

A Regular Work Session of the Chesapeake City Council was held June 20, 2001 at 4:00 p.m., in the City Hall Building, Cedar Road.

Present: Vice Mayor John A. Cosgrove
Council Member Dalton S. Edge
Council Member Alan P. Krasnoff
Council Member Dwight M. Parker
Council Member S. Z. "Debbie" Ritter
Mayor William E. Ward
Council Member Gene A. Waters
Council Member Patricia Pritchard Willis

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

Present from Administration: City Manager John Pazour, Deputy City Manager Clarence Cuffee, City Attorney Ronald Hallman, City Clerk Dolores Moore, Assistant City Manager Anne Odell, Acting Assistant City Manager Margaret Stillman, Assistant to the City Manager Perry Rogis, Acting Budget Director Betty Meyer, Finance Director Nancy Tracy, Director of Human Resources Carolyn Darden, Department Directors or representatives from other City Departments, and other staff members.

Also Present: Clerk of the Circuit Court Lillie Hart and staff members, City Treasurer Barbara Carraway, Commissioner of the Revenue Ray Connor, Commonwealth's Attorney Randall Smith, Naval Air Station Oceana Community Planning Officer Ray Firenzi, and Members of the Chesapeake Jet Noise Task Force including Chairman Joe Pine, Vice Chairman Peggy Hayes, John Allen, Art Chapman, and Betty Ridgeway.

TOPICS OF DISCUSSION: Chesapeake Jet Noise Task Force Report and Pay Plan and Budget

Mayor Ward welcomed everyone to the Work Session and relinquished the floor to Council Member Ritter who briefly spoke about the work of the Jet Noise Task Force members. Council Member Ritter recognized Vice Mayor Cosgrove as the other Council Liaison to the Task Force. Vice Mayor Cosgrove offered comments before asking Jet Noise Task Force Chairman Pine to present the Task Force report to City Council.

Chairman Pine reviewed the handout materials provided to City Council through an overhead presentation. The report included the responsibilities of the Task Force, composition of the group membership, and the areas of focus included in the report.

Council Member Waters stated the need for an alternate training location to alleviate jet noise from Naval Air Station Oceana and Fentress Airfield. Chairman Pine advised that the Navy was looking at the possibility of an outlying airfield, particularly if Oceana is selected as the home base for the F/A-18E/F Super Hornets. There would still be a three-to-five year process before a field could be available for use.

Council Member Waters noted that the alternate or outlying field should still be pursued regardless of the location decision for the Super Hornets. Oceana Community Planning Officer Firenzi advised that the Navy had tied the outlying field issue to the relocation of the Super Hornets and there were no other alternatives at that time.

Discussion ensued between Council Members Ritter and Willis about the City taking action on some of the recommendations of the Task Force. Council Member Ritter stated that City Attorney Hallman would be asked to study the recommendations to find out if the City would need any enabling legislation from the State in order to implement some of the Task Force suggestions.

Council Member Ritter requested that Mr. Firenzi review the process citizens should follow to register jet noise complaints with the Navy. Mr. Firenzi provided the complaint hotline number, which is a dedicated phone line for citizen complaints, as well as the Web site address that has a place online to register complaints. Council Member Ritter inquired whether or not it was necessary to leave a name to lodge a complaint. Mr. Firenzi advised that it was not necessary to leave a name or phone number.

Chairman Pine noted that the Navy had made some improvements to the flight training process, including some measures the Jet Noise Task Force had spoken with them about.

Mayor Ward thanked Chairman Pine and the Chesapeake Jet Noise Task Force Members for their work on the issue. This concluded the discussion of the Chesapeake Jet Noise Task Force Report.

Mayor Ward asked City Manager Pazour to begin the presentation on the pay plan and budget.

City Manager Pazour reviewed the handout materials through an overhead presentation. He noted that budgetary decisions required of City Council included any additions to the budget, the amount of funding to direct to the pay plan, sources of funding, compression adjustments, minimum salary level adjustments, and the percentage of annual increase to be given employees. These items were discussed and Mr. Pazour addressed questions raised by City Council on the information presented.

City Manager Pazour presented the potential additions to the upcoming Operating Budget noting the cost of each item. He pointed out that these costs would also impact the calculations for the new pay plan. A review of additional resources included taking all proposed department reductions that had no service impacts, adding revenue adjustments from reserves and identified by City Treasurer Carraway, and identified additional items from the proposed Fiscal Year 2001-02 Operating Budget. City Manager Pazour suggested that \$500,000 in estimated additional Personal Property Tax collections be set aside for Public Safety Reserve. A summary of the available and potential resources was discussed.

A number of alternatives for the proposed pay plan were also presented; these alternatives compared annual percentage increases over various time periods along with the resulting costs of each example.

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Council Member Waters asked to see the proposed pay plan in a comparison with other Hampton Roads cities. He stressed that employees should have the ability to calculate the proposed formulas prior to any City Council action. Council Member Waters stated that the plan to resolve the issues needed to be completed. City Manager Pazour responded that the information from the other Hampton Roads cities would be provided to City Council. He then advised that a decision on the annual calculation rate and the time period to address the compression issue would have to be made before any plan could be implemented to resolve the pay issues.

Council Member Parker asked who would make those decisions; Mr. Pazour responded that City Council makes those decisions.

Council Member Krasnoff inquired about the impact to employees should City Council delay a decision on the pay plan and compression issues until the end of July or early August. Human Resources Director Darden advised that any action after July 1, 2001 would delay the new salaries under the pay plan, however, the proposed three percent cost of living increase for all employees would still go into effect on July 1, 2001. She noted that City Council had approved that increase in the previously adopted budget. Council Member Krasnoff recommended that City Council delay action on the proposed pay plan until the employees had an opportunity to be informed about the information contained in the Directors Pay Plan Task Force report.

Council Member Willis requested to see a chart that would show the Fiscal Year 2001-02 Operating Budget with individual City departments, new positions and salary under the proposed pay plan, and a comparison of the same information over the past two years.

Vice Mayor Cosgrove offered his concurrence to delay action on the pay plan and compression issues as suggested by Council Member Krasnoff. He noted the confusion that many employees had with the formulas and proposals, and the need to insure that everything is correct before implementation.

Mayor Ward stated that any actions taken after July 1, 2001 would be retroactive back to that date.

Additional discussion ensued concerning the decisions to be made and City Council's role as policy makers, as well as the need for Human Resources to complete the analysis on all the data. City staff responded to questions from City Council members.

Mayor Ward recognized Chesapeake Firefighters Association President Tom Green and asked that he address City Council. Mr. Green commented on the Directors Pay Plan Task Force report, the importance of the pay plan and compression issues to all employees, and the need to increase revenues through tax increases.

