CITY COUNCIL
AGENDA

TUESDAY, SEPTEMBER 13, 2016

Work Session Agenda

5:00 PM – City Hall - 10th Floor Conference Room

Break For Dinner

Closed Session

- Real Estate Matters

Agenda Overview

Presenter: *Marcus D. Jones, City Manager*

Stormwater Fee Reduction Program

Presenter: *David Ricks, Director of Public Works*

Norfolk Works

Presenter: *Peter Chapman, Deputy City Manager*

Additional Documents

Documents:

09-13-16 CITY PLANNING COMMISSION PUBLIC HEARING RESULTS FROM AUGUST 25.PDF
09-13-16 COUNCIL INTERESTS.PDF
09-13-16 MINUTES OF CITY COUNCIL MEETING OF AUGUST 23.PDF
09-13-16 PENDING LAND USE ACTIONS.PDF
09-13-16 TRAFFIC CONTROL SIGNS - ADDITIONAL INFORMATION.PDF

Announcement Of Meeting

Documents:

09-13-16 ANNOUNCEMENT OF MEETING.PDF

Formal Session

7:00 PM - Council Chambers, City Hall, 11th Floor

Prayer

Prayer to be offered by Pastor Christopher Hines, Way of the Cross Church, followed by the Pledge of Allegiance.

Public Hearings

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the conveyance of a portion of the **Curlew Drive** right of way to the **Virginia Department of Transportation** by Deed of Quitclaim.

Documents:

PH-1 CONVEYANCE OF A PORTION OF CURLEW DR RIGHT OF WAY TO VDOT FOR I-264.PDF

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to **Hoffler Architects, LLC** of certain parcels of property located at **2935 and 2939 E. Virginia Beach Boulevard** for the total sum of $25,000.00 in accordance with the terms and conditions of the Purchase and Sale Agreement.

Documents:

PH-2 SALE OF 2935 AND 2939 E. VIRGINIA BEACH BLVD TO HOFFLER ARCHITECTS, LLC.PDF

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Sunsations Realty, LLC**, for a zoning text amendment to Section 27-27, **"River's Edge at Berkley Residential Planned Development District" (PD-R River's Edge at Berkley)** of the *Zoning Ordinance* to create new development standards for a residential planned development on the property.

Documents:

PH-3 ZONING TEXT AMENDMENT - 335 EMMETT PLACE - SUNSATIONS REALTY, LLC.PDF

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Redevelopment and Housing Authority**, for a change of zoning from **R-12** (Medium Density Multi-Family) and BFRPO (Bay Front Residential Parking Overlay) Districts to C-3 (Retail Center) District on the 10-foot rear portion of properties located at **9548- 9574 21st Bay Street**.

Documents:

PH-4 CHANGE OF ZONING AT 9548-9574 21ST BAY ST - NRHA.PDF

Regular Agenda

R-1

Matter of a letter from the City Manager and an Ordinance entitled, "An Ordinance requesting the **Virginia Department of Transportation** to establish projects for the **West Ocean View Flyover**, the Citywide **ADA Ramp Construction, Phase 3**, and the Granby Street/Bayview Boulevard Intersection Improvements in accordance with the Programmatic Project Administration Agreement between the City of Norfolk and the Virginia Department of Transportation; and appropriating and authorizing the expenditure of the total sum of $3,540,000.00 for these projects, subject to and in accordance with the terms of the aforesaid Agreement," will be introduced in writing and read by its title.

(DELAYED AT THE MEETING OF AUGUST 23, 2016)

Documents:

R-01 VDOT FY 2017 REVENUE SHARING PROGRAM.PDF

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as **'Collector Norfolk'** on property located at **2409 Fawn Street**," will be introduced in writing and read by its title.

Documents:

R-02 SPECIAL EXCEPTION - COLLECTOR NORFOLK.PDF

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as **'Borjo Coffeehouse'** on property located at **4416 Monarch Way**," will be introduced in writing and read by its title.

