendering of architectural elevations, entitled "7-Eleven Convenience Store with Gas" and stamped dated November 22, 2006, as determined by the Planning Director or designee.
11. The trash dumpster corral shall be constructed of the same material as the convenience store and landscaped using evergreen shrubs.

City Clerk Moore identified the following speaker in support of Public Hearing Item **C**:

Stephen R. Romine, 999 Waterside Drive, Norfolk, representing 7-Eleven, Inc.

Council Member Collins, on a motion seconded by Council Member Hayes, moved to approve UP-06-42 with revised stipulations as presented.

Council Member Adams asked to hear Mr. Romine's presentation.

Mr. Romine spoke about the application and offered revised Stipulation #10:

10. The applicant/owner agrees not to exceed the temporary signage permitted under 14-704 (h)(3)(b) of the Zoning Ordinance which allows for a total of twelve (12) square feet of temporary signs affixed to or clearly visible through the windows, which advertise the sale or promotion of specific products, services or events.

There were questions and discussion by Council Members Adams, Krasnoff, Ward and Willis concerning the revised stipulation. Planning Director Nielson stated that the revised stipulation brought the proposed signage into compliance with the present sign ordinance.

The maker and seconder of the motion accepted the revised language to Stipulation #10, as requested by Mr. Romine.

On the motion to approve UP-06-42 with revised stipulations as presented,

January 16, 2007

voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

D. UP-06-44 PROJECT: Chicho's Restaurant APPLICANT: SOS, LLC AGENCY: Pinnacle Group Engineering, Inc. PROPOSAL: A conditional use permit to sell alcoholic beverages for on site consumption until 2:00 a.m. in conjunction with a permitted eat in restaurant located adjacent to residential property in accordance with Section 7-601.C.31.a of the Chesapeake Zoning Ordinance ZONE: B-1 Neighborhood Business District SIC CODE: 58 LOCATION: 1400 Kempsville Road, Orchard Square Shopping Center, unit 114 TAX MAP SECTION/PARCEL: 0380000001500 BOROUGH: Washington

The Planning Commission recommends approval with the following stipulation:

- No alcoholic beverages may be sold for onsite consumption after 2 a.m.

City Clerk Moore stated that the applicant and agent were present and available for questions.

City Clerk Moore identified the following speaker in support of Public Hearing D:

Rodney Flores, 2006 Old Greenbrier Road, representing Chicho's Restaurant.

Council Member Collins, on a motion seconded by Council Member Krasnoff, moved to approve UP-06-44 with the stipulation as presented.

Council Member Krasnoff inquired if the reason the applicant was before Council for a use permit was because of the City Code involving the sale of alcoholic beverages in the City. City Attorney Hallman advised that was correct. Council Member Krasnoff asked Mr. Hallman to review the Code for language to make it less burdensome on small businesses that would otherwise not have to have a Conditional Use Permit. City Attorney Hallman stated he would review the Code and advise as to his findings.

Council Member Ward reviewed the reason for the use permit request.

Council Member Willis thanked the applicant for communicating with surrounding neighbors.

There was no further discussion.

On the motion to approve UP-06-44 with the stipulation as presented, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, and Willis.

Voting no: Council Member Ward (Mayor Edge excused)

E. UP-06-46 PROJECT: Millet - Home Occupation APPLICANT: Leslie Millet PROPOSAL: A conditional use permit for a home occupation to operate a skin care salon within an existing single family residence on a .48 acre parcel. The applicant also seeks approval of an alternative parking surface under Section 19-406.C.1 of the Chesapeake Zoning Ordinance ZONE: R-15s Residential District SIC CODE: 723 LOCATION: 1400 Norlina Drive TAX MAP SECTION/PARCEL: 0491002000001 BOROUGH: Butts Road

The Planning Commission recommends approval with an alternative parking surface and with the following stipulations:

1. The hours of operation shall be limited to Monday through Saturday from 9 AM to 8 PM.
2. The subject operation shall be limited to one workstation.
3. The number of customers shall be limited to no more than two customers on site at any given time.
4. There shall be no outside signage associated with this use permit.
5. All parking spaces shall be effectively screened from view from the adjacent properties with a Buffer Yard "F" or equivalent as approved by the City Arborist. Such buffering shall be installed prior to beginning the operation of the proposed salon.

City Clerk Moore stated there were no speakers present.

Council Member de Triquet, on a motion seconded by Council Member Ward, moved to approve UP-06-46 with stipulations as presented and the alternative parking surface.

There was no discussion.

On the motion for to approve UP-06-46 with stipulations as presented and with the alternative parking surface, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

F. ST.C-06-03 PROJECT: Old Street Closure APPLICANT: City of Chesapeake PROPOSAL: Street closure request for a 0.218 acre portion of Battlefield Boulevard South at its intersection with Callison Drive (southwest quadrant). ZONE: B-1 Neighborhood Business District LOCATION: Southwest quadrant of intersection of Battlefield Boulevard South and Callison Drive TAX MAP SECTION/PARCEL: 0481005000010 BOROUGH: Pleasant Grove (Continued from November 21, 2006 City Council Meeting)

The Planning Commission recommends approval with the following stipulation:

- The City hereby reserves public and franchise utility easements over and across the entire vacated right-of-way. Such easements shall comply with the Chesapeake Public Facilities Manual and other applicable criteria and shall be depicted on any plan of development for the subject property.

City Clerk Moore stated there were no speakers at that time.

City Attorney Hallman offered a revised stipulation to read:

- The City hereby reserves a public utility easement over and across the vacated right-of-way at a width determined sufficient by the Department of Public Utilities to serve the existing waterline. The easement shall comply with the Chesapeake Public Facilities Manual and other applicable criteria and shall be depicted on any plan of development for the subject property and recorded in a deed of easement using the form provided by the Department of Public Utilities.

Council Member Willis, on a motion seconded by Council Member Ward, moved to approve ST.C-06-03 with the revised stipulation as presented.

Council Members Willis and Ward offered comments about the proposed street closure as it related to the future Great Bridge/Battlefield Park and Visitor Center.

On the motion to approve ST.C-06-03 with the revised stipulation as presented, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

G. ST.C-06-04 PROJECT: Holly Cove Drive Residual Right-of-Way Closure  
APPLICANT: Bill Darden, RDHJ, LLC AGENCY: Hassell & Folkes, P.C.  
PROPOSAL: A petition to close 2 small unnamed turnouts totaling 3,395 sq. ft. on the north side of Holly Cove Drive. ZONE: R-MF-1 Multi-family Residential District  
LOCATION: North side of Holly Cove Drive west of Schooner Trail TAX MAP SECTION/PARCEL: 016000000260 BOROUGH: Western Branch

The Planning Commission recommends approval with the following stipulation:

- Unless waived or modified by the City Council, the petitioner(s)/owner(s) shall purchase the street closure area for \$3,000. The payment must be made within ten (10) days of City Council's approval of the right-of-way closure, as required by Chapter 66 of the City Code. Failure to render such payment within said 10 day period shall render this right-of-way closure null and void.

City Clerk Moore stated that the agent was present and available for questions.

January 16, 2007

Council Member Ward, on a motion seconded by Council Member Collins, moved to approve ST.C-06-04 with the stipulation as presented.

Council Member Willis offered comments about the proposed street closure.

There was no further discussion.

On the motion to approve ST.C-06-04 with the stipulation as presented, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

H. TA-Z-06-06 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING", SECTION 13-2004 TO PERMIT ASSEMBLY USES TO OPERATE IN PUBLIC AND PRIVATE SCHOOLS AS PERMITTED USES.

The Planning Commission recommends approval of the version dated November 9, 2006.

City Clerk Moore stated there were no speakers at that time.

Council Member Collins, on a motion seconded by Council Member Ward, moved to approve TA-Z-06-06, version dated November 9, 2006.

There was no discussion.

On the motion to approve TA-Z-06-06, version dated November 9, 2006, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

#### **CITIZENS' COMMENTS ON AGENDA ITEMS ONLY**

City Clerk Moore identified the following speakers who spoke in support of Old and New Business Item (A):

Pete Burkheimer, 3351 Stoneshore Road, Virginia Beach, representing Beta Capital Corporation.

Ronald D. Maxson, 2416 Ocean Shore Crescent, #303, Virginia Beach, representing Beta Capital Corporation.

Shepelle Watkins-White, 524 Johnstown Road, representing Beta Capital Corporation.

#### **REGULAR AGENDA**

##### **City Attorney Item**

1. RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND MARIE OLD TO PROVIDE FOR THE EXCHANGE OF REAL ESTATE AT THE INTERSECTION OF BATTLEFIELD BOULEVARD AND CALLISON DRIVE.

City Attorney Hallman presented the item.

January 16, 2007

Council Member Krasnoff, on a motion seconded by Council Member Ward, moved to approve the Resolution as presented.

There was no discussion.

On the motion to approve the Resolution as presented, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

## **OLD AND NEW BUSINESS**

A. REQUEST BY VICE MAYOR PARKER AND COUNCIL MEMBERS DE TRIQUET AND HAYES TO RECONSIDER A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER AND THE CITY CLERK TO EXECUTE AN AGREEMENT WITH THE CITY OF NORFOLK PROVIDING FOR THE ACCEPTANCE OF PUBLIC ACCESS, PUBLIC UTILITY AND PUBLIC FRANCHISE UTILITY EASEMENTS FROM THE CITY OF NORFOLK IN CONNECTION WITH A PROPOSED RESIDENTIAL SUBDIVISION ALONG POPLAR HILL ROAD IN THE WESTERN BRANCH BOROUGH OF THE CITY (THIS ITEM WAS DENIED BY CITY COUNCIL ON JANUARY 9, 2007)

City Clerk Moore read the item into the record.

