

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, FEBRUARY 22, 2022 – 6:00 P.M.

ANNOUNCEMENT

The City of Norfolk declared a local State of Emergency pursuant to Virginia Code §44-146.21 due to the public health danger of Covid-19, which constitutes a disaster and emergency. The catastrophic nature of Covid-19 makes it impracticable or unsafe for this public body to assemble a quorum in a single location. The purpose of this meeting is to provide for the continuity of operations or the discharge of its lawful purposes, duties, and responsibilities. This meeting is being held electronically through WebEx pursuant to Virginia Code §2.2-3708.2.

MOMENT OF SILENCE

Followed by the Pledge the Allegiance.

ROLL CALL

Attendee Name	Title	Status	
Courtney R. Doyle	Councilmember - Ward 2	Remote	
Mamie B. Johnson	Councilmember - Ward 3	Remote	
Andria P. McClellan	Councilmember - Superward 6	Remote	
Paul R. Riddick	Councilmember - Ward 4	Present	
Danica J. Royster	Councilmember - Superward 7	Remote	
Thomas R. Smigiel Jr.	Councilmember - Ward 5	Remote	
Martin A. Thomas Jr.	Vice Mayor	Present	
Kenneth Cooper Alexander	Mayor	Remote	

CLOSED SESSION RESOLUTIONS

A Resolution certifying a Closed Meeting of the Council of the City of Norfolk on February 19, 2022, 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

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

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

PUBLIC HEARINGS

PH-1 **PUBLIC HEARING** scheduled this day, pursuant to State Law, on the application of the **COMMISSARY KITCHEN, LLC** for change of zoning to amend the proffered conditions for property zoned Conditional C-C (Community – Commercial) at **3351 Chesapeake Boulevard**.

An Ordinance to Rezone Property Located at **3351 Chesapeake Boulevard** in Order to Modify Conditions on Property Zoned Conditional C-C (Community - Commercial) District. - **(Ordinance No. 48673)**

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 OF NORFOLK**, for a change of zoning from PCO-Lafayette Overlay, C-C (Community – Commercial) and SF-T (Single Family – Traditional) to C-C (Community – Commercial) at **2601, 2605, 2611 Lafayette Boulevard and 3131 and 3133 Lens Avenue**.

An Ordinance to Rezone Properties Located at **2601, 2605 and 2611 Lafayette Boulevard** to remove them from the PCO-Lafayette Overlay District and to Rezone Properties Located at **3131 and 3133 Lens Avenue** from SF-T (Single-Family Traditional) District to C-C (Community - Commercial) District. - **(Ordinance No. 48674)**

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, to hear comments on the application of the **CITY OF NORFOLK** to vacate the Right-of-Way of Jacob Street, Odell Street, a Portion of Kimball Terrace and a Portion of an Unnamed Ten-Foot Lane for the **Ohio Creek Watershed Improvement Project**.

An Ordinance Vacating the Right-of-Way of Jacob Street, Odell Street, a Portion of Kimball Terrace and a Portion of an Unnamed Ten-Foot Lane for the **Ohio Creek Watershed Improvement Project. - (Ordinance No. 48675)**

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 to Amend and Reordain Section 1 of Ordinance No. 48,381 SO AS TO Appropriate and Authorize the Expenditure of Funds in the Additional amount of \$118,711,246.00 to the **School Board of the City of Norfolk** for the Elementary and Secondary School Emergency Relief (ESSER III) and the Coronavirus State and Local Fiscal Recovery Funds (CSLFR) portion of the American Rescue Plan Act for **Norfolk Public Schools**.

An Ordinance to Amend and Reordain Section 1 of Ordinance No. 48,381 SO AS TO Appropriate and Authorize the Expenditure of Funds in the Additional Amount of \$118,711,246.00 to the **School Board of the City of Norfolk** for the Elementary and Secondary School Emergency Relief (ESSER III) and the Coronavirus State and Local Fiscal Recovery Funds (CSLFR) Portion of the American Rescue Plan Act for **Norfolk Public Schools. - (Ordinance No. 48676)**

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.

