

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**CITY COUNCIL MEETING**  
**TUESDAY, JULY 23, 2019 – 7:00 P.M.**

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

Prayer was offered by Chaplain Dexter Wilson, Kingdom Harvest Ministries, 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, Mr. Martin Thomas Jr., and Mr. Kenneth Cooper Alexander.

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

**Motion adopted.**

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas 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 July 23, 2019.

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

No: None.

## **INVITATION TO BID**

IB-1

**INVITATION TO BID** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk to accept bids for a lease with a term of five (5) years, with the option to extend the term of the lease for up to three (3) additional periods of five (5) years each, for approximately 1,000 usable square feet of the building located at **280 Park Avenue** in the City of Norfolk.

**ACTION:** No bids were received and the Public Hearing was closed.

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

No: None

## **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, to hear comments approving a Lease Agreement with Old Dominion University for the lease of city owned property located at **501 Boush Street**.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with Old Dominion University for the lease of city owned property located at **501 Boush Street**,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 23, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas 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, on the application of **Equity Development Corporation**, for an amendment to the Future Land Use Map within the City’s General Plan, *Planorfolk2030*, from Institutional to Multifamily Corridor and for a change of zoning from SF-6 (Single Family) to MF-NS (Multi-Family-Neighborhood Scale on property located at **8501, 8511 Chesapeake Boulevard and 8506 Old Ocean View Road**.

Trevor Spiers, 1439 North Great Neck Road, Virginia Beach, application, was present to answer questions in this matter.

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan, *PlaNorfolk2030*, **SO AS TO** change the City’s Future Land Use Designation for properties located at **8501 and 8511 Chesapeake Boulevard and 8506 Old Ocean View Road** from Institutional to Multifamily Corridor,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

**PH-2A**

An Ordinance entitled, “An Ordinance to rezone properties located at **8501 and 8511 Chesapeake Boulevard and 8506 Old Ocean View Road** from SF-6 (Single-Family) to MF-NS (Multi-Family-Neighborhood Scale) District,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas 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, on the application of **Sunset Grill**, for a change of zoning from SF-T (Single Family-Traditional) to Conditional C-N (Neighborhood Commercial) and for a **Conditional Use Permit** to operate a restaurant with extended hours of operation on property located at **4027 Bowdens Ferry Road**.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **4027 Bowdens Ferry Road** from SF-T (Single Family-Traditional) to Conditional C-N (Neighborhood Commercial) District. was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

**PH-3A** An Ordinance entitled, “An Ordinance granting a conditional use permit to authorize the operation of a restaurant operating with extended hours named “**Sunset Grill**,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas 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 **Jason Edelman**, for a change of zoning from I-L (Industrial-Light) to C-N (Neighborhood-Commercial) and for a **Conditional Use Permit** to operate a Bed and Breakfast on property located at **1231 Boissevain Avenue**.

Jason Edelman, 801 Colonial Avenue, applicant, was present to answer questions in this matter.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **1231 Boissevain Avenue** from I-L (Industrial – Light) District to C-N (Neighborhood-Commercial) District,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

**PH-4A** An Ordinance entitled, “An Ordinance granting a conditional use permit to authorize a bed and breakfast on property located at **1231 Boissevain Avenue**,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas 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 **Kenneth and Karen Whitley**, for a change of zoning from Conditional MF-NS (Multi-Family – Neighborhood Scale) to SF-6 (Single-Family 6) on property located at **1435, 1439, 1443 Kempsville Road and 5739 and 5749 Cornick Road**.

Thereupon, an Ordinance entitled, “An Ordinance to rezone properties located at **1435, 1439, and 1443 Kempsville Road and 5739 and 5749 Cornick Road** from Conditional MF-NS (Multi-Family – Neighborhood Scale) to SF-6 (Single-Family 6) District. was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas 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 **City Planning Commission**, to modify Appendix C in the Table of Contents within *PlaNorfolk2030* to adopt by reference ***A Vision for Wards Corner: Urban Development Area Plan*** and to modify several actions in the Land Use and Neighborhood Chapters pertaining to the Wards Corner area.

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan, *PlaNorfolk2030*, **SO AS TO** adopt and incorporate the Plan entitled “***A Vision for Wards Corner: Urban Development Area Plan A Vision for Wards Corner: Urban Development Area Plan***” and to add new action items to support and incorporate the Plan,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas 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 **City Planning Commission**, for a Zoning Text Amendment to Section 3.9.7(J)(a) “General Standards” of the *Norfolk Zoning Ordinance* to clarify flood elevation requirements for equipment and ductwork.

Thereupon, an Ordinance entitled, “An Ordinance to amend and reordain Section 3.9.7 of the *Norfolk Zoning Ordinance* **SO AS TO** clarify and simplify Flood Elevation requirements for mechanical equipment and ductwork,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Riddick, Smigiel, Thomas 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 **City Planning Commission**, for a Zoning Text Amendment to Section 2.4.4 “Conditional Rezoning” of the *Norfolk Zoning Ordinance* **to allow proffers for residential rezoning**.

Thereupon, an Ordinance entitled, “An Ordinance to amend the *Norfolk Zoning Ordinance* **SO AS TO** allow for acceptance of proffers for a rezoning of residential property or for a residential project,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

## **CONSENT AGENDA**

C-1 Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a donation in the amount of \$67,500 from the **Elizabeth River Trail Foundation** and appropriating and authorizing the expenditure of \$67,500 from the construction of an ADA-accessible canoe/kayak launch at Plum Point Park.

