

A Regular Work Session of the Chesapeake City Council was held January 22, 2008, at 5:00 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
Council Member Ella 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 Wanda Barnard-Bailey, Deputy City Manager Betty Jean Meyer, City Clerk Dolores Moore, Transportation Engineer C. Earl Sorey, and other staff members.

Also Present: Managing Director David C. Miller, The PFM Group; Manager William Thomas, Michael Baker, Jr., Inc.; Manager David Cuneo, CRA International, and Belharbor Project Special Counsel John Bates of McQuire Woods.

The Following Topics were discussed during the Work Session:

- 1) Financial Analysis for Dominion Boulevard/US 17 and Southeastern Parkway & Greenbelt
- 2) City Manager Updates

The Work Session adjourned at 6:09 p.m.

/vfm

A Regular Meeting of the Chesapeake City Council was called to order by Mayor Dalton Edge on January 22, 2008, at 6:30 p.m., in the City Hall Building, 306 Cedar Road.

INVOCATION: Pastor James E. Jones, First Baptist Church West Munden

PLEDGE OF ALLEGIANCE: Star Scout Judson Gauf, Troop 996

ROLL CALL BY CLERK OF COUNCIL:

Present: Council Member Rebecca Adams
Council Member Bryan Collins
Council Member John M. de Triquet
Mayor Dalton S. Edge (excused 7:36 p.m.)
Council Member Clifton E. Hayes, Jr.
Council Member Alan P. Krasnoff
Council Member Ella 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 J. Meyer, City Clerk Dolores Moore and other staff members.

APPROVAL OF MINUTES

Mayor Edge advised that the minutes for March 20, 2007 City Council Meeting and Work Session were presented for approval.

Council Member Collins, on a motion seconded by Council Member Ward, moved approval of the March 20, 2007 City Council Meeting and Work Session as presented.

There was no discussion.

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

Voting no: None. (Vice Mayor Parker was excused)

CERTIFICATE OF RECOGNITION – “Oscar Smith High School Football Team 2007”

Mayor Edge invited Oscar Smith High School Head Coach Rich Morgan to the podium to recognize members of the Varsity Football team and coaching staff for winning the 2007 Group AAA Southeastern District, Division 6 and the Eastern Region Football Titles, as well as competing in the Group AAA, Division 6 State semi-final fame. Council Member Hayes congratulated Head Coach Rich Morgan and the Varsity Football team members for their achievement. Head Coach Morgan expressed appreciation to City Council for the recognition and introduced the six co-captains for next year’s team.

CERTIFICATE OF RECOGNITION – “Government Finance Officers Association”

Mayor Edge asked City Manager William E. Harrell to present the Certificate of Recognition. City Manager Harrell yielded the floor to Deputy City Manager Betty J. Meyer for the presentation. Dr. Meyer called Finance Director Nancy Tracy to the podium, made comments, and presented the award.

CITIZEN’S COMMENTS ON AGENDA ITEMS ONLY

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

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

Public Hearing Item

A. #08-O-010 R(PUD)-05-02 PROJECT: Belharbour Station at SoNo
APPLICANT: Truxton Development, LLC AGENCY: Kimley-Horn and Associates, Inc. PROPOSAL: A conventional zoning reclassification of approximately 23 acres from M-2 General Industrial District to PUD Planned Unit Development. PROPOSED COMP LAND USE & DENSITY: General Business/Commercial; Office; High density multi-family with density not exceeding 24 units per acre EXISTING COMP LAND USE & DENSITY: Water related industry LOCATION: West of 120 Jefferson Street TAX MAP SECTION/PARCEL: 1320000000020 BOROUGH: South Norfolk

Mayor Edge stated that he would abstain from discussion and voting on the Belharbour agenda items due to previous business dealings with the applicants. He relinquished the gavel to Council Member Krasnoff.

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

G. Paylor Spruill, 4001 S. Military Highway, representing Truxton Development LLC., was available for questions only.

Vincent J. Mastracco, 150 W. Main Street, Norfolk, VA, representing Truxton Development LLC., was available for questions only.

Ken Powell, 901 East Byrd Street, River Front Plaza, Richmond, VA, representing Stone and Youngberg LLC, was available for questions only.

