

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, JUNE 26, 2018 – 7:00 P.M.

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

The opening prayer was offered by Dr. Robert Guffey Jr.,
Freemason Baptist Church, followed by the Pledge of Allegiance.

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

Mayor Alexander moved to excuse Mrs. Mamie B. Johnson.

Motion adopted.

Yes: Graves, McClellan, Riddick, 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, McClellan, Riddick, 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 June 26, 2018.

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

No: None.

CEREMONIAL MATTER

The Mayor presented a proclamation to Nikita Houchins and Fred Helms, celebrating the **50th Anniversary of the Fair Housing Act**. The Fair Housing Act of 1968 is also known as Title VIII of the Civil Rights Act of 1968. Congress passed this act to impose a solution to unlawful discrimination in housing based on race, color, sex, national origin, or religion.

PUBLIC HEARINGS

PH-1

MATTER OF A 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 the **City Planning Commission**, for a text amendment to the *City's Zoning Ordinance* to require a Conditional Use Permit for the development of 25 or more multi-family dwelling units in the following zoning districts: MF-NS (Multi-Family – Neighborhood-Scale), MF-AC (Multi-Family – Apartment Complex), MF-HR (Multi-Family – High Rise), C-N (Neighborhood Commercial), C-C (Community Commercial), C-R (Regional Commercial), and G-1 (Granby/Monticello Corridor Mixed-use).

(PASSED BY AT THE MEETING OF MARCH 27, 2018)

Thereupon, an Ordinance entitled, "An Ordinance to amend the *Norfolk Zoning Ordinance* **SO AS TO** require a conditional use permit for the development of 25 or more multi-family dwelling units in the **MF-NS, MF-AC, MF-HR, C-N, C-C, C-2 and G-1 Zoning Districts**," was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective June 26, 2018.

Yes: Graves, McClellan, Riddick, Smigiel, Thomas, Whibley, 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 on approving a **Purchase and Sale Agreement** between the **City of Norfolk**, as seller, and **Tidewater Community College Real Estate Foundation, Inc.**, as purchaser, and authorizing the conveyance of real property located at **701 Monticello Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance approving a **Purchase and Sale Agreement** between the **City of Norfolk**, as seller, and **Tidewater Community College Real Estate Foundation, Inc.**, as purchaser, and authorizing the conveyance of real property consisting of 1.03 acres, more or less, and located at **701 Monticello Avenue** in the City of Norfolk to Tidewater Community College Real Estate Foundation, Inc.,” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective July 27, 2018.

Yes: Graves, McClellan, Riddick, Smigiel, Thomas, Whibley, 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 on approving a **Purchase and Sale Agreement** between the City of Norfolk, as seller and **Razzo Properties, LLC**, as purchaser, and authorizing the conveyance of real property located at **1650 W. Little Creek Road**.

Thereupon, an Ordinance entitled, “An Ordinance approving a **Purchase and Sale Agreement** between the **City of Norfolk**, as seller and **Razzo Properties, LLC**, as purchaser, and authorizing the conveyance of real property consisting of 0.3091 acres, more or less, and located at located at **1650 W. Little Creek Road** in the **City of Norfolk to Razzo Properties, LLC.**,” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective July 27, 2018.

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

No: None.

PH-4

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 the **City Planning Commission**, for text amendments to the *Norfolk Zoning Ordinance* to include provisions that were in the prior zoning ordinance regarding appeals in **HC districts**, religious institutions in **HC-G2**, fences, certain temporary commercial uses, electronic signs in certain PCOs, sign size limits in the **Sentara LASO**, minimum size of wall signs, day care homes, allowable encroachments into certain yards, and definitions related to group home, lot area, corner lots, nonconformities, nightclub, and a definition for “sign” and “street”; designate the city council to establish fees; clarify certain minimum yard and setback requirements in the **C-N, C-C, I-L, MF-NS, R-C and Harbor Walk PD** districts; clarify provisions related to alcoholic beverage sales at conference and training centers, required improvements within **ADUs**, outdoor dining enclosures, and ARB review for development of nonstandard lots; alter the list of violations subject to a civil penalty; and clarify landscaping rules regarding credits for preserved trees on single-family lots, alternative landscape plans, limit on buffer requirements between industrial properties, separators between parking spaces and buffer areas, proper scope of screening requirements, and reference tables for tree replacement standards.

