

A Regular Work Session of the Chesapeake City Council was held December 18, 2007, at 4:45 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.
Council Member Alan P. Krasnoff (arrived 4:56 p.m.)
Council Member Ella Ward (arrived 4:54 p.m.)
Council Member Patricia Pritchard Willis

Absent: Council Member John M. de Triquet (excused)
Vice Mayor Dwight M. Parker (excused)

Present from Administration: City Manager William Harrell, City Attorney Ronald Hallman, Deputy City Manager Wanda Barnard-Bailey, Deputy City Manager Betty Jean Meyer, City Clerk Dolores Moore, City Auditor Jay Poole, Finance Director Nancy Tracy, and other staff members.

Also Present: Cheryl Xystros, KPMG, Executive Director John Hadfield, Southeastern Public Service Authority, R. W. Beck Engineering Principal, Jeff Clunie.

The Following Topics were discussed during the Work Session:

- 1) Comprehensive Annual Financial Report (CAFR)
- 2) Flow Control
- 3) City Manager Updates

The Work Session adjourned at 6:00 p.m.

/dah

A Regular Meeting of the Chesapeake City Council was called to order by Mayor Dalton S. Edge on December 18, 2007, at 6:30 p.m., in the City Hall Building, 306 Cedar Road.

INVOCATION: Pastor Treavor Haynes, Sovereign Grace Church

PLEDGE OF ALLEGIANCE: Council Member Ward

ROLL CALL BY CLERK OF COUNCIL:

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

Absent: Council Member John M. de Triquet (excused)
Vice Mayor Dwight M. Parker (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 Jean Meyer, City Clerk Dolores Moore, Planning Director Brent Nielson, Assistant City Attorney Grady Palmer, and other staff members.

APPROVAL OF MINUTES

Mayor Edge advised that there were no minutes for approval at that time.

SPECIAL PRESENTATION – HICKORY HIGH SCHOOL MIXED STUDENT CHOIR

Mayor Edge called Choir Director David Cowell, Hickory High School, and the mixed student choir to the Chamber for a presentation of holiday songs.

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

City Clerk Moore identified the following speakers prior to the presentation of the public hearing items.

Michael Katchmark, 200 Marsh Quay, representing Hampton Roads Chamber of Commerce, Chesapeake Division, speaking in support of Public Hearing Item **(H)**.

Richard Bell, 4509 Winnie Drive, representing self, spoke in support of Public Hearing Items **(A)** and **(B)** and requested continuation of both applications to February 19, 2008.

PUBLIC HEARING ITEMS

A. R(C)-07-19 PROJECT: Yadkin Station APPLICANT: LORI, Inc. AGENCY: Golden Heritage Homes, LLC PROPOSAL: A conditional zoning reclassification of 10.369 acres from R-15s, Residential District to O&I, Office and Institutional District for the purpose of constructing group housing for the elderly. PROPOSED COMP LAND USE & DENSITY: Medium Density Residential, 5 to 16 units per acre EXISTING COMP LAND USE & DENSITY: Low Density Residential, less than 4 units per acre LOCATION: 3343, 3345 and 3353 Galberry Rd. TAX MAP SECTION/PARCEL: 0330000001720, 0330000001740, 0330000001750, 0330000001760 BOROUGH: Deep Creek

The Planning Commission recommends denial.

Mayor Edge stated that City Council had received a letter from the applicant requesting a 60-day continuance.

City Clerk Moore stated that there were no additional speakers on the item.

Council Member Collins, on a motion seconded by Council Member Ward, moved to continue R(C)-07-19 to the February 19, 2008 City Council meeting.

There was no discussion.

On the motion to continue R(C)-07-19 to the February 19, 2008 City Council meeting, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Council Members de Triquet and Parker excused)

B. UP-07-21 PROJECT: Yadkin Station APPLICANT: LORI, Inc. AGENCY: Golden Heritage Homes, LLC PROPOSAL: A conditional use permit to allow group housing for the elderly consisting of 57 condominium units on 10.369 acres. ZONE: Existing: R-15s, Residential District. Proposed: O&I, Office and Institutional District in R(C)-07-19. SIC CODE: 805 LOCATION: 3343, 3345 & 3353 Galberry Rd. TAX MAP SECTION/PARCEL: 0330000001720, 0330000001740, 0330000001750, 0330000001760 BOROUGH: Deep Creek

The Planning Commission recommends denial.

City Clerk Moore stated there were no speakers on the item.

Council Member Collins, on a motion seconded by Council Member Ward, moved to continue UP-07-21 to the February 19, 2008 City Council meeting.

There was no discussion.

On the motion to continue UP-07-21 to the February 19, 2008 City Council meeting, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward, and Willis.

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

C. **R(C)-04-05 (Rev 9/07) PROJECT: Bells Hollow Estate Condominium**
APPLICANT: Bells Hollow, LLC AGENCY: Hassell & Folkes, PC 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

The Planning Commission recommends denial.

Mayor Edge stated that the applicant had submitted a letter requesting a 30-day continuance.

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

Council Member Hayes, on a motion seconded by Council Member Ward, moved to continue R(C)-04-05 (REV 9/07) to the January 15, 2008 City Council meeting.

There was no discussion.

On the motion to continue R(C)-04-05 (REV 9/07) to the January 15, 2008 City Council meeting, voting yes: Council Members Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward, and Willis.

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

D. **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

The Planning Commission recommends approval with the following proffers:

1. The owner/applicant agrees that the residential units resulting from this development shall be condominiums for sale and shall not exceed 41 in number.
2. a. The owner/applicant agrees to make a cash contribution to the City of Chesapeake for the construction or expansion for

the public school facilities, including but not limited to, land acquisition for additional classroom space, in the school planning district in which the subject property is located. The amount of the cash contribution shall be \$3,811.44 per residential dwelling unit shown on the approved final site plan. The cash contribution shall be paid to the City at the time of building permit issuance for each residential structure. The cash contribution shall be deposited into the City of Chesapeake's School "lock box", also known as the General Fund Reserve for School Capital Construction Costs, for the affected school district and shall be subject to City Council approval prior to appropriation.

