

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, AUGUST 23, 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	
Bernard Pishko	City Attorney	Present	
Dr. Larry H. Filer II	City Manager	Present	
Richard A. Bull	City Clerk	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

INVITATION FOR BIDS

IB-1 Invitation for Bids for 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 network facilities for telecommunications services within and through the city.

ACTION:	Continued to September 13, 2022 [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 to Amend the City's General Plan, Planorfolk2030, SO AS TO Adopt the "City of Norfolk Midtown Plan."

An Ordinance to Amend the City's General Plan, Planorfolk2030, so as to Adopt the "City of Norfolk Midtown Plan." - **(Ordinance No. 48873)**

Alton Robinson, 6116 E. Princess Anne Road, requested additional community meetings relative to this matter.

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, to hear comments on an Ordinance to Amend and Reordain the Title of Section 14.1-59, Easton Precinct, SO AS TO Change the Name of the Precinct to Calvary Revival Church; to Amend Subsection 14.1-75 (27) SO AS TO Change the Name of the Precinct from Easton Precinct to Calvary Revival Church Precinct; to Amend Section 14.1-125 SO AS TO Change its Name to Calvary Revival Church Precinct and Change the Location of the Voting Place.

An Ordinance to Amend and Reordain the Title of Section 14.1-59, Easton Precinct, so as to Change the Name of the Precinct to Calvary Revival Church; to Amend Subsection 14.1-75 (27) SO AS TO Change the Name of the Precinct from Easton Precinct to Calvary Revival Church Precinct; to Amend Section 14.1-125 SO AS TO Change its Name to Calvary Revival Church Precinct and Change the Location of the Voting Place. - **(Ordinance No. 48874)**

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 an Ordinance Approving a Lease Agreement with Truist Bank for the Lease of Space within Norfolk City Hall, Located at 810 Union Street, for an ATM.

An Ordinance Approving a Lease Agreement with Truist Bank for the Lease of Space within Norfolk City Hall, Located at 810 Union Street, for an ATM.

ACTION:	Continued Generally [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 Truist Bank for the Lease of Space within the Police Operations Center, located at 3661 E. Virginia Beach Boulevard, for an ATM.

An Ordinance Approving a Lease Agreement with Truist Bank for the Lease of Space within the Police Operations Center, Located at 3661 E. Virginia Beach Boulevard, for an ATM.

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

PH-5 PUBLIC HEARING scheduled this day, pursuant to State Law, on the application of the CITY PLANNING COMMISSION to Amend the Norfolk Zoning Ordinance SO AS TO Create a Simplified Review Process for Changing a Nightclub Use to a Restaurant Use and to Add or Increase the Capacity of an Outdoor Dining Area.

An Ordinance to Amend the Norfolk Zoning Ordinance so as to Create a Simplified Review Process for Changing a Nightclub Use to a Restaurant Use and to Add or Increase the Capacity of an Outdoor Dining Area. - **(Ordinance No. 48875)**

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 Granting a Conditional Use Permit to Authorize a Large-Scale Drive-through Facility on Property located at 2336 East Little Creek Road for a Restaurant Named “Dunkin.” - **(Ordinance No. 48876)**

Bob Kellam, Esq., Attorney for the Applicant, 500 Central Drive, Suite 113, Virginia Beach, was available to answer any questions regarding this matter.

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

- C-2 An Ordinance to Amend Conditional Use Permits SO AS TO Approve a Change of Managers for a Craft Beverage Production Facility Operating after Midnight with Live Entertainment Named “Smartmouth Brewing Company” on Property Located at 1309 Raleigh Avenue Suite 200 and 300. - **(Ordinance No. 48877)**

Porter Hardy, 1325 W. Princess Anne Road, was available to answer any questions relative to this matter.

