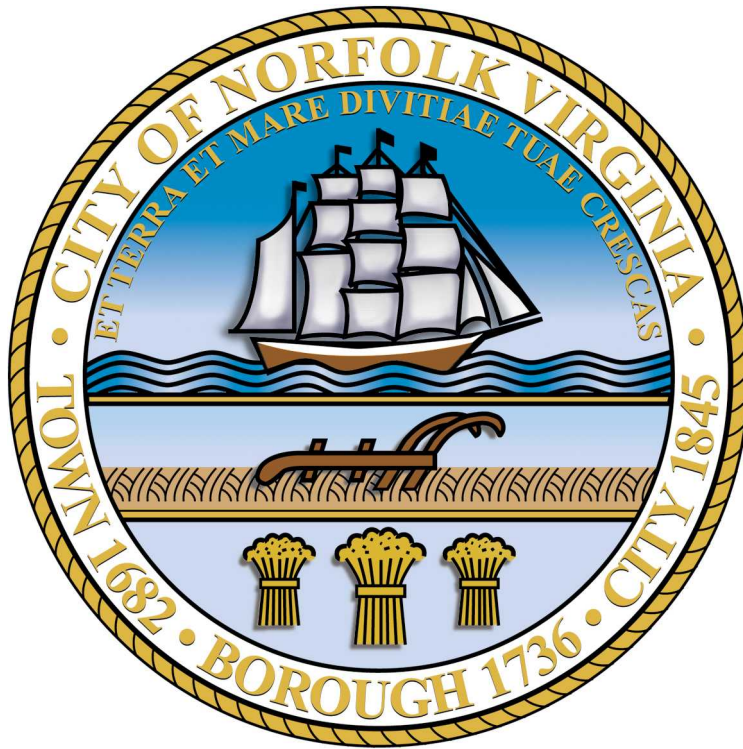

Ordinances



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Form and Correctness Approved:

By [Signature]
Office of the City Attorney

Contents Approved:

By [Signature]
DEPT. Budget and Strategic Planning

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.

\$6,338,317	HUD Account
\$ 1,137,675,449	Various Account
<u>[Signature]</u> Director of Finance	<u>5/12/16</u> Date

R-1

ORDINANCE No. 46,385

AN ORDINANCE APPROPRIATING FUNDS FOR OPERATION OF THE CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017, APPROPRIATING U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ENTITLEMENT GRANTS, AUTHORIZING SHORT-TERM EQUIPMENT FINANCING, PROVIDING A SUPPLEMENT FOR CERTAIN ELIGIBLE RETIREES, INCREASING THE CIGARETTE TAX, ESTABLISHING TECHNOLOGY ZONES, PROVIDING FOR A BUSINESS LICENSE INCENTIVE FOR QUALIFIED TECHNOLOGY BUSINESSES AND REGULATING THE PAYMENT OF MONEY FROM THE CITY TREASURY.

- - -

WHEREAS, the City Manager submitted to the Council a proposed annual budget for the city for the fiscal year beginning July 1, 2016 and ending June 30, 2017, which has been amended by the Council, and it is necessary to make appropriations sufficient to fund said budget and to regulate the payment of money from the city treasury; now, therefore,

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

Section 1:- That the amounts shown herein aggregating Eight Hundred Thirty Five Million Forty Two Thousand Three Hundred Fifty Two Dollars (\$835,042,352) for the General Fund, Eighty Four Million Three Hundred Fifty Five Thousand Thirty One Dollars (\$84,355,031) for the Water Utility Fund, Thirty Million Eight Hundred Eight Thousand Two Hundred Ninety One Dollars