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City Council members offered additional comments on the issues.

Mayor Ward thanked everyone for his or her comments and adjourned the Work Session.

Work Session ended at 5:18 p.m.

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A Special Meeting of the Chesapeake City Council was called to order by Mayor William E. Ward on Wednesday, June 20, 2001, at 6:30 p.m. in the City Hall Building, 306 Cedar Road. (This meeting was scheduled as a result of City Council action on May 22, 2001 to combine and reschedule the regular meetings of June 12 and 19, 2001.)

INVOCATION: Reverend Duane McNair, Better Life Ministries

PLEDGE OF ALLEGIANCE: Council Member Dalton S. Edge

ROLL CALL BY CLERK OF COUNCIL

- Present:** Vice Mayor John A. Cosgrove
- Council Member John M. de Triquet
- Council Member Dalton S. Edge
- Council Member Alan P. Krasnoff
- Council Member Dwight M. Parker
- Council Member S. Z. "Debbie" Ritter
- Mayor William E. Ward
- Council Member Gene A. Waters
- Council Member Patricia Pritchard Willis

Absent: None.

Present from Administration: City Manager John Pazour, Deputy City Manager Clarence Cuffee, City Clerk Dolores Moore, City Attorney Ronald Hallman, Deputy City Attorney Jan Proctor, Planning Director Brent Nielson, and other staff members.

APPROVAL OF MINUTES

Mayor Ward advised that the November 28, 2000 Work Session and Regular Meeting minutes had been presented for approval. He asked if there were any corrections or deletions. There were none.

Vice Mayor Cosgrove, on a motion seconded by Council Member Parker, moved for approval.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None.

PROCLAMATION – LIGHTNING AWARENESS WEEK

Mayor Ward asked Emergency Management Technician Mark Junghans to come forward to accept the proclamation.

Mr. Junghans offered comments.

RECOGNITION – ROTARY CLUB

Mayor Ward read a plaque from the Rotary Club to the City of Chesapeake for its 10 years of contribution to the Paint Your Heart Out Campaign.

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

City Clerk Moore advised that there were no speakers at the time.

PUBLIC HEARING ITEMS:

A. R(C)-01-06. PROJECT: Tarleton Oaks at Tallwood. APPLICANT: Dragas Associates VIII. L.C. AGENCY: Sykes, Carnes, Bourdon & Ahern, P.C. PROPOSAL: A conditional zoning reclassification from PUD Planned Unit Development to R-MF-1 Multifamily Residential District for approximately 3 acres. ZONE: PUD Planned Unit Development. PROPOSED COMP LAND USE / DENSITY: High Density Multi-Family Residential / 10 units per acre to something less than 16 units per acres. Note: with proffers, no dwelling units are proposed. EXISTING COMP LAND USE / DENSITY: Suburban Single-Family Residential / 1 unit per acre to something less than 4 units per acre. LOCATION: Between Emerald Greens subdivision and the Virginia Beach city line, immediately east of properties known as 1400 & 1404 Baffly Loop. TAX MAP SECTION/PARCEL: Adjacent to 0285001000075 and ; 0290000000120. BOROUGH: Washington.

The Planning Commission recommended approval with the following proffer:

1. No dwellings shall be constructed upon the subject property.

City Clerk Moore identified the following speaker:

Eddie Bourdon, Pembroke One Building, Virginia Beach, Virginia, representing Dragas Associates, spoke in support of Public Hearing Item **(A) – R(C)-01-06**.

City Clerk Moore identified the following speakers in opposition to Public Hearing Item **(A) - R(C)-01-06**.

Richard Heffernan, 1342 Baffly Loop, representing self.

Gene Leis, Sr., 408 Clearfield Avenue, representing self.

T. J. Carawan, 330 Hurdle Drive, representing self.

Mayor Ward asked Planning Director Nielson to explain why **R(C)-01-06** was being considered by City Council since the project was being constructed in Virginia Beach. Mr. Nielson stated that one of the proposed retention ponds for the development was located in Chesapeake. He also advised that the area located in Chesapeake was part of the Greenbrier Planned Unit Development and designated for single family homes.

Council Member Willis, on a motion seconded by Council Member Ritter, moved for continuance of **R(C)-01-06** to the July 17, 2001 City Council Meeting.

There was general discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Ritter, Parker, Ward, Waters and Willis.

Voting no: None.

B. UP-01-07. PROJECT: Better Life Ministries. APPLICANT: Reverend Duane S. McNair, Sr. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional use permit to operate a church in an existing building on a .054 acre parcel. ZONE: B-1 Neighborhood Business District. SIC CODE: 866. LOCATION: 2101 Atlantic Avenue. TAX MAP SECTION/PARCEL: 154000000190. BOROUGH: South Norfolk.

The Planning Commission recommended approval with the following stipulations:

1. As agreed upon by the applicant, three landscaped islands shall be provided at the ends of the parking bays adjacent to Campostella Road and one large canopy tree shall be planted in the grassed triangular area at the intersection of Atlantic Avenue and Campostella Road, as indicated on the site plan submitted by the applicant and dated April 20, 2001, with plantings to be approved by the City Arborist.
2. The Fire Department shall review and approve the location of fire lanes and fire hydrants prior to final site plan approval.

City Clerk Moore identified the following individuals who spoke in support of Public Hearing Item **(B) – UP-01-07**:

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

Reverend Duane McNair, 810 Aston Place, representing Better Life Ministries.

Council Member Krasnoff, on a motion seconded by Vice Mayor Cosgrove, moved for approval of **UP-01-07** with stipulations.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Ritter, Parker, Ward, Waters and Willis.

Voting no: None.

C. UP-01-12. PROJECT: Salvation Army Child Daycare Facility. APPLICANT: The Salvation Army. AGENCY: Huff, Poole, & Mahoney, P.C. PROPOSAL: A conditional use permit to allow a child daycare facility in a B-3 Highway Business District within an existing building on 6.07 acres. ZONE: B-3 Highway Business District. SIC CODE: 835. LOCATION: 2099 Military Highway South. TAX MAP SECTION/PARCEL: 1610000000060. BOROUGH: South Norfolk.

The Planning Commission recommended approval with the following stipulations:

1. The daycare facility shall be for the use of current residents of the shelter and no more than ten prior residents of the shelter only. If other trip generating users are proposed for this facility, the applicant will be required to upgrade the entrance and internal circulation on the final site plan as approved by the Department of Public Works.
2. A building permit is required for interior alterations. A certificate of occupancy is required for the change of use.
3. A building permit is required for the playground fence.
4. The dumpster shall be screened and meet setbacks according to Section 14-500 of the Chesapeake Zoning Ordinance.
5. The Fire Department shall review and approve the location of fire lanes and fire hydrants prior to final site plan approval.

