

**REGULAR MONTHLY MEETING
OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, JULY 7, 2020
6:00 PM**

Mayor Diaz called the meeting to order at 6:02 pm and led the Pledge of Allegiance.

Mayor Diaz asked that we observe a moment of silence.

Roll was called with the following members present remotely:

Mayor Diaz, Vice-Mayor Nauman, Councilman Bowers, Councilman Fravel, Councilman Hollis,
Councilwoman Stevens, Councilwoman Swygert-Smith

Staff present: Mike Majher, Town Manager; Kelly Thatcher, Deputy Town Clerk; Steve Rickards, Town
Treasurer; Dave Griffin, Town Attorney; Timothy Vaught, Fire Chief, Steve Hawkins, Interim Police Chief

Guests: Josh Janney, Winchester Star

PUBLIC COMMENT

Mayor Diaz asked if anyone from the public had comments. There were no comments from the public.

MINUTES – REGULAR MEETING OF June 2, 2020 and SPECIAL MEETING OF May 26, 2020

Councilor Swygert-Smith noted that lead should be led and that COVID needed to be fixed. With the corrections noted, Councilor Swygert-Smith moved for approval of the minutes of the regular Town Council Meeting of June 2, 2020 and the Special Meeting of May 26, 2020. The Motion carried with the following VOTE:

Bowers-Aye	Fravel-Aye
Hollis-Aye	Nauman-Aye
Swygert-Smith-Aye	Stevens-Aye

TREASURER'S REPORT – Report attached

Town Treasurer Steve Rickards reported that June was the strongest month on record. He said that we ended the fiscal year on a very strong note. He stated that the real estate tax and decal bills were due on Monday and that 75% of them had been paid. Mr. Rickards stated that we now have mortgage companies paying through ACH and that has made the process so much easier. Councilor Hollis asked if there could be a cumulative report with the yearly results. Mr. Rickards said that he could get that report for them. Mike Majher wanted council to know that we are still processing payments, so the percentage received was higher than reported. Councilor Fravel wanted to know how much was still owed by delinquent utility customers. Mr. Rickards said we had about \$16,000 that was outstanding. Mr. Majher noted that that amount had decreased by about 10,000 since the last council meeting. Councilor Hollis wanted to know if we had a plan set up to address this issue. Mr. Rickards let him know that Town staff has sent out letters to let the customers know that they could set up a payment plan. He also informed Council that starting in August we will reinstate late fees and cutoffs.

POLICE REPORT – Report attached

Major Hawkins started out by sending his condolences to Officer Payne on the death of his grandfather. He also wanted to commend Officer Copp on helping Middletown with the parade and Fireworks on July 4th. He then read the report. Major Hawkins stated that Warren Gosnell of the FCSO had been contacted by a tree service contracted by VDOT to help with directing traffic on Thursday and Friday of this week.

SCVFD REPORT- Timothy Vaught, Fire Chief-Report attached

Fire Chief Timothy Vaught read his report. Chief Vaught reported that fundraisers have begun again with restrictions.

ACTION AGENDA

There was nothing on the action agenda.

COMMITTEE REPORTS

A. Finance Committee – Joseph Hollis, Chair

No Meeting: No Comments

B. Personnel Committee –Ronald Bowers, Chair

No Meeting: No Comments

C. Public Safety Committee –Jason Nauman, Chair

No Meeting: Councilor Nauman commented that the process of hiring a Chief has resumed. Mayor Diaz wanted it to be known to quash any rumors that “We do not have a chief”. Councilor Swygert-Smith asked if Council would have a say in the selection. Councilor Nauman answered that Council would have to approve the selection made by the committee. Councilor Fravel asked what the timeline was on the selection. Councilor Nauman stated that ideally the new chief would be selected by the end of August.

