

A Regular Work Session of the Chesapeake City Council was held November 13, 2007 at 4:30 p.m., in the City Hall Building, 306 Cedar Road.

Present: Council Member Rebecca C. W. Adams
Council Member Bryan Collins (arrived at 4:38 p.m.)
Mayor Dalton S. Edge
Vice Mayor Dwight M. Parker (excused)
Council Member Ella P. Ward (arrived at 4:35 p.m.)
Council Member Patricia Pritchard Willis

Absent: Council Member Clifton E. Hayes, Jr. (arrived at 4:50)
Council Member John M. de Triquet (excused)
Council Member Alan Krasnoff (arrived at 5:20)

Present from Administration: City Manager William Harrell, City Attorney Ronald Hallman, Deputy City Manager Amar Dwarkanath, City Clerk Dolores Moore, Planning Director Brent Nielson, Acting Economic Director Tom Elder, and other staff members.

Also present: Dr. William E. Ward

The Following topics were discussed during the Work Session:

1. City Park Master Plan
2. Technical Issues Regarding Ethanol
3. City Manager Updates

The Work Session adjourned at 5:59 p.m.

/smu

A Regular Meeting of the Chesapeake City Council was called to order by Mayor Dalton S. Edge on November 13, 2007 at 6:30 p.m. in the City Hall Building, 306 Cedar Road.

INVOCATION: Reverend Thad Harless, River Oak Community Church

PLEDGE OF ALLEGIANCE: Members of Boy Scout Troop 57, Den 5, Great Bridge Presbyterian Church.

ROLL CALL BY CLERK OF COUNCIL

Present: Council Member Rebecca C. W. Adams
Council Member Bryan L. Collins
Mayor Dalton S. Edge
Council Member Clifton E. Hayes, Jr.
Council Member Alan P. Krasnoff (arrived at 6:40 p.m.)
Vice Mayor Dwight M. Parker
Council Member Ella P. Ward
Council Member Patricia Pritchard Willis

Absent: Council Member John M. de Triquet (excused)

Present from Administration: City Manager William Harrell, 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 the Work Session and Regular Meeting minutes for February 27, 2007 were presented for approval.

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the February 27, 2007 work session and minutes, as presented.

There was no discussion.

On the motion for approval of the February 27, 2007 Work Session and Regular Meeting minutes, as presented, voting yes: Council Members Adams, Collins, Edge, Hayes, Parker, Ward and Willis.

Voting no: None (Council Member de Triquet and Krasnoff were excused).

CERTIFICATE OF APPRECIATION – Executive Recruitment Interview Panel

Mayor Edge called on City Manager Harrell to introduce the interview panel members utilized during the executive recruitment process for the Chief Information Officer and Director of Economic Development positions. City Manager Harrell called Director of Human Resources Mary Bullock to the podium to present the Certificates of Appreciation to DD Jones Transfer & Warehouse Co., Inc. President Don Goldberg; Hampton Roads Chamber of Commerce, Chesapeake Division Director Jesse A. Williams; Dollar Tree Stores Senior Vice President/Chief Information Officer Ray Hamilton; and Siemens Site Executive David C. Niven, Chesapeake Regional Medical Center.

SPECIAL PRESENTATION – Univille University Professors

Mayor Edge invited Dr. William E. Ward to the podium to make a Special Presentation to Univille University President Paulo Ivo Koehntopp and Internal Affairs Coordinator Christala Buschle. President Koehntopp thanked City Council Members and staff for the recognition and acknowledged the many similarities between the Sister Cities. He stated that the University had 12,000 students in attendance and desired more exchange in the area of Health and Environmental Studies.

PROCLAMATION – America Recycles Day

Mayor Edge called Chesapeake Environmental Improvement Council Chairperson Jerry Ivory to the podium to present the Proclamation read by City Clerk Moore. Accompanying Mr. Ivory was Public Works Director Patricia Biegler, Parks and Recreation Director Robert Clifton and Special Programs Coordinator Gail Bradshaw. Mr. Ivory stated that Camelot Elementary School had won a nationwide contest for the largest amount of plastic bottles collected and would be receiving \$1,000.00 for their school. An additional \$1,000.00 would be donated to the Chesapeake City Park Fun Forest area.