City Clerk Moore advised that there was one speaker, the agent for the applicant.

Council Member Parker, on a motion seconded by Council Member Krasnoff, moved for approval of **UP-01-12** with stipulations.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Ritter, Parker, Ward, Waters and Willis.

Voting no: None.

D. UP-01-13. PROJECT: Cavalier Gas Station. APPLICANT: MAH Corporation. AGENCY: Engineering Services, Inc. PROPOSAL: A conditional use permit to construct and operate a motor vehicle fuel supply facility and carwash on a 1.15 acre site in conjunction with a permitted convenience store. ZONE: M-1 Light Industrial District. SIC CODE: 554 and 754. LOCATION: Northwest corner of Military Highway South and Cavalier Boulevard. TAX MAP SECTION/PARCEL: 0240000000610. BOROUGH: Deep Creek.

The Planning Commission recommended approval with the following stipulations:

1. The primary material on all buildings and pump island support columns shall be brick, and shall be neutral in color (colonial red also appropriate).
2. Any accent banding on the building, car wash or pump island support columns shall be neutral in color and be approved by the Planning Director prior to final site plan approval.
3. A mansard roof, with architectural or similar shingles, shall be utilized for all buildings and the canopy. Such materials shall be neutral in color.
4. All proposed awnings shall be neutral in color.
5. No advertising shall be permitted on the exterior of the building.
6. Prior to final site plan approval, architectural plans, including colors and materials, shall be subject to Planning Department approval.
7. No outdoor telephones shall be permitted on the site.
8. No loitering shall be permitted on the site. Employees shall be required to monitor and prevent, as necessary, any evidence of loitering.
9. The site must be kept in a clean, well-maintained order at all times.
10. The location of the southern entrance and improvements to the median in Cavalier Boulevard must be approved by the Public Works Department prior to final site plan approval. In addition, the applicant shall be responsible for constructing all necessary road improvements required by the Public Works Department for this development prior to the issuance of a Certificate of Occupancy.
11. The site layout shall accommodate the largest vehicle anticipated to use this site (i.e. a fuel tanker), subject to Public Works Department approval.
12. The proposed entrance on Military Highway must be deleted from the final site plan unless a letter permitting such an entrance is provided by the Virginia Department of Transportation

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City Clerk Moore identified the following speakers:

Randy Royal, 3351 Stoneshore Road, Virginia Beach, Virginia, representing Engineering Services, Incorporated, spoke in support of Public Hearing Item **(D) - UP-01-13**.

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to Public Hearing Item **(D) - UP-01-13**.

Council Member de Triquet, on a motion seconded by Council Member Waters, moved for approval of **UP-01-13** with stipulations.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Ritter, Parker, Ward, Waters and Willis.

Voting no: None.

E. UP-01-08. PROJECT: Mill Creek Harbor. APPLICANT: Mill Creek Harbor, L.L.C. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional use permit for a single-family residential cluster subdivision pursuant to Sections 6-2200 through 6-2203 of the Chesapeake Zoning Ordinance. ZONE: R-15s Residential District. LOCATION: 2057 Millville Road. TAX MAP SECTION/PARCEL: 0460000001222 and portions of 0460000001250, 0460000001260, 0460000001270, and 0460000001280. BOROUGH: Deep Creek.

The Planning Commission recommended approval with the following stipulations:

1. The Developer/Owner agrees that he/they shall reserve right-of-way for the Cedar Road Phase IV & V projects to be dedicated at a later date, as specified by the City of Chesapeake. The developer/owner also agrees that the actual limits of the right-of-way needed, as determined by the Public Works Department, may vary from that shown on the preliminary plan. The Developer/Owner further agrees that the actual right-of-way needed shall be shown on the final subdivision plan and be dedicated prior to, or concurrently with, the recordation of the final subdivision plat or the dedication date specified by the City of Chesapeake, whichever is sooner.
2. The Developer/Owner agrees that he/they shall dedicate easements that are deemed necessary by the Public Works Department to route drainage from the Cedar Road Phase IV & V projects through the proposed detention facility located on the south/west side of the proposed Cedar Road right-of-way reservation. The developer/owner also agrees that such easements shall be dedicated prior to, or concurrently with, the approval of the final subdivision plat.
3. Development of the proposed lots shall be subject to the architectural provisions that are listed in April 20, 2001 letter from James R. Bradford of Hassell & Folkes, P.C. to the Department of Planning regarding the subject conditional use permit application, except for those provisions that explicitly refer to (a) the base price of the models and (b) the estimated average sales price.
4. Water quality impact assessment shall be submitted with the final subdivision plan to demonstrate that any encroachment into the landward 50-foot portion of the 100-foot RPA buffer will comply with the buffer equivalency provisions of Section 12-508.C of the Zoning Ordinance.

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5. The applicant agrees that all open space areas depicted on the revised preliminary site plan shall be dedicated to a property owners association for the perpetual use and enjoyment of its members. To the extent permitted by state law, the applicant shall ensure that the property owners association will have control over all open space areas regardless of any claim of riparian rights that may be raised by owners of lots abutting open space waterways.
6. All homeowner's association documents required under Section 13-1800 of the Zoning Ordinance shall be submitted to, and approved by, the City Attorney's Office prior to the approval of the final subdivision plan.

City Clerk Moore identified the following speakers:

James R. Bradford, 325 Volvo Parkway, representing Hassell & Folkes, P.C., spoke in support of Public Hearing Item **(E) - UP-01-08**.

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to Public Hearing Item **(E) - UP-01-08**.

Vice Mayor Cosgrove, on a motion seconded by Council Member Parker, moved for approval of **UP-01-08** with stipulations.

There was extensive discussion between Council Members, Planning Director Nielson and Mr. James Bradford.

On the motion, voting yes: Council Members Cosgrove, Edge, Krasnoff, Parker, Ward, and Willis.

Voting no: Council Members de Triquet, Ritter and Waters.

F. UP-01-01. PROJECT: Cavalier Ford. **APPLICANT:** Kenneth J. Silverman
AGENCY: Hassell & Folkes, P.C. **PROPOSAL:** Conditional use permit to operate a used motor vehicle dealership on a 0.35 acre lease parcel. **ZONE:** B-2 General Business District. **SIC CODE:** 552. **LOCATION:** 3900 Indian River Road. **TAX MAP SECTION/PARCEL:** portion of 0133010000070. **BOROUGH:** Washington.

