

A Regular Work Session of the Chesapeake City Council was held January 15, 2008, at 5:00 p.m., in the City Hall Building, 306 Cedar Road.

Present: Council Member Rebecca Adams
Council Member Bryan Collins (arrived at 5:13 p.m.)
Council Member Clifton E. Hayes, Jr.
Council Member Alan P. Krasnoff
Council Member Ella Ward
Council Member Patricia Pritchard Willis

Absent: Council Member John M. de Triquet (excused)
Mayor Dalton S. Edge (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, Finance Director Nancy Tracy, Economic Development Director Stephen Wright and other staff members.

Also Present: Ken Powell, Stone & Youngberg and John Bates, McQuire Woods

The Following Topics were discussed during the Work Session:

- 1) Belharbour
- 2) City Manager Updates

The Work Session adjourned at 5:57 p.m.

/dah

A Regular Meeting of the Chesapeake City Council was called to order by Mayor Dalton S. Edge on January 15, 2008, at 6:30 p.m., in the City Hall Building, 306 Cedar Road.

INVOCATION: Dr. A. Wayne Cook, Pastor, Elizabeth River Baptist Church

PLEDGE OF ALLEGIANCE: Council Member Bryan Collins

ROLL CALL BY CLERK OF COUNCIL:

Present: Council Member Rebecca Adams
Council Member Bryan L. Collins
Council Member John M. de Triquet (excused at 11:00 p.m.)
Mayor Dalton S. Edge
Council Member Clifton E. Hayes, Jr.
Council Member Alan P. Krasnoff
Council Member Ella P. Ward
Council Member Patricia Pritchard Willis

Absent: 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, Assistant City Attorney Grady Palmer, City Clerk Dolores Moore, Planning Director Brent Nielson, and other staff members.

APPROVAL OF MINUTES

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

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

City Clerk Moore identified the following speakers in support of Public Hearing Item **(D)** prior to the presentation of the public hearing items:

Craig Shaffer, 400 Albemarle Drive, representing self.

Shawn Pollard, 400 Albemarle Drive, representing self.

Tameka Hatcher, 400 Albemarle Drive, representing self.

William Hargather, 400 Albemarle Drive, representing self.

PUBLIC HEARING ITEMS

A. 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 (Continued from the December 18, 2007 City Council Meeting)

The Planning Commission recommends denial.

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

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

Charles B. Wolfe, 833 Washington Drive, representing self.

Jimmy Berry, 517 Bells Hollow Court, representing self.

Council Member Collins, on a motion seconded by Council Member Hayes, moved to approve R(C)-04-05 (REV 09/07) with revised proffers as submitted:

~~1. Bells Hollow Condominiums shall be an age-restricted adult community as follows and be in full compliance with the Federal Fair Housing Act:~~

~~a) 100% of the occupied residential units in Bells Hollow shall at all times have as a permanent resident at least one person who is 55 years of age or older ("qualifying occupant"); provided in the event of the death of a person who was the sole qualifying occupant, the spouse of such qualifying occupant may continue to occupy the residential unit as long as the provisions of the Fair Housing Act (42 U.S.C. § 3602 et seq.) relating to "housing for older persons," and all regulations promulgated there under, are not violated. For purposes of this article, a "qualifying occupant" must establish residency and actually reside in the unit for at least six (6) months during every calendar year.~~

~~b) No residential unit shall be occupied by any person under the age of 18 under any circumstances. For purposes of this article, a residential unit is deemed "occupied" by any person who stays overnight in the unit for more than 21 days in any 60 day period or for more than 30 days in any 12 month period.~~

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

~~d) Specific provisions of the age restriction described~~

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

2. The owner/applicant agrees that the subject development shall be improved as a single family detached condominium community as generally shown on the preliminary site plan dated May 26, 2004 and shall not exceed twenty (20) units. The term "unit" shall be recognized as a 10,000 S.F. minimum area of land, upon which one principal residential structure may be placed. The area of land or unit described above shall be utilized to establish distances between structures and setbacks equal to or exceeding those which would otherwise be required in an (R-10S) Zoning District.
3. The owner/applicant agrees that the primary materials to be used on the front, sides and rear of all residential dwellings shall consist of brick, masonry (stone), hardi-plank 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 materials shall be presented to and accepted by the Planning Director or designee prior to final construction plans approval.
4. The owner/applicant agrees that the portion of the Resource Protection Area not essential for the provision of the minimum 10,000 S.F. "unit" areas for improvement shall be deeded to the Homeowners Association as a preservation area. Such preservation area shall not be considered as one of the twenty units identified in Proffer #2 above. Such preservation area shall serve to function as a visual buffer between the communities of Bells Hollow and Las Gaviotas and remain vegetated in its present state. This provision shall not apply to the provision of services as required by the City of Chesapeake. The preservation area shall be presented to and accepted by the Planning Director, or designee, prior to construction plans approval.
5. The owner/applicant agrees that the ultimate development of the subject property shall be as generally shown on the preliminary site plan dated May 26, 2004. Such preliminary site plan shall not be construed as being exact in presentation and shall be subject to preliminary site plan review and approval; however, the applicant shall dedicate the ultimate right-of-way on Washington Drive as depicted on

the preliminary site plan and as required by the Department of Public Works, prior to final construction plan approval.

a) The applicant/owner agrees to design and construct dual left turn lane improvements with the necessary traffic signal modifications for the north bound traffic on Waters Road at the intersection with Cedar Road in accordance with the Department of Public Works requirements prior to issuance of a building permit for the tenth residential dwelling

b) 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 \$949.03 per residential 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 on a unit by unit basis as residential building permits are issued.

c) 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 \$642.34 per residential 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 on a unit by unit basis as residential building permits are issued.

d) 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 \$10,672.03 per residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution on a unit by unit basis as residential building permits are issued. The cash contribution shall be deposited into the City of Chesapeake's School "lock

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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.

