



OFFICE OF THE
CITY ATTORNEY

CITY OF COLONIAL HEIGHTS
201 JAMES AVENUE
P. O. BOX 3401
COLONIAL HEIGHTS, VIRGINIA 23834-9001

(804) 520-9316 / FAX 520-9398

HUGH P. FISHER, III
CITY ATTORNEY

TAMARA L. DRAPER
LEGAL ASSISTANT

MEMORANDUM

TO: The Honorable Mayor and Members of Council

FROM: Hugh P. Fisher, III *HPF, III*
City Attorney

DATE: April 18, 2011

RE: Massage Clinics

At the request of Mayor Davis, I have drafted the enclosed ordinance, which amends the definition of "Massage Clinic" in City Code § 193-1 so as to allow such a clinic in a multi-tenant, commercial building. Mayor Davis has asked that this item be included on Council's April 26 work session agenda, and he will explain his rationale for desiring that this legislation be drafted.

Please do not hesitate to contact me prior to the work session if you have any questions on this matter.

Enclosure

cc: Mr. Thomas L. Mattis, City Manager
Mrs. DeAnna A. Atkins, City Clerk
Colonel Jeff Faries, Chief of Police

PROPOSED DRAFT

AN ORDINANCE NO. 11-_____

To amend and reordain § 193-1 of Chapter 193, Massage Clinics, of the Colonial Heights City Code, to revise the definition of massage clinic.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That §193-1 of Chapter 193, Massage Clinics, of the Colonial Heights City Code, be, and is hereby, amended and reordained as follows:

§ 193-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

MASSAGE CLINIC – A fixed place of business where a certified massage therapist gives a client a massage. A massage clinic shall either be freestanding or located within a health club, tanning salon, hotel or motel (but not in a guest room in a hotel or motel), beauty salon, barbershop, a *multi-tenant, commercial building* or an enclosed shopping mall.

2. That this ordinance shall be in full force and effect upon its passage on second reading.



Department of Planning and Community Development

MEMORANDUM

TO: Thomas L. Mattis, City Manager

FROM: George W. Schanzenbacher, AICP, Director; Hugh P. Fisher, City Attorney

DATE: April 19, 2011

SUBJECT: City Council Review of Zoning Ordinance (pp 167-236)

After the March 15, 2010 meeting we discussed Council's suggested revisions with our Zoning Consultant Terry Harrington. As a result of those discussions enclosed please find the following:

1. Summary table of review comments of City Council at 3/15/2011 meeting.
2. Detailed staff response recommendations, with specific text changes as necessary to the following items:
 - pp223- change fee to minimum of \$10
 - pp228-add staff review time of 30 days
3. Unresolved Issues From Previous meetings:
 - Tattoo Parlors- Please see enclosed memo and proposed language from the City Attorney
 - Minimum Square footage requirements for Multi-Family Dwellings-The City Attorney concurs with the staff's recommendation against adoption. Council action still necessary-
 - Board of Architectural review- Council decision on composition, if different than Planning Commission necessary

We are ready to proceed with the final review of all unresolved Zoning ordinance issues as noted above at the upcoming Council work session.

Enc.

Zoning Ordinance- City Council review -11/16/2010

page #	issue	discussion	requested council action	Staff recommended result	COUNCIL DECISION
14	Administrator- not defined	Zoning Administrator is defined. makes reference to Administrator	add definition	(1) new definition	Agreed 12/21/2010
	Special Use permit vs. Special Exception	CA explained differences	none		
17	Condominium	should there be a definition? consider	definition is on page 17		
38	Medical office	clarify what this includes Medical doctors and/or other users	clarify definition (2) revised definition		Agreed
	Nonconforming uses	explained concept and application	none		
49	Manufactured home, Emergency	discussed need for extension beyond 12 months	none- agreed to leave as is 5-2 vote		
49	Accessory Apartments	discussed inclusion or not	none- agreed to leave as is 5-2 vote		
52 & 55	Town House & Multi-Family Dwelling	need to include minimum square footage for individual dwelling units	Staff to develop minimum standards for consideration.	(3) min standards created for Council Consideration-exhibit A Staff does not recommend, No statutory basis for minimums Not found in other Tri-Cities communities	Requested legal opinion Legal opinion submitted-Final decision necessary
52		special exception permit for townhouses referenced in sec 288-404.38 (b) 8-PP 143	review provision for consistency with special exception permit		
57	Max height of Accessory Structures In RH District	is 15' correct? Probably should be higher check other districts also	clarify (4) revised standard		Agreed
57	Park & Ride facility	specific development standards not found	clarify (5) standard created-same as Parking Facilities, Surface Structures		Agreed
59	Veterinary Hospital/Clinic	appropriateness of use in the RO District	staff to review (6) Use removed from district		Agreed
	Accessory Structures-20% max lot coverage In Residential areas	is standard appropriate? none			
63	Parking Facility, Surface/Structure	are standards the same as Park & ride?	clarify same as Park and Ride		Agreed
63	Studio, Fine Arts	should this be (S) Special exception due to possible displays	none- CA clarified Adult use on page 39 of definitions		
62	Tattoo parlors and Check cashing (Personal Services)	could these uses be restricted to 3B District?	explore possibility Add tattoo Parlor as as permitted use in GB District, Change def of personal services	(7) Add definition of Tattooing & Body Piercing	Agreed
75	PUD	areas where this district could be used use for apartment development	none- clarified as overlay district Council would determine future areas		
91	Board of Arch review Historic Resources District	discussed creating board with broader representation than Planning Comm		Advisory review board composition could be modified	No decision
111	Arch Character District	Incorporate as part of Historic Resources District and/or move closer together in text	staff to explore options	Keep separate- different uses and authorizations (Code of VA and City Charter) Uses are significantly different and mapped areas also are not similar.	Agreed
111/110 GS				Could locate Districts in code to be adjacent	Agreed

