

July 22, 2008

The regular meeting of the Council of the City of Martinsville, Virginia, was held on July 22, 2008, in Council Chambers, Municipal Building, at 7:30 PM, with Mayor Kathy Lawson presiding. Council Members present included: Mayor Kathy Lawson, Vice Mayor Kimble Reynolds, Jr., Gene Teague, Mark Stroud, Sr., and Danny Turner. Staff present included: Clarence Monday, City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Mike Rogers, and Wayne Knox

Following the invocation by Council member Danny Turner and Pledge to the American Flag, Mayor Lawson welcomed everyone to the meeting.

On a motion by Kimble Reynolds, Jr., seconded by Danny Turner, Council approved with a 5-0 vote, the minutes of July 8, 2008 meeting.

Mayor Lawson pointed out that in the FY09 budget, City Council approved funds to reinstate the Service Award program for employees and she then read the following list of names of employees under the jurisdiction of the City Manager who were eligible for Service Awards-retroactive to January 1, 2007 through June 30, 2008 to recognize them for their years of service to the City:

FIRST NAME	LAST NAME	DEPARTMENT	YEARS
RYAN	FORESTIER	ELECTRIC DEPARTMENT	5
CYNTHIA	CARSON	FINANCE DEPARTMENT	5
TIMOTHY	JAMISON	FIRE DEPARTMENT	5
CHRISTOPHER	OWEN	FIRE DEPARTMENT	5
RICHARD	RATCLIFFE	POLICE DEPARTMENT	5
DAVID	MENA	POLICE DEPARTMENT	5
ROBERT	JONES	POLICE DEPARTMENT	5
WILLIAM	WILSON	PUBLIC WORKS	5
SHANNON	AGEE	PUBLIC WORKS	5
KENNETH	TURNER	WATER RESOURCES DEPARTMENT	5
EDWARD	GAULDIN	WATER RESOURCES DEPARTMENT	5
DANIEL	MORRISON	ELECTRIC DEPARTMENT	10
TIMOTHY	AGEE	ELECTRIC DEPARTMENT	10
TEDDY	ANDERSON	FIRE DEPARTMENT	10
JOHN	KACZOR	FIRE DEPARTMENT	10
WILLIAM	AKERS	FIRE DEPARTMENT	10
ANTHONY	RINALDI	LEISURE SERVICES	10
ANITA	SPENCER	POLICE DEPARTMENT	10
WELDON	REYNOLDS	PUBLIC WORKS	10
DWAYNE	SPENCER	PUBLIC WORKS	10
MARCUS	CLARK	WATER RESOURCES DEPARTMENT	10
CURTIS	MILLNER	WATER RESOURCES DEPARTMENT	10
LINDA	CONOVER	FINANCE DEPARTMENT	15
DONALD	LUCADO	FIRE DEPARTMENT	15
JAY	STOUT	POLICE DEPARTMENT	15

July 22, 2008

MICHAEL	SCAFFIDI	PUBLIC WORKS	15	
DOROTHY	PACE	LEISURE SERVICES SENIOR CENTER	15	
STEVEN	BURGESS	WATER RESOURCES DEPARTMENT	15	
KAREN	HARRISON	WATER RESOURCES DEPARTMENT	15	
JAMES	BLANKENSHIP	ELECTRIC DEPARTMENT	20	
LISA	HOLIDAY	FINANCE DEPARTMENT	20	
RONALD	NANCE	FINANCE DEPARTMENT	20	
LEONARD	CARTER	FIRE DEPARTMENT	20	
WILLIAM	HOOPER	FIRE DEPARTMENT	20	
JOHN	RUSSELL	FIRE DEPARTMENT	20	
DANNY	WIMMER	POLICE DEPARTMENT	20	
RICHARD	YOUNG	PUBLIC WORKS	20	
BUREN	SHIVELY	PUBLIC WORKS	20	
CYNTHIA	BARBOUR	PUBLIC WORKS	20	
GARLAND	DAVIS	PUBLIC WORKS	20	
ELDAGE	HALL	PUBLIC WORKS	20	
MARVIN	DONAVANT	WATER RESOURCES DEPARTMENT	20	
DAVID	THORNTON	ELECTRIC DEPARTMENT	25	
KENNETH	DRAPER	FIRE DEPARTMENT	25	
JANET	HIATT	POLICE DEPARTMENT	25	
BRENDA	SOUTHER	POLICE DEPARTMENT	25	
PERRICE	WILLIAMS	PUBLIC WORKS	25	
LEON	TOWARNICKI	PUBLIC WORKS	25	
BILLY	PAYNE	PUBLIC WORKS (RETIRED)	25	retired
HAROLD	BUSH	PURCHASING OFFICE (RETIRED)	25	retired
LARRY	CAUDILL	WATER RESOURCES DEPARTMENT	25	
BOBBY	SETLIFF	ELECTRIC DEPARTMENT	30	
OTHA (JUNIOR)	TAYLOR	PUBLIC WORKS (RETIRED)	30	retired
ROBERT	PHILLIPS	SAFETY	30	
DONNA	O'DELL	FINANCE DEPARTMENT	35	
TONY	COWARD	PUBLIC WORKS (RETIRED)	35	retired
EDDIE	FRAZIER	PUBLIC WORKS	35	
BETTY	ROACH	COMMUNITY DEVELOPMENT	40	
PAUL	ROOP	ELECTRIC DEPARTMENT (RETIRED)	40	retired

Mayor Lawson advised Council that the agenda item regarding recognition of retiring department director, Anthony S. (Tony) Rinaldi, Leisure Services Facilities & Administrator, will be moved to the August 12 Council meeting.