Council Member Willis commented on the revised proffer statement and school population, noting her support for the elimination of age restriction for the project.

There was no further discussion.

On the motion for approval of R(C)-04-05 (REV 9/07) with revised proffers as submitted, voting yes: Council Members Collins, Edge, Hayes, Ward and Willis.

Voting no: Council Members Adams, de Triquet and Krasnoff. (Vice Mayor Parker excused)

#08-O-004 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR AN AMENDMENT TO THE PROFFER STATEMENT OF R(C)-04-05, BELLS HOLLOW CONDOMINIUMS, LOCATED AT 636 WASHINGTON DRIVE, CHESAPEAKE, VIRGINIA, IN THE PLEASANT GROVE BOROUGH, TO ELIMINATE THE AGE-RESTRICTION REQUIREMENT (PROFFER 1) AND TO AMEND THE APPROVED BUILDING MATERIALS.

B. 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 (Continued from the December 18, 2007 City Council Meeting)

The Planning Commission recommends approval with the following proffers:

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.

The Planning Commission recommends denial.

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

James A. Leftwich, Jr., 308 Cedar Lakes Drive, representing Kempsville Professional Offices, declined to speak when called.

Council Member Collins, on a motion seconded by Council Member Ward, moved to approve R(C)-07-27 with proffers as presented.

Council Member Willis offered comments of support for the proposed application.

There was no further discussion.

On the motion to approve R(C)-07-27 with proffers as presented, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Ward, and Willis.

Voting no: None (Vice Mayor Parker excused).

#08-O-005 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE CONDITIONAL REZONING OF 2.421 ACRES, LOCATED AT 624, 630 AND 632 KEMPSVILLE ROAD IN THE WASHINGTON BOROUGH, FROM R-15S SINGLE-FAMILY RESIDENTIAL DISTRICT O & I OFFICE AND INSTITUTIONAL DISTRICT (R(C)-07-27)

C. **R-07-33 PROJECT:** Dave's Cabinet Expansion APPLICANT: Dave's Cabinet, LLC AGENCY: Site Improvements Inc. PROPOSAL: A conventional zoning reclassification of 9± acres from A-1 Agricultural District to M-1, Light Industrial District, for expansion of an existing business. PROPOSED COMP LAND USE & DENSITY: Industrial EXISTING COMP LAND USE & DENSITY: Rural with one dwelling unit per 3 acres of land. LOCATION: 132 Woodworkers Court TAX MAP SECTION/PARCEL: 0970000001060, 0970000001070 BOROUGH: Butts Road

The Planning Commission recommends approval.

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

Council Member de Triquet, on a motion seconded by Council Member Ward, moved to approve R-07-33 as presented.

There was no discussion.

On the motion to approve R-07-33 as presented, voting yes: Council Members Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Ward, and Willis.

Voting no: None (Vice Mayor Parker excused).

#08-O-006 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE CONVENTIONAL REZONING OF APPROXIMATELY 9 ACRES, LOCATED AT 132 WOODWORKERS COURT IN THE BUTTS ROAD BOROUGH, FROM A-1 AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (R-07-33).

D. **R(C)-07-31 PROJECT:** Oakbrooke Crossings APPLICANT: Dragas Associates, Inc. AGENCY: Kaufman & Canoles, PC PROPOSAL: A conditional zoning reclassification of 17.58 acres from R-15s, Residential District to R-MF-1, Residential Multi-family (14.19 acres) and B-1, Neighborhood Business District (3.39 acres). PROPOSED COMP LAND USE & DENSITY: Medium Density Residential EXISTING COMP LAND USE & DENSITY: Medium Density Mixed Use LOCATION: 412, 420, 428, 432, 440, & 442 Clearfield Avenue TAX MAP SECTION/PARCEL: 0480000000961, 0480000000970, 0480000000940, 0480000000941, 0480000000950 BOROUGH: Washington

The Planning Commission recommends approval with the following proffers:

1. The applicant/owners agree to make public right-of-way improvements which shall be reflected on the final site plan as required by the Public Works Director or designee. The applicant/owners agree that these improvements shall include the following:
 - a. Construction of a left turn lane on Clearfield Avenue into the proposed development. The left turn lane shall be designed as a two-way left turn lane to include the existing entrance to Peyton Estates Subdivision. The applicant/owner agrees to complete this improvement before the issuance of any certificate of occupancy.