PROCLAMATION – National Music Month

Mayor Edge invited Chesapeake Music Club President Faith Guiterriz to the podium to accept the Proclamation read by City Clerk Moore. She was accompanied by Club Member Bert Berry and noted that November 2007 was being recognized as National Music Month.

CERTIFICATE OF RECOGNITION – Chesapeake Public Works Department

Mayor Edge called Public Works Director Patricia Biegler, Public Information Specialist Tammy Barry, Administrative Assistant II Angela Hilton and Toll Operator Manager Jill Mergen to the podium for recognition. Ms. Biegler announced that the Chesapeake Public Works Department had been selected as one of Public Works Magazine's 2007 Department of the Year Honorable Mention winners and thanked the staff for the extensive work they had done to attain this recognition.

SPECIAL PRESENTATION – Vianne Webb Lifetime Achievement Award

Mayor Edge requested Fine Arts Chairperson Jeni Marie Lipps to the podium to introduce the recipient of the award, Fine Arts Coordinator Randy Harrison. The Vianne Webb Lifetime Achievement Award was presented to Ms. Harrison at the Sandler Performing Arts Center on November 11th, by the Cultural Alliance of Greater Hampton Roads. Ms. Harrison is the only Chesapeake employee to receive this award in more than 20 years of issuance. The award was presented by Executive Director of the Hampton Roads Cultural Alliance Pat Rublein.

SPECIAL PRESENTATION – Distinguished Budget Presentation Award

Mayor Edge called Budget Director Betty Jean Meyer to the podium to accept the Distinguished Budget Presentation Award, along with Senior Budget Analyst Judy Fox. Dr. Meyer stated that The Government Finance Officers Association reviewed the City of Chesapeake's FY 2007-08 Operating Budget and stated that it met all the criteria required; a policy document, an operational guide, a financial plan and a communication device.

Council Member Krasnoff arrived at 6:40 p.m.

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

City Clerk Dolores Moore stated that there were no speakers prior to the Public Hearing Item.

PUBLIC HEARING ITEM

Non-Planning Public Hearing Item

A. **#07-O-174** AN ORDINANCE VACATING A PRIVATE DRAINAGE EASEMENT ON LOTS 55A, 56A, AND 57A LOCATED IN THE GENEVA PARK SUBDIVISION IN THE DEEP CREEK BOROUGH OF THE CITY OF CHESAPEAKE, VIRGINIA.

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

Pete Burkheimer, 3351 Stoneshore Road, Virginia Beach, representing Jason Babb in support of **NPPH-A**.

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

Voting no: None (Council Member de Triquet was excused)

CITIZENS' COMMENTS ON AGENDA ITEMS ONLY

City Clerk Moore stated there were no agenda speakers.

CONSENT AGENDA

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.

Council Member Hayes requested that City Attorney Item **(2)** be removed from the Consent Agenda for consideration with the Regular Agenda.

Council Member Ward, on a motion seconded by Council Member Krasnoff, moved approval of the Consent Agenda as presented, with the exception of City Attorney Item (2).

There was no discussion.

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

Voting no: (Council Member de Triquet was 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 **November 14, 2007.**

A. R(C)-04-05(Rev 9/07) PROJECT: Bells Hollow Estate Condominium
APPLICANT: Bells Hollow LLC **AGENCY:** Hassell & Folkes, P.C **PROPOSAL:** A request to change the proffer statement of R(C)-04-05, Bells Hollow Condominiums, to eliminate the age restricted requirement and to amend the approved building materials.
EXISTING COMP LAND USE & DENSITY: Low density residential **LOCATION:** 636 Washington Drive **TAX MAP SECTION/PARCEL:** 0591011000001, 0591011000002, 0591011000180, 0591011000190 **BOROUGH:** Pleasant Grove

