

AGENDA
TOWN COUNCIL MEETING
HAMILTON, VA
Monday, February 8, 2016
7:00pm

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
DETERMINATION OF QUORUM
PUBLIC COMMENT

GUESTS

- Carri Michon
- Hamilton Green Clean – Saturday, March 19, 2016 (April 2nd Rain Date)
- Hamilton Day – June 4, 2016 – Approval of Date

MINUTES – Discussion and Approval

- Town Council Meeting – January 11, 2016 (Pgs. 3-7)
- Town Council Special Meeting - January 28, 2016 (Pgs. 8-11)

MAYOR’S REPORT

-

WATER & SEWER COMMITTEE (Kesari, Simpson, Snyder, Wine)

PARKS & RECREATION COMMITTEE (Clark, Simpson, Unger, Wine)

TREASURER’S REPORT (Jones)

- January Treasurer’s Report – Through January 11, 2016 (Pgs. 12-17)

FINANCE COMMITTEE (Snyder, Simpson, Unger, Wine)

PUBLIC SAFETY & ZONING ENFORCEMENT COMMITTEE (Green, Kesari, Simpson, Wine)

PERSONNEL COMMITTEE (Simpson, Green, Wine)

PLANNING COMMISSION (McCann, Clark)

- Planning Commission Meeting scheduled for January 20, 2016

OLD BUSINESS

- Compensatory Time Policy (Pg. 18)
- Loudoun County EMS Transport Reimbursement Program
- Resolution 2016-06 to Adopt an Amendment to Town of Hamilton Zoning Ordinance Article 14 (Pgs. 19-33)

NEW BUSINESS

- Application for Utility Connection/Availability – 103 Lamplighter Court (Pg. 34)
- J2 Engineering Contract -FY2016 Pedestrian Safety Improvements Engineering Phase
- Resolution 2016-07 to Participate and Comply With the National Flood Insurance Program (Pgs. 35-36)

ADJOURNMENT

**MINUTES
HAMILTON TOWN COUNCIL
REGULAR MEETING
JANUARY 11, 2016**

TOWN COUNCIL

PRESENT: David R. Simpson, Mayor
Kenneth C. Wine, Vice Mayor
Matthew Clark, Council member
John Unger, Council member
Craig Green, Council member
Dimitri Kesari, Council member
Michael Snyder, Council member

STAFF: Lori Jones, Treasurer
Daniel Galindo, Zoning Administrator
Maureen Gilmore, Town Attorney
Jennifer Noel, Recorder

CALL TO ORDER THE REGULAR MEETING:

Mayor Simpson called to order the regular meeting of the Hamilton Town Council at 7:00PM.

PUBLIC COMMENT:

None

GUESTS:

None

MINUTES: Vice Mayor Wine made a motion to approve the December 14, 2015 minutes as submitted.

Motion: Vice Mayor Wine
Second: Council member Kesari
Carried: 7-0

Simpson - Aye
Unger - Aye
Kesari - Aye
Green - Aye
Snyder - Aye
Wine - Aye
Clark - Aye

MAYOR'S REPORT:

Mayor Simpson stated there are a lot of Committee meetings coming up so he would like to schedule a Town Council work session for to discuss all items. The Town Council decided to meet on Thursday, January 28, 2016 at 6:30PM. Among the items to be discussed are 41 and 43 East Colonial Highway Purchase, Investment and Capital Asset Policies and Compensatory Time Policy.

Mayor Simpson stated that the Town received a nice letter from the Hamilton PTA thanking the Council for the money that was donated to the PTA.

WATER & SEWER COMMITTEE:

Nothing new to report.

PARKS & RECREATION COMMITTEE:

Nothing new to report.

TREASURER'S REPORT:

Monthly Treasurer's Report – Ms. Jones presented her report to the Town Council and entertained any question the members may have.

Council member Unger made a motion to approve the Treasurer's Report as submitted.

Motion: Council member Unger
Second: Council member Kesari
Carried: 7-0

Simpson - Aye
Unger - Aye
Kesari - Aye
Green - Aye
Snyder - Aye
Wine - Aye
Clark - Aye

FINANCE COMMITTEE:

Review Draft of Investment and Capital Asset Policies – This item will be discussed at the Council's work session.

PUBLIC SAFETY & ZONING ENFORCEMENT COMMITTEE:

Council member Green stated that he had nothing new to report.

PERSONNEL COMMITTEE:

Review Draft of Compensatory Time Policy – This item will be discussed at the Council’s work session.

Mayor Simpson stated that there are two vacancies on BZA. Chairman McCann stated that the organizational meeting for the BZA is scheduled for January 27, 2016.

PLANNING COMMISSION:

Chairman McCann stated that the next Planning Commission meeting is scheduled for January 20, 2016.

OLD BUSINESS:

Eagle Scout Candidate Project – Flagpole Location

Mayor Simpson stated that he has looked into this project and went over his thoughts with the Council about where the Flagpole should be placed.

NEW BUSINESS:

Proposal to Convert Woodlawn Avenue to a One-Way Street – Mayor Simpson stated that this has been brought up several times by the School as well as the people that live there because of the narrow width of the street. The Town Council discussed this item.

Resolution 2016-01 To Support and Endorse a Joint Letter from the Towns of Western Loudoun County to VDOT, State Representatives, and the Board of Supervisors Requesting a Review of Travel Alternatives for Route 7 Eastbound – Council members requested a rewrite of the letter as they were not comfortable with the wording. Mayor Simpson stated that he would speak with Mayor Fraser about changes to the wording.

New Ambulance Service Fees – Council member Snyder would like the Town to prepare a letter stating their objection to the new Ambulance Service Fees that County will start charging. Mayor Simpson stated that he would look into the exact wording of the new code and would also speak with Board Member Higgins about the fees.

CLOSED SESSION:

Vice Mayor Wine made a motion that the Hamilton Town Council recess its regular meeting and convene a closed meeting. The purposes of the closed meeting are as follows

1. Consultation with Town Attorney pertaining to the Town's interest in water resource protection.

The following individuals are invited to attend the closed session:

All Town Council Members
Maureen K. Gilmore, Town Attorney

Motion: Vice Mayor Wine
Second: Council member Kesari
Carried: 7-0

Simpson - Aye
Unger - Aye
Kesari - Aye
Green - Aye
Snyder - Aye
Wine - Aye
Clark - Aye

Vice Mayor Wine made a motion that the Hamilton Town Council adjourn its closed session and reconvene its public meeting and that the minutes of the public meeting reflect that no formal action was taken in the closed session.

