



City of Radford Council Agenda
Meeting Number 22 of F.Y. 2019-2020

June 22, 2020 at 7:00 p.m.
10 Robertson St., Radford, VA

CALL TO ORDER
PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION

MINUTE APPROVAL: June 8, 2020

PROCLAMATIONS: Environmental Awareness:
a. Declaring April Environmental Awareness Month
b. Recognition of Earth Day on April 22nd
c. Recognition of Arbor Day on April 24th
National Library Week
National Crime Victims' Rights Week
National Animal Control Officer Appreciation Week
National Public Safety Telecommunications Week
National Police Week
National EMS Week
Dorothy Gillespie Recognition

OLD BUSINESS:

1. Second Reading: Ordinance 1732-Transient Tax

CITIZEN COMMENTS:

(Please state your name for the record – Please limit comments to 2 minutes or less)

NEW BUSINESS:

1. F.Y. 2020 Paving Program
 - a. Award Contract to Adams Construction
 - b. Appropriation Ordinance 1713.26: \$164,252-2020 Paving Contract
2. Appropriation Ordinance 1713.27: \$1,592,155-Cares Act Funding
3. Appropriation Ordinance 1713.28: \$284,042-F.Y. 2019 Purchase Order Transfers
4. Appropriation Ordinance 1713.29: \$3,900-VHDA COVID Grant
5. Special Recognitions
 - a. Richard Harshberger
 - b. Robert Gropman

CITY MANAGER COMMENTS

1. Economic Development Update

COUNCIL MEMBER COMMENTS

Adjourn

Upcoming Meetings:

July 1, 2020 Swearing in Ceremony, 5:00 pm
July 1, 2020 Organizational Meeting, 5:00 pm
July 13, 2020 Regular Meeting, 7:00 pm

The New River City
June 8, 2020 **Radford, Virginia**
10 Robertson St.
Regular Meeting Number 20 of Radford City Council, F.Y. 2019-2020

The special meeting of the Radford City Council was convened at 5:00 p.m. in Council Chambers, 10 Robertson Street, Radford, VA. The Mayor of the City, Raymond David Horton, as well as all other members of City Council were present VIA ZOOM were Mrs. Jessie Foster, Mr. Robert Gropman, Ms. Naomi Huntington, and Dr. Richard Harshberger.

Others present were as follows:

Mr. David Ridpath, City Manager

Mrs. Jenni Wilder, City Clerk

Ms. Melissa Skelton, Deputy City Clerk

Mr. Michael Bedsaul, City Attorney

Following the Pledge of Allegiance, Mayor Horton led citizens in a moment of reflection.

MINUTES APPROVALS: On a motion by Mr. Gropman and seconded by Dr. Harshberger that the minutes for the May 11, 2020 Meeting are approved as presented.

VOTE:

AYES: Ms. Foster, Mr. Gropman, Dr. Harshberger, Mayor Horton

NAYES: None-0

ABSTAIN: Ms. Huntington

PUBLIC HEARING:

SUBJECT: Ordinance 1732: Transient Lodging Tax

SUMMARY: The Transient Lodging Tax was established in 2007 by Ordinance #1554 based on Virginia Code Section 58.1-3840. The rate has been 6%. City Council requested that a rate increase to 8% be developed for consideration during the F.Y. 2021 Budget review process.

Ordinance #1732 updates the provisions of the tax on hotels, motels and other lodging facilities, as well as increases the tax imposed on these facilities from 6% to 8%. The proposed Ordinance has been forward to the local motels.

Mayor Horton opened the public hearing at 5:19 p.m.

No Public Comments were received into the Clerk of Council office by the deadline; however, Mr. Patel joined the zoom to comment against increase in the lodging tax and stated that because of COVID we are already in a recession and taxes should be lowered if anything. Mr. Hemel also joined the zoom and expressed his concern about the raise in the lodging tax.

Mayor Horton closed the public hearing at 5:22 p.m.

NEW BUSINESS:

SUBJECT: Ordinance 1732: Transient Lodging Tax

SUMMARY: The Transient Lodging Tax was established in 2007 by Ordinance #1554 based on Virginia Code Section 58.1-3840. The rate has been 6%. City Council requested that a rate increase to 8% be developed for consideration during the F.Y. 2021 Budget review process.

Ordinance #1732 updates the provisions of the tax on hotels, motels and other lodging facilities, as well as increases the tax imposed on these facilities from 6% to 8%. The proposed Ordinance has been forward to the local motels.

DISCUSSION:

Mr. Gropman stated that he is aware we are currently dealing with COVID right now, but as a Council we need to think about the future and moving forward. This increase will help with that.

Dr. Harshberger stated that this tax is similar or lower than surrounding localities.

Ms. Huntington stated that we needed to start somewhere. We need revenue to create programs that will bring people in and this is a starting point for that revenue.

