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## CITY COUNCIL

### AGENDA

Tuesday, August 23, 2022

***3:00 CITY COUNCIL WORK SESSION***

**I. AGENDA OVERVIEW**

*Dr. Larry H. Filer II, City Manager*

**II. CLOSED SESSION:**

- **CONTRACT NEGOTIATIONS**
- **REAL ESTATE MATTER**
- **LEGAL MATTER**

**III. MILITARY CIRCLE MALL UPDATE**

*Sean Washington, Assistant Director of Development*

*Tami Simonds, Regional Portfolio Manager,  
Divaris Property Management Corp.*

**IV. PARKS & RECREATION ATHLETIC PROGRAMMING**

*Darrell Crittendon, Director, Parks & Recreation*

Supporting Documents:

- [Announcement of Meeting](#)
- [Parks and Recreation Athletics Programming](#)
- [Memo - \(R-7\) Conditional Use Permit for Family Dollar](#)
- [Minutes from City Council Meeting of July 19](#)
- [Pending Land Use Report](#)
- [Memo - \(PH-5\) Zoning Text Amendment - Extending Simplified CUP Review Process](#)



## NORFOLK, VIRGINIA

### DOCKET FOR THE COUNCIL

**TUESDAY, AUGUST 23, 2022 – 7:00 P.M.**

#### **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 for a non-exclusive franchise to use and occupy the City's streets and public rights-of-way for the purpose of constructing, installing, and maintaining network facilities for telecommunications services within and through the City.

#### **PUBLIC HEARINGS**

**PH-1**

**PUBLIC HEARING** scheduled this day, pursuant to State Law, on the application of the CITY PLANNING COMMISSION to Amend the City's General Plan, *Planorfolk2030*, SO AS TO Adopt the "**City of Norfolk Midtown Plan.**"

An Ordinance to Amend the City's General Plan, *Planorfolk2030*, SO AS TO Adopt the "**City of Norfolk Midtown Plan.**"

PH-2

**PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments on an Ordinance to Amend and Reordain the Title of Section 14.1-59, Easton Precinct, SO AS TO change the Name of the Precinct to Calvary Revival Church; to Amend Subsection 14.1-75 (27) SO AS TO change the Name of the Precinct from **Easton Precinct to Calvary Revival Church Precinct**; to Amend Section 14.1-125 SO AS TO change its Name to Calvary Revival Church Precinct and change the Location of the Voting Place.

An Ordinance to Amend and Reordain the Title of Section 14.1-59, Easton Precinct, SO AS TO change the Name of the Precinct to Calvary Revival Church; to Amend Subsection 14.1-75 (27) SO AS TO change the Name of the Precinct from **Easton Precinct to Calvary Revival Church Precinct**; to Amend Section 14.1-125 SO AS TO change its Name to Calvary Revival Church Precinct and change the Location of the Voting Place.

PH-3

**PUBLIC HEARING** scheduled this day pursuant to State Law, to hear comments on an Ordinance Approving a Lease Agreement with Truist Bank for the Lease of Space within Norfolk City Hall, Located at **810 Union Street, for an ATM.**

An Ordinance Approving a Lease Agreement with Truist Bank for the Lease of Space within Norfolk City Hall, Located at **810 Union Street, for an ATM.**

PH-4

**PUBLIC HEARING** scheduled this day pursuant to State Law, to hear comments on an Ordinance Approving a Lease Agreement with Truist Bank for the Lease of Space within the Police Operations Center, located at **3661 E. Virginia Beach Boulevard, for an ATM.**

An Ordinance Approving a Lease Agreement with Truist Bank for the Lease of Space within the Police Operations Center, Located at **3661 E. Virginia Beach Boulevard, for an ATM.**

PH-5

**PUBLIC HEARING** scheduled this day, pursuant to State Law, on the application of the **CITY PLANNING COMMISSION** to Amend the *Norfolk Zoning Ordinance* SO AS TO **Create a Simplified Review Process** for Changing a Nightclub Use to a Restaurant Use and to Add or Increase the Capacity of an Outdoor Dining Area.