- b. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public arterial and collector streets within the traffic shed impacted by the rezoning, including but not limited to, right-of-way acquisition, road design, road construction, project management, widening, paving, striping, adding turn lanes, adding acceleration or deceleration lanes, installing or adjusting traffic control devices, installing curb and gutter, making ditch and shoulder improvements, and constructing or improving roadside drainage facilities. The amount of the voluntary cash contribution shall be \$1,079.00 per residential dwelling unit. The cash contribution shall be in addition to any required or voluntary road improvements. The applicant/owner agrees to make the proffered cash contribution at the time of building permit issuance for each residential structure. In addition, the applicant/owner agrees to address the following issues during the administrative review process of the preliminary site/subdivision plan to the satisfaction of the Director of Public Works.
 - i. Assurances shall be provided such that the temporary median break on Greentree Road as shown on the rezoning exhibit dated September 14, 2007 will be removed at such time as the ultimate median break is constructed.
 - ii. The ultimate median break on Greentree Road shall be designed and constructed to facilitate a "left turn in" only to the subject property.
 - iii. Pavement widening and entrance improvements to Waltons Road shall be designed and constructed in

- order to facilitate two way traffic from the commercial entrance to the intersection with Kempsville Road.
- iv. An ingress/egress easement shall be established for the adjacent land locked parcel identified as tax parcel 0370000000300. Such easement shall extend to Kempsville Road as well as the future Greentree Road extended.
 - v. A non-ingress/egress easement shall be established for all frontage on Kempsville Road and Greentree Road excluding approved entrance locations.
 - vi. The entrance for Parcel "B" on Greentree Road as shown on the rezoning exhibit dated September 14, 2007 shall be removed and relocated when the adjacent Parcel is developed and provides Parcel "B" with an alternative access.
- c. 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 voluntary cash contribution shall be \$701.45 per residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution at the time of building permit issuance for each residential structure.
 - d. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public emergency service facilities, 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 provision of emergency fire and medical services to the citizens of Chesapeake. The amount of the voluntary cash contribution shall be \$519.89 per residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution at the time of building permit issuance for each residential structure.
3. The applicant/owner agrees that it shall dedicate one-half of the ultimate 140 foot right-of-way on Kempsville Road for the entire length of its frontage. The developer further agrees that it shall dedicate for the ultimate 50 foot right-of-way on Walton Road for the entire length of its frontage. Such dedication shall be recorded

by plat in the Office of the Clerk of the Court with the initial subdivision plat.

4. The applicant/owner agrees that it shall dedicate and reserve for the ultimate 120 foot right-of-way for Greentree Road extended as generally shown on the rezoning exhibit dated September 14, 2007. Such dedication/reservation shall be recorded by plat in the Office of the Clerk of the Court with the initial subdivision plat prior to site plan approval and a deed for such right-of-way reservation recorded, as required by the Director of Public Works or designee. Future acquisition of all right-of-way reservation areas by the City shall be based on an agreed value of one dollar.
5.
 - a. The applicant/owner agrees that the residential and commercial improvements to be constructed on unit 1 and unit 2 as shown on the Rezoning Exhibit dated September 14, 2007, shall be substantially similar in appearance to the building elevations dated September 14, 2007 as approved by the Director of Planning or designee.
 - b. The applicant/owner agrees that the primary materials to be used on the front, sides and rear of all residential dwellings shall consist of brick, masonry (stone), Nailite, beaded lap, or substantially similar material, with the exception that accents, gables, bay windows, and other design or ornamental features may consist of EIFS, wood materials or cement based materials. Such material shall be presented to and accepted by the Planning Director or designee prior to final construction plans approval.
 - c. The applicant/owner agrees that the primary materials to be used on the front, side and rear of all commercial buildings and dumpster enclosures shall consist of brick, masonry (stone), Hardi Plank, stucco or similar veneer product, with the exception that accents, gables, windows, and other ornamental features may consist of EIFS, wood material or cement based material and shall be earth tone in color. Such materials shall be presented to and accepted by the Planning Director or designee prior to final construction plans approval.
 - d. The applicant/owner agrees that in the event that a Conditional Use Permit for gasoline supply is requested in the future on commercially zoned property, that all canopy support columns shall be finished up to ten feet height in full brick.

6. The applicant/owner agrees that the development of Parcel "B" as shown on the Rezoning Exhibit dated September 14, 2007 shall be limited to those uses permitted in the (O&I) district along with those uses conditional in the (O&I) district with an approved Conditional Use Permit.
7. The applicant/owner agrees that the required fifteen foot buffer type "D" to be incorporated between Parcel "A" and Unit "1", as shown on the Rezoning Exhibit dated September 14, 2007, shall be improved with evergreen plant materials of sufficient height and quantity to provide an effective screen at the time of installation. Such landscape buffer improvements shall be reviewed and approved by the City Arborist. In addition, the applicant/owner agrees to incorporate a pedestrian walkway to establish convenient access between Parcel "A" and Unit "1".

City Clerk Moore identified the following speaker in support of Public Hearing Item **(D)**:

James R. Bradford, 325 Volvo Parkway, representing Hassell & Folkes, P.C.

City Clerk Moore identified the following speakers in opposition to Public Hearing Item **(D)**:

Ron Racinowski, 409 Midlands Lane, representing English Oaks Subdivision.

Denise Waters, 360 Clearfield Avenue, representing Clearfield Community Civic League.

Gene Waters, 360 Clearfield Avenue, representing Clearfield Community Civic League.

Council Member Krasnoff asked Mr. Bradford back to the podium and inquired about the bank involved in the application. Mr. Bradford advised that there were discussions with the bank but no contract at this time on the property.

