

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, MAY 14, 2019 – 7:00 P.M.

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

Prayer was offered by Councilwoman Angelia Williams Graves, 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, and Mr. Kenneth Cooper Alexander.

Mayor Alexander moved to excuse Mr. Martin Thomas Jr. from tonight's meeting.

Motion adopted.

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

No: None.

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

Motion adopted.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, 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 16, 2019.

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

No: None.

CEREMONIAL MATTER

Ms. Michelle Gowdy, Executive Director of Virginia Municipal League, presented an award and scholarship check to Luz Pinto Consuelo, a student at the Discovery for Lakewood Academy, for winning the "If I were a Mayor" essay contest.

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 **CITY OF NORFOLK**, to alter the existing right-of-way of **Bluestone Avenue between Melrose Parkway and Monterey Avenue** by vacating a portion of it and accepting a re-dedication of another portion so as to maintain at least a 50-foot wide right-of-way.

Thereupon, an Ordinance entitled, "An Ordinance closing, vacating and discontinuing a portion of **Bluestone Avenue** and re-dedicating a portion of **Bluestone Avenue**," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 14, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, 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 authorizing the Conveyance to **Stalwart Investments, LLC** of two parcels of property located at **906 and 908 Reservoir Avenue** in accordance with the terms and conditions of the Conveyance Agreement and authorizing the release of the City's Right of Reverter upon certain conditions.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the Conveyance to **Stalwart Investments, LLC** of two parcels of property located at **906 and 908 Reservoir Avenue** in accordance with the terms and conditions of the Conveyance Agreement and authorizing the release of the City's Right of Reverter upon certain conditions," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 14, 2019.

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

No: None.

PH-3

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 authorizing the Conveyance to **Jay Investment Corporation** of that certain parcel of property located at **814 E. 29th Street** in accordance with the terms and conditions of the Conveyance Agreement and authorizing the release of the City's Right of Reverter upon certain conditions.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the Conveyance to **Jay Investment Corporation** of that certain parcel of property located at **814 E. 29th Street** in accordance with the terms and conditions of the Conveyance Agreement and authorizing the release of the City's Right of Reverter upon certain conditions," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 14, 2019.

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

No: None.

Abstain: Graves.

PH-4

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 on a proposed amendment to the geographic boundaries of the **City's Downtown Service District** which are set out in **Section 24-212** of the Norfolk City Code, 1979, as amended.

Mary Miller, 7600 Gleneagles Road, was present to answer questions in this matter.

Thereupon, an Ordinance entitled, "An Ordinance to amend and reordain Sections 24-212 and 24-212.4 of the Norfolk City Code, 1979, as amended, **SO AS TO** revise the geographic boundaries of the Downtown Service District and continue its tax to cover additional facilities and services," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2019.

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

No: None.

CONSENT AGENDA

C-1

Letter from the City Manager and an Ordinance entitled, An Ordinance appropriating grant funds totaling \$60,000,000.00 to the **School Board of the City of Norfolk** for grants, other special programs and the **School Nutrition Services Program** and authorizing the expenditure of the funds in Fiscal Year 2020 for **Norfolk Public Schools**.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2019.

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

No: None.

C-2

Letter from the City Manager and an Ordinance entitled, An Ordinance establishing certain public areas and streets of the City of Norfolk as the "**Festival Area**" and setting forth the regulations applicable to such **Festival Area** for the **Norfolk Harborfest 2019** celebration.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-3

Letter from the City Manager and an Ordinance entitled, An Ordinance closing certain **City-owned docks** to public use during the **Norfolk Harborfest 2019** celebration.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-4

Letter from the City Manager and an Ordinance entitled, An Ordinance permitting **Patricia M. Orner and Andrea Stacy** to encroach into City property at **1129 Little Bay Avenue**, with a floating dock and walkway.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-5

Letter from the City Manager and an Ordinance entitled, An Ordinance permitting **4311 Colley, LLC** to encroach into the right-off-way at 4311 Colley Avenue with a concrete parking area and a paver bicycle parking area.

