
Ordinances



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Golf Operations Fund, Five Million Two Hundred Ten Thousand Seven Hundred Dollars (\$5,210,700) for the Public Amenities Fund, Three Million Eighty One Thousand Nine Hundred Dollars (\$3,081,900) for the Tax Increment Financing Fund, One Million Seven Hundred Four Thousand Dollars (\$1,704,000) for the Towing and Storage Service Fund, or so much thereof as may be necessary, as set forth in the annual budget for the fiscal year July 1, 2011 - June 30, 2012, submitted by the City Manager and as amended by the Council and hereby adopted, are hereby appropriated, subject to the conditions hereinafter set forth in this ordinance, from the revenues of the City from all sources for the fiscal year July 1, 2011 – June 30, 2012, for the use of the several departments and funds established within the City Government, and for the purposes hereinafter set forth in said annual budget for the fiscal year July 1, 2011 – June 30, 2012 as follows:

Legislative	\$4,438,800
Executive	\$1,919,800
Department of Law	\$3,941,200
Constitutional Officers	\$5,343,900
Finance	\$3,198,300
Department of Human Resources	\$2,740,500
Courts and Court Support	\$9,526,100
Sheriff and Detention	\$36,108,000
Department of Public Health	\$5,537,900
Department of Human Services	\$57,461,100
Department of Public Works	\$43,096,900
Recreation/Parks & Open Space	\$16,990,700
Education	\$290,550,500
Department of Libraries	\$6,978,200
Elections	\$906,300
Department of Planning	\$8,748,300
Cultural Facilities, Arts, and Entertainment	\$6,218,300
Non-Departmental Appropriations	\$17,755,200
Outside Agencies	\$38,423,300
Department of Police	\$66,494,800
Department of Fire-Rescue	\$40,287,900
Virginia Zoological Park	\$3,939,100
Debt Service	\$82,052,400
Budget & Management	\$1,067,700

Economic Development	\$1,867,400
Communications & Public Relations	\$1,757,800
Department of Information Technology	\$10,342,400
Office to End Homelessness	\$425,000
General Services	\$18,949,800
National Maritime Center	\$5,310,200
Cruise Ship Terminal	\$2,638,400
Total Appropriations General Fund – Operating Budget	\$795,016,200

Water Utility Fund	\$79,305,000
Wastewater Utility Fund	\$25,710,000
Storm Water Utility Fund	\$12,500,000
Internal Service Funds	\$13,197,000
Parking Facilities Fund	\$19,465,700
Cemetery Services Fund	\$2,246,900
Emergency Operations Center Fund	\$6,005,600
Golf Operations Fund	\$1,477,800
Public Amenities Fund	\$5,210,700
Tax Increment Financing Fund	\$3,081,900
Towing and Storage Service Fund	\$1,704,000

Section 2:- That unless otherwise specified by Council, all taxes heretofore levied shall continue from year to year.

Section 3:- That the salaries and wages set forth in detail in said annual budget, including for the City Manager, as amended, and for offices and positions which are not embraced within said compensation plan are hereby authorized.

The positions, except where the number thereof is not under the control of the Council, set forth in said annual budget, as amended, shall be the maximum number of positions authorized for the various departments, division, bureaus and funds of the City during the fiscal year July 1, 2011 – June 30, 2012 and the number thereof shall not be changed during said fiscal year unless authorized by the Council or City Manager pursuant to the Charter of the City of Norfolk and the City Code.

Changes in personnel occurring during said fiscal year in classifications embraced within the City's compensation plans shall

be administered by the City Manager in accordance with the regulations for the administration of the plans.

In the event any personnel authorized in the preceding year's annual budget and appropriations are notified of release due to a reduction in force, reorganizations or work force downsizing or the staffing and organization redesign effort, such positions are hereby authorized to continue in existence until such time as adopted procedures relating to reductions in force or work force downsizing, or the staffing and organizational redesign effort are completed and implemented in accordance with its terms and conditions. The City Manager is hereby authorized to continue all benefits and salaries throughout the period of employment from appropriated funds for the positions aforesaid, notwithstanding that said positions may or may not have been deleted in the departmental budget for the fiscal year July 1, 2011 – June 30, 2012.

The Council reserves the right to change at any time during said fiscal year the compensation, including pay supplements for constitutional officers, either before or after a change in basic salary is made by the State Compensation Board, and to abolish any office or position provided for in said annual budget, as amended, except such offices or positions as it may be prohibited by law from abolishing. The City Manager is authorized to make such rearrangements and reorganizations of positions and personnel services funds between the several departments, including funds named therein, as may best meet the uses and interests of the City.

No person shall acquire any vested interest in any supplement payable under this section beyond those actually paid.

