

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, FEBRUARY 14, 2023 – 6:00 P.M.

A CITIZEN WHO WISHES TO ADDRESS COUNCIL CONCERNING AN AGENDA ITEM OR NEW BUSINESS MUST REGISTER TO SPEAK WITH THE CITY CLERK BY 3:00 PM THE DAY OF THE MEETING BY CALLING (757) 664-4253. REGISTER YOUR NAME, ADDRESS, PHONE NUMBER AND EMAIL ADDRESS.

MOMENT OF SILENCE

Followed by the Pledge of Allegiance.

MOMENT OF SILENCE

ROLL CALL

| Attendee Name | Title | Status | |
|--------------------------|-----------------------------|---------------|--|
| 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 | Remote | |
| 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.

ACTION: **Adopted [Unanimous]**
AYES: 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.

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

INVITATION FOR BID

IB-1

Invitation for Bids and Notice of Public Hearing for a non-exclusive franchise 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.

A bid was received from Shenandoah Cable Television, LLC doing business as ShenTel and marked for identification as ShenTel.

The Motion was made by Councilman Thomas to continue this matter to February 28, 2023 and seconded by Councilwoman Royster.

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| ACTION: | Continued to February 28, 2023 [Unanimous] |
| AYES: | 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 comments to Amend and Reordain Section 1 of the Capital Improvement Plan Budget for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 SO AS TO Establish Funding in the Amount of up to \$6,000,000 to Support Citywide Resurfacing.

An Ordinance to Amend and Reordain Section 1 of the Capital Improvement Plan Budget for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 SO AS TO Establish Funding in the Amount of up to \$6,000,000 to Support Citywide Resurfacing - **(Ordinance No. 49067)**

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

PH-2 Public Hearing scheduled this day, pursuant to State Law, to hear comments approving an Amendment to Lease Agreement Between the City of Norfolk and Richardsons Enterprises Inc. t/a The Coffee Cafe for Space Located Within City Hall at 810 Union Street.

An Ordinance Approving an Amendment to Lease Agreement Between the City of Norfolk and Richardsons Enterprises Inc. t/a The Coffee Cafe for Space Located Within City Hall at 810 Union Street. - **(Ordinance No. 49068)**

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| 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.

- C-1 An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at 1124 Virgilina Avenue. - **(Ordinance No. 49069)**

Katherine Dirom and Michael Collins, 7847 O'Neil Road, Gloucester, were present to answer any questions relative to this matter.

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

- C-2 An Ordinance Granting Conditional Use Permits to Authorize a Restaurant to Operate with Extended Hours and the Sale of Alcoholic Beverages for Off-Premises Consumption Named "Taco y Tequila" on Property Located at 1421 Colley Avenue. - **(Ordinance No. 49070)**

Chris Arney, the applicant, was present to answer any questions relative to this matter.

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

- C-3 An Ordinance Granting Conditional Use Permits to Authorize the Operation of an Automobile Sales Establishment and a Major Automobile Repair and Maintenance Facility named "Ready 2 Roll Motor Sports" on Property Located at 3345 North Military Highway. - **(Ordinance No. 49071)**

Sullivan Callahan, attorney for the applicant, was present to answer any questions relative to this matter.

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

- C-4 An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at 358 West Freemason Street. - **(Ordinance No. 49072)**

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

- C-5 An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at 1976 East Ocean View Avenue. - **(Ordinance No. 49073)**

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

- C-6 An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at 2701 Pleasant Avenue. - **(Ordinance No. 49074)**

Kriss Deas, the applicant, spoke in support of and was present to answer any questions relative to this matter.

Aradia Robertson, 9620 20th Bay Street, spoke in opposition to this matter.

Ellen Cava, 9601 7th Bay Street, spoke in opposition to this matter.

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

- C-7 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Banquet Hall, Live Entertainment, and the Sale of Alcoholic Beverages for On Premises Consumption Named “Marriott Residence Inn” on Property Located at 1590 North Military Highway. - **(Ordinance No. 49075)**

Richard Murphy, the property owner, was present to answer any questions relative to this matter.

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

- C-8 Letter from the 2023 Saint Patrick’s Day Parade Committee requesting use of the Mace and Police Honor Guard for 56th Annual St. Patrick’s Day Parade on March 18, 2023, at 10:00 a.m.

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

- C-9 An Ordinance Accepting the Conveyance of a Temporary Construction Easement and a Permanent Drainage Easement from John Martin and Ruth Martin and Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City. - **(Ordinance No. 49076)**

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

- C-10 An Ordinance Permitting John Hadjikakos to Encroach into the Right-of-Way of 9th View Street at 902 W. Ocean View Avenue with a Wooden Walkway, a Wooden Deck, a Concrete and Gravel Driveway, a Covered Wooden Patio, a Wooden Fence and Authorizing the Encroachment Agreement. - **(Ordinance No. 49077)**

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

- C-11 An Ordinance to Amend and Reordain Section 25-654 of the *Norfolk City Code, 1979*, SO AS TO add Nine New Stop Intersections. - **(Ordinance No. 49078)**

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

- C-12 An Ordinance directing the City Treasurer to issue a refund to Tidewater Convenience, Inc. based upon the overpayment of its Business License Tax for the Tax Year 2022. - **(Ordinance No. 49079)**

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

REGULAR AGENDA

- R-1 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.

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

R-2 An Ordinance Authorizing the Acquisition of the Property Located at 550 E. Plume Street and Authorizing the City Manager to Enter into an Appropriate Deed to Transfer the Property to the City. - **(Ordinance No. 49080)**

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

R-3 An Ordinance Amending and Reordaining Ordinance No. 48,849 SO AS TO Increase the Funds Appropriated for the Purchase of the Property Due to an Increase in Transactional Costs. - **(Ordinance No. 49081)**

ACTION: Adopted [Unanimous]
AYES: 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 \$27,500 from Virginia Department of Housing and Community Development to Support Norfolk Community Services Board's Emergency Shelter Operations and the Homeless Management Information System (HMIS). - **(Ordinance No. 49082)**

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

R-5 An Ordinance Authorizing a Project Administration Agreement with the Virginia Department of Transportation ("VDOT") for the St. Paul's Roadway Improvements Phase 2 Project. - **(Ordinance No. 49083)**

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

- R-6 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 \$51,308.50 from the Virginia Department of Environmental Quality for the Keep Norfolk Beautiful Program from the Litter Prevention and Recycling Program Grant. - **(Ordinance No. 49084)**

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

- R-7 A Resolution to Expand the Greater St. Paul's Revitalization Area Previously Established by Resolution No. 1,635 and Expanded by Resolutions No. 1,823 and No. 1,853. - **(Resolution No. 1882)**

Monet Johnson, 3505 Argonne Avenue, spoke in opposition to this matter.

Carl Poole, 1049 W. 49th Street, spoke in opposition to this matter.

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

- R-8 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 \$154,800 from Sentara Healthcare/Optima Health/Virginia Premier (Sentara) to Support Norfolk Community Services Board's Healthy Hotel Program Extension Initiative. - **(Ordinance No. 49085)**

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

R-9 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 \$687,599 from the Virginia Department of Environmental Quality for Stormwater Local Assistance Fund, and Previously Appropriated Local Matching Funds in the Amount of \$687,602 for Three Water Quality Improvement Projects. - **(Ordinance No. 49086)**

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

R-10 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 \$50,000 from the Virginia Economic Development Partnership, Virginia Resources Authority and Department of Environmental Quality through the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund, and Previously-Appropriated Local Matching Funds in the Amount of \$5,520,000 for the Project at 1416 Cary Avenue (Former Globe Iron Property). - **(Ordinance No. 49087)**

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

R-11 An Ordinance Approving a Lease Agreement Between Taejin Christina Pendleton, as Lessor, and the City of Norfolk, as Lessee, for the Lease of Property Located at 1500 E. Little Creek Road; 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 \$47,311.44 From Funds Heretofore Appropriated to Cover the Rent Payments for the Remainder of Fiscal Year 2023. - **(Ordinance No. 49088)**

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

- R-12 A Resolution Adding an Item To the 2023 Legislative Priorities For The City Of Norfolk. - **(Resolution No. 1883)**

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

- R-13 The Fourth Ordinance Amending and Reordaining the Fiscal Year 2023 Compensation Plan Ordinance SO AS TO delete One Title and add Two new Titles to the Plan with Salary and other Status Indicated and adding the Job Codes attached to Five Position Titles. - **(Ordinance No. 49089)**

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

- R-14 A Resolution Appointing and Reappointing 2 Members to 1 Authority and 1 Committee for Certain Terms - **(Resolution No. 1884)**

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

NEW BUSINESS

Raytron White, 3149 E. Kimball Terrace, spoke regarding lighting removal for outdoor spaces and the operation of the community pool.

Vincent Hodges, 622 Raleigh Avenue, spoke regarding the passing of Charles Corbett.

Monet Johnson, 3505 Argonne Avenue, spoke regarding the passing of Charles Corbett.

Dorsett Barnwell, 880 N. Military Highway, spoke regarding the relocation of the boxing facility.

Sherri Carr, 125 St. Paul's Boulevard, Suite 600, public defender in the City of Norfolk, offered thanks to the City Council on behalf of herself and her office.

Kevin Holloman, 1709 Oakdale Way, spoke regarding "Stopping the Youth Violence" initiative by the United Youth Foundation Leaders.

Kimberly Williams, 2616 Bowden Ferry Road, spoke regarding the passing of Charles Corbett.

Peggy Scott, 8405 Friden Street, spoke regarding Black History Month, Evelyn T. Butts, and local Norfolk history.

Carl Poole, 1049 W. 49th Street, spoke regarding the passing of Charles Corbett.

Ann Creasy, Colonial Avenue, spoke regarding the passing of Charles Corbett.

ADJOURNMENT