Documents:

R-03 SPECIAL EXCEPTION - BORJO COFFEEHOUSE.PDF

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named **'Clementine's'** on property located at 110 **Lavalette Avenue, Suite C,**" will be introduced in writing and read by its title.

Documents:

R-04 SPECIAL EXCEPTION - CLEMENTINES.PDF

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named **'Exception Ale'** on property located at **2000 Colonial Avenue, Suite 6**," will be introduced in writing and read by its title.

Documents:

R-05 SPECIAL EXCEPTION - EXCEPTION(ALE).PDF

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting an easement from **Lake Wright Retail Investors, LLC** for the purpose of constructing and maintaining a public sidewalk and authorizing the City Manager to execute the **Deed of Easement** on behalf of the City of Norfolk," will be introduced in writing and read by its title.

Documents:

R-06 DEDICATION OF EASEMENT FROM LAKE WRIGHT RETAIL INVESTORS, LLC.PDF

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance dedicating certain property owned by the City of Norfolk as public right of way in connection with the **Military Highway Continuous Flow Intersection Project**," will be introduced in writing and read by its title.

Documents:

R-07 DEDICATION OF PUBLIC RIGHT OF WAY FOR MILITARY HWY WIDENING PROJECT.PDF

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a **Nonexclusive Telecommunications Franchise Agreement** with **Mobilitie, LLC**," will be introduced in writing and read by its title.

Documents:

R-08 NONEXCLUSIVE TELECOMMUNICATIONS FRANCHISE AGREEMENT WITH MOBILITIE, LLC.PDF

R-9

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City Manager to enter into a **Right of Entry Agreement** with **Richard C. Hood and Sharon S. Smith** regarding the property located at **1432 Gates Avenue**, in connection with the **Jeff Robertson Park Stormwater Wetland Project**," will be introduced in writing and read by its title.

Documents:

R-09 RIGHT OF ENTRY AGREEMENT FOR JEFF ROBERTSON PARK STORMWATER WETLAND PROJECT.PDF

R-10

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City Manager to enter into a **Right of Entry Agreement** with the **Commonwealth of Virginia, Department of Transportation and Corman-E.V. Williams**, a joint venture, for work related to the **Virginia Department of Transportation Military Highway Continuous Flow Intersection Project**," will be introduced in writing and read by its title.

Documents:

R-10 RIGHT OF ENTRY AGREEMENT FOR MILITARY HWY CONTINUOUS FLOW INTERSECTION PROJECT.PDF

R-11

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain **Sections 25-653, 654,** and **656** of the *Norfolk City Code, 1979*, **SO AS TO** add three new yield intersections, six new stop intersections, and three new streets included in the prohibition regarding trucks of one and one-half tons," will be introduced in writing and read by its title.

Documents:

R-11 TRAFFIC CONTROL SIGNS - VARIOUS LOCATIONS.PDF

R-12

Letter from the City Manager and an Ordinance entitled, "An Ordinance finding a public necessity for the acquisition in fee simple of the property interests owned by **Joshua Pretlow, Jr., Anne Pretlow Henderson, T. Kirk Pretlow, and Jennie Pretlow Barrett** in certain property located in the **City of Suffolk at the Western Branch Reservoir**; approving the **Purchase and Sales Agreement**; and authorizing the expenditure of a sum of up to $256,000.00 from funds heretofore appropriated for acquisition of the property and all related transactional costs," will be introduced in writing and read by its title.

Documents:

R-12 ACQUISITION OF PROPERTY IN THE CITY OF SUFFOLK AT WESTERN BRANCH RESERVOIR.PDF

R-13

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting **Berman Realty, LLC** permission to encroach into the right-of-way at **1316 Colley Avenue** approximately 386 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**," will be introduced in writing and read by its title.

Documents:

R-13 ENCROACHMENT FOR OUTDOOR DINING AT 1316 COLLEY AVE - BERMAN REALTY, LLC.PDF

R-14

Letter from the City Manager and an Ordinance entitled, "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** approximately 37 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**," will be introduced in writing and read by its title.

Documents:

R-14 ENCROACHMENT FOR OUTDOOR DINING AT 440 MONTICELLO AVE - SLNWC OFFICE COMPANY.PDF

R-15

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a **Temporary Right of Entry Agreement** with **Cellco Partnership d/b/a Verizon Wireless**, granting permission to cross a portion of city-owned property at **723 Spotswood Avenue** for the purpose of installing and maintaining an aerial fiber route and antennas on an existing power pole," will be introduced in writing and read by its title.

Documents:

R-15 TEMPORARY RIGHT OF ENTRY AGREEMENT WITH CELLCO PARTNERSHIP - 723 SPOTSWOOD AVE.PDF

R-16

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing an amendment to **Lease** between **Virginia Stage Company** and the City of Norfolk for property located at **220 Boush Street** and authorizing the City Manager to execute the amendment on behalf of the City of Norfolk," will be introduced in writing and read by its title.

Documents:

R-16 AMENDMENT TO LEASE AGREEMENT WITH VIRGINIA STAGE COMPANY.PDF

R-17

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the acceptance of the **Norfolk Drug Treatment Court Grant Award** of $250,000 from the **Supreme Court of Virginia** for the **Adult Drug Court Program** and program fees up to $15,000 and appropriating the grant funds and program fees and authorizing expenditure of $78,500 from previously appropriated funds as a local cash match," will be introduced in writing and read by its title.

Documents:

R-17 ACCEPTANCE OF A NORFOLK ADULT DRUG TREATMENT COURT GRANT - 250,000.PDF

R-18

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting $348,950 from the **Storm Water Local Assistance Fund Grant** for the implementation of flood reduction and environmental sustainability and appropriating and authorizing the expenditure of the $348,950 grant and $348,950 match funds for the **Anne Outten Pond Retrofit Water Quality Improvement Project**," will be introduced in writing and read by its title.

Documents:

R-18 ACCEPTANCE OF A STORMWATER LOCAL ASSISTANCE FUND GRANT - 348,950.PDF

R-19

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a **Victim Witness Grant Award** of $715,553.00 from the **Virginia Department of**

Criminal Justice Services for the continuation of the **FY17 Victim/Witness Assistance Program**, appropriating and authorizing the expenditure of the grant funds for the program and authorizing the employment of thirteen (13) persons for the program in a Special Project employment status," will be introduced in writing and read by its title.

Documents:

R-19 VICTIM WITNESS ASSISTANCE PROGRAM GRANT - 715,553.PDF

R-20

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting $5,000 in grant funds from the **Virginia Commission for the Arts**, appropriating and authorizing the expenditure of the grant funds and authorizing the expenditure of $5,000 in local cash matching funds for distribution by the City on a competitive basis to local arts organizations," will be introduced in writing and read by its title.

Documents:

R-20 ACCEPTANCE OF A GRANT FROM THE VIRGINIA COMMISSION FOR THE ARTS - 5,000.PDF

R-21

Letter from the City Manager and an Ordinance entitled, "An Ordinance amending **Ordinance No. 46,499**, regarding the exemption from **Real Estate Taxes** for two parcels of **Real Property of First Baptist Church of Campostella Trust** retroactive to September 1, 2014, and one parcel of Real Estate retroactive to January 1, 2015 **SO AS TO** correct the number of parcels and the revenue impact to the City and its taxpayers for granting retroactive exemption from $5,439.89 to $525.30," will be introduced in writing and read by its title.

Documents:

R-21 AMEND ORDINANCE NO. 46499 TO CORRECT TAX EXEMPT PARCELS FOR FIRST BAPTIST CHURCH OF CAMPOSTELLA.PDF

R-22

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $14,598.74, plus interest to **Canon Solutions America, Inc.** based upon the overpayment of its Business Personal Property Taxes for the Tax Year 2016," will be introduced in writing and read by its title.

Documents:

R-22 TAX OVERPAYMENT - CANON SOLUTIONS AMERICA, INC. - 14,598.74.PDF

R-23

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $2,538.82, plus interest to **F. Sullivan Callahan, PLC** based upon the overpayment of its Business Personal Property Taxes for the Tax Year 2016," will be introduced in writing and read by its title.

