

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, MAY 9, 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.

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	Remote	
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

INVITATION FOR BIDS

IB-1 Invitation to Bid and Notice of Public Hearing for a Long-term Garage Parking Agreement, with a term of ten (10) years, with the option to extend the term for up to one (1) additional period of ten (10) years, for the lease of up to sixty-three (63) parking spaces in the Boush Street Garage Located at 112 W. City Hall Avenue in the City of Norfolk, Virginia.

ACTION:	Continued to May 9, 2023 [Unanimous]
AYES:	Doyle, Johnson, McClellan, Paige, Smigiel Jr., Thomas Jr., Alexander
AWAY:	Royster

PUBLIC HEARINGS

PH-1 Public Hearing scheduled this day pursuant to State Law, to hear comments Approving a Lease Agreement with Park Place Health and Dental Clinic as Lessee, for a Portion of the Property known as Park Place Multi-Purpose Center at 606 W. 29th Street, in the City of Norfolk.

An Ordinance Approving a Lease Agreement with Park Place Health and Dental Clinic as Lessee, for a Portion of the Property Known as Park Place Multi-Purpose Center at 606 W. 29th Street, in the City of Norfolk - **(Ordinance No. 49164)**

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

PH-2 Public Hearing scheduled this day, pursuant to State Law, to hear comments Authorizing the Sale and Conveyance to Jeanette Griffin and James Griffin of That Certain Parcel of Property Located at 1029 Barney Street in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Jeanette Griffin and James Griffin of That Certain Parcel of Property Located at 1029 Barney Street in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants. - **(Ordinance No. 49165)**

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

PH-3 Public Hearing scheduled this day, pursuant to State Law, to hear comments Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of Those Certain Parcels of Property Located at 1254 and 1256 Maltby Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of Those Certain Parcels of Property Located at 1254 and 1256 Maltby Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants. - **(Ordinance No. 49166)**

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

PH-4 Public Hearing scheduled this day, pursuant to State Law, to hear comments Approving a Second Amendment to Garage Parking Agreement Between the City of Norfolk, as Landlord, and Seaboard Building, LLC, as Tenant, SO AS TO Extend the Term of the Tenant's Lease of Forty Parking Spaces in the Boush Street Garage Located at 112 W. City Hall Avenue and Ninety-Five Parking Spaces in the Town Point Garage Located at 110 W. Main Street and Authorizing the City Manager to Execute the Second Amendment to

An Ordinance Approving a Second Amendment to Garage Parking Agreement Between the City of Norfolk, as Landlord, and Seaboard Building, LLC, as Tenant, SO AS TO Extend the Term of the Tenant's Lease of Forty Parking Spaces in the Boush Street Garage Located at 112 W. City Hall Avenue and Ninety-Five Parking Spaces in the Town Point Garage Located at 110 W. Main Street and Authorizing the City Manager to Execute the Second Amendment to Garage Parking Agreement on Behalf of the City of Norfolk. - **(Ordinance No. 49167)**

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

PH-5 Public Hearing scheduled this day, pursuant to State Law, to hear comments Approving a Second Amendment to Garage Parking Agreement Between the City of Norfolk, as Landlord, and 131 Granby LLC, as Tenant, SO AS TO Extend the Term of Tenant's Lease of Thirty Parking Spaces in the Town Point Garage Located at 110 W. Main Street and Authorizing the City Manager to Execute the Second Amendment to Garage Parking Agreement on Behalf of the City of Norfolk.

An Ordinance Approving a Second Amendment to Garage Parking Agreement Between the City of Norfolk, as Landlord, and 131 Granby LLC, as Tenant, SO AS TO Extend the Term of Tenant's Lease of Thirty Parking Spaces in the Town Point Garage Located at 110 W. Main Street and Authorizing the City Manager to Execute the Second Amendment to Garage Parking Agreement on Behalf of the City of Norfolk. - **(Ordinance No. 49168)**

ACTION:	Adopted [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.

