

NORFOLK, VIRGINIA
RESULTS OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, JUNE 25, 2024 – 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.

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	Remote
Andria P. McClellan	Councilmember - Superward 6	Remote
John E. Paige	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 - Ward 1	Present
Kenneth Cooper Alexander	Mayor	Present
Patrick Roberts	City Manager	Present
Adam Melita	Deputy City Attorney	Present
Richard A. Bull	City Clerk	Present

RESOLUTION FOR REMOTE PARTICIPATION

A Resolution approving participation through electronic communication means by Councilwoman Mamie B. Johnson in the Norfolk City Council meeting on June 25, 2024.

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

RESOLUTION FOR REMOTE PARTICIPATION

A Resolution approving participation through electronic communication means by Councilwoman Andria P. McClellan in the Norfolk City Council meeting on June 25, 2024.

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

PUBLIC HEARINGS

PH-1 Public Hearing scheduled this day, pursuant to State Law, on the application of MPV, II, LLC, for a Rezoning from Conditional G-1 (Granby/Monticello Corridor Mixed-Use) to Conditional C-C (Community Commercial) and for a Conditional Use Permit to Authorize a Large-Scale Drive-through Facility on Property located at 1500 Monticello Avenue for a Restaurant Named “Raising Cane’s.”

An Ordinance to Rezone Property Located at 1500 Monticello Avenue from G-1 (Granby/Monticello Corridor Mixed-Use) District to Conditional C-C (Community Commercial) District.

ACTION:	Adopted [6 to 2]
AYES:	Doyle, Johnson, Paige, Royster, Smigiel Jr., Alexander
NAYS:	McClellan and Thomas Jr.

An Ordinance Granting a Conditional Use Permit to Authorize a Large-Scale Drive-through Facility on Property located at 1500 Monticello Avenue for a Restaurant Named "Raising Cane's."

ACTION:	Adopted [6 to 2]
AYES:	Doyle, Johnson, Paige, Royster, Smigiel Jr., Alexander
NAYS:	McClellan and Thomas Jr.

PH-2 Public Hearing scheduled this day, pursuant to State Law, on the application of the CITY PLANNING COMMISSION, for a Zoning Text Amendment to the Norfolk Zoning Ordinance regarding performance standards to a group home.

An Ordinance to Amend Section 8.3.2 of the Norfolk Zoning Ordinance SO AS TO Clarify the Definition of the Term "Group Home", Align the Definition with State Code, and Establish a Set of Conditions to Ensure that Such Facilities Operate in Compliance with Applicable City and State Limitations.

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

PH-3 Public Hearing scheduled this day, pursuant to State Law, to hear comments approving a Lease Agreement with W.M. Schlosser Co., Inc. For the Lease of a Portion of City Property Located at 3500 Granby Street, Also Known as 249 Lavalette Avenue.

An Ordinance Approving a Lease Agreement with W.M. Schlosser Co., Inc. For the Lease of a Portion of City Property Located at 3500 Granby Street, Also Known as 249 Lavalette Avenue.

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

PH-4

Public Hearing scheduled this day, pursuant to State Law, to hear comments approving a Sublease Agreement Between the City of Norfolk and the Commonwealth of Virginia, Virginia Department of Transportation, For the Lease of a Certain Portion of the Property Located at 9401 4th View Street.

An Ordinance Approving a Sublease Agreement Between the City of Norfolk and the Commonwealth of Virginia, Virginia Department of Transportation, For the Lease of a Certain Portion of the Property Located at 9401 4th View Street.

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

PH-5

Public Hearing scheduled this day, pursuant to State Law, to hear comments 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:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

PH-6 Public Hearing scheduled this day, pursuant to State Law, to hear comments authorizing the Conveyance to Foreman Services, LLC of a Certain Parcel of Property Located at 701 W. 29th Street for the Total Sum of \$31,000.00 in Accordance with the Terms and Conditions of the Purchase and Sale Agreement and Authorizing the Expenditure of a Sum of Up to \$1,000.00 For Any Necessary Transaction Costs.

An Ordinance Authorizing the Conveyance to Foreman Services, LLC of a Certain Parcel of Property Located at 701 W. 29th Street For the Total Sum of \$31,000.00 in Accordance With the Terms and Conditions of the Purchase and Sale Agreement and Authorizing the Expenditure of a Sum of Up to \$1,000.00 For Any Necessary Transaction Costs.

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

PH-7 Public Hearing scheduled this day, pursuant to State Law, to hear comments authorizing the Conveyance to Foreman Services, LLC of Certain Parcels of Property Located at 218 and 220 W. 27th Street for the Total Sum of \$58,000.00 in Accordance with the Terms and Conditions of the Purchase and Sale Agreement and Authorizing the Expenditure of a Sum of Up to \$1,000.00 For Any Necessary Transaction Costs.

An Ordinance Authorizing the Conveyance to Foreman Services, LLC of Certain Parcels of Property Located at 218 and 220 W. 27th Street For the Total Sum of \$58,000.00 in Accordance With the Terms and Conditions of the Purchase and Sale Agreement and Authorizing the Expenditure of a Sum of Up to \$1,000.00 For Any Necessary Transaction Costs.