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

- C-3 An Ordinance to Amend Conditional Use Permits SO AS TO Approve a Change of Managers for an Existing Restaurant Operating after Midnight with Live Entertainment Named “Gershwin’s” on Property Located at 332 Granby Street, Suite 100. - **(Ordinance No. 48878)**

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

- C-4 An Ordinance to Amend and Reordain the Norfolk City Code, 1979, SO AS TO Add One New Section Numbered 12-89.10.1, Relating to the Resubdivision of a Planting Area to Develop Forest Lawn East Center Lawn Section A, Block 3, Creating 44 New Double Grave Monument Lots, For a Total of 88 Graves. - **(Ordinance No. 48879)**

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

- C-5 An Ordinance to Amend and Reordain the Norfolk City Code, 1979, SO AS TO Add One New Section Numbered 12-86.3, Relating to the Resubdivision of a Portion of David's Garden blocks 1, 2, 3, 4 and 5 to Convert 85 Infant Graves into 51 New Adult Graves. - **(Ordinance No. 48880)**

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

- C-6 An Ordinance to Amend and Reordain Subsection (a) of Section 24-7 of the Norfolk City Code, 1979, regarding the Correction of Assessments to allow the Treasurer to Refund Erroneously Assessed Taxes up to \$10,000.00 and conforming with State Code Changes to Section 58.1--3981 of the Code of Virginia. - **(Ordinance No. 48881)**

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

- C-7 An Ordinance Granting Michael, LLC Permission to Encroach into the Right-of-Way at 1233 W. Olney Road for the Purpose of Outdoor Dining and Approving the Terms and Conditions of the Encroachment Agreement. - **(Ordinance No. 48882)**

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

- C-8 An Ordinance Granting Riverview Associates, L.L.C. Permission to Encroach into the Right-of-Way at 1907 Colonial Avenue for the Purpose of Outdoor Dining and Approving the Terms and Conditions of the Encroachment Agreement. - **(Ordinance No. 48883)**

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

- C-9 An Ordinance Accepting with Appreciation a Donation in Kind from the Nancy Lieberman Charities to the City, with a Value of \$125,000, for the Surfacing of the Public Basketball Court Located in the East Ocean View Community and Senior Center at 9520 20th Bay Street; and Authorizing the Right of Entry Agreement to Allow Maintenance Plus LLC to Perform the Work on Behalf of the Nancy Lieberman Charities. - **(Ordinance No. 48884)**

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

- C-10 An Ordinance Amending Section 2-50 of the *Norfolk City Code, 1979*, In Its Entirety to Authorize the Inclusion of The Employees of Norfolk's Constitutional Officers in The City's Personnel Policies for The Purposes of Accruing and Accumulating Sick Leave Pursuant to The Authority of Virginia Code Section 15.2-1605. - **(Ordinance No. 48885)**

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

- C-11 A Resolution Approving the Renewal of The Norfolk Community Services Board's Performance Contract with The Commonwealth for Fiscal Year 2023. - **(Resolution No. 1874)**

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

- C-12 An Ordinance Approving a Right of Entry Project RELO to Go Upon and Use Certain City Owned Property Designated as Harbor Park - Parking Lot G for a Veterans Support and Tribute Event. - **(Ordinance No. 48886)**

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

REGULAR AGENDA

- R-1 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 to September 13, 2022 [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-2 An Ordinance to Amend and Reordain the *Norfolk City Code, 1979*, by Adding One New Chapter Numbered 15.1 Pertaining to Family Day Homes to Provide Regulations Governing the Operation of Family Day Homes. - **(Ordinance No. 48887)**

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 Additional Grant Funds Up To The Sum Of \$131,756 For A Total Of \$1,589,368 From The U.S. Department Of Housing And Urban Development (HUD) For Use In The Home Investment Partnership Program For The Purpose Of Grant Administration, Paying The Costs Of The Community Housing Development Organization, Providing Homebuyer Assistance, And Providing Tenant Based Rental Assistance (TBRA) To Eligible Residents, If And When Such Funds Are Realized As Program Income. - **(Ordinance No. 48888)**

Monet Johnson, 305 Argonne Avenue, requested clarification relative to this matter.

Vincent LaSalle, 1242 Reservoir Avenue, requested clarification relative to this matter.

