

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, OCTOBER 26, 2021 – 6:00 P.M.

MOMENT OF SILENCE

Followed by the Pledge the 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
Richard A. Bull	City Clerk	Present
Bernard Pishko	City Attorney	Present
Dr. Larry H. Filer II	City Manager	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, on the application of the **CITY PLANNING COMMISSION**, for (a) General Plan Amendment to Appx B within *PlaNorfolk2030* to adopt The Broad Creek Refresh: A Pattern Book; (b) General Plan Amendment to Appx B within *PlaNorfolk2030* to incorporate the Bruce’s Park neighborhood into the Traditional Neighborhoods Plan Book; (c) Zoning Text Amendment to create the Broad Creek Refresh Overlay (BCRO) district and (d) Change of zoning for all properties, with the exception of any property zoned PD-BCR district, generally bounded on the north by the Virginia Department of Rail and Public Transportation railroad right-of-way lying parallel to and south of Saint Julian Avenue and South Cape Henry Avenue, on the east by the Norfolk Southern railroad right-of-way lying parallel to and east of Ballentine Boulevard, on the south by Corprew Avenue, on the west by the Norfolk Southern railroad right-of-way lying parallel with and east of Tidewater Drive, to apply BCRO District and to remove any other overlay district that might be in place for any such property.

Barbara Dolgia, 1302 Bolton Street, spoke in favor of this matter.

An Ordinance to Apply the Broad Creek Refresh Overlay (BCRO) District to Property Generally Bounded on the North by the Virginia Department of Rail and Public Transportation Railroad Right-of-Way Lying Parallel to and South of Saint Julian Avenue and Cape Henry Avenue, on the East by the Norfolk Southern Railroad Right-of-Way Lying Parallel to and East of Ballentine Boulevard, on the South by Corprew Avenue, and on the West by the Norfolk Southern Railroad Right-of-Way Lying Parallel to and East of Tidewater Drive. - **(Ordinance No. 48533)**

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

PH-1A An Ordinance to Amend and Reordain Section 3.9.9 of the *Norfolk Zoning Ordinance* SO AS TO Create the Broad Creek Refresh Overlay (BCRO) District. - **(Ordinance No. 48534)**

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

PH-1B An Ordinance to Amend the City’s General Plan, *PlaNorfolk2030*, SO AS TO Adopt and Incorporate “Broad Creek Refresh: A Pattern Book” as a Supplement and to Add a New Chapter to the “Traditional Neighborhoods Plan Book” Providing Single-Family Dwelling Designs Suitable in the Bruce’s Park Neighborhood. - **(Ordinance No. 48535)**

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

PH-2 **PUBLIC HEARING** scheduled this day, pursuant to State Law, on the application of the **CITY PLANNING COMMISSION**, for Zoning Text amendment to the Tree Protection standards and related General Plan Amendments for Tree Preservation/Replacement Strategies and Actions.

An Ordinance to Amend Sections 5.2.4, 5.6, 5.12, and 8.3.2 and Tables 5.2.6, 5.12.6, and 5.12.7 of the *Norfolk Zoning Ordinance* SO AS TO Enhance Tree Protection by Providing Additional Preservation and Replacement Standards. - **(Ordinance No. 48536)**

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

PH-2A An Ordinance to Amend the City’s General Plan, *PlaNorfolk2030*, SO AS TO Incorporate Enhanced Goals for **Tree Protection**, Conservation, and Preservation. - **(Ordinance No. 48537)**

ACTION: Adopted [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 **OLD DOMINION UNIVERSITY REAL ESTATE FOUNDATION**, for the following applications on property located at **NS W 39th Street, 1056-1080 W 39th Street, 1035-1089 W 40th Street, 1041-1083 W 41st Street, 3912 Hampton Boulevard, 4000 Hampton Boulevard, and 4024 Hampton Boulevard** (a) a Rezoning from MF-NS (Multi Family – Neighborhood Scale) and I-L (Industrial – Light) to C-C (Community – Commercial); (b) Conditional Use Permits to allow more than 24 dwelling units and (c) Right-of-way vacation of a portion of 40th Street.