Frank Lily, 905 Ohio Street, representing self.

Kevin Amick, 1520 Chesapeake Avenue, representing South Norfolk Civic League.

Burnie Mansfield, 1144 Virginia Avenue, representing self.

Gerald Johnson, 1016 Redstart Avenue, representing South Norfolk Civic League, present when called to speak.

Council Member Krasnoff noted that a Work Session had been held earlier in the evening and asked City Attorney Hallman to provide an update on the items.

City Attorney Ronald Hallman gave a brief update regarding the history of the Belharbour Project rezoning. He noted that the new provisions for consideration were: 1) Provide for flexibility in building configuration, building design and unit size. Minor deviations from the Development Criteria and its exhibits are permitted, provided that the requirements of the Development and Acquisition Agreement are met; and 2) Allow subdivision of the Belharbour property despite deferred conveyance of public infrastructure.

Council Member Krasnoff asked City Manager Harrell to provide an overview of the project.

City Manager Harrell also mentioned that prior Work Sessions were held regarding the Belharbour Project and that the changes recommended for approval were essentially minor. The significant difference was the financial mechanism. Mr. Harrell advised that staff recommended the approval of a Community Development Authority (CDA) for the Belharbour Development which meant that the financial mechanism would not be General Obligation (GO) bonds.

Deputy City Manager Betty Meyer provided data regarding debt service under the original arrangement using GO bonds for a twenty year period versus the debt service for the CDA bonds over a thirty year period. She gave an estimate of the expected revenue to be generated over the additional ten year period.

Council Member Hayes, on a motion seconded by Council Member Ward, moved for approval of **R(PUD)-05-02**, as presented.

Council Member Hayes questioned the value of the existing property and the amount of revenue it produced versus the value of the property if warehouses were placed on the property, and the projected revenues from that type of development compared to the requested rezoning.

City Manager Harrell, Deputy City Manager Meyer and Economic Development Director Wright responded to Council Member Hayes' questions regarding the value of the property and projected revenues.

City Manager Harrell explained how Tax Increment Financing worked for the viewing public.

There was no further discussion.

On the motion for approval of **R(PUD)-05-02** as presented, voting yes: Council Members Adams, Collins, Hayes, Ward and Willis.

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

Non-Planning Public Hearing Items

B. **#08-O-11** ORDINANCE CREATING THE SOUTH NORFOLK BELHARBOUR WATERFRONT COMMUNITY DEVELOPMENT AUTHORITY IN ACCORDANCE WITH THE VIRGINIA WATER AND WASTE AUTHORITIES ACT, CHAPTER 51, TITLE 15.2 OF THE CODE OF VIRGINIA, 1950 AS AMENDED.

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

Porter Hardy, 1151 Azalea Garden Road, Norfolk, Virginia, representing Titan America.

Council Member Willis, on a motion seconded by Council Member Hayes, moved for approval of the creation of the South Norfolk Belharbour Waterfront Community Development Authority in accordance with the Virginia Water and Waste Authorities Act, as presented.

In response to comments made by Mr. Hardy and Council Member Krasnoff regarding Belharbour co-existing with current industries on the waterfront, City Attorney Hallman suggested working with the Economic Development and Planning Departments, and the City Manager's office to prepare a response.

Council Members Collins, Adams, Hayes and Ward commented on their support for the Belharbour project and its co-existing with established businesses including industrial sites.

Council Member Ward noted City Council's recent approval of a bio-diesel plan on the waterfront indicating Council's desire to include industrial use in the South Norfolk area.

Council Member Willis commented on the financial structure, private investments, and future infrastructure improvements.

There was no further discussion.

On the motion for approval of the Ordinance creating the South Norfolk Belharbour Waterfront Community Development Authority, as presented, voting yes: Council Member Adams, Collins, Hayes, Ward and Willis.

