Regular Council Meeting
June 15, 2015
7:00 p.m.

The regular meeting of the Elkton Town Council was held on June 15, 2015, at approximately 7:00 p.m., in the Council Chambers at the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members and staff were present:

PRESENT	ABSENT
Wayne Printz, Mayor	Jay Dean, Vice Mayor
Margaretta Isom, Council Member	
Harry Armbruster, Council Member	
Jeffrey Jones, Council Member	
Joshua Gooden, Council Member	
Gerry Comer, Council Member	

PRESENT	ABSENT
Nathan Miller, Town Attorney	Allison Morris, EACC Administrator
Kevin Whitfield, Town Manager	
Aaron Hammer, Chief of Police	
Troy Shifflett, Public Works Director	
Clairen Sipe, Town Treasurer	
Diane Johnson, Recreation Director	
Denise Monger, Clerk of Council	

REGULAR COUNCIL MEETING

Mayor Printz called the meeting to order and the clerk was asked to call the roll.

The invocation was given by Mayor Printz.

All present were asked to join in the Pledge of Allegiance.

CITIZEN COMMENTS

Hazel Crider, 114 Hillside Avenue, stated she did not support the proposed water and sewer rate increase. She noted that many citizens were out of work and struggling. She suggested the matter be tabled and not place another burden on the citizens. She inquired as to why the Kite property was not advertised as being for sale. She noted that she had not heard any information on the status of the property, but Council had time to increase utility rates. Again, she suggested that Council table the proposed rate increases.

Randell Snow, 121 Clover Lane, stated that he was disappointed that more advertising was not done to provide information to the public regarding the budget. He noted that there was a rumor about the Mayor and Council giving themselves a pay raise. He noted that the Planning Commissioners was going to receive $100 per month. He encouraged the budget process to be more public and open to the citizens. He was in support of the proposed water and sewer rate increases. He noted that Cemetery budget matters should be addressed since $16,000 in revenue would not cover the $50,000 in expenses for that department.

MINUTES

Motion to Approve Consent Agenda

Council member Isom moved, seconded by Council member Armbruster, and carried to approve the consent agenda as presented.

- APRIL 8, 2015 COUNCIL RETREAT
- APRIL 14, 2015 COUNCIL WORK SESSION
- APRIL 20, 2015 REGULAR COUNCIL MEETING
- APRIL 29, 2015 BUDGET WORK SESSION

- MAY 12, 2015 COUNCIL WORK SESSION
- MAY 18, 2015 PUBLIC HEARING – W & S RATE INCREASE
- MAY 18, 2015 PUBLIC HEARING – BUDGET
- MAY 18, 2015 JOINT PUBLIC HEARING – WIRT AVENUE REZONING
- MAY 18, 2015 JOINT PUBLIC HEARING – FHD ORDINANCE
- MAY 18, 2015 REGULAR COUNCIL MEETING

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

TREASURER'S REPORT

Treasurer Sipe reported the following for the month of May 2015:

Beginning Ledger Balance:	$174,667.39
Deposits:	$363,686.41
Expenditures:	$390,053.28
Ending Ledger Balance:	$148,300.52
Total Designated Money:	$ -60,377.68
Total Available Cash:	$208,678.20

Council member Armbruster moved, seconded by Council member Isom, and carried to approve the Treasurer's report as presented.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

EACC Administrator Allison Morris was absent from the meeting.

Mayor Printz reported that the mobile DMV assisted between 70-80 people. He thanked the Community Center.

CHIEF OF POLICE'S REPORT

Chief Hammer reported no additional business. He gave a brief summary of the activities regarding the new police dog.

TOWN MANAGER'S REPORT

Mr. Whitfield reported the following:

1. Route 340 project on schedule.
2. Meeting with DEQ held on May 20, 2015 to discuss general operations. DEQ pleased with the sewer plant operation and discussed the upcoming clarifier project.
3. Funding application submitted to the Revolving Loan Fund representatives on May 28, 2015. Decision regarding loan request by the Town forthcoming in September/October 2015.

4. Special Town Hall Meeting held to discuss the discontinuation of curbside recycling service. RFP to be submitted to solicit bids seeking a lower rate for the service.