Council Member Krasnoff conversed with City Attorney Hallman on his investments with the bank and if this was a conflict for him. City Attorney Hallman stated there was no conflict of interest and that he could vote on the item.

There was discussion between Council Members, Mr. Bradford, Planning Director Nielson and City Engineer Eric Martin concerning a curb cut at the English Oaks subdivision, impacts on Green Tree Road and the Kempsville Road intersection, traffic flow, and the 2026 Comprehensive Plan as it related to the proposed area.

Council Member Collins, on a motion seconded by Council Member Hayes, moved approval of R(C)-07-21 with proffers as presented.

Extensive discussion ensued between Council Member Willis and City Engineer Martin concerning the road proffers, rights-of-ways, road funding and improvements, and the extension of Green Tree Road.

Council Member Willis questioned Planning Director Nielson about the appropriateness of the development at the site and the proposed project as it related to the Comprehensive Plan. Mr. Nielson stated that the proposed use of the property was appropriate and safe. Further discussion ensued concerning the Level of Service Policy and school student numbers. Mr. Nielson explained that the proposed rezoning would generate less children than if left as presently zoned.

Council Member Hayes expressed concerns about alleged negative impacts that condominiums have on adjacent real property values. Mr. Hayes also cited examples of other successful condominium projects along Kempsville Road that had no negative impact on the value of adjacent properties.

Council Member Krasnoff suggested that staff review the proffer policy on schools to strengthen language and close loop holes where numbers of school children were not included in calculations for by-right sites that were not platted.

Council Member Collins discussed the Scotland Lane extension with City Engineer Martin.

Council Member Willis advised Council Members that schools had recently designated a new division, townhouse/condominium units which generate less children than single-family dwellings in zoning calculations.

There was no further discussion.

On the motion to approve R(C)-07-21 with proffers, as presented, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward, and Willis.

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

07-O-187 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE CONDITIONAL REZONING OF 10.1 ACRES, LOCATED ON THE SOUTH SIDE OF KEMPSVILLE ROAD AT ITS INTERSECTION WITH GREEN TREE ROAD IN THE WASHINGTON BOROUGH, 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) (R(C)-07-21.

E. **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

The Planning Commission recommends approval with the following proffers:

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1. The applicant/owner agrees to provide a right turn lane on Kempsville Road into the subject property within existing right-of-way and any necessary frontage of the property subject to this application. The turn lane shall be approved by Public Works and be in substantial compliance with the Public Works PFM. The turn lane shall be completed and dedicated to the City before approval of a certificate of occupancy.
2. The applicant/owner agrees to provide a 30' stub drive aisle and an ingress/egress easement benefiting tax map ID 0370000000600 to allow vehicular access to Kempsville Road through the property subject to this rezoning. The location and dimensions of the stub drive aisle and ingress/egress easement shall be approved by the Director of Public Works or designee. The easement shall be recorded or filed for recording before approval of a final site plan and the stub drive aisle shall be completed before approval of a certificate of occupancy.
3. The applicant/owner shall provide a 1' non-ingress/egress easement along the property's frontage with Kempsville Road except for the entrance as approved by the Director of Public Works or designee. The easement shall be recorded or filed for recording before approval of a final site plan.
4. The applicant/owner agrees that no electronic message board shall be constructed on the subject property.
5. The applicant/owner agrees that all buildings constructed on the subject property shall be consistent with the architectural rendering marked as "Architectural rendering for R(C)-07-27" as approved by the Director of Public Works or designee.
6. The applicant/owner agrees to preserve the vegetated area located on the western, eastern and southern property lines as existing on November 8, 2007 and, to the extent practical during construction, shall not disturb the area as approved by the City Arborist.
7. The applicant/owner agrees that the subject property shall not be used for an eating or drinking place as a principal use.

City Clerk Moore stated there were no speakers on this item.

Mayor Edge advised that the applicant had requested a 30-day continuance to the January 15, 2007 City Council meeting.

Council Member Collins, on a motion seconded by Council Member Hayes, moved to continue R(C)-07-27 to the January 15, 2008 City Council meeting.

There was no discussion.

On the motion to continue R(C)-07-27 to the January 15, 2008 City Council meeting, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward, and Willis.

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

F. **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

The Planning Commission recommends approval with the following proffers:

1. The applicant/owner agrees to record a thirty (30) foot ingress/egress easement and a one (1) foot non-ingress/egress contiguous to 30-foot ingress/egress easement from the northern most point of the subject property in a south western direction to Gum Road. The location of the easements shall be approved by the Director of Public Works. The applicant/owner also agrees that the City shall not be responsible for maintenance of the 30-foot ingress/egress easement. The applicant/owner further agrees that the one (1) foot non-ingress/egress easement may be waived or modified by the Public Works Director or designee to allow the use of the thirty (30) foot ingress/egress easement by the applicant/owner or other user of the subject property, provided that the Public Works director or designee determines that such waiver or modification would not cause an adverse traffic-related condition. The deed(s) of easement for these easements shall be subject to the approval of the Public Works Director or designee and shall be recorded prior to the approval of any final site plan for any use and/or development of the subject property.
2. The applicant/owner agrees to provide a thirty-five (35) foot right of way dedication along the subject property's frontage on Gum Road. The applicant/owner also agrees that this dedication shall be reflected on the preliminary and final site plans and that the dedication shall be recorded in accordance with the requirements

imposed by the Public Works Director or designee prior to the approval of any final site plan for the subject property. In addition, the applicant/owner agrees to dedicate right-of-way along Gum Road to accommodate a bike path facility and to dedicate a drainage easement along Gum Road in accordance with the requirements of the Director of Public Works or designee before approval of a final site plan.

3. The applicant/owner agrees to vacate all interior lot lines to incorporate the subject parcel with that parcel(s) identified in rezoning application R(C)-06-09 before approval of any final site plan for the subject property. The subject property shall be subject to proffer 4 accepted for R(C)-06-09, which is as follows: The applicant/owner agrees that the property subject to R(C)-06-09 shall be used exclusively as a hotel or motel (SIC 701) with accessory uses and structures as permitted by section 14-100 et. Seq. of the Zoning Ordinance. The applicant/owner further agrees that the number of guestrooms provided by the hotel shall not exceed 90.

