

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

**TUESDAY, JUNE 9, 2020 – 6:00 P.M.**

**ANNOUNCEMENT**

This meeting will be held as an electronic meeting due to the emergency and disaster represented by the spread of COVID-19, pursuant to and in compliance with Norfolk City Ordinance 47,967. This meeting will be conducted by the following electronic communication means: telephonically and electronically through WebEx. The public may participate by providing their comments in email to the Clerk's Office in advance of the hearing or by WebEx phone or video.

**MOMENT OF SILENCE**

Followed by the Pledge the Allegiance.

Attendee Name	Title	Status
Courtney R. Doyle	Councilmember - Ward 2	Remote/Electronically
Angelia W. Graves	Councilmember - Superward 7	Remote/Electronically
Mamie B. Johnson	Councilmember - Ward 3	Remote/Electronically
Andria P. McClellan	Councilmember - Superward 6	Remote/Electronically
Paul R. Riddick	Councilmember - Ward 4	Remote/Telephonically
Thomas R. Smigiel Jr.	Councilmember - Ward 5	Remote/Electronically
Martin A. Thomas Jr.	Vice Mayor	Remote/Electronically
Kenneth Cooper Alexander	Mayor	Present

**APPROVAL OF MINUTES**

Approve the minutes of the previous City Council meeting.

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

**RESOLUTION READ BY MAYOR ALEXANDER**

WHEREAS, the City of Norfolk is committed to the just administration of public safety and a police department that safeguards the rights, freedoms and safety of every resident; and

WHEREAS, the Norfolk Police Department is committed to a model of community-oriented policing and public safety initiatives that are designed to help build communities using a whole of government approach; and

WHEREAS, a community oriented police department is essential to ensuring these objectives, the safety of every citizen, their lives and the spirit of democratic order; and

WHEREAS, as a city, we are grateful for the service, courage and contributions of law enforcement officers committed to building community and the pursuit of de-escalation as the ultimate goal when responding to potentially violent incidents; and

WHEREAS, the members of Norfolk City Council remain dedicated to public engagement, justice, and pursuing public safety strategies that limit interventions, improve community interactions, and de-escalate potentially violent situations; now therefore

BE IT RESOVLED by the Council of the City of Norfolk:

Section 1: - That the Norfolk City Council hereby directs the City Manager to update its General Order on Use of Force to ban high speed police chases in all cases other than those involving felonies which have resulted in serious injury or death.

Section 2: - That the Manager petition the Virginia Department of Criminal Justice Services to end its mandate that requires the Commonwealth's police departments to train its officers in employing carotid choke holds.

Section 3: - That that the Manager publish current Norfolk Police Department policy and procedures manual, all general orders, special orders, and update annual reports on a regular basis. These items shall be made available to the public on the City of Norfolk website and Open Data platform.

Section 4: - That this resolution shall be in effect from and after its adoption.

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

**INVITATION FOR BID**

**IB-1** Invitation to Bid and Notice of Public Hearing for a Lease with a term of five (5) years, with the option to renew the Lease for five (5) additional one (1) year periods, for the parking lot located at the intersection of Hampton Boulevard and 50th Street.

<b>ACTION:</b>	<b>Continued to July 14, 2020 [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

**PUBLIC HEARINGS**

**PH-1** Public Hearing scheduled this day pursuant to State Law, to hear comments to Amend and Reordain the Code of the City of Norfolk, Virginia, 1979, by adding a new Chapter 45.8 entitled "Commercial Property Assessed Clean Energy (C-PACE) Financing Program" SO AS TO establish the Commercial Property Assessed Clean Energy Financing Program pursuant to § 15.2-958.3 of the Code of Virginia, 1950, as amended.

An Ordinance to Amend and Reordain the Code of the City of Norfolk, Virginia, 1979, by Adding a New Chapter 45.8 Entitled "Commercial Property Assessed Clean Energy (C-PACE) Financing Program" SO AS TO Establish the Commercial Property Assessed Clean Energy Financing Program Pursuant to § 15.2-958.3 of the Code of Virginia, 1950, as Amended. - **(Ordinance No. 48012)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

**PH-2** Public Hearing scheduled this day pursuant to State Law, to hear comments authorizing the Conveyance to Harvey Nash of that certain parcel of property located at 862 and 864 A Avenue in accordance with the terms and condition of the Purchase & Sale Agreement; and authorizing the release of the City's right of reverter upon certain conditions.

An Ordinance authorizing the conveyance to Harvey Nash of those certain parcels of property located at 862 and 864 A Avenue in accordance with the terms and conditions of the Purchase & Sale Agreement, and authorizing the release of the City's right of reverter upon satisfaction of a certain condition. - **(Ordinance No. 48013)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

**PH-3** Public Hearing scheduled this day pursuant to State Law, to hear comments authorizing the Conveyance to Harvey Nash of that certain parcel of property located at 731 Washington Avenue in accordance with the terms and condition of the Purchase & Sale Agreement; and authorizing the release of the City's right of reverter upon certain conditions.

An Ordinance authorizing the conveyance to Harvey Nash of that certain parcel of property located at 731 Washington Avenue in accordance with the terms and conditions of the Purchase & Sale Agreement and authorizing the release of the City's right of reverter upon the satisfaction of a certain condition. - **(Ordinance No. 48014)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

**CONSENT AGENDA**

- C-1 An Ordinance approving a right of entry permitting Peters and White Construction Company to go upon and use City-owned property located at 1210 W. Little Creek Road for a construction laydown area. - **(Ordinance No. 48015)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- C-2 An Ordinance granting T-Mobile Northeast, LLC permission to encroach into the right-of-way at 324 Madison Mews for the ongoing placement and maintenance of a generator and approving the terms and conditions of the encroachment agreement. - **(Ordinance No. 48016)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- C-3 An Ordinance granting OVCBC Properties, LLC permission to encroachment into the right-of-way of Pretty Lake Avenue, adjacent to 9529 Shore Drive, for the purpose of outdoor dining, and approving the terms and conditions of the encroachment agreement. - **(Ordinance No. 48017)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- C-4 An Ordinance Permitting Norfolk Redevelopment and Housing Authority to Encroach into the Right of Way of Riviera Street with an Electric Lines Conduit - **(Ordinance No. 48018)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- C-5 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Tattoo Parlor Named “Karina Michele Permanent Cosmetics” on Property Located at 738 West 22nd Street, Suites 10. - **(Ordinance No. 48019)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- C-6 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant Operating After Midnight with Live Entertainment Named “Sanctuary” on Property Located at 2330 Bowdens Ferry Road, Building 100. - **(Ordinance No. 48020)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- C-7 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant Named “The Slowdive Gallery” on Property Located at 117 East Princess Anne Road. - **(Ordinance No. 48021)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- C-8 An Ordinance Granting a Conditional Use Permit Authorizing the Sale of Alcoholic Beverages for Off-premises Consumption at an Establishment Named “Grandiflora” on Property Located at 1231 Boissevain Avenue. - **(Ordinance No. 48022)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

C-9 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of an Automobile Storage Facility Operated by Poppee Angel, LLC on Property Located at 5570 Raby Road.

**ACTION:** Continued to June 23, 2020 [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

C-10 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Car Wash Named “Green Clean Car Wash” on Property Located at 3401 North Military Highway. - (Ordinance No. 48023)

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

C-11 An Ordinance Granting Conditional Use Permits Authorizing a Drive-through (Small Scale), the Sale of Alcoholic Beverages for Off-premises Consumption, and the Sale of Smoking or Vaping Products at an Establishment Named “Rite Aid” on Property Located at 525 West 21ST Street. - (Ordinance No. 48024)

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

C-12 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant Operating After Midnight with Live Entertainment Named “The Fishin’ Pig” on Property Located at 115 West 25<sup>th</sup> Street. - (Ordinance No. 48025)

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- C-13 An Ordinance Granting a Conditional Use Permit Authorizing Live Entertainment at an Establishment Named “#1 SPACE” on Property Located at 880 North Military Highway, Suite #1163-A. - **(Ordinance No. 48026)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- C-14 An Ordinance Granting a Conditional Use Permit to Authorize a Short-term Rental Unit (Vacation Rental) on Property Located at 1001 Monticello Avenue Operated by Fort Tar Associates, LLC. - **(Ordinance No. 48027)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- C-15 Abstract of Votes cast in the 2020 City General Election held on May 19, 2020 transmittal from the General Registrar.

**ACTION:** Approved [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

### **REGULAR AGENDA**

- R-1 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 \$30,000,000 of the Authority's Revenue Obligations to Finance the Design, Acquisition, Construction and Equipping of Certain Capital Improvements at Norfolk International Airport, and to Pay Costs Associated with the Issuance of Such Obligations - **(Ordinance No. 48028)**

**ACTION:** Adopted [Unanimous]  
**AYES:** Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander



- R-2 An Ordinance approving an amendment to lease agreement between the City of Norfolk and Vessel Craft Coffee, LLC for space located within Norfolk City Hall. - **(Ordinance No. 48029)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- R-3 An Ordinance Amending the FY2020 Annual Appropriations Ordinance (No. 47,636) so as to Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the sum of \$8,928,000.00 from the Commonwealth of Virginia Children's Services Act Funds Pool, and Previously-Appropriated Local Matching Funds in the Amount of \$3,172,000.00 for the Virginia Children's Services Act Program from the City through its Department of Human Services, and \$300,000.00 from The School Board of the City of Norfolk. - **(Ordinance No. 48030)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- R-4 A Resolution requesting that the Circuit Court of the City of Norfolk Order a Referendum on the Question of Whether Casino Gaming Shall be Permitted in the City of Norfolk to be Included in the Regular General Election of November 3, 2020. - **(Resolution No. 1790)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- R-5 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Convenience Store with the Sale of Alcoholic Beverages for Off-premises Consumption and the Sale of Smoking or Vaping Products Named “Marketplace Soups and Salads” on Property Located at 100 Brooke Avenue. - **(Ordinance No. 48031)**

<b>ACTION:</b>	<b>Adopted</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Alexander
<b>ABSTAIN:</b>	Martin A. Thomas Jr.

- R-6 An Ordinance Granting Conditional Use Permits to authorize the operation of a Commercial Recreation Center named “Dragon Vapes” on property located at 846 East Little Creek Road.

<b>ACTION:</b>	<b>Continued to June 23, 2020 [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- R-7 A Resolution appointing Kim Y. Sudderth to the Norfolk City Planning Commission for a certain term. - **(Resolution No. 1791)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

- R-8 An Ordinance to Schedule Two Public Hearings on June 25, 2020 and June 26, 2020 at 6:00 P.M. in the Council Chamber to Hear Comments Related to the Adoption of the Proposed Second Amendment Initiative Ordinance. - **(Ordinance No. 48032)**

<b>ACTION:</b>	<b>Adopted [Unanimous]</b>
<b>AYES:</b>	Doyle, Graves, Johnson, McClellan, Riddick, Smigiel Jr., Thomas Jr., Alexander

## **ADJOURNMENT**