



Inter Department Correspondence Sheet

TO: Members of Council

FROM: City Clerk

COPIES TO: \_\_\_\_\_

SUBJECT: Minutes of City Council Meeting

March 21, 2019

Attached are the minutes from the City Council meeting held on Tuesday, March 5, 2019.

Richard A. Bull

# **NORFOLK, VIRGINIA**

## **MEETING OF COUNCIL**

**TUESDAY, MARCH 5, 2019**

Mayor Alexander called the meeting to order at 5:030 p.m. with the following members present: Mrs. Courtney R. Doyle, Mrs. Angelia Williams Graves, Mrs. Mamie B. Johnson, Mrs. Andria P. McClellan, Mr. Paul R. Riddick, Mr. Tommy Smigiel, and Mr. Martin A. Thomas Jr.

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

### **A. POP-UP PRESENTATION**

#### **Coach's Corner Pilot Program: Department of Recreation, Parks & Open Space**

James Mickle, Acting Bureau Manager, Recreation & Human Development gave a brief overview of the new program. The Coach's Corner will be a partnership between the Department of Recreation, Parks & Open Space and local coaches past and present, to impact the lives of our young people by increasing their moral compass and the desire to be responsible and productive citizens.

- Starting April 6<sup>th</sup> and first Saturday of every month
- Norfolk Boxing & Fitness Center, Huntersville Center & Lakewood Park
- 11:00 a.m. to 1:00 p.m. (6 sessions concluding in September)
- Transportation provided by RPOS staff, pick up and drop offs at Recreation Centers
- For ages between 11 and 16, initially target southside Berkley, Norview, Huntersville, Park Place

#### **Goals & Objectives:**

##### **Short Term Goals**

1. Knowledge/Awareness/Attitude
2. Increased knowledge and awareness of:
  - Importance of education
  - Specific subject matters
  - Places and activities outside of their neighborhoods
  - Own desire to explore and learn
  - Desire to graduate from high school and plan for future

## **Long Term Goals**

1. Behavior/Skills
2. Possible improvement in school
3. Increased moral compass
4. Provide guidance to young community members
5. Mentor/Mentee relationships with coaches and facilitators

## **B. NORFOLK COSTAL STORM RISK MANAGEMENT STUDY**

Presenters: Christine Morris, Chief Resilience Officer, City of Norfolk, introduced Colonel Patrick Kinsman, Commander Norfolk District, Army Corps of Engineers who oversees civil work, military construction, regulatory and emergency operations mission, and is responsible for more than 350 employees in Norfolk and in resident offices throughout the Commonwealth of Virginia.

Colonel Kinsman reviewed the overall program and he emphasized they are revolutionizing their project delivery process while remaining a world class organization. Their team membership consists of 385 members; 6 members serve in the military. The program for FY 2019 is approximately \$425 million; \$301 million goes directly to small business. There were 4,766 regulatory actions in the Commonwealth in 2018.

The Norfolk District works closely with the Port of Virginia on harbor navigation improvements. In 2018, there were over 53 emergency response events. He noted that over 2,000 civilian Army Corps employees deployed along the Gulf Coast, Puerto Rico, and Texas to provide emergency response. They continue to work with other organizations and agencies that focus on the Chesapeake Bay. They begin work this year on a major environmental restoration project in the Lynnhaven Inlet. They are also engaging our federally recognized tribes.

## **NORFOLK COSTAL STORM RISK MANAGEMENT STUDY**

Lieutenant Colonel Semonite signed the Chief's Report recommending the study's findings for congressional authorization. The Chief's Report will undergo further review by the office of the Assistant Secretary of the Army for Civil Works and Office of Management and Budget before formal submittal to Congress. Congress may choose to authorize the project for construction, commonly accomplished through a Water Resource Development Act.

The signing of the Chief's Report marks the end of the study phase and begins the preconstruction, engineering and design phase (PED). This phase includes the design of the project and typically lasts two to three years. \$400,000 in federal funds has been appropriated to begin PED during this fiscal year and the Norfolk District staff is working closely with Ms. Morris and her team to coordinate the design agreement and define the first focus of that design effort.