(\$30,808,291) for the Wastewater Utility Fund, Sixteen Million Five Hundred Twenty Eight Thousand Nine Hundred Sixty Six Dollars (\$16,528,966) for the Storm Water Utility Fund, One Hundred One Million Four Hundred Seventy Six Thousand Six Hundred Dollars (\$101,476,600) for the Internal Service Funds, Twenty Two Million Eight Hundred Seventy Three Thousand Seventy Six Dollars (\$22,873,076) for the Parking Facilities Fund, Two Million Ninety Three Thousand Two Hundred Sixteen Dollars (\$2,093,216) for the Cemetery Services Fund, Six Million One Hundred Eighty Eight Thousand Six Hundred Thirty Four Dollars (\$6,188,634) for the Emergency Preparedness and Response Fund, Fifteen Thousand Dollars (\$15,000) for the Golf Operations Fund, Twenty Two Million Six Hundred Seventy Five Thousand Six Hundred Seventy Nine Dollars (\$22,675,679) for the Waste Management Fund, Eight Million Three Hundred Sixty Five Thousand Dollars (\$8,365,000) for the Public Amenities Fund, Five Million Five Hundred Three Thousand Six Hundred Thirty Nine Dollars (\$5,503,639) for the Tax Increment Financing Fund, One Million Seven Hundred Forty Nine Thousand Nine Hundred Sixty Five Dollars (\$1,749,965) for the Towing and Recovery Operations Fund, or so much thereof as may be necessary, as set forth in the annual budget for the fiscal year July 1, 2016 - June 30, 2017, 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, 2016 - June 30, 2017, 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, 2016 - June 30, 2017 as follows:

Legislative	\$4,934,613
Executive	\$4,110,478
Department Of Law	\$4,499,892
Constitutional Officers	\$55,313,211
Judicial	\$1,304,721
Elections	\$895,986
Department of Communications and Technology	\$13,660,136
Department Of Finance	\$4,448,534

Department Of General Services	\$24,399,559
Department Of Human Resources	\$3,496,562
Department Of City Planning	\$4,962,151
Department Of Neighborhood Development	\$4,154,653
Department Of Economic Development	\$2,032,161
Norfolk Public Libraries	\$11,689,510
Department Of Cultural Facilities, Arts And Entertainment	\$5,703,491
Virginia Zoological Park	\$4,196,666
The National Maritime Center	\$5,043,780
Department Of Recreation, Parks And Open Space	\$17,379,157
Central and Outside Agency Appropriations	\$60,474,116
Norfolk Community Services Board	\$26,020,634
Office To End Homelessness	\$286,951
Department Of Public Health	\$3,468,419
Department Of Human Services	\$47,155,952
Department Of Police	\$68,500,916
Department Of Fire - Rescue	\$42,592,138
Department Of Public Works	\$26,702,280
Debt Service	\$65,747,190
Norfolk Public Schools	\$321,868,495
Total Appropriations General Fund - Operating Budget	\$835,042,352

Water Utility Fund	\$84,355,031
Wastewater Utility Fund	\$30,808,291
Parking Facilities Fund	\$22,873,076
Storm Water Utility Fund	\$16,528,966
Internal Service Funds	\$101,476,600
Cemetery Services Fund	\$2,093,216
Emergency Preparedness And Response Fund	\$6,188,634
Golf Operations Fund	\$15,000
Waste Management Fund	\$22,675,679
Public Amenities Fund	\$8,365,000
Tax Increment Financing Fund	\$5,503,639

Towing and Recovery Operations Fund	\$1,749,965
Total Operating Funds	\$1,137,675,449

Section 2:- That unless otherwise specified by Council, all taxes and fees 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, divisions, bureaus and funds of the city during the fiscal year July 1, 2016 - June 30, 2017 and the number may be changed during said fiscal year as authorized by the Council or City Manager.

Unless the city's compensation plan provides otherwise, 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 workforce 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 a department budget for the fiscal year July 1, 2016 - June 30, 2017.

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, 2016, 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.

Section 5:- That within several departments, funds and activities, there are hereby appropriated sufficient amounts to cover the operation of all Internal Service Funds, including the Healthcare and Fleet Management Funds. 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.

Any unexpended balances in the amounts appropriated for the Healthcare Fund at the close of business on June 30, 2016, shall not revert to the surplus of the Healthcare Fund, but shall be carried forward on the books of the Director of Finance and be available for expenditure in the succeeding year.

Section 6:- That the various amounts appropriated by this ordinance for the several groups, as set forth in the 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 departments, funds or activities of the city and a record of such transfers shall be maintained by the Director of Finance.

The City Manager or designee 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.

