

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, OCTOBER 22, 2019 – 7:00 P.M.

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

Prayer was offered by Councilwoman Angelia Williams Graves, 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, and Dr. Kenneth Cooper Alexander.

Dr. Alexander moved to excuse Mr. Paul R. Riddick and Mr. Martin A. Thomas Jr. from tonight's meeting.

Motion adopted.

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

No: None.

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

Motion adopted.

Yes: Doyle, Graves, Johnson, McClellan, Smigiel, 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 October 22, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Smigiel, 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 the application of the **City Planning Commission**, for a *Zoning Ordinance Text Amendment* to modify performance standards for **“convenience store”** and to require a **Conditional Use Permit** in select zoning districts.

Thereupon, an Ordinance entitled, “An Ordinance to amend **Section 4.3.2.F(6)** and various tables of the *Norfolk Zoning Ordinance* **SO AS TO** adjust performance standards for **‘Convenience Store’** and to permit the use by **Conditional Use Permit** only,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Smigiel 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 the application of the **City Planning Commission**, for a *Zoning Ordinance Text Amendment* to more clearly define the performance standards for “commercial recreation center” and to create and assign the appropriate permissions for an accessory use for **“amusements or gaming device”** and to adjust use tables to permit **“amusements or gaming device”** in select zoning districts

Thereupon, an Ordinance entitled, “An Ordinance to amend **Sections 4.3.2.F (4) and 4.3.3.E(1)** and various tables of the *Norfolk Zoning Ordinance* **SO AS TO** amend the definition of **‘Commercial Recreation Center,’** to define performance standards for ‘amusement or gaming devices’ and to regulate amusement or gaming devices in establishments where they are not typically ancillary to the principal use,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Smigiel, 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, to hear comments on the application of the **City Planning Commission**, for a *Zoning Ordinance Text Amendment* to define, establish performance standards for, and assign the appropriate permissions for the principal use of **“Smoke or Vape establishment”**.

Thereupon, an Ordinance entitled, “An Ordinance to amend **Section 4.3.2.F (6)** and various tables of the Norfolk Zoning Ordinance **SO AS TO** define performance standards for **‘smoke or vape shop’** and to permit the use by **Conditional Use Permit** only,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Smigiel, 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, to hear comments on the application of the **City Planning Commission**, for a *General Plan Amendment* to adopt the **Inclusive Economic Development Strategy**.

Thereupon, an Ordinance entitled, “An Ordinance to amend the **City’s General Plan, planorfolk2030, SO AS TO** adopt an **Inclusive Economic Development Strategy** for the City of Norfolk,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Smigiel, 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 the application of **Doyle A. Palmer**, to vacate the right-of-way of an unnamed 10’ lane on the east side of **Poppleton Street**, located south of **1118 Poppleton Street and north of 1124 Poppleton Street**.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing an unnamed ten-foot alley **East of Poppleton Street** and authorizing the conveyance to the abutting property owner of any interest the City has in the said **unnamed alley**,” was introduced and read by its title.

Doyle A. Palmer, the applicant, 8804 Ocean Front Avenue, was present to answer questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Smigiel, 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, to hear comments on the application of **Bonaventure Investments, LLC**, to vacate the right-of-way of **Bath Street** on the south side of **Pretty Lake Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance vacating a portion of **Bath Street**, accepting the dedication of a public drainage easement by **Little Creek Marina, LLC**, and approving the terms of the **Deed of Easement**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Smigiel, 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, to hear comments on the conveyance to **C&R Property Investments LLC** of a certain parcel of property located at **800 Lexington Street**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **C&R Property Investments LLC** of a certain parcel of property located at **800 Lexington Street** for the total sum of \$8,000.00 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 November 22, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Smigiel, 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 on the conveyance to **C&R Property Investments LLC** of a certain parcel of property located at **804 Lexington Street**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **C&R Property Investments LLC** of a certain parcel of property located at **804 Lexington Street** for the total sum of \$8,000.00 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 November 22, 2019.

