

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

**TUESDAY, APRIL 9, 2019 – 7:00 P.M.**

Prayer offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

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

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 April 9, 2019.

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

No: None.

## **CERMONIAL MATTER**

President Alexander read and presented Resolutions congratulating:

- **Lake Taylor High School Girl's Basketball Team** for capturing the Class 4 State Championship. Mr. Stephen Suttmiller, Norfolk Public Schools Athletics Coordinator, Ms. Sandra Sawyer and team accepted the Resolution.

### **LAKE TAYLOR HIGH SCHOOL GIRLS'S BASKETBALL TEAM**

**WHEREAS**, under the leadership of Head Coach Saundra Sawyer, The Lake Taylor High School girls' basketball team won their fourth state title with their 2019 Virginia High School League Class 4 state championship victory; and

**WHEREAS**, sporting an outstanding record of 27-1, the Titans defeated Pulaski County High School Cougars in an impressive 61-29 win; and

**WHEREAS**, despite obstacles faced throughout the season, the players joined forces to surpass last year's performance and reestablish themselves among the state's most promising athletes; and

**WHEREAS**, the Lake Taylor Titans, since earning their first state title in 2010, have continued to display exceptional athletic ability, team effort, sportsmanship and drive – such achievements made by student athletes and their dedicated coaching staff are an inspiration to our city.

#### **NOW, THEREFORE, Be It Resolved:**

**Section 1:** - That in recognition of this extraordinary accomplishment, the Council of the City of Norfolk hereby extends hearty congratulations to Coach Sawyer and the Lake Taylor High School girls' basketball team on the occasion of their fourth VHSL state championship win.

**Section 2:** - That this resolution be recorded in the permanent proceedings of the City Council and that a copy be presented to Coach Sawyer and her team and staff.

**ACTION:** The Resolution as introduced was **adopted**, effective April 9, 2019.

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

No: None.

- **Maury High School Boy's Basketball Team** for capturing the Class 5 State Championship. Mr. Stephen Suttmiller, Norfolk Public Schools Athletics Coordinator and team accepted the Resolution.

## **MAURY HIGH SCHOOL BOY'S BASKETBALL TEAM**

**WHEREAS**, under the leadership of Head Coach Brandon Plummer, the Maury High School boys' basketball team won their first state title since 1927 with their 2019 Virginia High School League Class 5 state championship victory; and

**WHEREAS**, in a remarkable 57-49 win, the Commodores rose to the challenge and ended a successful 25-3 season in a challenging match against Freedom High School (South Riding); and

**WHEREAS**, as a team, the Commodores displayed an inspiring level of skill, strategy, persistence, teamwork, and passion for basketball as they revived Maury's historic reputation as a state champion; and

**WHEREAS**, every player, staff member and supporter of the Maury High School Commodores should be proud of this momentous achievement.

### **NOW, THEREFORE, Be It Resolved:**

**Section 1:** - That in recognition of this extraordinary accomplishment, the Council of the City of Norfolk hereby extends hearty congratulations to Coach Plummer and the Maury High School Commodores boys' basketball team on the occasion of their 2019 VHSL state championship win.

**Section 2:** - That this resolution be recorded in the permanent proceedings of the City Council and that a copy be presented to Coach Plummer and his team and staff.

**ACTION:** The Resolution as introduced was **adopted**, effective April 9, 2019.

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

No: None.

- Recognizing the accomplishments of Coach Tony Bennett and the **University of Virginia Men's Basketball Team** for their NCAA National Championship win. Councilwoman McClellan, City Manager Smith and other alumni accepted the Resolution.

### **UVA MEN'S BASKETBALL TEAM**

**WHEREAS**, the Virginia Cavaliers men's basketball program, under the leadership of Head Coach Tony Bennett, represents the University of Virginia in the Atlantic Coast Conference in Division 1 of the National Collegiate Athletic Association; and

**WHEREAS**, the Wahoos, as they are unofficially known, have played in 23 NCAA Tournaments, advancing to the Elite Eight 7 times; and

**WHEREAS**, after a devastating first-round loss in 2018, the Cavaliers made a remarkable comeback and fought their way into the March Madness Final Four in 2019;

**WHEREAS**, the jaw-clenching victory against Auburn University on April 6<sup>th</sup> placed the team in its first ever Division 1 men's basketball national championship game; and

**WHEREAS**, from beginning to end, the Cavaliers displayed extreme passion, heart and grit, and in the last seconds of overtime, secured their historic win over Texas Tech.

### **NOW, THEREFORE, Be It Resolved:**

**Section 1:** - That in recognition of this extraordinary accomplishment, the Council of the City of Norfolk, our citizens, University of Virginia supporters and alumni hereby extend hearty congratulations to Coach Bennett and the University of Virginia's men's basketball team on their first NCAA national championship.

**Section 2:** - That this resolution be recorded in the permanent proceedings of the City Council and that a copy be presented to UVA alumni, Councilwoman Andria McClellan and City Manager, Doug Smith.

**ACTION:** The Resolution as introduced was **adopted**, effective April 9, 2019.

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

No: None.

## **PUBLIC HEARINGS**

PH-1

**MATTER OF A 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 **JAMES FLANIGAN**, for a change of zoning from I-L (Industrial – Light) to MF-AC (Multi-Family – Apartment Complex) on property located **at 1045, 1063, 1065, and SS 38<sup>th</sup> Street.**

**(CONTINUED AT THE MEETING OF MARCH 26, 2019)**

James Flanigan, applicant, 503 East Main Street, Richmond, VA, Larry Barry, 703 Coquina Lane, Virginia Beach and Burrell Saunders, 123 Cottage Place, were present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone properties located at **1045, 1063, and 1065 38<sup>th</sup> Street** from I-L (Industrial-Light) District to MF-AC (Multi-Family – Apartment Complex) District,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 2019.

Yes: Doyle, Graves, 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, to hear comments approving a Purchase and Sale Agreement between the **City of Norfolk, as Seller, and Beacon Norfolk, LLC, as Purchaser**, authorizing the conveyance of real property located at **400 Granby Street** in the City of Norfolk to Beacon Norfolk, LLC, and authorizing a Lease Agreement between Beacon Norfolk, LLC, as Landlord, and the City of Norfolk, as Tenant.

Thereupon, an Ordinance entitled, “An Ordinance approving a Purchase and Sale Agreement between the **City of Norfolk, as Seller, and Beacon Norfolk, LLC, as Purchaser**, authorizing the conveyance of real property located at **400 Granby Street** in the City of Norfolk to **Beacon Norfolk, LLC**, and authorizing a **Lease Agreement** between **Beacon Norfolk, LLC**, as Landlord, and the City of Norfolk, as Tenant,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 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 granting a **Conditional Use Permit** to authorize the operation of a craft beverages production facility named “Benchtop Brewing Company” on property located at **1129 Boissevain Avenue**.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 granting a **Conditional Use Permits** to authorize the operation of a banquet hall operating after midnight with live entertainment named “Glass Light Hotel and Gallery” on property located at **201 Granby Street**.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 granting a **Conditional Use Permit** to authorize multi-family dwellings named “West 38<sup>th</sup> Street Apartments” on property located at **1045, 1063, and 1065 38<sup>th</sup> Street**.

James Flanigan, applicant, 503 East Main Street, Richmond, VA, Larry Barry, 703 Coquina Lane, Virginia Beach and Burrell Saunders, 123 Cottage Place, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 granting a **Conditional Use Permit** to authorize the operation of a nightclub named “Jessy’s Taco Bistro” on property located at **328 West 20<sup>th</sup> Street**.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 granting **Conditional Use Permits** to authorize the operation of a craft beverages production facility operating after midnight with live entertainment named “**Smartmouth Brewing Company**” on property located at **1309 Raleigh Avenue, Suite 200 and Suite 300.**

Chris Neikirk, applicant, 5336 Edgewater Drive, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 granting **Conditional Use Permits** to authorize the operation of a restaurant with extended hours with live entertainment and sale of alcoholic beverages for off-premises consumption named “**Stony’s**” on property located at **8166 Shore Drive.**

Jeffrey Johnson, applicant, 8166 Shore Drive, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 permitting the **Retreat at Harbor Pointe, L.P.** to encroach into the right-of-way of Campostella Road with a wooden walkway, rip-rap slope protection and asphalt roadway.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 permitting **Razzo Properties, LLC** to encroach into the right-of-way of W. Little Creek Road with a portion of the existing building and roof overhang.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 the conveyance of a **Stormwater Drainage Easement** by **IP DSC Norfolk 5301/2325, LLC** to the City of Norfolk and authorizing the City Manager to accept the Deed of Easement on behalf of the City.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 **Old Dominion University Real Estate Foundation** 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** in the City of Norfolk; authorizing the City Manager to execute the lease on behalf of the City; and authorizing the expenditure of a sum of up to \$200,000.00 from funds heretofore appropriated for a tenant improvement allowance,” was introduced in writing and read by its title.

(CONTINUED AT THE MEETING OF MARCH 26, 2019)

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 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 approving a Right of Entry Agreement permitting Old Dominion Real Estate Foundation to go upon and use the property located at **112 and 124 Bank Street** for the purpose of initiating construction in preparation for leasing the space,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 granting a **Conditional Use Permit** to authorize the operation of a Religious Institution and a Child Day Care Center at “Colonial Heights Church of Christ” on property located at **831 Mayfield Avenue and 833 Marvin Avenue**,” was introduced in writing and read by its title.

Eric Sherwood, applicant, 8437 Benningfield Court, was present the answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 2019.

Yes: Doyle, Graves, 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 Easement Purchase Agreement, for the purpose of construction and maintaining of a berm and drainage at **2623 Kimball Terrace**, 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 \$10,300.00 for such purpose from funds heretofore appropriated,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 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 drainage, construction and maintaining of a berm and drainage at **730 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 \$12,844.00 for such purpose from funds heretofore appropriated,” was introduced in writing and read by its title

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 authorizing the Institution of the **Capital Access Program** designed to stimulate inclusive economic growth,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 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 accepting the conveyance by **Norfolk Southern Railway Company** of unused rail tracks existing in the right-of-way of **Raleigh Avenue West of Orapax Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 2019.

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

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the conversion of **General Obligation Bonds to Wastewater Revenue Bonds** and the issuance by the City of Norfolk, Virginia of such Wastewater System Revenue Bonds,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 2019.

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

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **First Amendment to Garage Parking Agreement** between the City of Norfolk and SC Royster, LLC and authorizing the City Manager to execute the First Amendment to Garage Parking Agreement on behalf of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 2019.

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

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating \$433,315.30 in Program Income generated by the **United States Housing and Urban Development (HUD) Home Investment Partnership Program (HOME) Grant** and authorizing the expenditure of the Program Income in conformity with the requirements of the Grant,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke concerning this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 2019.

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

No: None.

R-11

Letter from the City Manager and a Resolution entitled, “A Resolution requesting the **Virginia Department of Transportation** to accept certain additional City streets for Municipal Assistance Payments and to remove some streets from the eligible list pursuant to Section 33.1-41-1 of the *Code of Virginia, 1950 as amended*,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective April 9, 2019.

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

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Third Amendment to Lease between the City of Norfolk, as Landlord, and the Muddy Paw Grooming and Retail Store, LLC**, as Tenant, SO AS TO reduce the rent due to the City during the remainder of the term and authorizing the City Manager to execute the Third Amendment to Lease on behalf of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 9, 2019.

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

No: None.

R-13

An Ordinance entitled, “An Ordinance appointing **Tammie Dantzler** as the City Auditor,” was introduced in writing and read by its title.

**ACTION:** Appointment confirmed.

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

No: None.

## **NEW BUSINESS**

- Alex H. Pincus, 5416 Powhatan Avenue, briefed Council on the upcoming events for the Norfolk NATO Festival.
- The following persons spoke concerning the Ocean View Diner:
  1. Glen Kovas, 114 Orleans Circle
  2. Beth Cajiao, 3719 Granby Street
  3. Elizabeth Wells, 9633 Warwick Avenue Unit AIA
- Richard Levine, 270 West Bute Street, spoke about the sidewalks and curbs on Llewelyn Avenue, stating they are deployable.
- Merle Rutledge, 5999 River Arch Drive, Virginia Beach, spoke about the history the confederate monument represents, and that he supports it not being moved.
- The following persons from the Berkley community expressed concerns about living in a food desert.
  1. Larry Skyles, president of the Beacon Light Civic League, 333 South Main Street
  2. Glennis Tripp, 555 East Liberty Street
  3. Patsy Johnson, 123 Poplar Avenue
  4. Clinton Joyner, 1403 Pike Street
  5. Mary Zachery, 555 East Liberty Street
  6. Kim Miller, 315 Middlesex Street
- Barrett Hicks, 4853 Kennebeck Avenue, expressed concerns about Norfolk Public Schools.
- Danny Ginn, 3844 Dare Circle, expressed concerns about the rules and regulations during the council meetings.