page #	issue	discussion	requested council action	Staff recommended result	COUNCIL DECISION
12/21/10					2/18/2011
110 wetlands setback	new provision-explanation	none			
113 Appeal of Decision to Arch Review Board 286-324.12	composition of Board-who has final decision	make up of bcd needs to be determined			
131 18 month time frame for installing storm water management facilities	why so long a time frame?	explanation			
136 Home Occupation standards	May be too restrictive	Clarification of intent	revised wording proposed	deleted sentence-2/6/11	
4. no sale of goods or products on premise	May be too restrictive	Clarification of intent	revised wording proposed	deleted sentence-2/6/11	
3. sale of firearms	should be for modern firearms only	Clarification	revised wording proposed	deleted sentence-2/6/11	
12/22/10 6S					
Council also wanted follow-up on tattoo parlors and the minimum square footage area issue. It might be appropriate to list those matters under the 12/21/10 issues discussed.					
Tattoo Parlors					
21/6/2011 (iss revised 4/11/11)					
137 #13.Clas size and # of students per week	appropriate # and amount so as to not impact neighborhood	revise std to 5 students per day	revise to 5 students per day	Agreed	
147 406.20(a) 1.22 Wording confusing on buffering	clarify wording- what is intent?	clarified-revised wording proposed		Agreed	
149 410.04 Adult use (A) 3 & 4 word appears to be in clarify wording-what is intent?	clarify	text adjusted		Agreed	
150 410.08 and 410.12- (a) 2 reference to section 50.12 not found	what is correct reference	explain	reference should be to 286.512	Agreed	
153 410.4 litterenant merchant	Are the standards the same as in existing ordinance	verify if they are the same	Verified-they are the same	Agreed	
163 500.04(A) 5 "office trailer	Whether or not to allow in residential active construction site	allow only with special exception permit	Not practical due to 4 month+ period time necessary to secure Removed office from text	Agreed	
163 500.04(A) 6 "sales" trailer	Whether or not to allow in residential active construction site	remove provision	Agree- remove provision	Agreed	
164 500.08 (A) 5 "dwelling"	dwelling is confusing	remove word	Agree- remove "dwelling units as permitted use	Agreed	
165 500.1	dwelling is confusing	remove word	Agree- remove "dwelling units as permitted use	Agreed	
165 500.12	dwelling is confusing	remove word	Agree- remove "dwelling units as permitted use	Agreed	
3/15/2011					
168 286-608 Site Plan review	Change to require PC to approve final site plan, not Preliminary plan approval	none-			
168 286-506 (E)3	2500 sq ft of disturbed space as the minimum threshold for site plan review	none- consistent with Erosion and Sediment and Ches Bay regulations			
173 286-512.04 Buffer yards	are there buffer standards that can be created for changes of use when no new site plan is required	Investigate if this is possible	Staff and City Attorney have concluded that this is not possible and or practical See Memo from City Attorney		
222 286-612 Fees	zoning permit and car of zoning compliance fees- none				
223 286-616 Penalties	necessity of having them				
228 286-622.04(D) Special Exception permit application requirements	can minimum misdemeanor fee of \$100 be higher Investigate if this is possible	Minimum fee must be \$10- See Memo from City Attorney			
	Can staff review time frame standard be included/investigate if this is possible	Yes, within 30 days of receiving a complete application.			

3/15/2011 City Council Review Meeting

Section 286-616 *Penalties*

(A) A violation of this chapter shall be a misdemeanor punishable by a fine of not less than \$10 \$100 nor more than \$1000. If the violation is uncorrected at the time of the conviction the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$100 nor more than \$1000. The continued failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1500.

Section 286-622.06 Review and Action

(A) City staff shall review all applications submitted. This review shall evaluate the proposal against the City's comprehensive plan and any specific or general standards for the use. The staff shall make a report of its findings and recommendations and transmit the report to the Planning Commission *within 30 days of receiving a complete application.*



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TAMARA L. DRAPER
LEGAL ASSISTANT

MEMORANDUM

TO: George W. Schanzenbacher, AICP
Director of Planning and Community Development

FROM: Hugh P. Fisher, III *H.P.F., III*
City Attorney

DATE: April 8, 2011

RE: Buffer Yards in the Draft Zoning Ordinance

At the last work session, the City Council inquired whether the Zoning Ordinance can mandate, upon the sale and/or change of occupancy of a commercially zoned property, that the new owner/user of such property install a buffer yard on this property if his property adjoins a residentially-zoned lot. Such buffering would be required even if the use of the business does not change or a new site plan is not required.

This office reviewed buffer yard provisions from three large jurisdictions, none of whom had the requirement Council inquired about. Also, we asked Terry Harrington, the Zoning Ordinance consultant, his opinion of Council's inquiry. Mr. Harrington's email response is attached. As Mr. Harrington notes, the type of situation that Council desires to address involves a nonconforming site; because it does not have a buffer yard mandated by the new ordinance. If a nonconforming commercial property expanded or structurally altered its building, or if certain other conditions occurred, the site would lose its nonconforming status and have to comply with buffering standards.

The Code of Virginia does not provide authority for a locality to impose the type of requirement that Council desires. In fact, the State Code protects legal nonconforming properties as long as their use remains substantially the same – i.e., a building is not enlarged, structurally altered, or its use is discontinued from more than two years.

Therefore, my recommendation is that Council not enact this concept as a part of the new Zoning Ordinance.