Motion: Vice Mayor Wine
Second: Council member Unger
Carried: 7-0

Simpson - Aye
Unger - Aye
Kesari - Aye
Green - Aye
Snyder - Aye
Wine - Aye
Clark - Aye

Town Council
Regular Meeting Minutes
January 11, 2016

Vice Mayor Wine made a motion that the Hamilton Town Council adopt resolution 2016-01 Certifying the closed meeting of the January 11, 2016 and that a copy of the resolution be included in the minutes of the Town Council meeting.

Motion: Vice Mayor Wine
Second: Council member Kesari
Carried: 7-0

Simpson - Aye
Unger - Aye
Kesari - Aye
Green - Aye
Snyder - Aye
Wine - Aye
Clark - Aye

Council member Green made a motion that the Town Council authorize the Mayor to investigate the removal of the well monitoring equipment.

Motion: Council member Green
Second: Council member Snyder
Carried: 7-0

Council also indicated that if cost was involved the Mayor was still to move forward.

Simpson - Aye
Unger - Aye
Kesari - Aye
Green - Aye
Snyder - Aye
Wine - Aye
Clark - Aye

ADJOURNMENT:

There being no further business the meeting adjourned at 8:48 PM.

David Simpson, Mayor

Jennifer L. Noel, Recorder

**MINUTES
HAMILTON TOWN COUNCIL
SPECIAL MEETING
JANUARY 28, 2016**

TOWN COUNCIL

PRESENT: David R. Simpson, Mayor
Kenneth C. Wine, Vice Mayor
Matthew Clark, Council member
John Unger, Council member
Craig Green, Council member
Dimitri Kesari, Council member

ABSENT: Michael Snyder, Council member

STAFF: Lori Jones, Treasurer
Maureen Gilmore, Town Attorney

CALL TO ORDER THE SPECIAL MEETING

Mayor Simpson called to order the special meeting of the Hamilton Town Council at 6:33PM.

INVESTMENT & CAPITAL ASSET POLICIES

After some discussion, the Council agreed to independently review the draft policies and get comments, changes and questions to Mrs. Jones and/or Mrs. Gilmore so that a new unified draft could be presented to the Council for review.

COMPENSATORY TIME POLICY

The Council made the following changes to the policy draft with the updated draft to be presented at the February 8, 2016 Town Council Meeting:

1. Change the accumulation of Compensatory Time hours from 40 to 80.
2. Replace “Management” with “Mayor”
3. Capitalize “Compensatory Time” throughout the policy for text consistency.

RESOLUTION 2016-04 JOINT LETTER ENDORSEMENT REQUESTING A REVIEW OF TRAVEL ALTERNATIVES FOR ROUTE 7 EASTBOUND

The Council reviewed the revised letter drafted by the Town of Purcellville.

Council Member Kesari made a motion that the Hamilton Town Council adopt Resolution 2016-04 endorsing the Town of Purcellville’s joint letter requesting VDOT to review travel alternatives for Route 7 Eastbound.

Motion: Council Member Kesari
Second: Council Member Unger
Carried: 6-0-1

Simpson - Aye
Unger - Aye
Kesari - Aye
Green - Aye
Snyder - Absent
Wine - Aye
Clark - Aye

TRIAD PROPOSAL TO REMOVE WELL DATA LOGGING PROBES:

The Council authorized the Mayor to proceed with contracting Triad to remove the probes, with change the agreement to return the probes to us instead of their disposal.

41 & 43 E COLONIAL HIGHWAY PURCHASE

The Mayor stated that he discussed the current and proposed parking lot situation with Mosby's owner, Calvin Neal and Quail Run Sign's owner, John Ralph.

The Mayor also spoke to the fire department about the pole and siren on the property. There is nothing legal prohibiting the Town from removing them both.

The large shed behind house belongs to Mrs. Pearson and is approximately $\frac{3}{4}$ on our property and $\frac{1}{4}$ on her property. The Mayor asked Mrs. Pearson to remove the shed from the Town's property.

The Mayor would like grade and gravel behind the house and the old fire house so that Town & Quail Run staff could use it for parking, leaving the paved portion of the parking lot for Town/Mosby/Sign shop customers and other public parking. He would also like to remove the two spaces alongside the Town Office and, in the future, repave the lot.

Mayor Simpson asked the Council members what they would like to see happen with the house at 41 E Colonial. Council member Green suggested the Town rezone the house to a commercial property and offer it for rental for a restaurant, retail or office space to promote economic development. Vice Mayor Wine suggested the house could be sold and keep the land in the rear for a parking lot.

Mayor Simpson asked if we converted the property to commercial, would it need to be ADA compliant for whatever purpose it served. This item would need to be researched.

Council member Clark suggested that the Council keep in mind the long term future of the property and suggested the Town should have an architect to look at the property to determine the possibilities it holds. Council member Green made mention of university planning programs

(one of which is son is currently studying) that study and plan for similar public properties an educational opportunities for no charge.

Mrs. Gilmore suggested contacting the Loudoun County Design Cabinet for ideas; the Council agreed and Mrs. Gilmore will make contact with Middleburg Town Administrator, Martha Semmes, a member of the Cabinet.

Mayor Simpson asked Council if he should proceed w/changes to parking lot and remove the dilapidated deck on the rear of the house. The council agreed. If the cost is more than expected, Mayor Simpson will bring it back to council.

Council would also like to ask the Fire Department to remove the siren & pole.

CLOSED SESSION:

Vice Mayor Wine made a motion that the Hamilton Town Council recess its regular meeting and convene a closed meeting. The purposes of the closed meeting are as follows

1. Specific legal matters requiring the advice of counsel regarding the acquisition of real property for public purpose as authorized by Code of Virginia Section 2.2-3711(A)(3) as amended.

The following individuals are invited to attend the closed session:

All Town Council Members
Maureen K. Gilmore, Town Attorney

Motion: Vice Mayor Wine
Second: Council member Kesari
Carried: 6-0-1

Simpson - Aye
Unger - Aye
Kesari - Aye
Green - Aye
Snyder - Absent
Wine - Aye
Clark - Aye

Vice Mayor Wine made a motion that the Hamilton Town Council adjourn its closed session and reconvene its public meeting and that the minutes of the public meeting reflect that no formal action was taken in the closed session.

Motion: Vice Mayor Wine
Second: Council member Kesari
Carried: 6-0-1

Town Council
Special Meeting Minutes
January 28, 2016

Simpson - Aye
Unger - Aye
Kesari - Aye
Green - Aye
Snyder - Absent
Wine - Aye
Clark - Aye

Vice Mayor Wine made a motion that the Hamilton Town Council adopt resolution 2016-05 certifying the closed meeting of the January 28, 2016 and that a copy of the resolution be included in the minutes of the Town Council meeting.