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

- C-1 An Ordinance directing the City Treasurer to issue a refund to **Bow Equipment Leasing Company, Inc.** based upon the overpayment of its Business Tangible Property Tax for the Tax Year 2020. - **(Ordinance No. 48677)**

- C-2 An Ordinance directing the City Treasurer to issue a refund to **Mil-Spec Abrasives, LLC** based upon the overpayment of its Machinery and Tools Tax for the Tax Years 2019, 2020 and 2021. - **(Ordinance No. 48678)**

- C-3 An Ordinance Approving a Right of Entry Permitting **Virginia Arts Festival, Inc.** to go Upon and Use City-Owned Property Located at **451 Bank Street** and Known as "The Green Space". - **(Ordinance No. 48679)**

- C-4 An Ordinance Accepting the Conveyance of a Temporary Construction Easement from NDS, LLC Over the Property Located at **7428 Tidewater Drive** and Authorizing the City Manager to Accept the Easement on Behalf of the City. - **(Ordinance No. 48680)**

- C-5 An Ordinance Accepting the Conveyance of a Temporary Construction Easement from Steven Lee Self Over the Property Located at **7424 Tidewater Drive** and Authorizing the City Manager to Accept the Easement on Behalf of the City. - **(Ordinance No. 48681)**

- C-6 An Ordinance Accepting the Conveyance of a Temporary Construction Easement from Meredith Investments, LLC Over the Property Located at **5026 E. Princess Anne Road** and Authorizing the City Manager to Accept the Easement on Behalf of the City. - **(Ordinance No. 48682)**

- C-7 Request for **Use of Mace and Police Honor Guard** for the 53rd Annual St. Patrick's Day Parade on March 12, 2022 at 10:00 a.m.

RECEIVED AND FILED: [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 Short-Term Rental Units (Vacation Rental) on Property Located at **9608 15th Bay Street**.

Juri Miller, 3429 W. Cary Street, Richmond, was available to answer questions in this matter.

ACTION: **Continued to March 8, 2022 [Unanimous]**

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-2 An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at **9627 14th Bay Street**.

Juri Miller, 3439 W. Cary Street, Richmond, was available to answer questions in this matter.

ACTION: **Continued to March 8, 2022 [Unanimous]**

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-3 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Restaurant Operating with Extended Hours Named "Catch by The River" on Property Located at **4024 Granby Street**.

The applicant, Candice Anderson, 6037 Providence Road, Virginia Beach, spoke in favor of this matter.

The following people spoke in opposition to this matter:

1. Tim Howlett, 241 E. 41st Street
2. Vince Callahan, 3916 Holly Avenue
3. Michael Langston, 4313 Colonial Avenue
4. Laura Burns, 715 Carolina Avenue
5. Bobby Howlett, 327 Duke Street
5. Fouad Mohit, 1006 Jamestown Crescent

ACTION:	Lost [0 to 7]
NAYS:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr.
ABSTAIN:	Kenneth Cooper Alexander

R-4

An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at **6309 Tidewater Drive. - (Ordinance No. 48683)**

The Applicant, Terreon Conyers, 762 Denision Court, spoke in favor of this matter.

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

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 \$200,000.00 From the Virginia Department of Housing and Community Development (DHCD) For the **Virginia Eviction Reduction Pilot Program** to Provide Eviction Prevention Services for Households at Risk of Eviction. - **(Ordinance No. 48684)**

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

- R-6 An Ordinance to Amend the FY2022 Annual Appropriations Ordinance (No. 48,379), As Amended, SO AS TO Add \$1,646,006 to the Budget, and to Amend and Reordain Section 1 SO AS TO Appropriate and Authorize the Expenditure of Funds from the **Norfolk Public Schools Restricted State Revenue. - (Ordinance No. 48685)**

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 \$12,500.00 From the Virginia Department of Behavioral Health and Developmental Services Substance Abuse Block Grant for The **Norfolk Community Services Board** to Assist School and Community Stakeholders in Participating in Trauma Conference. - **(Ordinance No. 48686)**

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

- R-8 A Resolution Providing Authorization for the **Norfolk Airport Authority to Issue Tax-Exempt Revenue Bonds** for the Benefit of Norfolk Collegiate School - **(Resolution No. 1855)**

Cary Sawyers, and Scott Kennedy, Norfolk Collegiate High School, 7336 Granby Street were available to answer questions in favor of this matter.

T.W. Bruno, Attorney, 800 E. Canal Street, Richmond, was also available to answer questions in favor of this matter.

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

- R-9 An Ordinance Amending Chapter 2.1 Of the *Norfolk City Code, 1979*, to add one New Article Concerning Limited **Competitive Appointment Procedures for Certain Positions within the Classified Service**. - (Ordinance No. 48687)

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

- R-10 A Resolution Appointing Denia L. Rauls to The **Community Policy and Management Team** for a Certain Term. - (Resolution No. 1856)

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

ADJOURNMENT