



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Thursday, January 8, 2015 at 7:00 p.m.**

Colonial Beach Town Center
22 Washington Avenue
Colonial Beach, VA 22443

Present

Mayor, Mike Ham
Vice Mayor, Eddie Blunt
Member, Wayne DiRosario
Member, Tommy Edwards
Member, Wanda Goforth
Member, Burkett Lyburn
Member, Mike Looney

Also Present

Town Manager, Val Foulds
Town Attorney, Andrea Erard
Town Clerk, Kathleen Flanagan
Acting Police Chief, Bruce Hough

Call to Order

Mayor Ham called the meeting to order at 7:02 p.m.

Roll Call of Members

Mayor Ham requested a roll call of members. Mr. Edwards responded "here," Mr. Lyburn responded "here," Mr. Blunt responded "here," Mr. DiRosario responded "here," Mr. Looney responded "here," Ms. Goforth responded "here," and Mayor Ham responded "here."

Additions to the Agenda

There were no additions to the agenda.

Approval of the Agenda

A motion was made by Mr. Edwards to approve the agenda and seconded by Mr. Lyburn.

Mayor Ham called for a voice vote. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham all said “aye.” The “ayes” were unanimous. **The motion to approve the agenda passed.**

Approval of the Minutes

Mr. Edwards, who along with Mayor Ham and Ms. Goforth had been appointed to serve on a committee (Res #80-14) to review and approve minutes from 2014 made a motion to approve minutes presented for the September 11, 2014 regular meeting, the October 9, 2014 regular meeting and the December 11, 2014 regular meeting. Mayor Ham seconded the motion.

Mayor Ham called for a roll call vote. Mr. Edwards vote “aye,” Ms. Goforth voted “nay, with an explanation,” and Mayor Ham voted “aye.” **The motion to approve the minutes of September 11, 2014, October 9, 2014 and December 11, 2014 passed with a committee vote of 2-1.**

Ms. Goforth explained that she believes the minutes are condensed too much, are incomplete, contain fractions of statements, and also contain questions asked, but not answered.

Council Announcements

Mr. Edwards reported that January 9, 2015 is to be recognized as the National Law Enforcement Appreciation Day.

Mr. Edwards read a statement, “On January 9, 2015, Concerns of Police Survivors, COPS, and partnering organizations will unite in support of law enforcement officers nationwide to promote a National Law Enforcement Appreciation Day.

In light of recent negativity directed toward law enforcement nationally, there is a need to show law enforcement officers that our citizens recognize difficult and sometimes impossible career that they have chosen, in public service to us all.”

Mr. Edwards asked everyone to wear blue tomorrow, January 9, 2015, and, if you see a police officer, please shake his/her hand in appreciation.

Mr. Edwards then read the monthly report for the Volunteer Fire Department. There was a total of 73 incidents – 13 fire calls, eight motor vehicle accidents, 43 EMS calls, and three public service calls. The volunteers worked a total of 296 manhours.

Mr. Looney thanked the former members of council, Mr. Bone, Mr. Seeber, Ms. Brubaker and Mr. Chiarello for their service to the town.

Mr. Looney then thanked town staff, the Town Manager, the Town Attorney, the Town Clerk and department heads for organizing an orientation for new council members.

Mr. Looney then personally apologized to the Police Department for the length of time it took to repair the blocked urinal and the resulting odor that continued from summer to December. Mr. Looney hope the town never waits that long to have repairs made.

Mr. Looney then apologized to the School System which lost its fiber optic connection on November 3, 2014. The fiber optic service continues to be inoperational. Mr. Looney hopes there is never another wait that long.

(Applause)

Presentations

Val Foulds, Town Manager

Ms. Foulds noted she had accepted an award from the Volunteer Rescue Squad to the Colonial Beach Police Department in appreciation of their dedicated and devoted service to the Colonial Beach Rescue Squad and the citizens of Colonial Beach. Ms. Foulds then presented the award to Acting Chief Bruce Hough.

(Applause)

Acting Chief of Police Bruce Hough

Mayor Ham welcomed and introduced Acting Chief Hough. Chief Hough had no comments.

Larry Roberson, Westmoreland County Board of Supervisors

Mr. Roberson wished everyone a happy new year. Mr. Roberson reported on the meeting held in Riverside Meadows in which information on what the county is doing in Placid Bay and the Coles Point area in order to get roads paved, et cet. Mr. Roberson noted he would stand behind those citizens in Riverside Meadows.

Mr. Looney thanked Mr. Roberson and Mr. Risavi for their presentation.

Kevin Newman, Superintendent, Colonial Beach School System

Mr. Newman welcomed the new Town Council members and said he was looking forward to working with them.

Citizen Input

Glenda Chiarello, Monroe Bay Avenue, reported on the progress being made on the Revitalization Grant. More volunteers are needed (1) to be part of the Revitalization Management Team for the next two years and meets twice a month beginning on February 24, 2015; and (2) a steering committee formed for “Downtown Colonial Beach” to set up a nonprofit for development of a downtown organization that would work toward Main Street initiatives. This group meets at the Bank of Lancaster on the second Tuesday of every month at 6:30 p.m.

William Flammer, 2802 Dwight Avenue spoke to the new council saying that two council members, at a work session, talked about two citizens saying those citizens “rant” a lot. Mr. Flammer finds those actions inexcusable.

Mr. Flammer addressed Mr. Roberson saying citizens want to know how much all this will cost.

Mr. Blunt offered his sincere apology to Mr. Flammer and the other person.

Linda Brubaker, 17 Lincoln Avenue echoed Mr. Flammer’s sentiments and hoped Council would take previous council’s mistakes as lessons to learn.

