

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, March 4, 2014**

AGENDA

Consideration of:

- A. 5:00 p.m. - DINNER FOR COUNCIL/PLANNING COMMISSION MEMBERS
TOWN CONFERENCE ROOM**
 - B. 6:00 p.m. - JOINT WORK SESSION WITH PLANNING COMMISSION**
 - 1. Briefing concerning the proposed amendments to Division 11, FO Floodplain Overlay District, Sections 4-56 through 4-61, of Article IV, District Regulations, of Appendix B, Zoning, of the Town Code.
 - C. 7:00 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM**
 - 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 the regular Council meeting of February 18, 2014.
 - H. AWARDS, RECOGNITIONS, PRESENTATIONS**
 - 1. Proclamation for American Red Cross Month
 - 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. Consider adoption of a Resolution awarding a bid and authorizing the Town Manager to execute a contract with Lawrence Equipment in the amount of \$91,238.00 for a Case 580 Super N Backhoe.

2. Consider adoption of a Resolution approving the final Revolving Loan Program Plan and Guidelines Manual and its supporting documents to administer the Revolving Loan Program as part of the CDBG Program.

BRIEFINGS

1. Update on real estate tax assessment for Calendar Year 2014 and request to advertise a public hearing for March 18, 2014, to set the real estate tax, personal property tax and machinery and tools tax rates.
2. Briefing on proposal to increase career Fire/EMS staff at Station 2 to provide staff for a 24-hour Fire Engine.

UPDATE ON OLD BUSINESS

L. MAYOR

M. COUNCIL

1. Financial Report for January 2014

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:

March 3, 2014 – 5:30 p.m. – Finance Committee meeting – Finance Conference Room

March 18, 2014 – 5:45 p.m. – Work Session followed by Regular Council meeting at 7:00 p.m. – Council Chambers



Town Council Agenda Summary

Meeting Date

March 4, 2014

Department

Planning and Zoning

Issue

Briefing concerning the proposed amendments to Division 11, FO Floodplain Overlay District, Sections 4-56 through 4-61, of Article IV, District Regulations, of Appendix B, Zoning, of the Town Code.

Summary

The Town of Vinton is a participating community in the NFIP, which allows property owners to purchase flood insurance to protect their property against the hazard of flooding. In order to continue participating in the NFIP program, the Town must maintain an ordinance that meets the requirements mandated by FEMA. If the Town does not meet those requirements, the Town would no longer be able to participate in the NFIP, and you would no longer be able to purchase federally backed flood insurance policies.

During a Community Assistance Visit (CAV) on July 18, 2013, staff was informed that our current floodplain ordinance does not meet the requirements of the NFIP program. The town was given until April, 2014, to bring the ordinance into compliance or risk not being able to participate in the NFIP.

A joint Public Hearing on the proposed amendments will be advertised and held on April 15, 2014.

Attachments

Draft of Floodplain Ordinance

Recommendations

No action required

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO.____, THE ZONING ORDINANCE OF **TOWN OF VINTON**, VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE **TOWN OF VINTON**, Virginia, as follows:

ARTICLE I - GENERAL PROVISIONSSection 1.1 – Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

This ordinance is adopted pursuant to the authority granted to localities by Va. **Code** § 15.2 - 2280. *(applies to an ordinance that is part of the zoning ordinance. If it is a stand-alone ordinance, the citation is § 10.1 – 600 et. seq.)*

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

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

Section 1.2 - Applicability

- (A) These provisions shall apply to all privately and publicly owned lands within the jurisdiction of **the Town of Vinton** (hereafter referred to as “town”) and identified as **areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to the town by the Federal Emergency Management Agency (FEMA)**.
- (B) **(moved to Section 1.5)**

(C) (moved to Section 1.5)

Section 1.3 - Compliance and Liability

- (A) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- (B) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but **does not imply total flood protection**. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain ~~district~~ **areas** or land uses permitted within such district will be free from **flooding or** flood damages.
- (C) This ordinance shall not create liability on the part of **the town** or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 – Records [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by the **Floodplain** Administrator.

Section 1.5 - Abrogation and Greater Restrictions [44 CFR 60.1(b)]

- (A) This ordinance supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.
- (B) **In the event any provision concerning a floodplain area is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying zoning district provisions shall remain applicable.**

Section 1.6 - Severability

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

Section 1.7 - Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or

directions of the director of planning and zoning or any authorized employee of the town shall be guilty of the appropriate violation and subject to the penalties therefore.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the zoning ordinance of the town are addressed in Section ____ of the Zoning Ordinance.

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

ARTICLE II - ADMINISTRATION

Section 2.1 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

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

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

Section 2.2 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

- (A) The duties and responsibilities of the ~~Floodplain~~ Administrator shall include, but are not limited to:
 - (1) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA);
 - (2) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information;

- (3) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations;
- (4) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the one hundred (100)-year frequency floodplain of free-flowing non-tidal waters of the State.
- (5) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (Virginia Department of Environmental Quality, U.S. Army Corps of Engineers) and have submitted copies of such notifications to FEMA.
- ~~(6) Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps FIRM's as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).~~
- (7) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (8) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- (9) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- (10) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the town, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (11) Maintain and permanently keep records that are necessary for the administration of these regulations, including:

- (A) Flood Insurance Studies (FIS), Flood Insurance Rate Maps (FIRMs, including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - (B) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- (12) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- (13) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- (14) Administer the requirements related to proposed work on existing buildings:
- (A) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - (B) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- (15) Undertake, as determined appropriate by the ~~Floodplain~~ Administrator due to the circumstances, other actions which may include but are not limited to:
- (A) Issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures;
 - (B) Coordinating with other federal, state, and local agencies to assist with substantial damage determinations;
 - (C) Providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and
 - (D) Assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- (16) Notify ~~the Federal Emergency Management Agency~~ FEMA when the corporate boundaries of the **town** have been modified and:

- (a) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - (b) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- (17) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- (18) It is the duty of the ~~Community Floodplain~~ Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

Section 2.3 - Use and Interpretation of FIRMs [44 CFR 60.3]

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

- (A) Where field surveyed topography indicates that adjacent ground elevations:
- (1) Are below the base flood elevation, even in areas not delineated as a ~~special flood hazard area~~ SFHA on a FIRM, the area shall be considered as ~~special flood hazard area~~ SFHA and subject to the requirements of these regulations;
 - (2) Are above the base flood elevation, the area shall be regulated as ~~special flood hazard area~~ SFHA unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- (B) In FEMA-identified ~~special flood hazard areas~~ SFHAs where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.

- (C) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- (D) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- (E) If a Preliminary ~~Flood Insurance Rate Map~~ FIRM and/or a Preliminary ~~Flood Insurance Study~~ FIS has been provided by FEMA:
- (1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - (2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 1.5(C) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - (3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Section 2.4 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3] **(DO WE NEED?)**

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

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

Section 2.5 - District Boundary Changes

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

Section 2.6 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the floodplain districts shall be made by the ~~Zoning Officer~~ **administrator, or his or her designee**. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires. **Procedures for such appeals shall be as outlined in article IX, division 2, section 9-11 of the zoning ordinance.**

Section 2.7 – Submitting Technical Data [44 CFR 65.3]

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

Section 2.8 – Letters of Map Revision

When development in the floodplain causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision or a Letter of Map Revision.

Examples:

- (1) Any development that causes a rise in the base flood elevations within the floodway.
- (2) Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.

- (3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 - Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]

(A) Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for **the town** prepared by FEMA ~~the Federal Emergency Management Agency~~, Federal Insurance Administration, dated **September 28, 2007**, and any subsequent revisions or amendments thereto.

The **town** may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the **town** offices.

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

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

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

Development activities which increase the water surface elevation of the base

flood may be allowed, provided that the applicant first applies – with the town's endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of FEMA. ~~the Federal Emergency Management Agency.~~

If Article III Section 3.1 (A)(1)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

- (b) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
- (2) **The Flood-fringe District shall be those areas of the one hundred (100)-year floodplain not included in the floodway; identified as AE Zone on the maps accompanying the FIS that are not included in the floodway area.**
- (3) ~~The AE, or AH Zone on the FIRM accompanying the FIS shall be those areas for which one percent (1%) annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)]:~~

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones ~~A1-30 and AE or AH~~ on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the town.

Development activities in Zones ~~A1-30 and AE or AH~~, on the town FIRM which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the applicant first applies – with the town endorsement – for a Conditional Letter of Map Revision, and receives the approval of ~~the Federal Emergency Management Agency~~ FEMA.

- ~~(4) The A Zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:~~

~~The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway~~

~~information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.~~

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

~~During the permitting process, the Floodplain Administrator shall obtain:~~

- ~~1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,~~
- ~~2) if the structure has been flood proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood proofed.~~

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

- ~~(5) The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:~~
 - ~~a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.~~
 - ~~b. All new construction and substantial improvements of non-residential structures shall~~
 - ~~1) have the lowest floor, including basement, elevated to or above the flood~~

~~depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,~~

~~2) together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

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

Section 3.2 - Overlay Concept

The floodplain districts described above shall be overlays to the existing underlying **zoning** districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying **zoning** district provisions.