Any unexpended balances in the amounts appropriated for the Department of Public Works Street Construction and Maintenance Projects, Public Amenities Fund, Tourism Infrastructure Repair, Poverty Commission, Housing Trust Fund, and the Norfolk Consortium at the close of business on June 30, 2016 shall not revert to the surplus of the General Fund, but shall be carried forward on the books of the Director of Finance and be available for expenditure in the succeeding year.

There are hereby appropriated and authorized for expenditure the revenues from the fiscal year 2015 Five cent (\$.05) cigarette tax increase and the fiscal year 2017 Five cent (\$.05) cigarette tax increase for development initiatives. The City Manager is hereby authorized to expend and reserve for the purpose of business retention, feasibility analysis, and other economic development activities supported by the cigarette tax increases.

The City Manager shall provide to the City Council a mid-year budget update. Such mid-year budget update shall report the projected revenue and expenditure 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 Forty Two Million Three Hundred Thirty Two Thousand Five Hundred Ninety One Dollars

(\$42,332,591) for the Unassigned General Fund Balance Reserve.

There is hereby reserved in the General Fund Balance the amount of Five Million Dollars (\$5,000,000) for the Risk Management Reserve.

There is hereby reserved in the General Fund Balance the amount of Five Million Dollars (\$5,000,000) for the Economic Downturn and Leveling Reserve.

There is hereby reserved in the General Fund Balance up to the amount of Five Million Three Hundred Sixty Seven Thousand Nine Hundred Sixty One Dollars (\$5,367,961) in the revolving fund for strategic land acquisitions 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/Revolving Fund at the close of the fiscal year ending on June 30, 2016, is hereby reserved for the Land Acquisition/Revolving Fund to be expended for future strategic land acquisitions.

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

There is hereby appropriated and authorized for expenditure for the Parking Facilities Fund up to Three Million Eight Hundred Ten Thousand Two Hundred Ninety One Dollars (\$3,810,291) from the Parking Facilities Rate Stabilization 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.

Unless otherwise specified by any other provision of local, state or federal law, operating funds appropriated to Norfolk Public Schools that have not been expended or contractually obligated at the end of the fiscal year are deemed local dollars and shall revert to the city for re-appropriation by City Council.

There are hereby appropriated and authorized for expenditure the revenues from the fiscal year 2014 Two cent (\$0.02) real estate tax increase for the School Construction, Technology and Infrastructure Program. The City Manager is hereby authorized to expend and reserve the School Construction, Technology and Infrastructure Program supported by the dedicated Two cent (\$0.02) real estate tax increase to support the needs of Norfolk Public Schools. Any unexpended balances in the amounts appropriated shall not revert to the surplus of the General Fund, but solely be dedicated to the School Construction, Technology and Infrastructure Program and shall be carried forward on the books of the Director of Finance and appropriated and available for expenditure in the succeeding year.

Section 7:- That the FY 2017 Annual Plan, (Consolidated Plan Fiscal Years 2017-2021) for the Community Development Block Grant Program, HOME Investment Partnership Program and Emergency Solutions Grant Program, having been reviewed and found to be in the best interests of the city, is hereby approved.

Section 8:- That, if and when made available from the U.S. Department of Housing and Urban Development (HUD), the sum of up to Four Million One Hundred Thirty Five Thousand Nine Hundred Eighty Two Dollars (\$4,135,982) is hereby appropriated and authorized for expenditure for the Community Development Block Grant Program (2016-2017) from the Community Development Block Grant and when such funds are realized as earnings from the Revolving Loan Fund.

Section 9:- That the sum of Nine Hundred Thirty Seven Thousand Nine Hundred and Sixty Six Dollars (\$937,966) is hereby appropriated and authorized for

expenditure for the Community Development Block Grant Program (2016-2017) if and when such reprogrammed funds are made available from the remaining balances of certain identified Community Development Block Grant activities.

Section 10:- That, if and when made available from the U.S. Department of Housing and Urban Development (HUD), the sum of up to Nine Hundred Sixteen Thousand Seventy Six Dollars (\$916,076) is hereby appropriated and authorized for expenditure for the HOME Investment Partnership Program (2016-2017) from the HOME Investment Partnership Program Grant.

