

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

CITY COUNCIL MEETING

TUESDAY, JANUARY 23, 2018 – 7:00 P.M.

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

The opening prayer was offered by Reverend John Gray, Union Mission Ministries, followed by the Pledge of Allegiance.

The following members were present: Mrs. Angelia Williams Graves, Mrs. Mamie B. Johnson, Mrs. Andria McClellan, Mr. Paul Riddick, Mr. Thomas Smigiel, Mr. Martin Thomas Jr., Dr. Theresa Whibley and Mr. Kenneth Alexander.

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

Motion adopted.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley 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 23, 2018.

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

No: None.

CEREMONIAL MATTER

Captain Rick Wester and Rear Admiral Meredith Austin from the U.S. Coast Guard Mid-Atlantic presented a Distinguished Public Service Award and medals to Officer David Dubus, Norfolk Police Department and Captain William Sigafos, Norfolk Fire-Rescue.

Mayor Alexander recognized Boy Scout Troop 1, Trinity Presbyterian Church, in attendance to work towards their Citizenship in the Community Merit Badge.

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 approving a **Lease Agreement** with **Friends of the Pagoda** and **Oriental Garden Foundation** for the lease of city owned property located at **265 W. Tazewell Street**.

(PASSED BY AT THE DECEMBER 12, 2017 AND JANUARY 9, 2018 MEETINGS)

The following spoke in favor of this matter:

Martin Mendelsohn, 303 Brooke Avenue,
Dr. Gad Brosch, 239 Duke Street,
Madeline Sly, 215 Brooke Avenue
Michael Evans, 250 W. Tazewell Street
Catherine Fulton, 215 Brooke Avenue, Unit 904
Faye Joseph, 239 Duke Street, Unit 305
Win Short, 254 West Tazewell Street
Jack Kavanaugh, 312 College Place

Gary Gardner, 301 Brooke Avenue, #304, spoke in opposition to this matter.

Jane Gardner, 301 Brooke Avenue, #304, was present in favor of this matter but did not speak.

Thereupon, an Ordinance entitled, “An Ordinance approving a **Lease Agreement with Friends of the Pagoda and Oriental Garden Foundation** for the lease of city owned property located at **265 W. Tazewell Street**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 23, 2018.

Yes: Graves, Johnson McClellan, Riddick, Smigiel, Thomas, Whibley, 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** to amend the City’s General Plan, *Planorfolk2030*, **SO AS TO** revise actions and character districts and to adopt the Coastal Character District Pattern Book in support of a new Zoning Ordinance.

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan, *Planorfolk2030*, **SO AS TO** revise actions and character districts and to adopt the Coastal Character District Pattern Book in support of a new Zoning Ordinance,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 23, 2018.

Yes: Graves, Johnson McClellan, Riddick, Smigiel, Thomas, Whibley, 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, on the application of the **City Planning Commission** to adopt a new **Zoning Ordinance and to repeal the existing Zoning Ordinance** for the City of Norfolk.

Joe Tromburg, 1808 Arlington Avenue, commented on the short term rental zoning restrictions.

Matt Hales, 9568 25th Bay Street and a member of the City Planning Commission, spoke in favor of the Zoning Ordinance and thanked the planning commissioners and staff for their efforts.

Ross Weaver, 1006 Manteo Street, spoke in favor of the Zoning Ordinance and commented on the more than three year process.

Bob Widener on behalf of Tidewater Builders Association, 2117 Smith Avenue, Chesapeake, commented that the Zoning Ordinance needed to have more clarification for the builders in the area and asked for a 90 day deferral on the Ordinance.

Marjorie Mayfield-Jackson, 1747 Tait Terrace, spoke in support of the matter.

Jack Blake, 9317 Grove Avenue, commented that he agreed that changes need to happen regarding the zoning but said affect the values of the homes in the city.

William Stiles, 1121 Graydon Avenue, spoke in support of this matter and was happy it addressed flooding issues in the city.

Allen Loree, 928 LuCove Drive, Virginia Beach, spoke against this matter and believed it was taking property from citizens.

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

Dr. Dan Neumann, 1335 Armistead Bridge Road and Peter Johnston, 1120 Graydon Avenue, were present in support of this matter but did not speak.

Thereupon, an Ordinance entitled, “An Ordinance to adopt a new **Zoning Ordinance and to repeal the existing Zoning Ordinance** for the City of Norfolk,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 1, 2018.

Yes: Graves, Johnson McClellan, Riddick, Smigiel, Thomas, Whibley, 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 issuance and sale by the City of Norfolk, Virginia, of up to \$85,000,000 in **water revenue bonds**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the issuance and sale by the City of Norfolk, Virginia, of up to \$85,000,000 in **water revenue bonds**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 23, 2018.

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

No: None.

CONSENT AGENDA

C-1

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a \$896,000.00 grant from the **Virginia Department of Transportation FY 2018 Transportation Alternatives Program** to the City for the Fort Norfolk phase of the Elizabeth River Trail Project and for the Granby Street Bike Lane Project, appropriating and authorizing the expenditure of the grant funds and authorizing the expenditure of up to \$224,000.00 in local matching funds to support the projects.

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

ACTION: The Ordinance as introduced was **adopted**, effective January 23, 2018.

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

No: None.

C-2

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting \$7,030.00 from the **Virginia Department of Criminal Justice** for the purchase of Naloxone for use by the **Norfolk Police Department** and appropriating and authorizing the expenditure of the funds for the purchase Naloxone.

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

ACTION: The Ordinance as introduced was **adopted**, effective January 23, 2018.

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

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the donation from the **North Atlantic Treaty Organization** of a gift of three road signs that acknowledge the City of Norfolk as the home of the only **North American NATO Headquarters**; authorizing the City Manager to accept this gift on behalf of the City of Norfolk and to execute a letter agreement detailing the donation and acceptance of the gift; and to do all things necessary to appropriately display the signs,” was introduced in writing and read by its title.

Admiral Manfred Nielson, thanked the council for the placement of three road signs at three major intersections that acknowledges the City of Norfolk is the home of the only North American NATO Headquarters.

ACTION: The Ordinance as introduced was **adopted**, effective January 23, 2018.

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

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the bid submitted by Cellco Partnership d/b/a Verizon Wireless for a long term **Wireless Facilities Franchise Agreement**, with a term of ten years with up to three renewal terms of five years each in the City’s right-of-way,” was introduced in writing and read by its title.

Steven Romine, 999 Waterside Drive, attorney for the applicant was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 23, 2018.

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

No: None.

R-3

Letter from the City Manager and a Resolution entitled, “A Resolution authorizing the City Manager to initiate a process for the development of a plan to revitalize that area of the City comprised of the **Tidewater Gardens, Young Terrace and Calvert Square communities**,” was introduced in writing and read by its title.

The following spoke in opposition to this matter:

- Rodney Jordan, 304 W. 36th Street.
- James Watson, 703 E. Virginia Beach Boulevard.
- Chris Galloway, 2736 Somme Avenue.
- Sarah Black, 1515 Longwood Drive.
- Kimberly Williams, 2616 Bowden’s Ferry Road.
- Elizabeth Gordon, 900 Brandon Avenue.

The following spoke in support of this matter:

- Father Jim Curran, Basilica of St. Mary’s Church
- Lavonne Pledger, 304 East Olney Road..
- Shamika Kirby, 801 Tidewater Drive.
- Deborah Ross, 934 Charlotte Street.
- Bruce Smith, Norfolk native.

Mr. Riddick offered a statement for this item that referred to: 1) the redevelopment of East Ghent, which promised that residents would be able to return but were unable to because of the cost of new residential development, and 2) on the redevelopment of the East Beach portion of East Ocean View where he believes the same thing happened to the residents who lost their homes.

He expressed great concern that the same thing could happen again with the proposed redevelopment of the St. Paul's area, that insufficient planning has occurred for a seamless transition and questioned why units are being demolished in Diggs Town knowing the St. Paul's effort was forthcoming.

He asked that a verbatim of his comments be included in the council file.

ACTION: The Resolution as introduced was **adopted**, effective January 23, 2018.

Yes: Graves, Johnson McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: Riddick.

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting the conveyance of a **perpetual public facilities easement** by Thomas S. Carnes, Special Receiver for the Chesterfield Heights Corporation to the City of Norfolk and authorizing the City Manager to accept the Easement of behalf of the City," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 23, 2018.

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

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Jura Corporation and F.M.J Limited Partnership** to encroach onto City of Norfolk property located adjacent to 952 W. 21st Street with an existing parking area,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 23, 2018.

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

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Chapter 2 of the Norfolk City Code, 1979 **SO AS TO** add a new article numbered XIX entitled the **Mayor’s Advisory Commission on Climate Change Mitigation and Adaptation**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 23, 2018.

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

No: None.

R-7

A Resolution entitled, “A Resolution opposing House Bill No. 1258 and Senate Bill No. 405 and requesting the General Assembly to reject this and any telecommunications legislation that would further erode local land use authority and remove input from local elected and appointed officials,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 23, 2018.

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

No: None

NEW BUSINESS

1. Mary Simpson Jones, 7505 Paulin Court, commented that Councilwoman Mamie B. Johnson spoke at Oakwood Civic League meeting and was very informative.
2. Sam Hochberg, 1332 Baecher Lane, commented on an unlicensed boarding house in his neighborhood. He believes children from overseas were living in the house.
3. Ellis James, 2021 Kenlake Place, believed that the Russian ship of our coast could pose a threat for this area.
4. Gordon Dillon, 400 Warner Circle, commented on the sale of the TWA building and that the assessment of the building was low.
5. Dr. Tiffinee Yancey, 3403 Dumpling Court, invited council to the Mental/Behavioral Health Provider Fair on February 26th at the Old Dominion University Ted Constant Convocation Center.
6. Jane Bethel, 719 Douglas Avenue, Portsmouth, commented on employees being disciplined for using sick leave and having to have a doctors note for 1 day of leave.
7. Curtis Lee, 1413 Church Street, commented on the towing of his vehicle because the city said he was running an illegal landscaping business.