The work of the design and construction stages is cost-shared between the federal government and the non-federal sponsors with 65 percent being federal cost and 35 percent being non-federal cost. To begin construction, Congress will need to appropriate construction funds. Once that occurs, we'll have to execute what's called a project partnership agreement which is the formal document of how we move forward and build the project.

The project consists of structural and non-structural measures that consist of some or all the following: Flood walls, storm surge barriers, pump and power stations, earthen levees, oyster reefs, tide gates, and a living shoreline. The separable structure systems are going in the Pretty Lake area to the north, Lafayette River to the west, the Downtown area, and Broad Creek area to the south. Non-structural measures include actions like home elevations and acquisitions, dry flood proofing, basement fills, and a combination of these same elements. The five non-structural areas focused in the Norfolk study are Willoughby Spit, Ingleside, Elizabeth Park, Campostella and Berkley.

There are multiple factors that can affect how long the project takes to construct such as federal appropriations, permitting and support of the local sponsor for funding and project advocacy. The end goal is to reduce risk for the residents and businesses in Norfolk through the delivery of a constructed project.

### **C. ODU INSTITUTE FOR INNOVATION AND ENTRENEURSHIP**

Jared Chalk, Interim Director of Development and Dr. Larry "Chip" Filer, Old Dominion University stated the following:

Mr. Chalk stated the joint programming opportunity with Old Dominion University is part of the city's goal of fostering entrepreneurship and business development. He introduced Dr. Filer and thanked him for helping to bring this project to fruition.

Last year, Dr. Filer's position was created by Dr. Broderick as part of the University's role as an anchor partner in economic development and entrepreneurship in the region. The University consolidated these efforts within the Institute for Innovation and Entrepreneurship and because of externally oriented activities a goal was to move various components off campus. The Institute for Innovation and Entrepreneurship will be located on Bank Street. The Bank Street location will not replace the Boush Street Center; it will remain and continue to offer co-working space.

### **The Bank Street Location**

Institute for Innovation and Entrepreneurship:

- Veterans Business Outreach Center
- Women's Business Center
- Hampton Roads Procurement Assistance Center
- Tempo Program
- Strome Entrepreneurial Center

### **OpenSeas Tech Hub (new initiative)**

- Innovation Hub for Maritime Trade, Transportation, Logistics & BlueTech Products & Services
- Will link with a global network of existing hubs in Haifa; Marseille; London; and New York City

## **D. CHESTERFIELD HEIGHTS: FINAL DESIGN**

Christine Morris, Chief Resilience Officer, thanked city staff, Scott Smith, and Kyle Spencer for their work on the project. She also thanked the community, noting this has been a community-driven process with more than 35 community meetings. The participants included: Chesterfield Heights residents, Grandy Village residents, Norfolk Public Schools, Chesterfield Academy staff, parents and students, NRHA, City departments, ODU, Hampton University, Elizabeth River Project, Elizabeth River Trail, Wetlands Watch, Norfolk State University. Meeting types included design charrettes, feedback sessions, outdoor demonstrations, Section 3 meet and greets, and bidders workshop.

### **Ohio Creek Project Schedule:**

- Grant Award – January 2016
- Procurement of Consultant – Fall 2016
- Subrecipient Agreement Completed – March 2017
- Begin Environmental Impact Process (EIS) – Winter 2017

- Final Conceptual Design – Sept 2017
- Construction Manager at Risk Procurement – April 2018
- Final Schematic Design – May 2018
- Draft EIS – Fall 2018
- Final Construction Documents February 2019
- Final EIS – March 2019
- Bid packages released, March 2019
- Release of Funds – April 2019
- Construction begins – Spring/Summer 2019
- Construction completed – June 2022

### **Ohio Creek Project Components**

- Coastal Protection
- Earthen berm
- Flood wall
- Realign Kimball Terrace
- Raise roads
- Tidal gate
- Living shoreline/oyster reefs

### **Stormwater Management**

- Parcel-level barrels and gardens
- Street-level bioswales
- Stormwater parks
- Tree plantings
- Pipe upgrades
- Pervious pavers
- 2 pump stations

### **Amenities/Connections**

- Improve Ballentine Blvd. underpass
- Fishing pier
- Community park
- Walk/bike/fitness trails

Councilwoman Graves asked: a) as work commences, that appropriate staff communicate with the neighborhoods through civic leagues and social media to provide updates on a regular basis, and b) that appropriate staff ensure all contractor and subcontractor work has been thoroughly inspected prior to final payment.

