

NORFOLK, VIRGINIA
RESULTS OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, NOVEMBER 29, 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	

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 zoning text amendment to the Norfolk Zoning Ordinance to revise and remove inconsistent definitions and fix clerical errors.

An Ordinance to Amend the Norfolk Zoning Ordinance so as to Clarify Certain Standards for Variances, Performance Standards for Visitor Accommodation Uses, and Dimensional Standards for Accessory Uses, to Provide Exceptions for Orientation of Fences in Limited Circumstances, to Define the Scope of Resilience Quotient, Screening, and Open Space Set-Aside Regulations, and to Make Other Corrections Necessary to Maintain Organization and Internal Consistency Within the Zoning Ordinance. - **(Ordinance No. 48994)**

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 ODU REAL ESTATE FOUNDATION, for a change of zoning from C-C (Community – Commercial) and I-L (Light Industrial) to Conditional UV (University Village) at 1056, 1064, 1070, 1080 W 39th Street, N S W 39th Street, 1035- 1089, W 40th Street, 1041-1083 W 41st Street, and 3912, 4000, 4024 Hampton Boulevard.

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 C-C (Community Commercial) District and I-L (Industrial-Light) to conditional MW (Monarch Way) District. - **(Ordinance No. 48995)**

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 PERRY GLASS STUDIO, for a Rezoning from HC-G1 (Ghent Historic and Cultural Conservation) to D-AD (Downtown – Arts and Design) at 253 Grace Street and a Development Certificate for 253 Grace Street and 745 Duke Street.

An Ordinance to Rezone Property Located at 253 Grace Street from HC-G1 (Ghent Historic and Cultural Conservation) District to D-AD (Downtown-Arts and Design) District. - **(Ordinance No. 48996)**

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

PH-3A An Ordinance Granting a Development Certificate, With Waivers, to Permit the Expansion of an Existing Art Studio on Properties Located at 253 Grace Street and 745 Duke Street. - **(Ordinance No. 48997)**

Robert Crawshaw, 400 Granby Street, was present to answer any questions relative 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 an Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of That Certain Parcel of Property Located at 1004 Saint Julian Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of That Certain Parcel of Property Located at 1004 Saint Julian Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants. - **(Ordinance No. 48998)**

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 an Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of That Certain Parcel of Property Located at 2430 West Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of That Certain Parcel of Property Located at 2430 West Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants. - **(Ordinance No. 48999)**

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 an Ordinance Authorizing the Sale and Conveyance to ABJO Investment LLC of That Certain Parcel of Property Located at 1319 Reservoir Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to ABJO Investment LLC of That Certain Parcel of Property Located at 1319 Reservoir Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants. - **(Ordinance No. 49000)**

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

PH-7 Public Hearing scheduled this day, pursuant to State Law, to hear comments on an Ordinance Authorizing the Sale and Conveyance to Wayne Garvin of That Certain Parcel of Property Located at 957 Washington Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Wayne Garvin of That Certain Parcel of Property Located at 957 Washington Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants. - **(Ordinance No. 49001)**

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

PH-8 Public Hearing scheduled this day, pursuant to State Law, to hear comments on an Ordinance Authorizing the Sale and Conveyance to Junius Summerfield Grimes IV of That Certain Parcel of Property Located at 1317 Reservoir Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Junius Summerfield Grimes IV of That Certain Parcel of Property Located at 1317 Reservoir Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants. - **(Ordinance No. 49002)**

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

PH-9 Public Hearing scheduled this day, pursuant to State Law, to hear comments on an Ordinance Authorizing the Sale and Conveyance to DeLoach General Contracting Company of That Certain Parcel of Property Located at 1308 Factory Street in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to DeLoach General Contracting Company of That Certain Parcel of Property Located at 1308 Factory Street in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants. - **(Ordinance No. 49003)**

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

PH-10 Public Hearing scheduled this day, pursuant to State Law, to hear comments on an Ordinance Authorizing the Sale and Conveyance R&HH Enterprise, LLC of That Certain Parcel of Property Located at 3119 Bapaume Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance R&HH Enterprise, LLC of That Certain Parcel of Property Located at 3119 Bapaume Avenue in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants. - **(Ordinance No. 49004)**

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

PH-11 Public Hearing scheduled this day, pursuant to State Law, to hear comments on an Ordinance Authorizing the Sale and Conveyance to Modern Design Builders LLC of That Certain Parcel of Property Located at 813 Fremont Street in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Modern Design Builders LLC of That Certain Parcel of Property Located at 813 Fremont Street in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants. - **(Ordinance No. 49005)**

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 Authorizing a Right of Entry Agreement Permitting the Virginia Department of Transportation to Enter Upon and Use City-Owned Property Located at 9401 4th View Street in Order to Make Improvements to the Property. - **(Ordinance No. 49006)**

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

- C-2 An Ordinance to Repeal Two Subsections of Section 25-653 regarding Yield Intersections and to Amend and Reordain Sections 25-646, 25-652 and 25-654 of the Norfolk City Code, 1979, so as to add One Speed Limit, Four New One-Way Streets and Twelve Stop Intersections on Certain Streets. - **(Ordinance No. 49007)**

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

- C-3 An Ordinance Permitting ERP Colley Avenue, LLC to Encroach into the Rights-of-Way of Colley Avenue, 46th Street and 47th Street Near 4610 Colley Avenue with Various Encroachments. - **(Ordinance No. 49008)**

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

REGULAR AGENDA

- R-1 An Ordinance Granting a Conditional Use Permit to Authorize the Construction of new Multi-Family Dwelling Building on Property Located at 4231 East Little Creek Road.

ACTION: Continued to December 13, 2022 [Unanimous]
AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,
Thomas Jr., Alexander

R-2 An Ordinance Granting a Conditional Use Permit to Authorize a Large-Scale Drive-through Facility on Property located at 4037 East Little Creek Road in the East Beach Market Place Shopping Center.

ACTION: Continued to December 13, 2022 [Unanimous]
AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,
Thomas Jr., Alexander

R-3 An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at 1106 Toler Place.
Angie Lundy, the applicant, 1106 Toler Place, spoke in support of this matter.

ACTION: LOST [3 to 5]
AYES: McClellan, Royster, Smigiel Jr.
NAYS: Doyle, Johnson, Riddick, Thomas Jr., Alexander

R-4 An Ordinance Approving a Purchase and Sale Agreement by and Between Level Realty, LLC, as Seller, and the City of Norfolk, as Purchaser, for Those Certain Parcels of Real Property Located at 200, 206 and 210 W. Ocean View Avenue in the City of Norfolk, Virginia, and Authorizing the Expenditure of a Sum of Up To \$1,805,000.00 From Funds Heretofore Appropriated for Acquisition of the Property and all Related Transactional Costs. - **(Ordinance No. 49009)**

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

R-5 A Resolution to Initiate the Process of Vacating the Public Rights-of-Way of Certain Portions of Holt Street and a Private Lane. - **(Resolution No. 1879)**

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

R-6 An Ordinance Authorizing the City Manager to Execute a Declaration of Restrictive Covenants Regarding VRP Site 00739 and Multiple Parcels Near Harbor Park. - **(Ordinance No. 49010)**

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

R-7 Letter transmitting from the General Registrar the Abstract of Votes cast in the 2022 November General Election held on November 8, 2022, pursuant to Section 24.2-675 of the Code of Virginia.

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

November 29, 2022