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## CITY COUNCIL

### AGENDA

**Tuesday, April 25, 2023**

**3:30 CITY COUNCIL WORK SESSION – CITY HALL-10<sup>TH</sup> FLOOR CONFERENCE ROOM**

**I. AGENDA OVERVIEW**

*Dr. Larry H. Filer II, City Manager*

**II. RETIREMENT SYSTEM DISCUSSION**

*Catheryn R. Whitesell, Deputy City Manager  
Penny DeLosh, Executive Director of Retirement*

**III. RETREAT FOLLOW-UP**

*Norfolk City Council*

**IV. CLOSED SESSION:**

- **REAL ESTATE MATTERS**
- **LEGAL MATTER**

**Supporting Documents:**

- [Announcement of Meeting](#)
- [4-25-2023 Minutes from City Council Meeting of April 11th](#)
- [4-25-2023 Pending Land Use Report](#)



## NORFOLK, VIRGINIA

### DOCKET FOR THE COUNCIL

TUESDAY, APRIL 25, 2023 – 6:00 P.M.

A CITIZEN WHO WISHES TO ADDRESS COUNCIL CONCERNING A DOCKET ITEM  
OR NEW BUSINESS MUST REGISTER TO SPEAK WITH THE CITY CLERK BY 3:00 PM  
THE DAY OF THE MEETING BY CALLING (757) 664-4253 OR EMAILING  
[CCOUNCIL@NORFOLK.GOV](mailto:CCOUNCIL@NORFOLK.GOV).

### MOMENT OF SILENCE

Followed by the Pledge of Allegiance.

### APPROVAL OF MINUTES

Approve the minutes of the previous City Council meeting.

### PUBLIC HEARINGS

#### PH-1

Public Hearing scheduled this day, pursuant to State Law, on the application of the **CITY PLANNING COMMISSION**, for Zoning Text Amendment to the *Norfolk Zoning Ordinance* for Commercial **Drive-Through Facility, Small Scale** in the D-AD (Downtown- Arts District).

An Ordinance to Amend Table 3.4.11 and Section 4.3.3.E(1) of the *Norfolk Zoning Ordinance* SO AS TO Include “**Drive-Through Facility, Small-Scale**” as an Accessory Use in the D-AD (Downtown-Arts and Design) District that May be Allowed Either by Right or by Conditional Use Permit, Based on Revised Performance Standards.

#### PH-2

Public Hearing scheduled this day, pursuant to State Law, on the application of the **CITY PLANNING COMMISSION**, for Zoning Text Amendment to the *Norfolk Zoning Ordinance* for **Outdoor Dining on Private Property**.

An Ordinance to Amend Sections 4.3.3.E(1) and Several Tables of the *Norfolk Zoning Ordinance* and to Repeal Section 4.4.3.B(3) of said Ordinance in Order to Provide Permanent Standards for **Outdoor Dining Areas on Private Property**.

## 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 the Acceptance of a Temporary Construction Easement Over Property Located at **820 Church Street** and Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City.

C-2 An Ordinance Accepting the Conveyance of a Traffic Utility Easement Over Property Located at the Intersection of **E. Little Creek Road and Shore Drive**; Authorizing the City Manager to Accept the Deed of Easement on Behalf of the City; and Appropriating and Authorizing the Expenditure of the Sum of \$6,200.00 as Payment for the Easement.

C-3 A Resolution Authorizing the City Manager to Execute Grant Applications Requesting Funds from The **Virginia Opioid Abatement Authority (OAA)** To Provide Opioid Mitigation and Abatement Efforts in the City of Norfolk and Adopting The "Gold Standard" of the OAA.

C-4 An Ordinance Approving a Right of Entry Permitting First United Presbyterian Church to Go Upon and Use City-Owned Property Located Adjacent to **746 E. 29th Street for Church-Related Special Event Parking**.

## REGULAR AGENDA

R-1 A Resolution Expressing Commitment to the Residents of the Berkley, Campostella, and Campostella Heights Communities of the City of Norfolk to Working with the United States Army Corps of Engineers to Obtain Approval by the Federal Government to Perform a Post Authorization Change Report to Pursue **Design and Construction of Structural Flood Risk Reduction Measures** for the Berkley, Campostella, and Campostella Heights Communities as Part of the Coastal Storm Risk Management Project.

