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## CITY COUNCIL WORK SESSION

### AGENDA

Tuesday, November 26, 2019

**4:30 CITY COUNCIL WORK SESSION - CITY HALL-10<sup>TH</sup> FLOOR CONFERENCE ROOM**

- I. AGENDA OVERVIEW** *Dr. Larry H. Filer II, City Manager*
- II. HAMPTON ROADS EXPRESS LANES NETWORK** *Christopher Hall, District Engineer*  
*Virginia Department of Transportation*  
*Michael S. Kimbrel, Deputy Executive Director*  
*Hampton Roads Transportation Planning Organization*
- III. LETTER OF INTENT – 600 CHURCH STREET** *Wynter C. Benda, Chief Deputy City Manager*

***DINNER AND CLOSED SESSION***

- IV. CLOSED SESSION:**
- **DISPOSITION OF VARIOUS PROPERTIES**
  - **CONTRACT NEGOTIATION MATTERS**

Supporting Documents:

- 11-26-19 Nonstandard Lot Certificate - 7418 Hughart St
- 11-26-19 Nonstandard Lot Certificate - 9522 19th Bay St
- 11-26-19 Pending Land Use Actions
- 11-26-19 Minutes from City Council Meeting of November 5
- 11-26-19 Nonstandard Lot Certificate - 1268 W 39th St
- 11-26-19 Nonstandard Lot Certificate - 1308 Brambleton Ave
- Announcement of Meeting

# **NORFOLK, VIRGINIA**

## **DOCKET FOR THE COUNCIL**

**TUESDAY, NOVEMBER 26, 2019 – 7:00 P.M.**

Prayer to be offered by Pastor Moses Asamoah Jr., Living Destiny Church, followed by the Pledge of Allegiance.

### **INVITATION TO BID**

IB-1                    **INVITATION TO BID** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk to accept bids a for a lease with a term of six (6) years, with the option to renew the lease for two (2) additional five (5) year periods, for the premises located at **208 E. Main Street within Selden Arcade** in the City of Norfolk

### **PUBLIC HEARINGS**

PH-1                    **MATTER OF A PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to **Harvey Nash** of a certain parcel of property located at **812 Lexington Street** for the total sum of \$8,000.00 in accordance with the terms and conditions of the **Purchase and Sale Agreement**.

(Passed by at the October 22, 2019 meeting)

PH-2                    **MATTER OF A PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on authorizing the pledge of the city-owned parking garage located at **110 W. Main Street** and the **Southside Library** located at **2350 Berkley Avenue Extended**, to the **United States Department of Housing and Urban Development (“HUD”)**.

(Passed by at the October 22, 2019 meeting)

PH-3                    **MATTER OF A PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Purchase and Sale Agreement** between the **City of Norfolk, as Seller**, and **Asbury Avenue, LLC as Purchaser**, and authorizing the conveyance of real property consisting of 3.427 acres, located at **7661 Central Business Park Drive**.

(Passed by at the October 22, 2019 meeting)

PH-4                    **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments to amend and reordain Subsection A of Section 1 and Section 2 of the **Capital Improvement Plan Budget for Fiscal Year 2020, SO AS TO** establish funding in the amount of \$500,000.00 for the renovation of the School Administration Building and \$560,000.00 for security upgrades in City Facilities, and to authorize the issuance of additional bonds in the amount of \$1,060,000.00 to fund the projects.

PH-5                    **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on three amendments to the **Norfolk City Charter** as follows: **(1)** To repeal Section 2 (22), authorizing the City to prohibit paupers from entering the City and to remove those already within the City so as to eliminate that subsection and renumber all remaining subsections of Section 2 of the Charter; **(2)** To amend Section 11, authorizing the council to appoint certain officers so as to clarify that all employees serving within such offices are chosen and serve at the will of these officers and not the City Manager and **(3)** To amend Section 114, exempting certain City officers and employees from the classified service so as to exempt from the classified service all employees serving within the offices of officers appointed pursuant to Section 11 of the Charter.

PH-6                    **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments approving a First Amendment to Lease between the City of Norfolk, as Landlord, and **Supreme Petroleum, Inc.**, as tenant, **SO AS TO** extend the term of the lease for certain property located at **418 St. Paul's Boulevard, Norfolk, Virginia** for one (1) additional period of five (5) years and authorizing the City Manager to execute the First Amendment to Lease on behalf of the City of Norfolk.

PH-7                                **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments approving a First Amendment to Lease between the City of Norfolk, as Landlord, and **DK Chicken Corp., d/b/a Popeyes Chicken & Biscuits**, as tenant, **SO AS TO** extend the term of the lease for certain property located at **300 St. Paul's Boulevard, Norfolk, Virginia** for one (1) additional period of five (5) years and authorizing the City Manager to execute the First Amendment to Lease on behalf of the City of Norfolk.

