

A Regular Work Session of the Chesapeake City Council was held April 24, 2007, at 4:00 p.m., in the City Hall Building, 306 Cedar Road.

**Present:** Council Member Rebecca Adams (arrived 4:08 p.m.)  
Council Member Bryan Collins  
Council Member John M. de Triquet  
Mayor Dalton S. Edge  
Council Member Clifton E. Hayes, Jr.  
Council Member Alan P. Krasnoff  
Vice Mayor Dwight M. Parker (arrived 4:30 p.m.)  
Council Member Ella Ward  
Council Member Patricia Pritchard Willis

**Absent:** None

**Present from Administration:** Acting City Manager Anne Odell, City Attorney Ronald Hallman, Deputy City Manager Wanda Barnard-Bailey, City Clerk Dolores Moore, Budget Director Betty J. Meyer, Assistant Director of Human Resources Liz Thornton, and other staff members.

**Also Present:** Superintendent of Chesapeake Public Schools Dr. W. Randolph Nichols; Chairman of Chesapeake School Board Reverend Tom Mercer; Health Department Director Dr. Nancy Welch, and Mosquito Control Director Gene R. Payne.

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

- 1) FY 07-08 Revenues and Expenses
- 2) School Budget
- 3) FY 07-08 Budget Options
- 4) Pay Plan
- 5) Mosquito Control

The Work Session adjourned at 6:00 p.m.

/vfm

Regular City Council Meeting  
April 24, 2007

A Regular Meeting of the Chesapeake City Council was called to order by Mayor Dalton S. Edge on April 24, 2007, at 6:30 p.m. in the City Hall Building, 306 Cedar Road.

INVOCATION: Pastor Brad Sheild, Harvest Assembly of God Church

PLEDGE OF ALLEGIANCE: Vice Mayor Dwight M. Parker

**ROLL CALL BY CLERK OF COUNCIL**

**Present:** Council Member Rebecca C. W. Adams  
Council Member Bryan L. Collins  
Council Member John M. de Triquet  
Mayor Dalton S. Edge  
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:** None

**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**

Mayor Edge advised that there were no minutes for consideration.

**CERTIFICATE OF RECOGNITION**

Mayor Edge called Mosquito Control Commission Director Gene R. Payne to the podium to be recognized for his election as President of the American Mosquito Control Association for the 2007 business year. Mr. Payne expressed his appreciation to the Mayor and City Council, and thanked the Mosquito Control Commissioners for their support.

**PROCLAMATION – Municipal Clerks Week**

Mayor Edge invited City Clerk Dolores Moore and staff to the podium to receive the Municipal Clerks Week proclamation. After reading the proclamation, he expressed his appreciation to City Clerk Moore and staff for their assistance to the City Council and service to citizens of Chesapeake. City Clerk Moore expressed her appreciation to Mayor Edge and Members of Council for the recognition and offered comments about the Municipal Clerk's profession. Ms. Moore introduced the following members of her staff: Deputy City Clerks Velma McNair and Debra Hanbury, Office Coordinator Rebecca Jackson, Office Coordinator Richard Cole, and Chief Deputy City Clerk Beverly Pender.

**PROCLAMATION – National Music Week**

Mayor Edge invited Chesapeake Music Study Club President Faith Guiterriz, Treasurer Ulla Lowe, and Secretary Margaret Cummings to the podium to accept the Proclamation read by City Clerk Moore. President Faith Guiterriz thanked Mayor Edge and Members of City Council for the proclamation. She gave a brief summary of the history, present status, and achievements of the organization.

**PROCLAMATION – Drinking Water Week**

Mayor Edge invited Public Utilities Director James Walski, Utility Engineer S. Dean Perry, Water Treatment Plant Operator Drexter Harper, Customer Service Clerk Earl Stacy, and Office Associate Cheryl Spalding from the Department of Public Utilities to the podium to accept the Proclamation. Mr. Walski thanked Mayor Edge and Members of City Council for the proclamation read by City Clerk Moore. He expressed appreciation to his staff for their hard work. Mr. Walski commented on the importance of drinking water for health, safety and economical reason.

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

City Clerk Moore identified the following speakers who spoke in support of Non Planning Public Hearing Item **(A)**:

Louise Waite, 1561 Campostella Road, representing the Endependence Center.

Margaret Pettiford, 5008 Booker Street, representing Crestwood Precinct Civic League.

City Clerk Moore identified the following speakers who spoke in support of Non Planning Public Hearing Item **(B)**:

Tom Rapier, 3417 Old Mill Road, representing Friends of Deep Creek.

Faye Rutherford, 2016 Girad Avenue, representing Deep Creek Baseball.

Josh Gerloff, 1001 Amberdale Drive, Chairman of Parks and Recreation Advisory Board.

Derek Bennett, 2708 Bear Creek Lane, representing Sawyer's Mill.

Ed Woods, 303 Spruce Court, representing the Deep Creek Ruritans.

Tim Culpeper, 501 Summit Ridge Drive, representing Culpepper Landing.

Derek Farley, 1016 Stokley Bridge, representing BMX Riding Group.

Kathy B. Selikson, 724-I Inlet Quay, representing Chesapeake Animal control and the Humane Society.

Cheryl Hindle, 313 Sedgewood Court, representing Chesapeake Humane Society and Chesapeake Animal Control.

