

**AGENDA**  
**FRANKLIN COUNTY BOARD OF SUPERVISORS**  
**TUESDAY, APRIL 15, 2014**

- 1:30 P.M. Call To Order, Chairman David Cundiff
- 1:31 Invocation, Supervisor Bobby Thompson
- 1:32 Pledge of Allegiance, Supervisor Leland Mitchell
- 1:33 Public Comment
- Phyllis Dunnings - Diamond Avenue
- 1:36 CONSENT AGENDA (REQUIRES ACTION)
- REF: 1. Approval of Accounts Payable Listing, Appropriations, and Minutes for March 18, 2014
2. National Cooperative Extension Centennial Celebration Week **(See Attachment #2)**
3. National Telecommunicator's Week Resolution **(See Attachment #4)**
4. Authorization to Advertise for Public Hearing for VDOT Six-Year Secondary Road Plan **(See Attachment #8)**
5. Authorization to Release RFP for County Audit **(See Attachment #6)**
6. Authorization to Release RFP for Bank Services **(See Attachment #9)**
7. Approval for 2014 Rooster Walk Festival Special Entertainment Permit **(See Attachment #5)**
8. Declaration of Surplus Property **(See Attachment #7)**
9. Rocky Mount Rotary Club Grant/Parks & Recreation Fitness Trail Partnership **(See Attachment #11)**
10. 11th Anniversary of the Southwest Virginia Antique Farm Days Resolution **(See Attachment #1)**
11. Authorization to Purchase Fire Marshall Vehicle **(See Attachment #12)**
- 1:40 Vincent Copenhaver, Director of Finance
- REF: 1. Monthly Finance Report **(See Report #3)**

- 1:45 Brian Rutrough, President, Southwest Virginia Antique & Power Festival, Inc.  
REF: 1. Franklin County Recreational Fields/Property Use Agreement **(See Attachment #10)**
- 1:55 Neil Holthouser, Director of Planning & Community Development  
REF: 1. Action from Public Hearing on Amending Chapter 7, Erosion & Sediment Control/Stormwater Ordinance **(See Attachment #13)**
- 2:05 Adam Ritchie, Applicant  
REF: 1. Red Truck Event Center 2014 Special Entertainment Permit Approval **(See Attachment #15)**
- 2:15 Amy Post, Wells Fargo Insurance  
REF: 1. County Health Insurance Update **(To Be Handed Out)**
- 2:50 Richard E. Huff, II, County Administrator  
REF: 1. Other Matters
- 3:00 Other Matters by Supervisors  
**Bob Camicia, Gills Creek District Supervisor**  
REF: Westlake Village Plan Update
- 3:10 Request for Closed Meeting in Accordance with 2.2-3711, a-1, Personnel, a-5, Discussion of a Prospective New Business or Industry or of Expansion of an Existing One, of the Code of Virginia, as Amended.

*Certification of Closed Meeting in Accordance with 2.2-3712 (d), of the Code of Virginia, as Amended.*

**APPOINTMENTS:**  
**(See Attachment #3)**

Recess for Dinner

- 6:00 Call To Order, Chairman David Cundiff
- 6:01 Recess for Previously Advertised Public Hearings as Follows:

**Amending Chapter 7, Erosion & Sediment** of the Franklin County Code to read Stormwater Management and Erosion and Sediment Control.

**PETITION FOR REZONE** – Petition of Howard Eugene Huff & Melinda Gail Huff, Petitioners/Owners requesting a rezone for a +/- 0.579 acre parcel (Lot 3) and a 0.476 acre parcel ( a portion of Lot 4),

from M-1, Light Industry with proffers to M-1, Light Industry, with amended proffers. The subject property is located at 1301 Old Franklin Turnpike in the Union Hall District of Franklin County; and is further identified as Tax Map # 54.2 Parcel # 13 and a portion of Tax Map # 54.2 Parcel # 14 for a total of 1.055 acres. The petitioner is now seeking to rezone with amended proffers and an amended concept plan to allow for the construction of an additional building on the property to support the existing use of automobile sales. (Case # REZO-2-14-12676) **(See Attachment #16)**

**PETITION FOR REZONE** – Petition of Donnie Montgomery, Petitioner/Homestead Creamery, Inc., Owner requesting a rezone for a +/- 12.76 acre parcel (4.56 acres of parcel # 0280011800 and 8.2 acres of parcel # 0280011402) from A-1, Agricultural to B-2, Business District General, with proffers. The subject property is located on SR 122(Booker T. Washington Highway) in the Gills Creek District of Franklin County. The petitioner is now seeking to rezone for “off-street parking” and septic drain field expansion associated with an existing milk distribution business and retail located on parcel # 0280011400. (Case # REZO-3-14-12738) **(See Attachment #17)**

**PUBLIC NOTICE  
PROPOSED LEASE OF REAL ESTATE**

In accordance with the provisions of Section 15.2-1800 of the Code of Virginia, as amended, notice is hereby given to all interested parties that the Board of Supervisors of the County of Franklin, Virginia will conduct a public hearing on the proposed lease of real estate. Property is located at 2455 Sontag Road, Rocky Mount, Virginia and consists of approximately 1.001 acre, a house with approximately 1,653 square feet of finished space, and is further identified as Franklin County Tax Map/Parcel #0830007302. **(See Attachment #14)**

***Call To Order and Action as Deemed Appropriate from the Aforementioned  
Advertised Public Hearings & Recess Thereafter:***

***Recess to the Benjamin Franklin Middle School East Auditorium for 7:00 P.M.  
Public Hearings for the Proposed FY' 2014-2015 County Budget***

***Chairman Cundiff, Call To Order and Recess for the Previously Advertised Public  
Hearings for the Proposed FY'2014-2015 County Budget***

**PUBLIC NOTICE  
FRANKLIN COUNTY, VIRGINIA  
A HEARING ON THE PROPOSED FY' 2014-2015 BUDGET**

In Accordance with Sections 15.2-2503 and 15.2-2506 of the Code of Virginia, as amended, on **Tuesday, April 15, 2014, at approximately 7:00 P.M.** or soon thereafter, the Franklin County Board of Supervisors will conduct a hearing on the proposed FY' 2014-2015 County budget at the Benjamin Franklin Middle School East Auditorium in Rocky Mount, Virginia.

On **Tuesday, April 22, 2014, at approximately 6:00 P. M.**, the Board will meet in the Franklin County Board of Supervisors Meeting Room in the Franklin County Government Center, Suite 104, Rocky Mount, Virginia to consider the adoption of the FY' 2014-2015 budget and to set the appropriate tax levies for local taxation. The following synopsis of the budget is provided for fiscal planning purposes only. No entry in the budget constitutes an obligation

on the part of the County until such funds are appropriated by the Franklin County Board of Supervisors.

**SYNOPSIS OF THE PROPOSED BUDGET FOR FISCAL YEAR FY' 2014-2015**

<u>Expenditure Function</u>	<u>Proposed Expenditures</u>	<u>Percent of Budget</u>
General and Financial Administration	\$4,195,798	3.24%
Judicial System	\$2,271,594	1.75%
Public Safety	\$14,251,880	10.99%
Public Works	\$3,651,558	2.82%
Health and Welfare	\$11,654,429	8.99%
Schools	\$82,382,004	63.55%
Recreation and Cultural	\$1,928,496	1.49%
Community Development	\$2,332,382	1.80%
Debt Service	\$2,887,432	2.23%
Non-Departmental	\$288,164	0.22%
Capital Outlay	\$3,235,501	2.50%
Utilities	\$545,326	0.42%
<b>Sub-Total</b>	<b>\$129,624,564</b>	<b>100.00%</b>
Transfers Between Funds	\$41,006,290	
<b>Total</b>	<b>\$170,630,854</b>	

Adult Education Regional Program \$893,653

<u>Revenue Function</u>	<u>Proposed Revenues</u>	<u>Percent Of Budget</u>
General Property Taxes/Other Local Taxes	\$59,025,138	45.54%
State Funds – County	\$15,580,032	12.02%
State School Funds	\$38,327,513	29.57%
Federal School Funds	\$7,496,539	5.78%
Local School Funds	\$2,999,431	2.31%
Other County Funds	\$5,410,601	4.17%
Fund Balance	\$785,310	0.61%
<b>Sub-Total</b>	<b>\$129,624,564</b>	<b>100.00%</b>
Transfers Between Funds	\$41,006,290	
<b>Total</b>	<b>\$170,630,854</b>	

Adult Education Regional Program \$893,653

**COUNTY OF FRANKLIN**  
**PUBLIC NOTICE**  
**HEARING ON SETTING OF TAX LEVIES**

In accordance with Sections 15.2-1427 and 15.2-2507 of the Code of Virginia, as amended, notice is hereby given that the Franklin County Board of Supervisors will conduct a public hearing on **Tuesday, April 15, 2014**, at approximately **7:00 P. M.** in the Benjamin Franklin Middle School East Auditorium, Rocky Mount, Virginia.

**A HEARING TO SET TAX LEVIES FOR THE FOLLOWING  
CLASSES OF PROPERTY:**

1. Setting a tax levy of \$.56/\$100 of assessed value on real estate, public service corporation property, and mobile homes; pursuant to the authority of 58.1-3200, 58.1-3201, 58.1-3202, 58.1-3203, 58.1-3204, 58.1-3205 of the Code of Virginia, as amended.
2. Setting a tax levy of \$2.36/\$100 of assessed value on personal property, pursuant to the authority of 58.1-3500, 58.1-3501, 58.1-3502, 58.1-3503, 58.1-3506 of the Code of Virginia, as amended.
3. Setting a tax levy of \$1.89/\$100 of assessed value on personal property, classified as heavy construction machinery, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers owned by businesses pursuant to the authority of 58.1-3508.2 of the Code of Virginia, as amended.
4. Setting a tax levy of \$0.70/\$100 assessed value on machinery and tools based on original cost and declining depreciation over a 7-year period. By the seventh year of depreciation, the effective rate is \$0.28 per \$100 assessed value. This rate is levied pursuant to the authority of 58.1-3507(B) of the Code of Virginia, as amended.
5. Setting a tax levy of \$1.08/\$100 of assessed value on merchants' capital, pursuant to the authority of 58.1-3509, and 58.1-3510 of the Code of Virginia, as amended.

*Adjournment Thereafter*

**RISE & SHINE GUESTS FOR APRIL ARE BOB CAMICIA & RICK**



# Franklin County

*A Natural Setting for Opportunity*

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, APRIL 15, 2014 @ 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED IN THE GOVERNMENT CENTER, 1255 FRANKLIN STREET, SUITE 104, ROCKY MOUNT, VIRGINIA.

THERE WERE PRESENT:

- David Cundiff, Chairman
- Cline Brubaker, Vice-Chairman
- Bob Camicia
- Ronnie Thompson
- Charles Wagner
- Leland Mitchell
- Bobby Thompson

OTHERS PRESENT:

- Richard E. Huff, II, County Administrator
- Christopher Whitlow, Asst. Co. Administrator
- B. J. Jefferson, County Attorney
- Sharon K. Tudor, MMC, Clerk

\*\*\*\*\*

**WHEREAS**, the Southwest Virginia Antique Farm Days will be held in Franklin County from June 13, 2014 through June 15, 2014; and

**WHEREAS**, 2014 is the **11<sup>th</sup> Anniversary** of the Southwest Virginia Antique Farm Days; and

**WHEREAS**, the Southwest Virginia Antique Farm Days has grown into one of Franklin County's largest tourism events bringing visitors from all over the region to the community and creating substantial revenue for local businesses; and

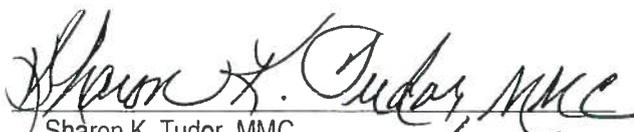
**WHEREAS**, the show brings enjoyment and recreational opportunity to thousands of Franklin County residents annually; and

**WHEREAS**, the show is made possible only because of the hard work and dedication of the citizens of Franklin County who volunteer their time to host this wonderful event, specifically those associated with the Southwest Virginia Antique & Power Festival, Inc.; and

**WHEREAS**, the 2014 show welcomed well over 5,000 visitors and exhibitors to Franklin County; and

**WHEREAS**, the show celebrated the agricultural heritage of the region and the role that mechanization played in Franklin County's growth and prosperity in the 1900's; and

**NOW BE IT THEREFORE RESOLVED**, the Franklin County Board of Supervisors hereby expresses and acknowledges its sincere appreciation for the contributions that the Southwest Virginia Antique & Power Festival, Inc. and others have made to the economy of Franklin County and to the enjoyment and education of thousands of residents and visitors alike through the 2014 Southwest Virginia Antique Farm Days. The Board of Supervisors declares June 13, 14 and 15 to be Antique Farm Days in Franklin County.

  
 Sharon K. Tudor, MMC  
 Clerk, Franklin County Board of Supervisors



**RICHARD E. HUFF II**  
**COUNTY ADMINISTRATOR**  
 1255 FRANKLIN ST., SUITE 112  
 ROCKY MOUNT, VIRGINIA 24151  
 (540) 483-3030  
[www.franklincountyva.org](http://www.franklincountyva.org)



# Franklin County

*A Natural Setting for Opportunity*

## CENTENNIAL CELEBRATION MONTH RESOLUTION

*Recognizing May 4-10, 2014 as National Cooperative Extension Centennial Celebration Week*

*WHEREAS, Virginia Cooperative Extension of Franklin County is part of the nationwide Cooperative Extension System that is a partnership of federal, state and local governments and Virginia Tech and Virginia State University, the state's land-grant universities in Virginia; and*

*WHEREAS, the Smith Lever Act of 1914 established the Cooperative Extension Services , utilizing faculty serving as Extension Agents, who along with local staff and community-based resources, extend University research and knowledge to local communities; and*

*WHEREAS, Virginia Cooperative Extension provides wide-ranging educational programs and information in the areas of agriculture, natural resources, family and consumer sciences, 4-H youth development, food, nutrition and health, along with related areas of economic and workforce development across Virginia; and*

*WHEREAS, Virginia Cooperative Extension programs in Family and Consumer Sciences; Agriculture and Natural Resources; 4-H Youth Development and Community Viability, benefit more than 20,000 individuals, schools and business in Franklin County.*

*NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of Franklin County that May 4-10, 2014, be designated as National Cooperative Extension Centennial Celebration Week in Franklin County and that we encourage residents to take advantage of the programs and educational opportunities that Virginia Cooperative Extension offers to the community.*

*Richard E Huff*

Richard E. Huff, II  
County Administrator  
April 15, 2014



**RICHARD E. HUFF II**  
**COUNTY ADMINISTRATOR**  
1255 FRANKLIN ST., SUITE 112  
ROCKY MOUNT, VIRGINIA 24151  
(540) 483-3030  
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<b>COMMISSIONS/ BOARDS</b>	<b>NAME</b>	<b>ADDRESS</b>	<b>DISTRICT</b>	<b>TERM OF OFFICE</b>	<b>TERM EXPIRES</b>
STEP, INC.	Florella Johnson	25 Bernard Road Rocky Mount, VA 24151		3-Year	6/30/2014
STEP, INC.	Cynthia Treadway	69 Carolina Road Rocky Mount, VA 24151		3-Year	6/30/2014
STEP, INC.	Charles Wagner	330 Riverview Rocky Mount, VA 24151		3-Year	6/30/2014
RO. VALLEY ALLEGHANY REGIONAL COMMISSION	Mike Smith ✪	130 Smithfield Lane Boones Mill, VA 24065	Citizen/Staff Rep	3-Year	6/30/2014
RECREATION COMMISSION	Reba Dillon	6051 Burnt Chimney Rd. Wirtz, VA 24184	Gills Creek	3-Year	6/30/2014
RECREATION COMMISSION	Gary Holden	110 Dusty Hill Ferrum, VA 24088	Blue Ridge	3-Year	6/30/2014
RECREATION COMMISSION	Kay Saleeby	85 Forest Hill Road Rocky Mount, VA 24151	Rocky Mount	3-Year	6/30/2014
PIEDMONT REGIONAL COMMUNITY SERVICES RO. VALLEY JUV. DETENTION CENTER	Kay Potter ✪ Christopher Whitlow Vincent Copenhaver	93 Tobacco Road Glade Hill, VA 24092 1255 Franklin Street Rocky Mount, VA 24151		3-Year	6/30/2014 <i>See Attached Data</i>
LIBRARY BOARD	Molly A. Bratton- Jones Benson Beck	831 Coles Creek Road Rocky Mount, VA 24151	Blackwater	4-Year	6/30/2014
SOCIAL SERVICES BOARD	Benson Beck	520 Waverly Lane Moneta, VA 24121	Gills Creek	4-Year	6/30/2014
PATRICK HENRY COMM. COLLEGE	Mike Carter	210 Maple Avenue Rocky Mount, VA 24151	Citizen Appt.	4-Year	6/30/2014
SOCIAL SERVICES BOARD	Wendie W. Dungan Shirley B. Holland	217 Dudley Road Union Hall, VA 24176 161 Lila Lane Boones Mill, VA 24065	Union Hall	4-Year	6/30/2014
WESTERN VA. WATER AUTHORITY	Shirley B. Holland	161 Lila Lane Boones Mill, VA 24065		4-Year	6/30/2014
ZONING APPEALS BOARD	Wayne Worley	440 Telegraph Road Henry, VA 24102		5-Year	6/30/2014

March 20, 2014

Richard Huff, Administrator  
Franklin County  
1255 Franklin Street Ste 112  
Rocky Mount, VA 24151

Dear Rick:

Franklin County's appointment of Ms. Kay Potter to the Piedmont Community Services Board expires on June 30.

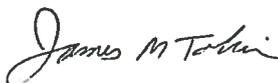
Kay has served on the PCS Board for 9 years and is not eligible for reappointment according to PCS By-laws and the Virginia Code. Kay has been a valuable member of the Board and will be missed.

Sections 37.2-501 and 502 of the Virginia Code define that members shall be appointed for a three year term. These sections further stipulate:

*"Appointees to the community services board shall be broadly representative to the community. One-third of individuals to the board shall be of individuals who are receiving or who have received services or family members whom shall be an individual receiving services. One or more appointments may be nongovernmental service providers. No employee to the community services board or employee or board member of an organization that received funding from any community service board shall be appointed a member of that board."*

Please let me know if any further information would be useful.

Sincerely,



James M. Tobin  
Executive Director

JMT: rhl



Roanoke Valley-Alleghany

**REGIONAL**  
**commission**

[rvarc.org](http://rvarc.org)

313 Luck Avenue, SW | Roanoke, Virginia 24016 | P: 540.343.4417 | F: 540.343.4416 | [rvarc@rvarc.org](mailto:rvarc@rvarc.org)



April 4, 2014

Ms. Sharon Tudor, CMC  
Clerk, Franklin County Board of Supervisors  
1255 Franklin Street, Suite 112  
Rocky Mount, Virginia 24151

Dear Ms. Tudor:

According to our record of appointments, the term of Mike Smith, non-elected representative of Franklin County on the Roanoke Valley-Alleghany Regional Commission, expires June 30, 2014. As you will recall, Mr. Smith replaced Frank Chrzanowski in January of 2014. The Regional Commission Bylaws state that all appointments are for three-year terms. Mr. Smith is, of course, eligible for reappointment.

Please notify the Commission of the County's official action in filling this upcoming vacancy on the Commission. Thank you.

Yours truly,

A handwritten signature in black ink that reads "Wayne Strickland".

Wayne Strickland  
Secretary to the Commission

WS:jjp



**Franklin County**  
*A Natural Setting for Opportunity*

**National Telecommunicator's Week**

**April 8-14, 2012**

**WHEREAS** emergencies can occur at anytime that require police, fire or emergency medical services;

**AND WHEREAS** when an emergency occurs the prompt response of police officers, firefighters and EMS is critical to the protection of life and preservation of property;

**AND WHEREAS** the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Franklin County communications center;

**AND WHEREAS** Communications Officers are the first and most critical contact our citizens have with emergency services;

**AND WHEREAS** Communications Officers are the single vital link for our police officers, firefighters and EMS by monitoring their activities by radio, providing them information and insuring their safety;

**AND WHEREAS** Communications Officers of the Franklin County 9-1-1 Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients;

**AND WHEREAS** each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

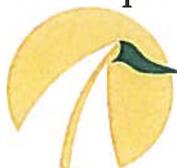
**THEREFORE BE IT RESOLVED** that the Franklin County Board of Supervisors declares the week of April 8th through 14th, 2012 to be National Telecommunicator's Week in Franklin County, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

-----  
Richard E. Huff, II  
County Administrator  
March 20, 2012

**RICHARD E. HUFF II**  
**COUNTY ADMINISTRATOR**  
1255 FRANKLIN ST., SUITE 112  
ROCKY MOUNT, VIRGINIA 24151  
(540) 483-3030  
[www.franklincountyva.org](http://www.franklincountyva.org)

FRANKLIN COUNTY

Board of Supervisors



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u>	<u>AGENDA DATE:</u>	<u>ITEM NUMBER:</u>
2014 ROOSTER WALK FESTIVAL SPECIAL ENTERTAINMENT PERMIT	APRIL 15, 2014	
<u>SUBJECT/PROPOSAL/REQUEST</u>	<u>ACTION:</u>	<u>INFORMATION:</u>
Setting of Bond for 2014 Rooster Walk Scheduled For May 22 through May 25, 2014	<u>CONSENT AGENDA:</u> YES	
	<u>ACTION:</u>	<u>INFORMATION:</u>
<u>STRATEGIC PLAN FOCUS AREA:</u>	<u>ATTACHMENTS:</u> YES	
<u>Goal #</u>		
<u>Action Strategy:</u>		
<u>STAFF CONTACT(S):</u>	<u>REVIEWED BY:</u> REX	
Mr. Huff & Mrs. Tudor		

**BACKGROUND:**

William J. Baptist, is requesting Board approval for their 2014 Annual Rooster Walk/Special Entertainment Permit scheduled for May 22, 23, 24 & 25, 2014. (See **Attachments**). Mr. Baptist held four (4) events in May 2013. Mr. Baptist's permit was in compliance with the County Ordinance guidelines and a \$10,000.00 property/cash bond (Robert A. King Property/site of event) was posted.

**DISCUSSION:**

Mr. Baptist has obtained all of the pertinent and required County department signatures on the proposed Special Entertainment Permit. The application is in order and the set bond will be posted 10 days prior to the day the festival is to begin. Mr. Baptist has remitted the filing fee of \$100.00 per County Code Section 3-83 (**See Attachments**).

Lastly, Mr. Baptist is requesting the Rooster Walk event to be held in his name (as in prior years, the Rooster Walk was sponsored and permitted under the name of Blue Mountain Promotions Special Entertainment Permit/Owner and Operator Robert A. King).