D. Public Works Committee –Tina Stevens, Chair

No Meeting: No Comments

E. Ordinance and Governments Committee- Regina Swygert-Smith Chair

No Meeting: No Comments

F. Parks and Recreation Commission- Ronald Bowers, Chair

No Meeting: No Comments

G. Planning Commission- Linden A. Fravel Jr. Chair

No Meeting: No Comments

H. Newtown Heritage Festival Committee

No Meeting: No Comments

APPROVAL OF COMMITTEE MINUTES AND REPORTS

Councilor Swygert-Smith made a Motion to approve the committee minutes. The minutes were approved with the following Vote:

Bowers-Aye	Fravel-Aye
Hollis-Aye	Nauman-Aye
Swygert-Smith-Aye	Stevens-Aye

TOWN MANAGERS REPORT

Town manager Mike Majher reported:

1. That the new trash service has been going relatively smooth with only a few complaints. A few people were missed during the delivery of cans and others have requested additional cans. It will continue to improve. Residents need to let us know if they have and complaints or concerns.
2. The digital payments of Property Tax made things run much more smoothly.
3. There have been engineers in town inspecting manholes. They are working with GIS. We saw the preliminary reports and Brett and Rich are excited by what they have seen.

4. We are working on rehabbing some of the manholes in in need of repair this month.
5. Later in the month we will be working on two sewer lines. One is on Newtown Court and the other on Water Street.
6. There was a legislative change that allows us to have designated zoning officers. The zoning officers can charge residents with zoning violations and those charges will be considered misdemeanors.
7. As was stated before, the search for Police Chief has gotten underway.
8. It looks like the Yard Crawl will be happening this year on August 8th. Anticipate traffic.
9. VDOT will be cutting trees down at the end of the week. They sent an arborist to examine trees on Main Street and those that were deemed a danger to traffic or pedestrians were marked for removal.

COUNCIL COMMENTS/CALENDAR

Mayor Diaz thanked everyone for being here remotely and asked if there were any comments. Councilman Hollis stated that he had no idea that the AMVETS were having a Grand Opening and asked that in the future Council be informed. Councilwoman Stevens asked if the Town had any plans to have a Proclamation for Black Lives Matter as other jurisdictions have done. She stated that this would be done not to promote but to show support and unity. Mike Majher suggested that she attend the Ordinance Committee Meeting and put forth her ideas for the Proclamation.

There being no more business Councilman Fravel made a motion to adjourn at 6:32 pm and the motion carried unanimously.

Michael A. Diaz, Mayor

Kelly Thatcher, Deputy Town Clerk



07/01/2020 - 07/31/2020

REVENUE DESCRIPTION	AMOUNT
Cigarette Tax	\$ 12,825.00
Connection Fees	\$ 225.00
Restaurant Meals Tax	\$ 7,917.97
Lease Property Payments	\$ 3,100.00
Lodging Tax	\$ 821.60
Zoning Permit Fees	\$ 50.00
Fines, Forfeitures & Finger Prints	\$ 735.70
State Sales Tax	\$ 14,392.00
Sale of Miscellaneous	\$ 25.00
Total	\$ 40,092.27
UTILITIES	
Water	\$ 15,035.33
Sewer	\$ 32,795.31
PrePay	\$ 948.40
Total	\$ 48,779.04
UTILITY DEPOSITS AND AVAILABILITY FEES (DEPOSITED IN ESCROW)	
Deposits	\$ 1,800.00
Total	\$ 1,800.00
TAXES	
Real Estate Tax	
Principal Real	\$ 22,890.26
Interest Real	\$ 0.66
Total	\$ 22,890.92
Personal Property Tax	
Principal Personal	\$ 900.51
Penalty Personal	\$ 40.41
Interest Personal	\$ 3.22
Machine/Tools	\$ 103.24
Business Equipment	\$ 4,504.75
Decal Fee 1	\$ 9,520.71
Decal Fee 2	\$ 659.20
Total	\$ 15,732.04
Business Licenses	
10000 -- RETAIL SALES	\$ 224.43
10003 -- CONTRACTORS	\$ 15.00
10004 -- PERSONAL SERVICES	\$ 111.00
10005 -- BUSINESS SERVICES	\$ 15.00
PENALTY TRANSACTIONS	\$ 20.94