Ms. Brubaker noted that one member of council does not want to be contacted by citizens, and Ms. Brubaker thinks that is rude.

Sohail Akram from Canada said he would like to be a part of this community. He has researched the community and thinks he can bring a lot of revenue to the town. Mr. Akram says he has an MBA and has worked in risk management and could be a great help to the town. Mr. Akram said the growth level in the town is very slow.

Mr. Akram can be reached at 301-331-5994.

Ms. Goforth provided Mr. Akram with her business card, saying she was forming an economic development committee.

Mr. Akram thanked Council for their time.

(Applause.)

Steve Cirbee, 809 Washington Avenue reiterated that at the last meeting of Council a committee would be set up to review full minutes, not condensed minutes. Mr. Cirbee believes that the committee was put together to ensure that a full set of minutes were done and that exactly what happened tonight would not happen.

Mr. Cirbee hopes his comments get into the record and said the committee of three was set up to keep that from happening.

Annual Organizational Items

Resolution #04-15, Adoption of Bylaws and Rules of Procedure

Mayor Ham reviewed several changes to the ByLaws, such as Section 1-2, Section 1-4, and Section 2-1.

In Section 2-1, the Point of Contact has been changed to Liaison. Mayor Ham has proposed the following Liaisons: For Public Safety, Mr. Lyburn, assisted by Mr. DiRosario; For Economic

Development and Department of Planning and Zoning, Ms. Goforth; for Finance, Mayor Ham; for Administration, Mr. Lyburn; for Public Works, Mr. Blunt; and for the Schools, Mr. Looney.

Changes were also made in Section 2-4, Section 3-1, Section 3-3, Section 3-6, and Section 3-7.

Motion to Approve Resolution #04-15

Mr. Blunt made a motion to approve Resolution #04-15 as presented. Mr. Edwards seconded the motion.

Motion to Amend Resolution #04-15

Ms. Goforth made a motion to amend Resolution #04-15 by corrected a typo on page 2 (designated) and to add the words “24 hours prior” in Section 3-8, paragraphs 3 and 4. Mr. Looney suggested adding the words “at least 24 hours” in paragraphs 3 and 4. Mr. Edwards seconded the motion to amend.

Mayor Ham called for a voice vote on the motion to amend Resolution #04-15. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham voted “aye.” **The motion to amend Resolution #04-15 passed unanimously.**

Motion to Approve Resolution #04-15, as amended

Hearing no discussion, Mayor Ham called for a voice vote on the motion to approve Resolution #04-15, as amended. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham voted “aye.” **The motion to approve Resolution #04-15, as amended, passed unanimously.**

Resolution #04-15, Adoption of Bylaws and Rules of Procedure

BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, January 8, 2015 hereby adopts the attached By Laws and Rules of Procedure.

“2015 BY-LAWS AND RULES OF PROCEDURE Colonial Beach Town Council

Preamble

The citizens and businesses of the Town of Colonial Beach, Virginia are entitled to have fair, ethical, and accountable local government, which has earned the public’s full confidence and trust. The effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Colonial Beach Town Council has adopted these By-Laws and Rules of Procedure to assure public confidence in the integrity of local government and its effective and fair operation.

Section 1 Meetings

Section 1-1 Annual organizational meetings

- A. The Town Council shall conduct an organizational meeting at its first meeting in January of every year.
- B. At the organizational meeting in January, the Council shall establish the date, time and place for its regular monthly meetings for the remainder of the calendar year.

Section 1-2 Meeting Cancellations and Postponements

The Mayor may cancel or postpone any meeting because of inclement weather or disaster and will reschedule any postponed meeting at the earliest possible date when a quorum is available.

Section 1-3 Special Meetings

The Council may hold such special meetings as it deems necessary at such times and places, as it may find convenient. A special meeting of the Council shall be called pursuant to Section 15.2-1418 of the Code of Virginia (1950), as amended. Notice to the public of any special meeting shall be given in accordance with the Virginia Freedom of Information Act.

Section 1-4 Quorum and method of voting

A. A quorum shall consist of a majority of the members of the Town Council.

B. It shall be the duty of every member to vote on issues before the Town Council. Each member shall vote by stating “aye,” “nay” or “abstain.” If a member chooses to abstain, the member shall state the reason for abstaining for the record and shall do so at the time the vote is taken.

Section 2 Officers

Section 2-1 Mayor and Vice Mayor

The Mayor shall preside at all meetings of the Town Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and the Vice Mayor, the members present shall choose one of their members to preside over the meeting.

Whenever a Department Head resigns or retires, or a hired specialist (such as an auditor) completes their work for the Town, the Mayor and the Vice Mayor shall conduct an exit interview with that person. The Mayor may designate some other member of Council in his place. And, at the Vice Mayor’s request, Council may designate some other member in the Vice Mayor’s place.

The Mayor and the Council shall appoint individual Council members as the Liaison for the following areas:

- Public Safety – **Tommy Edwards, assisted by Wayne DiRosario**
- Economic Development and Dept of Planning & Zoning – **Wanda Goforth**
- Finance – **Mayor Mike Ham**
- Administration – **Burkett Lyburn**
- Public Works – **Eddie Blunt**
- Schools -- **Mike Looney**

The Mayor and Council may appoint Liaisons for other areas as necessary and may establish other committees when needed. As with nominations for any committee or appointment, the Council Member nominated may decline.

The Liaison shall serve in a role similar to that of a committee chair. The Liaison shall be responsible for ensuring that matters related to the designated area of the Liaison are thoroughly researched so as to then provide the Town Council with a comprehensive overview. The Liaison shall keep the other

members of Council informed in a timely manner, but at least on a monthly basis of the matters that the Liaison is addressing. The function of the Liaison is to make the deliberations by the Town Council more efficient.

