

CITY OF VIRGINIA BEACH

“COMMUNITY FOR A LIFETIME”

CITY COUNCIL

MAYOR ROBERT M. “BOBBY” DYER, At Large
VICE MAYOR ROSEMARY WILSON – District 5
MICHAEL F. BERLUCCHI – District 3
BARBARA M. HENLEY – District 2
DAVID HUTCHESON – District 1
ROBERT W. “WORTH” REMICK – District 6
DR. AMELIA N. ROSS-HAMMOND – District 4
JENNIFER ROUSE – District 10
JOASHUA F. “JOASH” SCHULMAN – District 9
CHRIS TAYLOR – District 8
SABRINA D. WOOTEN – District 7



CITY HALL BUILDING 1
2401 COURTHOUSE DRIVE
VIRGINIA BEACH, VIRGINIA 23456
PHONE: (757) 385-4303
FAX (757) 385-5669
EMAIL: CITYCOUNCIL@VBGOV.COM

CITY COUNCIL APPOINTEES

CITY MANAGER – PATRICK A. DUHANEY
CITY ATTORNEY – MARK D. STILES
CITY ASSESSOR – SUE CUNNINGHAM
CITY AUDITOR – LYNDON S. REMIAS
CITY CLERK – AMANDA BARNES

CITY COUNCIL AGENDA

March 19, 2024

MAYOR ROBERT M. “BOBBY” DYER PRESIDING

- | | | | |
|--|--|---------------------------|-----------------|
| I. | CITY COUNCIL’S BRIEFINGS | - Conference Room- | 12:00 PM |
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| A. SISTER CITIES ASSOCIATION OF VIRGINIA BEACH UPDATE
Maria Weissenseel, President
(Requested by Mayor Dyer and Council Member Berlucchi) | | | |
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| B. FLOOD PROTECTION PROGRAM AND CAPITAL IMPROVEMENT UPDATE 12:15 PM
Jeff Waller, P.E., Chair – Flood Prevention Bond Referendum Oversight Board
Leisha Pica, Program Manager – Jacobs Engineering | | | |
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| II. | CITY MANAGER’S BRIEFING | | |
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| A. CITY MANAGER’S PROPOSED BUDGET 12:45 PM
Kevin Chatellier, Director – Budget & Management Services | | | |
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| III. | CITY COUNCIL DISCUSSION/ INITIATIVES/COMMENTS | | 1:45 PM |
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| IV. | CITY COUNCIL AGENDA REVIEW | | 2:00 PM |
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| V. | INFORMAL SESSION | - Conference Room- | 2:15 PM |
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| A. CALL TO ORDER | | | |
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| B. CITY COUNCIL ROLL CALL | | | |
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| C. RECESS TO CLOSED SESSION | | | |

A. CALL TO ORDER – Mayor Robert M. “Bobby” Dyer

B. INVOCATION

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

E. ROLL CALL OF CITY COUNCIL

F. CERTIFICATION OF CLOSED SESSION

G. MINUTES

1. INFORMAL AND FORMAL SESSIONS
2. FORMAL SESSION

March 5, 2024
March 12, 2024

H. MAYOR’S PRESENTATIONS

1. RECOGNITION – Sister Cities Association of Virginia Beach
2024 Youth Ambassador – Aubrey Swain
Visiting Students from Waiblingen, Germany
2. PROCLAMATION
Tiffany Richardson-Harrell