B. R(C)-07-21 PROJECT: Greentree Commons **APPLICANT:** B.D.B.G., LLC
AGENCY: Hassell & Folkes, PC **PROPOSAL:** A conditional zoning reclassification of 10.1 acres from B-4, Highway Business District (0.9 acres) and R-15s, Residential District (9.2 acres) to B-2, General Business District (3.2 acres) and R-MF-1, Multifamily Residential District (6.9 acres) for a condominium and commercial development.
PROPOSED COMP LAND USE & DENSITY: Medium density Residential and Commercial Uses **EXISTING COMP LAND USE & DENSITY:** Medium Density Mixed Use **LOCATION:** South side of Kempsville Road at its intersection with Green Tree Road **TAX MAP SECTION/PARCEL:** 0370000000042, 0370000000161, 0370000000180, 0370000000190, 0370000000191, 0370000000200, 0370000000210, 0370000000220, 0370000000230, 0370000000240, 0370000000250, 0370000000251, 0370000000252, 0370000000260, 0370000000280, 0370000000290 **BOROUGH:** Washington

C. R(C)-07-27 PROJECT: Kempsville Professional Center **APPLICANT:** Kempsville Ventures, LLC; Cory B. Cutright & Eric G. Olson **AGENCY:** Basnight, Kinser, Telfeyan, Leftwich & Nuckolls, PC **PROPOSAL:** A conditional zoning reclassification of approximately 2.421 acres from R-15s, Residential District to O&I, Office and Institutional District for an office building. **PROPOSED COMP LAND USE & DENSITY:** Office **EXISTING COMP LAND USE & DENSITY:** Office, Research & Commerce **LOCATION:** 624, 630, & 632 Kempsville Road **TAX MAP SECTION/PARCEL:** 0370000000610, 0370000000620, 0370000000630 **BOROUGH:** Washington

D. R(C)-07-29 PROJECT: Griffey Rezoning, 568 Kempsville Road **APPLICANT:** Paul M. Griffey, M.D. **AGENCY:** Kaufman & Canoles, P.C. **PROPOSAL:** A conditional zoning reclassification of a 0.62 acre parcel from R-15s Single-family Residential District to B-1 Neighborhood Business District. **PROPOSED COMP LAND USE & DENSITY:** General Business/Commercial **EXISTING COMP LAND USE & DENSITY:** Suburban Single-family with 1 unit per acre to something less than 4 units per acre. **LOCATION:** 568 Kempsville Road **TAX MAP SECTION/PARCEL:** 0370000000570 **BOROUGH:** Washington

E. R(C)-07-30 PROJECT: Gum Road/Elizabeth Harbor Drive Hotel **APPLICANT:** Veda Hotels, LLC **AGENCY:** Chesapeake Land Use Enterprise **PROPOSAL:** A conditional zoning reclassification of 0.225 acres from R-15s Residential District to B-2 General Business District for incorporation into the adjacent hotel development site. **PROPOSED COMP LAND USE & DENSITY:** Business/Commercial **EXISTING COMP LAND USE & DENSITY:** Business/Commercial **LOCATION:** Eastern side of Gum Road at its intersection with Elizabeth Harbor Dr. **TAX MAP SECTION/PARCEL:** 0150000001681 **BOROUGH:** Western Branch

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

- a. Jay M. Woodward – Chesapeake Storm water Committee
- b. Rickie B. Singleton – Chesapeake Cable Television Commission
- c. John F. Kelly – Chesapeake Bicycle & Trails Advisory Committee

(3) **REFUNDS**

- a. Chesapeake Services Systems, Inc., \$7,236.13

City Manager Item

(1) **#07-O-175** REQUEST FOR APPROPRIATION OF \$190,745 IN OVERWEIGHT TRUCK CITATION FEES FOR REPAIRS AND MAINTENANCE OF ROADS AND BRIDGES – DEPARTMENT OF PUBLIC WORKS

City Attorney Items

(1) **#07-O-176** AN ORDINANCE AMENDING CHAPTER 30 OF THE CHESAPEAKE CITY CODE, ENTITLED "FINANCE AND TAXATION," ARTICLE I, SECTION 30-11 THEREOF, TO AMEND THE PROCEDURE FOR PAYMENT OF INVOICES, PAYROLLS, AND ACCOUNTS DUE BY THE CITY TO BRING THE PAYMENT PROCEDURES IN LINE WITH CURRENT TECHNOLOGY AND EXPANDED PAYMENT OPTIONS WHICH ARE AVAILABLE TO THE CITY.