Ms. Foster stated that this really is a marginal difference when booking a hotel and she does not believe that people will spend the gas money to stay 20 minutes away for a lower tax rate. To move forward together we are going to have to share the burden.

Mayor Horton asked about the revenue numbers the lodging tax would generate.

ACTION: Ms. Huntington made a motion to amend the definition of Hotel to mean any licensed public or private hotel, inn, hostelry, tourist home or house, boardinghouse, motel, rooming house, short-term rental, travel campground, RV park, or other lodging place within the city offering lodging for compensation to any transient and Lodging means any room or space, or pad or space at a travel campground or RV park, that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes Dr. Harshberger seconded the motion.

VOTE:

AYES: Ms. Foster, Mr. Gropman, Dr. Harshberger, Ms. Huntington, Mayor Horton

NAYES: None-0

ACTION: Mr. Gropman made a motion to approve Ordinance 1732 on the first reading as amended, Ms. Huntington seconded the motion.

VOTE:

AYES: Ms. Foster, Mr. Gropman, Dr. Harshberger, Ms. Huntington, Mayor Horton

NAYES: None-0

CITY COUNCIL COMMENTS:

Ms. Huntington stated that there will be new procedures at the Recreation Center to reopen due to COVID19. Some of these include limitations on the number of people allowed in the facility, as well as the number of people walking on the track. Ms. Huntington reminded everyone that uses the facility to clean up after themselves. Ms. Huntington gave a special thanks to Mr. Joe Johnson and members of the Radford rattlers for cleaning up Veteran's Field after the recent flooding.

Ms. Huntington then spoke on the social justice wave that is currently spreading across the county. Ms. Huntington stated that she has been listening to people and trying to educate herself on the realities of systemic racism. Ms. Huntington committed to taking action addressing the lack of diversity within city staff and that as a City we have room to grow. Ms. Huntington concluded by stating that Black Lives do matter and said she wanted our city to hear her say that.

Ms. Foster stated her remarks will follow a similar tone to Ms. Huntington's. Her moment of silence was dedicated to George Floyd, his family and friends. Ms. Foster gave a special mention to all the officers who every day go out, put their lives on the line and honor their oath to serve and protect. Ms. Foster challenged all to think about our own personal bias and stereotypes and find ways to live outside of those, be kind to one another. Ms. Foster asked Ms. Huntington to

join her as a cochairperson on the Diverse Our City Committee because of her passion for others. Ms. Foster stated she is glad the drop center is finally moving forward and looks forward to sending in her glamour shot from 1986 for the new website.

Mr. Gropman echoed the sentiments about the drop center and stated he is going to have more time to do chores around the house soon. "It has not been easy trying to figure out what I wanted to say tonight. Jefferson may have summed up my emotions the best. He wrote "in a virtuous and free state, no rewards can be so pleasing to sensible minds, as those which include the approbation of our fellow citizens. My great pain is, lest my poor endeavors should fall short of the kind of expectations of my country"

It has been my high honor to serve the citizens of this city for the past 4 years. There are too many people to thank, but just know that it has been a pleasure working with each and every one of you. I would like to wish Dr. Harshberger a wonderful next chapter in his life. You have been an integral part of Radford's leadership, history and your insight will be missed.

I also wanted to thank my wife Janet, who has been in this journey with me the entire time.

Throughout all of the highs and lows of politics, the sounding board for speeches and her constant calming hand on my shoulder. I cannot thank you enough Janet, for being so supportive of me and the City of Radford.

I will close with a favorite quote that I read 2 years ago with the changing of leadership which I hope someone will continue this tradition to read every election cycle since it captures the feeling who run for public office-

"The Man in the Arena"- Teddy Roosevelt

It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory or defeat."

Dr. Harshberger commented on the Community Panel Discussion which was held virtually with Ms. Deborah Travis, Chief Dodson, Mayor Horton, and Sheriff Armentrout. Dr. Harshberger commented that he is excited Adams Construction will be doing our paving and that the program is getting started.

Mayor Horton stated that 2020 has been quite the year, but Radford remains strong. Mayor Horton commented on the various marches and protests throughout the City and he has attended them to make sure that as a city we are going about things in a way that is peaceful and positive. Mayor Horton stated that we have challenges ahead, but with each challenge there is an opportunity. Mayor Horton also commented on the Diverse Our City Working Group and that is a great starting point to get us moving forward together. Diverse out city working group is a great starting point to get us there. Mayor Horton concluded by stating there are a lot of good things happening in Radford, and that in the coming weeks there will be announcements surrounding some summertime favorites and what opening up looks like. Mayor Horton concluded by thanking staff for all their hard work during the COVID19 crisis.

