

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, MARCH 24, 2020 – 7:00 P.M.

INVOCATION

Prayer was offered by Councilwoman Angelia Williams Graves followed by the Pledge of Allegiance.

Attendee Name	Title	Status	Arrived
Courtney R. Doyle	Councilmember - Ward 2	Present	
Angelia W. Graves	Councilmember - Superward 7	Present	
Mamie B. Johnson	Councilmember - Ward 3	Present	
Andria P. McClellan	Councilmember - Superward 6	Present (Remotely)	
Paul R. Riddick	Councilmember - Ward 4	Present (Remotely)	
Thomas R. Smigiel Jr.	Councilmember - Ward 5	Present	
Martin A. Thomas Jr.	Vice Mayor	Present	
Kenneth Cooper Alexander	Mayor	Present	

Councilwoman Andria P. McClellan participated remotely by telephone from her home due to COVID-19 Pandemic.

Councilman Paul R. Riddick participated remotely by telephone from his home due to illness.

APPROVAL OF MINUTES

Approve the minutes of the previous city council meetings

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

INVITATION TO BID

IB-1 INVITATION TO BID scheduled this day under the State Law, to accept bids for a Long-term Wireless Facilities Franchise Agreement with a term of 10 years with up to 3 renewal terms of 5 years each to improve and enhance wireless broadband and cellular coverage, wireless service and wireless infrastructure in the City’s rights-of-way.

An Ordinance Accepting the Bid Submitted By SQF ,LLC For a Long-Term Wireless Facilities Agreement, with a Term of Ten Years with Up to Three Renewal Terms of Five Years Each in the City's Rights-of-Way. - **(Ordinance No. 47921)**

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

IB-2 INVITATION TO BID scheduled this day under State Law, to accept bids for a Long Term Garage Parking Agreement, with a term of up to 10 years with the right to extend the term for up to periods of 5 years each, for the lease of up to 118 parking spaces in the Fountain Park Garage located at 130 Bank Street, up to 91 parking spaces in the Waterside Garage located at 50 Martins Lane, and up to 89 parking spaces in the Bank Street Garage located at 441 Bank Street.

An Ordinance accepting the bid submitted by McKinnon Tower, LLC for a Long Term Garage Parking Agreement, with a term of up to ten (10) years, with the right to extend the term for up to two (2) periods of five (5) years each, for the Lease of up to one hundred eighteen (118) parking spaces in the Fountain Park Garage located at 130 Bank Street, up to ninety-one (91) parking spaces in the Waterside Garage located at 50 Martins Lane, and up to eighty-nine (89) parking spaces in the Bank Street Garage located at 441 Bank Street in the City of Norfolk, Virginia. - **(Ordinance No. 47922)**

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Graves, Johnson, Riddick, Smigiel Jr., Thomas Jr.
ABSTAIN:	Andria P. McClellan, Kenneth Cooper Alexander

PUBLIC HEARINGS

PH-1 PUBLIC HEARING scheduled this day under State law, on the application of the CITY PLANNING COMMISSION, to amend Section 4.3.2.F(8) and various tables of the Norfolk Zoning Ordinance SO AS TO define Performance Standards for "Recreational vehicle sale, rental and maintenance" and to permit the use in certain zoning districts by Conditional Use Permit only.

An Ordinance to Amend Section 4.3.2.F(8) and Various Tables of the Norfolk Zoning Ordinance so as to Define Performance Standards for "Recreational vehicle sale, rental, and maintenance" and to Permit the Use in Certain Zoning Districts by Conditional Use Permit Only. - **(Ordinance No. 47923)**

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

PH-2 PUBLIC HEARING scheduled this day under the State Law, on the application of RANIA WEILENMAN, to vacate the right-of-way of an unnamed 15' lane lying west of Middle Avenue, north of Summit Avenue, east of West Avenue and south of Lamont Street.

An Ordinance Closing, Vacating and Discontinuing an Unnamed Lane West of Middle Avenue. - **(Ordinance No. 47924)**

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

PH-3 PUBLIC HEARING scheduled this day under State Law, to hear comments approving a First Amendment to Lease Agreement, between the City of Norfolk and Rover Marine, Inc., t/a American Rover SO AS TO extend the term of the Agreement for the use of a portion of the City's waterfront area for docking and

berthing the American Rover vessel for one (1) additional period of five years.

An Ordinance Approving a First Amendment to Lease Agreement Between the City of Norfolk and Rover Marine, Inc., t/a American Rover SO AS TO Extend the Term of the Agreement For the Use of a Portion of the City's Waterfront Area for Docking and Berthing the American Rover Vessel for One (1) Additional Period of Five (5) Years, and Authorizing the City Manager to Execute the First Amendment to Lease Agreement on Behalf of the City of Norfolk. - **(Ordinance No. 47925)**

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

PH-4

PUBLIC HEARING scheduled this day under State Law, to hear comments to amend and reordain Subsection a of Section 1 of the Capital Improvement Plan Budget for FY2020, SO AS TO establish funding in the amount of \$550,000.00 for the renovation of the Magistrate's Office and add \$1,850,000.00 for the maintenance of municipal facilities, reappropriating previously authorized but unissued bonds in the amount of \$550,000.00 and authorizing the expenditure of \$1,850,000.00 in cash to fund the projects.

An Ordinance To amend and reordain Subsection A Of Section 1 Of The Capital Improvement Plan Budget For Fiscal Year 2020, So As To Establish Funding In The Amount of \$550,000.00 For The Renovation Of The Magistrate's Office And Add \$1,850,000.00 For The Maintenance Of Municipal Facilities, reappropriating Previously Authorized But Unissued Bonds In The Amount Of \$550,000.00 And Authorizing The Expenditure of \$1,850,000.00 In Cash To Fund The Projects - **(Ordinance No. 47926)**

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

PH-5 PUBLIC HEARING scheduled this day under State Law, to hear comments granting an Easement to Virginia Electric and Power Company over and under a certain portion of 2901 Kimball Loop, 2270 Kimball Terrace, 2300 Kimball Terrace, 2604 Kimball Terrace, 2608 Kimball Terrace, 2633 Westminster Avenue and 710 Filer Street, all in the City of Norfolk, and authorizing the City Manager to execute the Right of Way Agreement.

An Ordinance Granting An Easement To Virginia Electric And Power Company Over And Under A Certain Portion Of 2901 Kimball Loop, 2270 Kimball Terrace, 2300 Kimball Terrace, 2604 Kimball Terrace, 2608 Kimball Terrace, 2633 Westminister Avenue And 710 Filer Street, All In The City Of Norfolk, And Authorizing The City Manager To Execute The Right Of Way Agreement On Behalf Of The City Of Norfolk - **(Ordinance No. 47927)**

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

PH-6 PUBLIC HEARING scheduled this day under State Law, to hear comments authorizing the Land Disposition and Development Contract ("LDDC") to be entered into with the Pathway Realty Group, LLC and authorizing the conveyance of real property to the Pathway Realty Group, LLC as provided in the LDDC.

An Ordinance Authorizing The Land Disposition And Development Contract ("LDDC") To Be Entered Into With The Pathway Realty Group, LLC And Authorizing The Conveyance Of Real Property To The Pathway Realty Group, LLC As Provided In The LDDC - **(Ordinance No. 47928)**

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

PH-7 PUBLIC HEARING scheduled this day under State Law to hear comments authorizing the conveyance to Avery Marsh of certain parcels of property located at 739 A Avenue in accordance with the terms and conditions of the Purchase and Sale Agreement; and authorizing the release of the City's right of reverter upon certain conditions.

An Ordinance Authorizing the Conveyance to Avery Marsh of That Certain Parcel of Property Located at 739 A Avenue in Accordance with the Terms and Conditions of the Purchase and Sale Agreement; and Authorizing the Release of the City's Right of reverter Upon Certain Conditions. - **(Ordinance No. 47929)**

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

PH-8 PUBLIC HEARING scheduled this day under State Law to hear comments authorizing the conveyance to Avery Marsh of certain parcels of property located at 743 A Avenue in accordance with the terms and conditions of the Purchase and Sale Agreement; and authorizing the release of the City's right of reverter upon certain conditions.

An Ordinance Authorizing the Conveyance to Avery Marsh of that Certain Parcel of Property Located at 743 A Avenue in Accordance with the Terms and Conditions of the Purchase and Sale Agreement; and Authorizing the Release of the City's Right of Reverter Upon Certain Conditions. - **(Ordinance No. 47930)**

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

PH-9 PUBLIC HEARING scheduled this day under State Law to hear comments authorizing the conveyance to Maurice Manley of certain parcels of property located at 1531 Delevan Street for the total sum of \$5,500.00 in accordance with the terms and conditions of the Purchase and Sale Agreement.

