

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 27, 2022 – 7:00 P.M.

MOMENT OF SILENCE

Followed by the Pledge of Allegiance.

ROLL CALL

Attendee Name	Title	Status	
Courtney R. Doyle	Councilmember - Ward 2	Present	
Mamie B. Johnson	Councilmember - Ward 3	Present	
Andria P. McClellan	Councilmember - Superward 6	Present	
Paul R. Riddick	Councilmember - Ward 4	Present	
Danica J. Royster	Councilmember - Superward 7	Present	
Thomas R. Smigiel Jr.	Councilmember - Ward 5	Present	
Martin A. Thomas Jr.	Vice Mayor	Present	
Kenneth Cooper Alexander	Mayor	Present	
Bernard Pishko	City Attorney	Present	
Dr. Larry H. Filer II	City Manager	Present	
Richard A. Bull	City Clerk	Present	

APPROVAL OF MINUTES

Approve the minutes of the previous City Council meeting.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

CLOSED SESSION RESOLUTION

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.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

PUBLIC HEARINGS

PH-1 Public Hearing scheduled this day, pursuant to State Law, to revoke a Special Exception Permit Previously Granted to Oates Enterprises II, LLC on April 23, 2013 by Ordinance No. 45,078, Authorizing the Operation of an Entertainment Establishment named Scotty Quixx on Property Located at 434 Granby Street.

An Ordinance Revoking a Special Exception Permit Previously Granted to Oates Enterprises II, LLC on April 23, 2013 by Ordinance No. 45,078, authorizing the Operation of an Entertainment Establishment named Scotty Quixx on Property Located at 434 Granby Street. - **(Ordinance No. 48928)**

Mayor Alexander read the following statement into the record:

This public hearing is to determine whether a conditional use permit should be revoked. Pursuant to Ordinance No. 38,746, the procedure for this hearing will be as follows.

The City Attorney will present oral argument why the conditional use permit should be terminated. The entire presentation shall last no longer than 15 minutes.

Next, the holder of the conditional use permit will present oral argument on his or her case. The entire presentation shall last no longer than 20 minutes.

The City Attorney shall have 5 minutes for rebuttal. No oral testimony shall be taken.

Following rebuttal and any discussion or questions by Councilmembers, a vote will be taken as whether the conditional use permit should be revoked.

City Attorney Katherine Taylor presented oral argument as to why the conditional use permit should be terminated.

Attorneys Richard Ottinger, Attorney for the Applicant, 101 W. Main Street, Suite 500, and Kevin Martingayle, 3704 Pacific Avenue, Virginia Beach, presented oral arguments on behalf of the applicant and addressed the concerns cited by Ms. Taylor.

Ms. Taylor offered a rebuttal to Mr. Ottinger and Mr. Martingayle’s oral arguments.

ACTION:	Adopted [5 to 2]
AYES:	Doyle, Johnson, McClellan, Smigiel Jr., Alexander
NAYS:	Riddick and Royster
ABSTAIN:	Thomas Jr.

PH-2 Public Hearing scheduled this day, pursuant to State Law, on the application of the CITY PLANNING COMMISSION, for a Zoning Text Amendment to establish use categories and performance standards for medical and recreational cannabis sales and processing.

An Ordinance to Amend Sections 4.2.3.F, 4.2.3.G and 8.3.2 and Tables 3.3.9 and 3.5.7 of the Norfolk Zoning Ordinance so as to Define and Create Performance Standards for a New Use Labeled “Cannabis Dispensing Facility,” to be Permitted in Certain Commercial Districts by Conditional Use Permit Only, and for a New Use Labeled “Cannabis Cultivation or Manufacturing Facility,” to be Permitted in the I-G (Industrial-General) District by Conditional Use Permit Only.

