

A Regular Work Session of the Chesapeake City Council was held March 13, 2007, at 4:00 p.m., in the City Hall Building, 306 Cedar Road.

**Present:** Council Member Rebecca C. W. Adams  
Council Member Bryan L. Collins  
Council Member John M. de Triquet  
Council Member Clifton E. Hayes, Jr.  
Council Member Alan P. Krasnoff  
Vice Mayor Dwight M. Parker  
Council Member Ella P. Ward  
Council Member Patricia Pritchard Willis

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

**Present from Administration:** Acting City Manager Anne Odell, City Attorney Ronald Hallman, City Clerk Dolores Moore, Human Resources Director Mary Bullock, Assistant Human Resources Director Elizabeth Thornton, Finance Director Nancy Tracy, Public Utilities Director James Walski, Economic Development Small Business Development Manager Ben White, and other staff members.

**Also Present:** John Bates, Esquire and Matthew Rash, with McGuire Woods; John Mascaro and Patrick McGrath, with McDonough, Boyland Peck; Joann Carter, Public Financial Management; Donald Messman, Wessex Group; and Robert May, IMS Environmental

**The Following Topics were discussed during the Work Session**

- (1) Pay Plan
- (2) Belharbour

The Work Session adjourned at 6:12 p.m.

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Regular City Council Meeting  
March 13, 2007

A Regular Meeting of the Chesapeake City Council was called to order by Vice Mayor Dwight M. Parker on March 13, 2007, at 6:30 p.m. in the City Hall Building, 306 Cedar Road.

INVOCATION: Reverend Dennis Culbreth, River Oak Church

PLEDGE OF ALLEGIANCE: Girl Scouts, Troop 264, Hickory

ROLL CALL BY CLERK OF COUNCIL

**Present:** Council Member Rebecca C. W. Adams  
Council Member Bryan L. Collins  
Council Member John M. de Triquet  
Council Member Clifton E. Hayes, Jr.  
Council Member Alan P. Krasnoff  
Vice Mayor Dwight M. Parker  
Council Member Ella P. 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, and other staff members.

**APPROVAL OF MINUTES**

Vice Mayor Parker advised that there were no minutes for consideration.

**CERTIFICATION OF CLOSED SESSIONS HELD ON MARCH 1, 9 AND 10, 2007**

City Attorney Hallman read the following: "The Chesapeake City Council hereby certifies that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements were discussed and only such public business matters as were identified in the motion convening the meeting were heard, discussed or considered by the City Council."

Council Member Collins, on a motion seconded by Council Member de Triquet, moved approval of the certification of the closed sessions held on March 1, 9, and 10, 2007.

There was no discussion.

On the motion for approval of the Certification of Closed Sessions held on March 1, 9, and 10, 2007, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Parker, Ward, and Willis.

Voting no: None (Council Member Krasnoff was out of the chamber and Mayor Edge was excused)

Vice Mayor Parker announced the appointment of William E. Harrell as the new City Manager for the City of Chesapeake beginning on June 1, 2007. City Council will formally vote to appoint Mr. Harrell at the March 27, 2007 City Council meeting.

**PROCLAMATION – Girl Scouts Make the World a Better Place Week**

Vice Mayor Parker asked Communications Director Marci Germanotta from the Girl Scout Council of Colonial Coast to come to the podium and accept the Proclamation read by City Clerk Moore. Ms. Germanotta offered brief comments thanking City Council for their support. Girl Scouts from Troop 264 in Hickory, presented Council Members with Girl Scout cookies.

**APPLICANTS’, AGENTS’, AND CITIZENS’ COMMENTS ON PUBLIC HEARING ITEMS**

City Clerk Moore advised that there were no speakers prior to the presentation of the Public Hearing items.

**PUBLIC HEARING**

Non-Planning Public Hearing Items

**A. USE PERMIT EXTENSION REQUEST**

UP-00-32 (Rev 1/05) PROJECT: Fullness of the Spirit Church Expansion  
APPLICANT: Fullness of the Spirit Ministries AGENCY: Site Improvement Associates, Inc. PROPOSAL: A revision to the existing conditional use permit to allow for an expansion of the existing church facility onto the adjacent parcel. ZONE: R-10s Single-family Residential District SIC CODE: 8661 LOCATION: 730 Canal Drive TAX MAP SECTION/PARCEL: 0254021000030, portion of 0254021000041 PLANNING AREA: Deep Creek

Approved by City Council on **April 19, 2005** with the following stipulations:

1. The applicant shall submit a Landscape Plan and such plan must be approved by the City Arborist prior to final site plan approval.
2. All interior lot lines shall be vacated prior to the issuance of a building permit for any construction on the subject parcel.

