

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, MARCH 26, 2019 – 7:00 P.M.

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

Prayer was offered by Father George Bessinas, Annunciation Greek Orthodox Church, 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 26, 2019.

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

No: None.

CERMONIAL MATTER

Mayor Kenneth Cooper Alexander, presented a Proclamation to Provost, Emanuel Chestnut, Tidewater Community College, for the occasion of their 50th anniversary.

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 Lease with a term of ten (10) years, with the option to renew the lease for one (1) additional five (5) year period, for the premises located at **112 and 124 Bank Street**.

A bid was submitted from **Old Dominion University Real Estate Foundation** and was marked for identification. The City Manager recommended continuing the matter to April 9, 2019 council meeting.

ACTION: This matter was continued to April 9, 2019.

Yes: Doyle, Graves, 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, on the application of **RICHARD KATZ**, for a change of zoning from I-L (Industrial – Light) to Conditional C-C (Community Commercial) on property located at **811-815 44th Street**.

Richard Katz, 1114 Llewellyn Avenue, applicant, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **811 to 815 44th Street** from I-L (Industrial-Light) District to Conditional C-C- (Community Commercial) District,” was introduced and read by its title.

PH-4

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 **EDC VENTURES, LLC**, for a change of zoning from C-N (Neighborhood – Commercial) to MF-NS (Multi-family – Neighborhood – Scale) on property located at **8506 Chesapeake Boulevard**.

April Murphy, 8507 Wayland Street, spoke in opposition to this matter.

Trevor Spires, 1439 N. Great Neck Road, Virginia Beach, applicant, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **8506 Chesapeake Boulevard** from C-N (Neighborhood-Commercial) District to MF-NS (Multi-Family – Neighborhood-Scale) District,” was introduced and read by its title.

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

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

No: None.

CONSENT AGENDA

C-1

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting with gratitude the gift of **35 automated external defibrillators** to the Police Department from **Eastern Virginia Medical School**.

ACTION: The Ordinance as introduced was **adopted**, effective March 26, 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 accepting, appropriating and authorizing the expenditure of a donation in the amount of \$10,000 from the **Hartford Junior Fire Marshal Program to support Fire Safety Education provided by the Department of Fire-Rescue.**

ACTION: The Ordinance as introduced was **adopted**, effective March 26, 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 a gift of \$25,000 from the **Elizabeth River Trail Foundation** intended to match existing **CIP Public Art Funds** to pay commission artwork for the Larchmont Trailhead.

ACTION: The Ordinance as introduced was **adopted**, effective March 26, 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 if and when received a **Stanton Foundation Grant** in the amount of \$150,000 for the purchase and customization of a **mobile animal adoption van.**

ACTION: The Ordinance as introduced was **adopted**, effective March 26, 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 grant funds in the amount of \$86,392 from the Commonwealth of Virginia Department of Criminal Justice Services (DCJS) to support the continuation of the **Violence Against Women V-Stop Program** and appropriating and authorizing the expenditure of \$86,392, in grant funds and \$28,797 in a local cash match for total grant funding of \$115,189 for two (2) V-Stop Attorneys if and when the funds are available.

ACTION: The Ordinance as introduced was **adopted**, effective March 26, 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 a Grant Extension Award in the amount of an additional \$75,000.00 from the **Commonwealth of Virginia, Department of Criminal Justice Services**, to maintain the current services provided at the Community Collaboration Center Satellite Office in the City of Norfolk and appropriating and authorizing the expenditure if and when received of \$60,000.00 in grant funds and \$15,000.00 in a local in-kind match from the services of a paralegal already assigned to the Community Collaboration Center.

ACTION: The Ordinance as introduced was **adopted**, effective March 26, 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 approving the acceptance of a **2019 Byrne/Justice Assistance Grant Law Enforcement Training Grant Award** of \$14,030.00 from Virginia Department of Criminal Justice Services (VDCJS), appropriating the funds, and authorizing their expenditure by the Sheriff.

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

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

No: None.

C-8

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a \$250,000 **Homeland Security Grant from the Urban Area Security Initiative (HSGP-UASI)** appropriating and authorizing the expenditure of the grant funds if and when received to create a common operating picture for the Hampton Roads Region.

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

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

No: None.

C-9

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating, and authorizing the expenditure of the sum of \$6,720 for the **FY18 State Homeland Security Program Grant Awarded** from the U.S. Department of Homeland Security Federal Emergency Management Agency through the Virginia Department of Emergency Management to purchase hazardous materials team equipment for the Department of Fire-Rescue.

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

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 directing the City Treasurer to issue a refund in the amount of \$8,635.57 plus interest to **Roland Vaults, LTD.** based upon the overpayment of its Business Personal property tax for the tax years 2016, 2017 and 2018.

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

Yes: Doyle, Graves 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 accepting the bid submitted by **Tidewater Communications, LLC.**, for long term easement for a term of forty years across city property located at **1000 E. Indian River Road**, in conjunction with the construction, installation, maintenance, repair, replacement, operation and removal of a private guy anchor and wire, subject to certain terms and conditions," will be introduced in writing and read by its title.

(CONTINUED AT THE MEETING OF MARCH 5, 2019)

ACTION:

The Ordinance as introduced was **adopted**, effective April 26, 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 and drainage at **2309 Westminster 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 \$17,000.00 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 26, 2019.

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

No: None.

R-3

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 **700 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 \$11,595.00 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 26, 2019.

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

No: None.

R-4

Letter from the City Manager and a Resolution entitled, "A Resolution in support of ARREFF Terminals' application for the receipt on **Industrial Access Railroad Track Funds** from the Commonwealth Department of Rail and Public Transportation," was introduced in writing and read by its title.

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

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

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain Sections 24-25.10, 24-233, and 24-234 of the Code of the *City of Norfolk, Virginia, 1979*, **SO AS TO** clarify the applicability of the tax on transients obtaining lodging in short term rentals at private homes and to require that any delinquent real estate taxes must be paid prior to issuance of a business license," was introduced in writing and read by its title.

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

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

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving revisions to a Purchase and Sale Agreement previously approved by Ordinance No. 47,506 adopted by City Council on January 29, 2019, between the City of Norfolk, as Seller and EDC Homes – The Tern, LLC, as Buyer for real property consisting of 7.28 acres, more or less, and located generally at **21st Bay Street and Shore Drive in the East Ocean View** section of the City of Norfolk,” was introduced in writing and read by its title.

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

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

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a Grant in the maximum total amount of \$7,726,500 payable over five years to **Fort Norfolk Retirement Community, Inc.** and authorizing the City Manager to execute the Grant Agreement on behalf of the City of Norfolk,” was introduced in writing and read by its title.

Vince Mastraco, 150 W. Main Street, attorney for the applicant, was present to answer questions.

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

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

No: Graves.

NEW BUSINESS

- David Brenner, 2204 Halprin Court, commented on the need for recycling and that he was in support of contracting with the TFC Company.
- Michael Benedetto, 1958 Diamond Hill Road, Chesapeake, commented on the recycling program with the City and TFC. He is in favor of expanding the program.
- Devin Calpo, 3524 Pamlico Circle, President of the Environmental Club, Maury High School, thanked council for the renewal of the recycling program.

- Vivian Hester, 1916 Arlington Avenue, thanked council for Booker T. Washingtons Historical Marker unveiling and the 100th anniversary celebration. Ms. Hester also asked the council to fully fund the school board.
- Danny Ginn, 3844 Dare Circle, expressed concerns about the rules and regulations during the council meetings.