I. FORMAL SESSION AGENDA

1. CONSENT AGENDA

J. ORDINANCES / RESOLUTIONS

1. Ordinance to **DECLARE** a portion of City-Owned property located at 2750 Elbow Road to be in Excess of the City’s Needs and **AUTHORIZE** the City Manager to dedicate the property to the City of Chesapeake re **bridge and road improvements**
2. Ordinance to **GRANT** thirteen (13) Franchise Agreements for Outdoor Cafes in the Resort Area
 - a. Dunes Investment Association, LLC, t/a The Dunes Café re boardwalk café
 - b. Seda Inc. t/a 21st Street Grill Café re sidewalk café
 - c. Atlantic Lobsta, LLC, t/a Mason’s Famous Lobster Rolls Cafe re sidewalk café
 - d. Colonial Inn VB, LLC, t/a Fishtails Café re boardwalk café
 - e. Fogg’s Seafood Company, t/a Waterman’s Surfside Grille Cafe re boardwalk café
 - f. Baja Taco’s, Inc., t/a Baja Cantina Café re sidewalk café
 - g. Chix Sea Grille, LLC, t/a Chix Café re boardwalk café
 - h. Fish-N-Bones, Inc., t/a Fish Bones Café re boardwalk café
 - i. Dandrea, LLC, t/a IL Giardino Café re sidewalk café
 - j. Jumpin Shrimp Inc. t/a Jumpin Shrimp Café re boardwalk café
 - k. Scrambled Inc., t/a Scrambled Café re sidewalk café
 - l. Gold Key/PHR Food Services, LLC, t/a Tortugas Café and Tiki Bar re boardwalk café
 - m. Dunes Investment Associates, LLC, t/a Station 10 Café re boardwalk café

3. Resolution to **ESTABLISH** a **Stormwater Management Implementation Advisory Group** (Requested by Mayor Dyer and Council Member Schulman) – Deferred from March 5, 2024 (**SPONSORS REQUEST DEFERRAL**)
4. Resolution to **PROVIDE** direction to the City Manager on the use of funds in Capital Project #100629, “**Sports Tourism Infrastructure,**” and **PROVIDE** direction to the City Manager to create options re **dedicated funding source for Arts and Culture using existing funding dedications** (Requested by Council Members Berlucchi, Ross-Hammond, Rouse, Remick, and Schulman)
5. Ordinance to **AMEND** City Code Sections 23-2.1, 23-17, and 23-18.1 re **curfews and other restrictions and regulations during civil commotion to be consistent with state law**
6. Resolution to **PETITION** the Commonwealth of Virginia re **convey certain real property to the City**
7. Resolution to **APPROVE** a Settlement Agreement with The Adventure Park at Virginia Beach, LLC re **unauthorized tree removal** and to **APPROPRIATE** the first installment payment to Parks and Recreation – Tree Mitigation Fund
8. Ordinance to 1) **AUTHORIZE** acquisition of (a) 7.1± acres of land at the intersection of Wolfsnare Road and Great Neck Road; (b) 0.18± acres of land at Half Place; (c) 0.17± acres of land at the intersection of Chadwick Drive and Cambridge Drive from Lynnhaven Area Properties, LLC and Washington Square Townhouses, LLC; and 2) **AUTHORIZE** the City Manager to **EXECUTE** all necessary documents re **the acquisition and the settlement of pending litigation**
9. Ordinance to **AUTHORIZE** temporary encroachments into a portion of City-Owned property known as **Stratton’s Creek** at the rear of 416 Goodspeed Road re **construct and maintain a boat lift and a boathouse** and into a City-Owned utility easement re **construct and maintain riprap** DISTRICT 6
10. Ordinance to **AUTHORIZE** temporary encroachments into the City’s right-of-way known as **Bobolink Drive** at the front of 1060 Bobolink Drive re **maintain existing hardscaping, landscaping and irrigation system** DISTRICT 6
11. Ordinance to **ACCEPT** and **APPROPRIATE** \$32,000 of federal pass-through funding from the Virginia Department of Emergency Management to the FY2023-24 Fire Department Operating Budget re **equipment and training for the Department’s Technical Rescue Team**
12. Ordinance to **ACCEPT** and **APPROPRIATE** \$4,000 from the Federal Emergency Management Agency (FEMA) to the FY2023-24 Fire Department Operating Budget re **FEMA training stipends for certain members of Virginia Task Force 2 (VA-TF2)**
13. Ordinance to **TRANSFER** \$4,638,235 from the Tourism Investment Program (TIP) Fund to Capital Project #100486, “**Winston Salem Avenue Improvements**” re **allow the execution of a construction contract**

K. PLANNING

1. **SUNSACTIONS REALTY, LLC** for a Special Exception for Alternative Compliance re **J-1 Visa Dormitory Housing for Temporary Workers** at 2500 Atlantic Avenue DISTRICT 6

RECOMMENDATION:

APPROVAL

2. **DAOLIN DONG & JIAYIN WANG / CHARLES B. HAYES & STRAWBRIDGE COMMONS CONDOMINIUM ASSOCIATION** for a Modification of Proffers to a Conditional Change of Zoning re **allow retail sales and eating and drinking establishment** at 2180 McComas Way, Suite 111 DISTRICT 5

RECOMMENDATION:

APPROVAL

3. **VIRGINIA WESLEYAN UNIVERSITY** for a Conditional Use Permit re **Museum** at 5817 Wesleyan Drive DISTRICT 4

RECOMMENDATION:

APPROVAL

4. **YURVIN JUAN MORALES LOPEZ / FREEDOM LAND INVESTMENT, LLC** for a Conditional Use Permit re **open air market** at 5070 Virginia Beach Boulevard DISTRICT 4

RECOMMENDATION:

APPROVAL

5. **GEORGE CUTULLE / GEORGE JOSEPH CUTULLE & VIVIENNE MARY CUTULLE** for a Conditional Use Permit re **residential kennel** at 2760 Mulberry Loop DISTRICT 5

RECOMMENDATION:

APPROVAL

6. **BRANDON SHAW** for a Conditional Use Permit re **home occupation – retail sales** at 2076 Mason Neck Lane DISTRICT 7

RECOMMENDATION:

APPROVAL

7. **SIREN ARTS STUDIO / RT VIRGINIA HOLDINGS, LLC** for a Conditional Use Permit re **tattoo parlor and body piercing establishment** at 1423 North Great Neck Road, Suite 105A DISTRICT 8

RECOMMENDATION:

APPROVAL

8. **CECILIA M. PATTERSON / ROCKY LLC** for a Conditional Use Permit re **tattoo parlor** at 3920 Virginia Beach Boulevard DISTRICT 8

RECOMMENDATION:

APPROVAL

9. **915C PACIFIC, LLC** for a Conditional Use Permit re **short term rental** at 915 Pacific Avenue Unit C DISTRICT 5

RECOMMENDATION:

APPROVAL

10. **MARIBEL JOA / MARIBEL JOA & COURTNEY A. CURRIE** for a Conditional Use Permit
for a **short term rental** at 304 28th Street, Unit 211 DISTRICT 6

RECOMMENDATION:

APPROVAL

L. APPOINTMENTS

90-DAY FESTIVAL TASK FORCE
ADVERTISING ADVISORY COMMITTEE
BAYFRONT ADVISORY COMMISSION
BEACHES AND WATERWAYS ADVISORY COMMISSION
CLEAN COMMUNITY COMMISSION
COMMUNITY POLICY AND MANAGEMENT TEAM
COMMUNITY SERVICES BOARD
GREEN RIBBON COMMITTEE
HEALTH SERVICES ADVISORY BOARD
HOUSING ADVISORY BOARD
INDEPENDENT CITIZEN REVIEW BOARD
MINORITY BUSINESS COUNCIL
PERSONNEL BOARD
RESORT ADVISORY COMMISSION
SENIOR SERVICES OF SOUTHEASTERN VIRGINIA BOARD
SHORT TERM RENTAL ENFORCEMENT TASK FORCE
TRANSITION AREA/ INTERFACILITY TRAFFIC AREA CITIZENS ADVISORY COMMITTEE
VIRGINIA BEACH CANNABIS ADVISORY TASK FORCE

M. UNFINISHED BUSINESS

N. NEW BUSINESS

O. ADJOURNMENT

If you are **physically disabled** or **visually impaired**
and need assistance at this meeting,
please call the **CITY CLERK'S OFFICE** at **385-4303**

The Agenda (including all backup documents) is available at <https://clerk.virginiabeach.gov/city-council> under the eDocs Document Archive. If you would like to receive by email a list of the agenda items for each Council meeting, please submit your request to TChelius@vbgov.com or call 385-4303.

Citizens who wish to speak can sign up either in-person or virtually via WebEx. Anyone wishing to participate virtually, must follow the **two-step process** provided below:

1. Register for the WebEx at:
<https://vbgov.webex.com/weblink/register/re9e0662ba478e67eac811db4c8e0eab5>
2. Register with the City Clerk's Office by calling 757-385-4303 prior to 5:00 p.m. on March 19, 2024.