Voting No: Council Member de Triquet and Krasnoff. (Mayor Edge abstained and Vice Mayor Parker excused)

B.1. ARTICLES OF INCORPORATION FOR SOUTH NORFOLK BELHARBOUR WATERFRONT COMMUNITY DEVELOPMENT AUTHORITY – APPOINTMENT OF BOARD

Council Member Willis, on a motion seconded by Council Member Collins, moved for the approval of the Articles of Incorporation for the South Norfolk Belharbour Waterfront Community Development Authority as presented, with the address of the principal office and the name and address of the registered agent to be completed by the Authority at a later date; and nominated the following individuals to serve as Board Members for a four-year term: Russell G. Hanson, Jr.; Dorothy Scott Grant; James Creekmore; Charles Hackworth; and William E. Harrell.

There was no discussion.

On the motion for approval of the Articles of Incorporation for the South Norfolk Belharbour Waterfront Community Development Authority as presented, with the address of the principal office and the name and address of the registered agent to be completed by the Authority at a later date; and nominated the following

individuals to serve as Board Members for a four-year term: Russell G. Hanson, Jr.; Dorothy Scott Grant; James Creekmore; Charles Hackworth; and William E. Harrell, voting yes: Council Member Adams, Collins, Hayes, Ward and Willis.

Voting No: Council Member de Triquet and Krasnoff. (Mayor Edge abstained and Vice Mayor Parker excused)

City Clerk Moore advised that there were no speakers on this item.

B.2. **#08-R-002** RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AN AGREEMENT WITH THE SOUTH NORFOLK BELHARBOUR WATERFRONT COMMUNITY DEVELOPMENT AUTHORITY AND TRUXTON DEVELOPMENT, LLC, FOR THE MIXED-USE DEVELOPMENT OF THE BELHARBOUR SITE LOCATED WEST OF INTERCHANGE I-464 AND EAST OF THE SOUTHERN BRANCH OF THE ELIZABETH RIVER OFF POINDEXTER STREET, SAID DEVELOPMENT AGREEMENT TO PROVIDE FOR PUBLIC AND PRIVATE FUNDING AND INVESTMENTS; TO ALLOCATE CONSTRUCTION OWNERSHIP AND MAINTENANCE RESPONSIBILITIES; AND TO ESTABLISH A SCHEDULE OF DEVELOPMENT.

City Manager Harrell deferred to City Attorney Hallman to provide a summary of the item.

City Attorney Hallman stated that extensive discussion regarding changes to the CDA had been discussed at a prior work session. He asked that Belharbor Project Special Counsel John Bates be allowed to comment on the changes in the agreement.

Special Counsel John Bates from McGuire Woods Law Firm representing the City on the Belharbor Project, spoke to the following topics: The developer's power to make changes in the agreement, changes to the incremental revenue stipulations, obligation of the developer to provide financing commitments before the CDA is obligated to spend money, the CDA's structure, assurances regarding the building of the project, and requirements for developers and private lenders.

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

Special Counsel Bates answered Council Member Willis' question pertaining to tax increment revenues.

There was no further discussion.

On the motion for approval of the Resolution for the Belharbour Development Agreement as presented, voting yes: Council Member Adams, Collins, Hayes, Ward and Willis.

Voting No: Council Member de Triquet and Krasnoff. (Mayor Edge abstained and Vice Mayor Parker excused)

Mayor Edge was excused at 7:36 p.m.

C. **#08-R-003** RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT OF EXCHANGE AND CORRESPONDING DEEDS OF CONVEYANCE BETWEEN WILLIAM L. FEARNs AND CATHERINE V. FEARNs AND THE CITY OF CHESAPEAKE, WHEREBY MR. AND MRS. FEARNs WILL CONVEY TO THE CITY A 2.337-ACRE DRAINAGE EASEMENT AND A 0.649-ACRE INGRESS-EGRESS EASEMENT ON PROPERTY FRONTING ON THE EASTERN SIDE OF HILLWELL ROAD IN THE PLEASANT GROVE BOROUGH OF THE CITY OF CHESAPEAKE, AND THE CITY WILL CONVEY TO MR. AND MRS. FEARNs A 0.679-ACRE PARCEL OF LAND IN FEE SIMPLE, LOCATED EAST OF HILLWELL ROAD IN THE PLEASANT GROVE BOROUGH OF THE CITY OF CHESAPEAKE.

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

Bill Fearn, 809 Sweetgum Court, representing self, was available for questions.