Motion: Vice Mayor Wine
Second: Council member Kesari
Carried: 6-0-1

Simpson - Aye
Unger - Aye
Kesari - Aye
Green - Aye
Snyder - Absent
Wine - Aye
Clark - Aye

ADJOURNMENT:

There being no further business the special meeting adjourned at 7:59 PM.

David Simpson, Mayor

Lori M. Jones, Treasurer

Treasurer's Report
as of January 31, 2016 - All Funds Summary

Investment Summary	1/31/2016	12/31/2015	11/30/2015	10/31/2015
BB&T Checking General	\$ 99,481.19	\$ 116,986.76	\$ 76,193.17	\$ 121,807.07
Water	81,859.80	81,138.23	40,481.78	126,486.06
Sewer	273,907.69	276,794.17	248,980.11	837,474.46
Total BB&T Checking	<u>\$ 455,248.68</u>	<u>\$ 474,919.16</u>	<u>\$ 365,655.06</u>	<u>\$ 1,085,767.59</u>
BB&T CDs	674,861.80	674,861.80	674,861.80	674,861.80
Wells Fargo Money Market	339,112.09	339,103.45	339,115.25	339,115.25
Cardinal Bank Money Market & CDs	960,186.34	959,926.77	829,677.37	829,684.09
LGIP	308,755.34	308,567.81	308,567.81	308,567.81
Total All Funds	<u><u>\$ 2,738,164.25</u></u>	<u><u>\$ 2,757,378.99</u></u>	<u><u>\$ 2,517,877.29</u></u>	<u><u>\$ 3,237,996.54</u></u>

Outstanding Debt - January 31, 2016

2010 General Obligation Water Bond	\$ 670,000.00
General Fund Due To Water & Sewer Funds	400,000.00

Community Park & Fire Department Funds

Town General Fund Park Maintenance Accounts

BB&T Money Market Account	\$ 6,485.35
BB&T CD	9,003.96
Total Town GF Park Maintenance Accounts	<u>\$ 15,489.31</u>

Park Committee Donations

Cardinal Bank Checking Account	<u>\$ 1,790.72</u>
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Fire Department Fund

BB&T Money Market Account	<u>\$ 11,749.16</u>
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Water & Sewer Activity - January 2016

Regular Cycle Water/Sewer Bills	
120 Regular Delinquent Bills	
1 Water turn-offs Due to Non Payment	
5 New Accounts Created	
Adjustments (leak or misread)	
Adjustments (pool fills)	
New Water Connections	
New Sewer Connections	

Accounts Payable & Payroll Activity - January 2016

30 # Accounts Payable Checks + Wire Transfers	
\$ 39,840.65 Accounts Payable Checks (List attached)	
9 # Employees & Town Council	
\$ 19,640.10 Payroll Expense	
\$ 3,658.29 Retirement Expense	

Treasurer's Report
as of January 31, 2016 - General Fund

FY TO DATE BUDGET ANALYSIS

	FY2016	ACTUAL	\$ BUDGET	%
	BUDGET	1/31/2016	REMAINING	BUDGET
EXPENDITURES				
Wages & Payroll Taxes	\$ 107,163	\$ 59,308.95	\$ 47,854.05	55%
Retirement Contribution	6,927	3,396.11	3,530.89	49%
Health Insurance	23,643	13,887.10	9,755.90	59%
Membership Dues	838	260.00	578.00	31%
General Office Expense	40,995	35,988.73	5,006.27	88%
Legal Services/Codification	43,000	30,303.16	12,696.84	70%
Engineering Services	5,000	0.00	5,000.00	0%
Audit	13,500	10,000.00	3,500.00	74%
Trash/Recycling	45,000	26,397.42	18,602.58	59%
Mowing	12,000	10,175.00	1,825.00	85%
Street Lights	6,000	3,615.78	2,384.22	60%
Insurance & Workman's Comp	15,325	183.00	15,142.00	1%
Donations	2,000	0.00	2,000.00	0%
Planning Commission & Services	5,925	3,001.48	2,923.52	51%
Recreation & Activity	2,500	955.30	1,544.70	38%
Transfers Out - CIP & Fire Dept	884,847	706,623.00	178,224.00	80%
Contingencies	3,849	5,191.91	(1,342.91)	<i>OVER</i>
TOTAL EXPENDITURES	\$ 1,218,512	\$ 909,286.94	\$ 309,225.06	

REVENUE

Real Estate Taxes	\$ 194,275	\$ 98,195.32	\$ 96,079.68	51%
Personal Property Taxes	38,496	39,251.81	(755.81)	<i>OVER</i>
Prior Year Taxes	2,758	1,937.36	820.64	70%
Penalty/Interest on Taxes	700	714.23	(14.23)	<i>OVER</i>
Automobile Decals	10,000	10,281.52	(281.52)	<i>OVER</i>
Zoning Fees	2,000	1,800.00	200.00	90%
Interest	1,140	1,126.85	13.15	99%
Sales Taxes	42,000	24,089.13	17,910.87	57%
Utility Taxes	28,000	16,693.90	11,306.10	60%
BPOL Taxes	10,000	330.00	9,670.00	3%
Fire Programs Grant	9,000	9,000.00	-	100%
Park Reservation Fees	700	800.00	(100.00)	<i>OVER</i>
Prior Year Surplus	876,843	706,623.00	170,220.00	81%
Litter Grant/Misc Income	2,600	22,013.33	(19,413.33)	<i>OVER</i>
TOTAL REVENUE	\$ 1,218,512	\$ 932,856.45	\$ 285,655.55	

