

A Regular Work Session of the Chesapeake City Council was held November 27, 2007 at 5:15 p.m., in the City Hall Building, 306 Cedar Road.

Present: Council Member Rebecca C. W. Adams
Council Member Bryan L. Collins
Mayor Dalton S. Edge
Council Member Clifton E. Hayes, Jr.
Council Member Ella P. Ward
Council Member Patricia Pritchard Willis

Absent: Council Member John M. de Triquet
Council Member Alan P. Krasnoff
Vice Mayor Dwight M. Parker

Present from Administration: City Manager William Harrell, City Attorney Ronald Hallman, Deputy City Attorney Jan Proctor, Deputy City Manager Amar Dwarkanath, Deputy City Manager Wanda Barnard-Bailey, Deputy City Manager Betty J. Meyer, City Clerk Dolores Moore, and other staff members.

Also present: Commissioner of the Revenue Ray Conner

The Following Topics were discussed during the Work Session

- (1) Proposed additional Legislative Initiatives
- (2) City Manager Updates

The Work Session adjourned at 6:06 p.m.

/vfm

Regular City Council Meeting
November 27, 2007

A Regular Meeting of the Chesapeake City Council was called to order by Mayor Dalton S. Edge on February 27, 2007, at 6:30 p.m. in the City Hall Building, 306 Cedar Road.

INVOCATION: Pastor Larry Adams, Aldersgate United Methodist Church

PLEDGE OF ALLEGIANCE: Council Member Bryan L. Collins

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 (excused at 8:57 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, Deputy City Manager Betty J. Meyer, City Clerk Dolores Moore, and other staff members.

APPROVAL OF MINUTES

Mayor Edge advised that the minutes of the Special Closed Sessions of March 1, 9, and 10, 2007 were presented for approval.

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the minutes of the Special Closed Sessions of March 1, 9, and 10, 2007, as presented.

There was no discussion.

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

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

PROCLAMATION – “Great Bridge Battle Day”

Mayor Edge invited Battle of Great Bridge Coordinator Ron Phelps and Regent for Daughters of the American Revolution – Great Bridge Chapter Ceci Budimier to the podium to accept the Proclamation read by City Clerk Moore. Ms. Budimier thanked Mayor Edge and the Members of City Council for the proclamation and extended an invitation to attend the Wreath Laying Ceremony on Saturday, December 1, 2007, at 11:00 a.m. adjacent to the City Hall building. Mr. Phelps made brief comments and expressed appreciation for the proclamation.

PROCLAMATION – “World AIDS Day”

Mayor Edge asked Chairman of the Chesapeake Commission for the Prevention of AIDS Shelley Taylor-Donahue to come to the podium to receive the World AIDS Day Proclamation read by City Clerk Moore. Ms. Taylor-Donahue thanked Mayor Edge and City Council Members for the proclamation and commented on the increased impact AIDS could have on communities if prevention awareness was not in place. She introduced Commission members who were present.

PRESENTATION – “2007 World AIDS Day Poster Contest Winners”

Mayor Edge asked Chesapeake Commission for the Prevention of AIDS Chairman Shelley Taylor-Donahue to present the 2007 World AIDS Day Poster Contest Winners. Ms. Taylor-Donahue thanked the students, Commission members, judges, and teachers from Chesapeake Public Schools for their support and advised that the posters would be on display on the first floor of City Hall until December 7, 2007. The winners were as follows: Grades 7 – 8: First Place Winner Ayla Barkley, Second Place Winner Alexis Morse; Grades 9 – 12: First Place Winner Sean Churchman, Second Place Winner Ariana Taylor, Third Place Winner Ashley Sanders, and Honorable Mention: Patsy Delacy and Grace Ferguson.

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

City Clerk Moore advised that there were no speakers prior to the presentation of the public hearing item.

PUBLIC HEARING

Non Planning Public Hearing Item

A. AN ORDINANCE AMENDING CHAPTER 10 OF THE CHESAPEAKE CITY CODE, ENTITLED “ANIMALS,” BY ADDING SECTION 10-25 TO PROHIBIT THE FEEDING OF WILDLIFE IN THE CITY.

City Clerk Moore presented the item and identified the following speaker in support of Non-Planning Public Hearing Item (A):

Jean-Marie Eagler, 712-C, Cozy Corner Drive, representing self.

City Clerk Moore presented the item and identified the following speakers in opposition to Non-Planning Public Hearing Item (A):

Grover Hathaway, 5409 Willow Lake Road, representing self.

Thomas Arrington, 305 Stonewood Court, representing self.

Joyce Janke, 2009 South River Drive, representing self.