The Planning Commission recommended approval with the following stipulations:

1. As agreed upon by the applicant, a landscape buffer type "F" shall be provided adjacent to Indian River Road at the west end of the property and planters shall be provided adjacent to Indian River Road by the existing canopy, as indicated on the site plan submitted by the applicant and dated April 10, 2001, with plantings to be approved by the City Arborist.
2. The applicant agrees to remove the existing pole mounted sign prior to obtaining a certificate of occupancy and that the proposed monument sign will conform with all requirements of the Zoning Ordinance.
3. The Fire Department shall review and approve the location of fire hydrants prior to final site plan approval.

City Clerk Moore advised that there was one speaker, the agent for the applicant.

Vice Mayor Cosgrove, on a motion seconded by Council Member Waters, moved for approval of **UP-01-01** with stipulations.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Ritter, Parker, Ward, Waters and Willis.

Voting no: None.

G. UP-01-03. PROJECT: Etheridge Greens. APPLICANT: Robert S. Diberardinis
AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional use permit to construct & operate a golf course, golf driving range & related facilities on a 217 ± acre site. ZONE: A-1 Agricultural District. SIC CODE: 7992, 7999. LOCATION: Southeast corner of the intersection of Centerville Turnpike & Whittamore Road. TAX MAP SECTION/PARCEL: 0620000000020. BOROUGH: Butts Road.

The Planning Commission recommended approval with the following stipulations:

1. As agreed upon by the applicant, the applicant shall be responsible for providing a left turn lane on Centerville Turnpike at Whittamore Road prior to the initial delivery of fly ash to the site.
2. As agreed upon by the applicant, the applicant shall be responsible for providing a minimum twenty-four (24) foot width of pavement on Whittamore Road from the project entrance to the intersection of Centerville Turnpike. These improvements shall be completed prior to the initial delivery of fly ash to the site.
3. A subdivision plat shall be submitted for recordation prior to final site plan approval for the purpose of providing a 45 foot right-of-way reservation along Centerville Turnpike and any right-of-way dedication that may be necessary for ditch and shoulder improvements along Centerville Turnpike, as determined by the Department of Public Works.
4. As agreed upon by the applicant, the applicant shall implement corrective measures to ensure the safety of motorists along Centerville Turnpike and Whittamore Road from errant golf balls if required by the Department of Public Works.
5. As agreed upon by the applicant, an enhanced street buffer varying from 10 feet to 50 feet in width will be provided along Centerville Turnpike and Whittamore Road in order to soften the appearance from the public rights-of-way and to avoid a rigid linear effect. Landscaping shall be subject to approval by the City Arborist.

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6. The applicant agrees that a five percent tree canopy coverage of the property shall be provided prior to finalization and formal opening of the golf course. The canopy coverage shall be accomplished through a combination of reforestation areas, street buffers and plantings internal to the golf course, subject to approval by the City Arborist. Reforestation areas shall be planted with large and small canopy tree seedlings a minimum of 6" to 12" in height at the time of planting and at a spacing of one tree per 400 sq. ft., subject to approval by the City Arborist. Street buffer trees and internal golf course trees shall be in accordance with the specifications of the Chesapeake Zoning Ordinance.
7. A dry hydrant shall be provided drawing supply from the proposed lake in accordance with the Public Facilities Manual (PFM) prior to the issuance of a certificate of occupancy.
8. If approved by the City Council, the building setback for the Maintenance Building shall be at least 50 feet from the right-of-way reservation line along Whittamore Road. Landscaping, subject to approval by the City Arborist, shall be provided that screens the Maintenance Building from public view from the street if the setback is approved to be less than 150 feet.
9. A 12' x 35' loading space shall be indicated on the final site plan and provided prior to the issuance of a certificate of occupancy.
10. In the event any private potable well located within a 2,000 foot radius of the subject property's boundaries fails due to contamination or diminution of groundwater, the applicant agrees to promptly provide a replacement well equal in water quality to the failed well. The applicant agrees that he will provide such replacement wells upon receiving a complaint of well damage unless professional hydraulic and/or water quality studies show conclusively that the diminution of groundwater and/or contamination was not caused or contributed to by the construction or operation of the golf course and related facilities. The applicant agrees to post and maintain a twenty-four hour telephone number at the entrance to the site during construction of the golf course to ensure an immediate response to local inquiries. The applicant's obligations under this stipulation shall apply only to potable wells existing at the time that construction of the golf course begins and shall expire seven (7) years from the date of the approval of the conditional use permit **(UP-01-03)**.

11. The applicant acknowledges that it is his legal responsibility to ensure safe public drinking water to his patrons. As such the developer agrees that he shall monitor the domestic water supply for the clubhouse and have prepared water quality reports by an independent consultant on a semi-annual basis. Such report shall be filed with the State Water Control Board with a copy provided to the City of Chesapeake Health Department. The term of these reports shall extend from six (6) months from the date of the initial land disturbance to two (2) years after the formal opening of the golf course.
12. The applicant shall fully comply with all applicable state, local, and federal laws relating to the use of "fly ash" or other coal combustion byproduct in the construction and maintenance of the golf course and related features. The applicant further agrees that no more than four (4) acres of uncovered fly ash or similar byproduct will be exposed at any given time and that the maximum period of exposure, from the time of delivery to the time of topsoil coverage will be seven (7) days. In addition, the applicant shall take all necessary action to prevent the fly ash from being carried by winds to neighboring properties by maintaining the condition of the fly ash, to include, at a minimum, watering on a regular basis.
13. As agreed upon by the applicant, the clubhouse and maintenance building will be constructed with either brick, block with brick appearance, split block or other stone/masonry veneer, with colors and materials to be approved by the Planning Director or designee prior to the issuance of a building permit.
14. In accordance with Section 12-406.E. of the Chesapeake Zoning Ordinance, prior to the issuance of a building permit associated with this conditional use, the building plan must be certified by an acoustical engineer as meeting the noise level reduction (NLR) standards established by the U.S. Navy for buildings located within Air Installation Compatible Use Zones (AICUZ) noise zone greater than 75 dB Ldn (noise zone 3). Certification by an acoustical engineer that such sound abatement procedures have been installed shall be provided prior to issuance of a certificate of occupancy for such building or structure.
15. In accordance with Section 12-407 of the Chesapeake Zoning Ordinance, the following statement shall be included on the final site plan: "This development is located partially or wholly within an aircraft noise and/or accident zone and may be subject to above average noise levels (including noise levels experienced in United States Navy Air Installation Compatible Use Zones (AICUZ) noise zone greater than 75 dB Ldn, noise zone 3) or to aircraft accidents."

City Clerk Moore identified the following speakers:

James R. Bradford, 325 Volvo Parkway, representing Hassell & Folkes, P.C., spoke in support of Public Hearing Item **(G) - UP-01-03**.

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to Public Hearing Item **(G) - UP-01-03**.

Vice Mayor Cosgrove, on a motion seconded by Council Member Willis, moved for approval of **UP-01-03** with stipulations.