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

Council Member Ward, on a motion seconded by Council Member Collins, moved to approve R(C)-07-30 with proffers, as presented.

There was no discussion.

On the motion to approve R(C)-07-30 with proffers as presented, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward, and Willis.

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

07-O-188 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE CONDITIONAL REZONING OF 0.225 ACRES, LOCATED ON THE EASTERN SIDE OF GUM ROAD AT ITS INTERSECTION WITH ELIZABETH HARBOR DRIVE IN THE WESTERN BRANCH BOROUGH, FROM R-15s, RESIDENTIAL DISTRICT TO B-2 GENERAL BUSINESS DISTRICT (R(C)-07-30).

G. **UP-07-45 PROJECT: Allout Cycles, Chesapeake** APPLICANT: Allout Cycles, Hampton AGENCY: Hoggard-Eure Associates, PC PROPOSAL: A conditional use permit to allow a recreational vehicle dealership specializing in personal watercraft, all terrain vehicles and motorcycles on a 2 acre parcel. ZONE: B-2, General Business District SIC CODE: 556 LOCATION: 108 Kempsville Road TAX MAP SECTION/PARCEL: 0482001000571 BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. The applicant/owner agrees to limit the hours of operation to 9:00 am to 7:00 pm Monday through Friday and 9:00 am to 5:00 pm on Saturday. There will be no Sunday hours of operation.
2. The applicant/owner agrees to construct an 8 foot privacy fence along the western property line bordering the adjacent residentially zoned property.
3. The applicant/owner agrees that all repairs shall be conducted indoors with garage bay doors closed.
4. The applicant/owner agrees to remove the word warehouse from the final site plan.
5. The applicant/owner agrees that one-half of a 50' right-of-way shall be dedicated along the parcel's frontage to Kempsville Road in accordance with Public Works requirements prior to final site plan approval.
6. The applicant/owner agrees to construct an 8' decorative privacy fence along the western property line bordering the adjacent residentially zoned property in accordance with the Zoning Ordinance and to preserve the natural vegetative growth.

City Clerk Moore identified the following speakers in support of Public Hearing Item **(G)**:

Raeford Eure, 901 Port Centre Parkway, Portsmouth, representing Allout Cycles.

Morris Hansin, 2537 Bridge Road, Suffolk, representing Allout Cycles.

David Hansin, 2533A Bridge Road, Suffolk, representing Allout Cycles.

Leonard L. Clark, Jr., 2403 Southern Pines Drive, representing Allout Cycles.

City Clerk Moore identified the following speakers in opposition to Public Hearing Item **(G)**:

Louis Murden 113 Taxus Street, representing self, declined to speak.

Steven Collett, 113 Taxus Street, representing self.

Sharlene Murden, 113 Taxus Street, representing self.

Mayor Edge called Mr. Eure back to the podium to address questions.

Mayor Edge asked Mr. Eure if noise had been a problem at the business's other location, and if the proposed business would be open on Sundays. Mr. Eure stated that noise had not been an issue from nearby neighbors and that there would be no business hours on Sunday. He deferred to Mr. David Hansin who advised that there would be no cycles at the proposed location, only watercraft and all terrain vehicles (ATV).

Council Member Collins asked Planning Director Nielson if the business wanted to operate on Sunday, would they have to appear before City Council with revised stipulations. Mr. Nielson stated that was correct.

Council Member Collins asked Mr. David Hansin if there would be a Public Address System (PA) located outdoors. Mr. Hansin stated that the business had no need for an outdoor PA system. Council Member Collins then asked Mr. Hansin to explain decorative fencing. Mr. Hansin stated that decorative fencing would be "as determined by the Planning Department."

Council Member Collins inquired whether or not the decorative fencing would be sufficient. City Attorney Hallman advised that Council could add stipulations if they wanted to do so.

Council Member Ward asked if there would be Sunday events at the proposed location like at the Hampton store. Mr. Morris Hansin reiterated that there would be no Sunday operations at the proposed location.

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of UP-07-45 with amended stipulations as follows:

1. The applicant/owner agrees to limit the hours of operation to 9:00 am to 7:00 pm Monday through Friday and 9:00 am to 5:00 pm on Saturday. There will be no Sunday hours of operation including special events.
2. The applicant/owner agrees to construct an 8 foot privacy fence along the western property line bordering the adjacent residentially zoned property.
3. The applicant/owner agrees that all repairs shall be conducted indoors with garage bay doors closed.
4. The applicant/owner agrees to remove the word warehouse from the final site plan.
5. The applicant/owner agrees that one-half of a 50' right-of-way shall be dedicated along the parcel's frontage to Kempsville Road in accordance with Public Works requirements prior to final site plan approval.
6. The applicant/owner agrees to construct an 8' decorative privacy fence along the western property line bordering the adjacent residentially zoned property in accordance with the Zoning Ordinance as approved by the Planning Director and to preserve the natural vegetative growth.
7. No external Public Address system will be installed.

There was additional discussion between Council Members and Mr. Hansin concerning the types of motorcycles that would be sold at the proposed location. Mr. Morris Hansin advised that Victory cycles would not be sold at the Chesapeake site, but some cycles from a new line the company will carry would be sold there.

Mr. Murden approached the podium and asked that Council Members amend the weekday closing time to 6:00 p.m. instead of 7:00 p.m.

Council Member Willis, on a motion seconded by Council Member Hayes, moved that Stipulation 1 be amended by changing the closing time Monday – Friday from the closing time be amended from 7:00 p.m. to 6:00 p.m.

Council Member Ward asked Mr. Morris Hansin if the closing time change proposed would impact the business. Mr. Hansin stated it would as some customers were unable to get to the store by 6:00 p.m. There was additional discussion between Mr. Murden and Council Members on the closing time.

