

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 25, 2018 – 7:00 P.M.

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

The opening prayer was offered by Senior Pastor Jim Wood, First Presbyterian 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 McClellan, Mr. Paul R. Riddick, Mr. Thomas Smigiel, Mr. Martin Thomas Jr., and Mr. Kenneth 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.

CERMONIAL MATTER

Vice Mayor Martin A. Thomas Jr, announced that he attended the American Planning Association's Conference on Advocacy and Policy and the neighborhood of Ghent was lucky enough to be awarded "one of the great places in America." He presented the certificate and a mock of the plaque that would soon be installed at the foot of The Hague bridge.

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 25, 2018.

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 **Vessel Craft Coffee, LLC** for the lease of certain space within city-owned property located at **810 Union Street**.

Thereupon, an Ordinance entitled, "An Ordinance approving a Lease Agreement with **Vessel Craft Coffee, LLC** for the lease of certain space within city-owned property located at **810 Union Street**," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 26, 2018.

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, to hear comments on vacating and releasing to **MMAC 150 Norfolk, LLC**, a utility easement located at **241 Corporate Boulevard** in the City of Norfolk.

Thereupon, an Ordinance entitled, “An Ordinance vacating and releasing to **MMAC 150 Norfolk, LLC**, a utility easement located at **241 Corporate Boulevard** in the City of Norfolk; and authorizing the City Manager to execute an appropriate Deed of Vacating and Release on behalf of the City,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 26, 2018.

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 the **City Planning Commission**, for text amendments to the *Norfolk Zoning Ordinance* to include provisions that were in the prior zoning ordinance regarding appeals from decisions of the BZA, maximum impervious cover for single-family dwellings in the MF-NS district, and outdoor storage in the BC-O, I-W and I-DW districts; to permit a restaurant to have reduced seating by CUP; to clarify the terms related to residential dwellings in a mixed-use setting, the requirement of a principal use for every accessory structure, the availability of special consideration for fences used for heightened security, and the nonconformity provisions applying to lots within 10 percent of lot area requirements; and to define the term “stories.”

Thereupon, an Ordinance entitled, “An Ordinance to amend the *Norfolk Zoning Ordinance* **SO AS TO** include provisions that were in the prior zoning ordinance regarding appeals from decisions of the BZA, maximum impervious cover for single-family dwellings in the MF-NS district, and outdoor storage in the BC-O, I-W and I-DW districts; to permit a restaurant to have reduced seating by CUP; to clarify the terms related to residential dwellings in a mixed-use setting, the requirement of a principal use for every accessory structure, the availability of special consideration for fences used for heightened security, and the nonconformity provisions applying to lots within 10 percent of lot area requirements; and to define the term “stories,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 the **City Planning Commission**, for a Zoning Text Amendment to Section 4.3.3(E)(1)(i), “Home Occupation,” of the *Norfolk Zoning Ordinance* to allow home occupations within the HC-WF1 (West Freemason Historic and Cultural Conservation) and HC-WF2 (West Freemason Historic and Cultural Conservation) districts to provide on-site service or consultation with customers or clients with a Conditional Use Permit and to clarify performance standards for home occupations.

Thereupon, an Ordinance entitled, “An Ordinance to amend the *Norfolk Zoning Ordinance* **SO AS TO** permit Home Occupations in the HC-WF1 and HC-WF2 (West Freemason Historic and Cultural Conservation) Districts,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 **Provision Pros**, for: **(a)** an amendment to the future land use designation in the general plan, *plaNorfolk2030*, from Multifamily Corridor to Commercial and **(b)** a rezoning from MF-NS (Multi-Family-Neighborhood-Scale) and SF-T (Single Family-Traditional) to conditional C-C (Community Commercial) on property located at **2807 and 2811 Lafayette Boulevard, 3132 Verdun Avenue and 3133 Marne Avenue.**

Sarah Wood, 800 Hardwood Drive, Chesapeake; Jefferson Ocampo, 5524 Hillgail Road, Virginia Beach; Brad Tephabock, 909 Catalina Drive, Newport News, were present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan, *Planorfolk2030*, **SO AS TO** change the land use designation for properties located at **2807 and 2811 Lafayette Boulevard, 3132 Verdun Avenue and 3133 Marne Avenue** from Multifamily Corridor and Commercial,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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

No: None.

