

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, JULY 11, 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	Present
Thomas R. Smigiel Jr.	Councilmember - Ward 5	Present
Martin A. Thomas Jr.	Vice Mayor - Ward 1	Present
Kenneth Cooper Alexander	Mayor	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

PUBLIC HEARINGS

PH-1 Public Hearing scheduled this day, pursuant to State Law, to hear comments Approving a Third Amendment to Lease Between the City of Norfolk, as Landlord, and Cleo Ruby, Inc. d/b/a Todd Jurich's Bistro, as Tenant, Extending the Term of the Lease for an Additional Five Years for Premises Located at 150 W. Main Street in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the Third Amendment to Lease on Behalf of the City of Norfolk.

An Ordinance Approving a Third Amendment to Lease Between the City of Norfolk, as Landlord, and Cleo Ruby, Inc. d/b/a Todd Jurich's Bistro, as Tenant, Extending the Term of the Lease for an Additional Five Years for Premises Located at 150 W. Main Street in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the Third Amendment to Lease on Behalf of the City of Norfolk. - **(Ordinance No. 49246)**

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, to hear comments Approving a Lease Agreement with the Virginia Opera Association, Inc. for the Lease of a Portion of the Office Space Located Within Harrison Opera House at 160 W. Virginia Beach Boulevard.

An Ordinance Approving a Lease Agreement with the Virginia Opera Association, Inc. for the Lease of a Portion of the Office Space Located Within the Civic Arena Building Adjacent to the Harrison Opera House at 160 W. Virginia Beach Boulevard.

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

PH-3 Public Hearing scheduled this day, pursuant to State Law, to hear comments Approving a Lease Agreement with the Virginia Opera Association, Inc. for the Lease of the Harrison Opera House Performance Hall Located at 160 W. Virginia Beach Boulevard.

An Ordinance Approving a Lease Agreement with the Virginia Opera Association, Inc. for the Lease of the Harrison Opera House Performance Hall Located at 160 W. Virginia Beach Boulevard.

ACTION:	Continued [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 Purchase and Sale Agreement by and between William A. Hunton YMCA, Inc. d/b/a Hunton Young Men’s Christian Association, Inc., as Seller, and the City of Norfolk, as Purchaser, for that certain parcel of real property located at 1139 E. Charlotte Street in the City of Norfolk, Virginia (the “property”), authorizing the City Manager to Execute the Purchase and Sale Agreement and accept a Deed on behalf of the Ci

An Ordinance Approving a Purchase and Sale Agreement by and Between William A. Hunton YMCA, Inc. d/b/a Hunton Young Men's Christian Association, Inc., as Seller, and the City of Norfolk, as Purchaser, for that Certain Parcel of Real Property Located at 1139 E. Charlotte Street in the City of Norfolk, Virginia (the "Property"), Authorizing the City Manager to Execute the Purchase and Sale Agreement and Accept a Deed on Behalf of the City, and Authorizing the Expenditure of Funds for the Acquisition of the Property and all Related Transactional Costs; Approving an Option to Purchase Real Estate by and Between the City of Norfolk and William A. Hunton YMCA, Inc. d/b/a Hunton Young Men's Christian Association, Inc. for a Portion of that Certain Parcel of Real Property Located at 1045 E. Brambleton Avenue in the City of Norfolk, Virginia (the "TPES Site") and Authorizing the City Manager to Execute the Option to Purchase Real Estate and a Special Warranty Deed for the TPES Site; and Approving an Escrow Agreement by and Between William A. Hunton YMCA, Inc., d/b/a Hunton Young Men's Christian Association, Inc. and the City of Norfolk Setting Forth Terms and Conditions of the Parties' Understandings and Agreement Regarding Escrow Funds to be Paid at

Closing as Consideration for the TPES Site, and Authorizing the City Manager to Execute the Escrow Agreement on Behalf of the City of Norfolk. - **(Ordinance No. 49247)**

Bruce Watts of Woda Cooper Companies, 530 South Main Street, was present to answer any questions relative to this matter.

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

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.

- C-1 An Ordinance Granting Conditional Use Permits so as to Approve a Change of Managers for a Restaurant Operating with Extended Hours and the Sale of Alcoholic Beverages for On-Premises Consumption Named “Pendulum Fine Meats” on Property Located at 820 Shirley Avenue. - **(Ordinance No. 49248)**

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

- C-2 An Ordinance Approving a Right of Entry Permitting TWP - The Youth Movement to go Upon and Use City-Owned Property Located at 801 and 901 Church Street. - **(Ordinance No. 49249)**

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

- C-3 An Ordinance Granting 2411 Granby, LLC Permission to Encroach into the Right-of-Way at 2411 Granby Street with Entry Doors, Leader Heads and Downspouts, and Signs. - **(Ordinance No. 49250)**

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

- C-4 An Ordinance Permitting Derek T. Peterson to Encroach into Willoughby Bay Avenue at 707 W. Ocean View Avenue, with a 130'-Long Pier, a 30' by 5' Floating Dock and a 15'X15' Deck.

