THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, DECEMBER 18TH, 2007, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Wayne Angell, Chairman
Charles Wagner, Vice-Chairman
Leland Mitchell
David Hurt
Charles Poindexter
Russ Johnson
Hubert Quinn

OTHERS PRESENT: Richard E. Huff, II, County Administrator
Christopher L. Whitlow, Asst. County Administrator
Larry V. Moore, Asst. County Administrator
B. J. Jefferson, County Attorney
Sharon K. Tudor, CMC, Clerk

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Chairman Wayne Angell called the meeting to order.

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Invocation was given by Supervisor Charles Wagner.

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Pledge of Allegiance was led by Supervisor Hubert Quinn.

PUBLIC COMMENT:

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RESOLUTIONS OF APPRECIATION

ALICE HALL/RETIRING CLERK OF THE CIRCUIT COURT

WHEREAS, Alice Sigmon Hall began her distinguished career in the Clerk of the Circuit Court' Office January 1, 1953 as Deputy Clerk, and continued her professional career by becoming Circuit Court Clerk November 6, 1996, and received from the University of Virginia, Weldon Cooper Center for Public Services her Certified Circuit Court Clerk certification on August 25, 2000, and

WHEREAS, Alice has provided ***55*** years of untiring public service to the citizens of Franklin County through her work as the Clerk of the Circuit Court of Franklin County from January 1, 1953 to present, and

***WHEREAS*,** Alice has faithfully, unselfishly, and steadfastly given of her time and talents to serve all of Franklin County, irrespective of the status of any individual, and

WHEREAS*,* her tireless energy, dedication, impeccable character and loyalty have served Alice to become an invaluable resource to the Clerk's Office, the County, and to those deserving of the services provided by the Clerk's Office, and

WHEREAS*,* Alice is a member of Redwood United Methodist Church where she has served as a Girl Scout Leader, Youth Leader, Sunday School Teacher, and continues as a member of the Choir, and various other volunteer committees; and

WHEREAS, Alice has been a member of the Virginia Circuit Court Clerk's Association for the past eleven years serving on the Education and Forms Committee, has been a former member of Franklin County Chamber of Commerce and Henry Fork Service Center, where she served as Treasurer,

NOW, BE IT THEREFORE RESOLVED, by the Board of Supervisors to honor and recognize Alice Sigmon Hall, for her invaluable contributions and exemplary service to the citizens of Franklin County, and extend their very best collective wishes to her on this occasion marking her retirement, and

BE IT LASTLY RESOLVED, that on the occasion of her retirement as of December 31, 2007, the Franklin County Board of Supervisors expresses sincere appreciation to Alice for her dedication and faithful service to the Circuit Court Clerk's Office and the citizens of our community and wish her much health, happiness and enjoyment in the years to come.

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ELIZABETH LITTLE/RETIRING DIRECTOR OF SOCIAL SERVICES

WHEREAS, Elizabeth P. Little has provided **19** years of public service to the citizens of Franklin County through her work as the Director of the Franklin County Department of Social Services from October 3rd, 1988 to present, and

WHEREAS, Elizabeth has faithfully, unselfishly, and steadfastly given of her time and talents to serve all of Franklin County, irrespective of the status of any individual, and

WHEREAS, Elizabeth has achieved many accomplishments during her tenure with the County, and under her leadership the agency has increased service to approximately 10,000 persons/households in all of the categories that the agency serves which is approximately 20% of Franklin County's total population and, a more specific example of this increase is in the Medicaid caseload in 1989 the agency's caseload was 800 and the caseload as of November 2007 is 6300, and.

NOW, BE IT THEREFORE RESOLVED, by the Board of Supervisors to honor and recognize Elizabeth P. Little, for her valuable contributions and considerable service to the citizens of Franklin County, and extend their very best collective wishes to her on this occasion marking her retirement, and

BE IT LASTLY RESOLVED, that on the occasion of her retirement as of December 30, 2007, the Franklin County Board of Supervisors expresses sincere appreciation to Elizabeth for her dedication and faithful service to the Franklin County Department of Social Services and the citizens of our community and wish her much health, happiness and enjoyment in the years to come.

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W. Q. OVERTON/RETIRING SHERIFF

WHEREAS, Sheriff, W. Q. "Quint" Overton is retiring as Sheriff of Franklin County on December 31, 2007, and

WHEREAS, Sheriff Overton has served the citizens of Franklin County as their Sheriff for more than 32 years; and

WHEREAS, Sheriff Overton has devoted 48½ years, to a successful career in law enforcement, and

WHEREAS, during his tenure as Sheriff, "Quint" has prided himself on his availability to the citizens of the community, the untiring drive to maintain an outstanding clearance rate for crimes committed, and a never ending compassion for those who lost loved ones along the way,

BE IT THEREFORE RESOLVED, that the Franklin County Board of Supervisors wishes to express their sincere appreciation for the contributions made by retiring Sheriff W. Q. Overton to the citizens of Franklin County during his more than 32 years of service as Sheriff of Franklin County, and.

BE IT FURTHER RESOLVED, to recognize Sheriff Overton for the leadership he has provided, the mentoring and professional development he has contributed, and the fine reputation that he helped to create for the men and women of the Franklin County Sheriff's Department.

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HUBERT QUINN/RETIRING BOARD OF SUPERVISORS MEMBER

WHEREAS, Mr. Hubert L. Quinn is well known for his commitment to the citizens of the Blue Ridge District and all of Franklin County, and

WHEREAS, Mr. Quinn has provided **16** years of service on the Board of Supervisors from January 1, 1992 to December 31st, 2007, and

WHEREAS, Mr. Quinn has served ably during a period of difficult and complex challenges, and did faithfully and steadfastly serve the interests of the Franklin County citizens, and

WHEREAS, Mr. Quinn is retiring from the Board of Supervisors as of December 31st, 2007, and

BE IT THEREFORE RESOLVED, the Franklin County Board of Supervisors hereby recognizes the contributions made by Supervisor Hubert L. Quinn, whose untiring efforts and good counsel will

be sorely missed because they have made a positive impact in furthering good government and quality services for the County's citizens and visitors, and

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors commend and express their sincere appreciation to Mr. Hubert L. Quinn and extend their very best wishes to him at this time of his retirement.

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CHARLES POINDEXTER/RETIRING BOARD OF SUPRVISORS MEMBER

WHEREAS, Mr. Charles D. Poindexter is well known for his commitment to the citizens of the Union Hall District and all of Franklin County, and

WHEREAS, Mr. Poindexter has provided **8** years of service on the Board of Supervisors from January 1, 2000 to December 31st, 2007, and

WHEREAS, Mr. Poindexter has served ably during a period of difficult and complex challenges and did faithfully and steadfastly serve the interests of the Franklin County citizens, and

WHEREAS, Mr. Poindexter is retiring from the Board of Supervisors as of December 31st, 2007, and

BE IT THEREFORE RESOLVED, the Franklin County Board of Supervisors hereby recognizes the contributions made by Supervisor Charles D. Poindexter, whose untiring efforts and good counsel will be sorely missed because they have made a positive impact in furthering good government and quality services for the County's citizens and visitors, and

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors commend and express their sincere appreciation to Mr. Charles D. Poindexter and extend their very best wishes to him as he begins his new journey as the Ninth District Virginia House of Delegates Representative for Franklin, Floyd and Pittsylvania Counties.

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GFOA DISTINGUISED BUDGET AWARD PRESENTATION

Vincent K. Copenhaver, Director of Finance, stated Franklin County has received the GFOA Distinguished Budget Award honor. Only 18 counties in the state of Virginia have received this award. This year Franklin County presented the award to Jackie Wagner, Finance Department.

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THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Richard E. Huff, II, County Administrator, presented for the 7th year in a row the Certificate of Achievement for Excellence in Financial Reporting Award to Vincent K. Copenhaver, Director of Finance.

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CONSENT AGENDA

APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, & TRANSFERS

APPROPRIATIONS

DEPARTMENT	PURPOSE	ACCOUNT	AMOUNT
Public Safety	Training Grant	3505- 5540	7,120.00
Public Safety	Burn Building Grant from Fire	30- 0144	430,000.00
	Programs Fund		
E911	CAD Project Grant from Wireless	3000-035-	150,000.00
	Board	0018-7001	
		Total	587,120.00

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WILDERNESS ROAD RESOLUTION

RESOLUTION IN SUPPORT OF THE DESIGNATION OF A DRIVING ROUTE ENTITLED THE WILDERNESS ROAD: VIRGINIA'S HERITAGE MIGRATION ROUTE FROM WINCHESTER TO CUMBERLAND GAP IN WESTERN VIRGINIA INCLUDING THE TWO SPURS OF THE CAROLINA ROAD AND THE FINCASTLE/CUMBERLAND GAP TURNPIKE.

WHEREAS: From 1775-1810 an estimated 300,000 settlers traveled through Virginia to the Cumberland Gap. This migration and western movement is a significant part of Virginia history and had far reaching effects on the development of the United States of America. Today, an estimated 43 million Americans can trace their ancestors to the migration through Virginia along the *Wilderness Road: Virginia's Heritage Migration Route.*
WHEREAS: The historical migration of early settlers and pioneers to Virginia followed closely to what is now Route 11, 58 and 23 from Winchester to Cumberland Gap.

WHEREAS: This driving route is developed to preserve, interpret and promote the history, heritage and culture of the early pioneer settlement and migration through Virginia, and the role that Virginia played in the migration of settlers through the Cumberland Gap and the development of the nation.

WHEREAS: The Wilderness Road Committee has been working for two years under the leadership of the Virginia Tourism Corporation in partnership with tourism representatives from 28 tourism localities and 12 state/federal partners to develop the driving route of the Wilderness Road: Virginia's Heritage Migration Route, and spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike, connecting with the Daniel Boone Wilderness Trail, and individual community loops for each locality.

WHEREAS: The mission of the committee is to develop a new tourism product to increase economic growth, and tourism spending in the region. The purpose of the committee is to promote *The Wilderness Road: Virginia's Heritage Migration Route* from Winchester to Cumberland Gap in a way that preserves and interprets the heritage of the migration era from the 1700s to the mid 1800s to increase tourism visitation and economic impact of tourism spending**.**

WHEREAS: This state designation delineates the route and recognizes the driving route as *The Wilderness Road: Virginia's Heritage Migration Route.* This shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof.

WHEREAS: Designation of this driving route allows for the further development of tourism as a vital part of economic development, building on the tourism assets of the westward migration and stimulating new tourism growth to Western and Southwestern Virginia.

THEREFORE BE IT RESOLVED, that the County of Franklin expresses its support to the General Assembly of the Commonwealth of Virginia to provide state designation for the Wilderness Road: Virginia's Heritage Migration Route.

FINALLY BE IT RESOLVED, that the County of Franklin fully supports the efforts of the Wilderness Road Committee to develop the Wilderness Road: Virginia's Heritage Migration Route as a national and international tourism product to increase visitation to Western Virginia.
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SML COMMUNITY PARK PHASE III BEACH BID

Franklin County secured 37-acres from the Commonwealth of Virginia Department of Conservation and Recreation to serve as a community park in 2002. Since acquiring this site, the County has completed a site master plan, Phase I & Phase II development, and the construction and permitting necessary to undertake Phase III construction. The Rotary Clubs of Franklin County donated the playground for the site. The Dillon Family donated the construction of a picnic shelter. Supervisors Johnson and Mitchell secured further significant volunteer assistance to complete the initial logging, shoreline stabilization, and pile driving necessary to develop the site's future fully accessible fishing pier.

Phase III development includes the beach, bathhouse, maintenance facility, two additional parking areas, and two picnic shelters. Earth Environmental LLC is the engineer of record for the beach while Anderson & Associates of Blacksburg are completing the road, parking area, concession/bathhouse, & maintenance buildings.

Phase III development will substantially complete Smith Mountain Lake Community Park. The beach will also bring use of the park up to design capacity on summer weekends.

Beach construction must be completed prior to February in order to comply with the in-water construction limitations on Smith Mountain Lake. In order to permit all interested firms with the time necessary to complete bid packages, staff elected to extend the bid period. As such, the bids will be received by staff AFTER the December Board of Supervisors' meeting.

In order to complete the in-water construction within the timeframe, staff requests permission from the Board to administratively award the lowest bid for this work. Staff will only award the bid IF the bids received fall within the amount budgeted for this phase of the project. Should the bids come in above the provided budgeted amount, no award will be made.

RECOMMENDATION:

Staff requests the Board's concurrence to permit the County Administrator to award the bid for this project that best meets the County's interest.

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FINANCING OF BUILDING/PLANNING SOFTWARE & LANDFILL TRACK EXCAVATOR

Lease purchase financing was previously approved by the Board for the new software in building inspections and planning and zoning ($285,667) as well as the new track excavator ($283,891) at the landfill. Historically, the County has been able to obtain very competitive interest rates by soliciting proposals from banks and financing companies rather than accepting the lease purchase proposals from the vendors from which the software or equipment was purchased.

Nine responses from local banks and financing companies were received by the County. The responses are summarized below:

Vendor Responding	Interest Rate
SunTrust Bank	3.19%
Carter Bank and Trust	***3.29%***
Koch Financial Corporation	3.64%
BB & T Branch Banking	3.66%
Comvest Ltd, Inc	4.00%
Bank of America	4.17%
Fidelity Bank	4.50%
Planters Bank	4.71%
Franklin Community Bank	4.92%

RECOMMENDATION:

Staff respectfully requests the Board's approval of the financing proposal received from Carter Bank and Trust. The County would pay approximately $1,538 more in interest expense over the five year term of the loan but this amount would be offset by the cost of obtaining the closing documents required by SunTrust. Legal fees to the County to close with SunTrust would be an additional $2,500. Carter Bank and Trust does not require documents prepared by the County's Bond Counsel.

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SHERIFF'S DEPARTMENT VEHICLES PURCHASE

The Franklin County Sheriff's Office is a law enforcement agency with local jail and law enforcement responsibility. It maintains a fleet of police vehicles necessary to carry out all functions and responsibilities. Field law enforcement vehicles are normally replaced around 125,000 miles and the better of these vehicles are then reissued or reassigned to support services such as prisoner transport or spare fleet vehicles. They are maintained in this capacity until they become unreliable or repairs and maintenance become cost prohibitive.

