

Bradley E. Grose, Mayor  
William "Wes" Nance, Vice Mayor  
I. Douglas Adams, Jr., Council Member  
Robert R. Altice, Council Member  
Matthew S. Hare, Council Member



Vinton Municipal Building  
311 South Pollard Street  
Vinton, VA 24179  
(540) 983-0607

**Vinton Town Council  
Regular Meeting  
Council Chambers  
311 South Pollard Street  
Tuesday, December 3, 2013**

**AGENDA**

Consideration of:

- A. 6:30 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM**
- B. CLOSED MEETING**
  - 1. Request to Convene in Closed Meeting, Pursuant to § 2.2-3711 (A) (7) of the 1950 Code of Virginia, as amended, for consultation with legal counsel regarding possible disposition of real property.
- C. RECONVENE AND ADOPT CERTIFICATION OF CLOSED MEETING**
- D. MOMENT OF SILENCE**
- E. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG**
- F. UPCOMING COMMUNITY EVENTS/ANNOUNCEMENTS**
- G. CONSENT AGENDA**
  - 1. Consider approval of minutes for:
    - a. Joint Council/Planning Commission/Board of Zoning Appeals meeting of October 29, 2013.
    - b. Regular Council meeting of November 5, 2013.
- H. AWARDS, RECOGNITIONS, PRESENTATIONS**
- I. CITIZENS' COMMENTS AND PETITIONS** - This section is reserved for comments and questions for issues not listed on the agenda.
- J. TOWN ATTORNEY**

**K. TOWN MANAGER**

**ITEMS REQUIRING ACTION**

1. Presentation of the June 30, 2013 Comprehensive Annual Financial Report by Brown Edwards & Company, LLP and consider adoption of a Resolution approving and accepting said Report.
2. Consider adoption of a Resolution authorizing the transferring of funds in the amount of \$7,250.00 to pay the Berkley Group for the development of a park master plan.

**BRIEFING**

1. Briefing on application by adjoining property owners for abandonment, vacation and deeding of undeveloped right-of-way known as Daleview Drive.
2. Briefing on the final draft of Town of Vinton/Roanoke County Stormwater Management Ordinance as required under the Virginia Stormwater Management Program (VSMP) Permit Regulations and the Virginia Stormwater Management Act § 62.1-44.15:27 of the Code of VA, as amended.

**UPDATE ON OLD BUSINESS**

1. Consider request for transfer of ownership to the Town of a 2002 Ford Crown Vic previously transferred to the Volunteer First Aid Crew in 2012.

**L. MAYOR**

**M. COUNCIL**

1. Financial Report for October 2013.

**N. ADJOURNMENT**

**NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.** Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Town Council meetings. Please call (540) 983-0607 at least 48 hours prior to the meeting date so that proper arrangements may be made.

**NEXT TOWN COMMITTEE/COUNCIL MEETINGS/EVENTS:**

**December 2, 2013 - 5:30 p.m.,** Finance Committee Meeting – Finance Conference Room

**December 3, 2013 – 5:00 p.m.,** Public Safety Committee Meeting – Town Conference Room

**December 5, 2013 – 10:30 a.m.,** Vinton Branch Library Construction Launch – new Vinton Library site

**December 10, 2013 – 8:00 a.m.,** Breakfast followed by Chamber Membership/State of the Town Meeting – Vinton War Memorial

**December 17, 2013 – 6:00 p.m.,** Work Session followed by Regular Council meeting at 7:00 p.m. – Council Chambers



## **Town Council Agenda Summary**

### **Meeting Date**

December 3, 2013

### **Department**

Council

### **Issue**

Request to Convene in Closed Meeting, Pursuant to § 2.2-3711 (A) (7) of the 1950 Code of Virginia, as amended, for consultation with legal counsel regarding possible disposition of real property.

### **Summary**

None

### **Attachments**

Certification of Closed Meeting

### **Recommendations**

Reconvene and adopt Certification of Closed Meeting

**AT A CLOSED MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, DECEMBER 3, 2013, AT 6:30 P.M. IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.**

**CERTIFICATION THAT A CLOSED MEETING WAS HELD  
IN CONFORMITY WITH THE CODE OF VIRGINIA**

**WHEREAS,** the Town Council of the Town of Vinton, Virginia has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

**WHEREAS,** Section 2.2-3712 of the Code of Virginia requires a certification by the Vinton Town Council that such closed meeting was conducted in conformity with Virginia Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Vinton Town Council hereby certifies that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from opening meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies; and
2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

Motion made by Council Member \_\_\_\_\_, and seconded by Council Member \_\_\_\_\_, with all in favor.

\_\_\_\_\_  
Clerk of Council



## **Town Council Agenda Summary**

### **Meeting Date**

December 3, 2013

### **Department**

Town Clerk

### **Issues**

1. Consider approval of minutes for:
  - a. Joint Council/Planning Commission/Board of Zoning Appeals meeting on October 29, 2013.
  - b. Regular Council meeting on November 5, 2013.

### **Summary**

None

### **Attachments**

October 29, 2013 minutes  
November 5, 2013 minutes

### **Recommendations**

Motion to approve minutes

MINUTES OF A JOINT MEETING OF VINTON TOWN COUNCIL, VINTON PLANNING COMMISSION AND VINTON BOARD OF ZONING APPEALS HELD AT 6:00 P.M. ON TUESDAY, OCTOBER 29, 2013, AT THE VINTON WAR MEMORIAL, 814 WASHINGTON AVENUE, VINTON, VIRGINIA.

COUNCIL MEMBERS PRESENT: Bradley E. Grose, Mayor  
William W. Nance, Vice Mayor  
I. Douglas Adams, Jr.  
Robert R. Altice  
Matthew S. Hare

PLANNING COMMISSION MEMBERS PRESENT: David R. Jones, Chairman  
Dawn M. Michelsen  
Robert A. Patterson

MEMBERS ABSENT: Paul R. Mason, Vice Chairman  
William E. Booth

BOARD OF ZONING APPEALS MEMBERS PRESENT: Robert R. Benninger, Chairman  
Allen S. Kasey, Vice Chairman  
Sabrina Weeks  
Frederick J. Michelsen  
Donald R. Altice

MEMBERS ABSENT: Debra P. Hagins

STAFF PRESENT: Christopher S. Lawrence, Town Manager  
Susan N. Johnson, Town Clerk  
Ryan Spitzer, Assistant to the Town Manager  
Anita McMillan, Planning & Zoning Director  
Joey Hiner, Assistant Public Works Director  
Mary Beth Layman, Special Programs Director

The Mayor called the meeting to order at 7:10 p.m. The Town Clerk called the roll with Council Member Adams, Council Member Altice, Council Member Hare, Vice Mayor Nance and Mayor Grose present. Anita McMillan called the roll with Planning Commission Members Jones, Michelsen and Patterson present and Board of Zoning Appeals Members Michelsen, Kasey, Weeks, Benninger and Altice present.

The Mayor made opening comments and expressed thanks to all in attendance. He then turned the meeting over to the Town Manager. The Town Manager commented that there were two discussion points to bring before the group and at the end of the meeting there would be time for discussion of other issues that the group might have. He then introduced staff that was present at the meeting.

The Town Manager next commented that staff has been working for four years on the Downtown Revitalization Grant. Mr. Spitzer has been tasked with managing and coordinating the entire project and tonight he will be presenting design work to get your feedback. There will be a public meeting to sharing all of the designs before construction drawings are prepared.

Mr. Spitzer commented that it has been a little over four months since we were actually given the go-ahead from the State to proceed with the project. He began his Power Point presentation showing a map of the original proposed grant area and commented that it will now extend to the Municipal Building and include the new library.

The Project Scope will consist of

- design work at the intersection of Washington and Pollard to improve the intersection and to put in handicapped-accessible sidewalks
- landscaping and some sign and road work at Virginia and Pollard
- a greening of the area at the Farmer's Market and a more cohesive look
- streetscaping with benches, updating some sign posts through the Downtown and lighting
- rehabilitation of the old garage site behind the Municipal Building
- façade improvements downtown with 12 properties being identified
- business development such as branding and marketing

The current projects underway are street lighting, Farmer's Market Design Plan, Post Office Site Plan Concept, façade improvements and the Virginia/Pollard intersection improvements.

The street lights have to be designed to catch the entire roadway with some overlap. To give a perspective, the current cobra head lights are about 32 feet tall and the banners on those poles are 20 feet tall. Through AEP's design, acorn lights have to be between 14 and 18 feet tall which are the more traditional lights you see in downtown Roanoke and other areas. A teardrop light has to be about 22 feet tall. He then showed two simulation photos which showed what the two types of lights would look like in the downtown area. The Downtown Management Team has decided on the teardrop light which will have places for the banners, flower baskets and electrical outlets.

Mr. Benninger asked what was the costs differential. Mr. Spitzer responded that we have \$3,000 set aside for each light. The teardrop lights are approximately \$2,200 each and the acorn lights run a little less per light. Mr. Jones asked about the lighting ability and the response was as far as casting, the current design is for 39 of the teardrop lights throughout the downtown. If we go with the acorn light, there will be 45 to 50 lights because they had to be closer together.

Mr. Benninger asked if we would have to tear up the sidewalks again to put a conduit in and the response was that we have found the plans from 1989 showing that AEP and the town put conduit in this area. Ms. Michelsen asked what would be the advantage over this style as opposed to the acorn style and the response was this style would set the town apart from other areas because most towns have the acorn lights.

Mr. Kasey asked if these lights will be energy efficient and the response was in order to lease the lights from AEP, they have to be 100 watt metal high pressure sodium lights. If we wanted to use LED lights, we would have to buy them ourselves. The Town Manager gave an explanation that AEP has a program that if a locality has the ability to maintain its street lights, then you can buy them outright and have them installed. Since we do not have that capacity in Public Works, we can lease the lights from AEP and the maintenance is handled by AEP.

Mr. Spitzer continued by commenting that we have 42 lights budgeted at \$3,000 each. Through the current design, it appears that we will only need 32 lights for the downtown area, so the remaining balance could be used for other accessories to the lights or moved into other areas of the grant. There is \$45,000 to remove the existing cobra light poles and AEP has

indicated they will remove a lot of them for little or no costs, so this would also be a savings. We have \$44,000 for conduit which we probably will not have to use since we found the 1989 plans; \$6,100 for site furnishings downtown and \$19,000 for upgrading of existing signs and for way finding.

The Town Manager commented that we are getting inquiries from other property owners outside the grant area who are interested in street lights. Since we cannot spend any grant money outside the grant area, a consideration in the future might be a partnership or cost sharing with those property owners or use of more town funds.

Mr. Spitzer continued his presentation with the Farmer's Market Concept Plan. The idea is to green up the space and make it cohesive through connecting the stage with the Farmer's Market visually. He showed a drawing which added decking to extend the stage area out into the side of the street. This would be some type of stamped concrete to create the visual that this is an event area. The parking spaces there now will be replaced with green pavers, some walls will be added that can also be used as seating. There will also be some type of anchoring tree in the area and an extension of the street lights.

Mr. Jones stated we need to expand the rules regarding who can use the Farmer's Market because there is one vendor in town who cannot use the Market. Mr. Hare asked what rule keeps him out and Mr. Jones responded that you have to grow your product in town. The Town Manager further commented that the rules state you have to be at least a Virginia grower or somewhat local. Ms. Layman responded the preference is 50 to 60 miles and most of the produce should be grown by the vendor selling it. It is not any different than the rest of the markets in the area. The vendor that Mr. Jones is speaking of buys his produce either in Hillsville or another place and then re-sells. We allow some to be purchased from someone else and be resold, but his 100 percent. Mr. Jones further commented he has never seen the Farmer's Market 100 percent full. We are selling ourselves as a business friendly community, but we have a solid rule that is working against us.

Mr. Spitzer continued with another drawing that shows removing the current entrance to the Farmer's Market, extending the parking spaces down and putting the entrance on the side to control traffic flow and make it look more inviting. Mr. Jones asked about a lease with some of the Farmer's Market property. Ms. McMillan responded that it does not exist anymore. When Mr. Boggess was the Town Manager all the property was purchased by the Town.

Mr. Spitzer continued by stating that the bollards shown can be used for seating. One suggestion has been to make the bollards different heights so people can sit and place food on them. A suggestion has also been made to extend the roof line of the pavilion further out towards the street so the bands can get closer to the Market area.

The Town Manager commented that we have a venue that we are trying to enhance and invest in and so are other surrounding areas such as Daleville and the City of Roanoke with Elmwood Park. We are not trying to compete with Elmwood Park, but we are competing with other events in the area. A member of our Downtown Management Team asked if there is something we can do to add value to the pavilion, so the architect did a rendering to show the extended roof. The pavilion is a very good structure for its purpose and is user friendly for the events we have had, but if we are centering all this work around the Farmer's Market, maybe we should give more attention to the pavilion as well. The expansion of the pavilion is not part of the grant. It would have to be a community project and determination would need to be made if the expansion would add value, be worth the money and are there sponsorship opportunities.

Mr. Hare asked if there is any screening behind the pavilion and the response from Mr. Spitzer was there is no screening in our current grant, but trees could be planted there.

Mr. Adams asked if the western exit to the Farmer's Market would be closed and the response was no. Mr. Spitzer stated that we are also considering the way the traffic flows into the Post Office. Right now vehicles that turn left into the Post Office block the road and cause a lot of congestion. We have looked at moving the stop bar to reverse the flow of traffic in the parking lot. Mr. Jones asked what if the parking lot was made for parking only on one side and we opened the other side of the building. Mr. Spitzer responded that was a good suggestion. The caveat we have is that everything has to be approved by the Post Office first. We want to engage your interest in even proceeding with this idea. Further comments and discussion were had regarding the issues of the parking at the Post Office and other parking issues downtown. The Town Manager commented that we have spoken to the owner of the building, but the approval must come from the Greensboro, North Carolina office. Mr. Spitzer stated that the current design plan has been sent to the Greensboro office and we are waiting for a response from them.

The grant funds available to upgrade to the Farmer's Market without the pavilion and some parking spaces is about \$100,000 for site improvements, \$14,000 for the design plan and \$2,500 for survey work of that area. In order to get the expanded pavilion, the architect has estimated that the cost would be \$29,000 to move the roof line out, \$19,000 for additional lighting and a \$14,000 contingency. Mr. Hare asked if we only spent \$70,000, could we use the other \$30,000 to make the pavilion bigger and Mr. Spitzer responded it is possible. In our grant application we only stated that we were going to do some improvements to the Farmer's Market. We never specified what those improvements would be. Our premise for applying for this grant and what DCHD wants from us is to revitalize downtown. As long as we can show improvement towards that, we can do the specific projects how we want.

The Town Manager said there may be money in the grant budget for the street lights that we may be able to use somewhere else. Also, there may be a company that would want to put money toward the pavilion or fund raising opportunities to leverage the grant money with our money to be able to do the pavilion. Mr. Jones said he would be willing to ask his company if they would fund a small piece of it.

Mr. Spitzer continued by commenting that we have \$5,000 in the grant for trees for the area and green/pervious parking in the amount of \$30,000.

Mr. Jones further commented we need to look at fixing the storm water problem at D & R Music while we are fixing the lights.

Mr. Spitzer stated that he would be glad to talk further with anyone in the group either in his office or at their office. Also, as we look at the area behind Town Hall, we can use some of the \$30,000 to improve the parking there and to fix that site as we move forward even if some other use were to go there. The Town Manager commented there has been conversation about a skate park there, but regardless, something will have to be done with that property.

Mr. Jones asked whatever happened to the equipment from the former skate park and the response was it was donated to Renewation about four years ago. That organization indicated they were going to create their own indoor skate park, but it never happened. They still have the equipment. When asked if we could approach them to have it back for the space behind Town Hall. The Town Manager responded that based on a recommendation from a professional that does skate parks and from our insurance carrier, in order to manage and reduce our risks, anything we buy for a skate park should be done by a professional.

Those ramps at that time were very appropriate when built, but they are not up to today's standards.

Mr. Spitzer said the next project is our façade improvements. We were designed for 12 facades throughout the downtown and we currently have nine in progress. They have met with our architect and are doing the renderings for what they want their facades to look like and what will match our façade for downtown. We have funds to match three more and after we get the nine that we are committed to, we will open the program back up. There were three completed previous to the grant that were used as a match—Neely's Accounting, Creative Occasions and IDK. They are a 50/50 match, the grant puts up 50 percent and the owner puts up 50 percent. There is \$191,000 in the grant for these 12 facades and we are using \$136,000 of those funds for the current nine. There will be \$89,000 left over to do other facades in the downtown or we can transfer that money to other areas. There was \$22,200 that we had to pay up front for the architect to look at the designs. Slides showing the façade improvements planned for the Post Office, Cornerstone Antiques, Azteca de Oro Tienda y Taqueria and Allstate were shown to the group.

Ms. Michelsen commented on some awnings in town that are starting to look shabby and how are the property owners going to deal with them. Maybe we should not encourage them to put up awnings, but some other façade. Mr. Spitzer responded that a couple of property owners have discussed putting up metal awnings instead of the cloth ones or some type of more durable material. We will take these comments back to the architect. Our downtown façade program states that they have to keep within the character that defined Vinton in the 50s-60s.

The Virginia/Pollard intersection project will include upgrades to the landscaping and signage. One idea that has surfaced is making 1<sup>st</sup> Street two ways up to the laundry mat and then putting some type of barrier so vehicles can enter, but not come out to the road. There are various options to use for the barrier.

Mr. Spitzer closed by commenting on our branding and marketing strategy. He said that many of the group had already met with the firm. They will be calling citizens in the town to solicit input on what they view Vinton as now and in the future, so if you get a call, please respond. We are also considering sending a survey out to the high school to get that younger demographics input.

The Town Manager made opening comments that we have a lot of codes that help to protect our neighborhoods and in a lot of cases we do a very good job of enforcing them. However, there are some properties that we cannot seem to address because current code does not give us enough authority to deal with the real problem. One of the ideas that our Planning staff has researched and wants to brief you on tonight concerns spot blight abatement. We want to make you aware of what the State will allow us to do and get some direction from Council as to whether you want to pursue this or not.

