

The New River City
April 20, 2020 **Radford, Virginia**
10 Robertson St.
Regular Meeting Number 18 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, Dr. Richard Harshberger, and Ms. Naomi Huntington.

Others present were as follows:
Mr. David Ridpath, City Manager
Mrs. Jenni Wilder, City Clerk

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

MINUTES APPROVAL: The minutes for March 9, March 19, and March 30 were taken as a consent agenda.

ACTION: Dr. Harshberger made a motion to approve the minutes with one correction, Ms. Foster seconded the motion.

VOTE:

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

NAYES: None-0

Public Hearing:

SUBJECT: Ordinance 1729: F.Y. 2021 Budget

SUMMARY: The Budget for F.Y. 2021 has been delivered to City Council from the City Manager, as required by the City Charter. Revenues are balanced with expenditures in the amount of \$59,514,312. The proposed budget provides sufficient revenues to pay for expenditures, maintains positive fund balances, provides resources for maintenance and improvements to infrastructure, supports core customer services and equipment replacement, acknowledges the impact of the COVID-19 pandemic, as well as identifies funds for payments to service the City debt. The funds are summarized as follows:

General Funds	\$26,802,275
Street Maintenance Fund	2,505,953
Water/Wastewater Fund	4,639,264
Electric Fund	20,293,253
Solid Waste Fund	1,524,677
Transit Fund	3,002,981
Internal Services Fund	745,909

In addition to the City Budget, the City Council is also considering the F.Y. 2021 Radford City School Board Budget. The \$36,460,148 budget was approved by the school board on March 24, 2020. The funds are summarized as follows:

Operating Fund	\$17,540,748
Cafeteria Fund	684,960
Grants Fund	1,452,368
Textbook Fund	246,524
Capital Projects Fund	414,100

Mayor Horton opened the Public hearing at 5:05.

Mayor Horton read one comment received from Mr. Bruce Chase, "Hi David, I enjoyed watching the budget presentation last week. The Zoom meeting worked well. I was looking at the budget and it appears that there are no funds for the EDA. That will limit what the EDA can do to help local business recover from the shutdown. We request that you include some funds for the EDA in the budget. Thank you."

Mayor Horton Closed the public hearing at 5:10

Public Hearing:

SUBJECT: Ordinance 1730: Tax Rates for Calendar Year 2020

SUMMARY: The F.Y. 2021 Budget is supported by revenues generated from taxes, fees and utility rates. Ordinance #1730 is an Ordinance to establish the tax rates for Real Estate, Personal Property and Machinery and Tools for the 2020 calendar year. The proposed F.Y. 2021 Budget reflects a tax rate of .78 for real property. The rate is reduced from .82 cents to .78 cents to reflect the increase valuation from reassessment resulting in the same levy as the 2019 tax year. The following are the proposed tax rates for the 2020 calendar year.

- Real Property tax would increase to \$0.78 per \$100 of assessed value
- Machinery and Tools tax remains at \$1.76 per \$100 of assessed value
- Tangible Personal Property remains at \$2.44 per \$100 of assessed value as described in section 15 through 19 of 58.1-3503A of the code of Virginia (Personal Property, vehicles, etc.)
- Tangible Personal Property remains at \$1.76 per \$100 of assessed value as described in section 15 through 19 of 58.1-3503A of the code of Virginia (Business Personal Property)

Mayor Horton opened the Public hearing on tax rates at 5:10.

No comments.

Mayor Horton closed the public hearing at 5:12.

***Both public hearings met advertising requirements. ***

NEW BUSINESS:

SUBJECT: Ordinance 1729: F.Y. 2021 Budget

SUMMARY: The Budget for F.Y. 2021 has been delivered to City Council from the City Manager, as required by the City Charter. Revenues are balanced with expenditures in the amount of \$59,514,312. The proposed budget provides sufficient revenues to pay for expenditures, maintains positive fund balances, provides resources for maintenance and improvements to infrastructure, supports core customer services and equipment replacement, acknowledges the impact of the COVID-19 pandemic, as well as identifies funds for payments to service the City debt. The funds are summarized as follows:

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Textbook Fund	246,524
Capital Projects Fund	414,100

ACTION: Dr. Harshberger made a motion to approve Ordinance 1729 on the first reading, Ms. Huntington seconded the motion.

VOTE:

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

NAYES: None-0

SUBJECT: Ordinance 1730: Tax Rates for Calendar Year 2020

SUMMARY: The F.Y. 2021 Budget is supported by revenues generated from taxes, fees and utility rates. Ordinance #1730 is an Ordinance to establish the tax rates for Real Estate, Personal Property and Machinery and Tools for the 2020 calendar year. The proposed F.Y. 2021 Budget reflects a tax rate of .78 for real property. The rate is reduced from .82 cents to .78 cents to reflect the increase valuation from reassessment resulting in the same levy as the 2019 tax year. The following are the proposed tax rates for the 2020 calendar year.

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- Tangible Personal Property remains at \$1.76 per \$100 of assessed value as described in section 15 through 19 of 58.1-3503A of the code of Virginia (Business Personal Property)

ACTION: Mr. Gropman made a motion to approve Ordinance 1730 on the first reading, Dr. Harshberger seconded the motion.

VOTE:

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

NAYES: None-0

SUBJECT: F.Y. 2021 Fee and Rate Resolution

SUMMARY: The F.Y. 2021 Budget is supported by utility rates and fees. Utility and fee rates are proposed to remain level for the Water/Wastewater, Electric and Sanitation operations. All other fees and permits reflect actual cost for services or remain level.

ACTION: Dr. Harshberger made a motion to approve the Fee and Rate Resolution for 2021, Ms. Huntington seconded the motion.

VOTE:

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

NAYES: None-0

SUBJECT: Audit Engagement Letter

SUMMARY: Robinson, Farmer, Cox and Associates has conducted the City Audit for the past three years. Elements of the contract include preparation of the annual audit, as well as development of the cost allocation plan and coordination of other Post-Employment Benefits (OPEB) reporting. The contract is for \$69,550 annually with an extension option of two years. The City Audit portion is \$42,950 and is included in the F.Y. 2021 Budget. The Company has served the City for many years, is well respected and trusted in the field. The initial three years has expired and we can opt for an additional two years.