Section 2-2 Preservation of order

At meetings of the Council, the Mayor shall preserve order and decorum.

Section 2-4 Parliamentarian

Except as modified herein or as provided by law, the most current edition of Robert's Rules of Order shall be the parliamentary authority of the Town Council with the following exceptions:

- Members may raise a hand instead of standing when seeking to obtain the floor, and may remain seated while making motions or speaking.
- There is no limit to the number of times a member may speak to a debatable question.
- Informal discussion of a subject is permitted while no motion is pending.
- The chairman need not rise while putting questions to a vote.
- If the chairman is a member, he may, without leaving the chair, speak in informal discussion and debate, and vote on all questions.

The Town Attorney shall act as Parliamentarian to the Council. Any questions involving the interpretation or application of Robert's Rules of Order shall be addressed to the Town Attorney. If the Town Attorney is unavailable, the Town Manager shall serve as the Parliamentarian.

Section 3 Conduct of Business

Section 3-1 Order of business

A. At the Council's meeting, the order of business shall be generally as follows:

- Call to Order
- Roll call of members
- Additions to the Agenda
- Approval of the Agenda
- Approval of the minutes
- Council Announcements
- Presentations

- Unfinished business
- New Business
- Citizen Input
- Closed meeting (if necessary)
- Recess/Adjournment

Section 3-2 Agenda Details

Until an agenda item is approved or disapproved by formal vote of the Town Council, the agenda item shall remain on every agenda and the Town Manager shall provide a status update on each agenda item as part of the agenda packet.

Every ordinance or resolution which involves the expenditure of funds shall identify the budget line item number that will be used to fund the expenditure.

Section 3-3 Motions

The Mayor may make a motion without relinquishing the chair.

Section 3-4 Appeal to Council

Any member of the Council may appeal to the Council from the decision of the Mayor on any question of order or the interpretation of these By-laws. A majority vote of those present is necessary to overrule the Mayor. No second is required on a member's appeal.

Section 3-5 Suspending rules

One or more of these By-Laws and Rules of Procedure may be suspended after a vote which indicates concurrence of two-thirds of the members present.

Section 3-6. Public Comment

Individuals may speak during the portion of the agenda designated for public comment and may speak for up to three (3) minutes. An individual who is representing a group people may speak for up to five (5) minutes. The Mayor may exercise discretion in these time limits based upon the circumstances, but should do so only rarely and reluctantly.

Council members may not interrupt citizen speakers. However, the Mayor may exercise discretion and interrupt citizen speakers.

Section 3-7 Citizen Questions and Complaints

The purpose of the Public Comment portion of the agenda is to permit citizens an opportunity to address statements to the Town Council. The Public Comment period is not intended as a question and answer session with the Town Council.

Citizen questions should instead be addressed to the Receptionist at Town Hall, who will either answer the questions or refer them to the proper administrators for answers.

Citizen complaints should also first be addressed to the Receptionist at Town Hall. The Receptionist will either have the complaint taken care of, or refer the complainant to the proper administrator.

If citizens have not been satisfied with responses they have received from Town Hall, they may then present their complaints to Council.

The Mayor may, in his discretion, answer a question or a complaint if the answer is brief or may recognize a Council Member to respond. For more involved answers to questions, the Mayor will respond to the citizen by saying that the question has been referred to the Town Manager who will see to it that an answer is provided if the citizen provides their contact information.

Section 3-8 Work Sessions

When items are presented to Council for consideration at a work session, a summary sheet providing an overview (including pros and cons) shall be prepared and distributed to Council in advance of the work session.

At every monthly work session of the Town Council, the Town Manager shall provide a comprehensive list of all pending items and shall include the most recent status of each item.

At least twenty four (24) hours prior to every work session, the Town Manager shall also provide the Town Council with a written, monthly report as to the current workload being carried and performed by each department so that the Council is aware of pending projects as well as whether additional resources may be needed to support the staff.

On a quarterly basis, at least twenty four (24) hours prior to the work session, the Town Manager and the Chief Financial Officer shall provide budget updates. These updates shall state the current revenues and expenditures and the projected end of year outcome. The budget update shall include all funds.

Section 4 -- Public Hearings

Section 4-1 Mayor to conduct public hearings

The Mayor shall conduct all public hearings.

Section 4-2 Hearing presentations

Hearings shall begin with a brief presentation from a staff member and/or representative from the relevant board, authority, commission or committee. The presentation shall summarize the facts about the issue. Council members' inquiry during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing.

Section 4-3 Order of public hearings

The order of public hearings shall be as follows:

- A. The Mayor shall open the public hearing.
- B. The applicant (or his or her representative) shall be the first speaker(s). Any and all representations made by the applicant to the Town on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the Town.
- C. The Mayor shall then solicit comments from the public. Each speaker must clearly state his name and address.
- D. After public comments have been received, the applicant, at his or her discretion, may respond with additional information.
- E. Upon the conclusion of the applicant's comments, the Mayor shall close the public hearing.

Section 4-4 Members' participation

Council members shall withhold their comments in public hearings to ensure participation by the public without Council interference.

Section 4-5 Close of hearing

When a public hearing has been closed by the Mayor, no further public comments shall be permitted. Council members, however, may direct questions to the applicant, the representative of the relevant board, authority, commission, committee or a staff member for clarification prior to taking any vote, if a vote is in order.

Section 4-6 Debate

Following the close of the public hearing, the Mayor entertains a motion and a second to address the issue and the Council may debate the merits of the issue.