**RECOMMENDATION:**

**Staff recommendation is to set the bond similar to other like permits at a \$10,000 property bond subject to approval by the County Attorney and to approve the proposed Special Entertainment Permit for William J. Baptist scheduled for May 22, 23, 24, & 25, 2014.**



Franklin County

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APPLICATION FOR A SPECIAL ENTERTAINMENT PERMIT

(Completed applications are due in the County Administrator's Office sixty (60) days prior to the event)

DATE SUBMITTED:

\_\_\_\_\_

NAME OF APPLICANT:

William J. Baptist

COMPLETE MAILING ADDRESS:

P.O. Box 601  
Martinsville, Va. 24114

TELEPHONE NUMBER:

CELL PHONE NUMBER:

EMAIL ADDRESS:

434-249-0550

roosterwalk@gmail.com

NAME OF PROMOTER:

COMPLETE MAILING ADDRESS:

William J. Baptist

P.O. Box 601  
Martinsville, Va. 24114

TELEPHONE NUMBER:

CELL PHONE:

434-249-0550

1. Discuss the means by which the Festival will be financially supported:  
Corporate sponsorships and ticket sales.
2. Please describe the exact location of the proposed Festival including the tax map and parcel location of the property: Coopers Mountain Road (Franklin County) 12000 3704
3. Please list the names and addresses of the owners of the property on which the event is to be held:  
Robert A. King 2067 Coopers Mountain Road; Martinsville, Va. 24112  
Mailing address: P.O. Box 759; Collinsville, Va. 24078
4. Please list the dates for which the permit is to be issued and alternative rain date(s).  
May 22, 2014 Gates open at 11 am - music begins at 8 pm. | May 23, 2014 Gates open at 10 am - music begins at 2 pm  
May 24, 2014 Gates open at 8 am - music begins at 10:15 am | May 25, 2014 Gates open at 8 am - music begins at 10:45 am
5. Discuss the nature and interest of the Applicant in the property on which the Festival is to be held (if any).  
Applicant is using the property for the Rooster Walk Music & Arts Festival. The use of the property is provided by the owner, Robert A. King.
6. List persons or groups who will be performing:  
Karl Denson's Tiny Universe; The Infamous Stringdusters; Tim O'Brien & Darrell Scott; Anders Osborne; Pimps of Joytime; Particle; Yarn; The Lee Brice Band; Stephane Wrembel & His Band; Sanctum Sully; Wild Ponies; William Walter & Co.; After Jack; Jon Stickley Trio; James Justin & Co; Kings of Belmont; L Shape Lot; Sunliner; Shack Band; Big Fat Gap; Travis Elliott; Yankee Dixie; Hotel de Ville; Major & the Monbacks; Empire Strikes Brass; Heat Run; Urth; Gunchux; Buttertub; Mason Via & Friends; The Amazing Mongooses; Bootstrap Slick; Left Hip Pocket; VASO; Patriot Players; (a couple others).
7. Outline your plans for the provision of the following:
  - a. Sanitation Facilities: At least 40 portojohns w/ sinks; free-standing sinks
  - b. Garbage, Trash & Sewage Disposal: Collection containers on site; First Piedmont Corp. will transport to landfill
  - c. Food, Water & Lodging: Vendors required to comply with and secure permits from health department; Potable water on-site using water tanker (West Dairy)

APPROVED:

Franklin County Health Department

3/19/14  
Date

d. Medical Services & Facilities: Martinsville Urgent Care will set up and staff a mobile medical center.

e. Fire Protection: Fire extinguishers on site; local fire department will be notified of our event dates and venue location.

APPROVED: *Del Hatcher* 3-19-14  
*Public Safety Official* *Date*

f. Parking Facilities, Crowd Control & Traffic Control in and around the Festival Area: \_\_\_\_\_  
100 acres on site; professional bonded security, contracted event production company and volunteers will manage parking crowd.

APPROVED: *Madison J. Jr.* 3-24-2014  
*Sheriff's Department* *Date*

8. Are outdoor lights or lighting to be used?  <sup>JB</sup> Yes  No If yes, present a sketch showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the point where the property is located. Also, indicate plans to insure compliance with the National Electrical Code. (Portable generators provide power; cord-and-plug power) & professional production company provided lights for stages. Self-powered portable light towers illuminate parking lots.

APPROVED: *Jeffrey E. Scott* 3/19/14  
*Franklin County Building Official* *Date*

9. Will music be played either by mechanical devices or live performance in such a manner that the sound emanating will be unreasonably audible beyond the property on which the festival is located? If so, what measures will be used to curtail unreasonable sound levels?  
 No immediate residences or businesses; we will comply with the noise ordinance of Franklin County.

10. What is the best estimate of the expected attendance at this proposed festival? 2,150

11. What is the basis for your estimate? 2009: 600-800; 2010: 1,000; 2011: 1,300; 2012: 1,500; 2013: 1,750

12. Attach a copy of the badge of admission and/or ticket used for entry into the festival (note that the badge or ticket must clearly state the time and date of the festival). We will use arm bands.

13. Outline your plans for any advertising to be done to promote the festival: Online advertising (Facebook; our website - www.roosterwalk.com); newspaper and magazine articles; print ads; regional TV and radio commercials.



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14. I, William J. Baptist, hereby certify that on the dates of the proposed music or entertainment festival not more than a total of 2,500 tickets will be offered for sale. I further grant permission for the Board of Supervisors of Franklin County, its lawful agents, or duly constituted law enforcement officers to enter the property at any time for the purpose of determining compliance with the provisions of the Franklin County Code. I recognize that the Board of Supervisors of Franklin County shall have the right to revoke any permit issued upon noncompliance with any of its provisions or conditions.

Applicant Name: William Baptist

Applicant: [Signature]  
Signature

3-25-14  
Date

Applicant Name: \_\_\_\_\_

Applicant: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

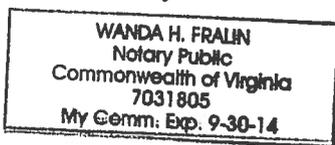
COMMONWEALTH OF VIRGINIA

COUNTY OF FRANKLIN, to-wit:

On this the 25<sup>th</sup> day of March, 2014

Whose name is signed to the foregoing instrument, personally appeared before me, acknowledged the foregoing signature to be his/hers, and made oath that the statements are true.

My Commission expires: 9/30/14



Wanda H. Fralin  
Notary Public

SHERIFF'S CERTIFICATION:

I hereby certify that on the dates of the proposed music or entertainment festival, and under the circumstances described by the promoter of the event, that adequate crowd control and security will be provided and I hereby convey approval of the promoter's plan for security.

Signature: [Signature]  
Sheriff of County of Franklin

3-24-2014  
Date

Estimate number of deputies or security officers to be provided: \_\_\_\_\_



FOR OFFICE USE ONLY

Date application received: 3.24.2014  
 (Requirement 21 days prior to Board meeting and 60 days prior to festival)

Next Board Meeting Date: 4.15.2014

Date forwarded to the Board: 4.15.2014

Date approved by the Board: \_\_\_\_\_

Date forwarded to the Health Department: 3.19.2014

Bond Amount required: \$10,000.00 (Not to exceed \$100,000)

Date to be Received by this office: 5.12.2014  
 (10 days prior to the festival)

Date delivered to the Treasurer: 5.12.2014

Date to be returned to Promoter: 6.10.2014  
 (15 days after festival)

Claims to be filed by: 6.7.2014  
 (12 days after festival)

Claim Summary:

Name	Address	Phone	Date Filed	Loss Amount

Fee Paid to Commissioner on: \_\_\_\_\_ Amount: \_\_\_\_\_

SECTION 3-80. APPLICANT'S BOND (TO BE ADDED TO THE END OF SECTION 3-80 PARAGRAPH)

In the event that the applicant has conducted an outdoor musical or entertainment festival pursuant to Section 3-56 et.seq. of the Franklin County Code for three consecutive years immediately prior to the year in which application is made with no claims being made against applicant by the County or other persons pursuant to Section 3-80(b) of the Franklin County Code as verified by the County Administrator and the Sheriff of Franklin County, the Board of Supervisors may allow the bond required by Section 3-80 of the Franklin County Code or some part thereof to be a real property bond posted by the applicant or his/her surety according to and on forms provided and approved by the County.

BOND AND AFFIDAVIT OF APPLICANT AND/OR SURETY

KNOW ALL MEN BY THESE PRESENTS: That I/we, Rooster Walk Inc, applicant(s), and Rooster Walk Inc as surety are held and firmly bound and indebted unto the County of Franklin, Virginia, in the full and just sum of \$ 10,000 to which payment we bind ourselves, our heirs, executors and administrators, jointly and severally, and we hereby waive our homestead exemption as to this obligation.

This bond is given to assure applicant's full performance of his/her obligations pursuant to Section 3-80(b) of the Franklin County Code.

Rooster Walk Inc. / John Buck III  
APPLICANT

APPLICANT

Rooster Walk Inc. / John Buck III  
SURETY

SURETY

The undersigned pledge as security for the performance of the above written bond the following described real property: Franklin County Tax I.D. No. \_\_\_\_\_

(description of property)

said property having a fair market value of \$ (fair market value shall not exceed Franklin County assessed value for tax purposes unless verified by a licensed, accredited real estate appraiser and approved by County Administrator).

The undersigned make oath that 80% of the equity in the above described property equals or exceeds the amount of the bond herein given and further that he/she is aware that unpaid balances of notes secured by deeds of trust, unpaid taxes, unsatisfied judgments, other surety bonds, or other liens effecting real estate must be considered in determining the equity above sworn to.

The undersigned further agree not to encumber the above pledged property during the time this bond is in effect and further agree that should any person or entity file a claim against such property (docketing of judgment, etc.) to immediately inform the County of Franklin.

The undersigned further make oath that they are the sole owners of the above property and that no other person, group, or entity has any equity interest in the above described property and further that the spouse of any sole owner has signed here below to release any marital interest in said property.

The undersigned further agrees to pay to or on behalf of the County of Franklin reasonable attorney's fees not exceeding 25% of the amount of the above bond as same are incurred in the enforcement hereof.

Rooster Walk Inc. John Buck III  
APPLICANT

\_\_\_\_\_  
SPOUSE OF APPLICANT, IF APPLICABLE  
Rooster Walk Inc. John Buck III  
SURETY

\_\_\_\_\_  
SPOUSE OF SURETY, IF APPLICABLE

COMMONWEALTH OF VIRGINIA  
COUNTY OF FRANKLIN, to-wit:

Personally appeared before me, a Notary Public in and for the County of Franklin, State of Virginia, Rooster Walk Inc. John Buck III, Applicant and spouse of Applicant, if applicable, and made oath that the above statements are true and correct.

My commission expires: 10-31-2015

JON WESLEY SNEAD  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7138009  
My Commission Expires Oct. 31, 2015

\_\_\_\_\_  
NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA  
COUNTY OF FRANKLIN, to-wit:

Personally appeared before me, a Notary Public in and for the County of Franklin, State of Virginia, Rooster Walk Inc. John Buck III, Surety and spouse of Surety, if applicable, and made oath that the above statements are true and correct.

My commission expires: 10-31-2015

JON WESLEY SNEAD  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7138009  
My Commission Expires Oct. 31, 2015

\_\_\_\_\_  
NOTARY PUBLIC

Franklin County Treasurer

1255 Franklin Street  
Suite 101  
Rocky Mount  
Virginia, 24151

Phone - (540) 483-3078  
Fax - (540) 483-3080

3/27/2014 04:14 PM Cashier 0008  
T/Ref 1014027108 Reg 1014 Tran No 9231  
Cash Report: 140327-01 for 3/27/2014

02 - Franklin County  
Treasurer Susan J. Wray

COUNTY BUSINESS LICENSES  
Validation Number: 075451 \$100.00

=====  
Total \$100.00

Check (\$100.00)

Check No. 1342

Thank You for your Payment.



Cashier's Check

No. 0801100002

Notice of Voidability - In the event that this check is lost, mislaid or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

VOID After 90 Days

30-1/11 48  
NETX

Date 04/08/14 01:19:52 PM

MARTINSVILLE

0008 1011846

0073

BANK OF AMERICA ONE ZERO ZERO ZERO CTSCTS

\*\*\*\$10,000.00

To The Order Of COUNTY OF FRANKLIN  
CASH BOND ROOSTER WALK MUSIC FESTIVAL

Remitter (Purchased By): ROOSTER WALK, INC

Bank of America, N.A.  
SAN ANTONIO, TX

AUTHORIZED SIGNATURE

⑈0801100002⑈ ⑆114000019⑆ 001641001452⑈

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. ■ HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENTS.

FRANKLIN COUNTY  
Board of Supervisors

6



**Franklin County**  
*A Natural Setting for Opportunity*

**EXECUTIVE SUMMARY**

<b><u>AGENDA TITLE:</u></b>  <i>SOLICITATION FOR COUNTY'S AUDIT &amp; CENTRAL SERVICES COST ALLOCATION PLAN FOR FY' 2013-2014, 2014-2015, &amp; 2015-2016</i>	<b><u>AGENDA DATE:</u></b>  April 15 <sup>th</sup> , 2014	<b><u>ITEM NUMBER:</u></b>
<b><u>SUBJECT / PROPOSAL / REQUEST:</u></b>  <i>AUTHORIZATION TO SOLICIT FOR COUNTY'S AUDIT &amp; CENTRAL SERVICES COST ALLOCATION PLAN FOR FY' 2013-2014, 2014-2015, &amp; 2015-2016</i>	<b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACT(S):</u></b> Messrs. Huff & Copenhaver, Mrs. Tudor	<b><u>CONSENT AGENDA:</u></b> YES <b><u>ACTION:</u></b> YES	<b><u>INFORMATION:</u></b>
	<b><u>ATTACHMENTS:</u></b> YES	
	<b><u>REVIEWED BY:</u></b> <i>REH</i>	

**BACKGROUND:**

Staff is seeking authorization to solicit bids for the County Audit with the said proposal to provide Auditing Services and Central Services Cost Allocation Plan Services for fiscal years ending June 30, 2014, 2015 & 2016.

**DISCUSSION:**

County staff will advertise the attached Request for Proposal on Friday, April 18, 2014. Proposals will be due back within a three week period from the date of the last advertisement. Staff will submit a summary of bids and recommendation to the Board for their review and award during their *Tuesday, June 17, 2014*, meeting.

**RECOMMENDATION:**

Staff respectfully requests Board authorization to solicit bids for the County's Audit Services and Central Services Cost Allocation Plan for the fiscal years ending June 30, 2014, 2015 & 2016.



# Franklin County

*A Natural Setting for Opportunity*

## REQUEST FOR PROPOSALS

Franklin County is currently accepting proposals to provide Auditing Services for the County as well as Auditing Services for Fire, Rescue and other local community agencies and County Cost Allocation Plan Services for the fiscal years ending June 30, 2014, 2015, & 2016. A copy of the specifications may be obtained in the Finance Department, 1255 Franklin Street, Suite 111, Rocky Mount, Virginia 24151. Proposals should be received no later than **4:00 P.M., Monday, May 12, 2014**, to Sharon K. Tudor at the aforementioned address, clearly marked ***"Audit and Cost Allocation Proposal"***.

The County reserves the right to reject any and all bids, waive informalities in bidding, and will follow all applicable provisions of the Virginia Public Procurement Act.

No electronic proposals will be accepted.

### **-EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER-**

#### **REQUEST FOR PROPOSAL**

**Issue Date: April 15, 2014**

#### **AUDITING SERVICES FOR THE YEARS ENDING JUNE 30, 2014, 2015 & 2016**

**FRANKLIN COUNTY, VIRGINIA** (hereinafter called the "unit") invites qualified independent certified public accountants (hereinafter called "auditor") to submit proposals to perform a financial audit in accordance with the following specifications:

**PERIOD.** The contract will cover the regular annual financial audit for the fiscal years ending **June 30, 2014, 2015, & 2016** with the option to renew for up to two (2) years thereafter.

**SCOPE:**

A. Annual Financial Audit - The independent auditor will examine all funds of the unit in accordance with generally accepted governmental auditing standards, in compliance with Government Auditing Standards issued by the Comptroller General of the United States, the provisions of the U. S. Office of Management and Budget Circular A-133, Audits of States, Local Governments and Non-Profit Organizations and Specifications for Audits of Counties, Cities and Towns issued by the Auditor of Public Accounts of the Commonwealth of Virginia. The examination shall result in the preparation of financial statements with the auditor's opinion and shall include such tests of the accounting records and such other auditing procedures as the Auditor deems necessary and appropriate in order to express an opinion on the financial statements.

B. Required Reports:

Based on the audit work performed, the Auditor shall include the following reports in the CAFR unless otherwise indicated:

- (1) An opinion on the fair presentation of the basic financial statements in conformity with accounting principles generally accepted in the United States of America,
- (2) An opinion on the fair presentation of the other supplementary information and the schedule of expenditures of federal awards in conformity with accounting principles generally accepted in the United States of America. The Auditor shall prepare a disclaimer of opinion related to the statistical section included in the CAFR.
- (3) A report on compliance and on internal control over financial reporting based on an audit of the financial statements performed in accordance with *Government Auditing Standards*. The Auditor shall communicate all instances of noncompliance that could have a material effect on the financial statements in the report. The Auditor shall communicate all reportable conditions and material weaknesses in internal controls over financial reporting and its operation in the report.
- (4) A report on compliance with requirements applicable to each major program and internal control over compliance in accordance with OMB Circular A-133. The Auditor shall report all instances of noncompliance with the specific requirements for major federal program in the report on compliance and in the Schedule of Findings and Questioned Costs. The Auditor shall communicate all reportable conditions affecting major federal programs in the report. Further,

the Auditor shall identify any material weaknesses in the report. Any finding or weaknesses shall be reported immediately to the appropriate level of management.

- (5) A report on compliance with the Commonwealth of Virginia laws, regulations, contracts and grants.
  - (6) A report on the application of agreed-upon procedures relative to the Comparative Report Transmittal Forms. The Auditor shall submit one copy of the Comparative Report Transmittal Forms as well as the CAFR, to the Auditor of Public Accounts by November 30 following the end of the fiscal year, as required.
  - (7) The Auditor shall make an immediate, written report to the appropriate level of management of all management letter comments of which they become aware.
  - (8) A report providing assurance as to whether the Sheriff has maintained a proper system of internal controls and records in accordance with the Code of Virginia.
  - (9) The Data Collection Form.
- C. Annual Management Letter - The auditor shall provide a management letter to the government as required by the contract and generally accepted auditing standards.
- D. Sheriff Internal Controls – The Auditor of Public Accounts requires the Sheriff to be responsible for having sufficient controls and procedures in place to satisfy statutory requirements and prevent fraud, misuse, or loss of funds and assets in accordance with the Virginia Sheriffs Accounting Manual. The auditor shall identify all sources of funds of the Sheriff's office. The auditor shall render an opinion as to whether the sheriff has maintained a proper system of internal controls and records.
- E. The auditor shall prepare the following documents and submit them to the appropriate agency by the due date:
- Comparative cost transmittal forms
  - SF-SAC data collection form
  - E911 compliance opinion as required by the Auditor of Public Accounts
- F. Follow-up Conferences - The auditor shall present the report to the governing body, if requested, and provide follow-up conferences directly pertaining to the audit. Ten (10) bound copies of the reports shall be provided to the County for distribution to the

Board of Supervisors, administrative personnel, and agencies. All bound copies of the reports will be provided to the County by November 30<sup>th</sup> following the June 30<sup>th</sup> fiscal year end.

- G. Submission of Reports to the Government Finance Officers Association (GFOA)  
The County has received the GFOA Certificate of Achievement for Excellence in Financial Reporting every year since 2000. The Auditor will review prior year comments from the GFOA with County staff to ensure that comments and recommendations for improvement are implemented and to ensure the CAFR continues to meet the GFOA Certificate of Achievement for Excellence award. The County will submit the CAFR to the GFOA for this annual review in early December for consideration of another award.

#### **REPRESENTATION OF THE GOVERNMENT:**

- A. The following are the current funds of the government:  
General Fund including Forfeited Asset and Courthouse Maintenance Funds  
Special Revenue Funds (E-911 and Law Library)  
County and School Capital Projects Funds  
County Debt Service Fund  
Various Fiduciary Funds  
Utility Fund  
Component Unit (Schools)
- B. The following compliance audits are requested during the proposed contract period:  
  
Those required by **Government Auditing Standards** issued by the Comptroller General of the United States.
- C. The County's personnel shall coordinate the preparation of the following information with the auditor:
- (1) A final trial balance of each fund;
  - (2) A final trial balance of each subsidiary ledger;
  - (3) A copy of the final budget presented to the board for the audit period, the original budget ordinance for the audit period and all amendments to budget ordinance;
  - (4) A copy of all project ordinances and all amendments thereto for all projects beginning during the period or not fully completed prior to the period;

- (5) A schedule of insurance in force during the year and of insurance expense for the year;
- (6) Copies of all contracts with governmental grantor or grantee agencies;
- (7) Copies of all other contracts in force at statement date of a material amount; and
- (8) Such reasonable additional schedules as may be requested for either the financial audits or one or more of the compliance audits.

#### **REPRESENTATIONS OF THE AUDITOR:**

- A. The auditor must represent that he is independent as that term is defined in the Ethical Rules of the AICPA.
- B. The auditor must represent that he is licensed to perform the audit as provided in the applicable laws of the Commonwealth of Virginia.
- C. The auditor must represent that adequate supervision will be provided on a day-to-day basis and that the resulting work papers shall be adequate and shall be available for routine review by appropriate auditors of the Federal and State governments and officials of the County; if requested.

#### **REQUEST FOR PROPOSAL FOR CENTRAL SERVICES COST ALLOCATION PLAN (May be Separately Awarded)**

**PERIOD.** The contract will cover cost allocation plan services for the fiscal years ending ***June 30, 2014, 2015, & 2016*** with the option to renew for up to two (2) years thereafter

Federal regulations permit the County to recover indirect costs that it has incurred in performing Federal and State supported programs. An indirect cost is one that is incurred for the benefit of more than one program or objective and that cannot be readily or specifically identified with a particular program (e.g., overhead costs).

Based on the requirements of appropriate federal regulations and decisions of management, the accounting firm shall propose to provide assistance to the County in preparing a cost allocation and reimbursement plan to include the following:

- A Central Services Cost Allocation Plan detailing the cost of direct or indirect services provided by the County to any department or unit of the County that is performing Federal or State grants or contracts;

- The most accurate and reasonable basis of indirect cost allocation based upon the central service/beneficiary department relationships as they existed during the fiscal year, promulgated regulations and management's decisions;
- Aggregation of financial and other data from the County's records that are necessary to compute the allocations,
- Use of client data to compute allocations, and
- Assistance in preparing and submitting the necessary documents and forms required for submission to reviewing agencies.

**REQUEST FOR PROPOSAL  
FOR AUDIT SERVICES OF VOLUNTEER FIRE & RESCUE AGENCIES AND OTHER  
COMMUNITY AGENCIES (May be Separately Awarded)**

The County requires that approximately 8 volunteer fire and rescue agencies and other community agencies be audited every fiscal year so that all organizations are audited over the course of a four year period.

**PROPOSALS:**

Three (3) copies of the proposals should be forwarded to ***Sharon K. Tudor, Procurement Specialist, Finance Department, Government Center, 1255 Franklin Street, Suite 111, Rocky Mount, Virginia 24151, Clearly marked "Proposal – County Audit, Cost Allocation Plan Services, Audits of Fire and Rescue Agencies and Other Community Agencies" no later than 4:00 P.M., Monday, May 12, 2014, as which time said bids will be publicly opened and read.*** All inquiries for information should be directed to: **Vincent Copenhagen, Director of Finance, telephone 540-483-6624.**

The proposals should include:

1. A statement by the prospective auditor of his understanding of the work to be done with descriptions of the audit approach and illustrations of the procedures to be employed.
2. The approximate date the services will begin (including preliminary field work) and end, as well as approximate dates for delivery of the financial statements and the management letter. Timing will play an integral part in evaluating proposals.
3. Estimated hours required to complete the engagement by personnel levels, i.e., total hours for partner, manager supervisor, senior and junior.

4. Separate Fees for services for the financial audit, cost allocation plan and audits of fire and rescue and other community agencies. A not to exceed limit on each annual financial audit, cost allocation plan and audit of fire and rescue and other community agencies is requested for each of the three years incorporated in the terms of this contract.
5. Biographies, including training and experience, of the individuals who will be assigned to the engagement, relevant experience of each in auditing counties and municipalities, and recent continuing professional education of each.
6. Names, addresses and telephone number of persons who may be contacted for references.