PH-5A

An Ordinance entitled, “An Ordinance to rezone properties located at **2807 and 2811 Lafayette Boulevard, 3132 Verdun Avenue, and 3133 Marne Avenue** from MF-NS and SF-T to Conditional C-C District” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 **Sentara Orthopedic** for: **(a)** an amendment to the future land use designation in the general plan, *plaNorfolk2030*, from Commercial to Institutional; **(b)** a rezoning from C-C (Community Commercial) to IN-C (Institutional-Campus) and **(c)** a Development Certificate to permit construction in the IN-C (Institutional-Campus) district with waivers from the setback requirements on property located at **6203 E. Virginia Beach Boulevard**.

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan, *Planorfolk2030*, **SO AS TO** change the Land Use Designation for property located at **6203 to 6229 East Virginia Beach Boulevard and 890 Kempsville Road** from Commercial to Institutional,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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

No: None.

PH-6A An Ordinance entitled, “An Ordinance granting a Development Certificate to Permit Construction of a new, medical office building and parking garage in the IN-C zoning district, with waivers, on property located at **6203 to 6229 East Virginia Beach Boulevard and 890 Kempsville Road**” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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

No: None.

PH-6B An Ordinance entitled, “An Ordinance to rezone property located at **6203 to 6229 East Virginia Beach Boulevard and 890 Kempsville Road** from Community Commercial to Insitutional-Campus” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 of **Equity Development Corp. – THE TERN**, for: **(a)** an amendment to the Future Land Use Map within *plaNorfolk2030* from Commercial to Residential Mixed on properties located at **4035-4039 E. Ocean View Avenue, 9632-9657 21st Bay Street, and 9601 22nd Bay Street; (b)** change of zoning from C-C (Community Commercial) to PD (Planned Development) on portions of properties located at **4035-4039 E. Ocean View Avenue, 9632-9657 21st Bay Street, and 9601 22nd Bay Street; (c)** change of zoning from R-C (Residential Coastal) to PD (Planned Development) on portions of properties located at **9600-9624**

21st Bay Street, 9601-9623 21st Bay Street, 9548-9574 21st Bay Street, 4003-4011 Pleasant Avenue, and ES 20th Bay Street.

Trevor Spiers, 804 Cypress Avenue, Virginia Beach, spoke in favor of 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 map for properties located at **4035 to 4039 East Ocean View Avenue, 9632 to 9657 21st Bay Street, and 9601 22nd Bay Street** from commercial to residential mixed,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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

No: None.

PH-7A

An Ordinance entitled, “An Ordinance to rezone property located at **4035 to 4039 East Ocean View Avenue, 9632 to 9657 21st Bay Street, 9601 22nd Bay Street, 9600 to 9624 21st Bay Street, 9601 to 9623 21st Bay Street, 9548 to 9574 21st Bay Street, 4003 to 4011 Pleasant Avenue**, and a parcel having GPIN 1550658894 from C-C (Community Commercial) and R-C (Residential Coastal) to PD District named “The Tern,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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, to hear comments authorizing the conveyance to **Garry Yelity and Eva Yelity** of a certain parcel of property located at **219 Filbert Street** for the total sum of \$10,000.00 in accordance with the terms and conditions of the **Conveyance Agreement**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **Garry Yelity and Eva Yelity** of a certain parcel of property located at **219 Filbert Street** for the total sum of \$10,000.00 in accordance with the terms and conditions of the **Conveyance Agreement** and authorizing the release of the city’s right of the city’s reverter upon certain conditions,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 26, 2018.

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

No: None.

PH-9

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 an amendment to **Lease Agreement** between the City of Norfolk and **Norfolk State University Research and Innovation Foundation, Incorporated** for the premises located at **520 E. Main Street**.