The Sheriff's Office requests to order **two new unmarked supervisor vehicles** as follows:

1. Two 2008 Chevrolet Impala Police vehicles available through state contract number **2090-80** at a cost of $18,573.00 each for a Total cost of **$ 37,146.00.** These vehicles are needed to replace the following vehicles:

A. 2000 Ford Police Interceptor patrol vehicle with approximately 128,000 miles as needed.
B. 2001 Ford Police Interceptor patrol vehicle with approximately 115,000 miles as needed.

The Sheriff's Office further requests to order two **new marked patrol duty vehicles** as follows:

2. Two 2008 Chevrolet Impala Police vehicles available through state contract number **2090-80** at a cost of $18,573.00 each for a Total cost of **$ 37,146.00.** These vehicles are needed to replace the following vehicles:

A. 2004 Ford Police Interceptor patrol vehicle with approximately 118,000 as needed.
B. 2002 Ford Police Interceptor patrol vehicle with approximately 115,000 as needed.

The Sheriff's Office further requests to order two **new marked patrol duty vehicles** as follows:

3. Two 2008 Ford Crown Victoria Police Interceptor vehicles through state contract number 3100-70 at a cost of

$23,350.00 each for a Total cost of **$ 46,700.00.** These vehicles are needed to replace the following vehicles:
A. 2003 Ford Police Interceptor patrol vehicle with approximately 132,000 as needed.
B. 2003 Ford Police Interceptor patrol vehicle with approximately 110,000 as needed.

NOTE: The requested Ford vehicles are currently available and in stock at the state contract dealer. They were ordered on a non-binding letter of intent at 2007 contract year pricing. These vehicles have approximately $ 2,000.00 of factory or dealer installed police equipment that the Chevrolet vehicles do not have. The Ford vehicles are needed because of their immediate availability and they will be issued to deputies that need the extra storage space and load weight capacity. The Sheriff's Office has numerous vehicles that need immediate replacement with the required replacement mileages. These vehicles accumulated high mileage without replacement due to factory cancellation of 2007 ordered replacements.

The **Grand Total Cost** for the above requested police vehicles is **$ 120,992.00.**

These vehicles would be purchased from budgeted Sheriff's Vehicle Replacement funds.
RECOMMENDATION: Staff respectfully requests the Board's authorization to purchase the aforementioned said vehicles.
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IDA RESOLUTION OF ENDORSEMENT/SERENITY HOUSE CABINETS

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, VIRGINIA

RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FRANKLIN COUNTY, VIRGINIA, FOR THE BENEFIT OF MARWIL, LLC AND SERENITY HOUSE CABINETS, INCORPORATED

WHEREAS, the Industrial Development Authority of Franklin County, Virginia (the "Authority"), has considered the request of MarWil, LLC, whose principal place of business is 123 Ferrum Lane, Ferrum, Virginia 24088 and Serenity House Cabinets, Incorporated , whose principal place of business is 10895 Franklin Street, Ferrum, Virginia 24088 (collectively the "Company"), for the issuance of the Authority's industrial development revenue bonds in a maximum amount of $700,000 (the "Bonds") to finance the acquisition, equipping and other capital improvement costs for an industrial facility to be used principally for the manufacture of wood products (collectively, the "Project"); and

WHEREAS, the owner and operator of the Project will be the Company; and

WHEREAS, the Project is and will be located at 10895 Franklin Street, Ferrum, Virginia, in Franklin County, Virginia (the "County"); and

WHEREAS, the Authority held a public hearing on such application on December 14, 2007; and

WHEREAS, the Authority has requested the Board of Supervisors of Franklin County, Virginia (the "Board of Supervisors") to approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), which provides that the governmental units having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of the private activity bonds is located must approve the issuance of the bonds; and

WHEREAS, the Authority issues its bonds on behalf of the County, the Project is located in the County, and the Board of Supervisors constitutes the highest governmental unit of the County; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a summary of the comments made at the public hearing, if any, and a fiscal impact statement relating to the Project have been filed with the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, VIRGINIA, AS FOLLOWS:

1. The issuance of the Bonds, including the Bonds, by the Authority for the benefit of the Company is hereby approved, to the extent required by Section 147(f) of the Code, to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds, as contained in this Resolution, does not constitute an endorsement of the Bonds, the financial viability of the Project or the creditworthiness of the Company. Further, as required by Section 15.2-4909 of the Code of Virginia of 1950, as amended, the Bonds shall provide that neither the Commonwealth of Virginia, nor any political subdivision thereof, nor the Authority shall be obligated to pay the principal of, premium, if any, the interest thereon, or other costs incident thereto except from the revenues and monies pledged therefore and any applicable security, and neither the faith, credit, nor the taxing power of the Commonwealth or any political subdivision thereof shall be pledged thereto. The purchaser of the Bonds must acknowledge that any purchase of Bonds will be made solely based upon the representations of the Company and that no representations of any kind as to the Project or the ability of the Company to repay the Bonds has been made by the Authority or the County.

3. This Resolution shall take effect immediately upon its adoption.

The undersigned Clerk of the Board of Supervisors of Franklin County, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted at a meeting of the Board of Supervisors held on December 18, 2007. I further certify that such a meeting was a regularly scheduled meeting, that, during the consideration of the foregoing resolution, a quorum was present, and that the minutes of such meeting show how each member voted on the foregoing resolution.

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AMBULANCE PURCHASES FOR GLADE HLL, FORK MOUNTAIN & BOONES MILL

In recent years, ambulances were purchased from a state contract negotiated between ambulance manufacturers and the Virginia Department of General Services. In September 2006, the state ambulance contract expired and no state contract for ambulance purchase has been negotiated. The Department of General Services has no estimate as to when another contract will be available.

Ambulances stationed at Glade Hill, Fork Mountain and Boones Mill need replacing due to decreased dependability, increased maintenance costs and high mileage.

Public Safety staff consulted volunteer EMS Captains as well as Public Safety providers to draft a list of ambulance specifications. The specifications that were developed have been completed and agreed upon by all volunteer Captains. The Board of Supervisors authorized ambulance specifications to be advertised for bid on 10/16/07. Those bids were advertised with a deadline of 11/26/07 for acceptance.

The specifications list was created using former state ambulance contracts, recent ambulance specifications for Franklin County vehicles, and Department of Transportation guidelines. These specifications meet or exceed U.S. Dept. of Transportation and Virginia Office of Emergency Medical Services guidelines. Bids were received from the following vendors: Select Custom Vehicles, Singer and Associates Emergency Vehicles, J & J Emergency Vehicles, M & W Fire Apparatus.

Of the bids submitted, the lowest bid received was J & J Emergency Vehicles, however the company did not meet the specifications advertised as requested. **The lowest bid received matching the specifications as advertised was received from *Select Customs Vehicles* for both the four wheel drive and two wheel drive vehicles.** That bid was $128,612.00 each for the two four wheel drive ambulances, and $124,849.00 for the two wheel drive ambulance. A list of each vendor's bids is submitted. Funds to purchase these vehicles are on hand in the CIP budget.

County of Franklin				***Meet Specifications***
Vehicle Bid List;		***11/26/2007***	***Dept: Public Safety***	
Description			4x2 ALS Ambulances for county agencies	
Bidder	***Price***	***Effective Dates***	***Vehicle Type***	
Select Customs/Wheeled Coach	***$124,849.00***	***None***	***F-450 Type I, 4x2, ambulance***	***Yes***
Singer & Associates	$125,373.00***		F-450 Type I, 4x2, ambulance	Yes***
J & J Emergency Vehicles	$119,087.00		F-450 Type I, 4x2, ambulance	No

M W Fire Apparatus	$130,165.00		F-450 Type I, 4x2, ambulance	Yes
			***Must purchase all three vehicles as package for this price to be valid	

County of Franklin				***Meet Specifications***
Vehicle Bid List;		***11/26/2007***	***Dept: Public Safety***	
Description			4x4 ALS Ambulances for county agencies	
Bidder	***Price***	***Effective Dates***	***Vehicle Type***	
Select Customs/Wheeled Coach	***$128,612.00***	***None***	***F-450 Type I, 4x4, ambulance***	***Yes***
Singer & Associates	$129,060.00***		F-450 Type I, 4x4, ambulance	Yes***
J & J Emergency Vehicles	$122,910.00		F-450 Type I, 4x4, ambulance	No
M W Fire Apparatus	$133,965.00**		F-450 Type I, 4x4, ambulance	Yes**
			**Must purchase both vehicles as package for this price to be valid.	
			***Must purchase all three vehicles as package for this price to be valid	

RECOMMENDATION:
Staff respectfully recommends that the Board accept the bids offered and authorize purchase of the ambulances requested.
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SHERIFF REORGANIZATION
Sheriff Elect Hunt is required to appoint all of his staff as his deputies prior to January 1, 2008 so that they will have the necessary legal powers to continue their jobs at 12:01AM on January 1. He has reviewed the existing staffing allocation, examined available Compensation Board dollars and local dollars and has expressed his desires to make some organizational changes when he makes his appointments.

Using the same amount or less of State and local money, Sheriff Elect Hunt has requested that the following changes be authorized to his position allocations:

1. A new Chief Deputy position will be added to oversee daily operations of the Department. The Chief Deputy slot will be created from existing reorganizations.
2. An existing Lieutenant who supervises 36 employees in the jail will be promoted to a Captain's position and the First Sergeant position will be made a Lieutenant thereby eliminating the First Sergeant slot altogether. This is by far the largest supervisory position and the broadest range of positions overseeing Courtroom Security, Jail Medical Office and all Correctional personnel.
3. A Sergeant position will be created from an existing deputy slot in the Jail so that there will be adequate coverage for all shifts at the jail facility. An existing deputy will be upgraded to an investigator for the narcotics division in order to recognize the complexity of those duties within that division. These positions will be created from existing positions within the organization and are rank changes only, not additional personnel.
4. All other slots will remain the same within the Sheriff's department. All the proposed organizational changes outlined above will not change the total personnel count within the Sheriff's department.

RECOMMENDATION:
Sheriff Elect Hunt respectfully requests the Board's approval of his reorganization as long as no new local dollars are required to accomplish the reorganization.
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(RESOLUTION #01-12-2007)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned consent agenda items as presented.

MOTION BY: Leland Mitchell
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell
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VDOT – STRIPER'S LANDING
Tony Handy, Resident Administrator, VDOT, presented the Board with the following resolution for their consideration:
WHEREAS, the street(s) described on the submitted Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Franklin County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the submitted Additions Form SR-5(A) to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Report of Changes in the Secondary System of State Highways

Project/Subdivision **Striper's Landing**

Type Change to the Secondary System of State Highways: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or
provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and
drainage, as required, is hereby guaranteed:

Reason for Change: **New subdivision street**
Pursuant to Code of Virginia Statute: **§33.1-229**

Street Name and/or Route Number

► **Shad Run Drive, State Route Number 1427**
Old Route Number: 0

- From: Route 1426 - Stripers Ln
  To: Cul de Sac, a distance of: 0.15 miles.
  Recordation Reference: DB 373, pg 737
  Right of Way width (feet) = 50 ft

► **Red Fin Lane, State Route Number 1428**
Old Route Number: 0

- From: Rt. 1426 - Stripers Ln
  To: Cul de Sac, a distance of: 0.07 miles.
  Recordation Reference: DB 373, pg 737
  Right of Way width (feet) = 50 ft

(RESOLUTION #02-12-2007)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned resolution as presented for Striper's Landing.

MOTION BY: Russ Johnson
SECONDED BY: Charles Poindexter
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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David Hurt, Boone District Supervisor, thanked Tony Handy, VDOT, Resident Engineer, for all of his help in the Clements Mill Bridge project moving forward.

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PROPOSED BUILDING RATE FEES SCHEDULE

Larry Moore, Assistant County Administrator and Donnie Beard, Building Official, advised the last adopted fee schedule for building and inspections was on June 18, 2002. Section 107 – of the Virginia Uniform Statewide Building Code grants authority for charging building permit fees. In accordance with Section 36-105 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of the enforcement of the Virginia Statewide Building Code.

An analysis of building permit fees and expenditures of the Building Inspections Department shows a projected deficit of +$107,000.00 for the fiscal year 2007-2008. The revised fee schedule and needed "house cleaning/clarification" for Chapter 5, Building Regulations of the Franklin County Code, is submitted and adoption of the proposed changes will bring the Building Inspections Department a step closer to being self supporting with a "user fee". Unlike Planning, where we attempt to support expenses with a 70% user fee and tax revenue supporting the other 30% to represent the community benefit of long range planning functions, Building and Inspections is a 100% user fee type of service that for the most part benefits the owner/developer.

It is projected that the proposed fee recommendations will generate estimated additional fees of $149,000.00/annually. This will cover current operating deficits and increased expenses due to the recent addition of staff as a result of County growth.
(See submitted points of discussion).

