

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, AUGUST 27, 2019 – 7:00 P.M.

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

Prayer was offered by Pastor Jared Klingmeyer, Wave Church, 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. Tommy Smigiel, Mr. Martin Thomas Jr., and Dr. Kenneth Cooper Alexander.

Mayor Alexander moved to excuse Mr. Paul R. Riddick from tonight's meeting.

Motion adopted.

Yes: Doyle, Graves, Johnson, McClellan, 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, Johnson, McClellan, 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 August 27, 2019.

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

No: None.

CEREMONIAL MATTER

Mayor Alexander recognized Mr. James Bibbs, volunteer with the United Way of South Hampton Roads, to provide a report to the City Council of the charitable and philanthropic contributions made by City of Norfolk employees to the United Way of South Hampton Roads.

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 and reordain Ordinance No. 47,500 adopted by Norfolk City Council on January 29, 2019 and effective March 1, 2019, **to correct a Deed Book reference for one of the Easements** to be released and to add two additional Easements which need to be released.

Thereupon, an Ordinance entitled, "An Ordinance to amend and reordain Ordinance No. 47,500 adopted by Norfolk City Council on January 29, 2019 and effective March 1, 2019, **to correct a Deed Book reference for one of the Easements** to be released and to add two additional Easements which need to be released," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 27, 2019.

Yes: Doyle, Graves, Johnson, McClellan, 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 amend Section 14.1-124 of the *Norfolk City Code*, **Poplar Halls Precinct, SO AS TO** change the location of its voting place.

Thereupon, an Ordinance entitled, “An Ordinance to amend Section 14.1-124 of the *Norfolk City Code*, **Poplar Halls Precinct, SO AS TO** change the location of its voting place.” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

Yes: Doyle, Graves, Johnson, McClellan, 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 of Norfolk**, to vacate the existing right-of-way of Powhatan Avenue south of the southern line of **38th Street and 37th Street** lying east of the western line of Powhatan Avenue, containing 0.492 acres of land.

Thereupon, an Ordinance entitled, “An Ordinance to vacate the existing right-of-way of Powhatan Avenue south of the southern line of **38th Street and 37th Street** lying east of the western line of Powhatan Avenue, containing 0.492 acres of land,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 27, 2019.

Yes: Doyle, Graves, Johnson, McClellan, 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 the **City Planning Commission**, for a General Plan Amendment to Appendix A in the Table of Contents within *plaNorfolk2030* to adopt the *Commercial Pattern Book*.

Thereupon, an Ordinance entitled, “An Ordinance for a General Plan Amendment to Appendix A in the Table of Contents within *plaNorfolk2030* to adopt the *Commercial Pattern Book*,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

Yes: Doyle, Graves, Johnson, McClellan, 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 to amend and reordain the **City’s Operating Budget for Fiscal Year 2020** to add \$25,829,792 to the Budget, and to amend and reordain Section 1 of Ordinance No. 47,636 (Operating Budget Ordinance for Fiscal Year 2020) **SO AS TO** appropriate and authorize the expenditure of funds from the Norfolk Public Schools Fiscal Year 2018 Fund Balance and reflect the budgetary impact of the boat tax and license restructure.

Thereupon, an Ordinance entitled, “An Ordinance to amend and reordain the **City’s Operating Budget for Fiscal Year 2020** to add \$25,829,792 to the Budget, and to amend and reordain Section 1 of Ordinance No. 47,636 (Operating Budget Ordinance for Fiscal Year 2020) **SO AS TO** appropriate and authorize the expenditure of funds from the Norfolk Public Schools Fiscal Year 2018 Fund Balance and reflect the budgetary impact of the boat tax and license restructure,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

CONSENT AGENDA

C-1 Letter from the City Manager and an Ordinance entitled, An Ordinance permitting Joseph and Anjali Gresens, to encroach into 53rd Street, and unimproved right-of-way, at **764 52nd Street**, with an open pile pier.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

Yes: Doyle, Graves, Johnson, McClellan, 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 \$14,438.14, plus interest, to **Dell Equipment Funding, L.P.** based upon the overpayment of its business license tax for the tax year 2019.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-3 Letter from the City Manager and an Ordinance entitled, An Ordinance accepting \$7,478.50 from the **Rescue Squad Assistance Grant Funds from the Office of Emergency Medical Services** and appropriating and authorizing the expenditure of the grant funds and local matching funds in the amount of \$7,478.50 to purchase lift assist harnesses for the Department of Fire-Rescue Services.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-4

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a donation in the amount of \$7,777.00 from the **Life Enrichment Center of Norfolk** and appropriating and authorizing the expenditure of the funds to support the Norfolk Police Athletic League (PAL) Summer Camp Program.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

Yes: Doyle, Graves, Johnson, McClellan, 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 \$6,618.67 to **Gary Itnyre** based upon the overpayment of his business license tax for the tax year 2019.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-6

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting the sum of \$10,000.00 from **Tarallton Elementary School** and appropriating and authorizing the expenditure of the sum of \$10,000.00 to purchase **playground equipment**.