An Ordinance Authorizing the Conveyance to Maurice Manley of a Certain Parcel of Property Located at 1531 Delevan Street for the Total Sum of \$5,500.00 in Accordance with the Terms and Conditions of the Purchase and Sale Agreement. - **(Ordinance No. 47931)**

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

PH-10 PUBLIC HEARING scheduled this day under State Law to hear comments authorizing the conveyance to Balance Builders, Inc. of certain parcels of property located at 1234 and 1236 W. 40th Street for the total sum of \$30,700.00 in accordance with the terms and conditions of the Purchase and Sale Agreement.

An Ordinance Authorizing the Conveyance to Balance Builders, Inc. of Certain Parcels of Property Located at 1234 and 1236 W. 40th Street for the Total Sum of \$30,700.00 in Accordance with the Terms and Conditions of the Purchase and Sale Agreement. - **(Ordinance No. 47932)**

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

PH-11 PUBLIC HEARING scheduled this day under State Law, to hear comments authorizing the Quitclaim of parcels of land in Diggs Town in the City of Norfolk to the Norfolk Redevelopment and Housing Authority (NRHA) for Phase II of the redevelopment of Diggs Town and authorizing the acceptance of the conveyance of a parcel of land in Diggs Town to the City by NRHA for the location of utility facilities.

An Ordinance Authorizing The Quitclaim Of Parcels Of Land In Diggs Town In The City Of Norfolk To The Norfolk Redevelopment And Housing Authority (NRHA) For Phase II Of The Redevelopment Of Diggs Town And Authorizing The Acceptance Of The Conveyance Of A Parcel Of Land In Diggs Town To The City By NRHA For The Location of Utility Facilities - **(Ordinance No. 47933)**

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

PH-12 PUBLIC HEARING scheduled this day pursuant to State Law, to hear comments approving a Purchase and Sale Agreement between the City of Norfolk, as Seller, and McKinnon Tower, LLC, as Buyer, and authorizing the conveyance of real property located at 520 E. Main Street in the City of Norfolk, Virginia, including the footbridge that connects the Commercial Place Parking Garage to the office tower located at 3 Commercial Place, to McKinnon Tower, LLC.

An Ordinance Approving a Purchase and Sale Agreement Between the City of Norfolk, as Seller, and McKinnon Tower, LLC, as Buyer, and Authorizing the Conveyance of Real Property Located at 520 E. Main Street in the City of Norfolk, Virginia, Including the Footbridge that Connects the Commercial Place Parking Garage to the Office Tower Located at 3 Commercial Place, to McKinnon Tower, LLC. - **(Ordinance No. 47934)**

ACTION: Adopted [Unanimous]
AYES: Doyle, Graves, Johnson, Riddick, Smigiel Jr., Thomas Jr.
ABSTAIN: Andria P. McClellan, Kenneth Cooper 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 Authorizing the Operation of a Restaurant with the Sale of Alcoholic Beverages for Off-premises Consumption at an Establishment Named “Café Blanca” on Property Located at 4117 Granby Street, Suite C. - **(Ordinance No. 47935)**

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

- C-2 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Nightclub Named “Ka’lor Lounge” on Property Located at 727 Granby Street. - **(Ordinance No. 47936)**

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

- C-3 An ordinance accepting, appropriating and authorizing the expenditure of the sum of up to \$8,000.00 in gift funds from the Eastern Virginia Medical School for the PulsePoint Program. - **(Ordinance No. 47937)**

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

- C-4 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of an Automobile Rental Facility Named “Enterprise Rent-a-Car” on Property Located at 7436 North Military Highway. - **(Ordinance No. 47938)**

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

- C-5 An Ordinance to repeal one subsection of Section 25-650 and to amend and reordain Sections 25-649, 25-650, 25-653 and 654 of the Norfolk City Code, 1979, so as to add an intersection at which right turn on red prohibited, left turns prohibited at certain intersections, yield intersection and five new stop intersections. - **(Ordinance No. 47939)**