NET **\$ 23,569.51**

Treasurer's Report
as of January 31, 2016 - Water Fund

FY TO DATE BUDGET ANALYSIS

	FY2016	ACTUAL	\$ BUDGET	%
	BUDGET	1/31/2016	REMAINING	BUDGET
EXPENDITURES				
Wages & Payroll Taxes	\$ 127,087	\$ 66,934.39	\$ 60,152.61	53%
Retirement Contribution	12,380	5,359.46	7,020.54	43%
Health Insurance	30,289	15,714.30	14,574.70	52%
General Office Expense	5,060	2,132.49	2,927.51	42%
Workman's Comp/Liability	8,140	184.00	7,956.00	2%
System Consultant	10,000	0.00	10,000.00	0%
Electricity	33,000	9,755.55	23,244.45	30%
Truck Supplies & Repair	7,500	2,179.16	5,320.84	29%
Chemicals & Water Testing	9,500	5,673.05	3,826.95	60%
Water Intgration	31,860	18,585.00	13,275.00	58%
Repairs - Plant & Equipment	25,980	8,955.83	17,024.17	34%
Repairs - Lines & Hydrants	15,000	2,294.71	12,705.29	15%
Repairs Bldg/Grounds	2,000	1,006.52	993.48	50%
Safety Supplies	1,000	894.41	105.59	89%
Cross Connection Program	200	0.00	200.00	0%
2002 VRA Bond Debt Pmt	113,747	100,588.50	13,158.50	88%
Training, Licenses & Dues	1,500	375.00	1,125.00	25%
Contingencies	5,225	2,222.36	3,002.64	43%
Transfer to CIP	70,900	0.00	70,900.00	0%
TOTAL EXPENDITURES	\$ 510,368	\$ 242,854.73	\$ 267,513.27	
REVENUE				
Water Service Charges	\$ 278,565	\$ 137,096.56	\$ 141,468.44	49%
Connection Fees	3,400	10,200.00	(6,800.00)	<i>OVER</i>
VRA Bond Surcharge	78,000	39,209.00	38,791.00	50%
Cell Towner Antenna Lease	78,900	43,448.92	35,451.08	55%
Interest	603	286.50	316.50	48%
Transfers In / PY Surplus	70,900	0.00	70,900.00	0%
TOTAL REVENUE	\$ 510,368	\$ 230,240.98	\$ 280,127.02	
NET		(12,613.75)		

Treasurer's Report
as of January 31, 2016 - Sewer Fund

FY TO DATE BUDGET ANALYSIS

	FY2016	ACTUAL	\$ BUDGET	%
	BUDGET	1/31/2016	REMAINING	BUDGET
EXPENDITURES				
Operating				
Wages & Payroll Taxes	\$ 109,437	\$ 57,059.63	\$ 52,377.37	52%
Retirement Contribution	11,070	5,746.10	5,323.90	52%
Health Insurance	27,560	14,209.90	13,350.10	52%
Workers Comp/Liability	6,499	173.00	6,326.00	3%
System Consultant	10,000	-	10,000.00	0%
General Office Expense	7,801	3,548.04	4,252.96	45%
Sewer Operations	18,000	6,389.93	11,610.07	35%
Electricity	32,000	12,665.01	19,334.99	40%
Truck & Generator	7,000	3,112.75	3,887.25	44%
Chemicals & Lab Testing	60,000	28,988.64	31,011.36	48%
Repairs - Plant & Equipment	12,500	1,904.12	10,595.88	15%
Repairs - Sewer Lines	6,000	36.99	5,963.01	1%
Repairs Bldg/Grounds	2,500	356.48	2,143.52	14%
Safety Supplies	1,000	1,093.01	(93.01)	<i>OVER</i>
Training & Licenses	1,350	300.00	1,050.00	22%
2010 Water Bond Debt	12,638	11,176.50	1,461.50	88%
1999 VRA Sewer Loan Pmt	79,314	3,021.05	76,292.95	4%
Grinder Pumps/Maintenance	24,274	-	24,274.00	0%
Contingencies	3,865	2,853.09	1,011.91	74%
Transfer to CIP	57,600	-	57,600.00	0%
TOTAL EXPENDITURES	\$ 490,408	\$ 152,634.24	\$ 337,773.76	
REVENUE				
Sewer Service Charges	\$ 303,800	\$ 155,455.39	\$ 148,344.61	51%
Connection Fees	5,000	10,000.00	(5,000.00)	<i>OVER</i>
Interest	836	640.33	195.67	77%
Surcharge for Sewer Loan	53,000	22,906.00	30,094.00	43%
County Contribution Loan	0	88,000.00	(88,000.00)	<i>(not in budget)</i>
Prior Year Surplus	60,456	-	60,456.00	0%
Sewer Tax District Loan	67,316	3,876.63	63,439.37	6%
TOTAL REVENUE	\$ 490,408	\$ 280,878.35	\$ 209,529.65	
NET		128,244.11		

**Treasurer's Report
as of January 31, 2016 - CIP**

FY TO DATE BUDGET ANALYSIS

GENERAL FUND CIP	FY2016	ACTUAL	\$ BUDGET	%
	BUDGET	1/31/2016	REMAINING	BUDGET
Expenditures				
Park Parking Lot Expansion	\$ 5,000	\$ 3,050.00	\$ 1,950.00	61%
41 & 43 E Colonial Hwy	800,000	703,573.00	96,427.00	88%
Streets & Sidewalks	270,508	\$ 0.00	270,508.00	0%
Total Expenditures	\$ 1,075,508	\$ 706,623.00	\$ 368,885.00	
Revenue				
Grant Revenue	216,408	0.00	\$ 216,408.00	0%
Transfer In from General Fund	859,100	706,623.00	152,477.00	82%
Total Revenue	\$ 1,075,508	\$ 706,623.00	\$ 368,885.00	
 WATER FUND CIP				
Expenditures				
Cap & Grout Wells	\$ 8,000	0.00	8,000.00	0%
Other Improvements	75,000	3,583.73	71,416.27	5%
Water Meter Replacement	2,000	0.00	2,000.00	0%
Hydrant Replacement	4,000	0.00	4,000.00	0%
Total Expenditures	\$ 89,000	\$ 3,583.73	\$ 85,416.27	
Revenue				
Transfer In From Water Fund	\$ 70,900	\$ 0.00	\$ 70,900.00	0%
Availability Fees	18,100	36,200.00	(18,100.00)	<i>OVER</i>
Total Revenue	\$ 89,000	\$ 36,200.00	\$ 52,800.00	
 SEWER FUND CIP				
Expenditures				
I & I Program	\$ 50,000	\$ 0.00	50,000.00	0%
Sewer Improvement Fund	20,000	0.00	20,000.00	0%
Total Expenditures	\$ 70,000	\$ 0.00	\$ 70,000.00	
Revenue				
Transfer In From Sewer Fund	\$ 57,600	\$ 0.00	\$ 57,600.00	0%
Availabilitiy Fees	12,400	12,400.00	0.00	100%
Total Revenue	\$ 70,000	\$ 12,400.00	\$ 57,600.00	

