

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, AUGUST 24, 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	Remote/Telephonically	
Andria P. McClellan	Councilmember - Superward 6	Present	
Paul R. Riddick	Councilmember - Ward 4	Remote/Telephonically	
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	
Richard A. Bull	City Clerk	Present	
Bernard Pishko	City Attorney	Present	
Dr. Larry H. Filer II	City Manager	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 HEARING

PH-1

Public Hearing scheduled this day pursuant to State Law, to hear comments Amend and Reordain the City’s Operating Budget for Fiscal Year 2022 to add \$15,014,057 to the Budget, and to Amend and Reordain Section 1 of Ordinance No. 48,379 (Operating Budget Ordinance for Fiscal Year 2022) SO AS TO appropriate and authorize the expenditure of funds from the City’s fund balance and reflect the budgetary impact of updated real estate tax and delinquent real estate tax revenue for the purpose of funding

An Ordinance To Amend And Reordain The City's **Operating Budget For Fiscal Year 2022** To Add \$15,014,057.00 To The Budget, And To Amend And Reordain Section 1 Of Ordinance No. 48,379 (Operating Budget Ordinance For Fiscal Year 2022) So As To Appropriate And Authorize The Expenditure Of Funds From The City's Fund Balance And Reflect The Budgetary Impact Of Updated Real Estate Tax And Delinquent Real Estate Tax Revenue For The Purpose Of Funding Various Additional Public Safety Compensation And City Employee Initiatives, And The St. Paul's Transformation. - **(Ordinance No. 48460)**

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 the Operation of a Nightclub Named “Legacy” on Property Located at **216 East Plume Street. - (Ordinance No. 48461)**

Lisa Murphy, Attorney for the Applicant, 440 Monticello Avenue, Suite 2200, was present to answer questions in this matter.

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

- C-2 An Ordinance Granting a Conditional Use Permit Authorizing the Sale of Alcoholic Beverages for Off-premises Consumption at an Establishment Named “Eleanor’s Norfolk” on Property Located at **806 Baldwin Avenue. - (Ordinance No. 48462)**

Erin Dougherty, 2114 Cromwell Drive, was present to answer questions in this matter.

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

- C-3 An Ordinance Granting a Conditional Use Permit Authorizing the Sale of Alcoholic Beverages for Off-premises Consumption at an Establishment Named “Vino Culture” on Property Located at **130 Granby Street. - (Ordinance No. 48463)**

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

- C-4 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Restaurant Operating with Extended Hours Named “Blue Ribbon Brews & BBQ” on Property Located at **8305 Hampton Boulevard**. - **(Ordinance No. 48464)**

Matt McMurray, Applicant, was present to answer questions in this matter.

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

- C-5 An Ordinance Granting a Conditional Use Permit to Authorize a Short-term Rental Unit (Vacation Rental) on Property Located at **9611 19th Bay Street**. - **(Ordinance No. 48465)**

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 a Short-term Rental Unit (Vacation Rental) on Property Located at **9609 19th Bay Street**. - **(Ordinance No. 48466)**

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

- C-7 An Ordinance Granting a Conditional Use Permit to Authorize Short-term Rental Units (Vacation Rental) on Property Located at **1121 Hillside Avenue**. - **(Ordinance No. 48467)**

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 **1442 West Ocean View Avenue - (Ordinance No. 48468)**

Bryan Hall (on behalf of Cindy Hall, the applicant), 1442 W. Ocean View Avenue, was present to answer questions in this matter.

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

- C-9 An Ordinance Granting a Conditional Use Permit to Authorize a Short-term Rental Unit (Vacation Rental) on Property Located at **2004 East Ocean View Avenue. - (Ordinance No. 48469)**

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

- C-10 An Ordinance Granting East Bay Shore Investment Profit Sharing Plan Francis Simpkins TTE FBS 1 401K Plan FBO Francis B. Simpkins Jr. Permission to Encroach into the Rights-of-Way of Atterbury Street and Harper Street at **2834 Harper Street** with a Covered Porch, a Bay Window and a Fence. - **(Ordinance No. 48470)**

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

- C-11 An Ordinance Granting SLNWC Office Company, LLC Permission to Encroach into the Rights-of-Way of Monticello Avenue and Charlotte Street at **440 Monticello Avenue** for the Purpose of Outdoor Dining and Approving the Terms and Conditions of the Encroachment Agreement. - **(Ordinance No. 48471)**

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

- C-12 An Ordinance Accepting with Appreciation Gifts in Kind to the **City's Animal Care and Adoption Center from the Friends of the Norfolk Animal Care Center** and Authorizing the City Manager to Enter into an Appropriate Deed of Gift. - **(Ordinance No. 48472)**

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

- C-13 An Ordinance Granting Athens, LLC Permission to Encroach into the Right-of-Way of Orapax Street at **1300 Redgate Avenue**, for the Purpose of Outdoor Dining and Approving the Terms and Conditions of the Encroachment Agreement.

