

Regular City Council Meeting
May 8, 2007

A Regular Meeting of the Chesapeake City Council was called to order by Mayor Dalton S. Edge on May 8, 2007, at 6:30 p.m. in the City Hall Building, 306 Cedar Road.

INVOCATION: Council Member Clifton E. Hayes, Jr.

PLEDGE OF ALLEGIANCE: Council Member Rebecca C. W. Adams

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.

PROCLAMATION – Business Appreciation Week

Mayor Edge asked Economic Development Director Warren Harris to come to the podium to accept the Proclamation read by City Clerk Moore. Mr. Harris offered comments.

CERTIFICATE OF RECOGNITION – Mother of the Year

Mayor Edge asked Phyllis Akers and Julie Cantrell to the podium to accept the certificate read by City Clerk Moore. Mses. Akers and Cantrell offered comments.

CERTIFICATE OF RECOGNITION – Ms. Wheelchair of Virginia

Mayor Edge asked Ms. Wheelchair 2007 Buddy Hayes to the podium to accept the certificate. Ms. Hayes offered comments.

SPECIAL PRESENTATION – Jubilee, Inc.

Mayor Edge asked Jubilee, Inc. President Laura McElveen and the 2007 Jubilee Chairperson Tara Preston to the podium. Media packages were presented to Council Members and staff at the dais.

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

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

PUBLIC HEARING

Non-Planning Public Hearing Item

A. **#07-R-032** RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A DEED OF SPECIAL WARRANTY TO CONVEY A CERTAIN PIECE OR PARCEL OF LAND CONTAINING APPROXIMATELY 0.90 ACRE LOCATED AT 3353 GALBERRY ROAD IN THE DEEP CREEK BOROUGH OF THE CITY OF CHESAPEAKE, VIRGINIA, TO LORI, INC

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

Council Member de Triquet, on a motion seconded by Vice Mayor Parker, moved approval of the Resolution.

There was no discussion.

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

Voting no: None

CITIZENS' COMMENTS ON AGENDA ITEMS ONLY

City Clerk Moore identified the following speaker in support of City Clerk Item (2):
Greg Dodd, 300 George Washington Highway North, representing Cedars of Lebanon.

City Clerk Moore identified the following speakers in support of City Manager Item (1):

Sheila Person, 2006 Pond Lane, representing self, was not present when called.

Edith Bing, 2819 Eric Court, representing self.

Lakeshia Franklin, 621-B Geneva Avenue, representing self, was not present when called.

Rhonda Whitney, 932 Ventures Way, representing Tidewater Tech of Chesapeake.

Carolyn McPherson, 2700 Royster Court, Virginia Beach, Virginia, representing Samaritan House-Virginia Beach, was not present when called.

Stevens Johnson, 632 Aguila Drive, representing self.

Wayne Turner, 1216 Fordyce Drive, representing Chesapeake Professional Firefighters.

Lance Barker, 710 Pintail Lane, representing Chesapeake Professional Firefighters.

Jack Bider, 110 Kempsville Road, representing Fraternal Order of Police Lodge #9.

Jim Shipley, 110 Kempsville Road, representing Chesapeake Public Safety Alliance.

Dennis Streater, 34-A Battlefield Woods Court, representing Project FIND (Fathers in New Direction).

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Willie Parker, 2005 Midway Avenue, representing Fathers in New Direction.

Lawrence Hurt, 2401 Featherbed Lane, representing Fathers in New Direction.

Charles Crest, 809 Hill Street, representing Fathers in New Direction.

William Garrett, P. O. Box 9097, representing self.

City Clerk Moore identified the following speakers in support of City Manager Item (2):

Kevin Pace, 220 Shoreside Road, representing Fernwood Farms Civic League.

Vernon Gordon, 1201 Spruce Lane, President, Fernwood Farms Civic League.

City Clerk Moore identified the following speakers in opposition to City Manager Item (1):

Yashica Ford, 2201 Cobblestone Court, representing self, not present when called.

Wayne Johnson, 761 Waters Road, representing self.

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

Victoria Nicholls, 1124 Mill Lake Quarter, representing Chesapeake Citizen for Fair Real Estate Tax.

Nick Vacca, 704 Denver Street, representing self.

John Bilinski, 1308 Fernham Lane, representing self.

Barbara Allen, 428 Nicholas Court Apartment B, representing self, was not present when called.