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

- C-1 An Ordinance Repealing Section 34.1-22 and Amending and Reordaining Sections 34.1-13, 34.1-19, 34.1-48 and 34.1-63 of the Norfolk City Code, 1979, regarding Taxicabs. - **(Ordinance No. 49169)**

- C-2 An Ordinance to Repeal Two Subsections of Section 25-653 regarding Yield Intersections and to Amend and Reordain Sections 25-646, 25-649, and 25-654 of the Norfolk City Code, 1979 SO AS TO add Seven Speed Limits, One Right Turn on Red Prohibited and Six Stop Intersections on Certain Street. - **(Ordinance No. 49170)**

- C-3 An Ordinance Accepting the Conveyance of a Utility Easement Over Property Located at 4621 Pretty Lake Avenue by ZP No. 332, LLC and Atlantic Union Bank to the City of Norfolk and Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City. - **(Ordinance No. 49171)**

- C-4 An Ordinance Granting Ceres Concepts LLC Permission to Encroach into the Right-of-Way at 2410 Granby Street with a Canopy, Sign, Cornice and Awning. - **(Ordinance No. 49172)**

- C-5 An Ordinance Granting Intermission Apartments LLC Permission to Encroach into the Right-of-Way at 442 Granby Street with a Canopy Sign. - **(Ordinance No. 49173)**

- C-6 An Ordinance Granting Conditional Use Permit to Authorize the Sale of Alcoholic Beverages for On-Premises Consumption at a Restaurant Named "508 Crafthouse" on Property Located at 508 Orapax Street. - **(Ordinance No. 49174)**

William Perkins, the applicant, was present to answer any questions relative to this matter.

- C-7 An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at 3109 Pleasant Avenue. - **(Ordinance No. 49175)**
- Shuyan He and Yuwen Huang, the applicants, were present to answer any questions relative to this matter.
- C-8 An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at 1920 Norview Avenue. - **(Ordinance No. 49176)**
- C-9 An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at 1273 Little Bay Avenue. - **(Ordinance No. 49177)**
- Sierra Alderman, authorized agent of the applicant, 2333 Dominion Avenue, was present to answer any questions relative to this matter.
- C-10 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Car Wash Named “Tommy’s Express Car Wash” on Property Located at 450 North Military Highway. - **(Ordinance No. 49178)**
- C-11 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Car Wash Named “Tidal Wave Auto Spa” on Property Located at 6450 North Military Highway. - **(Ordinance No. 49179)**
- C-12 Letter from the City Attorney confirming Michael A. Pirrello as an Assistant City Attorney I, effective May 22, 2023, in Plan I, Grade 16 of the Law Plan of the City's Compensation Plan, to serve at the pleasure of the City Attorney.
- C-13 Letter from the City Attorney confirming the Marvin R. Smith Jr., as an Assistant City Attorney I, effective July 17, 2023, in Plan I, Grade 16 of the Law Plan of the City's Compensation Plan, to serve at the pleasure of the City Attorney.

REGULAR AGENDA

- R-1 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. - **(Ordinance No. 49180)**

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

- R-2 An Ordinance to Amend and Reordain Sections 15.1-4 (A), 15.1-5, 15.1-7 (C), 15.1-8, 15.1-9 (B) (1), and 15.1-12 (A) of the Norfolk city Code, 1979, SO AS TO Require a Local License be Obtained Prior to State License and Require Renewal of Regular License Every 2 Years. - **(Ordinance No. 49181)**

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

- R-3 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) SO AS TO Accept, Appropriate And Authorize The Expenditure Of Grant Funds Up To The Sum Of \$105,620 From The Virginia Department Of Behavioral Health And Developmental Services Community Mental Health Services Block Grant For The Norfolk Community Services Board To Implement The STEP-VA Psychiatric Rehabilitation Services. - **(Ordinance No. 49182)**

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

R-4 An Ordinance Authorizing the Acquisition from the Norfolk Redevelopment and Housing Authority of Those Parcels of Property Located at E S Kenton Avenue, 2600 E. Princess Anne Road and 2620 E. Princess Anne Road; Authorizing the City Manager to Accept a Deed(s) on Behalf of the City; and Authorizing the Expenditure of a Sum of Up to \$7,000.00 From Funds Heretofore Appropriated for All Related Transactional Costs. - **(Ordinance No. 49183)**

