TO: Members of Council

FROM: City Clerk

COPIES TO: ____________________________________________

SUBJECT: Minutes of City Council Meeting

October 18, 2018

Attached are the minutes from the City Council meeting held on October 9, 2018.

R. Allan Bull
NORFOLK, VIRGINIA

MEETING OF COUNCIL

TUESDAY, OCTOBER 9, 2018

Mayor Alexander called the meeting to order at 4:05 p.m. with the following members present: Mrs. Courtney R. Doyle, Mrs. Angelia Williams Graves, Mrs. Marrie B. Johnson, Mrs. Andria P. McClellan, Mr. Paul Riddick, Mr. Tommy Smigiel, and Mr. Martín Thomas Jr.

He then called on the City Manager to proceed with the agenda.

A. HURRICANE MICHAEL UPDATE

Jim Redick, Director, Emergency Operations Center, gave a brief update to Council on Hurricane Michael and the expected impacts to the city.

B. PRELIMINARY AUDIT MEETING

Tammie Dantzler, Interim City Auditor and Greg Bussink, CPA, DGFM, CGMA, Principal, CliftonLarsonAllen LLP, reported on the following:

Ms. Dantzler introduced Mr. Greg Bussink, the external city auditor, who briefed Council as follows:

Mr. Bussink explained the purpose of the audit plan, and the scope of the audit includes: The City, Schools, Economic Development Authority, Employees’ Retirement System, Water Utility Fund, and Wastewater Utility Fund.

AUDIT APPROACH INCLUDES:

- Obtaining an understanding of the City’s business environment and financial processes
- Identification of significant audit risks
- Evaluation of internal control and its component element
- Testing the effectiveness of selected internal controls associated with financial reporting and compliance
- Performance of substantive procedures
- Development of findings
- Reporting
TIMELINE:

- Planning and interim fieldwork
- Final fieldwork
- Draft reports to management – by 11/15
- Final reports to management 7 days from approval – by 11/30
- City Council presentation of audit results – by 12/31

Ultimately three opinion letters will be issued. They will look at financial statements, internal control over financial reporting and compliance, and compliance for each major federal program. There are new standards this year: New standards include: Other Post-Employment Benefits (OPEB); GASB Statement No. 75, Accounting and Financial Reporting for Post-Employment Benefits for Other Than Pensions – an amendment of GASB statement No. 45.

Councilman Riddick asked that the audit include a report on the City’s retirement fund.

C. STORMWATER, PART II

Catheryn Whitesell, Deputy City Manager, Greg Patrick, Director of Budget, and Christine Garczynski, Director of Finance, reported the following:

Mr. Patrick presented the second phase of the presentation on financing stormwater. The current backlog for precipitation flooding is $1 billion. Our stormwater fund is a special revenue fund. The stormwater fee, this year, will generate about $16.5 million. This fee increases at three (?) percent per year. All large projects are funded through the capital program, not operating revenue. The current planned CIP is $63.6 million from FY2019 to FY2023. This includes finishing the Spartan Village inner ring project and funding of the downtown flood wall project.

Mr. Patrick presented a map showing the planned projects over the next five years if no changes are made to the current stormwater fee. He also reviewed a ranking of possible future neighborhood precipitation projects, if stormwater revenue is increased. The one-cent tax increase last year, for resilience, generates $1.85 million, which could be spent on stormwater or resilience projects or it could be used to leverage about $25 million in debt.
Mr. Patrick next presented a regional rate comparison. Norfolk is the only city with different residential and non-residential rates. Raising the non-residential rate to match the residential rate will raise $3.8 million in FY2020. A monthly rate increase of $1.00 would generate an additional $1.7 million annually.

Mr. Patrick discussed using the stormwater fee versus regular tax revenue; The difference between pay-as-you-go capital and leveraging revenue to support debt; Using Special Service Districts. He also provided information on Civic Crowdfunding for neighborhood level projects.

Mr. Patrick next reviewed funding sources and types of debt to issue, such as general obligation debt and revenue backed debt. He explained other funding tools such as Special Service Districts and Civic Crowdfunding. Special Service Districts (SSDs) allow people in a specific geographic region to increase their real estate tax or another assessment and then use that revenue to pay for a service that benefits that geographic region. SSDs may be used for flooding mitigation, dredging, and coastal protection. Civic Crowdfunding is a unique neighborhood-based funding system. It encourages involvement, promotes community partnerships, and may attract other funders.

