



CITY COUNCIL

AGENDA

Tuesday, August 29, 2023

3:30 CITY COUNCIL WORK SESSION – CITY HALL-10TH FLOOR CONFERENCE ROOM

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| I. AGENDA OVERVIEW | <i>Patrick Roberts, City Manager</i> |
| II. FISCAL YEAR 2023 AUDITS | <i>Cheri Amoss, Principal, CliftonLarsenAllan</i> |
| III. NIGHTHAWKS RECAP | <i>Ed Matthews, Assistant Director, Parks & Recreation</i> |
| IV. CITY PLANNING UPDATE | <i>Paula Shea, Acting Planning Director</i> |
| V. CLOSED SESSION: | |
| • LEGAL MATTERS | |
| • BOARDS & COMMISSIONS | |

Supporting Documents:

- [Announcement of Meeting](#)
- [8-29-2023 Pending Land Use Report](#)
- [8-29-2023 Minutes from City Council Meeting of July 11th](#)



NORFOLK, VIRGINIA

DOCKET FOR THE COUNCIL (REVISED)

TUESDAY, AUGUST 29, 2023 – 6:00 P.M.

A CITIZEN WHO WISHES TO ADDRESS COUNCIL CONCERNING A DOCKET ITEM OR NEW BUSINESS MUST REGISTER TO SPEAK WITH THE CITY CLERK BY 3:00 PM THE DAY OF THE MEETING BY CALLING (757) 664-4253 OR EMAILING CCOUNCIL@NORFOLK.GOV.

MOMENT OF SILENCE

Followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Approve the minutes of the previous City Council meeting.

INVITATION FOR BIDS

[IB-1](#) Invitation for Bids scheduled this day pursuant to State law, public notice having been inserted in the local press by the City Clerk to accept bids for a **Nonexclusive Telecommunications Franchise Agreement**, with a term of five years in the City's right of way, subject to certain terms and conditions.

(Receive bids and continue to September 12, 2023)

PUBLIC HEARINGS

[PH-1](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Approving a Lease Agreement with the Virginia Opera Association, Inc. for the Lease of a Portion of the Office Space Located Within Harrison Opera House at **160 W. Virginia Beach Boulevard**.

An Ordinance Approving a Lease Agreement with the Virginia Opera Association, Inc. for the Lease of a Portion of the Office Space Located Within the Civic Arena Building Adjacent to the Harrison Opera House at **160 W. Virginia Beach Boulevard**.

[PH-2](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Approving a Lease Agreement with the Virginia Opera Association, Inc. for the Lease of the Harrison Opera House Performance Hall Located at **160 W. Virginia Beach Boulevard**.

An Ordinance Approving a Lease Agreement with the Virginia Opera Association, Inc. for the Lease of the Harrison Opera House Performance Hall Located at **160 W. Virginia Beach Boulevard**.

[PH-3](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments approving the Terms and Conditions of a Lease with the Norfolk Senior Center t/a Primeplus, for Certain Premises Located at the Norfolk Fitness & Wellness Center at **7300 Newport Avenue** and Authorizing the Execution of the Lease Agreement.

An Ordinance Approving the Terms and Conditions of a Lease with the Norfolk Senior Center t/a Primeplus, for Certain Premises Located at the Norfolk Fitness & Wellness Center at **7300 Newport Avenue** and Authorizing the Execution of the Lease Agreement.

[PH-4](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments to Amend Section 14.1-123, Ingleside Precinct, SO AS TO Change the Location of the **Voting Place of the Precinct from Ingleside Recreation Center to Ingleside Community Gymnasium**.

An Ordinance to Amend Section 14.1-123, Ingleside Precinct, SO AS TO Change the Location of the **Voting Place of the Precinct from Ingleside Recreation Center to Ingleside Community Gymnasium**.

[PH-5](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments authorizing the Conveyance of a **Pedestrian Access Easement** to the City of Suffolk and Authorizing the City Manager to Enter into the Deed of Easement on Behalf of the City.

An Ordinance Authorizing the Conveyance of a **Pedestrian Access Easement** to the City of Suffolk and Authorizing the City Manager to Enter into the Deed of Easement on Behalf of the City.

CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED. IF DISCUSSION IS DESIRED ON ANY ITEM, IT WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

[C-1](#) An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Retail Goods Establishment with More than 50,000 Square Feet of Floor Area and to Permit Alternative Signage on Property Located at **201 and 217 East Little Creek Road**.

[C-2](#) An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Commercial Recreation Center Operated by “Benevolent Order of OVDSC, Lodge 001” on Property Located at **9615 Granby Street**.

[C-3](#) An Ordinance Granting a Conditional Use Permit to Authorize the Sale of Alcoholic Beverages for On-Premises Consumption at a Restaurant Named “Hangry’s” on Property Located at **3824 East Little Creek Road**.

[C-4](#) An Ordinance Granting a Conditional Use Permit to Authorize the Sale of Alcoholic Beverages for On-Premises Consumption at a Restaurant Named “Ordinaire” on Property Located at **200 East Plume Street**.