Dave Newby, 401 Albemarle Drive, Suite 103, representing Chesapeake Sheriff's Office. Mr. Newby stated that he was not in opposition to City Manager Item (1).

Marylin Miller, 420 Albemarle Drive, representing Chesapeake Juvenile Services.

Forrest Staton, 2129 Iowa Street, representing self.

Joyce Gilbert, 145 Marion Drive, representing self.

Charles Ryan, 216 Scarlett Drive, representing self.

Jack King, 1326 Waters Road, 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 Chesapeake Citizens for Fair Real Estate Tax.

Patricia King, 108 Henington Lane, representing Chesapeake Citizens for Fair Real Estate Tax.

Jack Rochevot, 3116 Bunch Walnut Road, representing self.

Jim Lewallen, 1527 Jolliff Road, representing self.

Joseph Jones, 933 Levee Lane, representing Chesapeake Citizens for Fair Real Estate Tax.

Richard Doss, 4028 Ballahack Road, representing Chesapeake Citizens for Fair Real Estate Tax.

Eugene Carver, 3033 Buskey road, representing Chesapeake Citizens for Fair Real Estate Tax.

Al Shriner, 716 Pine Cliffee Drive, representing Chesapeake Citizens for Fair Real Estate Tax.

Don Hick, 1224 Lake Point Drive, representing self.

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

Melody Waters, 360 Clearfield Avenue, representing self.

Russell Underwood, 101 Sparrow Road, representing self.

Tony Gross, 2127 Chesterfield Loop, representing self.

CONSENT AGENDA

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

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

Voting no: None

City Clerk Item

(1) RESIGNATIONS

- a. Bernie Cory, Citizens Juvenile Advisory Board
- b. Carol Galvin, Citizens Juvenile Advisory Board

REGULAR AGENDA

City Clerk Item

(2) Use Permit Extension Request

a. UP-05-07 Cedars of Lebanon Seventh Day Adventist Church, Project; Cedars of Lebanon Seventh Day Adventist Church, Applicant; Horton & Dodd, P.C Agent; for a conditional use permit to allow a church facility on an undeveloped (+/-)6.5 acre parcel. The property is located at 1977 Cedar Road in the Deep Creek Planning Area.

City Clerk Moore presented the item advising that the Use Permit application had been approved by City Council during the June 21, 2005 meeting with stipulations as recommended by the Planning Commission. The agent for the applicant notified the Planning Department on April 4, 2007 that the Church requested a one-year extension on the Use Permit to proceed with construction of the Church facility. City Clerk Moore noted that the request to be considered by City Council was to approve a one-year extension of UP-05-07.

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of a one-year extension for UP-05-07, Cedars of Lebanon Seventh Day Adventist Church.

There was no discussion.

On the motion to approve the one-year extension for UP-05-07, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None.

City Manager Items

Acting City Manager Odell presented the items.

(1) CONSIDERATION OF PROPOSED OPERATING BUDGET, JULY 1, 2007 THROUGH JUNE 30, 2008 – CITY MANAGER’S OFFICE/BUDGET OFFICE

a. **#07-O-061** CONSIDERATION OF 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

Vice Mayor Parker, on a motion seconded by Council Member Adams, moved to approve the Ordinance with a real estate tax rate reduction of \$.05, from \$1.09 to \$1.04 per \$100 valuation.

Council Member de Triquet, on a substitute motion seconded by Council Member Krasnoff, moved to reduce the real estate tax rate by \$.10, from \$1.09 to \$.99 per \$100 valuation.

Council Member de Triquet provided an explanation of his support for the increased rate reduction, how the budget is developed, items contained in the budget that the City must fund, and City Council’s role in the budget process.

Council Member Willis commented on the impacts of a \$.99 real estate tax rate and her inability to support that amount of change to the rate.

Council Member Hayes spoke on the proposed \$.99 real estate tax rate and inquired about the expected revenue shortfall to the City from the State’s Telecommunications Act. Acting City Manager Odell indicated that the revenue shortfall would be \$1.5 million.

Council Member Hayes emphasized the costs of mandated services the City must fund and the increased costs in goods used by the City to maintain current services. He spoke to the Southeastern Public Service Authority’s (SPSA) tipping fee increases. Mr. Hayes noted that Chesapeake absorbs many of the increased costs for services that other localities pass on to residents.

Council Member Ward spoke to the tax rate reduction, as well as the SPSA tipping fee increases, increased costs for the Oscar Smith Middle School replacement and the new Grassfield High School. She questioned whether funds for the Western Branch High School addition were in the Capital Budget. Budget Director Betty Meyer indicated that funding had been placed in the Fiscal Year 2007-08 Capital Budget for the project design with construction funds to be located in the Capital Improvement Budget for Fiscal Year 2008-09.

Council Member Collins asked Real Estate Assessor William Rice to the podium to explain how the real estate assessments are derived. Mr. Rice stated that the assessments are done on an annual basis; comparisons of market values collected from the land recordations filed in the Clerk of the Circuit Court's office are part of the criteria used to determine assessments.

Council Member Collins also spoke about the many facets of the City's budgets stating he would be unable to support the proposed \$.99 real estate tax rate.

Mayor Edge inquired how the \$.99 or \$.89 (requested by some residents) tax rate would affect the Western Branch High School addition project. Acting City Manager Odell advised that a \$.99 tax rate would provide \$500,000 for the Schools Capital Construction Lock Box instead of the proposed \$1 million.

Mayor Edge asked about the impact of the \$.99 rate on Schools security (police officers in the schools). Budget Director Betty Meyer indicated that a \$.99 real estate tax rate would cut seven positions in the first year and a total of 17 by the end of next Fiscal Year. She stated that the proposed rate would impact not only Schools security officers, but would also decrease the City's part of health insurance coverage for employees from 80% to 70% share cost.

Council Member de Triquet referenced the details of a letter he sent to Council Members supporting the \$.99 tax rate, stating the need to set priorities for the budget process.

Council Member Adams and Real Estate Assessor William Rice dialogued on situations where assessments are higher than actual home sales. Dr. Adams spoke about the ability to freeze assessments on homes for senior citizens when they reach a particular age.

Council Member Krasnoff asked City Attorney Hallman to comment on tying real estate assessments to Cost of Living Adjustments (COLA), as some residents were requesting the City to do. Mr. Hallman indicated that the City is unable to tie real estate tax rates to a percentage like a COLA but is required to set a firm real estate tax rate which must be adopted by May 15 of each Fiscal Year.

Council Member Ward inquired about the income and net worth levels for senior citizens contained in the Elderly and Handicapped Citizens Tax Relief Program. City Attorney Hallman advised that an increase in the State's maximum limits could be included in the City's upcoming Legislative Package to the General Assembly.

Council Member Krasnoff remarked that a previous attempt to increase the City's net asset worth level to the maximum level had failed to pass.

Council Member Hayes offered additional comments regarding the net asset worth limit stating the issue should be revisited in the next Fiscal Year.

There was no further discussion.

On the substitute motion to reduce the real estate tax rate from \$1.09 to \$.99, voting yes: Council Members de Triquet and Krasnoff.

Voting no: Council Members Adams, Collins, Edge, Hayes, Parker, Ward and Willis.

The substitute motion failed.

On the primary motion to approve a real estate tax rate reduction from \$1.09 to \$1.04, voting yes: Council Members Adams, Collins, Edge, Hayes, Parker, Ward and Willis.

Voting no: Council Members de Triquet and Krasnoff

b. **#07-O-062** 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

Council Member Adams asked Economic Development Director Warren Harris to come to the podium to provide a review of the request for the rate increase and how the revenue would be used. Mr. Harris advised that the monies would go to the Conventions and Tourism Office to promote and increase tourism in the City and would be seeking direction from the hotel industry. Mr. Harris noted that the rate increase would generate approximately \$844,000 in revenue.

Council Member Adams requested that the Ordinance be amended to reference cultural activities in the last line.

Council Member Adams, on a motion seconded by Council Member Collins, moved approval of the Ordinance with amended language presented by City Attorney Hallman.

There was no further discussion.

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

Voting no: Council Members de Triquet and Krasnoff.

c. **#07-O-063** CONSIDERATION OF 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

Council Member Collins inquired about the \$10.00 charge. Fire Chief Best came to the podium, and addressed Mr. Collins' concern. Council Member Collins asked that language be included in the Ordinance to provide the first copy of the report free to the patient.

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the Ordinance with amended language to state that the patient is allowed to receive the first copy free.

There was no further discussion.

On the motion for approval of the Ordinance with additional language, voting yes: Council Members Adams, Collins, Edge, Hayes, Parker, Ward and Willis.

Voting no: Council Members de Triquet and Krasnoff

d. **#07-O-064** CONSIDERATION OF 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

Mayor Edge asked Fire Chief Best to the podium to answer questions. Mayor Edge inquired if there had been an ongoing dialog with industry representatives and if a 30 day continuance would be a problem. Fire Chief Best expressed his concern over a 30 day continuance as there had been meetings with industry representatives and no further compromise could be reached. Chief Best stated that the proposal was a fair risk assessment of the needs and would include all flammable liquids and ethanol storage.

Mayor Edge inquired about the costs involved. Chief Best stated that first year costs were about \$250,000.

Mayor Edge asked if the fee was based on storage and other things. Chief Best advised that the Mayor was correct and that the fee was a one-time fixed storage fee with an annual renewal permit.

Council Member Adams, on a motion seconded by Vice Mayor Parker, moved approval of the Ordinance as presented.

There was no further discussion.

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

Voting no: Council Members de Triquet and Krasnoff

e. **#07-O-065** CONSIDERATION OF 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

Council Member Willis asked whether a comparison had been done with other localities in Hampton Roads to determine whether these fees were being collected and if the fees were in line with those localities' rates. Neighborhood Services Director Patrick Hughes came to the podium and stated that a check with other cities had been done and the proposed fees were in line with those charged in other localities.

Council Member Willis, on a motion seconded by Vice Mayor Parker, moved approval of the Ordinance as presented.

There was no further discussion.

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

Voting no: Council Members de Triquet and Krasnoff

f. CONSIDERATION OF 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 (TA-S-07-01)

Planning Commission recommended denial.

Council Member Ward asked Planning Director Brent Nielson for an explanation of the action taken by the Planning Commission. Mr. Nielson stated that the Planning Commission felt the increase was too large a jump in one year.

Council Member Ward, on a motion seconded by Vice Mayor Parker moved approval of the Ordinance to increase the fees from \$60 to \$100.

Council Member Collins asked Mr. Nielson how the Planning staff arrived at the rate increase figure. Mr. Nielson advised that the staff determined that the recommended increase represented the actual costs to review the documents and puts the City in the middle range of charges by other localities.

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Council Member Collins, on a substitute motion seconded by Council Member Willis, moved approval of the Ordinance as presented.

Council Member Willis requested that Mr. Nielson speak to the staffing in the Planning Department and how the increase would assist. Mr. Nielson noted that the revenues generated from the fees go to the City's General Fund and not directly back to the department.

There was no further discussion.

On the substitute motion to approve the Ordinance as presented, voting yes: Council Members Collins and Willis.

Voting no: Council Members Adams, de Triquet, Edge, Hayes, Krasnoff, Parker, and Ward.

The substitute motion to approve the Ordinance as presented, increasing the fee from \$60 to \$150 failed.

On the primary motion to approve the Ordinance with a fee increase from \$60 to \$100, voting yes: Council Members Parker, Ward and Willis.

Voting no: Council Members Adams, Collins, de Triquet, Edge, Hayes and Krasnoff.

The motion to approve the Ordinance with a fee increase from \$60 to \$100 failed.

No further action was taken on this item.

g. **#07-O-066** CONSIDERATION OF 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 (TA-S-07-02)

Planning Commission recommended approval of the version dated March 13, 2007.

Council Member Adams, on a motion seconded by Council Member Collis, moved approval of the ordinance version dated March 13, 2007.

Council Member Adams asked Fire Chief Best to the podium to explain the need for the fee implementation. Chief Best stated that the recommendation come from a Task Force put together by the City Manager and would cover costs for employee reviews of plans for subdivision and street name changes.

Council Member Hayes asked about the employee's responsibility regarding the proposed Ordinance. Chief Best stated that the position would be with the Information Technology Department and Police dispatch.

On the motion for approval of the Ordinance version dated March 13, 2007, voting yes: Council Members Adams, Collins, Edge, Hayes, Parker, Ward and Willis.

Voting no: Council Members de Triquet and Krasnoff

City Council recessed at 11:22 p.m. and reconvened at 11:38 pm.

h. **#07-O-067** CONSIDERATION OF 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 (TA-S-07-03)

Planning Commission recommended approval of the version dated March 13, 2007

Council Member Adams, on a motion seconded by Council Member Ward, moved approval of the ordinance version dated March 13, 2007.

There was no discussion.

On the motion for approval of the ordinance version dated march 13, 2007, voting yes: Council Members Adams, Collins, Edge, Hayes, Parker, Ward and Willis.

Voting no: Council Members de Triquet and Krasnoff

i. **#07-O-068** CONSIDERATION OF 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 (TA-Z-07-04)

Planning Commission recommended approval of the version dated March 13, 2007.

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the ordinance version dated March 13, 2007.

There was no discussion.

On the motion for approval of the ordinance version dated march 13, 2007, voting yes: Council Members Adams, Collins, Edge, Hayes, Parker, Ward and Willis.

Voting no: Council Members de Triquet and Krasnoff

j. CONSIDERATION OF 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 THE 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 (TA-Z-07-03)

Planning Commission recommended denial.

Vice Mayor Parker, on a motion seconded by Council Member Collins, moved approval of the Ordinance with a fee increase from \$100 to \$150.

Vice Mayor Parker asked for an explanation of the requested fee increases. Planning Director Nielson stated that the fee increases reflected the actual staff costs and time involved.

There was no further discussion.

On the motion for approval of the Ordinance with a fee increase from \$100 to \$150, voting yes: Council Members Collins, Parker and Willis

Voting no: Council Members Adams, de Triquet, Edge, Hayes, Krasnoff and Ward

The motion for approval of the Ordinance with a fee increase from \$100 to \$150 failed.

There was no further action on this item.

k. **#07-O-069** CONSIDERATION OF 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 (TA-Z-07-05)

Planning Commission recommended approval of the version dated March 13, 2007.

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the ordinance version dated March 13, 2007.

Council Members Adams, Ward and Willis offered comments relative to support for the proposed ordinance amendment, noting the comparisons done with other localities.

On the motion for approval of the ordinance version dated March 13, 2007, voting yes: Council Members Adams, Collins, Edge, Hayes, Parker, Ward and Willis.

Voting no: Council Members de Triquet and Krasnoff

l. **#07-O-070** CONSIDERATION OF 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

Council Member de Triquet, on a motion seconded by Council Member Willis, moved approval of the Ordinance as presented.

There was no discussion.

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

Voting no: None.

m. **#07-O-071** 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

Council Member Collins, on a motion seconded by Council Member Willis, moved approval of the appropriation Ordinance.

Vice Mayor Parker asked that \$1.2 million be set aside for the Virginia Retirement System (VRS) multiplier until the pay plan is adopted.

Vice Mayor Parker, on a substitute motion seconded by Council Member Adams, moved to amend the appropriation Ordinance to reserve \$1.2 million for the VRS multiplier for consideration during the pay plan study.

Council Member Hayes questioned the purpose of delaying the action to a later time. Vice Mayor Parker responded.

Council Member Willis asked if the effective date of the new multiplier would be July 1, 2007.

There was extensive discussion among Council Members regarding a delay in funding for the Public Safety Multiplier and about the pay plan study.

There was no further discussion.

On the substitute motion to amend the appropriation Ordinance to reserve \$1.2 million for the VRS multiplier for consideration during the pay plan study is adopted, voting yes: Council Members Adams, Collins, Edge, Krasnoff, Parker, Ward and Willis

Voting no: Council Members de Triquet and Hayes.

Council Member Willis, on a substitute motion seconded by Vice Mayor Parker, moved to amend the appropriation Ordinance to move that \$198,000 be appropriated to the FY 2007-08 Operating Budget from undesignated, unreserved General Fund balance for non-recurring equipment costs for a new Medic Unit and that the City Manager manage Police vacancies to provide salary savings sufficient to fund nine Paramedic positions for the new Medic Unit.

Council Member Willis offered comments on the purpose of the amendment and asked Fire Chief Best to explain the need for an additional Medic Unit at Station 15. Chief Best responded to Council Member Willis' request for information.

Council Member Adams inquired about the Fire Academy in relation to the proposed new Medic Unit. Chief Best responded to the questions.

There was no further discussion.

On the substitute motion to amend the appropriation Ordinance to approve that \$198,000 be appropriated to the FY 2007-08 Operating Budget from undesignated, unreserved General Fund balance for non-recurring equipment costs for a new Medic Unit and that the City Manager manage Police vacancies to provide salary savings sufficient to fund nine Paramedic positions for the new Medic Unit, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None.

Mayor Edge stated that since there were no more amendments to the original motion, Council would now vote on the Collins/Willis motion to approve the appropriation Ordinance for the Fiscal Year July 1, 2007 through June 30, 2008, as amended.

There was no discussion.

On the motion to approve the appropriation Ordinance for Fiscal Year July 1, 2007 through June 30, 2008, as amended, voting yes: Adams, Collins, Edge, Hayes, Parker, Ward and Willis.

Voting no: Council Members de Triquet and Krasnoff.

(2) CONSIDERATION OF PROPOSED CAPITAL BUDGET – CITY MANAGER'S OFFICE/BUDGET OFFICE

a. CONSIDERATION OF ADOPTION OF THE PROPOSED CAPITAL IMPROVEMENT PROGRAM FOR THE PERIOD JULY 1, 2007, THROUGH JUNE 30, 2012

Council Member Willis, on a motion seconded by Vice Mayor Parker, moved approval of the Capital Improvement Program for the period July 1, 2007 through June 30, 2012, as presented.

There was no discussion.

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

Voting no: None

b. **#07-O-072** CONSIDERATION OF APPROPRIATION OF CAPITAL BUDGET FUNDS FOR FISCAL YEAR JULY 1, 2007 THROUGH JUNE 30, 2008

Vice Mayor Parker, on a motion seconded by Council Member Ward, moved approval of the appropriation of Capital Budget Funds for Fiscal Year July 1, 2007 through June 30, 2008, as presented.

There was no discussion.

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

Voting no: None.

(3) a. **#07-R-033** CONSIDERATION OF A RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING – DEPARTMENT OF FINANCE

Vice Mayor Parker, on a motion seconded by Council Member Ward, moved approval of the Resolution, as presented.

Council Member Willis offered comments on Tax Increment Financing (TIF) revenues.

There was no further discussion.

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

Voting no: Council Members de Triquet and Krasnoff

b. **#07-R-034** CONSIDERATION OF A RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING (PUBLIC UTILITIES) – DEPARTMENT OF FINANCE

Council Member Collins, on a motion seconded by Vice Mayor Parker, moved approval of the Resolution, as presented.

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.

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

City Clerk Moore advised that there were no speakers.

Council Member Krasnoff, moved to request City Manager-select Harrell to bring the FY 07-08 Budget back in September to look at further possible reductions to the real estate tax rate.

Mayor Edge relinquished the gavel to Vice Mayor Parker and seconded the motion.

There was no discussion.

On the motion to request City Manager-select Harrell to bring the FY 07-08 Budget back in September for possible further reductions to the real estate tax rate voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None.

COMMITTEE REPORTS/OLD AND NEW BUSINESS

Council Member Adams commended City departments for making "Paddle for the Border" a success; she announced that the Police Officers Memorial Service would take place on Monday, May 14, 2007 at 4:00 p.m. at Police Headquarters. Dr. Adams also requested that Parks and Recreation look into a problem with the port-a-johns at Centerville Park.

Council Member Adams stated that the Chesapeake Historic Preservation Commission had recently requested the City to place some Civil War trail markers in strategic places in the City. She requested that an agenda item be placed under Old and New Business for the May 15, 2007 City Council Meeting to fund three Civil War trail markers from City Council Contingency Fund.

Council Member Collins encouraged citizen comments on the Centerville Turnpike Bridge project.

Council Member de Triquet commended Council Members for their input during the budget deliberations.

Mayor Edge commended Acting City Manager Odell on the hard work she and staff put into preparing the budget and explained that his second to the motion to request the review of the budget in September was not a reflection on the Acting City Manager or staff.

Council Member Hayes announced that the 3rd Annual Mayor's T-Ball Classic would take place on Saturday, May 12, 2007 at City Hall.

Council Member Ward reported on the staff day at the Library commending Director of Libraries and Research Services, Peggy Stillman, for offering the training activities to Library personnel. She also reported on Ignite Chesapeake Leadership Program, and a Cinco de Mayo fiesta held at Grand Affairs to benefit Our House families.

May 8, 2007

Council Member Willis referenced a request from Mr. Lincoln Potter, a member of Chesapeake Citizens for Fair Real Estate Tax, who had inquired about a meeting with Council Members. Mrs. Willis asked Acting City Manager Odell and City Clerk Moore to contact Mr. Potter to schedule the meeting.

Vice Mayor Parker informed Council Members and staff that he had received a petition from merchants of Deep Creek Crossing and would share that with Acting City Manager Odell.

ADJOURNMENT

With there being no further business to discuss, Vice Mayor Parker adjourned the meeting at 12:50 a.m.

/blp

Mayor

Attest:

City Clerk