Tara Saunders, 4417 Monarch Way, ODU Real Estate Foundation and Burrell Saunders, Esquire, Saunders & Crouse, 222 Central Park Avenue, Virginia Beach, were present to answer questions in this matter.

An Ordinance to Rezone Properties Located at **1056 to 1080 West 39th Street, 1035 to 1089 West 40th Street, 1041 to 1083 West 41st Street, 3912 Hampton Boulevard, 4000 Hampton Boulevard, and 4024 Hampton Boulevard** from MF-NS (Multi-Family – Neighborhood-Scale) District and I-L (Industrial - Light) District to C-C (Community Commercial) District. - **(Ordinance No. 48538)**

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

PH-3A An Ordinance Granting a Conditional Use Permit to Authorize Multi-Family Dwelling Units on Properties Located at **1056 to 1080 West 39th Street, 1035 to 1089 West 40th Street, 1041 to 1083 West 41st Street, 3912 Hampton Boulevard, 4000 Hampton Boulevard, and 4024 Hampton Boulevard. - (Ordinance No. 48539)**

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

PH-3B An Ordinance Closing, Vacating and Discontinuing a Portion of **40th Street** and Authorizing the Conveyance of Any Interest the City has in Said Portion of 40th Street to the Adjoining Property Owner(s). - **(Ordinance No. 48540)**

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 issuance of **General Obligation Notes** (the "Notes") on a revolving line of credit basis pursuant to which the City will be able to borrow, repay, and reborrow the principal amount of the Notes, provided that no more than \$200,000,000 in principal amount of the Notes will be outstanding at any time.

An Ordinance Reauthorizing the Issuance and Sale by the City of Norfolk, Virginia, of **General Obligation Capital Improvement Notes** on a Revolving Credit Line Basis - **(Ordinance No. 48541)**

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

PH-5

PUBLIC HEARING scheduled this day, pursuant to State Law, to hear comments on the issuance of up to \$23,000,000 in **Wastewater System Revenue Bonds** (the "Wastewater Revenue Bonds") to finance, with respect to the City's wastewater system, certain costs of acquiring, constructing and equipping capital improvements for which bond proceeds have been appropriated pursuant to the City's Capital Improvement Plan.

An Ordinance Authorizing the Issuance and Sale by the City of Norfolk, Virginia, of **Wastewater System Revenue Bonds** for Wastewater Improvements - **(Ordinance No. 48542)**

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

PH-6

PUBLIC HEARING scheduled this day, pursuant to State Law, to hear comments on the issuance of up to \$21,000,000 in **Storm Water System Revenue Bonds** (the "Storm Water Revenue Bonds") to finance, with respect to the City's storm water system, certain costs of acquiring, constructing and equipping capital improvements for which bond proceeds have been appropriated pursuant to the City's Capital Improvement Plan.

An Ordinance Authorizing the Issuance and Sale by the City of Norfolk, Virginia, of **Storm Water Revenue Bonds** for Storm Water Improvements - **(Ordinance No. 48543)**

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

CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED. IF DISCUSSION IS DESIRED ON ANY ITEM, IT WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 An Ordinance Accepting the **Conveyance of a Utility Easement** by the Norfolk Redevelopment and Housing Authority to the City of Norfolk and Authorizing the City Manager to Accept the Deed of Dedication on Behalf of the City. - **(Ordinance No. 48544)**

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

C-2 An Ordinance Granting L&H Real Property, LLC Permission to Encroach into the Right-of-Way at **1310 Colley Avenue**, for the Purpose of Outdoor Dining and Approving the Terms and Conditions of the Encroachment Agreement. - **(Ordinance No. 48545)**

