

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**CITY COUNCIL MEETING**

**TUESDAY, APRIL 26, 2016 – 7:00 P.M.**

President Fraim called the meeting to order at 7:00 p.m.

The opening prayer was offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

**CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "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," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

## **CEREMONIAL MATTERS**

President Fraim introduced Dr. Demetria Lindsay, Director of Public Health. Dr. Lindsay introduced the group of students that participated in the PhotoVoice Project in which young people contributed photos of how they experience life in Norfolk. Their photos will be displayed in the lobby of City Hall.

## **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, on the application of **Brock Ventures, Inc.**, for an amendment to the future land use designation in the General Plan, *plaNorfolk2030*, from Institutional to Multifamily and for a change of zoning from IN-1 (Institutional) District to R-13 (Moderately High Density Multi-Family) District on property located at **435 Virginia Avenue**.

**(Passed by at the meeting of February 23, 2016)**

**(A request has been made to continue to May 24, 2016)**

**ACTION:** This matter was continued to May 24, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

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 a Lease Agreement between the City and the Virginia Opera Association, Inc., for certain premises being the **Harrison Opera House** located at **160 West Virginia Beach Boulevard**, Norfolk, Virginia.

Thereupon, an Ordinance entitled, “An Ordinance approving the terms and conditions of a Lease Agreement between the City and the Virginia Opera Association, Inc., for certain premises being the **Harrison Opera House** located at **160 West Virginia Beach Boulevard**, Norfolk, Virginia and authorizing the execution of the Lease Agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

**PH-3** **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 a Lease Agreement with **Grace’s Tailor Shop, Inc.** for the lease of city owned property located at **130 Bank Street**.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with **Grace’s Tailor Shop, Inc.** for the lease of city owned property located at **130 Bank Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

**PH-4** **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 a Lease Agreement with **Corks and Caps, LLC** for the lease of city owned property located at **240 E. Main Street**.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with **Corks and Caps, LLC** for the lease of city owned property located at **240 E. Main Street,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-5

**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 of a **GEM Lot** to **DPT Construction, LLC**, on property located at **1409 Wilson Road Street**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to DPT Construction, LLC of a certain parcel of property at 1409 Wilson Road for the total sum of \$19,100.00 in accordance with the terms and conditions of the Conveyance Agreement; and authorizing the release of the city’s right of reverter upon certain conditions,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-6

**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 of a **GEM Lot** to **Trustees of the Gethsemane Community Fellowship Baptist Church**, on property located at **606 Maltby Avenue**.

Alphonso Albert, 1017 Godfrey Avenue, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to the Trustees of the Gethsemane Community Fellowship Baptist Church of certain parcel of property located at 606 Maltby Avenue for the total sum of \$7,500.00 in accordance with the terms and conditions of the Conveyance Agreement; and authorizing the release of the city’s right of reverter upon certain conditions,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-7

**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 of a **GEM Lot to Jay Investment Corporation**, on property located at **985 Parish Road**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to the Jay Investment Corporation of certain parcel of property located at 985 Parish Road for the total sum of \$52,500.00 in accordance with the terms and conditions of the Conveyance Agreement; and authorizing the release of the city’s right of reverter upon certain conditions,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

Abstain: Graves (stating Jay Investment Corporation is her client)

PH-8

**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 a Lease Agreement with **Rover Marine, Inc.** for the lease of city owned property located at **224 E. Main Street**.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with **Rover Marine, Inc.** for the lease of city owned property located at **224 E. Main Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **433 Granby Street, LLC** to encroach into the right of way at **433 Granby Street** with signage,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **JJB Financial, LLC** permission to encroach into the right of way at **345 Granby Street** approximately 109 square feet for the purpose of outdoor dining and approving the terms and conditions of the Encroachment Agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Michael, LLC** permission to encroach into the right of way at **1231 W. Olney Road** approximately 162 square feet for the purpose of outdoor dining and approving the terms and conditions of the Encroachment Agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

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 owners of certain parcels of property located around Lake Modoc for the purpose of a **Water Quality Retrofit Project**,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the terms and conditions of Safekeeping and Custody Agreement between the City of Norfolk and Virginia Cartographical Society, LC for the custody of a historical map collection and authorizing the City Manager to execute the **Safekeeping and Custody Agreement** on behalf of the City,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting an additional Grant Award of \$294,197.20 from the **Virginia Department of Emergency Management** which includes \$220,647.90 from the **Federal Emergency Management Agency**, \$58,839.44 from the Commonwealth of Virginia and \$14,709.86 as a cash match from the City through the **Hazard Mitigation Grant Program** for the City of Norfolk Floodproofing of Strickland and Jones Project and appropriating and authorizing the expenditure of the additional funds for the project,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a Grant Award of up to \$282,984.00 from the **Virginia Department of Behavioral Health and Development Services** through the Hampton-Newport News Community Services Board to Norfolk Community Services Board to provide permanent supportive housing to individuals in Eastern State Hospital able and eligible to live independently in the community, and appropriating and authorizing expenditure of grant funds,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal one subsection each of Sections 25-646, 653, and 654, and to amend and reordain Sections 25-646, 652, 653, 654 and 656 of the Norfolk City Code, 1979 **SO AS TO** add one new speed limit, one new one-way street, two new yield intersections, fifteen new stop intersections, and three new trucks of one and one-half tons on certain streets prohibitions,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a Deed of Easement for Pedestrian Access from Norfolk Outlets, LLC to the City of Norfolk, approving a Deed of Easement for Force Main from Norfolk Outlets, LLC to the City of Norfolk, approving a Lighting Maintenance Agreement between the City of Norfolk and Norfolk Outlets, LLC, approving a Lake Bank Maintenance Agreement between the City of Norfolk and Norfolk Outlets, LLC, authorizing the City Manager to accept a Deed of Dedication from the Economic Development Authority of the City of Norfolk for the public roadway to be constructed at Lake Wright, authorizing the City Manager to accept a Special Warranty Deed from the Economic Development Authority of the City of Norfolk for the residual tract of land located West of the public roadway to be constructed at Lake Wright, and authorizing the City Manager to accept any and all easements and to enter into such easements, maintenance and other agreements as are required by the City of Norfolk for the Economic Development Authority of the City of Norfolk to close upon the sale of real property to Norfolk Outlets, LLC and as required by the **Site Development Plans for Norfolk Premium Outlets, Norfolk, Virginia**, dated April 6, 2016,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Auditor requesting confirmation of the appointment of Jennifer Speight to the position of City Auditor II.

**ACTION:** Appointment confirmed.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

A Resolution entitled, “A Resolution appointing 3 persons to two Boards and one Commission for certain terms,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

### **NEW BUSINESS**

1. John James, 3025 North Lakebridge Drive, commented on the following issues in the Lakebridge neighborhood: landscaping, need for sound barrier, a section of fence needs replacing and maintenance of trees.
2. Bessie Hyman, 4553 Shoshone Court, spoke about wood that was dumped in her front yard and asked for the city to help in removing it.
3. Merle Rutledge, 599 Rivera Arch, stated that since the recent violence in the city, he is in favor of video cameras on the streets to help maintain security.
4. Bea Garvin, 964 Washington Avenue, President, Huntersville Civic League, commented that the civic league is currently discussing, and is in favor of, such programs as The Earn Program, Strategic Plan and Block by Block Grants.
5. Danny Lee Ginn, 3844 Dare Circle, expressed concerns about Councilman Riddick.