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

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

C-2 Letter from the City Manager and an Ordinance entitled, An Ordinance permitting **10<sup>th</sup> Bay Condos, LLC** to encroach into City property at **9503-9511 10<sup>th</sup> Bay Street**, with a community pier with electrical services.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

C-3 Letter from the City Manager and an Ordinance entitled, An Ordinance permitting **Suzanne Cobb** to encroach into the right-of-way at **1334 Milton Street** with a safety handrail.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

C-4

Letter from the City Manager and an Ordinance entitled, An Ordinance granting **Natalie, L.L.C.** permission to encroach into the right-of-way at **4314 Colley Avenue** approximately 643 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

C-5

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a donation of \$60,500 from the **Friends of Norfolk's Environment** to be used to purchase trees and plant materials for the establishment of **Living Legacy Groves** at certain locations.

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

Jackie Randel, 3516 Elmore Place, and Betty Baucom, 3139 Locus Avenue, were present to answer questions in this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

C-6

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating and authorizing the expenditure of a Grant Award of \$112,316 from the **Virginia Department of Behavioral Health and Developmental Services** for the Norfolk Community Services Board to provide support to the **Program of Assertive Treatment Team (PACT)** and the individuals whom the PACT Team serves.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.



C-7

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting the gift of a **SONAR EMILY** with associated training from the **Naval Air Warfare Center Aircraft Division Patuxent River** valued at \$40,000.00 to support the search and rescue efforts for the inland and coastal waters of Norfolk, Virginia.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

C-8

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating and authorizing the expenditure of the FY2020 **Addiction Recovery Program Grant Award** of \$38,400.00 from Virginia Department of Criminal Justice Services (VDCJS), for the Norfolk Sheriff's Office.

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

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

C-9

Letter from the City Manager and an Ordinance entitled, An Ordinance approving a Right of Entry and License Agreement permitting the Junior League of Norfolk-Virginia Beach to enter upon and use the school property at Little Creek Elementary School for the purpose of the **“Elevate to Educate” Project**.

Amanda Lloyd, 830 Maury Avenue, spoke in favor of this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None

C-10

Letter from the City Manager and an Ordinance entitled, An Ordinance approving a License Agreement with **Zagster, Inc.** for the establishment, installation, operation and maintenance of Bicycle Share Stations on public rights-of-way and on other city-owned property.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

### **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a Lease Agreement between **TM MacArthur Center L.P.**, as Lessor, and the City of Norfolk, as Lessee, for the **lease of space number 287** within MacArthur Center for use for rotating Art Exhibits,” was introduced in writing and read by its title.

Karen Rudd, was present to answer questions in this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the issuance and sale by the City of Norfolk, Virginia, of up to \$370,000,000 in **General Obligation Refunding Bonds** to refund earlier bond issues,” was be introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Chapter 2.1 of the Norfolk City Code, 1979, **SO AS TO** authorize the City Manager to set minimum standards for City employment,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

R-4

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 the attached Purchase and Sale Agreement, for the purpose of purchasing certain property known as **SS Westminster Avenue** parcels, in the Chesterfield area of the City of Norfolk, for the **Ohio Creek Watershed Improvement Project**, authorizing and purchase of said property, and authorizing the expenditure of a sum of up to \$11,315 for such purpose from funds heretofore appropriated,” waa introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

R-5

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 the attached Easement Purchase Agreement for the purpose of construction and maintaining a berm at **716 Filer Street**, in the City of Norfolk, for the **Ohio Creek Watershed Improvement Project**, authorizing and purchase of said easement, and authorizing the expenditure of a sum of up to \$11,200.00 for such purpose from funds heretofore appropriated,” waa introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

R-6 Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend Sections 34.3-1 and 34.3-12 of the Norfolk City Code, 1979, as amended, so as to add the definition of **Pedicab Tours** and the fare rates allowed for Pedicab Tours,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

R-7 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a First Amendment to Lease Agreement between the City of Norfolk, as Landlord, and **Granby Station Holdings, LLC**, as Tenant, delaying the base rent commencement date from June 8, 2019 to December 8, 2019 and authorizing the City Manager to execute the First Amendment to Lease Agreement on behalf of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

R-8 Letter from the City Attorney and a Resolution entitled, “A Resolution to rename the Norfolk Boxing and Fitness Center at Harbor Park, the **Pernell “Sweet Pea” Whitaker Boxing and Fitness Center** at Harbor Park,” was introduced in writing and read by its title.

Janice McKee, 903 Hatton Street, Ellis James, 2021 Kenlake Place and Jack Fulton, 1117 Miles Standish Road, Virginia Beach, spoke in favor of this matter.

**ACTION:** The Resoluition as introduced was **adopted**, effective July 23, 2019.

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

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a First Amendment to Purchase and Sale Agreement between the City of Norfolk, as Seller, and **EDC Homes – The Tern, LLC**, as Developer, **SO AS TO** approve changes to the design of the commercial building that is part of the project and authorizing the City Manager to execute the First Amendment to Purchase and Sale Agreement on behalf of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 23, 2019.

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

No: None.

R-10

A Resolution entitled, A Resolution appointing 2 persons to 1 Committee and 1 Board for certain terms,” was introduced in writing and read by its title.

**ACTION:** The Resoluituion as introduced was **adopted**, effective July 23, 2019.

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

No: None.

### **NEW BUSINESS**

- Jack Fulton, 1117 Miles Stanish Road, Virginia Beach, commented that the boxing program in the City of Norfolk
- Danny Lee Ginn, 3844 Dare Circle, spoke commented on the rules of conduct at City Council meetings .