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

C-3 An Ordinance Amend and Reordain Sections 25-647, 25-654 and 25-656 of the *Norfolk City Code, 1979*, so as to add One Right Turns Required at Certain Intersections, Six Stop Intersections and Six Trucks of One and One-Half Tons or Over Prohibited on Certain Streets; Exceptions. - **(Ordinance No. 48546)**

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

C-4 An Ordinance to Amend and Reordain Section 25-646 of the *Norfolk City Code, 1979*, regarding Speed Limits SO AS TO add Local Streets in Business and Residential Districts. - **(Ordinance No. 48547)**

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

C-5 An Ordinance Permitting **Colonna's Shipyard, Incorporated** to Encroach into the Rights-of-Way of **E. Indian River Road and South Main Street** with Communication Lines. - **(Ordinance No. 48548)**

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

C-6 An Ordinance Approving a Right of Entry Permitting **Metro Fibernet, LLC** to Go Upon and Use Property Located at **6242 Sewells Point Road** in Order to Investigate and Assess the Property for Purchase. - **(Ordinance No. 48549)**

Roby Tebo, Project Director for MetroNet, was present to answer questions in this matter.

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

REGULAR AGENDA

R-1 An Ordinance Accepting the Bid Submitted Jointly by WTC Financial Associates, LLC and 435 East WTC, LLC for a **Long Term Garage Parking Agreement**, With a Term of Ten (10) Years with the Option to Extend the Term for One (1) Additional Period of Ten (10) Years, for the Lease of Parking in the Town Point Garage located at 110 W. Main Street, in the Boush Street Garage located at 112 W. City Hall Avenue, and in the West Plume Street Garage Located at 135 W. Plume Street in the City of Norfolk, Virginia, and Authorizing the City Manager to Enter into the Garage Parking Agreement on Behalf of the City. - **(Ordinance No. 48550)**

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

R-2 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Minor Automobile Repair and Maintenance Facility named “National Speed Inc.” on Property Located at **5900 East Virginia Beach Boulevard, Suite 26 and Suite 30.** - **(Ordinance No. 48551)**

Ryal Tayloe, CEO, 5900 East Virginia Beach Boulevard, spoke in favor of this matter.

Denbeigh Marchant, Vice Present of Wheeler, 5900 East Virginia Beach Boulevard, was present in favor of this matter but did not speak.

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

R-3 An Ordinance Amending the FY2022 Annual Appropriations Ordinance (No. 48,379) SO AS TO Accept, Appropriate and Authorize the Expenditure Of Grant Funds Up To The Sum Of \$31,975.00 From The Virginia Department Of Historic Resources, And Previously-Appropriated Local Matching Funds In The Amount Of \$20,000.00 To Begin The Citywide Historic Resource Survey By The Resurveying Of Historic Resources In **The North Berkley Historic District On The South Side. - (Ordinance No. 48552)**

Barrett Hicks, 1515 E. Indian River Road, spoke in favor of this matter and requested a map of the historic area.

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

R-4 An Ordinance Amending the FY2022 Annual Appropriations Ordinance (No. 48,379) SO AS TO Accept, Appropriate and Authorize The Expenditure Of Grant Funds Up To The Sum Of \$13,885.00 From The Virginia Department Of Historic Resources, And Previously-Appropriated Local Matching Funds In The Amount Of \$3,411.15 To Begin The Citywide Historic Resource Survey By The Resurveying Of Historic Resources In **The West Freemason Historic District. - (Ordinance No. 48553)**

Barrett Hicks, E. Indian River Road, spoke in favor of this matter and requested a map of the historic area.

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

R-5 An Ordinance Approving the Donation and Conveyance by the Economic Development Authority of the City of Norfolk to the City of Norfolk of the Property Located at **645 Church Street**; Authorizing the City Manager to Accept a Deed of Gift on Behalf of the City; and Authorizing the Expenditure of a Sum of Up to \$10,000.00 from Funds Heretofore Appropriated for Any Related Transactional Costs. - **(Ordinance No. 48554)**

Barrett Hicks, 1515 E. Indian River Road, spoke in favor of this matter.

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

R-6 An Ordinance Accepting with Appreciation the Donation of A Restored **Commemoration Plaque For The L. Snyder Department Store From The Snyder Family**. - **(Ordinance No. 48555)**

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

R-7 An Ordinance Amending the FY2022 Annual Appropriations Ordinance (No. 48, 379) SO AS TO Accept, Appropriate and Authorize the Expenditure of Grant Funds Up To The Sum Of \$75,000.00 From The National Endowment For The Arts For Our Town Grant To Commission Public Artwork And Support Riverfest And The **Elizabeth River Project Learning Barge** and Authorizing The Expenditure Of Previously-Appropriated Local Matching Funds In The Amount of \$75,000.00 For The Project. - **(Ordinance No. 48556)**

Barrett Hicks, 1515 E. Indian River Road, spoke regarding access to grants for the South Side neighborhood.

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

R-8

An Ordinance Amending The FY2022 Annual Appropriations Ordinance (No. 48,379) SO AS TO Accept, Appropriation And Authorize The Expenditure Of Grant Funds Up To The Sum of \$35,000.00 From The **Virginia Department Of Behavioral Health And Developmental Services** For The Norfolk Community Services Board To Provide Problem Gambling Prevention Services, And \$165,000.00 From The Substance Abuse Block Grant To Prevent Substance Use Disorders By Implementing Strategies Including Information Dissemination, Education, Alternatives, Problem ID And Referral, And Community Capacity Building And Environmental Approaches That Target Individuals, Communities And The Environment. - **(Ordinance No. 48557)**

Barrett Hicks, 1515 E. Indian River Road, spoke in opposition to this matter and commented on the need for counselors on the Southside.

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

R-9

An Ordinance Amending the FY2022 Annual Appropriations Ordinance (No. 48,379) SO AS TO Accept, Appropriate and Authorize the Expenditure Of Donation Funds Up to The Sum Of \$20,000.00 From The Norfolk Public Library Foundation To Assist With The **Randi Marston Peterson Studio At The Mary D. Pretlow Anchor Branch**. - **(Ordinance No. 48558)**

Barrett Hicks, 1515 E. Indian River Road, spoke in favor of this matter.

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

NEW BUSINESS

1. John Robertson, 1050 Tidewater Drive, commented on the temporary homeless shelter's schedule and policies because he was asked to leave the shelter and he had no place to go.
2. Akoma Love, 1050 Tidewater Drive, commented on the temporary homeless shelter's schedule and policies, because they are not allowed in the rooms from 8-5. She believes there should be more programs available from the Norfolk Community Services Board.

3. Richard Ruff, 1050 Tidewater Drive, commented on the temporary homeless shelter's schedule and policies. He believes the elderly and invalent should be placed in senior housing.
4. Mary Simpson Jones, 7505 Paulin Court, spoke regarding the Evelyn Butts transfer station, and the promise she was made to have the Art at the Station decommission and the need for the Station to be cleaned.
5. Barrett Hicks, 1515 E. Indian River Road, spoke regarding the Mental Health Awareness Day he spear headed, stating that counselors from all over Hampton Roads volunteered to help. Asked that the city have more certified counselors to be provide to the Southside. Also, commented that teachers were leaving Southside Academy because of lack of success.
6. Beatrice Thompson, 964 Washington Avenue, spoke on the development at the 3rd precinct police station in Old Huntersville. Will have impact on corridor. Commented on the need for affordable housing and asked council to delay the vote until the communities meet.
7. Will Speiel, 111 Blake Road, spoke in support of the Granby Bike Lanes and road diet, said it was needed to help curb the speeding and wreck less driving on Granby Street.
8. Stewart Strothers, Member of Bike Commission, asked council to approve construction of Granby Street Bike Lanes.
9. Jem Baldisimo, 963 Azalea Court, Apt. 1, spoke in support of Granby Bike Lanes. Stated she is International Student at ODU, relies on bike and public transportation to get around down.

ADJOURNMENT