

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 14, 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	Remote	
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	

RESOLUTION APPROVING REMOTE PARTICIPATION

A Resolution approving participation through electronic communication means by Councilwoman Andria P. McClellan in the Norfolk City Council meeting on September 14, 2021.

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

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

CEREMONIAL RESOLUTION

The Mayor presented a Resolution which read as follows:

WHEREAS, Angelia Williams Graves served as a member of the Norfolk City Council from November 2, 2010 to January 12, 2021 and as Vice Mayor from July 1, 2014 until June 30, 2016; and

WHEREAS, during her time in office she represented the citizens of Norfolk and the residents of Superward 7 with high honor and great distinction, and through her numerous contributions helped shape and guide the progress of the city; and

WHEREAS, it is fitting and appropriate to recognize her unwavering leadership as the co-chair of the Mayors Advisory Committee/St. Paul’s Area; and

WHEREAS, during her 10 years of distinguished task force leadership roles in the communities of Church Street/Huntersville and Lambert’s Point/Park Place/Kensington/Villa Heights, she was vital to their growth and development.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Norfolk hereby extends deep thanks and appreciation to Angelia Williams Graves for her 10 years of dedicated and selfless service to the City and its citizens; and

BE IT FURTHER RESOLVED, that this resolution be recorded in the permanent proceedings of the Council and a copy thereof be presented to Angelia Williams Graves.

Given Under Our Hands This 14th day of September 2021

Adopt the Resolution extending deep thanks and appreciation to Angelia Williams Graves for her 10 years of dedicated and selfless service to the city and the citizens of Norfolk.

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

PUBLIC HEARING

PH-1 Public Hearing scheduled this day pursuant to State Law, on the application of LIV DEVELOPMENT, for (a) an Amendment to the Future Land Use Map within the General Plan, plaNorfolk2030, from Institutional to Multifamily, (b) to Rezone from IN-C (Institutional - Campus) to MF-AC (Multi Family – Apartment Community) and (c) a Conditional Use Permit to allow more than 24 dwelling units on property located at **443 Kempsville Road**.

Vince Mastracco, 150 W. Main Street, #2100, Norfolk, was present to answer questions in this matter.

An Ordinance to Rezone Property Located at **443 Kempsville Road** from IN-C (Institutional - Campus) District to MF-AC (Multi Family – Apartment Complex) District.

ACTION:	Continued to November 9, 2021 [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

An Ordinance to Amend the City’s General Plan, PlaNorfolk2030, SO AS TO Change the City’s Future Land Use Designation for Property Located at **443 Kempsville Road** from Institutional to Multifamily.

ACTION:	Continued to November 9, 2021 [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

An Ordinance Granting a Conditional Use Permit to Authorize Multi-Family Dwelling Units on Property Located at **443 Kempsville Road**.

ACTION:	Continued to November 9, 2021 [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

CONSENT AGENDA

C-1

Emergency Procurement August 2021 - Repair of Elevators at MacArthur Parking Garage.

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

- C-2 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Craft Beverages Production Facility Named “Fort Norfolk Spirit Company” on Property Located at **2618 Colley Avenue. - (Ordinance No. 48488)**

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

- C-3 An Ordinance Granting a Conditional Use Permit Authorizing Sale of Alcoholic Beverages for Off-Premises Consumption at an Establishment Named “Codex” on Property Located at **429 Granby Street. - (Ordinance No. 48489)**

Kaitlin Hock, 1521 Degrassee Avenue, applicant, was present to answer questions in favor of this matter.

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

- C-4 An Ordinance Granting a Conditional Use Permit Authorizing the Sale of Alcoholic Beverages for Off-Premises Consumption at an Establishment Named “VA Goods” on Property Located at **208 East Main Street, Suite 111. - (Ordinance No. 48490)**

Careyann Weinberg, 406 Ridgeley Road, was present to answer questions in favor of this matter.

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

C-5 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant Operating After Midnight with Live Entertainment Named “Yorgo’s Bageldashery” on Property Located at **2123 Colonial Avenue. - (Ordinance No. 48491)**

Greg Peterman, 1312 Graydon Avenue, applicant, was present to answer questions in favor of this matter.

John Ryan, 150 Boush Street, #604, Attorney for the applicant, was present to answer questions in favor of this matter.

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

C-6 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Tattoo Parlor Named “Valhalla Rose Tattoo and Body Piercing” on Property Located at **2300 East Little Creek Road, Suite 2310. - (Ordinance No. 48493)**

ACTION:	Adopted [Unanimous]
AYES:	Doyle, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander
NO:	Johnson and Riddick

C-7 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Convenience Store with the Sale of Alcoholic Beverages for Off-premises Consumption and the Sale of Smoking and Vaping Products Named “Airport Quick Mart” on Property Located at **2504 East Little Creek Road.**

The Motion is to amend the Ordinance to remove "vaping" as a Conditional Use Permit.