#### **MEETINGS:**

Conferences between the auditor and the governing body should be scheduled by the selected auditor before and after the preliminary work and at the end of the field work by the auditor. The purpose of the meetings is to keep the governing body fully informed on the scope and progress of the audit. A draft of the final report shall be furnished to the governing body for its comments prior to final completion of the draft report.

#### **SELECTION CRITERIA WILL BE IN ORDER OF PRIORITY**

- A. The skill, experience, training and time commitments of the specified persons who will be performing the services requested.
- B. The auditor's demonstrated understanding of the problems of the government.
- C. The prior experience and reputation of the auditor in auditing governmental units similar to the government.
- D. The degree of responsiveness to this request.
- E. Fee.

#### **OTHER MATTERS:**

- A. A preproposal meeting will be held at the request of the Proposer to answer any questions which might arise and to discuss general background information on the government and its operations.
- B. A copy of the County's most recent audit is posted on the County's website: [www.franklincountyva.org](http://www.franklincountyva.org)
- C. The government intends to continue the relationship for no less than three years unless a determination is made that it is in the best interest of the government to request new proposals.
- D. The prospective bidders are reminded that the audit contract must be filed with the Auditor of Public Accounts, Commonwealth of Virginia in accordance with all regulations applicable to local governments and as promulgated by the Auditor of Public Accounts in his most recent release.
- E. The comparative cost report shall be prepared in accordance with the Uniform Financial Reporting Manual.
- F. All applicable provisions of the Virginia Public Procurement Act will be adhered to.
- G. The County reserves the right to reject any and all proposals and to waive any irregularities.
- H. The County reserves the right to select an auditor and financial services professionals for any, all, or none of the proposed services (auditing services; cost allocation plan, and audits of fire, rescue and other community agencies).

## **SPECIAL TERMS AND CONDITIONS**

- A. Availability of funds: It is understood and agreed between the parties herein that the County of Franklin shall be bound hereunder only to the extent of the funds available or which may hereafter become available for the purpose of this agreement.
- B. Cancellation of contract: The County of Franklin reserves the right to cancel and terminate the resulting contract, in part or in whole, without penalty, upon 60 days written notice to the Auditor. Any contract cancellation notice shall

not relieve the Auditor of the obligation to complete an audit commenced before the effective date of the cancellation.

- C. Extension of contract: The contract to be awarded may be extended by the County of Franklin upon written agreement of both parties for up to two (2) additional one (1)-year terms under the terms of the contract; such agreement to be extended ninety days prior to the expiration of the contract. The County of Franklin also reserves the right to renew any contract past its final expiration date, if determined to be in the best interest of the County.
- D. Filing requirements: The prospective bidders are reminded that the audit contract will be filed with the Auditor of Public Accounts, Commonwealth of Virginia.
- E. Retention of working papers: The Auditor hereby agrees to retain all books, records and other working papers relative to this contract for five (5) years after final payment. The County of Franklin its authorized agents, and/or state and federal auditors shall have full access to and the right to examine any of said materials during said period. In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers related to matters of continuing accounting significance.
- F. Subcontracts: No portion of this work shall be subcontracted without prior written consent of the County of Franklin. The Auditor shall, however, remain fully liable and responsible for the work to be done by the subcontractor(s) and shall assure compliance with all requirements of the contract.



# Franklin County

*A Natural Setting for Opportunity*

## EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE:</u></b> Surplus Property</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST</u></b> Request Board of Supervisors to declare miscellaneous items surplus.</p> <p><b><u>STRATEGIC PLAN FOCUS AREA:</u></b> <b><u>Goal #</u></b> <b><u>Action Strategy:</u></b></p> <p><b><u>STAFF CONTACT(S):</u></b> Messrs. Huff, Thurman</p>	<p><b><u>AGENDA DATE:</u></b> April 15, 2014</p> <p><b><u>ACTION:</u></b></p> <p><b><u>CONSENT AGENDA:</u></b> Yes</p> <p><b><u>ATTACHMENTS:</u></b></p> <p><b><u>REVIEWED BY:</u></b> <i>REH</i></p>	<p><b><u>ITEM NUMBER:</u></b></p> <p><b><u>INFORMATION:</u></b></p>
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### **BACKGROUND:**

In keeping with County Policy – the Board of Supervisors is requested to officially declare all property, which is taken out of routine service as “surplus”. After this designation – a listing is made available for review among all County Departments in an effort to determine whether any surplus items may be re-assigned. All remaining items are usually offered for sale at public auction.

### **DISCUSSION:**

On a regular basis items such as office furniture, shelving, tools and equipment are removed from use. Most often such equipment has become too expensive to maintain or deemed in need of replacement.

Recently the Department of Parks and Recreation has provided a listing of such items.

- 3- Husqvarna Chain Saws (non-working)
- 1- Husqvarna Leaf Blower (non-working)
- 6- Robin Weed eaters (non-working)
- 1- Stihl Weed eater (non-working)
- Scrap metal
  - A. 1 Grill
  - B. 7 Metal paint machines
  - C. 2 Torque floor jacks
  - D. 2 Out dated trailer axles
  - E. 5 Line machines
  - F. 1 Metal Cage
  - G. 1 Truck Seat

- 1- Kubota 72" Mowing Deck
- 1- Coleman Power mate Compressor 80 gal. (motor bad)
- 1- Vanguard 16HP leaf vacuum (motor bad)
- 1- Cub Cadet HDS 2155 riding mower (needs clutch)
- 2- Woods 3 pt hitch mowing decks
- 2- Gas powered paint machines
- 1-87Ford Econoline 350 box truck
- 1-Pontoon Boat Trailer
- 1-Military Dump Trailer

Of the above items, the 87 Ford Box Truck was given to the Department by the School Division. It is common practice in such circumstances to return the vehicle to them for disposition as the School Board deems appropriate. The items listed as "scrap metal" are best disposed of as such. The remaining items will be offered at public auction on Saturday, April 26, 2014.

In addition, to the Department of General Properties has the following to be declared surplus:

- 10 – 4 tube (T-8) Lay In Fixtures
- 48 – 2 tube (T-8) Surface Mount Shop Lights
- 80 – Used T-8 Bulbs
- 11 – Office Chairs
- 2 – Twin Bed Frames
- 1 Metal Storage Bin
- Misc. Doors, Tables, File Cabinets, Shelves, Electric Panels, Radio Equipment, Etc.

These items will be offered at the public auction on Saturday, April 26, 2014.

**RECOMMENDATION:**

Staff requests that the Board of Supervisors declare the items listed as surplus. Items will first be offered to other County Departments. All remaining items will be sold at public auction. This Spring's auction will be Saturday, April 26, 2014 at the School Bus Garage area. It should be noted that County employees and their immediate families **ARE NOT** allowed to bid on such items.

FRANKLIN COUNTY  
Board of Supervisors



**Franklin County**  
*A Natural Setting for Opportunity*

**EXECUTIVE SUMMARY**

**AGENDA TITLE:** FY2015-2020 Secondary Six Year Plan (SSYP)

**SUBJECT/PROPOSAL/REQUEST:**

Secondary System Construction Program for Secondary County Roads.

**STRATEGIC PLAN FOCUS AREA:**

**Action Strategy:** N/A

**STAFF CONTACT(S):**

Planning and VDOT staffs

**AGENDA DATE:** April 15, 2014

**ITEM NUMBER:**

**ACTION:** Yes

**INFORMATION:**

**CONSENT AGENDA:**

**ACTION:**

**INFORMATION:**

**ATTACHMENTS:** Yes

**REVIEWED BY:** RETH

**BACKGROUND:**

The State of Virginia requires the Board of Supervisors to review and adopt by resolution the Secondary Six Year Plan (SSYP) annually.

Funds for the Secondary Six Year Plan (SSYP) and the construction budget are derived from state and federal fuel taxes, vehicle title fees, vehicle sales tax and one-half cent of the State's general sales tax. The predictability of funding amounts is greatly dictated by the financial climate of the times and changes of funding levels by the federal government. Therefore in dealing with construction funds, especially in the Secondary Six Year Plan (SSYP), VDOT is dealing with approximations or projections. The Secondary Six Year Plan is based on estimated funding which is provided by the Financial Planning Division of VDOT.

**DISCUSSION:**

On March 18, 2014, VDOT staff held a work session with the Board of Supervisors to discuss the 2015-2020 Secondary Six Year Plan. VDOT staff stated state transportation revenue forecast for major sources is down by \$795.6 million from \$20.286 billion to \$19.533 billion. Also, Federal revenue forecast is down by \$123.1 million from \$5.635 billion to \$5.51 billion.

Funding allocations from the FY2014-2019 Secondary Six Year Plan have been reduced by a total of \$1,891,207. (Please see the breakdown of funding attached to the executive summary)

Basically all funding of "Formula Secondary and Secondary Unpaved" have been eliminated. The funding for the "Formula Secondary" was for the intersection of Harmony School Road (Rte. 634) and Booker T. Washington Highway (Rte. 122). This project will be removed from the 2015-2020 SSYP. Also, the "Secondary Unpaved" funding was for roads of 50 vehicles or more a day. Funding allocated for Inglewood Road (Rte. 672) and Red Valley Road (Rte. 657) will be removed for the 2015-2020 SSYP. However, the State has passed CTB Formula - Unpaved funding to be used for 50

or more vehicles a day instead of just more than 200 vehicles a day. All remaining projects will remain on the FY2015-2020 SSYP. Due to funding allocations no new projects can be added to the SSYP for the FY2015-2020.

**RECOMMENDATION:**

Staff respectfully requests that the Board of Supervisors hold a public hearing in May for the FY2015-2020 Secondary Six Year Plan (SSYP) adoption and resolution.

**SSYP ALLOCATION COMPARISON**  
**FY 2014-2019 PLAN -VS- FY 2015-2020 PLAN**

FY 14 - 19									
CODE	FUND	FY15	FY16	FY17	FY18	FY19		FY18	FY19
3001500	CTB Formula - Unpaved	\$ 166,674	\$ 252,521	\$ 289,421	\$ 289,421	\$ 289,421		\$ 289,421	\$ 289,421
6030601	Formula Secondary	\$ -	\$ -	\$ 255,356	\$ 318,957	\$ 385,775		\$ 318,957	\$ 385,775
6030605	Secondary Unpaved	\$ -	\$ -	\$ 42,634	\$ 53,253	\$ 64,409		\$ 53,253	\$ 64,409
6030606	TeleFee	\$ 157,476	\$ 157,476	\$ 157,476	\$ 157,476	\$ 157,476		\$ 157,476	\$ 157,476

FY 15 - 20									
CODE	FUND	FY15	FY16	FY17	FY18	FY19		FY18	FY19
3001500	CTB Formula - Unpaved	\$ 47,784	\$ 89,401	\$ 130,677	\$ 132,450	\$ 142,423		\$ 132,450	\$ 142,423
6030601	Formula Secondary	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -
6030605	Secondary Unpaved	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -
6030606	TeleFee	\$ 152,256	\$ 152,256	\$ 152,256	\$ 152,256	\$ 152,256		\$ 152,256	\$ 152,256

DIFFERENCE									
CODE	FUND	FY15	FY16	FY17	FY18	FY19		FY18	FY19
3001500	CTB Formula - Unpaved	\$ (118,890)	\$ (163,120)	\$ (158,744)	\$ (156,971)	\$ (146,998)		\$ (156,971)	\$ (146,998)
6030601	Formula Secondary	\$ -	\$ -	\$ (255,356)	\$ (318,957)	\$ (385,775)		\$ (318,957)	\$ (385,775)
6030605	Secondary Unpaved	\$ -	\$ -	\$ (42,634)	\$ (53,253)	\$ (64,409)		\$ (53,253)	\$ (64,409)
6030606	TeleFee	\$ (5,220)	\$ (5,220)	\$ (5,220)	\$ (5,220)	\$ (5,220)		\$ (5,220)	\$ (5,220)

TOTAL CHANGE FY 15 - FY 19	
3001500	CTB Formula - Unpaved \$ (744,723)
6030601	Formula Secondary \$ (960,088)
6030605	Secondary Unpaved \$ (160,296)
6030606	TeleFee \$ (26,100)
	<b>\$ (1,891,207)</b>

NOTE- FY 14 Funding information removed - No FY 20 funding in FY14 - FY 19 Allocations.

FRANKLIN COUNTY  
Board of Supervisors



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**EXECUTIVE SUMMARY**

<b><u>AGENDA TITLE:</u></b>  <i>SOLICITATION FOR COUNTY'S BANKING SERVICES</i> <i>July 1, 2014 and ending June 30, 2017</i>	<b><u>AGENDA DATE:</u></b>  April 15 <sup>th</sup> , 2014	<b><u>ITEM NUMBER:</u></b>
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b>  <i>AUTHORIZATION TO SOLICIT FOR COUNTY'S BANKING SERVICES</i> <i>July 1, 2014 and ending June 30, 2017</i>	<b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACT(S):</u></b> Messrs. Huff & Copenhaver, Mrs. Tudor & Mrs. Wray	<b><u>CONSENT AGENDA:</u></b> YES <b><u>ACTION:</u></b> YES	<b><u>INFORMATION:</u></b>
	<b><u>ATTACHMENTS:</u></b> YES	
	<b><u>REVIEWED BY:</u></b> <i>REH</i>	

**BACKGROUND:**

Staff is seeking authorization to solicit bids for the County's Banking Services with the said proposal to provide Banking Services from July 1, 2014 and ending June 30, 2017.

**DISCUSSION:**

County staff will advertise the attached Request for Proposal on Friday, May 9 & 11, 2014. Proposals will be due back *Thursday, May 29, 2014 @ 4:00 P.M.* Staff will submit a summary of bids and recommendation to the Board for their review and award during the Tuesday, *June 17, 2014* meeting.

**RECOMMENDATION:**

Staff respectfully requests Board authorization to solicit bids for the County's Banking Services July 1, 2014 ending June 30, 2017.



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**BID CALENDAR**

**DESCRIPTION**

**DATE**

RFP Issue Date	Friday, May 2, 2014
RFP Advertisement	News Post Friday, May 9, 2014 Roanoke Times Sunday, May 11, 2014
Submission Date, Time & Opening Bids	Thursday, May 29, 2014 at 4:00P.M.
Evaluation of Bids	Monday, June 2 - Friday, June 6, 2014
Selection of Successful Bidder	Monday, June 9, 2014
Contract Award	Friday, June 13, 2014
Execution of Banking Services Contract	Monday, June 30, 2014
Implementation Date	Tuesday, July 1, 2014

## REQUEST FOR PROPOSAL

Franklin County is re-bidding its various banking needs. All interested banks who wish to submit a proposal may obtain a copy of the County banking specifications from Sharon K. Tudor, The Government Center, 1255 Franklin Street, Suite 111, Rocky Mount, VA 24151. To be in consideration, proposals must be delivered to Sharon K. Tudor's office no later than **4:00 P.M. on Thursday, May 29, 2014, at which time said bids will be publicly opened and read** at the aforementioned address, clearly marked **"Banking Proposal"** and in accordance with the Virginia Procurement Act. No electronic proposals will be accepted.

Any and all banks submitting proposals must conform to the Virginia Security for Public Deposits Act set forth by the Commonwealth of Virginia Treasury Board.

The County reserves the right to reject any and all bids, waive informalities in bidding, and will follow all applicable provisions of the Virginia Public Procurement Act.

### -EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER-

Sharon K. Tudor, MMC  
Clerk  
Franklin County Board of Supervisors

**PUBLISH:**

Friday, May 9, 2014: **Franklin News-Post**

Sunday, May 11, 2014: **Roanoke Times**



# Franklin County

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## OFFICIAL BID FORM

### FRANKLIN COUNTY CONSOLIDATED CHECKING ACCOUNT

#### **I. PURPOSE**

It is the intent of this proposal and resulting contract to have a single bank provide all banking services for the County. The banking services will be performed on a contractual basis for a three (3) year period beginning July 1, 2014 and ending June 30, 2017, with the option to renew for up to two (2) years thereafter.

#### **II. SCOPE OF SERVICES**

- 2.1 The County will accept bids on either a daily repurchase agreement arrangement or an interest bearing checking account for our banking services.
- 2.2 If a repurchase agreement arrangement is submitted, the County shall maintain a zero balance account (ZBA). On a daily basis, the concentration account will receive all deposits and automatically fund all disbursements for checks presented for payment. Wire transfers shall be made between the concentration account and investment sources. The selected bank will provide a daily transaction of all such wire transfers. Proceeds from investments will be credited to the County's account and interest credited to the concentration account upon maturity. After minimum concentrating balance requirements are met, the selected bank will automatically invest daily any excess balances left in the concentration account. The concentration account will operate on a "Target Balance". If the balance in the concentration account drops below the required "Target Balance" the bank will adjust the balance the following day. The Treasurer would advise the investment department of excess funds that could be invested for a longer period of time to receive a higher yield.
- 2.3 If interest bearing checking account arrangement is submitted, the County will maintain one concentrated account. The selected bank will provide a daily report of disbursements, interest earned, and interest rate.
- 2.4 The selected bank shall accept electronic fund transfers from the Commonwealth of Virginia and the Treasury of the United States.
- 2.5 The County Treasurer shall, at a minimum, deposit daily with the selected bank, all receipts received in the office.
- 2.6 The selected bank shall provide direct deposit services and payroll debit cards for the County's payroll.
- 2.7 The selected bank shall provide, on a monthly basis, partial reconciliation of checks\* for ease of financial management, no later than six (6) working days after the close of the month. Digital Imaging on CD each month is required.

- 2.8 All electronic transactions shall be posted on monthly statements.
- 2.9 On-line banking is required (the ability to view daily transaction, transfer funds, place stop payments, make wire transfers and view checks etc....) all of which will be done in the Treasurer's Office. The Finance office will have inquiry only to the on-line banking program.
- 2.10 The selected bank shall provide the ability to detect a counterfeit or fraudulent check and the County will provide the selected bank with a listing of checks issued.
- 2.11 The selected bank will provide an electronic copy or a CD of the monthly banking statement along with a mailed paper copy to include individual checks.
- 2.12 The selected bank must provide the County with the ability to pick-up return checks in their office up to 5 days before charging back to the County's account.
- 2.13 All investments should be in compliance with the Virginia Security for Public Deposits Act as set forth by the Commonwealth of Virginia Treasury Board.

### **III. COST OF SERVICES**

- 3.1 *Compensating balance* method shall be used.
- 3.2 The County will furnish checks for the various departments with specific identifying numbering.

### **IV. MINIMUM DEPOSITORY CRITERIA**

- 4.1 Depository Bank must secure all deposits as required in the Virginia Security for Public Deposits Act, set forth by the Commonwealth of Virginia Treasury Board.
- 4.2 Depository Bank must maintain its home office or a full service branch office in Franklin County VA.
- 4.3 Depository Bank must have an "In House" investment capability to act as advisory service to the County Treasurer on investment matters.
- 4.4 Depository Bank must furnish deposit slips.

### **V. SPECIAL CONTRACT TERMS AND CONDITIONS**

- 5.1 Procedures  
The extent and character of the services to be performed shall be subject to the general control and approval of the County Treasurer.
- 5.2 Termination  
The Contract may be terminated by either party, with ninety (90) days advanced written notice to the other party, but if any supply or service hereunder is in progress, but not delivered or completed as of the date of termination, then this contract may be extended upon written approval of either party until said supplies or services are either delivered or completed and accepted.

### **VI. BID CONDITIONS**

The County of Franklin reserves the right to reject any or all bids and to award the bid in the best interest of the County.

The County of Franklin reserves the right to extend the bank contract up to 2 years.



# Franklin County

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Please provide an example of your fees and County's interest earnings using the attached three months statement and the information below:

**BANK SERVICE PROPOSAL FORM**

	<i>Item Count</i>	<i>Estimated Item Bid Price</i>	<i>Estimated Monthly Charge</i>	<i>Compensati Balance</i>
Approximate Number Checks Issued Monthly	3,500			
Approximate Number Deposits Made Monthly	50			
Approximate Number of Items in Each Deposit	200			
During tax & decal time (3 month) the average # of items	700-1000			
EFTs Debit Monthly	8			
EFTs Credits Monthly	15			
Balance Reporting	Daily			
Account Maintenance	Monthly			
Partial Reconciliation	Monthly			
Stop Payment (Monthly)	5			
Direct deposits, Payroll (P/M)	1000			

***Your proposal should include an example for each of the 3 months provided to you showing a breakdown of:***

- Any and all charges for general banking services such as any maintenance, deposited items, checks paid, returned deposited items, ACH services, online service fees etc.
- Include an interest earning credit summary and the monthly profit clearly showing the amount of projected interest earned to offset the service fees.
- Average yield on Cash Management Account and state interest rate that will be used for earning credit rate.



# Franklin County

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AGREEMENT, \_\_\_\_\_ known as "the bank", the principal address of which is \_\_\_\_\_ and its authorized agent is the \_\_\_\_\_

hereby submits the above bid, and if accepted, agrees to conform to the provisions of this document. The Bank understands that the bid, if accepted by the Wythe County, will create and transform this document into a binding contract between the bank and the County for the term of the contract, the terms of which are stated herein. The bank further understands that the Wythe County reserves the right to reject any and all bids. The Bank understands that it will be notified of the action of Wythe County if its bid is accepted.

\_\_\_\_\_  
Signature of Bank Officer

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

**Notary Public**

**My Commission Expires:** \_\_\_\_\_

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
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EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE:</u></b> Property Use Agreement at Franklin County Recreation Park</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST</u></b> Staff seeks the Board's approval to permit the Southwest Virginia Antique Power Festival, Inc. to use property at the Recreation Park for agricultural and demonstration purposes.</p> <p><b><u>STAFF CONTACT(S):</u></b> Huff, Whitlow, Chapman</p>	<p><b><u>AGENDA DATE:</u></b>                    <b><u>ITEM NUMBER:</u></b> April 15, 2014</p> <p><b><u>CONSENT AGENDA:</u></b></p> <p><b><u>ACTION AGENDA:</u></b> YES</p> <p><b><u>ATTACHMENTS:</u></b> YES</p> <p><b><u>REVIEWED BY:</u></b> <i>RET</i></p>
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**BACKGROUND:**

The County recently purchased 32.6 acres of property (Parcel ID: 0830007300) located on Route 619 across from the Franklin County Recreation Park. This property is primarily comprised of open fields and has been used for the production of hay in the past. Most fields that are strictly used for agriculture purposes such as many of the fields at Waid Park are leased to various bidders. However leasing the fields on the property recently purchased along Route 619 as referenced above is not feasible at this time as such property will intermittently be used for parking for events such as the Franklin County Agricultural Fair in September and the Antique Farm Days in June. A mutually beneficial arrangement has been developed with an organization that will remove the maintenance burden on the County while retaining the ability to use it for parking area or other recreational uses as needed.

The Southwest Virginia Antique Power Festival, Inc., who has a long history of supporting the facilities and activities of Franklin County Parks and Recreation's Sontag Road facility, has agreed to maintain this property while keeping it available for recreational use in exchange for harvesting of crops which will in part be used for demonstrations at their Antique Farm Days event.

The Southwest Virginia Antique Power Festival Inc. has partnered with the Parks and Recreation Department in the past to build major road and minor roads, clearing significant forest land, contributing money to expanding

electrical services in the park, and generally partnering to expand the uses and capabilities at the Franklin County Recreation Park.

**DISCUSSION:**

County staff and Southwest Virginia Antique Power Festival, Inc. members have been in discussions about the maintenance of this property and have developed a proposed arrangement that would be mutually beneficial. This proposed agreement would require that the Southwest Virginia Antique Power Festival, Inc. 1) provide maintenance and upkeep of the agricultural area; 2) be responsible for production costs including fertilizer and costs associated with harvesting and revenue related to the agriculture; 3) ensure that agricultural fields are prepared and available for use for the Franklin County Agricultural Fair in addition to the annual Antique Farm Days event which means that fields will be mowed to allow for parking. The Southwest Virginia Antique Power Festival, Inc. would do this in exchange that they are able to harvest hay and grains off the property for demonstration purposes and for sale.

The term of this agreement will be for a period beginning on April 16, 2014 and ending June 30, 2015 and will grant the Club the right to utilize the premises strictly for agricultural and educational demonstration purposes only.

As outlined in the proposed letter of agreement, the Southwest Virginia Antique Power Festival, Inc. recognizes that this property was purchased for recreational purposes and will vacate the property willingly at such a time, after the end of the agreement, and will cooperate fully during the term of the agreement to accommodate any other unforeseen needs for the property.

If repairs are needed, the Southwest Virginia Antique Power Festival, Inc. will make, at its expense, all necessary repairs to the premises for any damages that were caused by their use of the property. Furthermore, after crops are harvested, the soil will be fertilized to bring it back to at least to the nutrient levels considered to be best farming practices, as a part of replanting the land to meet best farming practices per Virginia Tech.

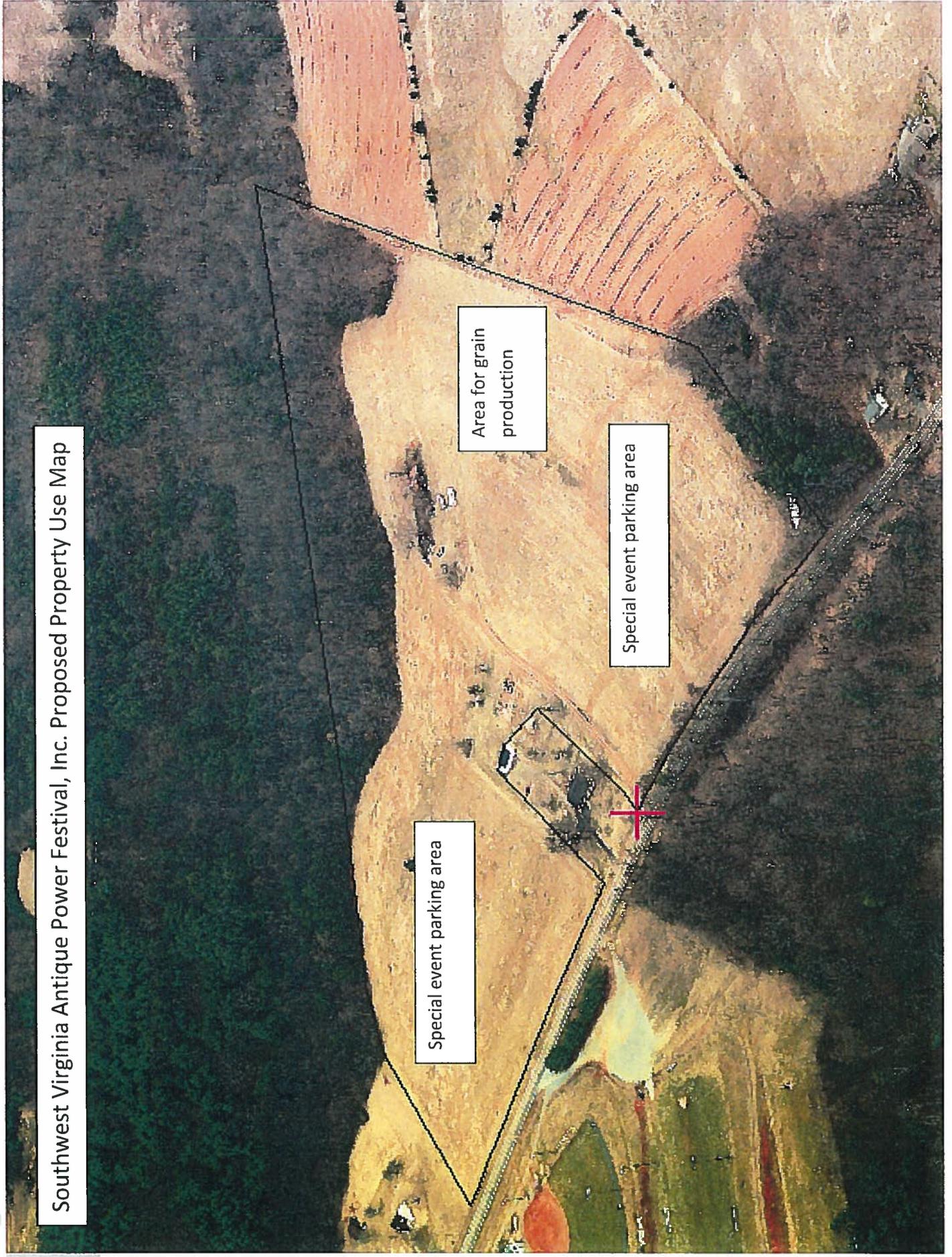
To protect the County from any claims that could arise from the Southwest Virginia Antique Power Festival, Inc.'s use of the property, the Club agrees to expressly waive and covenant not to sue on any claim against the County of Franklin, any officer, any employee of these organizations, any volunteer, or the estate or representative of such persons for any personal injury or loss that the organization might sustain whether caused by negligence, breach of contract, or otherwise; except that this shall not apply to any claim the organization might have against the County, for such personal injury or loss sustained arising out of the gross or wanton negligence of any such persons or entity.

Benefits of this arrangement to the County include the reduction in: 1) County employee time for mowing, 2) wear on County owned tractors and equipment, 3) fuel consumption to run machinery, 3) and the procurement of agricultural and maintenance supplies.

**RECOMMENDATION:**

Staff recommends the Board consider approving the request from the Southwest Virginia Antique Power Festival, Inc. for use of the property for agricultural and demonstration purposes with the restrictions and requirements outlined in the letter of agreement.

Southwest Virginia Antique Power Festival, Inc. Proposed Property Use Map



| March 26, 2014

County of Franklin Board of Supervisors  
Franklin County Government Center  
1255 Franklin Street  
Rocky Mount, VA 24151

Dear Members of the Board:

The purpose of this letter of agreement is to outline the scope of the services that the Southwest Virginia Antique Power Festival, Inc. will perform for Franklin County Parks and Recreation on a new part of the Sontag Road facility. The Southwest Virginia Antique Power Festival, Inc. has a long history of supporting the facilities and activities of Franklin County Parks and Recreation's Sontag Road facility, having partnered in building a major road, minor roads in the new areas of the park, clearing significant forest land for expanding the park, contributing money to expanding electrical services in the park, and generally partnering with Parks and Recreation to expand the uses and capabilities of the park.

Services to Be Rendered:

Southwest Virginia Antique Power Festival, Inc. agrees to maintain the 32.6 acres (Parcel ID: 0830007300) located on Route 619 across from the Franklin County Recreation Park for agricultural purposes. Southwest Virginia Antique Power Festival, Inc. 1) will provide maintenance and upkeep of the agricultural area; 2) is responsible for production costs including fertilizer and costs associated with harvesting and revenue related to the agriculture; 3) will ensure that agricultural fields are prepared and available for use for the Franklin County Agricultural Fair in addition to the annual Antique Farm Days event which means that fields will be mowed to a reasonable level to allow for parking and bales will be removed so as to not interfere.

Term:

The County of Franklin hereby grants the Southwest Virginia Antique Power Festival, Inc. the right to utilize the premises for a period beginning on April 16, 2014 and ending June 30, 2015. The Southwest Virginia Antique Power Festival, Inc. recognizes that this property may be used for other recreational purposes in the future and will vacate the property willingly at such a time, after the end of the agreement, and will cooperate fully during the term of the agreement to accommodate any other unforeseen needs for the property.

Franklin County Agricultural Fair:

The Southwest Virginia Antique Power Festival, Inc. recognizes that this property was purchased in part for its use for recreational park property and for the Franklin County Agricultural Fair. Because of this, the Southwest Virginia Antique Power Festival, Inc. will ensure that any or all of the premises will be available for the Franklin County Agricultural Fair as requested by the County staff.

Repairs:

During the term of this agreement, the Southwest Virginia Antique Power Festival, Inc. Club shall make, at its expense, all necessary repairs to the premises for any damages that were caused by The Southwest Virginia Antique Power Festival, Inc. from its use of the property. No areas will be plowed by The Southwest Virginia Antique Power Festival, Inc. except after receiving approval from the Director of Parks and Recreation, and then the only area to be considered for plowing is an area of approximately two acres that will be used for grain production and in demonstrations associated with Antique Farm Days in June. The area of grain production will be located, based on staff's directions, in the back portion and toward the right when the property is viewed from Sontag Road. The two acre area will be on the opposite side of the high point in the property, away from any cemeteries, and out of sight from Sontag Road. After the grain is harvested, the soil will be fertilized to bring it back to at least to the nutrient levels considered to be best farming practices, as a part of replanting the land to meet best farming practices per Virginia Tech.

Improvements:

The Southwest Virginia Antique Power Festival, Inc. will not remodel, redecorate, make additions, improvements and replacements of and to all or any part of the premises without the County staff's prior consent.

Indemnification:

The Southwest Virginia Antique Power Festival, Inc. expressly waive and covenant not to sue on any claim we might have against the County of Franklin, any officer, any employee of these organizations, any volunteer, or the estate or representative of such persons for any personal injury or loss that the organization might sustain whether caused by negligence, breach of contract, or otherwise; except that this waiver shall not apply to any claim the organization might have against the County, for such personal injury or loss sustained arising out of the gross or wanton negligence of any such persons or entity.

This agreement is executed by Brian Rutrough, President of the Southwest Virginia Antique Power Festival, Inc. pursuant to due and proper authority.

---

Brian Rutrough, President

Attest:

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Charles Brubaker, Secretary

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
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EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE:</u></b> Rocky Mount Rotary Club Grant – 5K Family Fitness Trail</p>	<p><b><u>AGENDA DATE:</u></b> April 15, 2014</p>	<p><b><u>ITEM NUMBER:</u></b></p>
<p><b><u>SUBJECT/PROPOSAL/REQUEST</u></b> Staff seeks the Board’s approval</p>	<p><b><u>ACTION:</u></b> YES</p>	<p><b><u>CONSENT AGENDA:</u></b> YES</p>
<p><b><u>STAFF CONTACT(S):</u></b> Huff, Whitlow, Chapman</p>	<p><b><u>ACTION:</u></b> YES</p> <p><b><u>ATTACHMENTS:</u></b> YES</p> <p><b><u>REVIEWED BY:</u></b> <i>REH</i></p>	

**BACKGROUND:**

In response to Carilion Clinic’s Community Health Assessment, citing high rates of obesity, diabetes, and lack of access to exercise facilities in Franklin County, the Rocky Mount Rotary Club is proposing a community project to directly address this. The Rocky Mount Rotary Club would like to improve and expand the walking trails at Waid Park to create a 5K Family Fitness Trail. The need for this type of project is supported by CHA Consulting when trails were identified as Franklin County’s second most desired recreational amenity via a county-wide survey conducted in 2009.

Many people realize that exercise is important for maintaining good health at all stages in life, however few individuals exercise on a regular basis. Recent surveys have found that 60% of citizens are not regularly physically active and 25% of these are not active at all. One of the major reasons for this is the lack of access to fitness facilities. Trails, such as the one proposed, provide not only a popular venue for people to exercise but also one that is free for public use.

**DISCUSSION**

The specific goal of the 5K Family Fitness Trail is to: Improve the existing trail system at Waid Park to promote healthy active living. This will be accomplished with the following objectives: 1) Creating a recreational resource for daily/weekly exercise. 2) Building connectivity between existing park components. 3) Enhancing site for special events. 4) Developing central hub for larger trail system. 5) Generating critical mass of users.

Currently there are 1.5 miles of surfaced trails at Waid Park that are disconnected and do not allow for routes with significant distance. This project would expand and connect existing trails to create 3.3 miles with hardened surfaces. The hardened surface would allow for wheelchairs and jogging strollers as well as be open for all-weather use. Trail design

would be installed with minimal grades suitable for all abilities.

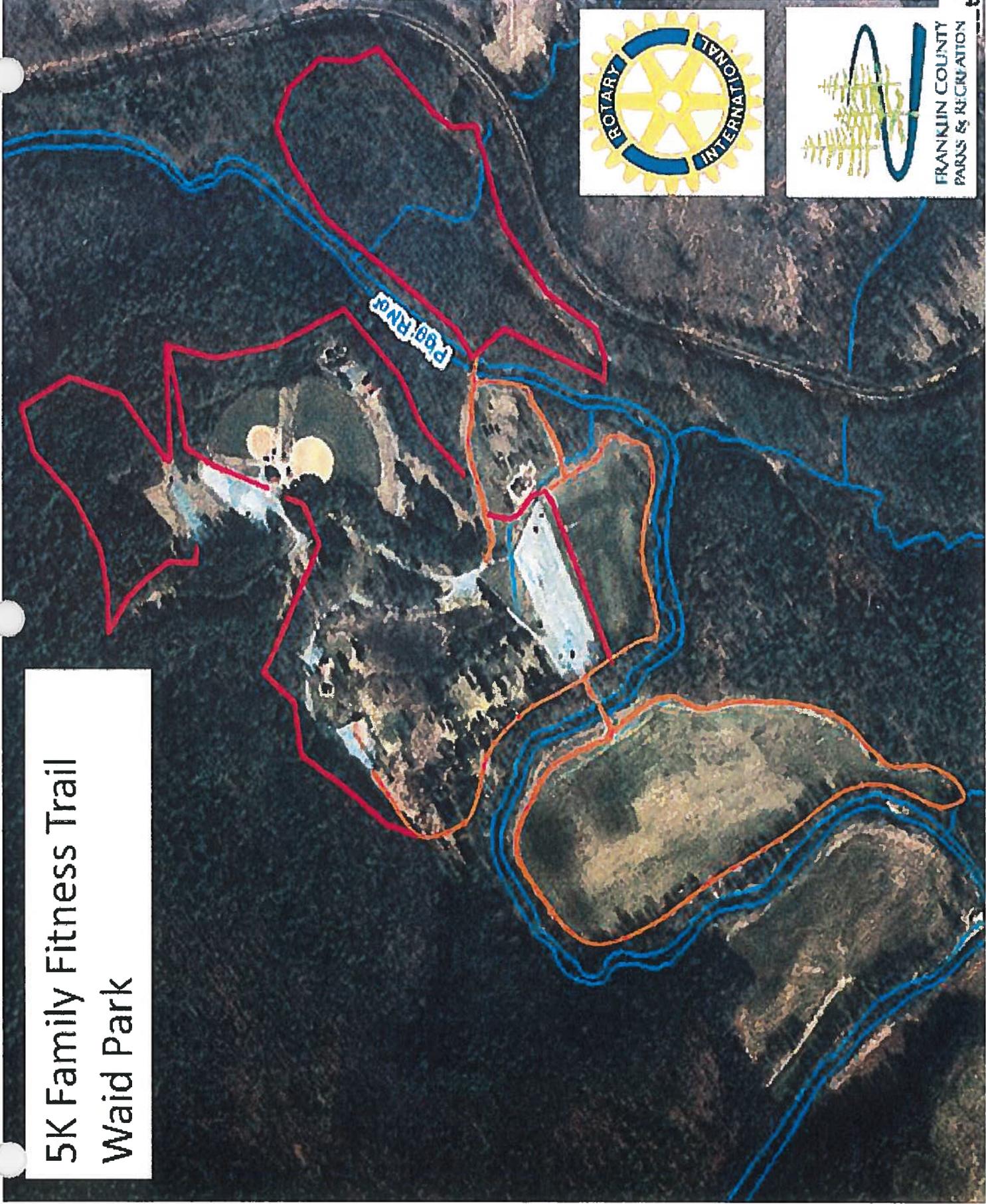
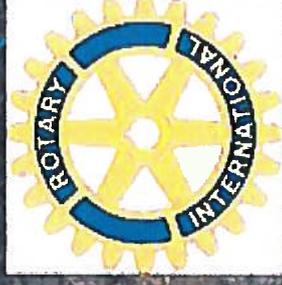
The Rocky Mount Rotary Club has selected this project as their annual community improvement project for 2014. The Club will raise and donate \$10,000 for aggregate, bridge materials, and equipment rental. Franklin County Parks and Recreation will provide staff time to operate equipment and install pathways with an estimated 92 hours of time for construction as well as future maintenance. It is the goal of this partnership to create this "5K" running course that can be used for events and fundraisers that will bring runners from outside the region to the County along with their tourism dollars.

**RECOMMENDATION:**

Staff seeks the Board's approval to proceed with the partnered project with the Rocky Mount Rotary Club to create a 5K Family Fitness Trail with an accessible and safe trail network designed for all ages and abilities with the purpose of improving and promoting community health and increased tourism.

5K Family Fitness Trail  
Waid Park

PGB RND



FRANKLIN COUNTY  
Board of Supervisors

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**Franklin County**  
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**EXECUTIVE SUMMARY**

<p><b><u>AGENDA TITLE:</u></b> Fire Marshal vehicle purchase</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST</u></b> Public Safety vehicle purchase/Purchase Fire marshal vehicle/authorize purchase from state contract.</p> <p><b><u>STRATEGIC PLAN FOCUS AREA:</u></b> <b><u>Goal # 4.3</u></b> <b><u>Action Strategy: Provide Fire/EMS services to citizens.</u></b></p> <p><b><u>STAFF CONTACT(S):</u></b> Messrs. Huff, Hatcher</p>	<p><b><u>AGENDA DATE:</u></b> April 15, 2014      <b><u>ITEM NUMBER:</u></b></p> <p><b><u>ACTION:</u></b>      <b><u>INFORMATION:</u></b></p> <p><b><u>CONSENT AGENDA:</u></b> Yes <b><u>ACTION:</u></b>      <b><u>INFORMATION:</u></b></p> <p><b><u>ATTACHMENTS:</u></b></p> <p><b><u>REVIEWED BY:</u></b> <i>REH</i></p>
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**BACKGROUND:** In 2006, the county purchased Chevrolet Impala four door sedan for use by Public Safety that was assigned to the training coordinator. The vehicle was recently parked due to mechanical issues that will require a significant cost to repair. The training coordinator was issued the vehicle that was assigned to the retired Fire Marshal. On April 1, a new Fire Marshal was appointed will need a county vehicle for operations.

**DISCUSSION:** In 2006, three sedans were purchased for Public Safety administrative personnel to use. One of the sedans was declared a total loss after an accident in 2010 and was replaced. The second was replaced last year due to high maintenance costs while the third remained in service and was assigned to the training coordinator. The sedan assigned to the training coordinator has almost 100,000 miles and has been plagued with maintenance issues including one vehicle fire. The most recent mechanical issue is a blown head gasket that is causing the vehicle to randomly overheat. That vehicle has been removed from service and the training coordinator has been assigned the vehicle that was previously assigned to the fire marshal who recently retired.

On April 1, a new fire marshal was appointed and began his duties. He has temporarily been assigned a vehicle that was slated for surplus until a permanent vehicle can be purchased. The duties of the Fire Marshal require that he be available to respond to calls in inclement weather and frequently requires off road travel. The Fire Marshal must also tow trailers on occasion to hazardous materials incidents. The vehicle being requested for purchase is a 2014 Chevrolet Tahoe which is available on state contract for \$29,705 from Capital Chevrolet, Buick, GMC in Richmond. Adequate funds to facilitate the purchase were allocated in the 2013-2014 CIP budget in line item 3000-023-0145-7005 and are currently available.

**RECOMMENDATION:**

Staff respectfully requests the Board of Supervisors approve the purchase of the vehicle as requested and authorize the surplus of the 2006 Chevrolet sedan for it to be sold at auction.

Requester: \_\_\_\_\_

Date submitted: \_\_\_\_\_

## NEW VEHICLE/REPLACEMENT VEHICLE REQUEST FORM



DEPARTMENT (AND WHOM) VEHICLE IS TO BE ASSIGNED TO: Public Safety-Fire Marshal

REASON FOR REQUEST: Retired Fire Marshal's vehicle was reassigned within department to surplus 2006 Impala assigned to the training section. 2006 Impala currently has a blown head gasket and has historically experienced high maintenance issues including one repair for an electrical fire. Will need to purchase a vehicle for the new fire marshal as soon as possible. Due to begin working April 1, 2014.

DATE VEHICLE IS TO BE PURCHASED/REPLACED: 4/15/2014

ESTIMATED PURCHASE PRICE:

\$ 29705.65

FUNDING SOURCE (ACCOUNT#, ETC.): 3000-023-0145-7005

FUNDS VERIFIED BY FINANCE ON: 03-24-2014

VEHICLE TO BE PURCHASED BY STATE CONTRACT?  YES  NO

IF NO, HOW WILL THE VEHICLE BE PURCHASED?

IS THIS A PROJECTED PURCHASE? ?  YES  NO IF SO, WHICH MONTH?

### PROPOSED NEW VEHICLE INFORMATION:

YEAR: 2014

MAKE: Chevrolet

MODEL: Tahoe

### VEHICLE BEING REPLACED INFORMATION:

YEAR: 2006

TITLE #: 93477961

MILEAGE#: 94908

MAKE: Chevrolet

MODEL: Impala

VIN#: 2G1WS550369335814

WILL THIS VEHICLE BE SURPLUS OR USED AS A SPARE?  SURPLUS  SPARE

WHERE ARE THE KEYS & LICENSE PLATES FOR THIS VEHICLE? Plates on vehicle, keys in key box in PS office.

CONDITION OF OLD VEHICLE:  EXCELLENT  GOOD  FAIR  POOR  JUNKED/PARTS

DISPOSAL OF OLD VEHICLE:  AUCTION  GOVDEALS  TOTALED/INSURANCE  SPARE

### **OFFICE USE ONLY:**

REQUEST APPROVED BY ADMIN ON: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

BOS MEETING ON: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

BOS APPROVED:  YES  NO

KEYS AND LICENSE PLATES TURNED INTO AMANDA CARTER ON: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ (INITIAL) \_\_\_\_\_

COPIES AFTER FINAL EXECUTION TO: Mike Thurman and Amanda Carter

Requester: \_\_\_\_\_

Date submitted: \_\_\_\_\_

PURCHASE INVOICE RECEIVED BY FINANCE ON: \_\_\_\_-\_\_\_\_-\_\_\_\_ (INITIAL) \_\_\_\_

ADDED TO INSURANCE : (INITIAL) \_\_\_\_

TITLE RECEIVED: (INITIAL) \_\_\_\_

**NEW VEHICLE INFORMATION:**

TITLE # : \_\_\_\_\_

VIN#: \_\_\_\_\_

MILEAGE: \_\_\_\_\_

COPIES AFTER FINAL EXECUTION TO: Mike Thurman and Amanda Carter

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE:</u></b> Chapter 7: Erosion &amp; Sediment Control and Stormwater Management</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Repeal of existing Chapter 7: Erosion &amp; Sediment Control; and adoption of new Chapter 7: Erosion &amp; Sediment Control and Stormwater Management</p> <p><b><u>STRATEGIC PLAN FOCUS AREA:</u></b></p> <p><b><u>Action Strategy:</u></b> N/A</p> <p><b><u>STAFF CONTACT(S):</u></b> Neil Holthouser, Director of Planning Ronnie Wilson, Development Review Coordinator</p>	<p><b><u>AGENDA DATE:</u></b> April 15, 2014</p> <p><b><u>ITEM NUMBER:</u></b></p> <p><b><u>ACTION:</u></b> <b><u>INFORMATION:</u></b></p> <p><b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b> <b><u>INFORMATION:</u></b></p> <p><b><u>ATTACHMENTS:</u></b></p> <p><b><u>REVIEWED BY:</u></b> REH</p>
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**BACKGROUND:**

On July 1, 2014, new state regulations will go into effect governing stormwater runoff and water quality related to land development. Over the past year, Planning staff has been preparing for the new statewide regulations by developing a local stormwater management program, including the development of a local stormwater ordinance, a manual of program policies and procedures, and coordinating training of staff. We have done so under the assumption that state law would *require* us (and all Virginia county governments) to implement a local program by July 1st.