[C-5](#) An Ordinance Granting a Conditional Use Permit to Authorize the Operation of an Automobile Tow Lot named “Greenway Towing” on Property Located at **1185 Harmony Road**.

[C-6](#) An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant with Extended Hours and the Sale of Alcoholic Beverages for On-Premises Consumption Named “Slurp Daiquiri Bar” on Property Located at **6109 East Virginia Beach Boulevard**.

[C-7](#) An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Commercial Recreation Center Named “Mission Laser” on Property Located at **5671 Raby Road**.

- [C-8](#) An Ordinance Granting Conditional Use Permits to Authorize the Sale of Alcoholic Beverages for Both On-Premises and Off-Premises Consumption, Live Entertainment, and the Operation of a Restaurant with Extended Hours Named “The Bird” on Property Located at **4314 Colley Avenue, Unit A**.
- [C-9](#) Letter confirming the appointment of Karla J. Soloria as an **Assistant City Attorney III - LD**, effective September 25, 2023, in Plan I, Grade 21 of the Law Plan of the City's Compensation Plan, to serve at the pleasure of the City Attorney.
- [C-10](#) An Ordinance directing the City Treasurer to issue a refund to **Tesla Motors, Inc.** upon the overpayment of its Business License Tax for the Tax Year 2023.
- [C-11](#) An Ordinance Approving a Right of Entry Agreement Between the City of Norfolk and **H.O.P.E. Foundation Inc.** for Use of City-Owned Property Located at **901 Church Street** for a Public Event on September 2, 2023, entitled "The Power of Praise and Prayer", and Authorizing the City Manager to Execute the Right of Entry on Behalf of the City.
- [C-12](#) An Ordinance Approving a Right of Entry Between the City of Norfolk, as Grantor, and the **Chrysler Museum of Art, Incorporated**, as Grantee, for Property Located at **358 Mowbray Arch, 720 and 740 Botetourt Street** in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the Right of Entry on Behalf of the City of Norfolk.
- [C-13](#) An Ordinance Granting 2800 Colley LLC Permission to Encroach into the Right-of-Way at **2706 Through 2722 Colley Avenue** with Canopies and Awnings.
- [C-14](#) An Ordinance Permitting Takira M. Floyd to Encroach into the Right of Way of **Pike Street and Roseclair Street** with a structure, a fence, and a driveway.
- [C-15](#) An Ordinance Accepting a Deed of Vacation from **Hampton Roads Sanitation District**, Vacating and Releasing a Utility Easement twenty feet in width crossing a portion of that certain parcel of Real Property Located at **698 Saint Paul's Boulevard** in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the Deed of Vacation on Behalf of the City of Norfolk.

[C-16](#) An Ordinance Accepting the Conveyance of a Utility Easement Over Property Located at **1019 W. 41st Street** by the Visitors of Old Dominion University to the City of Norfolk and Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City.

[C-17](#) Letter confirming the appointment of Shontavious Lovett as an **Assistant City Auditor, II**, effective August 28, 2023 in Plan 1, Grade 14 of the General Compensation Plan, to serve at the pleasure of the City Auditor.

REGULAR AGENDA

[R-1](#) An Ordinance Approving an Offer to Purchase Real Estate and Acceptance by and Between the United States of America, as Seller, and the City of Norfolk, as Purchaser, for that Certain Parcel of Real Property Located at **538 Front Street** in the City of Norfolk, Virginia; Authorizing the City Manager to Accept a Special Warranty Deed on Behalf of the City of Norfolk; and Authorizing the Expenditure of a Sum of up to \$4,575,000.00 From Funds Heretofore Appropriated for Acquisition of the Property and all Related Transactional Costs.

[R-2](#) An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at **9553 21st Bay Street**.

[R-3](#) A Resolution in Support of the City's Application for the Allocation of \$10,500,000.00 for Fiscal Years 2025 and 2026 from the **Virginia Department of Transportation ("VDOT") Transportation Alternatives Set-Aside Program** for the Following Projects: Ocean View Avenue Bicycle Improvements from 1st View Street to Capeview Street, Pedestrian Improvements at Bolling Avenue from Jamestown Crescent to Westmoreland Avenue, East Seaview Avenue Sidewalk from Norfolk Avenue to Granby Street and Heutte Drive Sidewalk from Camellia Road to Flowerfield Road.

[R-4](#) An Ordinance Accepting, Appropriating and Authorizing the Expenditure of Grant Funds in the Sum of \$50,000.00 from the Commonwealth's Opportunity Fund Awarded to the City through the Virginia Economic Development Partnership Authority; Approving the **Performance Agreement** by and Among the City of Norfolk, Princo LLC, Virginia Economic Development Partnership Authority, and the Economic Development Authority of the City of Norfolk, Virginia, Setting Forth the Terms and Conditions of the Payout and use of the Grant Funds, and Authorizing the City Manager to Execute the Performance Agreement on Behalf of the City of Norfolk.