**Treasurer's Report - Febaury 8, 2016 Council Meeting
Check Listing January 2016**

CHECK#	PAYEE	PURPOSE	AMOUNT
20223	C&M Communication Cabling, Inc.	Computer Hardware Maintenance Contract	\$2,890.00
20224	DE LAGE LANDEN	Copier Lease	\$135.00
20225	DOMINION VIRGINIA POWER	Electricity (December)	\$5,422.59
20226	FIDELITY ENGINEERING CORP	Semi-Annual Generator Maintenance Contract	\$2,320.00
20227	HAMILTON VOLUNTEER FIRE DEPARTMENT	2015 Real Estate Tax Refund	\$90.29
20228	HOME DEPOT CREDIT SERVICES	Refrigerator/Freezer for WWTP	\$359.00
20229	KEITH REASONER	2015 Real Estate Tax Refund-Relief Qualified	\$465.63
20230	Michael Debaise	Utility Account Refund	\$185.40
20231	NICHOLS HARDWARE	Misc Supplies	\$47.46
20232	NORTON EMBROIDERY INC	Town Staff Uniforms	\$359.00
20233	Purcellville Gazette & Loudoun Today	Public Hearing Advertisements	\$55.72
20234	SHENANDOAH VALLEY WATER COMPANY	Office Water Cooler	\$18.75
20235	SOUTHERN STATES	Hydrated Lime	\$122.40
20236	USA Septic Services LLC	Pump & Haul	\$1,800.00
20237	UTILITY SERVICE CO., INC.	Quarterly Harmony Water Tank Contract	\$1,980.19
20238	VERIZON	Telephone	\$679.95
20240	MAUREEN K. GILMORE	December 2015 Legal Services	\$4,275.00
20241	AMERICAN DISPOSAL SERVICES INC	Trash & Recycling	\$3,774.85
20242	ANTHEM BLUE CROSS BLUE SHIELD	Health Insurance	\$7,329.00
20243	BB&T BANKCARD CORPORATION	Office Supplies/WW Training/Postage	\$340.16
20244	CAPITAL SOFTWARE INC	Quarterly Tax Software Maintenance	\$525.00
20245	DOMINION VIRGINIA POWER	Electricity (Remainder December Charges)	\$1,165.12
20246	JOINER MICRO LABORATORIES, INC	Water Testing	\$2,688.75
20247	LOUDOUN COUNTY	Real Estate Lein Filing Fee	\$10.00
20248	LOUDOUN COUNTY CENTRAL GARAGE	Vehicle Fuel	\$191.89
20249	Muncaster & Payne	Straw Bales	\$59.50
20250	POSTMASTER HAMILTON	Postage for February 1, 2016 Bills	\$348.07
20251	Purcellville Gazette & Loudoun Today	Public Hearing Advertisements	\$55.06
20252	UNIVAR USA INC	Chemicals	\$2,121.67
20253	VUPS	Miss Utilities	\$25.20
		TOTAL	\$39,840.65

D. Overtime/Compensatory Time

Pursuant to the provisions of the Fair Labor Standards Act, reimbursement at 1 ½ times the regular hourly rate applies to those hours **actually** worked in excess of 40 hours in any given work week. Straight Time (hour for hour reimbursement) will apply for time worked beyond the normal working schedule but not over 40 hours per work week. Holidays which employees observe and are paid for are **not** considered as time worked in determining eligibility for 1 ½ compensation. All work in excess of 40 hours per work week (authorized by the Mayor-Management) will be considered overtime and will be compensated at the rate of 1 ½ times the basic hourly rate of pay.

In lieu of being paid for overtime, an employee may accumulate Compensatory Time leave. Compensatory Time may be accumulated hour for hour (not at an overtime rate regardless of how many hours are worked in any given work week) and carried forward from one fiscal year to the next, but will not exceed 80 hours. For employees with Compensatory Time in excess of 80 hours at the time this policy is instituted, new Compensatory Time may not be accrued until the hours are reduced below 80.

Employees who are separating from employment will be paid for all unused Compensatory Time hours in their final paycheck.

No overtime will be paid to employees while attending school. Overtime will not be authorized at any other time except in case of emergency or when the workload requires one or more employees to work in excess of 40 hours per work week. The Manager will determine if the workload warrants approving overtime.

Exempt employees, who are not entitled to be paid for overtime, who are required to work beyond normal hours or on weekends and holidays may be given Compensatory Time off at the discretion of the manager.

**TOWN OF HAMILTON
LOUDOUN COUNTY, VIRGINIA**

RESOLUTION: 2016-06

PRESENTED: February 8, 2016

ADOPTED: _____

A RESOLUTION: ADOPTING AN AMENDMENT TO TOWN OF HAMILTON ZONING ORDINANCE ARTICLE 14, FLOOD-PLAIN DISTRICT AS AUTHORIZED BY CODE OF VIRGINIA OF 1950, AS AMENDED, § §15.2-2285 and -2286.

WHEREAS, By Resolution 2015-15, the Hamilton Town Council referred proposed amendments to the Hamilton Planning Commission; and

WHEREAS, The Hamilton Planning Commission held a public hearing on October 14, 2015 to receive public comment on the proposed amendments; and

WHEREAS, The Hamilton Planning Commission made a recommendation for the Town Council to adopt the amendments with one revision; and

WHEREAS, As required by Code of Virginia of 1950, as amended, §§ 15.2-2204 and -2285, the Hamilton Town Council held a public hearing on December 14, 2015 to receive public comment and consider the adoption of the revised Zoning Ordinance amendments.

NOW THEREFORE, be it resolved that the Hamilton Town Council hereby adopts the attached Zoning Ordinance Amendments, which are attached hereto and incorporated herein as if fully set forth in this Resolution.

ADOPTED THIS _____th DAY OF _____ 2016.

David R. Simpson, Mayor

Recorded Vote:

Motion by:

Secinded by:

Yeas:

Nays:

Abstentions:

Absent for Vote:

ATTEST:

Jennifer Noel, Town Recorder

ARTICLE 14
FLOOD-PLAIN ~~AND AGRICULTURAL-FORESTAL~~ DISTRICTS

SECTION 1. PURPOSE OF ARTICLE

This ordinance is adopted pursuant to the authority granted to localities by Section 15.2-2280 Code of Virginia, as amended.

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

1. Regulating the uses, activities and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
2. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
3. Requiring all those uses, activities and development that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
4. Protecting individuals from buying land and structures that are unsuited for intended purposes because of flood hazards.
5. Assuring compliance with Federal and State laws and regulations that address the need for floodplain management and protection.
6. Qualifying residents and property owners in the Town of Hamilton for the insurance and subsidies provided by the National Flood Insurance Program.

SECTION 2. APPLICABILITY

These provisions shall apply to all privately and publicly owned lands within the Town of Hamilton and identified as Special Flood Hazard Area (SFHA) according to the Flood Insurance Rate Map (FIRM) that is provided to Loudoun County and the Town of Hamilton by the Federal Emergency Management Agency (FEMA) being in the 100-year floodplain by the Federal Insurance Administration.