Thereupon, an Ordinance entitled, “An Ordinance to amend the *Norfolk Zoning Ordinance* **SO AS TO** include various provisions that were in the prior *Zoning Ordinance*, designate the City Council to establish fees, clarify certain minimum yard and setback requirements, alter the list of violations subject to a civil penalty, and clarify rules related to landscaping, alcoholic beverage sales at conference and training centers, accessory dwelling units, outdoor dining enclosures, and development of nonstandard lots,” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

PH-5

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 the **City Planning Commission/Bourbon Smokehouse and Arcade**, for a text amendment to **Table 3.9.21, “Principal, Accessory, and Temporary Use Table for Overlay Districts”** and **Section 4.2.3(F), “Performance Standards for all Principal Uses – Standards Specific to Commercial Uses,”** of the *Norfolk Zoning Ordinance* to add Commercial Recreation Center as a use permitted by Conditional Use Permit within the Pedestrian Commercial Overlay – 21st Street (PCO – 21st Street) district and to add performance standards for **Commercial Recreation Centers in the 21st Street PCO and for Conditional Use Permits for Restaurant opening after 11:00p.m. and Commercial Recreation Center** on property located at **2117 Colonial Avenue**.

Christopher Johnson, 1217 Evelyn Street, Al Ragas, 804 Pleasant Way, William Garrett, 435 Monticello Avenue, Apt 5A, and Shane Jamison, 817 Westover Avenue, the applicants, were present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to amend the *Norfolk Zoning Ordinance* **SO AS TO add Commercial Recreation Center as a use allowable by Conditional Use Permit in the 21st Street Pedestrian Commercial Overlay District (PCO-21st Street)** and include performance standards,” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

PH-5A

An Ordinance entitled, “An Ordinance granting **Conditional Use Permits** to authorize the operation of a restaurant operating after 11:00 p.m. and a **Commercial Recreation Center** named “**Bourbon Smokehouse and Arcade**” on property located at **2117 Colonial Avenue**,” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

PH-6

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 **Hampton Roads Sanitation District (HRSD)**, for **a)** an amendment to the future land use designation in the **General Plan, *planorfolk2030***, from Open Space/Recreation to Utility/Transportation and **b)** a change of zoning from OSP (Open Space & Preservation) to I-DW (Industrial Deep Water) on property located at **4301 Powhatan Avenue**.

Randy Royals, Kimley Horn and Associates, 4525 Main Street, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan, *planorfolk2030*, **SO AS TO** change the land use designation for property located at **4301 Powhatan Avenue** from Open Space/Recreation to Utility/Transportation,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

PH-6A

An Ordinance entitled, An Ordinance to rezone property located at **4301 Powhatan Avenue** from OSP District to I-DW District,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

PH-7 **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 **Timothy M. Wheeler**, for the closing, vacating and discontinuing a portion of **Chesapeake Bay Avenue** lying north of **1508 Lea View Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of **Chesapeake Bay Avenue** and authorizing the conveyance to the abutting property owner of any interest the City has in the said portion of **Chesapeake Bay Avenue**,” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective July 27, 2018.

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

No: None.

PH-8 **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 **Benna Victor Development**, for a) an amendment to the future land use designation in the **General Plan, *plaNorfolk2030***, from Office to Commercial; and b) a rezoning from O (Office) to Conditional C-R (Regional Commercial) on property located at **5900 Northampton Boulevard**.

ACTION: **Continue to July 10, 2018.**

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

No: None.

CONSENT AGENDA

C-1 Letter from the City Clerk transmitting an **Abstract of Votes** cast in the City of Norfolk at the **Democratic and Republican Primary Election** held on June 12, 2018, pursuant to **Section 24.2-675** of the *Code of Virginia*.

ACTION: Received and Filed.

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

No: None.

C-2

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting an additional amount of up to \$340,397 from the **Commonwealth of Virginia Children’s Services Act Program** from inclusion in the **Fiscal Year 2018 Children’s Services Act Pool Fund** and appropriating and authorizing the expenditure of the additional amount of up to \$340,397 and up to \$89,603 in local matching funds from the Norfolk Department of Human Services Special Revenue Account for Fiscal Year 2018.

ACTION:

The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

C-3

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting \$6,584,260 in funds from the **Commonwealth of Virginia** for the **Fiscal Year 2019 Children’s Services Act Funds Pool (“CSA”) Services Program** and \$639,899 from the **Virginia Department of Juvenile Justice** in support of the Fiscal Year 2019 **Virginia Juvenile Community Crime Control Act (“VJCCCA”) Program**, appropriating and authorizing the expenditure of \$7,224,159 in funding and appropriating and authorizing the expenditure of \$2,372,397 in local matching funds for CSA from the City through its **Department of Human Services**, and \$300,000 from the School Board of the City of Norfolk and \$639,899 in local matching funds for VJCCCA from the City.

ACTION:

The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

C-4

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting \$15,000 in grant funds from the **U.S. Department of Homeland Security Federal Emergency Management Agency** through the **Virginia Department of Emergency Management** for the **FY17 State Homeland Security Program** to purchase hazardous materials team equipment for **Norfolk Fire-Rescue** and appropriating and authorizing the expenditure of grant funds.