Mayor Ward asked that James Bradford, agent and C. Max Bartholomew, Jr. of Virginia Power explain the use of the flyash and its impacts. Mr. Bradford and Mr. addressed the issue.

There was no additional discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Ritter, Parker, Ward, Waters and Willis.

Voting no: None.

H. UP-01-06. PROJECT: Master Blasters Paintball. APPLICANT: Master Blasters Paintball. PROPOSAL: A conditional use permit for an outdoor (paintball) recreational facility on a 29 acre parcel and a request for an alternative parking surface in accordance with Section 19-406(C) of the Chesapeake Zoning Ordinance. ZONE: A-1 Agricultural District. SIC CODE: 7999. LOCATION: 3648 Belle Haven Street. TAX MAP SECTION/PARCEL: portion of 0920000000090. BOROUGH: Pleasant Grove.

The Planning Commission recommended approval of the request for an alternative parking surface and the following stipulations:

1. The applicant shall limit the days and hours of operation to Saturday and Sunday from 9 a.m. to 4 p.m.
2. The applicant shall limit the number of players on the site to no more than 40 individuals at any one time.
3. The applicant shall install a City standard commercial entrance prior to the commencement of the activities permitted under this conditional use permit.
4. A Best Management Practice (BMP) will be required if more than 10,000 square feet is disturbed during construction prior to commencement of the activities permitted under this conditional use permit.
5. The conditional use permit will expire once the Beech Wood house is sold and/or occupied.
6. Regular cleaning and maintenance of the site is required at the end of every operating day.
7. The applicant shall install a 10-foot wide Buffer "F" along Belle Haven Street prior to the commencement of activities permitted under this conditional use permit.
8. The applicant shall install a 10-foot wide Buffer "A" or "B" on the eastern side of the property and around the existing graveyard site prior to the commencement of activities permitted under this conditional use permit.
9. No overhead lighting shall be installed or utilized on the subject site.

10. As agreed upon by the applicant, the consumption or sale of alcoholic beverages shall be prohibited on the site.
11. The applicant shall ensure that the space identified on the preliminary site plan as the play area is enclosed at all times with safety netting measuring at least 10 feet in height.
12. The Office of Zoning Administration shall, at a minimum, conduct inspections of the property six and twelve months after the issuance of the conditional use permit to ensure compliance with all applicable City ordinances and with the stipulations contained herein. In the event that the Office of Zoning Administration observes one or more violations, a notice of violation shall be issued. Any subsequent violation shall be deemed sufficient to invoke the revocation process set out in Section 17-112 of the Zoning Ordinance.
13. In the interest of public health and the well being of customers and employees, the applicant shall provide screened on-site restroom facilities approved by the Department of Health. Such facilities shall be operational prior to the commencement of the activities permitted under this conditional use permit.
14. The applicant shall post and maintain a sign at the entrance to the play area that outlines safety rules for players, including the requirements that players must wear eye protection at all times.

City Clerk Moore identified the following speakers:

David Pearson, 308 Randy Court, representing Master Blasters Paintball Shop, spoke in support of Public Hearing Item **(H) - UP-01-06**.

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to Public Hearing Item **(H) - UP-01-06**.

Council Member Willis, on a motion seconded by Council Member Waters, moved for approval of **UP-01-06** with stipulations.

There was general discussion.

Council Member Edge asked City Attorney Hallman if a conflict of interest existed based on the owner of the property in question is his neighbor and occasionally does work for him. City Attorney Hallman advised that there was no legal conflict of interest as established by the State statute.

On the motion, voting yes: Council Members Edge, Parker, Ward, Waters and Willis.

Voting no: Council Members Cosgrove, de Triquet, Krasnoff, and Ritter.

I. UP-01-11. PROJECT: Piercy Height Exception. **APPLICANT:** Ernest L. & Cynthia W. Piercy. **PROPOSAL:** A conditional use permit to allow a garage to exceed the height of the primary dwelling in accordance with Section 19-205.B of the Chesapeake Zoning Ordinance. **ZONE:** R-8s Single Family District. **LOCATION:** 801 Balford Lane. **TAX MAP SECTION/PARCEL:** 0271014000320. **BOROUGH:** Washington.

The Planning Commission recommended approval with the following stipulations:

1. The garage shall not be used as a residence.

2. At the option of the applicant, either a buffer yard consisting of a row of Leyland Cypress, 6' on center, minimum height of 36" at planting, or a buffer yard "A" or "B" shall be installed along the western and southern property lines. A landscape plan shall be submitted to and approved by the City Arborist.

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

Mayor Ward asked Planning Director Nielson to explain why the applicant was requesting the height exception.

Planning Director Nielson addressed the issue.

Council Member Krasnoff, on a motion seconded by Council Member Waters, moved for approval of **UP-01-11** with stipulations.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

J. R(C)-01-02. PROJECT: Boger Rezoning. APPLICANT: Michael G. & Judith Boger. AGENCY: Carr & Porter, LLC. PROPOSAL: A conditional zoning reclassification from R -15s Single-family Residential District to O & I Office & Institutional District for a .44 acre site. ZONE: R-15s Single-family Residential District. PROPOSED COMP LAND USE: O & I Office & Institutional. EXISTING COMP LAND USE / DENSITY: Suburban Single-Family Residential / 1 unit per acre to something less than 4 units per acre. LOCATION: 2620 Taylor Road. TAX MAP SECTION/PARCEL: 010000000661. BOROUGH: Western Branch.

The Planning Commission recommended approval with the following proffers:

1. The Applicant/Owner shall develop the subject property solely for use in conjunction with that land identified in Rezoning Application R(C)-00-16, Western Branch Wal-Mart and for replacement and expansion parking for the adjacent (Prudential Decker) office use. Specifically, the subject property shall be used only for the following purposes, provided that all applicable provisions in the Chesapeake Zoning Ordinance, the Chesapeake City Code, and the Chesapeake Public Facilities Manual are met:
 - a. subdivision and partial conveyance to the adjacent landowner, said property to be improved to allow an expanded parking area for the existing (Prudential Decker) office use and to replace parking spaces adjacent to Taylor Road, which are being conveyed to the City of Chesapeake for public road right-of-way at the time of subdivision,
 - b. for the detention pond, to serve the development of the outparcels and other property rezoned under Rezoning Application R(C)-00-16,
 - c. for signage, for the Wal-Mart/Sam's Club retail center, provided that lot lines are vacated or created as necessary to meet the sign regulations in the Chesapeake Zoning Ordinance,
 - d. for landscaping,

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- e. for ingress and egress to the property that is the subject of Rezoning Application R(C)-00-16, and
 - f. other incidental uses necessary for the development of the property which is the subject of Rezoning Application R(C)-00-16.
2. The Applicant/Owner agrees that there shall be no access to the property from the ingress/egress entrance to be constructed to the immediate north, other than for the customary maintenance of the improvements identified above.