- b. Construction to extend Lans Way to its intersection with the future Green Tree Road as shown on the 2050 Master Transportation Plan adopted by City Council on March 9, 2005. The extension shall be located and constructed in accordance with the requirements of the Public Facilities Manual and with sufficient and acceptable cul-de-sac turn around as determined by the Director of Public Works or designee. The applicant/owner agrees to complete this improvement before the issuance of any certificate of occupancy.
 - c. The dedication of a 15-foot width of property for right of way along the frontage on Clearfield Avenue. The applicant/owner shall also provide a 1-foot non-ingress/egress easement along the parcel's frontage to Clearfield Avenue excluding the area to be designated for access to Clearfield. This non-ingress/egress easement shall be recorded prior to the issuance of any certificate of occupancy for a residential structure on the property.
 - d. The perpetual reservation of right-of-way, at no cost to the city, for the ultimate construction and extension of Green Tree Road. The location of this improvement shall be as shown on the 2050 Master Transportation Plan adopted by City Council on March 9, 2005. Minor deviation from the 2050 proposed location, as determined by the Director of Public Works, or designee, may be permitted to accommodate the ultimate site design of the development. The reservation required under this proffer shall be recorded by a deed prior to the issuance of any certificate of occupancy for a residential structure within the development.
 - e. Construction of the entrance on Clearfield Avenue immediately east of the proposed B-1 parcel, identified as Tax Map Parcel 048000000940, shall be limited to a right-in/right-out entrance and the location of the entrance shall be constructed in accordance with the Public Facilities Manual.
 - f. Access to the future extension of Green Tree Road from the B-1 zoned parcel shall be restricted to a right-in/right-out entrance. The location of the entrance shall be constructed in accordance with the Public Facilities Manual.
2. The applicant/owners agree to the removal of any above-ground storage tanks, storage drums, petroleum product and/or petroleum contaminated soils in accordance with all local, state, and Federal Solid Waste Management Regulations. Such removal shall be conducted by a Qualified Environmental Professional ("QEP") who shall provide copies of all disposal manifests, tank closure reports, and confirmatory sampling/analysis data to the Department of Public Works Director, or

designee, for review and approval prior to the approval of any erosion and sediment control plans.

3. In consideration of providing 120 affordable multifamily housing units to the City of Chesapeake, the applicant/owners agree to make a cash contribution for the construction or expansion of 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 prior to final site plan approval. The cash contribution shall be deposited in the City of Chesapeake's school lockbox also known as the general fund reserve for school capital construction cost for the affected school district and shall be subject to City Council approval prior to appropriation.
4. The applicant/owners agree that the residential structures constructed on the property shall be substantially similar, as determined by the Director of Planning or designee, to the photographic exhibit date stamped November 28, 2007.
5. The applicant/owners agree that the commercial building to be constructed on the property will be clad to work harmoniously with the residential materials in colors and textures with materials being substantially the same, as determined by the Director of Planning or designee, as those used in the commercial/industrial properties at the Oakbrook Business & Technology Center consisting of one or more of the following: brick, stone, split-face block, tile, metal clad panels, glass and metal storefront systems.

The applicant has offered the following revised proffers:

1. The applicant/owners agree to make public right-of-way improvements which shall be reflected on the final site plan as required by the Public Works Director or designee. The applicant/owners agree that these improvements shall include the following:
 - a. Construction of a left turn lane on Clearfield Avenue into the proposed development. The left turn lane shall be designed as a two-way left turn lane to include the existing entrance to Peyton Estates Subdivision. The applicant/owner agrees to complete this improvement before the issuance of any certificate of occupancy.
 - b. Construction to extend Lans Way to its intersection with the future Green Tree Road as shown on the 2050 Master Transportation Plan adopted by City Council on March 9, 2005. The extension shall be located and constructed in accordance with the requirements of the Public Facilities Manual and with sufficient and acceptable cul-de-sac turn around as determined

- by the Director of Public Works or designee. The applicant/owner agrees to complete this improvement before the issuance of any certificate of occupancy.
- c. The dedication of a 15-foot width of property for right of way along the frontage on Clearfield Avenue. The applicant/owner shall also provide a 1-foot non-ingress/egress easement along the parcel's frontage to Clearfield Avenue excluding the area to be designated for access to Clearfield. This non-ingress/egress easement shall be recorded prior to the issuance of any certificate of occupancy for a residential structure on the property. To the extent that the Applicant/Owners have any prescriptive rights that may be within the existing right-of-way of Clearfield Avenue from the centerline to the property's frontage on Clearfield Avenue, those rights are to be dedicated to the city before the issuance of a Certificate of Occupancy for any residential structure to be constructed on the property.
- d. The perpetual reservation of right-of-way, which will be provided upon demand by the City at no cost to the City, for the ultimate construction and extension of Green Tree Road. The location of this improvement shall be as shown on the 2050 Master Transportation Plan adopted by City Council on March 9, 2005. Minor deviation from the 2050 proposed location, as determined by the Director of Public Works, or designee, may be permitted to accommodate the ultimate site design of the development. The reservation required under this proffer shall be recorded by a deed prior to the issuance of any certificate of occupancy for a residential structure within the development.
- e. Construction of the entrance on Clearfield Avenue to the proposed B-1 parcel, identified as Tax Map Parcel 048000000940, shall be limited to a right-in/right-out entrance and the location of the entrance shall be constructed in accordance with the Public Facilities Manual. The applicant/owners agree to complete this improvement before the issuance of any certificate of occupancy to be issued for commercial uses on the proposed B-1 parcel.
- f. Access to the future extension of Green Tree Road from the B-1 zoned parcel shall be restricted to a right-in/right-out entrance. The location of the entrance shall be constructed in accordance with the Public Facilities Manual.
4. The applicant/owners 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 acquisition of capital assets necessary to the operation of public libraries. The amount of the voluntary cash contribution shall be \$701.45 per residential dwelling unit as shown on the approved final site plan. The applicant/owners agree to make the proffered cash contribution prior to site plan approval.