Messrs. Moore and Beard shared with the Board the following analysis of Building Permit Fees and Expenditures as of June 30, 2007:

	Actual 2001-2002	Actual 2002-2003	Actual 2003-2004	Actual 2004-2005	Actual 2005-2006	Actual 2006-2007	Budget 2007-2008	Proposed Budget 2008-2009
Building Permit Fees	254,971	372,892	381,793	439,204	475,012	364,764	415,000	564,400
Building Inspections Department	228,320	238,613	259,087	299,266	330,145	364,287	426,107	426,107
Indirect Costs Allocation	20,197	85,835	97,307	63,572	66,728	66,728	66,728	66,728
Capital: Vehicle Replacement	11,969	11,657	0	7,393	0	22,418	29,486	29,486
Total Expenditures	260,486	336,105	356,394	370,231	396,873	453,433	522,321	522,321
Difference in Revenues and Expenditures	(5,515)	36,787	25,399	68,973	78,139	(88,669)	(107,321)	42,079

Description	Existing Fees	Proposed Fees
Additions	When square footage is added to an existing building or structure, the fee shall be established as the same rate for the use group of the structure involved, and in no case less than the minimum fee for the use group.	
Plan Review fee	n/a	10% of building permit fee
All use groups other than Residential	$0.11/sq ft.* $50.00* minimum	$0.15/sq ft.* $65.00 * minimum
Alterations	$5.00/$1,000* $50.00* minimum	$10.00/$1,000* $65.00* minimum
Amusement Device	n/a	$65.00*
Board of Building Code Appeals	n/a	$250.00*
Boat Docks	$0.11/sq ft.* $50.00* minimum	$0.15/sq ft.* $65.00* minimum
Business Institutional Building Industrial Building & Assembly Building	$0.11/sq ft.* $50.00* minimum	$0.15/sq ft.* $65.00 * minimum

Commencing Work without a Permit Fee	n/a	A sum equal to twice the normal permit fee up to a maximum of $2,500.00
Demolition	$50.00*	$65.00*
Distribution terminal and bulk plant facility license	$150.00*	$150.00*
Electrical - Change in Service 0 -400 amps 401 amps & over	$50.00* $75.00* + $10.00/100 amps*	$65.00* $65.00* + $10.00/100 amps*
Elevators	n/a	$65.00*
Manufactured Homes Single-wide Double-wide Triple-wide	$100.00* $150.00* $150.00*	$150.00* $200.00* $250.00*
Mechanical 0-$15,000.00 $15,001.00 - up	$50.00* $50.00* + $5.00*/$1,000	$65.00* $65.00* + $10.00*/$1,000
Moving/Relocation	$100.00*	$100.00*
Permit Cancellation Fee (prior to commencement of inspection)	80% of original fee refunded	Refund of 100% fee less the administrative fee of $65.00
Permit Renewal	$50.00*	$65.00 or 10% of the original permit, whichever is greater (to cover administrative costs) 1) Permit may be issued for 12 months per USBC 2) First permit issued before renewal - no charge 3) Future permits renewal fee applies
Plumbing	$0.05 flat fee/sq ft.* $40.00* minimum	$10.00/$1,000 $65.00* minimum
Refunds for unexpired permits	80% of Permit Fee	In the case of revocation, abandonment or discontinuance; refunds for the portion of the work that was not completed will be made after written application to the Building Official. A minimum of $65.00 retained.
Re-inspection Fee	$25.00*	$45.00*
Residential Buildings and Additions	$0.11/sq ft.* $50.00 * minimum	$0.15/sq ft.* $65.00 * minimum
Signs (with or without electricity)	$50.00	$65.00* flat fee
Storage Tanks 100 - 10,000 gallons 10,001 - 25,000 gallons 25,001 and over	$50.00* $75.00* $125.00*	$65.00* $90.00* $140.00*
Swimming Pool	$50.00*	$65.00*

Tent & Membrane structures over 900 sq ft	n/a	$65.00*
Towers & Antennas	$100.00*	$100.00*
* State surcharge required by §36-139 of the Code of Virginia (1.75% currently)		
(Fee is rounded to the next dollar)		

Sign Permit Cost Comparison

Locality	Sign Permit Fee	Costs per sq ft/value	Building Department Fee
Franklin County	$50.00 Permanent $ 0.0 Temporary (>15 days)		Footer and/or Electric $51.00
Bedford County included	$25.00 up to 100 sq ft $50.00 - 101 to 200 sq ft $100.00 – 201 sq ft and above	no additional	electrical and structural in sign fee
Roanoke County	$25.00 Permanent Sign $25.00 Temporary Sign	$4.00 per $1,000 of sign value $ 0.00	included in fee
Roanoke City	$50.00 permanent $30.00 temporary		$45.00 for 1st $1,000 of sign Value $ 5.00 for ea. Additional $1,000 from $1,000 - $50,000 (same sliding scale as building review fees) $35.00 flat fee temporary
Montgomery County	$75.00		$35.00 for electrical

Comparison permit fee on a 2000 sq. ft. residence
Estimated Cost

2,000 sq. ft. – living	$300,000
2,000 sq. ft. – basement	
Electrical -	$20,000
Plumbing -	$20,000
Mechanical -	$10,000

Salem City	(1)	$1,656.00
Botetourt County	(2)	$1,646.00
Roanoke City	(3)	$1,229.00
Montgomery County	(4)	$997.00
Roanoke County	(5)	$937.00
Bedford County	(6)	$772.00
Franklin County –current	(7)	$448.00
Franklin County – ***PROPOSED***		$611.00
Henry	(8)	$326.00

Comparison Permit Fee on a 2000 sq. ft. Residence
Estimated Cost

Points of Discussion

Amusement Device Permits:
Amusement device inspections are outsourced to a certified third party inspector. This fee is designed to cover administrative costs of issuing the permit and maintaining the inspection records.

Board of Building Code Appeals:

In the event that an applicant desires to use the Board of Building Code Appeals process, this fee applies. The fee is designed to defray the cost of the notification of affected parties, public notice, and the public hearing. This fee is similar to the one required for the Board of Zoning Appeals.

Commencing Work without a Building Permit:

Currently there are no fines or repercussions if building activity commences without the issuance of a building permit. At the present, if an individual commences work without the required permit, that individual obtains the building permit at the same rate as an individual who complies with the law. In an effort to prevent work from commencing without a building permit and to prevent the loss of resources associated with court proceedings, this measure is recommended.

Elevator Permit:

Elevator inspections are outsourced to a certified third party inspector. This fee is designed to cover the administrative costs of issuing the permit and maintaining the inspection records.

Plan Review Fee (for permits <u>other than</u> one and two family residential):

This fee is designed to defray the cost of plan reviews made by the department. Currently no fee is charged for reviews made by the department. All non-residential permits and residential permits including hotels, condominiums, apartments (all R1, R2, & R3), and similar structures would be subject to the plan review fee. Single family homes, duplexes, and townhouses under the parameters of the International Residential Code (R4 & R5) may not be subject to this fee.

Permit Cancellation Fee (prior to the commencement of work):

Currently an individual who decides to cancel a permit is subject to receiving 80% of the original fee. With minimum value permits, this leaves a balance of approximately ten dollars to cover the administrative process associated with both the issuance and voiding of the permit. The intent of this change is to retain sufficient funds to cover the administrative expenses incurred with all permits.

Permit Renewal:

The purpose of this change is to create an incentive for applicants to complete the work in a timely manner. These closed files will in most cases generate a Certificate of Occupancy or a Final Inspection at the completion of the required inspections. This Final Inspection Certificate will be necessary for most future Real Estate transactions. Additionally, the closed files will reduce the area required for active permit storage. The department currently has approximately 7,000 active permits. The USBC allows permits to be extended at intervals not to exceed one year.
Note: The Energov software that was recently purchased for the Planning/ Zoning and Building Inspection Departments will be implemented in early 2008. Once implementation is completed, the software is able to provide notification to applicants when the permit approaches its expiration date.

Plumbing Permits:

The current county code assesses the plumbing permit fee based on an area calculation. This is the wrong method for determining the applicable permit fee. As a revision, the fee will be determined by an estimated cost of the proposed work.

Refunds (for active/unexpired permits):

This item applies to a building project that is started, but not completed and followed by a request for a refund. An administrative fee of $65.00 will be retained for all active permits that are cancelled. An additional percentage of the permit fee will be retained once inspections have been made by the department. This amount will reflect the number of inspections performed by

the Building Inspections department. A site visit may be necessary to determine the amount of the refund. This determination will be made by the Building Official.

Sign Permits:

A flat fee of $65.00 will be collected for sign permits. This fee will be identical for signs with or without electricity (lighting).

Tent and Membrane Structures:

Tents and similar structures over 900 square feet are required by the USBC to have a building permit. The purpose of this permit is to ensure that the structure has the proper fire rated materials, fire extinguishers in required locations, and proper egress (emergency exits from the structure).

New Chapter 5 Proposal

Legend
Strike through – word(s) to be removed from original Chapter 5
(ex: ~~example~~)

ARTICLE I. IN GENERAL

Sec. 5-1. Appointment and general powers and duties of building official.

The building official, whose office is provided for in the building code adopted by section 5-22, shall be appointed by the county administrator. Such official shall have such powers and duties as are prescribed in such code, this chapter and other ordinances of the county.

(Code 1974, § 5-2)

Sec. 5-2. Permit for mobile homes.

It shall be unlawful and a Class 4 misdemeanor for any person to park, install or store a mobile home or trailer, which is designed and so constructed as to permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, on any site, lot, field or tract of land in the county, without first obtaining a ~~written~~ building permit ~~so to do~~ from the building official. ~~The fee for such permit shall be twenty five dollars ($25.00).~~

(Code 1974, § 13-19; Ord. of 4-21-75; Ord. of 1-21-86)

Cross references: Penalty for Class 4 misdemeanor, § 1-11; mobile homes in floodway district, § 938; mobile homes, mobile home parks, Ch. 10.

Sec. 5-3. Removal, repair, etc., of dangerous structures.

(a) Owners of property within the county shall at such time or times as the county administrator or his designee, the ~~chief~~ building ~~inspector~~ official, may prescribe, remove, repair or secure any building, wall or other structure which might endanger the public health or safety of other residents of the county.

(b) Franklin County, through its own agents or employees, may remove, repair or secure any building, wall or other structure which might endanger the public health or safety of other residents of the county when the owner of such property, after reasonable notice and a

reasonable time to do so, has failed to remove, repair or secure such building, wall or other structure to the satisfaction of the building official. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two (2) successive weeks in a newspaper having general circulation in the locality. No action shall be taken by the locality to remove, repair, or secure any building, wall, or other structure for at least thirty (30) days following the later of the return of the receipt or newspaper publication, except that the locality may take action to prevent unauthorized access to the building within seven (7) days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice;

(c) In the event that Franklin County, through its own agents or employees, removes, repairs or secures any building, wall or other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected.

(d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

(Code 1974, § 5-11; Ord. of 2-27-07(8))

State law references: Authority for above section, Code of Virginia, § 15.2-906.

Sec. 5-4. Establishment of setback lines.

No building shall be constructed in the county within thirty-five (35) feet of any ~~street or roadway~~, right-of-way except when a large portion of existing buildings along a section of ~~street or roadway~~ the right-of-way is within thirty-five (35) feet of such ~~street or roadway~~ right-of-way. These provisions shall not apply within the limits of any town which has enacted a zoning ordinance or has adopted an ordinance establishing minimum setbacks.

(Res. No. 20-12-85, 12-16-85)

State law references: Similar provisions, Code of Virginia, § 15.1-29.2.

Secs. 5-5--5-20. Reserved.

ARTICLE II. BUILDING CODE

Sec. 5-21. Defined.

As used in this article or elsewhere in this Code, the term "building code" shall mean the building code adopted by section 5-22.

(Code 1974, § 5-1)

Sec. 5-22. Adopted; applicability; filing of copies; penalty provisions.

(a) There is hereby adopted by reference the Virginia Uniform Statewide Building Code, Volume I, ~~1993 Edition~~, the provisions of which shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings, and all other functions which pertain to the installation of any system (plumbing, electrical, mechanical, etc.) vital to all buildings and structures and their service equipment, as defined by such code, and which shall apply to existing and proposed buildings or structures in the county, including the towns of Rocky Mount and Boones Mill upon request by their respective councils. The Virginia Uniform Statewide Building Code, Volume I, including each component thereof, a copy of which is and shall remain on file in the office of the county administrator and another copy of which is and shall remain on file in the office of the building official, is hereby incorporated in and made a part of this section as fully as though each component part thereof were set out at length herein.

(b) There ~~is~~ are hereby adopted sections ~~105.0~~ relating to unsafe buildings and ~~section 108.5 relating to~~ the identification of handicap parking spaces ~~of Volume II~~ of the Virginia Uniform Statewide Building Code, ~~1993 Edition,~~ including each component thereof, a copy of which is and shall remain on file in the office of the county administrator and another copy of

which is and shall remain on file in the office of the building official, and said provisions are hereby incorporated in and made a part of this section as fully as though each component part of said sections were set out at length herein.

(c) The penalty provisions as set forth in Volume I of the Virginia Uniform Statewide Building Code ~~and for sections105.0 and 108.5 of Volume II of the Virginia Uniform Statewide Building code, 1993 Edition,~~ are hereby adopted. Said penalty provisions provide for a fine of up to twenty-five hundred dollars ($2,500.00) for a violation of these sections.

(Code 1974, § 5-1; Amend. of 3-19-96)

State law references: Virginia Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.

Secs. 5-23, 5-24. Reserved.

Editor's note: Sections 5-23 and 5-24 were deleted as being covered by the provisions enacted March 19, 1996, which amended § 5-22 above.

Sec. 5-25. Fire limits.

Due to the absence of areas of highly congested business, commercial manufacturing and industrial uses, as well as the absence of areas in which residences, retail stores, business and amusement activities exist or are developing in such manner as to present any significant fire hazard, the board of supervisors finds that the designation of fire limits, as contemplated in the building code, is unnecessary and the board hereby designates the area of the whole county as outside fire limits.

(Code 1974, § 5-3)

Sec. 5-26. Permit exemption.

Ordinary repairs ~~as defined below~~ shall be exempt from the permit requirements provided that there are no violations of the Uniform Statewide Building Code.

Further explanations can be found in exceptions from application for permit, in the Virginia Uniform Statewide Building Code. All exceptions are subject to building official concurrence.

~~Exemptions:~~

~~1) Painting;~~

~~2) Roofing when not exceeding one hundred (100) square feet of roof area;~~

~~3) Glass when not located within specific hazardous conditions and all glass repairs in use group R-3 buildings;~~

~~4) Doors when not in fire-rated wall assemblies or exit ways or in single-family detached buildings;~~

~~5) Floor coverings and porch flooring;~~

~~6) Repairs to cracks in plaster and interior tile work and the like;~~

~~7) Cabinets installed in residential occupancies.~~

(Ord. of 3-17-80; Ord. of 1-21-86)

Sec. 5-27. Permit fees.

For all buildings, structures, alterations, and/or renovations requiring building permits, the following fees shall be paid:

(a) Residential construction (Use groups R-1, R-2, R-3, R-4,R-5):

The fee shall be ~~eleven cents ($0.11)~~ fifteen cents ($0.15) flat fee per square foot of gross floor area including submitted decks and covered areas.