In March 2014, the Virginia legislature passed a bill, which the Governor has now signed into law, allowing county governments to "opt-out" of implementing a local stormwater management program. Under this law, localities may elect to have the Virginia Department of Environmental Quality (DEQ) administer the state's new stormwater laws. Planning staff has been following this relatively new development, seeking input from the local development community and comparing results in neighboring and peer jurisdictions.

The arguments in favor of "opting-out" are largely financial. Administration of a local stormwater management program will require personnel and training, the cost of which will not likely be covered by new stormwater fees. "Opting-out" could also help shift blame from the County, as it would be clear that the new stormwater regulations were born at the federal and state levels.

Staff believes there are many compelling arguments for "opting-in," i.e. establishing a local stormwater management program within the Department of Planning & Community Development. A local program would allow the County to maintain a one-stop shop for development services, whereby stormwater review is integrated with local building, zoning, subdivision, floodplain, and erosion & sediment control review. Furthermore, it is assumed that local review would be more expeditious than DEQ review, as DEQ will have minimal staff reviewing plans over a large geographic territory. Third, it could be argued that a locally-staffed program would be more accountable to local elected officials and the local development community, whereby local officials have greater control of review times and customer service. Finally, it should be noted that, under DEQ review, 100% of all stormwater fees would go to the state, whereas a local program would capture 72% of stormwater fees and keep those dollars circulating within the local community.

Staff has polled neighboring and peer jurisdictions as to whether they plan to opt-in or opt-out. The following reflects

each locality's disposition as of this writing:

Opt-in: Establish a locally-administered stormwater management program

- Bedford County (scheduled to vote later this month; Board has indicated unanimous support for opt-in)
- Botetourt County (must adopt a local program as a designated MS-4 community)
- Campbell County (has not voted yet; staff has indicated that the county is inclined to opt-in)
- Montgomery County (must adopt local program as a designated MS-4 community)
- Roanoke County (adopted its new stormwater ordinance on April 8, 2014; required as an MS-4)

Opt-out: Rely on DEQ to administer stormwater management

- Craig County
- Floyd County

Undecided:

- Henry County
- Patrick County
- Pittsylvania County

**RECOMMENDATION:**

The Franklin County Board of Supervisors held a public hearing on February 18, 2014, to consider repeal of Chapter 7 (Erosion & Sediment Control) and adoption of a new Chapter 7 (Erosion & Sediment Control and Stormwater Management.) The Board continued the public hearing until its March 18, 2014, meeting. At its March meeting, the Board again continued the public hearing to await the results of pending state legislation regarding the "opt-out" option. The public hearing has been continued until April 15, 2014.

Staff recommends that the Board resume the public hearing and, upon satisfaction that the public has been heard, close the public hearing at its April 15, 2014 meeting.

Staff recommends that the Board approve the repeal of the existing Chapter 7, adopting in its place the proposed new Chapter 7: Erosion & Sediment Control and Stormwater Management.

**Chapter 7.  
Erosion and Sediment Control and Stormwater Management**

**Article I. In General  
Division 1. Authority**

- Sec. 7-1. Title of Article
- Sec. 7-2. Purpose of Article
- Sec. 7-3. Authority of Article
- Sec. 7-4. Local Control Program Established
- Sec. 7-5. Geographic Applicability
- Sec. 7-6. Severability
- Secs. 7-7 - 7-9. Reserved

**Division 2. Administration**

- Sec. 7-10. Permits
- Sec. 7-11. Fees
- Sec. 7-12. Reference Documents
- Secs. 7-13 - 7-14. Reserved

**Division 3. Definitions**

- Sec. 7-15. General Usage Terms
- Secs. 7-16 - 7-19. Reserved

**Article II. Erosion and Sediment Control**

- Sec. 7-20. Exemptions
- Sec. 7-21. Permit required for land disturbing activities
- Sec. 7-22. Erosion and Sediment Control Plan Required
- Sec. 7-23. Erosion Impact Areas

- Sec. 7-24. Submission and approval of Plans
- Sec. 7-25. Standards to be used in preparation and consideration
- Sec. 7-26. Responsibility of property owner when work is being done by a contractor
- Sec. 7-27. Approval or Disapproval
- Sec. 7-28. Variances
- Sec. 7-29. Changing an approved erosion and sediment control plan
- Sec. 7-30. Reserved
- Sec. 7-31. Performance Bond
- Sec. 7-32. Long term maintenance of permanent facilities
- Sec. 7-33. Closure of Erosion and Sediment Control Permit
- Sec. 7-34. Monitoring and Inspections
- Sec. 7-35. Enforcement
- Sec. 7-36. Appeals
- Secs. 7-37 - 7-39. Reserved

### **Article III. Alternative Inspection Program**

- Sec. 7-40. Alternative Inspection Program
- Secs. 7-41 - 7-49. Reserved.

### **Article IV: Stormwater Management**

- Sec. 7-50. Exemptions
- Sec. 7-51. Submission and Approval of Plans; Prohibitions
- Sec. 7-52. Stormwater Pollution Prevention Plan: Contents of Plans
- Sec. 7-53. Stormwater Management Plan: Contents of Plan
- Sec. 7-54. Pollution Prevention Plan: Contents of Plans
- Sec. 7-55. Review of Stormwater Management Plan
- Sec. 7-56. Technical Criteria for Regulating Land Disturbing Activity

- Sec. 7-57. Performance Bond
- Sec. 7-58. Long term maintenance of Permanent Stormwater Facilities
- Sec. 7-59. Closure of Land Disturbing Activities
- Sec. 7-60. Monitoring and Inspections
- Sec. 7-61. Enforcement - Violations of Article – Penalty, injunctive relief, civil relief
- Sec. 7-62. Appeals

## **ARTICLE I. - IN GENERAL**

### **Division 1 Authority**

#### **Sec. 7-1. Title of article.**

This article shall be known as the “Erosion and Sediment Control and Stormwater Management Ordinance of Franklin County, Virginia.”

#### **Sec. 7-2. Purpose of article.**

The purpose of this article is as follows:

1. Erosion and Sediment Control conserves the land, water, air and other natural resources of Franklin County and the State of Virginia and promotes the health, welfare and convenience of county residents by establishing requirements for the control of erosion and sedimentation and by establishing procedures by which these requirements can be administered and enforced.
2. Stormwater Management provides the framework for the administration, implementation and enforcement of the Virginia Stormwater Management Act (VA SWM) and to delineate the procedures and requirements to be followed in connection with state permits issued by a Virginia Stormwater Management Program (VSMP) Authority, while at the same time providing flexibility for innovative solutions to stormwater management issues.

#### **Sec. 7-3. Authority for article.**

This article is adopted pursuant to the following:

1. Code of Virginia, 1950, as amended, Title 62.1,3.1, Chapter 3.1, Article 2.4 (§62.1-15:51et seq.), known as the "Erosion and Sediment Control Law."
2. Code of Virginia, 1950, as amended, Title 62.1, Chapter 3.1, Article 2.3 (§62.1-15:24 et seq.) known as the “Stormwater Management Law.”
3. Virginia Administrative Code Chapter 840 Erosion and Sediment Control Regulations (9VAC25-840-10 et seq.)
4. Virginia Administrative Code Chapter 850 Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850-10 et seq.)
5. Virginia Administrative Code Chapter 870 Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870-10 et seq.)
6. Virginia Administrative Code Chapter 880 General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880-1 et seq.)

Such laws provide for a comprehensive statewide program, with standards and guidelines to control erosion and sedimentation and stormwater quantity and quality, which are implemented on a local level.

#### **Sec. 7-4. Local control program established.**

In accordance with the authority granted by the State of Virginia, Franklin County hereby establishes the following local control programs:

1. Effective March 18, 2014, a Virginia Erosion and Sediment Control Program for the effective control of soil erosion, sediment deposition and nonagricultural runoff which must be met to prevent the degradation of properties, stream channels, waters and other natural resources. Franklin County hereby adopts this article, any regulations promulgated by the Virginia State Water Control Board pursuant to the Code of Virginia, as amended; and the Virginia Erosion and Sediment Control Handbook as currently in effect and amended from time to time. Franklin County hereby designates the Department of Planning and Community Development as the Administrator of its Virginia Erosion and Sediment Control Program.
2. Effective July 1, 2014, a Virginia Stormwater Management Program (VSMP) for land-disturbing activities and adopts the applicable regulations that specify standards and specifications for VSMP's promulgated by the Virginia State Water Control Board pursuant to the Code of Virginia, as amended; and the Virginia Stormwater Management Handbook as currently in effect and amended from time to time. Franklin County hereby designates the Department of Planning and Community Development as the Administrator of its Virginia Stormwater Management Program.

**Sec. 7-5. Geographic Applicability.**

This chapter shall apply to any land-disturbing activity in Franklin County and the incorporated Towns of Boones Mill and Rocky Mount.

**Sec. 7-6. Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereto. The Franklin County Board of Supervisors hereby declares that it would have enacted this chapter and each section, subsection, sentence, clause, and phrases hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

**Secs. 7-7 - 7-9. Reserved.**

## **Division 2. Administration**

### **Sec. 7-10. Permits.**

The following permits may be issued pursuant to this chapter:

1. Erosion and Sediment Control Permit.
2. Stormwater Management Permit.

### **Sec. 7-11. Fees.**

- (A) There shall be a reasonable fee charged for the processing of erosion and sediment control permit applications. The permit application review fee shall be due at the time of initial submittal of the erosion and sediment control plan / agreement in lieu of plan.
- (B) The application review fee shall cover costs associated with the implementation of the VSECP related to land disturbing activities as listed on the Fee Schedule for Planning & Community Development, which can be obtained from the Department of Planning and Community Development. Incomplete payments will be deemed as non-payments.
- (C) There shall be a reasonable fee charged for the processing of stormwater management permit applications. The permit application review fee shall be due at the time of initial submittal of the stormwater management plan.
- (D) The application review fee shall cover costs associated with the implementation of the VSMP related to land disturbing activities as listed on the Fee Schedule for Planning & Community Development, which can be obtained from the Department of Planning and Community Development. Incomplete payments will be deemed as non-payments. Interests may be charged on late payments, as a 10% late payment fee may be applied to delinquent accounts.

### **Sec. 7-12. Reference Documents.**

In administering this chapter, the local program authority may refer to any document, manual, handbook or guideline recognized by the state of Virginia related to Erosion and Sediment Control and/or Stormwater Management. In addition, the local program authority may develop and reference a local program manual to establish policies and procedures for program administration, plan review, inspections and enforcement related to this chapter.

### **Secs. 7-13 - 7-14. Reserved.**

## Division 3. Definitions

### Sec . 7-15. General Usage Terms.

As used in this article, the following words and terms shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

**"Administrator"** means the VESCP & VSMP Administrator, hereby designated as the Franklin County Department of Planning and Community Development.

**"Adequate channel"** means a watercourse that will convey the designated frequency storm event without overtopping its banks or causing erosive damage to the bed, banks and overbank sections of the same.

**"Agreement in lieu of a plan"** means a contract between the VESCP authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the VESCP authority in lieu of an erosion and sediment control plan.

**"Agreement in lieu of a stormwater management plan"** means a contract between the VSMP authority and the owner or permittee that specifies the methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

**"Applicant"** means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

**"Best management practice" or "BMP"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and non-structural practices, to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

**"Board or State Board"** means the State Water Control Board

**"Channel"** means a natural stream or manmade waterway.

**"Certification"** means the process whereby the Board, on behalf of the Commonwealth, issues a certificate to persons who have completed board-approved training programs and met any additional eligibility requirements of 9VAC25-850-50 related to the specified classifications (9VAC25-850-40) within the areas of ESC or SWM or in other ways demonstrated adequate knowledge and experience in accordance with the eligibility requirements of 9VAC25-850-50 in the specified classifications within the areas of ESC or SWM.

**"Certified combined administrator for ESC"** means an employee or agent of a VESCP authority who holds a certificate of competence from the Board in the combined ESC classifications of program administrator, plan reviewer, and project inspector in the area of ESC. "Certified combined administrator for SWM" means an employee or agent of a VSMP authority

who holds a certificate of competence from the board in the combined classifications of program administrator, plan reviewer, and project inspector in the area of SWM.

**"Certified project inspector for ESC"** means an employee or agent of a VESCP authority who holds a certificate of competence from the Board in the classification of project inspector in the area of ESC.

**"Certified project inspector for SWM"** means an employee or agent of a VSMP authority who holds a certificate of competence from the board in the classification of project inspector in the area of SWM.

**"Certified plan reviewer for ESC"** means an employee or agent of a VESCP authority who: (i) holds a certificate of competence from the Board in the classification of plan reviewer in the area of ESC; or (ii) is a professional registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia; or (iii) is a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

**"Certified plan reviewer for SWM"** means an employee or agent of a VSMP authority who (i) holds a certificate of competence from the Board in the classification of plan reviewer in the area of SWM, of (ii) is a professional registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

**"Certified program administrator for ESC"** means an employee or agent of a VESCP authority who holds a certificate of competence from the Board in the classification of program administrator in the area of ESC.

**"Certified program administrator for SWM"** means an employee or agent of a VSMP authority who holds a certificate of competence from the Board in the classification of program administrator in the area of SWM.

**"Classification"** refers to the four specific certificates of competence classifications within the areas of ESC or SWM that make up activities being performed (program administrator, plan reviewer, project inspector, and combined administrator).

**"Combined administrator for ESC"** means anyone who is responsible for performing the combined duties of a program administrator, plan reviewer and project inspector of a VESCP authority.

**"Combined administrator for SWM"** means anyone who is responsible for performing the combined duties of a program administrator, plan reviewer and project inspector of a VSMP authority.

**"Clearing"** means any activity which removes the vegetative ground cover including, but not limited to, root mat removal and/or topsoil removal.

**"Clean Water Act" or "CWA"** means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution

Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

**"Common plan of development or sale"** means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules. The "plan" in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot. "Common plan of development or sale" does not include any residential, commercial, or industrial lot recorded in the Franklin County Clerk of the Circuit Court's office on or before July 1, 2004.

**"Control measure"** means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

**"County"** means The County of Franklin.

**"Denuded"** means a term applied to land that has been physically disturbed and no longer supports vegetative cover.

**"Department"** means the Virginia Department of Environmental Quality.

**"Development"** means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

**"Director"** means the Director of the Virginia Department of Environmental Quality.

**"District" or "soil and water conservation district"** means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1- 506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

**"Dormant"** refers to denuded land that is not actively being brought to a desired grade or condition.

**"ESC"** means erosion and sediment control.

**"ESC Act"** means the Erosion and Sediment Control Law, Article 4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

**"Erosion and Sediment Control Plan" or "ESC plan"** means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan-approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives. All erosion and sediment control plans must be prepared by

a professional registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia, or a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

***“Erosion and Sediment Control Agreement”***. – An agreement authorized by the program administrator to be provided in lieu of a performance bond on single family home construction. See agreement in lieu of plans.

***“Erosion Impact Area”*** An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

***“Excavating”*** Any digging, scooping or other method of removing earth materials.

***“Filling”*** Any depositing or stockpiling of earth materials.

***“General permit”*** means the state permit titled general permit for discharges of stormwater from construction activities found Chapter 880 (9VAC25-880-1 et. seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

***“Grading”*** Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

***“Land disturbance or Land disturbing activity”*** – means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, or that potentially changes its runoff characteristics including, but not limited to, clearing, grading, and excavation, transporting and filling of land except that the term shall not include those exemptions specified elsewhere in this chapter.

***“Land Disturbing Activity Permit”*** – See Permit for Land Disturbing Activity

***“Layout”*** means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

***“Licensed professional” or “professional registered in the Commonwealth of Virginia”*** means a person registered to engage in the practice of engineering, land surveying, or landscape architecture pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia, or a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia. .

***“Live watercourse”*** means a definite channel with bed and banks within which concentrated water flows continuously.

***“Local program manual”*** means a reference document developed by the local program authority to document policies and procedures for program administration, plan review, inspections or enforcement related to Erosion and Sediment Control and/or Stormwater Management.

**"Locality"** means Franklin County, including the incorporated towns of Boones Mill and Rocky Mount.

**"Minor modification"** means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

**"Natural stream"** means nontidal watercourses that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams. Channels designed utilizing natural design concepts may be considered natural streams.

**"Non-erodible"** means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.

**"Operator"** means the owner or operator of any facility or activity subject to regulation under this Ordinance.

**"Owner"** The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

**"Permit" or "VSMP Authority Permit"** means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department where applicable.

**"Permit for Land Disturbing Activity"** A permit issued by the county authorizing the applicant to undertake a land-disturbing activity in accordance with the provisions of the VESCP or VSMP programs.

**"Permittee"** means the person to whom the permit authorizing the land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan and/or stormwater management plan will be followed.

**"Person"** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

**"Program administrator"** means the person or persons responsible for administering and enforcing the VESCP or VSMP of a VESCP authority or a VSMP authority as may be applicable in the areas of ESC or SWM.

**"Project inspector"** means anyone who, as a representative of a VESCP authority or a VSMP authority, is responsible for periodically examining the ESC or SWM activities and premises of a land-disturbing activity for compliance with the ESC Act and Regulations or the SWM Act and Regulations as may be applicable.

**"Plan approving authority"** The Department of Planning and Community Development of Franklin County.

**"Post-development"** refers to conditions that may be reasonably expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

**"Pre-development"** refers to conditions that exist at the time the erosion and sediment control plan is submitted to the VESCP authority or plans for land development are submitted to the VSMP authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time the erosion and sediment control or land development plans for the initial phase is submitted for approval shall establish pre-development conditions.

**"Program Authority"** refers to Franklin County, Virginia.

**"Regulations"** include, but are not limited to, the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870 and 9VAC25-880, as amended; and the Virginia Erosion and Sediment Control Program (VESCP) Regulations 9VAC25-840, as amended.

**"Responsible Land Disturber" or RLD**, An individual from the project or development team who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved Erosion and Sediment Control Plan or an Erosion and Sediment Control Agreement, who (i) holds a responsible land disturber certificate of competence, or (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review, or (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is registered as a professional in the Commonwealth pursuant to Article 1 (Code of Virginia, § 54.1-400 et seq.) of Chapter 4 of Title 54.1, or (v) is a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

**"Single-family residence"** A noncommercial dwelling unit that is occupied exclusively by one family.

**"Site"** means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channel ward of mean low water in tidal Virginia shall not be considered part of a site.

**"Stabilized"** means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

**"State"** means the Commonwealth of Virginia.

**"State Board"** means the State Water Control Board.

**"State Permit"** means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state

general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

**"State Water Control Law"** means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

**"State Erosion and Sediment Control Program or State Program."** means the program administered by the Department of Environmental Quality pursuant to the state code including regulations designed to minimize erosion and sedimentation.

**"State Waters"** means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

**"Surface Water"** means all water, at or above the land's surface including, but not limited to springs, streams, rivers, lakes, ponds, wetlands, and artificially created water bodies.

**"Stormwater Detention"** means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.

**"Stormwater Maintenance Facility"** – means a control measure that controls stormwater runoff and changes the characteristics of that runoff including but not limited to, the quantity and quality, the period of release or velocity of flow.

**"Stormwater Management Plan" or "SWM plan"** means a document containing material describing methods for complying with the requirements of a VSMP and the SWM Act and its attendant regulations.

**"SWM"** means stormwater management.

**"Stormwater"** means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

**"Stormwater Pollution Prevention Plan" or "SWPPP"** means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

**"Total Maximum Daily Load" or "TMDL"** means the sum of the individual waste load allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

**"Town"** An incorporated town.

**“Transporting”** Any movement of earth material from one place to another, when such movement results in destroying the vegetative cover, either by tracking or the buildup of earth materials, to the extent that erosion and sedimentation will result from the area over which such transporting occurs.

**“Virginia Erosion and Sediment Control Program” or “VESCP”** means a program approved by the board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in the ESC Act and this article, and evaluation consistent with the requirements of the ESC Act and this article.

**“Virginia Erosion and Sediment Control Program authority” or “VESCP authority”** means an authority approved by the board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.

**“Virginia Stormwater Management Act” or “SWM Act”** means Article 2.3 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

**“Virginia Stormwater BMP Clearinghouse website”** means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

**“Virginia Stormwater Management Program” or “VSMP”** means a program approved by the board after July 1, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in the SWM Act and associated regulations, and evaluation consistent with the requirements of the SWM Act and associated regulations.

**“Virginia Stormwater Management Program authority” or “VSMP authority”** means an authority approved by the board after July 1, 2013, to operate a Virginia Stormwater Management Program or, until such approval is given, the department. An authority may include a locality; state entity, including the department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31 of the Code of Virginia, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.

**Secs. 7-16 - 7-19. Reserved.**

## Article II Erosion and Sediment Control

### Sec. 7-20. Exemptions.

- (A) Except as provided herein, no person may engage in any land-disturbing activity until an erosion and sediment control permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (B) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
- (1) Minor activities such as home gardens and individual home landscaping, repairs and maintenance work.
  - (2) Individual utility service connections.
  - (3) Installation, repair and maintenance of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced.
  - (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.
  - (5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1
  - (6) Tilling, planting, or harvesting of agricultural horticultural, or forest crops, or livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11(10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of 10.1-1163;
  - (7) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
  - (8) Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 ( 10.1-604 et seq.) of Chapter 6, ditches, strip, cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
  - (9) Disturbed land areas of less than 3,000 square feet in size. See section 7-19 for clarification as to when a permit is required.
  - (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles.
  - (11) Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of

Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and

- (12) Emergency work to protect life, limb or property and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the VESCP authority.

**Sec. 7-21. Permit required for land-disturbing activities.**

- (A) Except as otherwise provided in this article, no land disturbing activity shall commence prior to the issuance of an Erosion and Sediment Control permit by the Department of Planning and Community Development.
- (B) A Erosion and Sediment Control permit is required if:
  - (1) The area of land disturbance is ten thousand (10,000) square feet or greater; or
  - (2) The area of land disturbance is three thousand (3,000) square feet or greater, and the area of land disturbance is located within two hundred (200) feet of any surface water.
- (C) A Erosion and Sediment Control permit is not required if:
  - (1) The area of land disturbance is less than ten thousand (10,000) square feet, and such area is located more than two hundred (200) feet from any surface water; or
  - (2) The area of land disturbance is less than three thousand (3,000) square feet, and such area is located within two hundred (200) feet of any surface water.

**Sec. 7-22. Erosion and Sediment Control Plan required.**

- (A) Except as otherwise provided in this article, no erosion and sediment control permit for land-disturbing activity shall be issued without an approved Erosion and Sediment Control Plan.
- (B) An Agreement in lieu of may be substituted for an Erosion and Sediment Control Plan under the following conditions:
  - (1) The land-disturbing activity is associated with the construction of a single family residence that is not part of a common plan of development or sale; and
  - (2) The area of land disturbance is less than one (1) acre and
  - (3) No additional proffers or conditions are required as part of a rezoning or special use permit which require low impact development techniques.

**Sec. 7-23. Erosion Impact Areas.**

In order to prevent further erosion, the program administrator may identify any land, whether or not disturbed by the building process, as an erosion impact area as defined above and require an approved Erosion and Sediment Control plan and Erosion and Sediment Control permit.