Section 4:- That all payments from the appropriations provided for in this ordinance, including those from balances remaining on June 30, 2011, to the credit of appropriations for works, improvements or other objects which have not been completed or abandoned, except those works, improvements or other objects funded by Federal, State, or other organizational grants which are hereby encumbered, shall be made at such time as the City Manager may direct, unless otherwise specified by the Council. The City Manager is hereby authorized to apply for grants and awards during the fiscal year provided that adequate matching funds are in the budget; all such grants are subject to the appropriation of the Council once awarded.

Section 5:- That within the several departments, funds and activities, there are hereby appropriated sufficient amounts to cover

the operation of all Internal Service Funds, including the Storehouse and Fleet Management. Charges for services assessed against said departments, funds and activities by the Internal Service Funds shall be accumulated in the appropriate internal service fund and expended to cover the operating costs of such funds as provided in the annual budget.

Section 6:- That the various amounts appropriated by this ordinance for the several groups, as set forth in said annual budget, as amended, are to be expended for the purposes designated by said groups, provided, however, that the City Manager or a designee may authorize the transfers between account groups within the same department, fund or activity of the City and a record of such transfers shall be maintained by the Director of Finance.

The City Manager is authorized to transfer from any department, fund or activity which has an excess of funds appropriated for its use of the balance of the fiscal year to any department, activity or fund all or any part of such excess, or to cause such transfers to be made; a record of all such transfers shall be maintained by the Director of Finance.

The City Manager shall provide to the City Council a mid-year budget update. Such mid-year budget update shall report the projected revenues and expenditures estimates for the entire fiscal year, receipt of unbudgeted revenues and other major changes to the adopted budget.

There is hereby reserved in the General Fund Balance up to the amount of \$41,559,263 for the Unassigned General Fund Balance Reserve.

There is hereby reserved in the General Fund Balance the amount of \$1,898,571 for the Risk Management Reserve.

There is hereby reserved in the General Fund Balance the amount of \$2,000,000 for the Economic Downturn and Leveling Reserve.

There is hereby appropriated and authorized for expenditure the revenues from the flat tax of \$2.00 per room for each night of lodging at any hotel, if and when received, by: (1) Visit Norfolk (Norfolk Convention and Visitor Bureau) for visitor promotion and advertising for conventions and tourism; and (2) the Norfolk Arts and Culture Consortium. Visit Norfolk shall be allocated 50% of the revenues collected each month from the flat tax of \$2.00 per room

of each night of lodging at any hotel during the fiscal year July 1, 2011 – June 30, 2012 and the remaining 50% of the revenues collected each month shall be allocated to the Norfolk Arts and Culture Consortium.

There is hereby reserved in the General Fund Balance up to the amount of \$3,517,961 for the Land Acquisition Fund to be expended for future land acquisitions. The City Manager is authorized to accept future deposits made to the Land Acquisition Fund during the fiscal year. Such deposits are hereby appropriated and authorized to be expended for future land acquisitions. Any unobligated appropriation in the Land Acquisition Fund at the close of the fiscal year ending on June 30, 2011, is hereby reserved for the Land Acquisition Fund to be expended for future land acquisitions.

There is hereby appropriated and authorized to be transferred One Hundred Thousand Dollars (\$100,000) of the Parking General Reserve Fund designated for Retail Buildout to the Rate Stabilization Fund. Furthermore, there is hereby appropriated and authorized to be expended from the Parking Facilities Fund Rate Stabilization Fund Six Hundred Thirty-five Thousand Six Hundred Four Dollars (\$635,604) for operations of the Parking Facilities Fund. Such deposits are hereby appropriated and authorized to be expended for operations of the Parking Facilities Fund.

There is hereby authorized, in accordance with guidelines established by the City Manager, the execution of warrants for the disbursement of any cash in banks credited to the City's Corporate Account to meet any properly authorized and approved payment chargeable to any account of the City.

Section 7:- That the Council hereby finds and determines that based on current conditions in the municipal bond market, it is in the City's best interest to issue short-term general obligation bonds or notes (the "Short-Term Equipment GOBs") to finance acquiring various items of personal property, including but not limited to computers, ambulances, fire trucks, refuse trucks and other vehicles (the "Equipment") appropriate and necessary for the efficient operation of the City. "Short-term" means a term to maturity of ten (10) years or less. The amount of any new Equipment to be acquired through the issuance of Short-Term Equipment GOBs shall not exceed Five Million Dollars (\$5,000,000).

No Short-Term Equipment GOBs may be issued before the Council provides authorization therefor following notice and a public

hearing held under Section 15.1-2606 of the Public Finance Act of 1991.

