

A Regular Work Session of the Chesapeake City Council was held July 17, 2007, at 5:15 p.m., in the City Hall Building, 306 Cedar Road.

Present: Council Member Rebecca Adams
Council Member Bryan Collins
Mayor Dalton S. Edge
Council Member Clifton E. Hayes, Jr.
Vice Mayor Dwight M. Parker
Council Member Patricia Pritchard Willis

Absent: Council Member John M. de Triquet (excused)
Council Member Alan P. Krasnoff (excused)
Council Member Ella Ward (excused)

Present from Administration: City Manager William Harrell, City Attorney Ronald Hallman, Deputy City Manager Anne Odell, Deputy City Manager Wanda Barnard-Bailey, City Clerk Dolores Moore, Director of Neighborhood Services Patrick Hughes, Neighborhood Services Coordinator Theatrice McClammy, and other staff members.

Also present: Dr. Owen Furuseth, Associate Provost, University of North Carolina, Charlotte.

The Following Topic was discussed during the Work Session:

- 1) Neighborhood Quality of Life Implementation Plan

The Work Session adjourned at 6:05 p.m.

/dah

Regular Meeting of City Council
July 17, 2007

A Regular Meeting of the Chesapeake City Council was called to order by Mayor Dalton S. Edge on July 17, 2007, at 6:30 p.m., in the City Hall Building, 306 Cedar Road.

INVOCATION: Pastor Randy Wooden, Great Bridge Church of God

PLEDGE OF ALLEGIANCE: Boy Scout Logan Scott, Troop 55, Oak Grove Methodist and Boy Scout Zackary Bonniece, Troop 6, Great Bridge Baptist Church.

ROLL CALL BY CLERK OF COUNCIL:

Present: Council Member Rebecca Adams
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
Council Member Ella Ward
Council Member Patricia Pritchard Willis

Absent: None

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

APPROVAL OF MINUTES

Mayor Edge advised that the minutes for the October 24, 2006 Work Session and Regular Meeting were presented for approval.

Council Member Collins, on a motion seconded by Vice Mayor Parker, moved to approve the October 24, 2006 minutes as presented.

There was no discussion.

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

Voting no: None

PUBLIC HEARING

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

City Clerk Moore stated there were no speakers prior to the presentation of the Public Hearing Items.

PUBLIC HEARING ITEMS

A. R(C)-06-16 PROJECT: Marsh Creek, Section 10 APPLICANT: Princess Anne Builders AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional zoning reclassification of 23.9 acres zoned A-1 Agricultural District to R-12(a)s – Single family Residential District (15.7 acres), R-25(a)s Single family Residential District (6.5 acres) and A-1 Agricultural District (1.7 acre) for the purpose of single family residential development. PROPOSED COMP LAND USE & DENSITY: Suburban Single-family with 1 unit per acre to something less than 4 units per acre EXISTING COMP LAND USE & DENSITY: Rural with one unit per 3 or more acres LOCATION: 2209 Cedar Road TAX MAP SECTION/PARCEL: 0450000000060 BOROUGH: Deep Creek (This item was continued from the June 19, 2007 City Council meeting)

The Planning Commission recommends denial.

Mayor Edge informed City Council members that a letter had been received from the agent requesting the application be withdrawn from consideration.

City Clerk Moore presented the item and identified the following speaker in support of Public Hearing Item **A**:

Shepelle Watkins-White, 2016 Arentala Quay, representing Princess Anne Builders.

City Clerk Moore identified the following speakers in opposition to Public Hearing Item **A**:

William Sullivan, 931 Artisan Avenue, representing self.

Bruce Pickinpaugh, 1021 Artisan Avenue, representing Marsh Creek residents.

Stephen J. Hendrix, 1013 Artisan Avenue, representing self and Marsh Creek residents.

Connie Brown, 1033 Artisan Avenue, representing Marsh Creek residents.

Joel Brown, 1033 Artisan Avenue, representing Marsh Creek residents.

Council Member Collins confirmed with City Attorney Hallman that City Council could take action on an item even if there was a request for withdrawal by the applicant.

Council Member Collins, on a motion seconded by Vice Mayor Parker, moved to deny R(C)-06-16.

City Attorney Hallman stated that Council has the ability to take action on the item to vote approval, denial or approve the request for withdrawal.

Council Member Krasnoff asked that the agent return to the podium.

Mrs. Watkins-White approached the podium and cited the Virginia Code addressing a request of withdrawal.

City Attorney Hallman stated that he stood by his response to Council Member Collins and would research whether or not the State Code had changed.

Council Member Krasnoff suggested a one week continuance to resolve the issue; City Attorney Hallman stated that he was comfortable with the motion as stated by Council Member Collins.

On the motion to deny R(C)-06-16, voting yes: Council Members: Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

B. R(C)-07-03 PROJECT: New Galilee Baptist Church APPLICANT: New Galilee Baptist Church AGENCY: B. Law and Associates, Inc. PROPOSAL: A conditional zoning reclassification of 3.541 acres from R-15s, Residential District to AC, Assembly Center District to allow a church. PROPOSED COMP LAND USE & DENSITY: Church EXISTING COMP LAND USE & DENSITY: Suburban Single-family with 1 unit per acre to something less than 4 units per acre. LOCATION: 513 and 525 Great Bridge Blvd. TAX MAP SECTION/PARCEL: 0360000001953, 0360000001930 BOROUGH: Washington

The Planning Commission recommends approval with the following proffers:

1. The applicant/owner shall construct any new buildings with a colonial design in accordance with the Great Bridge Village Design Guidelines. The architectural plans shall be subject to approval by the Planning Director or designee and approval shall be obtained prior to final site plan approval.
2. The applicant/owner agrees to dedicate 25 feet of right-of-way as necessary for the future 120' minimum right-of-way for the widening of Great Bridge Boulevard in accordance with the 2050 Master Transportation Plan. This dedication shall be made prior to approval of a final site plan or when the City first notifies the applicant/owner of the commencement of right-of-way acquisition for the widening of Great Bridge Boulevard, whichever occurs first.