On the motion to amend the closing time Monday – Friday from 7:00 p.m. to 6:00 p.m., voting yes: Council Members Hayes, Ward and Willis.

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

The motion to amend the closing time failed.

On the original motion to approve UP-07-45 with amended stipulations as previously listed, voting yes: Council Members Adams, Collins, Edge, Ward and Willis.

Voting no: Council Members Hayes and Krasnoff. (Council Members de Triquet and Parker excused)

H. UP-07-43 PROJECT: Grassfield Substation APPLICANT: Virginia Electric and Power Company **AGENCY:** MacDonald, Plumlee & Overton, PC **PROPOSAL:** A conditional use permit to allow an electrical power substation on approximately 3.8 acres. The applicant has also requested an alternative parking surface in accordance with section 19-406.c of the Zoning Ordinance. **ZONE:** R-15, Residential District **SIC CODE:** 4911 **LOCATION:** 1777 Cedar Road **TAX MAP SECTION/PARCEL:** 0460000000372, 0460000000361 **BOROUGH:** Deep Creek

The Planning Commission recommends approval with an alternative parking surface in accordance with section 19-406.C.1 of the Zoning Ordinance and with the following stipulations:

1. The applicant/owner agrees to provide an 8 foot opaque fence around the perimeter of the site. The design of the fence shall be subject to approval by the Planning Director or designee and shall be approved prior to final site plan approval.
2. The applicant/owner agrees to provide and maintain a 30 foot wide tree preservation and/or reforestation area around the perimeter of the site in accordance with the City of Chesapeake's Reforestation Guidelines dated 2/23/05. The reforestation plan shall be subject to the approval of the City Arborist and approved prior to final site plan approval. Plant materials required in the approved reforestation plan shall be installed subject to the approval of the City Arborist prior to issuance of a certificate of occupancy.

3. The applicant/owner shall provide a City standard commercial entrance with a minimum 75' of paved road adjacent to the entrance. The 75' of paved surface shall be measured from the back of the entrance apron and not from the right-of-way line as shown on the revised preliminary plan. This improvement shall be shown on the final site plan and constructed according to Public Works requirements.
4. The applicant/owner agrees to remove the existing power transmission poles on the property at the time of construction of the new substation.

City Clerk Moore identified the following speakers in support of Public Hearing Item **(H)**:

Max Bartholomew, 4901 Princess Anne Road, Virginia Beach, representing Dominion-Virginia Power.

Paul Matthews, 1330 Club House Drive, representing Dominion-Virginia Power.

Bobby Gettier, 701 Pinehurst Drive, representing Dominion-Virginia Power.

Ken Barker, 12201 Country Creek Way, Glen Allen, Virginia, representing Dominion-Virginia Power.

Robert G. MacDonald, 620 Cedar Road, representing Dominion-Virginia Power.

Jessie A. Williams, 805 Water Elm, representing Hampton Roads Chesapeake Division Chamber of Commerce.

Don Goldberg, 2115 Portlock Road, representing self.

Vanessa Dallas, 2928 Estates Drive, Virginia Beach, representing Dallas Properties, Inc. and Chesapeake Development of Hampton Roads, Inc., spoke on Public Hearing Item (H).

City Council recessed at 9:30 p.m. and reconvened at 9:48 p.m.

City Clerk Moore identified the following speakers in opposition to Public Hearing Item **(H)**:

David Phillips, 440 Faire Chase, representing self and Dr. Gibson.

Madonna Bassa, 408 Elliston Way, representing Mariner's Point.

Joan Hanson, 1830 Landsing Crest Lane, representing self.

William Davis, 1735 Cedar Road, representing self.

Misty Phillips, 440 Faire Chase, representing self and mother.

Karen Evans, 1783 Cedar Road, representing self.

Debbie Billips, 1793 Cedar Road, representing self.

Norman March, 1772 Cedar Road, representing Grassfield Baptist Church.

Reverend Bobby Fenner, 1941 Lancing Crest Lane, representing self.

Thomas A. Reeves, 1119 Shillelagh Road, representing self.

Dr. Ruth V. Burgess, 403 Elliston Way, representing Mariner's Point.

Dr. Stanley M. Burgess, 403 Elliston Way, representing Mariner's Point.

Robert Bossa, 408 Elliston Way, representing self.

William Jones, Jr., 796 Shillelagh Road, representing self.

Bill Myers, 401 Bracey Way, representing self.

Adele Myers, 401 Bracey Way, representing self.

Leonard McCoy, 1701 Bluecastle Way, representing self.

Sheree Best, 3901 Savannah Drive, representing self.

Mayor Edge recognized those in support of the application asking them to stand. Approximately 25 people stood.

Mayor Edge recognized those in opposition to the application asking them to stand. Approximately 75 people stood.

There was discussion between Council Member Collins and Planning Director Nielson concerning the need for the use permit, use permit expirations, The Comprehensive Plan, infrastructure needs, emission fields and other potential sites for the substation.

Council Member Collins asked that Mr. Barker come to the podium to address the use of the proposed site.

Mr. Barker stated that two 75' structures would be removed off the site and one would be erected. The area of the transformer would be fenced; however, the top of the transformer would still be visible from the street. Dominion Virginia Power would be planting enhanced landscaping on the site. Mr. Barker advised that if approved, the substation would be operational by Summer 2008.

Council Member Collins, on a motion seconded by Council Member Willis, moved approval of UP-07-43 with stipulations, alternative parking surface, and amended stipulation #1 to read:

1. The applicant/owner agrees to construct a minimum ten foot enclosure around the substation and related equipment within the interior of the site and a gate constructed of opaque material. The enclosure shall be concrete with a brick appearance and shall be approved by the Planning Director or designee and constructed before approval of a certificate of occupancy.

Council Member Krasnoff asked Mr. MacDonald to the podium to address several questions.