Documents:

R-23 TAX OVERPAYMENT - F. SULLIVAN CALLAHAN, PLC - 2,538.82.PDF

R-24

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $18,313.13, plus interest to **Hudson-NIA JV of Norfolk, Inc.** based upon the overpayment of its Business Personal Property Taxes for the Tax Year 2016," will be introduced in writing and read by its title.

Documents:

R-24 TAX OVERPAYMENT - HUDSON - NIA JV OF NORFOLK, INC. - 18,313.13.PDF

R-25

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $5,124.01 plus interest to **LP Norfolk LLC** based upon the overpayment of its Business Personal Property Taxes for the Tax Year 2016," will be introduced in writing and read by its title.

Documents:

R-25 TAX OVERPAYMENT - LP NORFOLK LLC - 5,124.01.PDF

R-26

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $12,554.75 plus interest to **Macy's Retail Holdings, Inc**. based upon the overpayment of its Business License Tax for the Tax Year 2016," will be introduced in writing and read by its title.

Documents:

R-26 TAX OVERPAYMENT - MACYS RETAIL HOLDINGS, INC. - 12,554.75.PDF

R-27

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $16,771.00 plus interest to **Merrill Lynch, Pierce, Fenner & Smith Incorporated** based upon the overpayment of its Business Personal Property Taxes for the Tax Year 2015," will be introduced in writing and read by its title.

Documents:

R-27 TAX OVERPAYMENT - MERRILL LYNCH, PIERCE, FENNER AND SMITH, INC. - 16,771.PDF

R-28

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $2,974.73 plus interest to **North Title, LLC** based upon the overpayment of its Business Professional and

Occupational License Tax for the Tax Years 2013 through 2016," will be introduced in writing and read by its title.

Documents:

R-28 TAX OVERPAYMENT - NORTH TITLE, LLC - 2,974.73.PDF

R-29

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $3,490.55 plus interest to **Orion Marine Construction, Inc.** based upon the overpayment of its Business Personal Property Tax for the Tax Year 2016," will be introduced in writing and read by its title.

Documents:

R-29 TAX OVERPAYMENT - ORION MARINE CONSTRUCTION, INC. - 3,490.55.PDF

R-30

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $6,298.40 plus interest to **Pierce & Thornton PLC** based upon the overpayment of its Business License Tax for the Tax Year 2016," will be introduced in writing and read by its title.

Documents:

R-30 TAX OVERPAYMENT - PIERCE AND THORNTON PLC - 6,298.40.PDF

R-31

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $3,730.51 plus interest to **Universal Air Products Corporation** based upon the overpayment of its Business Personal Property Tax for the Tax Year 2016," will be introduced in writing and read by its title.

Documents:

R-31 TAX OVERPAYMENT - UNIVERSAL AIR PRODUCTS CORP - 3,730.51.PDF

R-32

Letter from the City Clerk transmitting an **Abstract of Votes** cast in the City of Norfolk at the Special Election held on August 23, 2016.

Documents:

R-32 ABSTRACT OF VOTES FROM AUGUST 23 SPECIAL ELECTION.PDF

R-33

Letter from the City Attorney and an Ordinance entitled, "An Ordinance to schedule a meeting between the City Council and the **Norfolk School Board** on **Tuesday, September 27, 2016** at **4:00 P.M.** in the **10th floor, Large**

Conference Room," will be introduced in writing and read by its title.

Documents:

R-33 JOINT MEETING WITH SCHOOL BOARD OF THE CITY OF NORFOLK ON SEPTEMBER 27.PDF

R-34

Letter from the City Clerk and a Resolution entitled, "A Resolution establishing a **Naval Station Norfolk Centennial Commission** and appointing its members," will be introduced in writing and read by its title.

Documents:

R-34 RESOLUTION TO ESTABLISH A NAVAL STATION NORFOLK CENTENNIAL COMMISSION AND APPOINTING MEMBERS.PDF