**Sec.7-24. Submission and approval requirements.**

- (A) Except as otherwise specifically provided, no person shall engage in any land-disturbing activity until an erosion and sediment control plan has been submitted and approved by the county, and a permit has been issued by the program administrator.
- (B) Any person whose land-disturbing activity involves lands which extend into the jurisdiction of another local erosion and sediment control program may submit an erosion and sediment control plan to the Department of Environmental Quality for review and approval, rather than submission to each jurisdiction concerned. In such events, the applicant shall obtain permits for the land-disturbing activity from each jurisdiction.
- (C) No grading, land-disturbing activity, building or other permit shall be issued by the county for any work which involves land-disturbing activity for which permit is required unless the applicant submits with his application an Erosion and Sediment Control Plan for approval (unless otherwise exempted by this Ordinance), and certifies, after approval, that the Erosion and Sediment Control Plan will be followed.
- (D) Where the land-disturbing activity results from the construction or location of a single-family residence, an Agreement in lieu of plans may be substituted for an Erosion and Sediment Control Plan if executed by the plan approving authority.
- (E) Prior to the issuance of any permit for land-disturbing activity, the person responsible for carrying out the Erosion and Sediment Control Plan or agreement in lieu of plan shall provide the name of the responsible land disturber who will be in charge of and responsible for the projects land disturbance.
- (F) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Department of Environmental Quality for review and approval prior to performing work in Franklin County. The specifications shall apply to:
  - (1) Construction, installation or maintenance of electric, natural gas and telephone utility lines and pipelines; and
  - (2) Construction of the tracks, rights of way, bridges, communication facilities and other related structures and facilities of the railroad company.

**Sec. 7-25. Standards to be used in preparation and consideration.**

- (A) The most recent edition of the Virginia Erosion and Sediment Control Handbook and Virginia Erosion and Sediment Control Regulations and the Virginia Stormwater Management Handbook shall be available at the program administrators office as well as online and shall be used in preparing the Erosion and Sediment Control Plan required by this article. The county, in considering the adequacy of such Erosion and Sediment Control Plan, shall be guided by the standards set forth in state regulations, or otherwise included in the Virginia Erosion and Sediment Control Handbook, the Virginia Stormwater Management Handbook, or the local program manual.
- (B) In areas governed by American Electric Power's Smith Mountain Lake Shoreline Management Plan, shoreline rip-rap shall be installed according to the following specifications, and subject to AEP approval:

- (1) Materials and design as part of an engineered plan, based on standards in the handbook and VDOT manual and approved by the county; or,
  - (2) In the case of separate individual residential lots involving five hundred (500) feet or less of shoreline, the following minimum materials and design standards may be used:
    - a. Stone—Class B erosion stone, VDOT Class I, or equivalent
    - b. Plastic filter cloth—Exxon GTF-400 Geotextile or equivalent.
    - c. Temporary and permanent seeding, fertilization, and mulching rates as specified by the Virginia Erosion and Sediment Control Handbook.
    - d. Maximum slope ratio for riprap area—2.5 to 1.
    - e. Minimum vertical face height—Thirty-six (36) inches above full pond level (795-foot contour) or to the prevailing cut line.
    - f. Terrace width (if needed at top of rip rap slope) shall have a minimum width of twelve (12) feet.
    - g. Terrace back slope ratio—Maximum 2:1.
    - h. Minimum thickness of rip rap layer—Twelve (12) inches.
- (C) All installation of materials shall be according to the VESC Handbook and manufacturers specifications.

**Sec. 7-26. Responsibility of property owner when work is being done by a contractor.**

Whenever a land-disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of the required Erosion and Sediment Control Plan shall be the responsibility of the owner of the land.

**Sec. 7-27. Approval or disapproval.**

- (A) Upon receipt of an erosion and sediment control plan submitted under this article, together with the required fees, the program administrator shall act on such erosion and sediment control plan within forty-five (45) days, by either approving the Erosion and Sediment Control Plan in writing or by disapproving the Erosion and Sediment Control Plan in writing and giving specific reasons for disapproval. The program administrator shall approve the Erosion and Sediment Control Plan if the Erosion and Sediment Control Plan meets the conservation standards of the county E&S program and if the person responsible for carrying out the Erosion and Sediment Control Plan certifies that he will properly perform the erosion and sediment control measures included in the Erosion and Sediment Control Plan and will comply with all provisions of this article. If a temporary sediment basin, a permanent stormwater detention basin or any other permanent feature is a part of the approved Erosion and Sediment Control Plan, this same person must designate, in writing the person who will be liable for necessary long-term maintenance on these structures.

- (B) If an Erosion and Sediment Control Plan is disapproved, the program administrator shall specify such modifications, terms and conditions as will permit approval of the Erosion and Sediment Control Plan and shall communicate such requirements to the permit applicant.
- (C) If no action is taken by the plan approving authority within the time specified in subsection (a) above, the Erosion and Sediment Control Plan shall be deemed approved and the program administrator shall issue the land-disturbing permit.
- (D) If action is taken by the plan approving authority within the time specified in subsection (a) above, and the Erosion and Sediment Control Plan is deemed disapproved, the applicant must resubmit within six (6) months following the date of disapproval, or the Erosion and Sediment Control Plan shall be deemed abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the applicant may resubmit the Erosion and Sediment Control Plan after the six (6) month period, however, the following shall apply:
  - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
  - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.
- (E) Should a land-disturbing activity not begin within 180 days following Erosion and Sediment Control Plan approval, or after the Erosion and Sediment Control Plan is ready for approval but the plan approval authority has not received the required performance bond, the plan will be considered abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the following shall apply:
  - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
  - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.
- (F) Should a land-disturbing activity cease for more than one hundred eighty (180) days, the plan approval authority may evaluate the existing approved Erosion and Sediment Control Plan to determine whether the Erosion and Sediment Control Plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. Should the plan approval authority determine the Erosion and Sediment Control Plan is no longer valid, the Erosion and Sediment Control Plan shall be deemed abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the following shall apply:
  - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
  - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.

### **Sec. 7-28. Variances.**

The VESCP authority may waive or modify any of the minimum standards that are deemed inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under the following conditions:

1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the VESCP authority shall be documented in the plan.
2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the VESCP authority. The VESCP authority shall respond in writing either approving or disapproving such a request. If the VESCP authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
3. The VESCP authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

### **Sec. 7-29. Changing an approved erosion and sediment control plan.**

An Erosion and Sediment Control Plan that has been approved under this article may be changed by the program administrator in the following cases:

1. Where inspection has revealed that the Erosion and Sediment Control Plan is inadequate to satisfy applicable regulations.
2. Where the person responsible for carrying out the approved Erosion and Sediment Control Plan finds that because of changed circumstances or for other reasons the Erosion and Sediment Control Plan cannot be effectively carried out, and proposed amendments, consistent with the requirements of this article, are agreed to by the program administrator and the person responsible for carrying out the plan.

### **Sec. 7-30. Reserved.**

### **Sec. 7-31. Performance Bond.**

Except as otherwise provided in this article, no erosion and sediment control permit for land-disturbing activity shall be issued without the submittal and approval of a reasonable performance bond to secure the required erosion and sediment control measures. Such bond may take the form of surety, cash escrow, letter of credit, any combination thereof, or such legal arrangement acceptable to the program administrator. Such bond shall be held by the program authority. In the event that the applicant fails to initiate or maintain appropriate conservation actions which may be required of him by the approved Erosion and Sediment Control Plan, the county may utilize said bond to implement the appropriate conservation actions.

If the county takes such conservation action upon failure by the applicant or owner, the county may collect from the applicant or owner for the difference should the amount of the reasonable

cost of such action exceed the amount of the security held. Within sixty (60) days of the achievement of adequate stabilization of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement or the unexpended or unobligated portion thereof, shall be refunded to the applicant or owner or terminated. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

For land-disturbing activities that are associated with the construction or location of a single-family residence, an Erosion and Sediment Control Agreement may be substituted for a performance bond to secure the required erosion and sediment control measures. The Erosion and Sediment Control Agreement shall include the following:

1. The title of the Erosion and Sediment Control Plan;
2. The name of the plan preparer;
3. The date the plan was prepared;
4. The name and license number of the Responsible Land Disturber; and
5. The signature of the property owner.

**Sec. 7-32. Long term maintenance of permanent facilities.**

(A) The Administrator shall require the provision of long-term responsibility for and maintenance of permanent Erosion and Sediment Control facilities. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:

- (1) Be submitted to the Administrator for review and approval prior to the approval of the Erosion and Sediment Control plan;
- (2) Be stated to run with the land;
- (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
- (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
- (5) Be enforceable by all appropriate governmental parties.

(B) At the discretion of the Administrator, such recorded instruments need not be required for Erosion and Sediment Control facilities designed to accommodate runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.

**Sec. 7-33. Closure of Erosion and Sediment Control Permit.**

Post-construction record documents, also known as "as-built" drawings, are required for all development projects that include permanent facilities for Erosion and Sediment Control. Such

post-construction record documents shall be sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (54.1-400 et. seq.) of Chapter 4 of Title 54.1, and shall include language on the record documents certifying that the permanent facilities are in conformance with the approved Erosion and Sediment Control plan.

**Sec. 7-34. Monitoring and Inspections.**

- (A) The program administrator shall provide for periodic inspections of land-disturbing activity either through the district or through county personnel. The district may inspect, monitor and make reports to the county, but enforcement shall be the responsibility of the program administrator. The program administrator may require monitoring and reports from the person responsible for carrying out the ESC plan or Agreement in Lieu of plans to insure compliance with the approved plan and to determine whether the measures required in the approved plans are effective in controlling erosion and sediment. The owner, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors. Inspections shall be performed in accordance with the Virginia State Soil and Water Conservation Board's approved Alternative Inspection Program (AIP) for Franklin County, approved February 1, 2008. See Article III.
- (B) If the program administrator determines that there is a failure to comply with the ESC plan or Agreement in Lieu of plans, notice shall be served upon the permittee or person responsible for carrying out the ESC plan or Agreement in Lieu of plans by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery, to the site of the land-disturbing activities, to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the ESC Plan or Agreement in Lieu of plans and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the ESC Plan or Agreement in Lieu of plans shall be deemed to be in violation of this article, and upon conviction shall be subject to the penalties provided herein.
- (C) Upon receipt of a sworn complaint of a substantial violation of this article from a designated inspector of the county or the district, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in subsection (b) above, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken, or, if land-disturbing activities have commenced without an approved erosion and sediment control plan or Agreement in Lieu of plan, requiring that all of the land-disturbing activities be stopped until an approved ESC plan- or Agreement in Lieu of plan, or any required permits are obtained. Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved ESC plan, or any required permits, such an order may be issued whether or not the alleged violator has been issued a notice to comply order. The order shall be served in the same manner as a notice to comply and shall remain in effect for seven (7) days from the date of service, pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court of Franklin County. Within seven (7) days from the service of the order, it shall be the responsibility of the

owner to retain the services of a plan preparer to prepare and submit the required Erosion and Sediment Control Plan, and notify the program administrator that a plan preparer has been retained. Within this seven (7) day period temporary corrective measures shall be installed to prevent harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth. Such temporary corrective measures shall be maintained until an approved ESC plan and any required permits have been obtained. If the alleged violator has not obtained a plan preparer and/or installed the necessary temporary corrective measures within seven (7) days from the date of service of the order, the program administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved Erosion and Sediment Control Plan and any required permits have been obtained.

- (D) The required Erosion and Sediment Control Plan shall be submitted within (30) thirty days from the date of service of the order, unless otherwise agreed to by the program administrator. If the alleged violator has not submitted the required erosion and sediment control plan within the time period authorized by the program administrator, the program administrator may issue an order to owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved erosion and sediment control plan and any required permits have been obtained.

**Sec. 7-35. Enforcement.**

- (A) A violation of any provision of this article shall be deemed a Class 1 misdemeanor.
- (B) The county, district, or board may apply to the Circuit Court of Franklin County for injunctive relief to enjoin a violation or a threatened violation of the article, without the necessity of showing that there is not an adequate remedy at law. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation.
- (C) Civil penalties:
1. A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:
  2. Commencement of a land-disturbing activity without an approved land-disturbing permit shall be not less than \$100.00/day and no more than (\$1,000.00)/day.
  3. Failure to comply with the vegetative measures, structural measures, watercourse measures or underground utility measures of the minimum standards found in the Virginia Erosion and Sediment Control Handbook shall be up to one hundred dollars (\$100.00)/violation/day.
  4. Failure to obey a stop work order shall be up to one hundred dollars (\$100.00)/day.
  5. Failure to stop work when a permit is revoked shall be up to one thousand dollars (\$1,000.00)/day.

- (D) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00), except that a series of violations arising from commencement of land-disturbing activities without an approved Erosion and Sediment Control Plan or an approved Erosion and Sediment Control Agreement for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of (§ 62.1-44.15:54).
- (E) Individuals who hold a Responsible Land Disturber Certification as issued by the State Water Control Board and administered by the Virginia Department of Environmental Quality (DEQ) are hereby considered to be the person responsible for carrying out the plan and upon repeated violations, will be reported to DEQ for revocation of their certification. A Responsible Land Disturber is also accountable for any and all sanctions included in this article and is subject to the same penalties as the owner of the property.
- (F) Any civil penalties assessed by the court shall be paid into the treasury of Franklin County, except that where the violator is the county itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- (G) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the program administrator, or any condition of a permit or any provision of this article, the administrator may provide, in an order issued by the program administrator against such persons, for the payment of civil charges for violations in specific sums not to exceed the limit specified in paragraph (B) of this section. Such civil charges shall be in lieu of any appropriate civil penalty which could be imposed under paragraphs (B) and (C).
- (H) Except when land disturbance requiring a permit has begun without a permit, or when in the opinion of the administrator, conditions pose an imminent danger to life, limb, property, or to the waters of the commonwealth, this article shall be enforced as follows:
1. Issue a field correction notice listing the violations noted during inspection and the required corrective action.
  2. Send a notice to comply by certified mail, return receipt required, identifying the violations noted in the correction letter which have not yet been corrected and allowing ten (10) days after the receipt of the notice for the implementation of the corrective actions.
  3. Issue a stop work order by certified mail, return receipt required; requiring that all work on the site should be stopped until the corrective measures noted in the notice to comply are implemented. A maximum period of seven (7) days after the receipt of the order shall be allowed to correct the violations. In addition, the land-disturbing permit may be revoked during this period until the corrective actions are taken. Should this permit be revoked, all construction work on the site shall be stopped. Upon the completion of the corrective actions, the stop work order is rescinded and the permit is reinstated.

4. Imposition of criminal or civil penalties. Either, but not both, of these penalties may be imposed if the seven-day period in the stop work order passes without the implementation of necessary corrective actions. The time frame for computing the number of days in violation shall not begin until the seven (7) days allowed for corrective action has expired unless work was not stopped as ordered.
5. Such orders shall be issued in accordance with the Stormwater Management and Erosion Control Manual.

**Sec. 7-36. Appeals.**

Final decisions of the program administrator under this article shall be subject to review by the Franklin County Board of Supervisors, provided an appeal is filed within thirty (30) days from any written decision by the program administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Final decisions of the board of supervisors under this article shall be subject to review by Circuit Court of Franklin County, provided an appeal is filed within thirty (30) days from the date of any written decision by the Franklin County Board of Supervisors which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

**Secs. 7-37 - 7-39. Reserved.**

# Article III Alternative Inspection Program for Erosion and Sediment Control

## Sec. 7-40. Alternative Inspection Program.

**PURPOSE:** The alternative inspection program described herein for the County of Franklin is designed to provide the oversight of urban land-disturbing activities by effectively utilizing local staff to meet specific urbanization trends while addressing specific environmental conditions within the locality.

**AUTHORIZATION:** 62.1-44.15:52 of Title 62.1, Chapter 3.1 Article 2.4 of the Code of Virginia and 9VAC25 840-60 of the Erosion and Sediment Control Regulations.

**POLICY:** To most effectively utilize local staff and protect the resources of the County of Franklin and the Commonwealth, the County of Franklin will implement an alternative inspection program based on a system of priorities. The system of priorities will be based upon the amount of disturbed project area, site conditions, stages of construction, and site conditions noted on previous inspections.

### IMPLEMENTATION:

1. The erosion and offsite environmental impact potential of regulated projects shall be determined by an evaluation of the topography soil characteristics, acreage disturbed, proximity to water resources, and proximity to adjacent property lines.
2. After plan review and a site visit, the plan reviewer and the program administrator will assign a classification number to the project.
3. Classification numbers will be assigned to projects which address site specific erosion potential and offsite environmental impact. These classification numbers will be used to determine the frequency of inspections. The classification numbers will range from one to three, one (1) requiring a less frequent inspection schedule and three (3) requiring a more frequent inspection schedule.
4. The classification of a project may be adjusted to a higher or lower classification by the program administrator based upon complaints, violations, inspections, and stages of construction.
5. The classification number shall be included on the approved plan, written on the file folder, written on the building permit application, and made a part of the project database.

**BASIS FOR CLASSIFICATION:** Project classifications shall be assigned to projects based on a preliminary site visit, plan review, and utilizing the Tabular Rating System:

CLASS 1 (LOW)	Projects typically with total acres disturbed under two acres; greater than 150 foot buffer between disturbed area and any property lines, water resources, or public streets; slopes are 0-7 percent and less than or equal to 300 feet; weighted soil K-factor is less than .23 within the limits of disturbance.
CLASS 2	Projects typically with total acres disturbed under two acres; disturbed area is 50 feet to 150 feet from any property lines, water resources, or public streets; slopes are 7-15 percent and less than or equal to 150 feet;

(MED)	weighted soil K-factor is between .23 and .36 within the limits of disturbance.
CLASS 3 (HIGH)	Projects typically with total acres disturbed over two acres; disturbed area is less than 50 feet from any property lines, water resources, or public streets; slopes are greater than 15 percent and less than or equal to 75 feet; weighted soil K-factor is greater than .36 within the limits of disturbance.

**FREQUENCY OF INSPECTIONS:**

1. All permitted land-disturbing activities will be inspected at a minimum frequency according to the following schedule:

CLASS 1	At the beginning and completion of the project and every eight weeks.
CLASS 2	At the beginning and completion of the project and at least every five weeks.
CLASS 3	At the beginning and completion of the project and at least every two weeks.

2. All inspections will be documented on an inspection log maintained as a part of each project file. Project owners will receive copies of inspection reports with noted violations.
3. Inspection return frequency is not limited to the above schedule and will increase in frequency due to runoff producing storm events or documented violations.

**TABULAR RATING SYSTEM - EROSION AND SEDIMENT CONTROL  
FRANKLIN COUNTY, VIRGINIA**

TOTAL DISTURBED ACREAGE	CHECK	RATING	DISTANCE TO WATERCOURSE	CHECK	RATING
Less than ½ acre		0	0—50 feet		5
½ acre to one acre		3	50—100 feet		3
1 to 2 acres		5	150—300 feet		1
>2 acres- Must inspect every two weeks (High Priority)			Greater than 300 feet		0
<b>Soil Erodibility (base on K-Factor)</b>			<b>Distance—Downstream Adjacent Property</b>		
Low (0.23 and lower)		1	Less than 50 feet		5
Moderate (0.24—.036)		3	50 feet to 150 feet		3
High (.037 and higher)		5	Greater than 150 feet		1
<b>Buffer Vegetation Condition</b>			<b>Width of Buffer</b>		
Very Good (Dense, grass, hayfield)		0	0—50 feet		5
Good (Avg. grass, forest good pasture)		1	50—150 feet		3
Fair (poor grass, fair pasture)		3	150—300 feet		1
Poor (Bare soil, pavement)		5	Greater than 300 feet		0

Critical Slope			Crossing Water Course		
Does the slope meet or exceed the following criteria			Yes—inspect every two weeks (High Priority)		
Grade of slope—0—7%, slope length>300 feet OR			No		0
Grade of slope—7—15%, slope length>150 feet OR					
Grade of slope—15%, slope length>75 feet					
If yes to any of these slope conditions, rating 3 If no, rating 0					
OVERALL RATING			INSPECTION RETURN FREQUENCY		
(TOTAL OF THE ABOVE CATEGORIES)					
If _____ is 26-33 then			_____ Once every two (2) weeks		
If _____ is 20-26 then			_____ Once every five (5) weeks		
If _____ is 13-19 then			_____ Once every eight (8) weeks		
If _____ is 12 or less then			_____ Frequency based on criteria below		

Note: Inspection return frequency is not limited to the above schedule and will increase in frequency due to run-off producing storm events or documented violations. Also, an inspection will be performed at the beginning and completion of all projects, regardless of rating.

Project Name: \_\_\_\_\_ Approved By: \_\_\_\_\_  
Date: \_\_\_ / \_\_\_ / \_\_\_

**Secs. 7-41 - 7-49. Reserved.**

## Article IV. Stormwater Management

### Sec. 7-50. Exemptions

- (A) Except as provided herein, no person may engage in any land-disturbing activity until a Virginia Stormwater Management Program or VSMP authority permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (B) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
  - (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
  - (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
  - (3) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures.
  - (4) Land disturbing activities that disturb less than one acre of land area except for activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance
  - (5) Discharges to a sanitary sewer or a combined sewer system;
  - (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
  - (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and

- (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

**Sec. 7-51. Submission and Approval of Plans; Prohibitions.**

- (A) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:
  - (1) A permit application that includes a general permit registration statement;
  - (2) An Erosion and Sediment Control Plan approved in accordance with the Franklin County Erosion and Sediment Control Ordinance Section 7-23, and;
  - (3) A Stormwater Management Plan that meets the requirements of Section 7-50 of this Ordinance.
- (B) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.
- (C) No VSMP authority permit shall be issued until the appropriate fees have been paid and a performance bond has been submitted and approved.
- (D) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing; construction, disturbance, land development and drainage will be done according to the approved permit.
- (E) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator unless otherwise exempted by this ordinance.

**Sec. 7-52. Stormwater Pollution Prevention Plan; Contents of Plans.**

- (A) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general

information set forth in Chapter 880 General Permit for Discharges of Stormwater from Construction Activities 9VAC25-880-1 et seq.

- (B) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
- (C) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

**Sec. 7-53. Stormwater Management Plan; Contents of Plan.**

- (A) The Stormwater Management Plan, required in Section 7-48 of this Ordinance, must apply the stormwater management technical criteria set forth in Section 7-53 of this Ordinance to the entire land-disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff, and include the following information including but not limited to any additional information as required by the VSMP Permit Regulations (9VAC25-870-55) and the Stormwater Management and Erosion Control Manual:
  - (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and post development drainage areas;
  - (2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
  - (3) A narrative that includes a description of current site conditions and final site conditions;
  - (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
  - (5) Information on the proposed stormwater management facilities, including but not limited to:
    - (a) The type of facilities;
    - (b) Location, including geographic or state plain coordinates;
    - (c) Acres treated, and;
    - (d) The surface waters or karst features, if present, into which the facility will discharge.

- (6) Hydrologic and hydraulic computations, including runoff characteristics;
  - (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 30-45 of this Ordinance and the Stormwater Management and Erosion Control Manual.
  - (8) A map or maps of the site that depicts the topography of the site and includes at a minimum:
    - (a) All contributing drainage areas;
    - (b) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
    - (c) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
    - (d) Current land use including existing structures, roads, and locations of known utilities and easements;
    - (e) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
    - (f) The limits of clearing and grading, and the proposed drainage patterns on the site;
    - (g) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
    - (h) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- (B) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 7-53 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia.
- (C) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- (D) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator except for stormwater management facilities for which maintenance agreements are not required pursuant to Section 7-31. The construction record drawing shall be appropriately sealed and signed by a licensed professional registered in the Commonwealth of Virginia, pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

**Sec. 7-54. Pollution Prevention Plan; Contents of Plans.**

- (A) Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21 (d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
  - (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
  - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
  - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (B) The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450 21 (e):
  - (1) Wastewater from washout of concrete, unless managed by an appropriate control;
  - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, and;
  - (4) Soaps or solvents used in vehicle and equipment washing.
- (C) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR 45.21 (c).