ACTION:	Continued to July 16, 2024 [Unanimous]
AYES:	Doyle, Johnson, McClellan, Paige, 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, Paige, Royster, Smigiel Jr., Thomas Jr., Alexander

C-1 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant with Live Entertainment and the Sale of Alcoholic Beverages for On-Premises Consumption Named “Casamigos” on Property Located at 5957 East Virginia Beach Boulevard.

C-2 An Ordinance Approving a Right of Entry Agreement Between the City of Norfolk and TWP - The Youth Movement for Use of City-Owned Property Located at 801 Church Street for Fuse Fest 2024 and Authorizing the City Manager to Execute the Right of Entry on Behalf of the City.

C-3 An Ordinance Granting Michael Padden and Megan Padden Permission to Encroach into the Right of Way Adjacent to 6300 Richmond Crescent with an Existing Wooden Dock and Approving the Terms and Conditions of the Encroachment Agreement.

C-4 An Ordinance Granting Buxton Associates Limited Partnership Permission to Encroach into the Right-of-Way at 1200 N. Military Highway with a Sign.

C-5 An Ordinance Accepting an Amended Easement from Cohen Residential, LLC Over Property Located at 4945 Bruce Street and Authorizing the City Manager to Enter into an Appropriate Amended Deed of Easement on Behalf of the City.

REGULAR AGENDA

R-1 An Ordinance adopting the revised City of Norfolk Stormwater Design and Construction Manual.

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

R-2 An Ordinance to Amend and Reordain Section 32-3.4 of the Norfolk City Code, 1979, to change the Program Name from the Virginia Stormwater Management Program to the Virginia Erosion and Stormwater Management Program to conform to changes in State Law.

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

R-3 An Ordinance to Amend and Reordain Chapter 41.2 of the Norfolk City Code, 1979, regarding the Virginia Stormwater Management Program, to change the chapter name to Virginia Erosion and Stormwater Management Program to conform to changes in State law; to Amend and Reordain Section 41.2-1 of the Norfolk City Code, 1979, to include soil erosion impacts to conform to changes in State law and to amend the Department of Planning and Community Development to the Department of City Planning to conform with the Norfolk City Code; and to Amend and Reordain Section 41.2-3 of the Norfolk City Code, 1979, to amend the Department of Planning and Community Development to the Department of City Planning to conform with the Norfolk City Code.

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

R-4 An Ordinance to Amend and Reordain Section 41.1-25 of the Norfolk City Code, 1979, regarding the Virginia Stormwater Management Program Fees, to change the Section Name to the “Virginia Erosion and Stormwater Management Program Fees” and change the Program Name to the “Virginia Erosion and Stormwater Management Program (VESMP)” to conform to changes in State Law, to amend the language regarding when required fees are to be paid, and to change the permit maintenance fee for Single Family Residential Home with land disturbance greater than 1 acre, but less than 5 acres, to \$0 .

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

R-5 An Ordinance to Amend and Reordain Section 41.1-1 of the Norfolk City Code, 1979, regarding Stormwater Management, to amend the definition and term of Impervious Surface Area.

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

R-6 An Ordinance to Amend and Reordain subsection (b) of Section 15-3 of the Norfolk City Code, 1979, to change the Program Name from the “Virginia Stormwater Management Program” to the “Virginia Erosion and Stormwater Management Program” and update the regulations to reflect the change from the Stormwater Management Act to the Virginia Erosion and Stormwater Act effective July 1, 2024 to conform to changes in State Law, and removal of regulations for plans approved prior to July 1, 2014; and to Amend and Reordain subsection (c) of Section 15-9 of the Norfolk City Code, 1979, to change the permit name from the “Virginia Stormwater Management Program Construction General Permit” to the “General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities or other permit required by law” to conform to state law.

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

R-7

An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Banquet Hall and Live Entertainment at an Establishment Named "Eros Event Spaces" on Property Located at 801 East 26th Street, Suite C.

ACTION:	LOST [4 to 4]
AYES:	Paige, Royster, Smigiel Jr., and Alexander
NAYS:	Doyle, Johnson, McClellan and Thomas Jr.

R-8

An Ordinance Authorizing the Acquisition of a Certain Parcel of Property Located at 642 35th Street for the Sum of \$112,000.00 and Authorizing the Expenditure of a Sum of Up to \$127,000.00 From Funds Heretofore Appropriated for Acquisition of the Property and All Related Transactional Costs.

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

R-9

An Ordinance Approving a Lease Agreement with the United States of America, Department of the Navy, For the Lease of a Certain Portion of the Property Located at 9401 4th View Street and Authorizing the Expenditure of the Sum of \$40,558.00 for Rent and Administrative Costs.

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

R-10

An Ordinance Amending and Reordaining the FY2025 Annual Appropriations Ordinance No. 49,590 SO AS TO Amend Section 3 To Include A Retiree Health Credit Authorized By Section 37-61(o) Of The Norfolk City Code, 1979, As Amended.

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

R-11 An Ordinance Amending and Reordaining Section 1 Of the FY2024 Annual Appropriation Ordinance (No. 49,220), As Amended, To Increase The General Fund Appropriations For The Fleet Management Fund In The Amount Of \$1,200,000 And Authorizing Its Expenditure.

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

R-12 A Resolution to Amend the Cost Allocation Agreement Between the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach and the Transportation District Commission of Hampton Roads.

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

R-13 An Ordinance Permitting an Existing Deck as an Encroachment into the Right-of-Way of Bayside Avenue North of Property Numbered 3130 East Ocean View Avenue.

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