City Clerk Moore identified the following speakers:

Ridge Porter, 355 Crawford Parkway, Portsmouth, Virginia, representing Wal-Mart and Michael and Judith Boger, Applicants, spoke in support of Public Hearing Item **(J) - R(C)-01-02**.

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to Public Hearing Item **(J) - R(C)-01-02**.

Council Member de Triquet, on a motion seconded by Council Member Krasnoff, moved for approval of **R(C)-01-02** with proffers.

#01-O-050 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE REZONING OF APPROXIMATELY .44 ACRES OF LAND LOCATED AT 2620 TAYLOR ROAD, IN THE WESTERN BRANCH BOROUGH, FROM R-15s SINGLE-FAMILY RESIDENTIAL DISTRICT TO O&I OFFICE & INSTITUTIONAL DISTRICT **(R(C)-01-02)**.

There was extensive discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, and Willis.

Voting no: Council Members Waters.

K. CP(M)-01-01. PROJECT: Cahoon Plantation PUD Modification. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A modification to the Cahoon Plantation PUD to reduce the size of the approved golf course (by nine holes) from 346.9 acres to 299 acres and increase the size of the residential area from 53.2 acres to 129.4 acres. ZONE: PUD Planned Unit Development. LOCATION: 1501 Cedar Road. TAX MAP SECTION/PARCEL: 0460000001560, 0460000001570, 0460000000230. BOROUGH: Deep Creek.

The Planning Commission recommended approval.

City Clerk Moore identified the following speakers:

James R. Bradford, 325 Volvo Parkway, representing Hassell & Folkes, P.C., spoke in support of Public Hearing Item **(K) - CP(M)-01-01**.

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to Public Hearing Item **(K) - CP(M)-01-01**.

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Vice Mayor Cosgrove, on a motion seconded by Council Member Willis, moved for approval of **CP(M)-01-01**.

There was general discussion.

On the motion, voting yes: Council Members Cosgrove, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: Council Member de Triquet.

L. R-01-04. PROJECT: Cross Rezoning. APPLICANT: William B. and Kimberly M. Cross. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conventional zoning reclassification of 1.8 acres to allow office/institutional improvements on this property to tie in with the existing O&I zoning on the front 2.3 acres. ZONE: R-15s Residential District(1.8 acre); O&I Office & Institutional District (2.3 acre); PROPOSED COMP LAND USE: General Commercial (O&I Office & Institutional District). EXISTING COMP LAND USE / DENSITY: General Commercial and Suburban Single-Family / 1 unit per acre to something less than 4 units per acre. LOCATION: north of Great Bridge Blvd., south of Route 168 Bypass and west of Battlefield Blvd. TAX MAP SECTION/PARCEL: portion of 0360000001710. BOROUGH: Washington.

The Planning Commission recommended approval.

City Clerk Moore identified the following speakers:

James R. Bradford, 325 Volvo Parkway, representing Hassell & Folkes, P.C., spoke in support of Public Hearing Item **(L) – R-01-04**.

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to Public Hearing Item **(L) – R-01-04**.

Council Member Edge, on a motion seconded by Council Member Parker, moved for approval of **R-01-04**.

#01-O-051 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE REZONING OF APPROXIMATELY 1.88 ACRES OF LAND LOCATED NORTH OF GREAT BRIDGE BOULEVARD, SOUTH OF THE ROUTE 168 BYPASS AND WEST OF BATTLEFIELD BOULEVARD, IN THE WASHINGTON BOROUGH, FROM R-15s SINGLE-FAMILY RESIDENTIAL DISTRICT TO O&I OFFICE & INSTITUTIONAL DISTRICT.

There was extensive discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, and Willis.

Voting no: Council Member Waters.

City Council recessed at 8:42 p.m. and reconvened at 8:50 p.m.

M. R-01-05. PROJECT: Etheridge Pines. APPLICANT: Ramsgate Corporation, Inc. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conventional zoning reclassification for 23 acres from A-1 Agricultural District to R-12(a)s Residential District. ZONE: R-8s Single Family District (2.1 acres); A-1 Agricultural District (23 acres). PROPOSED COMP LAND USE / DENSITY: Suburban Single-Family Residential / 1 unit per acre to something less than 4 units per acre. EXISTING COMP LAND USE / DENSITY: Suburban Single-Family Residential / 1 unit per acre to something less than 4 units per acre. LOCATION: Immediately south of New Born Court. TAX MAP SECTION/PARCEL: 0611005000010, 0611005000060, 0611005000080, portion of 0611005000090, 0611005000110, 0611005000020, 0611005000212, 0611005000260, 0611005000340. BOROUGH: Pleasant Grove.

The Planning Commission recommended approval.

City Clerk Moore identified the following speakers:

Council Member Krasnoff advised that he would abstain from voting on R-01-05 due to an established conflict of interest involving the Ramsgate property previously discussed with City Attorney Hallman.

City Attorney Hallman confirmed that Council Member Krasnoff has a conflict of interest that would require him to abstain from voting on this application.

James R. Bradford, 325 Volvo Parkway, representing Hassell & Folkes, P.C., spoke in support of Public Hearing Item **(M) – R-01-05**.

Clinton Grandy, 1001 Fentress Road, representing Fentress Civic League, spoke in support of Public Hearing Item **(M) – R-01-05**.

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to Public Hearing Item **(M) – R-01-05**.

Council Member Krasnoff advised that he would abstain from voting on **R-01-05** because of a potential conflict of interest with Ramsgate Corporation, Incorporated.

Council Member Parker, on a motion seconded by Council Member de Triquet, moved for approval of **R-01-05**.

#01-O-052 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE REZONING OF APPROXIMATELY 23 ACRES OF LAND LOCATED SOUTH OF NEW BORN COURT, IN THE PLEASANT GROVE BOROUGH, FROM A-1 AGRICULTURAL DISTRICT TO R-12(a)s RESIDENTIAL DISTRICT

There was extensive discussion. Council Member Willis asked Manager Pazour to contact the Police Department to have police patrols increased in the area in an effort to address the concerns raised by the neighbors.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Parker, Ward, and Waters.

Voting no: Council Members Ritter and Willis. Council Member Krasnoff abstained.

N. #01-O-053 TA-Z-01-05 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING," SECTIONS 3-403, 6-2101.C., 7-602, 8-601.C., 9-501.C., 9-502., 12-607 AND 14-200 THEREOF, TO DESIGNATE TATTOO PARLORS AS A CONDITIONAL USE IN THE B-2, O & I, M-1, AND M-2 ZONING DISTRICTS AND TO CLARIFY THAT TATTOO PARLORS WILL CONTINUE TO BE PROHIBITED IN ALL OTHER ZONING DISTRICTS.