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

There was no discussion.

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

Voting No: None (Mayor Edge and Vice Mayor Parker were excused)

D. RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC UTILITIES TO EXECUTE A DEED OF VACATION FOR THE VACATION OF AN EXISTING 25' UTILITY EASEMENT ON PROPERTY BEING DEVELOPED AS BENSON-LEBRAY PLAZA.

City Clerk Moore presented the item and advised that there were no speakers.

City Attorney Hallman stated that the Department of Public Utilities had requested that Non-Planning Public Hearing Item (D) be withdrawn from consideration.

Without objection, Non-Planning Public Hearing Item (D) was withdrawn from consideration by City Council.

E. **#08-R-004** RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A LEASE WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS TO CONSTRUCT, MAINTAIN AND OPERATE A PRIVATE TELECOMMUNICATIONS FACILITY AT A TELECOMMUNICATION TOWER OWNED BY THE CITY LOCATED AT 3800 BUNCH WALNUTS ROAD.

City Clerk presented the item and advised that there were no speakers.

City Attorney Hallman made brief comments on the lease.

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

Council Member Collins stated that he would abstain from voting due to possible conflicts as a family member worked for Verizon.

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

Voting No: None. (Council Member Collins abstained, Mayor Edge and Vice Mayor Parker were excused.)

F. **#08-R-005** RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A LEASE WITH CELLCO PARTNERSHIP D/B/A/ VERIZON WIRELESS TO CONSTRUCT, MAINTAIN AND OPERATE A PRIVATE TELECOMMUNICATIONS FACILITY AT A TELECOMMUNICATION TOWER OWNED BY THE CITY LOCATED AT 304 ALBEMARLE DRIVE.

City Clerk presented the item and advised that there were no speakers.

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

Council Member Collins restated that he would abstain from voting due to possible conflicts as a family member worked for Verizon.

Council Member Willis made brief comments regarding revenue generated from these types of leases and the enhancements being made by the company at the sites.

There was no further discussion.

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

Voting No: None. (Council Member Collins abstained, Mayor Edge and Vice Mayor Parker were excused.)

G. **#08-O-012** AN ORDINANCE AMENDING AN ORDINANCE ADOPTED ON AUGUST 21, 2007, GRANTING A FRANCHISE TO VERIZON COMMUNICATIONS FOR THE TERM AND UPON THE CONDITIONS THEREIN STATED TO OCCUPY AND USE THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF CHESAPEAKE TO INSTALL, MAINTAIN, UPGRADE, REPAIR AND REMOVE POLES, WIRES, ELECTRICAL CONDUCTORS, CONDUITS, SUBWAYS, MANHOLES, FIXTURES, APPLIANCES AND APPURTENANCES OF A TELECOMMUNICATIONS SYSTEM IN THE CORPORATE LIMITS OF THE CITY OF CHESAPEAKE, AMENDING THE TITLE AND SECTIONS 1 AND 54 TO CHANGE VERIZON COMMUNICATIONS TO "VERIZON VIRGINIA INC." AND SECTIONS 8, 21 AND 36 TO MODIFY CERTAIN WORDING.

City Clerk presented the item and advised that there were no speakers.

City Attorney Hallman stated that Non-Planning Public Hearing Items G-J were previously adopted granting telecommunication franchises; however, a few minor corrections needed to be made and explained the changes.

Council Member Collins advised that he would be abstaining on the item as previously noted.

There was no discussion.

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

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

Voting No: None. (Council Member Collins abstained, Mayor Edge and Vice Mayor Parker were excused.)

H. **#08-O-013** AN ORDINANCE AMENDING AN ORDINANCE ADOPTED ON OCTOBER 23, 2007, GRANTING A FRANCHISE TO VERIZON SOUTH INC. FOR THE TERM AND UPON THE CONDITIONS THEREIN STATED TO OCCUPY AND USE THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF CHESAPEAKE TO INSTALL, MAINTAIN, UPGRADE, REPAIR AND REMOVE POLES, WIRES, ELECTRICAL CONDUCTORS, CONDUITS, SUBWAYS, MANHOLES, FIXTURES, APPLIANCES AND APPURTENANCES OF A TELECOMMUNICATIONS SYSTEM IN THE CORPORATE LIMITS OF THE CITY OF CHESAPEAKE, AMENDING SECTIONS 8, 21 AND 36 TO MODIFY CERTAIN WORDING.

