

NORFOLK, VIRGINIA
RESULTS OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 13, 2022 – 7:00 P.M.

MOMENT OF SILENCE

Followed by the Pledge of Allegiance.

CITY COUNCIL 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	
Adam Melita	Attorney	Present	
Dr. Larry H. Filer II	City Manager	Present	
Richard A. Bull	City Clerk	Present	

CITY PLANNING COMMISSION ROLL CALL

Attendee Name	Title	Status	
Earl P. Fraley Jr.	Commissioner	Present	
Ramona M. Austin	Commissioner	Present	
A. Kathryn Shelton	Commissioner	Present	
Scott E. Bateman	Commissioner	Present	
Jeremy McGee	Commissioner	Present	
Kim Y. Sudderth	Vice Chair	Present	
Kevin R. Murphy	Chair	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 **JOINT PUBLIC HEARING** with the City Planning Commission and the Norfolk City Council scheduled this day, pursuant to State Law, to hear comments to Amend Sections 4.2.3.F, 4.3.3.E, and 8.3.2 of the Norfolk Zoning Ordinance SO AS TO modify definitions and performance standards for the uses of, Banquet Hall, Nightclub, and Restaurant and for the accessory use of Live Entertainment, and to revise definitions for the terms “Disc Jockey (DJ)” and “Entertainment”.

Upon application by the City Planning Commission the Motion is to recommend that the City Council approve an Ordinance to Amend Section 4.2.3.F of the Norfolk Zoning Ordinance so as to modify definitions and performance standards for the uses of Banquet Hall, Nightclub, and Restaurant.

ACTION:	Adopted as Amended [5 to 2]
AYES:	Fraley, Austin, Shelton, McGee, Murphy
NAYS:	Bateman and Sudderth

An Ordinance to Amend Section 4.2.3.F of the Norfolk Zoning Ordinance so as to modify definitions and performance standards for the uses of Banquet Hall, Nightclub, and Restaurant.

Planning Commission Recommends Approval 5-2

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

PH-2 Public Hearing scheduled this day, pursuant to State Law, to hear comments on the revocation of a Conditional Use Permit previously granted on August 24, 2021, by Ordinance No. 48,461 Granting a Conditional Use Permit to authorize the Operation of a Nightclub Named “Legacy Lounge” on property located at 216 East Plume Street, for failure to adhere to the conditions contained in the Permit.

An Ordinance Revoking a Conditional Use Permit previously Granted to Legacy on August 24, 2021 by Ordinance No. 48,461, authorizing the Operation of a Nightclub on Property Located at 216 East Plume Street.

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

PH-3 Public Hearing scheduled this day, pursuant to State Law, to hear comments on an Ordinance Approving a Lease Agreement with Foodbank of Southeastern Virginia, Inc, for the Lease of City-owned property located at 961 Park Avenue.

An Ordinance Approving a Lease Agreement with Foodbank of Southeastern Virginia, Inc. for the Lease of City-Owned Property Located at 961 Park Avenue.

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 an Ordinance Approving a Lease Agreement with Old Dominion University for the Lease of the parking lot located at the intersection of Hampton Boulevard and 50th Street.

An Ordinance Approving a Lease Agreement with Old Dominion University for the Lease of the Parking Lot Located at the Intersection of Hampton Boulevard and 50th Street.

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 concerning the Crown Castle Bid received for the grant of a non-exclusive franchise to use and occupy the City’s streets and public rights-of-way for the purpose of constructing, installing and maintaining wireless communications facilities and infrastructure.

An Ordinance Accepting The Bid Submitted By Crown Castle Fiber LLC For A Long-Term Wireless Facilities Franchise Agreement, With A Term Of Five Years In The City's Right-of-Way.

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 to Amend Conditional Use Permits so as to Approve a Change of Managers for a Banquet Hall Operating After Midnight with Live Entertainment Named “Glass Light Hotel and Gallery” on Property Located at 201 Granby Street.

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

- C-2 An Ordinance to Amend a Zoning Approval so as to Approve a Change of Managers for an Existing Restaurant, including the Sale of Alcoholic Beverage for Off-Premises Consumption, Named “Brick Anchor Brew-House” on Property Located at 241 Granby Street.

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

- C-3 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Veterinary Hospital or Clinic Named “Ghent Veterinary Hospital” on Property Located at 3415 Granby Street.

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

- C-4 An Ordinance to Repeal one subsection of Section 25-653 and to Amend and Reordain Sections 25-654 and 25-656 of the Norfolk City Code, 1979, SO AS TO Remove One Yield Intersection, Add Ten New Stop Intersections, and Add Two Streets Where Trucks Over One and a One-Half Tons are Prohibited.

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

- C-5 An Ordinance Granting Tacos Y Tequila Ghent LLC Permission to Encroach into the Right-of-Way at 1421 Colley Avenue for the Purpose of Outdoor Dining and Approving the Terms and Conditions of the Encroachment Agreement.

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

- C-6 An Ordinance Permitting 3755 VA Beach Blvd, LLC to Encroach into the Right-of-Way at 3755 E. Virginia Beach Boulevard With a Concrete Sidewalk.