The Planning Commission recommended approval of the version dated May 9, 2001 as amended to prohibit tattoo parlors in the B-2 zoning district.

City Clerk Moore identified the following speaker:

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in support of Public Hearing Item **(N) – TA-Z-01-05**.

Mayor Ward, noting that two versions of the proposed text amendments were under consideration, asked Planning Director Nielson to explain the differences in the two documents.

Mr. Nielson advised that staff recommended version #2 dated May 9, 2001 which allowed tattoo parlors in B2, M-1 and M2 districts with a Conditional Use Permit. The Planning Commission dropped the B-2 district in approving the proposed text amendments, but still required a Conditional Use Permit.

Council Member Krasnoff, noting that a Closed Session related to the item under consideration was planned for the end of the meeting; requested that action on the text amendment be deferred until after conclusion of the Closed Session.

City Council concerned with the recommendation.

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

City Clerk Moore identified the following speaker:

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to City Manager Items **(1)** - an appropriation request (\$29,512 federal/state) of seized asset funds allocated by the Virginia Department of Criminal Justice Services and the U.S. Department of Justice; **(2)** - an appropriation request (\$2,040) of interest earnings from local law enforcement block grant funds and lap top computer grant funds; **(6)** - a resolution authorizing the City Manager to execute agreements with the Virginia Department of Transportation regarding adjustment of water and sewer facilities, relocation of sanitary sewer pump station #138, and a dual right of entry for pump station #138, in conjunction with improvements of I-64 from Greenbrier Parkway to I-464/Dominion Boulevard; and City Attorney items **(1)** - a resolution authorizing the execution of a temporary nonexclusive revocable license agreement with dominion telecom, inc. to allow for the construction, maintenance and operation of telecommunications facilities in a portion of the City of Chesapeake's right-of-way; and **(2)** - an ordinance amending Chapter 26 of the City Code, entitled "environment", Article VII, Section 26-233 thereof, providing for an exception to the increase in fees for the removal of topsoil and other materials where existing contracts for the sale of such materials do not contain escalator clauses.

CONSENT AGENDA

Mayor Ward asked Council Members if there were any items they wish to have removed from the Consent Agenda for consideration under the Regular Agenda.

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

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None.

CITY CLERK ITEM

- (1) REFUND OF BUSINESS LICENSE
 - a. Unisys Corporation - \$7,063.39
 - b. Freedom Chevrolet Nissan, Inc. - \$22,231.24

CITY MANAGER ITEMS

- (1) **#01-O-054** AN APPROPRIATION REQUEST (\$29,512 FEDERAL/STATE) OF SEIZED ASSET FUNDS ALLOCATED BY THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES AND THE U.S. DEPARTMENT OF JUSTICE.
- (2) **#01-O-055** AN APPROPRIATION REQUEST (\$2,040) OF INTEREST EARNINGS FROM LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS AND LAP TOP COMPUTER GRANT FUNDS
- (3) **#01-R-033** A RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT INVESTMENT GRANT (\$75,000 LOCAL) TO FEDEX GROUND PACKAGE SYSTEM, INC. AND TRANSFERRING APROPRIATED FUNDS THEREFOR .
- (4) A REQUEST FOR AUTHORITY TO SUBMIT A JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT APPLICATION (\$44,528 STATE/\$4,948 LOCAL) TO THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES.
- (5) **#01-O-056** AN APPROPRIATION REQUEST (\$33,232 STATE) OF FUEL PROGRAM ASSISTANCE FUNDS ALLOCATED BY THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES.
- (6) **#01-R-034** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION REGARDING ADJUSTMENT OF WATER AND SEWER FACILITIES, RELOCATION OF SANITARY SEWER PUMP STATION #138, AND A DUAL RIGHT OF ENTRY FOR PUMP STATION #138, IN CONJUNCTION WITH IMPROVEMENTS OF I-64 FROM GREENBRIER PARKWAY TO I-464/DOMINION BOULEVARD.

CITY ATTORNEY ITEM

- (1) **#01-R-035** A RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY NONEXCLUSIVE REVOCABLE LICENSE AGREEMENT WITH DOMINION TELECOM, INC. TO ALLOW FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF TELECOMMUNICATIONS FACILITIES IN A PORTION OF THE CITY OF CHESAPEAKE'S RIGHT-OF-WAY.

REGULAR AGENDA

CITY MANAGER ITEMS

(7) A REQUEST FOR CONTINGENCY FUND TRANSFER (\$33,664) – REFUND OF UTILITY FEES AND PERMIT FEES FOR ELEVEN HOUSES TO BE CONSTRUCTED IN CAMPOSTELLA SQUARE.

City Manager Pazour presented the item.

Vice Mayor Cosgrove, on a motion seconded by Council Member Parker, moved for approval.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None.

(8) **#01-O-057** AN APPROPRIATION REQUEST (\$268,661 LOCAL) OF FUNDS FROM THE INTERAGENCY CONSORTIUM FUND BALANCE – SUPPLEMENTAL BUDGET REQUEST FOR SPECIAL EDUCATION RESIDENTIAL AND DAY TREATMENT SERVICES.

City Manager Pazour presented the item.

Council Member Parker, on a motion seconded by Council Member Waters, moved for approval.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None.

CITY ATTORNEY ITEM

(2) **#01-O-058** AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY CODE, ENTITLED “ENVIRONMENT”, ARTICLE VII, SECTION 26-233 THEREOF, PROVIDING FOR AN EXCEPTION TO THE INCREASE IN FEES FOR THE REMOVAL OF TOPSOIL AND OTHER MATERIALS WHERE EXISTING CONTRACTS FOR THE SALE OF SUCH MATERIALS DO NOT CONTAIN ESCALATOR CLAUSES.

City Attorney Hallman presented the item and gave a summary of the proposed amendment. He also requested that the proposed amendment be adopted as an emergency ordinance to be effective July 1, 2001.

Vice Mayor Cosgrove, on a motion seconded by Council Member Parker, moved for approval as an emergency ordinance.

There was general discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ward, Waters, and Willis.

Voting no: Council Member Ritter.

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

T. J. Carawan, 330 Hurdle Drive, representing self, spoke on temporary certificates of occupancy.

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Mayor Ward asked City Manager Pazour to have staff review the concerns raised by Mr. Carawan.

COMMITTEE REPORT

Council Member de Triquet distributed a report detailing cost figures of Council expenses, including meeting dinners and facsimile telephone lines. He asked Council Members to provide comments back to Council Member Krasnoff and him on suggestions for budget reductions in these areas or alternate funding sources.