An Ordinance to Amend the *Norfolk Zoning Ordinance* SO AS TO **Create a Simplified Review Process** for Changing a Nightclub Use to a Restaurant Use and to Add or Increase the Capacity of an Outdoor Dining Area.

## 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 a Conditional Use Permit to Authorize a Large-Scale Drive-through Facility on Property located at **2336 East Little Creek Road** for a Restaurant Named “Dunkin.”
- C-2 An Ordinance to Amend Conditional Use Permits so as to Approve a Change of Managers for a Craft Beverage Production Facility Operating after Midnight with Live Entertainment Named “Smartmouth Brewing Company” on Property Located at **1309 Raleigh Avenue Suite 200 and 300**.
- C-3 An Ordinance to Amend Conditional Use Permits so as to Approve a Change of Managers for an Existing Restaurant Operating after Midnight with Live Entertainment Named “Gershwin’s” on Property Located at **332 Granby Street, Suite 100**.
- C-4 An Ordinance to Amend and Reordain the *Norfolk City Code, 1979*, SO AS TO Add One New Section Numbered 12-89.10.1, Relating to the Resubdivision of a Planting Area to Develop **Forest Lawn East Center Lawn** Section A, Block 3, Creating 44 New Double Grave Monument Lots, For a Total of 88 Graves.
- C-5 An Ordinance to Amend and Reordain the *Norfolk City Code, 1979*, SO AS TO Add One New Section Numbered 12-86.3, Relating to the Resubdivision of a Portion of **David's Garden** blocks 1, 2, 3, 4 and 5 to Convert 85 Infant Graves into 51 New Adult Graves.
- C-6 An Ordinance to Amend and Reordain Subsection (a) of Section 24-7 of the *Norfolk City Code, 1979*, regarding the **Correction of Assessments to allow the Treasurer to Refund Erroneously Assessed Taxes up to \$10,000.00** and conforming with State Code Changes to Section 58.1--3981 of the Code of Virginia.
- C-7 An Ordinance Granting Michael, LLC Permission to Encroach into the Right-of-Way at **1233 W. Olney Road** for the Purpose of Outdoor Dining and Approving the Terms and Conditions of the Encroachment Agreement.

- [C-8](#) An Ordinance Granting Riverview Associates, L.L.C. Permission to Encroach into the Right-of-Way at **1907 Colonial Avenue** for the Purpose of Outdoor Dining and Approving the Terms and Conditions of the Encroachment Agreement.
- [C-9](#) An Ordinance Accepting with Appreciation a Donation in Kind from the **Nancy Lieberman Charities** to the City, with a Value of \$125,000, for the Surfacing of the **Public Basketball Court Located in the East Ocean View Community and Senior Center at 9520 20th Bay Street**; and Authorizing the Right of Entry Agreement to Allow Maintenance Plus LLC to Perform the Work on Behalf of the Nancy Lieberman Charities.
- [C-10](#) An Ordinance Amending Section 2-50 Of the *Norfolk City Code, 1979*, in its Entirety to Authorize the Inclusion of The **Employees of Norfolk's Constitutional Officers** in The City's Personnel Policies for The Purposes of Accruing And Accumulating Sick Leave Pursuant To The Authority Of Virginia Code Section 15.2-1605.
- [C-11](#) A Resolution Approving the Renewal of **The Norfolk Community Services Board's Performance Contract** with The Commonwealth for Fiscal Year 2023.
- [C-12](#) An Ordinance Approving a Right of Entry Project RELO to Go Upon and Use Certain City Owned Property Designated as Harbor Park - Parking Lot G for a **Veterans Support and Tribute Event**.

### **REGULAR AGENDA**

- [R-1](#) An Ordinance Approving a Stadium Lease Agreement by and between **the City of Norfolk and Tides Baseball Club, LP** for the Lease of Certain Portions of that Certain Ballpark Stadium and Improvements Known as Harbor Park Located at **150 Park Avenue** in the City of Norfolk, Virginia, for the Operation of a Class AAA Baseball Team of the Professional Development League System and Authorizing the City Manager to Execute the Stadium Lease Agreement on Behalf of the City of Norfolk.

**(CONTINUE TO SEPTEMBER 13, 2022)**

- [R-2](#) An Ordinance to Amend and Reordain the *Norfolk City Code, 1979*, by Adding One New Chapter Numbered 15.1 Pertaining to **Family Day Homes to Provide Regulations Governing the Operation of Family Day Homes**.

- [R-3](#) An Ordinance Amending The FY2023 Annual Appropriations Ordinance (No. 48,751) SO AS TO Accept, Appropriate And Authorize The Expenditure Of Additional Grant Funds Up To The Sum Of \$131,756 For A Total Of \$1,589,368 From The U.S. Department Of Housing And Urban Development (HUD) For Use In **The Home Investment Partnership Program** For The Purpose Of Grant Administration, Paying The Costs Of The Community Housing Development Organization, Providing Homebuyer Assistance, And Providing Tenant Based Rental Assistance (TBRA) To Eligible Residents, If And When Such Funds Are Realized As Program Income.
- [R-4](#) An Ordinance to Amend the **Norfolk City Council Rules of Procedure**.
- [R-5](#) An Ordinance Approving the Renewal and Amendment of the Lease Agreement Between 731 Monticello Avenue, LLC and the City of Norfolk for **727 and 729 Monticello Avenue**; Authorizing the City Manager to Execute the Amendment on Behalf of the City; and Authorizing the Expenditure of a Sum of Up to \$7,650.00 From Funds Heretofore Appropriated to Cover the Rent Payments for the Remainder of Fiscal Year 2023.
- [R-6](#) An Ordinance Approving the Renewal and Amendment of the Lease Agreement Between Starke Street, LLC and the City of Norfolk for **730 Granby Street**; Authorizing the City Manager to Execute the Amendment on Behalf of the City; and Authorizing the Expenditure of a Sum of Up to \$26,780.00 From Funds Heretofore Appropriated to Cover the Rent Payments for the Remainder of Fiscal Year 2023.
- [R-7](#) An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Retail Store with the Sale of Alcoholic Beverages for Off-premises Consumption and the Sale of Smoking Products, named "Family Dollar," on Property Located at **5900 East Virginia Beach Boulevard, Suite 206**.
- [R-8](#) An Ordinance Amending And Reordaining Section 1 Of The FY2023 Annual Appropriation Ordinance (No. 48,751), As Amended, To Add A Sum Not To Exceed \$3,000,000 To The General Fund, Central And Outside Agency Appropriations, If and When Received From The Virginia General Fund Through The Virginia Tourism Corporation, And Appropriating And Authorizing The Expenditure Thereof For the **Sail250 Virginia Project** Being Organized By Norfolk FestEvents Ltd, And Appropriating The Sum Of Not To Exceed \$150,000 From The General Fund Balance And Authorizing The Expenditure Thereof For The Elizabeth River Gospel Fest Being Organized By The Men For Hope, Inc.

[R-9](#) An Ordinance Approving a First Amendment to Purchase and Development Agreement Between the City of Norfolk, as Seller, and TRG Community Development, LLC, as Purchaser, for that Certain Parcel of Real Property Located at **645 Church Street** in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the First Amendment to Purchase and Development Agreement on Behalf of the City of Norfolk.

[R-10](#) An Ordinance Approving **Additional Wellness Benefits for the Norfolk Police Department Officers** for Fiscal Year 2023, Appropriating and Authorizing the Expenditure of a Sum up to \$753,000 to Provide the Additional Benefits.

[R-11](#) The Second Ordinance Amending and Reordaining the **Fiscal Year 2023 Compensation Plan Ordinance** SO AS TO Amend Section 7 of the Regulations to provide a Car Allowance to the City Assessor, City Clerk and City Auditor.

[R-12](#) An Ordinance Approving a Lease Agreement with Azalea Little League, Incorporated and Fleet Park Little League, Inc. for the Lease of City-Owned Property Located at **1130 Pineridge Road**.

## **ADJOURNMENT**