City Clerk Moore presented the item and advised that there were no speakers.

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

Council Member Collins reiterated that he would abstain due to possible conflicts, as previously stated.

There was no discussion.

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

Voting no: None (Council Member Collins abstained, Mayor Edge and Vice Mayor Parker were excused)

I. **#08-O-014** AN ORDINANCE AMENDING AN ORDINANCE ADOPTED ON AUGUST 21, 2007, GRANTING A FRANCHISE TO CAVALIER TELEPHONE, LLC FOR THE TERM AND UPON THE CONDITIONS THEREIN STATED TO OCCUPY AND USE THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF CHESAPEAKE TO INSTALL, MAINTAIN, UPGRADE, REPAIR AND REMOVE POLES, WIRES, ELECTRICAL CONDUCTORS, CONDUITS, SUBWAYS, MANHOLES, FIXTURES, APPLIANCES AND APPURTENANCES OF A TELECOMMUNICATIONS SYSTEM IN THE CORPORATE LIMITS OF THE CITY OF CHESAPEAKE, AMENDING SECTIONS 8, 21 AND 36 TO MODIFY CERTAIN WORDING.

City Clerk Moore presented the item and advised that there were no speakers.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

J. **#08-O-015** AN ORDINANCE AMENDING AN ORDINANCE ADOPTED ON AUGUST 21, 2007, GRANTING A FRANCHISE TO LEVEL 3 COMMUNICATIONS, LLC FOR THE TERM AND UPON THE CONDITIONS THEREIN STATED TO OCCUPY AND USE THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF CHESAPEAKE TO INSTALL, MAINTAIN, UPGRADE, REPAIR AND REMOVE POLES, WIRES, ELECTRICAL CONDUCTORS, CONDUITS, SUBWAYS, MANHOLES, FIXTURES, APPLIANCES AND APPURTENANCES OF A TELECOMMUNICATIONS SYSTEM IN THE CORPORATE LIMITS OF THE CITY OF CHESAPEAKE, AMENDING SECTIONS 8, 21 AND 36 TO MODIFY CERTAIN WORDING.

City Clerk Moore presented the item and advised that there were no speakers.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

CITIZENS' COMMENTS ON AGENDA ITEMS ONLY

City Clerk Moore advised there were no speakers.

CONSENT AGENDA

City Clerk Items

- (1) RESIGNATIONS
 - (a) Shelley Taylor-Donahue – Chesapeake Commission for the Prevention of AIDS
- (2) REFUNDS
 - (a) Rose Industries #139 t/a Brentwood Shell - \$2,811.08

City Manager Item

- (1) **#08-R-006** CONSIDERATION OF A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ADD AND DELETE STREETS TO THE URBAN HIGHWAY SYSTEM – DEPARTMENT OF PUBLIC WORKS

Council Member Krasnoff asked Council Members if there were any items they wished to have removed for consideration under the Regular Agenda. There were none.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

REGULAR AGENDA

City Manager Items

(2) (A) **#08-R-007** CONSIDERATION OF A RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT INVESTMENT GRANT TO DOLLAR TREE STORES, INC. AND TRANSFERRING APPROPRIATED FUNDS THEREFOR – DEPARTMENT OF ECONOMIC DEVELOPMENT

City Manager Harrell presented the item.

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

Council Member Willis offered comments on the grant and how these types of grants work.

There was no further discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

(B) **#08-R-008** CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PERFORMANCE AGREEMENT WITH DOLLAR TREE STORES, INC. FOR THE DISBURSEMENT AND USE OF A GRANT AWARDED BY THE VIRGINIA ECONOMIC PARTNERSHIP FROM THE GOVERNOR'S OPPORTUNITY FUND – DEPARTMENT OF ECONOMIC DEVELOPMENT

City Manager Harrell presented the item.

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

There was no discussion.

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

Voting no: None (Council Members Edge and Parker were excused)

(3) City Manager Updates

City Manager Harrell had no updates.