ACTION:

The Ordinance as introduced was **adopted**, effective June 26, 2018.

Yes: Graves, McClellan, Riddick, 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 25-652, 654 and 656** of the *Norfolk City Code, 1979*, **SO AS TO** add one new one-way street two new stop intersections, and one new street included in the prohibition regarding trucks of one and one-half tons or over,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Conditional Use Permit** authorizing a **billboard** on property located at **5901 East Virginia Beach Boulevard**,” was introduced in writing and read by its title.

(THE APPLICANT HAS REQUESTED TO CONTINUE TO JULY 24, 2018)

ACTION: **Continue to July 24, 2018.**

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

No: None.

R-3

Letter from the City Attorney and an Ordinance entitled, “An Ordinance authorizing **Amendment #3** of the **Cable Television Franchise** between the **City** and **Cox Communications Hampton Roads, LLC** to extend the term of the Franchise to and including December 31, 2018 or until a **Franchise Renewal Agreement** is fully executed, whichever occurs first, and authorizing the City Manager to execute the Amendment to the **Franchise Agreement** on behalf of the City,” was introduced in writing and read by its title.

Ellis W. James, 2021 Kenlake Place, expressed concerns, about Cox Communications monopolizing the City of Norfolk, stating that there should be other choices.

ACTION: The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

R-4

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain **Sections 2-7, 2-33, 2-116, 2-118 (c) and (k), 24.1-2** of the *Norfolk City Code, 1979*, **SO AS TO** eliminate references to Assistant City Managers,” was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Subsection 5 of Section 33.1 of the *Norfolk City Code, 1979***, **SO AS TO** restrict what a bidder, offeror or contractor may designate as trade secrets or proprietary information in bids, proposals and requalification applications,” was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was **adopted**, effective July 1, 2018.

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

No: None.

R-6

Letter from the City Clerk and a Resolution entitled, “A Resolution establishing an **Attucks Theatre Centennial Commission**,” was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

R-7

Letter from the City Clerk and an Ordinance entitled, “An Ordinance to amend and reordain **Section 2-326.3** of the *Norfolk City Code, 1979*, as amended, **SO AS TO** eliminate the membership limit upon the **Norfolk Criminal Justice Board**” will be introduced in writing and read by its title.

Ellis W. James, 2021 Kenlake Place, expressed concerns about the limitation of members, backgrounds and the selection process.

ACTION: Continued to July 10, 2018.

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

No: None.

R-8

A Resolution entitled, “A Resolution appointing or reappointing **38 persons to 1 authority 6 boards, and 5 commissions** for certain terms,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

R-9

An Ordinance entitled, “An Ordinance appointing **Richard A. Bull** as **City Clerk**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2018.

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

No: None.

R-10

A Resolution entitled, “A Resolution expressing the thanks and appreciation of the **Norfolk City Council** to **Theresa W. Whibley, MD** for twelve years of service to the City while serving as a member of City Council,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 26, 2018.

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

No: None.

NEW BUSINESS

1. Frederick Rose, 230 College Place, asked Council to consider revising Chapter 25.2.81, Article 6, of the *Code of Virginia*, that prohibits game playing in Town Point Park.
2. Danny Lee Ginn, 3844 Dare Circle, stated that he met with Council members to discuss the violation of Constitution Rights.
3. The following persons expressed concerns about the closing of the Hershee Bar, stating that it is more than a bar, it is a home to the LGBT community, where they are accepted, loved and not judged for being different. Also, they asked Council to reconsider their decision to purchase the property.
 - Kathryn Topham, 1082 Oldover Lane, Carrolton, VA 23314
 - Jennie McCormack, 9548 17th Bay Street
 - Nina Blowe, 1735 Vernon Drive
 - Cathleen Rhodes, 6401 Natrona Avenue,
 - Frankie Busitzky, 901 Central Avenue
 - Cori Bedois, 1242 West Ocean View Avenue
 - Robin Love, 6401 Natrona Avenue
 - Mark Conway, 1438 Westover Avenue
 - Karen Brickhouse, 8041 Wedgewood Drive
 - Jennifer Alomari, 1435 Thistellwood Lane, Chesapeake, VA
 - Cissy Elkins, 243 Sandpiper Drive, Portsmouth, VA
 - Sissy Bottomly, 824 Norview Avenue
 - William Kesoing, 4535 Bank Head Avenue
 - Mary James, 5729 Azalea Garden Road and Tiffany Williams, 3208 Spruce Pine Road, Virginia Beach.
4. Mary Simpson-Jones, 7505 Paulin Ct., expressed concerns about the Evelyn Butts Transfer Station, noting it was disgusting. The smell of urine and trash is an eye sore to the Oakwood Community.