Council Member Edge reported on the Airport Authority advising that Mr. Joe Love had been offered the position of Airport Manager at the Chesapeake Municipal Airport. Council Member Edge requested that an appropriation item to address handicap access at the front of the City Hall Building be placed on the June 26, 2001 agenda for consideration. Council Member Edge also asked that the agenda item address the possibility of placing a hand rail on the back entrance of the City Hall Building.

Council Member Krasnoff addressed the duplication of information provided for the Work Sessions and Council Meetings. He suggested that savings would be incurred by providing the materials only once, and encouraged the City Council Members to remember to bring those materials with them to the meeting.

Council Member Parker reported that City Manager Pazour met with School Board representatives on Monday, June 18, 2001. Joliff Road Middle School was on schedule to open in September 2001, and the reconstruction work at Great Bridge Middle School was underway. The Hickory Treatment Plant formerly operated by the School System, is now being operated by the Hampton Roads Sanitation District.

Council Member Ritter reported on the High Growth Localities Coalition meeting. The group met to discuss the appointments made by the Senate and House to House Joint Resolution 671, a joint study commission named to look at growth measures in the State, and what the Coalition's role would be with the commission. She advised that the Coalition was disappointed that local governments were not included at the table for the appointments, but are hoping to influence the work process and have a presence on the study groups.

Council Member Waters reported on Hampton Roads Transit and Handi-Ride services. He referenced an Executive Study that would be distributed to City Council at the end of the evening. He also advised that public hearings on a proposed new Handi-Ride policy would take place prior to implementation of the new policy on July 12, 2001. Council Member Waters provided information on the dates and locations of the public hearings during July, 2001.

Council Member Ritter suggested that Hampton Roads Transit liaisons (Council Members Waters and Willis) provide the information on the public hearing meetings to Public Communications to be placed on the Community Bulletin Board – Channel 48.

Vice Mayor Cosgrove advised that the Hospital Authority recently elected its new officers with Robert Culpepper named Chairman and Dr. Jeffrey Powers, Vice-Chairman. Vice Mayor Cosgrove also congratulated Congressman-elect J. Randy Forbes on a successful campaign in the 4th Congressional District.

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Mayor Ward reported on Opportunity, Incorporated, Hampton Roads Planning District Commission and Hampton Roads Economic Development Alliance meetings that he attended.

OLD AND NEW BUSINESS

Council Member Krasnoff asked that City Council keep the families of John Ben Gibson and Woody Koonce in prayer.

Council Member Parker announced that the Deep Creek Boys Track team won the State Championship and requested that the team and coaches be invited to a Council meeting for recognition.

Council Member Ritter reminded members of City Council to submit legislative issues to Management Analyst Anna D'Antonio or Assistant to the City Manager Mary Ann Saunders for the 2002 Chesapeake Legislative Package.

Council Member Willis advised that Hampton Roads Transit would conduct a Public Hearing on July 12, 2001 at 1:30 p.m. about the organization's new Handi-Ride policy.

NOMINATIONS TO BOARDS AND COMMISSIONS

A. CHESAPEAKE REDEVELOPMENT AND HOUSING AUTHORITY – 3 VACANCIES

Council Member Edge nominated Brad Casas, Althea Gallop and Warren Cole.

Council Member Ritter nominated Dr. Rebecca Adams.

Mayor Ward nominated Rosemarie Poe.

Council Member Waters nominated Roland Thornton.

Council Member Krasnoff nominated Lionell Spruill, Jr.

Council Member Parker, on a motion seconded by Mayor Ward, moved to close nominations to the Chesapeake Redevelopment and Housing Authority.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

Brad Cassus, Althea Gallop, Warren Cole, Dr. Rebecca Adams, Rosemarie Poe, Roland Thornton and Lionell Spruill, Jr. have been nominated to the Chesapeake Redevelopment and Housing Authority board.

Vice Mayor Cosgrove advised that interviews and appointments would take place on Tuesday, June 27, 2001.

REQUEST FOR CLOSED SESSION

City Attorney Hallman provided the following language for the first item for the purpose of a Closed Session: "to consult with legal counsel pertaining to actual litigation where consultation in an open session will adversely affect the City's litigating position pursuant to Virginia Code 2.1-344.A.7."

Council Member de Triquet, on a motion seconded by Council Member Parker, moved for approval.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

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City Attorney Hallman provided the following language for the second item for the purpose of a Closed Session: "to discuss the acquisition of real property for a public purpose where discussion in an open meeting will adversely affect the negotiating position of the City pursuant to Virginia Code 2.1344.A.3."

Council Member Waters advised that he will abstain from voting because the property to be discussed is across from his residence.

Council Member Parker, on a motion seconded by Vice Mayor Cosgrove, moved for approval.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, and Willis.

Voting no: None. (Council Member Waters abstained)

Council went into Closed Session at 9:58 p.m. and reconvened at 10:43 p.m.

CLOSED SESSION

City Attorney Hallman read the following: "The Chesapeake City Council hereby certifies that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City Council."

Council Member de Triquet, on a motion seconded by Council Member Parker, moved for approval of Closed Session regarding consultation with legal counsel pertaining to actual litigation.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

There was no discussion.

Voting no: None.

City Attorney Hallman read the following: "The Chesapeake City Council hereby certifies that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements were discussed and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City Council."

Vice Mayor Cosgrove, on a motion seconded by Council Member Krasnoff, moved for approval of Closed Session regarding acquisition of property.

On the motion, voting yes: Council Members Cosgrove, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, and Willis.

There was no discussion.

Voting no: None. (Council Member Waters abstained)

CONSIDERATION OF PUBLIC HEARING ITEM (N)

N. TA-Z-01-05 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING," SECTIONS 3-403, 6-2101.C., 7-602, 8-601.C., 9-501.C., 9-502., 12-607 AND 14-200 THEREOF, TO DESIGNATE TATTOO PARLORS AS A CONDITIONAL USE IN THE B-2, O & I, M-1, AND M-2 ZONING DISTRICTS AND TO CLARIFY THAT TATTOO PARLORS WILL CONTINUE TO BE PROHIBITED IN ALL OTHER ZONING DISTRICTS.

This item was discussed at the end of the Public Hearing section of the agenda and moved by City Council to the end of the meeting for action.

Council Member Ritter, on a motion seconded by Council Member Waters, moved for approval of **TA-Z-01-05**, the version that allows these facilities as a conditional use within the M-1 and M-2 Zoning districts, and be adopted as an emergency ordinance. (version dated may 9, 2001)

There was no additional discussion.

On the motion, voting yes: Council Members de Triquet, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: Council Members Cosgrove and Edge.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 10:47 p.m.

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