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

- C-14 An Ordinance Granting Berman Realty, LLC Permission to Encroach into the Right-of-Way at **1316 Colley Avenue**, for the Purpose of Outdoor Dining and Approving the Terms and Conditions of the Encroachment Agreement. - **(Ordinance No. 48473)**

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

- C-15 An Ordinance directing the City Treasurer to issue a refund to **Beaufort, LLC** based upon the overpayment of its Business License Tax for the Tax Year 2021. - **(Ordinance No. 48474)**

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

- C-16 An Ordinance directing the City Treasurer to issue a refund to **Bauer Real Estate, Inc.** based upon the overpayment of its Business Tangible Property Tax for the Tax Year 2020. - **(Ordinance No. 48475)**

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

- C-17 An Ordinance to Amend and Reordain Sections 25-650, 651, 653 and 654 of the *Norfolk City Code, 1979*, SO AS TO **add One Left Turn Prohibited at Certain Intersections, One U-Turn Prohibited at Certain Intersections, One Yield Sign, and Fourteen Stop Intersections.** - **(Ordinance No. 48476)**

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

- C-18 An Ordinance to Amend and Reordain Section 25-646 of the *Norfolk City Code, 1979*, **Reducing Speed Limits to less than 25 miles per hour but not less than 15 miles per hour** SO AS TO Conform with State Code. - **(Ordinance No. 48477)**

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

- C-19 A Resolution Assuring the **Virginia Department of Transportation** of the City of Norfolk's Compliance with Section 24VAC30-151-720 of the Land Use Permit Regulations and Authorizing the City Manager or His Designee to Execute All Such Land Use Permit Applications and Related Documents on Behalf of the City of Norfolk. - **(Resolution No. 1835)**

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

REGULAR AGENDA

- R-1 A Resolution Directing the City Manager to **Propose an Amendment to General Orders** to Permit High Speed Pursuit of Stolen Vehicles. - **(Resolution No. 1836)**

ACTION:	Adopted [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*, SO AS TO Add One New Section Numbered 12-89.4.2, Relating to the Creation of a New Section Named Center Park North Extended Block E in **Forest Lawn Cemetery** with 495 New Graves. - **(Ordinance No. 48478)**

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

- R-3 An Ordinance Amending the FY2022 Annual Appropriations Ordinance (No. 48,379) SO AS TO Accept, Appropriate and Authorize the Expenditure of Donation Funds up to the sum of \$10,000.00 from The Gary Sinise Foundation for The Support of the **Norfolk Police Department's Officer Wellness, Critical Incident Stress Management Program and Peer Support Team. - (Ordinance No. 48479)**

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

- R-4 An Ordinance Amending the FY2022 Annual Appropriations Ordinance (No. 48,379) SO AS TO Accept, Appropriate and Authorize the Expenditure of Donation Funds Up To The Sum Of \$10,000.00 From The Norfolk Police Foundation For The **Wrapping Of A 12-Passenger Van To Be Used By The Norfolk Police Department for Transportation For Youth Focused Community Engagement Programs. - (Ordinance No. 48480)**

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 \$582,814.00 From the Virginia Department of Behavioral Health and Development Services for The Norfolk Community Services Board to Provide **Permanent Supportive Housing for Thirty (30) Individuals With Serious Mental Illness. - (Ordinance No. 48481)**

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

- R-6 An Ordinance Approving a License Agreement with Sentara Healthcare Regarding Artwork to be Placed at the Brock Cancer Center Located at **6251 E. Virginia Beach Boulevard. - (Ordinance No. 48482)**

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

- R-7 An Ordinance Accepting with Appreciation the Donation from Robert C. Goodman, Jr. To The City of **Two (2) Kenneth Harris and Marjorie Beale Water Color Paintings** Of Norfolk's Past Valued At In Excess Of \$5,000.00. - **(Ordinance No. 48483)**

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

- R-8 An Ordinance Approving a **First Amendment to Cooperation Agreement** Between the City of Norfolk and the Norfolk Redevelopment and Housing Authority and Authorizing the City Manager to Execute the First Amendment to Cooperation Agreement on Behalf of the City of Norfolk. - **(Ordinance No. 48484)**

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

- R-9 An Ordinance to Amend and Reordain Section 24-26 of the *Norfolk City Code, 1979*, so as to change the maximum number of **pawn shops** allowable in the City. - **(Ordinance No. 48485)**

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

- R-10 The First Ordinance Amending and Reordaining the Fiscal Year 2022 Compensation Plan so as to add a new Section 22 concerning the **Police Officer Retention Bonus Program to its Regulations. - (Ordinance No. 48486)**

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

- R-11 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.

