

A Regular Work Session of the Chesapeake City Council was held October 9, 2007 at 4:45 p.m., in the City Hall Building, 306 Cedar Road.

Present: Council Member Rebecca C. W. Adams
Council Member Bryan Collins (arrived at 4:50 p.m.)
Mayor Dalton S. Edge
Vice Mayor Dwight M. Parker
Council Member Ella P. Ward
Council Member Patricia Pritchard Willis (arrived at 4:50 p.m.)

Absent: Council Member Clifton E. Hayes, Jr. (excused)
Council Member John M. de Triquet (excused)
Council Member Alan Krasnoff (excused)

Present from Administration: City Manager William Harrell, City Attorney Ronald Hallman, Deputy City Manager Wanda Barnard-Bailey, Chief Deputy City Clerk Beverly Pender, and other staff members.

Also present: Executive Director of the Elizabeth River Project Marjorie Jackson

The Following topics were discussed during the Work Session:

1. Elizabeth River project – Watershed Action Team 2008
2. Economic Environment/Pre-Retreat Briefing
3. City Manager Updates

The Work Session adjourned at 5:49 p.m.

/smu

A Regular Meeting of the Chesapeake City Council was called to order by Mayor Dalton S. Edge on October 9, 2007 at 6:30 p.m. in the City Hall Building, 306 Cedar Road.

INVOCATION: Reverend Calvin Corbitt, Hickory Ridge Community Church

PLEDGE OF ALLEGIANCE: Members of Boy Scout Troop 824, St. Stephens Martyr

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 (excused at 9:20 p.m.)
Council Member Alan P. Krasnoff (arrived at 6:50 p.m. excused at 9:20 p.m.)
Vice Mayor Dwight M. Parker
Council Member Ella P. Ward
Council Member Patricia Pritchard Willis

Absent: Council Member Clifton E. Hayes, Jr. (excused)

Present from Administration: City Manager William Harrell, City Attorney Ronald Hallman, Deputy City Manager Amar Dwarkanath, Deputy City Manager Wanda Barnard-Bailey, Chief Deputy City Clerk Beverly Pender and other staff members.

APPROVAL OF MINUTES

Mayor Edge advised that the Work Session and Regular Meeting minutes for January 23, 2007 were presented for approval.

Council Member Collins, on a motion seconded by Vice Mayor Parker, moved approval of the January 23, 2007 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, Parker, Ward and Willis.

Voting no: None (Council Members Hayes and Krasnoff were excused)

PROCLAMATION – Fire Prevention Week

Mayor Edge asked Chesapeake Fire Department Life Safety Specialist Bridgette Hoilman to the podium to accept the Proclamation read by Chief Deputy City Clerk Pender. Ms. Hoilman spoke on the importance of families implementing and practicing an escape plan within every home in the event of a fire.

PROCLAMATION – March of Dimes Foundation

Mayor Edge invited Council Member Rebecca Adams to the podium to present the Proclamation read by Chief Deputy City Clerk Pender to March of Dimes Senior Community Director Susan Smith. March of Dimes Community Director Christine Platz was also in attendance. Dr. Adams invited everyone to participate in the March of Dimes Walk America on November 3, 2007 at the Dollar Tree Headquarters in Greenbrier.

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

Chief Deputy City Clerk Pender stated that there were no speakers prior to presentation of the Public Hearing Items.

PUBLIC HEARING

Non-Planning Public Hearing Items

A. **#07-R-068** RESOLUTION REQUESTING THE COMMONWEALTH TRANSPORTATION BOARD TO ESTABLISH A PROJECT FOR THE GREAT BRIDGE BATTLEFIELD AND WATERWAYS VISITOR CENTER AND TRAIL - DEPARTMENT OF PLANNING

Chief Deputy City Clerk Pender presented the item and stated that there were no speakers.

