

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, MAY 24, 2016 – 7:00 P.M.

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

The opening prayer was offered by Vice Mayor Angelia Williams Graves, 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 May 24, 2016.

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

No: None.

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**.
(A request has been made to continue to June 28, 2016)

ACTION: Continued to June 28, 2016.

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

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, on the application of the **City of Norfolk**, a) to amend the Future Land Use Designation in the General Plan, *plaNorfolk2030*, from Institutional to Residential Mixed and b) for a change of zoning from IN-1 (Institutional) district to conditional R-13 (Moderately High Density Multi-Family) on property located at **2415 Ballentine Boulevard**.

Abdul Aswad, 2636 Ballentine Blvd., James L. Sweatt Jr, 2626 Ballentine Blvd., and Glen Jones, 2501 Kennon Avenue, spoke in support of this matter. They were informed the basketball court was not part of this item. Mr. Aswad and Mr. Sweatt thanked the Mayor for serving the City.

Glen Jones that summer programs help children to build skills. He also gave recognition to Mr. Protogyrou and Mr. Winn for serving on Council.

Thereupon, An Ordinance entitled, “An Ordinance to amend the City’s General Plan, plaNorfolk2030, **SO AS TO** change the land use designation for property located at **2415 Ballentine Boulevard** from Institutional Corridor to Residential Mixed,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

PH-2A

An Ordinance entitled, “An Ordinance to An Ordinance to rezone property located at 2415 Ballentine Boulevard from IN-1 (Institutional) District to Conditional R-13 (Multi-Family Residential) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

Yes: Graves, Johnson, Protogyrou Riddick, 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, on the application of the **City Planning Commission**, for a zoning text amendment to Section 2-3, “Definitions,” Table 5-A, “Office and Business/Commerce Districts Table of Land Uses,” Table 6-A, “Commercial Districts Table of Land Uses,” Table 7-A, “Industrial Districts Table of Land Uses,” and Table 8-A, “Downtown Districts Table of Land Uses,” of the *Zoning Ordinance* to create definitions and regulation pertaining to a “micro-distillery.”

Thereupon, An Ordinance entitled, “An Ordinance to amend **Section 2-3 and Tables 5-A, 6-A, 7-A, and 8-A** of the **Zoning Ordinance** of the City of Norfolk, 1992, **SO AS TO** add a definition and to allow “**Microdistillery**” as a **Special Exception** use in various zoning districts,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

Yes: Graves, Johnson, Protogyrou Riddick, 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, on the application of the **City Planning Commission**, for a zoning text amendment to Section 2-3, “Definitions,” of the *Zoning Ordinance* to amend the definition of “**Day Care Home**” to match the minimum number of children standard adopted in new state law changes.

Thereupon, An Ordinance entitled, “An Ordinance to amend **Section 2-3 of the Zoning Ordinance** of the **City of Norfolk, 1992, SO AS TO** adjust the definition for “**Day Care Home**” to maintain consistency with amendments to State Law reforming the regulation of child care providers,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

Yes: Graves, Johnson, Protogyrou Riddick, 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, on the application of the **City Planning Commission**, for a zoning text amendment to Section 2-3, “Definitions,” of the *Zoning Ordinance* to amend the definition of “**Sign**” to clarify certain exemptions.

Thereupon, An Ordinance entitled, “An Ordinance to amend Section 2-3 of the *Zoning Ordinance* of the City of Norfolk, 1992 SO AS TO remove references to certain flags and works of art,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

Yes: Graves, Johnson, Protogyrou Riddick, 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, on the application of **Norfolk Redevelopment And Housing Authority**, for the closing, vacating and discontinuing of a portion of **Nansemond Bay Street** between the southern line of **Pleasant Avenue** and the northern line of **Jolly Roger Way** and a portion of **Jolly Roger Way** between the eastern line of **Shore Drive** and the western line of **23rd Bay Street**.

Thereupon, An Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of **Jolly Roger Way** from the eastern line of **Shore Drive** to the western line of **23rd Bay Street**; and authorizing the City Manager to accept the conveyance of two utility easements by the **Norfolk Redevelopment and Housing Authority**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2016.

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

No: None

PH-6A

An Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of Nansemond Bay Street from the southern line of Pleasant Avenue to the northern line of Jolly Roger Way; and authorizing the City Manager to accept the conveyance of a variable width utility easement by the Norfolk Redevelopment and Housing Authority,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2016.

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

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 to **Jale Evsen** of a certain parcel of property located adjacent to **1433 W. 27th Street** and known as **S S W 27th Street**.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the conveyance to **Jale Evsen** of a certain parcel of property located adjacent to **1433 W 27th Street** and known as **S S W 27th Street** for the total sum of \$5,000.00 in accordance with the terms and conditions of the Purchase and Sale Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2016.

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

No: None.

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 approving a **Land Disposition and Development Contract** between the City of Norfolk, as seller, and **Computerized Imaging Reference Systems, Inc.**, as purchaser, for the sale and redevelopment of a portion of the former Oakwood School.

Mark Devlin, president of CIRS, Inc., 2428 Alameda Avenue, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance approving a **Land Disposition and Development Contract** between the **City of Norfolk**, as seller, and **Computerized Imaging Reference Systems, Inc.**, as purchaser, for the sale and redevelopment of a portion of the former **Oakwood School** site in the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2016.

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

No: None.

REGULAR AGENDA

R-1 Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the conveyance of a temporary construction easement and permanent drainage easement by **Stephen P. Schultz and Angela K. Schultz** to the **City of Norfolk** and authorizing the City Manager to accept the easement on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-2 Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the conveyance of a temporary construction easement and permanent drainage easement by **Christopher R. Butler and Katrina M. Butler** to the **City of Norfolk** and authorizing the City Manager to accept the easement on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-3 Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the conveyance of a temporary construction easement and permanent drainage easement by **Michael D. Shields and Victoria A. Shields** to the **City of Norfolk** and authorizing the City Manager to accept the easement on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-4 Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the conveyance of a temporary construction easement and permanent drainage easement by **Falkner Properties, LLC** to the **City of Norfolk** and authorizing the City Manager to accept the easement on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-5 Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Richard and Judy Levin** to encroach into the right-of-way of **W. 21st Street** with a reverse swing entrance door and into Llewellyn Avenue with a reverse swing door for emergency use,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-6 Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Granby Development Certificate** to permit the renovation of an existing warehouse to provide residential dwelling units on property located at **200 East 22nd Street**,” was introduced in writing and read by its title.

Dickey Thomas, the applicant, 1425 East Cary Street, Richmond, and Grady Palmer, legal counsel, 999 Waterside Drive, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-7 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the acquisition by the **City of Norfolk** of any interest held by titleholders of certain property conveyed to **Thomas Guy** by **Deed** dated 1907, recorded in the Circuit Court of the **City of Chesapeake, Virginia**, and authorizing the City Manager to accept a Deed of Quitclaim on behalf of the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-8 Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **East Beach Associates**, \$9,965.76 plus interest based upon the overpayment of **Real Estate Tax**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-9 Letter from the City Manager and a Resolution entitled, “A Resolution supporting two Transportation Projects: **1) Citywide Pedestrian Safety Improvements**, and **2) Granby Street Bridge Rehabilitation**; and requesting funding for such projects in the amount of \$11,600,000 through the **FY2017 Virginia Department of Transportation, Urban Highway Program**,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in support, stating that the Resolution was very comprehensive and that he was going to pay close attention to the Granby Street Bridge, especially in regards to the safety of pedestrians.

ACTION: The Resolution as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$5,537.66 from the **Schools and Libraries Division** of the **Universal Service Fund E-Rate Reimbursement Program** and appropriating and authorizing the expenditure of \$5,537.66 for telecommunications and technology services for the **Norfolk Public Library,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$7,184.11 from the **Schools and Libraries Division** of the **Universal Service Fund E-Rate Reimbursement Program** and appropriating and authorizing the expenditure of \$7,184.11 for telecommunications and technology services for the **Norfolk Public Library,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-12

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **AMC Specialty, Inc.,** \$5,666.81 plus interest based upon the overpayment of **Business License Tax for years 2013 through 2015**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-13 Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **Veritiv Operating Company**, \$8,288.60 plus interest based upon the overpayment of **Business License Tax for the Year 2016**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-14 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a policy allowing for and governing participation of members of the **Norfolk City Council** in a meeting by **electronic communication** means from a remote location,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 24, 2016.

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

No: None.

R-15 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the **July 1, 2016 through June 30, 2017 Budget** for the **Norfolk Law Library**, authorizing the City Treasurer to make disbursements and appropriating and authorizing the expenditure of up to \$260,000.00 by the Norfolk Law Library from various sources including monies assessed and collected by the City as part of costs in Civil Court actions in accordance with the approved Budget and the **October 1, 1987 Agreement** among the City, the Norfolk Law Library and the Norfolk and Portsmouth Bar Association,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2016.

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

No: None.

R-16

Letter from the City Clerk transmitting an **Abstract of Votes** cast in the City of Norfolk at the **General Election** held on May 3, 2016.

Ellis James, 2021 Kenlake Place, stated that at the Barron Black Precinct not all of the machines were synchronizing with what appeared on the screen. When he went to view the next page to show the candidates the screen flipped to another page.

ACTION: Received and Filed.

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

No: None.

R-17

A Resolution entitled, “A Resolution to rename the Cruise Ship Terminal in honor of Peter G. Decker Jr.

ACTION: The Resolution as introduced was **adopted**, effective May 24, 2016.

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

No: None.

NEW BUSINESS

1. Jonathan Morris, 9504 Chesapeake Blvd, asked Council to consider renaming Wellington Street to Brian Jones Way, or making it an honorary street, for slain Norfolk Police Officer Jones. He stated that memorabilia is being left on the street corner is becoming an eye sore.
2. Joe Cook, 1147 Surry Crescent, addressed Council about a complaint he filed last October against two police officers, stating it has not been resolved and he has not heard from Chief Goldsmith. He said that every officer should be outfitted with a body camera. There are 700 officers but understands that 430 are installed and being used.
3. Danny Lee Ginn, 3844 Dare Circle, called on the new council to take a “no confidence” vote on Mr. Riddick, to televise new business speakers, for his comments not to edited and to repeal the Rules for Citizen Participation.