

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**CITY COUNCIL MEETING**

**TUESDAY, SEPTEMBER 24, 2019 – 7:00 P.M.**

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

Prayer was offered by Father James Glass, Holy Trinity Catholic 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. Paul R. Riddick, Mr. Tommy Smigiel, Mr. Martin Thomas Jr., and Dr. 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 September 24, 2019.

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 on approving a **Purchase and Development Agreement** between the **City of Norfolk**, as **Seller**, and **DT Builders DLC**, as **Buyer**, for certain parcels of real property and the improvements thereon, which parcels are generally known and numbered as **1298, 1300 and 1302 East Indian River Road, 903, 1005, 1015, 1017, 1021, 1023, 1025, and 1041 Wilson Road.**

Hollis Ellis, 321 Office Square Lane, Virginia Beach; Mike Sweeney, 1105 Madison Plaza, Suite 120, Chesapeake; Jeff Maynard, 849 Baldwin Avenue, were present to answer questions in this matter.

Thereupon, an Ordinance entitled, “An Ordinance approving a **Purchase and Development Agreement** between the **City of Norfolk**, as **Seller**, and **DT Builders DLC**, as **Buyer**, for certain parcels of real property and the improvements thereon, which parcels are generally known and numbered as **1298, 1300 and 1302 East Indian River Road, 903, 1005, 1015, 1017, 1021, 1023, 1025, and 1041 Wilson Road** in the City of Norfolk, Virginia, and authorizing the City Manager to execute the Purchase and Sale Agreement on behalf of the City of Norfolk,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 25, 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 **Laushaun Robinson – Sycamore Plaza; a)** Amendment to the Future Land Use Map within the City’s General Plan, *plaNorfolk2030*, from Single Family Traditional to Commercial, **b)** Rezone from SF-T and C-C to Conditional C-C and for a **c)** Conditional Use Permit to allow more than 24 dwelling units on properties located at **1298, 1300, 1302, NS E. Indian River Road, 903, 1005, 1015, 1017, 1021, 1023, 1025, 1041, WS Wilson Road and SS Francis Street.**

Thereupon, an Ordinance entitled, “An Ordinance to amend the City General Plan, *plaNorfolk2030*, SO AS TO change the City’s future land use map for properties located at **1298, 1300, and 1302 East Indian River Road and at 903, 1005, 1015, 1017, 1021, 1023, 1025 and 1041 Wilson Road from single family traditional to commercial,**” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 2019.

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

No: None.

PH2-A

An Ordinance entitled, “An Ordinance to rezone properties located at **1298, 1300, and 1302 East Indian River Road and at 903, 1005, 1015, 1017, 1021, 1023, 1025 and 1041 Wilson Road** from SF-T (Single Family-Traditional) and C-C (Community-Commercial) to conditional C-C (Community-Commercial) District,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 2019.

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

No: None.

PH2-B

An Ordinance entitled, “An Ordinance granting a conditional use permit to authorize multi-family dwellings named “Sycamore Plaza” on properties located at **1298, 1300, and 1302 East Indian River Road and at 903, 1005, 1015, 1017, 1021, 1023, 1025 and 1041 Wilson Road,**” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 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 **Haprah, LLC**, for a change of zoning to amend the proffered conditions for property zoned Conditional C-C (Community – Commercial) on property located at **2315, 2401, 2419, 2501, 2517 2601, 2605, and 2613 Hampton Boulevard, 1250 West 24<sup>th</sup> Street, 1215, 1217, 1221, 1225, WS, and SW West 25<sup>th</sup> Street, 1204, 1207 and 1209 West 26<sup>th</sup> Street and 1213 West 27<sup>th</sup> Street.**

Richard Meredith, Jr., 325 Freemason Street; Dan Ruby, 2901 S. Lynnhaven Road, Suite 200, Virginia Beach; Jacob Combee, 1230 Gates Avenue, were present to answer questions in this matter.

Thereupon, an Ordinance entitled, “An Ordinance to rezone properties located at **2315, 2401, 2419, 2501, 2517 2601, 2605, and 2613 Hampton Boulevard; 1250 West 24<sup>th</sup> Street, 1215, 1217, 1221, 1225, West 25<sup>th</sup> Street, 1204, 1207 and 1209 West 26<sup>th</sup> Street and 1213 West 27<sup>th</sup> Street** in order to modify conditions on property zoned Conditional C-C (Community-Commercial) District,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 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 **New Hope Church of Norfolk, INC.**, for a change of zoning to amend the proffered conditions for property zoned Conditional IN (Institutional) on property located at **3221, 3225, and 3229 Argonne Avenue, and 3212 Brest Avenue.**

Calvin Durham, 3241 Argonne Avenue, spoke in favor of this matter.