Council Member Krasnoff stated that Mr. Reeves had offered acreage under power lines for the project and asked why Mr. Reeves' property could not house the transformer. Mr. MacDonald deferred to Mr. Paul Matthews of Dominion-Virginia Power, who stated that there was a transformer already in place in that vicinity and that Mr. Reeves' site was not suitable as a sub-station site. Mr. Matthews and Mr. MacDonald further reiterated that all possible sites had been reviewed.

Council Member Krasnoff asked about a contingency plan if the application were not approved.

Mr. Barker returned to the podium to address the urgency of the sub-station and stated that if the site was not approved, two flat bed trucks with mobile transformers would be placed on the site and fenced.

Council Member Krasnoff asked Mr. MacDonald to address the real estate assessment impact to residents in the proposed area. Mr. MacDonald stated that only one site would be impacted by the sub-station and the Real Estate assessor would be unable to state that there would be a negative impact to property and the substation would be going into an existing corridor.

Council Member Krasnoff asked City Manager Harrell if the proposed application was part of Emergency Preparedness procedures. Mr. Harrell stated that reliability of services during emergencies was a major concern and that staff supported the application.

Council Member Krasnoff asked City Attorney Hallman if there was a possible health liability issue for the City. City Attorney Hallman stated that it was not, but Dominion Virginia Power may need to respond to the question. Mr. Don Koonce, Dominion Virginia Power, came to the podium to discuss electric magnetic fields (EMF). Mr. Koonce explained how the electric magnetic fields were measured and discussed recent scientific findings. He stated that the Virginia Department of Health had concluded that there was no conclusive evidence of increased levels of cancer from EMF and he had measured the levels at the proposed site and along the corridor. There were no significant levels found and the levels were below the World Health Organizations' acceptable levels.

There was discussion between Council Members Willis and Ward and Virginia Dominion Power representatives on the voltage in the Cedar Road lines, the Bower's Hill substation, and how transfer stations operated.

On the motion to approve UP-07-43 with amended stipulations and the alternative parking surface, voting yes: Council Members Adams, Collins, Hayes, Krasnoff, Ward and Willis.

Voting no: Mayor Edge (Council Members de Triquet and Parker excused)

I. **UP-07-42** **PROJECT:** **Southgate Plaza Cingular Monopole**
APPLICANT: Cingular Wireless **AGENCY:** Bowman, Green, Hampton, & Kelly, PLLC **PROPOSAL:** A conditional use permit to allow a 150 foot monopole communication tower on 7000 square foot leased parcel behind the Southgate Plaza Shopping Center. **ZONE:** B-2, General Business District **SIC CODE:** 48
LOCATION: 2309 Bainbridge Blvd. **TAX MAP SECTION/PARCEL:** 1390000001910 **BOROUGH:** South Norfolk

The Planning Commission recommends denial.

City Clerk Moore identified the following speakers:

Glen Hampton, 501 Independence Parkway, representing Cingular/AT&T, spoke in support of Public Hearing Item **(I)** and requested a 30-day continuance.

Kevin Amick, 1528 Chesapeake Avenue, representing south Norfolk Civic League, declined to speak.

Council Member Collins, on a motion seconded by Council Member Ward, moved to continue UP-07-42 to the January 15, 2008 City Council meeting.

There was no discussion.

On the motion to continue UP-07-42 to the January 15, 2008 City Council meeting, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Council Members de Triquet and Parker excused)

J. UP-07-37 PROJECT: Autobell Car Wash at Greenbrier Mall
APPLICANT: CAH Holdings, LLC AGENCY: Hassell & Folkes, PC PROPOSAL: A conditional use permit to construct and operate an automated car wash facility.
ZONE: Greenbrier PUD; Land Use Designation C-Commercial SIC CODE: 7542 LOCATION: 1024 Eden Way North; Northwest intersection of River Birch Run and Eden Way North TAX MAP SECTION/PARCEL: 0280000000800
BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. As agreed upon by the applicant/owner, the proposed car wash facility building shall be constructed in a manner consistent with the materials, colors, and design of the facility that is shown on the attached exhibit, stamp-dated November 2, 2007, as determined by the Planning Director or designee. (A colored version has been included in the Planning Commission package.) In the event that the final building design and architectural details are found to be inconsistent with what has been offered, the applicant/owner shall make necessary changes, as required by the Director of Planning or designee, prior to approval of the final site plan.
2. As agreed upon by the applicant/owner, enhanced landscaping with double the typical density and evergreen/screening vegetation shall be installed adjacent to the entrance and exit of the drive-thru car wash, as determined appropriate by the City Arborist in coordination with the Planning Director or designee.
3. As agreed upon by the applicant/owner, all lighting shall be directed inward and downward, and away from public rights-of-way.
4. As agreed upon by the applicant/owner, the hours of operation shall be within the hours 7:00 a.m. to 8:00 p.m., seven days a week.

City Clerk Moore identified the following speakers in support of Public Hearing Item **(J)**.

James R. Bradford, 325 Volvo Parkway, representing Hassell & Folkes, P.C.

Chuck Howard, 1521 East Third Street, Charlotte, North Carolina, representing Autobell Car Wash.

Carl Howard, 1521 East Third Street, Charlotte, North Carolina, representing Autobell Car Wash.

John Grieger, 963 Providence Square Shopping Center, Virginia Beach, representing self.

Sandra Stevens, 1215 Volvo Parkway, representing self, was not present when called.

Council Member Adams, on a motion seconded by Council Member Ward, moved approval of UP-07-37 with stipulations as presented.

Council Members Adams and Ward offered comments supporting the proposed application and noted that nearby residents had expressed support for the project.

Mayor Edge asked Planning Director Nielson why the Planning staff had recommended denial. Mr. Nielson stated that staff was concerned about the proposed location and its appropriateness next to a premier retail operation.

Council Member Collins stated that he concurred with the Planning staff's recommendation of denial and would not support the application.