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

City Clerk Moore identified the following speaker:

Lynn Henderson-Daugherty, 801 Volvo Parkway, representing self, spoke on prayer and the Pledge of Allegiance in schools.

OLD AND NEW BUSINESS

A. **#08-R-009** RESOLUTION REQUESTING THE PLANNING COMMISSION TO CONSIDER AND MAKE RECOMMENDATIONS CONCERNING AMENDMENTS TO SECTION 13-600 THROUGH 13-608 OF THE CHESAPEAKE ZONING ORDINANCE TO REVISE AND UPDATE THE REQUIREMENTS APPLICABLE TO COMMUNICATIONS TOWERS. (Council Member Rebecca Adams)

Council Member Adams presented the item and offered brief comments related to communication towers in the City.

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

There was no further discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

COMMITTEE REPORTS

Council Member Ward advised that a utility pole at Cedar Grove Road Estate was in a dangerous location and looked as if it was in the street. She noted that the pole was no longer being used and inquired as to whom was responsible for its removal. City Manager Harrell said that staff would investigate the matter and provide a report back.

Council Member Collins noted that the location was Chelsea Arch and there were actually two poles. He echoed Council Member Ward's concerns.

Council Member Collins responded to Mrs. Daugherty earlier comments, noting that the City Council meetings were opened with prayer and the Pledge of Allegiance to the Flag. He suggested that Ms. Daugherty present her concerns to the School Board and School Administration.

Council Member Adams congratulated the 57 new firefighters who recently graduated from the Fire Academy and noted that it was the largest graduation class of firefighters in the history of the City.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Council Member Krasnoff commenced with Boards and Commissions.

A. Animal Control Advisory Board – 2 appointments

Council Member de Triquet nominated Dr. Jeff Klemm (Veterinarian) for appointment, and recommended continuing the citizen appointment.

Council Member Collins, on a motion seconded by Council Member Ward, moved to close the nominations, appoint the nominee and continue the citizen appointment.

There was no discussion.

On the motion to close the nominations, appoint the nominee and continue the one citizen appointment, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Dr. Jeff Klemm (Veterinarian) was appointed to the Animal Control Advisory Board.

B. Cable Television Commission – 1 appointment

Council Member Ward nominated Clifton E. Pierce for appointment.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Clifton E. Pierce was appointed to the Cable Television Commission.

C. Chesapeake Bicycle/Trails Advisory Committee – 1 appointment

Council Member Ward nominated Jennie E. Virden (Organized Trail User Group) for appointment.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Jennie E. Virden (Organized Trail User Group) was appointed to the Chesapeake Bicycle/Trails Advisory Committee.

D. Chesapeake Commission on Substance Abuse – 5 appointments

(2 appointments continued from November 27, 2007 City Council meeting)

Council Member de Triquet nominated Patrick G. Sawyer for appointment and requested that the four remaining appointments be continued.

Council Member Ward, on a motion seconded by Council Member Collins, moved to close the nominations, appoint the nominee, and continue the four remaining appointments.

There was no discussion.

On the motion to close the nominations, appoint the nominee and continue four appointments, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Patrick G. Sawyer was appointed to the Chesapeake Commission on Substance Abuse.

E. Chesapeake Community Criminal Justice Board – 10 appointments

Council Member Ward nominated Rufus A. Banks, Jr. (Judge), William J. Facenda, Nancy G. Parr (Commonwealth Attorney), Michelle R. Scoggins (Education), and Steven V. Terry for reappointment; and Dr. Wanda A. Barnard-Bailey (City Manager representative), Joseph J. Scislowicz (CSB representative), Brian A. Hunt (Attorney), and Christina F. Pullen (Citizen) for appointment.

Council Member Collins nominated Linda W. Faircloth (Citizen) for appointment.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Rufus A. Banks, Jr. (Judge), William J. Facenda, Nancy G. Parr (Commonwealth Attorney), Michelle R. Scoggins (Education), and Steven V. Terry were reappointed; Dr. Wanda A. Barnard-Bailey (City Manager representative), Joseph J. Scislowicz (CSB representative), Brian A. Hunt (Attorney), Christina F. Pullen (Citizen), and Linda W. Faircloth (Citizen) were appointed to the Chesapeake Community Criminal Justice Board.