Derek Peterson, the applicant, 707 W. Ocean View Avenue, was present to answer any questions relative to this matter.

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

- C-5 An Ordinance directing the City Treasurer to issue a refund to Aramark Educational Services, LLC upon the overpayment of its Business Tangible Property Tax for the Tax Years 2020, 2021 and 2022. - **(Ordinance No. 49251)**

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

- C-6 An Ordinance directing the City Treasurer to issue a refund to Freedom Ford, Inc. upon the overpayment of its Business License Tax for the Tax Year 2023. - **(Ordinance No. 49252)**

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

- C-7 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Banquet Hall, Live Entertainment, and the Sale of Alcoholic Beverages for On Premises Consumption at an Establishment Named “The Venue at 259 Granby” on Property Located at 259 Granby Street. - **(Ordinance No. 49253)**

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

- C-8 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Banquet Hall, Production of Craft Beverages, and Live Entertainment at and Establishment Named “Reaver Beach Brewing” on Property Located at 737 Michigan Avenue. - **(Ordinance No. 49254)**

Christine Esthay, the applicant, 3800 Colley Avenue, spoke in support of this matter.

Stuart Cohen, 4545 Carriage Drive, spoke in opposition to this matter due to parking limitations.

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

- C-9 An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at 1227 East Ocean View. - **(Ordinance No. 49255)**

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

- C-10 An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at 1235 East Ocean View. - **(Ordinance No. 49256)**

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

- C-11 An Ordinance Amending and Reordaining Ordinance No. 49,149 so as to Increase the Funds Appropriated for the Costs of the Easement Due to the Cost of an Additional Administrative Fee. - **(Ordinance No. 49257)**

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

- C-12 An Ordinance to Amend Section 2-490 of the Norfolk City Code, 1979, as Amended, so as to Update the Composition of the Criminal Justice Board. - **(Ordinance No. 49258)**

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

- C-13 An Ordinance to Amend and Reordain Section 2.1-58 of the Norfolk City Code, 1979, regarding the Members, Terms of Members, and Vacancies for the Military Economic Development Authority Committee (MEDAC) so as to Permit Appointment of Members who are not Senior Officers, Senior Enlisted Persons, or Qualified Civilians, and to correct typographical errors. - **(Ordinance No. 49259)**

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

- C-14 An Ordinance Accepting the Acceptance of a Temporary Construction Easement Over Property Located at 2513 E. Princess Anne Road and Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City. - **(Ordinance No. 49260)**

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

- C-15 An Ordinance Accepting the Acceptance of a Temporary Construction Easement Over Property Located at W S Oaklawn Avenue and Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City. - **(Ordinance No. 49261)**

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

- C-16 An Ordinance Authorizing the Acceptance of a Permanent Drainage Easement Over Property Located at 2952 E. Princess Anne Road; Authorizing the City Manager to Accept a Deed of Easement on Behalf of the City; and Authorizing the Expenditure of the Sum of Up to \$2,900.00 From Funds Heretofore Appropriated for Acquisition of the Easement. - **(Ordinance No. 49262)**

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

- C-17 An Ordinance Authorizing the Dedication of a Portion of Certain City-Owned Property Located at 1420 Merrimac Avenue as Public Right-of-Way and Authorizing the Expenditure of a Sum of Up to \$5,000.00 for Possible Transaction Costs. - **(Ordinance No. 49263)**

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

- C-18 A Resolution Approving The Norfolk Community Services Board's Performance Contract With The Commonwealth For Fiscal Year 2024 Renewable By Mutual Agreement For Fiscal Year 2025. - **(Resolution No. 1897)**

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

- C-19 Transmitted herewith from the General Registrar is an Abstract of Votes cast in the 2023 Democratic Primary held on June 20, 2023, pursuant to Section 24.2-675 of the Code of Virginia.