Anita McMillan began by commenting that we have an agreement with Roanoke County to handle all our building code requirements review and determine when a house can be condemned. The City of Roanoke has a maintenance code, but Roanoke County and the Town do not have such a code, so since 2009 we have had properties that continue to be a problem.

In 2005 when we did the comprehensive plan, we identified a list of house in neighborhoods in Vinton that can be defined under dilapidated and with structural deficiency and many of these houses that are vacant we have received complaints about. Since 2009 the State Code has provided ways that localities can address these issues with such properties called spot blight

abatement. One example is the property at 123 Gus Nicks Boulevard. We have been working with the County Building Official since 2009 and based on his inspection, it cannot be condemned. He indicated we can ask that it be secured, but he does not have the authority to say that this property is at the point that we have to demolish it. He does not feel comfortable because just looking at the outside, it only needs to be secured. However, those that live adjacent to this property and for those of us who have been receiving the complaints, know that a tree is growing from that house. Tonight we want to give you some information regarding a policy to address spot blight abatement. Ms. McMillan then showed pictures of houses at 308B 9th Street, 522 5th Street and 856 Chestnut Street.

Ms. McMillan next commented that property can be considered blight if it meets any of the following:

- vacant for at least one year;
- subject of documented complaints;
- no longer maintained for useful occupancy;
- dilapidated or lacks normal maintenance and upkeep;
- subject of nuisance abatement actions undertaken by the Town;
- Any buildings or improvements which are detrimental to the safety, health, morals or welfare of the community.

Mr. Hare asked if any one of those criteria is met, can it be considered blight and the response was yes. Mr. Hare then asked if he went on a long-term assignment for work, say for two years, but he is still having his lawn mowed and his house maintained, would it be considered blighted because it is vacant? Ms. McMillan responded that there would be a thorough investigation of the property and other factors would need to be present before property can be determined to not be safe and it should be demolished.

There are other potential conditions that may cause a property to be considered blighted such as a condemned structure, rat and rodent infestation, previous citations or inadequate facilities such as sewage, septic, plumbing, well or heating facilities. Other conditions could be potential trespass, nuisance to children, a fire hazard or substantial dilapidation of buildings or structures.

The proposed procedure would be to have a Town Team made up of representatives from the Planning, Police, Fire Marshal and Public Works Departments. This team will do the initial investigation and discuss complaints received about specific properties in order to build a good case. We do not want to consider property blighted just because it is not being mowed, but if it has been a constant problem in other areas for an extended period of time. Once we make that determination, we will contact the Building Official for his determination if the building is also structurally deficient.

The next step would be to notify the property owner and give them 30 days to respond with a plan. Upon approval of the plan by the team and/or Building Official, the owner would have 90 days to complete the work. If the owner fails to notify the town within the 30 day period, then the Town Manager can present it to Council for determination if they want to proceed with a public hearing. Prior to a public hearing, the owner will again be notified and the appropriate advertising will be placed in The Messenger. If Council approves the repair or demolition, bids will be solicited from contractors to abate the blight and carry out the approved plan to repair or dispose of the property.

Ms. McMillan commented further on the property at 123 Gus Nicks and the fact that we did receive a bid from a contractor to demolish the house for \$12,000. However, we found out

that our existing code does not have a policy to define the process. This will also require an amendment to our current building code. We will work with Roanoke County's Building Official since the County amended their code in April. Other demolition prices were \$7,000 for the property on Hardy Road and \$8,000 for the one on Chestnut (before purchased by a developer).

The Town Manager commented that the government does have certain powers to control or regulate properties through our zoning code. In this case, one of the most powerful things the government can do is take your house. Anything related to this has to be treated with the highest level of responsibility from the government side. That is why we are recommending a team approach for a thorough investigation so that everything is documented. Staff is not taking this lightly; this is the ultimate tool to tear down someone's house. This at least allows us an avenue to try and address those properties that we do have.

A question was asked if any taxes are being paid on these properties. Ms. McMillan responded that back in 2005 when our comprehensive plan was updated, we listed houses in five neighborhoods which was Cleveland, Gladetown, Vinyard, Midway and part of downtown. The criteria we used back then were major deficiencies, dilapidated, received complaints and if utility costs and taxes were being paid. In every neighborhood we have at least three or four houses that have always been a problem and there are a lot more problems when the house is vacant.

The Mayor commented that the process to condemn a house in a neighborhood is very, very difficult and it should be. However, he does believe there comes a time when it is the responsibility of the government to help its citizens. If we have a team and it is structured in this way, he would be in favor of us adopting this policy.

Vice Mayor Nance commented that this has to be the statute of last resort. He wants a statute in place that even in the future when staff and elected officials are different that it can only be enforced when there is a property that is actually impacting neighbors in a negative and unhealthy fashion. There will be some subjective issues, but there needs to be some objective criteria for it to meet the definition of blighted. The State code is pretty flexible, but he thinks we need something inflexible that will take a lot for us to get to it. There needs to be at least multiple tiers of attempted notification and the first few should actually point out abatement possibilities for those landowners. If they have gotten to the point that they are an absentee landowner or a landowner that does not have the physical ability to right the problem, that we suggest maybe some faith based or civic organizations that can help them get their property back into compliance or we consider using the statute. He would like to see it proceed, but wants to hold that statute to a very high standard.

Mr. Hare commented that before his family moved into his grandparents' house in Dillon Woods, it met four of the criteria, it was vacant, had mice, problems with the HVAC and rotten materials on the outside, but he would not put it in the same category as Gus Nicks. The bar for him is really high on this issue. Mr. Hare asked does this cover just residential or also commercial and Ms. McMillan responded it would cover everything.

Mr. Adams commented that looking at the time frames and the different notices and waiting time, this is not going to be something that will happen in two months. This is going to take six months to a year. But he agreed that meeting only one of the criteria should not allow us to do anything. There has to be a comprehensive investigation and multiple tries to fix the situation before we act under this statute.

Mr. Hare asked if they would go before the Planning Commission at all and Ms. McMillan responded that there are localities that take it before their Planning Commission. If that is the process that Council would want us to follow, we can go through the Planning Commission first. The Town Manager commented that it would add value to the credibility of the investigation by having a public review. Mr. Nance also commented that you could go through Planning and Zoning and the Town Manager as a gate keeper. There will have to be procedural hoops that we jump through that are documented and a system of checks and balances whether that is through another citizen commission or board or through different levels of government before it gets to the elected officials. The Mayor agreed with the idea of using the Planning Commission and their traditional role of making a recommendation. He really considers the BZA, Planning Commission and Council as a team and we value input from other members of the team and actually we count on it.

Mr. Altice said this is not something new. This issue was the topic of a round table discussion at the Virginia Municipal League conference several years ago with about six localities of elected officials and it is not an easy thing. Regarding the Planning Commission, he indicated he makes a motion a lot of times based on their recommendation because they did a good job and he thinks that is the best you can do.

Mr. Jones commented that there are times that people feel more comfortable at different levels. Generally people feel comfortable coming to a public hearing for the Planning Commission and speaking their peace about an issue and do not feel they know how to talk in front of Council. Often things can be handled at the lower level and resolved, the more levels an issue goes through, the less likely everybody is wrong. It is not going to keep getting passed along if everybody is looking at it the wrong way. Mr. Altice commented that a lot of times the Planning Commission takes the edge off something and it gets done.

Mr. Jones commented that there may be reasons why these houses are in the shape they are in that can be determined through this process. The ultimate purpose is to get it fixed or get it cleaned up. If you get it fixed, you get the taxes paid and you have something good. It may be that some of these houses need to be sold and somebody else would take it and do it.

Ms. Weeks commented that Valley Bank participates in the Rebuilding Together program which is an outreach program for employees and it would be great if we were able to include that information in the letter to the property owner to give them an opportunity to ask for help. Maybe if they do not have the financial ability to tear the house down, we could give them more insight from a financial view. If these properties are causing us to have a bad appearance to others, after we have done all our homework we need to go ahead and move forward instead of waiting four or five years.

Mr. Kasey commented that if they find a homeowner that is up in age and cannot afford to repair the place or tear it down there ought to be some kind of way to get an offer to purchase it from these people for an investment. A lot of these old places would cost more to repair than to tear it down and build brand new ones. Mr. Jones then commented that if you had a lot leveled and you could build a house on it, it would be worth more than \$1,000. Ms. Weeks asked if the property owners are local and the response was the one for the Gus Nicks property is local.

The Town Manager commented that unless that are other comments and questions it appears that there is enough interest from Council for staff to move forward with drafting the policy and code amendment and bring back to Council for further consideration. We will also share with the Planning Commission.

The Town Manager asked if there was anything further from the group. Mr. Kasey brought up the issue regarding the widening of Giles Avenue and the Town Manager responded that staff would look into the matter. Mr. Jones thanked Council and staff for the format of the meeting.

In closing, Ms. McMillan commented that we need to review our entire zoning ordinance because in the past few years we have just been making changes as the State Code requires. Also, the comprehensive plan will need to be reviewed in 2014 as well.

On motion by Vice Mayor Nance, seconded by Mr. Hare, with a vote of 5-0, Council adjourned the meeting at 9:27 p.m.

APPROVED:

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Bradley E. Grose, Mayor

ATTEST:

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Susan N. Johnson, Town Clerk

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, NOVEMBER 5, 2013, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor  
William W. Nance, Vice Mayor  
I. Douglas Adams, Jr.  
Robert R. Altice  
Matthew S. Hare

STAFF PRESENT: Christopher S. Lawrence, Town Manager  
Susan N. Johnson, Town Clerk  
Ryan Spitzer, Assistant to the Town Manager  
Gary Woodson, Public Works Director  
Joey Hiner, Assistant Public Works Director

**The Mayor called the meeting to order at 7:00 p.m. The Town Clerk called the roll with Council Member Adams, Council Member Altice, Council Member Hare, Vice Mayor Nance, and Mayor Grose present. After a Moment of Silence Mr. Altice led the Pledge of Allegiance to the U.S. Flag.**

Roll Call

**Under the upcoming community events/announcements,** the Mayor announced a neighborhood meeting concerning the future of the former Roland E. Cook School on November 20<sup>th</sup> at 7:00 p.m. in Council Chambers. The Roanoke State of the County address is tomorrow, November 6<sup>th</sup>, at 7:30 a.m. at Green Ridge Recreation Center. The Blue Ridge Veterans Association event is this Sunday from 12 Noon to 4:00 p.m. at the War Memorial.

The Mayor also announced a ribbon cutting on November 7<sup>th</sup> at 11:00 a.m. at Flowers by Eddie, a new business on King Street.

The Town Manager announced that the State of the Town address will be Tuesday, December 10<sup>th</sup>, at 7:30 a.m. for breakfast followed by the presentation. RVTV-3 will be recording the event for replay four times on Channel 3.

Mr. Adams announced a fundraising event for Dedrick Rose, the UPS driver who is paralyzed, on Saturday, November 9<sup>th</sup> at 6:00 p.m. at the Woodland Place.

**Mr. Adams made a motion that the consent agenda be approved as presented; the motion was seconded by Mr. Hare and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.**

Approved minutes of the meeting of October 1, 2013 and the Council Retreat of October 11, 2013

**The Town Manager announced that the Town Attorney was absent due to her handling of a case in Court today.**

**The next item on the agenda was a briefing on a new initiative by the United Way of Roanoke Valley known as the Bank On Roanoke Valley (BORV) Project.** The Town Manager began by commenting that he had received a letter from the Chris Morrill, Roanoke City Manager, who is also the Chair of the Bank On Roanoke Valley Steering Committee. This is a project developed through the United Way focusing on educating local citizens who are unbanked and underbanked citizens. The Cities of Roanoke and Salem are on board with the program and Roanoke County will be considering at their meeting next week. The Town Manager then introduced Abby Verdillo and Nate Schuckers from United Way.

Ms. Verdillo commented that the project began by reviewing data on unbanked individuals who are not connected with a financial institution and those who are underbanked that may have a financial institution but are not using them properly and are depending on alternative streams of financing. There are approximately 6,500 households in the category of unbanked and research shows that an average individual will spend around \$1,000 a year in fees to alternative streams of financing. These fees can be used to pay down debts or meet other expenses and that is where this motivation is coming from. Ms. Verdillo provided Council with a profile showing the specific data for Vinton.

There are 14 local financial institutions that have come together for this Bank On Roanoke Valley Project which will be launched on January 1, 2014. The goal in a two-year time period is to open approximately 1,000 new accounts in the Valley and to be able to monitor and track them to be sure they stay open and active and they translate to the changes we want to see. The financial institutions are also working together to create a common financial education curriculum which they can share and will be implemented throughout the Roanoke Valley.

Ms. Verdillo stated that the United Way is requesting Council to support the project financially and to partner with them to specifically to target the neighborhoods and to offer or sponsor financial education classes in Vinton. With the financial investment and based on the data for the town, it would only take two individuals to actually open a bank account and change the way they are living to make that investment pay off. Mr. Adams asked what the funds from the town would be used for and Ms. Verdillo responded for outreach and marketing efforts and to support the data tracking portion of the program so that we know on a quarterly basis if we are hitting the targets we are supposed to be hitting and to report back to the localities.

The Mayor commented that he supports the program, but Council is very careful on how we spend taxpayers' money.

However, he likes the program for its partnership with United Way and the fact that the program is teaching financial management and stability. Vice Mayor Nance commented that he likes the idea of United Way partnering with banks to assist in an educational forum. However, there are other avenues for financial education and the town should do what it can to help foster this relationship in ways other than using taxpayer dollars. We do still have a tight budget and need to be careful what we commit to since this suggests an annual financial commitment.

Mr. Hare commented that he too thinks it is a great idea. However, although the United Way does a lot of good work, people give to the United Way voluntarily. Taking taxpayer money and giving it to United Way is not voluntary. He feels this is something the banks can do on their own without the help of governments and he cannot support it.

Mr. Adams asked if we were to join at this time and after a year, we do not feel it is the right thing for us what our options would be. Ms. Verdillo responded there is a clause at the end of the agreement that allows either party to terminate by providing a 30-day advance written notice. Mr. Altice commented that he does not feel we can commit to it for more than a year.

**The next item on the agenda was to consider adoption of a Resolution** authorizing the Town Manager to execute a Local Government Memorandum of Understanding for the Bank On Roanoke Valley (BORV) Project and approve the transfer of funds in the amount of \$1,500.00 as the Town of Vinton's commitment level for the 2014 program year. Mr. Adams made a motion that the Resolution be adopted as presented; the motion was seconded by Mr. Altice and carried by the following roll call vote, with all members voting: Vote 3-2; Yeas (3) – Adams, Altice, Grose; Nays (2) – Hare, Nance.

**The next item on the agenda was to consider adoption of a Resolution** awarding a bid and authorizing the Town Manager to execute a contract with Sawyer Paving in the amount of \$135,795.36 for street resurfacing.

Gary Woodson commented that with last year's funds, the east section of Virginia Avenue was resurfaced. We wanted to take this year's funding and try to get the other half of Virginia Avenue from the westbound side from Pollard to the City line resurfaced. We solicited bids and received one bid from Sawyer Paving, the contractor that has done the paving for the past several years in the town. The balance of the paving funds will be used once we take an assessment of the town's roadway systems. There is also the possibility of doing the intersection of By-Pass and Washington and some improvements on Mountain View Road.

Adopted Resolution No. 2041 authorizing the Town Manager to execute a Local Government Memorandum of Understanding for the Bank On Roanoke Valley (BORV) Project and approve the transfer of funds in the amount of \$1,500.00 as the Town of Vinton's commitment level for the 2014 program year

Mr. Woodson said the plan is to try and get this work done within the next couple of weeks. If the weather changes we will pull it and get them to honor the contract price and have it done in the Spring. Mr. Hare asked if there would be any risk that they would mill it and then the weather turn and not get the paving done and the response was absolutely not. On this stretch of roadway they should be able to mill and lay down at the same time.

The Town Manager commented that this is a lot of money and weather is very important to the long-term quality of that kind of investment and if it is not right, there is nothing wrong with doing it in the Spring. Mr. Woodson said he tried to get it in a month or so earlier, but the way the process and procurement of bids, it did not happen. Vice Mayor Nance made a motion that the Resolution be approved as presented; the motion was seconded by Mr. Altice and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

**The next item on the agenda was update on old business.** The Town Manager commented that we have been working pretty diligently on the buzzard problem that has attempted to roost in the Gladetown area. Two primary tactics are being used—a noise maker, which is like a cap gun or roman candle type of flare gun is being used early morning to try and scare them to move and a propane air can that makes a really loud noise on a consistent frequency. Since the buzzards are a protected species you have to have a permit to kill one. The Police Department has applied to the State to receive a permit to kill one and place it in a location where they are nesting. They do not like to be around their dead. We are aware of the neighbors' complaints and are doing as much as we are allowed without a permit. Vice Mayor Nance asked how long it would be to hear back from the State and the Town Manager responded he did not know, but he would find out.

The Town Manager further commented that PFG has complained that they have thousands of dollars in damage to their roof and we believe we have developed a good case for property damage and tree damage. A resident of Gladetown in the audience stated they have been on his new roof, but he has not seen any damage. He hears the noise makers in the morning, but they are welcomed. The Mayor asked him to take the information provided by the Town Manager back to his neighbors.

**The Town Manager excused himself to attend the Volunteer Fire Department's business meeting to discuss our efforts for 24-hour fire coverage.**

Adopted Resolution No. 2042 awarding a bid and authorizing the Town Manager to execute a contract with Sawyer Paving in the amount of \$135,795.36 for street resurfacing

**The Mayor commented about the election and how** important it is to exercise this right to vote. He holds this Council up as an example of how government should work. Vice Mayor Nance agreed that there is something missing in other levels of government that is present here.