Mr. Michael Swan, Principal of Tarrallton Elementary School, was present to answer any questions regarding this matter.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-7

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating, and authorizing the expenditure of an additional grant of up to \$324,000 from the **Commonwealth of Virginia for the City's Children's Services Act Program** for Fiscal Year 2019; appropriating and authorizing the expenditure of \$126,000.00 in local matching funds.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-8

Letter from the City Manager and an Ordinance entitled, An Ordinance approving a **Right of Entry Agreement** permitting Colston Jones to go upon and use certain city owned property numbered and designated as **1351 and 1371 Hanson Avenue** for multiple dates for a Cyclocross competition event.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-9

Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the **City Treasurer to issue a refund** in the amount of \$91,453.10 to **FF Acquisition, L.L.C. t/a Farm Fresh** based upon the overpayment of its business license tax for the tax year 2018.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-10

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize the operation of a nightclub named "Chicho's Pizza" on property located at **320 Granby Street**.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-11

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize an accessory dwelling unit on property located at **720 Maury Avenue**.

Eric Lappin, 720 Maury Avenue, applicant, was present to answer any questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-12

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting, appropriating and authorizing the expenditure of grant funds in the amount of \$36,410.00 from the **Virginia Department of Criminal Justice Services (VDCJS)** for Fiscal Year 2020 for the **Residential Substances Abuse Treatment Program for the Norfolk Sheriff's Office**.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-13

Letter from the City Manager and an Ordinance entitled, An Ordinance amending the FY2020 annual appropriations Ordinance (No. 47,636) **SO AS TO** accept, appropriate and authorize the expenditure of grant funds in the amount of \$184,551.12 from the **Virginia Department of Health, Office of Emergency Medical Services for the "Four for Life" Program**.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

C-14

Letter from the City Manager and an Ordinance entitled, An Ordinance amending the FY2020 annual appropriations Ordinance (No. 47,636) SO AS TO accept, appropriate and authorize the expenditure of grant funds up to the sum of \$884,636 from the **Virginia Department of Fire Programs for the “Aid-to-Localities” Program.**

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.
Yes: Doyle, Graves, Johnson, McClellan, Smigiel, Thomas and Alexander.
No: None.

REGULAR AGENDA

R-1

Letter from the City Attorney and an Ordinance entitled, “An Ordinance **appointing Dr. Larry “Chip” Filer as City Manager,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.
Yes: Doyle, Graves, Johnson, McClellan, Smigiel, Thomas and Alexander.
No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Chapter 2 of the Norfolk City Code, 1979 **SO AS TO** authorize use of paid volunteer leave in support of community organizations,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.
Yes: Doyle, Graves, Johnson, McClellan, Smigiel, Thomas and Alexander.
No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance petitioning the **Commonwealth Transportation Board to convey certain real property to the City of Norfolk** and accepting the conveyance by the Commonwealth of Virginia acting through the Commonwealth Transportation Commissioner,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.
Yes: Doyle, Graves, Johnson, McClellan, Smigiel, Thomas and Alexander.
No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Subsection (c) (6) of Section 34.1-48 of the Norfolk City Code, 1979, **SO AS TO** prohibit registered sex offenders from operating a public vehicle in the City of Norfolk to conform to changes in State Law,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 27, 2019.

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

No: None.

R-5

Letter from the City Manager and a Resolution entitled, “A Resolution in support of the City of Norfolk becoming a member of the **American Flood Coalition**,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective August 27, 2019.

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

No: None.

R-6

A Resolution entitled, “A Resolution adding three (3) categories for apointment to the Mayor’s Advisory Committee/St. Paul’s Area,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective August 27, 2019.

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

No: None.

R-7

A Resolution entitled, “A Resolution appointing one (1) person to two (2) boards and one (1) committee for certain terms,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective August 27, 2019.

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

No: None.

NEW BUSINESS

- Charlene Christopher, 200 Maryland Avenue, gave a Hampton Roads CAP update.
- Shenell Cooper, 948 Cecelia Street, spoke in opposition to a retention pond on May Avenue and Cecelia Street.
- Devonne Moore, 956 Cecelia Street, spoke in opposition to a retention pond on May Avenue and Cecelia Street.
- Chuck Brewer, 222 Beck Street, spoke regarding public safety retirement benefit awareness.
- Danny Lee Ginn, 3844 Dare Circle, spoke regarding good government.