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

- R-4 An Ordinance to Amend the Norfolk City Council Rules of Procedure. - **(Ordinance No. 48889)**

Alton Robinson, 6116 E. Princess Anne Road, requested clarification on this matter.

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

R-5 An Ordinance Approving the Renewal and Amendment of the Lease Agreement Between 731 Monticello Avenue, LLC and the City of Norfolk for 727 and 729 Monticello Avenue; Authorizing the City Manager to Execute the Amendment on Behalf of the City; and Authorizing the Expenditure of a Sum of Up to \$7,650.00 From Funds Heretofore Appropriated to Cover the Rent Payments for the Remainder of Fiscal Year 2023. - **(Ordinance No. 48890)**

Alton Robinson, 6116 E. Princess Anne Road, requested clarification on this matter.

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

R-6 An Ordinance Approving the Renewal and Amendment of the Lease Agreement Between Starke Street, LLC and the City of Norfolk for 730 Granby Street; Authorizing the City Manager to Execute the Amendment on Behalf of the City; and Authorizing the Expenditure of a Sum of Up to \$26,780.00 From Funds Heretofore Appropriated to Cover the Rent Payments for the Remainder of Fiscal Year 2023. - **(Ordinance No. 48891)**

Alton Robinson, 6116 E. Princess Anne Road, requested clarification on this matter.

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

R-7 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Retail Store with the Sale of Alcoholic Beverages for Off-premises Consumption and the Sale of Smoking Products, Named "Family Dollar," on Property Located at 5900 East Virginia Beach Boulevard, Suite 206.

ACTION:	Continued to September 27, 2022 [7 to 1]
AYES:	Doyle, Johnson, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander
NAYS:	Riddick

- R-8 An Ordinance Amending And Reordaining Section 1 Of The FY2023 Annual Appropriation Ordinance (No. 48,751), As Amended, To Add A Sum Not To Exceed \$3,000,000 To The General Fund, Central And Outside Agency Appropriations, If and When Received From The Virginia General Fund Through The Virginia Tourism Corporation, And Appropriating And Authorizing The Expenditure Thereof For the Sail250 Virginia Project Being Organized By Norfolk FestEvents Ltd, And Appropriating The Sum Of Not To Exceed \$150,000 From The General Fund Balance And Authorizing The Expenditure Thereof For The Elizabeth River Gospel Fest Being Organized By The Men For Hope, Inc. - **(Ordinance No. 48892)**

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

- R-9 An Ordinance Approving a First Amendment to Purchase and Development Agreement Between the City of Norfolk, as Seller, and TRG Community Development, LLC, as Purchaser, for that Certain Parcel of Real Property Located at 645 Church Street in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the First Amendment to Purchase and Development Agreement on Behalf of the City of Norfolk. - **(Ordinance No. 48893)**

Alton Robinson, 6116 E. Princess Anne Road, requested clarification on this matter.

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

- R-10 An Ordinance Approving Additional Wellness Benefits for the Norfolk Police Department Officers for Fiscal Year 2023, Appropriating and Authorizing the Expenditure of a Sum up to \$753,000 to Provide the Additional Benefits. - **(Ordinance No. 48894)**

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

- R-11 The Second Ordinance Amending and Reordaining the Fiscal Year 2023 Compensation Plan Ordinance so as to Amend Section 7 of the Regulations to provide a Car Allowance to the City Assessor, City Clerk and City Auditor. - **(Ordinance No. 48895)**
LaTonya Snow, W. 30th Street, spoke in opposition to this matter.

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

- R-12 An Ordinance Approving a Lease Agreement with Azalea Little League, Incorporated and Fleet Park Little League, Inc. for the Lease of City-Owned Property Located at 1130 Pineridge Road. - **(Ordinance No. 48896)**
Alton Robinson, 6116 E. Princess Anne Road, spoke in opposition to this matter.

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

NEW BUSINESS

Antonio Brown, Sr., 727 Dunn Place, spoke regarding youth football funding and field lights.