If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

ARTICLE IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

Section 4.1 – Permit and Application Requirements

(A) Permit Requirement

All uses, activities, and development occurring within any floodplain district, **including placement of manufactured homes**, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the **town's** subdivision regulations. Prior to the issuance of any such permit, the ~~floodplain~~ Administrator shall require all applications to include compliance with all applicable state and federal laws **and shall review all sites to assure they are reasonably safe from flooding**. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(B) Site Plans and Permit Applications

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

- (1) The elevation of the base flood (100-year flood) at the site.
- (2) The elevation of the lowest floor (including basement) ~~or, in V-zones, the lowest horizontal structural member.~~
- (3) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
- (4) Topographic information showing existing and proposed ground elevations.

Section 4.2 - General Standards

The following provisions shall apply to all permits:

- (A) New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- (B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (D) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (E) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system, **and be located and constructed to minimize or eliminate flood damages.**
- (G) New and replacement sanitary sewage ~~systems~~ **facilities and private package sewage treatment plants (including all pumping stations and collector systems)** shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the

systems into flood waters.

- (H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (I) All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The town may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- (J) Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

In addition to provisions (A) – (J) above, in all special flood hazard areas, the additional provisions shall apply:

- (K) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and **FEMA**. ~~the Federal Emergency Management Agency.~~
- (L) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 - Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Section 3.1 (A) (3), the following provisions shall apply:

(A) Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zone ~~A1-30, AE, AH and A~~ with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above **two (2) feet above** the base flood level.

(B) Non-Residential Construction

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

(C) Space Below the Lowest Floor

In zone ~~s-A~~, AE, ~~AH~~, ~~AO~~, and ~~A1-A30~~, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

- (1) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
- (2) Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- (3) Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - (a) Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding.
 - (b) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - (c) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - (d) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

- (e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - (f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- (D) Standards for Manufactured Homes and Recreational Vehicles
- (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section 4.2 and section 4.3.
 - (2) All recreational vehicles placed on sites must either:
 - (a) Be on the site for fewer than one-hundred and eighty (180) consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - (b) meet all the requirements for manufactured homes in Article 4.3(D)(1).

Section 4.4 - Standards for Subdivision Proposals

- (A) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- (D) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a ~~Flood Insurance Study~~ FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

Section 4.5 – Permitted Uses By Right and by Special Use

- (A) Floodplain area.

- (1) The development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the VA USBC and all other applicable codes and ordinances.
 - (a) In the floodplain area, the applicant and/or developer shall evaluate the effects of the proposed development and/or use of land on the floodplain with current hydrologic and hydraulic engineering technologies. The applicant and/or developer shall submit studies, analysis, computations, etc. to show the delineation of a floodway based on the requirement that all existing and future development not increase the one hundred (100)-year flood elevation more than one (1) foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increased flood heights.
- (B) Floodway area.
 - (1) The following uses, types, and activities are permitted, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance and provided that no specific land use requires any type of structure, fill, or storage of materials and equipment:
 - (a) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - (b) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
 - (c) Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas.
 - (d) Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips, etc.
 - (e) Manufactured homes are permitted only in an existing manufactured home park.
 - (2) The following uses and activities may be permitted by special use pursuant to article VII, division 4 of the town zoning ordinance, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by this or any other ordinance:
 - (a) Structures (except for manufactured homes) accessory to the uses and activities by right, above.

- (b) Certain utilities and public utilities and improvements, such as pipelines, water and sewage treatment plants, and other similar or related uses.
- (c) Water-related uses and activities, such as marinas, docks, wharves, piers, etc.
- (d) Extraction of sand, gravel and other materials (where no increase in level of flooding or velocity is caused thereby).
- (e) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent floatation or movement, and/or can be readily removed from the area within the time available after flood warning.
- (f) Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural development, shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable code and ordinances.

(C) Procedures for Special Uses in Floodways

- (1) Any use listed as permitted with special use in a floodway shall be allowed only after application to the town council. All such applications shall be reviewed pursuant to the procedures outlined in article VII, division 4 of the town zoning ordinance. In addition to information required by article VII, division 4, all applications shall include the following:
 - (a) Plans in triplicate drawn to scale of not less than one (1) inch to one hundred (100) feet horizontally showing the location, dimension, and contours (at five-foot intervals) of the lot, existing and proposed structures, fill, storage areas, water supply, sanitary facilities, and relationship of the floodway to the proposal.
 - (b) A typical valley crosssection as necessary to adequately show the channel of the stream, elevation of land and areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and one hundred (100)-year flood elevation.
 - (c) A profile showing the slope of the bottom of the channel or flow line of the stream.
 - (d) A summary report, prepared by professional engineers or others of demonstrated qualifications, evaluating the proposed project in relation to flood heights and velocities; the seriousness of flood damage to the use; and other pertinent technical matters.

- (e) A list of names and addresses of adjoining property owners.
- (2) In acting upon such applications, the planning commission and the town council shall consider all relevant factors specified in other sections of this article and:
- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments. No special use shall be granted for any proposed use, development, or activity within the floodway that will cause any increase in flood levels during the one hundred (100)-year flood.
 - (b) The danger that materials may be swept on to other lands or downstream to the injury of others.
 - (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - (e) The importance of the services provided by the proposed facility to the town.
 - (f) The requirements of the facility for a waterfront location.
 - (g) The availability of alternative locations not subject to flooding for the proposed use.
 - (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the town.
 - (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (k) Such other factors which are relevant to the purpose of this division.

ARTICLE V – EXISTING STRUCTURES IN FLOODPLAIN AREAS

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

- (A) Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance

with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.

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

ARTICLE VI - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]

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

While the granting of variances generally is limited to a lot size less than one-half (0.50) acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half (0.50) acre, the technical justification required for issuing a variance increases. Variations may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

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

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

- (A) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- (B) The danger that materials may be swept on to other lands or downstream to the injury of

others.

- (C) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (D) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (E) The importance of the services provided by the proposed facility to the community.
- (F) The requirements of the facility for a waterfront location.
- (G) The availability of alternative locations not subject to flooding for the proposed use.
- (H) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (I) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (J) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (K) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (L) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (M) Such other factors which are relevant to the purposes of this ordinance.

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

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

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

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

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

GLOSSARY [44 CFR 59.1]

Appurtenant or accessory structure - Accessory structures not to exceed two hundred (200) square feet.

Base flood - The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) - The ~~Federal Emergency Management Agency~~ **FEMA** designated one percent (1%) annual chance water surface elevation and the elevation determined per Section 4.6. The water surface elevation of the base flood in relation to the datum specified on the community's ~~Flood Insurance Rate Map~~ **FIRM**. For the purposes of this ordinance, the base flood is one hundred (100)-year flood or one percent (1%) annual chance flood.

Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.

Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

~~Coastal A Zone - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.~~

Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction - structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Flood or flooding –

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters; or,
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (c) Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which ~~the Federal Emergency Management Agency~~ FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) – a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than **one (1) foot**.

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and

floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.

Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure - Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or,
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

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

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

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed

to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

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

Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred and eighty (180) consecutive days, but does not include a recreational vehicle.

Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after _____ {insert the effective date of the community's initial Flood Insurance Rate Map} or after December 31, 1974, whichever is later], and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Post-FIRM structures - A structure for which construction or substantial improvement occurred after December 31, 1974 or on or after _____ {insert the effective date of the community's initial Flood Insurance Rate Map} whichever is later.

Pre-FIRM structures - A structure for which construction or substantial improvement occurred on or before December 31, 1974 or before _____ {insert the effective date of the community's initial Flood Insurance Rate Map}.

Recreational vehicle - A vehicle which is:

- (1) Built on a single chassis;

- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and,
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive Loss Structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two (2) occasions during a ten (10)-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the building at the time of each flood event.

Shallow flooding area – A special flood hazard area with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area - The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year as determined in [Article 3, Section 3.2 of this ordinance](#).

Start of construction - [For other than new construction and substantial improvement, under the Coastal Barriers Resource Act \(P.L. – 97-348\)](#), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; [or the placement of a manufactured home on a foundation](#). Permanent construction does not include land preparation, such as clearing, grading and filling; [nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms](#); nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - [for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.](#)

Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 3.7 (B)(11), Section 4.3 (B), Section 4.4 (A), Section 4.5, and section 4.8 is presumed to be in violation until such time as that documentation is provided.

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE VII - ENACTMENT

ENACTED AND ORDAINED THIS ____ DAY OF _____, 20___. This ordinance shall become effective upon passage.

Signature

Title

Attested



Town Council Agenda Summary

Meeting Date

March 4, 2014

Department

Town Clerk

Issues

Consider approval of minutes for regular Council meeting on February 18, 2014.

Summary

None

Attachments

February 18, 2014 minutes

Recommendations

Motion to approve minutes

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 6:00 P.M. ON TUESDAY, FEBRUARY 18, 2014, 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
Theresa Fontana, Town Attorney
Ryan Spitzer, Assistant to the Town Manager
Stephanie Dearing, Human Resources Director
Barry Thompson, Finance Director/Treasurer
Ben Cook, Police Chief
Gary Woodson, Public Works Director
Joey Hiner, Assistant Public Works Director

The Mayor called the work session to order at 6:00 p.m.

The first item was an update on the Revolving Loan Program Plan for the \$700,000 CDBG Downtown and Economic Revitalization Grant. Ryan Spitzer began by commenting that in October he presented Council with a first-draft of the Revolving Loan Program Guidelines. The Committee has met three times and there have been several recommended changes to the previous draft.