Richard Katz, 4311 Colley Avenue, was present to answer questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-6

Letter from the City Manager and an Ordinance entitled, An Ordinance permitting **PHF Norfolk II LLC** to encroach at **777 Waterside Drive** into the right-of-way of **Water Street** with a sign.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-7

Letter from the City Manager and an Ordinance entitled, An Ordinance granting **Richard P. Swisher, Nancy S. Swisher and Kevin R. Swisher** permission to encroach into **City-owned property** located adjacent to **751 W. Ocean View Avenue** with a pier and approving the terms and conditions of the **License Agreement**.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-8

Letter from the City Attorney and an Ordinance entitled, An Ordinance granting **Marion Baylor** permission to encroach into the right-of-way at **313 W. Bute Street** approximately 120 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**.

Omar Boukhriss, 313 West Bute Street, was present to answer questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-9

Letter from the City Attorney and an Ordinance entitled, An Ordinance accepting and appropriating a grant of up to \$1,202,500.00 from the **National Fish and Wildlife Foundation**, appropriating match funds of up to \$1,211,180.00 and authorizing the expenditure of the grant funds and of the matching funds for the construction of the **Lindenwood-Barraud Park Hybrid Living Shoreline** in support of storm resilience.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-10

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating, and authorizing the expenditure of a subgrant of up to \$243,011.78 from the **Commonwealth Department of Social Services** to provide employment services to participants in the **Federal Temporary Assistance** for needy families project (“TANF”).

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-11

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating and, authorizing the expenditure of a grant of up to \$17,555.00 from the **Commonwealth Department of Behavioral Health and Development Services** to provide forensic discharge case manager services to the **Hampton Roads Regional Jail**.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-12

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating, and, authorizing the expenditure of a grant of up to \$5,949.34 from the **Commonwealth Department of Behavioral Health and Development Services**, to advance health equity in the City.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-13

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating and authorizing the expenditure of a regionally allocated grant award of \$80,000 from the **Virginia Department of Behavioral Health and Developmental Services** for the **Norfolk Community Services Board** to provide support to emergency services program.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

C-14

Letter from the City Manager and an Ordinance entitled, An Ordinance approving the exercise by the **Norfolk Airport Authority** of powers conferred by **Chapter 34, Acts of Assembly of Virginia of 1918**, as amended, and **Section 144 of the Norfolk Charter**, as amended, in conjunction with the issuance of not to exceed \$80,000,000.00 of the **Authority's Revenue Bonds** to finance the design, acquisition, construction and equipping of a new parking garage at **Norfolk International Airport**, to pay capitalized interest on the bonds, to provide for a debt service reserve deposit, and to pay costs associated with the issuance of such bonds.

Anita Poston, 1504 Powattan Court, was present to answer questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance appropriating funds for operation of the City for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020, appropriating **U.S. Department of Housing and Urban Development (HUD) Entitlement Grants**, increasing certain fees, and regulating the payment of money from the City Treasury," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2019.
Yes: Doyle, Graves Johnson, McClellan, Riddick, Smigiel, and Alexander.
No: None.

R-2 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the **Capital Improvement Plan Budget** for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020; appropriating \$133,885,700 for certain projects approved therein; authorizing an issue of bonds in the amount of \$72,202,999; reappropriating previously authorized but unissued bonds in the amount of \$28,829,000; and authorizing the expenditure of \$32,853,701 in cash,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2019.
Yes: Doyle, Graves Johnson, McClellan, Riddick, Smigiel, and Alexander.
No: None.

R-3 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving and adopting the **Fiscal Year 2020 Compensation Plan** for officers and employees of the City, amending and reordaining the **Norfolk City Code 1979**, as amended, and approving criteria and procedures for pay supplements for certain Constitutional and State Officers and their employees,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2019.
Yes: Doyle, Graves Johnson, McClellan, Riddick, Smigiel, and Alexander.
No: None.