There was no further discussion.

On the motion to approve UP-07-37 with stipulations as presented, voting yes: Council Members Adams, Ward and Willis.

Voting no: Council Members Collins, Edge, Hayes and Krasnoff. (Council Members de Triquet and Parker excused)

The motion for approval failed.

K. **ST.C-07-06 PROJECT: Old Barnes Road Street Closure** APPLICANT: Joseph Haskell PROPOSAL: A street closure request for a 12,069 SF area of Old Barnes Road-paper street (formerly Oak Street) and adjacent excess right-of-way, extending approximately 147 feet west from its intersection with Bainbridge Boulevard and immediately north of 2002 Bainbridge Boulevard. ZONE: Adjacent to B-1, Neighborhood Business LOCATION: West of Bainbridge Boulevard and north of 2002 Bainbridge Boulevard TAX MAP SECTION/PARCEL: Adjacent to 1390000001000 BOROUGH: South Norfolk

The Planning Commission recommends approval with the following stipulations:

1. A Public Water and Sewer Easement is reserved from this right-of-way closure. The said easement width shall be the existing right-of-way width and shall be reflected in all plats and development site plans. This easement may be preserved by deed using the Department of Public Utilities standard Deed of Easement document.

2. There shall be no paved parking spaces over any pressurized pipes within the area of the right-of-way to be closed, as approved by the Department of Public Utilities.
3. A 15-foot Sanitary Sewer Easement is reserved for the Hampton Roads Sanitation District (HRSD), as shown on the Physical Survey stamp-dated November 1, 2007, from this right-of-way closure. The said easement shall be reflected in all plats and development site plans. This easement may be preserved by deed, using an acceptable HRSD Deed of Easement document.
4. Any structural improvements to be made within the area of the vacated right-of-way shall be coordinated with the Department of Public Utilities to ensure that all easement requirements are satisfied.
5. The proposed street closure shall not include the necessary right-of-way width for Bainbridge Boulevard adjacent to the street closures of Old Barnes Road and Oak Street. The ultimate width of Bainbridge Boulevard shall be in accordance with Public Works requirements.

City Clerk Moore identified the following speakers:

Joe Haskell, 3325 E. Ocean View Avenue, Norfolk, representing self, spoke in support of Public Hearing Item **(K)** and requested a 60-day continuance.

Kevin Amick, 1528 Chesapeake Avenue, representing South Norfolk Civic League, spoke in opposition to Public Hearing Item **(K)**.

Council Member Hayes, on a motion seconded by Council Member Ward, moved to continue ST.C-07-06 to the February 19, 2008 City Council meeting.

There was no discussion.

On the motion to continue ST.C-07-06 to the February 19, 2008 City Council meeting, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Council Members de Triquet and Parker excused)

L. **CP-07-04** A RESOLUTION AMENDING THE 2026 CHESAPEAKE COMPREHENSIVE PLAN TO MODIFY THE PROFFER POLICY BY ADJUSTING THE MAXIMUM AMOUNT OF ANTICIPATED VOLUNTARY CASH PROFFERS FOR SCHOOLS, ROADS, LIBRARIES, AND EMERGENCY SERVICES.

The Planning Commission recommends denial

City Clerk Moore identified the following speaker in opposition to Public Hearing Item **(L)**:

Claudia Cotton, 2117 Smith Avenue, representing Tidewater Builders' Association, declined to speak when called.

City Manager Harrell requested that the resolution be continued to June 17, 2008 for further review.

Council Member Ward, on a motion seconded by Council Member Collins, moved to continue CP-07-04 to the June 17, 2008 City Council meeting.

There was no discussion.

On the motion to continue CP-07-04 to the June 17, 2008 City Council meeting, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Council Members de Triquet and Vice Mayor Parker excused)

NON-PLANNING PUBLIC HEARING ITEM

M. AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62 OF THE CHESAPEAKE CITY CODE, ENTITLED, "SOLID WASTE," BY ADDING SECTION 62-66 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.

RECOMMENDED ALTERNATIVE:

#07-O-189 AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62 OF THE CHESAPEAKE CITY CODE, ENTITLED "SOLID WASTE," SECTIONS 62-57(a), 62-58(c), 62-61, AND 62-65 THEREOF, TO CLARIFY THE AVAILABILITY OF CITY REFUSE COLLECTION SERVICES, AND ADDING SECTION 62-66 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

City Clerk Moore identified the following speakers in support of Public Hearing Item **(M)**:

Tony Thiel, One Commercial Place #1800, Norfolk, representing Southeastern Public Service Authority (SPSA).

John Hadfield, Regional Building, Chesapeake, representing SPSA.

Scott Rigel, Freedom Automotive, 1769 South Military Highway, representing SPSA.

Jeff Clunie, R. W. Beck, Boston, MA, representing SPSA, was available for questions.

Andy Damiani, Suffolk, representing SPSA.

Don Goldberg, 2115 Portlock Road, representing self.

City Clerk Moore identified the following speakers in opposition to Public Hearing Item **(M)**:

Rob Clendenin, 3016 Yadkin Road, representing Virginia Waste Industries Association.

Michael Devine, 1000 Bank of America Center, Norfolk, representing Tidewater Multifamily Housing Council and S. L. Nusbaum Realty Company.

City Manager Harrell presented the item.

Council Member Collins, on a motion seconded by Council Member Willis, moved approval of the Alternative Ordinance, with an effective date of January 1, 2008 and omitting "Inc.," at the end of "Southeastern Public Service Authority".

Council Member Krasnoff requested that the motion be amended to include a statement that any savings from Flow Control be directed to a Real Estate Rate reduction.

Council Member Collins stated that he did not wish to include that statement in the motion.

Council Member Krasnoff questioned the need to make a decision and suggested that a continuance be considered for further review.

City Manager Harrell stated that staff had reviewed the alternative ordinance and were ready to move forward. He did not think there was any advantage in further review.