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

Council Member Hayes, on a motion seconded by Vice Mayor Parker, moved to approve R(C)-07-03 with proffers as presented.

Council Member Collins stated that he had conferred with the City Attorney on any potential conflict of interest as a member of New Galilee Baptist Church and had been advised there was none.

Council Member Krasnoff suggested that Great Bridge Village Design Guidelines be removed from Proffer #1 and replaced with "Master Plan for Battlefield Boulevard Corridor," since the Great Bridge Village Design Guidelines had been withdrawn from consideration.

Council Member Hayes and Vice Mayor Parker agreed to the revision.

On the motion to approve R(C)-07-03 with proffers as revised, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward, and Willis.

Voting no: None

#07-O-116 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE ENTITLED "ZONING," TO REZONE 3.541 ACRES, LOCATED AT 513 AND 525 GREAT BRIDGE BOULEVARD IN THE WASHINGTON BOROUGH, FROM R-15s RESIDENTIAL DISTRICT TO AC ASSEMBLY CENTER DISTRICT (R(C)-07-03)

C. R(C)-07-04 PROJECT: Maury Estates **APPLICANT:** Brickhouse Associations, Inc. **AGENCY:** Engineering Services, Inc. **PROPOSAL:** A conditional zoning reclassification of 14.5 acres from R-15s Single Family Residential District to R-MF-1 Multi-family Residential District (6.6 acres) and O&I Office and Institutional District (7.9 acres) and 12 acres from R-MF-1 (9.9 acres) and O&I (2.1 acres) to R-MF-1 (6.1 acres) and O&I (5.9 acres). **PROPOSED COMP LAND USE & DENSITY:** Office, medium density multi-family residential with density not exceeding 16 units per acre **EXISTING COMP LAND USE & DENSITY:** High Density Mixed Use (with commercial/offices and residential up to 24 units per acre) and Institution/Government **LOCATION:** The property is located at the end of Medical Parkway. **TAX MAP SECTION/PARCEL:** 0360000001866, 0360000001862, 0360000001863, 0360000001851, a portion of 0360000001835 **BOROUGH:** Washington

The Planning Commission recommends approval with the following proffers:

1. The applicant/owner agrees to construct and dedicate to the City two lanes of an ultimate four lane public road beginning at the terminus of the existing Knells Ridge Boulevard and extending to the terminus of the existing Medical Parkway. The location and design of the road shall comply with the requirements of the Director of the Department of Public Works or designee. The road and all required right of way to support the ultimate four lanes shall be complete and dedicated as determined by the Director of the Department of Public Works or designee before issuance of any certificate of occupancy on the property subject to this rezoning.
2. The applicant/owner agrees to construct and dedicate to the City a right turn lane on Medical Parkway to Battlefield Boulevard with supporting right of way. The turn lane shall comply with the requirements of the Director of Public Works or designee and shall be complete and dedicated as determined by the Director of Public Works or designee before any certificate of occupancy is issued on the property subject to this rezoning.
3. The applicant/owner agrees that the number of residential units on the property subject to the rezoning shall not exceed 190. All residential

units shall be developed under a condominium regime and offered for sale to individual owners.

4. The applicant/owner agrees that the exterior design of all residential buildings shall conform to the following standards:

a. Exterior wall finishes shall be of subtle, earth-toned colors, with no single color being repeated as the primary color on every building, with and harmonizing primary and accent colors, as determined by the Director of Planning or designee.

b. The sum of all exterior wall areas of each individual building shall comply with either (1) or (2) below. In the percentage calculations, window and door areas shall be treated as if they were of the material surrounding them.

c. Not less than 75% shall be a cementitious siding product, such as "HardiPlank."

d. Not less than 25% shall be brick veneer (as actual, individually laid-up units, not "Quik-Brick" or similar modular product) or natural stone or a stone veneer product deemed by the Director of Planning or designee to be of quality similar to brick veneer, with the remainder being a cementitious product as in 1 above or a premium or super-premium (average panel thickness greater than or equal to 0.044") vinyl siding material. Premium or higher quality vinyl simulated shakes, such as "Nailite," shall also be acceptable for the remaining 75%.

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

Shepelle Watkins-White, 524 Johnstown Road, representing Brickhouse Associates and Chesapeake General Hospital, requested a continuance of the item.

Vice Mayor Parker, on a motion seconded by Council Member Ward, moved to continue R(C)-07-04 to the August 21, 2007 City Council meeting.

There was no discussion.

On the motion to continue R(C)-07-04 to the August 21, 2007 City Council meeting, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

D. R(C)-07-15 PROJECT: Majestic Estates **APPLICANT:** AJG, LLC
AGENCY: Site Improvement Associates, Inc. **PROPOSAL:** A conditional zoning reclassification of 54.71 acres from R-15, Residential District and A-1 Agricultural District to RE-1, Residential Estate District to allow a 17 lot cluster subdivision. **PROPOSED COMP LAND USE / DENSITY:** Low density residential, 0.33 units per acre **EXISTING COMP LAND USE / DENSITY:** Rural 0.33 units per acre **LOCATION:** 1201 West Road **TAX MAP SECTION/PARCEL:** 0570000000710 **BOROUGH:** Pleasant Grove

The Planning Commission recommends approval with the following proffers:

1. The owner/applicant proffers that the maximum number of lots to be developed on this property is 17 single family lots as shown on the exhibit titled Preliminary Subdivision Plan for 17 Lot Cluster Development (Majestic Estates) prepared by Site Improvement Associates, Inc. dated 3/1/07.
2. The applicant/owner proffers to dedicate a 70 foot right of way & build a 30 foot pavement width road to connect West Road to the property on the west of this property as shown on the exhibit titled Preliminary Subdivision Plan for 17 Lot Cluster Development (Majestic Estates) prepared by Site Improvement Associates, Inc. dated 3/1/07, as required by Public Works.
3. The applicant/owner agrees that this rezoning is conditioned on obtaining approval from the Chesapeake Health Department for a septic sewerage disposal system or systems to serve the subject property within three (3) years following the effective date of this rezoning in order to comply with the Level of Service Policy for sewer capacity. In the event that the Zoning Administrator finds that the applicant/owner fails to obtain such approval within the said three-year period, the applicant/owner agrees that the rezoning may be placed on the City Council agenda by the Zoning Administrator for reconsideration and possible revocation on grounds of inadequate sewage capacity.