ACTION: Ms. Huntington made a motion to approve the Audit Engagement Letter, Dr. Harshberger seconded the motion.

VOTE:

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

NAYES: None-0

SUBJECT: Resolution: EPA Consent Agreement

SUMMARY: A break occurred in the supply line providing chlorine to the Water Treatment Plant in October, 2017, resulting in a release of chlorine vapor. The City responded promptly to the emergency in calling the Fire Department, evacuating the building and making repairs. There were no injuries. Because the City did not notify the National Response Center immediately under the guidelines of the Comprehensive Environmental Response Compensation and liability Act, the Environmental Protection Agency advanced an administrative penalty on the City.

The City and the EPA have been meeting to discuss compliance with the Act and the process. Because of the City's earnest efforts in mitigating the situation, the EPA has offered to settle the violation with a \$21,466 fine.

ACTION: Mr. Gropman made a motion to approve the Resolution for the EPA Consent Agreement, Ms. Foster seconded the motion.

VOTE:

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

NAYES: None-0

SUBJECT: Virginia Statewide Public Transportation Agency Plan

SUMMARY: The Virginia Statewide Public Transportation Agency Plan (PTASP) for Small Public Transportation Providers is a comprehensive plan outlining the Safety Management Systems programs at fifteen small transit agencies throughout the Commonwealth.

The Federal Transit Administration requires that agencies receiving federal funding, develop a PTASP. The Virginia Department of Rail and Public Transportation (DRPT) is the state agency responsible for developing the state-sponsored PTASP for small transit agencies. DRPT was primarily responsible for gathering input from each of the participating small transit agencies during the development, review, and update of the PTASP.

The PTASP is organized to provide general information on each agency, including its overall structure and services, the agency Safety Management Policy, Safety Risk Management program, Safety Assurance program and Safety Promotion program. Each section of the plan accurately portrays the current services and programs in place at Radford Transit.

ACTION: Ms. Foster made a motion to endorse the PTASAP as presented, Dr. Harshberger seconded the motion.

VOTE:

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

NAYES: None-0

CITY COUNCIL COMMENTS:

Ms. Foster stated that her Moment of Silence was dedicated to Albert Reid. Ms. Foster asked Council to consider adding in funding regarding the American Legion Building. Ms. Foster listed the many multiple uses the building has served in the past and stated that she will get Council a more detailed budget for the project before next week. She emphasized the importance of getting a new roof on the building to protect from further water damage.

Dr. Harshberger said he didn't have much to report, but if elections move to November he would be happy to continue to serve on Council until then.

Mr. Gropman stated that this is a good budget and he knows this process was not easy.

ACTION: Mr. Gropman made a motion to look into raising the lodging tax to 8%. Ms. Foster seconded the motion.

VOTE:

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

NAYES: None-0

Ms. Huntington stated that this is not the budget we wanted, but rather the budget the City needed. Ms. Huntington is sad that curbside recycling was not able to be accommodated in this budget, but is grateful the budget maintains services and keeps projects moving forward without dipping into reserves.

Mayor Horton expressed his appreciation for all the city staff and wants staff to know that they have not been forgotten. Mayor Horton stated to all to keep doing what you are doing and that this too shall pass. Radford is still coming together during this time and is a great community.

Dr. Harshberger made a motion to adjourn the meeting at 6:19 p.m. seconded by Ms. Huntington.

VOTE:

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

NAYES: None-0

ATTEST: _____

Jennifer G. Wilder, Clerk of Council

The New River City
April 27, 2020 **Radford, Virginia**
10 Robertson St.
Regular Meeting Number 19 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, Dr. Richard Harshberger, and Ms. Naomi Huntington.

Others present were as follows:
Mr. David Ridpath, City Manager
Mrs. Jenni Wilder, City Clerk

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

OLD BUSINESS:

SUBJECT: Ordinance 1729: F.Y. 2021 Budget

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Operating Fund	\$17,540,748
Cafeteria Fund	684,960
Grants Fund	1,452,368
Textbook Fund	246,524
Capital Projects Fund	414,100

ACTION: Dr. Harshberger made a motion to approve Ordinance 1729 on the second reading, Ms. Foster seconded the motion.

VOTE:

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

NAYES: None-0

SUBJECT: Ordinance 1730: Tax Rates for Calendar Year 2020

SUMMARY: The F.Y. 2021 Budget is supported by revenues generated from taxes, fees and utility rates. Ordinance #1730 is an Ordinance to establish the tax rates for Real Estate, Personal Property

and Machinery and Tools for the 2020 calendar year. The proposed F.Y. 2021 Budget reflects a tax rate of .78 for real property. The rate is reduced from .82 cents to .78 cents to reflect the increase valuation from reassessment resulting in the same levy as the 2019 tax year. The following are the proposed tax rates for the 2020 calendar year.

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ACTION: Ms. Foster made a motion to approve Ordinance 1730 on the second reading, Dr. Harshberger seconded the motion.

VOTE:

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

NAYES: None-0

CITY COUNCIL COMMENTS:

Ms. Foster stated that her Moment of Silence was dedicated to Mr. Roy E. Shalkin Jr. Ms. Foster shared stories that feature the best in Radford including someone paying two months of rent for Latino's Taste, the Bear Hunt that is going on community wide, and the Shelter providing food. Ms. Foster asked for community members to send more feel good stories to her.

Mr. Gropman said that he only has a few more meetings and this is all becoming bittersweet.

Dr. Harshberger said election day is May 19, 2020.

Ms. Huntington stated that the random acts of kindness mentioned by Ms. Foster are heartwarming and highlight our community.

Mayor Horton stated that Radford is still doing wonderful things and going in a positive direction.