Section 11:- That, if and when made available from the U.S. Department of Housing and Urban Development (HUD), the sum of up to Three Hundred Forty Eight Thousand Two Hundred Ninety Three Dollars (\$348,293) is hereby appropriated and authorized for expenditure for the Emergency Solutions Program (2016-2017) from the Emergency Solutions Grant.

Section 12:- 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 13:- That the City Manager is further authorized and directed to give to the U.S. Department of Housing and Urban Development (HUD) 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 and is further authorized and directed to do all things necessary and proper to apply for, accept, receive and modify current and prior year grant funds to carry out the program.

Section 14:- 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) or fewer years. The cost of any new Equipment to be acquired through the issuance of Short-Term Equipment GOBs shall not exceed Six Million Dollars (\$6,000,000).

No Short-Term Equipment GOBs may be issued before the Council provides authorization therefor following notice and a public hearing held under Virginia Code Section 15.2-2606 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 nongeneral 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 Six Million Dollars (\$6,000,000). 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 2017 debt service on prior Short-Term Equipment GOBs and any FY 2017 Alternative Short-Term Equipment Financing is part of the Debt Service Appropriation.

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

Section 15:- That, effective July 1, 2016, a one-time supplement of Three Hundred Eighty Dollars (\$380.00) shall be payable to retirees receiving retirement benefits as of June 30, 2015, with fifteen (15) or more years of creditable service or disability retirement who receive less than Thirty Thousand Dollars (\$30,000.00) in annual retirement benefits and workers' compensation benefits. In the event an eligible retiree dies on or before July 31, 2016, the supplement shall not be paid to the surviving spouse nor dependents. Funds for the supplement are hereby appropriated in the FY 2017 Operating Budget.

Section 16: - That Section 24-309 of the Norfolk City Code, 1979, is hereby amended and reordained so as increase the tax on each cigarette to forty two and five tenths (42.5) mils 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 forty two and five tenths (42.5) 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 percent (10%) per month, and interest in the amount of three-quarters of one percent (0.75%) per month, upon any tax found to be overdue and unpaid.

Section 17: - That the Norfolk City Code, 1979, is hereby amended so as to provide for the establishment of technology zones, to establish an area around the Elizabeth River Trail as a technology zone, and to provide business license tax incentives for qualified technology businesses in the technology zone pursuant to § 58.1-3850 of the Code of Virginia, 1950, as amended, by adding a new Chapter to read as follows:

Chapter 45.6 TECHNOLOGY ZONES

Article I. In General.

Sec. 45.6-1. Purpose and intent.

In order to foster the development and location of new technology businesses in the city, which will increase capital investment and create jobs, the Council finds that the establishment of technology zones pursuant to § 58.1-3850 of the Code of Virginia, 1950, as amended, is necessary. This article shall be in effect on and after January 1, 2017.

Sec. 45.6-2. Administration.

This chapter shall be administered by the city manager or designee. Any application required by this chapter shall be on forms approved by the city manager or designee. The city manager or designee shall develop and publish procedures to obtaining the benefits created by this chapter and for the administration of this article. The city manager or designee will review the criteria and incentives for the technology zone program annually to assure alignment with city priorities and economic development strategy and shall make recommendations to council if it is determined that the criteria or incentives should be modified.

Sec. 45.6-3. Burden.

A business applying for the benefits afforded by this chapter shall have the burden of proving qualification, shall apply for certification as a qualified technology business on an annual basis and shall demonstrate annually that it continues to operate as a qualified technology business. No application submitted under this chapter shall be approved if the business is not current in payment of all taxes and fees due the city.

Sec. 45.6-4.

Definitions.

For purposes of this chapter, the following words and phrases shall have the following meanings, unless indicated to the contrary:

"Definite place of business" means an office or a location at which a regular and continuous course of dealing occurs over a period of thirty (30) consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person.

"New technology business" means a technology business that either (a) establishes its initial definite place of business in the technology zone and thereafter maintains its principal definite place of business within the boundaries of the technology zone or (b) has no definite place of business in the city before establishing a definite place of business in the technology zone and thereafter maintains its principal definite place of business in the technology zone.

"Qualified technology business" is a technology business that (1) is a new technology business within the boundaries of the technology zone as established in this chapter and (2) creates at least five (5) new full-time jobs or makes a capital investment of at least \$200,000 in either (i) tangible personal property or machinery and tools or (ii) real estate improvements used exclusively in such business, or any combination thereof. The new jobs created or capital investment must be located in the technology zone. The full-time job requirement may be met with part-time jobs using a full-time equivalency of forty (40) hours per week.

"Technology business" is a business that derives its gross receipts primarily from the sale, lease, license or provision of innovative or advanced technology based products, processes or services created, designed, developed, produced, manufactured or performed by such business. Products, processes and services shall incorporate or support the use of innovative or advanced

technologies having applications in one or more of the following categories: (1) cybersecurity, personal security and property security; (2) sea level rise and recurrent flooding; (3) medical devices, medical diagnostics, pharmaceuticals, biotechnology, biochemical engineering and other life sciences and health care technologies; (4) advanced materials and advanced manufacturing; (5) computer hardware and software; (6) electronics and instrumentation; (7) photonics and sensors; (8) internet and e-commerce; (9) educational and training technologies, including modeling and simulation; (10) bio-informatics and data analytics; (11) logistics and maritime commerce; (12) information technology, telecommunications and wireless technologies; (13) green technologies, renewable energy research and development, and energy conservation; (14) advanced transportation technologies; and (15) nanotechnology. The use of computers, telecommunications services, or a web page or internet site shall not, in itself, be sufficient to qualify as a technology business.

"Year one" is the calendar year in which a business is certified as a new qualified technology business.

Sec. 45.6-5. Boundaries of technology zones.

The boundaries of the city's technology zones are hereby established as shown on the "technology zone map" attached hereto as Exhibit A. The technology zone map is hereby declared to be a part of this chapter and to have the same force and effect as if they were fully set forth and described herein. The technology zone map shall be kept on file in the city manager's office or designated city department.

Sec. 45.6-6. Technology zone incentives.

Notwithstanding any other provision of the Norfolk City Code and pursuant to § 58.1-3850 of the Code of Virginia, 1950, as amended, any business that is certified by the city manager or designee as a qualified technology business shall be entitled to a reduction of its business,

professional and occupational license tax imposed by Chapter 24, Article II-A of the Norfolk City Code against gross receipts derived from its technology business as follows.

One hundred percent (100%) reduction in year one of operation;

One hundred percent (100%) reduction in year two of operation;

Fifty percent (50%) reduction in year three of operation;

Fifty percent (50%) reduction in year four of operation; and

Fifty percent (50%) reduction in year five of operation.

Sec. 45.6-7. Procedures to obtain technology zone incentives.

It shall be the responsibility of the qualified technology business to apply for certification by the city manager or designee and to obtain the necessary business license and to provide the necessary information in order to obtain the benefits created by this chapter.

To qualify for the tax reduction a business must apply to the city manager or designee to be certified as a qualified technology business. The tax reduction shall begin as of the month of certification of a technology business as a qualified technology business by the city manager or designee. To maintain eligibility for the tax reduction after year one, the business must reapply annually to the city manager or designee to demonstrate that it continues to be a qualified technology business. The tax reduction provided in this section shall apply to a qualified technology business for no more than five (5) calendar years, including any partial initial calendar year.

A business certified to be a qualified technology business must obtain a business license and pay the applicable fee and is subject to the provisions of Norfolk City Code section 24-25.9(b). In order to receive a business professional and occupational license tax reduction under this section, the qualified technology business shall

file a business license application annually with the commissioner of the revenue and shall provide the commissioner with an annual certification from the city manager or designee that the business is a qualified technology business. The amount of gross receipts estimated to be earned from qualified technology business activities shall be set out in the license application and shall be subject to verification by the commissioner of the revenue by audit or inspection of documents. All business license tax reductions are subject to adjustment by the commissioner of the revenue based on actual gross receipts earned from qualifying technology business activities. If a business is certified a qualified technology business prior to payment of its business license tax liability to the city, such tax liability shall be reduced according to the schedule above. If a business is certified a qualified technology business after it has paid its business license tax liability to the city in full, it shall receive a refund, without interest, in accordance with the schedule above. No local taxes or fees may be outstanding at the time of application for the business license and reduction.