Penelope D. Parker, 1402 West 40<sup>th</sup> Street, Apt D, was present in favor of this matter.

Thereupon, an Ordinance entitled, “An Ordinance to rezone properties located at **3221, 3225, and 3229 Argonne Avenue, and 3212 Brest Avenue** in order to modify conditions on property zoned conditional IN (Institutional) District,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 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, to hear comments on approving an **Intergovernmental Agreement** between the **Pamunkey Indian Tribe and the City of Norfolk**, approving an option to purchase between the **City of Norfolk, Golden Eagle Consulting, II, LLC, and the Pamunkey Indian Tribe**.

The following people spoke in support of this matter:

- Chief Robert Gray, Pamunkey Indian Tribe, 1054 Pocahontas Trail, King Williams, Virginia
- Del. Joe Lindsey, Virginia General Assembly Member - 90<sup>th</sup> District, 500 E. Plume Street, Suite 105, Norfolk
- Del. Jay Jones, Virginia General Assembly Member - 89<sup>th</sup> District, 3111 Luxembourg Avenue,
- Ellis James, 2021 Kenlake Place,
- Marqueta Harris, 963 Elm Street,
- David Brenner, 2204 Halprin Court,
- Barry Anthony Leon McClendon, Jr., 2805 Covey Court, Chesapeake
- Provost Emanuel Chestnut, Tidewater Community College, Norfolk Campus, 300 Granby Street
- Vincent Breedlove, Jr., 1309 Woodcrest Drive, Hampton
- Amanda Lloyd, 830 Maury Avenue, Norfolk
- Peggy Scott, 8405 Friden Street, Norfolk
- Marvin Purvis, 900 W. 31<sup>st</sup> Street, Norfolk
- Tage Counts, Hampton Roads Chamber of Commerce, 500 E. Main Street, Norfolk
- Margy Baker, 2717 Juniper Street

The following people spoke in opposition to this matter:

- Pastor Kendrick Turner, Greater Works Kingdom Deliverance Ministry, 2839 E. Princess Anne Road
- Kathy O'Hara, 5915 Oetjen Boulevard
- Liz Albert, 5905 Appleton Drive, also asked to delay vote
- Theodore R. Hall, 6849 Silverwood Court
- John Silver, 300 King Court, Suffolk, also asked to delay vote
- Jamillan Silver, 300 King Court, Suffolk, also asked to delay vote
- Max Shapiro, 330 West Brambleton Avenue #1502
- Desmond Ellsworth, 31133 Darden Street, Franklin
- Danny Lee Ginn, 3844 Dare Circle, also asked to delay vote
- Keith Anderson, 4232 Thistle Drive, Portsmouth
- Diana Schofield, 1342 Westover Avenue
- Thomas Badamo, Assistant Chief, Nansemond Tribe, 45 Norton Street, Patchogue, New York 11772
- Lorraine Connaughton, 241 Granby Street, Apt 60
- Nikki Bass, 1421 T Street, NW, Washington, DC
- William Stiles, Jr., 1121 Graydon Avenue
- Rasheedah Taylor, 2824 Corprew Avenue, also asked to delay vote
- Francisco Coronel, 940 Alma Drive
- Lelia Vann, 219 Granby Street, also requested more information
- Greg Reck, 219 Granby Street, also requested more information
- Bob Martin, 913 Bolling Avenue
- Jack Bray, 342A Maryland Avenue

The following people commented that they were undecided or requested more information:

- Keith Jones, 745 Park Avenue
- Joe Rieger, 527 Kenosha Avenue
- Kiquanda Baker, 151 Orlean Circle
- Ravi Prasad, 218 Pefley Drive
- Antonio Williams, 1405 Shadywood Road, Norfolk

Councilwoman McClellan requested an email from the Ocean View Business Association be submitted in opposition to this matter.

Councilwoman McClellan moved to continue this matter indefinitely.

PH-5A A Motion was introduced to continue this matter indefinitely.

**ACTION: MOTION LOST.**

Yes: McClellan.

No: Doyle, Graves, Johnson, Riddick, Smigiel, Thomas and Alexander.

Councilwoman McClellan requested that emails sent to the city council email address be entered into the permanent record of this meeting. The Clerk counted 54 emails in opposition or requesting more information; 6 emails in favor of this matter; 1 email that was undecided in this matter and 1 email from the Larchmont/Edgewater Civic League submitting a survey regarding public input on a casino.