Mr. Gropman made a motion to adjourn the meeting at 5:45 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



Memorandum

To: Mayor Horton, Vice-Mayor Harshberger, Members of City Council
From: Melissa Skelton, Zoning Administrator
Date: May 6, 2020
Subject: Ordinance # 1731 - Amendment to Zoning Ordinance Floodplain and Flood Map

A joint public hearing is scheduled with the Planning Commission to receive comments on amendment to Sec. 120.1-120-131 - Floodplain Ordinance and Flood Insurance Rate Map (FIRM).

FEMA held a statutory 90-day appeal period that was initiated on May 1, 2019, a notice was placed in the Radford News Journal of the proposed flood hazard determinations for Radford. FEMA did not receive any appeals of the proposed changes. Any comments and concerns about the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report submitted to FEMA have been addressed and resolved. The FIRM will become effective as of June 19, 2020.

Because of the modifications to the FIRM and FIS report, an update to the City's Zoning Ordinance is required. The main modifications within the ordinance were related to duties and responsibilities of the Floodplain Administrator, Description of the Districts, and Variances to incorporate National Floodplain Insurance Program (NFIP).

Please advise if you have any questions.

Thank you

cc: Mr. David Ridpath, City Manager

NOTICE OF PUBLIC HEARING-

The Radford City Council and Planning Commission will hold a joint public hearing to receive comments regarding proposed floodplain (ordinance and map) revisions that are required by state and federal law. These revisions govern development in mapped floodplain areas. The proposed (ordinance/map) revisions may be found at www.radfordva.gov.

The virtual hearing will be held on Monday, May 11, 2020 beginning at 5:00 P.M. E.S.T.

The COVID-19 virus makes it impractical and unsafe for City Council and Planning Commission to physically assemble in one location. The virus also makes it impractical and unsafe, as well as potentially life threatening, for the public and city staff to gather in the same location to participate in the public hearings.

As a result, the public hearings will be conducted virtually. The members of City Council and Planning Commission will participate in the public hearings by electronic means, and the public will be able to participate and make comments as set out below

The City has established the following ways for you to share your public comments with City Council. The deadline to share your comment for the public hearings is Noon, Friday, May 8, 2020. Any comments received by that time will be shared with City Council and Planning Commission and will be added to the meeting minutes, making them a matter of public record. When providing your public comment, please be sure to provide:

1. First Name;
2. Last Name;
3. Residential Address; and,
4. Your Comment.

Ways to submit your public comment:

Email: Jenni.Wilder@radfordva.gov

Mail comments to: City Clerk, 10 Robertson Street, Radford, VA 24141

Voicemail message: 540-267-3145

Ways to participate in public hearings and meeting:

The public is encouraged to participate in the public hearings scheduled on Monday, May 11, 2020, beginning at 5:00 p.m. through Facebook Live at the following link: <https://www.facebook.com/Radford-City-Government-301072910338> The public hearings meeting agenda can be viewed at: www.radfordva.gov.

ORDINANCE 1731

AN ORDINANCE AMENDING ORDINANCE NO. 1611, THE ZONING ORDINANCE OF THE CITY OF RADFORD, VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE CITY OF RADFORD, Virginia, as follows:

DIVISION 15. FP FLOODPLAIN DISTRICT

Sec. 120.1-120. Statutory Authorization and Purpose

Va. Code § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life, health, or property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and,
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Sec. 120.1-120.1 Definitions

- A. Base flood - The flood having a 1% percent chance of being equaled or exceeded in

any given year.

- B. Base flood elevation - The Federal Emergency Management Agency designated 1% percent annual chance water surface elevation.
- C. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- D. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- E. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- F. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- G. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- H. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- I. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Flood or flooding -
 - 1. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - (a) the overflow of inland or tidal waters; or,
 - (b) the unusual and rapid accumulation or runoff of surface waters from any source.

2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
 3. Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- K. Flood Insurance Rate Map (FIRM) – an official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
- L. Flood Insurance Study (FIS) – an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- M. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- N. Floodproofing – any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- O. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- P. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- Q. Highest Adjacent Grade – the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- R. Historic structure - Any structure that is
1. listed individually in the National Register of Historic Places (a listing

maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.

S. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA) - An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR) - A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR) - A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

- T. **Lowest floor** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- U. **Manufactured home** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- V. **Manufactured home park or subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- W. **New construction** - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after February 12, 1979 of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- X. **New manufactured home park or subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- Y. **Recreational vehicle** - A vehicle which is
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and,
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- Z. **Special flood hazard area** - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 120.1-122.
- AA. **Start of construction** - The date the building permit was issued, provided the actual

start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- BB. Structure – for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- CC. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- DD. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 2. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- EE. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
- FF. Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Sec. 120.1-121 - Designation of the Floodplain Administrator

The Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the City Manager.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Sec. 120.1-121.1 - Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- D. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.

- F. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- G. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- H. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- I. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the City of Radford within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- J. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
 - 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- K. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- L. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- M. Administer the requirements related to proposed work on existing buildings:
 - 1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

- N. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- O. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Radford have been modified and:
 - 1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - 2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- P. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- Q. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

Sec. 120.1-121.2 - Use and Interpretation of FIRMs

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field surveyed topography indicates that adjacent ground elevations:
 - 1. Are below the base flood elevation in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs, even in areas not delineated as a special flood hazard area

on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

2. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
1. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 120.1-124.A.3 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 3. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Sec. 120.1-121.3 - Applicability.

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the City of Radford and identified as areas of special flood hazard identified by the community or shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the City of Radford by FEMA.

Sec. 120.1-121.4 - Compliance and Liability

- (1) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- (2) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.
- (3) Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Administrator in perpetuity.
- (4) This ordinance shall not create liability on the part of the City of Radford or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative

Sec. 120.1-121.5 - Abrogation and greater restriction.

The special regulations contained in this division regulating subdivision and/or development within the designated floodplain districts shall supersede and take precedence over any other ordinances or statutes as applied to land within such designated floodplain districts, except that any provisions of any other ordinances as related to land subdivision, development or use which are more restrictive than those contained in this division shall prevail.

Sec. 120.1-121.6 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Sec. 120.1-121.7 - Penalties.