Seema Noorali, 845 Gem Court, Virginia Beach, spoke regarding Military Circle Mall redevelopment.

Dr. Jennifer Goff, 880 N. Military Highway, spoke regarding Military Circle Mall redevelopment.

Imtiaz (Zan) Alam, 880 N. Military Highway, spoke regarding Military Circle Mall redevelopment.

Raj Saya, 880 N. Military Highway, spoke regarding Military Circle Mall redevelopment.

Dorsett Barnwell, 4861 Citrine Avenue, Virginia Beach, spoke regarding Military Circle Mall redevelopment.

Caroline Tetschner, American Legion - Post 37, 700 N. Military Highway, spoke regarding Military Circle Mall redevelopment.

Laniqua Taylor, 880 N. Military Highway, spoke regarding Military Circle Mall redevelopment on behalf of For The People, Inc.

Pamela Savage, 700 N. Military Highway, Suite 2024, spoke regarding Military Circle Mall redevelopment.

Nelson Lu, 862 N. Military Highway, spoke regarding Military Circle Mall redevelopment.

Jason Inge, PO Box 14525, Norfolk, spoke regarding violence in the city.

Rebecca Luce, 409 San Antonio Boulevard, spoke regarding the general state of the city.

Monet Johnson, 305 Argonne Avenue, spoke regarding redevelopment in the St. Paul's Area.

Jack Bray, 1561 Campostella Road Lot 85, Chesapeake, spoke regarding affordable housing.

Lorraine Connaughton, 241 Granby Street, spoke regarding Lime scooters in the pedestrian walkways.

Michael LeMelle, owner of 1space, Military Circle Mall, spoke regarding Military Circle Mall redevelopment.

Lelia Vann, President of Downtown Civic League, spoke regarding the mass shooting on August 5, 2022.

Preston Carraway, 123 College Place, spoke regarding downtown late night businesses.

Greg Reck, 219 Granby Street, spoke regarding excessive vehicle noise.

Daniel Franken, 745 W. 34th Street, spoke regarding public safety concerns.

John Paige, 909 Merrimac Avenue, spoke regarding Huntersville football field lights.

Julie Basco, 1214 E. Oceanview Avenue, spoke regarding election integrity in Norfolk.

Levi and Reign Braswell, 3921 Quailshire Lane, Chesapeake, spoke regarding Military Circle Mall redevelopment.

Amir Driver, 700 N. Military Highway Space 2006, spoke regarding Military Circle Mall redevelopment.

Melissa Garman, 3842 Wayne Circle, Norfolk Public Schools Teacher, spoke regarding parking during Norfolk School Board meetings.

Thomas Calhoun, Norfolk Federation of Teachers, 3620 Tidewater Drive, spoke regarding parking during Norfolk School Board meetings.

Sauda Speede, 8600 Glenn Myrtle Avenue, spoke regarding the Parks and Recreation plan.

The Honorable Ron Villanueva spoke regarding Chicho's Backstage.

Louie Ochave, President of the Chicho's Brand, spoke regarding Chicho's Backstage.

Rory Schinel, Operating Partner of Chicho's Backstage, spoke regarding Chicho's Backstage.

Ed Stockunas spoke regarding Chicho's Backstage.

Alton Robinson, 6116 E. Princess Anne Road, spoke regarding various community concerns.

Phillip Hawkins, Stop the Violence Team, 3597 Mississippi Avenue, spoke regarding gun violence.

Vincent LaSalle, 1242 Reservoir Avenue, spoke regarding redevelopment in the St. Paul's Area.

Tiara Lassiter, 3045 Sewells Point Road, spoke regarding city government.

Steven Johnson, 2308 Reservoir Avenue, spoke regarding Military Circle Mall redevelopment.

Rob Bracknell, 718 Connecticut Avenue, spoke regarding crime in the community.

August 23, 2022

Jimmy Entas, 1005 Colonial Avenue #3, spoke regarding bicycle and pedestrian safety.

Greg Freda, Granby Pizza, 235 Granby Street, spoke regarding parking tickets.

ADJOURNMENT