Dr. Harshberger made a motion to adjourn the meeting at 6:15 p.m. seconded by Ms. Foster.

VOTE:

AYES: Ms. Foster, Mr. Gropman, Dr. Harshberger, Ms. Huntington, Mayor Horton
NAYES: None-0

ATTEST: _____
Jennifer G. Wilder, Clerk of Council



PROCLAMATION
APRIL 2020
Environmental Awareness Month

WHEREAS, various organizations and citizens show concern for the Earth's environment; and

WHEREAS, the problems of the Earth's environment affect all the citizens of Radford, as well as the entire population of the planet; and

WHEREAS, the City of Radford encourages Radford citizens to participate in global appreciation of the Earth through educational programs, special projects, demonstrations, cultural events, lectures, clean-up activities, etc.

NOW THEREFORE, the City Council of the City of Radford does hereby designate the month of April, 2020 as

ENVIRONMENTAL AWARENESS MONTH

and calls all citizens of Radford to support, recognize, and appreciate the importance of participating in this special month.

David Horton, Mayor
City of Radford

Adopted: March 23, 2020.



PROCLAMATION
APRIL 22, 2020
Earth Day

WHEREAS, April 22, 2020 is recognized as National Earth Day; and

WHEREAS, a sound natural environment is the foundation of a healthy society and a robust economy, and

WHEREAS, there are sound economic, environmental, and social reasons for local governments to initiate energy efficiency and renewable energy practices, and

WHEREAS, the City of Radford encourages and endorses participation in events supporting Earth Day,

NOW THEREFORE, the City Council of the City of Radford does hereby proclaim the day of April 22, 2020 as

EARTH DAY

and does hereby encourage all of our citizens to participate in the ongoing efforts to recycle, reduce and reuse, as well as other activities which promote a healthy environment and sustainable society.

David Horton, Mayor
City of Radford

Adopted: March 23, 2020.



City of Radford
PROCLAMATION
Arbor Day

Whereas, in 1872, a special day was set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees, and

Whereas, 2020 is the 148th anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal and

Whereas, the City of Radford established the Commission for Beautification and Municipal Forests to enhance and maintain the health and vitality of the community's urban landscape,

Whereas, the City of Radford's commitment to the preservation and propagation of trees within the community has been demonstrated over many years and recognized by the National Arbor Day Foundation through the designation of Radford as a Tree City USA community again this year, the seventh anniversary of our initial designation,

NOW THEREFORE, the City Council of the City of Radford does hereby proclaim April the 24th, 2020 as the 147th anniversary celebration of Arbor Day in the City of Radford, Virginia and joins with the Radford Commission for Beautification and Municipal Forests to urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, urges all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Approved this day, Monday, March 23, 2020.

David Horton, Mayor
City of Radford



City of Radford
PROCLAMATION
National Library Week 2020

WHEREAS, libraries have historically served as our nation's great equalizers of knowledge by providing free access to all;

WHEREAS, libraries work to meet the changing needs of their users, including building collections, expanding outreach services and increasing programming;

WHEREAS, libraries have long served as trusted and treasured institutions, and library workers and librarians fuel efforts to better their communities, campuses and schools;

WHEREAS, our nation's libraries provide a forum for diverse ideas and points of view that help us better understand each other and ourselves;

WHEREAS, libraries and librarians are looking beyond their traditional roles and providing more opportunities for community engagement and delivering new services that connect closely with patrons' needs;

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy;

WHEREAS, libraries are part of the American dream, places for education, opportunity and lifelong learning;

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, be it resolved that the City Council of the City of Radford, do hereby proclaim April 19-25, 2020 as National Library Week and encourages all residents to visit the library this week to take advantage of the wonderful library resources available at your Radford Public library.

CITY OF RADFORD, VIRGINIA

David Horton, Mayor

Adopted: March 23, 2020.



**PROCLAMATION
APRIL 19-25
NATIONAL CRIME VICTIMS' WEEK**

Whereas, in 1982, the President's Task Force on Victims of Crime envisioned a national commitment to a more equitable and supportive response to victims;

Whereas, this commemorative week celebrates the energy, perseverance and commitment that launched the victims' rights movement, inspired its progress, and continues to advance the cause of justice for crime victims;

Whereas, crime can leave a lasting impact on any person, regardless of age, national origin, race, creed, religion, gender, sexual orientation, immigration, or economic status;

Whereas, incorporating communities' existing experts and trusted sources of support into efforts to fully serve survivors will develop a criminal justice system response that is truly accessible and appropriate for all victims of crime;

Whereas, with the unwavering support of their communities and victim service providers behind them, survivors will be empowered to face their grief, loss, fear, anger, and hope without fear of judgment, and will feel understood, heard, and respected;

Whereas, serving victims and rebuilding their trust restores hope to victims and survivors, as well as supports thriving communities;

Whereas, engaging a broader array of healthcare providers, community leaders, faith organizations, educators and businesses can provide new links between victims and services that improve their safety, healing, and access to justice;

Whereas, honoring the rights of victims, including the rights to be heard and to be treated with fairness, dignity, and respect, and working to meet their needs rebuilds their trust in the criminal justice and social service systems;

Whereas, National Crime Victims' Rights Week provides an opportunity to recommit to ensuring that all victims of crime—especially those who are challenging to reach or serve—are offered culturally and linguistically accessible and appropriate services in the aftermath of crime; and

Whereas, Radford is hereby dedicated to strengthening victims and survivors in the aftermath of crime, building resilience in our communities and our victim responders, and working for a better future for all victims and survivors.

NOW THEREFORE, the City Council of the City of Radford does hereby proclaim the week of April 19-25, 2020, as Crime Victims' Rights Week and express our sincere gratitude for those victims and crime survivors who have turned personal tragedy into a motivating force to improve our response to victims of crime and build a more just community and further express our appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving our response to all victims of crime so that they may find relevant assistance, support, justice, and peace.

David Horton, Mayor

Adopted: April 13, 2020.



***CITY OF RADFORD
PROCLAMATION
Animal Control Officer Appreciation Week***

WHEREAS, the National Animal Care & Control Association (NACA) is committed to setting the standard of professionalism in animal welfare and public safety through training, networking, and advocacy; and

WHEREAS, NACA has designated the second week of April each year as Animal Control Officer Appreciation Week; and

WHEREAS, Animal Control Officers dedicate their lives to the health and safety of at- risk, helpless animals, and to the protection of the citizens in the community; and

WHEREAS, Animal Control Officers respond to calls for service to protect the welfare of helpless animals and pets and rescue them from injury, disease, abuse, and starvation; and

WHEREAS, Animal Control Officers provide essential community functions including the enforcement of animal control laws, protecting the public from diseases such as rabies, and educating the public on the proper care of the community's pets; and

WHEREAS, federal, state, and local government officials throughout the country take this time of the year to recognize, thank, and commend all Animal Control Officers for the dedicated service they provide to the citizens of the Commonwealth; and

WHEREAS, the Commonwealth of Virginia recognizes and commends Animal Control Officers for the many dedicated and long hours of service they perform in serving Virginia, and for fulfilling the commitment to providing the highest and most efficient level of customer service.

NOW THEREFORE BE IT PROCLAIMED by the Radford City Council that the week of April 13-18,2020 be recognized as Animal Control Officers Appreciation Week in Radford; and, be it

FURTHER PROCLAIMED, that the Radford City Council extends its gratitude and appreciation to Radford's Animal Control Officers for their continued dedication and professional assistance to the citizens of the City of Radford.

David Horton, Mayor

Adopted: April 13, 2020.



***CITY OF RADFORD
PROCLAMATION
National Public Safety Telecommunicators Week***

WHEREAS, emergencies can occur at any time that require police, fire, or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the City of Radford emergency communications center; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS, Public Safety Telecommunicators of the City of Radford have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

Now Therefore Be It Resolved, that the City Council of the City of Radford declares the week of April 12-18, 2020 to be National Public Safety Telecommunicators Week in Radford, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

David Horton, Mayor

Adopted: April 13, 2020.



PROCLAMATION
National Police Week 2020

WHEREAS, there are more than 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Radford City Police Department; and

WHEREAS, the safety and well-being of the citizens of Radford are of the utmost importance to the Radford City Police Department; and

WHEREAS, individuals have committed their lives to protecting and serving Radford's families, businesses, neighborhoods, schools and community; and

WHEREAS, the men and women of RCPD risk their lives in the line of duty to maintain the safety of our community while striving to uphold the rule of law; and

WHEREAS, all citizens of Radford value the courage, commitment and leadership demonstrated by our state and local law enforcement officers, who work diligently to ensure our safety; and

WHEREAS, we pay tribute to the officers who have fallen in the line of duty and recognize the sacrifices made by the families of those officers, as well as the families of those who continue to protect and serve our communities; and

WHEREAS, is it critical that we understand the roles and responsibilities of law enforcement officers within our communities, and commemorate and pay tribute to the dedicated service of officers past and present;

NOW, THEREFORE, the City Council of the City of Radford does hereby proclaim May 10-16, 2020 as

NATIONAL POLICE WEEK

in the City of Radford, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

David Horton
City of Radford

Adopted: May 11, 2020



**CITY OF RADFORD
PROCLAMATION
*Emergency Medical Services Week***

WHEREAS, the City of Radford, is committed to ensuring the health and safety of all those living in and visiting Radford; and

WHEREAS, emergency medical services are a vital public service; and

WHEREAS, the members of Radford's emergency medical services team are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services have grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the members of Radford's emergency medical services team, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW THEREFORE, the City Council of the City of Radford does hereby proclaim the week of May 17-23, 2020, as

EMERGENCY MEDICAL SERVICES WEEK

and encourages the Radford community to observe this week with appropriate programs, ceremonies and activities.