SECTION 3. COMPLIANCE AND LIABILITY

3.1 No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarge, 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.

3.2. 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 areas outside the floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damage.

3.3. This ordinance shall not create liability on the part of the Town of Hamilton 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 4. ABROGATION AND GREATER RESTRICTIONS

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

SECTION 5. 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 6. PENALTIES

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Floodplain Administrator or any authorized employee of the Town of Hamilton 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 Hamilton are addressed in Article 13 of the Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any

violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of Hamilton to be a public nuisance and abatable as such. ~~In addition to all other penalties provided by law, f~~Flood insurance may be withheld from structures constructed in violation of this ~~article~~ ordinance.

SECTION 7. DEFINITIONS

Appurtenant or accessory structure - Accessory structures not to exceed 200 sq. ft.

Base flood - The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood.

Base flood elevation - The water surface elevation of the Base Flood in relation to the datum specified on the Flood Insurance Rate Map.

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

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

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

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

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

Existing construction - structures for which the “start of construction” commenced before July 5, 2001. “Existing construction” may also be referred to as “existing structures.”

Flood or flooding -

1. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

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

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.

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

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

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

Historic structure - Any structure that is

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the

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

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

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

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

Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.

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

Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

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

New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after July 5, 2001 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Post-FIRM structures - A structure for which construction or substantial improvement occurred after July 5, 2001.

Pre-FIRM structures - A structure for which construction or substantial improvement occurred on or before July 5, 2001.

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.

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, equaled 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.

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.

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

Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 8 of this article.

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.

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

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

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 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.

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.

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.

SECTION 78. ESTABLISHMENT OF FLOOD-PLAIN DISTRICT

The floodplain district is hereby established as an overlay district, meaning that it is a district overlaid upon other districts as shown on the Official Zoning ~~Ordinance~~-Map, and as such, the provisions for the floodplain district shall serve as a supplement to the underlying district provisions. In the event of any conflict between the provisions or requirements of the Floodplain District and those of any underlying district, the more restrictive provisions shall apply.

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

Basis of District:

The floodplain district shall include ~~the Special Flood Hazard Areas (SFHAs) areas subject to inundation by waters of the one-hundred (100) year flood.~~ The basis for the delineation of the district shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for Loudoun County, Virginia and Incorporated Areas, prepared by the Federal

Emergency Management Agency, dated July 5, 2001, as revised or amended one-hundred (100)-year flood elevations or profiles.

The Town of Hamilton 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.

1. The Approximated Floodplain Areas shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance ~~hundred (100)-year~~ floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the flood insurance study. For these areas, the one percent annual chance ~~hundred (100)-year~~ flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available.

Where the specific one ~~hundred (100)-year~~ 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 elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough review by the Town. The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. During the permitting process, the Floodplain Administrator shall obtain:

- a. The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- b. 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.

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

2. The detailed floodplain area shall be the AE, or AH Zones on the FIRM accompanying the FIS for which the base flood elevations have been provided and the floodway has not been delineated.

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

SECTION 89. OFFICIAL ZONING MAP

The boundaries of the Floodplain District are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Hamilton town offices or as designated in Section 7 above, which is declared to be a part of this.

SECTION 910. DISTRICT BOUNDARY CHANGE

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

SECTION 110. INTERPRETATION OF DISTRICT BOUNDARIES

Initial interpretations of the boundaries of the Floodplain District shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of the District, the applicant may appeal the decision of the Administrator to the Board of Zoning Appeals. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present their case to the Board and to submit their own technical evidence if they so desire.

SECTION 12. GENERAL PROVISIONS

12.1 All uses, activities, and development, including placement of manufactured homes, occurring within the Floodplain District shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the Town of Hamilton Subdivision Ordinance. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to comply 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 floodway of any watercourse, drainage ditch, or any other drainage facility or system.

~~121.2~~ No new construction or development shall be permitted within the floodplain district unless it is demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the elevation of the ~~one-hundred (100)-year base~~ flood more than one foot at any point. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the ~~one-hundred (100)-year base~~ flood elevation. 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.

~~121.3~~ Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within the ~~Town of Hamilton's municipality~~, ~~approval a permit~~ shall be obtained from the ~~Division of Soil and Water Conservation (Department of Conservation and Historic Resources)~~. ~~A permit from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission, and certification from the State Water Control Board may be necessary~~ (a joint permit application is available from any one of these three organizations). Further notification of the proposal shall be given to all affected adjacent ~~municipalities jurisdictions~~, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies ~~and the~~. ~~Copies of such notifications shall be provided to the Division of Soil and Water Conservation (Department of Conservation and Historic Resources), and the Federal Insurance Administration~~ Emergency Management Agency.

~~121.4~~ All applications for development in the floodplain district and all zoning permits issued for the floodplain shall incorporate the following information:

1. For structures that have been elevated, the elevation of the lowest floor (including basement).
2. For structures that have been flood-proofed (non-residential only), the elevation to which the structure has been flood-proofed.
3. The elevation of the ~~one-hundred (100)-year base~~ flood.
- ~~3.4.~~ Topographic information showing existing and proposed ground elevations.

12.5 General Standards

The following provisions shall apply to all permits:

1. New construction and substantial improvements shall be according to Section 12.6 of this article and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
2. 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.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. 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.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. 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.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

12.6 Elevation and Construction Standards

1. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated at least one foot above the base flood level. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

2. 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 at least one foot above the base flood level. Non-residential buildings located in all AE, AH and A zones with detailed base flood elevations 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 the Floodplain Administrator.

3. Space Below the Lowest Floor

In zones A, AE, and AH zones, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

- a. 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).
- b. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- c. 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:
 - i. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - ii. 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.

- iii. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- iv. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- v. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- vi. 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.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. 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 sections 12.5 and 12.6 (1) through (3).
- b. All recreational vehicles placed on sites must either
 - i. 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
 - ii. meet all the requirements for manufactured homes Section 12.6(4)(a).