One concern related to collateral and the new requirement will be for each applicant to sign a promissory note and provide a list of what items they wish to use as collateral as part of the application. This information will be included on the promissory note. The Committee recommends changing the interest rate from prime minus some percentage to a fixed-rate of prime for the life of the loan. Each month when the Committee reviews new applicants, it will look to see what the prime rate is at that time. This will also help with the long-term of the program if it is to be extended out past the downtown area after two years to better reflect what the banks offer and to let an applicant use it as a second loan to a bank's primary loan. Most banks will only lend 80% to a business, so this loan program could be used for the balance of 20%. Regarding credit scores, the Town will have to provide credit scores through the usual credit score companies for a nominal fee and we are currently discussing this option with FirstPoint.

Mr. Spitzer continued by stating that the rules of the DHCD Program are for every \$25,000, a borrower will have to create one full-time equivalent position and 51% of those have to be low to moderate income employees. However, other loan programs of this type have given loans in increments of

\$10,000 for most basic loans and have included a stipulation that a full-time position must be created for every \$10,000. The Committee recommends giving \$10,000 loans up to a maximum of \$50,000 if the borrower can bring in a business that fills an economic gap in our community. Vice Mayor Nance asked if this was in lieu of creating a job and the response was they would still have to create those jobs.

Under terms on Page 4 of the Guidelines, the language was added regarding what types of collateral will be accepted and that the UCC filings will be reviewed and the interest rate was changed as mentioned. On Page 7 additional language was added as No. 9 to state that this loan can be used as a second loan to one already obtained from a bank.

On Page 8, as part of the application, a section was added to allow an individual to apply if they do not have an LLC or corporation and on Page 11, Item (b) an activity checklist was added to capture what activities the loan proceeds will be used for. On Page 13, "Personal debt" was added to item (d) and the format for providing collateral information was changed in Item (f). A non-discrimination clause was added on Page 16.

The Mayor asked if there have been any interested parties and Mr. Spitzer responded that there are four individuals who have expressed interest. Two currently have businesses downtown and want to expand and there are some who want to open up new businesses in the downtown area.

Mr. Spitzer concluded by commenting that he would like to bring the final documents back to Council in March for their final approval. If Council is okay with the documents presented tonight, the Loan Review Committee will also draw up the promissory note to be included in the final package for Council's approval. The Committee will meet once a month to review applications.

The Town Manager asked Council if they wanted to approve the actual applications submitted to the Committee or do they want to establish the policy and the Committee be the authority to grant the actual loans. It is the recommendation that the Committee have that authority due to the fact that there would be a lot of business sensitive information that are a part of the application, but do not need to become public information. Vice Mayor Nance indicated that his original thoughts were that Council would not be the one making the selections. He does think that if concerns are brought to Council that they can address the selection process or something along those lines, but not the final vote on the particular business attempting to get such loan. The Town Manager commented that the way Council can address any issues, if there are any, is through the Council representative on that Committee which currently is the Mayor. The Mayor commented that most business owners

starting out or trying to expand would want that kind of confidential information made public.

The next item was a general update on revenues for FY2014-2015. Barry Thompson began by commenting on the General Fund Revenues for FY2015 which are estimates and very preliminary figures. He then began a review of a spreadsheet which was provided to Council. The spreadsheet showed the actual revenues for FY2013, the adopted budget for FY2014, the preliminary estimates for FY2015 and the changes between the current budget and the estimates with a percentage. The CDBG Grant of \$675,000 was removed for FY2015 estimates. A \$250,000 expenditure for the CDBG Grant was included in this year's budget; however, only in the neighborhood of \$25,000 will actually be spent by June 30th. Between the adopted budget of FY2014 of \$7,655,867 and the preliminary estimate for FY2015, there is only about \$73,000 that is actually new revenues

Mr. Hare arrived at 6:20 p.m.

Mr. Thompson further commented on some of the specific line items with adjustments. The Other Local Taxes line item was adjusted in several areas and this item does include the cigarette taxes. The expectations are not being reached from this revenue source and the data will continue to be reviewed in several different ways by the Finance Committee. This forecast has been decreased approximately \$99,000 in this preliminary report.

Under the Use of Money line item, the increase is due to a larger return on our investments. In Charges for War Memorial, the increase is based on revenue for an estimate of next year of \$160,000 which is a \$22,500 increase for the revenue. On the Resale of Items, \$100 was included in this year's budget and as of January 31st, Mr. Kipp has brought in \$1,988. In the upcoming budget we are proposing \$2,500. Another War Memorial line item is for Contracted Resale Items which is for catered meals that are incorporated into the sale of an event. As of January 31st, Mr. Kipp had brought in \$31,846.91. There is an off-setting expense on these items as well, but we are budgeting \$55,000 next year for this. Revenue from other departments is also being accounted for as revenue and expense and we have budgeted \$4,000. Since January 31st we have had approximately at \$3,000 worth of revenue.

Mr. Thompson continued by commenting on the Miscellaneous Income line item and the reduction of \$85,250. This is from the gain-sharing revenue. Over the past four years we have had an increase until this year when we had around a \$50,000 decrease. We are budgeting what we received this year for FY2015. The Town Manager commented that we have a breakdown of the categories that make up the gain-sharing

revenue and we will be reviewing that information in detail to see where we missed the mark.

Mr. Thompson next commented that there is an increase shown in the State Sales Tax of \$16,000. Categorical Aid has an increase of \$50,000 which includes highway maintenance along with grants such as the CDBG grant. With regard to the Utility Fund, there is about a \$35,000 decrease in revenues projected at this time. The \$100,000 decrease in the fund balance is the expense for the generator.

Mr. Hare asked how conservative are the preliminary figures based on a scale of one to five, with one being the most conservative. Mr. Thompson responded very conservative, probably a two.

The Town Manager commented that the direction to staff was to prepare a level budget with no additional increases. The biggest demands on our budget are capital items. We have re-prioritized and are holding off on some items until April or May to see if there are sufficient funds to move forward. We will also have discussion in the months ahead about how to pay for and respond to the demands on 24-hour fire coverage for the career staff. This will be an expensive item. Another item related to how we compensate our employees to stay competitive. We have done a good job, but we do not want to take our eye off the mark in terms of how our competition is doing.

Mr. Adams arrived at 6:50 p.m.

In closing, Mr. Thompson commented that Council had been talking with the Finance Department about going to a full size bill for quite some time. The next utility bill will be on 8-1/2" x 11" paper.

The Work Session ended at 6:55 p.m. and Council took a five minute recess.

The Mayor called the regular 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. Adams led the Pledge of Allegiance to the U.S. Flag.

Roll Call

Under upcoming community events/announcements, Liz

Lively, Chamber President, reminded everyone of the joint meeting of the Chamber and the Town to unveil the new brand, "In Vinton". The meeting will be held this Thursday at 8:00 am at The Woodland Place. The next service event sponsored by the Chamber will be the Senior Expo on March 25th at the War Memorial from 10:00 am to 2:00 pm. There are over 50 vendors who have signed up for the event.

Ryan Spitzer announced that on February 27th there will be a Community Meeting at the War Memorial for the plans for the downtown pocket park. The consultant will be at the meeting to receive input from citizens. In response to a question about how this meeting will be advertised, Mr. Spitzer indicated the consultant would be getting out a press release. The Town Manager commented that we will also be advertising the meeting through our social media and also through the Lions Club network.

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

Vice Mayor Nance read a letter from Chief Cook naming Sergeant Tim Lawless as Officer of the Month for January 2014.

Under citizens' comments and petitions, Jay Patel of the BP Store on Virginia Avenue addressed Council regarding the loss of business due to the increase in the cigarette tax. He stated that one of the cigarette vendors told him that the cigarette sales in the Town had dropped, but had increased in Roanoke County. He would like for Council to consider reducing the cigarette tax back to what it was or at least reduce it some to help the local businesses. He stated he would see what the next six months brings and report back to Council. Vice Mayor Nance commented that Council needs to know that information earlier to consider as part of the budget process. The Mayor reiterated what the Vice Mayor said that the information Mr. Patel could provide will be very valuable as Council considers the budget.

D. B. Patadia of Vinton, provided a print-out of information and addressed Council regarding the loss of sales due to the cigarette tax increase. He reviewed statistics from 2012 to 2013 regarding cigarette tax revenues indicating that only 3% revenue was gained from the increase. He also requested Council to consider going back to the regular cigarette tax rate. He commented that the second half of 2014 will be less as well and urged Council to help save the businesses in Town.

The next item on the agenda was to consider adoption of an Ordinance adopting the VACo/VML Virginia Investment Pool Trust Fund and authorizing the Treasurer/Chief Investment Officer to execute the Trust Joinder Agreement.

Barry Thompson introduced Steve Mulroy with VML/VACo Finance who will make a presentation concerning the new Virginia Investment Pool (VIP) Trust Fund. This is a new

Approved minutes of the regular Council meeting of February 4, 2014; approved Slate of Officers for the Volunteer Fire Department for 2014-2015.

Program that became effective for municipalities on January 2, 2014. Mr. Mulroy began by commenting that VML/VACo Finance was started over ten years ago to provide financing to local governments throughout Virginia. Since starting, they have done more than \$750 million in financing. They have also added investments and have a trust fund of over \$600 million. More recently, they have started the VIP. Mr. Mulroy then began with comments on his PowerPoint presentation.

The Investment Pool can offer higher rates of return because the terms of the investments are one to three years. It is controlled by Treasurers and Chief Investment Officers in the VIP through a Board of Trustees and is a way for local governments to jointly invest together. Local governments investing jointly allows for diversification, a large number of holdings, semi-monthly liquidity, professional investment management and oversight and cost sharing.

The VIP is designed for funds that are available to be invested for one year or longer. It is to complement a money-market fund, not replace this type of fund. It is ideal for fund balances carried over from year to year. Localities also need to make sure their Investment Policy allows for this type of investment.

The VIP is a governmental trust fund under Section 115 of the IRS Code. The Cities of Chesapeake were the founding members of the VIP and as of this year, additional localities are now able to join by executing a Trust Joinder Agreement. Mr. Mulroy then commented on the portfolio's characteristics and reviewed the steps necessary for the Town to join. In closing, Mr. Mulroy commented that the Pool started at \$50 million and it is now at \$65 million and other localities are in the process of joining at this time.

Mr. Hare asked how difficult it would be to get out of the VIP and Mr. Mulroy responded that there is just a five-day notice requirement so the portfolio manager will have time to liquidate the funds. A locality can withdraw funds twice a month since it is valued twice a month. If you have more than 10% of the total Pool and there is a disruption of the investments, the Board of Trustees could pace the funds coming out. We ask for sixty-day's notice in this regard.

Mr. Thompson commented that we have a very good relationship with the local bank and by joining the VIP we see it as an opportunity to have another relationship. However, by joining it does not require us to invest money. This is just another avenue to seek investment opportunities, but we are not locking ourselves into this Pool. Mr. Mulroy reiterated the comments made by Mr. Thompson.

Mr. Hare asked if we should handle the item amending our Statement of Investment Policy before the Ordinance adopting the VIP. The Mayor agreed and Mr. Thompson commented that the only change to our Statement of Investment Policy is to add the VACo/VML Virginia Investment Pool as Item (I) on Page 6 and to the Portfolio Diversification on Page 8.

Mr. Hare then made a motion that the Resolution approving an amendment to the Statement of Investment Policy dated November 1, 2005 be adopted as presented; the motion was seconded by Vice Mayor Nance 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.

Adopted Resolution No. 2053 approving an amendment to the Statement of Investment Policy dated November 1, 2005

Next, Council considered adoption of an Ordinance adopting the VACo/VML Virginia Investment Pool Trust Fund and authorizing the Treasurer/Chief Investment Officer to execute the Trust Joinder Agreement. Vice Mayor Nance made the motion to adopt the Ordinance 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.

Adopted Ordinance No. 945 adopting the VACo/VML Virginia Investment Pool Trust Fund and authorizing the Treasurer/Chief Investment Officer to execute the Trust Joinder Agreement

The next item was to consider adoption of a Resolution designating the Plant CML Emergency Communications System as surplus and authorizing its donation to the Bedford County Communications Center. Mr. Spitzer commented that Roanoke County contacted the Town several months ago regarding the old Plant CML Emergency Communications System that is still in the old dispatch center in the Municipal Building. Bedford County 911 uses the same system and is interested in our old one for a back-up and spare parts. We have tried to surplus this property before to another jurisdiction, but they got a new system. Roanoke County and the Town no longer have a use for the system and it has no monetary value. We would recommend that Council declare the system as surplus and donate it to Bedford County

Mr. Hare asked if this equipment is still on the asset inventory list. The Town Manager commented that the State purchased this equipment through our 911 funds and so he felt better about giving it to another locality. Mr. Thompson responded that part of the equipment was taken off the books when the two dispatch centers merged, but he will have to check. 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 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

Adopted Resolution No. 2054 designating the Plant CML Emergency Communications System as surplus and authorizing its donation to the Bedford County Communications Center

Under update on old business, the Town Manager commented that it was good to be back to work after his recent surgery and he appreciated the support of Council and his department heads during that time. He also expressed appreciation to all the employees during the recent snow event. Gary Woodson and Chief Cook coordinated prior to the event to get emergency management plans in place and worked and continued that coordination throughout the event. Because of the excessive amount of snow, 20 plus inches, we are going to take a further look at the downtown area and how we can get rid of some of the additional snow. We appreciate our emergency personnel and Public Works, but also some administrative staff that worked in various capacities during the event.

The Mayor expressed his appreciation also for all the work that our Fire, Rescue, Police and Public Works did during the snow event as well as other administrative staff.

Under appointments to Boards/Commissions and administering Oaths of Office, Mr. Altice made a motion to nominate the following individuals as Board members to the Western Virginia Regional Industrial Facility Authority: Christopher S. Lawrence for a four-year term, Gary W. Woodson for a two-year term, Bradley E. Grose, Alternate, for a four-year term, and William W. Nance, Alternate, for a two-year term. The motion was seconded by Mr. Hare and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Altice, Adams, Hare, Nance, Grose; Nays (0). The Town Clerk then administered the Oaths of Office for the Board members.

Comments from Council: Mr. Hare, Vice Mayor Nance, Mr. Altice and Mr. Adams made comments and expressed their appreciation to Town staff for their hard work during the recent snow event. The Town Manager commented that there were also employees of the Police and Fire Departments that knew if they went home, they could possibly not get back. Those individuals spent the night at the Fire Station so they were available to assist in the Town.

Mr. Patel commented from the audience about the roads being clear in the Town. He also asked that Council consider his prior comments. Mr. Hare responded to Mr. Patel by stating that last year there was a problem with communication and it was not until at the end of the budget process and time to make a decision that individuals came and spoke. There will be more meetings with more details on the budget and it is important for all of his employees and constituents to pay attention to the news and plan to attend other meetings. Mr. Patadia asked that Council check with the larger stores to get their figures and not rely on what information they have provided.

Appointed Board members to the Western Virginia Regional Industrial Facility Authority: Christopher S. Lawrence for a four-year term, Gary W. Woodson for a two-year term, Bradley E. Grose, Alternate, for a four-year term, and William W. Nance, Alternate, for a two-year term. Town Clerk administered Oaths of Office

Vice Mayor Nance made a motion that Council go into a Closed Meeting pursuant to § 2.2-3711 A (1) of the 1950 Code of Virginia, as amended, for discussion or consideration of personnel matters. The motion was seconded by Mr. Adams and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None. Council went into Closed Meeting at 8:05 p.m.

Closed Session

At 9:24 p.m., the regular meeting reconvened and the Certification that the Closed Meeting was held in accordance with State Code requirements was approved on motion by Mr. Hare; seconded by Vice Mayor Nance 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.

Certification of Closed Meeting

Mr. Hare made a motion to compensate all essential employees who worked during the snow event on Thursday, February 13, 2014, and Friday, February 14, 2014, with eight (8) hours paid leave for each day they worked (no more than a total of 16 hours). These hours must be taken by June 30, 2014. The motion was seconded by Mr. Altice and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

Approved for all essential employees who worked during the snow event on Thursday, February 13, 2014, and Friday, February 14, 2014, eight (8) hours paid leave for each day they worked (no more than a total of 16 hours).

Mr. Hare made a motion to adjourn the meeting; the motion was seconded by Mr. Altice and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None. The meeting was adjourned at 9:25 p.m.

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

March 4, 2014

Department

Administration

Issue

Proclamation for American Red Cross Month

Summary

Lee Clark, Chief Executive Officer for the American Red Cross, Virginia Mountain Region, will be present at the meeting to accept this Proclamation.

Attachments

Proclamation

Recommendations

Read Proclamation and present to Mr. Clark



PROCLAMATION

WHEREAS, March is American Red Cross Month - a special time to recognize and thank our heroes - those who volunteer, donate blood, take life-saving courses or provide financial donations to support an organization whose mission is to help those in need; and

WHEREAS, we would like to remember those who help all of us here in the Town of Vinton by giving their time to help their neighbor, and thank our heroes- our volunteers, blood donors, class takers and financial supporters who help us assist those in need; and

WHEREAS, in the Roanoke Valley, the Red Cross works tirelessly through its nine employees and 444 volunteers to help when disaster strikes, when someone needs life-saving blood, or the comfort of a helping hand. It provides 24-hour support to members of the military, veterans and their families, and provides training in CPR, aquatics safety, and first aid; and

WHEREAS, across the country, the American Red Cross responds to nearly 70,000 disasters a year. It provides some 400,000 services to military members, veterans and civilians, collects and distributes about 40 percent of the nation's blood supply and trains more than seven million people in first aid, water safety and other life-saving skills every year; and

WHEREAS, our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission. Despite these challenging economic times, the American Red Cross continues to offer help and comfort to those in need.

NOW, THEREFORE, I, Bradley E. Grose, Mayor of the Town of Vinton and on behalf of Town Council and all our citizens do hereby proclaim the month of March 2014 as **American Red Cross Month** and I encourage all Americans to support this organization and its noble humanitarian mission.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the Town of Vinton, Virginia to be affixed on this 4th day of March, 2014.

Bradley E. Grose, Mayor



Town Council Agenda Summary

Meeting Date

March 4, 2014

Department

Public Works

Issue

Consider adoption of a Resolution awarding a bid and authorizing the Town Manager to execute a contract with Lawrence Equipment in the amount of \$91,283.00 for a Case 580 Super N Backhoe - Front End Loader.

Summary

Public Works currently has a 1995 Case backhoe that has exceeded its useful life. The department advertised for bid for the purchase of a new Backhoe - Front End Loader with factory installed auxiliary hydraulics and a plate compactor/tamper attachment. The invitation to bid was posted and we received two bids of which Lawrence Equipment is the lowest.

Attachments

Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, MARCH 4, 2014 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

WHEREAS, the Public Works Department currently has a 1995 Case Backhoe that has exceeded its useful life and the Town recognizes the importance of obtaining equipment needed to perform work throughout the Town; and

WHEREAS, the Department solicited quotes from competitive vendors and Lawrence Equipment met the specifications and had the lowest quote of \$91,283.00 for a Case 580 Super N Backhoe - Front End Loader with factory installed auxiliary hydraulic and a plate compactor/tamper attachment; and

WHEREAS, the funds will come from the GO Capital Improvement Bond Series 2013; and

WHEREAS, Council needs to award the bid and authorize the Town Manager to execute the contract for the backhoe.

NOW THEREFORE, BE IT RESOLVED, that the Vinton Town Council does hereby grant a contract to Lawrence Equipment, in the amount of \$91,283.00 and hereby authorizes the Town Manager to execute the contract.

This Resolution adopted on motion made by Council Member _____ and 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

March 4, 2014

Department

Administration

Issue

Consider adoption of a Resolution to approving the final Revolving Loan Program Plan and Guidelines Manual and its supporting documents to administer the Revolving Loan Program as part of the CDBG Program.

Summary

At its February 19, 2013, meeting, Council approved the preliminary Revolving Loan Program Plan and Guidelines Manual and requested that the final details including the development of the supporting documents to administer such program be brought back to Council for final approval,

The Loan Review Committee has worked with the Town Attorney to craft a Loan Agreement that would bind the borrower to repaying the loan. The agreement has the signature of the borrower(s) as well as the collateral they list in the application. By having the person and not the business sign the document, it should make the recovery of the loan, in case of a default, easier. If the Town is in a second or subsequent position on a loan it will be harder for the Town to recovery its money.

The Revolving Loan Committee recommends that Council approve the final Plan and Guidelines Manual along with its supporting documents for use in administering the Program.

Attachments

Revolving Loan Program Plan and Guidelines Manual
Agreement for Revolving Loan Funds
Resolution

Recommendations

Motion to adopt Resolution



*Office of Economic Development
Revolving Loan Program Guidelines*

(Plan and Administrative Program Manual)

**311 SOUTH POLLARD STREET
VINTON, VA 24719
www.vintonva.gov
(540)343-1508**



*Office of Economic Development
Revolving Loan Program Guidelines*

The Town of Vinton provides low-interest loans to qualifying for-profit businesses undertaking certain types of projects designed primarily to create or retain jobs within the. The loans, which generally range from a minimum of \$10,000 to a maximum of \$50,000, may be used to purchase real property, fixtures, machinery, and equipment. The loans may also be used for working capital and to remodel existing buildings. Loan terms vary from a maximum of 10 years for fixed-asset financing to a maximum of 5 years for non-fixed asset financing. The Town of Vinton's loans are designed to leverage private investment and equity. Borrowers are required to contribute a minimum of 10% of the total project cost, with the Community Development Block Grant (CDBG) monies funding the remaining balance of the loan. All Town of Vinton loans must be secured by adequate collateral. Personal guarantees and key man life insurance may be required. Borrowers must obtain all business licenses required by the Town of Vinton and must be current on all taxes owed to the Town of Vinton prior to loan closing. Borrowers will generally be expected to create or retain one full-time equivalent (FTE) job for every \$25,000 in loan proceeds for two years after loan closing or the loan will have to be repaid in full. To apply for a loan from the Town of Vinton, please complete the following application. Return the fully completed application and all required attachments, along with a \$75 non-refundable application fee to the address listed below. Additional information may be required after initial review of the application. Loan applications will be submitted to the Town of Vinton Loan Review Committee for review and approval on a monthly basis.

ADMINISTRATOR

Town of Vinton, Virginia

AREA OF OPERATION

Downtown Economic and Revitalization Program area: This area is bordered by Washington Avenue, South Maple Street, West Cleveland Avenue, 1st Street, Walnut Avenue and West Lee Avenue to include the Farmer's Market.



PURPOSE

To create and retain jobs in the Town of Vinton by stimulating new private investment by offering financing which may be subordinated to conventional bank financing.

TYPE OF FINANCING

Revolving Loan Fund (RLF) for working capital and fixed asset loan.

ELIGIBILITY

The applicant must be a Vinton small business, property owner, or have a current or pending lease, or sales contract for an eligible site in the Town of Vinton Central Business District. A small business as defined is a business which is at least 51% independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 50 or fewer employees, or average annual gross receipts of \$1 million or less averaged over the previous three years. Loans will not be granted to applicants operating a home based business.

AMOUNT

Minimum generally \$10,000

Maximum generally \$50,000

Maximum of \$25,000 of loan amount per each job created or retained.

USES

- Land acquisition: Including engineering, legal, grading, testing, site mapping and related costs associated with acquisition, plan and site preparation.
- Building acquisition: Acquisition, construction and rehabilitation of buildings
- Purchase of machinery, office equipment and supplies, and/or other associated assets
- Working Capital: Limited to 30 percent of total loan portfolio.

TERMS

- Machinery and equipment -- Up to five (5) years
- Land and facilities -- Maximum of seven (7) years
- Operating Capital -- Up to five (5) years

Collateral may include first or second lien positions or a deed of trust on assets financed. Perfection of security instruments on collateral may consist of UCC filings, mechanics liens, assignment of rents, titles, and any other instruments to perfect a lien on certain equipment or fixtures.

INTEREST RATE

The interest rate will be established by the Loan Review Committee based on the Prime Rate as reflected in the Wall Street Journal. However, the interest rate for the loan programs will be fixed for the duration of the loan. At the discretion of the Loan Review Committee, the interest rate may vary to reflect the risk and the economic or community benefits of the specific project. In no event, however, shall the rate be less than 50 basis points below the prime interest rate.

APPLICATION PROCESS

Application forms and instructions may be obtained from the Vinton Economic Development Office at 311 S Pollard St., Room 109, Vinton Va. 24179. The applicant must present a valid business license from the Town of Vinton at the time of application. A revolving Loan Review committee comprised of loan financial and economic development professionals reviews the completed form and makes recommendations as to the final approval.

LOAN SELECTION AND APPROVAL PROCESS

1) The Project Manager will be responsible for ensuring that all applications are fully completed, signed and forwarded to the Loan Review Committee with recommendations. The Loan Review Committee is comprised of the Vinton Town Manager, Vinton Treasurer/Finance Director, one

representative of the Vinton Town Council, two representatives of banks (one located in the Town of Vinton and one located outside Town limits), a Vinton small business owner located outside the grant area.

2) At every regular meeting and prior to any action taken on the RLF applications, the Loan Review Committee will review the current financial condition of the Program Fund. The Project Manager will provide information on the total value and liquidity of the Fund assets and total liabilities. This information shall be derived from periodic financial reports.

3) If the amount of the loan request exceeds available funds, the Economic Development Director shall assign a numerical ranking or preference ranking to each application based upon the characteristics of the applicant. In instances where funds are limited, priority preference shall be given to minority-owned business applicants and/or business employing LMI individuals.

4) The Loan Review Committee, at its regular meeting, will act on every loan application received by the Project Manager, subsequent to the previous meeting, by either denying or approving the application. If there is no motion to approve or no second to the motion to approve, then the application shall be deemed to be denied. The Committee shall also stipulate the interest rate and the terms of the loan. If any applications are approved, the Committee will instruct the Project Manager to prepare information to be presented to the full Committee for approval or denial.

5) If any applications are approved by the Committee, the Project Manager will forward present the application to the Project Management Team for final approval.

COSTS AND FEES

1) Application Fee - a fee of \$75 will be paid by each applicant at the time of submission of the application to the Town.

ELIGIBLE COSTS

1) Land and associated costs necessary to its acquisition and preparation.

2) Building and associated costs necessary to acquire, construct and/or rehabilitate.

3) Equipment and associated costs necessary for the acquisition and installation of machinery and equipment.

4) Other costs contributing to the value of project's fixed assets, such as sales and use taxes and interest on interim construction financing.

5) Adequate and appropriate contingency reserve.

6) Working capital (including inventory- Loan requests for working capital will be viewed on a case-by-case basis and will generally be subject to higher underwriting standards than a loan request to fund the above items.)

7) Infrastructure costs.

8) Reasonable relocation costs, except where prohibited by Loan Requirements

LOAN REQUIREMENTS

Prior to disbursement of funds, the Program Manager will require the Borrower to provide assurances as detailed in the Plan and;

1) The proposed project(s) is located within the CDBG Project area of the Town of Vinton, Virginia.

2) Uses of RLF will be consistent with the economic development plan of the Town.

3) Barring exceptional circumstances, the minimum loan amount will be \$10,000 and the maximum will be \$50,000.

4) Projects involving construction shall be in compliance with all federal, state and local codes and regulations.

LOAN CONDITIONS

In making loans, the Loan Review Committee shall apply the following conditions:

A. General

1) Financial assistance may not be extended if total financing is otherwise available from private lenders or other agencies on terms which, at the opinion of the Loan Review Committee, will permit the accomplishment of the project. However, applicants are encouraged to maximize the participation of other private sources for project financing.

2) There is reasonable assurance of repayment of the loan, giving full consideration to special impacts of the objectives of the Program.

3) Security may be required as is determined necessary by the loan counsel.

4) The Loan Review Committee will normally require personal guarantees of the borrower(s) and/or principal(s), as may be necessary to properly secure the loan.

5) The Applicant will be required to comply with the stated reporting requirements. (See attached forms.)

6) If applicant relocates its principal place of business outside the corporate limits of Vinton within the length of the loan, the Loan Review Committee, after consulting with the Town of Vinton, at its option upon 30 days prior written notice, may declare the entire principal balance of the Note and all accrued interest together with all applicable fees, costs and charges, if any, immediately due and payable to the Town of Vinton.

7) If the Borrower ceases business operations within two operating seasons, the Loan Review Committee, after consulting with the Town of Vinton, at its option upon 30 days prior written notice, may declare the entire principal balance of the Note and all accrued interest together with all applicable fees, costs and charges, if any, immediately due and payable to the Town of Vinton

8) The Borrower shall submit financials to the Loan Review Committee from time to time based on the type of business operation and on request from the Loan Review Committee.

9) Financing can be used as a second standing loan to augment a gap in financing from a bank.

B. Loan Terms

1) The term of a fixed asset loan shall ordinarily be no greater than the weighted average useful life of the fixed asset(s) of the project; however, in no case may a fixed asset loan be made for a term of more than ten (10) years.

2) The term of a full working capital loan or a loan where a majority of the proceeds are used for working capital shall not exceed five (5) years.

3) Except at the discretion of the Loan Review Committee, the maximum loan-to-project costs shall not exceed 90% and generally no more than 30% of the loan proceeds shall be used for working capital.

SECURITY REQUIREMENTS

1) Security may be required generally in the form of liens against real estate and machinery and equipment, and/or the direct assignment of awarded Grants and/or the assignment of awarded government contracts and/or other security the Loan Review Committee deems appropriate.

2) Normally each loan shall require personal guarantees of the borrower(s), principal(s), and/or their spouses as may be necessary to properly secure the loan.

3) Adequate insurance coverage of the collateral shall also be required.

4) If a business is leasing a building or a portion thereof, a landlord's lien waiver shall be required at the time of closing unless waived by the Loan Review Committee at its sole discretion.



REVOLVING LOAN FUND APPLICATION

The Company must meet the attached Program criteria before they can be considered eligible for a “Town of Vinton Revolving Funds Program” Loan. All information on this application must be completed to the satisfaction of the Town of Vinton Economic Development Office, or it will not be considered complete. Once it is complete, the request will be processed according to the attached steps. A non-refundable application fee of \$75.00 is required at time of application filing.

Subject Property Street Address: _____

THE COMPANY:

Company Legal Name: _____

Federal ID Number: _____ SIC Code: _____

Address: _____

Phone Number: _____ Fax: _____

Legal Counsel: _____

Address: _____

Phone: _____ Fax: _____

Accountant: _____

Address: _____

Phone: _____ Fax: _____

INDIVIDUAL:

Applicant Name: _____

Applicant Street Address: _____

City/Town: _____ State: _____ Zip: _____

Social Security Number/DL: _____ Phone: _____

Email: _____

BUSINESS FORM:

- () Corporation State: _____ Year Incorporated: _____
- () Partnership State: _____ Year Incorporated: _____
- () Sole Proprietorship Years. Established: _____

PRINCIPALS:

- a.** Attach as “Schedule A” – Prepare a schedule with the names, addresses and business affiliations and percentage of ownership of all principals (officers, directors, shareholders or partners with ownership of 5% or more) and their relationship to the Company.
- b.** Attach as “Schedule B” – Prepare a schedule with the resumes of the principals and officers including name, address, phone number, date of birth, business experience, education position in the Company, employment history, length of association with Company, salary and other compensation and outside directorships.
- c.** Is the Company presently in any litigation, which would have a material effect on the Company’s financial solvency? () Yes () No (if yes, provide details.)
- d.** Has the Company or any of the management of the Company or its affiliates, or any other concern with which such management has been connected, ever been involved in bankruptcy, creditor’s right’s or receivership proceedings or sought protection for creditors?
() Yes () No (if yes, furnish details.)
- e.** Have the management or principal stockholders of the Company ever been charged with or convicted of any felony, or misdemeanor other than minor traffic offenses, or been in the management of or stockholders in any firm or corporation convicted of any felony? (This information will only be used for the purpose of evaluating the business reputation of the Company and its principals, as required by law.)
() Yes () No (if yes, furnish details.)

BUSINESS HISTORY

- a.** Attach as “Schedule C” – Attach a narrative history of the Company and a description of its method of operations. For businesses in operation less than two years, a copy of the applicant’s resume which details work experience. Also, a copy of a **Business Plan** that shows an understanding of the structure, operations, management and the unique problems and trends of the business.

This narrative should include, but not be limited to, the items listed below. In particular, the narrative should include a discussion of any significant developments in the

Company's background which may be reflected in the financial statements submitted with this application.

- ◆ Present number of employees (full and part-time)
- ◆ Products, relative sales, volumes of each and contributions to profitability (%)
- ◆ Types of customers, major accounts, particularly those accounting for more than 10% of sales, with contact, telephone number and description of products.
- ◆ Areas and methods of distribution, market share.
- ◆ Principal competitors
- ◆ Principal suppliers, particularly those accounting for 20% or more of basic requirements for operations, with contact, telephone number, and description of products supplied, discussion of supply problems experienced or anticipated and how they have been/will be dealt with.
- ◆ Discussion of work stoppages or labor disputes and how resolved.
- ◆ Research and Development programs, importance to Company.
- ◆ Dependence on energy sources.
- ◆ Location, size, and operations of Company's present facilities.

BUSINESS RELATIONSHIPS:

a. Attach as "Schedule D" – Attach a list of the names and addresses of all concerns, if any, that may be regarded as parent companies, subsidiaries or affiliates of the Company or related Company (as defined in Section 267, 107, and 1562A of the Internal Revenue Code of 1954 as amended) including concerns in which the Company, or any of its principals, as indicated above, holds an interest greater than 5%.

Indicate the nature of the relationship, the amount of ownership, and the trade or other relationship with the organization listed. If "none", so state.

PROJECT:

Project Objectives – Attach as "Schedule E"

- a. What are the specific reasons for project. Include: production, sales, earnings and employment objectives. (Specify number of employees in first and second year following completion of the project, with rationale for why the positions will be created.)
- b. Will this project result in expansion of the Company's markets, geographically or to other types of buyers? Describe.
- c. Will this project result in marked changes in the way in which the Company now operates as described in Schedule C? Explain.

Project Description – Attach as “Schedule F”

a. Include address and a complete narrative physical description of the project and its location. Include discussion of or attach the following:

- ◆ Plot plan, showing existing/proposed improvements, easements, etc. (i.e. with dimensions)
- ◆ Description of land improvements/status of sewers, water, etc. (i.e. to be made)
- ◆ Description of neighborhood, including zoning, available utilities, transportation.
- ◆ Plans and specifications for construction/renovation (specify size of building)
- ◆ Construction/occupancy schedule
- ◆ Complete description of machinery and equipment (if part of the project), its use in Company’s operations, useful life of each unit. Certain items, e.g. office furniture and equipment, etc. which will not be financed.
- ◆ State the name of the entity to own the project. If other than Occupant Company, describe relationship, including names of principals and percentages of ownership of entity owning project.

b. What will the use of these funds be (check all that apply)?

<u>ACTIVITY</u>	<u>AMOUNT REQUESTED</u>
a. Land Acquisition _____	_____
b. Expansion of Existing Business _____	_____
c. Acquisition/Repair of Equipment _____	_____
d. Working Capital _____	_____
e. Acquisition of Existing Business _____	_____
f. New Construction/Build-Out _____	_____
g. Interior Improvements _____	_____
h. Exterior Improvements _____	_____
i. Other _____	_____

Have any funds been expended to date on the project for which this application is made?
() Yes () No

a. If yes, please attach schedule showing details of such disbursements (date, purpose, payee, etc.)

b. Does the Company plan to occupy 100% of the Project? () Yes () No

If no, explain: _____

Set forth in the details of the project costs and the seniority of liens and how and from what source the proposed project is to be financed. Attach the following to the section titled “Project Costs and Financing”.

a. Copies of executive contracts of sale of real estate – contingent upon Fund financing. Contract must be in effect at the time of loan approval.

b. Contractor's estimate for construction or renovation. (on letterhead and signed)

c. List of machinery and equipment to be acquired and itemized suppliers' estimates or quotations. (on letterhead and signed)

FINANCIAL INFORMATION:

Include with this application for the Company and affiliates or subsidiaries with which the Company has trade or other relationships as outlined in "Schedule D" hereof the following schedules.

a. "Schedule G" – Typed profit and loss statements and balance sheets for the last three (3) fiscal years prepared by a Certified Public Accountant (CPA).

If CPA statements are unaudited, statements must be accompanied by a sworn certification by an officer of the Company, that such financial information reflects the true and accurate condition of the Company's finances. The applicant should prepare a spread sheet of each of the financial statements for the three (3) year period.

If the most recent statement is more than four (4) months old at the time of the application provide typed interim statements in form similar to the annual statements. Attach statements covering the same period for the immediate prior year.

In the event historical statements have not been prepared by a CPA, tax returns must be submitted.