5. The applicant/owners agree 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 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 \$474.77 per residential dwelling unit as shown on the approved final site plan and shall be paid prior to site plan approval.
6. The applicant/owners agree that it shall include as a term of its Declaration of Condominium and Condominium Association Bylaws that the number of units that may be offered by any owner for rental shall not exceed ten percent (10%) of the total number of units and that any amendment to such provision shall require a unanimous vote by the owners of the units.

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

Shepelle Watkins-White, 524 Johnstown Road, representing Kaufman & Canoles.

Philip A. Shucet, 4538 Bonney Road, Virginia Beach, representing the Dragas Companies.

Megan Moniot, 1523 Shenandoah Parkway, representing self.

Robin Jones, 733 Indian Cedar Drive, representing self.

Candace Larkin, 3335 Clover Meadows Drive, representing self.

Ron Satterfield, 831 Crescent Trace, representing self.

Patrice Ayvazian, 712 Mill Landing Road, representing self.

Sally Horvath, 718 Firehorn Road, representing self.

Julia Smith, 637 Sweet Leaf Place, representing self.

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

Thomas Arrington, 305 Stonewood Court, representing self.

Barbara Coverdale, 604 Clearfield Avenue, representing self.

Samantha Simmons-Conaway, 305 Whitehurst Lane, representing self.

Richard Conaway, 305 Whitehurst Landing, representing self.

Melody Waters, 360 Clearfield Avenue, representing self.

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

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

Bennie Smith, 317 Janes Way, representing self.

Don Thrist, 321 Janes Way, representing self and neighbors.

Council Member Hayes discussed traffic, safety, schools and affordable housing issues, noting his support for the proposed application.

Council Member Hayes, on a motion seconded by Council Member Collins, moved to approve R(C)-07-31 with revised proffers as presented.

Council Member Collins asked Planning Director Nielson to speak to the project's compatibility with the City's comprehensive Plan. Mr. Nielson noted that the application was in keeping with the Comprehensive Plan which advocated mixed use development for the area.

Council Member Collins asked City Attorney Hallman if the application required taking of any adjacent properties to the project. City Attorney Hallman stated that it did not.

Council Member Collins questioned Assistant City Engineer Jay Tate about traffic concerns and road improvements in the proposed area. Mr. Tate stated that the present Level of Service for roads in the area was "C" at the intersection and he found the application to be in compliance with the Level of Service for Roads.

Council Member Ward shared concerns about schools, road problems and the need for quality affordable housing.

Extensive discussion ensued between Council Member Willis and Assistant City Engineer Jay Tate concerning the Green Tree Road extension and future development of Green Tree Road. Mr. Tate stated that the developer had dedicated the required right-of-ways as there was no real need to do construction of Green Tree Road into Clearfield at that time, and had planned landscape buffering for the development. Mrs. Willis then asked Mr. Shucet to the podium to address traffic concerns and the proposed road improvements offered by the applicant. Mr. Shucet reviewed the commercial development plans for the area, which was in keeping with the Comprehensive Plan, noting the dedication of land for the future Green Tree Road extension.

Council Member Krasnoff expressed concerns about an adjacent residence being disturbed by the development and the Green Tree Road extension.

Dr. Krasnoff asked Assistant Engineer Tate to speak to the issue. Mr. Tate advised that the alignment for the Green Tree Road extension was subject to the platted lots of Oakbrooke Business Park which would be difficult to change.

Council Member Krasnoff asked Real Estate Assessor William Rice to the podium to address future values of homes in the area. Mr. Rice stated that his staff did not think the proposed rezoning would negatively impact the area homes.

Council Member Krasnoff inquired about commercial development on Clearfield Avenue. Mr. Nielson stated that the final adopted 2026 Comprehensive Plan designed the area as mixed use with medium density.

There was no further discussion.

On the motion to approve R(C)-07-31 with revised proffers as presented, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward, and Willis.

Voting no: Council Member de Triquet (Vice Mayor Parker excused)

#08-O-007 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE CONDITIONAL REZONING OF 17.58 ACRES, LOCATED AT 412, 420, 428, 432, 440 AND 422 CLEARFIELD AVENUE IN THE WASHINGTON BOROUGH, FROM R-15s RESIDENTIAL DISTRICT TO R-MF-1 RESIDENTIAL MULTI-FAMILY (14.19 ACRES) AND B-1 NEIGHBORHOOD BUSINESS DISTRICT (3.39 ACRES) (R(C)-07-31)

E. **R(C)-07-29 PROJECT: Griffey Rezoning** - 568 Kempsville Road
APPLICANT: Paul M. Griffey, MD AGENCY: Kaufman & Canoles, PC
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

The Planning Commission recommends approval with the following proffers:

1. The Applicant/Owners agree that, the uses of the subject property will be limited to SIC Industry Groups 591, 641, 653, 654, 722, 729, 801-804, 811, 871 or 872, or such similar uses only within these SIC Industry Groups as determined by the Zoning Administrator.
2. The Applicant/Owners agree that the architectural design of any structure constructed on the property will be compatible with the Suburban and Residential character of the surrounding properties as determined by the Planning Director or designee.
3. The Applicant/Owners agree to a stub drive aisle with ingress/egress easement benefiting the adjacent parcel to the northeast with tax map ID 0370000000580 to allow vehicular access to Kempsville Road through the subject property. 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 prior to final site plan approval and the stub drive aisle shall be completed before approval of a certificate of occupancy.
4. The Applicant/Owners agree that there shall be no stand alone restaurant allowed within the building to be constructed on the subject property.