**Sec. 7-55. Review of Stormwater Management Plan.**

- (A) The Administrator or any duly authorized agent of the Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:
  - (1) The Administrator shall determine the completeness of a plan in accordance with Section 7-50 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be

incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.

- (2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
  - (3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
  - (4) For plans not approved by the Administrator, all return comments shall be addressed by the applicant within 90 calendar days. Plans that are not resubmitted within this time period will be subject to a new application fee and review for current regulations.
  - (5) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance and the Stormwater Management and Erosion Control Manual.
  - (6) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.
- (B) Approved stormwater plans may be modified as follows:
- (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
  - (2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.
- (C) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 7-55 (B)

**Sec. 7-56. Technical Criteria for Regulated Land Disturbing Activities.**

- (A) All land-disturbing activities shall comply with the technical criteria outlined in the Stormwater Management and Erosion and Control Plan Manual, latest edition.
- (B) Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by Franklin County as being equivalent thereto, was approved by the Franklin County prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered by the Administrator and shall not be subject to the technical criteria of Part II B [of the Regulations], but shall be subject to the technical criteria of Part II C [of the Regulations] for those areas that were included in the approval, provided that the Administrator finds that such proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Locality as being equivalent thereto, (i) provides for a layout and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C. In the event that the Locality-approved document is subsequently modified or amended in a manner such that there is no increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.
- (1) Until June 30, 2019, for local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Department has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by Franklin County and shall not be subject to the technical requirements of Part II B of the Regulations, but shall be subject to the technical requirements of Part II C of the Regulations for those areas that were included in the approval.
- (2) For land-disturbing activities grandfathered under this Subsection, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of Part II B.
- (C) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part IIC of the Regulations.
- (D) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.

- (1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit or required state permits shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director except where allowed under Part II C of the regulations.
  - (2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.
- (E) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.

**Sec. 7-57. Performance Bond.**

Prior to issuance of any permit, the Applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, insurance bond or any combination thereof, or such other legal arrangement acceptable to the county attorney, to ensure that measures could be taken by the County of Franklin at the Applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the County of Franklin takes such action upon such failure by the Applicant, the Locality may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, insurance bond or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

**Sec. 7-58. Long-term Maintenance of Permanent Stormwater Facilities.**

- (A) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
- (1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
  - (2) Be stated to run with the land;
  - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;

- (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
  - (5) Be enforceable by all appropriate governmental parties.
- (B) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.
- (C) If a recorded instrument is not required pursuant to Subsection 7-55 (B), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator

**Sec. 7-59. Closure of Land Disturbing Activities.**

Post-construction record documents, also known as "as-built" drawings, are required for all development projects that include permanent facilities for Stormwater Management. Such post-construction record documents shall be sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (54.1-400 et. seq.) of Chapter 4 of Title 54.1, and shall include language on the record documents certifying that the permanent facilities are in conformance with the approved Stormwater Management plan.

**Sec. 7-60. Monitoring and Inspections.**

- (A) The Administrator or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:
- (1) Compliance with the approved erosion and sediment control plan;
  - (2) Compliance with the approved stormwater management plan;
  - (3) Development, updating, and implementation of a stormwater pollution prevention plan; and
  - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (B) The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property,

public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.

- (C) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (D) Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.
- (E) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly authorized agent of the Administrator pursuant to the Locality's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 7-55.

**Sec. 7-61. Enforcement.**

- (A) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.
  - (1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.
  - (2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the

permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

- (B) Such orders shall be issued in accordance with the Stormwater Management and Erosion Control Manual. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 7-58(C).
- (C) In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the Stormwater Management and Erosion Control Manual.
- (D) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in Franklin County Circuit Court by the Locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- (E) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
  - (1) Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:
    - (a) No state permit registration;
    - (b) No SWPPP;
    - (c) Incomplete SWPPP;
    - (d) SWPPP not available for review;
    - (e) No approved erosion and sediment control plan;
    - (f) Failure to install stormwater BMPs or erosion and sediment controls;

- (g) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
  - (h) Operational deficiencies;
  - (i) Failure to conduct required inspections;
  - (j) Incomplete, improper, or missed inspections; and
  - (k) Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit.
- (2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
  - (3) In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
  - (4) Any civil penalties assessed by a court as a result of a summons issued by Franklin County shall be paid into the treasury of the Franklin County to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.
- (F) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

**Sec. 7-62. Appeals.**

Final decisions of the program administrator under this article shall be subject to review by the Franklin County Board of Supervisors, provided an appeal is filed within thirty (30) days from any written decision by the program administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Final decisions of the board of supervisors under this article shall be subject to review by Circuit Court of Franklin County, provided an appeal is filed within thirty (30) days from the date of any written decision by the Franklin County Board of Supervisors which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

FRANKLIN COUNTY  
Board of Supervisors



**Franklin County**  
*A Natural Setting for Opportunity*

**EXECUTIVE SUMMARY**

<b><u>AGENDA TITLE:</u></b>  <i>PUBLIC HEARING/PROPOSED LEASE OF REAL ESTATE</i>	<b><u>AGENDA DATE:</u></b>  <i>APRIL 15, 2014</i>	<b><u>ITEM NUMBER:</u></b>
<b><u>SUBJECT/PROPOSAL/REQUEST</u></b>  <i>BOARD ACTION FROM PUBLIC HEARING FOR LEASE OF REAL ESTATE PROPERTY LOCATED AT 2455 SONTAG ROAD, ROCKY MOUNT, VIRGINIA</i>	<b><u>ACTION:</u></b> <i>YES</i>	<b><u>INFORMATION:</u></b>
<b><u>STRATEGIC PLAN FOCUS AREA:</u></b> <i>Goal #</i> <i>Action Strategy:</i>	<b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACT(S):</u></b> <i>Mr. Huff &amp; Mrs. Tudor</i>	<b><u>ATTACHMENTS:</u></b> <i>YES</i>	
	<b><u>REVIEWED BY:</u></b> <i>REH</i>	

**BACKGROUND:**

The County owns property located at 2455 Sontag Road, Rocky Mount, Virginia, consisting of a 1653 sq. ft house and 1.001 acres. Mr. Brian Hodges approached the staff about leasing the property as a residence and the draft lease agreement is attached. State Code Section 15.2-1800 requires a public hearing to be held prior to leasing public property, (See Attached Ad).

**DISCUSSION:**

The draft lease proposes the following:

1. \$500.00 deposit
2. \$500.00/month lease
3. Lessee to provide all appliances
4. Term of the lease is 4/20/2014 - 4/19/2015
5. The County retains the use of the three (3) car garage on the property and right of access

**RECOMMENDATION:**

***Staff recommends that the Board hold the required public hearing and after its close, approve, disapprove, or modify the proposed lease.***

THIS LEASE AGREEMENT made and entered into on this the \_\_\_\_\_ day of April, 2014, by and between the COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia, party of the first part, hereinafter referred to as Lessor, and BRIAN HODGES, party of the second part, hereinafter referred to as Lessee.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the actual payment of monies as hereinafter set forth and the mutual covenants and promises herein contained, which both parties to this agreement deem adequate consideration for same, the parties hereto agree as follows:

1. The party of the first part rents to the party of the second part and the party of the second part hires and rents from the party of the first part that parcel of land purchased by the Lessor from Travis Lee Russell, et ux., containing 1.001 acres and bearing Franklin County Tax Map # 83-73.2. NOTE: This lease does not include the three (3) car garage and is made subject to the party of the first part having unfettered driveway access to the three (3) car garage across the property herein leased and room outside the garage to maneuver vehicles or other property that may be stored in same when such property is removed from the garage.

2. Lessee will provide his own appliances and will be able to remove the appliances from the premises upon termination of the lease. At the time of removal, Lessee will leave the premises in as good condition as possible consistent with removing his appliances. Appliances include the cook stove, refrigerator, dishwasher, clothes washer, and clothes dryer.

3 Rent shall be at the rate of Five Hundred Dollars (\$500.00) per month, payable in advance by the first day of each month for that month. Any rent not received by the party of the first part by the sixth (6<sup>th</sup>) day of any given month will incur a five percent (5%) late penalty.

4. This lease shall begin on April 20, 2014 and be for a period of one (1) year. The initial rent for April, 2014 will be paid in advance in the amount of One Hundred Sixty-Six and 66/100 Dollars (\$166.66).

5. Lessee will deposit with Lessor a security deposit in the amount of Five Hundred Dollars (\$500.00) which will be placed in a non-interest bearing account and will be used by Lessor to repair any damages to the premises that occur during the term of this lease. Further, Lessee agrees that any monies not used as above set forth may be applied to any unpaid rent upon termination of the lease or may be applied to any unpaid utility bills that, if remaining unpaid, will prevent the unpaid utility supplier from supplying such utility to a subsequent tenant or to Lessor at these premises. Any remaining unused portion will be returned to the Lessee.

6. Repairs that cost less than One Hundred Dollars (\$100.00) will be made at the expense of the Lessee and repairs that cost over One Hundred Dollars (\$100.00) will be at the expense of Lessor. Damages caused by the Lessee or his invitees or guests will be repaired at the expense of Lessee whether the costs be more or less than One Hundred Dollars (\$100.00).

7. Utilities will be in the name of Lessee and any deposits and payments will be the responsibility of Lessee.

8. The leased premises either has in place or is equipped for the installation of gas logs. Lessee is allowed to place on the premises and hook up to same a tank holding gas as appropriate to supply the gas logs, all of which shall be at Lessee's expense, and may be removed upon termination of the lease.

9. Either party hereto may terminate this lease by giving the other party sixty (60) days notice of intent to so terminate.

10. The party of the first part gives notice via this lease that the County of Franklin owns land surrounding this parcel that may, from time to time, be used for event purposes including, but not limited to, an agricultural fair, antique tractor shows, or any other such Parks & Recreation events and such events could include lighting, parking, miscellaneous activities, public attendance, or any other uses consistent with Franklin County Recreation Park usage. Lessee acknowledges awareness of such possibilities on the adjacent land and, by his execution of this lease, desires to proceed with the lease under these terms.

This lease is executed by Richard E. Huff II for the party of the first part pursuant to approval by the Franklin County Board of Supervisors following a public hearing held on April 15, 2014.

WITNESS the following signatures and seals.

COUNTY OF FRANKLIN, VIRGINIA

BY: \_\_\_\_\_ (SEAL)  
Richard E. Huff II, its Administrator

\_\_\_\_\_  
BRIAN HODGES (SEAL)

B. James Jefferson  
Attorney At Law  
Rocky Mount,  
Virginia 24151



### Franklin County, VA

**Disclaimer:** The information contained on this page is NOT to be construed or used as a survey or 'legal description'. Map information is believed to be accurate but accuracy is not guaranteed.

#### Parcels

<b>Parcel ID:</b> 0830007302	<b>Description 1:</b> RT 619	<b>Deed book:</b> 1042
<b>Map:</b> 08300	<b>Acres:</b> 1.001	<b>Deed page:</b> 636
<b>Parcel:</b> 07302	<b>Land Value:</b> 23000	<b>Plat book:</b> 904
<b>Zoning:</b> NZ	<b>Building Value:</b> 95000	<b>Plat page:</b> 1730
<b>Owner:</b> COUNTY OF FRANKLIN	<b>Sale Price:</b> 146500	<b>Instrument type:</b> DB
<b>Owner address:</b> 1255 FRANKLIN STREET SUITE 112	<b>Sale Date:</b> 11/22/2013	<b>Instrument year:</b> 2013
<b>City:</b> ROCKY MOUNT		<b>Instrument number:</b> 8940
<b>State:</b> VA		<b>District:</b> SC
<b>Zip1:</b> 24151		<b>Grantor:</b> RUSSELL TRAVIS LEE & HATTEN KYLEAH

<http://www.webgis.net> Anderson & Associates, Inc. <http://www.andassoc.com>

init: start  
init: done

**PUBLIC NOTICE  
PROPOSED LEASE OF REAL ESTATE**

In accordance with the provisions of Section 15.2-1800 of the Code of Virginia, as amended, notice is hereby given to all interested parties that the Board of Supervisors of the County of Franklin, Virginia will conduct a public hearing on the proposed lease of real estate property. Property is located at 2455 Sontag Road, Rocky Mount, Virginia and consists of approximately 1.001 acre, a house with approximately 1,653 square feet of finished space.

A copy of the proposed lease and plat is available in its entirety for public review, inspection or copying at the Office of the Clerk, 1255 Franklin Street, Suite 111, Rocky Mount, Virginia.

Said public hearing will be held at approximately **6:00 P.M., Tuesday, April 15, 2014**, in Franklin County Government Center, 1255 Franklin Street, Suite 104, Rocky Mount, Virginia.

**“All requests for reasonable accommodations due to a disability should be made to Sharon K. Tudor, MMC, Clerk with at least a 48 hour notice.”**

-----  
SHARON K. TUDOR, MMC  
CLERK

**FRANKLIN NEWS POST:**

***PLEASE PUBLISH IN YOUR Friday, April 4 & 11, 2014 EDITIONS.***

THANKS!

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<p><b>AGENDA TITLE:</b> <i>Red Truck Event Center; request for special entertainment permit</i></p>	<p><b>AGENDA DATE:</b> April 15, 2014 <b>ACTION:</b> YES</p>	<p><b>ITEM NUMBER:</b> <b>INFORMATION:</b></p>
<p><b>SUBJECT / PROPOSAL / REQUEST:</b> Request by Adam Ritchie, Red Truck Event Center, to hold a series of outdoor entertainment events on property located at the intersection of Hopkins Road and Coles Creek Road, further identified as Franklin County Tax Map/Parcel #62-16; #62-24.4; and #62-25.1.</p>	<p><b>CONSENT AGENDA:</b> <b>ACTION:</b></p>	
<p><b>STRATEGIC PLAN FOCUS AREA:</b>  <b>Action Strategy:</b> N/A</p>	<p><b>INFORMATION:</b></p>	
<p><b>STAFF CONTACT(S):</b> Neil Holthouser, Director of Planning &amp; Mrs. Tudor</p>	<p><b>ATTACHMENTS:</b>  <b>REVIEWED BY:</b> <i>REH</i></p>	

Franklin County has received a request by the Red Truck Events Center, represented by Mr. Adam Ritchie, to hold a series of outdoor events on a 68-acre property located at the intersection of Hopkins Road and Coles Creek Road, further identified as Franklin County Tax Map/Parcel #62-16, #62-24.4, and #62-25.1. The property is owned by W&H Enterprises, Inc. of Roanoke. Mr. Ritchie has an agreement to lease the property. The property is located in a non-zoned area in the Blackwater District of Franklin County.

Mr. Ritchie is requesting approval from the Board of Supervisors to hold outdoor events consisting of games (billed as the "Hillbilly Olympics"), a 5-kilometer run, motorcycle/ATV trail riding, and live music, on the following dates:

- Saturday, May 10, 2014
- Saturday, May 17, 2014
- Saturday, September 13, 2014

Chapter 3, Article III of the Franklin County Code sets forth the requirements for "Outdoor Musical or Entertainment Festivals." Outdoor music or entertainment festivals are defined as:

*...any gathering or group of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces and not within an enclosed structure and either admission is charged or refreshments or other concessions are sold.*

Under the provisions of Chapter 3, Article III, such events require a permit to be issued by the Board of Supervisors. In addition, the event(s) must be planned and conducted in accordance with a series of regulations and standards related to traffic, safety, sanitation, crowd control, etc. Mr. Ritchie has submitted an application which has been routed to various County agencies to review for compliance.

As of this writing, staff is satisfied that the events have been planned in accordance with ordinance standards. Staff will continue to monitor the site and events for compliance.



Franklin County

A Natural Waterways Organization

APPLICATION FOR A SPECIAL ENTERTAINMENT PERMIT

(Completed applications are due in the County Administrator's Office sixty (60) days prior to the event)

1

\$200.00 yrd.

3.12.2

#21

DATE SUBMITTED:

2/27/14

NAME OF APPLICANT:

Adam Ritchie

COMPLETE MAILING ADDRESS:

425 Teresa Ln

Roanoke Va 24019

TELEPHONE NUMBER:

410.271.3897

CELL PHONE NUMBER:

" "

EMAIL ADDRESS:

RedTruckEVENTCENTER@gmail.com

NAME OF PROMOTER:

Adam Ritchie

COMPLETE MAILING ADDRESS:

425 Teresa Ln

Roanoke Va 24019

TELEPHONE NUMBER:

410.271.3897

CELL PHONE:

" "

1. Discuss the means by which the Festival will be financially supported:

Through Company, sponsorship, and ticket sales

2. Please describe the exact location of the proposed Festival including the tax map and parcel location of the property:

3307 Coles creek Rd. and Hopkins Rd. Rocky mount Va.

3. Please list the names and addresses of the owners of the property on which the event is to be held:

Burl Higginbotham Walker Commercial Services  
561 Ashley way Daleville Va 24083

4. Please list the dates for which the permit is to be issued and alternative rain date(s).

~~March 29, 2014~~ ✓ May 10, 2014 (See Attachment #1) ✓ April 26, 2014 ✓ May 17, 2014 ✓ Sept. 13, 2014 (See Attachment #1)

5. Discuss the nature and interest of the Applicant in the property on which the Festival is to be held (if any).

Yearly lease

6. List persons or groups who will be performing:

Adam Ritchie  
Riverbank Ramblers  
Tobacco Apache

7. Outline your plans for the provision of the following:

- a. Sanitation Facilities: Port a Johns (Tidy waste service)
- b. Garbage, Trash & Sewage Disposal: Trash cans and Dumpsters, we will have staff collecting trash throughout the day and at the end.
- c. Food, Water & Lodging: Permitted Food trucks, No lodging on site

1 portable toilet per 100 people - maximum estimate

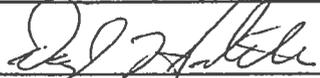
APPROVED:

John D. Miller  
Franklin County Health Department

Date

3/4/2014

- d. Medical Services & Facilities: Arrangements made with Public Safety to provide EMS coverage.
- e. Fire Protection: FIRE SERVICES NOT NEEDED DURING EVENT. Any incidents will be handled by routine 911 response.

APPROVED:  3-11-14  
Public Safety Official Date

- f. Parking Facilities, Crowd Control & Traffic Control in and around the Festival Area: \_\_\_\_\_

APPROVED:  02-28-2014  
Sheriff's Department Date

8. Are outdoor lights or lighting to be used? Yes  No  If yes, present a sketch showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the point where the property is located. Also, indicate plans to insure compliance with the National Electrical Code.

APPROVED:  3/11/14  
Franklin County Building Official Date

9. Will music be played either by mechanical devices or live performance in such a manner that the sound emanating will be unreasonably audible beyond the property on which the festival is located? If so, what measures will be used to curtail unreasonable sound levels? YES, Music will be played on the back of property between two hills to cut down the sound. Music will be complete by 6:00pm and will not start until noon.

10. What is the best estimate of the expected attendance at this proposed festival? 200-500

11. What is the basis for your estimate? Interest shown online.

12. Attach a copy of the badge of admission and/or ticket used for entry into the festival (**note that the badge or ticket must clearly state the time and date of the festival**).

13. Outline your plans for any advertising to be done to promote the festival:



Franklin County

A Natural Setting for Opportunities

14. I, Adam Ritchie, hereby certify that on the dates of the proposed music or entertainment festival not more than a total of 500 tickets will be offered for sale. I further grant permission for the Board of Supervisors of Franklin County, its lawful agents, or duly constituted law enforcement officers to enter the property at any time for the purpose of determining compliance with the provisions of the Franklin County Code. I recognize that the Board of Supervisors of Franklin County shall have the right to revoke any permit issued upon noncompliance with any of its provisions or conditions.

Applicant Name: Adam Ritchie

Applicant: [Signature] Signature

2/27/14 Date

Applicant Name: Adam Ritchie

Applicant: [Signature] Signature

3-12-14 Date

COMMONWEALTH OF VIRGINIA

COUNTY OF FRANKLIN, to-wit:

On this the 12 day of March, 2014

Whose name is signed to the foregoing instrument, personally appeared before me, acknowledged the foregoing signature to be his/hers, and made oath that the statements are true.

My Commission expires: 1-31-2016

[Signature] Notary Public



SHERIFF'S CERTIFICATION:

I hereby certify that on the dates of the proposed music or entertainment festival, and under the circumstances described by the promoter of the event, that adequate crowd control and security will be provided and I hereby convey approval of the promoter's plan for security.

Signature: [Signature] Sheriff of County of Franklin

02-28-2014 Date

Estimate number of deputies or security officers to be provided: Scheduled Patrol
Deputies will randomly patrol and walk through the event grounds, and address any issues if violations are observed. Adequate parking and traffic control have been addressed.



**FOR OFFICE USE ONLY**

Date application received: 3.11.2014  
 (Requirement 21 days prior to Board meeting and 60 days prior to festival)

Next Board Meeting Date: 3.18.2014

Date forwarded to the Board: 3.18.2014

Date approved by the Board: \_\_\_\_\_

Date forwarded to the Health Department: 3.4.2014

Bond Amount required: \$ \_\_\_\_\_ (Not to exceed \$100,000)

Date to be Received by this office: May 1, 2014  
 (10 days prior to the festival)

Date delivered to the Treasurer: \_\_\_\_\_

Date to be returned to Promoter: May 25, 2014  
 (15 days after festival)

Claims to be filed by: May 22, 2014  
 (12 days after festival)

**Claim Summary:**

Name	Address	Phone	Date Filed	Loss Amount

Fee Paid to Commissioner on: \_\_\_\_\_ Amount: \_\_\_\_\_

**SECTION 3-80. APPLICANT'S BOND (TO BE ADDED TO THE END OF SECTION 3-80 PARAGRAPH)**

In the event that the applicant has conducted an outdoor musical or entertainment festival pursuant to Section 3-56 et.seq. of the Franklin County Code for three consecutive years immediately prior to the year in which application is made with no claims being made against applicant by the County or other persons pursuant to Section 3-80(b) of the Franklin County Code as verified by the County Administrator and the Sheriff of Franklin County, the Board of Supervisors may allow the bond required by Section 3-80 of the Franklin County Code or some part thereof to be a real property bond posted by the applicant or his/her surety according to and on forms provided and approved by the County.

1

**Tudor, Sharon**

---

**From:** RedTruck EventCenter [redtruckeventcenter@gmail.com]  
**Sent:** Tuesday, March 11, 2014 8:24 AM  
**To:** Tudor, Sharon  
**Subject:** Red Truck Event Center

Sharon,

This email is to let you know that due to weather we will be moving the Hillbilly Games to **May 10th**. Please let me know if you need anything.

Thanks,  
Adam Ritchie

Other events at Red Truck Event Center:

**April 26, 2014**

5k Youth Challenge Mud Run

Estimate: 500 Runners

Runners will be in waves of 50 from 9am-4pm

Cost: \$40 per runner

We will have a DJ and Food Trucks

**May 17, 2014**

Gladiator 5k Mud Run

Estimate: 1000 Runners

Runners will be in waves of 120 from 8:30am-5:00pm

Cost is \$65 Per Runner

We will have a local band and DJ play

**September 13, 2014**

SPCA 5k Mud Run

Estimate: 1000 Runners

Runners will be in waves of 120 from 8:30am-5:00pm

Cost is \$65 Per Runner

We will have a local band and DJ play

All of these events will be daytime events only!!!!!! No lights and no overnights.