- (1) Any person who fails to comply with any of the requirements or provisions of this division or directions of the zoning administrator, building official or any other authorized employee of the City of Radford, Virginia shall be guilty of a misdemeanor of the first class and subject to the penalties therefore.
- (2) In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this division. The imposition of a fine or penalty for any violations of, or noncompliance with, this division shall not excuse the violation or non compliance to permit it to continue; and all such persons shall be required

to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this division may be declared by the city council to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this division.

Sec. 120.1-122. Basis of districts.

The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for The City of Radford prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated June 19, 2020, as amended or revised.

Sec. 120.1-123. - Official Zoning Map

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the City's Flood Insurance Rate Maps which is declared to be a part of this ordinance and which shall be kept on file at the City of Radford offices.

Sec. 120.1-124. Description of districts.

A. Basis of Districts

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 23 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the City of

Radford's endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Section 120.1-124.A.1.a. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sec. 120.1-127.1.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
2. The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas for which 1%-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE or AH zone where FEMA has provided base flood elevations:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones AE, or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Radford.

Development activities in Zones AE, or AH on the City of Radford FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the City of Radford endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply:

The **Approximated Floodplain District** shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 1% percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from Federal, State, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate

floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus eighteen (18) inches.

During the permitting process, the Floodplain Administrator shall obtain:

- a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
- b. If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

4. The AO Zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply:
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
 - b. All new construction and substantial improvements of non-residential structures shall
 - (1) Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is

watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

Sec. 120.1-126 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the City of Radford where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

Sec. 120.1-126.1 – Submitting Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

Sec. 120.1-127. Interpretation of district boundaries.

Initial interpretation of the boundaries of any of the floodplain districts shall be made by the zoning administrator. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his, her or its case to the board and to submit technical evidence if desired.

Sec. 120.1-127.1 District provisions.

(1) *Permit requirement.* All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code, and the subdivision ordinance of the City of Radford and other applicable regulations. Prior to the issuance of any such permit, the zoning administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

(2) *Site plans and permit applications.* All applications for development in the floodplain districts and all building permits issued in the floodplain shall incorporate the following information:

- a. For structures to be elevated, the elevation of the lowest floor, including basement;
- b. For structures to be flood proofed (nonresidential only), the elevation to which the structure will be flood proofed;
- c. The elevation of the 100-year flood;
- d. Topographic information showing existing and proposed ground elevations.

(3) *Manufactured homes.*

In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Sec. 120.1-128.1.

(4) *Recreational vehicles.* Recreational vehicles placed on sites, if otherwise legally placed thereon, shall either;

- a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
- b. Meet all the requirements for manufactured homes in 120.1-127.1(3).

Sec. 120.1-128 - General Standards

In all special flood hazard areas the following provisions shall apply:

- A. New construction and substantial improvements shall be according to the requirements outlined in this ordinance, the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- K. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Emergency Management Agency.

- L. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Sec. 120.1-128.1- Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according Sec. 120.1-124.A3 , the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH, and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus eighteen (18) inches.

B. Non-Residential Construction

1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level plus eighteen (18) inches.
2. Non-residential buildings located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the floodplain administrator.

C. Space Below the Lowest Floor

For all new construction or substantially improved structures, enclosed areas below the lowest floor shall:

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the base flood level plus eighteen (18) inches;

3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

Sec. 120.1-129 - Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

Sec. 120.1-130 Existing Structures in floodplain areas

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (1) Existing structures in the Floodway Area shall not be expanded or enlarged unless it has

been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.

- (2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
- (3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

Sec. 120.1-131 Variances

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this Section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.

- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of this Ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

ENACTMENT

_____ made a motion, seconded by _____, that Ordinance _____ be approved on the _____ day of _____ by the following vote:

Mrs. Foster: _____

Mr. Gropman: _____

Dr. Harshberger: _____

Mrs. Huntington: _____

Mayor Horton: _____

_____ made a motion, seconded by _____, that the foregoing ordinance be approved on its second reading on the _____ day of _____ and shall take effect immediately by the following vote:

Mrs. Foster: _____

Mr. Gropman: _____

Dr. Harshberger: _____

Mrs. Huntington: _____

Mayor Horton: _____

ATTEST: _____

Jenni Wilder, City Clerk

NOTICE OF PROPOSED AMENDED 2017-2021 CONSOLIDATED PLAN AND 2019 ACTION PLAN

5-DAY PUBLIC COMMENT PERIOD

In response to the Coronavirus Pandemic, the City of Radford has been awarded an additional \$105,448 in Community Development Block Grant-Coronavirus (CDBG-CV) funding to allocate to activities that address COVID-19 related community needs.

A Substantial Amendment to the PY 2017-2021 Consolidated Plan and PY 2019 Annual Action Plan is required. The substantial amendment will program the CDBG-CV funds, along with \$40,045 of CDBG funds will be reprogrammed to support Homeless Intervention Programs, Public Service Agencies that are responding to the coronavirus pandemic, and Emergency Supplies and Response. The substantial amendments may be viewed on the City's website. www.radfordva.gov.

City Staff met and made recommendations on the use of the CDBG-CV and reprogrammed funds. City Council will consider approval of this substantial amendment at their May 11, 2020 meeting.

The Cares Act has loosened some requirements for the purpose of an expedited use of the CDBG-CV funding. Usually a thirty (30) day public comment period is required however, the U. S. Department of Housing and Urban Development (HUD) has waived this requirement provided that no less than five (5) days are provided for public comments on each substantial amendment. In addition, the Cares Act bill eliminates the cap on the amount of funds a grantee can spend on public services and removes the requirement to hold in-person public hearings in order to comply with national and local social gather requirements. The bill also allows grantees to apply the waiver of statutory regulations to 2019 and 2020 CDBG allocations.

Public comments are encouraged and should be submitted to Melissa Skelton, Community Development Director for the City of Radford at Melissa.skelton@radfordva.gov. The Public Comment Period runs from Wednesday, May 6, 2020 through Tuesday, May 12, 2020. All comments received will be included in the substantial amendment that is submitted to the Department of Housing and Urban Development.



