

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**CITY COUNCIL MEETING**

**TUESDAY, FEBRUARY 26, 2019 – 7:00 P.M.**

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

Prayer offered by Reverend Pamela W. Castellanos, Associate Pastor, Antioch Missionary Baptist Church, followed by the Pledge of Allegiance.

The following members were present: Mrs. Courtney R. Doyle, 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 excuse Mrs. Angelia Williams Graves from tonight's meeting.

**Motion adopted.**

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

No: None.

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

**Motion adopted.**

Yes: Doyle, 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 February 26, 2019.

Yes: Doyle, 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 **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."

A bid was submitted from **Cox Wireless Access, LLC** and was marked for identification. The City Manager recommended continuing the matter to March 5, 2019 council meeting.

**ACTION:** This matter was continued to March 5, 2019.

Yes: Doyle, 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, to hear comments on approving a **Lease Agreement** with **Copy Connection, LLC**, as **Lessee**, for the property known as **240 East Main Street**.

Thereupon, an Ordinance entitled, "An Ordinance approving a Lease Agreement with Copy Connection, LLC as Lessee, for the property known as **240 East Main Street**, in the City of Norfolk," was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 29, 2019.

Yes: Doyle, 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 **Galaxy NC LLC**, to close, vacate and discontinue the southeast corner of the intersection of **Doswell Street and Pecan Point Road**.

Tim Trant, representative, 150 West Main Street, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of **Pecan Point Road** and the southern ten-foot portion of a twenty-foot lane, and authorizing the conveyance of any interest the City may have in the said portion of the street and lane, conditioned upon payment to the City of the sum of \$7,200.00,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 29, 2019.

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

No: Riddick.

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** for a **Zoning Text Amendment** to create the **Downtown-Saint Paul’s (D-SP) Zoning District**.

Alton Robinson, 314 West 27<sup>th</sup> Street, expressed concerns about the way information is being communicated to the citizens and the difficulties in understanding of city documents.

Thereupon, an Ordinance entitled, “An Ordinance to amend the Norfolk Zoning Ordinance SO AS TO create a new zoning district known as the **Downtown-Saint Paul’s (D-SP) District**,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

Yes: Doyle, 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 banquet hall named "**Corner Gallery**" on property located at **4400 Colley Avenue**.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

C-2 Letter from the City Clerk requesting use of the Mace for the **Parade of Nations** to be held on Saturday, April 27, 2019.

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

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

No: None.

C-3 Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a \$49,959.00 grant award from the **Commonwealth of Virginia Department of Criminal Justice Services** and appropriating and authorizing the expenditure of the funds for the purchase of two **Hand-held Tru-Narc Narcotics Analyzers**.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

C-4 Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment named "**ALDI**" on property located at **730 West 21<sup>st</sup> Street**.

Justin Spruill, 4600 Singbird Drive, Mosley, Virginia, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

C-5

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize reductions in dimensional standards for lot width and lot area in order to accommodate a new, single family dwelling on property located at **3650 East Ocean View Avenue**.

Gary Salter, applicant, 1116 Virgilina Avenue, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

C-6

Letter from the City Manager and an Ordinance entitled, An Ordinance to amend and reordain **Section 16-58** of the *Norfolk City Code, 1979*, as amended, **SO AS TO** conform with **Section 11** of the **Norfolk City Charter**.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

C-7

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a grant award of \$274,658 from the **Virginia Department of Behavioral Health and Developmental Services**, allocated by **Chesapeake Integrated Behavioral Health Care**, for the **Norfolk Community Services Board** to provide forensic discharge case planner services to **Hampton Roads Regional Jail** and appropriating and authorizing the expenditure of the funds.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

C-8

Letter from the City Manager and an Ordinance entitled, An Ordinance approving the acceptance of a grant from the **Virginia Brownfields Assistance Fund** in the amount of \$50,000.00, appropriating and authorizing the expenditure of the grant, and authorizing the City Manager to enter into a **Performance Agreement** on behalf of the City.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

## **REGULAR AGENDA**

R-1

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Conditional Use Permit** to authorize the operation of a nightclub named ‘**Granny’s Country Cooking**’ on property located at **628 35<sup>th</sup> Street, Suite 636-A and 636-B,**” was introduced in writing and read by its title.

(CONTINUED GENERALLY AT THE MEETING OF JULY 24, 2018, AND PASSED BY AT THE MEETING OF JANUARY 8, 2019)

Kennita and Randy Baker, applicants, 636 West 35<sup>th</sup> Street, spoke in support of the matter and expressed their concerns about the rumors surrounding their business.

Michael Muhammad, 801 East 26<sup>th</sup> Street, spoke in support of the matter.

The following persons spoke in opposition to the matter.

Charles Johnson, 3226 Omohundro Avenue, President of Park Place Civic League, Terez Lundquist, 2901 Granby Street, Jamie Jackson, 618 West 28<sup>th</sup> Street, and Lavette Bell, 234 West 29<sup>th</sup> Street,

Rodney Jordan, 304 West 36<sup>th</sup> Street, who did not speak, wanted to go on record that he opposes the matter.

**ACTION:** Motion **LOST**.

Yes: Riddick.

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

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Conditional Use Permit** to authorize the creation of a flag lot on property located at **1927 East Bayview Boulevard,**” was introduced in writing and read by its title.

The following persons spoke in opposition to the matter, stating that the construction of the flag lot has contributed to flooding and drainage problems, disturbance of wildlife and concerns about access of fire trucks in the community.