**(Passed by at the April 11, 2023 Meeting)**

R-1A An Ordinance Approving a Project Partnership Agreement by and Between the Department of the Army and the City of Norfolk for the City of Norfolk **Coastal Storm Risk Management Project** and Authorizing the City Manager to Enter into the Project Partnership Agreement.

**(Passed by at the April 11, 2023 Meeting)**

R-1B A Resolution Expressing Commitment to the Residents of the City of Norfolk to Working with the General Assembly and the Governor of the Commonwealth of Virginia as well as United States Army Corps of Engineers and the Federal Government to Address and to Resolve to the Extent Possible Concerns over the **Coastal Storm Risk Management Project**.

R-2 An Ordinance to Amend and Reordain Section 1 of the Capital Improvement Plan Budget for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 SO AS TO Establish Funding in the Amount of up to \$550,000 to Upgrade the **Fire-Rescue Alerting System**.

R-3 An Ordinance to Amend and Reordain Section 1 of the Capital Improvement Plan Budget for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 SO AS TO Increase Funding in an Amount up to \$950,000 for the **Acquire Fleet Vehicles and Equipment Project for the Purchase of a Fire Apparatus**.

R-4 An Ordinance Authorizing the Dedication of a Portion of Certain City-Owned Property as Public Right-of-Way of **Nicholson Street**.

R-5 An Ordinance to amend and reordain Chapter 6.1 by adding one New Article VII and amending Sections 6.1-2, 6.1-8, 6.1-50, 6.1-51, 6.1-56, 6.1-61, 6.1-65, 6.1-72, 6.1-75, 6.1-77, 6.1-79, 6.1-82 and 6.1-89 of the *Norfolk City Code, 1979*, regarding **Free-Roaming Cats**.

R-6 An Ordinance Authorizing the Amendment of the Land Disposition and Development Contract Between the City and the **Pathway Realty Group, LLC**.

R-7 An Ordinance Authorizing the City's Acquisition of a Certain Parcel of Property Located at **5500 Bayberry Drive** for the Sum of \$291,000.00 and Authorizing the Expenditure of a Sum of Up to \$306,000.00 From Funds Heretofore Appropriated for Acquisition of the Property and All Related Transactional Costs.

R-8 An Ordinance Granting Conditional Use Permits to Authorize a Restaurant to Operate with the Sale of Alcoholic Beverages for both On-Premises and Off-Premises Consumption Named "Legacy Restaurant and Bar" on Property Located at **216 East Plume Street**.

R-9 An Ordinance to Amend and Reordain Section 42-12.1 of the Code of the City of *Norfolk, Virginia, 1979*, SO AS TO Authorize an Administrative Permitting Process for approval of **Outdoor Dining Areas in the Public Right-of-Way** that Comply with Certain Operational, Design, and Safety Regulations.

R-10 An Ordinance to Approve and Adopt a Schedule of Fees Related to **Outdoor Dining Areas Encroaching in a Public Right-of-Way** approved by Permit.

R-11 An Ordinance Authorizing a Memorandum of Understanding with the **Cities for Financial Empowerment Fund, Inc.**

R-12 An Ordinance Authorizing the Cooperation Agreement with the Norfolk Economic Development Authority ("EDA") for the Administration of the **Commercial Corridor Pilot Program**; and Appropriating and Authorizing the Expenditure of a Sum up to \$2,000,000 as Necessary for the City's Obligations Under the Cooperation Agreement.

R-13 An Ordinance Amending the FY2023 Annual Appropriations Ordinance (No. 48,751) SO AS TO Accept, Appropriate and Authorize the Expenditure of Opioid Settlement Funds in The Sum of Up To \$394,485 From **Virginia Opioid Abatement Authority (VOAA)** To Support Efforts to Treat, Prevent, And Reduce Opioid Use Disorder and Misuse of Opioids.

## **ADJOURNMENT**