Mike Huff, 5425 Willow Lake Road, representing self.

Council Member Adams spoke about the proposed Ordinance and the diversity of the land areas in the City. She shared information she received from the Virginia Game and Inland Fisheries office regarding the feeding of wildlife as contained in the State code. Dr. Adams suggested that the ordinance be continued indefinitely for additional review by staff to minimize unintended consequences.

City Attorney Hallman and City Clerk Moore commented on City Council's Rules of Order and Procedure, as well as historical research of the minutes, regarding continuation of the item.

Council Member Adams, on a motion seconded by Council Member Collins, moved to withdraw Non-Planning Public Hearing Item (A) from consideration.

Council Member Collins stated that he was not sure if Ms. Janke's comments were in support of or opposition to the proposed Ordinance. Ms. Janke said she wasn't against wildlife but was opposed to feeding wildlife along the waterways because of the mess left by the animals and the potential health hazards to humans from their droppings.

Council Member Krasnoff asked City Manager Harrell to contact the School System to see if they would provide information to students on the hazards of feeding wildlife.

City Manager Harrell said he would contact the schools and follow-up with public notices through Channel 48.

Council Member Willis asked that other localities be surveyed.

City Attorney Hallman advised that staff had checked with several localities regarding similar Ordinances during the drafting of the proposed ordinance, but most were of little help. He said he would check with other jurisdictions throughout the State.

Council Member Willis expressed additional concerns with the proposed ordinance.

City Manager Harrell stated that staff be would do more work on the ordinance and have an additional work session to address concerns raised by citizens and Council Members prior to bringing the ordinance back for consideration.

There was no further discussion.

On the motion to withdraw Non-Planning Public Hearing Item (A) from consideration, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

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

CITIZENS' COMMENTS ON AGENDA ITEMS ONLY

City Clerk Moore stated that there were no Agenda Item 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. There were none.

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

There was no discussion.

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

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

City Manager Items

- (1) **#07-O-180** REQUEST FOR APPROPRIATION OF \$19,643 IN PHONE SERVICES REVENUE FROM THE DONATIONS ACCOUNT TO CHESAPEAKE JUVENILE SERVICES – DEPARTMENT OF HUMAN SERVICES/JUVENILE SERVICES

REGULAR AGENDA

City Manager Items

- (2) City Manager Updates

City Manager Harrell introduced the new Chesapeake Community Services Board Executive Director Joseph Scislowicz. Mr. Harrell expressed appreciation to former Executive Director Candace Waller for her many years of dedicated service to the City of Chesapeake.

City Manager Harrell introduced the new Housing Program Coordinator Jim Liles.

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

City Clerk Moore identified the following speakers:

Sandra Dushensky, 2532 Lanier Street, representing self, spoke on stormwater drainage problems on her property.

Catherine Hager, 462 River Arch Drive, representing self, spoke on a Resolution to control Payday Lending.

Mark McCabe, 3660 Cedarcrest Road, Acworth, Georgia, representing Primrose School Franchising Company, requested concurrent advertisement for UP-07-06 – Primrose School of Deep Creek.

Don Bilbo, 119 Bruton Court, representing self, spoke on immigration issues.

Mayor Edge requested City Manager Harrell and staff to investigate the drainage concerns stated by Ms. Dushensky and to respond accordingly.

Mayor Edge stated that the Payday Lending issue expressed by Ms. Hager had been addressed earlier during the Work Session and was part of the City's 2008 Legislative Package to the Virginia General Assembly.

Mayor Edge reminded Council Members of Mr. McCabe's request for concurrent advertisement of UP-07-06 and asked if there was a motion to approve the request. There was no motion made by City Council.

Mayor Edge addressed Mr. Bilbo's comments regarding immigration noting there would be an on the December 11, 2007 City Council Agenda for consideration.

OLD AND NEW BUSINESS/COMMITTEE REPORTS

Council Member Adams commented on complaints received from citizens on excessively high water bills. She asked Public Utilities Director James Walski to the podium to address the issue. Mr. Walski explained that Public Utilities' employees read the meters and the information is then provided to Hampton Roads Utility Billing Services (HRUBS) for billing. Mr. Walski advised that HRUBS had recently installed a new billing system and was encountering some problems; however, they were working

to correct the malfunctions.

Council Member Adams stated that she and Council Member Willis had met with representatives of the Virginia Beach City Council, Navy Oceana Fentress Military Group and the new Admiral for the region. Dr. Adams advised that the Admiral had suggested that the City appoint a member of the military to serve as an ex-officio member to the Planning Commission, given that land use issues impact military affairs and facilities in the area. City Manager Harrell said he would check into that request.