Section 5 – Agenda

Section 5-1 Preparation

A. The Clerk shall prepare an agenda for each regular and special meeting conforming generally to the order of business specified in Section 3-1(A) entitled "Order of Business". The Town Manager shall coordinate the scheduling of items on the agenda with the Mayor. Every item that is placed on an agenda shall be accompanied by a cover sheet that identifies the action that is recommended, the pros and cons, and relevant background information. Complete agenda packets shall be distributed to the Council and made available to the public by noon on the Friday immediately preceding the Town Council meeting.

B. Council members may request that items be placed on the agenda, for discussion, by contacting the Town Manager and the Mayor at least eight business days prior to the Town Council meeting. (In other words, by the close of business on Tuesday the week before the meeting.) No such item shall be removed without the consent of the requesting Council member.

Before an item is placed on an agenda for action, that item shall have been discussed and vetted at the Council work session the previous month. While it may not always be possible because of time constraints to discuss a matter at a work session the month before the Council meeting, in order to promote thoroughness and attention to detail, this shall be the generally accepted practice.

C. Appointments may be placed on the agenda for consideration at any time.

D. Any matter not on the printed agenda may be heard, provided that every member of Council shall have been previously notified and that such a request is in the form of a motion to amend the agenda, is duly seconded, and then voted upon by a majority of the Council. If a resolution for consideration by Council is not included with the printed agenda, Council shall not vote on any such resolution unless a copy of the proposed resolution shall have been provided to every member of the Council prior to the start of the meeting.

Section 5-2 Minutes

The Clerk of the Council shall prepare and maintain minutes of the proceedings of the Council, and Council committees, in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member of the Council voted as required by law.

Preparation of minutes will not include every aspect of the Council's meetings relating specifically to discussion and debate, but will include all significant events relating to official action. The Clerk will make every effort to provide draft minutes to the Council within thirty (30) days or less of the date of the meeting.

Section 6 -- General Operating Policy

Section 6-1 Actions by individual members of the Board

A. It shall be the policy of the Council that no one member shall exert individual action or direct any Town employee, or any board, authority, commission or committee of the Council, to initiate any action that would require a Town employee to perform any action contrary to the laws, ordinances or policies of the Town or which would require the expenditure of public funds in any amount without the approval of the Council.

When one or more members of Council and/or the Mayor respond to the media, they shall make it clear whether they are expressing a personal opinion or whether they are representing a formal Council position or decision.

B. It is further the policy of the Council that when the Mayor and/or individual members of Council interact with employees of the Town, that the Mayor and/or individual members of Council conduct themselves in a respectful, civilized and appropriate manner at all times. Under no circumstances is it appropriate for the Mayor and/or any individual member of Council to shout or yell at, or shout or yell in the presence of, any Town employee. Neither the Mayor nor any individual member of Council shall make a comment or statement to any Town employee that is vulgar, insulting, or sarcastic. The Mayor and individual members of Council shall support the maintenance of a positive and constructive workplace environment for Town employees and for citizens and businesses dealing with the Town. The Mayor and individual members of Council shall recognize their special role in dealings with Town employees and shall in no way create the perception of any type of inappropriate direction to staff.

C. The conduct of the Mayor and individual members of Council must be above reproach and must avoid even the appearance of impropriety. Under no circumstances shall the Mayor or any member of Council threaten, either directly or indirectly, any Town employee with the loss of his or her job, position, and/or salary.

D. The Mayor and individual members of the Council shall prepare themselves for every meeting by reading and reviewing the Council packet and they shall listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall refrain from interrupting other speakers and making personal comments that are not germane to the business before the Council or otherwise interfering with the orderly conduct of the meeting.

E. The Mayor and individual members of Council shall not use the public resources that are not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes. The Mayor and individual members of Council may seek assistance from Town staff with respect to official Town business, but shall not monopolize Town staff or interfere in any way with the ability of Town staff to perform their jobs.

F. The Mayor and individual members of Council shall respect the confidentiality of information concerning the property, personnel and/or affairs of the Town. They shall neither disclose confidential information without proper authorization of the Council, nor use such information to advance their

personal, financial, or other private interests.

G. Recognizing that stewardship of the public interest must be their primary concern, the Mayor and members of Council will work for the common good of the people of the Town of Colonial Beach and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Colonial Beach Town Council.

H. No individual Council Member may pursue independently any mission, project or commitment that is not in accordance with the majority of the Council, with the exception of carrying out his or her duties consistent with his or her appointment as an advocate for a specific area of Town government where those duties are in accordance with the consensus of Council. Should any staff member have a question as to whether he or she may proceed with work in response to the request of any one particular Council member, the staff member shall ask that the Mayor indicate how the staff member should proceed.

Section 6-3 Discussion of zoning and land use matters

Town Council members shall not engage in discussions or negotiations with applicants on zoning or land use matters prior to the Planning Commission's referral of the matter to the Town Council.

Section 6-4 Polling Procedure

The Town Manager or his designee may separately contact members of the Town Council for the purpose of ascertaining a member's position with respect to public business, provided the contact does not constitute a meeting as defined in §2.2-3701 of the Code of Virginia.

Section 6-5 Sanctions

Individual members of the Town Council may be held accountable for their actions in violation of these Bylaws and/or state law by the Town Council in accordance with these Bylaws and state law. For example, a member of Council may be punished or fined for disorderly behavior in accordance with Virginia Code § 15.2-1400. Alternatively, the Town Council may censure a member of Council for violation of these Bylaws or other grossly inappropriate behavior.

Section 7 – Amendments

Section 7-1 Amendments to the By-Laws and Rules of Procedure

The By-Laws and Rules of Procedure may be amended as necessary by majority vote of the Council.”