Minimum fee ~~-- $50.00~~ --$65.00

(b) Nonresidential construction (Use groups A, B, E, F, H, I, M, S, U):

The fee shall be ~~eleven cents ($0.11)~~ fifteen cents ($0.15) flat fee per square foot.

Minimum fee ~~-- $50.00~~ --$65.00

(c) Additions (All use groups):

When square footage is added to an existing building or structure the fee shall be established as the same rate for the use group of the structure involved, and in no case less than the minimum fee for the use group.

(d) Alterations, renovations, and/or related repairs (All use groups): The

fee shall be ~~five dollars ($5.00)~~ ten dollars ($10.00) per thousand dollars ($1,000.00) of value. Minimum fee ~~-- $50.00~~ --$65.00

(e) Manufactured housing units (Single, doublewide, and triple-wide manufactured homes, mobile office units, etc., with approved factory labels):

(1) Singlewide manufactured home, flat fee . . . . . ~~. $100.00~~ $150.00

~~All other manufactured homes, flat fee . . . . . $150.00~~

(2) Doublewide manufactured homes, flat fee $200.00

(3) Triplewide manufactured homes, flat fee $250.00

Basement fees shall be established at the same rate as for the use group of the structure involved, and in no case less than the minimum fee for that use group.

(f) Moving building or structures (All use groups):

Relocation--$100.00

Basement fees shall be established at the same rate as for the use group of the structure involved, and in no case less than the minimum fee for that use group.

(g) Demolition of buildings and structures:

A demolition permit will be required with a ~~fifty dollar ($50.00)~~ sixty-five dollar ($65.00) fee for commercial structures; structures demolished by a commercial demolisher; or demolitions which require an inspection by the building official.

(h) Towers, antennas, and similar regulated structures:

Structural fee--$100.00

(i) Swimming pools or similar regulated structures:

Flat fee ~~-- $50.00~~ --$65.00

(j) Docks (Residential and nonresidential):

The fee shall be ~~eleven cents ($0.11)~~ fifteen cents ($0.15) flat fee per square foot of ~~gross~~ dock ~~perimeter~~ area. Minimum Fee ~~-- $50.00~~ --$65.00

(k) Miscellaneous building and/or structures (All use groups):

Buildings and structures not specifically covered by this schedule shall be classified by the Building Official with fees to be determined by that classification.

(l) Tent and membrane structure over 900 sq. ft. - $65.00

(m) *Electrical:*

The permit fee for installation of new electrical systems based on service size shall be as follows:

0—400 amps . . . ~~$50.00~~ $65.00

401 amps and up, $65.00 plus $10.00 per additional 100 amps or portion thereof

~~$75.00~~

Electrical permits--No service involved:

For all electrical permits in which no service is involved a base fee of ~~fifty dollars ($50.00)~~ sixty-five dollars ($65.00).

(n) *Plumbing:*

(1)The fee for kitchen and/or bathroom alterations, renovations, and/or regulated repairs shall be ~~five cents ($0.05) flat fee per square foot of gross floor area~~ $10.00 per $1000.00 of value.

Minimum Fee -- ~~$40.00~~ --$65.00

(2) A base fee of ~~forty dollars ($40.00)~~ sixty-five dollars ($65.00) for installation or replacement of fixtures or any plumbing device listed by definition or as determined by the building official to be a fixture and shall include commercial as well as domestic equipment.

(o) Mechanical:

The permit fee for installation of new mechanical equipment is based on equipment cost:

$0.00--$15,000.00 . . . ~~$50.00~~ $65.00

$15,001.00--up, ~~$50.00~~ $65.00 plus ~~$5.00~~ $10.00 per additional $1,000.00 or part thereof. . . .

(p) *Distribution terminal and bulk plant facility license:*

License fee per year--$150.00

(q) *Re-inspection fees:*

A re-inspection fee of ~~twenty-five dollars ($25.00)~~ forty-five dollars ($45.00) shall be charged for each additional inspection when any of the following reasons are the cause but not limited to:

(1) Wrong address.

(2) Repairs or corrections not made when re-inspection requested.

(3) Work not ready when inspection requested.

(4) Premises locked or inaccessible.

(r) Renewal of permits prior to expiration shall be sixty-five dollars ($65.00) or 10% of the original permit, whichever is greater. The permit is valid for a period of twelve (12) months after issuance. The first renewal of the permit will be made at no charge to the applicant. Additional renewals are subject to this fee. (After expiration, a new permit shall be issued).

(s) In the case of a revocation of a permit or abandonment or discontinuance of a building project, refunds for the portion of the work that was not completed will be made after written application to the Building Official. An inspection of the site may be required to determine the status of the work. Calculations for the percentage of work complete and amount of refund will be made by the Building Official. A minimum fee of $65.00 will be retained by the County from each permit to cover the administrative costs for issuance and cancellation of the permit and inspection of the site.

(t) Board of Building Code Appeals, application from a decision of the Building Official is $250.00. In the event that an applicant desires to use the Board of Building Code Appeals process, this fee applies. The fee is designed to defray the cost of the notification of affected parties, public notice, and the public hearing.

(u) Any person who commences any work for which a permit is required, prior to obtaining the permit, shall pay a sum equal to twice the normal permit fee up to a maximum of $2,500.00 and payment thereof shall not relieve such person from prosecution as described in Title 36, Chapter 6, Section 106 of the Code of Virginia for violating the building code by commencing work without a permit (emergency repairs excluded if guidelines in the USBC are followed).

(v) Plan review – When the details of the proposed construction requires a plan to be submitted to the Building Official, a Plan Review Fee shall be paid to the Building Inspections Department at the time of submission of the plans and specifications for review. The Plan Review Fee shall be equal to one-tenth (10%) of the building permit fee as shown in this schedule. The Plan Review Fee may be revised during the technical review process and the Plan Review Fee is in addition to the permit fee.

(w) Amusement Device Permits – This fee shall be a flat fee of $65.00.

(x) Elevators – This fee shall be a flat fee of $65.00.

(y) Storage Tanks –

100 – 10,000 gallons	$65.00
10,001 – 25,000 gallons	$90.00
25,001 – + gallons	$140.00

(z) Signs – This shall be a flat fee of $65.00.

NOTE: Flat fee covers all electrical, plumbing, mechanical and structural work. All fees must be paid before certificate of occupancy will be issued.

Sec. 5-28. State surcharge on building fees.

In addition to any local fees required by section 5-27, there shall be a state surcharge required by Code of Virginia, § 36-137, as amended, which shall be added to the local fees collected, with such surcharge forwarded to the state as prescribed by Code of Virginia § 36-139, as amended.

(Ord. of 6-18-02)

Sec. 5-29. Reserved.

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors authorize the County Administrator to advertise for a public hearing in regard to the proposed amendments to Chapter 5, Building Regulations of the Franklin County Code (submitted).

Larry Moore, Assistant County Administrator, advised the Board the proposed amendments represent a 36% increase from the last increase enacted in 2002.

The Board will review and discuss during the January meeting with the Board forwarding any comments/concerns to staff prior to the meeting.

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PIGG RIVER POWER DAM ENVIRONMENTAL ASSESSMENT & PIGG RIVER/ROCKY MOUNT TOWN LOW HEAD DAM PROJECT

Scott Martin, Director of Commerce & Leisure Services, advised the Board in order to facilitate removal of the Pigg River Power Dam, an environmental assessment (EA) must be completed. The intensive EA study will serve as the base document for dam removal strategies. Funds for the EA are available at the close of the study from previously secured federal funds. Given the presence of the federally listed Roanoke Logperch, the extensive use of federal funds, and the sheer size of the project, the EA is required, not optional. The EA is anticipated to take 6-12 months to complete IF undertaken by the County. If the Federal agencies take the lead on the EA, it is anticipated that the process could stretch to 18-24 months for the same work. The EA is projected to cost approximately $125,000. The County will be reimbursed in whole once the EA is completed.

The first VaRACER project and the focus of this RFQ is the Pigg River dam removal. Appropriate National Environmental Policy Act (NEPA) documentation is required because of the federal involvement and federal funding in this project. It is assumed at this time that an Environmental Assessment (EA) and all supporting documentation will meet all NEPA requirements for this project.

This project is unique in its environmental intricacies. Behind the dam is an estimated 370,000 cubic ft of sediment that has accumulated for over 75 years. The sediment has recently been sampled in accordance to Virginia DEQ sampling protocol, and the sediment is generally clean of contaminants. As part of the EA, the sampling results will need to be reviewed and evaluated for the use in the selected alternative, to include sediment removal, sediment passage, and end use of removed sediment.

The Roanoke Logperch is an endangered fish species that inhabits the Pigg River, and all alternatives and actions will need to take into account the appropriate management of this fish species. The dam demolition, sediment removal, sediment passage, and final in-stream flows all need to be designed with the Roanoke Logperch in mind. This EA and supporting documentation will be utilized as a consultation tool with the USFWS and the resultant Biological Opinion.

Directly above the dam and adjacent to the Pigg River is a large wetland that is approximately 15 acres in size. The removal of the dam and the resulting lowering of the river level have the potential to impact this wetland. The wetland must be delineated, subsequently confirmed by the US Army Corps of Engineers (Corps), and evaluated for potential impacts. If impacts are unavoidable, conceptual mitigation alternatives shall be derived and presented to the Corps and any additional federal and state agencies as deemed necessary to meet their approvals. It is

thought that no other individual wetland system over the statutory limits will be impacted, but this has to be confirmed, and if determined more wetlands are impacted, similar delineation, Corps confirmation, and conceptual mitigation plans must be derived and approved by the Corps and other federal and state agencies as deemed necessary.

The EA needs to take in account for the water park design and in-stream flows and structures. A conceptual engineering report will be incorporated into this EA that involves dam removal alternatives. Other likely evaluations may include stream mitigation measures, other natural/cultural resource impacts, regulatory and permit requirements, biological assessments for fish and wildlife, land uses, flood hazards, socioeconomic impacts, aesthetics, traffic, noise, uncertainties, cumulative impacts, and environmental justice.

The selected firm shall complete an EA in accordance to all NEPA requirements, to include holding a minimum of two public meetings, advertisements, coordinating with all appropriate federal, state, and local regulatory agencies, and addressing all regulatory comments.

The selected firm shall conduct a Biological Assessment and consult with the USFWS on the impact to the Roanoke Logperch (and any other threatened and endangered species or habitat if found) ending in a Biological Opinion.

The selected firm shall conduct a wetland delineation of the existing upstream wetland and all other impacted wetlands over the statutory limits. The delineation must be confirmed by the Corps and any other federal or state agency as deemed necessary and shall be presented to the County in 5 hardcopy maps and via electronic GIS that is compatible to the County's GIS system. The selected firm shall develop conceptual mitigation plans that are compliant to federal and state environmental and engineering standards, and the selected conceptual mitigation plan must be presented to the Corps and any additional federal and state agencies for their approval.

The selected firm shall mail out appropriate draft and final EAs to all reviewing entities, including 10 hardcopies of the final EA to the County in addition to one County electronic copy.

While the EA process is underway, staff requests that the Board consider providing the public with a recreational amenity on the Pigg River. The existing low head dam at Veterans' Memorial Park in Rocky Mount is an existing safety hazard. During times of high water, a five-foot deep re-circulating hole develops below the dam. This hole could easily trap a boat or boater during times of high water. Further, increasing public use of the concrete platform adjacent to the dam site has created an additional need to provide for a safe river exit option should someone fall in.
Fortunately, this is an easy problem to solve. Staff requests that the Board consider funding a pilot in-stream project at this site. This smaller scale in-water feature would be designed to eliminate the safety hazard, while concurrently preserving the dam AND permitting development of a boat/fish passage. Designs for sites like this would add features downstream of the existing dam that would back water up against the existing dam thus removing the catch hydraulic. A natural wave would replace the existing straight drop thus allowing boats to safely surf and pass while at the same time ensuring that anything that goes over the dam gets flushed downstream quickly. The features at the Vet's Park site would become part of the biomonitoring plan for the Pigg River Power Dam removal project and allow the agencies to test proposed whitewater designs before they are installed at Power Dam.

This project would also improve public access to the water at the site of the Vet's Park thus opening up fishing and water based recreation at the southern entry to Rocky Mount. The Ruritan Clubs have indicated interest in seeing this pilot project move forward as they see it as a way to enhance a special park that celebrates the sacrifices made by County residents in defense of our nation. Town staff has indicated support for the concept as it aligns with their plans for a Pigg River Heritage and Recreation area. USFWS has indicated support as it will improve fish passage for the Roanoke bass and the Roanoke logperch. The RAC has unanimously endorsed this concept, as it will deliver a recreational amenity to the County while the larger Pigg River Power Dam project moves forward. Further, construction of this facility would permit expansion of the Pigg River Ramble and other river based events in the heart of Franklin County.

Vet's Park is a much smaller project than the one proposed for Pigg River Dam. This project would be the first step in ensuring safe boat/logperch passage from Lynch Park to the site of the

Pigg River Dam once the lower dam is removed. Staff requests that the Board consider authorizing staff to begin design work for Vet's Park and bring back a construction proposal.

Funds for this design phase can come from the existing Pigg River Dam removal fund account. The "borrowed" amount can be paid back over the next two budget years while the environmental assessment and associated design/permitting elements are completed for Power Dam. Finally, the proposed design would retain the elevation behind the existing dam thus ensuring that the Town retains its river access for potential future water use.

Staff recommends that the County complete this design work using the existing contract with Recreation, Engineering, & Planning and Anderson & Associates, as this is part of the larger Pigg River blueway initiative.

Undertaking both of these projects using previously set aside funds will permit the blueway project to move forward. The EA delay is unfortunate, but not entirely unexpected. The County can shorten this delay by running the project ourselves and not leaving it up to a federal or state agency to complete. The pilot project at Vet's Park will remove an existing safety issue, add a community amenity that will add to existing events and activities at the park, and permit us to demonstrate techniques that we propose to use in-stream at the Power Dam site. At some point a water passage facility will need to be built at this site to allow for uninterrupted floating between Lynch Park and the site of the future park at Power Dam. This plan simply builds it first.

