

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, JANUARY 14, 2020 – 7:00 P.M.

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

Prayer was offered by Councilman Paul R. Riddick, 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 Riddick, Mr. Tommy Smigiel, Mr. Martin A. Thomas Jr. and Dr. 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 January 14, 2020.

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 receive proposals for Non-Exclusive Franchise Agreement 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.

ACTION: This matter was continued to January 28, 2020.

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

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **BRINSHORE DEVELOPMENT**, for a rezoning from C-R (Regional Commercial) to D-SP (Downtown – Saint Paul's) and for a Conditional Use Permit to allow more than 24 dwelling units on property located at **450 Posey Lane**.

ACTION: This matter was continued to January 28, 2020.

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

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **CITY PLANNING COMMISSION**, for a text amendment to the *Norfolk Zoning Ordinance* to revise and remove inconsistent definitions and fix clerical errors in Section 3.9.6.B, "Definitions", Section 3.9.7.G, "Definitions", Section 5.7.3, "Definition of Terms", and Section 8.3.2 "Terms Defined".

Thereupon, an Ordinance entitled, "An Ordinance to amend Sections 3.9, 5.7 and 8.3 of the Norfolk Zoning Ordinance SO AS TO review and remove inconsistent definitions and fix clerical errors," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.
Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas and Alexander.
No: None.

PH-3 **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 **Nonexclusive Telecommunications Franchise Agreement with PEG Bandwidth VA, LLC.**

Thereupon, An Ordinance approving a **Nonexclusive Telecommunications Franchise Agreement with PEG Bandwidth VA, LLC.,**” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2020.
Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas and Alexander.
No: None.

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 authorizing the vacation of two Utility Easements in the closed portion of **Woodis Avenue.**

Thereupon, an Ordinance entitled, “An Ordinance authorizing the vacation of two utility Easements in the closed portion of Woodis Avenue,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.
Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas and Alexander.
No: None.

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 approving a Lease Agreement with **SBA 2012 TC Assets, LLC**, for a parcel of land at **1311 Bayville Street**.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with **SBA 2012 TC Assets, LLC**, for a parcel of land at **1311 Bayville Street**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2020.

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

No: None.

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 Lease Agreement with **Verizon Virginia, LLC** for a parcel of land at **Fairlawn Elementary School/Recreation Center**.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with **Verizon Virginia, LLC** for a parcel of land at **Fairlawn Elementary School/Recreation Center** in the City of Norfolk,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2020.

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 granting **Conditional Use Permits** to authorize the operation of a Commercial Recreation Center operating after midnight with live entertainment named “416 Aphrodite” on property located at **200 East Plume Street**.

ACTION: This matter was continued to February 25, 2020.

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 granting **Conditional Use Permits** to authorize the operation of a banquet hall named “Neon House” on property located at **819 Granby Street**.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.

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 granting a **Conditional Use Permit** to authorize the sale of alcoholic beverages for off-premises consumption at an establishment named “Droofin, Inc.” on property located at **2550 Ellsmere Avenue, Suite E**.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.

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 amending the FY2020 Annual Appropriations Ordinance (No. 47,636) **SO AS TO** accept, appropriate and authorize the expenditure of Grant Funds up to the sum of \$7,730.00 from the **United States Department of Homeland Security Federal Emergency Management Agency**, through the Commonwealth Department of Emergency Management for the purchase of Hazardous Materials Team Equipment.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.

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 amending the FY2020 Annual Appropriations Ordinance (No. 47,636) **SO AS TO** accept, appropriate and authorize the expenditure of Grant Funds up to the sum of \$293,600.00 from the **Department of Conservation and Recreation** for the design and construction of a Trailhead at the east end of the Elizabeth River at Park Avenue and Claiborne Avenue and authorizing the expenditure of previously-appropriated local matching funds from the Elizabeth River Trail Foundation in the amount of \$75,000.00.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.

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 amending the FY2020 Annual Appropriations Ordinance (No. 47,636) **SO AS TO** accept, appropriate and authorize the expenditure of Grant Funds up to the sum of \$77,467.00 from the **Virginia Department of Criminal Justice Services** for the Camp Hope Youth Engagement Program for Victims of Domestic Violence for the Norfolk Sheriff's Office.

Ellis James, 2021 Kenlake Place, spoke in support of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.

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 amending the FY2020 Annual Appropriations Ordinance (No. 47,636) **SO AS TO** accept, appropriate and authorize the expenditure of Grant Funds up to the sum of \$152,895.00 from the **Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board** to implement the Outpatient Services component of the Department of 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 January 14, 2020.

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

No: None.