Resolution #05-15, Establishment of Dates and Times of Regular Town Council meetings

Mr. Edwards made a motion to approve Resolution #05-15, as written. Ms. Goforth seconded the motion.

Resolution #05-15 had been discussed at the Work Session and two Thursday regular Town Council meetings, June and September, were changed to Saturday morning regular meetings in order to increase public attendance.

Hearing no discussion, Mayor Ham called for a voice vote on the motion to approve Resolution #05-15, as written. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham voted “aye.” **The motion to approve Resolution #05-15 passed unanimously.**

Resolution #05-15, Establishment of dates and times of regular Town Council meetings

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the Town Council establish its regular meeting schedule by resolution at the organizational meeting.

NOW THEREFORE BE IT RESOLVED, that the following dates have been established for the Town Council Meetings:

Thursday	February 12, 2015	7:00 p.m.
Thursday	March 12, 2015	7:00 p.m.
Thursday	April 9, 2015	7:00 p.m.
Thursday	May 14, 2015	7:00 p.m.
Saturday	June 13, 2015	9:00 a.m.
Thursday	July 9, 2015	7:00 p.m.
Thursday	August 13, 2015	7:00 p.m.
Saturday	September 12, 2015	9:00 a.m.
Thursday	October 8, 2015	7:00 p.m.
Thursday	November 12, 2015	7:00 p.m.
Thursday	December 10, 2015	7:00 p.m.
Thursday	January 14, 2016	7:00 p.m.

BE IT FURTHER RESOLVED, that all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Resolution #06-15, Establishment of Dates and Times of Town Council Work Sessions

Mr. Lyburn made a motion to approve Resolution #06-15, as written. Mr. Blunt seconded the motion.

Hearing no discussion, Mayor Ham called for a voice vote on the motion to approve Resolution #06-15, as written. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham voted “aye.” **The motion to approve Resolution #06-15 passed unanimously.**

Resolution #06-15, Establishment of dates and times of Town Council Work Sessions

BE IT RESOLVED that dates and times for Town Council work sessions are as follows:

Thursday	January 22, 2015	4:30 p.m.
Thursday	February 26, 2015	4:30 p.m.
Thursday	March 26, 2015	4:30 p.m.
Thursday	April 23, 2015	4:30 p.m.
Thursday	May 28, 2015	4:30 p.m.
Thursday	June 25, 2015	4:30 p.m.
Thursday	July 23, 2015	4:30 p.m.
Thursday	August 27, 2015	4:30 p.m.
Thursday	September 24, 2015	4:30 p.m.
Thursday	October 22, 2015	4:30 p.m.
Thursday	November 19, 2015	4:30 p.m.
Thursday	December 17, 2015	4:30 p.m.

BE IT FURTHER RESOLVED, that all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Resolution #07-15, Appointment of Vice Mayor

Mayor Ham read Resolution #07-15.

Mr. Lyburn made a motion to approve Resolution #07-15, as written. Mr. Edwards seconded the motion.

Hearing no discussion, Mayor Ham called for a voice vote on the motion to approve Resolution #07-15, as written. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham voted “aye.” **The motion to approve Resolution #07-15 passed unanimously.**

Resolution #07-15, Appointment of Vice Mayor

BE IT RESOLVED, that the Town Council, meeting in regular session, Thursday, January 8, 2015, hereby appoints Eddie Blunt as Vice Mayor for the Town of Colonial Beach for a term of two (2) years expiring December 31, 2016 .

Mayor Ham thanked Mr. Edwards for serving as Vice Mayor for the previous two years.

(Applause)

Unfinished Business

Public Hearing, Ordinance #656, Amends the Zoning Ordinance by Adoption of an Official Zoning Map

At 7:48 p.m. Mayor Ham opened the Public Hearing.

Glenda Chiarello, 1008 Monroe Bay Avenue said her understanding when they purchased their home at that location, it was originally zoned commercial. The street between Ball Street and Sulgrave was commercial. In approximately 2009, all the commercial properties on Monroe Bay Avenue were rezoned as maritime commercial, so it limited commercial use. Mrs. Chiarello's home was in the rezoned district and her home was rezoned maritime commercial.

Mrs. Chiarello noted Maritime Commercial is not depicted on the Official Zoning Map.

Ms. Erard noted Mrs. Chiarello had asked a very specific question and that question needs to be posed to the Planning Department.

Mrs. Chiarello further noted it was not just her street, but several other areas that were rezoned as maritime commercial.

Mayor Ham offered a recollection that certain properties were identified that could be zoned as maritime commercial and that there was not a rezoning to maritime commercial. Mayor Ham recollected that no rezonings to maritime commercial have occurred.

Motion to send Ordinance No. 656 back to Planning Department

Mr. Edwards made a motion to send it back to the Planning Department. There was no second to the motion.

Ms. Erard recommended that council conduct the Public Hearing, close the Public Hearing and then vote to postpone until the February meeting.

Public Hearing continued

Steve Cirbee, 809 Washington Avenue noted he is a member of the Planning Commission. Mr. Cirbee further noted there should be a larger map available.

Mr. Cirbee then noted there is a difference between a zoning map and a land use map. According to Mr. Cirbee, a piece of property may be zoned commercial and may be used in a residential manner. That property would show up as “residential use,” but in a commercial zone.

At 7:57 Mayor Ham closed the Public Hearing.

Citizen Input re-opened

Bill Flammer, Dwight Avenue noted there is an error on Resolution #05-15 regarding appointment of Vice Mayor. The two year term should expire in December 2016, not December 2017.

Mayor Ham thanked Mr. Flammer.

Ordinance No. 656, Amends the Zoning Ordinance by Adoption of an Official Zoning Map, Continued

Ms. Goforth made a motion to postpone taking action on Ordinance No. 656 until the February 11, 2015 Town Council meeting. Mr. Edwards seconded the motion.