F. Chesapeake Historic Preservation Commission – 1 appointment

Council Member Ward nominated Geraldine B. Foster for appointment.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Geraldine B. Foster (citizen) was appointed to the Chesapeake Historic Preservation Commission.

G. Chesapeake Interagency Consortium – 2 appointments

Council Member Ward nominated Joseph J. Scislowicz (CSB representative) for appointment and recommended that the remaining appointment be continued.

Council Member Ward, on a motion seconded by Council Member Collins, moved to close the nominations, appoint the nominee, and continue the remaining appointment.

There was no discussion.

On the motion to close the nominations, appoint the nominee, and continue one appointment, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Ward and Willis.

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Joseph J. Scislowicz (CSB representative) was appointed to the Chesapeake Interagency Consortium.

H. Citizens Juvenile Advisory Council – 1 appointment

Council Member Adams nominated Michele Johnson-Deneau to the Citizens Juvenile Advisory Council.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Michele Johnson-Deneau was appointed to the Citizens Juvenile Advisory Council.

I. CSB of Chesapeake, Inc. – 1 appointment

Council Member Ward nominated Joseph J. Scislowicz (CSB representative) for appointment.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Joseph J. Scislowicz (CSB representative) was appointed to the CSB of Chesapeake, Inc.

J. Law Library Board – 1 appointment

Council Member Ward nominated James E. Short for reappointment.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

James E. Short was reappointed to the Law Library Board.

K. Planning Council – 1 appointment

Council Member Collins nominated Council Member John de Triquet for reappointment.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Council Member John de Triquet was reappointed to the Planning Council.

L. South Norfolk Revitalization Commission – 1 appointment

(Continued from November 27, 2007 City Council meeting)

Council Member Willis advised that she had spoken with Marie Breeden, who was currently a member of the Chesapeake Commission for the Prevention of AIDS, concerning an appointment to the South Norfolk Revitalization Commission. Ms. Willis said Ms. Breeden would resign her position on the Chesapeake Commission for the Prevention of AIDS to accept an appointment on the South Norfolk Revitalization Commission.

Council Member Willis nominated Marie Breeden for appointment.

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

There was no additional discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Marie Breeden was appointed to the South Norfolk Revitalization Commission.

M. Stormwater Committee – 6 Appointments

Council Member Collins nominated for reappointment Patricia Biegler (Public Works Representative) and K. Wayne Jarman; and for appointment James T. Coghlan, Patricia B. Newbern, and Jimmy R. Smith.

Council Member Willis nominated David Parks.

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

There was no discussion.

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

Voting no: None (Mayor Edge and Vice Mayor Parker were excused)

Patricia Biegler (Public Works Representative) and K. Wayne Jarman were reappointed to the Stormwater Committee; James T. Coghlan, Patricia B. Newbern, Jimmy R. Smith, and David Parks were appointed to the Stormwater Committee.

OLD AND NEW BUSINESS

Council Member Krasnoff continued with Old and New Business/Committee Reports.

Council Member Ward, as City Council's Legislative Liaison, provided an update on the General Assembly Session. She commented on Senate Bill 203 sponsored by Senator Quayle and House Bill 770 sponsored by Delegate Tatum. Both bills pertained to real estate tax relief for the elderly.

Council Member Ward commended City Clerk Moore and the staff of the City Clerk's Office for hosting the International Institute of Municipal Clerks Region II Conference in Portsmouth recently.

Council Member Willis stated that she attended the South Norfolk Revitalization Commission meeting and South Norfolk residents were excited about the Belharbour project. She requested an update on the Poindexter Streetscope Project.

Council Member Krasnoff offered heartfelt sympathies to the family of Chesapeake Police Detective Jarod Shivers who was killed in the line of duty, and the family of Sergeant Jonathan Kilian Dozier who was killed in Operation Iraqi Freedom.

ADJOURNMENT

With there being no further business to discuss, Council Member Krasnoff adjourned the meeting at 8:33 p.m.

/vfm

Mayor

Attest:

City Clerk