If a business ceases to be a qualified technology business during a calendar year in which tax reductions apply, business license taxes shall be payable at one hundred percent (100%) of the tax amount imposed by Chapter 24, Article II-A of the Norfolk City Code from the month the business ceased to be qualified until the end of the calendar year.

The entitlement to any license tax reduction authorized in this section shall be conditioned upon the applicant paying any tax or fee imposed by the city, by the date upon which the tax or fee is due. In the event a qualified technology business is thirty (30) or more days delinquent on any local tax or fee, such business forfeits any entitlement to any tax reduction authorized in this chapter.

Sec. 45.6-8.

Nonwaiver.

Unless stated otherwise herein, nothing in this chapter shall be construed as a waiver of the right of the city to enforce its ordinances, regulations or policies or to collect any taxes, fees, fines, penalties or interest imposed by law on a qualified technology business or upon real or personal property owned or leased by a qualified technology business.

Section 18:- That there is hereby set-aside from the General Fund revenues of up to Five Million Dollars (\$5,000,000) to be the amount by which revenue is reduced for the purpose of providing real estate tax exemptions and deferrals for the elderly and disabled under Chapter 24, Article IV, Division 2 of the Norfolk City Code, 1979, real estate tax exemptions for disabled veterans pursuant to Code of Virginia, Section 58.1-3219.5, and real estate tax exemptions of the principal residences of surviving spouses of members of the armed forces of the United States killed in action, pursuant to Code of Virginia, Section 58.1-3219.9.

The Department of Human Services, as designated by the City Manager, shall administer this program.

Section 19:- 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 20:- That this ordinance shall be in effect from and after July 1, 2016.

Adopted by Council May 17, 2016
Effective July 1, 2016

TRUE COPY

TESTE:



R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY:

DEPUTY CITY CLERK

Form and Correctness Approved:

By Nathanial Lawson
Office of the City Attorney

NAL

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 Sabank Dey
DEPT. Budget & Management

\$ 97,029,200⁰⁰ VARIOUS
Account
Christine Sanchez 5/12/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No. 46,386

R-2

AN ORDINANCE APPROVING THE CAPITAL IMPROVEMENT PLAN BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017; APPROPRIATING \$97,029,200 FOR CERTAIN PROJECTS APPROVED THEREIN; AUTHORIZING AN ISSUE OF BONDS IN THE AMOUNT OF \$71,116,607, OF WHICH \$4,965,041 IS THE REAPPROPRIATION OF PREVIOUSLY AUTHORIZED, BUT UNISSUED, BONDS; AND AUTHORIZING THE EXPENDITURE OF \$25,912,593 IN CASH.

- - -

WHEREAS, the City Manager submitted to the City Council a Capital Improvement Plan Budget for the City for the fiscal year beginning July 1, 2016 and ending on June 30, 2017; 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, 2016 and ending on June 30, 2017, submitted by the City Manager under date of April 12, 2016 are hereby approved and the amounts herein set forth aggregating \$97,029,200, or so much thereof as may be necessary, as set forth in the Capital Improvement Plan Budget for the fiscal year July 1, 2016 to June 30, 2017, 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	4,000,000
2	Address Street Flooding Citywide	1,500,000
3	Construct Public Safety Memorial	250,000
4	Continue Scope Arena Improvements (PA)	750,000
5	Control Beach Erosion	955,000
6	Develop Bicycle, Pedestrian Greenways, Sharrows, and Complete Streets	750,000
7	Enhance Signals and Intersections	200,000
8	Ensure Citywide Infrastructure Improvements	11,600,000
9	Fund Chrysler Museum Capital Campaign Match	850,000
10	Fund Preliminary Engineering	2,259,000
11	Implement Neighborhood Initiatives	950,000
12	Implement RPOS Master Plan	500,000
13	Improve Citywide Dredging and Waterways	500,000
14	Improve Community and Neighborhood Parks	250,000
15	Improve Cultural Facilities (PA)	250,000
16	Improve Downtown Corridor Streetscaping	100,000
17	Improve Existing Community Centers	200,000
18	Improve Harbor Park (PA)	500,000
19	Improve HVAC Systems Citywide	200,000
20	Improve Infrastructure and Acquire Property	1,000,000
21	Improve Neighborhood Streets - Major	300,000
22	Improve Neighborhoods Citywide	2,500,000
23	Improve Roof Repair and Moisture Protection	250,000
24	Improve Street Lights	100,000
25	Maintain Fire Stations	1,000,000
26	Maintain Municipal Facilities (PA)	2,000,000
27	Maintain USS Wisconsin BB-64 (PA)	500,000
28	Repair and Maintain Bridges - Minor	250,000
29	Repair and Replace Bridges - Major	1,000,000
30	Repair Neigh. Sts/Sidewalks/Walkways	250,000
31	Support Citywide Public Art	250,000
32	Support Jail Improvements	5,400,000
33	Upgrade and Expand Broadband Infrastructure	2,000,000
Total General Capital		43,364,000
Parking Facilities		
34	Maintain Parking Facilities	2,900,000
Total Parking Facilities		2,900,000