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

An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Convenience Store with the Sale of Alcoholic Beverages for Off-premises Consumption and the Sale of Smoking Products Named “Airport Quick Mart” on Property Located at **2504 East Little Creek Road. - (Ordinance No. 48492)**

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

C-8 An Ordinance Granting a Conditional Use Permit to Authorize a Short-term Rental Unit (Vacation Rental) on Property Located at **450 West Ocean View Avenue. - (Ordinance No. 48494)**

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

C-9 An Ordinance Granting Nicholas Petrillo and Kathleen Petrillo Permission to Encroach into the Right-of-Way of **53rd Street Adjacent to 770 52nd Street** with a Pier, and Approving the Terms and Conditions of the License Agreement. - **(Ordinance No. 48495)**

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

C-10 An Ordinance Granting Tazewell Apts LLC Permission to Encroach into the Right-of-Way at **117 W. Tazewell Street** with a Flag Mounted Sign. - **(Ordinance No. 48496)**

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

- C-11 An Ordinance directing the City Treasurer to Issue a refund to **Wells Fargo Clearing Services, LLC** based upon the overpayment of its Business License Tax for Tax Years 2018 and 2019. - **(Ordinance No. 48497)**

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

- C-12 An Ordinance directing the City Treasurer to issue a refund to **Oasis Systems, LLC** based upon the overpayment of its Business License Tax for Tax Years 2018, 2019 and 2020. - **(Ordinance No. 48498)**

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

- C-13 An Ordinance Approving the Gift from the **Norfolk Sister Cities Association** of a Distance Marker Signs that Acknowledge the Distance from the City of Norfolk to its Respective Sister Cities Around the World; Authorizing the City Manager to Accept This Gift on Behalf of the City; Authorizing the Execution of a Letter Agreement Detailing the Donation and Acceptance of the Gift; and to Do All Things Necessary to Appropriately Display the Signs. - **(Ordinance No. 48499)**

Jennifer Priest, 800 E. City Hall Avenue, was present to questions in favor of this matter.

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

REGULAR AGENDA

- R-1 An Ordinance Authorizing an Amendment to the Land Disposition and Development Contract Between the City and the **Hanson Company, LLC SO AS TO** Revise the Closing Date and Adopt a New Development Schedule. - **(Ordinance No. 48500)**

Kelvin Hanson, 600 W. 35th Street, was present in favor of this matter.

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

- R-2 An Ordinance **Declaring the Continuation of the State of Local Emergency** due to the Imminent Public Health Threat COVID-19 pursuant to Virginia Code Section 44-146.21. - **(Ordinance No. 48501)**

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

- R-3 An Ordinance Authorizing an Agreement Between the United States Department of Commerce, Economic Development Administration ("EDA") and the City of Norfolk to **Release the EDA Federal Interest in a Revolving Loan Fund Award** and Authorizing the City Manager to sign the Agreement on Behalf of the City of Norfolk. - **(Ordinance No. 48502)**

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

R-4 An Ordinance to Update Chapters and Sections Relating to Administrative Departments, Boards and Commissions in the Code of the *City of Norfolk, 1979*, as Amended; by Repealing Chapters 15.2 and 25.2, Sections 2-271, 2-272, 2-515 and 32-72.1 to 32-72.9; Amending and Reordaining Chapter 30, Articles I and II of Chapter 13, Sections 2-230, 2-231, 2-435, 2-435.1 to 2-435.4, 2-460, 2-460.1 to 2-460.3, 2-525, 2-525.1 to 2-525.3, the Title of Section 2-110; Adding Sections 2-102, 2-280 and 2-281. - **(Ordinance No. 48503)**

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

R-5 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 \$985,000.00 From Virginia Department of Fire Programs For The Aid To Localities Program. - **(Ordinance No. 48504)**

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

R-6 A Resolution approving the **Norfolk Community Services Board's Performance Contract** with the Commonwealth for Fiscal Year 2022 Renewable by mutual agreement for Fiscal Year 2023. - **(Resolution No. 1837)**

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

R-7 A Resolution to Initiate the Process of Vacating the Public Rights-of-Way of Certain Portions of **Chapel Street, Walke Street and Mariner Street**. - **(Resolution No. 1838)**

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

R-8

An Ordinance Approving a Lease Agreement Between Vijay, LLC, as Lessor, and the City of Norfolk, as Lessee, for the Lease of Property Located at **1050 Tidewater Drive**; Authorizing the City Manager to Execute the Lease Agreement on Behalf of the City of Norfolk; and Authorizing the Appropriation and Expenditure of a Sum of up to \$140,000.00 to Cover the Rent Payments for the Rental Term and Transactional Costs. - **(Ordinance No. 48505)**

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

NEW BUSINESS

1. Alton Robinson, 5116 E. Princess Anne Road, spoke about the Community and council needs to address the issue of people in the streets which are violent and homeless.
2. Vincent Lasalle, 1446 Calhoun Street, spoke on the St. Paul's Development, specifically the residents in Tidewater Gardens being moved back to Ruffner, relocation assistance and a member of the St. Paul's Advisory Commission being removed.

ADJOURNMENT