Enclosure

cc: Mr. Thomas L. Mattis
City Manager

Mr. Terry Harrington, AICP

From: Terrance Harrington [tmhassociates@cox.net]
Sent: Friday, March 18, 2011 3:41 PM
To: Robin Gay
Cc: Hugh (Chip) Fisher
Subject: Re: Zoning Ordinance
Robin and Chip:

I spoke with two colleagues this morning who also have extensive zoning administration experience in Virginia. All three of us agree that we are not aware of ANY Virginia jurisdiction that would require any type of site improvements (not just buffering) if the only change was ownership, i.e., "Bob" buys "Joe's" Barber Shop. To continue the analogy, Bob's site is non-conforming because a buffer yard that is now required by the new Zoning Ordinance does not exist at the rear of Bob's site adjacent to the residential area. Section 286-624.04 and Section 286-624.08 address the conditions under which a buffer yard or site improvement can be required when a site is non-conforming. My opinion is that a buffer yard could be required if Bob or Joe wanted to physically expand the shop or add more parking spaces. I think State Code supports requiring improvements when a nonconforming use/site is physically expanded, moved, enlarged, etc..

A less clear scenario is: What if Joe is only open for business from 8 to 5 but Bob proposes a 24hr barbershop with 2 for 1 specials between 1:00am and 6:00am. :-) Same use, same structure, same site....but the intensity of the business has increased during a time of the day/night when the more intense activity disturbs the adjacent residential neighbors. Require a buffer under this scenario...?? I would like to argue yes...but I do not think the law would support my zeal.

Politically I think requiring improvements under just a change of ownership would be a nightmare for the staff and Council. There are hundreds of nonconforming sites, and hundreds of real estate transactions. The city would likely not find out about the transaction until it was recorded. The new owner would be burdened with this heretofore unknown cost. Physical improvements to sites must be tied to site plan approval.. so that all parties can be aware of the requirements early on.

Hope this helps.. feel free to call or email if you would like to discuss.

Terry

--
Terrance L. Harrington, AICP
TMH Associates LLC
P.O. Box 513
Yorktown, VA 23690
(757) 810-5303 v
(757) 898-5004 f



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LEGAL ASSISTANT

MEMORANDUM

TO: George W. Schanzenbacher, AICP
Director of Planning & Community Development

FROM: Hugh P. Fisher, III *H.P.F. III*
City Attorney

DATE: April 11, 2011

RE: Penalties in Draft Zoning Ordinance

At its last work session, the City Council questioned the minimum criminal penalty in Section 286-616 of the proposed Zoning Ordinance. Specifically, several Council members asked if the \$100 minimum specified in that section could be increased.

The Code of Virginia provides that violations of a local zoning ordinance "shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000." Therefore, the Code dictates that the minimum penalty in the City's proposed ordinance be reduced from \$100 to \$10.

To verify that the City has no discretion as to its minimum penalty, this office reviewed the codes of five other Virginia localities – the cities of Charlottesville, Fredericksburg, and Suffolk, and the Counties of Chesterfield and Dinwiddie. All five provided for a \$10 minimum. Therefore, my recommendation is that the minimum penalty for a violation be changed from \$100 to \$10.

cc: Mr. Thomas L. Mattis
City Manager

Mr. Terry Harrington, AICP



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HUGH P. FISHER, III

CITY ATTORNEY

TAMARA L. DRAPER
LEGAL ASSISTANT

MEMORANDUM

TO: The Honorable Mayor and Members of Council

FROM: Hugh P. Fisher, III *H.P.F. III*
City Attorney

DATE: February 9, 2011

RE: Tattoo Parlors

At Council's December 21, 2010, meeting, when discussing the proposed zoning ordinance, several members questioned how other localities regulate tattoo parlors and seemed to suggest a more restrictive approach to authorizing them. As currently drafted in the proposed ordinance, tattoo parlors would be allowed by right in the General Business District.

Given Council's comments at the December 21 meeting, I have prepared the attached Comparison of Regulations Governing Tattoo Parlors. The attachment summarizes how Chesterfield, Hopewell, Petersburg and Richmond regulate tattoo parlors and the number of parlors in each locality.

In considering how to treat tattoo parlors in the new zoning ordinance, Council must make decisions on the following:

- (1) The zoning districts in which the parlors shall (or may) be allowed.
- (2) As to each district in which tattoo parlors are allowed, whether an applicant for a parlor shall have to obtain a special exception permit from Council before opening his business, or whether the use shall be "by right."
- (3) Whether an applicant shall have to meet other conditions, such as obtaining a permit from the health department or the police chief, or whether a tattoo parlor must locate a certain distance from schools, churches, residences, etc.

Once Council decides these issues, the staff will incorporate appropriate provisions in the proposed zoning ordinance. The staff awaits Council's direction in this regard.

Enclosure

cc: Thomas L. Mattis, City Manager
George Schanzenbacher, AICP, Director of Planning
Terry L. Harrington, AICP, Zoning Consultant

COMPARISON OF REGULATIONS GOVERNING TATTOO PARLORS

Locality	Health/Police Permits Required	Special Requirements	Zoning Districts Where Allowed	Other Information
Chesterfield	None	Conditional Use Permit Needed	C-1 Convenience C-2 Neighborhood C-3 Regional C-4 General	Apparently the County has two tattoo parlors. In 2010, there were 2 applications – 1 was approved. One was withdrawn by the applicant after the Board of Supervisors remanded the application to the Planning Commission. In 2001, there was 1 applicant who was denied. Per Clerk of the Board, there is 1 tattoo parlor that is open by right. This is considered a personal service (tattoo artist).
Hopewell	Need a permit from the Director of Public Health	Conditional Use Permit Needed	B-3 Highway Commercial B-4 Corridor Development	Zoning definition states that the individual must be a certified tattooist and member in good standing of the Alliance of Professional Tattooists; cannot be located within 250 feet of any other tattoo parlor, private and public school, day care facility, religious institution, public building or any property zoned or used for residential purposes; does not have any tattoo parlors.

Locality	Health/Police Permits Required	Special Requirements	Zoning Districts Where Allowed	Other Information
Petersburg	Need permits from the Chief of Police and the Health Director	Allowed only in business, industrial, and mixed-use districts	B-1, B-2, B-3 (Business) M-1, M-2 (Industrial) MX-D1, MX-D2 (Mixed Use)	Chief of Police does a background check and holds a hearing; health department inspects place of business; not specifically addressed in the Zoning Ordinance; has 4 or 5 tattoo parlors.
Richmond	None (the Department of Health may inspect tattoo parlors)	None	UB, UB-2 (Urban Business)	Are considered "personal service businesses," which are those that "provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas . . ." Has about 28 tattoo parlors.