Karen Latham, 521 Yorkshire Drive, representing Chesapeake Virginia Dog Fanciers Association.

Janis J. Dryer, 507 S. Lake Circle, representing Animal Assistance League.

City Clerk Moore identified the following speakers who spoke in opposition to Non Planning Public Hearing **(A)**:

Michael Ward, 701 East Franklin Street, Suite 112, Richmond, Virginia 23219, representing Virginia Petroleum Council.

Lincoln Potter, 703 Wentworth Drive, representing Chesapeake Citizens for Fair Real Estate Tax.

Thomas Arrington, 305 Stonewood Court, representing Chesapeake Citizens for Fair Real Estate Tax.

Gene Waters, 360 Clearfield Avenue, representing Chesapeake Citizens for Fair Real Estate Tax.

Michelle Jones, 933 Levee Lane, representing self.

George Rochevot, 851 Rainbow Road, representing self.

Laura Gilbert, 2498 Johnstown Road, representing self.

**Non-Planning Public Hearing Items**

A. PROPOSED OPERATING BUDGET JULY 1, 2007 THROUGH JUNE 30, 2008:

(1) AN ORDINANCE IMPOSING AND LEVYING A TAX WITHIN THE CITY OF CHESAPEAKE, VIRGINIA, ON ALL TAXABLE PROPERTY FOR THE MAINTENANCE AND OPERATION OF THE CITY, FOR THE RETIREMENT OF BONDED DEBT, AND FOR THE PAYING OF INTEREST THEREON FOR THE PERIOD FROM JULY 1, 2007, TO JUNE 30, 2008.

(2) AN ORDINANCE AMENDING CHAPTER 30 OF THE CHESAPEAKE CITY CODE, ENTITLED "FINANCE AND TAXATION," ARTICLE XI, SECTION 30-354 THEREOF, TO IMPOSE A FLAT RATE INCREASE OF \$1.00 TO THE TRANSIENT OCCUPANCY TAX TO BE USED FOR TOURISTS PROMOTION ACTIVITIES.

(3) AN ORDINANCE AMENDING CHAPTER 82 OF THE CHESAPEAKE CITY CODE, ENTITLED "VEHICLES FOR HIRE," ARTICLE I, SECTION 82-2 THEREOF, TO PROVIDE FOR A CHARGE OF \$10.00 FOR EACH COPY OF A PATIENT CARE REPORT.

(4) AN ORDINANCE AMENDING CHAPTER 34 OF THE CHESAPEAKE CITY CODE, ENTITLED "FIRE PREVENTION AND PROTECTION," SECTION 34-6 THEREOF, TO INCREASE CERTAIN FIRE PERMIT FEES FOR BULK PLANTS, TERMINALS, MANUFACTURING, AND SIMILAR FACILITIES FOR STORAGE TANKS OF GREATER THAN 100,000 GALLONS USED FOR BULK STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS.

(5) AN ORDINANCE AMENDING CHAPTER 14 OF THE CHESAPEAKE CITY CODE, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II, SECTION 14-33, SUBSECTIONS (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (e)(2), AND (e)(3) THEREOF, AND ADDING SUBSECTIONS (e)(4) AND (e)(5) TO INCREASE AND ESTABLISH CERTAIN FEES APPLICABLE TO THE ISSUANCE OF BUILDING PERMITS AND OTHER RELATED PERMITS AND PLAN REVIEWS.

(6) AN ORDINANCE AMENDING CHAPTER 70 OF THE CHESAPEAKE CITY CODE, ENTITLED "SUBDIVISIONS," ARTICLE V, SECTION 70-191(1)c. THEREOF, TO INCREASE THE FEES ASSOCIATED WITH REVIEW OF AGRICULTURAL DIVISIONS, RESUBDIVISIONS, CONSERVATION DIVISIONS AND VALIDATIONS OF PLATS FROM \$60 TO \$150 IN ACCORDANCE WITH VIRGINIA CODE §15.2-2241.

(7) AN ORDINANCE AMENDING CHAPTER 70 OF THE CHESAPEAKE CITY CODE, ENTITLED "SUBDIVISIONS," ARTICLE V, SECTION 70-191(1) BY ADDING SUBSECTIONS d. AND e. TO ESTABLISH AN E-911 MAPPING FEE OF \$395 IN CONNECTION WITH THE FILING OF PRELIMINARY AND FINAL SUBDIVISION PLANS IN ACCORDANCE WITH VIRGINIA CODE §15.2-2241.

(8) AN ORDINANCE AMENDING CHAPTER 70 OF THE CHESAPEAKE CITY CODE ENTITLED "SUBDIVISIONS," ARTICLE V, SECTION 70-191(1) THEREOF, BY ADDING SUBSECTION f. TO ESTABLISH A \$250 E-911 FEE FOR SUBDIVISION AND STREET NAME CHANGES IN ACCORDANCE WITH VIRGINIA CODE §15.2-2241.