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

Council Member de Triquet, on a motion seconded by Council Member Ward, moved to approve R(C)-07-29 with proffers as presented.

There was no discussion.

On the motion to approve R(C)-07-29 with proffers as presented, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Ward, and Willis.

Voting no: None (Vice Mayor Parker excused).

#08-O-008 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE CONDITIONAL REZONING OF A .621 ACRE PARCEL, LOCATED AT 568 KEMPSVILLE ROAD IN THE WASHINGTON BOROUGH, FROM R-15s RESIDENTIAL DISTRICT TO B-1 NEIGHBORHOOD BUSINESS DISTRICT (R(C)-07-29)

F. **R(C)-07-32 PROJECT: Office for Crossroads Fuels** APPLICANT: Crossroad Properties Inc. AGENCY: Horton & Dodd, PC PROPOSAL: A conditional zoning reclassification of 0.54 acre from A-1, Agricultural District to B-1, Neighborhood Business District for an office building. PROPOSED COMP LAND USE & DENSITY: Office EXISTING COMP LAND USE & DENSITY: Low Density Residential LOCATION: 1441 Fentress Road TAX MAP SECTION/PARCEL: 0610000000780 BOROUGH: Pleasant Grove

The Planning Commission recommends approval with the following proffers:

1. The Applicant/Owners agree that the uses of the subject property will be limited to SIC Industry Groups 571, 641, 654, 653, 722, 729, 801-804, 811, 871 or 872, or such similar uses only within these SIC Industry Groups as determined by the Zoning Administrator. In addition to these uses, any office use may also have a portion of the building used as a showroom for the sale of related items that the business occupying the site as an office may offer as permitted by the Zoning Ordinance.
2. The exiting house on the site has been determined to be unsuitable for redevelopment as an office. The owner will offer the house to any individual or company that would like to move the house to another site for reuse. The cost to move the house must be solely born by the entity accepting the offer.
3. The Applicant / Owner agrees that any building(s) constructed on this site shall be developed to appear residential in nature as exemplified by the architectural rendering entitled "New Office Building for Crossroads Fuel Service, II" dated July 24, 2006, by Crow Architectural Services. In addition, the façade(s) shall be compatible with the architecture for residential homes in the Fentress area. Prior to the issuance of a building permit, architectural plans which indicate the exterior appearance, finishes, and colors of the proposed building shall be

submitted to, and approved by, the Planning Director or designee. The said architectural plans shall be incorporated into the building plans that are approved with the building permit(s).

4. The Applicant / Owner agrees that the parking lot for the development shall be screened from Fentress Road with a streetscape buffer including 30% more plantings that required by Chesapeake's Landscape Architect prior to final approval of a site development plan for this parcel.

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

William E. Ward, 1432 Waterside Drive, representing Ward and Associates.

Greg Dodd, 300 George Washington Highway, North, representing Horton & Dodd, P.C.

Lynn Keffer, 700 Bedford Street, representing Crossroads Fuel Service, Inc.

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

Robert Parker, 4676 South Battlefield Boulevard, representing self.

Maria Parker, 4676 South Battlefield Boulevard, representing self.

Council Member Krasnoff, as Liaison to the Historic Preservation Commission, asked that the project be continued for 30 days to allow City staff to enter the property and do an inspection. Dr. Krasnoff asked Mr. Keffer if there was anyone living in the house. Mr. Keffer responded that there was a family living in the house and he had given them three months to locate another residence. Council Member Krasnoff asked if Mr. Keffer would agree to a 30-day continuance so that staff could review the property. Mr. Keffer stated that he was fine with a 30-day continuance.

Council Member Krasnoff, on a motion seconded by Council Member Ward, moved to continue R(C)-07-32 to the February 19, 2008 City Council meeting.

There was no additional discussion.

On the motion to continue R(C)-07-32 to February 19, 2008, voting yes: Council Members Adams, Collins, de Triquet, Edge, Hayes, Krasnoff, Ward, and Willis.

Voting no: None (Vice Mayor Parker excused).

City Council recessed at 9:10 p.m. and reconvened at 9:23 p.m.

G. **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 (Continued from the December 18, 2007 City Council Meeting)

The Planning Commission recommends denial.

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

Glenn Hampton, 501 Independence Parkway, representing AT&T/Cingular.

Rency Yeatts, 1194 Azalea Garden Road, Norfolk, representing AT&T/Cingular.

Lee Kerlin, 228 Haviland Road, representing AT&T Mobility.

William Cairns, 2537 LeRoy Drive, Virginia Beach, Representing Ronald Deangelis.

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

Gerald Johnson, 1016 Redstart Avenue, representing South Norfolk Civic League.