## **E. PLANNING UPDATES**

George Homewood, Director of Planning, reviewed items coming to Council in the future:

### **Colonial Place/Riverview Neighborhood Resilience Overlay**

- New zoning overlay to address form
- Initiate at March City Planning Commission (CPC) for April CPC public hearing

### **TMX Intermodal Conditional Use Permit request March CPC**

- Industrial use within 600 feet of residential Restaurants
- Conversations continuing with restaurants together with Development Temporary Certificate of Occupancy Fees
- Proposing initially a reduction in fees; scale them up gradually Ohio Creek Site Plan
- Under review

### **Dune Delineation at Greenies Site**

- Recently completed
- Grass/Stabilization Brochure
- Brochure distributed

### **JLUS**

- Working with HRPDC, Navy and Virginia Beach
- Presentation at March 26 City Council meeting

Census Complete Count Committee Appointments by April 1  
Upcoming Community Meetings

- Greenies Site Community Discussion – March 11
- Commercial Pattern Book Industry Discussion – March 21
- Stuart School Reuse Community Meeting – TBD
- Program for Public Information (PPI) regarding Flooding Outreach –

April/May presentation to City Council

- Tax Credit/Tax Abatement Community Workshop – May 8

The City Planning Commission Annual Report will be provided to Council. The City Planning Commission reviewed 167 applications in 2018; 96 percent were recommended for approval.

The Architectural Review Board reviewed 108 applications in 2018; 96 percent of items were approved. They supported the creation of one new historic overlay district and the designation of four new historic landmarks.

Councilman Riddick asked for regular updates regarding tractor-trailer routing and asked that additional traffic be kept off Church Street.

Councilwoman Doyle asked for regular updates about JLUS, so we can ensure the community stays well informed.

## **F. CLOSED SESSION**

Motion for closed session was approved for purposes which are set out in Clause(s) 3 and 29 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act, as amended:

- (3) Discussion of the real estate item in the Broad Creek area.
- (29) Discussion of a contract involving the expenditure of public Funds in the Ocean View area.

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

No: None.



**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**CITY COUNCIL MEETING**  
**TUESDAY, MARCH 5, 2019 – 7:00 P.M.**

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

Prayer offered by Pastor Edward Haywood, Tabernacle Church of Norfolk, 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 P. McClellan, Mr. Paul R. Riddick, Mr. Tommy Smigiel, Mr. Martin A. Thomas Jr. and Mr. Kenneth Cooper 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 March 5, 2019.

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

No: None.

## **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 for a Long-Term Easement for a term of forty years across city property located at **1000 E. Indian River Road**.

Michael Beck, representative, 621 Meadows Drive, Virginia Beach, was present to answer questions.

**ACTION:**                        This matter was continued to March 26, 2019.

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 authorizing the conveyance to **1<sup>st</sup> Advantage Federal Credit Union Foundation** of a certain non-conforming lot located at **N S Fremont Street** in accordance with the terms and conditions of the Conveyance Agreement.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **1<sup>st</sup> Advantage Federal Credit Union Foundation** of a certain non-conforming lot located at **N S Fremont Street** in accordance with the terms and conditions of the **Conveyance Agreement**," was introduced and read by its title.

**ACTION:**                        The Ordinance as introduced was **adopted**, effective April 5, 2019.

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

No: None.

## **CONSENT AGENDA**

C-1 Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue a refund to **Hudson-NIA JV of Norfolk, Inc.**, in the amount of \$22,931.22 plus interest based upon the overpayment of its **Business Personal Property Tax** for the tax year 2018.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-2 Letter from the City Manager and an Ordinance entitled, An Ordinance to amend and reordian **Sections 25-649, 654, and 660** of the *Norfolk City Code, 1979*, **SO AS TO** add one new right turn on red prohibition, six new stop intersections, one new automatic traffic signal and to repeal one automatic traffic signal.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-3 Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, approving and authorizing the expenditure of \$223,000 **State Opioid Response (SOR) Grant Award** from the **Virginia Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board** to provide opioid treatment and peer recovery services to individuals with substance abuse disorder.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-4 Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating and authorizing the expenditure of a grant award of \$141,403 from the **Virginia Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board** to implement the outpatient primary care screening and monitoring component of the Department Behavioral Health and Developmental Services' initiative of mental health system transformation, excellence and performance in Virginia (MH STEP-VA).