David Horton, Mayor

Adopted: May 11, 2020



*A Resolution Honoring Artist and Sculptor Dorothy Gillespie
for Her Talent and Service of Leadership*

Whereas, Dorothy M. Gillespie, a native of Roanoke, Virginia, maintained many ties with the people and institutions of Radford and the New River Valley during her long and auspicious career, and

Whereas, Ms. Gillespie was an internationally known painter, sculptor, installation artist, activist, educator, writer and lecturer whose works encompassed many significant 20th Century trends in art, including abstract expressionism, the women's movement and public art, and

Whereas, she pioneered a new direction for metal sculpture and is best known for large-scale painted arrangements of cut aluminum strips that radiate in giant arrangements of ribbon and enchanted towers, and

Whereas, she consistently shared her insight into the world of art with young people and mentored many, offering her life-long experience on what it means to be a successful artist on your own terms, and

Whereas, she became a frequent visitor to the City of Radford, where she served as a visiting professor at Radford University, taught Virginia high school students as part of the 1986 Virginia Governor's School for Visual and Performing Arts and eventually was named a Distinguished Professor of Art at RU, and

Whereas, Ms. Gillespie is largely responsible for the establishment of Radford University's permanent art collection that houses more than 98 pieces of her art and is often shared with the Radford community through exhibitions at the institution's Covington Center, and

Whereas, Ms. Gillespie's works have been displayed all over the country in both public and private spaces, in the permanent collections of notable museums, such as the Guggenheim in New York City, and in airports and corporate headquarters, on the ballet stage and at Walt Disney's Epcot Theme Park, and

Whereas, the Dorothy M. Gillespie Foundation, headed by her son Gary Israel, generously loaned more than 50 extraordinary works to our municipality as part of the Centennial Celebration of Ms. Gillespie's birth;

Now Therefore be it Proclaimed, that the City of Radford, on behalf of its citizens, expresses great appreciation to Mr. Gary Gillespie Israel for sharing this collection of artworks and allowing the City to be a part of the Celebration to honor the legacy of his extraordinary mother.

CITY OF RADFORD, VIRGINIA

David Horton, Mayor

Adopted: June 8, 2020.

ORDINANCE NO. 1732

**ORDINANCE AMENDING CHAPTER 35, ARTICLE XVI
OF THE RADFORD CITY CODE TO INCREASE THE TAX ON TRANSIENTS
FOR LODGING TO EIGHT PERCENT AND MAKE OTHER AMENDMENTS**

WHEREAS, pursuant to Virginia Code § 58.1-3840, the City of Radford, Virginia (the "City") is empowered to impose an excise tax on transient room rentals; and,

WHEREAS, the City has previously adopted a tax on transients for lodging, which is set out, as amended, in Chapter 35, Article XVI of the Code of Ordinances, City of Radford, Virginia (the "City Code"); and,

WHEREAS, pursuant to Virginia Code § 58.1-3840 and § 15.2-1104, the City has determined it necessary to increase the tax on transients for lodging to eight percent and to make other amendments to Chapter 35, Article XVI of the City Code; and,

WHEREAS, prior to adoption of this Ordinance, the City held a public hearing, pursuant to Virginia Code § 58.1-3007.

NOW, THEREFORE, be it **ORDAINED** by the Council of the City of Radford, that Chapter 35, Article XVI of the City Code is amended as follows (amendments set out in italics and strike-through):

ARTICLE XVI. - TAX ON TRANSIENTS FOR LODGING

Sec. 35-446. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commissioner means the commissioner of revenue of the city and any of *their* ~~his~~ duly authorized deputies and agents.

Hotel means any licensed public or private hotel, inn, hostelry, tourist home or house, boardinghouse, motel, rooming house, *short-term rental, travel campground, RV park*, or other lodging place within the city offering lodging for compensation to any transient.

Lodging means any room or space, *or pad or space at a travel campground or RV park, that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.* ~~furnished to any transient.~~

Transient means any person who, for a period of not more than 90 consecutive days, either at his own expense or at the expense of another, obtains lodging at any hotel.

Treasurer means the treasurer of the city and any of *their* ~~his~~ duly authorized deputies and agents.

(Ord. No. 1193, § 8-82, 4-30-90; Code 1992, § 8-446)

Cross reference—Definitions and rules of construction generally, [§ 1-2](#).

State law reference—*Virginia Code § 58.1-3843*.