Storm Water Utility		
35	Create Citywide Flooding Reserve	1,315,200
36	Improve Storm Water Quality	950,000
37	Improve Storm Water System	600,000
38	Improve Storm Water Waterfront Facilities	500,000
39	Reduce Neighborhood Flooding	1,450,000
Total Storm Water Utility		4,815,200
Wastewater Utility		
40	Improve Wastewater Collection System	20,000,000
Total Wastewater Utility		20,000,000
Water Utility		
41	Comply With Safe Drinking Water Act Amendments	400,000
42	Design and Construct 37th Street Plant	500,000
43	Implement Meter Change-Out Program	400,000
44	Improve Water Pipeline Infrastructure	12,000,000
45	Rehabilitate Reservoirs Systemwide	3,650,000
46	Upgrade Moores Bridges Water Treatment Plant	9,000,000
Total Water Utility		25,950,000
Grand Total		97,029,200

Section 2:- That in order to provide the funds heretofore appropriated, cash in the aggregate principal sum of \$25,912,593 is authorized to be expended. Of such sum, \$16,747,393 is for General Capital Improvement Projects, which is comprised of \$300,000 of proceeds from the sale of land, \$1,847,393 transferred from the General Fund, \$3,000,000 transferred from the Public Amenities Fund; \$11,600,000 appropriated from urban allocation funds; \$2,900,000 is for Parking Facilities Fund Projects; \$4,950,000 is for Water Utility Fund Projects; and \$1,315,200 for Storm Water Utility Fund Projects. Previously approved, but unissued, bonds in the aggregate principal sum of \$4,965,041 are reappropriated for General Capital Improvement Projects, and therefore bonds of the City of Norfolk in the aggregate principal sum of \$71,116,607 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 \$26,616,607 is for General Capital Improvement Projects, \$3,500,000 is for Storm Water Utility Fund Projects, \$20,000,000 is for Wastewater Utility Fund Projects and \$21,000,000 is for Water Utility Fund Projects.

Section 3:- That the Council reasonably expects to reimburse certain expenditures made from the General

Capital Improvement Projects Fund, Storm Water Utility Fund, Wastewater Utility Fund, and Water Utility 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) 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;

(c) 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

(d) 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 Code of Virginia, 1950, as amended.

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 Fiscal Year 2017 Capital Improvement Plan Budget.

Section 8:- That the City Manager or his designee is authorized to close out or reappropriate unused Capital Improvement Plan funds in projects that have been completed. These funds may be reappropriated as sources in future year Capital Improvement Plans.

Section 9:- That the City Manager or his 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 10:- That the City Manager or his designee is authorized to utilize balances from urban allocation funding for General Capital Improvement Projects, not to exceed \$11,600,000. Should urban allocation funds not aggregate \$11,600,000, bonds for the City of Norfolk are hereby appropriated and authorized to be issued.

Section 11:- That the City Manager or his 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 12:- That this ordinance shall be in effect from and after July 1, 2016.

Adopted by Council May 17, 2016
Effective July 1, 2016

TRUE COPY

TESTE:



R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY:

DEPUTY CITY CLERK