City Clerk Moore presented the item and advised that there were no speakers at that time.

Council Member Krasnoff, on a motion seconded by Council Member Ward, moved for approval of the use permit extension request, as presented.

There was no discussion.

On the motion for approval of the use permit extension request, as presented, voting yes, Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge was excused)

**B. AN ORDINANCE AMENDING CHAPTER 26 OF THE CHESAPEAKE CITY CODE, ENTITLED “ENVIRONMENT,” ARTICLE VIII, ENTITLED “STORMWATER MANAGEMENT”, DIVISION 11, ENTITLED “FEES”, SECTION 26-402, ENTITLED “BILLING AND PAYMENT; PENALTIES AND LIENS.**

City Clerk Moore presented the item and identified the following speakers:

Jay Woodward, 2700 Cornet Street, representing self and Stormwater Committee, spoke in support of Non-Planning Public Hearing Item **(B)**.

Art Guertin, 576 Downing Drive, representing self, spoke in opposition to Non-Planning Public Hearing Item **(B)**.

F. J. Driscoll, 1016 Fairway Drive, representing self, spoke in opposition to Non-Planning Public Hearing Item **(B)**.

Council Member Willis, on a motion seconded by Council Member Collins, moved for approval of the Ordinance amendment with the effective date retroactive to January 1, 2007.

There was no discussion.

On the motion for approval of the Ordinance amendment with the effective date retroactive to January 1, 2007, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Parker, Ward, and Willis.

Voting no: Council Member Krasnoff (Mayor Edge was excused)

C. AN ORDINANCE AMENDING CHAPTER 26 OF THE CHESAPEAKE CITY CODE, ENTITLED "ENVIRONMENT," ARTICLE VIII, ENTITLED "STORMWATER MANAGEMENT", DIVISION 11, ENTITLED "FEES", SECTION 26-401(c) AND 26-401(d), ENTITLED "STORMWATER UTILITY FEES".

City Clerk Moore presented the item and identified the following speakers in support of Non-Planning Public Hearing Item **(C)**:

Jay Woodward, 2700 Cornet Street, representing Chesapeake Stormwater Committee

Adam Jack, 716 Sandwillow Drive, representing Chesapeake Stormwater Committee.

James McNeil, 1003 Oldwood Street, representing Southside Civic League.

City Clerk Moore identified the following speaker in opposition to Non-Planning Public Hearing Item **(C)**:

Michael Katchmark, 200 Marsh Quay, representing Chesapeake Division of the Hampton Roads Chamber of Commerce.

Council Member Willis, on a motion seconded by Council Member Collins, moved for approval of the Ordinance amendment with an effective date retroactive to January 1, 2007.

Council Members Willis, Ward and Collins spoke about the reasons they supported the Ordinance amendment.

Council Member Collins highlighted the differences between the current proposed Ordinance and the previous Ordinance. He asked that Public Works Director Patricia Biegler come to the podium for questions. Ms. Biegler answered questions about what services could be provided to the areas of the City not covered in the fee increase within the next two years and communication challenges to the public regarding scheduling and status of work being performed.

There was discussion between Council Member Hayes and Public Works Director Biegler concerning the length of time some areas of the City had been on the unfunded list for drainage resolutions.

There was additional discussion between Council Members and Ms. Biegler regarding assurances of servicing the areas on the funded list and providing Council Members with periodic status reports on the progress of projects.

Council Member Hayes expressed concerns about projects previously found on the projects list that had been removed. Acting City Manager Odell advised that those projects had been placed on a list of projects to come to Council for consideration using undesignated year end revenues.

On the motion for approval of the Ordinance amendment with an effective date retroactive to January 1, 2007, voting yes: Council Members Adams, Collins, Hayes, Parker, Ward, and Willis.

Voting no: Council Members de Triquet and Krasnoff (Mayor Edge was excused)

**CITIZENS' COMMENTS ON AGENDA ITEMS ONLY**

City Clerk Moore identified the following speakers:

John W. Brown, 440 Woodards Ford Road, representing landowners on Dahlia Drive, spoke in support of City Manager Item (4).

Jean Marie Eagler, 613 Marston Drive, was not present when called.