PH-8                                **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the conveyance to **Fresh Radio LLC** of that certain parcel of property located at **774 Lexington Street** in accordance with the terms and conditions of the Purchase and Sale Agreement and authorizing the release of the City's right of reverter upon certain conditions.

PH-9                                **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the conveyance to **Lyon Shipyard, Inc.** of those certain parcels of property located at **1722 and 1728 Brown Avenue** in accordance with the terms and conditions of the Purchase & Sale Agreement and authorizing the release of the City's right of reverter upon certain conditions.

**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                                Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue a refund to **Gastrointestinal & Liver Specialist of Tidewater** in the amount of **\$7,745.78, plus interest** based upon the overpayment of its business license tax for the tax year 2019.

- C-2 Letter from the City Attorney and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment named “**Bottlebox**” on property located at **325 West 21<sup>st</sup> Street, Suite B**.
- C-3 Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permits** to authorize the operation of an automobile repair and maintenance facility named “**Performance Collision Center at Auto Connection**” on property located at **6336 to 6352 East Virginia Beach Boulevard**.
- C-4 Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize the operation of a restaurant with extended hours with live entertainment and the sale of alcoholic beverages for off-premises consumption named “**Café Stella**” on property located at **1907 and 1909 Colonial Avenue**.
- C-5 Letter from the City Manager and an Ordinance entitled, An Ordinance permitting **North Property LLC** to encroach into the right of way of Granby Street with stucco facing, a granite water table, gooseneck lights and a cornice.
- C-6 Letter from the City Manager and an Ordinance entitled, An Ordinance permitting **Children’s Medical Tower, LLC** to encroach into the right-of-way at **400 Gresham Drive** with a privately-owned sanitary sewer line.
- C-7 Letter from the City Manager and an Ordinance entitled, An Ordinance accepting the sum of \$7,500.00 from **Pender & Coward** and appropriating and authorizing the expenditure of the sum of \$7,500.00 to support the City’s Department of Parks, Recreation and Open Space for the **purchase of trees**.
- C-8 Letter from the City Manager and an Ordinance entitled, An Ordinance amending the **FY2020 Annual Appropriations Ordinance (No. 47,636) SO AS TO** accept, appropriate and authorize the expenditure of grant funds in the amount of \$15,110 from the United States Department of **Agriculture Forest Service Urban and Community Forestry, to purchase Ipad, cellular plans and accessories for the Norfolk Tree Inventory Project**.
- C-9 Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue a refund in the amount of \$45,519.48 to **Norfolk District Associates, LLC** for interest owed on a previously-issued Real Estate Tax Refund for tax years 2014 through 2019.

- C-10 Letter from the City Manager and an Ordinance entitled, An Ordinance amending the **FY2020 Annual Appropriations Ordinance (No. 47,636) SO AS TO** accept, appropriate and authorize the expenditure of Grant Funds in the amount of \$130,000.00 from the Virginia Department of Behavioral Health and Development Services for the Norfolk Community Services Board to expand access to **Medication Assisted Treatment for Opioid Use Disorder**.
- C-11 Letter from the City Manager and an Ordinance entitled, An Ordinance amending the **FY2020 Annual Appropriations Ordinance (No. 47,636) SO AS TO** accept, appropriate and authorize the expenditure of Grant Funds in the amount of \$32,250.00 from the Virginia Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board to support **Mental Health Services Programs**.
- C-12 Letter from the City Manager and an Ordinance entitled, An Ordinance authorizing the City as Administrative and Fiscal Agent for the **Norfolk Transitional Grant Area (TGA)** under Title I of the Ryan White Comprehensive Aids Resources Emergency (CARE) Act to accept additional Part A Grant Funds in the amount of \$163,170.00 from the U.S. Department of Health and Human Services for the HIV/AIDS Health and Support Services and appropriating and authorizing expenditure of the Grant Funds.
- C-13 Letter from the City Manager and an Ordinance entitled, An Ordinance amending the **FY2020 Annual Appropriations Ordinance (No. 47,636) SO AS TO** accept, appropriate and authorize the expenditure of Grant Funds in the amount of \$495,000.00 from the Virginia Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board to provide and expand **Permanent Supportive Housing in twenty-five (25) units through housing resources and rental assistance to formerly institutionalized or homeless individuals with mental illness**.
- C-14 Letter from the City Manager and an Ordinance entitled, An Ordinance amending the **FY2020 Annual Appropriations Ordinance (No. 47,636) SO AS TO** accept, appropriate and authorize the expenditure of Grant Funds in the amount of \$100,000.00 from the Virginia Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board to provide support to the **Emergency Services Program**.