Total \$ 386.37

Vehicle Decals

3RD QTR DISC \$ 200.00

TRANSFER \$ 2.00

Total \$ 202.00

Commonwealth of VA

Communications Tax \$ 1,841.87

Railroad Rolling Stock \$ 1,131.28

Total \$ 2,973.15

EXPENDITURES

Accounts Payable \$ 89,281.18

Wages \$ 28,335.91

VRS \$ 9,413.86

Total \$ 127,030.95

Total Revenue \$ 132,855.79 TRUE \$ 129,882.64

Total Expenditures \$ 127,030.95 \$ 129,882.64

Total Net Position \$ 5,824.84 \$ -



REVENUE

Cigarette Tax	
Connection Fees	
Restaurant Meals Tax	
Lease Property Payments	
Veterans Memorial	
Lodging Tax	
Zoning Permit Fees	
Fines, Forfeitures & Finger Prints	
Newtown Heritage Festival	
Fire Marshall Fee	
Consumption Tax	
State Sales Tax	
Miscellaneous Income	
Utility - Electric	
Utility - Natural Gas	
Total	

UTILITIES

Water	
Sewer	
Penalty	
PrePay	
Misc	
Total	

UTILITY DEPOSITS AND AVAILABILITY FEES (DEPOSITED IN ESCROW)

Deposits	
Total	

	CMTD 07/01/2020 - 07/31/2020	PFME 07/01/2019 - 07/31/2019
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\$	12,825.00	\$	10,687.50	20%
\$	225.00	\$	325.00	-31%
\$	7,917.97	\$	9,085.40	-13%
\$	3,100.00	\$	3,000.00	3%
\$	-	\$	500.00	-100%
\$	821.60	\$	-	0%
\$	50.00	\$	550.00	-91%
\$	735.70	\$	2,014.10	-63%
\$	-	\$	50.00	-100%
\$	-	\$	25.00	-100%
\$	-	\$	345.34	-100%
\$	14,392.00	\$	14,387.16	0%
\$	25.00	\$	192.00	-87%
\$	-	\$	2,527.69	-100%
\$	-	\$	506.24	-100%
\$	40,092.27	\$	44,195.43	-9%

\$	15,035.33	\$	8,959.44	68%
\$	32,795.31	\$	25,522.89	28%
\$	-	\$	33.42	-100%
\$	948.40	\$	296.52	220%
\$	-	\$	25.00	-100%
\$	48,779.04	\$	34,837.27	40%

\$	1,800.00	\$	4,400.00	-59%
\$	1,800.00	\$	4,400.00	-59%

Real Estate Tax	\$	22,890.92	\$	42,354.54	↓	-46%
Personal Property Tax	\$	15,732.04	\$	32,942.08	↓	-52%
Business Licenses	\$	386.37	\$	110.00	↑	251%
Vehicle Decals	\$	202.00	\$	90.00	↑	124%
Commonwealth of VA						
Railroad Rolling Stock	\$	1,131.28	\$	1,158.99	↓	-2%
Fire Department Flow Thru	\$	-	\$	-	↔	0%
Communications Tax	\$	1,841.87	\$	1,923.24	↓	-4%
Total	\$	2,973.15	\$	3,082.23	↓	-4%
EXPENDITURES						
Accounts Payable	\$	89,281.18	\$	127,566.74	↓	-30%
Wages	\$	28,335.91	\$	28,029.90	↑	1%
VRS	\$	9,413.86	\$	10,042.39	↓	-6%
Total	\$	127,030.95	\$	165,639.03	↓	-23%
Total Revenue	\$	132,855.79	\$	162,011.55	↓	-18%
Total Expenditures	\$	127,030.95	\$	165,639.03	↓	-23%
Total Net Position	\$	5,824.84	\$	(3,627.48)	↓	-261%
Bank Balances as of 08/03/2020						
Bank of Clarke County	3,127.28					
Capon Valley Bank General Fund	488,775.22	RE Collections: 2018 - 99.14%	PP Collections: 2018 - 90.23%			
Capon Valley Bank CIP	117,417.59					
Capon Valley Utility Deposit	140,759.18	RE Collections: 2019 - 98.20%	PP Collections: 2019 - 88.62%			
Capon Valley Utility Fund CIP	114,359.77					
Capon Valley Bank Mulberry Account	2,165.64					
Capon Valley Mountain Valley Estate Bond	124,828.81	RE Collections: 2020 - 70.38%	PP Collections: 2020 - 96.30%			
BB&T General Reserve Fund	23,090.65		Decal Collections: 2020 - 52.81%			
BB&T Utility Reserve Funds	11,799.01					
BB&T Savings Account	9,564.46					
BB&T CD (Peter B. Stickley)	11,680.62	Total RE Collection: 94.59%				
Total Bank Fund Balances - Cash On Hand	1,047,568.23	Total PP Collection: 87.53%				