That if prior to issuing Short-Term Equipment GOBs to finance all or any portion of the Equipment, the City Manager, in consultation with the Director of Finance, determines that it is advisable to finance the acquisition in an alternative manner, the City Manager, without further approval of Council as to documentation or otherwise (unless otherwise required by law), is hereby authorized to execute and deliver on behalf of the City non-general obligation bonds, notes, term loan agreements, a master equipment lease agreement or other similar financing agreement (the "Alternative Short-Term Equipment Financing"), to execute and deliver such instruments, agreements, documents or certificates and to do and perform such things and acts, as the City Manager shall deem necessary or appropriate to carry out the transactions relating to the Alternative Short-Term Equipment Financing authorized by this ordinance, including to solicit and accept proposals to provide Alternative Short-Term Equipment Financing that the City Manager determines to be in the City's best interest and all of the foregoing, previously done or performed by such officers or agents of the City are hereby in all respects approved, ratified and confirmed.

Should the City Manager determine that it is in the City's best interest to enter into Alternative Short-Term Equipment Financing, the Alternative Short-Term Equipment Financing shall bear interest at a rate not exceeding Six and a Half Percent (6.5%), shall have a final term to maturity not in excess of ten (10) years and shall not exceed Five Million Dollars (\$5,000,000). The obligation of the City to make payments under any Alternative Short-Term Equipment Financing is subject to appropriation each year by the Council and nothing in this ordinance or the Alternative Short-Term Equipment financing shall constitute a debt or pledge of the faith and credit of the City.

The payment of FY 2012 debt service on prior Short-Term Equipment GOBs and any FY 2012 Alternative Short-Term Equipment Financing is part of the Debt Service Appropriation of Eighty-two Million Fifty-two Thousand Four Hundred Dollars (\$82,052,400) for FY 2012.

This ordinance represents a declaration of "official intent" under Treasury Regulations Section 1.150-2.

Section 8:- That the provisions of this ordinance are hereby declared to be severable. If any part, section provision, sentence, clause or phrase, or the application thereof to any person or

circumstance, is adjudged to be unconstitutional or invalid for any reason, the remainder of the ordinance shall remain in full force and effect and its validity shall not be impaired, it being the legislative intent now hereby declared that the ordinance would have been adopted even if such invalid matter had not been included or if such invalid application had not been made.

Section 9:- That this ordinance shall be in effect from and after July 1, 2011.

Adopted by Council May 17, 2011
Effective July 1, 2011

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK

Form and Correctness Approved: *[Signature]*
 By Nathaniel Saman
 Office of the City Attorney

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

NORFOLK, VIRGINIA

Contents Approved:

By [Signature]
 DEPT. Budget

\$ 151,640,300 Various
 Account
[Signature] 5/13/11
 Director of Finance Date

ORDINANCE No.

AN ORDINANCE APPROVING THE CAPITAL IMPROVEMENT PLAN BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012; APPROPRIATING \$151,640,300 FOR CERTAIN PROJECTS APPROVED THEREIN; AUTHORIZING AN ISSUE OF BONDS IN THE AMOUNT OF \$72,656,473; AUTHORIZING THE EXPENDITURE OF \$45,609,666 IN CASH, OF WHICH \$1,000,000 IS APPROPRIATED FROM THE PUBLIC AMENITIES FUND AND \$10,000,000 IS APPROPRIATED FROM FUNDS REIMBURSED BY ANOTHER GOVERNMENTAL ENTITY; AND THE REAPPROPRIATION OF \$33,374,161 OF PREVIOUSLY AUTHORIZED, BUT UNISSUED, BONDS.

WHEREAS, the City Manager on April 26, 2011, submitted to the City Council a Capital Improvement Plan Budget for the City for the fiscal year beginning July 1, 2011 and ending on June 30, 2012; and

WHEREAS, it is necessary to appropriate sufficient funds to cover the approved capital projects set forth in the Capital Improvement Plan Budget and to authorize said projects; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the capital projects set forth below in the Capital Improvement Plan for the fiscal year beginning on July 1, 2011 and ending on June 30, 2012, submitted by, the City Manager under date of April

2012, submitted by the City Manager under date of April 26, 2011, are hereby approved and the amounts herein set forth aggregating \$151,640,300, or so much thereof as may be necessary, as set forth in the Capital Improvement Plan Budget for the fiscal year July 1, 2011 to June 30, 2012, are hereby appropriated for the purposes hereinafter set out in the following subparagraph:

A. Capital Improvement Projects

<u>Number</u>	<u>Title</u>	<u>Approved Amount</u>
General Capital		
1	Address School Major Maintenance	3,000,000
2	Address Street Flooding Citywide	1,500,000
3	Construct or Renovate Schools	9,800,000
4	Create Special Service Areas	250,000
5	Design and Construct Courthouse Complex	19,120,900
6	Develop Citywide Green Vision	250,000
7	Develop Multi-modal Transfer Station at Harbor Park	3,000,000
8	Establish Slover Library	39,613,900
9	Fund ADA Master Plan for City Facilities	250,000
10	Fund Beach Stabilization and Erosion	2,100,000
11	Fund Chrysler Museum Capital Campaign Match	1,000,000
12	Fund Construction of Zoological Park Animal Hospital	1,350,000
13	Fund Neighborhood Conservation/Redevelopment	4,000,000
14	Fund Preliminary Engineering	3,359,000
15	Implement Broad Creek Neighborhood Plan	1,000,000
16	Implement Southside Neighborhood Plan	1,000,000
17	Implement Wards Corner Neighborhood Plan	1,000,000
18	Improve Citywide Conduit Network	85,000
19	Improve Coleman Place Neighborhood Streets	600,000
20	Improve Community and Neighborhood Parks	500,000
21	Improve Cultural Facilities (PA)	175,000
22	Improve Downtown Corridor Streetscaping	300,000
23	Improve Existing Community Centers	300,000
24	Improve Fairmount Park Infrastructure	1,850,000
25	Improve HVAC Systems Citywide	440,000
26	Improve Infrastructure and Acquire Property	1,100,000
27	Improve Neighborhood Streets-Major	600,000
28	Improve Roof Repair and Moisture Protection	750,000
29	Improve Street Lights	135,000
30	Repair and Maintain Bridges - Minor	475,000
31	Repair and Replace Bridges - Major	2,000,000
32	Repair Exterior of MacArthur Memorial (PA)	75,000

33	Repair Neigh. Sts/Sidewalks/Walkways	500,000
34	Replace Scope Concourse Message Boards (PA)	250,000
35	Support Fairmount Pk/Laf. Blvd. Neigh. Plan	750,000
36	Support Governor's School for the Arts	250,000
37	Support Lake Wright East Development	200,000
38	Support Neighbors Building Neighborhoods	500,000
39	Support Public Art	250,000
40	Support VDOT Urban Project	180,000
	Support Virginia Arts Festival Headquarters -	
41	Matching Grant	566,700
	Upgrade Exterior Lighting at Scope & Chrysler	
42	Hall (PA)	500,000
Total General Capital		104,925,500
Parking Facilities		
43	Install Automation of City Parking Facilities	553,800
44	Maintain or Rehabilitate Various Garages	821,000
45	Replace Elevators	740,000
Total Parking Facilities		2,114,800
Wastewater Utility		
46	Improve Wastewater Collection System	17,000,000
Total Wastewater Utility		17,000,000
Storm Water Utility		
47	Improve Storm Water Quality	600,000
48	Improve Storm Water System	950,000
49	Improve Storm Water Waterfront Facilities	500,000
50	Reduce Neighborhood Flooding	1,450,000
Total Storm Water Utility		3,500,000
Water Utility		
51	Implement Security/Vulnerability	300,000
52	Replace Master Meters	100,000
53	Replace or Rehabilitate Water Pipelines	18,200,000
54	Upgrade Moores Bridges Water Treatment Plant	5,500,000
Water Utility		24,100,000
Grand Total		151,640,300

Section 2:- That in order to provide the funds heretofore appropriated, cash in the aggregate principal sum of \$45,609,666 is authorized to be expended, of which \$43,809,666 is for General Capital Improvement Projects, \$1,500,000 is for Storm Water Utility Fund Projects and \$300,000 is for Water Utility Fund Projects; previously approved, but unissued, bonds in the aggregate principal sum of \$33,374,161 are reappropriated, of which \$29,259,361 is for General Capital Improvement Projects Fund, \$2,000,000 for Storm

Water Utility Fund Projects and \$2,114,800 is for the Parking Facilities Fund Projects; and bonds of the City of Norfolk in the aggregate principal sum of \$72,656,473 are hereby authorized to be issued from time to time in such form and with such terms as shall be established pursuant to future ordinances, of which \$31,856,473 is for General Capital Improvement Projects, \$17,000,000 is for Wastewater Utility Fund Projects, and \$23,800,000 for Water Utility Fund Projects.

Section 3:- That the Council reasonably expects to reimburse certain expenditures made from the General Capital Improvement Projects Fund, Wastewater Utility Fund, Storm Water Utility Fund, Water Utility Fund, and the Parking Facilities Fund to interim finance the above-described capital projects with the proceeds of the above described bonds to be issued by the City.