- [R-5](#) An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at **4046 East Ocean View**.
- [R-6](#) An Ordinance Authorizing a Subrecipient Agreement with the Virginia Department of Environmental Quality for the **Septic to Sewer Connection Program** Under the Septic Local Partner Program and Authorizing the Expenditure of a Sum up to \$360,000 from the American Rescue Plan Act ("ARPA") Grant Funds.
- [R-7](#) An Ordinance Amending the FY2024 Annual Appropriations Ordinance (No. 49,220) SO AS TO Accept, Appropriate and Authorize the Expenditure of Grant Funds from the **Virginia Department of Behavioral Health and Developmental Services to the Norfolk Community Services Board**, up to the Following Amounts: \$200,000 to Provide Emergency Services; \$3,101,761 to Provide Permanent Supportive Housing; \$270,000 to Implement Mental Health System Transformation Excellence and Performance in Virginia (STEP-VA) IT Infrastructure; \$95,500 to Implement STEP-VA Psychiatric Rehabilitation; and \$101,962 to Implement STEP-VA Case Management.
- [R-8](#) An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) SO AS TO Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the Sum of \$142,209.39 from the Hampton-Newport News Community Services Board Health Planning Region V for the **Norfolk Community Services Board to Use for Employee Pay Differential, Sign On and/or Retention Bonuses**.
- [R-9](#) An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) SO AS TO Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the Sum of \$520,681 from Virginia Department of Behavioral Health and Developmental Services to Support **Norfolk Community Services Board's Permanent Supportive Housing Program's Expansion, Unmet Program Needs, Staffing Recruitment and Retention Initiatives**.
- [R-10](#) An Ordinance Amending the FY2024 Annual Appropriations Ordinance (No. 49,220) SO AS TO Accept, Appropriate and Authorize the Expenditure of Grant Funds Up to The Sum Of \$12,500 From the City of Newport News and Coastal VA STEM Hub's Learning Ecosystem for Norfolk's Department of Parks and Recreation to Provide **STEM Education and Supplies in After-School Programs**.

- [R-11](#) An Ordinance to Amend and Reordain Sections 25-656 and 25-657 of the *Norfolk City Code, 1979*, As Amended, as it pertains to the **Prohibition of Trucks** of One and One-Half Tons on Certain Streets and Trucks of Over Five Tons on Certain Streets.
- [R-12](#) An Ordinance to Amend and Reordain Section 2-4(C) of the *Norfolk City Code, 1979*, SO AS TO Change the Time of the Regularly Scheduled **Council Meetings**.
- [R-13](#) An Ordinance Approving a **First Amendment to Agreement of Conveyance, Termination of Lease, and Lease** Between the City of Norfolk, as Landlord, and Virginia Stage Company, as Tenant, for the Lease of the Premises Located at **108 E. Tazewell Street** in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the First Amendment to Agreement of Conveyance, Termination of Lease, and Lease on Behalf of the City of Norfolk.
- [R-14](#) An Ordinance Consenting to the **Assignment of that Certain Retail Lease** by and Between the City of Norfolk, as Landlord, and 150 Owner LLC (Successor in Interest to 100 Main Street, LLC), as Tenant, from 150 Owner LLC to Blackbird 150, LLC, and Authorizing the City Manager to Execute such Agreements as are Necessary to Evidence such Consent on Behalf of the City of Norfolk.
- [R-15](#) An Ordinance Amending the FY2024 Annual Appropriations Ordinance (No. 49,220) SO AS TO Appropriate and Authorize the Expenditure of Funds up to the Amount of \$4,100,000 from the City's Assigned General Fund Balance for the Purchase of **Dillard's Store Located at Macarthur Mall** in Norfolk, Virginia and for Other Services as are Required by the City to Close Upon the Purchase.
- [R-16](#) An Ordinance Authorizing the City Manager to Enter into a **Lease Termination Agreement** by and Between the City of Norfolk, as Lessor, and the Economic Development Authority of the City of Norfolk, as Lessee, for Property Known as "Dillard's" and Located at 200 Monticello Avenue in the City of Norfolk; Authorizing an Assignment and Assumption of Operating Agreements Between the Economic Development Authority of the City of Norfolk, as Assignor, and the City of Norfolk, as Assignee; Authorizing a Bill of Sale, Between the Economic Development Authority of the City of Norfolk, as Seller, and the City of Norfolk, as Purchaser; and Appropriating and Authorizing the Expenditure of Four Million One Hundred Thousand Dollars to Purchase the Leasehold Interest and the Dillard's Building as Contemplated in the Lease Termination Agreement, the Assignment and Assumption of Operating Agreements, and the Bill of Sale.

[R-17](#)

An Ordinance Approving a **First Amendment to Shopping Center Management Agreement** by and Between the City of Norfolk, as Owner, and S.L. Nusbaum Realty Co., as Manager, for the Shopping Center Located at 300 Monticello Avenue in the City of Norfolk, Virginia.

ADJOURNMENT