R-4 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the **2020 Officer and Employee Health Insurance Plans**, the employer and the employee contribution rates and authorizing the expenditure from the **Health Care Fund** of a sum sufficient heretofore appropriated,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.
Yes: Doyle, Graves Johnson, McClellan, Riddick, Smigiel, and Alexander.
No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the July 1, 2019 through June 30, 2020 Budget for the **Norfolk Law Library**, authorizing the **City Treasurer** to make disbursements and appropriating and authorizing the expenditure of up to \$228,930.00 by the **Norfolk Law Library** from various sources including monies assessed and collected by the City as part of costs in civil court actions in accordance with the approved budget and the October 1, 1987 **Agreement** among the **City**, the **Norfolk Law Library** and the **Norfolk and Portsmouth Bar Association**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2019.

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

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the **Agreement** to be entered into with the **Nauticus Foundation** for the operation of the **Nauticus Campus**, which includes the **Nauticus Museum**, the **Peter G. Decker, Jr. Half Moone Cruise Terminal**, the **Sail Nauticus Marina** and the **Battleship Wisconsin**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance to the **City by Norfolk Redevelopment and Housing Authority** of parcels adjacent to the **Elizabeth River Trail** and the **Midtown Tunnel**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the **City of Norfolk** to enter into a **Programmatic Project Administration Agreement** with the **Virginia Department of Transportation for the Administration of Revenue Sharing Projects** within the City, subject to and in accordance with the terms and conditions of the Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

R-9

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 attached **Easement Purchase Agreement**, for the purpose of construction and maintaining a berm and drainage at **704 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 \$10,938.00 for such purpose from funds heretofore appropriated,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving and authorizing the execution of an **Agreement** between the **City and Downtown Norfolk Development Corporation** for the provision of facilities and services in the **Downtown Service District**,” was introduced in writing and read by its title.

Mary Miller, 7600 Gleneagles Road, was present to answer questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the terms and conditions of the Amendment to the **Purchase and Sale Agreement** for the City’s purchase of the property located at **1006 E. Ocean View Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the **City of Norfolk** to enter into a **Cooperation Agreement** and authorizing the expenditure of a sum of up to \$2,025,000.00 from funds heretofore appropriated to enable the **Economic Development Authority of the City of Norfolk** to enter into and fulfill its obligations under the **Purchase and Sale Agreement** with **645 Church Street, LLC**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance to the **City of Norfolk** by **Gregory Family L.P.** of a certain parcel of property located adjacent to and north of **1416 & 1424 E. Ocean View Avenue**, in exchange for the conveyance to the **Gregory Family L.P.** by the **City of Norfolk** of another parcel of property also adjacent to and north of **1416 & 1424 E. Ocean View Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.

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

No: None.

R-14 A Resolution entitled, “A Resolution appointing James Izard, II to the **Norfolk Employee Retirement System** for a certain term,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective May 14, 2019.
Yes: Doyle, Graves Johnson, McClellan, Riddick, Smigiel, and Alexander.
No: None.

R-15 A letter from the City Auditor appointing **Katherine Mahrenholz to the position of City Auditor, II** effective May 13, 2019 to serve at the pleasure of the City Auditor.

ACTION: Appointment Confirmed.
Yes: Doyle, Graves Johnson, McClellan, Riddick, Smigiel, and Alexander.
No: None.

R-16 A Resolution entitled, “A Resolution appointing members to the **2020 Census Committee** for a certain term,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective May 14, 2019.
Yes: Doyle, Graves Johnson, McClellan, Riddick, Smigiel, and Alexander.
No: None.

R-17 An Ordinance entitled, “An Ordinance providing employees an **additional day of leave on Friday, July 5, 2019**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 14, 2019.
Yes: Doyle, Graves Johnson, McClellan, Riddick, Smigiel, and Alexander.
No: None.

NEW BUSINESS

- James Jarmin, 5503 Barnhowell Road, commented on a grant that was submitted but never followed through by the Norfolk Public School system and the \$1.8 million that the Southside students needed.
- Danny Lee Ginn, 3844 Dare Circle, spoke about his meetings with Councilwoman McClellan and establishing a code of conduct for city council.