Council Member Hayes, on a motion seconded by Council Member Collins, moved to reconsider Old and New Business Item **A**.

There was no discussion.

On the motion to reconsider Old and New Business Item **A**, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

Council Member de Triquet, on a motion seconded by Council Member Hayes, moved to continue Old and New Business Item **A** to the January 23, 2007 City Council meeting.

There was no discussion.

On the motion to continue Old and New Business Item **A** to the January 23, 2007 City Council meeting voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

## **COMMITTEE REPORTS/OLD AND NEW BUSINESS**

Vice Mayor Parker combined Committee Reports with Old and New Business and called on Council Members for both.

Council Member Willis thanked the Parks and Recreation Department for the planning of the Paddle for the Border and the Dismal Swamp Stomp Half Marathon, which was mentioned in a recent article featured in [The Washington Post](#).

Council Member Ward reported on her recent visit at Campostella Square Recreation Center/Library and commended the Departments of Parks and Recreation and Library Services for their efforts to bring those projects to fruition. The ribbon cutting for the facility cutting was scheduled for February 10, 2007 at

January 16, 2007

10:00 a.m. Dr. Ward thanked staff for their quick responses to the requests made at the December 5, 2006 Town Meeting and noted that a traffic light was planned for the intersection of Holly Point Drive and Airline Boulevard.

Council Member Hayes presented two recommendations made by the Dr. Clarence V. Cuffee Community Memorial Committee. 1) "Freedom to Soar" sculpture in front of City Hall with a paved walkway named "Cuffee Walk" and 2) Naming the Campostella Square Community Center/Library, the "Dr. Clarence V. Cuffee Community Center/Library".

Council Member Hayes, on a motion seconded by Council Member Ward, moved to suspend City Council's Rules of Order and Procedure to consider an item not on the printed docket of business.

Council Member Willis stated her reasons to support the motion.

On the motion to suspend City Council's Rules of Order and Procedure, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

Council Member Hayes, on a motion seconded by Council Member Ward, moved to name the Campostella Square Community Center/Library the "Dr. Clarence V. Cuffee Community Center and Library."

There was no discussion.

On the motion to approve naming the Campostella Square Community Center/Library the "Dr. Clarence V. Cuffee Community Center and Library," voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

Council Member Hayes offered a summary of the recent Gang Prevention Task Force Executive Summary that had been provided.

Vice Mayor Parker reminded Council Members of the Goal Setting Retreat scheduled for January 20, 2007 at the Towne Bank Towne Hall Meeting room.

Council Member Collins reported on his attendance at several Martin Luther King celebrations and highlighted the celebration at the Exodus Faith Prayer Breakfast where Council Members Willis, Ward, Adams and Deputy City Manager Bailey were recognized for their community efforts.

Council Member Adams announced the opening of Chesapeake General Hospital's Sleep Center. She noted that an Environmental Building Task Force was being formed and the first meeting was scheduled for January 31, 2007 in the City Council Conference Room; the Task Force will meet over the next three months to discuss the area's available resources in identifying Green Buildings and to make

January 16, 2007

recommendations to City Council on building Green Buildings. Council Member Adams spoke about freezing water and sewer connection fees noting that City Attorney Hallman had advised it could be done.

Council Member Adams, on a motion seconded by Council Member Ward, moved to suspend City Council's Rules of Order and Procedure to discuss an item not on the printed docket.

There was no discussion.

On the motion to suspend City Council's Rules of Order and Procedure to discuss an item not on the printed docket, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

Council Member Adams, on a motion seconded by Council Member Ward, moved that the existing fees for water and sewer connections for existing homes in unserved areas be rolled back to the fees in force on December 31, 2006 for 90 days, with all other connection fees for homes in the City remaining at the new rates that went into effect on January 3, 2007, as an emergency action; and to bring the item back at a public hearing to satisfy the State statute.

There was extensive discussion by Council Members Adams and Ward concerning the need for the proposed action.

Council Member Willis called on Public Utilities Director James Walski to explain the recent change in state law concerning the requirement to connect an unserved neighborhood to water and sewer. Mr. Walski stated that the new State law required 75% of the neighborhood to agree to be connection instead of the 50% plus one as the previous law stated. Council Member Willis requested that staff publicize the 90-day delay for those neighborhoods in unserved areas.

Council Member Krasnoff asked that staff research whether the Enterprise Fund could possibly make a loan to be paid back by the fee increases to allow as many unserved areas as possible to be included. He also asked that the unserved areas be identified by priority and a list distributed to City Council members.

On the motion that the existing fees for water and sewer connections for existing homes in unserved areas be rolled back to the fees in force on December 31, 2006 for 90 days, all other connection fees for homes in the City remaining at the new rates that went into effect on January 3, 2007, as an emergency action; and to bring the item back at a public hearing to satisfy the State statute, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

January 16, 2007

**ADJOURNMENT**

There being no further business for consideration, the meeting was adjourned at 7:54 p.m.

/dah

---

Mayor

Attest:

---

City Clerk