Staff anticipates that the cost to build out the dam safety/fish and boat passage features with minimal river access will be about $200,000. Funding for this component is available in the Pigg River Power Dam budget. Staff proposes to use these funds now, deliver a benefit to the public in 2008, and then replenish the Pigg River Power Dam line item over the next two budget years.

RECOMMENDATION:

Staff requests the Board's direction to seek bids from qualified environmental engineers to complete an environmental assessment for the removal of Pigg River Power Dam. The EA is projected to cost approximately $125,000. The County will be reimbursed in whole once the EA is completed. Staff would evaluate the bids with assistance from the Ward Burton Wildlife Foundation. These proposals will be brought back to the Board with funding requests once reviewed and rated by staff.

Staff requests authorization from the Board to complete initial design for the Vet's Park Pilot River Park project using the existing design contracts with Recreation, Engineering & Planning and Anderson & Associates Engineers.

(RESOLUTION #03-12-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to solicit for qualified environmental engineers to complete an environmental assessment for the removal of Pigg River Power Dam.

MOTION BY: Charles Poindexter
SECONDED BY: Russ Johnson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Poindexter, Wagner, Johnson, Quinn & Angell
ABSTAINED: Hurt

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(RESOLUTION #04-12-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to complete initial design for the Vet's Park Pilot River Park project using the existing design contract with Recreation, Engineering and Planning and Anderson & Associates Engineers.

MOTION BY: Charles Wagner
SECONDED BY: Leland Mitchell
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

****

REGIONAL JAIL UPDATE

Lt. Ewell Hunt, Sheriff's Department, stated in 2004 a study was conducted pertaining to overcrowding conditions at regional jails. Lt. Hunt stated 133 inmates are housed today with 81 (locally) 42 (Roanoke City) 53 (Middle River) 33 (Blue Ridge) & 5 (Martinsville City Farm) with a total housed out of Franklin County at 133 making a grand total of 214.

Mr. Charlie Poff, Superintendent, Western Virginia Regional Jail, shared with the Board an update on the building progress for the Western Virginia Regional Jail. The grading of the site has been completed and the construction of the building has been awarded to Howard Shockley and was well underway with a completion date of March 9, 2009. Mr. Poff stated a pre-cast cell is being used in the regional jail. Approximately 3 staff members are presently on staff and after the first of the year 5 additional staff members will be employed. A staffing level for the regional jail is approximately 194 for the state budget with a reduction of 17 positions if the jail hires an outside catering firm.

Mr. Poff shared with the Board a slide presentation of the existing construction. Open capacity for the new regional jail should be 805 beds with Franklin County having a 32% share of the capacity of the new facility. Mr. Poff stated the total cost will be approximately $124,000,000 not counting reimbursement from the state.
****

SHERIFF'S DEPARTMENT INCLUSION IN COUNTY'S PERSONNEL PLAN

Lt. Ewell Hunt, Sheriff's Department, advised the Board an agreement has been agreed upon with an effective date of January 1, 2008. Sheriff Elect Hunt stated on September 18, 2007, the Board of Supervisors adopted a resolution which authorized staff to prepare a draft agreement between the County and the new Sheriff, effective January 1, 2008 that would establish the parameters for the Sheriff's Department to fully follow all provisions of the County Personnel Manual including the grievance procedure, leave policies, etc. This motion was passed prior to the election so that all candidates for the position would know of the Board's intentions.

Staff has worked with Sheriff elect Hunt to draft the attached agreement. The agreement, which lasts for (4) four years, will require that all Sheriff's Department employees be treated, for purposes of the County's Personnel Policies and Procedures, the same as all other County employees with the exception that the Sheriff's Department personnel ranked a Lieutenant or higher, are exempt from the County's grievance procedure. The agreement further establishes that the Sheriff's Department will follow all hiring processes used by other County departments, and it accomplishes the goal of all leave balances and overtime records being transferred from the Sheriff's Department to the County's Human Resource function.

RECOMMENDATION:

Staff recommends that the agreement be accepted by resolution authorizing the County Administrator and the Sheriff elect to execute it.

(RESOLUTION #05-12-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to accept the agreement by resolution and authorize the County Administrator and Sheriff Elect Hunt to execute the said agreement.

MOTION BY: Charles Wagner
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell
****

PURCHASE DEVELOPMENT RIGHTS COMMITTEE NOMINEES

Richard E. Huff, II, County Administrator, stated the County has received 9 nominees with a slot of 5 needed. Mr. Huff suggested a closed meeting for this item and further consideration will be given at that time. The Board concurred.
****

WESTLAKE BRANCH LIBRARY LEASE PAYMENTS

Richard E. Huff, II, County Administrator, shared with the Board the following startup costs for the Westlake Library:

- ✓ In this instance, a core library requires the following:
- ✓ Basic Upfit $150,000
- ✓ Technology, Phones, etc. $ 47,000
- ✓ Collection Stocking $ 97,500
  - (7,500 volumes purchase & 2,500 Transferred from Main Library)
- ✓ Shelving & Furniture $ 60,000
  - (Donations Assumed)
- ✓ **One Time Start Up** **$354,500**
  - Plus Staffing & Operations $90,000-$110,000 prior to July 1

General discussion ensued.

Mr. Huff stated he would bring back to the Board optional funding sources during their January 2, 2008 meeting and will address "*when*", sign size and the amount of dollars committed to the project options for the Westlake Library.

The Board concurred with the layout presented and will discuss during the January 2nd, 2008 meeting.
****

OTHER MATTERS BY SUPERVISORS
DAVID HURT, BOONE DISTRICT SUPERVISOR

- *2008 TAX RELIEF FOR THE ELDERLY AND DISABLED*

Mr. Hurt requested the Board to consider placing this item on the January Board meeting agenda. The Board concurred with the request with staff bringing a report back for the Board's review of surrounding localities' programs.
****

CLOSED MEETING
(RESOLUTION #06-12-2007)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-1, Personnel, a-3, Acquisition or Disposition of Land, and a-7, Consult with Legal Counsel, & a-29, Discussion of the award of a public contract, as amended, of the Code of Virginia.

MOTION BY: Charles Wagner
SECONDED BY: Charles Poindexter
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell
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MOTION: Charles Wagner **RESOLUTION: #07-12-2007**
SECOND: Leland Mitchell MEETING DATE DECEMBER 18TH, 2007
WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and
WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;
NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.
VOTE:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell
NAYS: NONE
ABSENT DURING VOTE: NONE
ABSENT DURING MEETING: NONE
****

PURCHASE DEVELOPMENT RIGHTS COMMITTEE NOMINEES
Richard E. Huff, II, County Administrator, stated the following names were recommended by the Board to serve on the PDR Committee with a 3 year term (to be staggered terms after their first meeting) effective January 1st, 2008:

Jack O'Connell
Cline Brubaker
Rob Lamar
Jeanne Martin
Thad Montgomery

****

(RESOLUTION #08-12-2007)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint the following to serve on the Purchase Development Rights Committee with a 3 year term (to be staggered terms after their first meeting) effective January 1st, 2008:

Jack O'Connell
Cline Brubaker
Rob Lamar
Jeanne Martin

Thad Montgomery

MOTION BY: Russ Johnson
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell
****

PUBLIC HEARING AUTHORIZATION/BURNT CHIMNEY DISPOSITION OF LAND (RESOLUTION #09-12-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for a public hearing during their January regular Board meeting to sell .384 acres of County owned property adjacent to Intersection St. Rts. 670 and 122 Burnt Chimney area.

MOTION BY: Russ Johnson
SECONDED BY: Leland Mitchell
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell
****

Chairman Angell recessed the meeting for dinner.
****

Chairman Angell called the meeting to order.
****

LAKEWATCH PETITION ACTION *(TABLED DURING 11/27/2007 MEETING)*

Christopher Whitlow, Assistant County Administrator, shared with the Board a memo dated November 30th, 2007, from Steve Sandy, Acting Director, Planning & Community Development, stating a portion of the map presented to the Board during their November meeting was a reduced copy of the concept plan and it did not accurately depict the actual concept plan on file, and indeed, the concept plan on file does accurately depict the lot width and sizes of the RPD.

Mr. Whitlow further shared with the Board that the Planning staff and the County Attorney note one of the requested petition deviations (10' Height deviation of the condominiums) does not list a rationale on the concept plan and therefore, does not meet the zoning ordinance requirement.

Russ Johnson, Gills Creek District, stated County Code Section 25-40 stated a Mechanical Amusement Device is allowed to be approved for this development in a residential area and he felt the Board should think twice before doing it. Where would it stop and a precedent maybe set and it would be destructive for surrounding landowners. Mr. Johnson asked the Board to consider the principal of this Code Section 25-40 and consider if other Board members would place it in their community.

Limited discussion ensued.

LAKEWATCH PETITION ACTION *(TABLED DURING 11/27/2007 MEETING)*

- **A. PETITION** of **Edward C. Park, III, as Petitioner and Owner,** requesting to rezone property consisting of ± 576 acres, currently zoned A-1, Agricultural District, to RPD, Residential Planned Unit Development District, with possible proffers, and deviations as proposed on the amended concept plan sheet 3 of 3 revised October 23, 2007, for the purpose of a resort community with residential and commercial uses, to be known as LakeWatch Plantation Spa and Resort.

(ORDINANCE #01-12-2007)

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors to approve the aforementioned rezoning with proffers and deviations for the aforementioned parcel of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 15, Parcel # 39 (Deed Book 815, Page 1583); a portion of Tax Map # 30, Parcel # 46 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 17 (Deed Book 874, Page 142; Plat Book 856, Page 69); Tax Map # 30, Parcel # 20 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 47 (Deed Book 874, Page 142); Tax Map # 30, Parcel #60 (Deed Book 874, Page 142; Plat Book 611, Page 865) be granted the request to rezone property currently A-1, Agricultural District, to RPD, Residential Planned Unit Development District, with proffers and deviations, for the purpose of a resort community with residential and commercial uses, to be known as LakeWatch Plantation Spa and Resort whereby the Board of Supervisors finds the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will

promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

Approved Proffers and Deviations:

Proffers for Case # R 07-10-03, Edward C. Park, III/LakeWatch Spa and Resort:

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan for LakeWatch Plantation Spa & Resort dated June 1, 2007, revised June 13, 2007, August 3, 2007, and September 15, 2007, and October 23, 2007 prepared by Edward C. Park III and others.
2. The applicant shall provide for the future right of way of Virginia State Route 122 to accommodate one-half of the right of way width required for five (5) traffic lanes (one center turn lane and four travel lanes) up to a maximum of fifty-five feet on the southeast side from the existing centerline. The applicant shall complete the construction of the approved right turn lane into the Spa & Resort facility, design and install the proposed entrance improvements (widen to three entrance lanes and two exit lanes) with the proposed traffic signal when allowed by traffic warrants approved by the Virginia Department of Transportation.
3. The applicant shall install a 20' wide and ± 10' high (± two (2) foot variance measured from existing road level) landscape berm outside of the proposed future right of way along Virginia State Route 122. Said berm is to be of varying heights depending upon the existing topography and shall include planted trees along the top of the berm. Trees shall be a mixture of hardwoods and evergreens planted at a maximum separation distance of 25' with a minimum height of 4' at time of planting.
4. Architectural Proffers:
   a. The design of any future building shall relate to adjacent development that is considered to be contributing to the character of LakeWatch Plantation Spa and Resort by the use of complementing forms and materials to create continuity within the resort area. Materials for exterior walls may include, but not limited to, brick, drivet, and other low maintenance facades; and walls will be articulated through the use of window and door openings, belt courses, pilasters and other similar architectural treatments.
   b. Architectural detail shall be incorporated to create architectural character. Detail includes highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.
   c. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings.
   d. Building elevations shall be included with any building permit request.
5. Striping or stamped asphalt will be provided at all road crossings.
6. Environmental/Low Impact Development Techniques:
   Best management practices for low impact development are based on the premise that most of the pollutants from impervious surfaces are transferred during the first ½ inch of rainfall. Low impact development techniques such as, but not limited to, mini bio-retention ponds, rain barrels, previous berms, and pervious swales shall be designed and constructed to provide adequate storage and infiltration to meet the Department of Conservation and Recreation guidelines (one-half inch minimum) for storm water quality. These facilities may be provided individually on each site or combined at any other appropriate location.
7. A twenty foot (20) wide buffer shall remain in place along the perimeter of the property. This buffer area may remain in its natural state or be replaced with additional landscaping if the buffer function is compromised due to construction or grading requirements. Replacement vegetation shall consist of a double row of evergreen trees six (6) foot minimum height at time of planting, with ten (10) foot spacing between rows, five (5) foot staggered offset between rows, and trees at ten (10) foot spacing center to center. Trees shall be planted at the first growing season after final grade has been achieved.
8. All utilities shall be located underground.
9. The proposed use and size deviations for the Motor Coach Home Village Lots are to be removed. The one hundred ninety (190) Motor Coach Home Village Lots are to be replaced with a minimum of one hundred thirty (130) R-1 single family lots with a minimum lot width of seventy-five (75) feet and a minimum lot area of seven thousand five hundred (7,500) square feet (no deviation required).
10. The proposed use deviation for the Community Center requesting "use for profit" has been withdrawn. The proposed community center building (for both location and size) shall remain as a permitted use under Section 25-294 and as defined under Section 25-40 of the Franklin County Zoning Ordinance.

11. Lake access will be restricted to the residents and guests of the development with the proposed community dock or ramp/pier to be owned, controlled, and operated by the home owners association or their assigns.
12. Neighborhood commercial uses in the golf club house building will not exceed one thousand four hundred (1,400) square feet for any Pro Shop use that may not be considered as a lawful accessory use by right.
13. Neighborhood commercial uses in the wake lake pro shop will not exceed one thousand four (1,400) square feet for any Pro Shop use that may not considered as a lawful accessory use by right.

Deviations for Case # R 07-10-03, Edward C. Park, III/LakeWatch Spa and Resort:

A. Proposed use descriptions and deviations:

1. 8,000 square feet of condominium building (#1) to be used as restaurant and lounge (open to the general public), and facilities management office (including boat access reservations).
2. 2,000 square feet spa facility (#2) open to general public.
3. 1,400 square feet of the 20,000 square foot golf club house building (#6) for any pro shop use that may not be considered as a lawful accessory use by right.
4. 1,400 square feet of the wake lake pro shop building (# 14) for any pro shop use that may not be considered as a lawful accessory use by right.