**Mr. Hare reviewed the Financial Report for September** 2013. The Finance Committee met and reviewed this report before the Council meeting. At this point we are pretty close to our budget revenue number. For the General Fund, we are off just shy of \$80,000 and on the expenditure side we are underspent. The cigarette tax is under budget \$2,000. We knew there would be a buy ahead of the stickers, but this is evidence of purchasing happening on a monthly basis and it is possible that could last. On the Utility side, we are pretty close to being on budget, just shy of \$33,000 and underspending again for various reasons. We were a little bit further behind earlier but we have caught back up. We are hovering about where we think we should be even though from a volumetric standpoint, the volume of water and sewer is down. Cash from August to September is up about \$300,000.

We reviewed the financials for the War Memorial and what events they have booked so far. They have around \$160,000 in bookings for the rest of the year which is above our budget of \$146,000. However, the \$160,000 does have a lot of re-sale items figured in, but if you compare every month year-to-year from 2013 to 2012, in some cases, we have doubled the amount of events. There is a positive momentum.

Mr. Hare further commented that we have just entered into a new debt structuring agreement regarding the Pound. Essentially the localities had to pay off the debt that Botetourt County had for the previous facility and we were able to get a lower interest rate which gave lower payments over all and saved about \$40,000.

Further comments were made regarding the Finance Committee continuing to work with the War Memorial staff to create a better financial report because it has never been tracked in this much detail before. We are trying to get everyone on the same page so that the numbers coming into the Finance Department from the War Memorial are to a degree that they can be interpreted properly.

Mr. Hare made a motion that the September financial report be accepted as presented; the motion was seconded by Vice Mayor Nance and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

Accepted financial report for  
September 2013

**Comments from Council Members: Mr. Hare**

congratulated our new representative for the Vinton Magisterial District, Jason Peters. Thanks to Public Works for the work they have done on the Wolf Creek Greenway. Our members of the Greenway Commission as well as Liz Belcher will be at the next Council meeting to update us on some future considerations for maintaining the Greenways. Vice Mayor Nance reminded everyone that he will not be at the November 19<sup>th</sup> Council meeting and apologized that he did not get to attend the Zombie Walk on Saturday night. Mr. Altice commented that the employees' luncheon at Public Works he attended was well received and the Mayor agreed. Mr. Adams commented that the Zombie Walk was a success and the money went to the Vinton Needy Family program. He expressed thanks to the Police Department for their assistance. Also, he commented that Mountain View Road is looking better and expressed thanks to Public Works.

Vice Mayor Nance made a motion to adjourn the meeting; the motion was seconded by Mr. Hare and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0). The meeting was adjourned at 8:05 p.m.

APPROVED:

\_\_\_\_\_  
Bradley E. Grose, Mayor

ATTEST:

\_\_\_\_\_  
Susan N. Johnson, Town Clerk



## **Town Council Agenda Summary**

### **Meeting Date**

December 3, 2013

### **Department**

Finance/Treasurer

### **Issue**

Presentation of the June 30, 2013 Comprehensive Annual Financial Report by Brown Edwards & Company, LLP and consider adoption of a Resolution approving and accepting said Report

### **Summary**

Representatives of Brown Edwards have been working with the Town Manager and Finance Director/Treasurer in order to prepare the audited financial statements for the Town. The firm's responsibility is to express an opinion on these financial statements based on their audit.

In their opinion, the general purpose financial statements present fairly in all material respects, the financial position of the Town as of June 30, 2013 and the results of its operations and cash flows of proprietary fund types for the year ended in conformity with generally accepted accounting principles.

### **Attachments**

Resolution

### **Recommendations**

Motion to adopt Resolution

**RESOLUTION NO.**

**AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, DECEMBER 3, 2013 AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA**

**WHEREAS,** section 15.2-2511 of the 1950 Code of Virginia, as amended, requires that the Town issue annually a report on its financial accounts and records by a third party certified public accountant, and

**WHEREAS,** the Finance Director/Treasurer's Department worked with an independent third party accounting firm of Brown Edwards & Company, L.L.P., and

**WHEREAS,** John Aldridge of Brown Edwards & Company has forwarded his firm's 2013 audit to the Town Council for review, and

**WHEREAS,** the firm's opinion letter stated that the financial statements present fairly, in all material respects, the financial position of the Town as of June 30, 2013, and the results of the Town's operations and cash flows of proprietary fund types for the year just ending on June 30, 2013, is in conformity with generally accepted accounting principles.

**NOW, THEREFORE, BE IT RESOLVED** that the Vinton Town Council does hereby receive and accept the Town's June 30, 2013 audit.

This Resolution adopted on motion made by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, with the following votes recorded:

AYES:

NAYS:

APPROVED:

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Bradley E. Grose, Mayor

ATTEST:

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Susan N. Johnson, Town Clerk



## **Town Council Agenda Summary**

### **Meeting Date**

December 3, 2013

### **Department**

Administration

### **Issues**

Consider adoption of a Resolution authorizing the transfer of funds in the amount of \$7,250.00 to pay the Berkley Group for the development of a park master plan.

### **Summary**

Over the past year, there has been a great deal of discussion in the community as well as within the Town organization regarding recreational opportunities in downtown. The revitalization efforts and development of the new Vinton Library have generated discussion of two types of recreational amenities: (1) children's pocket park, and (2) skate/bicycle park.

Each park represents different clientele and can be worked on independently. However, a focused planning effort is needed to engage the public and develop alternatives for each. The success of each of these projects will be greatly enhanced by conducting a formal master planning process and the direct involvement and buy in from the public and local civic groups such as the Vinton Lion's Club.

Staff has completed an initial land availability assessment which was presented to Town Council on October 1, 2013. Based on this assessment, Town Council directed staff to develop a scope of work and solicit proposals from consultants. After reviewing this with our on-call consultants, staff selected the Berkley Group. The scope of work and detailed proposal are included. Based on the deliverables, public meetings, and travel expenses, a cost of \$7,250.00 is proposed for a master plan for both parks. These key tasks and deliverables are needed to produce a positive project package to submit as part of any applications this spring to civic organizations, state recreational agency grants, and other private funding.

### **Attachments**

Proposal for Park Master Planning Services by Berkley Group, dated October 28, 2013  
Resolution

### **Recommendations**

Motion to adopt Resolution



October 28, 2013

Mr. Chris Lawrence, AICP  
Vinton Town Manager  
311 South Pollard Street  
Vinton, Virginia 24179

RE: Proposal for Park Master Planning Services/Task Order 1

Dear Mr. Lawrence:

The Berkley Group has been requested to assist with park planning services for the future development of two recreational facilities – a pocket park and a skateboard park. In order to maximize the positive impact to the community for both of these public recreational amenities the following streamlined process is recommended:

1. **Youth skate park meeting** *(after school, day meeting open to all interested youth)*
  - Discuss ideas and gather specific information on desired park elements (i.e., ramps, rails, pipes, materials, etc.)
  - Discuss operational parameters
  - Train volunteers to help facilitate evening workshop (skate park exercise)

**Deliverable:** *Summary of key meeting input, potential program ideas and findings.*

2. **Public workshop to discuss the proposed skateboard park and a new pocket park** *(evening meeting)*
  - Two group exercises will work through programmatic issues and amenity desires for both park facilities.
  - Small groups (e.g., 4-6 persons) will perform the exercises (co-facilitated by student volunteers)

**Deliverable:** *Summary of key meeting input, potential program ideas and findings.*

3. **Park master plan development**

- Two pocket park alternative sketch plans (derived from public input)
  - Prepare a master-plan level study base map using site mapping information provided by Town; an appropriate map scale will be used for this base. The site area will include the parcel(s) or area as delineated by the Client.

**Deliverable:** *Two alternative diagrammatic sketch plans, each with a distinct arrangement of key program elements as defined from public comment in the preceding workshop, and as approved by the Client. Although the program elements may vary somewhat between alternatives, it is anticipated that certain program elements will be common to both; design or program themes may also vary between alternatives. Each alternative will be a single-line, free-hand graphic drawn over the study base map with appropriate explanatory labels and notations. Key plan elements to be shown generally include: pedestrian walks and activity areas; active and/or passive use areas such as a playground, performance or seating areas; landscape features such as lawns, shaded areas, garden areas and buffers, as appropriate. These alternative sketch plans will be rendered in color and provided to the Client at full-size presentation scale and in digital format.*

- Skate Park Master Plan (design derived from public/student input)
  - The Berkley Group will coordinate with a design/build firm (as approved by the Town) that specializes in skate parks to do the actual facility design and subsequent construction. The design should be derived directly from the student and general public input and incorporated with other professional design elements to result in a first-class skateboard park facility.

***Deliverable:*** *Skate Park Master Plan to be provided by the identified skate park design/build firm.*

#### **4. Community Workshop (evening meeting)**

- Review proposed park master plan sketches
- Identify potential funding sources
- Receive additional comments

***Deliverable:*** *Summary of key meeting input, preferred park program elements and findings. Identification of potential funding sources based on park programmatic or facility elements.*

#### **5. Prepare Draft Park Master Plans**

- Based upon direction from the Client and community workshop input, we will prepare a preferred park master plan and program for the pocket park. Key plan elements to be shown include those identified in the preliminary sketch plans in a more refined graphic presentation. This preferred master plan will likely represent a hybrid of program elements from both alternative sketch plans. The plan will be accompanied by a concept-level facility program for use in developing a project budget estimate. The plan will be rendered in color and provided to the Client at full-size presentation scale and in digital format. This plan will be an excellent tool for use in public information, promotion and fund-raising purposes. Please note that it is not an engineering plan and it is not intended for construction purposes.
- The Berkley Group will coordinate with a play equipment vendor (as approved by the Town) to design appropriate play units as may be identified during the public input process.
- The Berkley Group will coordinate with the skate park design/build firm to finalize a proposed design.

***Deliverable:*** *Above described master plans and design elements along with park facility estimated budgets. The Berkeley Group, in coordination with Sympoetica, will develop the Pocket Park Draft Master Plan. The Berkeley Group, with assistance from the Town, will coordinate with play equipment and skate park professionals for the Skate Park Draft Master Plan and any desired play equipment design elements.*

#### **6. Present Draft Park Master Plans to Town Council**

- Receive Council input
- Define implementation steps

***Deliverable:*** *Based upon Town Council input, we will make minor revisions to the Draft Master Plan for the preparation of the Final Master Plan, which will be rendered in color. This plan will be transmitted to the Client at presentation size and in digital format.*

This process will result in two comprehensive and inclusive park master plans. The Pocket Park Master Plan will be conducted in coordination with Sympoetica and a playground designer (if desired) as approved by Town staff, and the Skateboard Park Master Plan will be coordinated with a Skate Park designer as approved by Town staff.

The cost of services by category is presented below.

### Park Master Planning Services

Task	Cost
Project Coordination/Administration	\$1500
Youth Skate Park Meeting	\$750
Community Workshop 1	\$750
Park Master Plans (Two Alternative Sketch Plans, Illustrative Master Plan)	\$2500
Playground Design (if desired)	Provided by Others
Skateboard Park Master Plan	Provided by Others
Community Workshop 2	\$750
Park Facility Estimated Budgets	\$500
Presentation to Town Council	\$500
<b>Total</b>	<b>\$7,250</b>

**Notes:** Additional work, if desired is rated as follows:

- Public presentations are \$500/meeting.
- Community workshops are \$1500/meeting.
- Master plan sketches are \$500/sketch.
- Illustrative master plans are \$1500/plan.
- Master plan edits are contingent on scope of edits.
- Additional hourly services are \$150/hour.

#### **Assumptions**

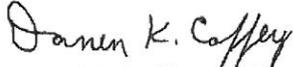
1. No original site base mapping services or surveys are included in this contract, but it is assumed that existing mapping (e.g., plats, planimetric map, topographic maps, aerial photos and other engineering plans) provided by the Client will be usable for planning purposes. The concept master plan will be prepared at an appropriate master plan-level scale.
2. The site for this project has been defined by the Client and, for purposes of this Task Order, it is assumed that the site is free of any existing development constraints for the programmed uses, including existing utilities, geotechnical or environmental issues.
3. The Berkley Group shall provide the Town with one hard copy and a digital copy of final graphic products of this study.
4. The Berkley Group will work with additional third parties as indicated in this agreement and as approved by the Town. It is assumed that those parties will cooperate fully with the efforts described herein.
5. Potential funding sources can best be determined once a facility program is identified. The potential public funding sources for these facilities may be limited and may have significant timing or use constraints. Private funding sources merit strong consideration.
6. Project invoicing will be monthly proportional to completed work and consistent with the On-call Consulting Services Master Agreement.

#### **Schedule**

This project can be performed within 60-90 days and can begin with the Town's execution of this Task Order and Notice to Proceed (NTP).

Our study team has significant experience with projects of this nature. We are prepared to work with you, your staff, and other consultants and vendors as appropriate to help the Town create a successful project. We appreciate the opportunity to provide this proposal. If you have any questions about the proposed scope or fee, please contact me at your convenience to discuss further.

Sincerely,



Darren K. Coffey, AICP  
Principal

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Town Notice to Proceed (NTP) for this Proposal (Task Order 1):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

**RESOLUTION NO**

**AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, DECEMBER 3, 2013, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA**

**WHEREAS,** the Town of Vinton recognizes the need and value that recreational amenities bring to the quality of life of the community; and

**WHEREAS,** the community and civic organizations have expressed interest in studying the feasibility of developing a skate and bicycle park as well as a pocket park serving children and families; and

**WHEREAS,** the Berkley Group has submitted a proposal for the development of a master plan through a public engagement process at a cost of \$7,250.00; and

**WHEREAS,** funds in the amount of \$7,250.00 will come from the existing budget in 200.8900.407 Reserve for Contingency.

**NOW, THEREFORE, BE IT RESOLVED** that the Vinton Town Council does hereby approve the following transfer:

**FROM:        200.8900.407    General-Reserve for Contingencies                                \$7,250.00**

**TO:            200.8150.722    Economic Development–Special Projects                                \$7,250.00**

This Resolution adopted on motion made by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, with the following votes recorded:

AYES:

NAYS:

APPROVED:

\_\_\_\_\_  
Bradley E. Grose, Mayor

ATTEST:

\_\_\_\_\_  
Susan N. Johnson, Town Clerk



## **Town Council Agenda Summary**

### **Meeting Date**

December 3, 2013

### **Department**

Planning and Zoning

### **Issue**

Briefing on application by adjoining property owners for abandonment, vacation and deeding of undeveloped right-of-way known as Daleview Drive.

### **Summary**

This briefing relates to a request by Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners.

The Planning Commission will hold its public hearing for the request on Tuesday, December 10, 2013. The Town Council will hold a work session on Tuesday, December 3, and a public hearing on Tuesday, December 17, 2013, for the request, respectively.

### **Attachments**

Staff memo with supporting documents – 9 Pages.

### **Recommendations**

No action required

**TO:** Vinton Town Council  
Vinton Planning Commission

**FROM:** Anita J. McMillan, Planning and Zoning Director

**DATE:** November 15, 2013

**SUBJECT:** Proposed Closing of an Undeveloped Right-of-Way Known as Daleview Drive

**ISSUE/PURPOSE**

A public hearing to consider public comments concerning a request that a fifty (50) foot wide by approximately one hundred and fifty (150) foot long of an undeveloped right-of-way, known as Daleview Drive, Map of Section No. 4, Bali Hai, Plat Book 6, Page 30, be abandoned, vacated, and deeded to the adjoining property owners.

**BACKGROUND/SUMMARY**

The undeveloped right-of-way, known as Daleview Drive, is located between 647 and 701 Olney Road. Currently, there are two driveways located on this undeveloped right-of-way, each serving 647 and 701 Olney Road, respectively. Please see attached aerial map showing the two existing driveways located in the undeveloped right-of-way, Daleview Drive.

Staff was contacted by Mrs. Anne Huffman Overbay in September 2012, requesting a meeting with Town personnel. On October 2, 2012, a meeting was held between Mr. Ardith and Mrs. Anne Overbay, and Town staff including the Town Manager, Town Attorney, Planning and Zoning Director, Public Works Director and Assistant Director. The meeting was held to discuss the Overbays' intention to subdivide their vacant parcel that is located in the City of Roanoke. The parcel is currently without any street access from the City of Roanoke, but could be accessed from the Town of Vinton, either from the undeveloped right-of-way of Daleview Drive between 647 and 701 Olney Road, and/or from Olney Road, in the area located to the north of 615 Olney Road, and to the south of 609 and 613 Olney Road. Additionally, the Overbays also requested that the two lots be serviced by Vinton's water service.

On January 11, 2013, a preliminary subdivision plat was submitted with a revised plat being submitted on February 27, 2013, showing that two lots will be accessed from the undeveloped right-of-way known as Daleview Drive. On March 27, 2013, a meeting was held between Mr. Ardith Overbay and his surveyor, Mr. Chris McMurry, and Town personnel to discuss concerns listed in Town's correspondence dated March 19, 2013. According to Mr. Overbay, he had been in contact with the property owners of 647 and 701 Olney Road regarding his proposed use of the undeveloped right-of-way for access of his two lots. At the conclusion of the meeting, Mr. Overbay agreed to discuss with both property owners that they request that the Town close, vacate, and deed the undeveloped right-of-way to them. Additionally, if the closing and vacation request of the right-of-way was approved, a 20' by 150' strip contained within the vacated right-of-way will be conveyed to

the Overbays by the two property owners, to serve as an access point for the two lots.

On March 29, 2013, preliminary drawings were submitted showing the proposed vacation of the right-of-way and the strip to be deeded to the Overbay to be located within this vacated right-of-way. On April 10, 2013, Mr. McMurry submitted to Staff, signed statements from the Slighs and the Quams, stating that they agreed to the undeveloped right-of-way being vacated and would convey the said strip to the Overbays. The signed statements were not notarized, and there were some mistakes in the statements that needed to be corrected.

On April 29, 2013, the a plat of the right-of-way vacation, a concept plat showing the deed portion to be conveyed, and an unsigned 647 and 701 Olney Road property owners' (Quams and Slighs) statement for the property owners, stating that they agree for the undeveloped right-of-way to be vacated and to convey a strip contained within the right-of-way to the Overbays, were faxed to Staff. According to Mr. McMurry, the Quams and Slighs would be present at the Planning Commission meeting and to sign the paperwork on May 2, 2013.