Mayor Printz stated that in regards to the operation of the Town, that due to the Council's cooperation and with the Town Manager, the Town had saved a couple hundred thousand dollars for next year's budget. He noted that Troy Shifflett was an expert mechanic and that instead of calling in contractors; for example, he was able to save the Town money by doing in-house pump work and many other things. He noted that he had been around for twenty years and was extremely proud of those employees. He noted that they work hard, care and spend their own money most of the time taking care of situations and making sure people get what they need.

TOWN ATTORNEY'S REPORT

Town Attorney Miller reported that his firm was working to prepare a Little League contract. He noted that his office responded to a subpoena that the Town received regarding a court proceeding in Harrisonburg. He requested to speak to Council in closed session regarding a real estate matter.

NEW BUSINESS

Increase Water & Sewer User Rates – Second Reading

Council member Armbruster presented the following as a Second Reading:

SECOND READING
TO INCREASE WATER AND SEWER USER RATES
June 15, 2015

WHEREAS, the Elkton Town Council has proposed a 1.7% increase to the Water and Sewer User Rates pursuant to Virginia Code Sections 15.2-2111 & 2119; and

WHEREAS, the Elkton Town Code, Chapter 170, WATER AND SEWERS, Article IV, Charges §170-41 states that monthly charges for water and sewer furnished and supplied by the Town of Elkton shall be determined by the Town Council; and

NOW THEREFORE the Elkton Town Council shall increase the Water and Sewer User Rates to become effective July 1, 2015 as follows:

SEWER RATES:

	Residential		Commercial		Industrial	
Date	First 2000 gallons	Additional 1000 gallons	First 2000 gallons	Additional 1000 gallons	First 2000 gallons	Additional 1000 gallons
Current	21.82	6.55	21.82	6.82	21.82	7.37
After proposed 1.7% increase July 1, 2015	22.19	6.67	22.19	6.94	22.19	7.50

WATER RATES:

	Residential		Commercial		Industrial	
Date	First 2000 gallons	Additional 1000 gallons	First 2000 gallons	Additional 1000 gallons	First 2000 gallons	Additional 1000 gallons
Current	10.09	3.28	10.09	3.28	10.09	3.28
After proposed 1.7% increase July 1, 2015	10.27	3.34	10.27	3.34	10.27	3.34

Council member Comer duly seconded the motion.

Council member Isom stated that a public hearing was held on May 18, 2015. She noted that some of the increases were $.37 for the first 2,000 gallons with additional gallons increasing by $.12. She noted that some of the sewer increases were $.18 with the additional at $.06. She noted that the increases were made in small increments in order to avoid larger increases as in past years. She noted that the fossil fuel rate was recently decreased while no increases were proposed for taxes or trash collection.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Approve Ordinance Proposing 2015-2016 Fiscal Year Budget and Appropriation of Funds for Public Purposes – Second Reading

Council member Isom presented the following as a Second Reading:

AN ORDINANCE PROPOSING A BUDGET FOR THE TOWN OF ELKTON, VIRGINIA FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, APPROPRIATING FUNDS FOR PUBLIC PURPOSES FOR SAID FISCAL YEAR; AND CONTINUING IN EFFECT ALL ORDINANCES OF THE TOWN OF ELKTON, VIRGINIA RELATING TO TAXES, LICENSES, FEES, SERVICE CHARGES, COSTS AND OTHER CHARGES AND ALL ORDINANCES RELATING TO THE TIME OF PAYMENT THEREOF AND COLLECTION THEREOF, EXCEPT AS HEREIN SPECIFICALLY MODIFIED

(Second Reading June 15, 2015)

BE IT ORDAINED by the Town Council of the Town of Elkton, Virginia as follows:

SECTION 1. That the following budget for the Town of Elkton, Virginia for the fiscal year beginning July 1, 2015 and ending June 30, 2016 is hereby proposed and recommended for adoption:

SECTION 2. Public revenues of the Town of Elkton, Virginia are hereby appropriated for public purposes for the fiscal year beginning July 1, 2015 and ending June 30, 2016 as set forth in the appropriate Section of said budget.

