

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, MARCH 5, 2019 – 7:00 P.M.

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

Prayer offered by Pastor Edward Haywood, Tabernacle Church of Norfolk, 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 R. Riddick, Mr. Tommy Smigiel, Mr. Martin A. Thomas Jr. and Mr. 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 March 5, 2019.

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 accept bids for a Long-Term Easement for a term of forty years across city property located at **1000 E. Indian River Road**.

Michael Beck, representative, 621 Meadows Drive, Virginia Beach, was present to answer questions.

ACTION: This matter was continued to March 26, 2019.

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

No: None.

PUBLIC HEARING

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 authorizing the conveyance to **1st Advantage Federal Credit Union Foundation** of a certain non-conforming lot located at **N S Fremont Street** in accordance with the terms and conditions of the Conveyance Agreement.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **1st Advantage Federal Credit Union Foundation** of a certain non-conforming lot located at **N S Fremont Street** in accordance with the terms and conditions of the **Conveyance Agreement**," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 5, 2019.

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

No: None.

CONSENT AGENDA

C-1 Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue a refund to **Hudson-NIA JV of Norfolk, Inc.**, in the amount of \$22,931.22 plus interest based upon the overpayment of its **Business Personal Property Tax** for the tax year 2018.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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 to amend and reordian **Sections 25-649, 654, and 660** of the *Norfolk City Code, 1979*, **SO AS TO** add one new right turn on red prohibition, six new stop intersections, one new automatic traffic signal and to repeal one automatic traffic signal.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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 accepting, approving and authorizing the expenditure of \$223,000 **State Opioid Response (SOR) Grant Award** from the **Virginia Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board** to provide opioid treatment and peer recovery services to individuals with substance abuse disorder.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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 accepting, appropriating and authorizing the expenditure of a grant award of \$141,403 from the **Virginia Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board** to implement the outpatient primary care screening and monitoring component of the Department 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 March 5, 2019.

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 accepting, appropriating and authorizing the expenditure of \$6,449.93 from the **Rescue Squad Assistance** grant funds of the **Office of Emergency Medical Services**, and appropriating local matching funds in the amount of \$6,449.93 to purchase Ambulance **Child Restraint (ACR) Systems** from the Department of Fire-Rescue.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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 accepting and appropriating up to the sum of \$840,413 from the **Virginia Department of Fire Programs for the "Aid-to-Localities" Program**.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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 authorizing the City as administrative and fiscal agent for the **Norfolk Transitional Grant Area (TGA) under Title I of the Ryan White Comprehensive Aids Resources Emergency (CARE) Act** to accept Part A Grant Funds in the amount of \$5,788,425.00 from the U.S. Department of **Health and Human Services for HIV/AIDS Health and Support Services** and appropriating and authorizing expenditure of the grant funds.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-8

Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to certify that the real estate tax account on the City's Land Book in the name of **Tanner's Landing Associates, LLC** was improperly placed thereon; for the City Treasurer to be given credit for the associated taxes so improperly placed; and directing the City Real Estate Assessor to correct the land book accordingly.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-9

Letter from the City Clerk requesting use of the Mace for the **52nd Annual St. Patrick's Day Parade** to be held on Saturday, March 16, 2019.

ACTION: Use of the Mace confirmed.

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 granting **Conditional Use Permits** to authorize the operation of a **Craft Beverages Production Facility** with live entertainment named **“Reaver Beach Brewing Company”** on properties located at **3800 to 3808 Colley Avenue and 737 Michigan Avenue.**

Justin Macdonald, applicant, 1505 Taylor Farm Road, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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 granting **Conditional Use Permits** to authorize the operation of a **Craft Beverages Production Facility** with live entertainment named **“The Bold Mariner Brewing Company”** on property located at **1901 East Ocean View Avenue and 9638 Capeview Avenue.**

Michael Stacks, applicant, 1414 Runnymede Road, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

C-12 Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize the construction of a **Commercial Communication Tower** on property located at **600 East Indian River Road.**

Michael Beck, representative, 621 Meadows Drive, Virginia Beach, and Christine Conrad, 439 Thimble Shoals Blvd, Newport News, VA, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

REGULAR AGENDA

R-1

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 **2607 Marlboro Avenue**, 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 \$13,250.00 for such purpose from funds heretofore appropriated,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

R-2

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 **724 Sedgewick 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 \$15,000.00 for such purpose from funds heretofore appropriated,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 5, 2019.

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

No: None.

R-3

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the bid submitted by **Cox Wireless Access, LLC** 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 rights-of-way,” was introduced in writing and read by its title.

(CONTINUED AT THE MEETING OF FEBRUARY 26, 2019)

ACTION: The Ordinance as introduced was **adopted**, effective April 5, 2019.

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

No: None.

NEW BUSINESS

- Jeff Hewitt, 522 Spotswood Avenue, expressed concerns about the immigrants being detained in the Norfolk City Jail.
- Danny Ginn, 3844 Dare Circle, expressed concerns about the rules and regulations for citizens to speak and be more transparent.