Council Member Collins asked City Attorney Hallman if he had reviewed the revised stipulations. City Attorney Hallman stated that he had reviewed the revised stipulations and further amended Stipulation #2 of the revised stipulations. Council Member Collins asked Mr. Hampton if his client had reviewed the area one-half mile to the west of the site for a possible location for the monopole. He stated that he had; however, there would be a 30% loss in coverage at that site.

There was discussion between Council Member Collins and Engineer Kerlin, concerning the demand, sensitivity, technology and other possible sites for the monopole.

Council Member Willis asked about placing a flag pole on top of the monopole to conceal the top and if it could be used in this location. Mr. Kerlin stated that Cingular had considered the flag pole monopole, but it would not work in this situation as it minimizes the amount of equipment that can be contained by the structure.

Council Member Collins moved that the application be approved with the stipulations in the staff report and the additional stipulations offered by the applicant and the revised language in the additional stipulations. There was no second.

The motion failed for lack of a second.

January 15, 2008

Council Member Adams requested City Attorney Hallman prepare an initiating resolution to the Planning Commission for review of the current cellular phone towers Ordinance. City Attorney Hallman advised that the resolution would be on the January 22, 2008 meeting agenda.

Council Member de Triquet, on a motion seconded by Council Member Ward, moved to deny UP-07-42.

On the motion to deny UP-07-42, voting yes: Council Members Adams, de Triquet, Edge, Hayes, Krasnoff, Ward and Willis.

Voting no: Council Member Collins (Vice Mayor Parker excused)

H. UP-07-27 PROJECT: Bedford Street Offices APPLICANT: Banks & Salamon, LLC AGENCY: Blakeway Corporation PROPOSAL: A conditional use permit to allow office space for general contractors on 6 acres within the Fentress Overlay District. The applicant also requests an alternative parking surface in accordance with Section 19.406.c.1 of the Zoning Ordinance. ZONE: A-1, Agricultural District SIC CODE: 154 LOCATION: South side of Bedford Street west of Maxwell Street TAX MAP SECTION/PARCEL: Portion of 0630000000310 BOROUGH: Butts Road

The Planning Commission recommends denial.

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

Dorothy Kowalsky, 536 Providence Road, representing Banks and Salamon/CLUE.

Tim Banks, 1830 English Avenue, representing Banks and Salamon/CLUE.

Steve Blevins, 770 Independence Circle, Virginia Beach, representing Banks and Salamon.

Bryant Goodloe, 8808 Adams Drive, East, Suffolk, representing Banks & Salamon.

Ken Kurtz, 430 Maxwell Street, representing self.

Rodney Foster, 2108 Indian Creek Road, representing self.

William Lambert, 1625 Blue Ridge Road, representing self.

William E. Ward, 1432 Waterside Drive, representing self.

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

Beth Thurman, 1004 Bedford Street, representing self and neighbors.

Kara Garnes, 817 Bedford Street, representing self.

Kimberlie Keffer, 600 Maxwell Street, representing self.

Dorothea Besso, 1705 Mt. Pleasant Road, representing self.

Fern Vazquez, 2320 Mt. Pleasant Road, representing self.

Mayor Edge recognized those residents in support of the application. Approximately 10 citizens stood. He then recognized those in opposition to the application; approximately 12 citizens stood.

Council Member de Triquet, on a motion seconded by Council Member Willis, moved to deny UP-07-27.

Council Member Hayes asked Assistant City Engineer Jay Tate to the podium to address the Level of Service for that area of Mount Pleasant Road. Mr. Tate stated that the present Level of Service was "A" and that it would not change with the proposed application.

Council Member Hayes asked Planning Director Nielson to explain the Fentress Overlay District.

Planning Director Nielson stated that the Fentress Overlay District was created in 1990. It allowed for certain light industrial uses with a use permit and no residential uses.

Mr. Banks was asked about the number of employees and the type of trucks he would be using. Mr. Banks stated that he was going to have approximately 40 employees, of which most of them would report directly to the job site. Only five or six would report directly to the office. He further stated that he had mostly vans and single axle dump trucks. Any heavy equipment would be stored behind the building.

There was no further discussion.

On the motion to deny UP-07-27, voting yes: Council Members de Triquet, Edge, Krasnoff, Ward and Willis.

Voting no: Council Members Adams, Collins and Hayes. (Vice Mayor Parker excused)

Council Member de Triquet was excused at 10:55 p.m.

I. **UP-07-46 PROJECT: Primrose School of Deep Creek** APPLICANT: Primrose Schools Franchising Company AGENCY: Resource International LTD PROPOSAL: A conditional use permit for child day care services on 2.2 acres. ZONE: B-2, General Business SIC CODE: 8351 LOCATION: Northwest quadrant of Grassfield Parkway and Cahoon Parkway TAX MAP SECTION/PARCEL: 0460000001670 BOROUGH: Deep Creek

The Planning Commission recommends approval with the following stipulations:

1. The applicant/owner agrees to obtain an ingress/egress easement through the adjacent site of Dominion Commons Shopping Center prior to site plan approval in accordance with Public Works requirements.
2. The applicant/owner agrees that a 20% tree canopy shall be provided.
3. The applicant/owner agrees that trees located within the 20 foot wooded area indicated on the Preliminary Site Plan, Sheet L-1, shall be saved or a 2 to 3 foot curvilinear berm shall be provided to be landscaped as required by the City Arborist.
4. The applicant/owner agrees that an underground sprinkler system shall be installed to maintain the landscaping.