(2) AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 54 OF THE CHESAPEAKE CITY CODE ENTITLED, "PUBLIC PROCUREMENT," SECTION 54-72.2 THEREOF, TO EXEMPT SMALL CONTRACTS OF LESS THAN 5,000 FROM THE REQUIREMENT FOR CERTIFICATION OF COMPLIANCE WITH FEDERAL AND STATE IMMIGRATION LAWS, PROVIDED CONTRACTUAL ASSURANCE OF COMPLIANCE IS GIVEN.

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

REGULAR AGENDA

City Manager Items

(2) **#07-O-177** REQUEST FOR APPROPRIATION OF \$334,865 IN VIRGINIA DEPARTMENT OF TRANSPORTATION REIMBURSEMENT ESTIMATED REVENUE AND \$496,805 FROM THE JORDAN BRIDGE NET ASSETS ACCOUNT FOR REHABILITATION WORK ON THE JORDAN BRIDGE – DEPARTMENT OF PUBLIC WORKS

City Manager Harrell presented the item.

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

Council Member Willis inquired on the possibility of implementing an "Easy Pass System" for the Jordan Bridge in anticipation of moving traffic through this area in a more efficient manner.

There was no other discussion.

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

Voting no: None (Council Member de Triquet was excused)

(3) City Manager Updates

City Manager Harrell informed City Council Members that the staff was moving forward in the process of finding a replacement for retiring Chief of Police Richard Justice, who will retire on April 1, 2008. Mr. Harrell stated that a meeting had been scheduled with the Public Safety Liaisons and advertising should be completed by the end of December 2007.

City Attorney Items

(2) **#07-O-178** AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 54 OF THE CHESAPEAKE CITY CODE ENTITLED, "PUBLIC PROCUREMENT," SECTION 54-72.2 THEREOF, TO EXEMPT SMALL CONTRACTS OF LESS THAN \$5,000 FROM THE REQUIREMENT FOR CERTIFICATION OF COMPLIANCE WITH FEDERAL AND STATE IMMIGRATION LAWS, PROVIDED CONTRACTUAL ASSURANCE OF COMPLIANCE IS GIVEN. (This item was removed from the Consent Agenda at the request of Council Member Hayes.)

City Attorney Hallman presented the item and requested adoption as an emergency action.

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

Council Members Hayes and Willis asked what percentage of the City's contracts would be impacted by this Ordinance in quantity as well as value and what types of penalties would result if smaller contracts were in violation.

Director of Finance Nancy Tracy came forward to report that in 2006, the total number of contracts was 7,072 with 2,145 under \$5,000.00. Ms. Tracy also stated that there were staff members who monitored all contracts under \$5,000.00.

City Attorney Hallman spoke to the penalties being considered for noncompliance from vendors or the contractors.

There was no further discussion.

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

Voting no: (Council Member de Triquet was excused)

(3) **#07-R-076** RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF APPROXIMATELY 350 ACRES OF LAND LOCATED ON ELBOW ROAD AND OWNED BY J AND L SAWYER HOLDINGS, LLC, FOR PURPOSES OF CONSERVATION, PASSIVE RECREATION, EDUCATION AND WATERSHED PROTECTION.

City Attorney Hallman presented the item.

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

Council Member Ward offered comments in support of the Resolution.

There was no additional discussion.

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

Voting no: None (Council Members de Triquet was excused)

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

City Clerk identified the following speakers:

Kurt Kennedy, 2924 Airport Drive, was not present when called.

Thomas Arrington, 305 Stonewood Court, representing Chesapeake Citizens for Fair Real Estate Tax, spoke on budget issues.

Laura Somers, 5 Irwin Street, representing Cradock Civic League, spoke in opposition to the proposed Ethanol Plant.

In response to the speakers comments, Mayor Edge advised that the budget process would begin soon and the Council would discuss the Ethanol Plant Project at the November 20, 2007 City Council Meeting.

COMMITTEE REPORTS/OLD AND NEW BUSINESS

Mayor Edge combined Committee Reports with Old and New Business calling on Council Members for both starting with Council Member Adams.

Council Member Adams announced that the Chesapeake Redevelopment and Housing Authority had received a very favorable audit by Yeger & Boyd Certified Public Accountants.