Council Member Willis, on a motion seconded by Council Member Ward, 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, Parker, Ward and Willis

Voting no: None (Council Members Hayes and Krasnoff excused)

B. **#07-R-069** RESOLUTION REQUESTING THE COMMONWEALTH TRANSPORTATION BOARD TO ESTABLISH A PROJECT FOR THE NORTHERN EXTENSION OF THE DISMAL SWAMP CANAL TRAIL – DEPARTMENT OF PLANNING

Chief Deputy City Clerk Pender presented the item and stated that there were no speakers.

Council Member Willis, on a motion seconded by Council Member Ward, 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, Parker, Ward and Willis

Voting no: None (Council Members Hayes and Krasnoff excused)

C. PUBLIC HEARING TO RECEIVE COMMENTS FROM THE PUBLIC CONCERNING ITEMS TO BE INCLUDED IN THE CITY'S 2008 LEGISLATIVE PACKAGE – CITY MANAGER'S OFFICE

Chief Deputy City Clerk Pender presented the item and stated that there were no speakers.

There was no discussion.

The item was for public input only and no action was required.

D. AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62 OF THE CHESAPEAKE CITY CODE, ENTITLED, "SOLID WASTE," BY ADDING SECTION 2-66 THERETO, TO PROVIDE FOR THE DISPOSAL OF GARBAGE, REFUSE AND TRASH AT TRANSFER STATIONS AND FINAL DISPOSAL FACILITIES OWNED OR LEASED AND OPERATED BY THE SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA, INC.

Chief Deputy City Clerk Pender identified the following speakers on Non-Planning Public Hearing Item **(D)** and stated they were available for questions only.

Southeastern Public Service Authority (SPSA) Executive Director John Hadfield, Regional Building, Chesapeake

SPSA General Counsel Tony Thiel, One Commercial Place, Norfolk

Chief Deputy City Clerk Pender presented the item and identified the following speaker in opposition to Non-Planning Public Hearing Item **(D)**:

Robert Clendenin, 2217 Arklow Road, Virginia Beach, representing Virginia Waste Industries Association and Waste Management of VA, Inc.

Council Member Collins requested that SPSA Director John Hadfield come to the podium to respond to comments made by Mr. Clendenin.

Mr Hadfield provided an overview of flow control, noting the Supreme Court ruling on April 30, 2007. He stated that the practice would contribute to the balancing of disposal fees charged by all competitors.

Council Member Willis questioned the increase in disposal fees for the City as well as the schools. Mr. Hadfield commented on the potential long-term savings to the City of approximately five million dollars.

City Manager Harrell noted that staff was working to develop an estimate on the possible cost changes to the schools and other affected facilities. Mr. Harrell noted that the item would be presented to City Council on October 23, 2007 for action.

Council Member de Triquet asked that SPSA provide responses to the four items listed in the back up materials.

Attorney Tony Thiel, representing SPSA stated that SPSA staff was working on that.

The item was presented for public input only and no action was taken.

CITIZENS' COMMENTS ON AGENDA ITEMS ONLY

Chief Deputy City Clerk Pender stated that there were no speakers on agenda items.

Council Member Krasnoff arrived at 6:50 p.m.

CONSENT AGENDA

Chief Deputy City Clerk Pender read the Consent Agenda items into the record and stated that City Clerk Item **(B)** had been withdrawn by the applicant.

Mayor Edge asked Council Members if there were any items they wished to have removed for consideration under the Regular Agenda.

Council Member Adams requested that City Manager Item **(1)** be removed from the Consent Agenda for consideration with the Regular Agenda.

Council Member Ward, on a motion seconded by Vice Mayor Parker, moved approval of the Consent Agenda as presented, with the exceptions of City Clerk Item **(B)**, which was withdrawn by the applicant and City Manager Item **(1)**, which was removed to be considered with the Regular Agenda at the request of Council Member Adams.

There was no additional discussion.

On the motion for approval of the Consent Agenda as presented, with the exceptions of City Clerk Item **(B)** and City Manager Item **(1)**, voting yes: Council Members Adams, Collins, de Triquet, Edge, Krasnoff, Parker, Ward and Willis.

Voting no: None (Council Member Hayes excused)

City Clerk Items

(1) ACKNOWLEDGEMENT OF REZONING APPLICATIONS

The following zoning reclassification requests are not public hearing items at this time. They will be reviewed by the Planning Commission for recommendation to City Council at a later date. These items will be heard by the Planning Commission on **October 10, 2007**.

A. R(C)-07-12 PROJECT: The Boulevard at Greenbrier **APPLICANT:** S.A.R., LLC **AGENCY:** Troutman Sanders, LLP **PROPOSAL:** A conditional zoning reclassification of 8.951 acres from B-3, Highway Business District to R-MF-2, Multi-family Residential District for 148 apartment units. **PROPOSED COMP LAND USE & DENSITY:** High density residential-17.6 units per acre **EXISTING COMP LAND USE & DENSITY:** High density mixed use **LOCATION:** 1539 Tintern Street **TAX MAP SECTION/PARCEL:** 270000000770, portion of 0270000000774, portion of 0270000000775 **BOROUGH:** Washington

B. R(C)-07-25 PROJECT: 2501 Denning Lane Art Gallery **APPLICANT:** Shaumin Liu **PROPOSAL:** A conditional zoning reclassification of 0.445 acres from R-15s Single Family Residential to O&I Office and Institutional to operate an art studio. **PROPOSED COMP LAND USE & DENSITY:** Office **EXISTING COMP LAND USE & DENSITY:** Low density residential with no more than 4 dwelling units per acre. **LOCATION:** 2501 Denning Lane **TAX MAP SECTION/PARCEL:** 0100000000530 **BOROUGH:** Western Branch

(Withdrawn by the Applicant)

C. R(C)-07-26 PROJECT: Hanbury Manor **APPLICANT:** Abbey Lane, LLC **AGENCY:** WPL/Kaufman & Canoles, PC **PROPOSAL:** A conditional zoning reclassification of 27.34 acres from A-1 Agriculture District to R-12(s) Single-family Residential District. **PROPOSED COMP LAND USE & DENSITY:** Suburban Single-family with something less than four with per acre. **EXISTING COMP LAND USE & DENSITY:** Suburban Single-family with something less than four with per acre. **LOCATION:** 161, 163, 167, & 169 Hanbury Road **TAX MAP SECTION/PARCEL:**

0600000001091, 0600000001100, 0600000001110, 0600000001120, 0600000001121, 0600000001122 **BOROUGH:** Pleasant Grove

D. R(C)-07-28 PROJECT: Stuart Hall at Great Bridge **APPLICANT:** Dragas Associates, Inc. **AGENCY:** Kaufman & Canoles, PC **PROPOSAL:** A conditional zoning reclassification of 13.1 acres from B-1 Neighborhood Business District (6.47 acres) and O&I Office and Institutional District (6.63 acres) to R-MF-1 Multifamily Residential District to construct 198 condominium units. **PROPOSED COMP LAND USE & DENSITY:** Medium density residential **EXISTING COMP LAND USE & DENSITY:** Business commercial and high density residential **LOCATION:** Property located on the south side of Cedar Road from Warrick Road to Pines of Warrick Drive and from Pines of Warrick Drive running westward 560±feet. **TAX MAP SECTION/PARCEL:** 0590000002002, 0590000002003 **BOROUGH:** Pleasant Grove

(2) **RESIGNATIONS FROM BOARDS AND COMMISSIONS**

- a. Gerry J. King - South Norfolk Revitalization Commission
- b. David Newby - Chesapeake Criminal Justice Board (deceased)
- c. James W. McElroy – Board of Historic and Architectural Review

City Manager Items

(1) **REQUEST FOR APPROPRIATION OF \$267,450 OF VIRGINIA DEPARTMENT OF TRANSPORTATION STATE REIMBURSEMENT ESTIMATED REVENUES FOR THE JOHNSTOWN ROAD/WATERS ROAD TRAFFIC SIGNAL PROJECT– DEPARTMENT OF PUBLIC WORKS**

(This item was removed for consideration under the Regular Agenda.)

(2) **#07-O-160 REQUEST FOR APPROPRIATION OF \$194,000 OF VIRGINIA DEPARTMENT OF TRANSPORTATION STATE REIMBURSEMENT ESTIMATED REVENUES FOR THE EDEN WAY/CROSSROADS BOULEVARD TRAFFIC SIGNAL PROJECT – DEPARTMENT OF PUBLIC WORKS**

(3) **#07-R-070 CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION AND THE CITY OF CHESAPEAKE FOR THE INSTALLATION OF GUARDRAIL IN THE MEDIAN OF THE CHESAPEAKE EXPRESSWAY – DEPARTMENT OF PUBLIC WORKS**

(4) **#07-O-161 CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 2 OF THE CHESAPEAKE CITY CODE, ENTITLED “ADMINISTRATION,” ARTICLE III, DIVISION 6, SECTIONS 2-176, 2-177, AND 2-178 THEREOF, AND ARTICLE V, DIVISION 15, SECTION 2-612 THEREOF, AND ARTICLE IX, SECTION 2-703 THEREOF, BY CHANGING THE “TIDEWATER DETENTION HOME,” A DIVISION OF THE CHESAPEAKE DEPARTMENT OF HUMAN SERVICES, TO “CHESAPEAKE JUVENILE SERVICES,” AND PROVIDING THAT THE SERVICES AND PROGRAMS OF THE DIVISION AND THE DEPARTMENT FOR YOUTH INVOLVED IN THE JUVENILE JUSTICE SYSTEM INCLUDE SERVICES BEYOND DETENTION**

SERVICES, AND FURTHER CHANGING APPLICABLE STATE CODE REFERENCES FROM TITLE 63.1 TO TITLE 63.2 OF THE VIRGINIA CODE, TO REFLECT THE RE-CODIFICATION OF THAT TITLE – DEPARTMENT OF HUMAN SERVICES

City Attorney Item

(1) **#07-O-162** AN ORDINANCE AMENDING AN ORDINANCE ADOPTED JULY 17, 2007 TO AMEND APPENDIX “A” OF THE CHESAPEAKE CITY CODE, ENTITLED “ZONING,” ARTICLE 14, SECTION 14-704.H.1.d.iii. THEREOF, TO PERMIT THE PLACEMENT OF TEMPORARY SIGNS DURING SALES EVENTS AT NEW AND USED AUTOMOBILE DEALERSHIPS.

REGULAR AGENDA

City Manager Items

(1) **#07-O-163** REQUEST FOR APPROPRIATION OF \$267,450 OF VIRGINIA DEPARTMENT OF TRANSPORTATION STATE REIMBURSEMENT ESTIMATED REVENUES FOR THE JOHNSTOWN ROAD/WATERS ROAD TRAFFIC SIGNAL PROJECT– DEPARTMENT OF PUBLIC WORKS (This item was removed from the Consent Agenda for consideration under the Regular Agenda.)

City Manager Harrell presented the item with a request for adoption.

Council Member Adams, on a motion seconded by Council Member Ward, moved approval of the appropriation, as presented.

Council Member Adams requested that Public Works Director Pat Beigler come to the podium for questions.

City Manager Harrell called Public Works Director Beigler to the podium.

Dr. Adams inquired how projects were prioritized when the funding became available and how soon the Johnstown/Waters Road Traffic Signal would be complete.

Public Works Director Beigler stated that when funding became available projects were scheduled on a priority need basis. She advised that a completion date for the Johnstown and Waters Roads traffic signal was not available.

Council Member Ward noted that the traffic signal at Johnstown and Waters Roads would be funded by the City initially, but reimbursed by the Virginia Department of Transportation upon completion.

There was no further discussion.

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

Voting no: None (Council Member Hayes excused)

(5) CONSIDERATION OF A REQUEST FROM LANDING WEST CROSSING, LLC FOR THE EXPANSION OF THE HAMPTON ROADS SANITATION DISTRICT (HRSD) FORCE MAIN SERVICE AREA FOR THE LANDING WEST CROSSING SUBDIVISION – DEPARTMENT OF PUBLIC UTILITIES (*Continued from September 11, 2007 City Council Meeting*)

City Manager Harrell presented the item and stated that the purpose of the request was to allow discussion with HRSD not to approve the project.

Council Member Collins, on a motion seconded by Council Member Ward, moved approval that the Public Utilities Director be authorized to discuss options with the Hampton Roads Sanitation District Commission for the potential expansion of the HRSD Force Main Service Area to serve the proposed Landing West Crossing Subdivision.

Council Member Krasnoff expressed concerns with the potential impacts this expansion would have for future development in the affected area.

City Manager Harrell explained that the request was only to allow discussion with the applicant, and not to approve the project.

There was no further discussion.

On the motion to approve authorization for the Public Utilities Director to discuss options with HRSD for the potential expansion of the HRSD Force Main Service Area to the proposed Landing West Crossing Subdivision, voting yes: Council Members Adams, Collins, de Triquet, Edge, Krasnoff, Parker, Ward and Willis

Voting no: None (Council Member Hayes excused)

(6) **#07-R-071** CONSIDERATION OF A RESOLUTION REQUESTING THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, TO PLAN AND FUND SEVERAL PROJECTS WITHIN THE CITY OF CHESAPEAKE IN ITS SIX-YEAR IMPROVEMENT PLAN – DEPARTMENT OF PUBLIC WORKS

City Manager Harrell presented the item with a request for approval.

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

Council Member Willis recited the names of the projects to be included in the City's Six-Year Improvement Plan.

Council Member Ward inquired about the priority of each project and questioned the probability that all of the projects would be funded.

Public Works Director Patricia Beigler returned to the podium to explain that the City Council Liaisons to Public Works had been involved in the prioritizing of each project.

City Manager Harrell noted that these were the most pressing projects and felt confident that the monies would be allocated.

Vice Mayor Parker questioned the inclusion of projects that had previously been approved in the Six-Year Improvement Plan and the status of the Deep Creek Locks bridge. Director Beigler explained that the projects were previously approved but not completely funded.

Mayor Edge noted that the funding for the Gilmerton Bridge was in place but there were still issues for the removal and disposal of silt underneath the existing bridge.

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

Voting no: None (Council Member Hayes excused)

(7) CONSIDERATION OF A RESOLUTION APPROVING THE TRANSITION OF THE STAFF OF THE OFFICE OF THE CLERK OF THE CHESAPEAKE CIRCUIT COURT TO THE CITY'S PAYROLL SYSTEM FOR THE PURPOSE OF RECEIVING CITY BENEFITS, AND APPROVING A PRO RATA WAGE INCREASE OF 4.5% FOR SUCH EMPLOYEES EFFECTIVE NOVEMBER 1, 2007 – DEPARTMENT OF HUMAN RESOURCES

City Manager Harrell presented the item with a request for approval.

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

Council Member Adams expressed her concern with the loss of accumulated sick leave for the Clerk of the Circuit Court employees.

There was extensive discussion between Council Members concerning the loss of leave for the Circuit Court Clerk's Office staff members.

Circuit Court Clerk Faye Mitchell was called to the podium to address the reasons her staff were not already employees of the City. She responded to the inquires.

Human Resources Director Mary Bullock was asked to the podium to explain what the determining factors were in arriving at the amount of leave each employee would be allowed to retain. She explained that the Circuit Court employees were presently under the State of Virginia pay plan which did not allow accumulation of time from year to year and any leave offered to those employees would be at the expense of the City.

Council Member Adams, on a substitute motion seconded by Council Member Collins, move to amend the Resolution to allow all accumulated leave while a State of Virginia employee to be retained by the Clerk of the Circuit Court employees and that upon retirement, the employee would receive 25% of the value of their sick leave up to \$7,500.00 as a benefit.

There was additional discussion between Council Members and Human Resources Director Mary Bullock concerning the additional cost to the City if all of the leave was transferred.

Council Member Krasnoff suggested that the items be continued one week for additional information.

Council Member Adams and Council Member Collins agreed to withdraw their substitute motion.

Council Member Adams, on a substitute motion seconded by Council Member Collins, moved to continue the item to the October 16, 2007 City Council Meeting.

There was no further discussion

On the substitute motion for continuance of the Resolution to the October 16, 2007 City Council Meeting, voting yes: Council Members Adams, Collins, de Triquet, Edge, Krasnoff, Parker, Ward and Willis

Voting no: None (Council Member Hayes excused)

(8) **#07-O-164** REQUEST FOR APPROPRIATION OF \$725,000 IN PAYMENTS IN LIEU OF PROVIDING OPEN SPACE AND RECREATIONAL AREA FEES – DEPARTMENT OF PARKS AND RECREATION

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

Council Member Willis, on a motion seconded by Council Member Collins, moved approval of the Ordinance as an emergency action.

Parks & Recreation Director Robert Clifton came to the podium to explain how the money would be used for the South Battlefield Heritage Park to increase the acreage for the park to allow more activities.

Council Member Willis stated that the money was specifically designated for Open Space and Recreational Areas.

There was no addition discussion.

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

Voting no: None (Council Member Hayes excused)

(9) CITY MANAGER UPDATES

City Manager Harrell stated that there no updates at that time.

Council Members recessed at 8:35 p.m. and reconvened at 8:45 p.m.

City Attorney Items

(2) **#07-R-072** RESOLUTION REQUESTING THE PLANNING COMMISSION TO CONSIDER AND MAKE RECOMMENDATIONS CONCERNING PROPOSED AMENDMENTS TO THE 2026 CHESAPEAKE COMPREHENSIVE PLAN TO MODIFY THE PROFFER POLICY BY ADJUSTING THE MAXIMUM AMOUNT OF ANTICIPATED VOLUNTARY PROFFERS FOR SCHOOLS, ROADS, EMERGENCY SERVICE FACILITIES AND LIBRARIES.

City Attorney Hallman presented the item.

Council Member de Triquet, on a motion seconded by Council Member Ward, 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, Krasnoff, Parker, Ward and Willis

Voting no: None (Council Member Hayes excused)

(3) **#07-O-165** AN ORDINANCE AMENDING CHAPTER 30 OF THE CHESAPEAKE CITY CODE, ENTITLED "FINANCE AND TAXATION," SECTION 30-104(c) (3) AND (5) AND SECTION 30-104(e) THEREOF, TO BROADEN ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE ELDERLY AND HANDICAPPED TAX RELIEF PROGRAM AND TO INCREASE THE AMOUNT OF REAL ESTATE TAX EXEMPTION PROVIDED TO CERTAIN QUALIFIED ELDERLY AND DISABLED TAXPAYERS (Council Member Krasnoff)

City Attorney Hallman presented the item.

Council Member Krasnoff, on a motion seconded by Council Member Ward, moved approval of the Ordinance, as presented.

Council Member Krasnoff thanked Commissioner of the Revenue Ray Conner for his assistance on the item.

Council Member Ward asked that Commissioner of the Revenue Conner come to the podium for questions.

Dr. Ward asked Mr. Conner to clarify the eligibility requirements for the Elderly and Handicapped Tax Relief Program.

Commissioner of the Revenue Conner responded to the inquiries and thanked the Council for taking action immediately, which would allow sufficient time for residents to review the new criteria for participation in the Elderly and Handicapped Tax Relief Program.

There was no further discussion.

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

Voting no: None (Council Member Hayes excused)

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

Chief Deputy City Clerk Pender identified the following speakers:

Leon Cerniway, 2332 Delwood Road, representing self, spoke on the condition of roads in the City and the proposed Ethanol Plant.

Irene Waller, 1104 Red Maple Road, representing self, spoke on the proposed Ethanol Plant.

Thomas Arrington, 305 Stonewood Court, representing self, spoke on Illegal Immigration and general maintenance items within the City.

Pamela Gordon, 1041 Shoal Creek Trail, representing self, spoke on Illegal Immigration.

Laura Somers, 5 Irwin Street, Portsmouth, representing Cradock Civic League, spoke on the proposed Ethanol Plant.

In response to concerns with the City's roads and bridge maintenance, Mayor Edge advised that the railroad crossing near the Gilmerton Bridge would be inspected the following day to assess the conditions and a report would be forthcoming.

Mayor Edge addressed the speakers concerns on the proposed Ethanol Project, advising that the Planning Commission would be hearing the item on October 10, 2007 and the earliest date for action by the Council would be the November 20, 2007 City Council Meeting.

Mayor Edge relinquished the gavel to Vice Mayor Parker.

OLD AND NEW BUSINESS

A. **#07-O-166** AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 54 OF THE CHESAPEAKE CITY CODE, ENTITLED "PUBLIC PROCUREMENT," BY ADDING SECTION 54-72.2 THERETO, TO REQUIRE THAT ALL CONTRACTORS AND VENDORS WITH THE CITY OF CHESAPEAKE CERTIFY COMPLIANCE WITH FEDERAL IMMIGRATION LAWS. (*Mayor Edge*)

City Attorney Hallman presented the item.

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

Council Member Willis asked City Attorney Hallman to explain how this Ordinance would be enforced and if it would be included with the 2008 Legislative Package.

City Attorney Hallman stated that enforcement of Federal Immigration Laws, as well as any additional stipulations by City Ordinances, would need to be studied. He noted the financial impacts of enforcement by the City and suggested including the item with the 2008 Legislative Package.

Council Member Krasnoff requested information on the Immigration Law from City Attorney Hallman.

City Attorney Hallman stated that information on the Immigration laws would be forthcoming.

Council Member Adams questioned passing new regulations in lieu of enforcing laws already in effect.

There was no further discussion.

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

Voting no: Vice Mayor Parker and Council Member Adams (Council Member Hayes excused)

Mayor Edge and Council Member Krasnoff were excused at 9:20.

COMMITTEE REPORTS/OLD AND NEW BUSINESS

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

.Council Member Ward commended the Fire, Police and Sheriff's Departments on the awards received in the Dunedin Community and thanked City Manager Harrell and staff for participating in the Budget Week meetings held October 1-4 2007. Dr. Ward announced the next Budget Meeting on October 25, 2007 at the Chesapeake Conference Center.

Council Member de Triquet spoke about his support of Old and New Business Item **(A)** concerning Illegal Immigration, explaining that he felt it was a Federal issue and the City should enforce the current laws on the books..

Council Member Collins reported on his attendance at the South Hill Civic League Meeting and stated that the residents were concerned about unsafe driving

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conditions and code violations in the area and had expressed interest in being included in the City's Neighborhood Improvement Plan. Council Member Collins also commented on a recent report from City Manager Harrell considering a review of Military Highway in the Deep Creek area; and the repair of bridges in the area, noting that the Resolution passed earlier in the meeting would offer some financial assistance.

Council Member Adams thanked the Fire Department for the tour of the City of Chesapeake Hazardous Materials Truck that was on display prior to the City Council Meeting.

Vice Mayor Parker commented on the Illegal Immigration issue being the responsibility of the Federal Government and that was reflected in his vote on Old and New Business Item **(A)**.

ADJOURNMENT

With there being no further business to discuss, Vice Mayor Parker adjourned the meeting at 9:40 p.m.

/smu

Mayor

Attest:

City Clerk