

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, MAY 8, 2018 – 7:00 P.M.

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

The opening prayer was offered by Chaplain Dexter Wilson, Kingdom Harvest Ministries, followed by the Pledge of Allegiance.

The following members were present: Mrs. Angelia Williams Graves, Mrs. Mamie B. Johnson, Mrs. Andria McClellan, Mr. Thomas Smigiel, Mr. Martin Thomas Jr., Dr. Theresa Whibley and Mr. Kenneth Alexander.

Mayor Alexander moved to excuse Mr. Paul R. Riddick.

Motion adopted.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley and Alexander.

No: None.

Mayor Alexander moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley 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 May 8, 2018.
Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.
No: None.

CEREMONIAL MATTER

Mayor Alexander read a Proclamation proclaiming the month of **April 2018 as Foster Care Month**. Steve Hawks, Director of Human Services accepted the Proclamation. Audra Bullock, President, Norfolk Friends of Foster Care spoke on the foundation's upcoming event on Foster Care Aware on Saturday May 12th.

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 with a term of forty (40) years across **City of Norfolk property located in the City of Suffolk**.

One bid was received from Virginia Natural Gas, read and numbered following which the City Manager recommended continuing the matter to the May 22, 2018 council meeting.

ACTION: Continued to May 22, 2018.
Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.
No: None.

CONSENT AGENDA

C-1

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a Grant Award of \$270,650 from the **Virginia Department of Behavioral Health and Developmental Services** for the Norfolk Community Services Board to establish Peer Recovery Services for both mental health and substance abuse impacted individuals and appropriating and authorizing the expenditure of the funds for the Grant Funds.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-2

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting \$9,210 from the **Virginia Department of Behavioral Health and Developmental Services for the** Norfolk Community Services Board's clients to receive treatment from the Newport News Behavioral Health Center and appropriating and authorizing the expenditure of the funds for the Grant Funds.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-3

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a Grant Award in the amount of \$750,000 from the **United States Department of Justice Office of Community-Oriented Policing Services** for the Cops Hiring Program (CHP), appropriating the funds and authorizing the City Manager to employ six persons in a Special Project status in the Department of Police and authorizing the expenditure of \$286,487 in local match funds for the salary and benefits of the created positions for thirty-six months to enhance law enforcement activities.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-4

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, An Ordinance granting **Conditional Use Permits** to authorize the operation of a Conference Center operating after midnight with live entertainment and the on-premises sale of alcoholic beverages, named “Norfolk Waterside Marriott,” on property located at **215 East Main Street**.

Rob Beaman, 222 Central Park Avenue, Suite 2000, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-4A

An Ordinance entitled, An Ordinance granting **Conditional Use Permits** to authorize the operation of restaurants and a hotel operating after midnight with live entertainment and the on-premises sale of alcoholic beverages, named “Norfolk Waterside Marriott,” on property located at **235 East Main Street**.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-5

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize the operation of a nightclub named “Culture” on property located at **814 Granby Street**.

Thomas Morrisett, 5201 Edgewater Drive, expressed concerns about the Conditional Use Permit and commented that a sound mitigation plan should be in place before approving this matter.

Peter Kloeppe, 501 Elizabeth Place, Portsmouth and Michael Copeland, applicant, 814 Granby Street, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-6

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize the operation of a restaurant operating after mid-night, named “Little Dog Diner”, on property located at **1917 Colley Avenue**.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-7

Letter from the City Manager and an Ordinance entitled, An Ordinance granting **Conditional Use Permits** to authorize the operation of a restaurant operating after midnight with live entertainment, named “MJ’S Tavern,” on property located at **4019 Granby Street**.

John Childers, 4019 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-8

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 **1539 Johnstons Road**.

Lisa Murphy, 999 Waterside Drive, Suite 2100, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-9

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize the operation of a tattoo parlor named “Rock Steady Tattoo” on property located at **9651 1st View Street, Suite D**.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-10

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize the off-premises sale of alcoholic beverages at an establishment named “Waterside District” on property located at **333 Waterside Drive**.

Lisa Murphy, 999 Waterside Drive, Suite 2100, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Sections 34.1-1(f), 34.1-14 (b) and 34.1-19 of the *Norfolk City Code, 1979*, **SO AS TO** address the definition of Taxicab, authorize electronic taxicab manifests and allow color schemes of taxicabs to be the same for the vehicles of different certificate of public convenience and necessity holders,” was introduced in writing and read by its title.

Judy Swystun, 6304 Sewell’s Point Road, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Seaboard Building, LLC** to encroach into the right-of-way of Plume Street at **145 Granby Street** with a blade sign,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **SC Royster, LLC** to encroach into the rights-of-way of McCulloughs Lane and City Hall Avenue at **201 Granby Street** with doors, stairway entrance/exit, exhaust fan and existing footings and cornices,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Perry Glass Gallery, LLC** to encroach into the rights-of-way of McCulloughs Lane and Granby Street at **205 Granby Street** with canopy, cornice, egress door and stairway, overhead lift door, existing gutters and downspouts and façade lighting,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-5

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 other street segments 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 May 8, 2018.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: None.

Councilwoman Andria McClellan departed the meeting at 7:38 p.m.

NEW BUSINESS

1. Sarah Peebles Perry, 405 Pendleton Road, thanked the council for not closing the Southside Center and asked council to keep in mind the smoke and dust in the Southside area, as well as the potholes on Wilson Road.
2. Janice McKee, 903 Hatton Street, commented that the Elizabeth River Trail should continue to the other side of the bridge in the Southside Community.
3. Lawrence Brown, 925 Waltham Street, commented that the Southside Community Center is a vital place and safe haven for the kids in the community.
4. Bridgett Toole, 815 Hayes Street, Apt. 2, commented that it was hard for her to find a job in Norfolk as a disabled veteran but she has two jobs around the Town Center in Virginia Beach.
5. Rodney Hammonds, 9613 8th Bay Street, commented that the 4th Bay community basketball court was being torn down and asked council to replace it somewhere in Ocean View.
6. Michael Stanley, 9608 20th Bay Street, commented that a community basketball court was needed in the Ocean View area.

7. James Jarman, Jr., 5503 Barnhollow Road, invited council to a Teacher Appreciation dinner he was planning on May 10th. He did not want the teachers in the southside community to be unappreciated for their dedication.
8. Danny Lee Ginn, 3844 Dare Circle, commented that he does not agree with the rules of procedure of a city council meeting Ordinance, specifically to Section 5-4 (d) and it against the constitution's freedom of speech.