Memorandum

To: Mayor Horton, Vice-Mayor Harshberger, Members of City Council
From: Melissa Skelton, Zoning Administrator
Date: May 6, 2020
Subject: Amendment's to CDBG 2017-2021 Consolidated Plan and PY 2019 Action Plan

The City of Radford will receive \$105,448 in additional Community Development Block Grant-Coronavirus (CDBG-CV) funding to allocate to activities that address COVID-19 related community needs. A Substantial Amendment to the PY 2017-2021 Consolidated Plan and PY 2019 Annual Action Plan is required, usually a thirty (30) day public comment period is required however, the U. S. Department of Housing and Urban Development (HUD) has waived this provided that no less than five (5) days are provided for public comments on each substantial amendment

The CDBG-CV funds allocated under the CARES Act may be used for a range of eligible activities that prevent and respond to the spread of infectious diseases such as the coronavirus disease 2019 (COVID-19). The proposed activities must meet one of the three National Objectives as required by CDBG regulation:

- Benefit low-and moderate income persons
- Aid in the prevention or elimination of slums or blight, and
- Meet an urgent need

In addition, and for the purpose of an expedited use of the CDBG-CV funding, the bill eliminates the cap on the amount of funds a grantee can spend on public services (normally 15% of allocation), removes the requirement to hold in-person public hearings in order to comply with national and local social gather requirements, and allows grantees to be reimbursed for COVID-19 response activities regardless of the date the costs were incurred. The bill also allows grantees to apply the waiver of statutory regulations to both our 2019 and 2020 CDBG allocations.

The Amended CDBG 2017-2021 Consolidated Plan and 2019 Annual Action Plan describes how these funds will be spent locally. Community development programs recommended for funding in the Amended 2019 CDBG Action Plan include public service programs administered by New River Community Action's, Homeless Intervention Program, and the Women's Resource Center; to provide rental/mortgage/utility assistance and emergency temporary housing for high risk/health impaired homeless individuals and families, as well as providing meals to homeless and low-income households in conjunction with Radford Fairlawn Daily Bread (meals on wheels program) and the Bobcat Backpack Program. A portion of the allocation is also being set aside for Emergency response and supplies, which will be carried out by the city.



AMENDMENT #1 PY 2019 ACTION PLAN

Sources of 2019-2020 Funds

Revised:	FY 2019 CDBG Allocation	\$169,689
	Previous Year funds	\$40,045
	CDBG-CV Allocation	\$105,448
	Total Proposed Budget	\$315,182

Summary of Allocations below:

Housing & Non -housing funds		\$145,689	\$118,289
Public Service Activities	(-15% max)	\$24,000	\$163,893
Program Administration	(20% max)	\$33,000	\$33,000
Total Allocated		\$202,689	\$315,182

Project	PY 2019 Budget	Revised Budget
Housing Activities		
Emergency Home Repair	\$20,000	\$7,600
Non-Housing Activities		
Beautification	\$24,689	\$24,689
Slum & Blight - Demolition	\$15,000	\$0
Public Facility Triangle	\$86,000	\$86,000
Public Service		
Women's Resource Center	\$7,500	\$15,000
New River Community Action	\$4,000	\$42,700
Beans & Rice	\$7,500	\$7,500
August Kids	\$1,600	\$1,600
Bobcat Back Pack Program	\$3,400	\$10,000
Radford-Fairlawn Dally Bread		\$42,700
Emergency Supplies & Response		\$44,393
Administration		
General Administration	\$33,000	\$33,000
Total	\$202,689	\$315,182



**2017-2021 CONSOLIDATED PLAN
SUBSTANTIAL AMENDMENT #1
SUMMARY**

SUMMARY OF AMENDMENTS:

- A. Coronavirus Aid, Relief, and Economic Security (CARES) Act Award – Add CDBG-CV award and allocation to the 2017-2021 Consolidated Plan.

BACKGROUND AND PURPOSE OF PROPOSED AMENDMENTS:

Due to the impacts from the novel coronavirus (COVID-19), the 2017-2021 Consolidated Plan (ConPlan) needs to be amended to reorder the strategic plan goals, priorities and update the projected outcomes and funding.

The City of Radford has been awarded an additional \$105,448 in Community Development Block Grant-Coronavirus (CDBG-CV) from the Federal CARES Act to help prevent, prepare for, and respond to the impacts of the coronavirus on individuals, families, and businesses. The ConPlan will be updated to include emergency response to COVID-19 as a priority and goal, and the proposed funding distribution and performance measures for associated activities.

The City proposes to allocate CARES funds to support Homeless Intervention Programs, Public Service Agencies that are responding to the coronavirus pandemic, and Emergency Supplies and Response.

CONPLAN AMENDMENTS:

Proposed amendments are shown in red. Only applicable ConPlan sections are shown, the full document may be found on the City's website at www.radfordva.gov.

ES-05 Executive Summary Goals

The CDBG goals for FY 2017-2021 are targeted to benefit as many residents of the City as possible. In conjunction with the national objective that activities should benefit the low-to-moderate income neighborhoods within the City.

Goal 1: Pay the remaining balance of the Section 108 Loan

Goal 2: Help provide emergency housing assistance and increase opportunities for aging and disabled citizens to remain independent in their homes.

- Action 1 - Assist with ADA accessibility improvements
- Action 2 - Provide emergency repair

Goal 3: Help prevent homelessness

- Action - Provide resources to help prevent homelessness for short-term emergency situations through the Homeless Intervention Program and the Women's Resource Center

Goal 4: Help support Youth Services

- Action 1 - Help fund services for after school programs
- Action 2 - Help fund services for youth nutrition program
- Action 3 - Help fund services that prepare youth for school

Goal 5: Reduce the spread of neighborhood blight resulting from abandoned or neglected properties

- Action - Reduce the spread of neighborhood blight by demolition dilapidated properties that have been neglected by owners, prioritizing properties that have become attractive nuisance.

Goal 6: Water/Wastewater Improvements

- Action - prioritize which areas of the City's water/wastewater lines that are in need of repair.

