

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, JUNE 13, 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	Remote	
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	

MOTION FOR REMOTE PARTICIPATION

A Resolution approving participation through electronic communication means by Councilwoman Mamie B. Johnson in the Norfolk City Council Meeting on June 13, 2023, from a remote location in Mississippi due to the personal matter of attending in a NLC Conference.

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

INVITATION FOR BIDS

IB-1

Invitation for Bids and Notice of Public Hearing for a lease for Solar Facility Site Lease Agreements, with a Term of Approximately Twenty (20) Years, with the options to renew for Three (3) Additional Five Year Periods, in Order to Operate and Maintain a Solar Energy and Storage Facility at 2400 Berkley Avenue Ext.

A bid was received from Community Power Group, LLC and marked for identification as Community Power Group, LLC

The Motion was made by Councilman Smigiel to continue this matter to June 27, 2023 and seconded by Councilwoman Royster.

ACTION:	Continued to June 27, 2023 [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 a zoning text amendment to the Norfolk Zoning Ordinance to amend Section 3.4 Downtown Base Zoning Districts to modify the use tables for the Downtown Base Districts.

An Ordinance to Amend Table 3.4.11 and Sections 4.2.3.F and 4.4.3.B of the Norfolk Zoning Ordinance in Order to Generally Expand the Uses Permitted in the D-W (Downtown - Waterfront), D-BC (Downtown - Business Center), D-MU (Downtown - Mixed-Use), D-AD (Downtown – Arts and Design) and D-FN (Downtown – Fort Norfolk) Zoning Districts. - **(Ordinance No. 49205)**

Nichole McGill, 400 E. Freemason Street, spoke in support of this matter and requested consideration for the underserved.

Mary Miller of the Downtown Norfolk Council was present to show support for this matter.

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 TRAVIS O'BANNON, for a Change of Zoning from I-G (Industrial – General) to Conditional C-C (Community-Commercial) at 709-715 Hydro Street.

An Ordinance to Rezone Properties Located at 709, 711, and 715 Hydro Street from I-G (Industrial-General) District to Conditional C-C (Community-Commercial) District. - **(Ordinance No. 49206)**

The applicant, Travis O'Bannon, 2626 E. Virginia Beach Boulevard, spoke in support of this matter.

James Dollman, the architect for the project, 5219 Peters Creek Road, Roanoke, spoke in support of this matter.

Deven Brown, 2000 Ironside Drive, Suffolk, spoke in support of this matter.

Takiyah Fisher, 2626 E. Virginia Beach Boulevard, spoke in support of this matter.

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

PH-3 Public Hearing scheduled this day, pursuant to State Law, on the application of CAPITAL FINANCE, LLC, to rezone properties located at 234 to 242 West 24th Street to include them in the HO-N&W (Norfolk & Western Historic Overlay) District and for a Conditional Use Permit to authorize the Construction of New Multi-Family Dwelling Building at the same property.

3 An Ordinance to Rezone Properties Located at 234 to 242 West 24th Street to Include Them in the HO-N&W (Norfolk & Western Historic Overlay) District. - **(Ordinance No. 49207)**

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

3A An Ordinance Granting a Conditional Use Permit to Authorize the Construction of New Multi-Family Dwelling Building on Property Located at 234 to 242 West 24th Street. - **(Ordinance No. 49208)**

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 Granting Conditional a Use Permit to Authorize the Sale of Alcoholic Beverages for On-Premises Consumption at a Restaurant Named “Barrel 17” on Property Located at 330 West 22nd Street, Suite 106. - **(Ordinance No. 49209)**

- C-2 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Convenience Store Named “POD Market Village” on Property Located at 4417 Monarch Way, Suite F. - **(Ordinance No. 49210)**

- C-3 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Restaurant Operating with Extended Hours Named “Chick-Fil-A” on Property Located at 4108 Monarch Way. - **(Ordinance No. 49211)**

- C-4 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Home Occupation Swim School Named “Katie’s Kickers” on Property Located at 1736 Columbia Avenue. - **(Ordinance No. 49212)**

- C-5 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Religious Institution Named “Freedom Church of God in Christ” on Property Located at 2966 Argonne Avenue. - **(Ordinance No. 49213)**

Reverend Anthony Daniels, the applicant, 2308 Redbrick Court, Chesapeake, was present to answer any questions relative to this matter.

- C-6 An Ordinance directing the City Treasurer to issue a refund to Harbor Group International, LLC based upon the overpayment of its Business License Tax for Tax Years 2016, 2017, 2018, and 2019. - **(Ordinance No. 49214)**

- C-7 An Ordinance directing the City Treasurer to issue a refund to Harbor Group Management Company, LLC based upon the overpayment of its Business License Tax for Tax Years 2016, 2017, 2018, 2019, 2020, 2021, and 2022. - **(Ordinance No. 49215)**
- C-8 A Resolution authorizing the City Manager as Director of Emergency Management to create an Emergency Management Advisory Committee. - **(Resolution No. 1895)**
- C-9 An Ordinance Authorizing the Acceptance of a Temporary Construction Easement Over Property Located at 2503 Shoop Avenue and Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City. - **(Ordinance No. 49216)**
- C-10 An Ordinance Authorizing the Acceptance of a Temporary Construction Easement Over Property Located at 2739 Argonne Avenue and Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City. - **(Ordinance No. 49217)**
- C-11 An Ordinance Accepting the Conveyance of a Utility Easement in the East Beach Area from the Norfolk Redevelopment and Housing Authority and Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City. - **(Ordinance No. 49218)**
- C-12 An Ordinance Permitting East Beach Home Neighborhood Association to Encroach in the Right-of-Way of Certain Sections of East Beach Drive, Nansemond Bay Street, 25th Bay Street, 26th Bay Street, 27th Bay Street and Alleys in the Area with Curb Painting and Parking Blocks at Fire Hydrants. - **(Ordinance No. 49219)**