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 up to the sum of \$50,000.00 from the **Virginia Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board** to implement the Effective Research Based Prevention Strategies to Address Opioid Misuse.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.

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

No: None.

C-9

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 up to the sum of \$1,330,745.45 from the **U.S. Department of Homeland Security Assistance to Firefighters Grant Fund**, and previously-appropriated local matching funds in the amount of \$133,074.55 for the Purchase of Cardiac Monitors for Norfolk Fire-Rescue.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.

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 amending the FY2020 Annual Appropriations Ordinance (No. 47,636) **SO AS TO** accept, appropriate and authorize the expenditure of Grant Funds up to the sum of \$147,800.00 from **the Virginia Department of Criminal Justice Services for the Byrne Justice Assistance Grant (JAG) Program** to purchase Police Forensic Technology Equipment.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.

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 amending the FY2020 Annual Appropriations Ordinance (No. 47,636) **SO AS TO** accept, appropriate and authorize the expenditure of Grant Funds up to the sum of \$1,235,825.00 from the **Virginia Department of Criminal Justice Services for the Norfolk Criminal Justice Services (NCJS) Agency** from the Comprehensive Community Corrections Act Grant.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.

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

No: None.

REGULAR AGENDA

R-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 accept the bid for a **Lease** on the premises known as **204 East Main Street**, which consist of approximately 2,875 square feet, for a term of not less than 5 years with an option to renew for an additional 5 years.

(PASSED BY AT THE DECEMBER 10, 2019 MEETING)

Phillip Decker, 204 E. Main Street, was present to answer questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2020.

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

No: None.

Abstain: Thomas.

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain the City's Operating Budget for Fiscal Year 2020 to add \$358,184 to the Budget, and to amend and reordain Section 1 of Ordinance No. 47,636 (Operating Budget Ordinance for Fiscal Year 2020) and Section 1 of Ordinance No. 47,742, **SO AS TO** appropriate and authorize the expenditure of **St. Paul's Area Transformation Designated Funds** from the General Fund Balance for Administration of St. Paul's Area Transformation," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2020.

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

No: None.

R-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 accept bids for a **Long Term Garage Parking Agreement**, with a term of twenty (20) years, for the **Lease** of eighty-one (81) parking spaces in the **Commercial Place Garage** located at **520 E. Main Street**, one hundred eighteen (118) parking spaces in the **Fountain Park Garage** located at **130 Bank Street**, ninety-one (91) parking spaces in the **Waterside Garage** located at **50 Martins Lane**, and eighty-nine (89) parking spaces in the **Bank Street** garage located at **441 Bank Street** in the City of Norfolk, Virginia.

(PASSED BY AT THE DECEMBER 10, 2019 MEETING)

ACTION: The Ordinance as introduced **LOST**.

Yes: None.

No: Doyle, Graves, Johnson, Riddick, Smigiel, Thomas and Alexander.

Abstain: McClellan.

NEW BUSINESS

- Danny Lee Ginn, 3844 Dare Circle, spoke concerning the City Council's rules and procedures.
- Carl Poole, III, 234 W. 33rd Street, spoke regarding the status of the monuments downtown.

The following individuals spoke regarding placing a Second Amendment Resolution on the agenda:

- Robert Brown, 8507 Troy Street;
- Victoria Haneline, 323 W. 34th Street;
- James Letourneau, Jr., 137 W. Oceanview Avenue;
- James Quall, 9329 Mason Creek Road;
- Ben Loyola, 3261 Wilderness Lane, Virginia Beach;
- Cameron Carlson, 1611 Lasalle Avenue;
- Kim Shourds, 227 Sir Oliver Road;
- Rick Williams, 1813 Skyline Drive;

- Terry Santure, 6389 Partridge Street;
- John Abernathy, 448 Cummings Road, Virginia Beach;
- Eric Hovik, 169 West Ocean Avenue;
- Dianne Sexton, 7020 Gail Drive;
- Robert Allen, 5576 Glen View Drive;
- Matthew Adams, 7073 Kirby Crescent;
- Josiah Hunter, 301 E. Randall Avenue;
- Richard Baldwin, 339 E. Lester Avenue;
- Bruce Sherman, 1127 Llewellyn Avenue;
- Ken Reid, 506 Spotswood Avenue;
- Carolyn Fite, 9430 Atlans Street;
- William Jackson, Sr., 3709 Buckingham Street;
- Dustin Edwards, 6127 Edwards Street;
- Adam Nusbaum, 201 Westover Avenue;
- Robert Duncan, 1104 Toler Place;
- Julie Basco, 1214 E. Oceanview Avenue Apt #6.