Annual and interim statements must include or be accompanied by separate expense schedules for Cost of Goods Sold, Selling and General Administrative Expenses, including:

- ◆ Depreciation and amortization expenses on standard depreciable terms
- ◆ Officers salaries and all other salaries
- ◆ Dividends

b. "Schedule H" Type projected income statement and balance sheet for three (3) years (statement must include, as separate line items, projected interest and depreciation expenses associated with the proposed project), commencing with the end of the most recent fiscal year, in the same form and including the same items indicated above.

Include a projection of capital expenditures for the period, purpose and how proposed to be financed. (attach narrative explaining rationale used)

c. "Schedule I" Projected cash flow statements, by quarters, for the first year of operation in the project. (attach narrative explaining rationale used)

d. “Schedule J” Detail of each outstanding debt at the date of the current statement, including:

- ◆ Installment loans
- ◆ Officer or shareholder loans
- ◆ Notes and mortgages payable
- ◆ Capitalized leases
- ◆ Personal debt

For each outstanding debt show original amount, date incurred, to whom payable, present balance, interest rate, maturity date, monthly payment, security, and whether current or delinquent. The applicant must provide a sworn notarized statement that these are the only outstanding debts.

e. Projected real estate taxes for the first year of operation in the project; a brief explanation of any tax abatement programs expected to be used.

f. Attach as “Schedule K” Signed personal financial statements for each proprietor, partner, officer and stockholder with 20% or more ownership of the Company. (Those holding less than 20% may be required to submit statements at a later date if considered necessary following review of application.)

g. Provide bank references (including account number and the name and phone number of the bank official handling the account.)

h. The Fund may require additional security in the form of Collateral Mortgages or Security Interests. Please list below any additional collateral available for such security (not including personal residences)

REAL ESTATE:

ADDRESS	YEAR ACQUIRED	ORIG. COST	MARKET VALUE
<hr/>	<hr/>	<hr/>	<hr/>

AMOUNT OF LIEN(S)	NAME OF LIENHOLDER
<hr/>	<hr/>

PERSONAL PROPERTY:

DESCRIPTION-MAKE, MODEL, SERIAL #	YEAR ACQUIRED	MARKET VALUE
<hr/>	<hr/>	<hr/>

AMOUNT OF LIEN(S)	NAME OF LIENHOLDER	
_____	_____	
<u>OTHER PERSONAL PROPERTY:</u>		
DESCRIPTION	YEAR ACQUIRED	MARKET VALUE
_____	_____	_____
AMOUNT OF LIEN(S)	NAME OF LIENHOLDER	
_____	_____	

EMPLOYEE INFORMATION:

1. Does the Company warrant it is in compliance to the best of its knowledge, with all federal and state laws dealing with equal employment opportunity and the hiring of illegal aliens?
 Yes No

2. Employment Projections at the end of:

Title of Position	Salary Range	Current		1 st Year		2 nd Year	
		No.	%	No.	%	No.	%
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	100	_____	100	_____	100

ENVIRONMENTAL WARRANTIES:

The Company represents and warrants as follows:

The Company is not in violation of, and has complied with and shall continue to comply with all applicable environmental and land use laws. The Company is not currently under investigation by the Virginia Department of Environmental Quality and/or the United States Environmental Protection Agency. The Company is not currently operating under an Order on Consent with either agency. The Company represents that after diligent review, it is not aware of any situation that would, with the passage of time or otherwise, give rise to any liability under any law for the protection of the environment.

PROJECT COST AND FINANCING

PROJECT COST

Realty Cost	Amount
◆ Acquisition of real property	_____
◆ Construction of new building	_____
◆ Renovation of existing building	_____
◆ Expansion of existing building	_____
◆ Miscellaneous (specify)	_____

Total Realty Cost \$ _____

Machinery & Equipment Cost	
◆ Acquisition of machinery & equipment	_____
◆ Installation	_____

Miscellaneous (specify) _____

Total Machinery & Equipment _____

Total Project Cost _____

Realty Financing:

Order of Lien Preference	Name of Participant	Amount	% of Total	Interest Rate	Term
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Totals		_____	100%		

Machinery & Equipment Financing:

Lien Preference	Participant	Amount	% of Total	Interest Rate	Term
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Totals		_____	100%		

Total Project Cost \$ _____

Total Fund Financing Request \$ _____

Additional Financing Requirements and Attachments

1. The Fund may require a 10% cash equity contribution to the total project cost.
2. The Fund may require other lenders to be a part of the total financing package.
3. If other lending institutions or parties are involved the Fund requires commitment letters of contingency commitment of project financing from them.
4. The Fund reserves the right to set its own loan rate, terms and conditions.
5. The applicant shall incur all legal and accounting costs associated with preparing this application, and any loan agreement costs whereby these services are needed or required by the applicant.

Applicant, Execution, Verification and Contents Thereof

- a. Every application for financial assistance from the Fund shall be in writing and shall be executed and verified by the Company.

Authorized Signatures:

I understand that the Fund reserves the right to independently verify any or all of the information supplied herein, and may refuse to approve the application should any of the information provided prove to be false or misleading.

Dated: _____
President / Occupant

Non-Discrimination

I certify that I will not discriminate on the basis of race, age, color, religion, sex, sexual orientation, handicap, familial status or national origin

Signature Date

_____ being duly sworn, deposes, and says: That s/he is the President/Occupant of _____ the Project Occupant (the Company) described in the foregoing application: that s/he has read the foregoing application and knows the contents thereof; that the same is true to his/her own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters s/he is in compliance with and all federal and state legislation dealing with equal employment opportunity and the hiring of illegal aliens; and that the execution of this application has been duly authorized by the board of directors of the Company.

Notary Public

Sworn to before me this _____ day of _____, 20__

AGREEMENT BETWEEN THE TOWN OF VINTON, VIRGINIA AND

FOR REVOLVING LOAN FUNDS

This Agreement for Revolving Loan Funds pursuant to the Town of Vinton Economic Development Revolving Loan Program Guidelines is made and entered into this day of _____, 20__, by and between _____ ("Business Owner"), party of the first part, and the Town of Vinton, Virginia ("Town"), party of the second part.

WITNESSETH

WHEREAS, the Town was awarded a Grant for the purpose of community development in certain areas of the Town of Vinton, Virginia; and

WHEREAS, the Grant provides Revolving Loan Funds which are administered through a low-interest Loan Program approved by the Town Council for qualifying for-profit businesses undertaking certain types of projects designed to create or retain jobs within the Town; and

WHEREAS, the Loan Funds may be used to purchase real property, remodel existing buildings, purchase fixtures, machinery, and equipment, or to provide working capital; and

WHEREAS, Business Owner has applied for a portion of said Loan Funds and the Town's Loan Advisory Committee has advised that the Town approve said application, subject to the terms and conditions hereof;

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, the parties agree as follows:

1. The Town, pursuant to and subject to the terms of the Loan Program, hereby agrees to extend to Business Owner a loan in the amount of \$_____. The Business Owner agrees to repay said loan over a period of _____ (__) months beginning on the first day of the next full month following closing, and continuing on the first day of each succeeding month thereafter until said loan is paid in full. If closing is held in the middle of a month, daily interest shall be charged for the remainder of such month at closing. The rate of interest of such loan shall be ____ per centum (_%) per annum, to be amortized monthly , and the principal balance of such

loan, or any portion thereof, plus accumulated interest, may be paid to the Town at any time prior to the due date, without penalty.

2. As a condition of said loan, Business Owner shall execute a note and deed of trust, financing statement, or other security agreement, as appropriate and necessary for the type of collateral, and as required by the Town, which evidences the payment obligation agreed to hereunder and which binds the collateral described herein as security for said note and obligation to pay. Said note and deed of trust, financing statement, or other security agreement shall be in a form acceptable to counsel for the Town, and shall contain certain penalties and late fees for failure to pay, as specified in the terms of such documents.

3. The collateral given by the Business Owner for the loan described above is as follows:

(Describe the real estate, personal property, accounts, stocks or other property against which the security interest of the Town will attach.) The Business Owner guarantees and affirms that the above-described collateral is free and clear of all other notes, deeds of trusts, security interests, liens, mortgages and similar encumbrances, and that, at closing, the Town will be in a first priority position over said collateral, except that if Town is to be in a second or subsequent priority with regard to any of the collateral referenced above, then such collateral and position of the Town in such collateral is as follows:

Collateral

Priority Position

Town shall have the right to conduct a title search or similar review of any liens or encumbrances against the collateral prior to closing, and Business Owner shall cooperate in such process and shall be responsible for all costs and expenses connected with such searches and reviews. If the results of such search or review are unsatisfactory to Town for any reason, Town shall have the

right to either cancel or terminate this Agreement, or to give Business Owner an opportunity to remedy the defect found in the collateral review process.

4. It is an express condition of the loan made hereunder that Business Owner strictly comply with all terms and conditions of the Loan Program and all applicable local, state and federal laws and regulations, which Loan Program documents are available for review at the Office of Economic Development, Vinton, Virginia, during normal business hours, and the terms of which are incorporated herein by reference as if fully set forth herein. Said terms and conditions shall include, but not necessarily be limited to, all of the terms and requirements contained in that certain document entitled "Town of Vinton, Virginia, Office of Economic Development Revolving Loan Program Guidelines (Plan and Administrative Program Manual)" a copy of which is attached hereto and made a part hereof, and all applicable local, state, and federal regulations and law. Business Owner understands and agrees that the Town has a Loan Program Advisory Committee which will make recommendations to the Town concerning the Revolving Loan Fund, and Business Owner agrees to work with said Committee to this end.