Council Member Collins asked City Manager Harrell to investigate drainage concerns on Railroad Avenue.

Council Member Ward commented that the slowdown of the housing market was part of the Hampton Roads Planning District Commission meeting discussion recently. She commended Library Director Margaret "Peggy" Harrell on the great job she was doing and requested that City Manager Harrell provide an update on the time-line for the renovation and expansion of the South Norfolk Library. Dr. Ward stated that local artist Mark Carey wanted to give about 2000 pieces of his art work to the South Norfolk Library, but the building in its current condition would not be able to accommodate that many pieces. Council Member Ward congratulated School Board Member Sheila Hill on her election as Chairman of the Tidewater Region for Virginia School Boards Association. She offered comments on overcrowding in the City's Schools, the recently adopted Schools Budget and current enrollment numbers in the City's schools.

Council Member Willis commented on the School System's new enrollment chart, school capacity, portable classrooms and the experience of Chesapeake's teachers who work with children with special needs. Ms. Willis spoke about her attendance at the Oceana/Fentress Task Force meeting with Council Member Adams. Council Member Willis inquired about the possibility of using Tax Increment Financing (TIF) District funds to enlarge the South Norfolk Library, and asked City Manager Harrell to confer with Economic Development on the issue. Council Member Willis announced that the Annual Tree Lighting Ceremony would be held on Saturday, December 1, 2007 at 5:00 p.m. in front of City Hall followed by the Christmas Parade at 6:00 p.m. She commented on the state of the City's urban forest and asked City Manager Harrell to place an initiating resolution on the next agenda to consider additional green space and increasing the tree canopy coverage in the City. Ms. Willis stated that, as the liaison to the South Norfolk Revitalization Commission, she was concerned with crime in the South Norfolk area. She requested that Virginia Dominion Power be contacted about expediting the repair of street lights in the area, and requested additional police patrols in South Norfolk.

Vice Mayor Parker asked about placing some of Mark Carey's artwork in the SoNo Museum. Council Member Ward advised that Mr. Carey had been specific about his artwork being placed in the South Norfolk Library. Dr. Ward spoke about her attendance at a recent public hearing sponsored by the State Board of Education where a discussion ensued regarding removal of the Battle of Great Bridge from the Standards

of Learning (SOL) and curriculum. She encouraged citizens to write the State Board of Education to keep the Battle of Great Bridge in the curriculum.

Mayor Edge noted that Mark Carey wants to organize a neighborhood walk in the Spring of 2008 to draw attention to, and combat, crime in the South Norfolk area of the City.

Mayor Edge asked Council Members participating in the Christmas Parade to refrain from throwing candy to the spectators along the parade route.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Edge relinquished the gavel to Vice Mayor Parker.

A. Chesapeake Commission for the Prevention of AIDS – 2 Appointments

Council Member Collins nominated current member Kathleen Griffin to be designated as the (Education Representative); and nominated Marie Breeden.

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

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

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

Current Member Kathleen Griffin was designated as the Education Representative, and Marie Breeden was appointed to the Chesapeake Commission for the Prevention of AIDS.

B. Chesapeake Commission on Substance Abuse – 3 appointments

Council Member Collins nominated Lori A. Burden and asked to continue the two remaining appointments to the January 22, 2008 City Council meeting.

Council Member Ward, on a motion seconded by Council Member Adams, moved to close the nominations, appoint the nominee, and continue the two remaining appointments to the January 22, 2008 City Council meeting.

On the motion to close the nominations, appoint the nominee and continue two appointments to the January 22, 2008 City Council meeting, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

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

Lori A. Burden was appointed to the Chesapeake Commission on Substance Abuse.

C. Citizens Juvenile Advisory Council – 3 appointments

Council Member Adams nominated Kirsten K. Wood for reappointment and Betty W. Conteh and Kenneth E. Burke for appointment.

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

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

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

Kirsten K. Wood was reappointed and Betty W. Conteh and Kenneth E. Burke were appointed to the Citizens Juvenile Advisory Council.

D. Community Services Board – 5 appointments

Council Member Collins nominated Jeffrey M. Coleman and Darin M. Ely for reappointment; current member Janice E. Hudgins was designated as a Family Member, Toney L. McNair, Jr. for appointment, and to continue the remaining appointment to the January 22, 2008 City Council meeting.

Council Member Ward, on a motion seconded by Council Member Willis, moved to close the nominations, appoint the nominees, and continue the remaining appointment to the January 22, 2008 City Council meeting.

On the motion to close the nominations, appoint the nominees, and continue the remaining appointment to the January 22, 2008 City Council meeting, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Parker, Ward and Willis.