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

- C-20 An Ordinance Approving a Right of Entry by and Between the City of Norfolk and First Baptist Church of Norfolk, Inc. for use of the Surface Parking Lot Located at 698 Saint Paul's Boulevard on July 15, 2023 for a Community Farmers Market, and Authorizing the City Manager to Execute the Right of Entry on Behalf of the City of Norfolk. - **(Ordinance No. 49264)**

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

REGULAR AGENDA

- R-1 An Ordinance Requesting the Virginia Department of Transportation to Establish a Project for Pedestrian Safety Improvements to Tidewater Drive at Easy Street, Authorizing the Project Administration Agreement and the Expenditure of a Sum up to \$658,100 for the Project - **(Ordinance No. 49265)**

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

R-2 A Resolution in Support of the City's Applications for the Allocation of Funds from the Virginia Department of Transportation Grant Programs, Affirming the Commitment of the City to Fund the Locality Share of Projects Under Agreement with the Virginia Department of Transportation, and Authorizing the City Manager to Execute all Agreements for the VDOT Approved Projects - **(Resolution No. 1898)**

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

R-3 An Ordinance Authorizing the Acquisition from the Norfolk Redevelopment and Housing Authority of that Parcel of Property Located at 9519 22nd Bay Street and Authorizing the City Manager to Accept a Special Warranty Deed on Behalf of the City. - **(Ordinance No. 49266)**

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

R-4 An Ordinance Amending The FY2023 Annual Appropriations Ordinance (No. 48,751) So As To Re-Appropriate And Authorize The Expenditure Of The Remaining Grant Funds In The Amount Of \$321,919.53 Received From The National Fish And Wildlife Foundation Pursuant To Ordinance No. 47,630, And Previously-Appropriated Local Matching Funds In The Amount Of \$1,211,180 For The Granby Park Living Shoreline And The Pleasant Point Living Shoreline Projects. - **(Ordinance No. 49267)**

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

R-5 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 \$257,359 from the Virginia Department of Emergency Management for the FY2022 Urban Area Security Initiative (UASI) for Phase III of the Regional Operating Picture Project. - **(Ordinance No. 49268)**

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

R-6 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 \$475,000 from the Virginia Department of Emergency Management for the FY2022 Homeland Security Grant Program - Urban Area Security Initiative to Purchase a Bomb Squad Response Vehicle. - **(Ordinance No. 49269)**

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

R-7 An Ordinance Amending The FY2024 Annual Appropriations Ordinance (No. 49,220) So As To Accept, Appropriate And Authorize The Expenditure Of Funds Up To The Amount Of \$9,900,000 Received As A Result Of The City's Purchase Of Certain Property Located At 300 Monticello Avenue, From The MacArthur Mall, And Any Credits Received At Closing On The Purchase Of The Property Are, If And When Received, To Be Used Pay The Anticipated Operating, Maintenance, and Repair Costs Of MacArthur Mall. - **(Ordinance No. 49270)**

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

- R-8 An Ordinance Accepting the Conveyance from Norfolk Redevelopment and Housing Authority to the City of Norfolk of that Certain Parcel of Real Property Located at 300 Monticello Avenue in the City of Norfolk, Virginia, and Authorizing the City Manager to Accept the Deed on Behalf of the City of Norfolk. - **(Ordinance No. 49271)**

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

- R-9 An Ordinance Accepting, Appropriating and Authorizing the Expenditure of Grant Funds in the Sum of \$50,000.00 from the Commonwealth's Opportunity Fund Awarded to the City through the Virginia Economic Development Partnership Authority; Approving the Performance Agreement by and Among the City of Norfolk, Princo LLC, Virginia Economic Development Partnership Authority, and the Economic Development Authority of the City of Norfolk, Virginia, Setting Forth the Terms and Conditions of the Payout and use of the Grant Funds, and Authorizing the City Manager to Execute the Performance Agreement on Behalf of the City of Norfolk.

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

- R-10 A Resolution appointing and reappointing 34 members, to 6 Commissions, 7 Boards, 3 Authorities, and 1 Committee for Certain Terms. - **(Resolution No. 1899)**

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

NEW BUSINESS

Leon Judge, 839 Townsend Court, spoke regarding Norfolk Nighthawks, youth sports, and mentorship.

The following spoke regarding traffic lights on Hampton Boulevard and Jamestown Crescent:

Paula Galbraith, 1128 Jamestown Crescent

Ben Hatcher, 6101 Carroll Place

Tom McFarland, 1541 Magnolia Avenue
Gillian Cady, 6420 Wythe Place
Liz Paiste, 1000 Cambridge Crescent
Jeanne Walters, 1016 Cambridge Crescent
Mary Sykes, 5420 Glenhaven Crescent
Jon Robinson, 1104 Bedford Avenue
David Greer, 500 E. Main Street
Terrye Toldand, 1003 Hanover Avenue

ADJOURNMENT