WHAT NEW REVENUE INVESTMENT SECURES:

**$5 million**
- 2 neighborhoods – master plan, trunk lines, 2 phases of construction
- Upgrade equipment, operations and maintenance

**$10 million**
- 4 neighborhoods – master plan, trunk lines, 3 phases of neighborhood construction
- Upgrade equipment, operations and maintenance

**$15 million**
- 4 neighborhoods – master plan, trunk lines, 4 phases of neighborhood construction
- Add check valves to outfalls
- Upgrade equipment, operations and maintenance
D. COUNCIL INTEREST:

1. What are our priorities?
2. Should residential and non-residential stormwater rates be set at the same level?
3. Should rates be increased?
4. Should we transition the stormwater fund to an enterprise fund?
5. What are the considerations when using place-based funding?

Mr. Patrick noted that a constitutional amendment will be on the November 6th ballot that basically states: “Should a county, city, or town be authorized to provide a partial tax exemption for real property that is subject to recurrent flooding, if flooding resiliency improvements have been made on the property.” If the amendment passes statewide, and the locality chooses to adopt, it will provide for a municipality to create their own program.

Mr. Smith asked Council to consider today’s presentation and discussion and to provide feedback to the Administration; afterwards they will bring forth some recommendations to Council based upon that feedback.

Councilwoman Graves expressed concerns about Special Service Districts. She noted that citizens living in more affluent neighborhoods could afford to pay additional taxes for services. A reduction in flooding would increase the property values which would ultimately widen the gap even further between the affluent neighborhoods and less affluent neighborhoods.

Regarding last year’s one-cent tax increase that generates $1.85 million for resilience and/or stormwater projects, Mayor Alexander suggested leveraging the $1.85 million with state or federal partners.

Councilman Riddick expressed concern about increasing stormwater fees because recycling fees are increasing in March 2019.

Councilwoman Graves expressed concern that stormwater fees commercial properties and residential properties are not the same, and she opposed increasing fees until a balanced solution is found. In addition, she asked if we could implement a budget billing system like Dominion Power’s system that is based on usage. Councilman Smigiel asked if there is a way to have equal billing cycles.
Regarding the map showing “Flooding and Water Quality Capital Projects FY18 through FY23,” Councilwoman McClellan asked for a map showing how we are adjusting to tidal flooding, so the two maps can be compared.

E. MOBILITY:

Amy Inman, Assistant Director of Public Works, reported the following:

She thanked staff from the Administration and Department of Public Works, for their assistance and guidance as we look towards the future of our transportation system. Today, we are the most multimodal city in the Commonwealth with ten miles of the Elizabeth River Trail, the Tide Light Rail, Amtrak, bike lanes, and PACE bike share.

As we look towards the future, we look at large cities with serious congestion problems and how they are becoming more multimodal and realigning public spaces to be more people-oriented and supporting quality of life and providing safety. We’ve taken the opportunity to learn from other cities and utilizing that as we think about how we’re implementing Complete Streets.

Moving forward, the newly created Department of Mobility moves forward they will be looking at the following:

- Developing Multimodal Transportation System Master Plan-
  - Anticipated 12- to 14-month process, with extensive community involvement
- Redesigning HRT bus routes in Norfolk
- Working with e-scooter companies
- Performing roadway safety analysis-
- Hampton Blvd. Advisory Taskforce initial meeting on October 11
- Exploring other areas of the city in need of roadway safety improvements
- Joining other localities as a Vision Zero City-
  - Vision Zero is an international strategy to eliminate all traffic fatalities and severe injuries. Next steps: Adopt a resolution to become a Vision Zero City; implement a long-term Vision Zero strategy.
The Department of Mobility is an exciting opportunity for our city. The newly-developed multimodal system plan will serve as our master plan. It will help us to start programming our projects and assist with planning and funding future project development.

Mayor Alexander advised taking time to observe this new department and its impact on other departments such as Public Works, Police, Traffic Engineering, et cetera. We need to look at the impact of shifting people, resources, and responsibilities to this new department.

Citing the recent fatality on Princess Anne Road, Councilwoman Graves stressed there are other streets and intersections with major safety issues. If Vision Zero is adopted, she suggested the green space across from Richard Bowling Elementary would be an appropriate event location for Council to acknowledge their commitment to ensuring safety for all citizens.

Councilman Smigiel applauded the vision for the future and the Vision Zero efforts. He asked when additional traffic cameras will be installed, and he also asked that the timing of traffic lights be studied.

Councilwoman Johnson expressed concern with the syncing of HRT to light rail, noting that citizens are waiting 30 minutes or longer for transportation connections. In addition, she asked for a transportation study involving the communities surrounding the airport.

F. **E-SCOOTERS**

Jessica Dennis, Office of the City Manager, reported the following:

Ms. Dennis gave a brief background on E-Scooters. Some electric scooters have a maximum speed of 15 miles-per-hour. After attending a recent NACTO conference, it was noted that communities are learning as they go along. The E-Scooter companies work like PACE bike share in that customers wanting to utilize the scooter use an app on their phone.

On August 19th, the first BIRD scooters were dropped off in city rights-of-way without authorization. Staff and the City Attorney’s office reached out to BIRD for information on insurance and found that coverage was not sufficient to meet our requirements. The City began to impound the scooters and today we have approximately 400 in our possession.
Some localities are issuing RFPs and some are using a separate permit program. An interesting point to consider is the availability of data through partnerships with vendors. The BIRD app, or any of the other sharing services, runs in the background of a phone and collects behavioral information; that information can be sold to other companies for a profit. As a partner, we could ask for data share because that information could be useful to us as well.

**NEXT STEPS:** Develop a strategy through continued engagement with stakeholders to include staff from Planning, Police, Public Works, Downtown Norfolk Council, ODU, et cetera. On November 20th, a final recommendation will be brought before Council.

Councilwoman McClellan suggested November 20th might not give staff enough time to complete their research. She recommended they use the same approach that was used for the adoption of the PACE bike system. She noted that BIRD continues to drop scooters on our city streets and asked what are we doing with the impounded scooters we have in our possession.

Vice Mayor Thomas suggested Council not spend a lot of time on the scooter issue because there are more important projects in our city that need consideration.

Councilman Smigiel noted that the definition of “bullying” is identical to what BIRD is doing. BIRD continues to harass our city when they could have come in in a completely different way and worked with the City. He added that any decision being considered must include attention to safety. He cited two fatalities involving scooters; one in Texas and one in Washington, D.C., where riders were not wearing helmets.

Councilwoman Graves asked how long we are impounding scooters before they are turned over to a junkyard for scrap. She added that distracted drivers are another safety issue that must be addressed.
G. CLOSED SESSION

Motion for closed session was approved for purposes which are set out in Clause(s) 3 and 7 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act, as amended:

(3) Discussion or consideration of the acquisition of real property for a public purpose or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, in the downtown area.

(7) Consultation with legal counsel where such consultation in open meeting would adversely affect the litigation posture of the public body.

Yes: Doyle, Graves, Johnson, McClellan, Smigel, Riddick, Thomas, and Alexander.

No: None.
NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 25, 2018 – 7:00 P.M.

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Dr. Jeffrey M. Luchun, Senior Pastor Norview Baptist Church, followed by the Pledge of Allegiance.

The following members were present: Mrs. Courtney R. Doyle, Mrs. Angelia Williams Graves, Mrs. Mamie B. Johnson, Mrs. Andria McClellan, Mr. Paul R. Riddick, Mr. Thomas Smigiel, Mr. Martín Thomas Jr., and Mr. Kenneth Alexander.

Mayor Alexander moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, and Alexander.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was adopted, effective September 25, 2018.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, and Alexander.

No: None.
PUBLIC HEARING

PH-1

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 issuance and sale of the General Obligation Capital Improvement Notes on a Revolving Credit Line Basis.

Thereupon, an Ordinance entitled, “An Ordinance reauthorizing the issuance and sale by the City of Norfolk, Virginia, of General Obligation Capital Improvement Notes on a revolving credit line basis,” was introduced and read by its title.

ACTION: The Ordinance as introduced was adopted, effective October 9, 2018.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, and Alexander.

No: None.

CONSENT AGENDA

C-1

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a $729,864.00 Victim Witness Grant Award from the Virginia Department of Criminal Justice Services for the FY19 Victim/Witness Assistance Program, appropriating and authorizing the expenditure of the grant funds for the Program and authorizing the employment of fourteen (14) full time advocates and the hiring of one additional part-time Grant Administrator for the Program.

ACTION: The Ordinance as introduced was adopted, effective October 9, 2018.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, and Alexander.

No: None.
Letter from the City Clerk requesting use of the Mace for the 34th Annual Holidays in the City Grand Illumination Parade to be held on Saturday, November 17, 2018.

**ACTION:** Use of Mace approved.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, and Alexander.

No: None.

**REGULAR AGENDA**

**R-1**

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the issuance and sale by the City of Norfolk, Virginia, of up to $275,000,000 in General Obligation Refunding Bonds to refund earlier Bond issues,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was adopted, effective October 9, 2018.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, and Alexander.

No: None.

**R-2**

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal Sections 38-128 through 38-133 regarding yard or garage sale permits, to amend and reordain Section 38-105 and to add one new Section 38-113 of the Norfolk City Code, 1979, SO AS TO delete the requirement for yard sale permits, allowing special police officers to enforce, and prohibiting more than four (4) yard or garage sales per calendar year per property,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was adopted, effective October 9, 2018.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, and Alexander.

No: None.
An Ordinance entitled, “An Ordinance to schedule a Council Retreat on Monday, October 29, 2018 and to move the location from the Council Chamber of the City Hall Building to the Jordan-Newby Anchor Branch Public Library at Broad Creek,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective October 9, 2018.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, and Alexander.

No: None.

A Resolution entitled, “A Resolution appointing or reappointing 23 persons to 3 Boards, 4 Commissions, 2 Authorities and 1 Committee for certain term,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was adopted, effective October 9, 2018.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, and Alexander.

No: None.

**NEW BUSINESS**

1. Paul Richard Davis, 120 Kidd Blvd, expressed his concerns about property that his father owns, stating there was some type of corruption during the 64 Highway Expansion Project with VDOT and the City of Norfolk.

2. Jerald Edwards, 1103 Oaklawn Ave, expressed concerns about traffic congestion during the dismal of children on Princess Anne Road. He is requesting that the speed limit be reduced, because after 4:15p.m., there is no traffic guard to assist the children in crossing the streets.

3. Leticia Latham, 1354 Kenton Avenue, asked council to install a stop light on Princess Anne Road. She stated that a signal was given by a City of Norfolk employee where a young boy was killed crossing the street. She asked that the City look unto the Vision Zero Plan, where the goal is to help eliminate deaths and injuries due to traffic.
4. Anne Carmichael, 1912 East Ocean View Avenue and Anna Bowen, 1901 East Ocean View Avenue, expressed their concerns about the Old Bank of Commonwealth Building, stating that another facility serving alcohol is not needed.

5. Jerry Foley, 3130 East Ocean View Avenue, stated that the Animal Killed Policy is a positive move to support the No Kill Policy.

The following proponents spoke concerning the Hershee Bar, stating that it is a place where they feel welcome, they do not have to worry about being ridiculed, and it's a home/family atmosphere. It is the only alternative bar in the City. They are asking for an extension and the City's assistance until they find somewhere to go.

- Jennifer Alomari, 1435 Thistlewood Lane, Chesapeake, VA
- Christopher Boler, 7846 Azalea Garden Road, Apt #4
- Beth Brooker, 5432 Douglas Street
- Hannah Dominquez, 5729 Azalea Garden Road
- Bree Hawk, 1223 Decatur Avenue
- Sarah Hostead, 524 New York Avenue
- Barbara James, 729 Azalea Garden Road
- Mary James, 5729 Azalea Garden Road
- Robbin Love, 6401 Natrona Avenue
- Hunter Noffsinger, 2801 Apt F, Colonial Avenue
- Cathleen Rhodes, 6401 Natrona Avenue
- Sarah Stump, 2001 Colonial Avenue, Apf F
- Kathleen Casey, 151 Florida Avenue.

6. Danny Lee Ginn, 3844 Dare Circle, expressed concerns about Council's Rules of Procedures, stating that a person cannot be denied the ability to speak. He stated that in his opinion bullying is very, very prominent in the Council Chamber.