B. Proposed Size/Height Deviations:

1. Five (5) foot deviation from 75 foot width (with public water and sewer) to 70 foot width for pond view patio homes, wake lake cottages, and mountain village villas.
2. 45 foot deviation from 75 foot width (with public water and sewer) to 30 foot width and 5,000 square foot area deviation from 7,500 square feet to 2,500 square feet for lake view townhomes.

C. Proposed Design Guidelines Deviations:

1. Deviation to Section 16.1-10 (1) (b) to allow boundary survey information to be included with site plan submittals.
2. Deviation to Section 16.1-10 (1) (m) to allow existing operations plan for the sewage treatment plant (previously approved by Franklin County and VDH) to be incorporated by reference.
3. Deviation to Section 25-310 (1) to allow maintenance agreement for private streets to be included with site plan submittals.
4. Deviation to Section 25-144 (b) to allow fifty percent reserve areas pursuant to current special use permit for subsurface disposal system guidelines.

MOTION BY: Charles Wagner
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Wagner, Quinn & Angell
NAYS: Hurt, Poindexter & Johnson

THE MOTION PASSES WITH A 4-3 VOTE.
****

(ORDINANCE #02-12-2007)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to deny each and every one of the special use permits for LakeWatch Plantation as advertised.

MOTION BY: Russ Johnson
SECONDED BY: David Hurt
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Hurt, Poindexter & Johnson
NAYS: Mitchell, Wagner, Quinn & Angell

THE MOTION FAILS WITH A 3-4 VOTE.
****

- **B. PETITION** of **Edward C. Park, III, as Petitioner and Owner,** requesting a Special Use Permit for property currently zoned A-1, Agricultural District, with possible conditions, consisting of ± 51.63 acres, a portion of ± 576 acres, for the purpose of private roads to serve LakeWatch Plantation Spa and Resort, concurrent with a rezone request to RPD, Residential Planned Unit Development District.

(ORDINANCE #03-12-2007)

NOW, THEREFORE BE IT ORDAINED that the aforementioned parcel(s) of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 15, Parcel # 39 (Deed Book 815, Page 1583); a portion of Tax Map # 30, Parcel # 46 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 17 (Deed Book 874, Page 142; Plat Book 856, Page 69); Tax Map # 30, Parcel # 20 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 47 (Deed Book 874, Page 142); Tax Map # 30, Parcel #60 (Deed Book 874, Page 142; Plat Book 611, Page 865) be granted the request to obtain a Special Use Permit for the purpose of private roads to serve LakeWatch Plantation Spa and Resort whereby the Board of Supervisors finds that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accordance with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

Conditions for Case # U 07-10-03, Edward C. Park, III/LakeWatch Plantation Spa and Resort:

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan for LakeWatch Plantation Spa and Resort, dated June 1, 2007, last revised October 23, 2007, and prepared by Edward C. Park, III and others (Job No. 21-04).
2. The proposed private road system shall be designed by an individual licensed by the Commonwealth of Virginia to provide such services and meet the horizontal alignment and pavement cross section requirements specified in the Virginia Department of Transportation regulations for subdivision streets. All road construction plans shall include location and cross-sections of all pedestrian walkways, sidewalks and bike paths. Road grades shall not exceed fourteen percent (14%) for more than four (4) individual two-hundred (200) foot road segments. The final surface coat shall be asphalt pavement.
3. The portion of the road constructed along the proposed earthen embankment directly adjacent to the Wake Board Cable Park (#13 on concept plan) shall be inspected for safety of the roadway prior to vehicle use. This shall require certification of the earthen embankment by a Virginia licensed geotechnical engineer, and review and comment by the Virginia Department of Conservation and Recreation, Division of Dam Safety.
4. The developer shall record a document in the land records of the Clerk of the Circuit Court prior to receiving a certificate of occupancy for any dwellings served by the private roads, obligating the property owner's to pay for upkeep and maintenance of the private roads on a pro-rata basis or other basis as determined.
5. No Certificates of Occupancy shall be issued to any residence (or other use) served by such private road prior to an initial coat of surface treatment being placed on such private road serving the residence (or other use).
6. Surety shall be posted in the form of a letter of credit or cash escrow with Franklin County for the construction of the private road system and shall not be released until the County has received a certification from an individual licensed by the Commonwealth of Virginia to provide such services, that the construction of the road meets all applicable requirements consistent with required VDOT Subdivision Streets Standards and any conditions approved with this request.

MOTION BY: Leland Mitchell
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Wagner, Quinn & Angell
NAYS: Hurt, Poindexter & Johnson

THE MOTION PASSES WITH A 4-3 VOTE
****

- **C. PETITION** of **Edward C. Park, III, as Petitioner and Owner,** requesting a Special Use Permit for property currently zoned A-1, Agricultural District, with possible conditions, consisting of **±** 4.60 acres, a portion of ± 576 acres, for the purpose of a Boat and Recreational Vehicle Storage area, concurrent with a rezone request to RPD, Residential Planned Unit Development District.

(ORDINANCE #04-12-2007)

NOW, THEREFORE BE IT ORDAINED that the aforementioned parcel(s) of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 15, Parcel # 39 (Deed Book 815, Page 1583); a portion of Tax Map # 30, Parcel # 46 (Deed Book 874, Page 142); Tax

Map # 30, Parcel # 17 (Deed Book 874, Page 142; Plat Book 856, Page 69); Tax Map # 30, Parcel # 20 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 47 (Deed Book 874, Page 142); Tax Map # 30, Parcel #60 (Deed Book 874, Page 142; Plat Book 611, Page 865) be granted the request to obtain a Special Use Permit for the purpose of a Boat and Recreational Vehicle Storage Area to serve LakeWatch Plantation Spa and Resort whereby the Board of Supervisors finds that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accordance with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

Conditions for Case # U 07-10-04, Edward C. Park, III/LakeWatch Plantation Spa and Resort:

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan for LakeWatch Plantation Spa and Resort, dated June 1, 2007 and last revised October 23, 2007, and prepared by Edward C. Park, III and others (Job No. 21-04).
2. The boat, trailer, and recreational vehicle storage lot shall be located so as to be screened from the view of adjoining property owners outside the development.
3. No buildings shall be allowed within the boat, trailer and recreational vehicle storage lot.
4. The minimum surface treatment for the boat, trailer and recreational vehicle storage lot shall be a blotted seal coat.
5. A six (6) foot high chain link fence with black or dark green vinyl coating with an electronic gate shall be installed around the storage are for security purposes. Screening shall be installed in those areas where the existing natural vegetation does not adequately screen the storage lot from adjoining properties. Screening shall consist of a minimum of a three (3) foot high berm on all sides of the storage area outside of the fence. This berm shall have trees planted along the top of the berm. Trees shall consist of two (2) staggered rows of evergreen trees with ten (10) foot spacing. Trees shall be a minimum height of six (6) feet at time of planting.
6. Vehicle maintenance shall be prohibited in the boat, trailer, and recreational vehicle storage lot except for minor repairs that would be necessary to enable it to be transported to a repair facility.
7. Valid tags with current decals shall be required for all vehicles stored in the boat, trailer, and recreational vehicle storage lot.
8. Signage shall be limited to a single monument style sign not to exceed thirty-two (32) square feet in area and eight (8) feet in height. Except for no trespassing signs (maximum size of one (1) square foot), no additional signage shall be placed on the fence.
9. All utilities shall be located underground.
10. Use of the storage facility shall be limited to residents and visitors of LakeWatch Plantation Spa and Resort.

MOTION BY: Leland Mitchell
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Wagner, Quinn & Angell
NAYS: Hurt, Poindexter & Johnson

THE MOTION PASSES WITH A 4-3 VOTE
****

- **D. PETITION** of **Edward C. Park, III, as Petitioner and Owner,** requesting a Special Use Permit for property currently zoned A-1, Agricultural District, with possible conditions, a portion of ± 605 acres, for the purpose of extending the service area of the central sanitary sewer system and offsite mass drainfield to support the development of LakeWatch Plantation Spa and Resort.

(ORDINANCE #05-12-2007)

NOW, THEREFORE BE IT ORDAINED that the aforementioned parcel(s) of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 15, Parcel # 39 (Deed Book 815, Page 1583); Tax Map # 30, Parcel # 17 (Deed Book 874, Page 142; Plat Book 856, Page 69); Tax Map # 30, Parcel # 19.1 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 20 (Deed Book 874, Page 142); Tax Map # 30, 46 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 47 (Deed Book 874, Page 142); Tax Map # 30, Parcel #60 (Deed Book 874, Page 142;

Plat Book 611, Page 865) and existing treatment plant on Tax Map # 15, Parcel # 42 (Deed Book 815, Page 1583) be granted the request to obtain a Special Use Permit for the purpose of extending the service area of the central sanitary sewer system and offsite mass drainfield to support the development of LakeWatch Plantation Spa and Resort whereby the Board of Supervisors finds that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accordance with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

Conditions for Case # U 07-10-05, Edward C. Park, III/LakeWatch Plantation Spa and Resort:

1. The property shall be developed in substantial conformance with the Rezoning and Concept Plan for LakeWatch Plantation Spa and Resort, dated June 1, 2007, and last revised October 23, 2007, and prepared by Edward C. Park, III and others (Job No 21-04).
2. The design of any wastewater treatment facility or mass drainfield shall comply with all of the requirements as found in the Special Use Permit Standard Guidelines for Subsurface Wastewater Disposal Systems as adopted by the Board of Supervisors of Franklin County, adopted July 18, 2006.
3. A twenty (20) foot wide vegetative buffer shall remain along Route 951.
4. The proposed sewer system and associated drainfields shall be constructed in general conformity with the concept plan prepared by ACS Design and dated March 11, 2005.
5. This special use permit includes Tax Parcels 15-39, 15-40, and 15-42 (LakeWatch Plantation Rural Village center), pursuant to Final Order Case # U 05-04-03, Tax Parcel 15-47.1 (sixteen (16) waterfront lots); pursuant to Final Order Case # UA 06-04-02, Tax Parcel 15.2-8 (0.608 acre, Lot A, Aubon Water Company); pursuant to Final Order Case # UA 07-06-01, and may be extended to include sewage generation from May # 30-17, # 30-19.1, # 30-20, # 30-46, # 30-47, and # 30-60; and portion of # 15-39, consisting of ± 576 acres, LakeWatch Plantation Spa and Resort rezone request and ± 29 acres remaining A-1.
6. Any future uses on the existing 29 acres, A-1 parcel shall be subject to an additional special use permit request.

MOTION BY: Leland Mitchell
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Wagner, Quinn & Angell
NAYS: Hurt, Poindexter & Johnson

THE MOTION PASSES WITH A 4-3 VOTE
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- **E. PETITION** of **Edward C. Park, III, as Petitioner and Owner,** requesting a Special Use Permit for property currently zoned A-1, Agricultural District, with possible conditions, consisting of **±** 2.107 acres for the physical plant; ± 150 to 200 acres for additional drainfield area; a portion of ± 605 acres, for the purpose of locating and establishing additional offsite mass drainfields to support existing central sewerage system of LakeWatch Utility Company.

(ORDINANCE #06-12-2007)

NOW, THEREFORE BE IT ORDAINED that the aforementioned parcel(s) of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 15, Parcel # 39 (Deed Book 815, Page 1583); Tax Map # 30, Parcel # 17 (Deed Book 874, Page 142; Plat Book 856, Page 69); Tax Map # 30, Parcel # 19.1 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 20 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 46 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 47 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 60 (Deed Book 874, Page 142; Plat Book 611, Page 865) and existing treatment plant on Tax Map # 15, Parcel # 42 (Deed Book 815, Page 1583) be granted the request to obtain a Special Use Permit for the purpose of extending the service area of the central sanitary sewer system and offsite mass drainfield to support the development of LakeWatch Plantation Spa and Resort whereby the Board of Supervisors finds that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accordance with the requirements of Section

25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

Conditions for Case # U 07-10-06, Edward C. Park, III/LakeWatch Plantation Spa and Resort:

1. The property shall be developed in substantial conformance with the Rezoning and Concept Plan for LakeWatch Plantation Spa and Resort, dated June 1, 2007 and last revised October 23, 2007, and prepared by Edward C. Park, III and others (Job No 21-04).
2. The design of any wastewater treatment facility or mass drainfield shall comply with all of the requirements as found in the Special Use Permit Standard Guidelines for Subsurface Wastewater Disposal Systems as adopted by the Board of Supervisors of Franklin County July 18, 2006.
3. This special use permit includes Tax Parcel's **#** 15-39, # 15-40, # 15-41, and # 15-42 (LakeWatch Plantation Rural Village Center), pursuant to Final Order Case # U 05-04-03; Tax Parcel # 15-47.1 (sixteen (16) waterfront lots), pursuant to Final Order # UA 06-04-02; Tax Parcel # 15.2-8 (0.608 acre, Lot 9-A, Aubon Water Company) pursuant to Final Order Case # UA 07-06-01; Tax Map # 30-17, # 30-19.1, # 30-20, # 30-46, # 30-47, and # 30-60; and portion of Tax Map # 15-39 (consisting of ± 576 acres, LakeWatch Plantation Spa and Resort rezone request and ± 29 acres remaining A-1).
4. Any future uses on the existing 29 acre A-1 parcel shall be subject to an additional special use permit request.

MOTION BY: Leland Mitchell
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Wagner, Quinn & Angell
NAYS: Hurt, Poindexter & Johnson

THE MOTION PASSES WITH A 4-3 VOTE
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- **F. PETITION of Edward C. Park, III, as Petitioner and Owner**, requesting a Special Use Permit for property currently zoned PCD, Planned Commercial District, with possible conditions, consisting of ± 2.107 acres, with all appurtenant drainfields, easements and equipment, for the purpose of requesting a reduction in the offsite drainfield reserve area from 100% reserve to the current standard of 50% reserve.