Delegate Danny Marshall updated Council regarding Tobacco Commission funding and briefed Council on how the Tobacco Commission got started and some of the projects that have been funded. He pointed out that a motion will be voted on next week that would change the allocation procedure allowing the City of Martinsville to apply for Tobacco Commission funds. He urged Council to involve him and Senator Reynolds when the City gets ready to make an application if this motion passes. Other comments:

July 22, 2008

the need for Tobacco Commission to help fund education and Delegate Marshall pointed out there is also a need for a job market to keep the educated workforce in the community; the need for assistance in small business development from Tobacco Commission.

Mayor Lawson presented a proclamation to Harry Byrd acknowledging Contact Sunday, August 3, 2008.

Mayor Lawson presented a proclamation to Mike Rogers, Police Chief, acknowledging National Night Out, August 5, 2008. Chief Rogers reported neighborhood gatherings will be held throughout the city and county as they were last year to encourage citizen involvement.

On a motion by Gene Teague, seconded by Kimble Reynolds, Jr., with the following recorded vote: Lawson, aye; Reynolds, aye; Teague, aye; Stroud, aye; and Turner, aye, Council approved, on second reading, the updated Flood Plain ordinance as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. 91-11, THE ZONING ORDINANCE OF ___THE CITY OF MARTINSVILLE, VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTINSVILLE, VIRGINIA, AS FOLLOWS:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 - Purpose

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

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

Section 1.2 - Applicability

These provisions shall apply to all lands within the jurisdiction of the City of Martinsville and identified as being in the 100-year floodplain by the Federal Insurance Administration.

Section 1.3 - Compliance and Liability

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

Section 1.4 - Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

Section 1.5 - 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.

ARTICLE II - DEFINITIONS

- A. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- B. Base flood elevation - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.
- C. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- D. 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.
- E. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining,

July 22, 2008

- dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- F. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- G. 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.
- H. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- I. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. 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 waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
- K. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- L. 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 a designated height.
- M. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization in the watershed.
- N. 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.
- O. 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.
- P. 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 one a site for greater than 180 consecutive days.
- Q. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- R. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which *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.
- S. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- T. 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.
- U. 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 Article 3, Section 3.2 of this ordinance.
- V. Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of 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 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.
- W. 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.
- X. 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 *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*.
- Y. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 - Description of Districts

- A. Basis of Districts

July 22, 2008

The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps for the City of Martinsville prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated 9/26/08, as amended.

1. The Floodway District 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 hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.
2. The Special Floodplain District shall be those areas identified as either an AE Zone or A1-30 zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided but for which no floodway has been delineated.
3. The Approximated Floodplain District shall be those areas identified as an A or A99 Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated.

B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

Section 3.2 - Official Zoning Map

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the City of Martinsville offices.

Section 3.3 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the City of Martinsville 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 Insurance Administration.

Section 3.4 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

ARTICLE IV - DISTRICT PROVISIONS

Section 4.1 – Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any 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 the Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the City of Martinsville Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

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

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement).
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

Section 4.2 - General Standards

In all special flood hazard areas the following provisions shall apply:

- A. New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- K. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.
- L. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 - Specific Standards

July 22, 2008

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according Article 4, section 4.4 (A), the following provisions shall apply:

- A. Residential Construction
New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation.
- B. Non-Residential Construction
New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. Buildings located in all A1-30 and AE zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.
- C. Elevated Buildings
Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;
 2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
 3. include, in Zones A, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- D. Standards for Manufactured Homes and Recreational Vehicles
1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section 4.2 (A) and (B), and section 4.3 (A).
 2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has **not** incurred substantial damage as the result of a flood shall be elevated so that either
 - a. the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation; or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade
 - c. and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 3. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days;
 - b. 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,
 - c. meet all the requirements for manufactured homes in Article 4, section 4.3 (D).

Section 4.4 - Standards for Approximated Floodplain

- A. When base flood elevation data or floodway data have not been provided, the Planning and Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of Article 4. When such base flood elevation data is utilized, the Planning and Zoning Administrator shall obtain
1. the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and,
 2. if the structure has been floodproofed in accordance with the requirements of Article 4, Section 4.3 (B) of this ordinance, the elevation in relation to the mean sea level to which the structure has been floodproofed.
- B. When the data is not available from any source as in Article 4, Section 4.4 (A), the lowest floor of the structure shall be elevated to no lower than one (1) foot above the highest adjacent grade.

Section 4.5 - Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

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

Development activities in Zones A1-30 and AE, on the City of Martinsville's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer first applies – with the City of Martinsville's endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

Section 4.6 - Standards for the Floodway District

The following provisions shall apply within the Floodway District:

- A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

July 22, 2008

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer first applies – with the City of Martinsville’s endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

- B. If Article 4, Section 4.6 (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
- C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) 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.

Section 4.7 - Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be provided 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.

ARTICLE V - VARIANCES: FACTORS TO BE CONSIDERED

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

- A. The showing of good and sufficient cause.
- B. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- C. The danger that materials may be swept on to other lands or downstream to the injury of others.
- D. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- E. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

- F. The importance of the services provided by the proposed facility to the community.
- G. The requirements of the facility for a waterfront location.
- H. The availability of alternative locations not subject to flooding for the proposed use.
- I. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- J. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- K. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- L. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- M. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- N. Such other factors which are relevant to the purposes of this ordinance.

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

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

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

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

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

ARTICLE VI – EXISTING STRUCTURES IN FLOODPLAIN AREAS

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

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

On a motion by Mark Stroud, seconded by Danny Turner, with the following recorded vote: Lawson, aye; Reynolds, aye; Teague, aye; Stroud, aye; and Turner, aye, Council approved, on second reading, amending Sec. 22.1 to change ambulance insurance requirements. The City Attorney pointed out Council approved this on an emergency basis at the July 8, 2008 meeting and this was the final adoption.

Council considered schedule and locations for FY09 Council Neighborhood meetings. Council agreed to hold their neighborhood tours at 6:00 PM on the Monday evening prior to the Tuesday evening Neighborhood Council meeting. The December

July 22, 2008

Neighborhood tour as well as the 7:30 PM Neighborhood meeting will both be held on Monday, December 8. Areas to be focused on each quarter are: Southside—September, Druid Hills/Uptown—December, Northside/Chatham Hts—March, Westside-June. Staff will make arrangements for locations. There was brief discussion regarding possibly holding a Neighborhood meeting at Wilson Park.

On a motion by Gene Teague, seconded by Kimble Reynolds, Jr., Council unanimously approved the following consent agenda:

BUDGET ADDITIONS FOR 07/22/2008				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY08				
GENERAL FUND:				
01101916	434603	Categorical State - Registrar - Equipment		9,742
01131067	503199	Electoral Board - Election Officials	4,140	
01132068	506001	Registrar - Office Supplies	100	
01132068	506022	Registrar - Election Equipment	5,502	
Total General Fund:			9,742	9,742

Wayne Knox briefed Council on the Homeownership Program reporting the Homebuyers Club has been up and going for the past year which helps ensure that a buyer will be able to avoid losing their homes due to budgeting and credit issues. The program, which began as an option for recipients of the Housing Choice Voucher program, has been expanded to include any first time home buyer and they have two graduates of the program so far with 12-15 participants presently in the club. Mayor Lawson pointed out this program falls within Council's Goals & Initiatives and Community Development has done an excellent job with this program.

Wayne Knox updated Council on the Cherry Street Community Improvement project reporting that three homes have been replaced with two more under contract and eight homes are awaiting construction. The other phase, which involves the construction of 6-7 new homes for sale to first time homebuyers, should take place in the summer of 2009. Mr. Knox explained that infrastructure costs are sometimes paid by the locality as an in-kind contribution to the project. Regarding the question on the trees for Academy Place, Mr. Knox reported when weather allows, the tree situation will be addressed and a community tree planting will be held with the help of Gateway. Mayor Lawson pointed out the Cherry Street program also falls within several different Council goals and she thanked the department for a job well done.

July 22, 2008

The Mayor asked for business from the floor. There were no public comments, however, Mayor Lawson recognized a Boy Scout present at the meeting who is working on a merit badge.

Comments from City Council: Mark Stroud commented on the positive work of the CONTACT organization and its value to the community. Danny Turner requested a copy of investments from the Treasurer with Gene Teague pointing out that Council is provided a monthly report from the Treasurer's office. City Manager Clarence Monday pointed out staff is monitoring the investment strategy and at their last meeting decided that due to the economy to just sit tight while the yield from the checking account is good. Mr. Turner also pointed out he would like the city to further pursue a joint parks & recreation program and he encouraged the community to support the MURA concert this Friday night. Mayor Lawson pointed out that Councilmember Stroud recently attended the VML Newly Elected Officials conference and asked for his comments on the sessions. She also encouraged the community's support of the Martinsville Mustangs and reported Dr. Chrisman will be at a future meeting to report on financial receipts this season.

Comments from the City Manager: Mr. Monday reported that due to spiraling costs of electricity and gas, staff members are taking measures to conserve energy and costs wherever possible, including reducing lighting in city buildings during peak hours, using energy efficient light bulbs whenever replacements are needed, researching and collecting data on wind, researching solar power costs, all departments are monitoring gas and diesel use to reduce consumption, and purchase of city's first hybrid vehicle which will be evaluated as to savings for future budget decisions.

There being no further business, Mayor Lawson adjourned the meeting at 8:35 PM.

Clarence C. Monday
Clerk of Council

Kathy C. Lawson
Mayor