PH-5B Thereupon, an Ordinance entitled, “An Ordinance approving an **Intergovernmental Agreement** between the **Pamunkey Indian Tribe and the City of Norfolk**, approving an option to purchase between the **City of Norfolk, Golden Eagle Consulting, II, LLC, and the Pamunkey Indian Tribe**, and authorizing the City Manager to enter into the Intergovernmental Agreement and the option to purchase on behalf of the City of Norfolk,” was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 25, 2019.

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

No: McClellan.

**CONSENT AGENDA**

C-1 Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the **City Treasurer** to issue a refund to **Cooper Pilato, Inc.** in the amount of **\$13,784.85, plus interest** based upon the overpayment of its business license tax for the tax years 2016, 2017 and 2018.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 2019.

Yes: Doyle, Graves, Johnson, 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 to **Chandler Realty Inc.** in the amount of **\$12,268.64, plus interest** based upon the overpayment of its business license tax for the tax year 2019.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 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 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 \$377,202 from the **Commonwealth of Virginia, Department of Criminal Justice Services** to maintain victim services provided at the **Victim Service Center** satellite office and to establish an additional **Victim Service Center** to be known as the **Norfolk Family Justice Center**, and appropriating and authorizing the expenditure of a local in-kind in the amount of \$94,301.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 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 approving a **Right of Entry Agreement** with **Monument Development Eighteen, LLC** for the **JEB Stuart School**.

Chris Johnson, 1425 E. Cary Street, Richmond, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 2019.

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

No: None.



## **REGULAR AGENDA**

R-1

Letter from the City Manager and a Resolution entitled, “A Resolution in support of the City’s application for the allocation of \$20,000,000 from the **Virginia Department of Transportation Revenue Sharing Program** for Fiscal Years 2020-2021 and 2021-2022, for the **St Paul’s Transformation** project, the **Westminster Avenue** reconstruction project and **Phase V** of the **ADA Ramp Improvements** project,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective September 24, 2019.

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

No: None.

R-2

Letter from the City Manager and a Resolution entitled, “A Resolution in support of the City’s application for the allocation of \$5,213,200 from the **Virginia Department of Transportation (“VDOT”) Transportation Alternatives Set-Aside Program** for the **Curlew Drive** multi-use path, the **Roland Park** overpass sidewalk and the **Tidewater Drive** sidewalk at I-64,” was introduced in writing and read by its title.

Liz Albert, 5905 Appleton Drive, spoke in opposition to this matter.

**ACTION:** The Resolution as introduced was **adopted**, effective September 24, 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 accepting the dedication of a strip of land owned by **Norfolk Redevelopment and Housing Authority**, measuring 799 square feet in area, for the purpose of widening the public right of way along Southampton Avenue, and authorizing the City Manager to accept the **Deed of Dedication** on behalf of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 2019.

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

No: None.

R-4

Letter from the City Manager and a Resolution entitled, “A Resolution to initiate the process of vacating the public rights of way being certain unimproved portions of **Virginia Avenue** and **Mayflower Road**,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective September 24, 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 approving an **Amendment Agreement** between the **City of Norfolk, as Licensee**, and **Strong Capital X LLC, as Licensor**, acting on behalf of **Norfolk Southern Railway**, and authorizing the City Manager to execute the **Amendment 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 September 24, 2019.

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

No: None.

Abstain: McClellan.

R-6

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

**ACTION:** The Resolution as introduced was **adopted**, effective September 24, 2019.

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

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “The first Ordinance amending and reordaining the **Fiscal Year 2020 Compensation Plan Ordinance SO AS TO** revise two of its original tables attaching pay plans and grades to position **SO AS TO** fix the salaries of the officers and employees of the City as required by a Charter,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 24, 2019.

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

No: None.

R-8

A Resolution entitled, “A Resolution appointing and reappointing 21 persons to 2 Boards, 4 Commissions, 1 Authority, and 1 Committee for certain terms,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective September 24, 2019.

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

No: None.

R-9

A Resolution entitled, “A Resolution appointing Dr. Larry Filer to 1 Board, 1 Committee, and 1 Commission for certain terms,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective September 24, 2019.

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

No: None.

## **NEW BUSINESS**

- Furqaan Ali, 3601 E. Ocean View Avenue, #C, commented that the students at Booker T. Washington should have African American history books included in their classroom curriculum.
- Mary Zackery, 555 E. Liberty Street, Apartment 401, spoke regarding the lack of food availability in Berkley.
- Danny Lee Ginn, 3844 Dare Circle, spoke regarding good government.