Thereupon, an Ordinance entitled, “An Ordinance approving an amendment to the **Lease Agreement** between the City of Norfolk and **Norfolk State University Research and Innovation Foundation, Incorporated** for the premises located at **520 E. Main Street**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 granting **Christopher G. Robinson and Colleen F. Robinson** permission to encroach into city-owned property located adjacent to **9510 14th Bay Street** with a pier, boat house, lift and accessory piers and approving the terms and conditions of the License Agreement.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 **Magazine Lane Properties, LLC** to encroach into the right-of-way at **733 Granby Street** with a sign.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 **KMAC Properties, LLC** to encroach into the right-of-way of Midfield Street at **163 Fayton Avenue** with an existing shed.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 accepting a \$45,000.00 **Virginia Sexual and Domestic Violence Victims Fund Grant Award** from the Virginia Department of Criminal Justice Services for the support of personnel costs for a program paralegal to assist in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking and family abuse for Fiscal Year 2019 and appropriating and authorizing the expenditure of the grant funds for payroll, medical benefit coverage and retirement expenses for the program employee.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 \$109,803.46 from the **Schools and Libraries Division of the Universal Service Fund E-Rate Reimbursement Program** and appropriating and authorizing the expenditure of \$109,803.46 for telecommunications and technology services for the **Norfolk Public Library**.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 a \$1,100,500.00 Grant Award from the **Federal Emergency Management Agency** to provide funds to elevate seven (7) flood-prone private properties and appropriating and authorizing expenditure of the grant funds for the elevation projects.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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 a \$870,030.00 Grant Award from the **Federal Emergency Management Agency** to provide funds to acquire and demolish four (4) flood-prone private properties and appropriating and authorizing expenditure of the grant funds for the projects.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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

No: None.

C-8 Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue refunds to **Computerized Imaging Reference Systems, Inc.** in the amount of **\$4,503.89, plus interest** based upon the overpayment of its business personal property tax for tax year 2018.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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

No: None.

REGULAR AGENDA

R-1 A Resolution entitled, “A Resolution to establish a reserve fund for the repair or replacement of PVC pipe manufactured by **J-M Manufacturing Company**,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective September 25, 2018.

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 approving an Amendment to Agreement among the **City of Norfolk, Old Dominion University, and the School Board of the City of Norfolk** and authorizing the City Manager to execute the Amendment to 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 25, 2018.

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 approving a Right of Entry Agreement permitting **Tidewater Communications, LLC** to go upon and use the property located at **1000 E. Indian River Road** for the purpose of accessing and maintaining their Transmission Facilities,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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

No: None.

R-4 Letter from the City Clerk requesting confirmation of the appointment of Jean G. Hopkins to position of Deputy City Clerk/Secretary, effective August 13, 2018 in Plan 1, Grade 9 of the City Compensation Plan,” was introduced in writing and read by its title.

ACTION: Confirm appointment

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

No: None.

R-5 An Ordinance entitled, “An Ordinance setting salary, benefits and duties of Tammie Dantzler as Interim City Auditor effective September 11, 2018 and until the commencement of a new City Auditor,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 25, 2018.

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

No: None.

NEW BUSINESS

1. Charlene Christopher, 200 Maryland Avenue, presented a booklet and briefed council on the Hampton Roads Community Action Program.
2. Randi Ferrero, 215 Brooke Avenue, #702, and Linda Hester, 215 Brooke Avenue, #301, “the grocery girls”, spoke on a movement to have an urban grocery store in the downtown area.
3. Charles Sullivan, homeless, stated that State and City officials destroyed his family for the specific reason of quieting his complaints since 2016 and ask council to investigate this matter.
4. Cesare Caprio, 9634 24th Bay Street, commented on the car repair shop that will be replaced by a brewery on Shore Drive. This would take away the only repair shop close to the East Beach neighborhood.

The following advocates, volunteers and supporters, spoke for better conditions and in support of Barbara Hays at the Norfolk Animal Care Center:

5. Tracy Brune, 912 Lecove Drive, Virginia Beach
6. Tammy Dodson, 229 W. Bute Street
7. Jerry Foley, 3130 E. Ocean View Avenue
8. Jennifer Rennekamp, 1303 Stamford Drive, Virginia Beach
9. Kimberly Sherlew, 4414 Newport Avenue
10. Bryce Strech, 3805 Latimer Circle
11. Kenneth Vanhook, 127 Orleans Circle

12. Brea Hawk, 1223 Decatur Street, Chesapeake, expressed concerns about the closing of the Hershee Bar, stating that it is more than a bar, it is a home to the LGBT community.
13. Tommy Edwards, 813 Marshall Street, Hampton, echoed the comments of Ms. Hawk regarding the Hershee Bar and asked council to help in finding the bar a new location.

14. Danny Lee Ginn, 3844 Dare Circle, feels that racism and bullying are very, very prominent and in his opinion, the Council itself wants to remain silent.

15. Leticia Latham, 1354 Kenton Avenue, asked council to please investigate installing a stop light, stop sign and speed bumps at the intersection of Princess Anne Road and Majestic Avenue where a young boy was fatally injured recently.