Section 4:- That this ordinance represents a declaration of "official intent" under Treasury Regulations Section 1.150-2(e).

Section 5:- That the expenditures to be reimbursed will be paid from the following funds, which funds have the following general functional purposes:

(a) General Capital Improvement Projects Fund. Used to account for the financial resources used to finance general capital improvement projects in the Capital Improvement Plan other than those financed by the City's enterprise funds or special revenue funds;

(b) Parking Facilities Fund. Used to account for the City's parking facility operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Plan related to the parking facilities;

(c) Wastewater Utility Fund. Used to account for the City's wastewater utility operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Plan related to the wastewater utility;

(d) Storm Water Utility Fund. Used to account for the City's environmental storm water operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Plan related to the storm water utility; and

(e) Water Utility Fund. Used to account for the City's water utility operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Plan related to the water utility.

Section 6:- That the appropriate officers or agents of the City are authorized and directed to file a certified copy of this ordinance with the Circuit Court of the City of Norfolk pursuant to Sections 15.2-2607 and 15.2-2627 of the Virginia Code.

Section 7:- That the City Manager, unless otherwise directed by City Council, is hereby authorized to do all things necessary to implement the projects set forth in the FY 2012 Capital Improvement Plan Budget.

Section 8:- The City Manager or a designee is authorized to transfer from any project which has an excess of funds appropriated for its use to any other project all or any part of such excess; a record of all such transfers shall be maintained by the Director of Finance.

Section 9:- The City Manager or designee is authorized to transfer funds from any project authorized with Public Art funds in the Capital Improvement Plan to any other project or pool funds, as needed, to implement any portion of the Plan.

Section 10:- That this ordinance shall be in effect from and after July 1, 2011.

Form and Correctness Approval

By *David S. [Signature]*
Office of the City Attorney

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund form which it is drawn and not appropriated for any other purpose.

NORFOLK, VIRGINIA

Contents Approved:

By *Sabrina [Signature]*
DEPT. Budget

\$ 7,448,291

Various
Account

[Signature]
Director of Finance

5/10/11
Date

ORDINANCE No. 44,243

R-3

AN ORDINANCE APPROVING THE FY 2012 ANNUAL PLAN FOR THE CONSOLIDATED PLAN (FISCAL YEARS 2012 THROUGH 2016), APPROVING THE APPLICATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM AND EMERGENCY SHELTER GRANT (ESG) PROGRAM FUNDS, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF \$5,026,108 IN CDBG GRANT FUNDS, \$2,139,402 IN HOME GRANT FUNDS, AND \$282,781 IN ESG GRANT FUNDS AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO DO ALL THINGS NECESSARY TO RECEIVE THE FUNDS AND CARRY OUT THE PROGRAMS.

WHEREAS, under the provisions of the Housing and Community Development Act of 1974, as amended, financial assistance is provided to localities for undertaking and carrying out community development activities; and

WHEREAS, City Council has reviewed and held public hearings on the proposed FY 2012 Annual Plan for the Consolidated Plan (Fiscal Years 2012 through 2016) in the City of Norfolk; and

WHEREAS, it is necessary that Council officially approve and endorse the FY 2012 Annual Plan, in order to comply with the provisions of the aforesaid Act and the administrative regulations promulgated pursuant thereto; and

WHEREAS, Council is cognizant of the conditions and requirements which have been imposed by federal agencies with regard to the undertaking and carrying out of activities under the Housing and Community Development Act; and

WHEREAS, Council, on behalf of the City, possesses the legal authority to execute the proposed program under the provisions of the aforementioned legislation; and

WHEREAS, Council has approved the FY 2012 Annual Plan for the Consolidated Plan (Fiscal Years 2012 through 2016) and authorized the City Manager to submit the Annual Plan and Application to the United States Department of Housing and Urban Development; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the FY 2012 Annual Plan for the Consolidated Plan (Fiscal Years 2012-2016), for the Community Development Program, having been reviewed by this Council and found to be in the best interests of this City, is hereby approved.

Section 2: - That the applications for the Community Development Block Grant (CDBG) Program, the Home Investment Partnership (HOME) Program and the Emergency Shelter Grant (ESG) Program are hereby approved.

Section 3: - That the sum of Four Million Six Hundred Ninety Five Thousand One Hundred Eight Dollars (\$4,695,108) is hereby appropriated and authorized for expenditure for the Community Development Grant Program (2011-2012) from the Community Development Block Grant, if and when such funds are made available from the Department of Housing and Urban Development.

Section 4: - That the sum of One Hundred Thirty One Thousand Dollars (\$131,000) is hereby appropriated and authorized for expenditure for the Community Development Program (2011-2012) if and when such funds are realized as earnings from the operation of certain Community Development Projects.