ACTION:	Continued to October 11, 2022 [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

PH-3 Public Hearing scheduled this day, pursuant to State Law, on the application of the CITY PLANNING COMMISSION, for a Zoning Text Amendment to permit solar energy collection facility (large scale) in OSP zoning by Conditional Use Permit.

An Ordinance to Amend Table 3.7.13 of the Norfolk Zoning Ordinance so as to Include “Solar Energy Collection Facility (large scale)” as a use in the OSP (Open Space and Preservation) District by Conditional Use Permit Only. - **(Ordinance No. 48929)**

Barrett Hicks, 4853 Kennebeck Avenue, spoke in opposition to this matter.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

PH-4 Public Hearing scheduled this day, pursuant to State Law, to hear comments on the application of **3321 PRINCESS ANNE LLC**, to vacate an unimproved portion of right-of-way along the south side of E. Princess Anne Road.

An Ordinance Closing, Vacating and Discontinuing a Portion of E. Princess Anne Road and Authorizing the Conveyance to the Abutting Property Owner of Any Interest the City Has in the Said Portion of E. Princess Anne Road. - **(Ordinance No. 48930)**

Allan Sullivan, 429 W. York Street, was present in support of this matter.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

PH-5 Public Hearing scheduled this day, pursuant to State Law, to hear comments on the application of **LYON SHIPYARD, INC.**, to vacate portions of Rose Avenue, Claiborne Avenue, and Willoughby Avenue.

An Ordinance Closing, Vacating and Discontinuing Portions of Rose Avenue, Claiborne Avenue and Willoughby Avenue and Authorizing the Conveyance to Lyon Shipyard, Inc. of Any Interest the City Has in the Said Portions of Rose Avenue, Claiborne Avenue and Willoughby Avenue. - **(Ordinance No. 48931)**

Ray W. King, Esq., attorney for the applicant, 101 W. Main Street, Suite 500, and Kenneth Kimball, 1818 Brown Avenue, were present to answer any questions relative to this matter.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

REGULAR AGENDA

- R-1 An Ordinance Approving a Right of Entry Agreement Permitting TWP - The Youth Movement to Enter Upon and Use City-Owned Property Located at 801 Church Street, 607 Nicholson Street, 620 E. Olney Road and W S 5th Street for Gardening Related Activities, Community Events and Other Special Events. - **(Ordinance No. 48932)**

Barrett Hicks, 4853 Kennebeck Avenue, spoke in support of this matter.

Alton Robinson, 5116 E. Princess Anne Road, spoke in support of this matter.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-2 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Retail Store with the Sale of Alcoholic Beverages for Off-premises Consumption and the Sale of Smoking Products, Named "Family Dollar," on Property Located at 5900 East Virginia Beach Boulevard, Suite 206. - **(Ordinance No. 48933)**

James Balli, 1600 Parkwood Circle, Atlanta, GA, was present to answer any questions relative to this matter.

ACTION:	Adopted [7 to 1]
AYES:	Doyle, Johnson, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander
NAYS:	Riddick

R-3 An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at 3201 Pretty Lake Avenue. - **(Ordinance No. 48934)**

Dale Johnson, 3817 Laurel Elm Lane, Spring, TX, spoke in support of this matter.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

R-4 An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at 4036 East Ocean View Avenue. - **(Ordinance No. 48935)**

Bradley Vomocil, 7809 Locust Wood Road, Severn, MD, spoke in support of this matter.

Sierra Alderman, 2333 Dominion Avenue, spoke in support of this matter.

ACTION:	Adopted [6 to 2]
AYES:	Johnson, McClellan, Riddick, Royster, Thomas Jr., Alexander
NAYS:	Doyle and Smigiel Jr.

R-5 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No., 48,751) so as to Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the sum of \$4,500 from the Mental Health Federal Block Grant from the Virginia Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board to Increase Mental Health Program Retention Efforts, Staff Bonuses, and Professional Development and Training. - **(Ordinance No. 48936)**

Barrett Hicks, 4853 Kennebeck Avenue, spoke in support of this matter.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

R-6 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) so as to Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the sum of \$4,673.00 from the Virginia Department of Behavioral Health and Developmental Services for the Norfolk Community Services Board's Projects for Assistance in Transition from Homelessness (PATH) Program to Cover Costs for PATH Program Staff Training and Travel as well as Outreach Services. - **(Ordinance No. 48937)**

Barrett Hicks, 4853 Kennebeck Avenue, spoke in support of this matter.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

R-7 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) so as to Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the sum of \$133,408.94 from The Planning Council for Norfolk Community Services Board to Provide Homeless Shelter Services. - **(Ordinance No. 48938)**

Barrett Hicks, 4853 Kennebeck Avenue, spoke in support of this matter.

ACTION:	Adopted [Unanimous]
AYES:	Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander
ABSTAIN:	Doyle

R-8 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) so as to Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the Sum of \$3,624.50 from the Virginia Department of Historic Resources (VDHR) 2022-2023 Certified Local Government (CLG) Grant, and Appropriating Local Cash Match Funds in the Amount of \$3,624.50 to Continue the City-Wide Historic Resource Resurvey and Update the Existing West Freemason National Register Historic District Nomination. - **(Ordinance No. 48939)**

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-9 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) so as to Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the Sum of \$35,368.00 from the Virginia Department of Historic Resources (VDHR) 2022-2023 Certified Local Government (CLG) Grant, and Appropriating Local Cash Match Funds in the Amount of \$25,392.00 to Continue the City-Wide Historic Resource Resurvey by Surveying the Campostella Heights Area on the Southside. - **(Ordinance No. 48940)**

Barrett Hicks, 4853 Kennebeck Avenue, had questions relative to this matter.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-10 An Ordinance Authorizing the Sale of Certain Parcels of Real Property Located in the City of Norfolk, to Newport Manor, LLC, an Entity Owned and Controlled by the Hanson Company, L.L.C. for the Sum of \$163,000.00, and Approving the Purchase and Sale Agreement

ACTION:	Continued to October 11, 2022 [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-11 A Resolution Appointing and Reappointing 21 Members to 4 Commissions, 4 Boards, 3 Authorities, and 1 Committee for Certain Terms. - **(Resolution No. 1875)**

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

NEW BUSINESS

Monet Johnson, 3505 Argonne Avenue, spoke regarding healthy, dignified and safe housing.

Dorsett Barnwell, 4861 Citrine Avenue, Virginia Beach, spoke regarding Military Circle Mall closing and requested support in relocating the boxing program.

Jennifer Goff, 520 Maycox Avenue, spoke regarding Military Circle Mall closing and requested support in relocating community programs.

Leslie Clarridge, 880 N. Military Highway, spoke regarding Military Circle Mall closing and requested support in relocating literacy programs.

Carl Poole, 1049 W. 49th Street, spoke regarding the Tidewater Air Monitoring Evaluation Project (TAME).

Deshawn Faulkner, 2634 McKann Avenue, spoke regarding Military Circle Mall closing and requested support in relocating youth programming and education initiatives focused on curbing gun violence.

Barrett Hicks, 4853 Kennebeck Avenue, spoke regarding community issues.

Vincent Hodges, 622 Raleigh Avenue, spoke regarding living conditions and maintenance issues in NRHA properties.

Fred McRae, 1729 Princeton Avenue, spoke regarding his recent resignation from the NRHA board and thanked the Council for the appointment.

Vincent LaSalle, 1842 Reservoir Avenue, spoke regarding redevelopment in the St. Paul's Area.

Sauda Speede, 8600 Glenn Myrtle Avenue, spoke regarding Norfolk nightlife.

Raytron White, 3149 E Kimble Terrace, spoke regarding the Ohio Creek Project.

Alton Robinson, 5116 E. Princess Anne Road, spoke regarding racial equity in the City of Norfolk.

ADJOURNMENT