Anita Zinkl and Robert F. Unger, 1943 East Bayview Blvd., and Francine Deir, 1923 Bayview Blvd.

Kathryn Whitlock, 9224 Cape View Avenue, stated that she is a Master Gardner, once you tear down trees it takes at least 30 years to grow to maturity.

The following proponents spoke:

- Andre Metzcus, applicant, 1931 East Bayview Blvd., stated that some of the trees are declining because of the last hurricane storm, and worked hard on cleaning up the wooded area, nothing really has changed.
- Ron Mitchell, 9518 3<sup>rd</sup> Bay Street, #116, stated that there is no standing water on the property, the trees that were removed the ivy plants were destroying them.
- James Richardson, the builder, 9571 Bay Pointe Drive, stated that the house is a traditional NRHA structure, within the City's guideline and they are following the new city codes.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the remarketing of the **City of Norfolk, Virginia, General Obligation Variable Rate Demand Bonds, Series 2007** and the replacement of, or **Amendment** to certain financing documents related thereto," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-4

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 **Purchase and Sale Agreement**, for the purpose of purchasing certain property known as **2300 Kimball Terrace**, in the City of Norfolk, for the **Ohio Creek Watershed Improvement Project**, authorizing the purchase of said property, and authorizing the expenditure of a sum of up to \$80,000 for such purpose from funds heretofore appropriated," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the **Director of Finance** to credit various accounts of the **Department of Utilities** in the total amount of \$897,721.90 **SO AS TO** reflect uncollectible balances for Fiscal Year 2015,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Subsections (A), (B) and (C) of Section 19.1** of the *Norfolk City Code*, **SO AS TO** define illegal gambling,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Sections 24.1-6 and 24.1-7** of the *Norfolk City Code, 1979*, **SO AS TO** establish new rates for the **Municipal Yacht Harbor** known generally as **Waterside Marina**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-8

Letter from the City Manager and a Resolution entitled, “A Resolution adopting **Financial Policies**,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective February 26, 2019.

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

No: None.



R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Chapter 45.6** of the *Norfolk City Code, 1979*, as amended, to provide additional tax incentives as a means of retaining existing technology businesses, encouraging existing technology businesses to expand within the city, and attracting new technology businesses to the City,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Sections 18.1-2 and 18.1-10** of the *Code of the City of Norfolk, Virginia, 1979*, modifying the **United States Food and Drug Administration Food Code** so that foods offered for public consumption that are not required to undergo state inspection may be prepared in a private home,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-11

Letter from the City Manager and a Resolution entitled, “A Resolution supporting the **2020 Census** and creating a complete **Count Committee**,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, expressed concerns about the US Census, stating that we need to monitor the completion of the forms.

**ACTION:** The Resolution as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-12

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 and drainage at **708 Forbes 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 \$12,844.00 for such purpose from funds heretofore appropriated,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-13

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 **715 Filer 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 \$12,828.00 for such purpose from funds heretofore appropriated,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the **Rental Rehabilitation Program, Renovate Norfolk Program, and Down Payment Assistance Program** and authorizing therefore the expenditure of \$1,750,000.00,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-15

A Resolution entitled, “A Resolution appointing **Keith T. Torian** as the **City Appointed Designee**, to the **Animal Welfare Board of Review**,” will be introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective February 26, 2019.

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

No: None.

R-16

Letter from the Interim City Auditor requesting confirmation of **Latosha Simon** to the position of **Assistant City Auditor**, effective February 19, 2019.

**ACTION** Appointment Confirmed.

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

No: None.

### **NEW BUSINESS**

The following persons spoke against the St. Paul’s Quadrant, stating that the community has not had good communications, and they have been left out of the decision-making process. The community is asking that the demolition of their homes be delayed, and do not accept the thirty million dollars that has been proposed by HUD. Also, they are asking for 1 brick for 1 stick.

- LaVonne and Elizabeth Pledger, 304 East Onley Road, Kimberly Braw, 1006 St Paul’s Blvd., Tammie Shepard, 470 Fenchurch Street, Pat Harris, 456 Fenchurch Street, Evonne Bryant, 1163 Holt Street, and Luisa Black, 401 Botetourt Street, Apt 2.
- Alton Robinson, 314 West 27<sup>th</sup> Street, expressed concerns about being transparent.

The following persons spoke against ICE, stating that we all have human rights. Arresting someone without committing a crime, is illegal. Even though the state is receiving money for holding illegal immigrants, it's not enough to cover the expenses they may need. The City should hold out the money they contribute to the Sheriff's department budget.

- Sara Sanatkar, 5141 Evesham Drive, Virginia Beach, Jane George, 1980 Aquamarine Drive, Virginia Beach, Jeff Hewitt, 522 Spotswood Avenue, C-5, Steve Baggarly, 2616 Bowden's Ferry Road, Elizabeth Berthold, 942 Fern Ridge Road, Virginia Beach, Ann Creasey, 801 Boush Street, Amanda Mileur, 115 East 41<sup>st</sup> Street, C4, and Tyler Eldred, 3226 East ocean View Avenue, #13.

Benjamin Cobb, 190 Wellington Ct, expressed concerns about housing athletic equipment that belongs to the City. He has made several attempts to meet with Parks/Recreation to discuss the matter.

Danny Ginn, 3844 Dare Circle, expressed concerns about racism.