(9) AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING," ARTICLE 20, SECTION 20-102.A.2.g THEREOF, TO INCREASE THE FEES ASSOCIATED WITH APPLICATIONS FOR VARIANCES MADE TO THE BOARD OF ZONING APPEALS FROM \$100 TO \$225 FOR VARIANCE REQUESTS APPLICABLE TO ALL NONRESIDENTIAL ZONING DISTRICTS, FROM \$100 TO \$100 FOR VARIANCE REQUESTS APPLICABLE TO ALL RESIDENTIAL ZONING DISTRICTS, AND FROM \$100 TO \$225 FOR APPLICATIONS SEEKING AN APPEAL OF A DECISION OR DETERMINATION BY THE ZONING ADMINISTRATOR IN ACCORDANCE WITH VIRGINIA CODE §15.2-2286.

(10) AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING," ARTICLE 20, SECTION 20-102.A.2 THEREOF, TO ADD SUBSECTION r. TO INCREASE THE FEE APPLICABLE TO DEVIATIONS FROM PUD MASTER DEVELOPMENT PLANS FROM \$0 TO \$100 IN ACCORDANCE WITH VIRGINIA CODE §15.2-2286.

(11) AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING," ARTICLE 20, SECTION 20-102.A.2 THEREOF TO ADOPT SUBSECTIONS s. AND t. TO ESTABLISH AN E-911 MAPPING FEE OF \$395 IN CONNECTION WITH THE FILING OF PRELIMINARY AND FINAL SITE PLANS IN ACCORDANCE WITH VIRGINIA CODE §15.2-2286.

(12) AN ORDINANCE AMENDING CHAPTER 30 OF THE CITY CODE ENTITLED "FINANCE AND TAXATION," ARTICLE XVIII, SECTIONS 30-552 AND 30-558 THEREOF, TO PROVIDE THAT THE GREENBRIER AREA COMMERCIAL DISTRICT TAX INCREMENT FINANCING FUND AND THE SOUTH NORFOLK REVITALIZATION TAX INCREMENT FINANCING FUND SHALL BE DEBITED FOR

RESERVES REQUIRED BY THE CHESAPEAKE CITY CHARTER AND BY THE RESERVES POLICY ADOPTED BY THE CHESAPEAKE CITY COUNCIL.

(13) 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.

City Clerk Moore identified the following speakers who spoke in support of Non Planning Public Hearing **(A)**:

Mary McQuown, 2401 Payne Road, representing the Community Services Board.

John Cannon, 312 Bells Ridge Drive, representing Advocacy for Mental Retardation Services, was not present when called to speak.

Joyce Whitley, 5433 Darymple Street, Virginia Beach, VA 23464, representing self.

City Clerk Moore identified the following speakers in support of Non Planning Public Hearing **(B)**:

Amanda Gaston, 3017 Big Bend Drive, representing self, was not present when called to speak.

Robin Alexander, 325 Hickory Woods Court, representing self.

The following speakers spoke in opposition to Non Planning Public Hearing **(A)**:

Peter Weaver, 1444 I Street NW, Suite 400, Washington DC, 20005, representing Independent Liquid Terminal Association (ILTA).

John Parks, 721 Conference Center Drive, representing Cedar Tree Inn & Suites.

Jack Rochevot, 3116 Bunch Walnut Road, representing self, spoke in opposition to Non Planning Public Hearing Item C.

Mayor Edge advised that the purpose of the Public Hearing was to receive citizens' input and no action would be taken at that time.

In response to Council Member Ward, City Attorney Hallman gave a brief clarification concerning Non Planning Public Hearing Item A-9.

**B. PROPOSED CAPITAL IMPROVEMENT PROGRAM – FIVE YEARS:  
FY 2007-08 THROUGH FY 2011-12**

City Clerk Moore advised that there were no additional speakers on the item.

Mayor Edge advised no action would be taken at that time.

**C. PROPOSED CAPITAL BUDGET – JULY 1, 2007, THROUGH JUNE 30, 2008**

City Clerk Moore advised that there were no additional speakers on the time.

Mayor Edge advised no action would be taken at that time.

**CITIZENS' COMMENTS ON AGENDA ITEMS ONLY**

City Clerk Moore identified the following speaker on Agenda Items.

Mr. Jack Rochevot, 3116 Bunch Walnut Road, spoke in opposition to City Manager Item #9.

**CONSENT AGENDA**

City Clerk Moore read the Consent Agenda items into the record.

Mayor Edge requested City Clerk Item 2(e) be moved to the Regular Agenda for consideration.

Vice Mayor Parker, on a motion seconded by Council Member Collins, moved for approval of the Consent Agenda with the exception of City Clerk Item 2(e).

Council Member Willis offered brief explanation of the appropriations on the Consent Agenda.

On the motion for approval of the Consent Agenda with the exception of City Clerk Item 2(e), voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

City Clerk Items

(1) RESIGNATIONS

- a. Paul M. Ochsner – Wetlands Board
- b. Patricia P. Day – Chesapeake Commission on Substance Abuse

(2) ACKNOWLEDGEMENT OF REZONING APPLICATIONS

The following zoning reclassification requests are not public hearing items at this time. They will be reviewed by the Planning Commission for recommendation to City Council at a later date. These items are tentatively scheduled for Planning Commission review on MAY 9, 2007:

a. GB(M)-07-01 PROJECT: The Streets of Greenbrier APPLICANT: Cove Land, LLC AGENCY: Engineering Services, Inc. PROPOSAL: A modification to the Land Use Plan and Development Criteria of the Greenbrier PUD to redesignate a 17.59 acre parcel from Business/Office to Mixed Use. PROPOSED COMP LAND USE & DENSITY: Mixed use to include not more than 100,000 square feet of commercial, professional offices, retail sales and services establishments, and multi-family residential development up to 30 dwelling units per acre with no more than 280 units. EXISTING COMP LAND USE & DENSITY: Regional mixed use to include commercial, professional offices, retail sales and services establishments, and residential units not to exceed 30 dwelling units per acre. **LOCATION:** Property generally located north of Greenbrier Mall between the I-64 on ramp and 660<sup>±</sup> feet westward of River Birch Run. TAX MAP SECTION/PARCEL: 0280000000077BOROUGH: Washington

b. R(C)-07-08 PROJECT: Skipper's Watch APPLICANT: Callison Investors AGENCY: Kimley-Horn and Associates PROPOSAL: A conditional zoning reclassification of 3 acres from R-15s and R-15 Single Family Residential District and B-1 Neighborhood Business District to B-5 Urban Business District (1.7 acres); and 1.25 acres from R-15s and R-15 Single Family Residential District to R-MF-1, Multi-family Residential District (2.55 acres). PROPOSED COMP LAND USE & DENSITY: Regional mixed use with residential densities up to 16 units per acre and accompanying retail. EXISTING COMP LAND USE & DENSITY: Regional mixed use including office

and retail uses and residential dwelling units up to 16 units per acre. LOCATION: 120 Battlefield Blvd. S; 2652 Callison Drive; 129, 133 and 137 Wilson Drive. TAX MAP SECTION/PARCEL: 0481005000010, 0481005000190, 0481005000180, 0481005000170, 0481005000160 BOROUGH: Pleasant Grove

c. R-07-09 PROJECT: Meadow Landing South APPLICANT: Chesapeake Redevelopment & Housing Authority AGENCY: DJG, Inc. PROPOSAL: A conventional zoning reclassification of 3.557 acres from R-MF-1, multi-family residential district to R-TH-1, townhouse residential district for 18 residential duplexes (36 units). PROPOSED COMP LAND USE & DENSITY: Townhouse residential development 10 units per acre. EXISTING COMP LAND USE & DENSITY: High density residential not to exceed 16 units per acre. LOCATION: 3003 Fireside Road TAX MAP SECTION/PARCEL: 1360000000100 BOROUGH: South Norfolk

d. R(C)-07-10 PROJECT: West Road Rezoning APPLICANT: SEEC Developers, Inc. AGENCY: Life, Inc. PROPOSAL: A conditional zoning reclassification of 6.924 acres from A-1 Agricultural District to B-2 General Business District. PROPOSED COMP LAND USE & DENSITY: General Business EXISTING COMP LAND USE & DENSITY: Low density residential 1 unit per acre to less than 4 units per acre. LOCATION: 860 West Road TAX MAP SECTION/PARCEL: 0450000000101 BOROUGH: Deep Creek

e. R(C)-07-11 PROJECT: Jolliff Woods Phase VI APPLICANT: Galberry Corporation AGENCY: Kimley-Horn and Associates, Inc. PROPOSAL: A conditional zoning reclassification of 14.89 acres from A-1 Agricultural District to R-15s single family Residential District for development of single-family homes. PROPOSED COMP LAND USE & DENSITY: Low Density Residential. EXISTING COMP LAND USE & DENSITY: Open space/Recreation. LOCATION: North of the terminus of Lakeshore Drive TAX MAP SECTION/PARCEL: 00220000002050 BOROUGH: Western Branch **(Moved to the Regular Agenda for Consideration.)**

City Manager Items

(1) **#07-O-048** REQUEST FOR APPROPRIATION OF \$13,085 IN COMMUNITY CORRECTIONS PROGRAM FUND BALANCE FUNDS TO THE COMMUNITY CORRECTIONS OPERATING BUDGET – OFFICE OF THE SHERIFF/ COMMUNITY CORRECTIONS DIVISION

(2) **#07-O-049** REQUEST FOR APPROPRIATION OF \$40,530 IN DRUG ENFORCEMENT FEDERAL OVERTIME REIMBURSEMENT FUNDS – POLICE DEPARTMENT

(3) **#07-O-050** REQUEST FOR APPROPRIATION OF \$52,393 IN LOCAL TRAINING ACADEMY FEE REVENUE – POLICE DEPARTMENT

(4) **#07-O-51** REQUEST FOR APPROPRIATION OF \$104,577 IN FEDERAL AND STATE SEIZED ASSET FUNDS ALLOCATED BY THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES AND THE U.S. DEPARTMENT OF JUSTICE – OFFICE OF THE COMMONWEALTH'S ATTORNEY AND POLICE DEPARTMENT

**REGULAR AGENDA**

City Clerk Item

(2) ACKNOWLEDGEMENT OF REZONING APPLICATIONS

e. R(C)-07-11 PROJECT: Jolliff Woods Phase VI APPLICANT: Galberry Corporation AGENCY: Kimley-Horn and Associates, Inc. PROPOSAL: A conditional zoning reclassification of 14.89 acres from A-1 Agricultural District to R-15s single family Residential District for development of single-family homes. PROPOSED COMP LAND USE & DENSITY: Low Density Residential. EXISTING COMP LAND USE & DENSITY: Open space/Recreation. LOCATION: North of the terminus of Lakeshore Drive TAX MAP SECTION/PARCEL: 0022000002050 BOROUGH: Western Branch

This item was removed from the Consent Agenda for consideration under the Regular Agenda.

Mayor Edge advised that he would abstain from voting on the acknowledgement because of previous business associations. He relinquished the gavel to Vice Mayor Parker for consideration of City Clerk Item 2(e).

Council Member Collins, on a motion seconded by Council Member Ward, moved for approval of the acknowledgement of R(C)-07-11 Jolliff Woods Phase VI.

On the motion for approval of the acknowledgement of R(C)-07-11 as presented, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge abstained)

Vice Mayor Parker returned the gavel to Mayor Edge.

City Manager Items

5) **#07-O-052** REQUEST FOR APPROPRIATION OF \$26,775 IN STATE CONTRIBUTION TO THE ADULT MEDICAL CLINIC SERVICES – HEALTH DEPARTMENT

Acting City Manager Odell presented the item and requested approval as an emergency action.

Council Member de Triquet, on a motion seconded by Council Member Hayes, moved for approval of the Appropriation as an emergency action.

There was no discussion.

On the motion for approval of the Appropriation as an emergency action, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

(6) **#07-O-053** REQUEST FOR APPROPRIATION OF \$281,198.20 IN STATE WIRELESS E-911 FUNDS FOR VARIOUS E-911 RELATED PROJECTS – POLICE DEPARTMENT

Acting City Manager Odell presented the item and requested approval as an emergency action.

Vice Mayor Parker, on a motion seconded by Council Member Ward, moved for approval of the Appropriation as an emergency action.

There was no discussion.

On the motion for approval of the Appropriation as an emergency action, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

(7) **#07-R-029** CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT FROM THE VIRGINIA MILITARY STRATEGIC RESPONSE FUND FOR USE IN THE PURCHASE OF APPROXIMATELY 350 ACRES OF LAND LOCATED IN THE FENTRESS AIRFIELD INTERFACILITY TRAFFIC AREA AND TO ENTER AN AGREEMENT WITH THE VIRGINIA MILITARY NATIONAL DEFENSE INDUSTRIAL AUTHORITY IN THE EVENT THE GRANT IS APPROVED – PLANNING DEPARTMENT

Acting City Manager Odell presented the item.

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

There was no discussion.

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

Voting no: None

(8) CONSIDERATION OF APPROVAL OF THE CITY OF CHESAPEAKE'S PROGRAM YEAR 33 COMMUNITY DEVELOPMENT BLOCK GRANT/HOME CONSOLIDATED ACTION PLAN – OFFICE OF INTERGOVERNMENTAL AFFAIRS, YOUTH AND FAMILY SERVICES

Acting City Manager Odell presented the item.

Council Member Ward, on a motion seconded by Council Member Adams, moved for approval of the City's Program Year 33 Community Development Block Grant/Home Consolidated Action Plan.

Council Member Willis noted that the program grant's funds were received from the Federal Government and there was no local match required.

On the motion for approval of the City of Chesapeake's Program Year 33 Community Development Block Grant/Home Consolidated Action Plan, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

(9) **#07-O-054 & #07-O-55** REQUEST FOR APPROPRIATION OF \$1,164,091 OF STORMWATER FEE REVENUE TO VARIOUS STORMWATER OPERATING ACCOUNTS AND \$400,000 TO THE "UNDESIGNATED DRAINAGE" CAPITAL BUDGET ACCOUNT – PUBLIC WORKS DEPARTMENT

Acting City Manager Odell presented the item.

April 24, 2007

Council Member Collins, on a motion seconded by Council Member Parker, moved for approval of the Appropriations as emergency actions.

There was no discussion.

On the motion for approval of the Appropriations as emergency actions, voting yes: Council Members Adams, Collins, Edge, Hayes, Parker, Ward and Willis.

Voting no: Council Members de Triquet and Krasnoff

(10) CONSIDERATION OF AN ORDINANCE AMENDING AN ORDINANCE PROVIDING FOR A HUMAN RESOURCES MANAGEMENT SYSTEM AND COMPENSATION PLAN FOR THE CITY OF CHESAPEAKE, VIRGINIA, ADOPTED ON MAY 15, 2001, ARTICLE 8 THEREOF, TO DELETE THE CLASSIFICATION OF DIRECTOR OF INTERGOVERNMENTAL AFFAIRS AND TO ADD, RECLASSIFY AND DELETE CERTAIN CLASSIFICATIONS IN THE DEPARTMENTS OF NEIGHBORHOOD SERVICES, PARKS AND RECREATION, AUDIT SERVICES AND PUBLIC WORKS AND THE OFFICE OF THE CITY TREASURER – DEPARTMENT OF HUMAN RESOURCES

Acting City Manager Odell presented the item.

There was discussion between Council Member de Triquet, Acting City Manager Odell, and Assistant Director of Human Resources Elizabeth Thornton regarding the addition and deletion of certain position classifications proposed in the ordinance and the costs associated with the changes.

Council Member Ward, on a motion seconded by Council Member Hayes, moved to continue City Manager Item 10 for 60 days to the June 26, 2007 City Council Meeting.

Council Member Hayes requested that the various changes be listed separately when the item comes back for consideration at the June 26, 2007 City Council Meeting.

On the motion to continue City Manager Item 10 to the June 26, 2007 City Council Meeting, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

City Council recessed at 9:05 p.m. and reconvened at 9:15 p.m.

City Attorney Items

(1) AN ORDINANCE AMENDING CHAPTER 2 OF THE CHESAPEAKE CITY CODE, ENTITLED "ADMINISTRATION," REPEALING PROVISIONS IN SECTIONS 2-201 THROUGH 2-203 AND AMENDING SECTIONS 2-213 AND 2-214 THEREOF, TO MERGE THE OFFICE OF YOUTH SERVICES AND THE CUSTOMER CONTACT CENTER WITH THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND TO CREATE AN OFFICE OF HOUSING WHICH WILL SERVE UNDER THE DEPARTMENT OF NEIGHBORHOOD SERVICES, AND AMENDING DIVISION 12. "YOUTH COMMITTEE," SECTION 2-551(a) ADDING THE YOUTH SERVICES COORDINATOR TO THE YOUTH COMMITTEE AS AN EX-OFFICIO MEMBER.

City Attorney Hallman requested City Attorney (1) be continued to the June 26, 2007 City Council Meeting.

Council Member Ward, on a motion seconded by Council Member de Triquet, moved that City Attorney Item (1) be continued to the June 26, 2007 City Council Meeting.

There was no discussion.

On the motion to continue City Attorney Item (1) to the June 26, 2007 City Council Meeting, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

(2) **#07-R-030** RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE CLERK OF THE CHESAPEAKE CIRCUIT COURT FOR SERVICES PERFORMED FOR THE CITY.

City Attorney Hallman presented the item.

Vice Mayor Parker, on a motion seconded by Council Member Collins, moved approval of 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, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

(3) RESOLUTION REQUESTING THE CHESAPEAKE CIRCUIT COURT TO ORDER AN ADVISORY REFERENDUM CONCERNING A PROPOSED ORDINANCE TO INCREASE REAL ESTATE TAXES ON COMMERCIAL AND INDUSTRIAL PROPERTIES TO FUND LOCAL ROAD IMPROVEMENTS, IN ADDITION TO ANY NEW AND INCREASED TAXES AND FEES THAT MAY BE IMPOSED BY THE HAMPTON ROADS TRANSPORTATION AUTHORITY FOR REGIONAL TRANSPORTATION PROJECTS. – Council Member Krasnoff

City Attorney Hallman presented the item.

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

There was extensive discussion regarding the date of the referendum, the fees and taxes that could be imposed by the City and the Hampton Roads Transportation Authority, and w the timing of a referendum.

Council Member de Triquet expressed concerns regarding the intent of the referendum and requested that if the resolution is adopted, the City Manager would move toward with a process that provides the public with a clear understanding of what the referendum would accomplish so the public would be well educated on the issue before voting.

Extensive discussion on the referendum date ensued. Council Member Adams noted that the Planning District Commission had people who could come to a Work

Session to explain the Hampton Roads Transportation Authority and the potential impacts of the body.

Mayor Edge suggested a Work Session be held May 22, 2007 to discuss the Authority, and bring the resolution back for consideration after that time. He expressed his opposition to funding under a binding without a way for localities to be released from the Authority.

Council Member Ward expressed her non-support for the pending motion.

Council Member Hayes stated that there should be more discussion on the HRTA among Council Members.

Dr. Krasnoff said he would defer the resolution until the Work Session was held and withdrew his original motion for approval with consensus of Council Member de Triquet who seconded the motion.

Council Member Krasnoff, on a motion seconded by Council Member de Triquet, moved to continue City Attorney Item (3) until the May 22, 2007 City Council meeting.

On the motion to Continue City Attorney Item (3) until the May 22, 2007 City Council Meeting, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

(4) **#07-R-031** RESOLUTION OPPOSING CERTAIN PROVISIONS OF, AND PROPOSED AMENDMENTS TO, THE REGIONAL SOLID WASTE MANAGEMENT PLAN FOR SOUTHEASTERN VIRGINIA; REVOKING CONSENT TO DESIGNATE THE SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA, INC. (SPSA) AS THE REGIONAL SOLID WASTE MANAGEMENT PLANNING AGENCY FOR HAMPTON ROADS; AND REQUESTING THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY TO ALLOW THE CITY OF CHESAPEAKE TO WITHDRAW FROM THE SOUTHEASTERN VIRGINIA REGIONAL SOLID WASTE PLANNING REGION.

City Attorney Hallman requested this item be considered following the Closed Session.

Without objection, Council concurred to move consideration of the Resolution until after the Closed Session.

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

City Clerk Moore identified the following speakers:

Sherrie Lucas, 204 Fernwood Farms Road, representing self, spoke on flooding on Fernwood Farms Road.

Joseph A. Staton, Sr., 1710 Marcus Street, representing Crestwood Manor Civic League, was not present when called to speak.

Andrew H. Grey Jr., 1710 Marcus Street, representing Crestwood Manor Civic League, was not present when called to speak.

Ms. Lucas was invited to the podium for further discussion on the flooding issue in Fernwood Farms. Several Council Members and Acting City Manager Odell commented on the issue. Acting City Manager Odell mentioned that tidal flooding was a difficult issue to deal with. Ms. Lucas commented on the steps she had taken to deal with flooding at her residence. Council Member Collins said he would forward his contact information so that staff could meet with members of the community to discuss what options were available.