Tracy Bland, 112 Deer Trail, South Mills, North Carolina, representing Chesapeake Alliance for the Prevention of Imported Trash (CAPIT), spoke in support of City Attorney Item (2).

**CONSENT AGENDA**

After City Clerk Moore read the Consent Agenda items into the record, Vice Mayor Parker asked Council Members if there were any items they wished to have removed for consideration under the Regular Agenda. There were none.

Council Member Collins, on a motion seconded by Council Member Ward, moved for approval of the Consent Agenda as presented.

There was no discussion.

On the motion for approval of the Consent Agenda, as presented, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge was excused)

City Clerk Items

(1) RESIGNATIONS

- a. Kari E. Allen – Chesapeake Commission for the Prevention of AIDS

(2) REFUNDS

- a. GTC Homes, Incorporated - \$10,110.16
- b. QED Systems, Incorporated - \$3,100.43

City Manager Items

(1) **#07-O-034** REQUEST FOR APPROPRIATION (\$150,915 FEDERAL) OF FIREFIGHTER ASSISTANCE GRANT FUNDS AWARDED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY – FIRE DEPARTMENT

(2) **#07-O-035** REQUEST FOR APPROPRIATION (\$317,302 STATE) OF FY 07 TECHNOLOGY TRUST FUND FUNDS AWARDED BY THE VIRGINIA COMPENSATION BOARD – OFFICE OF THE CLERK OF THE CIRCUIT COURT

City Attorney Items

(1) **#07-R-018** RESOLUTION REQUESTING THE PLANNING COMMISSION TO CONSIDER AND MAKE RECOMMENDATIONS CONCERNING PROPOSED AMENDMENTS TO ARTICLES 7, 8 AND 14 OF THE CHESAPEAKE ZONING ORDINANCE TO PERMIT CERTAIN TYPES OF OUTDOOR ADVERTISING FOR MOTOR VEHICLE DEALERSHIPS

**REGULAR AGENDA**

City Manager Items

(3) **#07-R-019** CONSIDERATION OF A RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS, SERIES 2007 A OF THE CITY OF CHESAPEAKE, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$11,000,000 TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF – DEPARTMENT OF FINANCE/CHESAPEAKE PUBLIC SCHOOLS

Acting City Manager Odell presented the item.

Council Member Ward, on a motion seconded by Council Member Willis, moved for approval of the Resolution as presented.

There was no discussion.

On the motion for approval of the Resolution as presented, voting yes: Council Member Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Mayor Edge was excused)

(4) REQUEST FOR APPROPRIATION OF CITY SHARE OF FY 2005-06 YEAR END RESOURCES – BUDGET DEPARTMENT

Acting City Manager Odell presented the request and advised she would be presenting each sub-item individually for consideration.

A) REQUEST FOR APPROPRIATION (\$16,455,961) OF FY 2005-06 YEAR END RESOURCES TO A GENERAL FUND RESERVE FOR HIGH PRIORITY TRANSPORTATION PROJECTS

Acting City Manager Odell presented the item.

Council Member Collins, on a motion seconded by Council Member Ward, moved for approval of City Manager Item (4)(A), as presented.

There was discussion between Council Members and Acting City Manager Odell identifying some high priority transportation projects.

Council Member Krasnoff expressed concern for appropriating year-end funds prior to the presentation of the 2007-08 proposed Capital and Operating Budgets. He inquired as to when the Acting City Manager would be presenting the proposed budgets. Ms. Odell noted that the proposed budgets would be presented to Council in a work session on March 27, 2007.

Council Member Krasnoff asked Acting City Manager Odell if a real estate tax rate decrease was part of the proposed budgets, and if the proposal contained a deficit. Acting City Manager Odell advised that there was no real estate tax rate reduction in the proposed budgets and the budgets were balanced.

Council Member Krasnoff suggested that a continuance of the undesignated year-end resources would be appropriate until the proposed Capital and Operating Budgets were presented to Council in April.

Council Member Krasnoff, on a substitute motion seconded by Council Member Hayes, moved for a continuance of the appropriations of the City's Share of FY 2005-06 undesignated year-end resources (City Manager Items **(4) (A-D)**) to the April 10, 2007 City Council meeting.

Council Member de Triquet noted that the continuance would allow the year-end resources to be carried into the budget discussions.

Council Member Adams stated that she could not support the continuance since year-end resources were to be used for non-recurring expenditures and including the funds into the budget discussions made the resources part of recurring obligations.