5. The applicant/owner agrees that the ground mounted lighting shall have a black, shoe box fixture.

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

Council Member Krasnoff, on a motion seconded by Council Member Ward, moved to approve UP-07-46 with stipulations as presented.

There was no discussion.

On the motion to approve UP-07-46 with stipulations as presented, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

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

J. UP-07-50 PROJECT: Western Branch Avis Rent-A-Car APPLICANT: Avis Rent-A-Car **AGENCY:** Hoggard-Eure Associates, PC **PROPOSAL:** A conditional use permit to operate a car rental facility within a shopping center on 1.4 acres. **ZONE:** B-1, Neighborhood Business **SIC CODE:** 75 **LOCATION:** 3333 Western Branch Boulevard **TAX MAP SECTION/PARCEL:** 005000000820 **BOROUGH:** Western Branch

The Planning Commission recommends approval with the following stipulations:

1. There shall be no maintenance of vehicles in the shopping center's parking lot for any rental/lease motor vehicles associated with this conditional use permit.
2. The subject business shall have no more than 11 rental vehicles on the subject site.
3. A final site plan shall be required and must show the designated parking spaces for the rental vehicles. Such spaces shall be in accordance with the setbacks as required under Section 7-302.F. of the Chesapeake Zoning Ordinance.
4. No signage of any type shall be placed on the vehicles for rent.

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

Council Member Ward, on a motion seconded by Council Member Krasnoff, moved to approve UP-07-50 with stipulations as presented.

There was no discussion.

On the motion to approve UP-07-50 with stipulations as presented, voting yes: Council Members Adams, Collins, Edge, Hayes, Krasnoff, Ward and Willis.

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

K. **UP-07-51 PROJECT: Meeks Disposal Corporation Recycling Facility**

APPLICANT: Meeks Disposal Corporation AGENCY: Huff, Poole & Mahoney, PC

PROPOSAL: A conditional use permit for a construction and demolition debris recycling facility on 7± acres and waiver from the side yard setback on the north side of the proposed facility from 150 feet to 50 feet in accordance with Section 62-92 of the Chesapeake City Code. The applicant also requests permission to utilize all side yard setbacks for uses other than buffering. ZONE: M-1, Light Industrial SIC CODE: 495 LOCATION: 1328 Cavalier Boulevard TAX MAP SECTION/PARCEL: 0240000000561 BOROUGH: Deep Creek

The Planning Commission recommends approval with the following stipulations:

1. The facility shall only accept, sort, process, and deliver construction and demolition debris waste consisting primarily of steel, wood, shingles, sheetrock, concrete and the like for recycling. Approval of the Conditional Use Permit only authorizes the use of the subject property as a transfer station. Solid waste shall not be permanently stored or disposed of at the subject site.
2. No hazardous or household waste shall be accepted at the site.
3. All required federal, state, and local permits shall be obtained prior to the issuance of a Certificate of Occupancy for the facility.

The applicant has submitted the following revised stipulations:

1. The facility shall only accept, sort, process, and deliver construction and demolition debris waste consisting primarily of steel, wood, shingles, sheetrock, concrete and the like for recycling. Approval of the Conditional Use Permit only authorizes the use of the subject property as a transfer station. Solid waste shall not be permanently stored or disposed of at the subject site. **The crushing of concrete or other materials approved by the Virginia Department of Environmental Quality as Air Registration Number 61505 as of January 15, 2008 is not covered by this Conditional Use Permit and is subject to the Chesapeake Zoning Ordinance.**
2. No hazardous or household waste shall be accepted at the site.
3. All required federal, state, and local permits shall be obtained prior to the issuance of a Certificate of Occupancy for the facility.
4. **The proposed new indoor recycling building shall contain no doorways, windows or other openings on the northern façade of the proposed building, except required emergency access ways. An opening no greater than 40' on the western façade of the building is acceptable.**
5. **Meeks shall maintain a contract with a street cleaning company to keep the access ways into Meeks site and the paved areas within Meeks property clean and free of dirt or debris.**

6. The portions of the Meeks site which are not paved in conjunction with your new operation shall be watered down as many times a day as necessary to prevent dust from leaving the Meeks property.
7. Meeks shall maintain the shrubs and/or trees (they have recently planted) along Meeks northern property line.
8. Meeks shall orient the piles of aggregate as far away from its northern and western property lines as possible.
9. By January 31, 2009, Meeks shall either relocate its existing concrete crushing operations as it exists today and all associated aggregate piles to another property not contiguous to the First Potomac property, or Meeks shall fully enclose its existing concrete crushing operation and all associated aggregate piles in a structure enclosed on three sides with a roof and proper ventilation equipment to contain the impacts of this operation. The opening of this building shall be oriented toward the east or southern portions of the Meeks property.
10. Conditions 5, 6, and 8 listed above shall terminate when condition 9 listed above has been satisfied.

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

Brian Plumlee, 4705 Columbus Street, Virginia Beach, representing Meeks Disposal Corporation.

John Paul Wright, 1328 Cavalier Boulevard, representing Meeks Disposal Corporation.

Chris Coleson, 5772 Charles City Circle, representing NEIE, Inc.

Roger Porter, CPA Colby's Company, 517 Trotters Lane, representing Meeks Disposal Corporation.

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

Jae A. Roe, 816 Greenbrier Circle, Suite 100, representing First Potomac Management, was not present when called.