Section 5: - That the sum of Two Hundred Thousand Dollars (\$200,000) is hereby appropriated and authorized for expenditure for the Community Development Program (2011-2012) if and when such funds are realized as earnings from the Revolving Loan Fund.

Section 6: - That the sum of One Million Seven Hundred Forty Four Thousand Four Hundred Two Dollars (\$1,744,402) is hereby appropriated and authorized for expenditure for the HOME Investment Partnership Program (2011-2012) from the HOME Investment Partnerships Program Grant, if and when such funds are made available from the Department of Housing and Urban Development.

Section 7: - That the sum of Three Hundred Ninety Five Thousand Dollars (\$395,000) is hereby appropriated and authorized for expenditure for the HOME Investment Partnership Program (2011-2012) if and when such funds are realized as earnings from the operation of certain HOME Investment Partnership Projects.

Section 8: - That the sum of Two Hundred Eighty Two Thousand Seven Hundred Eighty One Dollars (\$282,781) is hereby appropriated and authorized for expenditure for the Emergency Shelter Program (2011-2012) from the Emergency Shelter Grant Program, if and when such funds are made available from the Department of Housing and Urban Development.

Section 9: - That the City Manager is designated as the certifying officer and authorized representative of the City of Norfolk and shall provide the assurance required by the provisions of the Housing and Community Development Act of 1974, as amended, and the regulations adopted pursuant to such Act.

Section 10: - That the City Manager is further authorized and directed to give to the Department of Housing and Urban Development and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, documents and other materials which are related to the grant funds.

Section 11: - That the City Manager is further authorized and directed to do all things necessary and proper to apply for, accept and receive the grant funds and to carry out the program approved by this ordinance.

Section 12: - That this ordinance shall be in effect from and after July 1, 2011. All actions heretofore taken in pursuit of the activities authorized herein are hereby approved, ratified and confirmed.

Adopted by Council May 17, 2011
Effective July 1, 2011

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK

Origin and Correctness Approval:

RAP

By *Maury G. [Signature]*
Office of the City Attorney

NORFOLK, VIRGINIA

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

Contents Approved:

By *Subramanian Jay, Heggs*
DEPT. *Budget*

\$ 61,944,132

Various
Account

Sherrill Helton
Director of Finance

5/10/11
Date

ORDINANCE No. 44,244

R-4

AN ORDINANCE APPROPRIATING GRANT FUNDS TOTALING \$61,944,132 TO THE SCHOOL BOARD OF THE CITY OF NORFOLK FOR TITLE I PROGRAMS, OTHER SPECIAL PROGRAMS AND THE CHILD NUTRITION SERVICES PROGRAM AND AUTHORIZING THE EXPENDITURE OF THE FUNDS IN FISCAL YEAR 2012 FOR NORFOLK PUBLIC SCHOOLS.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That up to \$46,684,632 is hereby appropriated to the School Board, if and when received from a variety of sources, for the support of Title I and other special programs with the sources of the funds and the programs for which they are to be expended set forth in Exhibit A attached hereto.

Section 2:- That up to \$15,259,500 is hereby appropriated to the School Board, if and when received from federal and state sources and from student fees, for the support of the Child Nutrition Services Program with the sources of the funds and the programs for which they are to be expended set forth in Exhibit B attached hereto.

Section 3:- That the grant funds are hereby authorized for expenditure by the School Board in Fiscal Year 2012 for Norfolk Public Schools and all actions taken by the School Board in anticipation of the adoption of this ordinance and are hereby approved, ratified and confirmed.

Section 4:- That this ordinance shall be in effect from and after July 1, 2011.

Adopted by Council May 17, 2011
Effective July 1, 2011

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY 478 Ordinances

DEPUTY CITY CLERK

FY 2012 School Grants

Use of Funds	Source of Funds	FY 2012 Amount
Compensatory Programs	Federal	\$30,489,411
Special Education	Federal	\$7,685,759
Career, Technical and Adult Education	Federal	\$1,326,044
Other Projects (technology, reading)	Federal	\$1,573,553
Subtotal Federal Grants		\$41,074,767
Career, Technical and Adult Education	Commonwealth	\$115,889
State Operated Facilities	Commonwealth	\$3,121,648
Special Education	Commonwealth	\$204,862
Virginia Technology Initiative	Commonwealth	\$1,454,000
Other Grants	Commonwealth	\$194,111
Subtotal Commonwealth Grants		\$5,090,510
Other Grants	Corporations and Foundations	\$180,355
Subtotal Corporate and Foundation Grants		\$180,355
Other Grants	Other sources	\$339,000
Subtotal Other Grants		\$339,000
Total Grant Funding		\$46,684,632

FY 2012 Child Nutrition Services

Revenues	FY 2012 Amount
Sales	\$2,545,000
Federal and State Food Program Reimbursements	\$11,770,000
Federal Commodities Donated	\$830,000
Interest Earnings	\$10,000
Other	\$104,500
Total Revenue for Child Nutrition Services	\$15,259,500

Expenditures	FY 2012 Amount
Cost of goods sold	\$7,116,000
Employee Compensation	\$6,944,000
Maintenance Costs	\$415,000
Supplies and Materials	\$135,000
Cafeteria and Other Equipment	\$440,000
Other Costs	\$209,500
Total Expenditures for Child Nutrition Services	\$15,259,500

Form and Correctness Approved

ZAP

Contents Approved:

By *Mary G. [Signature]*
Office of the City Attorney

By *Erwin M. [Signature]*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No. 44,247

R-7

AN ORDINANCE TO AMEND AND REORDAIN SECTION 24-234 OF THE NORFOLK CITY CODE, 1979, SO AS TO INCREASE THE FLAT TAX TO TWO DOLLARS (\$2.00) PER ROOM FOR EACH NIGHT OF LODGING AT ANY HOTEL.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 34-234 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 24-234. Levied; amount.

There is hereby levied and imposed in addition to all other taxes and fees of every kind now imposed by law, on each transient a tax equivalent to eight (8) percent of the total amount paid for lodging by or for any such transient to any hotel plus a flat tax of two dollars (\$2.00) per room for each night of lodging at any hotel.

Section 2:- That this ordinance shall be in effect from and after July 1, 2011.

Adopted by Council May 17, 2011
Effective July 1, 2011

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK

Form and Correctness Approved

[Handwritten initials]

Contents Approved:

By *[Signature]*
Office of the City Attorney

[Signature]
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No. 44,246

R-6

AN ORDINANCE TO AMEND AND REORDAIN SECTION 24-309 OF THE NORFOLK CITY CODE, 1979, **SO AS TO INCREASE THE TAX ON EACH CIGARETTE TO THIRTY-SEVEN AND FIVE TENTHS (37.5) MILS.**

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 34-309 of the Norfolk City Code, 1979, is hereby amended and reordained so as to read as follows:

Sec. 24-309. Levied; amount.

There is hereby levied and imposed by the city, upon each and every sale of cigarettes, a tax equivalent to thirty-seven and five tenths (37.5) mils per cigarette sold within the city, the amount of such tax to be paid by the seller, if not previously paid, in the manner and at the time provided for in this article. There shall be a penalty for late payment of the tax imposed herein in the amount of ten (10) percent per month, and interest in the amount of three-quarters of one (0.75) percent per month, upon any tax found to be overdue and unpaid.

Section 2:- That this ordinance shall be in effect from and after July 1, 2011.

Adopted by Council May 17, 2011
Effective July 1, 2011

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK

Form and Correctness Approved:

Contents Approved:

By Cy B Hall
Office of the City Attorney

By Jeffrey F. Wine
DEPT. FIRE-RESCUE SERVICES

NORFOLK, VIRGINIA

ORDINANCE No. 44,248

R-8

AN ORDINANCE TO AMEND AND REORDAIN SECTION 17.1-45 OF THE NORFOLK CITY CODE, 1979, AS AMENDED AND TO ADD NEW SECTIONS NUMBERED 17.1-45-1, 17.1-45.2, 17.1-45.3, 17.1-45.4 AND 17.1-45.5 TO THE NORFOLK CITY CODE, 1979, AS AMENDED **SO AS TO INCREASE FIRE INSPECTION AND PERMIT FEES AND TO ADDRESS FIRE PERMIT PROCEDURES.**

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 17.1-45 of the Norfolk City Code, 1979, as amended, is hereby amended and reordained to read as follows:

Sec. 17.1-45 Fire Inspection and Permit Fees and Requirements.

(a) Unless otherwise provided in this chapter, fire inspection and permit fees shall be paid and requirements met for each fire inspection and permit obtained pursuant to the fire prevention code, as amended, as set forth herein. Permits shall be valid for the time period set forth in the permit. Reinstatement of a permit after revocation or expiration of the permit shall require payment of the fee amount specified in this section.

(b) Inspection fees and requirements. A fee of fifty dollars (\$50.00) shall be paid for each initial inspection including one (1) follow-up inspection (if necessary) of a commercial establishment. For purposes of this section, "commercial establishment" shall mean an establishment which is not used entirely for residential purposes. The fire official may waive inspection fees if he determines that the inspection will be limited in scope. Such waiver shall not apply to any other fees assessed for inspections under this code or zoning ordinance. For each second or subsequent follow-up inspection on commercial establishments, a fee of fifty dollars (\$50.00) shall be paid.

(c) Fire Permit Fees. A fire permit shall be obtained from the fire official and the following fees paid for the specified uses and activities:

Outdoor fire works display per day of display.....\$100.00

Abandoned storage tanks and underground storage tanks not in use for more than ninety (90) days, per tank.....\$50.00

Aviation facilities for Group H or Group S occupancy for aircraft servicing or repair and aircrafts fuel-servicing vehicles.....\$50.00

Carnivals and fairs.....\$50.00

Combustible dust-producing operations.....\$50.00

Combustible fibers storage and handling in quantities greater than one hundred (100) cubic feet.....\$50.00

Cutting and Welding.....\$50.00

Dry cleaning plants for dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.....\$50.00

Demolition.....\$50.00

Explosives or explosive material manufacturing, storage, handling, sale, or use in any quantity.....\$50.00

Fruit and crop ripening\$50.00

Fumigation and thermal insecticidal fogging.....\$50.00

Hazardous materials storage, transport, dispensing, or handling.....\$50.00

Hazardous Production Materials storage....\$50.00

High-piled storage exceeding five hundred (500) square feet.\$50.00

Hot work operations for cutting, welding, brazing, soldering, grinding, thermal spaying, thawing pipe, installation of torch-applied roof systems or other similar operations.\$50.00

Indoor fireworks or pyrotechnic display per event.....\$50.00

Industrial ovens\$50.00

Liquid or gas fueled vehicles or equipment storage in building \$50.00

Miscellaneous combustible storage for storage in any building or upon any premises in excess of two thousand five hundred (2,500) cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.....\$50.00

Places of assembly including, but not limited to, movie theaters, theaters, restaurants, night clubs, bowling alleys, gyms, skating rinks, swimming pools, bleachers and grandstands..... \$50.00

Repair garages and service stations for automotive, marine and fleet service stations.....\$50.00

Spraying or dipping of flammable or combustible liquids or application of combustible powders\$50.00

Temporary membrane structures or tents over 200 square feet\$50.00

Tire rebuilding plants.....\$50.00

Waste handling facilities, including wrecking yards and junk yards.....\$50.00

Bulk storage and underground storage tanks with capacity over 100,000 gallons of flammable or combustible materials.....five-one-thousandths of a cent (\$0.0005) per gallon of storage capacity.

Section 2:- That a new section numbered 17.1-45.1 is hereby added to the Norfolk City Code, 1979, as amended, to read as follows:

Sec. 17.1-45.1 Waiver or reduction of fire permit fees.

The fire official is authorized to waive or reduce fire permit fees where he determines that review time is insubstantial or duplicative of reviews conducted by another city department or state official. Such waiver shall not apply to any other permit fees assessed for inspections under this code or zoning ordinance.

Section 3:- That a new section numbered 17.1-45.2 is hereby added to the Norfolk City Code, 1979, as amended, to read as follows:

Sec. 17.1-45.2 Refusal to issue fire permit.

If the applicant for a fire permit describes a use that does not conform to the requirements of the fire prevention code, as amended, and other pertinent laws and ordinances, the fire official shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit specified in writing.

Section 4:- That a new section numbered 17.1-45.3 is hereby added to the Norfolk City Code, 1979, as amended, to read as follows:

Sec. 17.1-45.3 Inspection authorized.

Before a fire permit is issued, the fire official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with the fire prevention code, as amended, or any operational constraints.

Section 5:- That a new section numbered 17.1-45.4 is hereby added to the Norfolk City Code, 1979, as amended, to read as follows:

Sec. 17.1-45.4 Fire permit revocation.

The fire official is authorized to revoke a fire permit when it is found by inspection or otherwise that any one of the following have occurred:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permittee failed or refused or neglected to comply with orders or notices duly served in accordance with the provisions of the fire prevention code, as amended, within the time provided therein.
6. The permit was issued in error or in violation of an ordinance or regulation of the fire prevention code, as amended.
7. Any illegal or unlawful acts caused, allowed or permitted to be done by the permittee or his designated manager or agent.

Section 6:- That a new section numbered 17.1-45.5 is hereby added to the Norfolk City Code, 1979, as amended, to read as follows:

Sec. 17-45.5 Fire Permit Transfer.

A fire permit issued under this chapter shall not be transferable without the express written approval of the fire official

and then only when the transferee shall meet all the requirements for an original permit.

Section 7:- That this ordinance shall be in effect from and after July 1, 2011.

Adopted by Council May 17, 2011
Effective July 1, 2011

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK