

Town of Lovettsville

Town Council Minutes of Public Hearings and Regular Meeting February 28, 2013

Call to Order/Pledge of Allegiance

Mayor Robert Zoldos called the regular meeting of the Lovettsville Town Council to order at 7:30 p.m. on Thursday, February 28, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Pledge of Allegiance

Mayor Zoldos lead those assembled in the Pledge of Allegiance

Present at Meeting

- Mayor Robert Zoldos II
- Vice Mayor Mike Senate
- Council Member Kimberly Allar
- Council Member Jack Burden
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member James McIntyre

Staff

- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Zoning Administrator Melissa Hynes
- Treasurer Lance Gladstone
- Town Clerk Harriet West

Absent

- None

Presentations

Kellie Boles, Agricultural Development Officer, Loudoun County Department of Economic Development gave a presentation on the County's Rural Economy Business Development Strategy. The strategy, which is based on input from 15 rural sectors in the County and successful initiatives in other states, includes recommendations to support rural businesses and tourism. She noted the importance of the County's equine and wine industries, and how the towns can accommodate breweries and distilleries. The Board of Supervisors is reviewing the Rural Economic Development Council's recommendations and budget request. Mayor Zoldos thanked Ms. Boles for the presentation. There were no questions from the Council.

Comments from the Public

Mayor Zoldos called for comments from the public (Attachment 1 – Speaker Sign Up Sheet). Vice Mayor Senate read the rules for public comment.

Elaine Walker, 40 South Berlin Pike, came forward to speak. She said the Lovettsville Community Center is one of several community centers in Loudoun County scheduled for renovation. The Town saw no plans until a couple of months ago and she was surprised to see that the plans had already been drawn up without any consultation from Town officials. The new proposed facility is a smaller space than what they have now. She is asking for support for a larger facility that would include a senior activity area. There are many seniors citizens in the area and the only thing that is done for them now is a monthly luncheon. She also suggested that rather than build on the very small parcel where the Community Center is now, that the County build the new facility on the 92-acre park. This would allow for more parking and a larger building. She serves on the Executive Committee of the Lovettsville Alumni Association and there are people who are very interested in keep the existing Community Center, rather than demolishing it. She requested that the Council consider asking for these things now. This would eliminate the cost of demolition, add more parking, and allow for a larger building now, rather than later. The old building could then be used as a senior center and cultural arts center.

Mayor Zoldos asked if there were any additional comments from the public. There were none.

Mayor Zoldos said there would be no Closed Session scheduled for tonight's meeting.

Community Presentations

A. Loudoun County Sheriff's Office

Deputy Sheriff Lopredo gave his report. There was a flashlight stolen from an unlocked vehicle in Town. Most of the people he has stopped while working radar live in Town, rather than people cutting through Town. He recommended putting a speed limit sign on West Broad Way instead of Pennsylvania Avenue.

B. Lovettsville Volunteer Fire and Rescue Company

There was no report.

C. Lovettsville Community Center

There was no report.

D. Lovettsville Library

There was no report.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

Zoning Administrator Hynes said the rezoning application and Conditional Use Permit for 5 North Berlin Pike will be going before the Planning Commission next week.

B. Parks Committee

Vice Mayor Senate said the Quarter Branch Park project is moving ahead and the Walker Pavilion will be completed by May.

C. "We're In!"

Team Leader Brenda Stanley distributed the budget request of \$1,000 for promotional items. Mayor Zoldos noted this is just part of the 2013 budget request for the "We're In!" Committee. Councilman McIntyre asked how the items would be distributed and if the website address would be included. Ms. Stanley said the promotional items would be distributed at Town events to raise awareness. She said some of the items may be too small to include a website address.

D. MayFest Committee

Councilwoman Carder gave an update on the sponsors and vendors, entertainment, logo, and website. She thanked Brenda Stanley, Sugar & Spice Bakery, for being a sponsor and providing the pies for the pie eating contest.

E. Oktoberfest Committee

Councilman McIntyre said the first meeting was on Monday night during which they introduced the new Executive Committee and Team Leaders: Elaine Walker, Vice Chair; Tom Ciolkosz, Treasurer; Cheryl Miller, Vendors; Anne George, Publicity; Irma and Ramon Rodriguez, Sales; Juli Mare, Kinderfest; Scott Dockum, Support; and Stephanie Burget, Entertainment. The Alte Kameraden and Alpine Dancers have been confirmed. The Committee is working on the work plan and budget.

Additions/Deletions/Modifications to the Agenda

There were no additions, deletions, or modifications to the agenda.

Approval of Town Council Minutes

A. Town Council Regular Meeting – January 10, 2013

Motion: I move to adopt the minutes of the Regular Meeting of January 10, 2013.
By: Council Member Carder
Second: Council Member Burden
Aye: Council Members Allar, Burden, Carder, Gray, and McIntyre
Nay: None
Abstain: Vice Mayor Senate
Absent: None

Report from the Treasurer

Treasurer Lance Gladstone gave the Financial Report for December 2012. He noted the following:

- Two of the Loudoun Water invoices have been paid; however, he is withholding payment on three invoices until the Town receives an explanation about the high rates.
- He received payment for the delinquent meals tax as a result of the bank lien.

Mayor Zoldos asked if there were any questions. Councilman McIntyre asked if part of the protocol for the collection of delinquent meals tax included talking to the business owner in person. Treasurer Gladstone said most of the contact was by mail but he did have one conversation with the owner by phone in July 2012.

Mayor Zoldos said he had the same question about Loudoun Water. Manager Markel said he has discussed the situation with Loudoun Water several times and the problem is with their billing software.

Vice Mayor Senate asked about the decal sales and said he has seen vehicles without current decals. Deputy Lorpeto said he has been actively enforcing the decal requirement and added that he can arrange for "Project Fairness" to set up a checkpoint in Town to verify current decals.

Motion: I move to approve the Treasurer Report for December 2012.
By: Vice Mayor Senate
Second: Council Member McIntyre
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

Staff Reports

A. Report from the Project Manager

Manager Markel referred to the Project Manager's written report. He said all of the pavilion documents have been signed and work will begin in the next several weeks. They are getting quotes for the site development work for the Quarter Branch Park. All of the plans for East Broad Way have been submitted to VDOT for final review. The next step will to begin the easement acquisition process.

B. Report from the Zoning Administrator

Zoning Administrator Hynes referred to her written report. She noted the following:

- Two new businesses opened in Town in January, an online book reseller and a Thai food truck. The food truck will operate in office parks in Fairfax and Loudoun County during the week. The owner hopes to operate in Town on the weekends. In order to do so, he will have to work out an arrangement with a commercial property owner whose business is not in use during the hours that the Thai food truck would be open.
- She and most of the Planning Commissioners are going through the Certified Planning Commissioner training.
- Eight people attended the first Parks & Environment meeting. This group will be working on several projects including an Earth Day/Arbor Day event.

C. Report from the Town Attorney

There was no formal report from the Town Attorney.

D. Report from the Town Manager

Manager Markel presented his report. He noted the two major sewer backups, water leak, and generator problem that occurred yesterday. He thanked the Town of Purcellville and Chris Kepplinger from Loudoun Water for their assistance. The Facilities Committee will be interviewing four firms for the Town Hall expansion. The water/sewer rate study is well underway.

Action/Discussion Items

A. LVZA-2-13-0001 Floodplain Ordinance – Public Hearing

Presentation

Zoning Administrator Hynes presented this item. The Council is being asked to consider removing and replacing the Floodplain Ordinance in order to meet one of the three requirements to become a member of the National Flood Insurance Program (NFIP). She presented information about the dynamics of floodplains, floodplain insurance, the use of a floodplain ordinance, and the NFIP application process. She said there are currently no known structures in Town located in the floodplain.

The Town's Floodplain Ordinance, written in 2001, does not meet Federal requirements. Staff recommends that the Town Council remove the current Floodplain Ordinance and replace it with the new Floodplain Ordinance so residents can apply for federal flood insurance.

Opening of Public Hearing

Mayor Zoldos suspended the Regular Meeting and opened the Public Hearing for LVZA-2013-0001, Floodplain Ordinance, at 8:43 p.m. Vice Mayor Senate read the Notices of Public Hearing (Attachment 2).

Mayor Zoldos asked if there were any comments from the public.

Jacqueline Rauenzahn, 12A East Pennsylvania Avenue, asked if there was a map of the floodplain. Ms. Rauenzahn also asked if it was correct that there are no residential or commercial structures in the floodplain. Staff referred to the floodplain map in the PowerPoint presentation and pointed out the floodplain area. The Zoning Administrator confirmed there are no known structures within the floodplain area but clarified that anyone who lives in Town would be eligible to apply for the federal floodplain insurance.

Ms. Rauenzahn asked if this is similar to the sump-pump or sewer backup rider she has through her homeowner's insurance policy. Zoning Administrator Hynes said the NFIP insurance is for major floods and storms. Ms. Rauenzahn asked if residents will be required to purchase the insurance if the Town accepts the ordinance. Mayor Zoldos said it just opens up the eligibility for homeowners to apply.

Mayor Zoldos asked if there were any additional comments. Hearing none, he declared the Public Hearing closed at 8:48 p.m. and reconvened the Regular Meeting. Mayor Zoldos called for a motion.

Motion: I move that the Lovettsville Town Council approve the Resolution No. 2013-02-001. (Attachment 3 – Resolution 2013-02-001: Resolution of Intent for Lovettsville to Participate in the Federal Emergency Management's (FEMA) National Flood Insurance Program (NFIP).

By: Council Member Gray

Second: Vice Mayor Senate

Mayor Zoldos called for discussion on the motion. Hearing none, he called for the vote.

Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate

Nay: None

Abstain: None

Absent: None

Mayor Zoldos called for a motion regarding the enacting ordinance.

Motion: I move that the Lovettsville Town Council approve the enacting Ordinance No. 2013-02-001, as amended, to remove the current Floodplain Ordinance found in Section 8 of the Zoning Ordinance and replace it with the new Floodplain Ordinance.

(Attachment 4 – Ordinance 2013-02-001: Repeal and Reenact Section Eight of the Zoning Ordinance, Floodplain Overlay District LVZA 2013-0001)

By: Vice Mayor Senate

Second: Council Member McIntyre

Mayor Zoldos called for discussion on the motion. Councilman Gray asked if the building standards only apply to buildings constructed in the floodplain. Zoning Administrator Hynes confirmed that was correct. Councilman McIntyre asked if this would have any impact on the Town's wastewater treatment plant. Staff said the plant is in the floodplain but it is insured for damage. Manager Markel said he would look into seeing if this would have any benefit.

Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate

Nay: None

Abstain: None

Absent: None

B. LVZA-2013-0002 Off-Street Parking Modification – Public Hearing

Presentation

Zoning Administrator Hynes presented this item. One of the objectives of the 2011 Comprehensive Plan Work Plan was to “evaluate and modify parking, landscaping, buffering and screening regulations and entrance improvement standards” within the Old Town area.

Staff has been working with the Planning Commission since August 2012 to draft the Old Town Zoning District and to address the biggest challenge with Old Town, which is parking. A recent survey showed that 47% of the community said there was a need for more public parking in Old Town and 32% said they would visit Old Town more frequently but they cannot find parking.

The Zoning Administrator said she reviewed the Town’s current off-street parking requirements and compared them to other towns in Virginia. The findings showed that the Town’s parking requirements are lower than other jurisdictions, resulting in commercial businesses that are “under-parked,” meaning they do not provide adequate off-street parking. The Zoning Administrator reviewed the proposed changes with the Council. If Council adopts the proposed off-street parking requirements, they will be used as the new baseline for the Old Town Zoning District and will help to determine the need for additional public parking.

Vice Mayor Senate said there is limited parking in Old Town. He asked if the Town needed to acquire more space for parking. The Zoning Administrator said the next step will be to examine the need for additional public parking.

Mayor Zoldos asked if there were any additional questions or comments. Hearing none, he suspended the Regular Meeting and opened the Public Hearing for LVZA 2013-0002 at 9:11 p.m. He asked for comments from the public.

Jacqueline Rauenzahn, 12A East Pennsylvania Avenue, asked if this would require an expansion of the roads and therefore working with VDOT to accommodate off-street parking. Mayor Zoldos said this does not require any changes to the roads; rather, it just shows more clearly what prospective businesses would need to provide for parking.

Mayor Zoldos asked if there were any additional comments. Hearing none, he declared the Public Hearing for LVZA 2013-0002 closed at 9:13 p.m. and reconvened the Regular Meeting. He called for a motion.

Motion: I move that the Lovettsville Town Council approve the enacting Ordinance No. 2013-02-0002, as amended, to adopt the draft text amendments to the Off-Street Parking Requirements, within Section 4-3 of the Zoning Ordinance, as attached. (Attachment 5 – Ordinance No. 2013-02-0002: Repeal and Reenact Section 4-3 of the Zoning Ordinance, Minimum Off-Street Parking LVZA 2013-0002)

By: Council Member Burden

Second: Council Member Allar

Mayor Zoldos called for discussion on the motion. Vice Mayor Senate said it was nice to see this moving ahead. This will help the Town with decisions about what other types of businesses to bring in.

Councilman Burden said it is hard to anticipate all of the potential future uses. He added that the Town should look at some of the vacant lots that could be potentially used for public parking. Mayor Zoldos said the Town Manager has reached out to some of these property owners to start the process.

Councilman Gray asked if the new requirements are just for Old Town. Zoning Administrator Hynes said this is for the entire Town; however, existing businesses will be grandfathered in.

Mayor Zoldos asked if there were any additional comments. Hearing none, he called for the vote.

Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate

Nay: None

Abstain: None

Absent: None

Mayor Zoldos thanked the Planning Commission and Staff for their work on this.

C. "We're In!" Appointment of Chair

Zoning Administrator Hynes presented this item. Council is being asked to consider appointing a Town resident as Chairman of the "We're In!" Committee. At their December 8, 2012 meeting, the Town Council appointed three team leaders to the Committee, leaving the two positions of Design Team Leader and Committee Chair open. The Zoning Administrator introduced Mr. John Autry, who recently moved to Town with his family. Mr. Autry attended a "We're In!" Committee meeting and expressed his interest in serving as Chairman. His experience includes 15 years of marketing experience with the Air Force, as well as volunteer work and town service in two other communities where he has lived.

Mr. Autry said he moved to Lovettsville before Christmas. He is originally from Tampa, Florida and has served in the military for 16 years. He was the military representative on the Town Council in Anchorage, Alaska from 1996 to 2000 and he Chaired the Business and Tourism Development Committee. From 2000 to 2005, he served as Chair of the South Tampa Business Development Committee. He wants to make Lovettsville his permanent home and would like to help the Town prosper. Staff recommends that the Council consider appointing Mr. Autry as Chair of the "We're In!" Committee.

Mayor Zoldos thanked Mr. Autry for his interest. He explained that the Council typically interviews candidates for committee chairs and vacancies on the Planning Commission. Following further discussion, the Mayor and Council agreed to recess tonight's meeting and reconvene on March 7, 2013 at 6:30 p.m. to interview Mr. Autry.

D. "We're In!" FY 2013 Funding

Zoning Administrator Hynes presented this item. The Council is being asked to consider approving the FY 2013 Budget Request for "start-up" funds for the "We're In!" Business and Tourism Committee, and to review the FY 2014 Budget Request. The Committee's top projects for FY 2013 include the business and community directory, promotional materials, Town logo, 2013 business forum, and the lunch lecture series. The total budget request for FY 2013 is \$4,350. The Zoning Administrator said that \$3,000 would come from the unused sign grants funds and the remaining \$1,350 would come from the General Fund. In addition, they have sold \$750 in advertizing space for the business and community directory, which will help pay for the printing costs.

Councilman Burden asked who has the authority to approve expenditures. The Zoning Administrator said Staff and the Committee can make expenditures based on what has been approved in the work plan and budget. Councilman Burden asked what the signage grant is for. Zoning Administrator Hynes said this is a matching grant program to assist business owners with paying for signs. Money was budgeted for this fiscal year but the program has not yet been implemented. Councilman Burden and Manager Markel discussed sources of funding for the remaining \$1,350. Manager Markel said the General Fund Reserves is the best funding source. Hearing no further discussion, Mayor Zoldos called for a motion.

Motion: I move that Town Council approve the FY 2013 Budget Request of \$4,350 for the "We're In!" Committee to begin implementing their work plan. Of this funding request, \$3,000.00 will come from the Signage Grant line item and \$1,350 from the General Fund Reserves.

By: Council Member Carder

Second: Council Member Allar

Mayor Zoldos called for discussion. Councilman McIntyre asked if the budget request would be reduced by \$750 based on the advertising space that has been sold. Vice Mayor Senate said he did not recommend doing so until Staff has an accounting method to track the advertising payments. Manager Markel said these payments currently go into the General Fund Reserve.

Councilman McIntyre asked the Town Attorney if he needed to recuse himself from the vote since his wife is one of the Team Leaders on the Committee. Attorney Whiting said he did not need to do so.

Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate

Nay: None

Abstain: None

Absent: None

E. Hours of Operations Requirements

Zoning Administrator Hynes presented this item. At the February 14, 2013 meeting of the Town Council the new owner of the 7-Eleven convenience store in Lovettsville, Mr. Pardip Sidhu, made a request to the Town Council to consider allowing his business to operate 24 hours a day. Staff reviewed the current Hours of Operation Requirements and gave examples of how some businesses could benefit from extended opening and closing times. The Council is being asked to consider authorizing the Planning Commission and Staff to review and recommend amendments to Section 3-11 Commercial and Light Industrial Zoning Districts, under 3-11(c) Hours of Operation. Staff and the Council agreed this is something that affects more than one business in Town; therefore, it is something the Town should explore.

Vice Mayor Senate asked Deputy Sheriff Lopreto if a 24-hour operation is detrimental in any way. Deputy Sheriff Lopreto said that in his experience as a police officer, an occupied building is better than a vacant building, and he cannot see a negative to the 7-Eleven being open 24 hours.

Councilwoman Allar asked if this would apply to construction companies, which already begin work at 7:00 a.m. Mayor Zoldos said they are regulated by the County.

Councilman Burden suggested Staff consider delivery schedules for stores that may want to be open 24 hours.

Hearing no further discussion, Mayor Zoldos called for a motion.

Motion: I move that the Lovettsville Town Council authorize Planning Commission and Staff to review the current hours of operation requirements in Section 3-11 of the Zoning Ordinance and to prepare any amendments to the Ordinance that the Commission feels would be beneficial to the Town for final review and possible adoption by Town Council.

By: Council Member McIntyre

Second: Council Member Gray

Mayor Zoldos called for discussion. Hearing none, he called for the vote.

Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate

Nay: None

Abstain: None

Absent: None

F. Budget Schedule and Parameters

Manager Markel presented this item. He referenced the FY 2013 budget information in the packet and the proposed FY 2014 Budget and Capital Improvement Plan schedule. The Council and Staff discussed the budget schedule and the need to make some adjustments with other Town committee meetings.

Information Items

Mayor Zoldos gave an update on Volunteer Fest. The event will be held at the Game Club on April 14 from 2:00-4:00 p.m. and will provide an opportunity for residents to learn about volunteer opportunities in the community. The two targeted audiences are high school students and new residents.

Comments from the Mayor and Town Council

Councilman McIntyre said he is excited to be working with MayFest

Councilwoman Carder said she is excited about MayFest and she appreciates everyone's support.

Councilman Burden said he is impressed with the Staff and all of the great work they are doing.

Mayor Zoldos gave an update on the following:

- Family Reading Night is February 29 at the Lovettsville Elementary School.
- He met with Supervisor Higgins and Diane Ryburn, Director of the Department of Parks about the Community Center and Lovettsville Community Park. The County is looking into possible funding options for enhancements to the pool house. They also discussed the possible expansion of the Community Center facility to meet future needs. He and Councilwoman Allar spoke before the Board of Supervisors in support of using the fund reserves for funding of the Community Center.

- He and Staff met with the Town's waste water treatment plant contractor and engineers on February 26 to discuss operational issues with the plant. The next step will be for the engineers to come back with recommendations for addressing the issues.
- He and the Town Manager will be meeting with the developer of Town Center retail on March 11 to discuss how the Town can help move the project forward.
- He noted upcoming events including Bingo at the Lovettsville Elementary School, the Girl Scout Cookie sale, and the meeting with the County to discuss utilities to the Lovettsville Community Park.
- He met with Diane Chang about a presentation to the Town Council on diabetes awareness.

Closed Session

There was no Closed Session.

Recess

There being no further business before the Council, Mayor Zoldos called for a motion to recess the meeting of February 28, 2013.

Motion: I move that the Town Council recess until 6:30 p.m. on Thursday, March 7.
By: Council Member Burden
Second: Council Member Carder
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

The meeting was recessed at 10:29 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: May 9, 2013

Attachments:

1. Speaker Sign Up Sheet
2. Notice of Public Hearings
3. Resolution 2013-02-001: Resolution of Intent for Lovettsville to Participate in the Federal Emergency Management's (FEMA) National Flood Insurance Program (NFIP)
4. Ordinance 2013-02-001: Repeal and Reenact Section Eight of the Zoning Ordinance, Floodplain Overlay District LVZA 2013-0001
5. Ordinance No. 2013-02-0002: Repeal and Reenact Section 4-3 of the Zoning Ordinance, Minimum Off-Street Parking LVZA 2013-0002

Town of Loydsville

Speaker Sign - Up Sheet

Town Council Public Hearings and Regular Meeting - February 28, 2013

Please Print.

Name and Association	Address	Topic	Email Address (Optional) [†]
Deime Wether	40 South Redstone	Common Center	

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

[†] If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

TRADITIONAL STONEMASONRY RESTORATION
HISTORICAL TIMBER FRAMING

- Detailing walls
- Excavation, Lot Clearing & Demolition
 - Sea Walls-Bulkhead Docks
 - Town Homes – No job is too small!

15% OFF Mulch & Spring Clean-up
of
2 Free mowings with 2012 mowing contract

Public Hearing/Legal Notices

LOVELTTSVILLE COMMISSION, OPENING POSITIONS

Receiving applications for current and upcoming

Board
Commission
Zoning Committee

Application for membership on the above Commission, application form from the Town Hall during normal business hours. For more information, visit www.loveltsvilleva.gov in order to download an application form or resume outlining your qualifications for the position. Applications for the vacant positions or the appointment of Jennifer Helbert, Town Clerk at (540) 751-

LIC NOTICE
PURCELLVILLE

Notice of Public Hearing Town of Lovettsville Town Council

The Lovettsville Town Council will hold a public hearing on the following items at their meeting on February 28, 2013 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

LVA-2013-0001 Removal and Replacement of Floodplain Ordinance: To remove in its entirety, the Floodplain Ordinance found in Section 8 of the Town of Lovettsville Zoning Ordinance; and replace it with a new Floodplain Ordinance that meets Federal Emergency Management Agency requirements.

LVA-2013-0002 Amendments to the Off-Street Parking Requirements: To amend Section 4-3 of the Town of Lovettsville Zoning Ordinance to modify off-street parking requirements.

The draft text being considered is available for review at the Town Hall between the hours of 8:30am and 4:30pm weekdays or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit www.loveltsvilleva.gov.

Town of Lovettsville

Resolution No. 2013-02-001: Resolution of Intent for Lovettsville to Participate in the Federal Emergency Management's (FEMA) National Flood Insurance Program (NFIP)

MOTION: Gray

SECOND: Senate

WHEREAS, the Town Council of the Town of Lovettsville, 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 of Lovettsville; 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 require:

(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 by the Town Council of the Town of Lovettsville, Virginia:

THAT, it 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,

The German Settlement

- 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 boundary line adjustment 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; 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.

VOTE:

Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None

Abstentions: None

Absent for Vote: None

Approved: February 28, 2013



Robert Zoldes II, Mayor

Attest: 

Harriet West, Town Clerk

Town of Lovettsville

**ORDINANCE NO. 2013-02-001: REPEAL AND REENACT SECTION EIGHT OF THE
ZONING ORDINANCE, FLOODPLAIN OVERLAY DISTRICT
LVZA 2013-0001**

MOTION: Senate

SECOND: McIntyre

WHEREAS, the National Flood Insurance Program provides insurance protecting against flood damage but only for properties located within jurisdictions that have adopted an ordinance regulating construction within areas subject to flooding that meets or exceeds the standards required by the Federal Emergency Management Agency; and

WHEREAS, the Town Council referred a proposal for adopting a qualifying ordinance to the Planning Commission for their review and recommendation; and

WHEREAS, the Planning Commission held a public hearing on the matter on February 6, 2013, pursuant to notice given in accordance with Va. Code section 15.2-2204, and recommends adoption of the ordinance, to be made applicable throughout the limits of the Town; and

WHEREAS, the Lovettsville Town Council conducted a public hearing on the ordinance on February 28, 2013, pursuant to notice given in accordance with Va. Code section 15.2-2204; and

WHEREAS, the Town Council has determined that adoption of the ordinance will promote the health, safety and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED that Chapter 8 of the Zoning Ordinance be repealed in its entirety and reenacted as set forth in the ordinance attached hereto.

BE IT FURTHER ORDAINED that the Zoning Administrator and Town Attorney are hereby authorized to make corrections of misnumberings or misspellings found in the said attachment without further action by the Council.

VOTE:

Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None


Abstentions: None

Absent for vote: None

Approved: February 28, 2013



Robert Zoldos II, Mayor

Attest: 

Harriet West, Town Clerk

The German Settlement

Town of Lovettsville

ORDINANCE NO. 2013-02-0002: REPEAL AND REENACT SECTION 4-3 OF THE ZONING ORDINANCE, MINIMUM OFF-STREET PARKING LVZA 2013-0002

MOTION: Burden

SECOND: Allar

WHEREAS, following a comprehensive study of the Town of Lovettsville off-street parking requirements, the Lovettsville Planning Commission determined that the Town of Lovettsville has parking requirements that are lower than other Virginia jurisdictions, resulting in commercial businesses that they do not provide adequate parking; and

WHEREAS, the Lovettsville Planning Commission worked with Staff to draft an amendment to Section 4-1 of the Zoning Ordinance to modify the off-street parking requirements to ensure new commercial developments will provide adequate parking; and

WHEREAS, the Planning Commission held a public hearing on the matter on February 6, 2013, pursuant to notice given in accordance with Va. Code section 15.2-2204, and recommends adoption of the amendments to section 4-3; and

WHEREAS, the Lovettsville Town Council conducted a public hearing on the ordinance on February 28, 2013, pursuant to notice given in accordance with Va. Code section 15.2-2204; and

WHEREAS, the Town Council has determined that adoption of the ordinance amendments will promote the health, safety and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED that section 4-3, Minimum Off-Street Parking, be repealed and reenacted as set forth in the ordinance attached hereto.

BE IT FURTHER ORDAINED that the Zoning Administrator and Town Attorney are hereby authorized to make corrections of misnumberings or misspellings found in the said attachment without further action by the Council.

VOTE:

Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None

Abstentions: None

Absent for vote: None

Approved: February 28, 2013


Robert Zoldos II, Mayor

Attest:



Harriet West, Town Clerk

The German Settlement