REGULAR AGENDA

- R-1 An Ordinance Appropriating Funds for Operation of the City for the Fiscal Year Beginning July 1, 2023 and Ending June 30, 2024, Appropriating U.S. Department of Housing and Urban Development (HUD) Entitlement Grants, Appropriating Annual Reoccurring Grants, Regulating the Payment of Money from the City Treasury, and Amending and Reordaining Chapters 12 (Cemeteries), 24 (Licenses and Taxation), 41 (Solid Waste), and 41.1 (Stormwater Management) so as to Increase Various Fees for the Provision of Services. - **(Ordinance No. 49220)**

Tiara Lassiter, 3045 Sewells Point Road, spoke in opposition to this matter.

Carl Poole, 1049 W. 49th Street, spoke regarding the general fund balance and school funding.

Elise Peterson-McMath, 1300 Diamond Springs Road, spoke in opposition to this matter.

Monet Johnson, 3505 Argonne Avenue, spoke in opposition to this matter.

Javon Bennett, 1342 Reservoir Avenue, spoke in opposition to this matter.

Liz Albert, 5905 Appleton Drive, spoke in opposition to this matter.

Calvin Williams, 8216 Kanter Avenue, spoke regarding the need for grocery stores and minority-owned businesses.

Nichole McGill, 400 E. Freemason Street, regarding increased support for marginalized communities.

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

R-2

An Ordinance Approving and Adopting the Fiscal Year 2024 Compensation Plan for Officers and Employees of the City, Amending and Reordaining Section 2-54.2 of the Norfolk City Code, 1979, as amended, and Approving the Criteria and Procedures for Pay Supplements for certain Constitutional and Commonwealth Offices and their Employees. - **(Ordinance No. 49221)**

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

R-3

An Ordinance Approving the Capital Improvement Plan Budget for Fiscal Year 2024 Beginning July 1, 2023 and Ending June 30, 2024; Appropriating \$395,613,169 for Certain Projects Approved Therein; Authorizing the Issue of Bonds in the Amount of \$221,054,932; Reappropriating Previously Authorized but Unissued Bonds in the Amount of \$4,600,000; Reappropriating and Authorizing the Expenditure of Previously Authorized Cash in the Amount of \$7,900,000; and Appropriating and Authorizing the Expenditure of \$162,058,237 in Cash. - **(Ordinance No. 49222)**

The following individuals spoke in opposition to this matter:

Debby Forehand, 145 Abilene Avenue

Kathy O'Hara, 5915 Oetjen Boulevard

Liz Albert, 5909 Appleton Drive

Tiara Lassiter, 3045 Sewells Point Road

Javon Bennett, 1342 Reservoir Avenue

Elise Peterson-McMath, 1300 Diamond Springs Road

Monet Johnson, 3505 Argonne Avenue

Nichole McGill, 400 E. Freemason Street

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

R-4 An Ordinance Appropriating Grant Funds Totaling \$66,615,847 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 2024 For Norfolk Public Schools. - **(Ordinance No. 49223)**

Elise Peterson-McMath, 1300 Diamond Springs Road, spoke in opposition to this matter.

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

R-5 An Ordinance Approving the 2024 Officer and Employee Health Insurance Plans, the Employer and Employee Contribution Rates and Authorizing the Expenditure from the Health Care Fund of a Sum Sufficient Heretofore Appropriated. - **(Ordinance No. 49224)**

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

R-6 An Ordinance Approving The July 1, 2023 Through June 30, 2024 Budget For The Norfolk Law Library, Authorizing The City Treasurer To Make Disbursements And Appropriating And Authorizing The Expenditure Of Up To \$233,000.00 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 Between The City, The Norfolk Law Library, And The Norfolk And Portsmouth Bar Association. - **(Ordinance No. 49225)**

Nichole McGill, 400 E. Freemason Street, spoke in support of this matter.

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

R-7 A Resolution to Amend the Cost Allocation Agreement Between the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach and the Transportation District Commission of Hampton Roads. - **(Resolution No. 1896)**

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

R-8 An Ordinance to Approve and Adopt Revisions to a Schedule of Fees Related to Applications for Planning and Zoning Review Processes. - **(Ordinance No. 49226)**

Nichole McGill, 400 E. Freemason Street, spoke in opposition to this matter.

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

R-9 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 \$4,800,000 From The U.S. Environmental Protection Agency For The Replacement Of The Water And Sewer Infrastructure At The River Oaks Pump Station And The West Ocean View Pump Station. - **(Ordinance No. 49227)**

Nichole McGill, 400 E. Freemason Street, spoke in support of this matter and requested consideration for the underserved.

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

NEW BUSINESS

Nichole McGill, 400 E. Freemason Street, spoke regarding increased consideration for the underserved.

DeShawn Parker, 3134 Azalea Garden Road, spoke regarding increased Council involvement in community events.

Carl Poole, 1049 W. 49th Street, spoke regarding improved communications with residents in NRHA communities.

Javon Bennett, 1342 Reservoir Avenue, requested clarification on school funding.

Rhoda Young, 600 Church Street, spoke regarding change in leadership.

Raytron White, 3149 Kimball Terrace, spoke regarding preserving Norfolk Wholesale Florist and resigned from the NRHA board.

Latonya Snow, also known as "Auntie Advocate," W. 35th Street, spoke regarding gun violence and the importance of open communications.

Calvin Williams, 8216 Kanter Avenue, spoke regarding My 2K Foundation, the summer increase in crime, and job opportunities for youth.

ADJOURNMENT