Goal 7: Furthering Fair Housing

- Action 1 - Work the NRV HOME Consortium to Complete an Assessment of Fair Housing prior to Initiation to the next Consolidated Plan to guide the development of an Analysis of Impediments to Fair Housing.

Goal 8: Prevent, prepare for, and respond to the impacts of the novel coronavirus on individuals, families, and businesses

SP-25 Priority Needs - 91.415, 91.215(a)(2)

Priority Needs

Table 1 – Priority Needs Summary

1	Priority Need Name	Prevent and respond to impacts of COVID-19
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally ill veterans Victims of Domestic Violence Elderly Frail Elderly Persons with Physical Disabilities Persons with Developmental Disabilities Victims of Domestic Violence Non-housing Community Development
	Geographic Areas Affected	other
	Associated Goals	Prevent and End Homelessness Support Non-Homelessness Needs Respond to COVID-19
	Description	The City will support the low-moderate community aiding directly with activities related to preventing, preparing for, and responding to the coronavirus.
	Basis for Relative Priority	
2	Priority Need Name	Prevention of Homelessness

	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	other
	Associated Goals	Prevent and End Homelessness Planning and Administration Respond to COVID-19
	Description	Help provide short term emergency assistance to homeowners and renters that are at risk for homelessness
	Basis for Relative Priority	Providing assistance to keep families in their homes helps to stabilize the community.
3	Priority Need Name	Domestic Violence
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	other
	Associated Goals	Prevent and End Homelessness Planning and Administration Respond to COVID-19
	Description	The Women's Resource Center of the NRV assists persons escaping domestic violence and becoming homeless.

	Basis for Relative Priority	Supporting The Women's Resource Center which offers temporary emergency housing for adults and children who and are fleeing intimate partner violence, provides a safe environment and stepping stone.
4	Priority Need Name	Youth Services
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children
	Geographic Areas Affected	other
	Associated Goals	Support Non-Homelessness Needs Neighborhood Revitalization Planning and Administration Respond to COVID-19
	Description	Partner with the Bobcat Backpack Program, New River Community Actions and Radford Clothing Bank's August Kids program to provide services to low and moderate income families within the city. Services include food for the weekend, after school programs and assisting with school supplies for children
	Basis for Relative Priority	A significant number of children rely on these programs to provide assistance with food over the weekends, tutoring/mentorship and equipping them for a successful school year.
5	Priority Need Name	Section 108 loan repayment
	Priority Level	High
	Population	Non-housing Community Development
	Geographic Areas Affected	other
	Associated Goals	Section 108 Loan Repayment Planning and Administration
	Description	The City received a Section 108 loan to rehab a mixed use project and will look at their using their allocations to pay down the debt quickly.

	Basis for Relative Priority	
6	Priority Need Name	Maintain existing affordable housing
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Elderly Frail Elderly
	Geographic Areas Affected	other
	Associated Goals	Emergency Home Repair Neighborhood Revitalization Planning and Administration
	Description	Work alongside of Social Services and local organizations to ensure housing is safe for low and moderate income families.
	Basis for Relative Priority	The City of Radford has an aging housing stock, which are more likely in need of emergency repair and weatherization to keep housing safe and utility costs low.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$	
Other	public - federal	Admin and Planning Economic Development Housing Public Improvements Public Services Other	105,448	0	0	105,448	Funding provided through CARES Act
						Expected Amount Available Remainder of ConPlan \$	
						105,448	

SP-40 Institutional Delivery Structure - 91.415, 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
City of Radford	Government	Non-homeless special needs Planning	Jurisdiction
WOMEN'S RESOURCE CENTER	Subrecipient	Homelessness	Jurisdiction
NEW RIVER COMMUNITY ACTION	Subrecipient	Homelessness	Jurisdiction
Radford Clothing Bank	Subrecipient	public services	Jurisdiction
BEANS AND RICE	Subrecipient	public services	
Radford Fairlawn Dally Bread	Subrecipient	Non-homeless special needs public services	Jurisdiction

Table 3 - Institutional Delivery Structure

SP-45 Goals - 91.415, 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Respond to COVID-19	2017	2021	Affordable Housing Homeless Non-Housing Community Development	Citywide	Prevention of Homelessness Youth Services Domestic Violence Prevent and respond to impacts of COVID-19	CDBG: \$105,448	Public service activities other than Low/Moderate Income Housing Benefit: 90 Persons Assisted Direct Financial Assistance to Homebuyers: 10 Households Assisted Tenant-based rental assistance / Rapid Rehousing: 15 Households Assisted Homelessness Prevention: 5 Persons Assisted
2	Prevent and End Homelessness	2017	2021	Homeless	Citywide	Prevention of Homelessness Domestic Violence Prevent and respond to impacts of COVID-19	CDBG: \$70,000	Homeless Person Overnight Shelter: 125 Persons Assisted
3	Emergency Home Repair	2017	2021	Emergency Home Repair	Citywide	Maintain existing affordable housing	CDBG: \$50,000	Homeowner Housing Rehabilitated: 25 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Support Non-Homelessness Needs	2017	2021	Youth Services	Citywide	Youth Services Prevent and respond to impacts of COVID-19	CDBG: \$35,000	Other: 650 Other
5	Neighborhood Beautification	2017	2021	Non-Housing Community Development	Citywide		CDBG: \$50,000	Other: 3 Other
6	Neighborhood Revitalization	2017	2021	Non-Housing Community Development	Citywide	Maintain existing affordable housing Youth Services	CDBG: \$112,000	Other: 4 Other
7	Planning and Administration	2017	2021	Planning and Administration	Citywide	Maintain existing affordable housing Section 108 loan repayment Prevention of Homelessness Youth Services Domestic Violence	CDBG: \$20,000	
8	Central Business District Enhancement	2017	2018	Non-Housing Community Development			CDBG: \$55,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 1000 Persons Assisted
9	Section 108 Loan Repayment	2017	2021	Affordable Housing Non-Housing Community Development	Citywide	Section 108 loan repayment	CDBG: \$274,000	Rental units rehabilitated: 6 Household Housing Unit