Revenues

General Fund	FYE 16		FYE 17		FYE 18		FYE 19		FYE 20	
	07/15-6/16		07/16-6/17		07/17-6/18		07/18-6/19		07/19-6/20	
Miscellaneous Receipts	\$ 1,697.54	\$	1,725.76	\$	4,652.88	\$	7,231.19	\$	1,313.73	↓ -82%
Connection Fees	\$ 4,100.00	\$	3,775.00	\$	3,150.00	\$	3,300.00	\$	3,600.00	↑ 9%
Restaurant Meals Tax	\$ 94,410.67	\$	96,804.34	\$	107,877.52	\$	116,622.79	\$	110,325.20	↓ -5%
VML GRANT	\$ -	\$	-	\$	-	\$	1,000.00	\$	-	↓ -100%
Lease Property Payments	\$ 7,551.00	\$	6,150.00	\$	3,901.00	\$	4,050.00	\$	4,000.00	↓ -1%
Veteran's Memorial	\$ 4,615.00	\$	820.00	\$	3,220.00	\$	270.25	\$	1,200.00	↑ 344%
Fines and Forfeitures	\$ 19,360.80	\$	18,030.66	\$	18,683.01	\$	31,242.16	\$	23,515.00	↓ -25%
Zoning Permit Fees	\$ 5,872.00	\$	500.00	\$	1,975.00	\$	1,825.00	\$	17,064.00	↑ 835%
Cigarette Tax	\$ 64,125.00	\$	77,063.48	\$	71,250.00	\$	71,250.00	\$	78,375.00	↑ 10%
Sales Tax	\$ 143,778.48	\$	152,394.16	\$	150,081.87	\$	154,793.03	\$	167,547.94	↑ 8%
Lodging Tax	\$ 412.25	\$	-	\$	-	\$	5,800.67	\$	2,211.50	↓ -62%
Consumption Tax	\$ 5,423.95	\$	5,326.76	\$	5,761.72	\$	5,451.89	\$	5,326.46	↓ -2%
Newtown Heritage Festival	\$ 19,767.20	\$	18,207.00	\$	13,799.00	\$	14,691.00	\$	9,725.00	↓ -34%
Newtown Merchandise	\$ -	\$	2,471.00	\$	2,163.00	\$	1,906.00	\$	145.00	↓ -92%
Newtown Vendors	\$ -	\$	1,350.00	\$	1,195.00	\$	1,320.00	\$	355.00	↓ -73%
Newtown Commons Fees	\$ 1,600.00	\$	1,500.00	\$	1,675.00	\$	1,500.00	\$	1,000.00	↓ -33%
Utility - Electric	\$ 31,324.10	\$	33,061.51	\$	31,581.84	\$	31,365.45	\$	30,989.96	↓ -1%
Utility - Natural Gas	\$ 10,823.13	\$	9,702.14	\$	12,264.07	\$	11,850.82	\$	10,987.15	↓ -7%
Rental of Cropping Land	\$ -	\$	-	\$	250.00	\$	-	\$	-	-
Land Use	\$ -	\$	-	\$	23,200.00	\$	-	\$	-	-
Insurance Recoveries	\$ -	\$	377.99	\$	-	\$	-	\$	-	-
Yard Crawl	\$ -	\$	-	\$	-	\$	-	\$	-	-
Sale of Property	\$ -	\$	-	\$	-	\$	-	\$	-	-
Fire Marshal Fee	\$ -	\$	15.00	\$	-	\$	2,500.00	\$	25.00	↓ -100%
Fire Department Donations	\$ -	\$	512.56	\$	-	\$	537.56	\$	512.56	↓ -5%
Bank Stock Tax	\$ -	\$	113.00	\$	1,208.00	\$	1,267.00	\$	2,346.00	↑ 85%
Hometown Christmas	\$ -	\$	-	\$	-	\$	-	\$	290.00	↗ 0%
EXPENDITURE REFUNDS	\$ 205.46	\$	-	\$	20.90	\$	-	\$	-	-
Total	\$ 415,066.58	\$	429,900.36	\$	457,909.81	\$	469,824.81	\$	470,854.50	↑ 0%
UTILITIES										
Water	\$ 149,619.05	\$	146,564.46	\$	138,210.52	\$	159,717.36	\$	163,062.96	↑ 2%
Sewer	\$ 348,600.18	\$	345,180.37	\$	320,357.22	\$	362,903.03	\$	374,623.30	↑ 3%
Penalty	\$ 8,470.35	\$	7,023.47	\$	6,802.00	\$	8,044.46	\$	6,644.14	↓ -17%
PrePayments	\$ -	\$	6,183.91	\$	5,950.64	\$	5,378.40	\$	6,676.92	↑ 24%
Reconnection Fees	\$ 2,036.65	\$	2,075.00	\$	4,325.00	\$	3,652.67	\$	4,525.00	↑ 24%
Sale of Land	\$ -	\$	-	\$	-	\$	50,000.00	\$	-	↓ -100%