Sec. 35-447. - Levy of tax.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a transient occupancy tax is hereby levied and imposed on each transient amounting to *eight (8) percent* ~~six percent~~ of the total amount of the charge for lodging to or for any such transient.

(Ord. No. 1193, § 8-83, 4-30-90; Code 1992, § 8-447; Ord. No. 1387, §§ 1, 2, 5-14-01; Ord. No. 1442, §§ 1, 2, 5-12-03; Ord. No. 1554, §§ 1—3, 5-14-07)

State law reference—*Virginia Code § 58.1-3840*.

Sec. 35-448. - Payment and collection of tax.

In every case, the tax levied under this article shall be collected by the hotel and paid by the transient at the time the charge for the lodging becomes due and payable, whether payment is to be made in cash or on credit by means of a credit card or otherwise. The hotel shall add the tax to the amount charged for the lodging and shall pay the taxes collected to the city, as provided in this article. All amounts collected as taxes by the hotel under this article shall be deemed to be held in trust by the hotel collecting the same, until remitted to the city, as provided in this article, and if not paid as and when due, shall thereafter become a debt of the hotel due to the city.

(Ord. No. 1193, § 8-84, 4-30-90; Code 1992, § 8-448)

Sec. 35-449. - Reports and remittances.

All hotels in the city shall register as such with the commissioner of revenue for collection of the tax imposed in this article. Every hotel shall file a report with the commissioner of revenue *on or before the 20th day of each month* ~~within 20 days after the last day of each calendar month~~ on forms prescribed by the commissioner, *which shall be signed by the person representing the hotel, report reporting* the charges collected for lodging and the amount of taxes due thereon for the preceding month, *and set forth any additional information as the commissioner may prescribe or require*. Each such report shall be accompanied by a remittance of the amount of the taxes *due* to the city, payable to the treasurer, which shall thereupon be transmitted by the commissioner to the city treasurer.

(Ord. No. 1193, § 8-85, 4-30-90; Code 1992, § 8-449)

Sec. 35-450. - Penalty and interest for failure to file report or make remittance.

When any hotel shall fail to make any report and remit the full amount of the tax required by this article, there shall be imposed, in addition to any other penalties herein provided, a specific penalty to be added to the tax *as follows: (i) for failure to file a report, a penalty in the amount of ten (10) percent of the tax assessable on such report or \$10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable; and (ii) in the case of a delinquent remittance, a penalty in the amount of ten (10) percent for the first month the tax is past due, and five percent for each month thereafter, up to a maximum of twenty-five (25) percent of the taxes collected but not remitted or \$10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable. Penalty for failure to file a report shall be assessed on the day after such report is due, and penalty for failure to pay any tax shall be assessed on the day after the first installment is due. Any such penalty when so assessed shall become a part of the tax. ~~five percent for each additional month, or fraction thereof, during which the failure continues, not to exceed 25 percent in the aggregate; provided, however, in no case shall the penalty be less than \$10.00, and such minimum penalty shall apply whether or not any tax is due for the period for which the report was required. Interest in the amount of ten (10) percent per year shall accrue on the tax and penalty commencing the first day following the day the tax under this article is due to be filed. 30 days from the date the report or remittance is due. If such failure to file a report is due to providential or other good cause shown to the satisfaction of the commissioner, such report, with or without remittances, may be accepted exclusive of penalties. In the case of a false or fraudulent report where willful intent exists to defraud the city of any taxes due under this article, or in the case of willful failure to file a report with the intent to defraud the city of any such tax, an additional specific penalty of fifty (50) percent of the amount of the proper tax shall be assessed, plus interest imposed by this article shall be payable by the hotel and collectible by the city in the same manner as if they were a part of the tax imposed.~~*

(Ord. No. 1193, § 8-86, 4-30-90; Code 1992, § 8-450)

State law reference—Virginia Code § 58.1-3916.

Sec. 35-451. - Estimate by city authorized.

If any hotel fails to make a report, or makes a ~~grossly~~ *materially* incorrect report, or a report that is false or fraudulent, the commissioner shall make an estimate for the taxable period of the revenue of the hotel subject to the tax imposed hereby and assess the tax plus penalties and interest. *In making the estimate, the commissioner shall give the hotel ten (10) days' notice to appear before the commissioner or his designee, with such books, records and papers as the commissioner may require relating to the hotel's business for the taxable period in question. Notice may be given by any one or more of the following methods: regular, first-class mail; certified mail; hand-delivery, noting the date, time, and place of personal delivery; or, if notice by the foregoing methods have been unsuccessful or cannot be obtained, by posting a copy of the notice in a conspicuous place on the property where the lodging occurred. The commissioner may require that such hotel or its agents and employees give testimony or*

answer interrogatories under oath administered by the commissioner or his designated agent respecting the lodging provided and the revenues therefrom which are or may be subject to the tax imposed hereby, or the failure to make a report thereof as herein provided. If any hotel fails to make any such report, or refuses to permit an examination of its records, books or papers, or to appear and answer questions within the scope of such investigation relating to revenues subject to the tax herein imposed, the commissioner is authorized to make the assessment based upon such information as may be available, and/or to issue a warrant for the collection of any such taxes and penalties so found to be due. ~~and the assessment so made~~ *Any estimate made pursuant to this section shall be deemed prima facie correct and shall be final and unappealable.*

(Ord. No. 1193, § 8-87, 4-30-90; Code 1992, § 8-451)

Sec. 35-452. - Records to be kept; examination by city authorized.