Kelvin Hanson, 600 W. 35th Street, spoke in favor of this matter and asked the council not to grant a continuance.

Oscar Riley, 537 W. 35th Street, spoke in favor of this matter and his relationship with the Hanson Company that is presenting the project.

Latif Rashed, 604 35th Street, spoke in favor of this matter and commented that this project would quality and affordable apartments that would add to the Park Place Community.

Dr. Swiyah Fareed, 424 W. 35th Street, spoke in favor of this matter and stated the legacy of the Muslin Community should live on in this project for Park Place.

Hannibal Hasan, 537 W. 35th Street, spoke in favor of this matter and asked council to not deny the opportunity for affordable housing in Park Place.

Gregory Thomas, 602 W. 35th Street, Apt. 1104, spoke in favor of this matter and asked council not to postpone the vote on this project.

Isamel Saleem, 730 W. 35th Street, spoke in favor of this matter and stated that development supports revitalization. Asked council not to postpone the vote on this project.

Columbus Grant, III, 7652 Glen Eagle Road, spoke in favor of this matter and asked that the vote not be postponed.

Beverly McDonald, Owner Croaker Spot, 600 W. 35th Street, spoke in favor of this matter and asked council not to postpone the vote of this project.

ACTION:	Continued to September 14, 2021 [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

R-12

An Ordinance **Granting K and B Concepts LLC D/B/A Hell's Kitchen** Permission to Encroach onto City Property Located at 111 and 123 Granby Street with Vinyl Wrappings. - **(Ordinance No. 48487)**

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

NEW BUSINESS

1. Matthew Crowe, 801 Granby Street, spoke regarding residents' concerns on crime and violence at the NEON District. Commented that people are selling their homes and looking to move because of the recent unruly events.
2. Roy L. Perry-Bey, United Front for Justice, P.O. Box 1772, Hampton, requested to rename the intersection of Brambleton Avenue and Campostella Avenue to Martin Luther King Jr. Avenue. He also asked to Maury or Ruffner be renamed to Evelyn Butts Avenue.
3. Michael J. Muhammad, 1216 Curie Court, commented that development projects throughout the city, i.e., Poplar Halls and Military Circle Corridor, are not being discussed with the Community.

4. Thomas Morrisette, 888 Magazine Lane, spoke on the increase in crime and noise in the NEON District. Expressed concern the residents are living in fear for their lives.
5. Barrett Hicks, 4853 Kennabeck Avenue, commented that the young folks in Oakleaf Forest and Diggs Town need council's support. Requested that the Recreation Center be open, so youth have somewhere to go. He feels like the gun violence will stop if this happens.
6. Rick Dessi, President of North Camellia Acres Civic League, 8152 Walters Drive, spoke regarding the litter and illegal signs throughout the city. Commented that their needs to be solutions to these things and council should take a progressive approach.
7. Amina Matheny-Willard, 999 Waterside Drive, Suite 2525, commented on policy accountability and that police officers are still on the force, that have been violent. She also stated that there needs to be transparency and requested a Town Hall Meeting to answer questions regarding how the Superward 7 seat was filled. She would like to know about the Turners Market Grant.
8. Edna Christine Riddick, 5500 Sandpiper Lane, commented on the proposed Breeden Company Development in Poplar Halls, stating the neighborhood was opposed to it because there would be more traffic concerns, and crime if the project moves forward.
9. Bob Rawls, 701 Brian Hill Road, spoke in support of the Breeden Company Development in Poplar Halls. He stated that the new single-family homes would serve as a buffer. He supports the project that will include a pool and fitness center.
10. Mary Simpson-Jones, 4505 Paulin Court, thanked council for the beautiful event for Mrs. Butts. Stated there are only 4 transfer stations in Norfolk and only one has a shelter - suggesting that all should have shelters.

ADJOURNMENT