Yes: Doyle, Graves, Johnson, McClellan, Smigiel, 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 on the conveyance to **Harvey Nash** of a certain parcel of property located at **812 Lexington Street** for the total sum of \$8,000.00 in accordance with the terms and conditions of the **Purchase and Sale Agreement**.

ACTION: **Continued to November 26, 2019.**

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

No: None.

PH-10

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 the conveyance to **Alexander C. Edrington and Elizabeth M. Marshall** on property located at **E S Emory Place** and adjacent to **1348 Emory Place**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **Alexander C. Edrington and Elizabeth M. Marshall** on property located at **E S Emory Place** and adjacent to **1348 Emory Place** in accordance with the terms and conditions of the of the Conveyance Agreement; and authorizing an amendment to the Declaration of Protective and Restrictive Covenants for the property,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2019.

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

No: None.

PH-11

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 authorizing the **Land Disposition and Development Contract (“LDDC”)** to be entered into with **Monument Development Eighteen, LLC**, and authorizing the conveyance of real property to **Monument Development Eighteen, LLC**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the **Land Disposition and Development Contract (“LDDC”)** to be entered with **Monument Development Eighteen, LLC**, and authorizing the conveyance of real property to **Monument Development Eighteen, LLC** as provided in the LDDC,” was introduced and read by its title.

Chris Johnson, the applicant, 1425 E. Cary Street, Richmond, VA, was present to answer any questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2019.

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

No: None.

PH-12

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 creating the **Southside Network Authority** to serve the essential public purpose of increasing the availability of broadband internet service to the **Hampton Roads**

Thereupon, an Resolution entitled, “A Resolution authorizing the creation of the **Southside Network Authority**,” was introduced and read by its title.

Mary Miller, 7600 Glenn Eagles Road, was present to answer questions in this matter on behalf of the Downtown Norfolk Council.

Barry Bishop, 9508 25th Bay Street, spoke in support of this matter.

Sarah Buck, 3544 Byrnbrae Drive, read a statement of support regarding this matter.

ACTION: The Resolution as introduced was **adopted**, effective October 22, 2019.

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

No: None.

PH-13

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 authorizing the pledge of the city-owned parking garage located at **110 W. Main Street** and the **Southside Library** located at **2350 Berkley Avenue** extended, to the **United States Department of Housing and Urban Development (“HUD”)**.

ACTION: **Countinued to November 26, 2019.**

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

No: None.

PH-14

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 Sale Agreement** between the **City of Norfolk, as Seller**, and **Asbury Avenue, LLC as Purchaser**, and authorizing the conveyance of real property consisting of 3.427 acres, located at **7661 Central Business Park Drive**.

ACTION: Continued to November 26, 2019.

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

No: None.

CONSENT AGENDA

C-1

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** to authorize the operation of a restaurant operating with extended hours named ‘**Auntie’s Tikibar and Restaurant**’ on property located at **4314 Colley Avenue**.

Mike Schirmer, the applicant, 1333 Preserve Drive, was present to answer any questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-2

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Conditional Use Permit** authorizing live entertainment at an establishment named “**Granby Station**” on properties located at **103 and 111 Granby Street**.

Robert Barnuevo, the applicant, 2957 Augusta Circle, was present to answer any questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-3

Letter from the City Manager and an Ordinance entitled, An Ordinance granting **Conditional Use Permits** to authorize the operation of a nightclub and a commercial recreation center named **“Pixels-Pints & Bytes”** on property located at **2117 Colonial Avenue**.

Shane Jamison, the applicant, 817 Westover Avenue, was present to answer any questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-4

Letter from the City Manager and an Ordinance entitled, An Ordinance permitting **Sentara Healthcare** to encroach into the right-of-way at multiple locations with signs.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

Abstained: Doyle.