Table 4 – Goals Summary

Goal Descriptions

1	Goal Name	Respond to COVID-19
	Goal Description	Prevent, prepare for, and respond to the impacts of the coronavirus on individuals, families and businesses.
2	Goal Name	Prevent and End Homelessness
	Goal Description	The City of Radford will continue to support local agencies that assist with the prevention of homelessness.
3	Goal Name	Emergency Home Repair
	Goal Description	Plans to utilize funding Citywide to help with Emergency Home Repair to those homeowners who qualify.
4	Goal Name	Support Non-Homelessness Needs
	Goal Description	The City will continue to provide support services to non-profits to support youth services programs.
5	Goal Name	Neighborhood Beautification
	Goal Description	City will utilize funds to enhance our streetscapes.
6	Goal Name	Neighborhood Revitalization
	Goal Description	City will target a neighborhood to assist in a number of projects including infrastructure improvement, home repair, neighborhood park improvements, beautification.

7	Goal Name	Planning and Administration
	Goal Description	Funds will assist with the oversight of the CDBG program, including required public notices, and assist with survey targeted neighborhoods.
8	Goal Name	Central Business District Enhancement
	Goal Description	Utilize funding for the acquisition of property to turn into urban park within the Central Business District.
9	Goal Name	Section 108 Loan Repayment
	Goal Description	The City will utilize funds to pay against Section 108 Loan.



**PY 2019 ACTION PLAN
SUBSTANTIAL AMENDMENT #1
SUMMARY**

SUMMARY OF AMENDMENTS:

- A. **Coronavirus Aid, Relief, and Economic Security (CARES) Act Award – Add CDBG-CV award and allocation to the 2017-2021 Consolidated Plan.**
- B. **2019 Carryover Funds – Reallocate undistributed 2019 program funds totaling \$40,045 to help support Homeless Intervention Programs, Public Service Agencies that are responding to the coronavirus pandemic, and Emergency Supplies and Response.**

PURPOSE OF PROPOSED AMENDMENTS:

A. **CARES Act Allocation**

The City of Radford has been awarded an additional \$105,448 in Community Development Block Grant-Coronavirus (CDBG-CV) from the Federal CARES Act to help prevent, prepare for, and respond to the impacts of the coronavirus on individuals, families, and businesses. The Action Plan will be updated to **includes aiding activities related to preventing, preparing for, and responding to the coronavirus through public service activities, and emergency response and supplies:**

B. **2019 Carryover Funds**

The PY 2019 Action Plan allocated \$20,000 to the Emergency Home Repair, with only \$7,600 being utilized for assistance to date, and \$15,000 towards Slum and Blight, with an additional \$12,445 of unallocated funding. **Reallocating this funding could be best suited to support COVID-19 related activities.**

ACTION PLAN AMENDMENTS:

Proposed amendments are shown in red. Only applicable Action Plan sections are shown, the full document may be found on the City's website at www.radfordva.gov.

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

The CDBG allocation expected for Program Year 2019 is \$165,000. With the limited amount of available funding, the City targets specific activities that will have the most impact on many of the needs in the City of Radford, similarly to how it has been allocated in past program years.

The City has been allocated an additional \$105,448 of CDGB-CV from the CARES Act.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	169,689	0	33,000	202,689	320,000	The amount is based on estimated Program 2019 funding allocations. We anticipate rolling about \$33,000 from prior year allocation.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Other	public - federal	Admin and Planning Economic Development Housing Public Improvements Public Services	105,448	0	0	105,448	105,448	Special allocation under the CARES Act

Table 1 - Expected Resources – Priority Table

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Respond to COVID-19	2017	2021	Affordable Housing Homeless Non-Housing Community Development	Citywide	Prevention of Homelessness Youth Services Prevent and respond to impacts of COVID-19	CDBG-CV: \$105,448	Public service activities other than Low/Moderate Income Housing Benefit: 250 Persons Assisted Tenant-based rental assistance / Rapid Rehousing: 5 Households Assisted Homelessness Prevention: 10 Persons Assisted
2	Prevent and End Homelessness	2017	2021	Homeless	Citywide	Prevention of Homelessness	CDBG: \$11,500	Homelessness Prevention: 35 Persons Assisted
3	Support Non-Homelessness Needs	2017	2021	Youth Services	Citywide	Youth Services	CDBG: \$9,000	Public service activities other than Low/Moderate Income Housing Benefit: 250 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Neighborhood Beautification	2017	2021	Non-Housing Community Development	Citywide		CDBG: \$20,000	Other: 1 Other
5	Emergency Home Repair	2017	2021	Emergency Home Repair	Citywide	Maintain existing affordable housing	CDBG: \$20,000	Homeowner Housing Rehabilitated: 4 Household Housing Unit
6	Central Business District Enhancement	2017	2018	Non-Housing Community Development	Citywide		CDBG: \$86,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 18041 Persons Assisted
7	Neighborhood Revitalization	2017	2021	Non-Housing Community Development	Citywide		CDBG: \$15,000	Buildings Demolished: 2 Buildings
8	Planning and Administration	2017	2021	Planning and Administration	Citywide		CDBG: \$33,000	Other: 1 Other

Table 2 – Goals Summary

Goal Descriptions

1	Goal Name	Respond to COVID-19
	Goal Description	Prevent, prepare for, and respond to the impacts of the coronavirus on individuals, families, and businesses.

2	Goal Name	Prevent and End Homelessness
	Goal Description	The city will utilize its funds to help with the prevention of homelessness by supporting the Women's Resource Center and New River Community Action
3	Goal Name	Support Non-Homelessness Needs
	Goal Description	Public service activities other than Low/Moderate Income Housing Benefit, to include Beans and Rice, Radford Clothing Bank and Bobcat Backpack program.
4	Goal Name	Neighborhood Beautification
	Goal Description	The primary goal is to increase the tree canopy within the City of Radford.
5	Goal Name	Emergency Home Repair
	Goal Description	The City will utilize funding to assist qualified homeowners with emergency repair or ada accessibility to their homes
6	Goal Name	Central Business District Enhancement
	Goal Description	The focus this program year is to enhance the central business district by investing in the old Quality Lube.
7	Goal Name	Neighborhood Revitalization
	Goal Description	The City intends to utilize funds to help with the elimination of slum and blight.
8	Goal Name	Planning and Administration
	Goal Description	City will utilize funds to assist with the oversight of the CDBG program and to contract out on planning grant for our main street corridor.

AP-35 Projects - 91.420, 91.220(d)

Introduction

This section lists the projects that the City of Radford will carry out during Program Year 2019. This program year we will focus on Public facility within the Central Business District. The City will also reserve 20% of its allocation for the administration of CDBG program. We will also continue supporting subrecipients as we have in previous years, by setting aside the maximum of 15% of our annual allocation.

#	Project Name
1	Beautification
2	Planning & Administration
3	Subrecipients
4	Slum and Blight
5	Emergency Housing Repair
6	Public Facility - Triangle

Table 3 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Significant investment has occurred within Central Business District from both the public/ private sector, and allocating funding towards the old Quality Lube will aesthetically enhance the district by removing a blighted building and create open space for citizens to gather, as well as provide additional public parking. The biggest obstacle is the lack of available funding to address all the needs.

The City of Radford will receive \$105,448 in Community Development Block Grant (CDBG) funding from the Federal CARES Act to help prevent, prepare for, and respond to the impacts of the coronavirus on individuals, families, and businesses. The Con Plan will be updated to include emergency response to COVID-19 as a Con Plan priority and goal, and the proposed funding distribution and performance measures for associated activities. The City proposes to allocate CARES funds to address economic and housing market disruptions to help support New River Community Actions Homeless Intervention Program, and the Women's Resource Center to provide rental assistance and emergency temporary housing for high risk/health impaired homeless individuals and families who have been affected due to loss of income, as well as delivering meals to homeless and low-income households in conjunction with Radford Fairlawn Daily Bread (meals on wheels' program) and the Bobcat Backpack Program.

The City will also reallocate \$40,045 from current program funds from projects/activities that did not expend due to no timely project and local emergency needs arising over the last two months, the City proposes to reallocate funds to support the above housing needs and delivering of food to the City's most vulnerable population.

AP-38 Project Summary

Project Summary Information

1	
Project Name	Beautification
Target Area	Citywide
Goals Supported	Neighborhood Beautification
Needs Addressed	
Funding	24,689
Description	City will utilize funding to continue with its signature tree plantings to enhance the business districts
Target Date	
Estimate the number and type of families that will benefit from the proposed activities	
Location Description	
Planned Activities	The focus is to continue with the City's signature tree plantings to enhance the business districts
2	
Project Name	Planning & Administration
Target Area	
Goals Supported	Planning and Administration
Needs Addressed	
Funding	33,000
Description	Funding will be used to administer the grant and contract out services to assist with planning the main street corridor.

Target Date	
Estimate the number and type of families that will benefit from the proposed activities	
Location Description	City wide
Planned Activities	
3 Project Name	Subrecipients
Target Area	Citywide
Goals Supported	Respond to COVID-19 Prevent and End Homelessness Support Non-Homelessness Needs
Needs Addressed	Prevention of Homelessness Domestic Violence Youth Services
Funding	CDBG: \$24,000 CDBG-CV: \$95,500
Description	Funds will be used for a number of sub recipients to assist with youth programs, HIP program and Domestic Violence Programs
Target Date	
Estimate the number and type of families that will benefit from the proposed activities	The City Plans to assist up to 275 households to mitigate the effects of the COVID pandemic
Location Description	Throughout the entire City of Radford

<p>Planned Activities</p>	<p>The following subrecipients will be supported in Program Year 2019: New River Community Actions - Homeless Intervention Program Women's Resource Center Bobcat Backpack Program Radford Clothing Bank - August Kids program Beans and Rice Radford/Fairlawn Daily Bread - Meals on Wheels</p>
<p>4</p> <p>Project Name</p> <p>Target Area</p> <p>Goals Supported</p> <p>Needs Addressed</p> <p>Funding</p> <p>Description</p> <p>Target Date</p> <p>Estimate the number and type of families that will benefit from the proposed activities</p> <p>Location Description</p> <p>Planned Activities</p> <p>Project Name</p> <p>Target Area</p> <p>Goals Supported</p>	<p>Slum and Blight</p> <p>Citywide</p> <p>Neighborhood Revitalization</p> <p>GDG-\$15,000 \$0</p> <p>City will utilize funding to help with the demolition of 2 buildings.</p>
<p>5</p> <p>Project Name</p> <p>Target Area</p> <p>Goals Supported</p>	<p>demolish 2 buildings that have been identified as condemned.</p> <p>Emergency Housing Repair</p> <p>Citywide</p> <p>Emergency Home Repair</p>

Needs Addressed	Maintain existing affordable housing
Funding	CDBG: \$20,000 \$7,600
Description	Funding will be used to assist those homeowners who are in need of emergency home repair or ADA accessibility.
Target Date	
Estimate the number and type of families that will benefit from the proposed activities	
Location Description	
Planned Activities	
Project Name	Public Facility - Triangle
Target Area	
Goals Supported	Central Business District Enhancement
Needs Addressed	
Funding	CDBG: \$86,000
Description	Funding will be utilized to enhance the old Quality Lube to a public open space that will provide additional parking surrounding the open space. Funding will include infrastructure improvements to the open space and parking/ sidewalks, lighting and beautification
Target Date	
Estimate the number and type of families that will benefit from the proposed activities	
Location Description	

6

Planned Activities	After Quality Lube is demolished, funding will support restoring the property to open public space, to include lighting, benches, beautification enhancements, as well as on street parking..
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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 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*, or other lodging place within the city offering lodging for compensation to any transient.

Lodging means any room or space *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 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):

Recorded Roll Call Vote (Second Reading):

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

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

David Horton, Mayor

ATTEST:

Jennifer G. Wilder, City Clerk