On April 15, 2013, Staff sent correspondence to utility companies including Vinton Public Works Department, Roanoke Gas, American Electric Power (AEP), Verizon, and Cox Communications regarding the vacation request of the said undeveloped right-of-way. All the utility companies have responded and do not have any objection to the vacation request.

Twelve (12) adjoining property owners, including the owners of 647 and 701 Olney Road, Mr. and Mrs. A.R. Overbay, and Mr. Chris McMurry, were also notified of the vacation request through correspondence dated April 15, 2013.

As required by State Code Sections 15.2-2204 and 15.2-2272, the legal notice of the public hearing on the right-of-way vacation request was advertised in *The Vinton Messenger* on April 18, and April 25, 2013, for Planning Commission public hearing that was held on Thursday, May 2, 2013; and on May 2, and May 9, 2013, for Town Council public hearing that was held on Tuesday, May 21, 2013.

At the May 2, 2013, Planning Commission public hearing, Mr. McMurry, the Overbays' representative asked for the vacation request to be tabled due to some concerns being raised by Mr. Sherman Sligh. On May 8, 2013, Staff received a telephone call from the Overbays' attorney, Mr. John Patterson, informing Staff that the Overbays wish to withdraw their request for the undeveloped right-of-way to be vacated. On May 10, 2013, the letter to withdraw the request was received from Mr. Patterson.

Since July 2013, the Town Attorney and the Overbays' attorney have been in conversation regarding a possibility of having a license agreement between the Town and the Overbays for the use of Daleview Drive. The license agreement is necessary because the Town has not planned nor does it wish to make improvements to the right-of-way at this time. In addition, the Town wants to limit any potential liability it may have concerning the use of this right-of-way since it is obviously not developed as a road. The Town is also concerned about the impact to its citizens concerning the use of the undeveloped right-of-way. The proposed Overbays' subdivision has raised unique issues concerning services etc., because the property is actually located outside of the Town limits.

On August 19, 2013, the Town received a letter from the Quams and the Slighs requesting that the Town consider vacating the right-of-way. On August 20, 2013, Vinton Town Council was to approve a license agreement between the Town and the Overbays, which was drafted by the Town Attorney. Town Council was informed by the Town Attorney that the agreement as prepared was not desired by the Overbays. During the meeting, it was indicated that the any action of the license agreement is to be delayed until a motion can be heard on whether or not to vacate the undeveloped right-of-way.

On September 11, 2013, Staff received another letter from the Quams and Slighs requesting that the undeveloped Daleview Drive right-of-way be vacated and deeded to them. On October 10, 2013, Staff received a copy of the survey plat and legal description of the undeveloped right-of-way to be vacated from LMW P.C., the surveying firm retained by the Quams and Slighs.

Twelve (12) adjoining property owners, including Mr. and Mrs. A.R. Overbay, and the Overbays' attorney, Mr. John Patterson, were notified of the vacation request through correspondence dated November 18, 2013. Please see attached a copy of the letter and the listing of property owners notified.

As required by State Code Sections 15.2-2204 and 15.2-2272, the legal notice of the public hearing on the right-of-way vacation request was advertised in *The Vinton Messenger* on November 21, and November 28, 2013, for Planning Commission public hearing to be held on Tuesday, December 10, 2013; and the Town Council public hearing to be held on Tuesday, December 17, 2013.

### **ATTACHMENTS**

1. An aerial map showing 647 and 701 Olney Road driveways located within the undeveloped right-of-way of Daleview Drive – 1 Page.
2. A copy of the survey plat showing the Quams' and Slighs' property and the legal description of the undeveloped ROW Daleview Drive – 2 Pages.
3. A copy of the letter sent to the listed adjoining property owners – 3 Pages.

### **PAST ACTIONS AND REQUESTED ACTIONS**

1. May 2, 2013, Planning Commission public hearing – The Overbays' request was tabled at the request of their representative, Mr. Chris McMurry.
2. May 21, 2013, Town Council public hearing – The Overbays' request was withdrawn by the Overbays' attorney, Mr. John Patterson.
3. December 10, 2013, Planning Commission public hearing: Receive public comments and make a recommendation on the request of the Quams and Slighs to close, vacate, and deed the undeveloped right-of-way to the property owners of 647 and 701 Olney Road.
4. December 17, 2013, Town Council public hearing: Receive public comments on the request of the Quams and Slighs and decide whether or not to adopt an ordinance to vacate, close, and deed the right-of-way to the property owners of 647 and 701 Olney Road.

647 Olney Road

Undeveloped Daleview Drive ROW

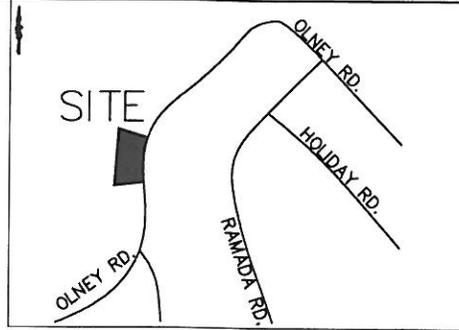
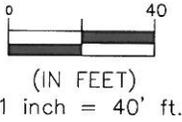
061 05-01-09 00-0000

701 Olney Road

NOTES:

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND THEREFORE MAY NOT SHOW ALL ENCUMBRANCES.
2. THIS PROPERTY AS PLATTED DOES NOT FALL WITHIN THE 100 YEAR FLOOD ZONE. ZONE "X", MAP NUMBER 51161C0167G, DATED SEPTEMBER 28, 2007.
3. THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY. ANY PHYSICAL IMPROVEMENTS NOT DIMENSIONED, SHALL NOT BE SCALED.
4. THIS PLAT MAY OR MAY NOT CONFORM TO PREVIOUS DEEDS AND OR PLATS OF RECORD.
5. LEGAL REFERENCE: P.B. 6 PG. 30, LOT 1 BLK. 12 SEC. 4 BALI HA'1, LOT 7 BLK. 9 SEC. 4 BALI HA'1.

GRAPHIC SCALE

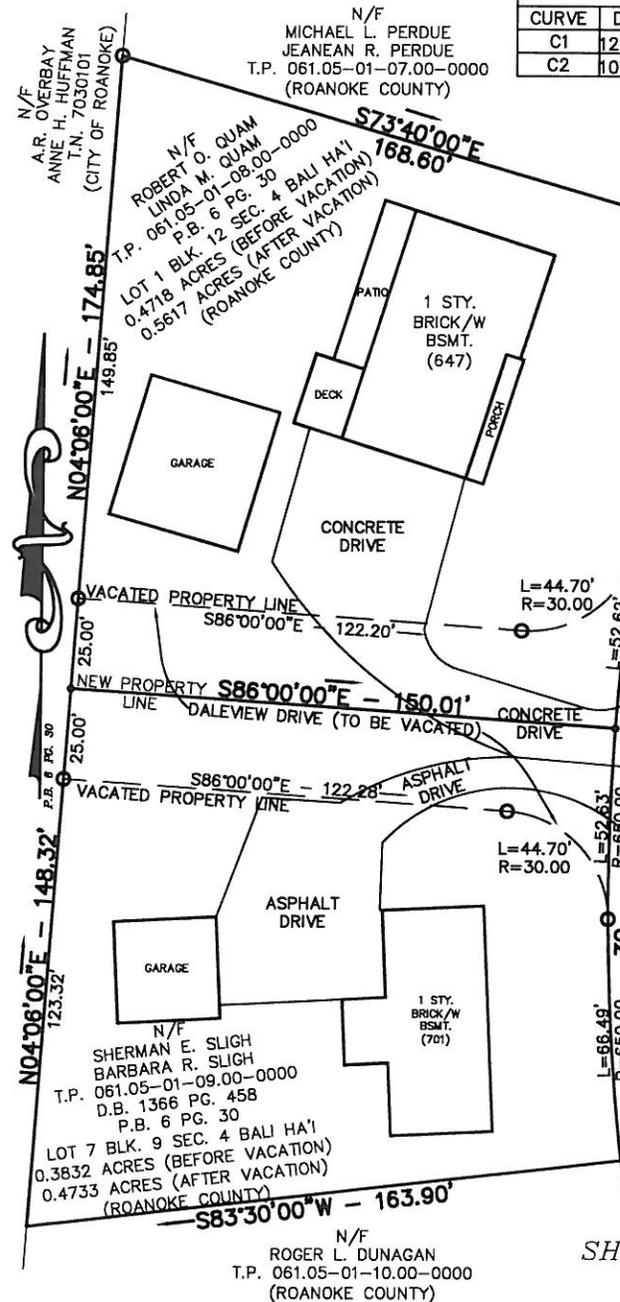


VICINITY MAP  
NO SCALE

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	BEARING	CHORD
C1	12°20'00"	650.00	139.92	70.23	S10°10'01"W	139.65
C2	10°30'00"	650.00	119.12	59.73	S01°14'59"E	118.95

LEGEND

- SURVEYED PROPERTY LINE
- - - ADJOINER PROPERTY LINE
- - - VACATED LINE
- SET REBAR
- EXISTING IRON FOUND
- END OF LINE/CURVE
- NOTHING FOUND, NOTHING SET



APPROVED:

TOWN MANAGER TOWN OF VINTON DATE

PLAT OF SURVEY  
SHOWING THE NEW PROPERTY  
LINE AND THE VACATED  
PROPERTY LINES FOR  
SHERMAN E. AND BARBARA R. SLIGH  
AND  
ROBERT O. AND LINDA M. QUAM

LOCATED AT 647 AND 701  
OLNEY ROAD SITUATED IN THE  
VINTON MAGISTERIAL DISTRICT  
ROANOKE COUNTY, VIRGINIA  
COMM. 4116 SURVEYED: 10/04/13



102 Albemarle Ave.  
Roanoke, Virginia  
24013

Engineering  
Architecture  
Surveying  
Landscape Design

www.lmwpc.net  
ph: 540.345.0675  
fax: 540.342.4456  
lmweng@lmwpc.net

## LEGAL DISCRIPTION

That certain 50 feet wide by 150.01 long portion of street known as Daleview Drive, lying north of Lot 7 in Block 9 Section 4 of the BALI HA'I Subdivision Map and south of Lot 1 Block 12 Section 4 of the BALI HA'I Subdivision Map, of record in the Clerk's office of the Circuit Court of Roanoke County, Virginia, in Plat Book 6, Page 30



# TOWN OF VINTON

311 S. POLLARD STREET  
VINTON, VIRGINIA 24179

PHONE: (540) 983-0601

FAX: (540) 983-0621

EMAIL: amcmillan@vintonva.gov

ANITA MCMILLAN  
PLANNING AND ZONING DIRECTOR

November 18, 2013

Dear Property Owner:

Pursuant to the provisions of Sections 15.2-2272 and 15.2-2204 of the 1950 Code of Virginia, as amended, the Planning Commission and the Town Council of the Town of Vinton, Virginia, hereby give notice of public hearings to be held on Tuesday, December 10, 2013, at 7:00 p.m., and Tuesday, December 17, 2013, at 7:00 p.m., respectively, in the Council Chambers of the Vinton Municipal Building, 311 South Pollard Street, Vinton, Virginia. The Planning Commission will also hold a dinner/work session at 6:00 p.m., or shortly thereafter, in the Administration Conference Room, prior to its public hearing on December 10, 2013.

The purpose of each public hearing is to consider a request by Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners.

The Planning Commission, on December 10, 2013, and Town Council, on December 17, 2013, respectively, will consider whether to approve or disapprove abandonment, vacation and deeding of said undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners as requested.

Further information concerning this issue may be obtained in the Planning Department located at 311 South Pollard Street, Vinton, Virginia 24179, or call (540) 983-0601. Interested persons may be heard at the above public hearings.

Given under my hand this 18<sup>th</sup> day of November, 2013.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anita J. McMillan".

Anita J. McMillan  
Planning and Zoning Director

**NOTICE OF INTENT TO COMPLY WITH DISABILITIES ACT.** Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend the meetings. Please call (540) 983-0601 at least 48 hours prior to the meeting so that proper arrangements may be made.

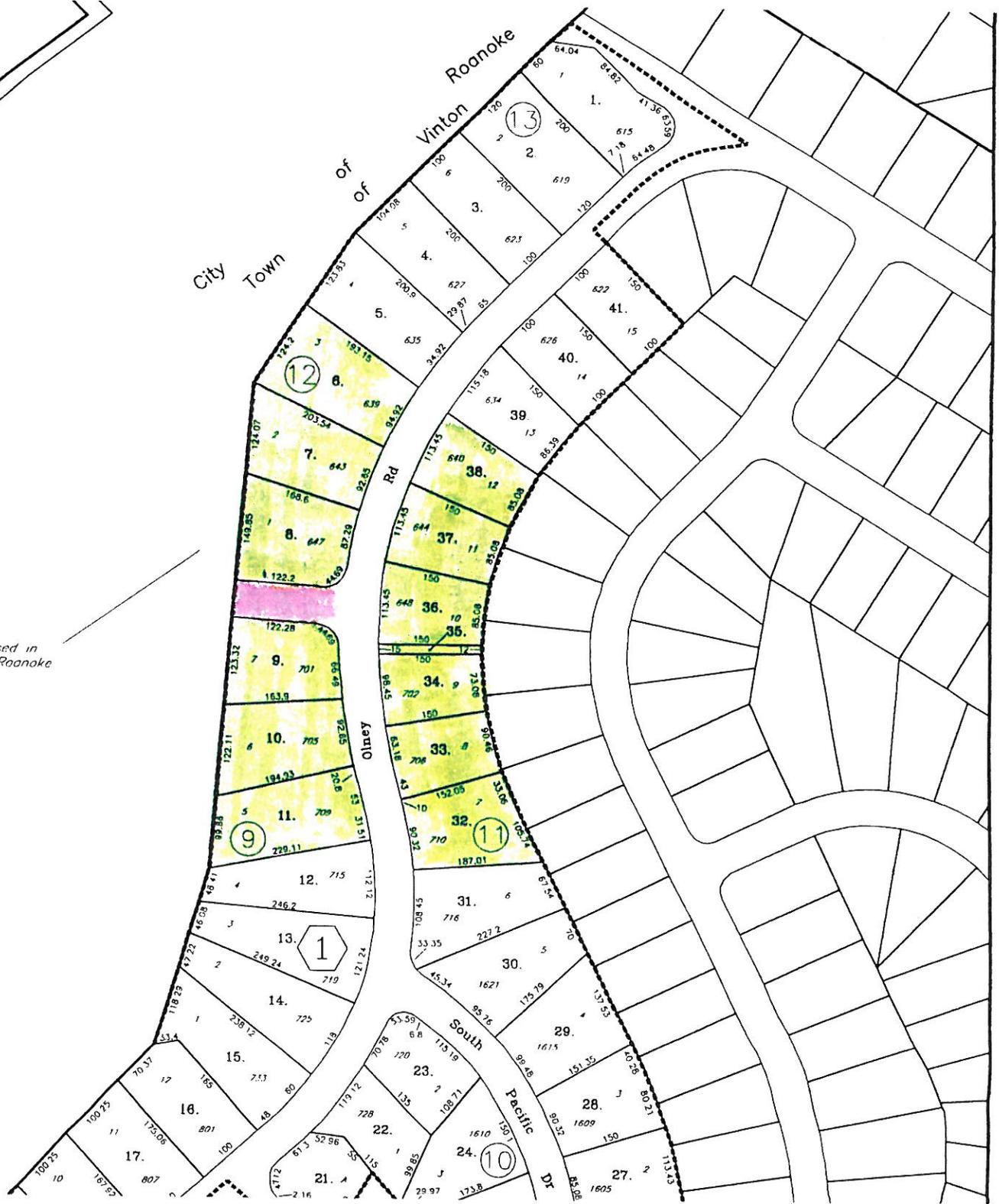
**FIRST CLASS MAIL FOR PLANNING COMMISSION AND TOWN COUNCIL  
PUBLIC HEARINGS HELD ON 12/10/13 AND 12/17/13, RESPECTIVELY**

Melvin Jones Life Estate	506 Crofton Drive	Vinton, VA 24179
Margaret Wood C/O Tommy Wood	639 Olney Road	Vinton, VA 24179
Mr. and Mrs. Jimmie Patsell	PO Box 12082	Roanoke, VA 24022
Mr. and Mrs. Michael Perdue	643 Olney Road	Vinton, VA 24179
Ms. Judith Newman	648 Olney Road	Vinton, VA 24179
Mr. and Mrs. Robert Quam	647 Olney Road	Vinton, VA 24179
Mr. and Mrs. Michael Levin	702 Olney Road	Vinton, VA 24179
Mr. and Mrs. Sherman Sligh	701 Olney Road	Vinton, VA 24179
Angela Ingram & Chanda Ingram	706 Olney Road	Vinton, VA 24179
Mr. Roger Dunagan	705 Olney Road	Vinton, VA 24179
Mr. and Mrs. Kenneth Terry	2609 Queens Way	Vinton, VA 24179
Mr. and Mrs. Melvin Bennett	709 Olney Road	Vinton, VA 24179
Ardith and Anne Overbay	642 Winesap Road	Roanoke, VA 24019
Mr. John R. Patterson, Esquire	213 South Jefferson St.	Roanoke, VA 24011-1787

City of Roanoke  
County of Roanoke

Assessed in  
City of Roanoke

1022





## **Town Council Agenda Summary**

### **Meeting Date**

December 3, 2013

### **Department**

Planning & Zoning

### **Issue**

Briefing on the final draft of Town of Vinton/Roanoke County Stormwater Management Ordinance as required under the Virginia Stormwater Management Program (VSMP) Permit Regulations and the Virginia Stormwater Management Act § 62.1-44.15:27 of the Code of VA, as amended.

### **Summary**

In March 2003, in compliance with the provisions of the EPA NPDES and VA State Water Control Law and Virginia Stormwater Management Program (VSMP) Permit Regulations, the Town was required to submit a Stormwater Management Program Report. Each permit cycle covers a five-year period, and it must be renewed every five years. A stormwater management program report must be submitted on an annual basis.