R. J. Nutter, 222 Central Park Avenue, Virginia Beach, representing First Potomac Reality Trust.

James A. Leftwich, Jr., 308 Cedar Lakes Drive, representing ABF Trucking.

Council Member Krasnoff, on a motion seconded by Council Member Hayes, moved to approve UP-07-51 with stipulations, amended stipulation #1 and additional stipulations 4, 5, 6, 7, 8, 9, and 10.

There was discussion between Council Member Willis and Planning Director Nielson concerning the rock crushing operation and what types of uses were allowed in an M-1 Zoning District.

Council Member Willis called Mr. Plumlee to the podium for additional questions regarding the amended stipulations and the rock crushing portion of the operation. She asked Mr. Plumlee to provide Mr. Leftwich with a copy of the revised stipulations to review.

Council Member Krasnoff asked Mr. Nielson if he had contacted the Department of Environment Quality (DEQ) to see if the applicant had any previous violations. Mr. Nielson stated that he had contacted DEQ. Meeks had been issued an air-quality permit in September 2007; additionally the Company did not have any violations on record that had not been addressed by the applicant.

Council Member Hayes asked if DEQ had recently been out to the site. Mr. Plumlee stated that they had and that the applicant was sprinkling the site to keep the dust down and sweeping the street daily.

Council Member Ward stated that she had visited the site and that she was concerned about the dust, noise, landscaping and set backs. Mr. Plumlee addressed each of those issues. Dr. Ward inquired if the building on the site is where the recycling will be done; Mr. Plumlee stated that was correct.

Council Member Willis stated that she had been advised that there was a burning odor coming from the site. Mr. Plumlee stated that no burning was occurring on the site. Mrs. Willis asked if the trucks coming into the site were covered to keep trash from blowing out. Mr. Plumlee stated that the trucks were top of the line and were designed to keep trash from blowing onto the roads. Council Member Willis expressed concerns with the time period of one year to move the rock crushing operation inside. Mr. Plumlee stated that it was a cumbersome and expensive process and would take that long.

There was additional discussion between Council Member Willis, Mr. Plumlee and Mr. Leftwich on the proposed stipulations and landscaping on the southern side of the property.

On the motion to approve UP-07-51 with stipulations, amended stipulation #1 and the additional stipulations, voting yes: Council Members Adams, Collins, Hayes, Krasnoff, Ward and Willis.

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

L. **ST.C-07-07 PROJECT: Christian Avenue Street Closure** APPLICANT: Charlie E. A. Morgan, Jr. & Joann W. Morgan AGENCY: The Law Firm of Christopher Falk PROPOSAL: A street closure request for a 40' x 180' foot right-of-way for Christian Avenue (paper street) between Wilcox Avenue and Robertson Boulevard. ZONE: M-2, General Industrial District LOCATION: Christian Avenue between Wilcox Avenue and Robertson Boulevard TAX MAP SECTION/PARCEL: 1570000000440, 1570000000260, 1570000000270 BOROUGH: South Norfolk

The Planning Commission recommends approval with the following stipulation:

January 15, 2008

- The applicant shall vacate all interior/exterior property lines by an approved resubdivision plat and the plat shall be filed for recording within 90 days of approval of this street closure.

City Clerk Moore identified the following speaker:

Berkley Priest, 205 South Battlefield Boulevard, Suite 100, representing Charlie Morgan, Jr., and Joann Morgan and The Law Firm of Christopher H. Falk.

Council Member Collins, on a motion seconded by Council Member Ward, moved to approve ST.C-07-07 with the stipulation as presented.

There was no discussion.

On the motion to approve ST.C-07-07 with the stipulation as presented, voting yes: Council Members Adams, Collins, Edge, Krasnoff, Ward and Willis.

Voting no: Council Member Hayes (Council Members de Triquet and Vice Mayor Parker excused)

#08-O-009 AN ORDINANCE VACATING RIGHT OF WAY KNOWN AS CHRISTIAN AVENUE BETWEEN ROBERTSON BOULEVARD AND WILCOX STREET IN THE SOUTH NORFOLK BOROUGH (ST.C-07-07)

M. City Manager Updates

There were no City Manager Updates at that time.

CITIZENS SPEAKING ON AGENDA ITEMS ONLY

City Clerk Moore identified the following speakers:

Don Bilbo, 416 Woodberry Drive, representing self, spoke in opposition to Old and New Business Item **(A)**.

OLD AND NEW BUSINESS

A. Consideration of joining the Coalition on Illegal Immigration (Council Member Willis)

Council Member Willis presented the item.

Council Member Willis, on a motion seconded by Mayor Edge, moved to approve joining the Coalition on Illegal Immigration.

Mayor Edge commented about illegal immigration and his support of the City joining the Coalition and taking a leadership role in the issue.

Council Member Adams spoke to her inability to support the City's joining with the Coalition based on the need to enforce already existing laws.

There was no additional discussion.

On the motion to approve joining the Coalition on Illegal Immigration, voting yes: Council Members Edge, Krasnoff, and Willis.

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

The motion to approve failed.

OLD AND NEW BUSINESS/COMMITTEE REPORTS

Mayor Edge offered condolences to the family of Jonathan Dozier, who lost his life earlier that week in Iraq.

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ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 12:10 a.m.

/dah

Mayor

Attest:

City Clerk