SECTION 3. There will be a 1.7% increase to the water and sewer user rates, from the rates adopted for the fiscal year beginning July 1, 2015 and ending June 30, 2015, with the new rates as follows:

SEWER RATES:

Date	First 2000 gallons	Additional 1000 gallons	First 2000 gallons	Additional 1000 gallons	First 2000 gallons	Additional 1000 gallons
Current	21.82	6.55	21.82	6.82	21.82	7.37
After proposed 1.7% increase July 1, 2015	22.19	6.67	22.19	6.94	22.19	7.50

WATER RATES:

Date	First 2000 gallons	Additional 1000 gallons	First 2000 gallons	Additional 1000 gallons	First 2000 gallons	Additional 1000 gallons
Current	10.09	3.28	10.09	3.28	10.09	3.28
After proposed 1.7% increase July 1, 2015	10.27	3.34	10.27	3.34	10.27	3.34

These rates shall continue until modified by action of the Town Council of the Town of Elkton, Virginia.

SECTION 4. There will be no increase to the retail electric user rates. The rates shall continue until modified by action of the Town Council of the Town of Elkton, Virginia.

SECTION 5. There will be no increase to the tax rate for all real estate, including real estate owned by public service corporations, subject to tax for the fiscal year beginning July 1, 2015. Such rate is fixed at $0.085 per $100.00 of assessed value of such property per year. These rates shall continue until modified by action of the Town Council of the Town of Elkton, Virginia.

SECTION 6. There will be no increase to the tax rate for all personal property subject to tax for the fiscal year beginning July 1, 2015. Such rate is fixed at $0.46 per $100.00 of assessed value per year. These rates shall continue until modified by action of the Town Council of the Town of Elkton, Virginia.

SECTION 7. There will be no increase to the trash collection fee which will remain at $12.89/month for the fiscal year beginning July 1, 2015. This rate shall continue until modified by action of the Town Council of the Town of Elkton, Virginia.

SECTION 8. The Fund Budgets in Section 1 as included in the general budget are hereby adopted and made the official budget document of the Town of Elkton. It is expressly provided that the restrictions with respect to the expenditure of the moneys appropriated shall apply only to the lump sum amounts for the classes of expenditures, of Funds, which have been included in this ordinance.

SECTION 9. Any ordinance in conflict with this ordinance is hereby repealed to the extent that such conflict exists. However, all ordinances not in conflict with this ordinance shall continue in effect, specifically; all ordinances of the Town of Elkton, Virginia relating to taxes, licenses, fees, service charges, costs and other collection thereof shall continue in effect except as herein specifically modified.

SECTION 10. If any part of this ordinance is found to be invalid by competent authority, the remaining portions of the ordinance shall continue in effect.

Council member Armbruster duly seconded the motion.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Flood Hazard Ordinance – Second Reading

Council member Isom presented the following as a Second Reading:

AN ORDINANCE TO AMEND & RESTATE
CHAPTER 110. LAND DEVELOPMENT
ARTICLE VI. USES IN DISTRICTS
SECTION 110-615. FLOOD HAZARD DISTRICT FH-1
OF THE CODE OF THE TOWN OF ELKTON.

WHEREAS, the Town of Elkton previously enacted Chapter 110. Land Development, Article VI. Uses in Districts, Section 110-615. Flood Hazard District FH-1 of the Code of the Town of Elkton; and

WHEREAS, the Town has determined it is in its best interest to amend and restate Section 110-615. Flood Hazard District FH-1 to comply with current regulations.

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 110. Land Development, Article VI. Uses in Districts, Section 110-615. Flood Hazard District FH-1 of the Code of the Town of Elkton is hereby amended and restated as follows:

§ 110-615. Flood Hazard District FH-1

A. Authority and Purpose. This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

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

(1) Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.

(2) Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.

(3) Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage.

(4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

B. Applicability. These provisions shall apply to all lands within the jurisdiction of the Town of Elkton and identified as being flood prone as stipulated in this section.

C. Compliance.

(1) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdictions of this section.

(2) The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that districts outside the Floodplain District or that land uses permitted within such district will be free from flooding or flood damages.

(3) Records of actions associated with administering this section shall be kept on file and maintained by the Zoning Administrator.

(4) This section shall not create liability on the part of The Town of Elkton or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

D. Abrogation and greater restrictions. This section shall supersede the provisions of any other ordinance or regulation with regard to development in flood-prone areas. However, the provisions of any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

E. Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

BASE FLOOD

A flood having a one-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION

The Federal-Emergency-Management-Agency-designated one-hundred-year water surface elevation.

BASEMENT

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

DEVELOPMENT

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

ELEVATED BUILDING

A no basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

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.

FLOOD or FLOODING

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source; or

(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 a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1) of this definition.

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source.

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 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 bridge openings and the hydrological effect of urbanization in the watershed.