METER CHG	\$	-	\$	270.12	\$	-	\$	-	\$	-	0%
Miscellaneous	\$	1,189.05	\$	1,473.67	\$	919.56	\$	499.24	\$	987.05	98%
Total	\$	509,915.28	\$	508,771.00	\$	476,564.94	\$	590,195.16	\$	556,519.37	-6%

UTILITY DEPOSITS AND AVAILABILITY FEES (DEPOSITED IN ESCROW)

Deposits	\$	33,000.00	\$	29,000.00	\$	22,600.00	\$	21,300.00	\$	28,740.00	\$	35%
Water (Availability Fees)	\$	12,534.00	\$	-	\$	30,825.00	\$	-	\$	84,075.00	\$	0%
Sewer (Availability Fees)	\$	5,605.00	\$	-	\$	66,088.00	\$	-	\$	188,010.00	\$	0%
Total	\$	51,139.00	\$	29,000.00	\$	119,513.00	\$	21,300.00	\$	300,825.00	\$	1312%

TAXES

Real Estate Tax	\$	105,622.90	\$	145,462.93	\$	172,841.60	\$	155,707.11	\$	173,151.54	\$	11%
Personal Property Tax	\$	66,095.09	\$	125,258.44	\$	120,117.86	\$	103,624.24	\$	105,698.68	\$	2%
SCC - Real Estate	\$	5,615.86	\$	3,385.03	\$	5,506.32	\$	5,331.65	\$	5,492.60	\$	3%
Total	\$	177,333.85	\$	274,106.40	\$	298,465.78	\$	264,663.00	\$	284,342.82	\$	7%

Business Licenses	\$	64,004.91	\$	57,421.23	\$	58,144.07	\$	65,375.57	\$	71,726.12	\$	10%
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Vehicle Decals	\$	2,545.25	\$	1,858.25	\$	1,412.00	\$	916.00	\$	1,327.00	\$	45%
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Commonwealth of VA

MVC Rolling Stock Tax	\$	1,266.02	\$	1,135.28	\$	1,131.70	\$	1,150.76	\$	1,158.99	\$	1%
Law Enforcement Grant	\$	33,168.00	\$	34,236.00	\$	35,514.00	\$	35,504.00	\$	36,888.00	\$	4%
Fire Department Flow Thru	\$	10,512.56	\$	10,100.00	\$	10,000.00	\$	10,000.00	\$	-	\$	-100%
SAFETEA - LU GRANT (N Main St)	\$	3,351.38	\$	-	\$	-	\$	-	\$	-	\$	0%
Communications Tax	\$	26,592.02	\$	25,867.31	\$	25,210.17	\$	23,488.89	\$	22,630.96	\$	-4%
DMV DUI Grant	\$	1,528.17	\$	2,917.02	\$	-	\$	1,939.64	\$	3,749.30	\$	93%
PPTRA	\$	-	\$	30,884.36	\$	30,884.36	\$	30,844.36	\$	30,884.36	\$	0%
Animal Friendly	\$	-	\$	76.42	\$	-	\$	-	\$	-	\$	0%
Litter Control Grant	\$	1,071.00	\$	1,015.39	\$	1,006.00	\$	1,086.00	\$	930.00	\$	-14%
Total	\$	77,489.15	\$	106,231.78	\$	103,746.23	\$	104,013.65	\$	96,241.61	\$	-7%

Total Revenue	\$	1,297,494.02	\$	1,407,289.02	\$	1,515,755.83	\$	1,516,288.19	\$	1,781,836.42	\$	18%
Total Expenditures	\$	-	\$	-	\$	-	\$	-	\$	-	\$	18%
Total Net Position	\$	1,297,494.02	\$	1,407,289.02	\$	1,515,755.83	\$	1,516,288.19	\$	1,781,836.42	\$	18%

To: Mayor Mike Diaz
Members of Town Council

From: Interim Chief Steve Hawkins

Date: August 3, 2020

Subject: Police Report for July 2020

The Stephens City Police Department responded to 444 calls for services during the month of July. We assisted the Frederick County Sheriff's Office with 20 calls, the Middletown Police Department with 5 calls and the Virginia State Police with 1 call.

We wrote 2 traffic citations for faulty brakes and follow too close.

We wrote 1 parking ticket for parking with 15 feet of a fire hydrant.

We spent a total of 2 hours in court for the month.

We wrote 9 incident reports and had 1 arrest for the month. A breakdown of reports is below.

- 1 – Traffic Accident
- 2 – Vandalism
- 1 – Computer Fraud
- 1 – Larceny from Vehicle
- 1 – Runaway
- 1 – Domestic
- 1 – Dog Bite
- 1 – Mental Case

AN ORDINANCE TO AMEND CHAPTER 23 OF THE CODE OF THE TOWN OF STEPHENS CITY, VIRGINIA

For the purpose of revising the Town's Floodplain Ordinances.

BE IT ORDAINED, by the Common Council of the Town of Stephens City, Virginia, that Sections 23-535 -23-540 of Chapter 23 of the Town of Stephens City is hereby amended to read as follows:

~~Division 11.5 Floodplain Overlay~~

Section 23-535 Purpose and Applicability

A. Purpose.

The purpose of these provisions of this chapter is to prevent the loss of life and 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:

1. Regulating 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.
2. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
3. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
4. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

These provisions shall apply to all lands within the jurisdiction of the Town of Stephens City, Virginia, and identified as being in the 100-year floodplain or as a special flood hazard area (SFHA) identified by the Town or shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) from the Federal Emergency Management Association (FEMA) or by the Federal Insurance and Mitigation Administration, as the maps are amended from time to time, mutatis mutandis.

Section 23-536

B. Compliance and Liability:

- 1.) Within the corporate limits of the Town of Stephens City, no land shall 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 chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.
- 2.) The degree of flood protection sought by the provisions of this chapter 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 chapter does not imply that areas outside the floodplain area or that land uses permitted within such area will be free from flooding or flood damages.
- 3.) This chapter shall not create liability on the part of the Town or any other employee for any flood damages that result from reliance on this chapter and any administrative decision thereunder.
- 4.) Records of actions associated with administering this ordinance shall be kept on file and maintained by the zoning administrator in perpetuity.
- 5.) The Town is a participant in the Community Rating System of the National Flood Insurance Program, and the Town manager is responsible for insuring the Town's compliance with this program.

Section 23-537 C. Abrogation, Greater Restrictions and Severability.

This chapter supersedes any ordinance currently in effect in the flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this chapter.

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

State law references 2.2-220.4; 15.2-984; 15.2-2200; 15.2-2280; 15.2-2283

Section 23-538 6 Penalties for Violations.

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Zoning Administrator Town Planner or any authorized employee of the Town of Stephens City shall be guilty of a class 4 misdemeanor. and subject to the penalties, therefore.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of Stephens City to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

Section 23-5397 Description of District:

A. Basis of District.

The floodplain district shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of the district shall be the one hundred (100) year flood elevations or profiles contained in the Flood Insurance Study and the Flood Insurance Rate Map for the Town of Stephens City, Virginia, prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration, and dated September 2, 2009 and as amended or as updated by the Town and approved by FEMA.

- 1.) The Approximated Floodplain District shall be the floodplain area for which no detailed flood profiles or elevations are provided but were a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the Flood Insurance Rate Maps. For these areas, the one hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100) - year 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 elevation in accordance with hydrologic and hydraulic engineering techniques. 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 Town.

B. Overlay Concept Zoning District.

- 1.) The Floodplain District described above shall be an overlay to the existing underlying area as shown on the Official Zoning Map, and as such, the provisions for the floodplain district shall serve as a supplement to the underlying district provisions.

- 2.) In case of any conflict between the provisions or requirements of the Floodplain District and those of any underlying district the more restrictive provisions and/or those pertaining to the floodplain district shall apply.
- 3.) In the event any provision concerning a Floodplain District declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.
- 4.) Official Zoning Map:
 - a. The boundaries of the Floodplain District are established as shown on the Flood Insurance Rate Map which is declared to be part of this chapter and which shall be kept on file in the office of the town superintendent **Zoning Administrator.**
- 5.) District Boundary Changes:
 - a. The delineation of any of the Floodplain District may be revised by the Town Council where natural or man-made changes have occurred 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 document the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

Additionally, in the event of a Town boundary adjustment or annexation, the county floodplain ordinance in effect on the date of the annexation shall remain in effect and shall be enforced by the Town for one year, after which time the Town will enforce the FIRM for any annexed area, including special flood hazard areas that have flood zones. If these flood zones have regulatory requirements that are not set forth in this ordinance, the town manager and town attorney shall prepare amendments to this ordinance to adopt the FIRM and appropriate requirements, and submit the amendments to council for adoption; a copy of the amended ordinance shall be provided to DCR and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) §59.22(a)(9)(v) the town will notify the Federal Insurance Administration (FIA) and the state coordinating office in writing whenever the boundaries of the town have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that the FIRM accurately represent the town's boundaries, a copy of a map of the town suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed, or relinquished floodplain management regulatory authority must be included with the notification.

1.) Interpretation of District Boundaries:

Initial interpretations of the boundaries of the Floodplain District shall be made by the Zoning Officer. **Administrator**. Should a dispute arise concerning the boundaries of any of the District, 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 their case to the Board and to submit their own technical evidence. ~~if they so desire.~~

Section 23-54038** Development in the Floodplain District:**

A. 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 the ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the subdivision regulations in Title 5 of this code. Prior to the issuance of any such permit, the Zoning officer **Administrator** shall require all applications to include compliance with all applicable state and federal laws. Under no circumstance shall any use, activity, and /or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Alteration or Relocation of Watercourse

Prior to any proposed alteration or relocation of any channels or any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from FEMA, the U.S. Corps of Engineers, the Virginia Marine Resources Commission, the Virginia State Water Control Board (a joint permit application is available is from anyone of these organizations.) Notification of the proposal shall be given to all adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation), and the Federal Insurance Administration.

C. Site Plans and Permit Applications

All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- 1.) For structures to be elevated, the elevation of the lowest floor (including basement).
- 2.) For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
 - a. The elevation of the one hundred (100) year flood.

- b. Topographic information showing existing and proposed ground elevations.

3.) Encroachment Provisions:

- a. No new construction or development shall be permitted within the floodplain district 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 elevation of the one hundred (100) year flood more than one/tenth (1/10) of a foot at any point.
- b. Within any floodway and/or floodplain area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with FEMA regulations and standard engineering practice that the proposed encroachment would not result in any increase in the one hundred (100) year flood elevation.

D. Permitted Uses

- 1.) Utilities: All utilities except water facilities and sanitary sewers and storm water systems. The utilities should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.
- 2.) Streets, Sidewalks and Trails: Streets, sidewalks, and trails should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights. Pervious pavement alternatives are strongly encouraged.
- 3.) Passive Recreational Facilities
- 4.) Existing Structures in Floodplain District: 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:
 - a. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than fifty (50) percent of its assessed value, shall be elevated and/or floodproofed to the greatest extent possible;

- b. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district, to extent of amount fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and the provisions of the Virginia Uniform Statewide Building Code;
- c. The changes are required to comply with a citation for a health or safety violation;
- d. The structure is an historic structure and the change required would impair the historic nature of the structure.

5.) Permitted by Special Use:

- a. Sanitary Sewer Facilities: All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- b. Water Facilities: All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.
- c. Drainage Facilities: All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and onsite waste disposal sites. The Town may require a primarily underground system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

E. Standards for Manufactured Homes and Recreational Vehicles

- 1.) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements.
- 2.) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has **not** incurred substantial damage as the result of a flood must be elevated so that either:

- a. The lowest floor of the manufactured home is elevated no lower 3 feet above the base flood elevation; or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade
- c. And the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- d. All recreation vehicles place on sites must either:
 - 1. be on the site for fewer than 180 consecutive days
 - 2. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on 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,
 - 3. meet all the requirements for manufactured homes.

Section 23-539 Flood prevention and protection

A. Study and Mitigation.

The Town Council may elect to undertake projects to mitigate future flood damage and implement flood prevention and protection projects, as well as study areas that are subject to recurrent flooding as certified by the Town Zoning Administrator, acting as the Town's floodplain manager. Funding for such projects shall be sought from the Virginia Community Flood Preparedness Fund, both the loan and grant program.

State law reference 10.1-603.25

- 1. A Town resident with property within the floodplain may apply for a partial exemption from Town real estate taxes up to 50% of the local tax for a period not to exceed 10 years to recompensate the owner for flooding abatement, mitigation or resiliency efforts for improved real estate that is subject to recurrent flooding. The Town Zoning administrator is vested with making a determination on qualifying improvements, but the improvements must not increase the size of any impervious area and must be made to qualifying structures completed prior to July 1, 2018 or to land. Land improvements must be for the benefit of qualifying structures. No tax exemption shall apply unless

the Town Council has designated in its fiscal budget for each year an amount for which the exemption will be granted for that year.

State law reference Virginia Constitution Article X Section 6; 58.1-3228.1

Section 23-540. Variances in the Floodplain district: In passing upon applications for variances in the Floodplain district, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Town zoning ordinance regarding variances and consider the following additional factors:

- (a.) The danger of 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 area that will cause any increase in the hundred (100) year 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 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 with 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.) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued

designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(m.) Such other factors which are relevant to the purposes of this chapter.

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 variance will be the minimum required to provide relief from any hardship to the applicant.

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 hundred (100) year 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 which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

Adopted on its third and final reading this ____ day of _____, 2020.

MAYOR

A public hearing on the above Ordinance was held on the ____ day of November, 2020, having been advertised in the _____ on _____, _____.

The Ordinance was enacted at the regular meeting of the Town Council held on

ATTEST:

TOWN DEPUTY CLERK

Vote: Y= Yes N= No A= Abstain

Ronald L. Bowers

Jason Nauman

Joseph Hollis

Linden A. Fravel, Jr.

Tine Stevens

Regina Swygert-Smith

Additional State Law References: Town Charter, Flood Control, 10.1-658; Flood Damage Reduction 10.1-659; Conservation 10.1-600 et seq.; Zoning and Planning Powers, 15.2-2200 et seq.; Erosion and Sediment Control Program, 10.1-560 et seq.

August 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 TOWN COUNCIL 6:00 PM	5	6	7	8
9	10	11 Personnel 4:30 pm	12	13	14	15
16	17	18 HPC 5:00 pm Beautification 5:30 pm	19 Public Works 4:30 pm Ordinance Committee 5:00 pm	20 NHF 7:15	21	22
23	24	25 Planning Commission 7:30 pm	26 Finance 4:00 pm	27	28	29
30	31 Parks & Rec 5:30 pm					

September 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 TOWN COUNCIL 6:00 pm	2	3	4	5
6	7	8 Personnel 4:30 pm	9	10	11	12
13	14	15 HPC Meeting 5:00 pm Beautification Board 5:30 pm	16 Public Works 4:30 pm Ordinance Committee 5:00 pm	17 NHF Committee 7:15 pm	18	19
20	21	22 Planning Commission 7:30 pm	23 Finance 4:00 pm	24 Public Safety 5:00 pm	25	26
27	28 Parks & Rec 5:30 pm	29	30			