- C-15 Letter from the City Clerk transmitting an **Abstract of Votes** cast in the **General Election** and write-ins certification held on **November 5, 2019**.

## **REGULAR AGENDA**

- R-1 Letter from the City Manager and a Resolution entitled, “A Resolution in Support of the **Vision Zero Initiatives** to achieve safe, healthy, equitable mobility for all on Norfolk roadways,” will be introduced in writing and read by its title.
- R-2 Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain Sections 18.1-2 and 18.1-10 of the Code of the *City of Norfolk, Virginia, 1979*, modifying **The United States Food And Drug Administration Food Code** so that foods offered for public consumption that are not required to undergo state inspection may be prepared in a private home,” will be introduced in writing and read by its title.
- R-3 Letter from the City Manager and an Ordinance entitled, “An Ordinance rescinding the authority to convey to **DPT Construction, LLC** those certain city-owned properties located at **2914 and 2918 E. Virginia Beach Boulevard** and repealing Ordinance Number 47,295, adopted on July 24, 2018,” will be introduced in writing and read by its title.
- R-4 Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City Manager to negotiate an Agreement in substantial conformity with the terms and conditions of the attached Easement Purchase Agreement, for the purpose of construction and maintaining a berm and drainage at **702 Forbes Street**, in the City of Norfolk, for the **Ohio Creek Watershed Improvement Project**, authorizing the purchase of said Easement, and authorizing the expenditure of the sum of up to \$984.00 for such purpose from funds heretofore appropriated,” will be introduced in writing and read by its title.
- R-5 Letter from the City Attorney and a Resolution entitled, “A Resolution supporting the **2019 Legislative Priorities for the City of Norfolk**,” will be introduced in writing and read by its title.
- R-6 Letter from the City Manager and a Resolution entitled, “A Resolution in support of the City’s application for the allocation of \$500,000.00 from the Virginia Department of Transportation (“VDOT”) **Transportation Alternatives Set-Aside Program for the Church Street Pedestrian Improvements Project**,” will be introduced in writing and read by its title.

- R-7 Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Section 6.1-2 of the Code of the City of Norfolk, 1979, **SO AS TO** change the definition of the term “abandon” to conform to change in State Law,” will be introduced in writing and read by its title.
- R-8 Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain Subsection (B) of Section 6.1-82 and Subsection (B) of Section 6.1-94 of the Norfolk City Code, 1979 **SO AS TO** clarify the **seizure process**,” will be introduced in writing and read by its title.
- R-9 Letter from the City Manager and a Resolution entitled, “A Resolution authorizing the City of Norfolk to join the **Urban Construction Initiative**,” will be introduced in writing and read by its title.
- R-10 Letter from the City Manager and an Ordinance entitled, “An Ordinance requesting the Virginia Department of Transportation to establish a Project for the design and installation of systemic flashing yellow arrow improvements, Phase 2, in accordance with the **Programmatic Project Administration Agreement** between the City and the Virginia Department of Transportation; and appropriating and authorizing the expenditure of the total sum of \$636,141.00 for this Project, subject to and in accordance with the terms and conditions of the aforesaid Agreement,” will be introduced in writing and read by its title.
- R-11 Letter from the City Manager and an Ordinance entitled, “An Ordinance requesting the Virginia Department of Transportation to establish Projects for the surface treatment of three paved segments, in accordance with the **Project Administration Agreements** between the City and the Virginia Department of Transportation; and appropriating and authorizing the expenditure of the total sum of \$1,217,099.00 for these Projects, subject to and in accordance with the terms and conditions of aforesaid Agreement,” will be introduced in writing and read by its title.
- R-12 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance to the City of Norfolk by **Norfolk Redevelopment and Housing Authority** of that certain parcel of property located at **1204 W. 26<sup>th</sup> Street** in the City of Norfolk and authoring the City Manager to accept the Deed on behalf of the City,” will be introduced in writing and read by its title.



- R-13 Letter from the City Manager and an Ordinance entitled, “An Ordinance amending and reordaining Ordinance No. 47,291 **SO AS TO** include the City’s Agreement that the Deed of Gift is deemed adequate consideration to offset **Outstanding Storm Water and Utility Fees,**” will be introduced in writing and read by its title.
- R-14 Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the acceptance of a **Letter of Intent from the United States Postal Service** for the City of Norfolk’s purchase of property located at **600 Church Street** in the City of Norfolk, Virginia and appropriating and authorizing the expenditure of a sum of up to \$150,000 for certain payments due to the United States Postal Service pursuant to the Letter of Intent,” will be introduced in writing and read by its title.
- R-15 Letter from the City Attorney and an Ordinance entitled, “An Ordinance granting additional time **Holiday Leave** to all City Employees,” will be introduced in writing and read by its title.