Staff has continued to work cooperatively with Roanoke County staff on the implementation of the stormwater management program including the development and adoption of the stormwater management ordinance and construction manuals.

On November 20, 2007, Town Council adopted Ordinance No. 865 to adopt by reference Chapter 23, Stormwater Management, introduction and sections 23-1 et seq., of the Roanoke County Code; as such the chapter may from time to time be amended.

In August 2012, localities were informed of the changes of the VA State Water Control Law and VSMP permit regulations, including the administration of the VSMP being transferred from DCR to DEQ as of July 1, 2013. Additionally, by July 1, 2014, localities will be responsible for accepting and administering the VSMP permit applications for the state. By December 13, 2013, a final draft of the stormwater ordinance must be submitted to Department of Environmental Quality (DEQ).

### **Attachments**

VA Stormwater Management Program (VSMP) Local Ordinance Checklist  
Final Draft of the Town of Vinton/Roanoke County Stormwater Management Ordinance

### **Recommendations**

No action required



## VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) LOCAL ORDINANCE CHECKLIST

**Locality**        \_\_\_\_\_  
**Reviewer:**     \_\_\_\_\_  
**Date:**            \_\_\_\_\_

Virginia local governments that adopt a Virginia State Water Control Board (Board) approved Virginia Stormwater Management Program (VSMP) must develop local ordinances that incorporate specific components of the Virginia Stormwater Management Act and Virginia Stormwater Management Program (VSMP) Regulations. The Department has developed this VSMP Local Ordinance Checklist as a tool to assist Regional Office staff and local governments in the development and review of local SWMP ordinances. It was developed using the DCR Stormwater Management Model Ordinance as a template for organization and minimum requirements. We recommend that the Virginia Stormwater Management Act and the VSMP Permit Regulations be used when reviewing local stormwater ordinances. The relevant code and/or regulatory citations are included to provide the reviewer with the actual regulatory requirement and language.

### 1-1. PURPOSE AND AUTHORITY

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
1	<a href="#">4VAC50-60-20</a>	Purpose: Describes purpose of local VSMP ordinance.	Verify that purpose of the ordinance is described and provides the framework for the administration, implementation and enforcement of the provisions of the Virginia Stormwater Management Act and to delineate the procedures and requirements to be followed in connection with permits issued by the local VSMP authority.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
2	<a href="#">62.1-44.15:27</a>	Establishes requirement for localities to establish a stormwater management program.	Ensure reference to <a href="#">62.1-44.15:27</a> is given.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

### 1-2. DEFINITIONS

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
3	<a href="#">4VAC50-60-10</a>	Definitions: The Model Ordinance includes 33 definitions necessary for	The reviewer should ensure that these 33 definitions are included in the local ordinance. Additional definitions may be included but		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

		inclusion in a local storm water ordinance.	should be reviewed against the Regulations. All definitions should be consistent with the Regulations. Ensure that any references to DCR are changed to DEQ.		
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### 1-3. STORMWATER PERMIT REQUIREMENT; EXEMPTIONS

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
4	<a href="#">62.1-44.15:34 A</a>	Requires a VSMP authority permit to be issued prior to the commencement of land disturbance.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
5	<a href="#">4VAC50-60-51</a> <a href="#">4VAC50-60-103</a>	Outlines specific technical criteria and administrative requirements land disturbing activities subject to the Chesapeake Bay Preservation Act must meet.	Ensure ordinance states that Chesapeake Bay Act land disturbing activities do not require completion of a registration statement or require coverage under the General Permit but shall be subject to the technical criteria and program and administrative requirements in 4VAC50-60-51. Determine if all 10 technical criteria/administrative requirements are specified in the local ordinance: 1. Erosion and sediment control plan 2. Stormwater management plan 3. Exceptions may be requested 4. Long-term maintenance of stormwater management facilities 5. Water quality design criteria 6. Water quality compliance 7. Channel protection and flood protection 8. Offsite compliance options available 9. Subject to design storm and hydrologic methods, linear development controls, and criteria associated with stormwater impoundment structures or facilities 10. Provisions for inspections		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/>  Technical criteria/administrative requirements specified? 1. Yes <input type="checkbox"/> No 2. Yes <input type="checkbox"/> No 3. Yes <input type="checkbox"/> No 4. Yes <input type="checkbox"/> No 5. Yes <input type="checkbox"/> No 6. Yes <input type="checkbox"/> No 7. Yes <input type="checkbox"/> No 8. Yes <input type="checkbox"/> No 9. Yes <input type="checkbox"/> No 10. Yes <input type="checkbox"/> No  Comments:
6	<a href="#">62.1-44.15:34 C</a>	Lists 8 activities that are exempt under the Regulations.	Must be phrased exactly like the Code to ensure proper interpretation. Determine if all 8 activities are specified in the local ordinance: 1. Permitted surface or deep mining operations and projects, or oil and gas operations and		Exempt activities specified? 1. Yes <input type="checkbox"/> No 2. Yes <input type="checkbox"/> No 3. Yes <input type="checkbox"/> No 4. Yes <input type="checkbox"/> No

			<p>projects conducted under the provisions of Title 45:1;</p> <p>2. Clearing of lands specifically for agricultural purposes and the management, tilling, planting or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1 – 1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of §10.1-1163;</p> <p>3. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures. However, localities subject to the Chesapeake Bay Preservation Act (§ 10.1 – 2100 et seq.) may regulate these single family residences where land disturbance exceeds 2,500 square feet;</p> <p>4. Land disturbing activities that disturb less than one acre of land area except for land disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20) adopted pursuant to the Chesapeake Bay Preservation Act (§10.1 – 2100 et seq.) or activities that are part of a</p>		<p>5. Yes <input type="checkbox"/> No</p> <p>6. Yes <input type="checkbox"/> No</p> <p>7. Yes <input type="checkbox"/> No</p> <p>8. Yes <input type="checkbox"/> No</p> <p>Comments:</p>
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			<p>larger common plan of development or sale that is one acre or greater of disturbance; however, the governing body of any locality that administers a VSMP may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;</p> <p>5. Discharges to a sanitary sewer or combined sewer system;</p> <p>6. Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;</p> <p>7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection;</p> <p>8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VSMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity.</p>		
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**1-4. STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS**

	<b>State Code/Regulation Citation</b>	<b>Description</b>	<b>Review Strategy</b>	<b>Local Code Citation</b>	<b>Review Results</b>
7	<a href="#">62.1-44.15:34</a> <a href="#">4VAC50-60-54.A-C</a> <a href="#">4VAC50-60-59</a>	Requires an approved erosion & sediment control plan, stormwater management plan,	Verify these 3 requirements are specified in the local ordinance, where required.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

		and general permit registration statement prior to issuance of a VSMP authority permit.			
8	<a href="#">62.1-44.15:34</a>	Allows for issuance of VSMP authority permit only after evidence of general permit coverage is obtained.	Verify requirement exists in the local ordinance, where required.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
9	<a href="#">4VAC50-60-750.A</a>	Requires fees to be paid before issuance of VSMP authority permit.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
10	<a href="#">62.1-44.15:34 A</a>	Requires approval of a VSMP authority permit prior to issuance of grading, building or other local permit.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

#### 1-5. STORMWATER POLLUTION PREVENTION PLAN (SWPPP); CONTENTS OF PLAN

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
11	<a href="#">4VAC50-60-54.A</a> <a href="#">4VAC50-60-1170</a> , Section II	Requires SWPPP to be in compliance with state regulations and general permit requirements.	Ensure references to 4VAC50-60-54 and 1170 are included. SWPPPs must include: 1. Approved erosion and sediment control plan 2. Approved stormwater management plan 3. Pollution Prevention Plan for regulated land disturbing activities 4. Description of any additional control measures necessary to address a TMDL (Not required to be listed in local ordinance as long as regulatory reference is given.)		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
12	<a href="#">4VAC50-60-54.G</a>	Describes conditions under which a SWPPP must be amended by the operator.	Verify local ordinance states that SWPPP must be amended when there is a change in design, construction, operation or maintenance that has significant effect on discharge of pollutants not addressed by existing SWPPP.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
13	<a href="#">4VAC50-60-54.G</a>	Describes conditions under which SWPPP must be maintained by operator.	Verify local ordinance states that the SWPPP must be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

**1-6. STORMWATER MANAGEMENT (SWM) PLAN; CONTENTS OF PLAN**

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
14	<a href="#">4VAC50-60-55.A</a>	Requires SWM plan to apply technical criteria and consider all sources of surface runoff and subsurface and groundwater flows converted to surface runoff.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
15	<a href="#">4VAC50-60-55.B 1-8</a>	Lists 8 required SWM plan elements.	<p>Determine if all 8 elements are specified in the local ordinance:</p> <ol style="list-style-type: none"> <li>1. Information on type/ location of stormwater discharges, information on features to which stormwater is being discharged, including surface waters or karst features if present, and predevelopment/post development drainage areas;</li> <li>2. Contact information including name, address, telephone number and parcel number of the property or properties affected;</li> <li>3. Narrative that includes a description of current site conditions and final site conditions or if allowed by the VSMP authority, the information provided and documented during the review process that addresses the current and final site conditions;</li> <li>4. General description of the proposed stormwater management facilities and mechanism through which the facilities will be operated/ maintained after construction is complete;</li> <li>5. Information on proposed stormwater management facilities, including (i) type of facilities; (ii) location, including geographic coordinates; (iii) acres treated; and (iv) surface waters or karst features into which facility will discharge;</li> <li>6. Hydrologic/hydraulic computations, including runoff characteristics;</li> </ol>		<p>All elements specified?</p> <ol style="list-style-type: none"> <li>1. Yes <input type="checkbox"/> No</li> <li>2. Yes <input type="checkbox"/> No</li> <li>3. Yes <input type="checkbox"/> No</li> <li>4. Yes <input type="checkbox"/> No</li> <li>5. Yes <input type="checkbox"/> No</li> <li>6. Yes <input type="checkbox"/> No</li> <li>7. Yes <input type="checkbox"/> No</li> <li>8. Yes <input type="checkbox"/> No</li> </ol> <p>Comments:</p>

			<p>7. Documentation /calculations verifying compliance with water quality and quantity requirements of the regulations;</p> <p>8. Map or maps of site that depicts topography of the site and includes:</p> <ul style="list-style-type: none"> <li>a. Contributing drainage areas;</li> <li>b. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, floodplains;</li> <li>c. Soil types, geologic formations if karst features are present in the area, forest cover, other vegetative areas;</li> <li>d. Current land use including existing structures, roads, locations of known utilities and easements;</li> <li>e. Sufficient information on adjoining parcels to assess impacts of stormwater from the site on these parcels;</li> <li>f. Limits of clearing and grading, proposed drainage patterns on the site;</li> <li>g. Proposed buildings, roads, parking areas, utilities, stormwater management facilities;</li> <li>h. Proposed land use with tabulation of percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads and easements.</li> </ul>		
16	<a href="#">4VAC50-60-55.B.9</a>	Letter of availability required for use of off-site compliance options.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
17	<a href="#">4VAC50-60-55.C</a>	Requires elements of SWM plans that include activities regulated under Chapter 4 of Title 54.1 of the Code of Virginia be appropriately sealed and signed by professional registered in the Commonwealth of Virginia.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
18	<a href="#">4VAC50-60-55.D</a>	Requires construction record drawing be submitted to VSMP authority. Must be appropriately	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

		sealed and signed by a professional registered in the Commonwealth of Virginia certifying that the SWM facilities have been constructed in accordance with approved plan.			
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**1-7. POLLUTION PREVENTION PLAN (PPP); CONTENTS OF PLAN**

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
19	<a href="#">4VAC50-60-56</a>	Requires PPP which details design, installation, implementation and maintenance of pollution prevention measures in accordance with Regulations.	Verify requirement exists in the local ordinance or is included by reference.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
20	<a href="#">4VAC50-60-56.A 1-3, B 1-4 and C</a>	Lists PPP requirements as outlined in the Regulations.	Determine if all 8 requirements are specified in the local ordinance or are included by reference: 1. Minimize discharge of pollutants from equipment and vehicle washing, wheel wash water and other wash waters. Wash waters must be treated prior to discharge; 2. Minimize exposure of all materials on site to precipitation and stormwater; 3. Minimize discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures; 4. BMPs to prohibit wastewater from washout of concrete, unless managed by appropriate control; 5. BMPs to prohibit wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials; 6. BMPs to prohibit discharges of fuels, oils or other pollutants used in vehicle/equipment operation/ maintenance; 7. BMPs to prohibit discharges of soaps or solvents used in vehicle/equipment washing; 8. Discharges from dewatering activities are		All requirements specified? 1. Yes <input type="checkbox"/> No 2. Yes <input type="checkbox"/> No 3. Yes <input type="checkbox"/> No 4. Yes <input type="checkbox"/> No 5. Yes <input type="checkbox"/> No 6. Yes <input type="checkbox"/> No 7. Yes <input type="checkbox"/> No 8. Yes <input type="checkbox"/> No  Comments:

			prohibited unless managed by appropriate controls.		
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### 1-8. REVIEW OF STORMWATER MANAGEMENT (SWM) PLAN

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
21	<a href="#">4VAC50-60-108.A</a>	Requires the VSMP authority to review and approve SWM plans.	Verify requirement exists in the local ordinance. May include “or any duly authorized agent of the Administrator”.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
22	<a href="#">4VAC50-60-108.B</a>	Establishes time frame for review of SWM plans and requirement for communication of decision to applicant.	Ensure all review period benchmarks are included: 1. Completeness of plan must be determined and applicant notified of determination within 15 days of receipt. a. If incomplete, applicant must be notified in writing. b. If determination of completeness is made, 60 days from date of communication is allowed for review. c. If determination of completeness is not made and communicated within 15 days, plan shall be deemed complete as of date of submission and 60 days from date of submission will be allowed for review. d. Any plan previously disapproved must be reviewed within 45 days of resubmission. 2. Decision to approve or disapprove plan must be provided in writing; if not approved reasons must be provided in writing. 3. If a plan meeting all requirements is submitted and no action is taken within appropriate time frame, the plan will be deemed approved. (Note: Shorter time frames are acceptable.)		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
23	<a href="#">4VAC50-60-108.C</a>	Describes the conditions under which modifications to approved SWM plans may be allowed or required.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
24	<a href="#">4VAC50-60-108.E</a>	Requires construction record drawing for permanent BMPs.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/>

		May elect not to require for SWM facilities for which maintenance agreements are not required pursuant to 4VAC50-60-112.			Comments:
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### 1-9. TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
25	<a href="#">4VAC50-60-62</a> <a href="#">4VAC50-60-63</a> <a href="#">4VAC50-60-65</a> <a href="#">4VAC50-60-66</a> <a href="#">4VAC50-60-69</a> <a href="#">4VAC50-60-72</a> <a href="#">4VAC50-60-74</a> <a href="#">4VAC50-60-76</a> <a href="#">4VAC50-60-85</a> <a href="#">4VAC50-60-92</a>	Technical criteria for land disturbing activities.	Technical criteria must be part of the VSMP, but do not have to be included within the ordinance. They may be contained within a local document that is referenced within the ordinance or the ordinance may reference 4VAC50-60-62 thru 92 of the Regulations. State technical criteria or more stringent local standards must be enforceable through the ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
26	<a href="#">4VAC50-60-48</a>	Describes conditions under which grandfathering of projects may occur.	Verify requirements exist in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
27	<a href="#">4VAC50-60-122</a>	Describes conditions under which exceptions to the technical criteria may be granted.	Verify requirements exist in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

### 1-10. LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
28	<a href="#">4VAC50-60-58</a>	Requires recorded instrument for long term maintenance of permanent BMPs.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
29	<a href="#">4VAC50-60-112.A</a>	Sets out specific requirements for long term maintenance of permanent BMPs.	Determine if all 5 requirements are specified in the local ordinance: 1. Submitted prior to approval of stormwater		All requirements specified? 1. Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Yes <input type="checkbox"/> No <input type="checkbox"/>

			<p>management plan</p> <p>2. Stated to run with land</p> <p>3. Provide necessary access to property for maintenance and inspection</p> <p>4. Provide for inspections and maintenance and submission of reports</p> <p>5. Be enforceable</p>		<p>3. Yes <input type="checkbox"/> No</p> <p>4. Yes <input type="checkbox"/> No</p> <p>5. Yes <input type="checkbox"/> No</p> <p>Comments:</p>
30	<a href="#">4VAC50-60-112.B</a>	Allows option for localities to not require a recorded BMP maintenance agreement on individual residential instrument.	If locality desires to allow this option, verify requirement exists in the local ordinance.		<p>Provision met?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comments:</p>
31	<a href="#">4VAC50-60-114.D</a>	If individual residential BMPs are not required to have recorded instrument, localities must develop strategy to address maintenance.	Applicable only if individual BMPs are not required to have recorded instrument.		<p>Provision met?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comments:</p>

## 1-11. MONITORING AND INSPECTIONS

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
32	<a href="#">4VAC50-60-114.A</a>	Requires VSMP authority to inspect for compliance 4 items during construction.	<p>Determine if all 4 required inspection items are specified in the local ordinance:</p> <p>1. Compliance with erosion and sediment control plan</p> <p>2. Compliance with stormwater management plan</p> <p>3. Development, updating, implementation of pollution prevention plan</p> <p>4. Development and implementation of additional control measures to address a TMDL</p>		<p>Inspection items specified?</p> <p>1. Yes <input type="checkbox"/> No</p> <p>2. Yes <input type="checkbox"/> No</p> <p>3. Yes <input type="checkbox"/> No</p> <p>4. Yes <input type="checkbox"/> No</p> <p>Comments:</p>
33	<a href="#">62.1-44.15:39</a>	Allows entry onto property in order to obtain information to assist in the enforcement of ordinance.	Verify requirement exists in the local ordinance.		<p>Provision met?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comments:</p>
34	<a href="#">62.1-44.15:40</a>	Requires permittee to provide information to VSMP authority when requested.	Verify requirement exists in the local ordinance.		<p>Provision met?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comments:</p>

35	<a href="#">4VAC50-60-114.B 2</a>	Requires post-construction inspections to be conducted by VSMP authority at least once every 5 years.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
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### 1-12. HEARINGS

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
36	<a href="#">62.1-44.15:44</a> <a href="#">4VAC50-60-118</a>	Establishes right to hearing by any permit applicant, permittee, or person subject to state permit requirements aggrieved by a VSMP authority.	Verify requirement exists in the local ordinance. (Note: Local Board of Zoning Appeals and locality Program Administrators or his/her designee cannot constitute the Appeals Board. A separate Board or Commission must be appointed to hear appeals.)		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
37	<a href="#">62.1-44.15:45</a> <a href="#">62.1-44.26</a>	Establishes procedures for hearings.	Verify that hearings held by local government comply with the requirements of §62.1-44.26 A – C:  1. Must be conducted by local governing or appeals body at a regular or special meeting or by at least one member designated to conduct such hearings or at any other authorized time and place.  2. Verbatim record of proceedings must be taken and filed with local governing or appeals body.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

### 1-13. APPEALS

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
38	<a href="#">62.1-44.15:46</a>	Establishes right to appeals process.	Pursuant to § 62.1-44.15:46, each locality must adopt an appeals procedure, which should be appropriate for the stormwater ordinance provisions, and shall be conducted in accordance with the locality's existing appeals procedures.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

## 1-14. ENFORCEMENT

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
39	<a href="#">62.1-44.15:37 A</a> <a href="#">4VAC50-60-116.A</a>	Requires notice to be served if Administrator determines there is a failure to comply.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
40	<a href="#">62.1-44.15:37 A</a>	Requires compliance measures to address permit conditions and timeframe for completion.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
41	<a href="#">62.1-44.15:37 A</a>	Describes failure to comply actions.	Ensure that the local ordinance states that an order may be issued that ceases all land-disturbing activities until corrected.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
42	<a href="#">62.1-44.15:37</a> <a href="#">4VAC50-60-116.A 1</a>	Allows for informal and formal proceedings if Administrator determines that there is a failure to comply.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
43	<a href="#">62.1-44.15:49</a> <a href="#">4VAC50-60-116</a>	Provides enforcement authority and schedule of civil penalties for enforcement actions. Criminal misdemeanor charges are an option also.	Components from 4VAC50-60-116 A 1 & A 2 must be incorporated into the VSMP ordinance. Ensure that the maximum penalty of \$32,500 per violation per day is not exceeded and that violations for which a penalty may be imposed are given.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

## 1-15. FEES

(The inclusion of fees within the ordinance is optional. If they are not included within the ordinance, they should be documented elsewhere and must be submitted to DEQ as part of the Local VSMP Application package.)