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

- C-7 An Ordinance Permitting East Beach Home Neighborhood Association to Encroach in the Right-of-Way of East Beach Drive at the Intersections of 23rd Bay Street and 24th Bay Street with Vertical Parking Stops; Nansmond Bay Street at the Intersection of East Bay Street with Standard Parking Lines; and the Alley North of Pleasant Avenue from 23rd to 27th Bay Streets with Speed Bumps.

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

C-8 An Ordinance Amending And Reordaining Section 16-5 Of The Norfolk City Code, 1979, Concerning The Acceptance Of Gifts And Donations To the City Of Norfolk Or Its Subdivisions.

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

C-9 An Ordinance Approving a General Right of Entry Permitting Chesapeake Bay Foundation to Go Upon and Use City-Owned Property During Small Water Quality Improvement Projects.

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

REGULAR AGENDA

R-1 An Ordinance placing an Honorary Street Sign entitled Nancy Lieberman Pass at 43rd Street between Hampton Boulevard and Monarch Way.

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

R-2 An Ordinance to Schedule a Council Retreat on Friday, October 7, 2022, and Saturday, October 8, 2022, and to Move the Location from the Council Chambers of the City Hall Building to the Virginia Zoo.

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

R-3 An Ordinance Amending The FY2023 Annual Appropriations Ordinance (No. 48,751) So As To Accept, Appropriate And Authorize The Expenditure Of Funds Received As A Result Of Minimal Donations From Library Patrons And Citizens, If and When Received, Up To The Sum Of \$50,000.00 For General Library Operational Expenses.

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

R-4 An Ordinance Amending The FY2023 Annual Appropriations Ordinance (No. 48,751) So As To Accept, Appropriate And Authorize The Expenditure Of Donated Funds Up To The Sum Of \$3,000.00 From Friends Of The Norfolk Public Library For The 2022 Free Book/Summer Food Program.

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

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 \$198,269.00 From The Federal, State And Local Fiscal Recovery Fund From Virginia Department of Behavioral Health And Developmental Services For Norfolk Community Services Board To Implement The STEP-VA Care Coordination Services.

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 \$54,750.00 From The Federal, State And Local Fiscal Recovery Fund From Virginia Department Of Behavioral Health And Developmental Services For Norfolk Community Services Board To Implement The STEP-VA Psychiatric Rehabilitation Services.

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 \$79,462.00 From The Federal, State And Local Fiscal Recovery Fund From Virginia Department Of Behavioral Health And Developmental Services For Norfolk Community Services Board To Implement The STEP-VA Case Management Services.

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, Appropriate And Authorize The Expenditure Of Grant Funds In Amounts Up To \$5,000.00 From Virginia Department Of Behavioral Health And Development Services For Norfolk Community Services Board To Provide Problem Gambling Prevention Services If And When Received.

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 \$80,000.00 From Virginia Department Of Behavioral Health And Developmental Services Virginia State General Fund IT Infrastructure Grant To Support Norfolk Community Services Board In Its Efforts To Modernize Information Technology Infrastructure With Regard To Data And Business Analytics.

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

R-10 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 \$75,000.00 From Virginia Department of Behavioral Health And Developmental Services Through Health Planning Region V For Norfolk Community Services Board's Initiative Assistance Program.

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

R-11 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 \$36,006.00 From Virginia Department Of Behavioral Health And Developmental Services Through Health Planning Region V For Norfolk Community Services Board To Provide Forensic Discharge Planning Services.

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

R-12 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 \$147,234.00 From Virginia Department Of Behavioral Health And Developmental Services For Norfolk Community Services Board Infant And Toddler Connection Program To Provide Early Intervention Services.

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

R-13 An Ordinance to Amend and Reordain Chapter 26 of the Norfolk City Code, 1979, regarding Noise.

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

R-14 An Ordinance to Amend and Reordain Sections 24-233 Through 24-236 of the Code of the City of Norfolk, Virginia, 1979, so as to Incorporate State Law Changes Providing for the Collection of the Tax on a Transient Obtaining Lodging that is Facilitated by a Lodging Intermediary.

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

R-15 An Ordinance Approving a First Amendment to Lease Agreement by and Between the City of Norfolk, as Landlord, and Waterside Marina, LLC, as Tenant, for the Lease of Waterside Marina in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the First Amendment to Lease Agreement on Behalf of the City of Norfolk.

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

- R-16 An Ordinance Amending THE FY2023 Annual Appropriations Ordinance (No. 48,751) So As To Accept, Appropriate And Authorize The Expenditure Of Funds Up To The Sum Of \$68,000.00 From The United States Capitol Police To Allow The Sheriff To Pay Certain Deputy Sheriffs As Independent Contractors For Providing Security Support To A U.S. Congresswoman Residing In The City of Norfolk.

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

- R-17 An Ordinance to Amend and Reordain Section 34.1-37 of the Norfolk City Code, 1979, so as to allow Taxicab Companies to add Owner-Operator Vehicles to Fleets.

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

- R-18 An Ordinance Approving a Stadium Lease Agreement By and Between the City of Norfolk and Tides Baseball Club, LP for the Lease of Certain Portions of that Certain Ballpark Stadium and Improvements Known as Harbor Park Located at 150 Park Avenue in the City of Norfolk, Virginia, for the Operation of a Class AAA Baseball Team of the Professional Development League System, and Authorizing the City Manager to Execute the Stadium Lease Agreement on Behalf of the City of Norfolk.

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