5. The monies received from the loan may only be used for building and land acquisition, leasehold and site improvements, new construction and rehabilitation costs, purchase of fixtures, machinery, and equipment and associated installation costs and working capital. No other use of loan monies is permitted unless approved by the Town, upon the advice given to the Town from its Loan Program Advisory Committee, and failure to use loan monies for these purposes shall be a breach of this Agreement which shall cause the entire amount loaned hereunder, together with all accrued interest and fees, to be due in full at the time of such breach.

6. As a condition of making the loan, and as a continuing requirement of this Agreement, Business Owner shall strictly comply with all terms of the Program which apply to Business Owner, which terms shall include, but not be limited to, timely repayment of the Note executed by Business Owner, the creation and retention of every fulltime equivalent (FTE) job required for said loan, maintaining the integrity of the collateral described herein and not allowing such collateral to lose its value during the repayment period of the loan, keeping adequate insurance on the collateral as required herein, bankruptcy or insolvency of the Business Owner, or any action by Business Owner causing Town to lose its priority position in the collateral.

Furthermore, as a condition of the loan, Business Owner agrees to make its business records, personnel records and books available to Town or its authorized agents for audit upon three (3) business days' notice to Business Owner, to assure that all terms and conditions of the loan and program plan are being met and that the loan monies are being spent to further the purpose of the Revolving Loan Fund.

7. The loan shall be subject to call, in full, if any of the terms and conditions of this Agreement, the Note, the Program Guidelines, or the Financing Statement, Deed of Trust, or other Security Agreement are not strictly complied with by Business Owner.

8. All costs and fees, including, but not limited to, application fees, credit report costs, origination fees, closing fees, recordation fees, settlement fees and similar fees, shall be paid by Business Owner; provided however, that Business Owner shall have the option of taking such fees from the loan proceeds at the time of closing.

9. This Agreement is entered into and governed by the laws of the Commonwealth of Virginia. Any suit to enforce or interpret any term or condition herein or concerning any other matter connected with the Program shall be brought only in the Circuit Court of the County of Roanoke, Virginia. As an express condition of the loan extended hereby, the following full time-equivalent jobs shall be created or retained by Business Owner: _____ Positions.

10. Any notices to the parties hereto shall be sent as follows:

To the Town: Town Manager, 311 South Pollard Street, Vinton, VA 24719.

To The Business Owner: _____

11. Business Owner shall be required to maintain insurance with a licensed Virginia insurance company which shall protect the assets pledged as collateral hereunder against loss due to fire or other hazard, as applicable. Town shall be named as a loss payee or additional insured under said policy up to the amount of the loan, and Business Owner shall provide proof of said insurance and shall not cancel said policy or policies without adequate insurance from another licensed company, as required hereunder. Copies of all such policies shall be provided to the Town.

12. Business Owner agrees to indemnify and save Town harmless from any and all loss damages incurred by Town as a result of any breach of this Agreement by Business Owner, including, but not limited to, reimbursement to Town of any and all costs, fees, damages, claims,

losses, and similar items, as well as all attorneys' fees incurred by Town as a result of Business Owner's breach.

13. The closing on the loan shall occur within ____days from the date of this Agreement, or within such reasonable time thereafter as the necessary papers are prepared and all contingencies are satisfied. The terms of this Agreement shall survive closing and shall be enforceable until the loan is fully repaid and all Loan Program requirements have been satisfied.

14. This Agreement shall be binding upon the parties hereto and is not assignable or assumable by any party without the express written consent of the Town.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.

Business Name

TOWN OF VINTON, VIRGINIA

BY: _____

BY: _____

Printed Name/Title:

Christopher S. Lawrence, Town Manager

COMMONWEALTH OF VIRGINIA,

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, _____, on behalf of _____.

Notary Public
My commission expires: _____
Registration Number: _____

COMMONWEALTH OF VIRGINIA,

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, _____, on behalf of _____.

Notary Public
My commission expires: _____
Registration Number: _____

APPROVED AS TO FORM:

Elizabeth K. Dillon, Town Attorney

Recommended by Loan Advisory Committee:

Signature: _____ Date: _____

Print Name/Title: _____

This Agreement for Revolving Loan Funds was approved on motion made by Council Member _____ and seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, FEBRUARY 19, 2013, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA

WHEREAS, the Virginia Department of Housing and Development, through the Community Development Block Grant Program requires a locality to have in place Plans for the administration of various programs through a Management Team; and

WHEREAS, the Town of Vinton will institute and run a Revolving Loan Program for downtown businesses to participate in; and

WHEREAS, the Town of Vinton has created a Revolving Loan Committee to qualify the loans and oversee the program; and

WHEREAS, on February 12, 2013, the Downtown Management Team approved the preliminary Revolving Loan Program Plan and Guidelines Manual for the Project and on February 19, 2013, by Resolution No. 2007, Council approved also approved said preliminary Plan and Manual; and

WHEREAS, based on the request of Council that the final details including the development of the supporting documents to administer such program be brought back to Council for final approval, the Revolving Loan Committee recommends that Council approve the final documents for use in administering the Program; and

WHEREAS, the Revolving Loan Program must stay active for the term of the Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED that the Vinton Town Council does hereby approve the final Revolving Loan Program Plan and Guidelines Manual and its supporting documents to administer the Revolving Loan Program as part of the CDBG Program.

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

March 4, 2014

Department

Finance/Treasurer

Issue

Update on real estate tax assessment for Calendar Year 2014 and request to advertise a public hearing for March 18, 2014, to set the real estate tax, personal property tax and machinery and tools tax rates.

Summary

The Town of Vinton's real estate tax levy has decreased by approximately -0.25% for the calendar year 2014. A summary of the preliminary assessed values and corresponding tax levies are shown below:

Assessed Values:	
Year 2014	\$ 455,632,200
Year 2013	- <u>456,795,100</u>
Total Decrease	\$ -1,162,900
Year 2014	\$ 455,632,200
Less New Construction	- <u>346,000</u>
Net Assessed Value	455,286,200
Year 2013	- <u>456,795,100</u>
Net Decrease	\$ -1,508,900
Tax Levy:	
Year 2014	\$ 136,690
Year 2013	<u>137,039</u>
Decrease	\$ -349

Assessment Decrease: -.2546 or -.25%

Attachments

None

Recommendations

Authorize the advertisement for Public Hearing on March 18, 2014



Town Council Agenda Summary

Meeting Date

March 4, 2014

Department

Administration

Issues

Briefing on proposal to increase career Fire/EMS staff at Station 2 to provide staff for a 24-hour Fire Engine

Summary

The Public Safety Committee is scheduled to meet on Friday, February 28, 2014 to review proposals and make a recommendation to Town Council. A formal presentation will be provided at the Council meeting.

Attachments

None

Recommendations

Increase career staff to supplement the Vinton Volunteer Fire Department volunteers to provide a 24-hour staffed Fire Engine



Town Council Agenda Summary

Meeting Date

March 4, 2014

Department

Finance/Treasurer

Issue

Financial Report for period ending January 31, 2014

Summary

The Financial Report for the period ending January 31, 2014 has been placed in the Town's Dropbox and on the Town's Website.

The Finance Committee will meet on Monday, March 3, 2014 at 5:30 pm to discuss this report and will make a presentation Council during the Council Comment Section of the Regular Meeting.

Attachments

January 31, 2014 Financial Report Summary

Recommendations

Motion to approve the January 31, 2014 Financial Report

**Financial Report Summary
Month Ending January 31, 2014**

THE TOWN OF
VINTON
V I R G I N I A



	Adopted Budget	Revised YTD Budget	MTD	YTD Posted	REMAINING BALANCE	%
General Fund 200						
Revenues	7,905,867	3,136,989	1,014,158	3,538,790	401,801	113%
Accrued Revenue Adjustment			249,562	249,562		
Total Adj. Revenues	7,905,867	3,136,989	1,263,720	3,788,352	651,363	121%
Expenditures	7,905,867	4,987,235	556,138	4,225,461	(761,774)	85%
Revenues over/(under) Expenditures		(1,850,245)	707,582	(437,108)		
Utility Fund 300						
Revenues	3,429,380	1,708,656	104,355	1,673,756	(34,900)	98%
Less: Tinker Creek Project Revenue		0	0	0		0%
Less: Bond Series 2013		0	0	0		
Operating Revenues	3,429,380	1,708,656	104,355	1,673,756	(34,900)	98%
Expenditures	3,429,380	2,062,221	311,694	2,351,941	289,721	114%
Less: Tinker Creek Project Expenditures		0	0	0	0	0%
Less: Bond Series 2013		0	0	606,536		
Operating Expenditures		2,062,221	311,694	1,745,405	(316,816)	85%
Revenues over/(under) Expenditures		(353,565)	(207,339)	(71,649)		
Total All Funds						
Revenues	11,335,247	4,845,645	1,368,075	5,462,108	616,463	113%
Expenditures	11,335,247	7,049,455	867,832	5,970,866	(1,078,589)	85%
Revenues over/(under) Expenditures		(2,203,810)	500,243	(508,758)		

*excludes Tinker Creek Project

*excludes 2013 Bond Issue