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
44	<a href="#">62.1-44.15:28</a>	Establishes fees to cover costs associated with implementation of a VSMP.	Verify that the locality has either incorporated the fee schedule into their ordinance or local procedures. See Table 1 in SWM Model Ordinance or regulatory citation. (Note: Localities have ability to raise or lower fees. May also utilize other sources of funding.)		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
45	<a href="#">4VAC50-60-820</a>	Fees associated with coverage	See Table 1 in SWM Model Ordinance or		Provision met?

		under the General Permit for Discharges of Stormwater from Construction Activities (CGP).	regulatory citation.		Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
46	<a href="#">4VAC50-60-825</a>	Fees associated with modification or transfer of CGP.	See Table 2 in SWM Model Ordinance or regulatory citation.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
47	<a href="#">4VAC50-60-830</a>	Maintenance fees.	See Table 3 in SWM Model Ordinance or regulatory citation.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
48	<a href="#">4VAC50-60-770</a>	Specifies how incomplete and late payments are handled.	Verify local ordinance states that incomplete payments deemed as nonpayments, interest may be charged on late payments, and a 10% late payment fee applied to delinquent accounts.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

**1-16. PERFORMANCE BOND**

(This section is optional and is not required to be included in local ordinances.)

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
49	<a href="#">62.1-44.15:34 A</a> <a href="#">4VAC50-60-104.D</a>	Allows for bonds and sets out criteria.	Not required in local ordinances.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

# Stormwater Management Ordinance From Chapter 23 of the County of Roanoke Code

## Table of Contents

<b>Introduction.....</b>	<b>3</b>
<b>Section 23-1 General Provisions .....</b>	<b>4</b>
23-1.1 Title and Authority .....	4
23-1.2 Purpose .....	4
23-1.3 Applicability .....	4
23-1.4 Compatibility with Other Requirements.....	6
23-1.5 Severability.....	6
23-1.6 Stormwater Management Technical Criteria.....	6
23-1.7 Stormwater Management Design Manual and Land Development Procedures.....	7
23-1.8 County Right of Entry .....	8
<b>Section 23-2 Definitions .....</b>	<b>9</b>
<b>Section 23-3 Program Permit Procedures and Requirements.....</b>	<b>14</b>
23-3.1 Permit Required.....	14
23-3.2 Permit Application Contents .....	14
23-3.3 Stormwater Pollution Prevention Plans.....	15
23-3.4 Pollution Prevention Plans.....	15
23-3.5 Stormwater Management Plans .....	16
23-3.6 Comprehensive Stormwater Management Plans and Regional Stormwater Management Facilities .....	18
23-3.7 Stormwater Management Facility Maintenance Agreements .....	19
23-3.8 Special Provisions for Individual Residential Lot Stormwater Management Facilities .....	21
23-3.9 Performance Securities .....	21
23-3.10 Fees.....	22
23-3.11 Permit Application Procedure .....	23
<b>Section 23-4 Exceptions to Stormwater Management Requirements.....</b>	<b>26</b>
23-4.1 Exceptions to Stormwater Management.....	26
23-4.2 Hearings and Appeals.....	27
<b>Section 23-5 Illicit Discharges.....</b>	<b>28</b>
23-5.1 General.....	28
<b>Section 23-6 Construction Inspection.....</b>	<b>31</b>

23-6.1 Notice of Construction Commencement .....	31
23-6.2 Periodic Construction Inspection.....	31
23-6.3 Final Inspection and Record Documentation .....	32
<b>Section 23-7 Post Construction Inspection, Maintenance and Repair</b>	
<b>Of Stormwater Management Facilities .....</b>	<b>33</b>
23-7.1 Maintenance Inspections of Stormwater Management Facilities.....	33
23-7.2 Records of Inspection, Maintenance and Repair .....	34
<b>Section 23-8 Enforcement and Penalties.....</b>	<b>35</b>
23-8.1 Violations.....	35
23-8.2 Notice of Violation .....	35
23-8.3 Stop Work Orders.....	36
23-8.4 Civil and Criminal Penalties.....	36
23-8.5 Restoration of Lands.....	38
23-8.6 Holds on Certificate of Occupancy .....	38

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# **Chapter 23**

## **Stormwater Management Ordinance**

### **County of Roanoke, Virginia**

#### **Introduction**

The County of Roanoke is home to a vast array of scenic natural resources, from the mountains that span our landscape to the streams that flow through our valleys. This picturesque environment has embraced generations of citizens while drawing in more newcomers every year. The continual increase in population aids in the growth and development of this area, improving jobs and enhancing economic stability. Yet, intensive development can degrade those beautiful natural resources that make the county so special.

Inadequate management of stormwater runoff from land-disturbing activities and development in watersheds increases flood flows and velocities, erodes and/or silts stream channels, pollutes water, overloads existing drainage facilities, undermines floodplain management in downstream communities, reduces groundwater recharge, and threatens public safety. More specifically, surface water runoff can carry pollutants into receiving waters.

According to the U.S. Environmental Protection Agency's 2004 National Water Quality Inventory, approximately 40 % of surveyed U.S. water bodies do not meet basic water quality standards. The Roanoke River and many of its tributaries inside the county are listed as impaired waters by the Virginia Department of Environmental Quality.

Many future problems can be avoided through proper stormwater management and the county is dedicated to preventing the damaging effects that uncontrolled stormwater may present. The lands and waters of Roanoke County are great natural resources and need to be protected. The County finds that it is in the public interest to establish a stormwater management program.

Pursuant to Code § 10.1-603.3, this chapter is part of an initiative to integrate the County of Roanoke's stormwater management requirements with the County of Roanoke's erosion and sediment control (Chapter 8.1) and flood plain management (Section 30-74) requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both the County of Roanoke and those responsible for compliance with these programs.

## SECTION 23-1

### GENERAL PROVISIONS

#### Section 23-1.1 TITLE AND AUTHORITY

- A. This chapter shall be known as the “Stormwater Management Ordinance of the County of Roanoke, Virginia.”
- B. The Virginia Stormwater Management Law (“Law”), Title 10.1, Chapter 6, Article 1.1 (§ 10.1-603.1 et seq.) of the Code of Virginia (1950), as amended, enables localities to adopt, by ordinance, a stormwater management program consistent with state regulations promulgated pursuant to the law.
- C. Pursuant to § 10.1-603.3 of the Code of Virginia, the County of Roanoke, hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in Section 23-1.2 of this Ordinance. The County of Roanoke hereby designates the Director of Community Development as the Administrator of the Virginia stormwater management program.

#### Section 23-1.2 PURPOSE

The purpose of this chapter is to promote and protect the general health, safety, and welfare of the citizens of the county and to protect property, state waters, stream channels, and other natural resources from the potential harm of unmanaged stormwater, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.

#### Section 23-1.3 APPLICABILITY

- A. Except as provided herein, no person may engage in any land-disturbing activity until a permit has been issued by the Administrator in accordance with the provisions of this chapter.
- B. All plans must be reviewed by the county to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.
- C. Notwithstanding any other provisions of this chapter, the following activities are exempt, unless otherwise required by federal law:

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1;
2. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Virginia Soil and Water Conservation Board in regulations, including engineering operations as follows: construction of terraces ,terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
3. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family residential structures;
4. Other land disturbing activities that disturb less than one acre of land area, except land disturbing activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance;
5. Discharges to a sanitary sewer or a combined sewer system;
6. Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance performed in accordance with this subsection; and
8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity.

## **Section 23-1.4 COMPATABILITY WITH OTHER REQUIREMENTS**

This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall apply.

## **Section 23-1.5 SEVERABILITY**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.

## **Section 23-1.6 STORMWATER MANAGEMENT TECHNICAL CRITERIA**

- A. The county hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part IIB of the Regulations, as amended, expressly to include 4 VAC 50-60-63 [water quality design criteria requirements]; 4VAC 50-60-65 [water quality compliance]; 4 VAC 50-60-66 [water quantity]; 4 VAC 50-60-69 [offsite compliance options]; 4 VAC 50-60-72 [design storms and hydrologic methods]; 4 VAC 50-60-74 [stormwater harvesting]; 4 VAC 50-60-76 [linear development project]; 4 VAC 50-60-11 85 [stormwater management impoundment structures or facilities]; and 4 VAC 50-60-92 [comprehensive stormwater management plans], which shall apply to all land disturbing activities regulated pursuant to this chapter, except as expressly set forth in subsection B of this section. The county will utilize the policy, criteria and information, of the county Stormwater Management Design Manual and the county Land Development Procedures for the proper implementation of the requirements of this chapter.
- B. Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Administrator as being equivalent thereto, was approved by the county prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered by the Administrator and shall not be subject to the technical criteria of Part II B of the Regulations, but shall be subject to the technical criteria of Part II C of the Regulations and the stormwater management technical criteria of the Stormwater Management Ordinance of the County of Roanoke, Virginia

that was in effect at the time of the plan approval, whichever is more stringent, for those areas that were included in the approval, provided that the Administrator finds that such proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Administrator as being equivalent thereto, (i) provides for a layout and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C, and the county Stormwater Management Ordinance that was in effect at the time of the approval. In the event that the county approved document is subsequently modified or amended in a manner such that there is no increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.

- C. Until June 30, 2019, for local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Department has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by the county and shall not be subject to the technical requirements subsection A above, but shall be subject to the technical requirements of subsection B of this section for those areas that were included in the approval.
- D. For land-disturbing activities grandfathered under this subsection, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of subsection A of this section.
- E. In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements of subsection B of this section.

### **Section 23-1.7 STORMWATER MANAGEMENT DESIGN MANUAL AND LAND DEVELOPMENT PROCEDURES**

- A. The county will utilize the policy, criteria and information contained within the county Stormwater Management Design Manual, and the county Land Development Procedures for proper implementation of the requirements of this chapter.
- B. The county Stormwater Management Design Manual and the county Land Development Procedures may be updated and revised from time to time. The Administrator shall recommend any updates, supplements, or modifications to the county Stormwater Management Design Manual and the county Land

Development Procedures subject to the authorization and approval by the Board of Supervisors by resolution.

### **Section 23-1.8 COUNTY RIGHT OF ENTRY**

- A. The Administrator and/or duly authorized employees, agents, or representatives of the county, bearing proper credentials and identification, may, at any reasonable times and under reasonable circumstance, enter any establishment or upon any property, public or private, which has a VSMP permit or a maintenance covenant, for the purpose of enforcing this chapter, including, but not limited to:
1. Obtaining information or conducting surveys or investigations;
  2. Taking samples of discharges;
  3. Inspecting monitoring equipment;
  4. Inspecting and copying documents relevant to the enforcement of this chapter;
  5. Initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified;
  6. Inspecting stormwater management facilities or other BMPs, or to initiate or maintain appropriate actions which are required to restore proper stormwater management facility or other BMP operation when a land owner, after proper notice, has failed to take acceptable action within the time specified;
  7. And such other items as may be deemed necessary for the enforcement of this chapter

## SECTION 23-2

### DEFINITIONS

In addition to the definitions set forth in 4VAC50-60-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this chapter have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

**“Administrator”** means the VSMP authority responsible for administering the VSMP on behalf of the County of Roanoke. The Administrator shall be the Director of Community Development or any duly authorized agent of the Director of Community Development.

**“Applicant”** means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

**“Best Management Practice or BMP”** means schedules of activities, prohibitions of practices, including both a structural or nonstructural practice, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

**“Clean Water Act or CWA”** means the federal Clean Water Act (33 United States Code 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

**“Common plan of development or sale”** means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

**“Control measure”** means any best management practice or other method used to prevent or reduce the discharge of pollutants to surface waters.

**“County”** means the County of Roanoke, Virginia.

**“Department”** means the Department of Conservation and Recreation.

**“Development”** means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

**“Executed Development Agreements”** means documents that are executed by the applicant and County that implements the various sureties.

**“Fee in lieu”** means a payment of money to the county for the use of a regional stormwater management facility in place of meeting all or part of the storm water performance standards required by this ordinance on the site.

**"General permit"** means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (4VAC50-60-1100 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

**“Illicit discharge”** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a VPDES or VSMP permit (other than the VSMP permit for discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and discharges identified by and in compliance with 4VAC50-60-1220 C 2.

**“Land disturbance”** or **“Land-disturbing activity”** means a manmade change to the land surface that potentially changes its runoff characteristics including any clearing, grading, or excavation, except that the term shall not include those exemptions specified in Section 23-1.3 of this Chapter.

**“Layout”** means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

**"Minor modification"** means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

**“Municipal separate storm sewer system”** or **“MS4”** means all separate storm sewers that are defined as “large” or “medium” or “small” municipal separate storm sewer systems or designated under 4VAC50-60-380 A 1.

**“Municipal Separate Storm Sewer Management Program”** or **“MS4 Program”** means a management program covering the duration of a permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations and the Act and attendant

regulations, using management practices, control techniques,, and system design and engineering methods, and such other provisions that are appropriate.

**“Off-site facility”** means a stormwater management measure located outside the subject property boundary described in the permit application for land-disturbing activity.

**“Operator”** means the owner or operator of any facility or activity subject to regulation under this Ordinance.

**“Permit or VSMP Authority Permit”** means an approval to conduct a land disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, which may only be issued after evidence of general permit coverage has been provided by the Department.

**“Permittee”** means the person to whom the VSMP Authority permit is issued.

**“Person”** means any individual, corporation, partnership, firm, association, joint venture, public or private or municipal corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate or governmental body or any other legal entity, or any agent or employee of any such person.

**“Regional stormwater management facility”** or **“Regional facility”** means a facility or series of facilities designed to control some or all of the adverse impacts from stormwater runoff from two or more parcels or lots, located in the same watershed, although only portions of the area may experience development.

**“Regulations”** means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 4 VAC 50-60-10 e. seq, as amended.

**“Site”** means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

**“State”** means the Commonwealth of Virginia

**“State Board”** means the Virginia Soil and Water Conservation Board.

**“State Permit”** means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

**“State Water Control Law”** means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

**“State waters”** means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

**“Stormwater”** means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

**“Stormwater facility maintenance agreement”** means a legally binding agreement between the owner of a property and the county regarding long-term maintenance of stormwater management facilities.

**“Stormwater management plan”** means a document(s) containing material for describing methods for complying with the requirements of Section 23-3.5 of this chapter.

**“Stormwater Pollution Prevention Plan” or “SWPPP”** means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

**“Subdivision”** means the division of a parcel of land into two (2) or more parcels of any size by the establishment of new boundaries lines or by the adjustment, relocation, or vacation of existing boundary lines, for the purpose whether immediate or future, of transfer of ownership or building development. A subdivision includes all changes in street or lot lines, and any portion of any such subdivision previously recorded in which building development or street creation occurs, or is required, subsequent to such recordation. The transfer of ownership of land to the Commonwealth of Virginia or a political subdivision thereof and the division of lands by court order or decree shall not be deemed a subdivision as otherwise herein defined.

**“Total Maximum Daily Load or TMDL”** means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measures. The TMDL process provides for point versus nonpoint source trade-offs.

**“Town”** means the incorporated Town of Vinton.

**“Virginia Stormwater Management Act” or “Act”** means Article 1.1 (§10.1-603.2 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

**“Virginia Stormwater BMP Clearinghouse website”** means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

**“Virginia Stormwater Management Program” or “VSMP”** means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

**“Virginia Stormwater Management Program authority” or VSMP authority”** means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program.

## SECTION 23-3

### PROGRAM PERMIT PROCEDURES AND REQUIREMENTS

#### Section 23-3.1 PERMIT REQUIRED

- A. No grading, building, or other local permit shall be issued for a property until a VSMP authority permit has been issued by the Administrator, unless the activity is specifically exempted from VSMP permitting by this ordinance.
- B. No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the requirements of this chapter.
- C. No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.

#### Section 23-3.2 PERMIT APPLICATION CONTENTS

- A. Unless specifically exempted by this chapter, any land owner or operator desiring a permit for a land disturbance activity shall submit to the county a permit application on a form provided by the county for that purpose. Permit applications shall comply with the requirements contained within the county Stormwater Management Design Manual and the county Land Development Procedures that are available from the Department of Community Development office.
- B. No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein.
  - 1. A permit application that includes a general permit registration statement;
  - 2. A stormwater pollution prevention plan (SWPPP) that meets the requirements of Section 23-3.3;
  - 3. An erosion and sediment control plan approved in accordance with the county Erosion and Sediment Control ordinance [chapter 8.1];
  - 4. A stormwater management plan that meets the requirements of Section 23-3.5
  - 5. Maintenance agreements in accordance with Section 23-3.7;
  - 6. Performance bonds in accordance with Section 23-3.9;

7. Fees in accordance with Section 23-3.10; and,
8. Executed Development Agreements

### **Section 23-3.3 STORMWATER POLLUTION PREVENTION PLANS**

- A. The Stormwater Pollution Prevention Plan (SWPPP) required by the general permit, must comply with the requirements set forth in 4VAC50-60-54 and must also comply with the requirements and general information set forth in Section 4VAC50-60-1170, Section II [stormwater pollution prevention plan] of the general permit.

At a minimum the SWPPP must include:

1. An erosion and sediment control plan;
  2. A stormwater management plan;
  3. A pollution prevention plan; and
  4. Any additional control measures necessary to address a TMDL.
- B. The SWPPP shall be amended, by the operator, whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
  - C. The SWPPP shall be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public and county review in accordance with Section II of the general permit, either electronically or in hard copy.

### **Section 23-3.4 POLLUTION PREVENTION PLANS**

- A. A Pollution Prevention Plan, required by 4VAC50-60-56, shall be developed, implemented and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants.
- B. At a minimum, such measures must be designed, installed, implemented, and maintained to:
  1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
  3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- C. The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
1. Wastewater from washout of concrete, unless managed by an appropriate control;
  2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  4. Soaps or solvents used in vehicle and equipment washing.
- D. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

### **Section 23-3.5 STORMWATER MANAGEMENT PLANS**

- A. No application for land development, land use conversion, or land-disturbing activity will be approved unless it includes a stormwater management plan, as required by this ordinance, detailing how runoff and associated water quality impacts resulting from the activity will be controlled or managed.
- B. Submittal, review, approval, and resubmittal of stormwater management concept and design plans shall comply with the requirements set forth in the county Stormwater Management Design Manual and county Land Development Procedures.
- C. If an operator intends to meet the water quality and/or quantity requirements set forth in 4VAC 50-60-63 or 4 VAC 50-60-66 through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by §10.1-603.8:1 of the Code of Virginia.
- D. Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the

Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

- E. A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator and approved prior to the release of bonds. The construction record drawing shall be appropriately sealed and signed by a professional registered in the commonwealth, certifying that, based on sufficient inspections during construction to adequately document compliance, the stormwater management facilities, including but not limited to storm drain structures, storm drain pipes, culverts, BMPs, and any other facility used to control or treat stormwater have been constructed in accordance with the approved plan.
- F. The stormwater management plan shall include the following information:
1. Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and postdevelopment drainage areas;
  2. Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
  3. A narrative that includes a description of current site conditions and final site conditions;
  4. A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
  5. Information on the proposed stormwater management facilities, including:
    - (i) The type of facilities;
    - (ii) Location, including geographic coordinates;
    - (iii) Acres treated; and
    - (iv) The surface waters or karst features, if present, into which the facility will discharge.
  6. Hydrologic and hydraulic computations, including runoff characteristics;
  7. Documentation and calculations verifying compliance with the water quality and quantity requirements.
  8. A map or maps of the site that depicts the topography of the site and includes:

- (i) All contributing drainage areas;
  - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
  - (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
  - (iv) Current land use including existing structures, roads, and locations of known utilities and easements;
  - (v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
  - (vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
  - (vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
  - (viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- G. The Stormwater Management Plan must apply the stormwater management technical criteria set forth in Section 23-1.6 of this chapter to the entire land-disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.

### **Section 23-3.6 COMPREHENSIVE STORMWATER MANAGEMENT PLANS AND REGIONAL STORMWATER MANAGEMENT FACILITIES**

- A. The county may develop comprehensive stormwater management plans in accordance with 4VAC50-60-92 as a means to more effectively and efficiently address water quality objectives, quantity objectives, or both; through the implementation of regional stormwater management facilities.
- B. Once a comprehensive stormwater management plan is adopted by the county and approved by the Director of the Virginia Department of Environmental Quality, it is enforceable under this chapter.
- C. Stormwater management plans for land disturbing activities located in areas that have a comprehensive stormwater management plan, adopted by the county, and approved by the Director of the Virginia Department of Environmental Quality, shall comply with the requirements of the comprehensive stormwater management plan.
- D. If a proposed regulated land-disturbing activity is located in a watershed that has a regional stormwater management facility currently constructed or scheduled to be constructed prior to the completion of the proposed regulated land-disturbing activity, and if the regional stormwater management facility is in accordance with

a comprehensive stormwater management plan , the county shall have the option to require the payment of a fee-in-lieu of providing a portion or all of the proposed regulated land-disturbing activities stormwater management requirements. The fee-in-lieu shall be based on the reasonable proportion of stormwater impacts from the proposed regulated land-disturbing activity compared to the total stormwater impacts that the regional stormwater management facility is designed to mitigate multiplied by the total estimated project costs. The reasonable proportion of project costs shall be solely determined by the county. Project costs include, but are not limited to, the costs of land, professional services for investigations, studies, design, environmental permitting, survey, construction phase services and legal services; construction, county staff costs for project development, design, construction, permitting, oversight, or other project activities; and other direct costs. Project costs shall also include the present value of the estimated operation and maintenance costs for the next 20-years, if the county is responsible for the regional stormwater management facility's operation and maintenance.

- E. The county and any other party(ies) may mutually agree to share the costs of a regional stormwater management facility, in the absence of a comprehensive stormwater management plan. The fee-in-lieu shall be based on project costs apportioned to each party in reasonable proportion of each parties contribution to the total stormwater impacts that the regional stormwater management facility is designed to mitigate as mutually negotiated.
- F. Paying a fee-in-lieu of stormwater management practices does not relieve the developer of meeting any requirements of this stormwater ordinance other than the negotiated relief. The developer remains responsible for ensuring that downstream properties are not negatively impacted by stormwater flow, velocity, or quality leaving the developed site.

### **Section 23-3.7 STORMWATER MANAGEMENT FACILITY MAINTENANCE AGREEMENTS**

- A. Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, except as provided herein in Section 23-3.8, the land owner of the site must execute an access easement agreement and a formal maintenance covenant that shall be binding on all subsequent owners of land served by the stormwater management facility.
- B. The access easement agreement shall provide for access to stormwater management facilities at reasonable times for periodic inspection by the county, or their contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement agreement shall be recorded by the county in the land records.

- C. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant, except as provided herein in Section 23-3.8, which must be approved by the county and executed prior to final plan approval.
- D. Responsibility for the operation and maintenance of stormwater management facilities, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements, acceptable to the county, shall be made to pass the responsibility to successors in title. These arrangements shall designate for each land owner, governmental agency, or other legally established entity to be permanently responsible for maintenance.
- E. As part of the covenant, a schedule shall be developed for when and how often routine maintenance shall occur to ensure proper function of the stormwater management facility. The covenant shall also include a schedule for periodic inspections to ensure proper performance of the facility between scheduled routine maintenance and shall require repairs when needed for proper function. The covenant shall also include "failure to maintain" provisions.
- F. In the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health, safety, or the environment, the county reserves the authority to perform the necessary maintenance or repair work and to recover the costs from the land owner.
- G. Prior to the release of the performance security or bond provided in Sec. 23-3.9, the developer shall either (1) Transfer the Maintenance Responsibilities of the storm water management facilities to the Home Owners Association or (2) provide the county with a Maintenance Security.
1. Requirements for Transfer of Maintenance Responsibilities to the Home Owners Association
    - i. Successful final inspection of the stormwater management facility by the county.
    - ii. Transfer of the necessary property to the Home Owners Association
    - iii. Provide a copy of the recorded documents establishing the Home Owners Association to the county.
    - iv. Provide the county with evidence that the Home Owners Association is funded. Minimum funding shall be based on the following schedule:
      - 1-20 lots = \$1,000
      - 21-50 lots = \$1,500
      - 51 and over = \$1500 + \$30 per lot over 50
    - v. Organize and hold a meeting attended by the developer, the county and Home Owners Association.

2. Requirements for Posting Maintenance Security.
  - i. The county shall require a maintenance guaranty in the amount of twenty (20%) percent of the construction costs of the stormwater management facility.
  - ii. The maintenance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.
  - iii. If the county takes such action upon such failure by the permittee, the county may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
  - iv. The maintenance covenant and security will be the responsibility of the permittee or owner until such time as the permittee or owner provides the county with the necessary requirements for Transfer of Maintenance Responsibilities to the Home Owners Association as outlined above in (1).

### **Section 23-3.8 SPECIAL PROVISIONS FOR INDIVIDUAL RESIDENTIAL LOT STORMWATER MANAGEMENT FACILITIES**

**(TO BE DEVELOPED)**

### **Section 23-3.9 PERFORMANCE SECURITIES**

- A. The county may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement, all of which shall be in a form approved by the county, prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permittee as required by the approved stormwater management plan.

- B. The amount of the performance security shall be the total estimated construction cost of the storm drainage systems and stormwater management facilities approved under the permit, plus 10%.
- C. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.
- D. If the county takes such action upon such failure by the permittee, the county may collect from the permittee the difference should the amount of the reasonable cost if such action exceeds the amount of the security held.
- E. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, will be refunded to the permittee or terminated.

### **Section 23-3.10 FEES**

- A. Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with the fee schedule established by the county Board of Supervisors as amended. VSMP costs include county costs associated with stormwater management plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with land-disturbing activities as well as state program oversight costs. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to the fee schedule established by the county Board of Supervisors as amended.
- B. Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with the fee schedule established by the county Board of Supervisors as amended. If the permit modifications result in changes to stormwater management plans that require additional review by the county, such reviews shall be subject to the fee schedule established by the county Board of Supervisors as amended. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in accordance with the fee schedule established by the county Board of Supervisors as amended.

- C. Permit maintenance fees: Annual permit maintenance fees required by 4 VAC50-60-830 shall be imposed in accordance with the fee schedule established by the county Board of Supervisors as amended, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated.
- D. General permit coverage maintenance fees shall be paid annually to the county, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.
- E. The fees set forth in Sections A – D, above shall apply to:
- 1) All persons seeking coverage under the general permit.
  - 2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
  - 3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater from Construction Activities.
  - 4) Permit and permit coverage maintenance fees may apply to each general permit holder.
- F. No permit application fees will be assessed to:
- 1) Permittees who request minor modifications to permits as defined in Section 23-2 of this chapter. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this section.
  - 2) Permittees whose permits are modified or amended at the initiative of the Department or Administrator, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.
- G. All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The county shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

### **Section 23-3.11 PERMIT APPLICATION PROCEDURE**

- A. Permit applications and the stormwater management plan shall include all of the information required by this chapter, the county Stormwater Management Design Manual and county Land Development Procedures.
- B. No VSMP authority permit shall be issued until the fees required to be paid pursuant to section 23-3.10, are received, and a performance bond required pursuant to section 23-3.9 of this chapter has been submitted and accepted.
- C. All applications will be processed in accordance with procedures set forth in the county Stormwater Management Design Manual and Land Development Procedures. The county intends to review plans in a shorter time period than the maximum set herein. See the county Land Development Procedures for the county's plan review policy.
  - 1. The Administrator shall determine the completeness of a plan in accordance with section 23-3.2 of this chapter and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification will contain the reasons the plan is deemed incomplete.
  - 2. The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed above, then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
  - 3. The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
  - 4. During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the applicant or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this chapter.
  - 5. If a plan meeting all requirements of this chapter is submitted and no action is taken within the time provided above, the plan shall be deemed approved.
- D. Approved stormwater management plans may be modified as follows:
  - 1. Modification to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.

2. The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.
- E. The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to section 23-3.8.

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## SECTION 23-4

### EXCEPTIONS TO STORMWATER MANAGEMENT REQUIREMENTS

#### Section 23-4.1 EXCEPTIONS TO STORMWATER MANAGEMENT

- A. The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act and this chapter are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this chapter.
1. Exceptions to the requirement that the land-disturbing activity obtain the required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website or any other measure not duly approved by the Director.
  2. Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 4 VAC 50-60-69 have been considered and found not available.
  3. Nothing in this section shall preclude an operator from constructing to a more stringent standard at their discretion.
- B. Requests for an exception to the stormwater technical requirements shall be submitted in writing to the Administrator for consideration.
- C. The Administrator may grant an exception from strict compliance with stormwater management provisions when not reasonably achieved, provided that acceptable mitigation measures are provided. However, to be eligible for an exception, the applicant must demonstrate to the satisfaction of the Administrator that the downstream waterways will not be subject to:
1. Deterioration of existing culverts, bridges, dams, and other structures;
  2. Deterioration of biological functions or habitat;
  3. Accelerated streambank or streambed erosion or siltation;
  4. Increased threat of flood damage to public health, life and property.

## Section 23-4.2 HEARINGS AND APPEALS

- A. Any permit applicant or permittee, or person subject to the requirements of this chapter, who is aggrieved by any action or by inaction, of the county in approving or disapproving any plans required by this chapter, or by any enforcement action taken pursuant to Sec. 23-8, shall have the right to demand in writing an appeal to the county Board of Supervisors provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.
- B. The hearing shall be held either at a regular or special meeting of the Board of Supervisors provided that the Board of Supervisors and the aggrieved party has at least thirty (30) days prior notice.
- C. The Board of Supervisors, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of any witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the Board of Supervisors whose actions may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.
- D. During its review, the Board of Supervisors shall consider evidence presented by all parties. After considering the evidence the Board of Supervisors' decision shall be final.
- E. Final decisions of the Board of Supervisors or Administrator under this chapter shall be subject to judicial review by the Roanoke County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of any permit applicant, permittee, or person subject to any enforcement action under this chapter.

**SECTION 23-5  
ILLCIT DISCHARGES**

**23-5.1 GENERAL**

- A. It shall be unlawful and a violation of this chapter to allow any discharge to a municipal separate storm sewer or public watercourse that is not composed entirely of stormwater, except as described in subsection C below.
- B. Illicit discharges include, but are not limited to:
1. Discharging, or causing or allowing to be discharged, sewage, industrial wastes, or other wastes, into the storm sewer system, or any component thereof, or onto driveways, sidewalks, parking lots, or any other areas draining to the storm sewer system.
  2. Connecting, or causing or allowing connection of any sanitary sewer to the storm sewer system, including any sanitary sewer connected to the storm sewer as of the date of the adoption of this ordinance.
  3. Connecting, or causing or allowing any connection to the storm sewer system, without a valid VSMP, VPDES or NPDES permit, any structure that conveys any liquid other than stormwater or discharges listed in subsection C, including, but not limited to, pipes, drains, sanitary sewer lines, washing machine drains, or floor drains.
  4. Prohibitions 2 and 3 listed in this subsection expressly include, without limitations, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.
  5. Throwing, placing, or depositing, or causing to be thrown, placed, or deposited in the storm sewer system anything that impedes or interferes with the free flow of stormwater therein, or adversely effects water quality.
- C. The following nonstormwater discharges are allowable under this ordinance:
1. Discharges or flows covered by a separate individual or general VPDES or VSMP permit for nonstormwater discharges;
  2. Individual nonstormwater discharges or flows that have been identified in writing by the Virginia Department of Environmental Quality as de minimis discharges that are not significant sources of pollutants to state waters and do not require a VPDES permit;
  3. Nonstormwater discharges or flows in the following categories, unless they are identified by the Administrator, Virginia Water Control Board, or

Virginia Soil and Water Conservation Board, as significant contributors of pollutants to the MS4.

- a. Water line flushing;
- b. Landscape irrigation;
- c. Diverted stream flows or rising groundwater;
- d. Uncontaminated ground water infiltration;
- e. Uncontaminated pumped groundwater;
- f. Discharges from potable water sources;
- g. Foundation drains;
- h. Air conditioning condensate;
- i. Irrigation water;
- j. Springs;
- k. Water from crawl space pumps;
- l. Footing drains;
- m. Lawn watering;
- n. Individual residential car washing;
- o. Flows from riparian habitats and wetlands;
- p. Dechlorinated swimming pool discharges;
- q. Street wash water; and
- r. Fire fighting activities.

4. The discharge of material resulting from a spill that is necessary to prevent loss of life, personal injury, or severe property damage. The responsible party shall take all reasonable steps to minimize or prevent any adverse effect on human health or the environment. This provision does not transfer liability for the spill itself from the party(ies) responsible for the spill, nor relieve the party(ies) responsible for a spill from the reporting requirements of 40 CFR Part 117 and 40 CRF Part 302 (2001).
- D. In the event any of the activities listed in subparagraph C.3 of this section are found to be a significant contributor of pollutants to be discharged into the storm sewer system, the Administrator shall so notify the person performing such activities, and shall order that such activities be ceased or conducted in such a manner as to avoid the discharge of pollutants into the storm sewer system. The failure to comply with any such order shall constitute a violation of the provisions of this chapter.
- E. No person shall sweep, wash, or otherwise place dirt, trash, debris, yard wastes, or other materials that could be picked up and carried by stormwater runoff, in gutters, streets, ditches, or elsewhere, where they could reasonably be expected to be carried off by stormwater runoff to a municipal separate storm sewer, public watercourses or other storm drainage systems.
- F. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the

property free of trash, debris, yard wastes, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

- G. The owner or such person's lessee shall not remove, or allow removal of, healthy bank vegetation beyond that necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to the watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## **SECTION 23-6**

### **CONSTRUCTION INSPECTION**

#### **Section 23-6.1 NOTICE OF CONSTRUCTION COMMENCEMENT**

- A. The permittee shall notify the county in advance before the commencement of land disturbing activities. In addition, the permittee shall notify the county in advance of construction of critical components of a stormwater management facility.

#### **Section 23-6.2 PERIODIC CONSTRUCTION INSPECTION**

- A. The Administrator shall periodically inspect the land-disturbing activity during construction for:
1. Compliance with the approved erosion and sediment control plan;
  2. Compliance with the approved stormwater management plan;
  3. Compliance with the approved pollution prevention plan;
  4. Development and implementation of any additional control measures necessary to address a TMDL.
- B. If the county inspections find any violations, the permittee shall be notified in writing of the nature of the violation and the required corrective actions. No additional construction or land-disturbing activity in the area of the violation shall proceed until any violations are corrected and all work previously completed has received approval from the county. The permittee is responsible for maintenance and repair for all stormwater management facilities during construction.
- C. The person responsible for implementing the approved the plan is required to provide adequate inspection monitoring and reports to ensure compliance with the approved plan, to determine whether the measures required in the plan provide effective stormwater management and to allow the registered professional to certify the record documents in accordance with Section 23-3.5. All permittee inspections shall be documented and written reports prepared that contain the following information:
1. The date and location of the permittee inspection;
  2. Whether construction is in compliance with the approved stormwater management plan;

3. Variations from the approved construction specifications;
4. Corrective actions that have been taken to correct previous violations;
5. Any violations that exist; and.
6. The name and signature of the person who performed the inspection.

Permittee inspection documentation shall be kept with the SWPPP.

- D. If the county determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan in accordance with Section 23-8 of this chapter.
- E. Pursuant to § 10.1-603.12:2 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this chapter, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this chapter.

### **Section 23-6.3 FINAL INSPECTION AND RECORD-DOCUMENTATION**

- A. The permittee shall submit record drawings and supporting documentation for all stormwater management facility and storm drainage system associated with the project before final county inspection. Record drawings and supporting documents shall comply with the requirements contained in the county Stormwater Management Design Manual.
- B. Receipt of record drawings and supporting documentation, final inspection and approval by the county is required before the release of performance securities.
- C. If it is determined from the record drawings, or inspections, that the storm drainage systems and the stormwater management facilities have not been constructed in accordance with the approved stormwater management plan, then corrective action will be taken to comply with the approved Plan or the permittee shall provide studies and information required by the county to demonstrate that the constructed system will function equivalent to the approved Stormwater Management Plan, and that all regulatory requirements are met.

## SECTION 23-7

### POST CONSTRUCTION INSPECTION, MAINTENANCE AND REPAIR OF STORMWATER MANAGEMENT FACILITIES

#### Section 23-7.1 MAINTENANCE INSPECTIONS OF STORMWATER MANAGEMENT FACILITIES

- A. Following the completion and acceptance of construction, the landowner is responsible for the maintenance and repair of stormwater structures and stormwater management facilities. The landowner shall ensure that proper maintenance and repair of stormwater structures and stormwater management facilities occur and that periodic inspection, maintenance, and repair are performed so that the structures and facilities operate properly. All inspection, maintenance, and repair activities shall be documented and reported to the county.
- B. Stormwater structures and stormwater management facilities that have recorded stormwater facility maintenance agreements shall be operated, inspected, maintained and repaired in conformance with the applicable performance requirements contained in the approved stormwater facility maintenance agreement.
- C. Existing stormwater structures and stormwater management facilities that do not have a recorded stormwater facility maintenance agreement shall be operated, inspected, maintained and repaired as required for proper operation of the structures and facilities. Following are the minimum requirements for stormwater structures and stormwater management facilities that do not have a recorded stormwater facility maintenance agreement:
  - 1. Stormwater structure and management facilities shall be inspected by the property owner annually.
  - 2. All structures and slopes shall be kept in a safe condition.
  - 3. Grass clippings, cut brush, and other debris shall not be placed into stormwater structures or stormwater management facilities.
  - 4. All pipes and structures shall be kept clean and clear of debris that could decrease flow capacity.
  - 5. Sediment and silt that washes into stormwater management facilities shall be removed and properly disposed of when the sediment and silt builds up to the point that they adversely impact the facility's proper operation.
  - 6. Trees and other woody plants shall be cut and removed from embankment slopes annually.

7. Trees and woody plants shall be cut and removed from stormwater management facilities', non-embankment areas, as needed to avoid build up of debris in the facility and to avoid a nuisance. Periodic cutting and brush removal shall occur at a frequency of at least once in three years.
  8. Landscaping and grass cover shall be maintained for proper operation and erosion control. Replace landscaping as required. Repair erosion and replace grass cover as required.
  9. Owner inspection and maintenance reports shall be submitted to the county Department of Community Development as required in Section 23-7.2 below.
- D. In addition to the inspections performed by the land owner, the county shall periodically inspect stormwater management facilities. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety, public health, or the environment, the county shall notify the landowner by registered or certified mail. The notice shall specify the measures needed to comply and shall specify the time within which such measures shall be completed. If the responsible party fails or refuses to correct the violation, the county, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the land owner.
- E. The county will conduct post-construction inspections of stormwater management facilities pursuant to the county's developed, and State Board's approved inspection program, and shall inspect each stormwater management facility at least once every five (5) years except as may otherwise be provided for in Section 23-3.8.

#### **Section 23-7.2 RECORDS OF INSPECTION, MAINTENANCE AND REPAIR**

- A. Landowners responsible for the operation and maintenance of stormwater management facilities shall make records of all inspections, maintenance and repairs, and shall retain the records for at least five (5) years.
- B. Records of inspection and maintenance by the landowner shall be submitted to the county Department of Community Development by April 1st of each year.

## SECTION 23-8

### ENFORCEMENT AND PENALTIES

#### Section 23-8.1 VIOLATIONS

Any land-disturbance activity that is commenced or is conducted contrary to this chapter or the approved plans and permit, may be subject to the enforcement actions outlined in this section and the state Stormwater Management Law.

#### Section 23-8.2 NOTICE OF VIOLATION

- A. If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply.
- B. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.
- C. If there is no permittee, the notices shall be issued to the landowner.
- D. The notice of violation shall contain:
  - 1. The name and address of the permittee, or if there is no permittee, the landowner;
  - 2. The address when available or a description of the building, structure or land upon which the violation is occurring;
  - 3. A statement specifying the nature of the violation;
  - 4. A description of the remedial measures necessary to bring the land-disturbing activity into compliance with this chapter and a time schedule for the completion of such remedial action;
  - 5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed;
  - 6. A statement that the determination of violation may be appealed by filing a written notice of appeal within 30 days of service of notice of violation.

### **Section 23-8.3 STOP WORK ORDERS**

- A. If a permittee fails to comply with a notice issued in accordance with Section 23-8.2 within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all construction land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.
- B. However, if the Administrator finds that any such violation presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may request the County Attorney to institute a proceeding for an injunction, mandamus, or other appropriate remedy.
- C. This “stop work order” shall be in effect until the county confirms that the land-disturbing activity is in compliance with the requirements of this ordinance and the violation has been satisfactorily addressed. Upon failure to comply within the time specified, the permit may be revoked and the applicant shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by this ordinance.

### **Section 23-8.4 CIVIL AND CRIMINAL PENALTIES**

- A. Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in the Roanoke county circuit court to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- B. Any person who violates any provision of this chapter or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
- C. Violations for which a penalty may be imposed under this Subsection include, but are not limited to the following:

1. No state permit registration;
  2. No SWPPP;
  3. Incomplete SWPPP;
  4. SWPPP not available for review;
  5. No approved erosion and sediment control plan;
  6. Failure to install stormwater BMPs or erosion and sediment controls;
  7. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
  8. Operational deficiencies;
  9. Failure to conduct required inspections;
  10. Incomplete, improper, or missed inspections; and
  11. Discharges not in compliance with the requirements of Section 4VAC-50-60-1170 of the general permit.
- D. The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
- E. In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
- F. Any civil penalties assessed by a court as a result of a summons issued by the county shall be paid into the county treasury to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the county and abating environmental pollution therein in such manner as the court may, by order, direct.
- G. With the consent of any person who has violated or failed, neglected or refused to obey this ordinance or any condition of a permit, the county may provide, in an order issued by the county against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subdivision B of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subdivision B.
- H. Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of the

ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500., or both.

**Section 23-8.5 RESTORATION OF LANDS**

- A. Any violator may be required to restore land to its undisturbed condition or in accordance with a notice of violation, stop work order, or permit requirements.
- B. In the event that restoration is not undertaken within a reasonable time after notice, the county may take necessary corrective action, the cost of which shall be covered by the performance security, or become a lien upon the property until paid, or both.

**Section 23-8.6 HOLDS ON CERTIFICATE OF OCCUPANCY**

- A. Final certificates of occupancy will not be granted until corrections to all stormwater practices have been made in accordance with the approved plans, notices of violation, stop work order, or permit requirements, and accepted by the county.



## **Town Council Agenda Summary**

### **Meeting Date**

December 3, 2013

### **Department**

Administration

### **Issues**

Consider request for transfer of ownership to the Town of a 2002 Ford Crown Vic previously transferred to the Volunteer First Aid Crew in 2012.

### **Summary**

#### **History**

The Town of Vinton transferred title of a 2002 Ford Crown Victoria to the Vinton First Aid Crew (VFAC) in July 2012. The vehicle was at the end of its useful life for the town and rather than purchase a new vehicle, Town Council agreed to a vehicle allowance for the Town Manager, and staff would be reimbursed for mileage incurred while conducting town business. The VFAC took title with the agreement that maintenance, repairs, gasoline, and insurance would be their responsibility and the town would incur no cost.

The VFAC has used the Crown Vic for non-emergency uses such as training trips, meetings, or other local and out of town trips that did not require an emergency response vehicle. It has been driven approximately 9,000 in 18-months.

The VFAC has found it very difficult, expensive, and limiting to hold insurance on this vehicle. This is the only vehicle in the Fire/EMS fleet that is insured through the volunteers. Insurance is limited to a very small (3-4) drivers which creates limitations on its available use.

#### **Expense Evaluation**

Town staff has reviewed all recorded expenses since purchasing the vehicle in 2001. The summaries are attached. In general, it has cost approximately \$1200 per year to maintain, fuel, and insure the vehicle under town ownership. Maintenance \$200; Fuel \$700; Insurance \$300/Year

## **Options**

As presented there are three basic options:

- (1) Town of Vinton accepts the vehicle back in to the public fleet and pays for maintenance, fuel, and insurance. It is agreed that if major mechanical failure occurs the vehicle would be placed out of service and auctioned. Estimate annual cost - \$1,200.00
- (2) Town of Vinton accepts the vehicles back into the public fleet and charges VFAC for maintenance, fuel, and insurance.
- (3) VFAC responsible for maintenance, fuel, and insurance, Town does not accept vehicle back into fleet.

## **Attachments**

Maintenance, Service, Repair History

## **Recommendations**

Motion to approve Option 1: Town of Vinton accepts the vehicle back into the public fleet and pays for maintenance, fuel, and insurance (approx. \$1200). It is agreed that if major mechanical failure occurs the vehicle would be placed out of service and auctioned.

**Maintenance, Service, Repair History**

2006-2011

**2002 Ford Crown Victoria 4dr**  
VIN: 2FAFP73WX2X117092

\* - Based on current Chief Mechanic rate  
Based on current parts pricing

Date	Mileage	Service performed	Time (hrs)	Charge* (\$29.26 /hr)	Parts	Charge	Total	Comments
2007 Jan. 9	23026	Oil Change Service State Inspection	1	\$ 29.26 \$ 16.00 \$ 45.26	Oil, 7 qts Filter	\$ 45.85 \$ 2.96 \$ 48.81	\$ 94.07	
2008 Jan. 8	26497	Oil Change Service State Inspection	1	\$ 29.26 \$ 16.00 \$ 45.26	Oil, 6 Qts Filter Wipers, 2	\$ 37.58 \$ 4.37 \$ 13.32 \$ 55.27	\$ 100.53	
2009 Jan. 7	28591	Oil Change Service State Inspection	1	\$ 29.26 \$ 16.00 \$ 45.26	Oil, 6 Qts Filter Air filter Wipers, 2 washer fluid, gal	\$ 32.28 \$ 4.60 \$ 7.12 \$ 29.98 \$ 0.98 \$ 74.96	\$ 120.22	
2010 Jan. 19	30677	Oil Change Service Installed new headlights State Inspection	2	\$ 58.52 \$ 16.00 \$ 74.52	Oil, 6 Qts Filter Headlights	\$ 37.86 \$ 4.76 \$ 141.12 \$ 183.74	\$ 258.26	Headlights replaced
Dec. 2	32589	Engine part replacement	3	\$ 87.78 \$ 87.78	MAF Sensor	\$ 127.97 \$ 127.97	\$ 215.75	Mass Air Flow Sensor replaced
2011 Jan. 4	33409	Oil Change New tires State Inspection	2	\$ 58.52 \$ 16.00 \$ 74.52	Oil, 6 Qts Filter Tires, 4	\$ 39.30 \$ 2.96 \$ 323.80 \$ 366.06	\$ 440.58	
2013 Oct. 9	42439							Current mileage

Current fuel pricing: \$ 2.91 per gallon  
Estimated gas mileage of vehicle: 16 miles per gallon  
Estimated fuel cost over vehicle life: \$ 7,718.59

Total, this page: \$ 1,229.41  
Total, first page: \$ 764.77  
Total, service and maintenance: \$ 1,994.18  
Estimated fuel cost: \$ 7,718.59  
**Total, overall: \$ 9,712.77**

Maintenance, Service, Repair History

2002-2005

2002 Ford Crown Victoria 4dr  
VIN: 2FAFP73WX2X117092

\* - Based on current Chief Mechanic rate

Based on current parts pricing

Date	Mileage	Service performed	Time (hrs)	Charge* (\$29.26 /hr)	Parts	Charge	Total	Comments
2002 Jul. 22	3619	Oil Change Service	1	\$ 29.26	Oil, 6 qts Filter	\$ 39.30 \$ 2.96 \$ 42.26	\$ 71.52	
2003 Jan. 15	5502	Magic City Ford: Replaced pwr steering pump (warranty) Cut and prgrm new keys		\$ 36.00 \$ 36.00	P.S. Pump Keys, 2 Misc.	warranty \$ 32.92 \$ 2.16 \$ 35.08	\$ 71.08	Power steering pump replaced under warranty by Magic City Ford, 2 new keys cut
Jan. 22	5547	Replace tires	1	\$ 29.26	Tires, M&S, 4	\$ 323.80	\$ 353.06	
Aug. 19	9329	Oil Change Service	1	\$ 29.26	Oil, 6 Qts Filter	\$ 39.30 \$ 2.96 \$ 42.26	\$ 71.52	
2004 Jan. 7	10954	State Inspection	1	\$ 16.00		\$ -	\$ 16.00	
Jul. 27	13426	Oil Change Service	1	\$ 29.26	Oil, 6 Qts Filter	\$ 39.30 \$ 2.96 \$ 42.26	\$ 71.52	
2005 Jan. 17	14950	State Inspection	1	\$ 16.00		\$ -	\$ 16.00	
2006 Jan. 30	19180	Oil Change Service State Inspection	1	\$ 29.26 \$ 16.00 \$ 45.26	Oil, 7 qts Filter	\$ 45.85 \$ 2.96 \$ 48.81	\$ 94.07	

Total, this page: \$ 764.77



## **Town Council Agenda Summary**

### **Meeting Date**

December 3, 2013

### **Department**

Finance/Treasurer

### **Issue**

Financial Report for October 2013

### **Summary**

The Financial Report for the period ending October 31, 2013 has been placed in the Town's Dropbox and on the Town's Website.

The Finance Committee will meet on Tuesday, December 2, 2013 at 5:30 pm to discuss the report and will make a presentation of the report to Council during the Council Comment Section of the Regular Meeting.

### **Attachments**

Financial Report Summary

### **Recommendations**

Motion to approve the October 2013 Financial Report

**Financial Report Summary**  
**Month Ending October 31, 2013**

THE TOWN OF  
**VINTON**  
 VIRGINIA



	Adopted Budget	Revised YTD Budget	MTD	YTD Posted	REMAINING BALANCE	%
<b>General Fund 200</b>						
Revenues	7,905,867	1,837,659	367,654	1,531,098	(306,561)	83%
Accrued Revenue Adjustment			252,847	252,847		
Total Adj. Revenues	7,905,867	1,837,659	620,500	1,783,945	(53,714)	97%
Expenditures	7,905,867	3,006,416	927,555	2,678,897	(327,520)	89%
Revenues over/(under) Expenditures		(1,168,757)	(307,054)	(894,952)		
<b>Utility Fund 300</b>						
Revenues	3,429,380	1,073,896	420,769	1,040,066	(33,829)	97%
Less: Tinker Creek Project Revenue		0	0	0		0%
Less: Bond Series 2013		0	0	0		
Operating Revenues	3,429,380	1,073,896	420,769	1,040,066	(33,829)	97%
Expenditures	3,429,380	1,231,387	365,615	1,484,302	252,915	121%
Less: Tinker Creek Project Expenditures		0	0	0	0	0%
Less: Bond Series 2013		0	75,025	575,025		
Operating Expenditures		1,231,387	290,590	909,277	(322,110)	74%
Revenues over/(under) Expenditures		(157,491)	130,179	130,790		
<b>Total All Funds</b>						
Revenues	11,335,247	2,911,555	1,041,270	2,824,011	(87,544)	97%
Expenditures	11,335,247	4,237,803	1,218,145	3,588,174	(649,630)	85%
Revenues over/(under) Expenditures		(1,326,249)	(176,875)	(764,163)		

\*excludes Tinker Creek Project

\*excludes 2013 Bond Issue