(ORDINANCE #07-12-2007)

NOW, THEREFORE BE IT ORDAINED that the aforementioned parcel(s) of land, which is contained in the Franklin County Tax Records as physical plant located on Tax Map # 15, Parcel # 42 (Deed Book 815, Page 1583); drainfields on a portion of Tax Map # 15, Parcel # 39 (Deed Book 815, Page 1583); Tax Map # 15, Parcel # 40 (Deed Book 874, Page 142); Tax Map # 15, Parcel # 41 (Deed Book 874, Page 142); Tax Map # 15, Parcel # 42 (Deed Book 815, Page 1583) be granted the request to obtain a Special Use Permit for the purpose of requesting a reduction in the offsite drainfield reserve area from 100% reserve to the current standard of 50% reserve whereby the Board of Supervisors finds that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accordance with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

Conditions for Case # U 07-10-07, Edward C. Park, III/LakeWatch Plantation Spa and Resort:

1. The property shall be developed in substantial conformance with the Rezoning and Concept Plan for LakeWatch Plantation Spa and Resort, dated June 1, 2007, and last revised October 23, 2007, prepared by Edward C. Park, III and others (Job No 21-04).
2. The design of any wastewater treatment facility or mass drainfield shall comply with all of the requirements as found in the Special Use Permit Standard Guidelines for Subsurface Wastewater Disposal Systems as adopted by the Board of Supervisors of Franklin County on July 18, 2006.
3. A twenty (20) foot-wide vegetative buffer shall remain along Route 951.
4. The proposed sewer system and associated drainfields shall be constructed in general conformity with the concept plan prepared by ACS Design and dated March 11, 2005.

MOTION BY: Leland Mitchell
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Wagner, Quinn & Angell
NAYS: Hurt, Poindexter & Johnson
THE MOTION PASSES WITH A 4-3 VOTE
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- **G. PETITION** of **Edward C. Park, III, as Petitioner and Owner,** requesting a Special Use Permit for property currently zoned PCD, Planned Commercial District, with possible conditions, for the purpose of increasing the capacity of the existing sewerage treatment plant facility from 150,000 gallons by 300,000 gallons for a total of 450,000 gallons. The physical plant for this project is located on a ± 2.107 acres.

(ORDINANCE #08-12-2007)

NOW, THEREFORE BE IT ORDAINED that the aforementioned parcel(s) of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 15, Parcel # 42 (Deed Book 815, Page 1583); a portion of Tax Map # 15, Parcel # 39 (Deed Book 815, Page 1583); Tax Map # 30, Parcel # 17 (Deed Book 874, Page 142; Plat Book 856, Page 69); Tax Map # 30, Parcel # 19.1 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 20 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 46 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 47 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 60 (Deed Book 874, Page 142; Plat Book 611, Page 865) be granted the request to obtain a Special Use Permit for the purpose of increasing the capacity of the existing sewerage treatment plant facility from 150,000 gallons by 300,000 gallons for a total of 450,000 gallons whereby the Board of Supervisors finds that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accordance with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

Conditions for Case # U 07-10-08, Edward C. Park, III/LakeWatch Plantation Spa and Resort:

1. The property shall be developed in substantial conformance with the Rezoning and Concept Plan for LakeWatch Plantation Spa and Resort, dated June 1, 2007, last revised October 23, 2007, prepared by Edward C. Park, III and others (Job No 21-04).
2. The design of any wastewater treatment facility or mass drainfield shall comply will all of the requirements as found in the Special Use Permit Standard Guidelines for Subsurface Wastewater Disposal Systems as adopted by the Board of Supervisors of Franklin County.
3. A twenty (20) foot-wide vegetative buffer shall remain along Route 951.
4. The proposed sewer system and associated drainfields shall be constructed in general conformity with the concept plan prepared by ACS Design and dated March 11, 2005.

MOTION BY: Leland Mitchell
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Wagner, Quinn & Angell
NAYS: Hurt, Poindexter & Johnson
THE MOTION PASSES WITH A 4-3 VOTE
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- **H. PETITION** of **Edward C. Park, III, as Petitioner and Owner,** requesting a Special Use Permit for property currently zoned A-1, Agricultural District, with possible conditions, and deviations as proposed on the amended concept plan sheet 3 of 3 revised October 23, 2007, for the purpose of recreational accessory uses, community center building, and other neighborhood commercial uses.

(ORDINANCE #09-12-2007)

NOW, THEREFORE BE IT ORDAINED that the aforementioned parcel(s) of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 15, Parcel # 39 (Deed Book 815, Page 1583); Tax Map # 30, Parcel # 46 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 17 (Deed Book 874, Page 142; Plat Book 856, Page 69); Tax Map # 30, Parcel # 20 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 47 (Deed Book 874, Page 142); Tax Map # 30, Parcel # 60 (Deed Book 874, Page 142; Plat Book 611, Page 865) be granted the request to obtain a Special Use Permit for the purpose of recreational accessory uses, community

center building, and other neighborhood commercial uses for LakeWatch Plantation Spa and Resort whereby the Board of Supervisors finds that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accordance with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

Conditions for Case # U 07-10-09, Edward C. Park, III/LakeWatch Plantation Spa and Resort:

1. The property shall be developed in substantial conformance with the rezoning and Special Use Permit Requests Concept Plan for LakeWatch Plantation Spa and Resort dated June 1, 2007, last revised October 23, 2007, prepared by Edward C. Park, III and others.
2. The maximum number of motorized watercraft in the boat storage facility shall be limited to fifty (50). Use of watercraft shall be restricted to the residents or short term tourist rental guests of the development.
3. All deviations, proffers, and special use permits shall be provided on the cover sheet for all submitted site plan and erosion and sediment control plans.
4. Neighborhood commercial uses on the property shall be limited to no more than 12,860 square feet of building area.

Use Descriptions and Deviations:

1. 8,000 square feet of condominium building (#1) to be used as restaurant and lounge (open to general public) and facilities management office (including boat access reservations).
2. 2,000 square feet spa facility (#2) open to general public.
3. 1,400 square feet of the 20,000 square foot golf club house building (#6) for any pro shop use that may not be considered as a lawful accessory use by right.
4. 1,400 square feet wake lake pro shop building (#14) for any pro shop use that may not be considered as a lawful accessory use by right.
5. Neighborhood commercial square footage allowed: 10 x 1266 = 12,860 square feet
   No square foot deviation required
   Total covered area allowed @ 3%: 17.28 acres
   Total covered area proposed: ± 0.40 acres (0.06%)

Size/Height Deviations:

1. Five (5) foot deviation from 75 foot width, with public water and sewer, to 70 foot width for Pond View patio homes, Wake Lake Cottages, and Mountain Village Villas.
2. 45 foot deviation from 75 foot width, with public water and sewer, to 30 foot width and 5,000 square foot area deviation from 7,500 square feet to 2,500 square feet for Lakeview Townhomes.

Design Guidelines Deviations:

1. Deviation to Section 16.1-10 (1) (b) to allow boundary survey information to be included with site plan submittals.
2. Deviation to Section 16.1-10 (1) (m) to allow existing operations plan for the sewage treatment plant, previously approved by Franklin County and Virginia Department of Health, to be incorporated by reference.
3. Deviation to Section 25-310 (1) to allow maintenance agreement for private streets to be included with site plan submittals.
4. Deviation to Section 25-144 (b) to allow fifty percent (50%) reserve areas pursuant to current special use permit for subsurface disposal systems guidelines.

MOTION BY: Leland Mitchell
SECONDED BY: Hubert Quinn
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Wagner, Quinn & Angell
NAYS: Hurt, Poindexter & Johnson

THE MOTION PASSES WITH A 4-3 VOTE.
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Chairman Angell recessed the meeting for the previously advertised public hearings

1. **PETITION** of **Michael Wayne Hanks and Suzanne H. Hanks, as Petitioners and Owners,** requesting a Special Use Permit for property currently zoned RE, Residential Estates District, with possible conditions, consisting of ± 1.00 acres, a portion of ± 15.75 acres, for the purpose of a second dwelling on the property for an immediate family member. The future land use map of the adopted 2025 Comprehensive Plan for Franklin County designates the area as Agriculture Forestry/Rural Residential. The property is located off of State Route 680, Edwardsville Road, in the Boone Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 11, Parcel # 75. (Case # U 07-11-01)

Mr. Hanks presented his petition.

Charles Jordon, stated there seems to be enough land. Yet it is not clear how the dimensional requirements will be met if the parcel is eventually subdivided. Before approval is granted, the applicants should provide a plan showing how a subdivision might be platted, meeting zoning and VDOT regulations. Having that plan on file will protect Franklin County from being forced to accept an awkward or inferior lot layout when all or part of the land changes hands in the future. If the location of the house will not allow a conforming subdivision, then move it to a different location on the parcel.

(ORDINANCE #10-12-2007)

NOW, THEREFORE BE IT ORDAINED that the aforementioned parcel(s) of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 11, Parcel # 75, (Deed Book # 317, Page # 691) be granted the request to obtain a Special Use Permit for the purpose of a second dwelling on the property for an immediate family member, for property currently zoned RE, Residential Estates District whereby the Board of Supervisors finds that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accordance with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

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Conditions for Case # U 07-11-01, Michael Wayne Hanks and Suzanne H. Hanks:

1. The applicant will be the sole owner of any construction on this property.
2. Construction will be a single family dwelling for use by the applicant's daughter.
3. Once the existing home is no longer needed for the applicant's immediate family, the home shall be removed from the property, or the applicant shall subdivide its property to create an additional tract for the house from the parent tract in accordance with all provisions of the Subdivision Ordinance.

MOTION BY: David Hurt
SECONDED BY: Leland Mitchell
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Wagner, Quinn & Angell
NAYS: Johnson & Poindexter

THE MOTION PASSES WITH A 5-2 VOTE.

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2. PETITION of **Ayers Properties, LLC, as Petitioners; Owners, Helen Saul Flora and Others,** requesting to rezone property consisting of a total of ± 7.94 acres, a portion of ± 38.24 acres, currently zoned A-1, Agricultural District, to B-2, Business District General, with possible proffers, for the purpose of retail sales of trailers with sales office, concurrent with a Special Use Permit for outdoor display. The future land use map of the adopted 2025 Comprehensive Plan for Franklin County designates the area as Low Density Residential. The property is located on the southeast corner of the intersection of State Route 220 North and Route 691, Taylors Road, in the Boone Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 37, Parcel # 40. (Case # R 07-11-01)

Clyde Perdue, Attorney, presented the petition for the Ayers Properties.

THE FOLLOWING PEOPLE SPOKE DURING THE PUBLIC HEARING/AYERS PETITION:

Jim Wood, stated he had a concern for traffic on Taylor Road and the Boones Mill Elementary School.

Carol DuVall, only use the property for the sale of trailers and how to make it a safer intersection.

David Schmidt, expressed concern over the traffic flow at the intersection and also with the possible locating of a central fire/rescue station within the next 10 years in this area and the scenic view for neighbors. Mr. Schmidt stated he lived in a very quiet neighborhood and would like to keep it as is. The septic system is a deep concern.

Lex Gibson, stated the property did not perk well and urged the Board to support the project.

Terronez Moore spoke in favor of the proposed project.
Faye Sink, stated the future land use map addresses the scenic area as a low density residential area. Ms. Sink asked, does Franklin County need this business in this area or somewhere else.

Charles Jordon, advised the Ayers Properties seeks permission for trailer sales on 38.24 acres at the corner of Taylors Road (Route 691) and Virgil H. Goode Highway (US 220).

This area is hilly with substandard drainage and is designated on the comprehensive plan for residential use. Please follow the plan and direct this business a mile to the south, where there is plenty of vacant land between existing businesses.

While it is true that there is a repair garage across the highway, that type of service business is local in nature. Every neighborhood needs a mechanic nearby, for convenience and emergency service. Most of us will visit our mechanic more than once a year, perhaps on short notice, so we prefer a short trip. The typical person won't visit a trailer dealer nearly as often, and won't mind driving an extra mile or two to get there. This business will have to draw customers from at least a 30-mile radius to serve the Roanoke market. A location within the existing commercial strip near Wirtz can serve the same market.

The ground floor of the main building is shown at 28 feet above the intersection, making it a prominent sight from the road and residences in the area. Below the sales office would be outdoor display of trailers. The nearest existing business, the repair garage, is below the intersection, screened by vegetation, and nearly invisible from any distance. This concept plan represents a significant visual change to the area.

The proposed driveway into the lot would meet Taylors Road (Route 691) at the inside of a curve and at a blind low spot coming off a convex hill. In other words, westbound drivers find their view of the low spot in the road blocked by the hill -- almost until they reach the bottom. A small car stopped to turn left into the business would be difficult to see and avoid. As dangerous as this situation is for motorists, the elementary school up the hill may also bring children into the area on foot or on bicycles.

Customers drive out of a dealership pulling new trailers for the first time. Some will be unfamiliar with the turning radius and braking characteristics of their new trailers, or perhaps any trailer. Even when drivers can see oncoming traffic, negotiating a turn with a trailer can be difficult. When the view is blocked by a hill, we can anticipate a high failure rate. If the intersection is constructed as planned, Taylors Road (Route 691) will have to be regraded to increase the sight distance. Who will pay for reconstruction of the road? Better yet, build on more suitable terrain.

Cary Garst, felt the Board should be careful and listen to the PTO with traffic this close to the school and to consider with what may happen down the road with long term expansion. Mr. Garst also requested the Board to consider the water line they are considering to bring from Roanoke to the Plateau Plaza for retail businesses for a tax base, then they should consider the type of business they would be bringing through this area. Also, this particular business would not create a lot of jobs.

Shirley Moore, stated he has no problem with the proposed business.

Lewis Saul, stated he had no intention of selling his property for a future fire/rescue building. Mr. Saul also stated there was a small creek running under 220 and it was not a holding pond.

(ORDINANCE #11-12-2007)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to deny the aforementioned rezoning as presented.

MOTION BY: David Hurt
SECONDED BY: Russ Johnson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Hurt, & Johnson
NAYS: Mitchell, Poindexter, Wagner, Quinn & Angell

THE MOTION FAILS WITH A 2-5 VOTE.

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(ORDINANCE #12-12-2007)

NOW, THEREFORE BE IT ORDAINED that the aforementioned parcel of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 37, Parcel # 40 (Deed Book 365, Page 138) be granted the request to rezone property currently A-1, Agricultural District, to B-2, Business District General, with proffers, for the purpose of retail sales of trailers with sales office, concurrent with a Special Use Permit for Outdoor display, consisting of ± 7.94 acres whereby the Board of Supervisors finds the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

Proffers for Case # R 07-11-01, Ayers Properties, LLC:

1. Property will be developed in substantial conformance with the Concept Plan prepared by Hughes Associates Architects, dated September 28, 2007.
2. Applicant or assigns shall record a plat of the subject property and establish a right of way and easement accessing the remaining acreage, containing 30.03 acres (tax map/parcel # 37-40), and provide that no other direct access to the 30.03 acres parcel be allowed excepting any off-conveyance made to an adjoining property owner or other purchaser may access such off-conveyance by access over an adjoining landowner.
3. Construction of the office/business building on the property shall be in general conformance with the architectural concept on file with the Franklin County Planning Department.
4. Applicant agrees to “tap on” to County water when the same become available.
5. All trailers shall be located a minimum of Fifteen (15) feet from the established line for the rezoned parcel of 7.94 acres.
6. All trailers stored on site shall be on operable condition unless stored within an enclosed building.
7. Any proposed lighting shall be shielded and directed downward. Lighting plans shall meet current County Code and be filed with the County with the site plan.
8. Usage of the property shall be limited to the sale and display of trailer and accessory equipment and for professional offices associated with said business.

MOTION BY: Hubert Quinn
SECONDED BY: Leland Mitchell
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Poindexter, Wagner, Quinn & Angell
NAYS: Hurt & Johnson

MOTION PASSES WITH A 5-2 VOTE.

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3. **PETITION** of **Ayers Properties, LLC, as Petitioners; Owners, Helen Saul Flora and Others,** requesting a Special Use Permit for property currently zoned A-1, Agricultural District, with possible conditions, consisting of ± 7.94 acres, a portion of ± 38.24 acres, for the purpose of outdoor displays of retail property for sale, concurrent with a rezone request from A-1 Agricultural District to B-2 Business District General. The future land use map of the adopted 2025 Comprehensive Plan for Franklin County designates the area as Low Density Residential. The property is located on the southeast corner of the intersection of State Route 220 North and Route 691, Taylors Road, in the Boone Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 37, Parcel # 40. (Case # U 07-11-02)

(ORDINANCE #13-12-2007)

NOW, THEREFORE BE IT ORDAINED that the aforementioned parcel(s) of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 37, Parcel # 40, (Deed Book # 365, Page # 138) be granted the request to obtain a Special Use Permit for the purpose of outdoor displays of retail property for sale, concurrent with a rezone request of ± 7.94 acres to B-2, Business District General whereby the Board of Supervisors finds that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accordance with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

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Conditions for Case # U 07-11-02, Ayers Properties, LLC:

1. All trailers shall be located a minimum of fifteen (15) feet from any property line.
2. All trailers stored on site shall be in operable condition unless within an enclosed building.
3. Any proposed lighting of outdoor display shall be shielded and directed downward. Lighting plans shall be reviewed and approved by the Zoning Administrator prior to installation of lighting.
4. The hours of operation will be 9:00am to 9:00pm for the general public.

MOTION BY: Charles Wagner
SECONDED BY: Leland Mitchell
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Poindexter, Wagner, Quinn & Angell
NAYS: Hurt & Johnson

THE MOTION PASSED WITH A 5-2 VOTE.

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NOTICE OF PUBLIC HEARING

Notice is hereby given that Franklin County, Virginia (the "County") will conduct a public hearing in accordance with Section 15.2-1800 of the Code of Virginia of 1950, as amended, regarding the proposed execution and delivery by the County of one or more lease agreements, leasehold deeds of trust, and related documents which would encumber and/or mortgage certain real property of the County including an approximately **0.64** acre site owned by the County and located at 355 Franklin Street, Rocky Mount, Virginia which is currently used as a public library facility. The actions are being taken to facilitate the County's ability to finance various capital improvements to public facilities, and specifically costs associated with the acquisition, construction and equipping of a new Government Center.

The public hearing, which may be continued or adjourned, will be held at ***6:00 P.M. on December 18, 2007***, in the Board of Supervisor's Meeting Room located in the County Courthouse, 70 South Main Street, Rocky Mount, Virginia 24151.

Karie Garst asked for clarification on the County placing the public library as equity for the loan in order to finance improvements to the government center and the Windy Gap School Elementary School.

(RESOLUTION #10-12-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the following resolution as presented:

RESOLUTION AUTHORIZING THE APPROVAL OF $4,897,000
PUBLIC FACILITY LEASE REVENUE OBLIGATION (WINDY GAP PROJECT)
SERIES 2007A AND THE
$4,253,000 PUBLIC FACILITY LEASE
REVENUE OBLIGATION (GOVERNMENT CENTER PROJECT) SERIES 2007B
OF FRANKLIN COUNTY, VIRGINIA

WHEREAS, on October 16, 2007, Davenport & Company LLC (the "Financial Advisor") made a presentation to the Board of Supervisors of Franklin County, Virginia (the "Board") with regard to capital funding strategies for a variety of projects.

WHEREAS, the Financial Advisor was directed to solicit proposals from financial institutions with regard to certain capital needs of Franklin County, Virginia (the "County) and a request for proposals ("RFP") was issued on November 5, 2007.

WHEREAS, bids were submitted by three financial institutions on or before November 15, 2007.

WHEREAS, such proposals were presented to the Board at the meeting on November 20, 2007, and the Board authorized the County and its advisors to engage in further discussions with Branch Banking and Trust Company ("BB&T") to structure a financing arrangement for certain capital expenditure needs that were discussed at such meeting, and a public hearing was scheduled for December 18, 2007 with regard to the possible lease of the County's public library facility (the "Library") to BB&T in connection with the proposed financing arrangement.

WHEREAS, the Board has determined that is necessary and expedient to structure a lease/leaseback financing arrangement with the Franklin County School Board (the "School Board") and BB&T to obtain additional funding to finance a portion of the costs associated with the acquisition, construction, improving and equipping of a new elementary school in the County generally referred to as "Windy Gap Elementary School," together with related costs and expenses (the "Windy Gap Project").

WHEREAS, a Lease Agreement between the School Board, as lessor, and the County, as lessee, dated as of December 1, 2007 has been presented to this meeting whereby the County agrees to lease the Windy Gap Project from and pay rent to the School Board (the "School Lease Agreement").

WHEREAS, a School Lease between the County, as lessor, and the School Board, as lessee, dated as of December 1, 2007 (the "School Lease") has been presented to the Board at this meeting whereby the Windy Gap Project is leased back to the School Board and both the School Lease Agreement and the School Lease have previously been approved by the School Board at its meeting on December 10, 2007.

WHEREAS, the County intends to issue its $4,897,000 Public Facility Lease Revenue Obligation (Windy Gap Project) Series 2007A (the "Series 2007A Obligation") in an amount equal to the payment obligation payable by the County to the School Board under the School Lease Agreement and BB&T intends to purchase the Series 2007A Obligation from the County in accordance with a Public Facility Project Financing Agreement dated as of December 1, 2007 between the County and BB&T (the "Financing Agreement"), the form of which has been presented to this meeting.

WHEREAS, in consideration of the purchase of the Series 2007A Obligation by BB&T, pursuant to an Assignment Agreement dated as of December 1, 2007 between the County, the School Board and BB&T (the "Assignment") the County and the School Board assigned certain rights under the School Lease Agreement and the School Lease to BB&T.

WHEREAS, a public hearing has been held in accordance with Section 15.2-1800 of the Code of Virginia of 1950, as amended regarding the proposed lease of the Library to BB&T to facilitate a financing arrangement whereby the County could obtain financing for a portion of the costs associated with the acquisition, construction and equipping of a new Government Center facility (the "Government Center Project') from BB&T pursuant to the Financing Agreement.

WHEREAS, the financing for the Government Center Project is to be structured as a lease/leaseback arrangement between the County and BB&T, pursuant to a Library Lease dated as of December 1, 2007 between the County as lessor and BB&T as lessee (the "Library Lease"), and a Library Lease Agreement dated as of December 1, 2007 between BB&T as lessor and the County as lessee, whereby the County is obligated to pay rent to BB&T (the "Library Lease Agreement"), the form of these documents has been presented to the Board at this meeting.

WHEREAS, the County now intends to issue its $4,253,000 Public Facility Lease Revenue Obligation (Government Center Project) Series 2007B (the "Series 2007B Obligation") in an amount equal to the payment obligation payable by the County to BB&T under the Library Lease Agreement, and BB&T intends to purchase the Series 2007B Obligation from the County in accordance with the Financing Agreement and the County intends to secure the performance

of its obligations under the Library Lease Agreement pursuant to a Leasehold Deed of Trust, Security Agreement and Assignment of Leases and Rent, dated as of December 1, 2007 (the "Leasehold Deed of Trust").

WHEREAS, the proceeds from the sale of the Series 2007A Obligation will be made available to the School Board and applied to the Windy Gap Project and the proceeds from the Series 2007B Obligation will be made available to the County and applied to the Government Center Project.

WHEREAS, the financing of the Windy Gap Project and the Government Center Project (the Windy Gap Project and the Government Center Project may be collectively hereafter referred to as the "Project") will be undertaken in accordance with the following documents, the form of which has been presented at this meeting (the "Financing Documents").

(a) The School Lease Agreement;
(b) The School Lease;
(c) The $4,897,000 Lease Revenue Obligation (Windy Gap Project) Series 2007A
(d) The Assignment Agreement;
(e) The Library Lease;
(f) The Library Lease Agreement;
(g) The Leasehold Deed of Trust;
(h) The $4,253,000 Lease Revenue Obligation (Government Center Project) Series 2007B; and
(i) The Financing Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, VIRGINIA:

1. The Board hereby authorizes the County Administrator, with the advice and assistance of the Financial Advisor, to accept on behalf of the County the proposal submitted by BB&T to finance the Project, a copy of which has been made available to the Board, together with such amendments, modifications, supplements and extensions thereto as may be acceptable to the County Administrator; provided, however, that (i) the aggregate principal amount financed shall not exceed $9,150,000, (ii) the interest rate on the Series 2007A Obligation and the Series 2007B Obligation shall not exceed 3.91% per annum, (iii) the final payment date shall not extend beyond February 1, 2023, (iv) the rental payments due with respect to the lease financing obligations shall consist of semi-annual payments (together with any other costs and expenses payable in accordance with the Financing Documents) until the maturity date thereof, with established principal reduction payments as agreed upon with the Bank, and (v) the principal amount of the Series 2007A Obligation and the Series 2007B Obligation shall be subject to prepayment in whole on a scheduled payment date with payment of a one percent (1%) premium on the principal component of the rental amount prepaid. The Financing Documents are being structured to accomplish the financing of the Project for the benefit of the County and are hereby approved, together with the execution and delivery or approval of such Financing Documents along with any other forms, instruments, certificates and related documents.

2. The financing of the Project, and the execution, delivery, performance and/or approval by the County of the Financing Documents, with such completions, omissions, insertions and changes not inconsistent with this Resolution and otherwise in form and substance approved by the County Administrator or Chairman of the Board, such approval to be evidenced by the execution and delivery of such Financing Documents, are hereby authorized, directed and approved. The County Administrator and the Chairman of the Board are hereby authorized to execute and deliver the Financing Documents to which the County is a party, and the County Administrator, the Chairman of the Board and all other authorized representatives of the County are hereby authorized and directed to execute and deliver on behalf of the County such other instruments, documents or certificates, including but not limited to, a general certificate of the County, an essentiality certificate of the County, Form 8038-G, and a tax and non-arbitrage certificate, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Financing Documents, all in form and substance as shall be approved by the County Administrator or the Chairman of the Board, such approval being evidenced by the execution and delivery of the Financing Documents. Any authorization herein to execute a

document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

3. The County Administrator and such officers, employees and agents of the County as he may designate, are authorized and directed to take such further actions and to execute and deliver any and all other instruments, certificates and other documents required to carry out the purposes of this Resolution. All prior acts of the County Administrator or the Chairman of the Board and other officers, agents or representatives of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of the completion of the Project and the plan of financing for the Project are hereby approved and ratified.

4. The County hereby designates the Series 2007A Obligation and the Series 2007B Obligation as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code. The County (together with its subordinate entities) does not reasonably anticipate issuing more than $10,000,000 in bonds, notes, leases or other obligations of the County (excluding private activity bonds which are not qualified 501(c)(3) bonds under Section 145 of the Code) during calendar year 2007, and the County (together with its subordinate entities) has not and will not designate more than $10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code during such calendar year.

5. The Board, while recognizing that it is not empowered to make any binding commitment beyond the current fiscal year with respect to its obligations under the Financing Documents, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to pay the rental obligations and any other amounts payable by the County under the Financing Documents, and hereby recommends that future Boards do likewise.

6. The County covenants that it shall not take or omit to take any action the taking or omission of which shall cause the Series 2007A Obligation or the Series 2007B Obligation to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations thereunder, or otherwise cause interest on the Series 2007A Obligation or the Series 2007B Obligation to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States of America any part of the earnings derived from the investment of the gross proceeds of the Series 2007A Obligation or the Series 2007B Obligation. The County shall pay from its legally available general funds any amount required to be rebated to the United States of America pursuant to the Code.

7. All costs and expenses in connection with the undertaking and financing of the Project shall be paid from the proceeds of the Series 2007A Obligation or the Series 2007B Obligation or legally available funds of the County.

8. The Board hereby appoints LeClairRyan, A Professional Corporation, as bond counsel in connection with the financing of the Project.

9. This resolution shall take effect immediately.

MOTION BY: Leland Mitchell
SECONDED BY: David Hurt
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Wagner, Quinn & Angell
NAYS: Poindexter & Johnson

THE MOTION PASSES WITH A 5-2 VOTE.

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Chairman Angell recessed the meeting until Thursday at 6:00 P.M. at Ippy's for dinner honoring Hubert Quinn, Blue Ridge District Supervisor and Charles Poindexter, Union Hall District Supervisor.

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W. WAYNE ANGELL	RICHARD E. HUFF, II
CHAIRMAN	COUNTY ADMINISTRATOR