Council Member Krasnoff, moved to amend the pending motion by adding language that any savings from Flow Control, no matter how small, be directed as a Real Estate Tax Rate reduction. The motion failed for lack of a second.

Council Member Willis spoke on moving forward with action on the ordinance, support of directing savings to Real Estate Tax Rate reductions, and also directing savings to implementing recycling with large bins.

Council Member Krasnoff asked Mr. Hadfield if the ordinance would guarantee no out of state trash acceptance by SPSA. Mr. Hadfield stated that the SPSA Board had adopted a resolution with an effective date of July 1, 2008, to not accept any out of state trash.

There was no further discussion.

On the motion to approve the Alternative Ordinance, with an effective date of January 1, 2008 and omitting "Inc.," at the end of "Southeastern Public Service Authority", voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Council Members de Triquet and Parker excused)

CITIZENS COMMENTS ON REGULAR AGENDA ITEMS ONLY

City Clerk Moore identified the following speakers:

Willie L. Brown, 1301 Maters Court, representing the Virginia Scholarship and Youth Development Foundation, spoke in support of Old and New Business Item **(A)**.

G. Paylor Spruill, 4001 S. Military Highway, representing Truxton Development, LLC., spoke in support of City Manager Item **(3)**.

CONSENT AGENDA

City Clerk Moore read the Consent Agenda into the record.

Council Member Ward, on a motion seconded by Council Member Willis, moved to approve the Consent Agenda as presented.

There was no discussion.

On the motion to approve the Consent Agenda as presented, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Council Members de Triquet and Parker excused)

City Attorney Item

(1) **#07-R-079** RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE A MEMORANDUM OF AGREEMENT RENEWING THE HAMPTON ROADS REGIONAL STORMWATER MANAGEMENT PROGRAM FOR PURPOSES OF IMPLEMENTING REGIONAL GOALS IN THE MANAGEMENT OF STORMWATER QUANTITY AND QUALITY.

REGULAR AGENDA

City Manager's Items

(1) **#07-O-190** REQUEST FOR APPROPRIATION OF \$1,334,283 IN ADDITIONAL BRIDGE AND ROADWAY MAINTENANCE FUNDS FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION – DEPARTMENT OF PUBLIC WORKS

City Manager Harrell presented the item requesting adoption as an emergency action.

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

There was no discussion.

On the motion to approve the Ordinance as presented and as an emergency action, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Council Members de Triquet and Parker excused)

(2) CONSIDERATION OF A LEGISLATIVE INITIATIVE REQUESTING AN EXEMPTION FROM THE MORATORIUM AGAINST COMMITMENT OF STATE FUNDS FOR BUILDING OR ENLARGING JAIL FACILITIES – CITY MANAGER'S OFFICE

City Manager Harrell presented the item.

Council Member Ward, on a motion seconded by Council Member Willis, moved approval of inclusion of a Legislative Initiative to the City's 2008 Legislative Package, as presented.

There was no discussion.

On the motion to approve the Legislative Initiative as presented, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Council Members de Triquet and Parker excused)

(3) **#07-R-080** CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF CHESAPEAKE REGARDING THE SOUTH NORFOLK BELHARBOUR WATERFRONT COMMUNITY DEVELOPMENT AUTHORITY PROPOSED BY TRUXTON DEVELOPMENT L.L.C. – CITY MANAGER'S OFFICE

Mayor Edge stated that he would abstain from discussions and voting on the item as he had past business dealings with the developer of the property.

Mayor Edge relinquished the gavel to Council Member Krasnoff.

City Manager Harrell presented the item.

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

There was no discussion.

On the motion to approve the Resolution as presented, voting yes: Council Members Adams, Collins, Hayes, Ward and Willis.

Voting no: Council Member Krasnoff (Mayor Edge abstained) (Council Members de Triquet and Parker excused)

Council Member Krasnoff relinquished the gavel back to Mayor Edge.

(4) CITY MANAGER UPDATES

City Manager Harrell stated he had no updates for City Council members at that time.

City Attorney Item

(2) **#07-R-081** RESOLUTION REQUESTING THE PLANNING COMMISSION TO CONSIDER AND MAKE RECOMMENDATIONS CONCERNING PROPOSED AMENDMENTS TO THE CHESAPEAKE LANDSCAPE ORDINANCE, SECTIONS 19-600 THROUGH 19-610 OF THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR ENHANCED LANDSCAPING AND CLARIFY REQUIREMENTS FOR CANOPY COVERAGE.

City Attorney Hallman presented the item.

Council Member Willis asked that City Attorney Hallman draft an item on expanded canopy requirements. She further requested that City Manager Harrell assign the Legislative Analyst the task of finding a patron in the General Assembly to sponsor the jail moratorium and canopy coverage items and obtain permission to amend the ordinances.

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

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

Voting no: None (Council Member de Triquet and Parker excused)

OLD AND NEW BUSINESS

A. CONSIDERATION OF A FUNDING REQUEST OF \$5,000 FROM THE CITY COUNCIL CONTINGENCY FUND FOR THE VIRGINIA SCHOLARSHIP & YOUTH DEVELOPMENT FOUNDATION - COUNCIL MEMBER WARD

December 18, 2007

Council Member Ward presented the item.

Council Member Ward, on a motion seconded by Council Member Adams, moved approval of a City Council Contingency Fund transfer of \$5,000 to the Virginia Scholarship and Youth Development Foundation.

There was no discussion.

On the motion to approve a City of Chesapeake Council Contingency Fund transfer of \$5,000 to the Virginia Scholarship and Youth Development Foundation, as requested, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Council Members de Triquet and Parker excused)

COMMITTEE REPORTS/OLD AND NEW BUSINESS - COUNCIL

Mayor Edge wished Vice Mayor Parker a speedy recovery.

Council Member Ward had spoken with Vice Mayor Parker earlier in the evening and wished him a speedy recovery.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 12:41 a.m.

/dah

Mayor

Attest:

City Clerk