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 requirement 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; or

(3) Individually listed on the Virginia State inventory of Historic Places.

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 no elevation design requirements of Federal Code 44 CFR § 60.3.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is eight feet or more in width and 40 feet or more in length, or when erected is 320 or more square feet in area, and which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. For the purposes of this section, the term includes park trailers, travel trailers, and recreational and other similar vehicles which are placed on site for more than 180 consecutive days.

MANUFACTURED HOME PARK/SUBDIVISION, EXISTING

A parcel or contiguous parcels of land divided into two or more lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of the ordinance codified in this section.

NEW CONSTRUCTION

For the purposes of determining insurance rates, structures for which the start of construction commenced on or after June 15, 1978, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structure 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 structure.

ONE-HUNDRED-YEAR FLOOD

A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

RECREATIONAL VEHICLE

A vehicle which is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light-duty truck, and which is designed not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

SHALLOW FLOODING AREA

A special flood hazard area with base flood depths from one to three 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 or greater chance of being flooded in any given year.

START OF CONSTRUCTION

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns,

or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% 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 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 an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

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.

F. Basis for establishment and description of floodplain districts.

(1) The various floodplain districts shall include areas subject to inundation by waters of the one-hundred-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study and Flood Insurance Rate Map for the Town of Elkton, prepared by Federal Emergency Management agency (FEMA), Federal insurance Administration, dated February 6, 2008 and any other subsequent revisions or amendments thereto.

(a) The Floodway District is delineated for purposes of this section using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any point. These areas included in this district are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map (FIRM).

(b) The Flood-Fringe District shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall be the one-hundred-year-flood elevations contained in the flood profile of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Insurance Rate Map (FIRM)

(c) The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided but where a one-hundred-year floodplain has been approximated. Such areas are shown on the Flood Insurance Rate Map... For these areas, the one-hundred-year flood elevations and floodway information from federal, state and other acceptable sources shall be used when available.

Where the specific one-hundred-year-flood elevation cannot be determined for this area using other sources of data such as the United States Army Corps of Engineers, Floodplain Information Reports, United States Geological Survey flood-prone quadrangles, etc., then the applicant for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify or present evidence that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Town of Elkton. The hydrologic and hydraulic analysis shall be provided to the Town by the applicant at the applicant's cost.

(d) The Special Floodplain District shall be that floodplain area where one-hundred-year flood profiles or elevations have been provided in the Flood Insurance Study but where a floodway has not been delineated on the (FIRM). These areas are shown on the Flood Insurance Rate Map as an AE or A zone.

(2) All building permit applications issued for any of the various floodplain districts, as defined in this section, shall incorporate the following information:

(a) For structures that have been elevated, the elevation of the lowest floor (including basement);

(b) For structures that have been flood proofed (nonresidential only), the elevation to which the structure has been flood proofed;

(c) The elevation of the one-hundred-year flood and topographic information showing existing and proposed ground elevations.

(d) The zoning approval for the use.

G. Overlay concept.

(1) The floodplain districts described above shall be overlays to the existing underlying zoning districts as shown on the Official Zoning Map, and as such, the provisions for the floodplain districts shall serve as supplemental provisions to the underlying district provisions.

(2) Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying zoning district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

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

H. Official Map. The boundaries of the floodplain districts are established as shown on the Flood Boundary and Floodway Map and Flood Insurance Rate Map which is declared to be a part of this section and which shall be kept on file at the Town offices.

I. District boundary changes. The delineation of any of the floodplain districts may be revised by the Town Council of the Town of Elkton where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers or other qualified agency or an individual documents the need or possibility for such change. However, prior to such change, approval must be obtained from the Federal Insurance Administration.

J. Interpretation of district boundaries. Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the districts, the Town Council of the Town of Elkton shall make the necessary determination. The persons questioning or contesting the location of the district boundary shall

be given a reasonable opportunity to present the case to the Town Council and to submit his or her own technical evidence if he or she so desires.

K. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practical, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. 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.

L. District Provisions

(1) All uses, activities, and development occurring within a floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this section and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and Article IX, Subdivision Regulations, of this chapter. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding.

(2) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway or any watercourse, drainage ditch, or any other drainage facility or system throughout the Town of Elkton or other adjacent developed areas.

(3) Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within this jurisdiction, a permit from the U. S. Corps of Engineers and the Virginia Marine Resources Commission and certification from the Virginia State Water Control Board is necessary. Further notification of the proposal shall be given to all affected adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Resources), and the Federal Insurance Administration.

Editors Note: A joint permit application is available from any one of these organizations.

(4) Within the Special Floodplain Area no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

(5) Standards for manufactured homes and recreational vehicles.

(a) Manufactured homes shall be allowed only in manufactured home parks. All manufactured homes placed or substantially improved in existing or new manufactured home parks or subdivisions or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage must meet all the requirements for new construction, including elevation and anchoring requirements.

(b) All manufactured homes placed or substantially improved in an existing or new manufactured home park or subdivision must be elevated so that:

[1] The lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation; or

[2] The manufactured home chassis is supported by reinforced piers, or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the grade. (This subsection applies only to a new manufactured home that will be placed in an existing manufactured home park or subdivision in

which no homes have suffered substantial damage from flooding.)

[3] The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

(c) All recreational vehicles placed on sites must:

[1] Be on the site for fewer than 90 consecutive days;

[2] 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.)

M. Floodway District.

(1) In the Floodway District, encroachments, including fill, new construction, substantial improvements or other development, shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided by the applicant, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge throughout the Town of Elkton or adjacent developed areas

(2) The placement of manufactured homes, except in an existing manufactured home park or subdivision, within the Floodway District is specifically prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision, provided the requirements set out in § 110-615K(5) are met.

(3) Permitted uses:

(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, hiking, and horseback riding 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 land strips, etc.

(4) Uses permitted by special exception. The following uses and activities may be permitted by special exception, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this section or any other ordinance:

(a) Structures, except for mobile homes, accessory to the uses and activities in § 110-615L (3).

(b) Utilities and public facilities and improvements, such as railroads, streets, bridges, transmission lines, 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) Temporary uses, such as circuses, carnivals, and similar activities.

(f) 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 flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

(g) Telecommunications facilities.

(h) Other similar uses and activities provided that they cause no increase in flood heights and/or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the flood proofing provisions contained in all other applicable codes and ordinances.

N Flood-Fringe and Approximated Floodplain Districts and Special Floodplain Districts.

(1) In the Flood-Fringe and Approximated Floodplain and Special Floodplain Districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying districts, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. Before any such development or use, the lowest floor of any structure must be no less than 1 foot above the Base Flood elevation or Flood Proof to no less than 1 foot above the Base Flood elevation The placement of any manufactured home, except in an existing manufactured home park or subdivision, within the floodplain district is specifically prohibited.

(2) Within the Approximated Floodplain District, all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is less, shall include within such proposals base elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one-hundred-year flood elevation more than one foot at any one point. The engineering principle "equal reduction of conveyance" shall be listed to make the determination of increased flood heights.

O. Special exceptions and variances.

(1) Additional factors to be satisfied. In passing upon applications for special exceptions and variances, the Planning Commission or Board of Zoning Appeals shall satisfy all relevant factors and procedures in other sections of this chapter and the following factors:

(a) The danger of life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity within the Floodway District that will cause any increase in flood levels during the one-hundred-year flood.

(b) The danger that materials may be swept onto 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 to the property in times of flood for ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

(l) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that 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 section.

(n) No special exceptions or variance shall be granted for any development within the Special Floodplain District that, together with all other existing and anticipated development, would increase the one-hundred-year-flood elevation more than one foot at any point.

(2) The Planning Commission or Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a special exception or 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 protection and other related matters.

(3) Special exceptions and/or variances shall only be issued after the Planning Commission or 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.

(d) Creation of nuisances.

(e) Fraud or victimization of the public.

(f) Conflict with local laws or ordinances.

(4) Special exceptions or variances shall be issued only after the Planning Commission or Board of Zoning Appeals has determined that the special exception or variance will be the minimum required to provide relief from an exceptional hardship to the applicant.

(5) The Planning Commission or Board of Zoning Appeals shall notify the applicant for a special exception and/or variance, in writing, that the issuance of a special exception and/or variance to construct a structure below the one-hundred-year-flood elevation:

(a) Increases the risks to life and property.

(b) Will result in increased premium rates for flood insurance.

(6) A record of the above notification, as well as all variance actions, including justification for their issuance, shall be maintained and any variances which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

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

(1) Existing structures and/or uses located in the Floodway District shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements).

(2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than 50% of its market value shall be constructed according to the Virginia Uniform Statewide Building Code and this ordinance and elevated and/or flood proofed to the greatest extent possible.

(3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district, to an extent or amount of 50% or more of its market value shall be considered substantial improvement and shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code and this ordinance..

(4) Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

(5) No expansion or enlargement of an existing structure or use shall be allowed in the Special Floodplain District that, together with all other existing and anticipated development, would increase the one-hundred-year-flood elevation more than one foot at any point throughout the Town of Elkton or adjacent developed areas..

(6) The substantial damage or improvement of any structure shall require the entire structure to be brought into full compliance with the provisions of this chapter and the Virginia Uniform Statewide Building Code.

Q. Flood hazard mitigation. Within the Floodway, Flood Fringe District, the Approximated Floodplain District and/or the Special Floodplain District, as delineated, the following additional provisions shall be met:

(1) All electric water heaters, electric furnaces and other critical electrical installations shall be permitted only at no lower than 1 foot above the one hundred year flood plain.

(2) Water supply systems, sanitary sewage systems, and gas and oil supply systems shall be designed to preclude infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(3) Adequate drainage shall be provided to minimize exposure to flood heights.

(4) The preliminary plat requirements shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated Floodplain District, including information on, but not limited to, the one-hundred-year-flood elevations, boundaries of the floodplain districts, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

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

S. Municipal liability.

(1) The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside the floodplain districts, or that land uses permitted within such districts, will be free from flooding or flood damages.

(2) This section shall not create liability on the part of the Town of Elkton or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made there under.

Except as amended above, all other provisions of the Code shall remain in full force and effect.

This modification to the ordinance shall be effective immediately upon its adoption.

Council member Jones duly seconded the motion.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Amend Chapter 6 Boards, Committees and Commissions, Article I. Planning Commission, Section 6-3. Compensation of the Code of the Town of Elkton – Second Reading

Council member Isom presented the following as a Second Reading:

AN ORDINANCE TO AMEND
CHAPTER 6. BOARDS, COMMITTEES AND COMMISSIONS
ARTICLE I. PLANNING COMMISSION, SECTION 6-3. COMPENSATION
OF THE CODE OF THE TOWN OF ELKTON

WHEREAS, the Town of Elkton previously enacted Chapter 6. Boards, Committees and Commissions, Article I. Planning Commission, Section 6-3. Compensation of the Code of the Town of Elkton; and

WHEREAS, Virginia Code § 15.2-2212 provides that the local governing body may provide for compensation to commission members for their services, reimbursement for actual expenses incurred, or both.

WHEREAS, the Town has determined it is in its best interest to amend Section 6-3 to allow the Town Council to compensate members of the Planning Commission for their services and reimbursement for actual expenses incurred, from time to time.

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 6. Boards, Committees and Commissions, Article I. Planning Commission, Section 6-3. Compensation of the Code of the Town of Elkton is hereby amended to read as follows:

> **§ 6-3. Compensation.** "Compensation for their services, and reimbursement for actual expenses incurred, for the Planning Commission members shall be set by the Town Council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia."

This modification to the ordinance shall be effective immediately upon its adoption.

Council member Armbruster duly seconded the motion.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer
NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Ordinance to Amend Chapter 110 Land Development Article VI Uses in Districts Section 110-610 Downtown Business District and Section 110-611 General Business District B-2 of the Code of the Town of Elkton – First Reading

Council member Isom presented the following as a First Reading:

AN ORDINANCE TO AMEND
CHAPTER 110. LAND DEVELOPMENT
ARTICLE VI. USES IN DISTRICTS
SECTION 110-610. DOWNTOWN BUSINESS DISTRICT AND
SECTION 110-611. GENERAL BUSINESS DISTRICT B-2
OF THE CODE OF THE TOWN OF ELKTON.

WHEREAS, the Town of Elkton previously enacted Chapter 110. Land Development, Article VI. Uses in Districts, Sections 110-610. Downtown Business District B-1 and 110-611. General Business District B-2 of the Code of the Town of Elkton; and

WHEREAS, the Town has determined it is in its best interest to amend Sections 110-610 and 110-611 to add a new Special Exception to each Section.

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 110. Land Development, Article VI. Uses in Districts, Sections 110-610. Downtown Business District B-1 and 110-611. General Business District B-2 of the Code of the Town of Elkton are hereby amended to add the following Special Exceptions:

1. **§ 110-610.C.**

   (21) Structures that were originally designed to be residential in nature, existed before Jan 18, 2010, but did not meet the requirements for single family dwellings at that time, may be permitted to be returned to single family dwellings providing the following requirements are met:

   (a) The structure in proven to be habitable
   (b) The structure meets R3 District standards
   (c) The owner certifies that no more than 1 family will live in the dwelling
   (d) Two (2) off street parking spaces are provided
   (e) The use of this structure as a residence is not in conflict with existing businesses

2. **§ 110-611.C.**

   (19) Structures that were originally designed to be residential in nature, existed before Jan 18, 2010, but did not meet the requirements for single family dwellings at that time, may be permitted to be returned to single family dwellings providing the following requirements are met:

   (a) The structure in proven to be habitable
   (b) The structure meets R3 District standards
   (c) The owner certifies that no more than 1 family will live in the dwelling
   (d) Two (2) off street parking spaces are provided
   (e) The use of this structure as a residence is not in conflict with existing businesses

3. Except as modified above, all other provisions shall remain in full force and effect.

4. This modification to the ordinance shall be effective immediately upon its adoption.

<u>Reappoint Cathy Morrison to the Elkton Planning Commission</u>

Council member Isom moved, seconded by Council member Armbruster, and carried that the Elkton Town Council reappoint Cathy Morrison to the Elkton Planning Commission from November 30, 2014 to November 30, 2018.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

<u>Appoint Robert Morris, Sr. to the Elkton Planning Commission</u>

Council member Isom moved, seconded by Council member Gooden, and carried that the Elkton Town Council appoint Robert Morris, Sr. to the Elkton Planning Commission from June 30, 2015 to June 30, 2019.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Appoint Roy E. Davis to the Elkton Planning Commission

Council member Isom moved, seconded by Council member Jones, and carried that the Elkton Town Council appoint Roy E. Davis to the Elkton Planning Commission for the unexpired term of James Berg from May 19, 2014 to May 1, 2017.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Approve $250 for Candy for Parade

Council member Isom moved, seconded by Council member Comer, and carried that the Town approve $250 for the purchase of candy for the Elkton Field Day parade on July 11, 2015.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Approve Speed Limit Decrease on East Summit

Council member Armbruster moved, seconded by Council member Jones, and carried that the Town approve a speed decrease on East Summit Street.

Council member Armbruster stated that a speed study was performed and the Elkton Police Department recommended a speed limit decrease.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

COMMITTEES

Finance & Planning Commission (M. Isom)

Council member Isom reported that the finance committee had continued work on the Town budget. She noted that the Planning Commission met on June 2, 2015. They recommended two commissioner appointments, reviewed plans submitted by Kris Robinson, discussed the public hearing scheduled for July and the M & S Auto special exception request.

Public Health, Safety, Ordinances, Personnel & Community Center (H. Armbruster)

Council member Armbruster reported no additional business since the committees discussed all business at the Council Work Session.

Electric & Recreation (J. Jones)

Council member Jones complimented the dance program created by Mary Liz Humphries. He had recently attended a show and recommended everyone attend one.

Water & Sewer (J. Dean)

Vice Mayor Dean was absent from the meeting.

Economic & Community Development (J. Gooden)

Council member Gooden reported no additional business.

Streets and Sidewalks & Cemetery

Council member Comer reported no additional Cemetery business. He noted that signs were to be erected at EAUS regarding the new donation guidelines for after-hours.

UNFINISHED BUSINESS

No unfinished business.

MAYOR'S BUSINESS

Mayor Printz encouraged everyone to look out for each other, seniors and pets during the heat.

Closed Session

Council member Jones moved to go into closed session to discuss the potential sale or exchange of Town real estate pursuant to the acquisition or disposition of real property under Virginia Code Section 2.2-3711.A.3 of the Code of Virginia. Council member Armbruster duly seconded the motion.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Gooden and G. Comer

NAYS: None

VOTE: (5–0 voice vote) Motion carried

Open Session

Council member Jones moved to go from closed session back into regular session and that each member, to the best of his or her knowledge, certified that only public business matters lawfully exempted from an open meeting requirement under Chapter 21 of Title 2.2 of the Code of Virginia were heard, discussed, or considered. Council member Comer duly seconded the motion.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, and G. Comer

NAYS: None

VOTE: (5–0 voice vote) Motion carried

As there was no additional business, the meeting was adjourned.

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk