

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**CITY COUNCIL MEETING**  
**TUESDAY, JANUARY 24, 2023 – 6:00 P.M.**

**MOMENT OF SILENCE**

Followed by the Pledge of Allegiance.

**ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	
Courtney R. Doyle	Councilmember - Ward 2	Present	
Mamie B. Johnson	Councilmember - Ward 3	Present	
Andria P. McClellan	Councilmember - Superward 6	Present	
John E. Paige	Councilmember - Ward 4	Present	
Danica J. Royster	Councilmember - Superward 7	Present	
Thomas R. Smigiel Jr.	Councilmember - Ward 5	Present	
Martin A. Thomas Jr.	Vice Mayor	Present	
Kenneth Cooper Alexander	Mayor	Present	
Bernard Pishko	City Attorney	Present	
Dr. Larry H. Filer II	City Manager	Present	
Richard A. Bull	City Clerk	Present	

**APPROVAL OF MINUTES**

Approve the minutes of the previous City Council meeting.

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

**CLOSED SESSION RESOLUTION**

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.

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

**PUBLIC HEARINGS**

**PH-1** Public Hearing scheduled this day, pursuant to State Law, to hear comment approving a Transfer of Property Agreement with Hampton Roads Sanitation District Related to Certain City-Owned Real Property and the Wastewater Pump Station Number 106 Located at 3500 Granby Street.

An Ordinance Approving a Transfer of Property Agreement with Hampton Roads Sanitation District Related to Certain City-Owned Real Property and the Wastewater Pump Station Number 106 Located at 3500 Granby Street. - **(Ordinance No. 49052)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

**PH-2** Public Hearing scheduled this day, pursuant to State Law, on the application of CITY OF NORFOLK to vacate the right-of-way of a portion of Holt Street west of Mariner Street (portion along northern edge of Holt Street). The purpose of this right-of-way vacation is to facilitate the next phase of development in the St. Paul's Revitalization Area.

An Ordinance Closing, Vacating and Discontinuing a Portion of Holt Street and Authorizing the Conveyance to Norfolk Redevelopment and Housing Authority of Any Interest the City Has in the Said Portion of Holt Street. - **(Ordinance No. 49053)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

**PH-3** Public Hearing scheduled this day, pursuant to State Law, on the application of the CITY PLANNING COMMISSION, for a Zoning Text Amendment to the *Norfolk Zoning Ordinance* to modify URO (Upland Resilience Overlay) to correct terminology and modify the development right extinguishment process.

An Ordinance to Amend Section 3.9.19 of the *Norfolk Zoning Ordinance*, Establishing Regulations for Properties in the URO (Upland Resilience Overlay) District, so as to Correct Terminology and Modify the Process for a Voluntary Extinguishment of Development Rights to Benefit Development Outside the URO District.

<b>ACTION:</b>	<b>Continued to February 14, 2023 [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

**PH-4** Public Hearing scheduled this day, pursuant to State Law, on the application of BARRY AND SONS PLUMBING, for a change of zoning to amend the proffered conditions for property zoned Conditional C-C (Community – Commercial) at 941 and 1005 W. Little Creek Road.

An Ordinance to Rezone Properties Located at 941 and 1005 West Little Creek Road in Order to Change Conditions on Properties Zoned MF-NS (Multi-Family - Neighborhood Scale). - **(Ordinance No. 49054)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

**PH-5** Public Hearing scheduled this day, pursuant to State Law, on the application of THE ANNEX, 1) to rezone properties located at 2500 Church Street and 2501 Fawn Street from C-C (Community Commercial) District to HO-N&W (Norfolk & Western Historic Overlay) District and 2) for Conditional Use Permits to allow Production of Craft beverages; to allow Live Entertainment; to allow Extended Hours of Operation and operate a Banquet Hall on the same property.

An Ordinance to Rezone Properties Located at 2500 Church Street and 2501 Fawn Street from C-C (Community Commercial) District to HO-N&W (Norfolk & Western Historic Overlay) District. - **(Ordinance No. 49055)**

<b>ACTION:</b>	<b>Adopted [7 to 1]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander
<b>NAYS:</b>	Paige

**PH-5a** An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant with Extended Hours, Production of Craft Beverages, a Banquet Hall, Live Entertainment, and the Sale of Alcoholic Beverages for On Premises Consumption Named “The Annex” on Property Located at 2500 Church Street. - **(Ordinance No. 49056)**

<b>ACTION:</b>	<b>Adopted [7 to 1]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander
<b>NAYS:</b>	Paige

**PH-6** Public Hearing scheduled this day, pursuant to State Law, to hear comments 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.

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. - **(Ordinance No. 49057)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

### **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.**

**ACTION:** Consent Agenda Adopted [Unanimous]  
**AYES:** Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

- C-1 An Ordinance Authorizing the Dedication of a Portion of Certain City-Owned Property Located at 2700 E. Princess Anne Road as Public Right-of-Way. - **(Ordinance No. 49058)**
- C-2 An Ordinance Authorizing the Dedication of a Portion of Certain City-Owned Property Located at 3020 and 3026 E. Princess Anne Road as Public Right-of-Way. - **(Ordinance No. 49059)**
- C-3 Letter transmitting from the General Registrar the Abstract of Votes cast in in the 2023 January Senate Special Election held on January 10, 2023 pursuant to Section 24.2-675 of the Code of Virginia.

### **REGULAR AGENDA**

- R-1 An Ordinance to Amend the Norfolk City Council Rules of Procedure.

**ACTION:** Continued Generally [Unanimous]  
**AYES:** Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-2 An Ordinance Amending the FY 2023 Annual Appropriations Ordinance (No. 48,751) so as to Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the Sum of \$1,184,357 from the Virginia Department of Transportation ("VDOT") Primary Extension Funding if and when Received and Appropriating and Authorizing for Expenditure the Sum of \$315,000 in Local Matching Funds, for the Repaving of Seven Roadway Segments; and Authorizing the Agreements with VDOT for the Administration of the Projects by the City - **(Ordinance No. 49060)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-3 An Ordinance Approving a Lease Agreement Between 7460 Tidewater Drive Associates, LLC, as Lessor, and the City of Norfolk, as Lessee, for the Lease of Property Located at 7460 and 7464 Tidewater Drive; Authorizing the City Manager to Execute the Lease Agreement on Behalf of the City of Norfolk; and Authorizing the Expenditure of a Sum of Up to \$45,714.56 From Funds Heretofore Appropriated to Cover the Rent Payments for the Remainder of the Fiscal Year 2023. - **(Ordinance No. 49061)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-4 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) so as to Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the sum of \$1,120,000 from the Virginia Department of Conservation and Recreation, Virginia Resources Authority, and Previously-Appropriated Local Matching Funds in the Amount of \$280,000 for the Riverside Memorial Cemetery Shoreline Stabilization Project. - **(Ordinance No. 49062)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

R-5 An Ordinance Approving a Second Amendment to Stadium Lease Agreement Between the City of Norfolk, as Lessor, and Tides Baseball Club, L.P., as Lessee, for its Lease of the Premises Known as Harbor Park Stadium Located at 150 Park Avenue in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the Second Amendment to Stadium Lease Agreement on Behalf of the City of Norfolk - **(Ordinance No. 49063)**

<b>ACTION:</b>	<b>Adopted [7 to 1]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Alexander
<b>NAYS:</b>	Thomas Jr.

R-6 An Ordinance Authorizing the City's Acquisition of Property Located Near 5808 Sellger Drive and Authorizing the City Manager to Enter into an Appropriate Agreement and Deed to Transfer the Property to the City. - **(Ordinance No. 49064)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

R-7 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) so as to Accept, Appropriate and Authorize the Expenditure of a Donation in the Amount of \$271,000 from Curlew Apartments I, LP, for the Expansion of Pump Station #93, If and When received. - **(Ordinance No. 49065)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

R-8

An Ordinance to Amend and Reordain Article IV Of Chapter 24 Of The Norfolk City Code So As To Add A New Division 2.2 Entitled "Exemption For Surviving Spouses Of Certain Persons Killed In The Line Of Duty". - **(Ordinance No. 49066)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

### **NEW BUSINESS**

Vincent Hodges, 622 Raleigh Avenue, spoke against considering changes to Council meeting procedures.

Carl Poole, 1049 W. 49th Street, spoke regarding the Tidewater Air Monitoring Evaluation Project.

Jennifer Gruber, Pembroke Avenue, spoke regarding catalytic converter theft.

Javon Bennett, 1342 Reservoir Avenue, spoke regarding redevelopment in St. Paul's Area.

### **ADJOURNMENT**