1 § 187-18. *Tattooing and Body Piercing.*

2 No business license shall be issued hereunder to any person *to be a tattoo operator,*
3 *engage in the practice or business of tattooing as a tattoo artist, or engage in the practice or*
4 *business of body piercing*, unless and until there is presented to the assessing official a license
5 from the Board for Barbers and Cosmetology permitting the person to engage in tattooing or
6 *body piercing*. *Any tattoo artist or tattoo operator shall also be a member in good standing of*
7 *the Alliance of Professional Tattooists, Inc. (APT) and shall provide the assessing official with*
8 *proof of such membership. As used in this chapter, the following words shall have the following*
9 *meanings:*

10 “*Body piercing*” means the creating of an opening in an individual’s body, other than an
11 *individual’s ear, to insert jewelry or another decoration.*

12 “*Tattoo artist*” means any person who actually performs the work of tattooing.

13 “*Tattoo operator*” means any person who controls, operates, conducts, or manages any
14 *tattoo studio, whether actually performing the work of tattooing or not.*

15 “*Tattooing*” means the placing of designs, letters, scrolls, figures, symbols or any other
16 *marks upon or under the skin of any person with ink or any other substance, resulting in the*
17 *permanent coloration of the skin, including permanent makeup or permanent jewelry, by the aid*
18 *of needles or any other instrument designed to touch or puncture the skin.*

19

1 § 286-200. Definitions.

2

3 (C) The words and terms listed below shall have the following meanings:

4

5 **BODY PIERCING** – *The creation of an opening in an individual's body, other than an*
6 *individual's ear, to insert jewelry or another decoration.*

7

8 **STUDIO, TATTOO** – *An establishment where tattooing and/or body piercing is performed as the*
9 *principal business activity.*

10 **TATTOOING** – *The placing of designs, letters, scrolls, figures, symbols or any other marks*
11 *upon or under the skin of any person with ink or any other substance, resulting in the permanent*
12 *coloration of the skin, including permanent makeup or permanent jewelry, by the aid of needles*
13 *or any other instrument designed to touch or puncture the skin.*

14

15 § 286-202.10. Commercial Use Types.

16

17 **PERSONAL SERVICES** – Establishments or places of business engaged in the provision of
18 frequently or recurrently needed services of a personal nature. Typical uses include beauty and
19 barber shops; massage clinics; ~~tattoo and piercing establishments~~; grooming of pets;
20 seamstresses; tailors; florists; and laundry dry cleaning services.

21

22 Studio, Fine Arts

23

24 **Studio, Tattoo** – *An establishment where tattooing and/or body piercing is performed as the*
25 *principal business activity.*

26

1 § 286-310.04. Permitted Uses.

2 (A) The following uses are permitted by right or by special exception permit in the GB
3 General Business District, subject to all other applicable requirements contained in this chapter.
4 An (S) indicates a special exception permit is required. An asterisk (*) indicates that the use is
5 subject to additional, modified or more stringent standards as listed in Article IV, Use and
6 Design Standards.

7 . . .

8 5. Commercial Use Types

9 Adult Use (S)*

10 . . .

11 Studio, Fire Arts

12 Studio, Tattoo (S)*

13 . . .

14

15 § 286-410.68. Studio, Tattoo.

16 (A) General Standards

17 1. *A tattoo studio shall be licensed pursuant to City Code § 187-18.*
18 2. *Anyone engaging in tattooing, and the operator of a tattoo studio, shall be a
19 member in good standing of the Alliance of Professional Tattooists, Inc. (APT).*

20 3. *No tattoo studio shall be located within 500 feet of any other tattoo studio, private
21 or public school, family day care home, public park and recreational area, religious assembly,
22 governmental service, or any property zoned or used for residential purposes.*

23 4. *Any special exception permit granted for a tattoo studio shall be valid only for the
24 applicant to whom it is granted, and such permit shall not run with the land or be transferable.*

From: Hugh (Chip) Fisher
Sent: Tuesday, March 08, 2011 11:14 AM
To: George Schanzenbacher
Cc: Thomas Mattis
Subject: Tattoos
George,

At the last City Council work session, Council indicated that it wanted changes made to the draft zoning ordinance provisions on tattoo studios and body piercing. Therefore, I have made changes to sections 286-200, 286-202.10, and 286-310.04 – and created a new section, 286-410.68 – in attempting to address Council's comments. Please note that in addition to specifying that a tattoo studio requires a special exception permit, I have provided in section 286-410.68 for other conditions relating to its operation, despite our consultant's recommendation that there not be such conditions.

Also, I have drafted changes to City Code section 187-18, which relates to the granting of business licenses for tattooing and body piercing. While the amendments to this section are not part of the new zoning ordinance, they should be considered at the same time as the above-mentioned sections. Attached for your consideration, and Council's, are my draft amendments. Please keep in mind that the amendments have been prepared to satisfy Council's concerns rather than the preferences of the rest of us.

Please feel free to contact me if you have any questions about this matter.

Sincerely,
Chip Fisher
City Attorney

AN ORDINANCE NO. 11-FIN-6

Adopting the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and appropriating the estimated revenues for the year for the objects and purposes stated herein.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted; and that, subject to transfers by resolution pursuant to § 6.15 of the City Charter, funds hereby appropriated shall be used for the following purposes:

Legislative (City Council)	\$ 136,863
Administrative (City Manager)	288,045
Legal (City Attorney)	202,565
Tax Collections	428,851
Finance	6,318,402
Information Technologies	120,734
Board of Elections	127,349
Judicial	4,370,185
Public Safety	7,437,724
Public Works	2,782,798
Health and Social Services	647,559
Parks and Recreation	1,319,821
Cultural Enrichment	83,734
Library	580,111
Community Development	462,804
Human Services	270,208
Nondepartmental	569,671
Debt Service	2,843,192
Operating Transfers Out	<u>19,043,934</u>
TOTAL	\$48,034,550

2. That the foregoing appropriation is based upon the following revenue for the fiscal year beginning July 1, 2011:

General Property Taxes	\$21,283,149
Other Local Taxes	14,996,861
Licenses, Permits & Fees	3,368,705
Fines and Forfeitures	693,000
Use of Money & Property	158,000
Intergovernmental Revenues	5,991,218
Charges for Current Services	1,227,954
Miscellaneous	<u>315,663</u>
TOTAL	\$48,034,550

3. That all legal outstanding encumbrances (purchase orders and contracts) as of June 30, 2011, be offset by an equal amount of reserved Fund Balance for subsequent year expenditures; and if performance of a contract or purchase order is complete, or virtually complete, an expenditure and estimated liability should be recorded in lieu of an expenditure.

4 That the unencumbered balance of the annual appropriation standing on the books of the City as of June 30, 2011, shall be canceled.

5 That the payment and settlement of claims of any kind heretofore and hereafter asserted against the City and final judgments with interest and costs heretofore obtained against the City shall be paid upon the approval and order of the City Attorney from the funds herein appropriated for defraying the expenses of performing the functions of the department, board, bureau, office, agency or court involved in the subject matter of the claim or judgment.

6 That this ordinance shall be in full force and effect on and after the first day of July, 2011, and shall constitute the General Fund Appropriation Ordinance for the fiscal year beginning on that date.

Approved:

Mayor

Attest:

DeAnna Q. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Frater, III
City Attorney

AN ORDINANCE NO. 11-FIN-7

Appropriating and providing funds for financing the City of Colonial Heights Public School Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012; and approving such budget.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the budget designated the School Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted.

2. That the sum of \$34,374,364 be, and the same is hereby, appropriated from the resources and revenues of the City of Colonial Heights School Fund for the fiscal year beginning July 1, 2011.

School Expenditures	\$34,374,364
TOTAL	<u>\$34,374,364</u>

3. That the foregoing appropriation is based upon the following estimates of revenue and transfers for the fiscal year beginning July 1, 2011:

Federal Funds	\$ 1,986,964
State Funds	12,491,944
City Funds	18,908,934
Other Funds	646,688
Fund Balance	<u>339,834</u>
TOTAL	\$34,374,364

4. That this ordinance shall be in full force and effect on and after the first day of July, 2011 and shall constitute the School Fund Appropriation Ordinance for the fiscal year beginning on that date.

Approved:

Mayor

Attest:

De Anna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____

The Honorable Kenneth B. Frenier, Councilman: _____

The Honorable W. Joe Green, Jr., Councilman: _____

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Fisher, III

City Attorney

AN ORDINANCE NO. 11-FIN-8

Adopting the Recreation Activity Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and appropriating the estimated revenues for the year for the principal purposes stated.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the budget designated the Recreation Activity Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted.

2. That the sum of \$240,000 be, and the same is hereby, appropriated from the estimated receipts from all existing sources of revenue during the ensuing fiscal year, which shall be used by the major operating units to the sums itemized in the Recreation Activity Fund Budget, as follows:

REVENUES

Charges for Current Services	<u>\$240,000</u>
TOTAL	\$240,000

EXPENDITURES

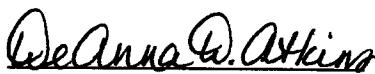
Operating Expenses	<u>\$240,000</u>
TOTAL	\$240,000

3. That this ordinance shall be in full force and effect on and after the first day of July, 2011, and shall constitute the Recreation Activity Fund Appropriation Ordinance for the fiscal year beginning on that date.

Approved:

Mayor

Attest:


DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____

The Honorable Milton E. Freeland, Jr., Councilman: _____

The Honorable Kenneth B. Frenier, Councilman: _____

The Honorable W. Joe Green, Jr., Councilman: _____

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____

The Honorable Kenneth B. Frenier, Councilman: _____

The Honorable W. Joe Green, Jr., Councilman: _____

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Dickey III
City Attorney

AN ORDINANCE NO. 11-FIN-9

Adopting the Solid Waste Management Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and appropriating the estimated revenues for the year for the principal purposes stated.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the budget designated the Solid Waste Management Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted.

2. That the sum of \$1,261,159 be, and the same is hereby, appropriated from the estimated receipts from all existing sources of revenue during the ensuing fiscal year, which shall be used by the major operating units up to the sums itemized in the Solid Waste Management Fund Budget, as follows:

REVENUES

Charges for Current Services	\$1,178,659
Miscellaneous	<u>82,500</u>
TOTAL	\$1,261,159

EXPENDITURES

Solid Waste	\$ 983,384
Transfer Station	46,223
Recycling	<u>231,552</u>
TOTAL	\$1,261,159

3. That this ordinance shall be in full force and effect on and after the first day of July, 2011, and shall constitute the Solid Waste Management Fund Appropriation Ordinance for the fiscal year beginning on that date.

Approved:

Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____

The Honorable Milton E. Freeland, Jr., Councilman: _____
The Honorable Kenneth B. Frenier, Councilman: _____
The Honorable W. Joe Green, Jr., Councilman: _____
The Honorable Elizabeth G. Luck, Vice Mayor: _____
The Honorable John T. Wood, Councilman: _____
The Honorable Diane H. Yates, Councilwoman: _____
The Honorable C. Scott Davis, Mayor: _____

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____
The Honorable Kenneth B. Frenier, Councilman: _____
The Honorable W. Joe Green, Jr., Councilman: _____
The Honorable Elizabeth G. Luck, Vice Mayor: _____
The Honorable John T. Wood, Councilman: _____
The Honorable Diane H. Yates, Councilwoman: _____
The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Anderson III
City Attorney

AN ORDINANCE NO. 11-FIN-10

Adopting the Storm Water Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and appropriating the estimated revenues for the year for the operating expenses stated.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the budget designated the Storm Water Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted.

2. That the sum of \$342,278 be, and the same is hereby, appropriated from the estimated revenues from all existing sources as shown in the Storm Water Fund Budget for the ensuing fiscal year, which shall be used for operating expenses, as follows:

REVENUES

Charges – Current Services	\$369,901
TOTAL REVENUES	\$369,901

OPERATING EXPENSES

Storm Water – MS4	\$342,278
TOTAL EXPENSES	\$342,278

3. That this ordinance shall be in full force and effect on and after the first day of July, 2011, and shall constitute the Storm Water Fund Appropriation Ordinance for the fiscal year beginning on that date.

Approved:

Mayor

Attest:

DeAnna G. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____

The Honorable Kenneth B. Frenier, Councilman: _____

The Honorable W. Joe Green, Jr., Councilman: _____

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Frasier, III
City Attorney

AN ORDINANCE NO. 11-FIN-11

Adopting the Water Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and appropriating the estimated revenues for the year for the operating expenses stated.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the budget designated the Water Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted.

2. That the sum of \$1,683,716 be, and the same is hereby, appropriated from the estimated revenues from all existing sources as shown in the Water Fund Budget for the ensuing fiscal year, which shall be used for operating expenses, as follows:

REVENUES

Estimated Accrued Revenues, July 1, 2011, through June 30, 2012	\$1,708,154
TOTAL REVENUES	\$1,708,154

OPERATING EXPENSES
(INCLUDING AMORTIZED CAPITAL OUTLAY)

Water Distribution	\$1,437,693
Utility Billing	<u>246,023</u>
TOTAL EXPENSES	\$1,683,716

3. That capital outlay in the amount of \$23,500 from the resources of the Water Fund be, and the same is hereby, authorized during the ensuing fiscal year and such purchases shall be amortized over the anticipated useful life of such assets in accordance with generally accepted accounting principles.

4. That this ordinance shall be in full force and effect on and after the first day of July, 2011, and shall constitute the Water Fund Appropriation Ordinance for the fiscal year beginning on that date.

Approved:

Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Foster, III
City Attorney

AN ORDINANCE NO. 11-FIN-12

Adopting the Sewer Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and appropriating the estimated revenues for the year for the operating expenses stated.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the budget designated the Sewer Fund Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, is hereby adopted.

2. That the sum of \$2,962,085 be, and the same is hereby, appropriated from the estimated revenues from all existing sources as shown in the Sewer Fund Budget for the ensuing fiscal year, which shall be used for operating expenses, as follows:

REVENUES

Estimated Accrued Revenues,	
July 1, 2011, through June 30, 2012	<u>\$2,996,585</u>
TOTAL REVENUES	\$2,996,585

OPERATING EXPENSES
(INCLUDING AMORTIZED CAPITAL OUTLAY)

Wastewater Treatment	<u>\$2,962,085</u>
TOTAL EXPENSES	\$2,962,085

3. That capital outlay in the amount of \$34,500 from the resources of the Sewer Fund be, and the same is hereby, authorized during the ensuing fiscal year and such purchases shall be amortized over the anticipated useful life of said assets in accordance with generally accepted accounting principles.

4. That this ordinance shall be in full force and effect on and after the first day of July, 2011, and shall constitute the Sewer Fund Appropriation Ordinance for the fiscal year beginning on that date.

Approved:

Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Frater, III
City Attorney

AN ORDINANCE NO. 11-3

Reaffirming Ordinance No. 10-8, which provided for a levy on all real estate located in the City not exempt from taxation to be fixed at \$1.10 for the tax year commencing January 1, 2011, and ending December 31, 2011; and providing for a levy on all real estate located in the City not exempt from taxation to be fixed at \$1.10 for the tax year commencing January 1, 2012, and ending December 31, 2012, for general municipal purposes.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Ordinance No. 10-8, which levied and provided for the collection of a tax on all real estate located in the City not exempt from taxation of one dollar and ten cents (\$1.10) on each one hundred dollars (\$100) of assessed valuation thereof, for the tax year commencing January 1, 2011, and ending December 31, 2011, for general municipal purposes, be, and the same is hereby, reaffirmed.
2. That there is hereby levied and shall be collected for the tax year beginning January 1, 2012, and ending December 31, 2012, a tax on all real estate located in the City not exempt from taxation of one dollar and ten cents (\$1.10) on each one hundred dollars (\$100) of assessed valuation thereof, for general municipal purposes.
3. That Section 1 of this ordinance shall be in full force and effect for the tax year 2011; and that Section 2 of this ordinance shall be in full force and effect for the tax year 2012.

Approved:

_____ Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____ Nays: _____ Absent: _____ Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Foster, III
City Attorney

AN ORDINANCE NO. 11-4

Providing for a tax levy on all tangible personal property not either exempt from taxation or otherwise taxed, for the tax year ending December 31, 2011; and for the tax year commencing January 1, 2012, and ending December 31, 2012; for general municipal purposes.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That there is hereby levied and shall be collected for the tax year ending December 31, 2011, a tax on all tangible personal property in the general class and the classes designated in subsections 1,6, 9, 11, 12, 15, 16, 17, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 37 of Va. Code § 58.1-3506.A, unless otherwise exempt from taxation, of three dollars and fifty cents (\$3.50) on each one hundred dollars (\$100) of assessed valuation thereof, for general municipal purposes.

2. That there is hereby levied and shall be collected for the tax year ending December 31, 2011, a tax on all vehicles without motive power, used or designed to be used as manufactured homes (as defined in Va. Code § 36-85.3), as classified in Va. Code § 58.1-3506.A.10, of one dollar and ten cents (\$1.10) on each one hundred dollars (\$100) of assessed valuation thereof, for general municipal purposes.

3. That there is hereby levied and shall be collected for the tax year commencing January 1, 2012, and ending December 31, 2012, a tax on all tangible personal property in the general class and the classes designated in subsections 1, 6, 9, 11, 12, 16, 17, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 37 of Va. Code § 58.1-3506.A, unless otherwise exempt from taxation, of three dollars and fifty cents (\$3.50) on each one hundred dollars (\$100) of assessed valuation thereof, for general municipal purposes.

4. That there is hereby levied and shall be collected for the tax year commencing January 1, 2012, and ending December 31, 2012, a tax on all vehicles without motive power, used or designed to be used as manufactured homes (as defined in Va. Code § 36-85.3), as classified in Va. Code § 58.1-3506.A.10, of one dollar and ten cents (\$1.10) on each one hundred dollars (\$100) of assessed valuation thereof, for general municipal purposes.

5. That Sections 1 and 2 of this ordinance shall be in full force and effect for the tax year 2011 and that Sections 3 and 4 of this ordinance shall be in full force and effect for the tax year 2012.

Approved:

Mayor

Attest:

DeAnna G. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____ Nays: _____ Absent: _____ Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____ Nays: _____ Absent: _____ Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Dickey, III

City Attorney

AN ORDINANCE NO. 11-5

Providing for a tax levy on motor vehicles owned by members of a volunteer rescue squad or volunteer fire department, and persons appointed to serve as auxiliary police officers for the tax year ending December 31, 2011; and for the tax year commencing January 1, 2012, and ending December 31, 2012, for general municipal purposes.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That there is hereby levied and shall be collected for the tax year ending December 31, 2011, a tax on one motor vehicle owned by each member of a volunteer rescue squad or volunteer fire department, and each person appointed to serve as an auxiliary police officer, as classified in Va. Code § 58.1-3506.A.15 and 20, and City Code §§ 258-23 and 258-23.1, of one dollar (\$1.00), for general municipal purposes.

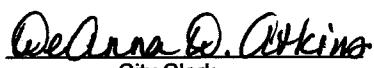
2. That there is hereby levied and shall be collected for the tax year commencing January 1, 2012, and ending December 31, 2012, a tax on one motor vehicle owned by each member of a volunteer rescue squad or volunteer fire department, and each person appointed to serve as an auxiliary police officer, as classified in Va. Code § 58.1-3506.A.15 and 20, and City Code §§ 258-23 and 258-23.1, of one dollar (\$1.00), for general municipal purposes.

3. That Section 1 of this ordinance shall be in full force and effect for the tax year 2011; and that Section 2 of this ordinance shall be in full force and effect for the tax year 2012.

Approved:

Mayor

Attest:


DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____

The Honorable Kenneth B. Frenier, Councilman: _____

The Honorable W. Joe Green, Jr., Councilman: _____

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Estes, III

City Attorney

AN ORDINANCE NO. 11-6

Reaffirming Ordinance No. 10-11, which provided for a personal property levy of one dollar (\$1.00) on each motor vehicle which is specifically equipped to provide transportation for physically handicapped individuals for the tax year commencing January 1, 2011, and ending December 31, 2011; and providing for such levy on motor vehicles which are specifically equipped to provide transportation for physically handicapped individuals for the tax year commencing January 1, 2012, and ending December 31, 2012, for general municipal purposes.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Ordinance No. 10-11 levied and provided for the collection of a personal property tax on motor vehicles which are specifically equipped to provide transportation for physically handicapped individuals, as classified in Va. Code § 58.1-3506.A.14, and City Code § 258-23.2, of one dollar (\$1.00) on every such vehicle for the tax year ending December 31, 2011, for general municipal purposes.
2. That pursuant to Va. Code § 58.1-3506.A.14 and City Code § 258-23.2, there is hereby levied and shall be collected for the tax year commencing January 1, 2012, and ending December 31, 2012, a personal property tax of one dollar (\$1.00) for general municipal purposes on each motor vehicle which is specifically equipped to provide transportation for physically handicapped individuals.
3. That Section 1 of this ordinance shall be in full force and effect for the tax year 2011; and that Section 2 of this ordinance shall be in full force and effect for the tax year 2012.

Approved:

_____ Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Farley, III
City Attorney

AN ORDINANCE NO. 11-7

Establishing a tax rate pursuant to Chapter 35.1 of Title 58.1 of the Code of Virginia ("Personal Property Tax Relief") on all qualifying vehicles under the Chapter.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That pursuant to Chapter 35.1 of Title 58.1 of the Code of Virginia ("Personal Property Tax Relief"), a rate of 65% is established for the tax year ending December 31, 2011.

2. That pursuant to Chapter 35.1 of Title 58.1 of the Code of Virginia ("Personal Property Tax Relief"), a rate of 63.5% is established for the tax year ending December 31, 2012.

3. That Section 1 of this ordinance shall be in full force and effect for the tax year 2011 and that Section 2 of this ordinance shall be in full force and effect for the tax year 2012.

Approved:

Mayor

Attest:

DeAnita Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Foster, III
City Attorney

AN ORDINANCE NO. 11-8

Providing for a tax levy on machinery and tools, tangible personal property used in a research and development business, certain energy generating equipment, personal property used in manufacturing, testing or operating satellites, and motor vehicles, trailers and semitrailers with a gross weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce, for the tax year ending December 31, 2011; and for the tax year commencing January 1, 2012, and ending December 31, 2012; for general municipal purposes.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That there is hereby levied and shall be collected for the tax year ending December 31, 2011, a tax on all: (a) machinery and tools as classified in Va. Code § 58.1-3507, as amended; (b) tangible personal property used in a research and development business, as classified in Va. Code § 58.1-3506.A.7; (c) generating equipment, as classified in Va. Code § 58.1-3506.A.9; (d) personal property used in manufacturing, testing or operating satellites, as classified in Va. Code § 58.1-3506.A.21; and (e) motor vehicles, trailers, and semitrailers with a gross weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce, as classified in Va. Code § 58.1-3506.A.25; of two dollars (\$2.00) on each one hundred dollars (\$100) of assessed valuation thereof, for general municipal purposes.

2. That there is hereby levied and shall be collected for the tax year commencing January 1, 2012, and ending December 31, 2012, a tax on all: (a) machinery and tools as classified in Va. Code § 58.1-3507, as amended; (b) tangible personal property used in a research and development business, as classified in Va. Code § 58.1-3506.A.7; (c) generating equipment, as classified in Va. Code § 58.1-3506.A.9; (d) personal property used in manufacturing, testing or operating satellites, as classified in Va. Code § 58.1-3506.A.21; and (e) motor vehicles, trailers and semitrailers with a gross weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce, as classified in Va. Code § 58.1-3506.A.25; of two dollars (\$2.00) on each one hundred dollars (\$100) of assessed valuation thereof, for general municipal purposes.

3. That Section 1 of this ordinance shall be in full force and effect for the tax year 2011; and that Section 2 of this ordinance shall be in full force and effect for the tax year 2012.

Approved:

Mayor

Attest:

DeAnna G. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Foster, III
City Attorney

AN ORDINANCE NO. 11-9

To amend and reordain § 238-8 of Chapter 238, Sewers and Sewage Disposal, of the Colonial Heights City Code, to increase charges for sewer service.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That § 238-8 of Chapter 238, Sewers and Sewage Disposal, of the Colonial Heights City Code, be, and is hereby, amended and reordained as follows:

§ 238-8. Sewer service charges; metering.

A. There shall be added to the bimonthly bill for all premises inside the City having a connection, directly or indirectly, to the City sanitary or storm drainage system a bimonthly sewer service and sewage treatment charge in the amount of \$18.72 \$19.84 plus \$2.15 \$2.28 per 100 cubic feet of water metered up to 100,000 cubic feet, and for all over 100,000 cubic feet, \$2.59 \$2.75 per 100 cubic feet of water metered.

B. The *bimonthly* amount charged water takers outside the City limits shall be \$24.12 \$25.57 plus \$2.79 \$2.96 per 100 cubic feet of water metered or supplied.

2. That this ordinance shall be in full force and effect for all bills rendered on and after September 1, 2011.

Approved:

Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____

The Honorable Kenneth B. Frenier, Councilman: _____

The Honorable W. Joe Green, Jr., Councilman: _____

The Honorable Elizabeth G. Luck, Vice Mayor: _____

The Honorable John T. Wood, Councilman: _____

The Honorable Diane H. Yates, Councilwoman: _____

The Honorable C. Scott Davis, Mayor: _____

City Clerk

Approved as to form:

Hugh P. Frater, III
City Attorney

AN ORDINANCE NO. 11-10

To amend and reordain § 244-13 of Chapter 244, Solid Waste, of the Colonial Heights City Code, to increase the fees the City charges residential and commercial establishments for solid waste collection and disposal or recycling.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That § 244-13 of Chapter 244, Solid Waste, of the Colonial Heights City Code, be, and is hereby, amended and reordained as follows:

§ 244-13. City to provide collection, disposal and recycling services; charges; billing; independent disposal.

A.

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C. The rates or fees to be charged by the City for solid waste collection and disposal or recycling shall be as follows:

(1) For the collection and disposal of solid waste once a week, and the separate collection and recycling of recyclable material once a week, from each single-family unit, each duplex unit and each apartment unit, there shall be a monthly charge of \$13.00 \$13.25 for one can per pickup; and there shall be an additional monthly charge of \$2.10 for each additional can per pickup at each such residence.

(2) For the collection and disposal of solid waste once a week, and the separate collection and recycling of recyclable material once a week, from each commercial establishment, there shall be a monthly charge of \$13.00 \$13.25 for one can per pickup; and there shall be an additional monthly charge of \$2.10 for each additional can per pickup at each commercial establishment.

2. That this ordinance shall be in full force and effect for all bills rendered on and after September 1, 2011.

Approved:

Mayor

Attest:

DeAnna G. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Frater, III
City Attorney

AN ORDINANCE NO. 11-11

To amend and reordain § 277-9 of Chapter 277, Water, of the Colonial Heights City Code, to increase charges for water service.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That § 277-9 of Chapter 277, Water, of the Colonial Heights City Code, be, and is hereby, amended and reordained as follows:

§ 277-9. Water rates and charges; computation of amount.

A. The charges for City water supplied to water takers within the City through meters shall be as follows:

Bimonthly Water Rates

Amount (cubic feet)	Charge per 1,000 Cubic Feet
1,000 or less	\$ 46.32 16.73
Next 4,000	\$ 14.95 15.32
Next 20,000	\$ 11.53 11.82
Next 100,000	\$ 9.43 9.67
All over 125,000	\$ 9.89 10.14

B. The charge for City water supply to water takers outside the City through meters shall be as follows:

Bimonthly Water Rates

Amount (cubic feet)	Charge per 1,000 Cubic Feet
1,000 or less (minimum charge)	\$ 21.85 22.40
All over 1,000	\$ 15.33 15.71

C. All bills for water, or for water including sewer service charge, may be rendered in multiples of \$0.05. If the actual amount of the bill shall exceed by \$0.01 or \$0.02 a number divisible by five, such \$0.01 or \$0.02 shall be disregarded; if such excess number of cents shall be \$0.03 or \$0.04, the number of cents on such bill shall be the next highest number divisible by five.

2. That this ordinance shall be in full force and effect for all bills rendered on and after September 1, 2011.

Approved:

Mayor

Attest:

DeAnna D. Atkins
City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Milton E. Freeland, Jr., Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Diane H. Yates, Councilwoman: _____.

The Honorable C. Scott Davis, Mayor: _____.

City Clerk

Approved as to form:

Hugh P. Drayton III
City Attorney