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

- C-6 A Resolution Requesting the Virginia Department of Transportation to Accept Eligible City Streets for Municipal Assistance Payments and to Remove Ineligible Streets from the Eligible List Pursuant to Section 33.1-41.1 of the Code of Virginia, 1950, as Amended. - **(Resolution No. 1779)**

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

- C-7 An Ordinance Permitting Marina Villa's LLC To Encroach Into The Right Of Way Of Shore Drive With A Monument Sign - **(Ordinance No. 47940)**

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

- C-8 An Ordinance Permitting J-Pro Properties LLC to Encroach into the Right-of-Way at 218 W. 25th Street with Two Awnings and a Sign. - **(Ordinance No. 47941)**

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

- C-9 An Ordinance Approving the Terms and Conditions of an Amendment to Encroachment Agreement Between the City of Norfolk and Riverview Associates, L.L.C.. - **(Ordinance No. 47942)**

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

- C-10 An Ordinance accepting, appropriating and authorizing the expenditure of a \$25,000.00 donation from Friends of Norfolk Public Library to support the Norfolk Public Library Summer Reading Program. - **(Ordinance No. 47943)**

Friends of the Norfolk Public Library presented a check to the City of Norfolk for \$25,000.00 for the 2020 Reading Program at the Slover Library.

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

- C-11 An Ordinance Amending and Reordaining Ordinance No. 46,394 SO AS TO Include a Corrected Exhibit for the Required Utility Easement. - **(Ordinance No. 47944)**

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

- C-12 An Ordinance Granting a Conditional Use Permit to Authorize a Short-term Rental Unit (Vacation Rental) on Property Located at 1500 West Ocean View Avenue Operated by "Willoughby Beach, LLC". - **(Ordinance No. 47945)**

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

- C-13** An Ordinance amending the FY2020 Annual Appropriations Ordinance (No. 47,636) so as to accept, appropriate and authorize the expenditure of grant funds up to the sum of \$496,742.00 from the U.S. Department of Justice Office on Violence Against Women to (1) support a prosecutor who specializes in the prosecution of intimate partner violence and (2) support a protection order attorney who will provide comprehensive legal assistance for clients of the Norfolk Family Justice Center. - **(Ordinance No. 47946)**

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

- C-14** An Ordinance to amend and reordain Section 24-258 of the Norfolk City Code, 1979, so as to add one new subsection (c) regarding the abatement of bond. - **(Ordinance No. 47947)**

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

- C-15** A Resolution appointing 19 members to 6 Commissions and 4 Boards for a certain term. - **(Resolution No. 1780)**

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

- C-16** Appointment of Tanya Vazquez to the position of Deputy City Clerk/Secretary/Receptionist - effective March 16, 2020.

ACTION:	Approved [Unanimous]
AYES:	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

REGULAR AGENDA

- R-1 A Resolution approving the telephonic participation of Councilman Paul R. Riddick and Councilwoman Andria P. McClellan in the Council Meeting of March 24, 2020. - **(Resolution No. 1781)**

ACTION: Adopted [Unanimous]
AYES: Doyle, Graves, Johnson, Smigiel Jr., Thomas Jr., Alexander
EXCUSED: Andria P. McClellan, Paul R. Riddick

- R-2 An Ordinance to effectuate temporary changes in certain deadlines and to modify public meeting and public hearing practices and procedures to address continuity of operations associated with pandemic disaster. - **(Ordinance No. 47948)**

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

- R-3 An Ordinance temporarily effectively extending due dates for payments of certain taxes and temporary relief of certain convenience fees. - **(Ordinance No. 47949)**

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

- R-4 An Ordinance ratifying a Declaration of a State of Local Emergency made by the Mayor for the City of Norfolk, Virginia, pursuant to Virginia Code Section 44-146.21, and declaring the continuation of the State of Local Emergency due to the imminent public health threat COVID-19. - **(Ordinance No. 47950)**

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

R-5 An Ordinance to Grant Conditional Use Permits to Approve, on a Temporary Basis, Establishments Authorized to Sell and Serve Alcoholic Beverages for On-Premises Consumption in Accommodation of the Adjusted Regulations of the Virginia Alcoholic Beverage Control Authority during the COVID-19 Pandemic Emergency, Adopted March 19, 2020. - **(Ordinance No. 47951)**

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

ADJOURNMENT