C-5

Letter from the City Manager and an Ordinance entitled, An Ordinance permitting **C&I Solutions II REO, LLC and Stony’s Dockside Bar & Grill** to encroach into the right-of-way at **8166 Shore Drive** with a sign.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-6

Letter from the City Manager and an Ordinance entitled, An Ordinance to repeal **Four Subsections of Section 25-653 and one Subsection of Section 25-654**; and to amend and reordain **Sections 25-647, 653 and 654** of the **Norfolk City Code, 1979, SO AS TO** add a required right turn, a new yield intersection and fourteen new stop intersections.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-7

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a grant award in the amount of \$100,000 from the **Petco Foundation** for the **Norfolk Animal Care Center** for Fiscal Years 2020-2021, appropriating the grant funds and authorizing the City Manager to employ one person in a special project status in the **Norfolk Animal Care Center** and authorizing the expenditure of the grant funds for the salary and benefits of the created position.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-8

Letter from the City Manager and an Ordinance entitled, An Ordinance amending and reordaining **Section 2.1-47** of the **Norfolk City Code SO AS TO** redesignate the **Norfolk Community Services Board** as a **Policy Advisory Board**.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-9

Letter from the City Manager and an Ordinance entitled, An Ordinance approving a right of entry permitting the **Downtown Norfolk Development Corporation T/A Downtown Norfolk Council** to go upon and use certain city owned property located on the second floor of the **Selden Arcade**.

Mary Miller, 7600 Glen Eagles Road, was present to answer questions in this matter on behalf of the Downtown Norfolk Council.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-10

Letter from the City Manager and an Ordinance entitled, An Ordinance approving a right of entry permitting **TWP - The Youth Movement** to go upon and use certain city owned property located at **801 Church Street**.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-11

Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the **City Treasurer** to issue a refund to **Riverpoint Psychiatric Associates Inc.** in the amount of **\$3,170.69, plus interest** based upon the overpayment of its business license tax for the tax year 2019.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-12

Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the **City Treasurer** to issue a refund to **Roof Services JGM Corporation** in the amount of **\$8,162.32, plus interest** based upon the overpayment of its business license tax for the tax year 2019.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

C-13

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a \$50,000.00 grant award from the **Commonwealth of Virginia Department of Criminal Justice Services** and appropriating and authorizing the expenditure of the funds for the **Byrne Justice Assistance Grant (JAG) Program Fiscal Year 2015 State Solicitations**.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an amendment to **Lease Agreement** between the **City of Norfolk** and **Subway Real Estate Corp.** for the premises located at **130 Bank Street, Unit 480,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the re-dedication of certain city owned property as public right-of-way of **Lindsay Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 22, 2019.

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

No: None.

R-3

Letter from the City Clerk requesting Use of the Mace and Police Honor Guard from the **Downtown Norfolk Council** for the **35th Annual Holiday** in the **City Grand Illumination Parade** on **November 23, 2019**, was introduced in writing and read by its title.

ACTION: Use of Mace and Police Honor Guard **approved**.

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

No: None.

R-4

A Resolution entitled, “A Resolution appointing **Dr. Larry Filer** as the representative voting member on the **Hampton Roads Transportation Advisory Committee**, for the **Hampton Roads Transportation Planning Organization**,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective October 22, 2019.

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

No: None.

R-5

A Resolution entitled, “A Resolution appointing **Kim Y. Sudderth to the Southeastern Public Service Authority — Citizen Advisory Committee** for a certain term,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective October 22, 2019.

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

No: None.

NEW BUSINESS

- Danny Lee Ginn, 3844 Dare Circle, spoke regarding good government.
- Kristen Reddin, 3900 Two Oaks Road, Portsmouth, spoke regarding signing up for invocation.
- Lisa Suhay, 1651 Longwood Drive, spoke regarding questions about the casino.
- Vivian Hester, 1916 Arlington Avenue, spoke regarding Norfolk Public Schools as it relates to the casino.
- Barrett Hicks, 4853 Kennebeck Avenue, spoke regarding his experience with the Norfolk Police Department.
- David Brenner, 2204 Halprin Court, spoke regarding community support for the casino.