

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, JULY 24, 2018 – 7:00 P.M.

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

The opening prayer was offered by Reverend Dr. Keith Jones, Shiloh Baptist Church, followed by the Pledge of Allegiance.

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

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

Motion adopted.

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

No: None.

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

Motion adopted.

Yes: Doyle, Graves, 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 24, 2018.

Yes: Doyle, Graves, 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 to amend Sections 14.1-9 and 14.1-10, **SO AS TO** change the boundary between the **Superwards**; to amend and reordain Sections 14.1-12, 14.1-16, 14.1-53 and 14.1-56, **SO AS TO** change the boundaries of the **Granby Precinct**, the **Titustown Precinct**, the **Chesterfield Precinct** and the **Ruffner Academy Precinct** respectively; to delete Section 14.1-54, Subsection 14.1-75(22) and Section 14.1-120, **SO AS TO** eliminate the **Brambleton Precinct**.

Thereupon, an Ordinance entitled, "An Ordinance to amend Sections 14.1-9 and 14.1-10, **SO AS TO** change the boundary between the **Superwards**; to amend and reordain Sections 14.1-12, 14.1-16, 14.1-53 and 14.1-56, **SO AS TO** change the boundaries of the **Granby Precinct**, the **Titustown Precinct**, the **Chesterfield Precinct** and the **Ruffner Academy Precinct** respectively; to delete Section 14.1-54, Subsection 14.1-75(22) and Section 14.1-120, **SO AS TO** eliminate the **Brambleton Precinct**," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

Yes: Doyle, Graves, 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, to hear comments to authorize the conveyance to **DPT Construction, LLC** on property located at **2914 and 2918 E. Virginia Beach Boulevard**.

Thereupon, an Ordinance entitled, “An Ordinance to authorize the conveyance to **DPT Construction, LLC** on property located at **2914 and 2918 E. Virginia Beach Boulevard** for the total sum of \$53,000.00 in accordance with the terms and Conditions of the **Purchase and Sale Agreement**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 24, 2018.

Yes: Doyle, Graves, 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 the **City Planning Commission**, for a *Zoning Text Amendment* to Section 3.3.9, “**Uses for the Commercial Base Zoning Districts**,” Section 3.5.7, “Uses for the Industrial Base Zoning Districts,” Section 3.7.13, “**Uses for the Special Purpose Districts**,” and Section 4.2.3(G), “Performance Standards for all Principal Uses – Standards Specific to Industrial Uses” of the *Norfolk Zoning Ordinance* to modify allowable uses within certain zoning districts and to amend Performance Standards for these uses when located within a certain proximity to residential and Planned Development *Zoning Districts*.

Thereupon, an Ordinance entitled, “An Ordinance to amend the **Norfolk Zoning Ordinance SO AS TO** require a **Conditional Use Permit** for the operation of certain Industrial uses located in proximity to Residential Zoning Districts,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

Yes: Doyle, Graves, 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 **Monument Development Thirteen, LLC**, a) for a change of zoning to apply the Norfolk & Western Historic Overlay (HO – N&W) District. b) for a Conditional Use Permit to allow Dwelling, Multi-Family Use in a structure within the HO – N&W District on properties within the **600 block of W. 23rd and W. 24th Streets**; properties bounded to the south by **W. 23rd Street**, to the north by **W. 24th Street**, to the east by **Newport Avenue** and to the west by **Gosnold Avenue**.

Chris Johnson, the applicant, 1425 Cary Street, Richmond, VA, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone properties on the north side of the **600 block of West 23rd Street** and the south side of the **600 block of West 24th Street** to apply the **Norfolk & Western Historic Overlay (HO-N&W) District**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

PH-4A

An Ordinance entitled, “An Ordinance granting a **Conditional Use Permit** to authorize multi-family dwellings on properties located on the north side of the **600 block of West 23rd Street** and south side of the **600 block of West 24th Street**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

Yes: Doyle, Graves, 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, to hear comments on approving a **Lease Agreement** between the **City of Norfolk** and **Brilliant Beginnings Learning Center, II, Ltd.**, on property located at **1210 W. Little Creek Road**.

Thereupon, an Ordinance entitled, “An Ordinance approving a **Lease Agreement** between the **City of Norfolk** and **Brilliant Beginnings Learning Center, II, Ltd.**, on property located at **1210 W. Little Creek Road**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 24, 2018.

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

No: None.

CONSENT AGENDA

C-1

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting the donation of \$30,017.34 to the **City** from the **Slover Foundation** and appropriating and authorizing the expenditure of the funds to support **Library Youmedia Service and Programs**.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

C-2

Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue a refund in the amount of \$3,318.41 plus interest to **IJF Enterprises, LLC D/B/A Woodcraft** based upon the overpayment of its 2018 Business License Tax.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

C-3 Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue a refund in the amount of \$5,142.15 plus interest to **MCAP Legion, LLC** based upon the overpayment of its 2018 Business License Tax.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

C-4 Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue a refund in the amount of \$11,892.41 plus interest to **WealthQuest Financial Services, L.L.C.** based upon the overpayment of its 2018 Business License Tax.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

C-5 Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue a refund in the amount of \$6,911.69 plus interest to **Walgreen Co.** based upon the overpayment of its 2017 and 2018 Business License Tax.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

C-6 Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a grant award of \$45,000 from the **Virginia Department of Behavioral Health and Developmental Services** for the **Norfolk Community Services Board Infant and Toddler Connections Program** to provide early intervention services, appropriating the funds and authorizing their expenditure.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

C-7

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting \$243,011.78 in grant funds from the **Virginia Department of Social Services** for the **Norfolk Community Services Board** to provide services and activities for individuals with behavioral health disorders to overcome employment barriers and for the temporary assistance for **Needy Families Program** of the **Norfolk Human Services Department** and appropriating and authorizing the expenditure of the funds for the services, activities and program.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

REGULAR AGENDA

R-1

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.

Steve Romaine, the attorney, 999 Waterside Drive and Brian Roeser, Real Estate Manager, 5547 East VA Beach Boulevard, spoke on behalf of Adams Outdoor, stating specific details about the digital sign and the surrounding area in which the sign would be installed. They also mention that in good faith they would remove a sign for another area.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: Riddick.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a conditional use permit to authorize the operation of a nightclub named **‘Granny’s Country Cooking’** on property located at **628 35th Street, Suite 636-A and 636-B**,” was introduced in writing and read by its title.

Randy Baker, the applicant, 636 West 35th St, was present to answer questions.

ACTION: **Continued Generally.**

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

No: None.

R-3 Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Growing Norfolk, LLC** to encroach into the right-of-way at **429 Granby Street** with a blade sign,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

R-4 Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Joseph Mitchell Sandlin**, as **Trustee of the Mitchell Sandlin Trust** dated January 11, 2017 to encroach into an unnamed right-of-way at **6000 West River Road** with a shed, driveway, fences and landscaping,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

R-5 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Right of Entry Agreement** permitting the **Elizabeth River Project** to go upon and use various City owned properties, the locations to be approved by the City Manager, for the purpose of enhancing and planting wetlands, creating oyster reefs and planting trees and shrubs to benefit the City and its water quality,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Elizabeth E. Falco** permission to encroach into City-owned property located adjacent to **2932 Creekwood Road** with stone revetment, flexamat planting and the replacement of an existing pier, and approving the terms and conditions of the **License Agreement**,” was introduced in writing and read by its title.

Scott Chewing, the applicant, 1305 Executive Boulevard, Chesapeake, VA, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance designating **E. Tazewell Street** between **Granby Street** and **Monticello Avenue** as **Jake & Otto Wells Way**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance by the **Norfolk Redevelopment Housing Authority** to the **City of Norfolk** of the properties collectively known as **Triangle Park**; authorizing the City Manager to accept a **Special Warranty Deed** on behalf of the City; and authorizing the expenditure of a sum of up to \$10,000.00 for related transactional costs,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance amending and reordaining **Section 1 of Ordinance No. 47,229**, effective **July 1, 2018**, appropriating funds for the Fiscal Year beginning **July 1, 2018** and ending **June 30, 2019**, **SO AS TO** conform with increases to the **Commonwealth’s Budgeted Funds** for the **Norfolk Public Schools**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

R-10

Letter from the City Manager and a Resolution entitled, “A Resolution approving the **Norfolk Community Services Board’s Performance Contract** with the Commonwealth for Fiscal Year 2019 renewable by **Mutual Agreement** for Fiscal Year 2020,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 24, 2018.

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

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Right of Entry and License Agreement** permitting the **Urban Renewal Center** to enter upon and use the school property at **Jacox Elementary School** for the purpose of **project makeover**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Peter R. Buryk** and **Melissa A. Buryk** permission to encroach into City-owned property located adjacent to **6005 River Road** with a pier and approving the terms and conditions of the **License Agreement**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the purchase of a public access easement from **The Retreat at Harbor Pointe, L.P.**, and requiring **The Retreat at Harbor Pointe, L.P.**, to reserve 50 units for **Section 8/Housing Choice Vouchers**; appropriating and authorizing the expenditure of \$770,030 for the purchase of the easement and developer’s obligation to reserve 50 residential units for **Section 8/Housing Choice Voucher** holders; and authorizing the City Manager to negotiate an **Agreement** with **The Retreat at Harbor Pointe, L.P.**, to carry out the intent of the Council,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2018.

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

No: None.

NEW BUSINESS

1. Danny Lee Ginn, 3844 Dare Circle, thanked the Mayor and Councilmembers for meeting with him. He also reference Section 5-4 (d) where it states that the Mayor has the authority to regulate council meetings.
2. Cuthrell Brockington, 2717 Colchester Crescent, President of Middleton Arch Civic League, thanked the Mayor for helping with residential parking.

3. James Jarman Jr., 5503 Barnhallow Road, thanked Council for their efforts in finding a challenging school for his son. He also, stated that he was without a home due to a recent fire and he encouraged everyone to check their homeowner policy and take pictures of items in their home, and also thanked those who helped and gave donations.
4. The following persons expressed concerns about the Hershee Bar, stating that they need a place to relocate and asked the City Council to help them. Some recited poems, while others stated why they need a place to go. Because people do not understand the LBGTQ community, they feel discriminated against for being different. More importantly, they just want a place where they can go to enjoy without barriers.
 - Jennifer Alomari, 1435 Bissellwood Lane, Chesapeake, VA, ▪Rebecca Barwick, 5391 Coachway Drive, ▪Julia Edwards-McDaniel, 321 Woodside Dr, Hampton, VA ▪Melissa Friederichs, 3007 Newberry Ct, Suffolk, VA ▪Sarah Hustead, 524 Connecticut Avenue ▪Kira Kindley, 1715 West 48th Street ▪Sandra Pryor, 314 Burghwester Drive, Hampton, VA ▪Cathleen Rhodes, 6401 Natrona Avenue and ▪Robin Shelton, 213 Habitat Crossing, Chesapeake, VA.
 - Jackie Rochelle, 3314 Sewells Point Road, Five Points Task Force, noted that the Five Points Community has been waiting patiently for growth and redevelopment.