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

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

Council Member Adams reported on her attendance at the dedication of the new Southern Chesapeake Mosquito Control Building. She also thanked Kim Murden and staff for coordination of the Dismal Swamp Stomp Half-Marathon event. Dr. Adams attended the Neighborhood Services' Leadership graduation program. She noted that the Virginia Arts Festival had begun and one of the events would be held Sunday, April 29, 2007 at Great Bridge Presbyterian Church. Council Member Adams read a letter from a citizen regarding assessed values of homes being higher than the home sold for. She also announced the death of longtime resident Horace Wright.

Council Member Collins congratulated Council Member Adams on her participation in the Dismal Swamp Stomp Half-Marathon event. He reported on his attendance at the Crestwood Civic League meeting and requested staff to look into the concerns raised at the meeting.

Council Member de Triquet commented on the Work Session held prior to the Council Meeting and requested that his memorandum be provided to the Mayor, Members of Council and City Manager, noting that the memorandum contained information on a \$.99 real estate tax rate and information on a proposed pay plan.

Council Member de Triquet requested that the Proposed Pay Plan be placed on the May 1, 2007 City Council Agenda for consideration under Old and New Business.

Council Member de Triquet requested a Letter of Recognition be prepared for Clerk of the School Board Edward Hughes in recognition of his retirement. Vice Mayor Parker requested that a table be purchased by City Council at the retirement dinner.

Council Member Krasnoff requested Acting City Odell to put together a program that would serve as a measuring tool to assess programs that are without assessments.

Council Member Ward congratulated Dr. Adams on her participation in the Dismal Swamp Stomp Half-Marathon event. She also congratulated the sponsors and participants of the CHIP/Healthy Families Rubber Duck contest. Dr. Ward noted her attendance at the Fire Department's Promotional Ceremony and commented on the Gang Awareness event scheduled for May 1, 2007. She commented on the Jamestown 400<sup>th</sup> Anniversary Celebration.

Council Member Willis, as a liaison for Parks and Recreation, stated her appreciation for the support expressed earlier in the meeting for the Deep Creek Park.

She asked Acting City Manager Odell for a report from the Parks and Receptions Department on progress of plans for the Deep Creek Park and Partnerships with private groups to move the plans forward.

Vice Mayor Parker requested Tidewater Builders Association's request for a waiver of utility fees for the Homearama Charity House be placed on the May 22, 2007 City Council Agenda for consideration.

Mayor Edge relinquished the gavel to Vice Mayor Parker for Boards and Commission appointments.

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

### **A. Airport Authority – 1 Appointment**

Council Member Collins nominated Kevin L. Hubbard for reappointment.

Council Member de Triquet, on a motion seconded by Council Member Hayes, moved to close the nominations and appoint the nominee.

On the motion to close the nominations and appoint the nominees, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

Kevin L. Hubbard was reappointed to the Airport Authority.

### **B. Animal Control Advisory Board – 2 Appointments**

Council Member de Triquet nominated Nancy J. Richara for appointment.

Council Member Collins, on a motion seconded by Council Ward, moved to close the nominations and appoint the nominee.

On the motion to close the nominations and appoint the nominee, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

Nancy J. Bichara was appointed to the Animal Control Advisory Board.

The vacancy for veterinarian was continued until a qualified candidate applies.

### **C. Chesapeake Agricultural Advisory Commission – 1 Appointment**

Mayor Edge nominated Thomas B. Jones for appointment.

Council Member Ward, on a motion seconded by Council Member de Triquet, moved to close the nominations and appoint the nominee.

On the motion to close the nominations and appoint the nominee, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

Thomas B. Jones was appointed to the Chesapeake Agricultural Advisory Commission.

**D. Chesapeake Commission for the Prevention of AIDS – 4 Appointments**

Council Member de Triquet nominated Kecia N. Brothers (Intergovernmental Affairs Representative) and Shelley L. Taylor-Donahue (Community Services Board Representative) for appointment.

Council Member Ward, on a motion seconded by Council Member Collins, moved to close the nominations and appoint the nominees.

On the motion to close the nominations and appoint the nominees, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

Kecia N. Brothers and Shelley L. Taylor-Donahue were appointed to the Chesapeake Commission for the Prevention of AIDS.

The appointments for a HIV Positive member and a member who was a Medical Professional were continued until qualified applicants applied.

**E. Chesapeake Committee on Aging – 2 Appointments**

Council Member de Triquet nominated Debra R. DeRoco and Paula King for appointment.

Council Member Collins, on a motion seconded by Council Member Ward, moved to close the nominations and appoint the nominees.

On the motion to close the nominations and appoint the nominees, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None.

Debra R. DeRoco and Paula King were appointed to the Chesapeake Committee on Aging. *(As an information note, Paula King's appointment was reconsidered and withdrawn during appointments to the Local Emergency Planning Committee – Item H. Sheila Krakower was nominated and appointed to replace Paula King on the Committee on Aging.)*

**F. Groundwater Committee – 3 Appointments**

Council Member Ward nominated Renee S. Valentine, William R. Stocke and Cherie C. Walton for appointment.

Council Member Collins, on a motion seconded by Council Member Ward, moved to close the nominations and appoint the nominees.

On the motion to close the nominations and appoint the nominees, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None.

Renee S. Valentine, William R. Stocke, and Cherie C. Walton were appointed to the Groundwater Committee.