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-5 Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating and authorizing the expenditure of \$6,449.93 from the **Rescue Squad Assistance** grant funds of the **Office of Emergency Medical Services**, and appropriating local matching funds in the amount of \$6,449.93 to purchase Ambulance **Child Restraint (ACR) Systems** from the Department of Fire-Rescue.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-6 Letter from the City Manager and an Ordinance entitled, An Ordinance accepting and appropriating up to the sum of \$840,413 from the **Virginia Department of Fire Programs for the "Aid-to-Localities" Program**.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-7

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 Part A Grant Funds in the amount of \$5,788,425.00 from the U.S. Department of **Health and Human Services for HIV/AIDS Health and Support Services** and appropriating and authorizing expenditure of the grant funds.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-8

Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to certify that the real estate tax account on the City's Land Book in the name of **Tanner's Landing Associates, LLC** was improperly placed thereon; for the City Treasurer to be given credit for the associated taxes so improperly placed; and directing the City Real Estate Assessor to correct the land book accordingly.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-9

Letter from the City Clerk requesting use of the Mace for the **52<sup>nd</sup> Annual St. Patrick's Day Parade** to be held on Saturday, March 16, 2019.

**ACTION:** Use of the Mace confirmed.

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

No: None.

C-10 Letter from the City Manager and an Ordinance entitled, An Ordinance granting **Conditional Use Permits** to authorize the operation of a **Craft Beverages Production Facility** with live entertainment named **“Reaver Beach Brewing Company”** on properties located at **3800 to 3808 Colley Avenue and 737 Michigan Avenue.**

Justin Macdonald, applicant, 1505 Taylor Farm Road, Virginia Beach, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-11 Letter from the City Manager and an Ordinance entitled, An Ordinance granting **Conditional Use Permits** to authorize the operation of a **Craft Beverages Production Facility** with live entertainment named **“The Bold Mariner Brewing Company”** on property located at **1901 East Ocean View Avenue and 9638 Capeview Avenue.**

Michael Stacks, applicant, 1414 Runnymede Road, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-12 Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize the construction of a **Commercial Communication Tower** on property located at **600 East Indian River Road.**

Michael Beck, representative, 621 Meadows Drive, Virginia Beach, and Christine Conrad, 439 Thimble Shoals Blvd, Newport News, VA, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 5, 2019.

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 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 at **2607 Marlboro Avenue**, in the City of Norfolk, for the **Ohio Creek Watershed Improvement Project**, authorizing the purchase of said easement, and authorizing the expenditure of a sum of up to \$13,250.00 for such purpose from funds heretofore appropriated,” was introduced in writing and read by its title.

**ACTION:**

The Ordinance as introduced was **adopted**, effective March 5, 2019.

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 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 at **724 Sedgewick Street**, in the City of Norfolk, for the **Ohio Creek Watershed Improvement Project**, authorizing the purchase of said easement, and authorizing the expenditure of a sum of up to \$15,000.00 for such purpose from funds heretofore appropriated,” was introduced in writing and read by its title.

**ACTION:**

The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

R-3

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the bid submitted by **Cox Wireless Access, LLC** for a **Wireless Facilities Franchise Agreement** with a term of ten years with up to three renewal terms of five years each in the City’s rights-of-way,” was introduced in writing and read by its title.

(CONTINUED AT THE MEETING OF FEBRUARY 26, 2019)

**ACTION:** The Ordinance as introduced was **adopted**, effective April 5, 2019.

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

No: None.

### **NEW BUSINESS**

- Jeff Hewitt, 522 Spotswood Avenue, expressed concerns about the immigrants being detained in the Norfolk City Jail.
- Danny Ginn, 3844 Dare Circle, expressed concerns about the rules and regulations for citizens to speak and be more transparent.