~~11.5—All manufactured homes to be placed or substantially improved within the floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code.~~

SECTION 132. RESERVED PERMITTED USES

~~The following uses are permitted in the flood plain overlay district, provided that they are not prohibited by any other applicable ordinance.~~

- ~~1. Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.~~
- ~~2. Public and private recreational uses and activities such as sidewalks, trails, parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, and fishing areas.~~
- ~~3. Accessory residential uses such as gardens, play areas, and pervious loading areas.~~
- ~~4. Accessory industrial and commercial uses such as pervious parking and loading areas.~~
- ~~5. Temporary uses such as circuses, carnivals and similar activities.~~

SECTION 143. RESERVED USES PERMITTED WITH A SPECIAL USE PERMIT

~~The following uses are conditionally permitted in the floodplain district when a Special Use Permit is granted by the Hamilton Town Council, provided that they are not prohibited by this or any other ordinance.~~

- ~~1. Structures except for manufactured homes, and primarily accessory to the uses and activities permitted by this section.~~
- ~~2. Utilities and public facilities and improvements such as streets, bridges, transmission lines, pipelines and other similar uses.~~
- ~~3. Storage of materials and equipment provided that they are not buoyant, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.~~
- ~~4. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural developments shall be undertaken in strict compliance with the flood proofing provisions contained in all applicable codes and ordinances.~~

SECTION 154. FACTORS TO BE CONSIDERED WHEN GRANTING VARIANCES A SPECIAL USE PERMIT

Variances 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.

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

1. 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 area that will cause any increase in flood levels during the ~~one-hundred (100)-year~~ one percent annual chance flood.
2. The danger that materials may be swept on to other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access by ordinary emergency vehicles to the property in time of flood.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
12. 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.

~~12.13.~~ Such other factors which are relevant to the purposes of this ordinance.

~~The Board of Zoning Appeals In processing a Special Use Permit application under this section, the Hamilton Planning Commission and/or the Hamilton Town Council~~ may refer any application and accompanying documentation pertaining to any request for a ~~varianceuse-permit~~ 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.

~~A Special Use Permit shall be issued only after the Hamilton Town Council 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 from any hardship to the applicant.

The ~~Board of Zoning Appeals Hamilton Town Council~~ shall notify the applicant for a variance, in writing, that the issuance of a variance Special Use Permit to construct a structure below the one ~~hundred (100)-year-percent annual 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 Special Use Permit actions, including justification for the issuance of the varianceSpecial Use Permit. Any variances Special Use Permits that are issued shall be noted in the annual or biennial report submitted to the Federal Emergency Management AgencyInsurance Administrator.

SECTION 165. DESIGN CRITERIA FOR UTILITIES AND FACILITIES

1. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. Private package sewage treatment plants are prohibited under this ordinance.

2. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

3. Drainage Facilities

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The town may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to minimize (or eliminate) the discharge of excess runoff onto adjacent properties.

4. Utilities

All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the change of impairment during a flooding occurrence.

5. Streets and Sidewalks

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Draining openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

SECTION 176. EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS

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

1. Existing structures 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.
- ~~1.2.~~ Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value, shall conform to the Virginia Uniform Statewide Building Code and the applicable provisions of this ordinance~~be elevated and/or flood-proofed to the greatest extent possible.~~
- ~~2.3.~~ The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this ordinance, the Virginia Uniform Statewide Building Code and other applicable provisions of law.
- ~~3.4.~~ Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

SECTION 17. AGRICULTURAL AND FORESTAL DISTRICTS

~~It is hereby declared to be the policy of the Town to conserve, protect and encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Town to conserve and protect agricultural and forestal lands as valued natural and ecological resources that provide essential open spaces for clean air sheds, as well as for aesthetic purposes. It is the purpose of this section and the ordinances that are adopted pursuant to this section to provide a means by which agricultural and forestal land may be protected and enhanced as a viable segment of the Town's economy and as an economic and environmental resource of major importance.~~

17.1 Effects of Districts

- ~~1. All provisions of the Town Zoning Ordinance and Subdivision Regulations shall be applicable within all Agricultural and Forestal Districts, but only to the extent that such Ordinance and Regulations are not in conflict with the~~

~~purposes of Title 15.2-4300 of the Code of Virginia of 1950, as amended. All land use planning decisions, special exceptions, special use permits and variances affecting any parcel of land within or adjacent to a District shall take into account the existence of the District and the purposes and policies of this chapter and the ordinances that are adopted pursuant to this chapter.~~

- ~~2. Land used in agricultural and forestal production within a District shall automatically qualify for an agricultural or forestal value assessment on such land pursuant to Article 4 (Sections 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia of 1950, as amended, if the requirements for such assessment contained therein are satisfied, whether or not the Town or County of Loudoun Land Use Assessment Ordinance is in effect.~~
- ~~3. All other applicable provisions of Title 15.2-4300, of the Code of Virginia of 1950, as amended, are and shall be incorporated in this section and the ordinances that are adopted pursuant to this section and made a part of the same.~~

17.2 Creation of a District

- ~~1. Any owner or owners of land may submit an application to the local governing body for the creation of a district within such locality. Each district shall have a core of no less than 25 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in such district if the nearest boundary of such parcel is within one mile of the boundary of the core, or if it is contiguous to a parcel in the district, the nearest boundary of which is within one mile of the boundary of the core. The applicant shall provide written verification from the County to this effect.~~
- ~~2. No land shall be included in any district without the signature on such application, or the written approval of all owners thereof.~~
- ~~3. The district may be located in more than one locality, provided that:
 - ~~a. Separate application is made to each county, city and town involved;~~
 - ~~b. Each local governing body approves such district; and~~
 - ~~c. The total size of such district meets the minimum requirements set out in a~~~~

17.3 Procedure

~~The procedure for reviewing and approving agricultural and forestal district applications shall be as set forth in Section 15.2-4305 through 15.2-4311 of the Code of Virginia, 1950, as amended.~~

When considering land for inclusion in a district the following factors should be considered by the Planning Commission and the Advisory Committee:

1. ~~The agricultural and forestal significance of land within the district and in areas adjacent thereto;~~
2. ~~The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto those are not now in active agricultural or forestal production;~~
3. ~~The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;~~
4. ~~Local development patterns and needs;~~
5. ~~The comprehensive plan and, if applicable, the zoning regulations (land for which an application has been filed shall be zoned to a category which permits the operation of agricultural and forestal activities).~~
6. ~~The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and~~
7. ~~Any other matter which may be relevant.~~

17.4 Agricultural and Forestal Districts Advisory Committee

~~Upon receipt of the first agricultural and forestal districts application the Town Council shall establish an advisory committee as set forth in Section 15.2-4304 of the Code of Virginia, 1950, as amended.~~

17.5 Review of Districts

~~The Town Council shall review a District within stipulated periods, as set forth in the ordinances adopted pursuant to this chapter, in order to determine whether to terminate, modify or continue the District. The Council shall request the recommendations of the Planning Commission and the Agricultural and Forestal District Advisory Committee in conducting such review.~~

17.6 Discontinuance of Association in District

1. ~~Any owner of land lying in a District may request, in writing, termination and withdrawal of his or her property in accordance with Section 15.2-4314 of the Code of Virginia of 1950, as amended. The termination of any owner's association in a District for any reason shall not in itself serve to terminate the existence of the District.~~

- ~~2. Any heir at law or devisee of any owner of land lying within a District shall, as a matter of right, be entitled to withdraw for a District within two years of the date of death of the owner.~~

SECTION 18. ADMINISTRATION

18.1 - Designation of the Floodplain Administrator

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

1. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Hamilton chief executive officer.
2. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
3. 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.

18.2 - Duties and Responsibilities of the Floodplain Administrator

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

1. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
2. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
3. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
4. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or

concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the one percent annual chance floodplain of free-flowing non-tidal waters of the State.

5. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
6. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
7. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
8. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
9. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
10. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Hamilton, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
11. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - a. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and

- b. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- 12. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- 13. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- 14. Administer the requirements related to proposed work on existing buildings:
 - a. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- 15. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: 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.
- 16. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Hamilton have been modified and:
 - a. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

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

18.3 - Use and Interpretation of FIRMs

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:

- 1. Where field surveyed topography indicates that adjacent ground elevations:
 - a. 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;
 - b. 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.
- 2. 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.

3. 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.
4. 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.
5. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - a. 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.
 - b. 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 8 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - c. 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.

18.4 - Jurisdictional Boundary Changes

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 - Department 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.

18.5 - 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:

1. Any development that causes a rise in the base flood elevations within the floodway.
2. Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

18.6 Submitting Technical Data

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. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

SECTION 19. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals shall be consistent with the need to minimize flood

damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
4. 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.



RECEIVED

FEB 02 2016

Town of Hamilton

Application for Utility Connection/Availability

Town of Hamilton 53 East Colonial Hwy, PO Box 130, Hamilton, VA 20159-0130 (540)338-2811 ♦ Fax (540)338-9263

Date: _____

Applicant: Oak Ridge Inc t/a Oakridge Communities

Applicant's Address: PO Box 1748 Leesburg VA 20177-1748

Telephone No. 703-777-5435 Fax No. n/a E-mail: mgorman@oakridgecommunities.com

Name of Subdivision, Development, or Business Hamilton Meadow

Property Address 103 Lamplighter Ct, Hamilton VA 20158 Outside of Town

Zoning District R2 Property Acreage .35 PIN 382-15-4968-000

Requesting WATER Connection/Availability SEWER Connection/Availability

Proposed Use of Property Single Residential Commercial Multi-Family Industrial

Contractor Name: Oak Ridge Inc

Address: PO Box 1748 Leesburg VA 20177-1748 Telephone No. 703-777-5435

Applicant:

I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission to the Town or authorized government agents to enter the property and make such investigations and tests as they deem necessary. Included with this application are the following:

1. A plat of the property.
2. Plans and specifications covering all work proposed to be performed under this permit.

Michael J. Be... 2/2/16
Applicant's Signature Date

NOTE: A completed application must be submitted, with payment, to the Hamilton Town Office, seven (7) business days prior to any scheduled Town Council meeting, to be included in the agenda for approval consideration.

OFFICE USE ONLY

WATER Service	Meter Size: <u>5/8"</u>	
	Availability Fee:	\$ 21,500.00 <u>18,100</u>
	Connection Fee:	\$ <u>3,400</u>
SEWER Service	Grinder Pump Required? Y/N Fee: (\$4,690)*	\$ <u>0</u>
	In Sewer Tax District? Y/N (If yes, no fee due for grinder pump)	
	Availability Fee:	\$ 17,400.00 <u>12,400</u>
	Connection Fee:	\$ <u>5,000</u>
	TOTAL FEES DUE:	\$ <u>38,900.00</u>

* Price subject to change, at any time, due to vander price increases (increased 6/1/2013).

Receipt of \$ 38,900.00 Acknowledged by: Jay Date: 2/2/16 CK# 12766

Mayor/Town Council Approval: _____ Date: _____

**TOWN OF HAMILTON
LOUDOUN COUNTY, VIRGINIA**

RESOLUTION: 2016-07

PRESENTED: February 5, 2016

ADOPTED: _____

A RESOLUTION: ADOPTING A RESOLUTION FOR THE TOWN OF HAMILTON TO PARTICIPATE IN THE NATIONAL FLOOD PLAIN INSURANCE PROGRAM AND TO COMPLY WITH THE REGULATIONS OF THE NATIONAL FLOOD PLAIN INSURANCE PROGRAM

WHEREAS, the Town Council of the Town of Hamilton, Virginia being aware of the recurring flooding and the threat of flooding from low areas and the resulting damage to property located within the Town; and,

WHEREAS, there is a desire and need for the program of insurance coverage for those who reside or hold title to property located within such flood-prone areas; and,

WHEREAS, relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968, as amended; and,

WHEREAS, the regulations declared by the Federal Insurance Administrator under said Act requires:

- 1) an official legislative or executive act indicating a local need for flood insurance and a desire to participate in the National Flood Insurance Program, and
- 2) assurances in the form of action by the appropriate local legislative body committing the local legislative body to certain future courses of action;

NOW, THEREFORE, be it resolved that the Town Council of the Town of Hamilton will comply with the regulations of the National Flood Insurance Program:

- 1) To recognize and duly evaluate flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards in all official actions in the areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and to take such other official action reasonably necessary to carry out the objectives of the program; and,
- 2) To assist the Administrator at his/her request, in his/her delineation of the limits of the areas having special flood, mudslide (i.e., mudflow) or flood-related erosion hazards; and,
- 3) To provide such information concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow) or flood-related erosion areas as the Administrator may request; and,
- 4) To maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas

having special flood hazards identified on a FHBM or FIRM, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood-proofed, the elevation (in relation to mean sea level) to which the structure was flood-proofed; and,

- 5) To cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudslide (i.e., mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to the management of adjoining floodplain, mudslide (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards; and,
- 6) Upon occurrence, to notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has 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 FHBM's and FIRM's accurately represent the community's boundaries, include within such notification 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; [note: Eastville currently not depicted on a Flood Insurance Rate Map] and,
- 7) To appoint the Mayor, or their successor with the responsibility, authority, and means to implement the commitments made herein and to submit annually or biennially a report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.

ADOPTED THIS _____th DAY OF _____, 2016.

David R. Simpson, Mayor

Recorded Vote:

Motion by:

Secoded by:

Yeas:

Nays:

Abstentions:

Absent for Vote:

ATTEST:

Jennifer Noel, Town Recorder