Council Member Collins suggested investigating the use of dual-fuel vehicles to make the City more "green". Mr. Collins requested a report on the Chesapeake Airport addressing the pros and cons of maintaining the facility. He asked City Manager Harrell to look at the possibility of considering "Police Barges" to relieve the inmate overcrowding in the jail.

Council Member Hayes announced his attendance at the Chesapeake Commission on Youth Services (CCOYS) Legislative Breakfast where the focus was on Issues of Mental Health/Mental Retardation and Substance Abuse Services as presented by Deputy City Attorney John Oliver. Mr. Hayes noted his attendance at the groundbreaking ceremony for the Woodlake Drive extension. He announced that the Digital Cities Award had been presented to the City of Chesapeake, highlighting the methods that information was presented to the citizens of Chesapeake. Council Member Hayes thanked City Manager Harrell for the effective handling of many issues since joining the staff in June 2007.

Council Member Krasnoff announced that the Western Branch High School Girls Cross Country Track Team came in third place in the State Cross Country Track Competition; he asked to have the team recognized at a future City Council Meeting.

Council Member Ward congratulated the Western Branch High School Girls Cross Country Track Team on their State showing. She also congratulated Grassfield High School on the Home Run Derby recently held and thanked Principal Carolyn Bernard for the very successful fund raising event. Dr. Ward announced her attendance at two Veterans' Day Celebrations, one in South Norfolk and one in the Cuffeytown area of the City. Dr. Ward noted her attendance at the Historical Society Meeting and requested that the Cornland School, built in 1884, be considered for

placement on the National Register of Historical Sites. Dr. Ward congratulated CCOYS Chairman David Hackworth on a successful Legislative Breakfast, which highlighted the need for increased funding.

Council Member Willis commented on her attendance at a two-day conference at the Wakefield Conference Center concerning the Elizabeth River Revitalization Project. Ms. Willis mentioned the extensive work done by students from Deep Creek and Western Branch on this project and requested that City Clerk Moore contact the teachers to have these students make a presentation at a future City Council Meeting to show the mural and recite the poem they created. Council Member Willis suggested adding information concerning immigration in the Legislative Package. She encouraged citizens to visit the Chesapeake Museum in South Norfolk and asked if the America Recycles Day poster could be placed in the City's libraries and community centers.

Dr. Ward thanked City Manager Harrell for his accomplishments and dedication to the City.

Vice Mayor Parker inquired about the possibility of recognizing the athletes involved in the Home Run Derby at Grassfield High School.

Council Member Hayes suggested implementing a program where "Chesapeake Notables" may be recognized throughout the year.

Vice Mayor Parker announced that a retirement celebration for the Director of Community Services Candace Waller was scheduled for December 10, 2007.

Mayor Edge expressed support and asked Vice Mayor Parker to investigate such a program being implemented within the City.

Mayor Edge announced the Hampton Roads Leadership Prayer Breakfast scheduled for November 15, 2007 at 6:45 a.m. at Scope in Norfolk.

Mayor Edge relinquished the gavel to Vice Mayor Parker.

NOMINATIONS TO BOARDS AND COMMISSIONS

Hospital Authority – 3 vacancies

Vice Mayor Parker advised that nominations to the Hospital Authority were open.

Council Member Adams nominated Robert Oman, Robert Culpepper and Jeffery Powell for reappointment.

Council Member Collins nominated Dr. Stephanie Marioneaux.

Dr. Ward nominated Dr. Gabriella Miller.

Vice Mayor Parker stated that interviews will be held on November 20, 2007, prior to the City Council Work Session.

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

There was no discussion.

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

Voting no: None (Council Members de Triquet was excused)

November 13, 2007

The nominees for the Chesapeake General Hospital Authority are Robert Oman, Robert Culpepper, Dr. Jeffery Powell, Dr. Stephanie Marioneaux and Dr. Gabriella Miller.

Vice Mayor Parker relinquished the gavel back to Mayor Edge.

ADJOURNMENT

With there being no further business to discuss, Mayor Edge adjourned the meeting at 8:25 p.m.

/smu

Mayor

Attest:

City Clerk