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

R-5 An Ordinance Amending and Reordaining Section 1 Of The FY2023 Annual Appropriations Ordinance (No. 48,751), As Amended, To Reappropriate And Authorize For Expenditure The Amount Of Up To \$100,000 From The General Fund Balance Surplus To The Central And Outside Agency Appropriations To The Economic Development Authority, Pursuant To An Agreement With The City Dated January 26, 2021, For The Purpose Of Providing A Conditional Incentive Grant to Berkley Supermarket, LLC. - **(Ordinance No. 49184)**

Monet Johnson, 3505 Argonne Avenue, spoke in support of this matter.

Tiarra Lassiter, 3045 Sewells Point Road, spoke in support of this matter.

Carl Poole, 1049 W. 49th Street, spoke in support of this matter.

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

R-6 An Ordinance Approving a Third Amendment to Stadium Lease Agreement Between the City of Norfolk, as Lessor, and Tides Baseball Club, L.P., as Lessee, for its Lease of the Premises Known as Harbor Park Stadium Located at 150 Park Avenue in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the Third Amendment to Stadium Lease Agreement on Behalf of the City of Norfolk. - **(Ordinance No. 49185)**

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

R-7 An Ordinance Approving the Grant Agreement Between the Virginia Resources Authority, as Administrator of the Virginia Community Flood Preparedness Fund and Grantor, and the City of Norfolk, as Grantee, Accepting Grant Funds in the Amount of \$24,628,800 for Phase 1A of the Coastal Storm Risk Management Project, and Authorizing the City Manager to Execute the Grant Agreement on Behalf of the City of Norfolk. - **(Ordinance No. 49186)**

Alton Robinson, 5116 E. Princess Anne Road, had questions relative to this matter.

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

R-8 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) SO AS TO Accept, Appropriate And Authorize The Expenditure Of Grant Funds Up To The Sum Of \$4,500,000 From Virginia Department Of Health, Office Of Drinking Water Through The 2023 American Rescue Plan Act (ARPA), To Address A Drinking Water Project Identified As Multiple Projects: CSFRF-46. - **(Ordinance No. 49187)**

Alton Robinson, 5116 E. Princess Anne Road, had questions relative to this matter.

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

- R-9 An Ordinance Authorizing the Funding Agreement with the Virginia Department of Health, Office of Drinking Water. - **(Ordinance No. 49188)**

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

- R-10 An Ordinance Amending and Reordaining Subsection (g) Of Section 25-656.2 Of The Norfolk City Code, 1979, SO AS TO Increase The Penalty For Violations Of The Restrictions On Truck Traffic Upon Hampton Boulevard. - **(Ordinance No. 49189)**

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

- R-11 An Ordinance to Schedule a City Council Meeting on Tuesday, June 6, 2023, at 6:00 P.M. - **(Ordinance No. 49190)**

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

NEW BUSINESS

Reverend Geoffrey Guns, 2940 Corprew Avenue, spoke regarding poverty, substandard public housing, and the lack of real opportunity for the black community in Norfolk.

Calvin Williams, 1030 W. 24th Street, spoke regarding My2k Foundation and violence prevention through partnerships with the City of Norfolk.

Reverend Nathan Butler, 200 W. 28th Street, spoke regarding the need for continued support for the Newport Gardens Project.

Carolyn Clark, South Bayview resident, spoke regarding collections practices and billing.

Monet Johnson, 3505 Argonne Avenue, spoke regarding over policing in St. Paul's neighborhood.

Tiarra Lassiter, 3045 Sewells Point Road, spoke regarding concerns about the summer crime rate and over policing in low income communities of color.

Carl Poole, 1049 W. 49th Street, spoke regarding the installation of emergency call towers.

Alton Robinson, 5116 E. Princess Anne Road, spoke regarding streamlining the process to obtain City funding.

Ismael Saleem, 730 W. 35th Street, spoke regarding the parking needs of Newport Gardens residents.

ADJOURNMENT