Hearing no further discussion, Mayor Ham called for a voice vote on the motion to postpone taking action on Ordinance No. 656. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham voted “aye.”

The motion to postpone taking action on Ordinance No. 656 passed unanimously.

Ms. Goforth requested the Town Manager to notify the Planning Department of the postponement.

Public Hearing, Ordinance No. 658, Amends the Zoning Ordinance of Colonial Beach, Chapter 7

Mayor Ham noted that the Planning Commission has sent this Ordinance to council with a favorable recommendation. Ord No. 658 is required by law in order to maintain compliance with FEMA regulations.

Ms. Foulds noted passage of the ordinance insures that residents are able to purchase flood insurance.

At 7:59 p.m. Mayor Ham opened the Public Hearing.

Steve Cirbee, 809 Washington Avenue asked the Town Attorney if the language on page 3, Section 21.3, paragraph A allows development in the flood plain.

Ms. Erard answered “Correct.”

At 8:00 p.m. Mayor Ham closed the Public Hearing.

Motion to adopt Ordinance No. 658

Mr. Blunt made a motion to adopt Ordinance No. 658, as written. Mr. Edwards seconded the motion.

Mr. Looney confirmed that the motion is to adopt Ord No. 658. Mayor Ham answered “Yes.”

Hearing no further discussion, Mayor Ham called for a roll call vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Ms. Goforth voted “aye,” Mr. Lyburn voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to adopt Ordinance No. 658 passed unanimously.**

ORDINANCE NO. 658

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF COLONIAL BEACH BY DELETING FROM CHAPTER 7, “BUILDINGS & CONSTRUCTION REGULATIONS,” ARTICLE II, “BUILDING CODE,” SECTION 7-29, “FLOODPLAIN MANAGEMENT, SECTION 7-30, “PURPOSE,” SECTION 7-31, “APPLICABILITY,” SECTION 7-32, “COMPLIANCE & LIABILITY,” SECTION 7-33, “ABROGATION AND GREATER RESTRICTIONS,” SECTION 7-34, “SEVERABILITY,” SECTION 7-35, “DEFINITIONS,” SETION 7-36, “DESCRIPTION OF DISTRICTS,” SECTION 7-37, “OFFICIAL ZONING MAP,” 7-38, “DISTRICT BOUNDARY CHANGES,” SECTION 7-39, “INTERPRETATION OF DISTRICT BOUNDARIES,” SECTION 7-39.1, “PERMIT AND APPLICATION REQUIREMENTS,” SECTION 7-39.2, “GENERAL STANDARDS,” SECTION 7-39.3, “SPECIFIC STANDARDS,” SECTION 7-39.4, “STANDARDS FOR APPROXIMATED FLOODPLAIN,” SECTION 7-39.5, “STANDARDS FOR THE SPECIAL FLOODPLAIN DISTRICT,” SECTION 7-39.6, “STANDARDS FOR THE FLOODWAY DISTRICT,” SECTION 7-39.8, “STANDARDS FOR THE SHALLOW FLOODING DISTRICT,” SECTION 7-39.8, “STANDARDS FOR SUBDIVISION PROPOSALS,” SECTION 7-39.9, “STANDARDS FOR THE COASTAL HIGH HAZARD DISTRICT,” SECTION 7-39.10, “VARIANCES; FACTORS TO BE CONSIDERED,” SECTION 7-39.11, “EXISTING STRUCTURES IN FLOODPLAIN AREAS” AND AMENDING ARTICLE 21, FLOOD PLAIN DISTRICT, BY REPEALING AND REPLACING ARTICLE 21 FLOOD PLAIN DISTRICT, WITH ARTICLE 21 FLOODPLAIN OVERLAY DISTRICT. THE PURPOSE OF THIS TEXT AMENDMENT IS TO UPDATE THE FLOODPLAIN DISTRICT AS PRESCRIBED BY NEW FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REGULATIONS, AND THE ADOPTION OF REVISED FLOOD INSURANCE RATE MAPS. ADDITIONALLY,

ARTICLE 20, DEFINITIONS WILL BE AMENDED WITH ADDED AND/OR UPDATED DEFINITIONS IN ACCORDANCE WITH FEMA REQUIREMENTS. THE FOLLOWING DEFINITIONS WILL BE ADDED AND/OR UPDATED: APPURTANANT OR ACCESSORY STRUCTURE, BASE FLOOD, BASE FLOOD ELEVATION, BASEMENT, BOARD OF ZONING APPEALS, COASTAL A ZONE, DEVELOPMENT, ELEVATED BUILDING, ENCROACHMENT, EXISTING CONSTRUCTION, FLOOD OR FLOODING, FLOOD INSURANCE RATE MAPS (FIRM), FLOOD INSURANCE STUDY (FIS), FLOODPLAIN OR FLOOD-PRONE AREA, FLOOD-PROOFING, FLOODWAY, FREEBOARD, HIGHEST ADJACENT GRADE, HISTORIC STRUCTURE, HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS, LETTERS OF MAP CHANGE(LOMC), LETTER OF MAP AMENDMENT (LOMA), LETTER OF MAP REVISION (LOMR), CONDITIONAL LETTER OF MAP REVISION (CLOMR), LOWEST ADJACENT GRADE, LOWEST FLOOR, MANUFACTURED HOME, MANUFACTURED HOME PARK OR SUBDIVISION, MEAN SEA LEVEL, NEW CONSTRUCTION, POST-FIRM STRUCTURES, PRE-FIRM STRUCTURES, PRIMARY FRONTAL DUNE, RECREATIONAL VEHICLE, REPETATIVE LOSS STRUCTURE, SEVERE REPETATIVE LOSS STRUCTURE, SHALLOW FLOODING AREA, SPECIAL FLOOD HAZARD AREA, START OF CONSTRUCTION, STRUCTURE, SUBSTANTIAL DAMAGE, SUBSTANTIAL IMPROVEMENT, VIOLATION, AND WATERCOURSE. THE PURPOSE OF THIS ORDINANCE IS TO ADD AND AMEND DEFINITIONS TO THE ORDINANCE AS REQUIRED BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REGULATIONS.

BE IT ORDAINED BY THE COLONIAL BEACH TOWN COUNCIL THAT THE ZONING ORDINANCE OF COLONIAL BEACH BE AMENDED BY DELETING FROM CHAPTER 7, “BUILDINGS & CONSTRUCTION REGULATIONS,” ARTICLE II, “BUILDING CODE,” SECTION 7-29, “FLOODPLAIN MANAGEMENT, SECTION 7-30, “PURPOSE,” SECTION 7-31, “APPLICABILITY,” SECTION 7-32, “COMPLIANCE & LIABILITY,” SECTION 7-33, “ABROGATION AND GREATER RESTRICTIONS,” SECTION 7-34, “SEVERABILITY,” SECTION 7-35, “DEFINITIONS,” SECTION 7-36, “DESCRIPTION OF DISTRICTS,” SECTION 7-37, “OFFICIAL ZONING MAP,” 7-38, “DISTRICT BOUNDARY CHANGES,” SECTION 7-39, “INTERPRETATION OF DISTRICT BOUNDARIES,” SECTION 7-39.1, “PERMIT AND APPLICATION REQUIREMENTS,” SECTION 7-39.2, “GENERAL STANDARDS,” SECTION 7-39.3, “SPECIFIC STANDARDS,” SECTION 7-39.4, “STANDARDS FOR APPROXIMATED FLOODPLAIN,” SECTION 7-39.5, “STANDARDS FOR THE SPECIAL FLOODPLAIN DISTRICT,” SECTION 7-39.6, “STANDARDS FOR THE FLOODWAY DISTRICT,” SECTION 7-39.7, “STANDARDS FOR THE SHALLOW FLOODING DISTRICT,” SECTION 7-39.8, “STANDARDS FOR SUBDIVISION PROPOSALS,” SECTION 7-39.9, “STANDARDS FOR THE COASTAL HIGH HAZARD DISTRICT,” SECTION 7-39.10, “VARIANCES; FACTORS TO BE CONSIDERED,” SECTION 7-39.11, “EXISTING STRUCTURES IN FLOODPLAIN AREAS” AND BY AMENDING ARTICLE 21, FLOOD PLAIN DISTRICT, BY REPEALING AND REPLACING ARTICLE 21 FLOOD PLAIN DISTRICT, WITH ARTICLE 21 FLOODPLAIN OVERLAY DISTRICT TO READ IN ITS ENTIRETY AS FOLLOWS:

“Article 21

FLOOD PLAIN OVERLAY DISTRICT

Section 21.1 – Purpose/Statement of Intent [44 CFR 59.22(a) (2)]

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

- 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 21.2 - Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of The Town of Colonial Beach and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to the Town of Colonial Beach by FEMA.

Section 21.3 - 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 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 of Colonial Beach 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 21.4 – 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 21.5 - Abrogation and Greater Restrictions [44 CFR 60.1(b)]

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.

Section 21.6 - 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 21.7 - 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 or any authorized employee of the Town of Colonial Beach 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 of Colonial Beach are addressed in the Town of Colonial Beach 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 of Colonial Beach to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

ADMINISTRATION

Section 21.8 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Director of Planning and Community Development 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 of Colonial Beach Building Official.
- (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (C) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Section 21.9 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

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

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

(F) 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 as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).

(G) 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.

(H) 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.

(I) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.

(J) 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 of Colonial Beach, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

(K) Maintain and permanently keep records that are necessary for the administration of these regulations, including:

(1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and

(2) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

(L) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

(M) 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.

(N) Administer the requirements related to proposed work on existing buildings:

1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

(2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, 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.

(O) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

(P) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Colonial Beach have been modified and:

(1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

(2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

(Q) 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.

(R) 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 21.10 - 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, 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 on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

(2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

(B) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.

(C) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

(D) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

(E) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

(1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 21.16(A)(3). and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

(3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Section 21.11 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]

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 Emergency Management Agency and optionally the Virginia Department of Conservation and Recreation – Division of Dam Safety and Floodplain Management 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 21.12 - District Boundary Changes

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

Section 21.13 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. 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.

Section 21.14 – 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 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 21.15 – Letters of Map Revision

When development in the floodplain will cause or 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 and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- 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.
- 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)*

ESTABLISHMENT OF ZONING DISTRICTS

Section 21.16 - 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 Westmoreland County, Virginia and Incorporated Areas prepared by the Federal Emergency Management Agency, dated April 16, 2015, and any subsequent revisions or amendments thereto.

The Town of Colonial Beach 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 of Colonial Beach 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. At the time of adoption of this Article, no Floodway was delineated by FEMA in the above-referenced FIS or on the accompanying FIRM, within town limits.

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

If Section 21-16 (A) (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 21-18, 21-19, 21-20 and 21-21.

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.

The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE or AH zone [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 of Colonial Beach.

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

* The requirement in 60.3(c) (10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.

2. 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 no less than three (3) feet above the base flood level.

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.

3. 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(c)]:
 - 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 plus three feet. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than three 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 above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM plus three feet. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three 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.
 - c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
4. The **Coastal A Zone** shall be those areas, as defined by the VA USBC that are subject to wave heights between 1.5 feet and 3 feet, and identified on the FIRM by the **Limit of Moderate Wave Action (LiMWA)** line. For these areas, the following provisions shall apply:

Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus three feet of freeboard, and must comply with the provisions in 21.16(A)(2), 21.19 and 21.20.

5. The **VE or V Zones** on FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:
 - a. All new construction and substantial improvements in Zones V and VE (V if base flood

elevation is available) shall be elevated on pilings or columns so that:

- 1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated no less than three (3) feet above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least three feet above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,
 - 2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equalled or exceeded in any given year (one-percent annual chance).
- b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions 21-16(A)(6)(a).
- c. The Floodplain Administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The Floodplain Management Administrator shall maintain a record of all such information.
- d. All new construction shall be located landward of the reach of mean high tide.
- e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
- 1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

- 2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equalled or exceeded in any given year.

- f. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.

- g. The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.

- h. The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

Section 21.17 - Overlay Concept

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

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.

DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

Section 21.18 – 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 of Colonial Beach 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 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 21.19 - General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be according to Section 21.16 of this ordinance and 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.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

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

- I. 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 the Federal Emergency Management Agency.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 21.20 - 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 21.16(A)(2), the following provisions shall apply:

- A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated no less than three feet (3) above the base

flood level. See Section 21.16(A)(5) and Section 21.16(A)(6) for requirements in the Coastal A and VE zones.

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 no less than three feet above the base flood elevation. See Section 21.16(A)(5) and Section 21.16(A)(6) for requirements in the Coastal A and VE zones. Non-residential 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 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 (title of community administrator).

C. Space Below the Lowest Floor

In zones 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 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 Section 21.19 as well as Sections 21.20 in A or AE zones, 21.16(A)(5) in Coastal A zones, and 21.16(A)(6) in VE zones.
- 2. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - b. meet all the requirements for manufactured homes in Section 21.20(D)(1).

Section 21.21 - 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 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.

SECTION 21.22-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 and the appropriate provisions of this ordinance.
- 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.

SECTION 21.23- 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 acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

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

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

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated

in the foreseeable future.

- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. 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 percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

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

These terms shall be added to Article 20-Definitions

- A. Appurtenant or accessory structure - Accessory structures not to exceed 200 sq. ft. for purposes of floodplain protection/requirements.

- B. Base flood - The flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the 100-year flood.

- C. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

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

- E. 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.

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

- G. 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.

- H. 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).

- I. 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.

- J. Existing construction - structures for which the "start of construction" commenced September 18, 1987. "Existing construction" may also be referred to as "existing structures."

- K. 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.

- L. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency 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).
- M. 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.
- N. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- O. Flood proofing - 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.
- P. 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.
- Q. 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.
- R. Highest adjacent grade - the highest natural elevation of the ground surface prior to

construction next to the proposed walls of a structure.

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

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

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

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

- V. Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.
- W. 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.
- X. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- Y. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- Z. Mean Sea Level - is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.
- AA. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after September 18, 1987 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.
- BB. Post-FIRM structures - A structure for which construction or substantial improvement occurred after September 18, 1987.
- CC. Pre-FIRM structures - A structure for which construction or substantial improvement occurred on or before September 18, 1987.
- DD. Primary frontal dune - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.
- EE. Recreational vehicle - A vehicle which is

1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and,
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- FF. Repetitive Loss Structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equalled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- GG. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- HH. 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.
- II. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 21.16 of this ordinance.
- JJ. 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 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.

- KK. 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.
- LL. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- MM. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *repetitive loss* or *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.
- NN. 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 this ordinance is presumed to be in violation until such time as that documentation is provided.
- OO. 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."

Resolution #08-15, Authorizes Town Manager to sign and approve requests for reimbursement of Community Development Block Grant funds

Mayor Ham read Resolution #08-15.

Motion to approve Resolution #08-15

Mr. DiRosario made a motion to approve Resolution #08-15. Mr. Blunt seconded the motion.

Motion to amend Resolution #08-15

Mr. Looney made a motion to amend Res #08-15 by adding at the end of the text, “related to the above-named project.” Mr. DiRosario seconded the motion.

Mr. Blunt asked if the town receives additional funds, how would that work?

Ms. Erard answered “We could go back.”

Hearing no discussion, Mayor Ham called for a voice vote on the motion to amend. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham voted “aye.” **The motion to amend the motion passed unanimously.**

Motion to Approve Resolution #08-15, as amended

Hearing no discussion, Mayor Ham called for a voice vote on the motion to approve Res #08-15. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham voted “aye.” **The motion to approve the motion, as amended passed unanimously.**

RESOLUTION # 08-15, Authorizes Town Manager to sign and approve requests for reimbursement of Community Development Block Grant funds

WHEREAS, the Town of Colonial Beach has been awarded a Community Development Block Grant from the Virginia Department of Housing and Community Development for the Colonial Beach Downtown Revitalization Project in the amount of \$747,000 (seven hundred forty-seven thousand dollars); and

WHEREAS, the Town of Colonial Beach will accept and appropriate all CDBG funds received toward activities related to the above-named project,

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Colonial Beach authorizes the Town Manager to sign and approve all verified requests for reimbursement from the Virginia Department of Housing and Community Development related to the above named project.

Adopted this 8th day of January 2015.

Closed Session

There was no motion to move into closed session.

Adjournment/Recess

At 8:12 p.m. Mr. Looney made a motion to adjourn. Ms. Goforth seconded the motion to adjourn.

Mayor Ham called for a voice vote on the motion to adjourn. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham voted “aye.” The motion to adjourn passed unanimously.

At 8:12 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor