

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, APRIL 25, 2023 – 6:00 P.M.

A CITIZEN WHO WISHES TO ADDRESS COUNCIL CONCERNING A DOCKET ITEM OR NEW BUSINESS MUST REGISTER TO SPEAK WITH THE CITY CLERK BY 3:00 PM THE DAY OF THE MEETING BY CALLING (757) 664-4253 OR EMAILING CCOUNCIL@NORFOLK.GOV.

MOMENT OF SILENCE

Followed by the Pledge of Allegiance.

ROLL CALL

Attendee Name	Title	Status	
Courtney R. Doyle	Councilmember - Ward 2	Present	
Mamie B. Johnson	Councilmember - Ward 3	Present	
Andria P. McClellan	Councilmember - Superward 6	Present	
John E. Paige	Councilmember - Ward 4	Present	
Danica J. Royster	Councilmember - Superward 7	Present	
Thomas R. Smigiel Jr.	Councilmember - Ward 5	Present	
Martin A. Thomas Jr.	Vice Mayor - Ward 1	Present	
Kenneth Cooper Alexander	Mayor	Present	
Bernard Pishko	City Attorney	Present	
Dr. Larry H. Filer II	City Manager	Present	
Richard A. Bull	City Clerk	Present	

APPROVAL OF MINUTES

Approve the minutes of the previous City Council meeting.

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

CLOSED SESSION RESOLUTION

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.

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

PUBLIC HEARINGS

PH-1 Public Hearing scheduled this day, pursuant to State Law, on the application of the CITY PLANNING COMMISSION, for Zoning Text Amendment to the Norfolk Zoning Ordinance for Commercial Drive-Through, small scale in the D-AD (Downtown- Arts District).

An Ordinance to Amend Table 3.4.11 and Section 4.3.3.E(1) of the Norfolk Zoning Ordinance SO AS TO Include “Drive-Through Facility, Small-Scale” as an Accessory Use in the D-AD (Downtown-Arts and Design) District that May be Allowed Either by Right or by Conditional Use Permit, Based on Revised Performance Standards. - **(Ordinance No. 49147)**

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

PH-2 Public Hearing scheduled this day, pursuant to State Law, on the application of the CITY PLANNING COMMISSION, for Zoning Text Amendment to the Norfolk Zoning Ordinance for Outdoor Dining on private property.

An Ordinance to Amend Sections 4.3.3.E(1) and Several Tables of the Norfolk Zoning Ordinance and to Repeal Section 4.4.3.B(3) of Said Ordinance in Order to Provide Permanent Standards for Outdoor Dining Areas on Private Property.

Mel Price, 400 Granby Street, was present to answer any questions relative to this matter.

Peter Johnson, 400 Granby Street, was present to answer any questions relative to this matter.

ACTION:	Continued to May 9, 2023 and to Extend the COVID Exceptions [Unanimous]
AYES:	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., 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 Authorizing the Acceptance of a Temporary Construction Easement Over Property Located at 820 Church Street and Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City. - **(Ordinance No. 49148)**

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

- C-2 An Ordinance Accepting the Conveyance of a Traffic Utility Easement Over Property Located at the Intersection of E. Little Creek Road and Shore Drive; Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City; and Appropriating and Authorizing the Expenditure of the Sum of \$6,200.00 as Payment for the Easement. - **(Ordinance No. 49149)**

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

- C-3 A Resolution Authorizing The City Manager To Execute Grant Applications Requesting Funds From The Virginia Opioid Abatement Authority (OAA) To Provide Opioid Mitigation And Abatement Efforts In the City of Norfolk And Adopting The "Gold Standard" Of The OAA. - **(Resolution No. 1890)**

Alton Robinson, 5116 E. Princess Anne Road, spoke in opposition to this matter.

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

- C-4 An Ordinance Approving a Right of Entry Permitting First United Presbyterian Church to Go Upon and Use City-Owned Property Located Adjacent to 746 E. 29th Street for Church-Related Special Event Parking. - **(Ordinance No. 49150)**

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

REGULAR AGENDA

- R-1 A Resolution Expressing Commitment to the Residents of the Berkley, Campostella, and Campostella Heights Communities of the City of Norfolk to Working with the United States Army Corps of Engineers to Obtain Approval by the Federal Government to Perform a Post Authorization Change Report to Pursue Design and Construction of Structural Flood Risk Reduction Measures for the Berkley, Campostella, and Campostella Heights Communities as Part of the Coastal Storm Risk Management Project. - **(Resolution No. 1891)**

Lawrence Brown, president of Campostella Heights civic league and member of the Southside Coalition, 925 Waltham Street, spoke in support of this matter.