City Clerk Moore presented the item and identified the following speaker in support of Public Hearing Item **D**:

Sam Baraki, 8900 Juniper Crescent, representing Majestic Estates.

There was extensive discussion between Mayor Edge and Mr. Baraki concerning the operation of the septic sewage disposal system.

Assistant Planning Director Karen Shaffer stated that the rezoning had positive impacts on the surrounding area and staff was comfortable with the request. City Manager Harrell concurred with the recommendation stating his comfort level that the necessary safe guards were in place for the disposal system.

Council Member Willis, on a motion seconded by Council Member Collins, moved to approve R(C)-07-15 with the proffers as presented.

Council Member Willis stated her support of the application noting that the type of development created a neighborhood atmosphere and would help traffic in the area by minimizing the number of access points to West Road. She thanked staff for working with the applicant on the application and stated that the septic sewage disposal system was an up-to-date, scientific method of disposing of sewage.

Council Member Krasnoff expressed concern that no revenue would be generated for the City from the project other than real estate taxes and requested a new fiscal impact study. Ms. Shaffer stated that the new fiscal impact study would be completed in the near future.

On the motion to approve R(C)-07-15 with the proffers as presented, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward, and Willis.

Voting no: None

#07-O-117 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE ENTITLED "ZONING," TO REZONE 54.71 ACRES, LOCATED AT 1201 WEST ROAD IN THE PLEASANT GROVE BOROUGH, FROM R-15 RESIDENTIAL DISTRICT AND A-1 AGRICULTURAL DISTRICT TO RE-1 RESIDENTIAL ESTATE DISTRICT. (R(C)-07-15)

E. UP-07-10 PROJECT: Majestic Estates APPLICANT: AJG, LLC AGENCY: Site Improvement Associates, Inc. PROPOSAL: A conditional use permit to allow a cluster subdivision of 17 residential lots on 54.71 acres and a regional sewage treatment plant. ZONE: R-15, Residential District and A-1 Agricultural District; Proposed: RE-1 Residential Estate District in R(C)-07-15. LOCATION: 1201 West Road TAX MAP SECTION/PARCEL: 057000000710 BOROUGH: Pleasant Grove

The Planning Commission recommends approval with the following stipulations:

1. A property owners' association shall be established to own, operate and maintain all designated open space and the proposed private sewage package plant and all appurtenances.
2. All necessary regulatory permits for the private water and wastewater facilities must be obtained and copies provided to the Department of Public Utilities prior to construction plan approval.

3. If City sewer becomes available the applicant/owner or property owners' association will be required to disconnect from the private wastewater treatment facility and connect to City sewer. The applicant/owner or property owners' association will be required to pay its pro rata share of the sewer improvements and all applicable connection fees upon connection to the City sewer system.

4. Any proposed private sewer collection lines and appurtenances shall be designed, constructed, and inspected in accordance with the City's published policies, standards and criteria. This requirement shall include indemnification of the City for system failures and deficiencies and shall further provide for the orderly abandonment of the central disposal facility and the connection of the collection system to the City's system when such system becomes available and shall be the responsibility of the applicant/owner or property owners' association. (City Code Section 70-142, Subdivision Ordinance)

5. Plans and specifications for any improvements within the City's right-of-way must be reviewed and approved by the department of Public Works and must meet the requirements of the Public Facilities Manual. Public Works must be contacted to determine if they will allow private sewer collection lines and appurtenances in the City's right-of-way.

6. The wastewater treatment facility, sewer collection lines and appurtenances will be privately owned and maintained by a property owners' association. No other premises may connect to the private facilities without the written approval from Chesapeake Public Utilities.

7. With this installation, the property owner or property owners' association will be subject to the Commonwealth of Virginia Underground Utility Damage Prevention Act as an "Operator;" and shall be required to join the Notification Center as an operator, pursuant to the Virginia Underground Utility Damage Prevention Act, Section 56-265.16:1.

8. Additional regulatory review from the Virginia Department of Health (VDH) and the Department of Environmental Quality (DEQ) will be required. It is the applicant/owner's responsibility to obtain all required approvals.

9. The design and construction of all utility improvements are to be in accordance with departmental policies and the City of Chesapeake's Public Facilities Manual (PFM) at the time the construction plans are approved.

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

Council Member Willis, on a motion seconded by Council Member Collins, moved to approve UP-07-10 with the stipulations as presented.

Council Member Willis explained the need for the use permit.

On the motion to approve UP-07-10 with stipulations as presented, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

F. **R(C)-07-06** **PROJECT:** Jolliff Station, *formerly Jolliff Landing*
APPLICANT: Wirth Commercial Group LLC **AGENCY:** Kimley-Horn and Associates, Inc. **PROPOSAL:** A conditional zoning reclassification of approximately 60.58 acres from O&I, Office and Institution District (43.348 acres), R-15s Single Family Residential District (2.677 acres) and A-1 Agricultural District (14.574 acres) to R-MF-1 Multi-family Residential District (34.16 acres) and B-2 General Business District (26.44 acres). **PROPOSED COMP LAND USE & DENSITY:** General Business/Commercial Low Density Multifamily with density not exceeding 16 units per acre. **EXISTING COMP LAND USE & DENSITY:** Office and Suburban Single Family with 1 unit per acre to something less than 4 units per acre. **LOCATION:** 4940, 4956, 5008, 4936, 4932 and 5040 Portsmouth Boulevard and 2124 Jolliff Road **TAX MAP SECTION/PARCEL:** 0150000001900, 0150000001910, 0150000001911, 0150000001951, 0150000001972, 0510080000050, 0151008000040, 0140000000110 **BOROUGH:** Western Branch

The Planning Commission recommends approval with the following proffers:

1. The Applicant/Owner agrees to provide ingress/egress easements benefiting abutting properties south and east and one stub drive aisle to each parcel to the south and east as determined appropriate by the Director of Public Works or designee to provide for the implementation of an Access Management Plan for Portsmouth Boulevard. Access to Parcel 0151007000070 (now or formerly the Faulkenberry parcel) may come from the proposed northern roadway which runs in a direction parallel to Portsmouth Boulevard. Access to Parcel 0151008000030 (now or formerly the Layes parcel) may be via a stub out with an ingress/egress easement across private property out to the public right of way being constructed with this project. Access to Parcel 0140000000103 shall be via an ingress/egress easement which will tie in with one of the entrance drives for the Senior Housing portion of the project. The precise location of easements and stub locations will be identified on the preliminary site plan as approved by the Director of Public Works or designee. The easements shall be recorded or filed for recording before approval of any final site plan.

2. The Applicant/Owner agrees to provide left and right turn lanes into the development at both entrances along Portsmouth Boulevard. Turn lanes shall be designed in accordance with AASHTO and Public Works requirements. The turn lanes shall be completed and dedicated to the City (if within new right-of-way) before issuance of any certificate of occupancy for the development, or part of the development, that triggers the need for the turn lanes as determined by Public Works.

3. The Applicant/Owner agrees to limit the development of the subject property to no more than 55 age-restricted units, 240 **studio, one bedroom, and two bedroom apartment units (three bedroom units shall be prohibited)**, 20,000 square feet of gross floor area of office space, and 106,000 square feet of gross floor area of retail space.

4. The Applicant/Owner agrees that public rights-of-way proposed within the limits of the project shall be generally of the widths shown on the preliminary site plan exhibit entitled "PORTSMOUTH BLVD. MIXED USE CONCEPT PLAN" dated June 21, 2007 and prepared by Kimley-Horn and Associates, Inc. The rights-of-way shall be enlarged by the applicant/owner as necessary to accommodate the requisite laneage in and out of the main entrances to the project as determined by Public Works with the final site plan review. Proposed phasing of all internal roadways shall be approved by Public Works with consideration of any preliminary site plan or subdivision plan. This proffer shall not be construed to permit a right-of-way width less than that required by the City Code and Zoning Ordinance.

5. The Applicant/Owner agrees to provide a 120' right of way in the western portion of the site generally as shown on the preliminary site plan exhibit entitled "PORTSMOUTH BLVD. MIXED USE CONCEPT PLAN" dated June 21, 2007 and prepared by Kimley-Horn and Associates, Inc. This right-of-way provides for an extension of Hampton Roads Parkway in accordance with the plan entitled "2050 Master Transportation Plan" adopted by City Council on March 9, 2005. Furthermore, partial improvements to this right-of-way shall be installed in accordance with the requisite typical section for this roadway in accordance with the Public Works' "Public Facilities Manual". These improvements and dedication of right-of-way shall be completed as determined by the Director of Public Works or designee before issuance of any certificate of occupancy.

6. The Applicant/Owner agrees to make a cash contribution to the City of Chesapeake for the expansion of classroom space in impacted public schools, including but not limited to, land acquisition for the expansion of public school facilities and construction of new schools and additions. The amount of the voluntary cash contribution shall be \$1,000.00 per

residential dwelling unit, not including the age-restricted units. The Applicant/Owner agrees to make the proffered cash contribution prior to final site plan approval for all residential dwelling units shown on such plan that are not age-restricted. The Applicant/Owner acknowledges and agrees that the cash contribution may be deposited into the City of Chesapeake's "lock box", also known as the General Fund Reserve for School Capital Construction Costs and shall be subject to City Council approval prior to appropriation. In the event the cash proffer is not expended for land acquisition or classroom expansion within time constraints imposed by state law, the Applicant/Owner agrees that the cash proffer may be used for capital improvement projects for major repair, maintenance and renovation of public schools in the same school planning area as the rezoned property.

7. The Applicant/Owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public libraries, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of the voluntary cash contribution shall be \$701.45 per residential dwelling unit. The Applicant/Owner agrees to make the proffered cash contribution prior to final site plan approval for all residential dwelling units shown on such plan.

8. The Applicant/Owner agrees that they will vacate all interior property lines prior to final site approval.

9. The Applicant/Owner agrees that there shall be two conservation areas on-site as designated on the preliminary site plan exhibit entitled "PORTSMOUTH BLVD. MIXED USE CONCEPT PLAN" dated June 21, 2007 and prepared by Kimley-Horn and Associates, Inc. These areas shall be undisturbed in perpetuity, preserved in their natural state, and maintain a minimum 20% canopy.

10. The Applicant/Owner agrees that public roadways with public utility improvements shall be constructed through the site connecting Jolliff Road to Portsmouth Boulevard in general accordance with the preliminary site plan exhibit entitled "PORTSMOUTH BLVD. MIXED USE CONCEPT PLAN" dated June 21, 2007 and prepared by Kimley-Horn and Associates, Inc. These roadways and right-of-way will be built and dedicated in accordance with City standards and will serve to enhance the Access Management Plan for Portsmouth Boulevard and to serve additional properties not included in this rezoning with public utilities. The Chesapeake Department of Public Utilities shall have the right to determine the appropriate size and location of the proposed utilities within

the new roadways to assure that they will provide acceptable service to the project. Roads required by this proffer shall be completed and acceptable as determined by the Director of Public Works or designee before any certificate of occupancy is approved for the property subject to this rezoning. Public utilities, water and sewer, not required to serve the subject property shall be complete and acceptable as determined by the Director of Public Utilities or designee before approval of any certificate of occupancy is approved for the property subject to this rezoning. Public utilities required for the subject property shall be installed in accordance with the requirements of the Director of the Department of Public Utilities or designee.

11. The Applicant/Owner agrees that a 25' enhanced landscape strip along the Portsmouth Boulevard road frontage shall be provided. The enhanced buffering shall consist of an undulating berm between one foot and three feet high as approved by the City Arborist. The enhanced buffering required by this proffer shall be installed before any certificate of occupancy is approved for a building in the B-2 Zoning District.

12. The Applicant/Owner agrees to provide access easements for the existing office at 5000 Portsmouth Boulevard in accordance with Proffer 1 to provide for the removal of this property's vehicular entrance to Portsmouth Boulevard and provide access to the roads required by Proffer 4. This proffer shall not bind the owner of 5000 Portsmouth Boulevard to remove the current entrance, but is intended to facilitate access management.

13. The Applicant/Owner agrees to dedicate right of way as necessary for the future 160' minimum right of way Portsmouth Boulevard widening project in accordance with the 2050 Master Transportation Plan. This dedication shall be made prior to approval of any final site plan or recordation of any subdivision plat for any property subject to this rezoning with frontage along Portsmouth Boulevard or when the City first notifies the applicant/owner of the commencement of right of way acquisition for the widening of Portsmouth Boulevard, whichever occurs first.

14. The Applicant/Owner agrees that a portion of the property designated as "SENIOR HOUSING" as shown on the exhibit entitled "PORTSMOUTH BLVD. MIXED USE PROJECT DENSITY EXHIBIT" dated June 21, 2007 and prepared by Kimley-Horn and Associates, Inc. shall be developed solely as an age-restricted adult community as follows:

- a. 100% of the occupied residential units shall at all times have as a permanent resident at least one person who is 55 years of age or older ("qualifying occupant"), provided that in the event of the death of a person who was the sole qualifying occupant, the

spouse of such qualifying occupant may continue to occupy the residential unit as long as the provisions of the Fair Housing Act (42 U.S.C. § 3602 et seq.) relating to “housing for older persons,” and all regulations promulgated thereunder, are not violated. For purposes of this article, a “qualifying occupant” must establish residency and actually reside in the unit for at least six (6) months during every calendar year.

b. No residential unit shall be occupied by any person 18 years of age or younger for any reason. For purposes of this article, a residential unit is deemed “occupied” by any person who stays overnight in the unit for more than 21 days in any 60 day period or for more than 30 days in any 12 month period.

c. 100% of the residential units constructed on the property shall be developed and occupied by persons fifty-five (55) years of age or older in compliance with applicable federal and state laws regarding housing for older persons, including but not limited to: the Fair Housing Act, 42 U.S.C. 3601 et seq., and the exemption provided in 42 U.S.C. 3607(b)(2)(C) regarding discrimination based on familial status; the Virginia Fair Housing Law Va. Code 36-96.1 et seq.; any regulations adopted pursuant to the foregoing any judicial decisions arising thereunder; and any amendments to the foregoing as now or may hereafter exist.

d. Specific provisions of the age restriction described above and provisions for enforcement of same shall be set forth in a declaration of restrictive covenants shall conform with these criteria in all respects and shall specifically prohibit amendments or exceptions contrary to the age restriction against occupancy by persons 18 years of age or younger.

e. The owner/applicant shall implement policies and procedures in accordance with the Housing for Older Persons Act of 1995 and 24 CFR Part 100 to ensure that occupancy meets the criteria for housing for persons who are 55 years of age or older. The applicant/owner agrees to provide for the retention of all records related to verifying occupancy and agrees to submit copies of such records to the Zoning Administrator within ten calendar days of a request by the Zoning Administrator.

15. The Applicant/Owner agrees that all buildings to be constructed on the subject property shall conform to the following architectural requirements as approved by the Director of Planning or designee:

- a. The side or rear of a building located adjacent and visible from a public street shall be designed so as to possess as much detail as the primary façade oriented toward another public street. Visual interest shall be provided through window and door details, varied rooflines, consistent textures and color, and similar considerations.
- b. Façade color shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors shall be avoided to the extent practicable, as determined by the Planning Director. Brighter, trademark colors shall only be an accent.
- c. Roofs shall be mansard, hipped style, or a combination with a slope that is proportional to the horizontal length of the building. Flat roofs are permitted on buildings if concealed from view by sloped roofs of the character described above. Dormers and other special rooftop elements shall be included to the extent practicable, as determined by the Planning Director.
- d. Rooftop mechanical units, flues, and vents shall be organized and screened. The roofscape shall be an integral part of the design with respect to form, material and colors.
- e. Lighting shall be designed as an integral part of the building's architecture to be as unobtrusive as possible. Floodlighting on the rear of buildings shall be designed to minimize the direct or reflected light on adjacent properties.
- f. Site lighting shall be designed as an integral part of the building's architecture to be as unobtrusive as practicable. The height of the lighting shall be proportional to the height of the principal building located on the site. In no case shall the lighting exceed 35 feet in height. Varied lighting techniques, such as up lighting of trees and walkway lighting shall be employed to enhance the appearance of the site.
- g. Floodlighting on the rear of buildings shall be designed to minimize the direct or reflected light on adjacent properties. Full cutoff lighting or equivalent/improved technology shall be provided on all exterior fixtures.

h. No building exterior which would be visible to any property zoned or used for residential purposes or from a public street shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Finishes for rear elevations shall include stained split block to match the color of the front elevation or the same finish materials as provided on other elevations.

i. Signs shall be designed using materials compatible with the architecture of the principal building.

16. The Applicant/Owner agrees that they shall have a Qualified Environmental Professional lawfully remove and dispose of all 55-gallon drums, Aboveground Storage Tanks (“ASTs”), gas cylinders, tire piles (9VAC20-80-670), and debris piles (with white goods) from the subject property prior to and/or concurrent with land clearing activities after issuance of permits for land disturbance in accordance with all local, state, and Federal Solid Waste Management Regulations (9VAC20-80-680).

17. The Applicant/Owner agrees that they shall have a Qualified Environmental Professional remove and lawfully dispose of the 275-gallon AST including, but not limited to product lines and potentially contaminated media located adjacent to and/or beneath the residential structure on Parcel #4 in accordance with the Virginia Department of Environmental Quality’s (“VADEQ”) “Storage Tank Program Technical Manual (Guidance Document #01-2024)” as identified within Kimley-Horn and Associates’ February 2007 Phase 1 ESA. Furthermore, a tank closure report with confirmation soil sampling shall be submitted to VADEQ for review and approval. Finally, the applicant/owner shall provide a copy of the VADEQ “No Further Action” letter to the City of Chesapeake’s Public Works Department prior to and/or concurrent with land disturbing activities.

18. The Applicant/Owner acknowledges that the Kramer parcel (Tax Map Number: 0140000000110), is subject to proffered conditions associated with the Pine Grove project, R(C) 97-29. The applicant/owner agrees that the proffers for R(C)-97-29 that bind Parcel D as described in the proffer statement dated February 12, 1999 are incorporated by reference into the proffers for R(C)-07-06 and shall bind all parcels subject to R(C)-07-06. References in the incorporated proffers to the time in which proffered conditions must be satisfied for Parcel D shall be construed for purposes of complying with the proffers for R(C)-07-06 as referring to all parcels subject to the rezoning R(C)-07-06 not just Parcel D.

City Clerk Moore presented the item and identified the following speakers in support of Public Hearing Item **F**:

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Randy Royal, 501 Independence Parkway, representing Kimley-Horn.

Chip Wirth, 5000 Portsmouth Boulevard, representing self.

Wendy Drucker, 633 Hay Stack Landing, Newport News, representing Drucker & Falk.

Sally Gribbon, 4931 Oriole Drive, representing Jolliff Civic League.

Fred L. Sayers, 2118 Seastone Trace, representing self.

Vice Mayor Parker, on a motion seconded by Council Member Collins, moved to approve R(C)-07-06 with proffers as presented and with the agreement as presented by Mr. Wirth.

Council Member Ward express support for the application and stated that funding had been allocated for the Western Branch High School addition which would alleviate overcrowding issues for that school. Dr. Ward stated concerns with the environmental clean up of the site and was assured by Mr. Royal that containments would be removed and properly discarded. Dr. Ward and Mr. Royal discussed a high-end grocery store to be located on the site.

Council Member Willis stated concerns with the project proffers and the need for workforce housing. Mr. Wirth came back to the podium and stated that workforce housing would be provided for the next 25 years per the agreement he read during his prior presentation.

Council Member Hayes expressed support for the project.

City Attorney Hallman reminded Council Members that the agreement offered by the applicant was a moral commitment and not legally binding since proffers can not be added on the floor.

Discussion ensued between Council Member Krasnoff and Program Administrator for Planning and Development for School Administration, Paige Stutz, concerning accurate school enrollment numbers, the City's proffer policy as it relates to schools and the possible need for a new fiscal impact model.

Council Member de Triquet offered comments concerning the accuracy of the school numbers, how the school numbers were obtained and his inability to support the project.

Council Member Willis suggested that the type of project proposed would have less impact on schools' enrollment than other types of multi-family residential projects.

There was no further discussion.

On the motion to approve R(C)-07-06 with the proffers as presented, voting yes: Council Members Adams, Collins, Edge, Hayes, Parker, Ward, and Willis.

Voting no: Council Members de Triquet and Krasnoff

#07-O-118 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE ENTITLED "ZONING," TO REZONE 60.58 +/- ACRES, LOCATED AT 4940, 4956, 5008, 4936, 4932 AND 5040 PORTSMOUTH BOULEVARD AND 2124 JOLLIFF ROAD IN THE WESTERN BRANCH BOROUGH, FROM O & I OFFICE AND INSTITUTIONAL DISTRICT (43.348 ACRES), R-15s SINGLE-FAMILY RESIDENTIAL DISTRICT (2.677 ACRES), AND A-1 AGRICULTURAL DISTRICT (14.574 ACRES) TO R-MF-1 MULTI-FAMILY RESIDENTIAL DISTRICT (34.16 ACRES), AND B-2 GENERAL BUSINESS DISTRICT (26.44 ACRES) (R(C)-07-06 REV).

G. GB(M)-07-02 PROJECT: Park View Condominiums APPLICANT: Park View Condominiums at Greenbrier Development Group, LLC AGENCY: Engineering Services, Inc. PROPOSAL: A planned unit development modification to add a 0.965 acre parcel to the Greenbrier PUD, zone 6, parcel 5 PROPOSED LAND USE AND DENSITY: Passive recreation and buffering EXISTING COMP. LAND USE AND DENSITY: Regional Mixed Use LOCATION: 132 Greenbrier Road TAX MAP SECTION/PARCEL: 037000000870 BOROUGH: Washington

The Planning Commission recommends approval with the following addition to the development criteria (new language in bold print and underlined):

**DEVELOPMENT CRITERIA
GREENBRIER, ZONE 6, PARCEL 5**

USES:

Permitted uses shall be as follows:

Parcel 5 (Use Category Residential = M) shall be used for residential purposes with a maximum density of eight to fifteen units per acre, as calculated using the standards in Section 5-600 of the Chesapeake Zoning Ordinance. In no event shall there be more than 28 dwelling units on the property at any time. In addition, no less than twenty-five percent of the property shall be perpetually reserved as open space. The architectural design, exterior materials, and exterior colors of the residential buildings shall be substantially similar to the elevations entitled "Multifamily Building Conceptual Elevation, Park Place Condominiums" and dated December 20, 2004 as determined by the Greenbrier Architectural Review Committee. The property shall be landscaped in accordance with the Chesapeake Zoning Ordinance (CZO) Landscape Buffer Yard C requirements, with exception to the street frontage which shall be landscaped in accordance with CZO Landscape Buffer Yard "F". Amenities will include a meeting room, an exercise facility, walkways, elevators, and an entry feature constructed of materials substantially similar to the building materials as depicted in the elevations dated December 20, 2004. The general location of the entry feature, walkways,

recreational facilities and meeting rooms and a note for the inclusion of elevators shall be reflected on the final site plan submitted to the City for approval and on the architectural plans submitted to the Greenbrier Architectural Review Committee. Minimum parking requirements shall be subject to the standards of the R-MF-1 zoning classification as set forth in the Chesapeake Zoning Ordinance, except that the use of tandem parking spaces and garage-related parking spaces shall be included in calculating the required parking for the maximum 28 dwelling units, provided that the combination of a garage-related space and a tandem space located directly in front of such garage-related space shall be assigned to and reserved for the same condominium unit. For the purposes of these criteria, a "tandem" parking space is any parking space that is located in front of, and adjoins, a garage-related parking space. The owner/applicant agrees that each residential unit shall be developed and occupied solely as an age-restricted adult community ("housing for older persons") in accordance with the following restrictions:

1. 100% of the occupied residential units shall at all times have as a permanent resident at least one person who is 55 years of age or older ("qualifying occupant"), provided that in the event of the death of a person who was the sole qualifying occupant, the spouse of such qualifying occupant may continue to occupy the residential unit as long as the provisions of the Fair Housing Act (42 U.S.C. § 3602 et seq.) relating to "housing for older persons," and all regulations promulgated there under, are not violated. For purposes of this article, a "qualifying occupant" must establish residency and actually reside in the unit for at least six (6) months during every calendar year.
2. No residential unit shall be occupied by any person 18 years of age or younger for any reason. For purposes of this article, a residential unit is deemed "occupied" by any person who stays overnight in the unit for more than 21 days in any 60 day period or for more than 30 days in any 12 month period.
3. At least 100% of the residential units constructed on the property shall be developed for and occupied by persons fifty-five (55) years of age or older in compliance with applicable federal and state laws regarding housing for older persons, including but not limited to: the Fair Housing Act, 42 U.S.C. § 3601 et seq., and the exemption provided in 42 U.S.C. § 3607(b)(2)(C) regarding discrimination based on familial status; the Virginia Fair Housing Law, Va. Code § 36-96.1 et seq.; any regulations adopted pursuant to the foregoing; any judicial decisions arising there under; and any amendments to the foregoing as now or may hereafter exist.

4. Specific provisions of the age restriction described above and provisions for enforcement of it shall be set forth in a declaration of restrictive covenants for development. The restrictive covenants shall conform to these criteria in all respects and specifically prohibit amendments or exceptions contrary to the age restriction against occupancy by people 18 years of age or younger.

5. The 0.965 acre parcel approved by GB(M)-07-02 as an enlargement of parcel 5 shall not be used for any residential purpose that involves land disturbance. For purposes of this provision, “residential purpose” shall not include a stormwater management facility.

Should land disturbance occur for any other purpose on that portion of the subject property described as a “UST pit” in McCallum’s April 2007 Phase I ESA and “an area of [contamination] approximately 20-feet by 20-feet between the two sheds” within Stokes Environmental’s 1998 Phase II ESA on the Additional Land, the applicant/owner shall do the following:

a. Perform confirmatory sampling and analyses for TPH within the soils located in this area and verify their “clean” fill limits of 50 mg/kg prior to any approvals of an erosion and sediment control plan(s) for the Additional Land.

b. If excavation and disposal is required for petroleum contaminated soils or groundwater, the applicant/owner shall have a *Qualified Environmental Professional* (per International ASTM E 1527-05) lawfully remove and dispose of the contaminated media and provide confirmatory sampling and analysis in accordance with the VADEQ’s Storage Tank Program Technical Manual (Guidance Document #01-2024).

c. In addition, the applicant/owner shall provide the Chesapeake Department of Public Works with copies of the sampling and analytical results, remediation action plan, confirmatory sampling/analysis results, and/or soil/groundwater disposal manifests associated with these activities.

d. Finally, the applicant/owner shall provide a certification for the suitability of the property for residential or public land use in accordance with the City of Chesapeake’s Chapter 17 (Volume I) of its Public Facility Manual (Section 17.4(A)).

City Clerk Moore presented the item and identified the following speaker in support of Public Hearing Item G.

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Walton P. Burkheimer, Jr., 3351 Stoneshore Road, Virginia Beach, representing Park View Condominiums at Greenbrier Development Group, LLC.

Council Member Krasnoff, on a motion seconded by Council Member Hayes, moved approval of GB(M)-07-02 with the addition to the development criteria as presented.

There was no discussion.

On the motion to approve GB(M)-07-02 with the addition to the development criteria as presented, voting yes: Council Members Adams, Collins, de Triquet, Edge, Krasnoff, Hayes, Parker, and Ward.

Voting no: Council Member Willis.

#07-O-119 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR A MODIFICATION TO THE LAND USE PLAN AND DEVELOPMENT CRITERIA OF THE GREENBRIER PUD BY ADDING 0.965 ACRE TO THE GREENBRIER PUD, ZONE 6, PARCEL 5, LOCATED AT 132 GREENBRIER ROAD IN THE WASHINGTON BOROUGH. (GB(M)-07-02).

H. **#07-O-120 TA-Z-07-07 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING", ARTICLE 7, SECTION 7-402.E, ARTICLE 8, SECTION 8-302.F AND ARTICLE 14, SECTION 14-704.H TO PERMIT THE PLACEMENT OF TEMPORARY SIGNS DURING SALES EVENTS AT NEW AND USED AUTOMOBILE DEALERSHIPS.**

The Planning Commission recommends approval of the version dated May 23, 2007.

City Clerk Moore presented the item and stated there were no speakers on Public Hearing Item H.

Council Member Collins, on a motion seconded by Council Member Hayes, moved approval of the Ordinance amendment, the version dated May 23, 2007, as presented.

Council Member Willis expressed concerns about the proposed ordinance amendment allowing the placement of temporary signs for 113 days per year, up from 30 days a year in the current code.

Council Member Willis, on a substitute motion seconded by Council Member Ward, moved for approval of the Ordinance, version dated May 23, 2007 with a revision restricting temporary signs on the 11 listed holidays, and 3 days before and 3 days after the holiday.

Council Member Adams stated she appreciated that signs would not be allowed in rights-of-way and expressed her concern with the number of days would be permitted in the proposed amendment; she noted she could not support the main motion.

There was no further discussion.

On the substitute motion for approval of the ordinance amendment, version dated May 23, 2007 restricting signs to the 11 listed holidays, 3 days before and 3 days after the holiday, voting yes: Council Members Adams, de Triquet, Edge, Hayes, Ward and Willis.

Voting no: Council Members Collins, Parker and Krasnoff.

The substitute motion was adopted.

I. **#07-O-121 TA-Z-07-09** AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING", ARTICLE 14, SECTION 14-102.B.1 THEREOF, TO INCREASE THE AMOUNT OF LOT COVERAGE FOR ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS.

The Planning Commission recommends approval of the version dated May 4, 2007.

City Clerk Moore presented the item and stated there were no speakers on Public Hearing Item I.

Vice Mayor Parker, on a motion seconded by Hayes, moved approval of the Ordinance amendment, version dated May 4, 2007.

Council Member Willis asked for an explanation of the proposed amendment which was provided by Assistant Planning Director Shaffer.

There was no further discussion.

On the motion to approve the Ordinance, version dated May 4, 2007, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

COMMITTEE REPORTS/OLD AND NEW BUSINESS

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

Council Member Willis thanked City Manager Harrell and staff for their assistance with the Airline Boulevard/Ahoy Acres stoplight, speed limit study, and the painting of crosswalks at that location. As one of the Parks and Recreation liaisons, she announced the upcoming events scheduled for the Buddy Bagley State, Blue Grass Concert on July 21, Swinging at the Bagley on August 4 and the Symphony Under the Stars on September 3. Council Member Willis also requested that the new Public Works' bridge brochures be distributed to all the public libraries.

Council Member Ward stated that a speed trailer had been placed in Ahoy Acres. She thanked Council Member Hayes and Chesapeake Redevelopment and Housing Director Brenda Willis and staff members for meeting with residents of Chesapeake Crossing, noting that the meeting went well. Director Willis and staff will continue to meet with residents to address their concerns.

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Council Member Krasnoff requested that staff have a study done to get more precise student numbers from schools. He also asked that a fiscal analysis of projects be done to ensure that projects are paying their way.

Council Member Hayes asked for the history of how the present fiscal impact model came about and announced that he would be attending the organizational meeting of the Hampton Roads Transportation Authority on Wednesday, July 18, 2007.

Council Member Collins expressed concerns about Town Place at Greenbrier, stating that it had originally been presented as a pedestrian friendly concept, but the concept appeared to have been changed. He asked staff to research the reason for the changes. Council Member Collins noted that he and Mr. Hayes had visited some Ethanol refineries over the weekend and he looked forward to meeting with Portsmouth City Council concerning the Ethanol plants.

Council Member Adams announced the opening of a new display at the Portlock Galleries on Friday, July 13, 2007. She stated that the Chesapeake "Tour de Peak" would be held on July 15, 2007 with another race planned for August 11, 2007. Dr. Adams stated that Channel 48 was showing the "Horizons Program" featuring different businesses throughout the City; currently Bergey's Bread Basket was being highlight. She advised that she had attended a groundbreaking for at Hope Village on Rabey Road in Norfolk. The project will start with single family homes for women and children to provide emergency housing for up to one year. Five more homes will be added in the future, all supported by the salvation Army services and many local companies with donated items for the homes. Mrs. Adams stated that she had received a call from a citizen in St. Julian's Creek concerning problems with foxes, and asked City Attorney Hallman to draft a resolution prohibiting the feeding of wildlife.

Vice Mayor Parker asked City Manager Harrell to review the number of Advanced Life Support units in the City and inform Council Members if there was a sufficient number of paramedics. He also asked staff to research whether or not there was adequate manpower to address overweight truck violations. City Attorney Hallman was asked to research the possibility of using ENCORE employees to issue the citations or if the employees had to be sworn Police Officers.

Council Member Collins asked City Council members to reschedule the Port Authority interviews to the August 14, 2007 City Council meeting. It was the consensus of Council to move the interviews as requested by Mr. Collins.

Mayor Edge stated he had met with a citizen, Mark Carey, about safety issues in South Norfolk. Mr. Carey was making "No Soliciting/Trespassing" signs for homes in South Norfolk to post on private property to give the Police the

ability to pursue trespassing issues on residential properties. He noted that he would be attending the Transportation Authority meeting on July 18, 2007 along with Mr. Hayes.

REQUEST FOR CLOSED SESSION

City Attorney Hallman provided the following language for consideration of the first closed session topic: "to consult with legal counsel pertaining to the performance of specific public officers, pursuant to Virginia Code Section 2.2-3711 A.1."

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the request for the first closed session topic.

There was no discussion.

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

Voting no: None (Council Members de Triquet and Krasnoff were out of the Chamber)

City Attorney Hallman provided the following language for consideration of the second 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 2.2-3711 A.3."

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the request for the second closed session topic.

There was no discussion.

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

Voting no: None (Council Members de Triquet and Krasnoff were out of the Chamber)

City Attorney Hallman provided the following language for consideration of the third closed session topic: "to discuss a prospective business where no previous announcement has been made of the business' interest in locating in the City, pursuant to Virginia Code Section 2.2-3711 A.5."

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the request for the third closed session topic.

There was no discussion.

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

Voting no: None (Council Members de Triquet and Krasnoff were out of the Chamber)

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City Council went into recess at 9:10 p.m. and went into Closed Session at 9:20 p.m. They reconvened at 10:01 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 several motions convening the meeting were heard, discussed or considered by the City Council."

Vice Mayor Parker, on a motion seconded by Council Member Collins, 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 discussions, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 10:03 p.m.

/dah

Mayor

Attest:

City Clerk