Council Member Willis inquired if City Manager **(4) (D)** need to move forward for completion; Public Works Director Biegler stated that the delay would not create a problem for the project.

On the substitute motion for a continuance of City Manager Items **(4) (A-D)** to the April 10, 2007 City Council meeting, voting yes: Council Members de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: Council Members Adams and Collins (Mayor Edge was excused)

B) REQUEST FOR APPROPRIATION (\$5,997,300) OF FY 2005-06 YEAR END RESOURCES TO THE FY 2007 - FY 2011 CAPITAL IMPROVEMENT BUDGET

This item was continued to the April 10, 2007 City Council meeting.

C) REQUEST FOR APPROPRIATION (\$2,161,608) OF FY 2005-06 YEAR END RESOURCES TO THE FY 2006-07 OPERATING BUDGET

This item was continued to the April 10, 2007 City Council meeting.

D) REQUEST FOR APPROPRIATION (\$1,500,000) FROM THE GENERAL FUND RESERVE FOR HIGH PRIORITY TRANSPORTATION PROJECTS TO THE LONG BRIDGE REPLACEMENT PROJECT

This item was continued to the April 10, 2007 City Council meeting.

City Attorney Item

(2) **#07-R-020** RESOLUTION CONFIRMING CITY COUNCIL OPPOSITION TO THE LOCATION OF A MUNICIPAL SOLID WASTE LANDFILL IN THE CITY OF CHESAPEAKE

City Attorney Hallman presented the item.

Council Member de Triquet, on a motion seconded by Council Member Ward, moved for approval of the Resolution.

Council Member Krasnoff suggested that language be included in the Resolution emphasizing the City of Chesapeake's opposition to hosting a landfill within the City, as previously indicated (in the 1990s) when the Southeastern Public Service Authority (SPSA) approached the City to be the host site of a solid waste landfill.

The maker and second of the motion, Council Members de Triquet and Ward, agreed to the addition of the language in the Resolution.

On the motion for approval of the Resolution with revised language, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge was excused)

City Council recessed at 8:06 p.m. and reconvened at 8:18 p.m.

**CITIZENS' COMMENTS ON THE SERVICES, POLICIES, AND AFFAIRS OF THE CITY (NON AGENDA SPEAKERS)**

City Clerk Moore identified the following speakers:

Delegate Lionell Spruill, Sr., P O Box 5403, representing self, spoke on Holy Temple Church.

Willie David Boswell, 803 Rivanna River, representing self, spoke on the School Board Capital Construction Budget.

Margaret Manley, 117 Ford Street, representing self, did not wish to speak when called.

Donnell Manley, 117 Ford Street, representing self, spoke on the construction of small houses.

Janaf Jordan, 121 Ford Street, representing self, spoke on contractor issues regarding citizens' property.

Jim Shipley, 400 Albemarle Drive, representing the Public Safety Alliance, spoke on employees' pay.

Jack Crimmins, 304 Albemarle Drive, representing Chesapeake Coalition of Police, spoke on an employee pay plan.

John Yow, 400 Albemarle Drive, representing self, spoke on an employee pay plan.

Roby Hackney, 1351 Bolling Avenue, representing the Southern Branch Industrial Coalition, spoke on Belharbour.

Vice Mayor Parker asked Acting City Manager Odell to investigate the issue of a letter from the City's Zoning Administrator citing a shrubbery violation against Holy Temple Church, as brought forward by Delegate Spruill.

There was additional discussion among Council Members regarding possible solutions to the issues involving Holy Temple Church and the adjacent residents. It was the consensus of Council Members for City Attorney Hallman and Acting City Manager Odell to explore all possible resolutions, including fines when a certain number of unfounded complaints are called in from the same address.

Council Member Adams addressed Mr. Boswell's comments noting the School Administration's Capital Improvement Budget process, and the fact that City Council has no jurisdiction over the School Board regarding the selection of school sites.

Council Member Collins suggested that City Council investigate a possible change to the current fifty-fifty revenue split of new, undesignated revenues with the School Board. He asked that Acting City Manager Odell communicate to the Schools Administration the concerns expressed by the speakers

Vice Mayor Parker asked City Attorney Hallman for comments on Mr. Manley's and Ms. Jordan's statements regarding building on small lots, and any possible recourse to the Board of Zoning Appeals. City Attorney Hallman advised that he would research the issue and report back to Council and the speakers.

Council Member Hayes noted that when City Council had acted on the small lot ordinance in 2006, it had been suggested that City staff develop some guidelines for small lot owners in an effort to maintain consistency across the City; Mr. Hayes asked for a status report on that recommendation.

There was additional discussion between Council Members and City Attorney Hallman on the Board of Zoning Appeals' process and how City Council could be involved in that process.

Council Member Collins inquired whether or not the Zoning Code defined what constituted a non-buildable lot. City Attorney Hallman responded that the definition was not in the Zoning Code and that the City could not prevent a landowner from developing any lot that meets the set-back requirements and other criteria for building, as specified in the Zoning Ordinance.

City Attorney Hallman offered an historical account of the small lot Ordinance adopted in February 2006. Discussion ensued on the merits of the current Ordinance.

Council Member de Triquet responded to the speakers on the employee pay plan asking for additional information from staff and the Public Safety Alliance.

Acting City Manager Odell addressed Mr. Hackney's concerns regarding Belharbour project. Ms. Odell stated that a meeting on the project was scheduled for March 14, 2007 and Mr. Hackney's concerns would be discussed.

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

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

Council Member Willis requested that staff investigate violations involving car dealerships placing vehicles for sale in public right-of-way along Greenbrier Parkway at Military Highway.

Council Member Ward asked that an item be placed on the March 20, 2007 agenda to use \$15,000 from the City Council Contingency Fund for Our House Families. Dr. Ward asked staff to communicate with residents of West Munden regarding drainage issues and concerns with an adjacent cemetery.

Council Member Hayes inquired about the revenue impact the adoption of the State's Telecommunications Act of 2006 has had on the City of Chesapeake. Acting City Manager Odell advised that a status report would be forthcoming as soon as the information was available.

Council Member Collins reported on his attendance to the Camelot Civic League meeting and asked that staff follow up with information to the residents on drainage resolutions, tractor trailer parking violations, and increased real estate assessments.

Council Member Collins asked City Attorney Hallman to explore a possible alternative to the current policy allowing school buses to park on neighborhood streets.

Council Member Adams gave kudos to those involved in the recent "A Taste of Chesapeake;" the proceeds from the event went to the Chesapeake Care Free Clinic. She highlighted the work of the Chesapeake Care Free Clinic. Dr. Adams acknowledged the Beasley Foundation for providing an \$80,000.00 grant to the Free Clinic to upgrade the technology used for the patient records.

Council Member Ward reminded everyone of the upcoming Sister Cities Bowling event to raise funds to support the Sister Cities Commission scheduled for Sunday, March 18, 2007.

**REQUEST FOR CLOSED SESSION**

City Attorney Hallman provided the following language for consideration of the first closed session topic: "to discuss the acquisition of real property for a public purpose, where discussion in open session would adversely affect the bargaining position of the City, pursuant to Virginia Code, Section 2.2-3711A.3.

Council Member de Triquet, on a motion seconded by Council Member Ward, moved approval of the request for the topic for Closed Session.

There was no discussion.

On the motion for approval of the request for the first topic for Closed Session, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge was excused)

March 13, 2007

City Attorney Hallman provided the following language for consideration of the second Closed Session topic “to consult with legal counsel pertaining to actual litigation, where such consultation in open session would adversely affect the litigating posture of the City, pursuant to Virginia Code Section 2.2-3711.A.7.

Council Member de Triquet, on a motion seconded by Council Member Ward, moved approval of the request for the second topic for Closed Session.

There was no discussion.

On the motion for approval of the request for the second topic for closed session, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge was excused)

**CLOSED SESSION**

City Council recessed at 10:10 p.m. and went into Closed Session at 10:07 p.m. The meeting reconvened at 10:15 p.m.

**CERTIFICATION OF CLOSED SESSION**

City Attorney Hallman read the following: “The Chesapeake City Council hereby certifies that to the best of each member’s knowledge, only public business matters lawfully exempted from open meeting requirements were discussed and only such public business matters as were identified in the motion convening the meeting were heard, discussed or considered by the City Council.”

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the certification of the Closed Session discussions.

There was no discussion.

On the motion for approval of the certification of the Closed Session, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Mayor Edge was excused)

Council Member Krasnoff expressed condolences to the family of Susan Carr on her untimely death.

**ADJOURNMENT**

With there being no further business to discuss, Vice Mayor Parker adjourned the meeting at 10:17 p.m.

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Mayor

Attest:

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City Clerk