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

Jeffrey M. Coleman and Darin M. Ely were reappointed, current member Janice E. Hudgins was designated as a Family Member, and Toney L. McNair, Jr. was appointed to the Community Services Board; the remaining appointment was continued to the January 22, 2008 Council meeting.

E. Fire Prevention Code Appeals Board – 2 appointments

Council Member Adams nominated William T. Brantley and Ronald A. Foster, Jr.

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

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

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

William T. Brantley was reappointed and Ronald A. Foster, Jr. was appointed to the Fire Prevention Code Appeals Board.

F. Hospital Authority – 3 appointments

Vice Mayor Parker announced the following nominees who were previously interviewed: Robert G. Culpepper, Robert M. Oman, Dr. Stephanie J. Marioneaux, Dr. Gabriella L. Miller, and Dr. Jeffrey P. Powell.

Robert G. Culpepper received votes from Council Members Adams, Collins, Edge, Hayes, Krasnoff, Parker Ward and Willis for a total of 8 votes. (Council Member de Triquet was excused.)

Robert M. Oman received votes from Council Members Adams, Collins, Edge, Hayes, Krasnoff, Parker, Ward and Willis for a total of eights (8) votes. (Council Member de Triquet was excused.)

Dr. Stephanie J. Marioneaux received votes from Council Members Adams, Collins, Edge, Hayes, Parker, and Ward for a total of six (6) votes. (Council Member de Triquet was excused.)

Dr. Gabriella L. Miller received zero votes.

Dr. Jeffrey P. Powell received votes from Council Member Krasnoff and Willis for a total of two (2) votes. (Council Member de Triquet was excused.)

Robert G. Culpepper, Robert M. Oman were reappointed, and Dr. Stephanie J. Marioneaux (Medical Representative) was appointed to the Hospital Authority.

G. Local Board of Building Code Appeals – 3 appointments

Council Member Krasnoff nominated Stephens L. Johnson, Alfonso G. Jones (Alternate), and Timothy L. O'Neil (Alternate).

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

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

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

Stephens L. Johnson and Alfonso G. Jones (Alternate) were reappointed, and Timothy L. O'Neil (Alternate) was appointed to the Local Board of Building Code Appeals.

H. Natural Event Mitigation Advisory Committee – 3 appointments

Council Member Willis nominated Cherie C. Walton, Sara M. Ruch, and William O. Jones for appointment.

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

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

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

Cherie C. Walton was reappointed, and Sara M. Ruch and William O. Jones were appointed to the Natural Event Mitigation Advisory Committee.

I. South Norfolk Revitalization Commission – 1 appointment

Council Member Willis requested that nominations be continued to the January 22, 2008 City Council meeting.

There was no objection from Council Members. The appointment to the South Norfolk Revitalization Commission was continued to the January 22, 2008 Council meeting.

J. Southeastern Public Service Authority – 2

Mayor Edge nominated Bryan L. Collins (Council Member) and William E. Harrell (City Manager).

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

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

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

Bryan L. Collins (Council Member) and William E. Harrell (City Manager) were reappointed to the Southeastern Public Service Authority.

K. Towing Advisory Board – 2 appointments

Council Member Adams nominated Winfred L. Sumner (Police Officer) and Robert A. West (Citizen) for appointment.

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

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

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

Winfred L. Sumner (Police Officer) was reappointed and Robert A. West (Citizen) was appointed to the Towing Advisory Board.

Council Member Krasnoff was excused at 8:57 p.m.

REQUEST FOR CLOSED SESSION

City Attorney Hallman provided the following language for consideration of the Closed Session topic: “to discuss the disposition of publicly held real property, where discussion in open session would already adversely affect the bargaining position of the City, pursuant to Virginia Code Section 2.2-3711A.3.”

Council Member Parker, on a motion seconded by Council Member Collins, moved approval of the request for the first Closed Session.

There was no discussion.

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

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

City Attorney Hallman provided the following language for consideration of the second Closed Session topic: “to consult with legal counsel pertaining to actual and probable litigation, where such consultation in open session would adversely affect the litigating posture of the City, and to consult with legal counsel regarding specific legal matters requiring the provision of legal advice, pursuant to Virginia Code Section 2.2-3711A.7.”

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the request for the second Closed Session.

There was no discussion.

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

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

CLOSED SESSION

City Council went into Closed Session at 8:59 p.m. The meeting reconvened at 10:03 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 motion convening the meeting were heard, discussed or considered by the City Council."

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

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

ADJOURNMENT

With there being no further business to discuss, Mayor Edge adjourned the meeting at 10:03 p.m.

/vfm

Mayor

Attest:

City Clerk