Alton Robinson, 5116 E. Princess Anne Road, spoke in support of this matter.

Sharon Hendrick, president of Campostella civic league and member of the Southside community, 1201 Midland Street, spoke in support of this matter.

Jay Boone, Berkley Resident, no address given, spoke in support of this matter.

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

R-1A

An Ordinance Approving a Project Partnership Agreement by and Between the Department of the Army and the City of Norfolk for the City of Norfolk Coastal Storm Risk Management Project and Authorizing the City Manager to Enter into the Project Partnership Agreement. - **(Ordinance No. 49151)**

Marjory Mayfield Jackson, Executive Director of the Elizabeth River Project, 1747 Tait Terrace, spoke in support of this matter.

Lawrence Brown, president of Campostella Heights civic league and member of the Southside Coalition, 925 Waltham Street, spoke in support of this matter.

Alton Robinson, 5116 E. Princess Anne Road, spoke in support of this matter.

William Stiles, Jr., 2601 Granby Street, spoke in opposition to this matter.

Sharon Hendrick, 1201 Midland Street, spoke in support of this matter.

Emily Steinhilber, Environmental Defense Fund, spoke in support of this matter.

Christy Everett, Chesapeake Bay Foundation, 7469 Glen Eagles Road, spoke in support of this matter.

Jay Boone, Berkley Resident, no address given, spoke in support of this matter.

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

R-1B A Resolution Expressing Commitment to the Residents of the City of Norfolk to Working with the General Assembly and the Governor of the Commonwealth of Virginia as well as United States Army Corps of Engineers and the Federal Government to Address and to Resolve to the Extent Possible Concerns over the Coastal Storm Risk Management Project. - **(Resolution No. 1892)**

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

R-2 An Ordinance to Amend and Reordain Section 1 of the Capital Improvement Plan Budget for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 SO AS TO Establish Funding in the Amount of up to \$550,000 to Upgrade the Fire-Rescue Alerting System - **(Ordinance No. 49152)**

Alton Robinson, 5116 E. Princess Anne Road, spoke in opposition to this matter.

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

R-3 An Ordinance to Amend and Reordain Section 1 of the Capital Improvement Plan Budget for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 SO AS TO Increase Funding in an Amount up to \$950,000 for the Acquire Fleet Vehicles and Equipment Project for the Purchase of a Fire Apparatus - **(Ordinance No. 49153)**

Lawrence Brown, president of Norfolk Professional Firefighters Local 68, 925 Waltham Street, spoke in support of this matter.

Alton Robinson, 5116 E. Princess Anne Road, spoke in opposition to this matter.

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

R-4 An Ordinance Authorizing the Dedication of a Portion of Certain City-Owned Property as Public Right-of-Way of Nicholson Street. - **(Ordinance No. 49154)**

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

R-5 An Ordinance to amend and reordain Chapter 6.1 by adding one New Article VII and amending Sections 6.1-2, 6.1-8, 6.1-50, 6.1-51, 6.1-56, 6.1-61, 6.1-65, 6.1-72, 6.1-75, 6.1-77, 6.1-79, 6.1-82 and 6.1-89 of the Norfolk City Code, 1979, regarding Free-Roaming Cats. - **(Ordinance No. 49155)**

Rachel Bellis with PETA, 501 Front Street, spoke in opposition to this matter.

Lisa Billow, 1720 Blair Avenue, spoke in opposition to this matter.

Mary Babcock, 2511 Tait Court, spoke in opposition to this matter.

ACTION:	Adopted [7 to 1]
AYES:	Doyle, Johnson, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander
NAYS:	John E. Paige

R-6 An Ordinance Authorizing the Amendment of the Land Disposition and Development Contract Between the City and the Pathway Realty Group, LLC - **(Ordinance No. 49156)**

Alton Robinson, 5116 E. Princess Anne Road, spoke in opposition to this matter.

ACTION:	Adopted [7 to 1]
AYES:	Doyle, Johnson, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander
NAYS:	Paige

R-7 An Ordinance Authorizing the City's Acquisition of a Certain Parcel of Property Located at 5500 Bayberry Drive for the Sum of \$291,000.00 and Authorizing the Expenditure of a Sum of Up to \$306,000.00 From Funds Heretofore Appropriated for Acquisition of the Property and All Related Transactional Costs. - **(Ordinance No. 49157)**

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

R-8 An Ordinance Granting Conditional Use Permits to Authorize a Restaurant to Operate with the Sale of Alcoholic Beverages for both On-Premises and Off-Premises Consumption Named "Legacy Restaurant and Bar" on Property Located at 216 East Plume Street.

Warren Salvondon, owner, 5330 Kendall Wood Avenue, spoke in support of this matter.

John Sires, 7320 Glen Roie Avenue, spoke in support of this matter.

Sonjia Whitfield, 1511 Arkansas Avenue, spoke in support of this matter.

Carlton Stokes, 3133 N. Stonebridge Drive, spoke in support of this matter.

Corey Jenkins, 3702 Tait Terrace, spoke in support of this matter.

Freddie Taylor, Sr, 5724 Hawthorne Lane, Portsmouth, spoke in support of this matter.

Marcus Calabrese, 578 Spanish Trail, spoke in support of this matter.

Chrysta Hoyle, 603 Fishers Court, Hampton, spoke in support of this matter.

Kezia Hendricks, 2641 Vincent Avenue, spoke in support of this matter.

ACTION:	Motion Lost [2 to 6]
AYES:	Paige and Royster
NAYS:	Doyle, Johnson, McClellan, Smigiel Jr., Thomas Jr., Alexander

R-9 An Ordinance to Amend and Reordain Section 42-12.1 of the Code of the City of Norfolk, Virginia, 1979, SO AS TO Authorize an Administrative Permitting Process for Approval of Outdoor Dining Areas in the Public Right-of-Way that Comply with Certain Operational, Design, and Safety Regulations. - **(Ordinance No. 49158)**

Matheau Hall, 400 Granby Street, had questions relative to this matter.

ACTION:	Adopted as Amended [Unanimous]
AYES:	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

R-10 An Ordinance to Approve and Adopt a Schedule of Fees Related to Outdoor Dining Areas Encroaching in a Public Right-of-Way Approved by Permit. - **(Ordinance No. 49159)**

Matheau Hall, 400 Granby Street, had questions relative to this matter.

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

R-11 An Ordinance Authorizing a Memorandum of Understanding with the Cities for Financial Empowerment Fund, Inc. - **(Ordinance No. 49160)**

Alton Robinson, 5116 E. Princess Anne Road, spoke in opposition to this matter.

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

R-12 An Ordinance Authorizing the Cooperation Agreement with the Norfolk Economic Development Authority ("EDA") for the Administration of the Commercial Corridor Pilot Program; and Appropriating and Authorizing the Expenditure of a Sum up to \$2,000,000 as Necessary for the City's Obligations Under the Cooperation Agreement - **(Ordinance No. 49161)**

Alton Robinson, 5116 E. Princess Anne Road, spoke in opposition to this matter.

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

R-13 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) SO AS TO Accept, Appropriate and Authorize the Expenditure Of Opioid Settlement Funds In The Sum Of Up To \$394485 From Virginia Opioid Abatement Authority (VOAA) To Support Efforts To Treat, Prevent, And Reduce Opioid Use Disorder And Misuse Of Opioids. - **(Ordinance No. 49162)**

Alton Robinson, 5116 E. Princess Anne Road, spoke in opposition to this matter.

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

R-14 A Resolution to Authorize the City Manager to Enter into Agreements with The Localities of Region 5 For Purposes of Obtaining Grant Funding from The Virginia Opioid Abatement Authority. - **(Resolution No. 1893)**

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

- R-15 A Resolution Appointing Peter R. Buryk to be the City Manager's Alternate Representative to the Hampton Roads Regional Jail Authority Board - **(Resolution No. 1894)**

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

- R-16 An Ordinance to Provide Car Tax Relief by Temporarily Suspending Certain Vehicle License Fees for Calendar Year 2023. - **(Ordinance No. 49163)**

ACTION:	Adopted [7 to 1]
AYES:	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Alexander
NAYS:	Thomas Jr.

NEW BUSINESS

Ebony Malone, owner of Fusion Soul Cafe and Catering LLC in Norfolk, spoke regarding economic development in Norfolk, gave positive feedback on the Small Business/Nonprofit Town Hall series, and requested more programs to elevate small businesses.

Robert Batcher, Prime Plus Senior Center, 7300 Newport Avenue, Suite 100, gave positive feedback on the Small Business/Nonprofit Town Hall series and the importance of collaborative partnerships.

Susan Matousek, 8214 Andrew Lane, spoke regarding utility billing in the City of Norfolk.

Alton Robinson, 5116 E. Princess Anne Road, spoke regarding equity in community issues and economic development.

Jay Boone, Berkley resident, no address given, spoke regarding community involvement.

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Matheau Hall, 400 Granby Street, gave positive feedback on the Small Business/Nonprofit Town Hall series and requested adding a small business liaison.

Whitney Yancey, 1432 E. Tanners Creek Drive, spoke regarding regionalism and gave positive feedback on the Small Business/Nonprofit Town Hall series.

ADJOURNMENT