**G. Eastern Virginia Medical School – 1 Appointment**

Council Member de Triquet nominated Attorney John W. Brown for reappointment.

Council Member Ward, on a motion seconded by Council Member Krasnoff, moved to close the nominations and appoint the nominee.

On the motion to close the nominations and appoint the nominees, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None.

John W. Brown was reappointed to the Eastern Virginia Medical School.

**H. Local Emergency Planning Committee – 2 Appointments**

Council Member Willis nominated, in accordance with the recommendation from Chairman Steve Best, Willard K. King and Paula J. King.

City Clerk Moore advised that Council appointed Paula King to serve on the Chesapeake Committee on Aging earlier in the meeting.

Council Member de Triquet stated that at the proper time he would withdraw his motion to appoint Paula King to the Chesapeake Committee on Aging.

Council Member Ward, on a motion seconded by Council Member Willis, moved to close the nominations and appoint the nominees.

On the motion to close the nominations and appoint the nominees, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Willard K. King and Paula J. King were appointed to the Local Emergency Planning Committee.

Council Member de Triquet, on a motion seconded by Council Member Collins, moved to withdraw the motion to nominate and appoint Paula J. King to the Chesapeake Committee on Aging.

On the motion to withdraw the nomination and appointment of Paula J. King to the Chesapeake Committee on Aging, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None.

Council Member Adams nominated Sheila Krakower for appointment to the Chesapeake Committee on Aging.

Council Member Collins, on a motion seconded by Council Member Ward, moved to close the nominations and appoint the nominee.

On the motion to close the nominations and appoint the nominee, voting yes: Council Member Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None.

Sheila Krakower was appointed to the Chesapeake Committee on Aging.

**I. Port Authority – 2 Appointments**

Appointments were made at the April 10, 2007 City Council Meeting.

**J. South Norfolk Revitalization Committee – 1 Appointment**

Council Member Willis nominated Loretta M. Holley for reappointment.

Council Member de Triquet, on a motion seconded by Council Member Collins, moved to close the nominations and appoint the nominee.

On the motion to close the nominations and appoint the nominee, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None.

Loretta M. Holley was reappointed to the South Norfolk Revitalization Committee.

**K. Transportation Safety Commission – 1 Appointment**

Council Member Willis nominated Mary C. McLamb (Student Representative) for reappointment.

Council Member de Triquet, on a motion seconded by Council Member Ward, moved to close the nominations and appoint the nominee.

On the motion to close the nominations and appoint the nominee, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None.

Mary C. McLamb (Student Representative) was reappointed to the Transportation Safety Commission.

Vice Mayor Parker returned the gavel to Mayor Edge.

**REQUEST FOR CLOSED SESSION**

City Attorney Hallman provided the following language for consideration of the 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, and to consult with legal counsel regarding specific legal matters requiring the provision of legal advice, pursuant to Virginia Code, Section 2.2-3711A.7."

Vice Mayor Parker, on a motion seconded by Council Member Ward, moved approval of the request for closed session.

There was no discussion.

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

Voting no:

**CLOSED SESSION**

City Council went into Closed Session at 10:35 p.m. They reconvened at 11:00 p.m.

**CERTIFICATION OF CLOSED SESSION**

Mayor Edge stated he had not participated in the Closed Session discussion involving the Belharbour project and would abstain from certifying that topic.

City Attorney Hallman confirmed that Mayor Edge was out of the room during the discussion on Belharbour and his vote to certify the Closed Session would not include the Belharbour item.

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 Krasnoff, on a motion seconded by Council Member Ward, moved approval of the Certification of the Closed Session discussions and Mayor Edge abstaining from the Belharbour discussion.

There was no discussion.

On the motion for approval of the Certification of the Closed Session discussions, and Mayor Edge abstaining from the Belharbour discussion, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

City Attorney Item

(4) **#07-R-031** RESOLUTION OPPOSING CERTAIN PROVISIONS OF, AND PROPOSED AMENDMENTS TO, THE REGIONAL SOLID WASTE MANAGEMENT PLAN FOR SOUTHEASTERN VIRGINIA; REVOKING CONSENT TO DESIGNATE THE SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA, INC. (SPSA) AS THE REGIONAL SOLID WASTE MANAGEMENT PLANNING AGENCY FOR HAMPTON ROADS; AND REQUESTING THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY TO ALLOW THE CITY OF CHESAPEAKE TO WITHDRAW FROM THE SOUTHEASTERN VIRGINIA REGIONAL SOLID WASTE PLANNING REGION.

This item was moved on the agenda for consideration after the Closed Session.

City Attorney Hallman advised that Council Member Collins was the City's Voting Member on the Southeastern Public Service Authority's (SPSA), and he would deliver the Resolution expressing Chesapeake's opposition to several of SPSA's previous actions as well as proposed actions that do not represent or include goals and objectives that are in the best interest of the City of Chesapeake. Also, the resolution expresses the City of Chesapeake's request to withdraw from the Southeastern Virginia Regional Solid Waste Planning Region.

April 24, 2007

Council Member Collins, on a motion seconded by Council Member Willis, moved 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, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no:

**ADJOURNMENT**

With there being no further business to discuss, Vice Mayor Parker adjourned the meeting at 11:07 p.m.

/vfm

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Mayor

Attest:

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City Clerk