Every hotel required to make a report and pay or collect any tax under this article shall keep and preserve suitable records of revenues taxable pursuant to this article, and such other records of account as may be reasonably necessary to determine the amount of taxes due pursuant to this article, which records shall be open to examination by the commissioner or his designated agent at reasonable times and hours. Such records shall be preserved for a period of at least two years.

(Ord. No. 1193, § 8-88, 4-30-90; Code 1992, § 8-452)

Sec. 35-453. - Liability of payor.

If any check tendered for any amount due under this article is not paid by the bank on which it is drawn, the person by whom such check was tendered shall remain liable for the payment of such amount the same as if such check had not been tendered, plus a ~~\$50.00~~ \$10.00 return check fee; and if such person shall fail to pay to the city treasurer the amount due within five (5) days after the city treasurer has given five days' written notice by registered or certified mail directed to the last known address of the person giving the check, or in person by an agent, that such check was returned unpaid, the person having drawn and tendered the check *shall be guilty of a Class 1 misdemeanor and shall be punished as provided in Section 1-7 of the City Code.* ~~misdemeanor; on conviction thereof the fine shall be not less than \$25.00 nor more than \$100.00.~~

(Ord. No. 1193, § 8-89, 4-30-90; Code 1992, § 8-453)

State law reference—Virginia Code § 15.2-106.

Sec. 35-454. - Warrant for collection of delinquent tax authorized.

The commissioner of revenue or the treasurer is authorized, when any tax becomes delinquent under this article, to cause a warrant to be issued for the collection of the tax, penalty and interest as soon as the tax becomes delinquent against the hotel or person liable for payment of the same.

(Ord. No. 1193, § 8-90, 4-30-90; Code 1992, § 8-454)

Sec. 35-455. - Obligations upon going out of business.

Whenever any person required to collect and remit to the city any tax imposed by this article shall cease to operate or otherwise dispose of his business, the tax to that date shall immediately become due and payable, and the person shall immediately make a report and remittance thereof.

(Ord. No. 1193, § 8-91, 4-30-90; Code 1992, § 8-455)

Sec. 35-456. - Advertising payment or absorption of tax prohibited.

No hotel shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of a tax imposed under this article will be paid or absorbed by the hotel or by anyone else, or that the hotel or anyone else will relieve any transient of the payment of all or any part of the tax.

(Ord. No. 1193, § 8-92, 4-30-90; Code 1992, § 8-456)

Sec. 35-457. - ~~General penalty for violation of article.~~ Violations of this article; how punishable.

(a) Any person subject to the provisions of this article failing or refusing to collect the full amount of the tax levied hereby, failing to make payment thereof to the city, failing or refusing to furnish any report herein required to be made, failing or refusing to furnish supplemental or other data required by the commissioner, who makes a false or fraudulent claim for refund, or who shall violate any other provision of this article ~~criminal punishment for which is not otherwise provided in this article, shall be guilty of a Class 1 misdemeanor and shall be punished as provided in Section 1-7 of the City Code. class 3 misdemeanor and shall be punished as provided in section 1-7, which penalty shall be in addition to any other liability for taxes, penalties and interest. Every violation of this article and each day's continuance thereof shall constitute a separate offense.~~

(b) *Notwithstanding any other provision contained herein, any person who willfully utilizes a device or software to falsify the electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect the tax liability provided under this article shall be guilty of a Class 1 misdemeanor and shall be punished as provided in Section 1-7 of the City Code. In addition to the criminal penalty provided herein, any person found in violation of this subsection (b) shall pay a civil penalty of \$20,000, to be assessed by the commissioner and collected by the treasurer as other local taxes are collected.*

(c) *The criminal and civil penalties provided by this section shall be in addition to any other liability for taxes, penalties and interest, and shall be available in addition to the City's authority to recover the taxes owed by other appropriate civil or administrative action.*

Ord. No. _____

Every violation of this article and each day's continuance thereof shall constitute a separate offense.

(Ord. No. 1193, § 8-93, 4-30-90; Code 1992, § 8-457)

State law reference—Virginia Code §§ 15.2-1429; 58.1-3907.

Secs. 35-458—35-475. - Reserved.

And, **BE IT FURTHER ORDAINED** by the Council of the City of Radford that, in accordance with Sections 2.13 and 2.14 of the City's Charter, this Ordinance shall become effective 30 days after its adoption.

Recorded Roll Call Votes:

First Reading: _____, 2020.

Second Reading: _____, 2020.

Recorded Roll Call Vote (First Reading):

Mrs. Huntington: _____
Mrs. Foster: _____
Mr. Gropman: _____
Dr. Harshberger: _____
Mayor Horton: _____

Recorded Roll Call Vote (Second Reading):

Mrs. Huntington: _____
Mrs. Foster: _____
Mr. Gropman: _____
Dr. Harshberger: _____
Mayor Horton: _____

David Horton, Mayor

ATTEST:

Jennifer G. Wilder, City Clerk

APPROPRIATION ORDINANCE

Ordinance Number: **1713.28**
 1st Reading: June 22, 2020
 2nd Reading:

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1713.28, THE CITY OF RADFORD, VIRGINIA ANNUAL BUDGET FOR THE FISCAL YEAR 2019-2020 AND APPROPRIATE THE SUM OF \$284,042 FOR:

ENCUMBERED EXPENSES AS OF JUNE 30, 2019

Be it ordained by the Council of the City of Radford, Virginia that Ordinance Number 1713 identifying the revenue and expenditure accounts of the City of Radford contained in the annual budget for the fiscal year 2010-2020 hereby amended and funds are herewith appropriated and adjusted as presented.

Be it further ordered that an emergency exists and this Ordinance shall be in full force and effect from the date of its passage.

FUND	DEPARTMENT	CODE	ACCOUNT DESCRIPTION	REVENUES		EXPENDITURES	
				Increase	Decrease	Increase	Decrease
GENERAL	BILLING & SERV	1001244	VARIOUS			\$	281
GENERAL	INFO TECH	1001251	VARIOUS			\$	31,226
GENERAL	POLICE	1003110	VARIOUS			\$	35,384
GENERAL	FIRE	1003210	VARIOUS			\$	3,558
GENERAL	GIS MAPPING	1003562	VARIOUS			\$	15,628
GENERAL	ENGINEERING	1004110	VARIOUS			\$	1,000
GENERAL	TOURISM	1008115	VARIOUS			\$	450
GENERAL	TRANSFERS	10051-351999	TRANSFERS FROM RESERVES	\$	87,527		
GRANTS	2015 HUD CDBG	2019425-403141-695906	CONSTRUCTION CONTRACTS			\$	531
GRANTS	TRANSFERS	20151-351999	TRANSFERS FROM RESERVES	\$	531		
STREETS	VDOT	2104120	VARIOUS			\$	106,267
STREETS	STREET LIGHTS	2104132	VARIOUS			\$	15,806
STREETS	VDOT	2104150	VARIOUS			\$	1,043
STREETS	VDOT	2104370	VARIOUS			\$	191
STREETS	TRANSFERS	21051-351999	TRANSFERS FROM RESERVES	\$	123,307		
WATER	WATER PLANT MAINT	5014554	VARIOUS			\$	22,560
WATER	WATER TREATMENT	5014555	VARIOUS			\$	11,034
WATER	WATER LINES	5014556	VARIOUS			\$	6,402
WATER	WATER TANKS	5014558	VARIOUS			\$	17,232
WATER	TRANSFERS	50151-351999	TRANSFERS FROM RESERVES	\$	57,228		
ELECTRIC	DISTRIBUTION OP	5054031	VARIOUS			\$	2,061
ELECTRIC	SUBSTATION MAINT	5054404	VARIOUS			\$	534
ELECTRIC	SUBSTATION IMPROV	5059901	VARIOUS			\$	3,131
ELECTRIC	LINE CONSTRUCTION	5059902	VARIOUS			\$	3,977
ELECTRIC	TRANSFERS	50551-351999	TRANSFERS FROM RESERVES	\$	9,703		
INTERNAL SERVICES	GARAGE	6011252	VARIOUS			\$	5,746
INTERNAL SERVICES	TRANSFERS	60151-351999	TRANSFERS FROM RESERVES	\$	5,746		
Totals				\$	284,042	\$	284,042

The recorded roll call vote was as follows:

FIRST READING: June 22, 2020
 VOTE: _____
 Mr. Gropman _____
 Dr. Harshbarger _____
 Mrs. Foster _____
 Ms. Huntington _____
 Mayor Horton _____

SECOND READING:
 VOTE: _____
 Mr. Gropman _____
 Dr. Harshbarger _____
 Mrs. Foster _____
 Ms. Huntington _____
 Mayor Horton _____

MOTION: _____
 SECOND: _____
 ATTEST: _____
 Jennifer G. Wilder, City Clerk