We feel that these events will bring in many people from across the region. We have people from as far as NY and Indiana coming for the March 29<sup>th</sup> event. We are hoping to boost the economy as well as add some jobs locally with our events. All of our events will be family friendly as well.

Please print and bring this ticket with you.

Event

# Red Truck Beef Jerky Gladiator 5k Run



Date+Time

Saturday, May 17, 2014 from  
8:00 AM to 6:00 PM (EDT)

Location

Rocky Mt  
3307 Coles Creek Rd  
Rocky Mt, VA 24151

Payment Status

Free Order

Order Info

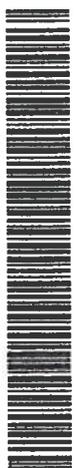
Order #261451567. Ordered by Adam Ritchie on February 27, 2014 6:41 PM



Type

8:30am Red Truck Gladiator 5k Mud Run

261451567330803897001



Please print and bring your tickets to the event entrance.



261451567330803897001

**Eventbrite**

**Do you organize events?**

Start selling in minutes with Eventbrite!  
[www.eventbrite.com](http://www.eventbrite.com)

Please print and bring this ticket with you.

Event

# Youth Group Challenge 5k Obstacle Run



Date+Time

Saturday, April 26, 2014 from  
8:00 AM to 5:00 PM (EDT)

Location

Red Truck Event Center  
Hopkins Rd  
Rocky Mt, VA 24151

Payment Status

Free Order

Order Info

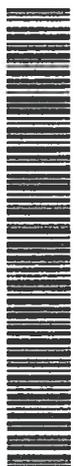
Order #261450115. Ordered by Adam Ritchie on February 27, 2014 6:37 PM



Type

Youth Group Challenge 5k

261450115330801929001



Please print and bring your tickets to the event entrance.



261450115330801929001

**Eventbrite**

**Do you organize events?**

Start selling in minutes with Eventbrite!  
[www.eventbrite.com](http://www.eventbrite.com)

Please print and bring this ticket with you.

Event

# Hillbilly Games General Admission Pass



Date+Time

Location

*New Date May 10, 2014*  
~~Saturday, March 29, 2014~~ from  
8:00 AM to 7:00 PM (EDT)

Red Truck Event Center  
Hopkins Rd  
Rocky Mt, VA 24151

Payment Status

Eventbrite  
Completed

Order Info

Order #252885435. Ordered by Adam Ritchie on February 9, 2014 9:09 AM



Type

Hillbilly General Admission Pass \$13.65

Please print and bring your tickets to the event entrance.



252885435320355937001

**Eventbrite**

**Do you organize events?**

Start selling in minutes with Eventbrite!  
[www.eventbrite.com](http://www.eventbrite.com)

**Parking:** We will have on site parking only. If we are in need of more parking we will look into parking off site at a local business (with permission) and bus into our facility. We will have parking attendants that will be directing cars where to park so that traffic does not back up on any public road.

**Crowd Control:** We will have hired security at the event to ensure that things stay family friendly. We will also invite the sheriff department to be a part of our events as a local presents.

**Medical Services:** We will give a donation to a local rescue squad to be part of our events. We will also have onsite trainers that will be able to handle any minor first aide issues.

#13 Outline advertising to be done:

Social media (Facebook, Twitter)

Local Media: Tv and Radio

Flyers, posters

Website

Tourism Department

Word of Mouth

Franklin County Treasurer  
1255 Franklin Street  
Suite 101  
Rocky Mount  
Virginia, 24151  
Phone - (540) 483-3078  
Fax - (540) 483-3080

3/12/2014 11:03 AM Cashier 0004  
T/Ref 1009037620 Reg 1009 Tran No 7595  
Cash Report: 140313-01 for 3/13/2014

02 - Franklin County  
Treasurer Susan J. Wray

*Acct*  
*10220*

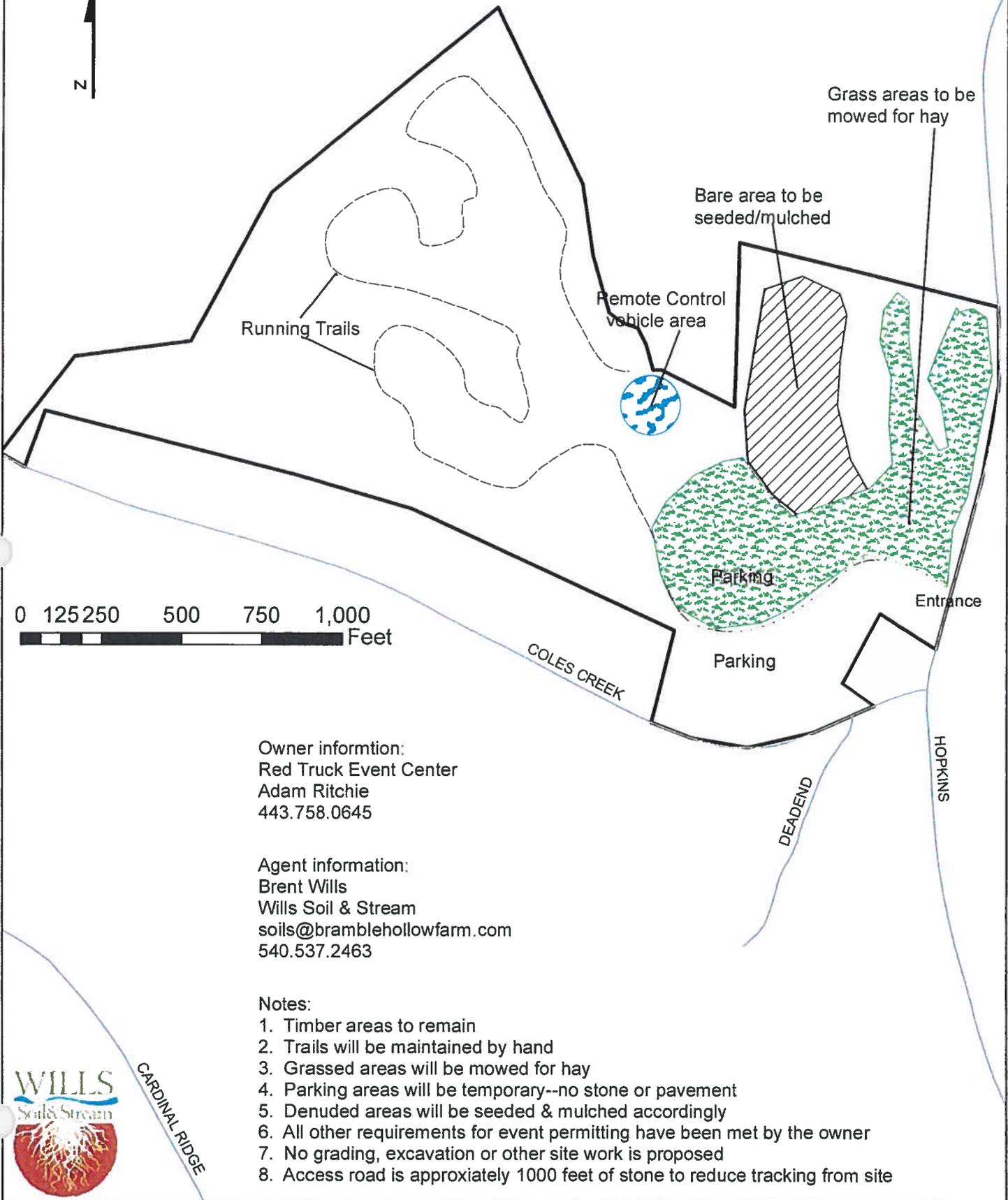
COUNTY BUSINESS LICENSES  
Validation Number: 118787 \$200.00  
-----  
Total \$200.00  
Check (\$200.00)  
Check No. 2175

Thank You for Your Payment.

# Red Truck Event Center

Rocky Mount VA

Corner of Coles Creek Road & Hopkins Road



Owner information:  
Red Truck Event Center  
Adam Ritchie  
443.758.0645

Agent information:  
Brent Wills  
Wills Soil & Stream  
soils@bramblehollowfarm.com  
540.537.2463

Notes:

1. Timber areas to remain
2. Trails will be maintained by hand
3. Grassed areas will be mowed for hay
4. Parking areas will be temporary--no stone or pavement
5. Denuded areas will be seeded & mulched accordingly
6. All other requirements for event permitting have been met by the owner
7. No grading, excavation or other site work is proposed
8. Access road is approximately 1000 feet of stone to reduce tracking from site



CARDINAL RIDGE

1. 157 ACRES  
 A PORTION OF  
 TAX NO. 62-24  
 TO BE ACQUIRED BY  
 IRWIN E. WARD  
 CONVEYANCE WITH  
 TAX NO. 62-24  
 2. 1.017 AC.  
 A PORTION OF  
 TAX NO. 62-24  
 TO BE ACQUIRED BY  
 IRWIN E. WARD  
 CONVEYANCE WITH  
 TAX NO. 62-24  
 3. 66.136 ACRES  
 TO BE ACQUIRED BY WARD  
 CONVEYANCE WITH  
 TAX NO. 62-24

PLAT OF PROPERTY  
 TO BE ACQUIRED BY  
**IRWIN E. WARD**  
 LOCATED IN  
 BLACKWATER METROPOLITAN DISTRICT  
 PHILADELPHIA COUNTY, PENNSYLVANIA  
 OCTOBER 15, 1987  
 SCALE 1" = 200'



COURTESY  
 COPY  
 NOT TO BE RECORDED

**CURVE TABLE**

LINE	BEARING	LENGTH	CHORD	ARC	CHORD BEARING
1	N 89° 58' 00" W	117.00	117.00	0.00	N 89° 58' 00" W
2	S 89° 58' 00" E	117.00	117.00	0.00	S 89° 58' 00" E
3	N 00° 02' 00" E	117.00	117.00	0.00	N 00° 02' 00" E
4	S 00° 02' 00" W	117.00	117.00	0.00	S 00° 02' 00" W

CONVENTIONS LAND SURVEYING, INC.  
 200 N. 10TH ST. PHILADELPHIA, PA. 19107  
 TEL: 215-595-1100

Franklin County, Virginia, Code of Ordinances >> - CODE OF THE COUNTY >> **Chapter 3 - AMUSEMENTS >> ARTICLE III. - OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS >> DIVISION 1. GENERALLY >>**

**DIVISION 1. GENERALLY**

[Sec. 3-56. Definitions.](#)

[Sec. 3-57. Purpose of article.](#)

[Sec. 3-58. Violations of article.](#)

[Sec. 3-59. Reserved.](#)

[Sec. 3-60. Admission tickets.](#)

[Sec. 3-61. Admission of minors under fifteen.](#)

[Sec. 3-62. Time limits.](#)

[Sec. 3-63. Camping.](#)

[Sec. 3-64. Reserved.](#)

[Secs. 3-65—3-75. Reserved.](#)

**Sec. 3-56. Definitions.**

- (a) For the purposes of this article, the term "music or entertainment festival" or "festival" shall mean any gathering or group of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces and not within an enclosed structure and either admission is charged or refreshments or other concessions are sold.
- (b) For the purposes of this article, the word "camping" shall mean sleeping, eating or gathering in the open in any vehicle or structure which is either mobile or not permanent.

*(Ord. of 3-16-81, §§ 11-2, 11-11)*

**Sec. 3-57. Purpose of article.**

- (a) This article is enacted according and pursuant to Code of Virginia § 15.1-510, for the purpose of providing necessary regulations for musical or entertainment festivals conducted in open spaces, not within an enclosed structure, and for any gathering or group of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical rendition conducted in open spaces, not within an enclosed structure, in the interest of the public health, safety, and welfare of the citizens and inhabitants of the county.
- (b) The provisions of this article shall not apply to any portion of the county that is subject to the requirements of the zoning ordinance, as identified in [section 25-45](#) of the Franklin County Code.

*(Ord. of 3-16-81, § 11-1; Ord. of 11-16-10)*

**Sec. 3-58. Violations of article.**

Any person who violates any provision of this article shall be guilty of a Class 1 misdemeanor.

(Ord. of 3-16-81, § 11-14)

*Cross reference— Penalty for Class 1 misdemeanor, § 1-11.*

### **Sec. 3-59. Reserved.**

*Editor's note—*

An ordinance adopted November 16, 2010, repealed § 3-59, which pertained to limitations on attendance and derived from Ord. of 3-16-81, § 11-3

### **Sec. 3-60. Admission tickets.**

The organizer or promoter of a festival shall issue printed tickets to each person ten (10) years of age or older who attends the festival. These tickets shall be numbered in sequence. Each person who receives a ticket shall be required to have the ticket on his person at all times. The organizer or promoter of the festival shall keep records of the tickets and their numbers sold prior to and during the festival.

(Ord. of 3-16-81, § 11-3; Ord. of 11-16-10)

### **Sec. 3-61. Admission of minors under fifteen.**

No person under the age of fifteen (15) years shall be admitted to any festival, unless accompanied by a parent or guardian.

(Ord. of 3-16-81, § 11-12)

### **Sec. 3-62. Time limits.**

- (a) Music shall not be rendered nor entertainment provided on any day of a festival between the hours of 1:00 a.m. and 9:00 a.m.
- (b) No festival shall run for more than one hundred and twenty (120) continuous hours.
- (c) All persons, including all campers, not associated with the promotion of a festival shall leave the premises of the festival at or before the hour of termination stated in the permit issued under this article.

(Ord. of 3-16-81, § 11-10; Ord. of 4-16-02(1))

### **Sec. 3-63. Camping.**

Camping shall be permitted at festivals in the county; provided, however, that it shall be unlawful for any promoter or conductor of a festival to allow camping prior to noon of the day when the festival begins or for longer than forty-eight (48) hours from noon of the day when the festival begins.

(Ord. of 3-16-81, § 11-11)

### **Sec. 3-64. Reserved.**

*Editor's note—*

Res. No. 14-10-2012, adopted October 16, 2012, repealed § 3-64, which pertained to carrying weapons and derived from Ord. of 3-16-81, § 11-13.

**Secs. 3-65—3-75. Reserved.**

Franklin County, Virginia, Code of Ordinances >> - CODE OF THE COUNTY >> **Chapter 3 - AMUSEMENTS >> ARTICLE III. - OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS >> DIVISION 2. PERMIT >>**

**DIVISION 2. PERMIT**

[Sec. 3-76. Required.](#)

[Sec. 3-77. Application generally.](#)

[Sec. 3-78. Plans, statements, etc., to accompany application.](#)

[Sec. 3-79. Applicant's deposit for cost of, and sheriff's certificate as to, police protection, crowd control and security.](#)

[Sec. 3-80. Applicant's bond.](#)

[Sec. 3-81. Investigation of application; submission of financial data, etc.](#)

[Sec. 3-82. Applicant to furnish written permission for entry.](#)

[Sec. 3-83. Fee.](#)

[Sec. 3-84. Issuance; contents.](#)

[Sec. 3-85. Revocation.](#)

**Sec. 3-76. Required.**

- (a) No person shall stage, promote, or conduct any musical or entertainment festival in the county unless there shall have been first obtained a special entertainment permit for such festival issued pursuant to the provisions of this division.
- (b) The county administrator or his designee shall be authorized to approve such permits for festivals where daily attendance is not projected to exceed one thousand (1,000) people.
- (c) For any festival where daily attendance is projected to exceed one thousand (1,000) people, such permit must be approved by the board of supervisors.

*(Ord. of 3-16-81, § 11-3; Ord. of 11-16-10)*

**Sec. 3-77. Application generally.**

Application for a permit required by this division shall be in writing, on forms provided for such purpose, and filed, in duplicate, with the county administrator at least sixty (60) days before the date of the proposed festival and at least twenty-one (21) days prior to a regular meeting of the board of supervisors. Such application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division. A copy of such applications shall be sent, without delay, by the county administrator to each member of the board of supervisors, the sheriff and the health officer. The penalty for failing to comply with the 60 days and/or 21 days notice will result in the doubling of said application fee of \$100.00 per County Code [section 3-83](#) to (\$200.00) per application/event.

*(Ord. of 3-16-81, § 11-4; Res. No. 23-06-2010, 6-15-10)*

**Sec. 3-78. Plans, statements, etc., to accompany application.**

- (a)

No permit shall be issued under this division unless the following conditions are met and the following items, plans, statements and approvals are submitted to the board of supervisors with the application for the permit:

- (1) A copy of ticket or badge of admission to the festival, containing the date and time of the festival together with a statement by the applicant of the total number of tickets to be offered for sale, the best reasonable estimate by the applicant of the number of persons expected to be in attendance and an outline of all advertising to be done to promote the festival.
  - (2) A statement of the names and addresses of the promoters of the festival and the names of all persons or groups who will perform at the festival. The organizers or promoters of the festival shall report to the county administrator any change or substitution of any person or group who will perform at the festival.
  - (3) A statement of the location of the proposed festival and the name and address of the owner of the property on which such festival is to be held.
  - (4) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall not be acceptable unless approved by the health officer.
  - (5) A plan for providing food, water and lodging for the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall not be acceptable unless approved by the health officer.
  - (6) A plan for adequate medical facilities for persons attending the festival, including but not limited to, the size, number and type of first-aid stations and provision for emergency medical transportation.
  - (7) A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall not be acceptable unless approved by the county's representative of the state division of forestry and the chief of the local fire department in whose coverage area the festival is being held.
  - (8) A statement specifying whether any outdoor lights or lighting are to be utilized and, if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow or glare beyond the property on which the festival is located and to comply with the National Electrical Code, and the installation of which shall not be acceptable unless approved by the building official.
  - (9) A statement that no music shall be played, either by mechanical devices or live performance, in such manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located.
  - (10) A plan for adequate parking facilities, crowd control and traffic control in and around the festival area, which plan shall not be acceptable unless approved by the sheriff.
- (b) The county administrator may exempt an applicant from the provisions of this section, if he finds:
- (1) That the applicant has previously been granted a permit to hold a musical or entertainment festival; and
  - (2) That the attendance at the applicant's previous festival was less than three hundred (300) persons; and
  - (3) That the attendance at the proposed festival for which the application is being made will be less than three hundred (300) persons.

*(Ord. of 3-16-81, §§ 11-3, 11-6)*

**Sec. 3-79. Applicant's deposit for cost of, and sheriff's certificate as to, police protection, crowd control and security.**

- (a) The sheriff shall be responsible for approving the method to be used in providing adequate police protection, crowd control and security at a festival. Not less than thirty (30) days prior to the date on which a festival is to begin, the sheriff shall submit to the county administrator an estimate of the number of deputies or private security officers required to adequately police the festival.
- (b) No less than fifteen (15) days before the first day of the festival, the applicant for a permit under this division shall be required to deposit with the county administrator cash or a cashier's check or certified check in the amount equal to the estimated costs for providing police protection, crowd control and security for the festival, if the same is to be provided by the sheriff. The amount to be so deposited shall be determined in accordance with the rates established from time to time by ordinance of the board of supervisors.
- (c) No permit shall be issued under this division, unless the sheriff shall certify that, on the dates of the proposed festival, either the sheriff or a private security service will be able to provide adequate police protection, crowd control and security for the festival and the sheriff has approved a plan for police protection, crowd control and security, if private security officers are to be used.

(Ord. of 3-16-81, § 11-7; Ord. of 3-21-83)

**Sec. 3-80. Applicant's bond.**

- (a) *Bond required; amount.* Prior to the granting of a permit under this division and not less than ten (10) days prior to the day the festival is to begin, the board of supervisors shall require the applicant to give bond, with corporate surety, payable to the county, in such amount as the board may consider necessary, not to exceed one hundred thousand dollars (\$100,000.00). In lieu of such bond, the applicant may deliver to the county administrator cash, a certified check or cashier's check made payable to the county.
- (b) *Conditions.* The bond or other security provided for in this section shall be conditioned upon the applicant's full satisfaction of all claims, judgments and decrees which may result by reason of any negligent or unlawful act or omission of any person participating in the festival. Further conditions shall be as follows:
  - (1) That the applicant shall save the county harmless from any and all claims and demands whatsoever which result from damage or injury arising out of the conduct of the festival or from the acts of any person participating in the festival.
  - (2) That the applicant shall pay the county for all extra expenses incurred for clearing county roads, sidewalks and public places of litter and waste matter resulting from the festival.
  - (3) That the applicant shall pay for the cleaning and repairing of public property which may be soiled or damaged by acts of vandalism during the period of holding the festival or within six (6) hours thereafter, when such acts of vandalism are reasonably attributable to the holding of such festival.
- (c) *Delivery and deposit.* Upon receipt of a bond under this section, the county administrator shall immediately deliver the bond to the county treasurer and, in the event the bond is by cash or certified or cashier's check, the treasurer shall immediately deposit the same in a local bank.
- (d)

*Length of retention.* A bond or other security posted under this section shall be retained by the county for a period of not more than fifteen (15) days after the festival has terminated, subject to the provisions of subsection (e) below.

- (e) *Claims.* Any claim by or on behalf of any person against a bond or other security posted under this section shall be submitted to the county administrator in writing, on a form to be supplied by the county administrator, no later than twelve (12) days after the termination of the festival. The county administrator shall determine the validity of such claim, by court proceeding if necessary, and the amount to be paid out of the bond or other security and shall pay the same forthwith. In the event that the validity of any claim cannot be determined within the fifteen (15) day period described in subsection (d) above, an amount sufficient to pay all unpaid claims shall be retained by the county until such time as the amount to be paid is determined.
- (f) *Allowance of real property bond.* In the event that the applicant has conducted an outdoor musical or entertainment festival pursuant to this article for three (3) consecutive years immediately prior to the year in which application is made with no claims being made against applicant by the county or other persons pursuant to subsection (b) above as verified by the county administrator and the sheriff, the board of supervisors may allow the bond required by this section of the Code or some part thereof to be a real property bond posted by the applicant or his/her surety according to and on forms provided and approved by the county.

(Ord. of 3-16-81, § 11-8; Res. No. 17-03-93, 3-16-93)

### **Sec. 3-81. Investigation of application; submission of financial data, etc.**

It shall be the duty of the county administrator to inquire into each application for a permit under this division. The applicant for such permit shall submit such financial records and other data as the county administrator may require.

(Ord. of 3-16-81, § 11-5)

### **Sec. 3-82. Applicant to furnish written permission for entry.**

No permit shall be issued under this division unless the applicant shall furnish to the board of supervisors written permission for the board of supervisors, its lawful agents and duly constituted law-enforcement officers to go on the property at any time for the purpose of determining compliance with the provisions of this article.

(Ord. of 3-16-81, § 11-7(a))

### **Sec. 3-83. Fee.**

- (a) The fee for a permit required by this division shall be one hundred dollars (\$100.00), which fee shall be to help cover the expenses of investigations and inspections made with respect to the application for the permit. Such fee shall be paid prior to issuance of the permit.
- (b) If the county administrator determines that the attendance at a festival will be less than three hundred (300) persons, the fee provided for in this section may be waived by him.

(Ord. of 3-16-81, § 11-9)

### **Sec. 3-84. Issuance; contents.**

Upon the approval by the board of supervisors of any application for a permit under this division, the board shall direct the county administrator to issue the permit applied for, and such permit shall contain all such prohibitions, restrictions, requirements and other conditions as may be specified by the board.

*(Ord. of 3-16-81, § 11-9; Res. No. 39-01-91, 1-22-91)*

### **Sec. 3-85. Revocation.**

The board of supervisors shall have the right to revoke any permit issued under this division for failure to comply with any of its provisions and conditions or with any of the provisions and conditions of this article.

*(Ord. of 3-16-81, § 11-7(a))*

**MEMORANDUM**  
Case # REZO-2-14-12676



**To:** Franklin County Board of Supervisors  
**From:** Neil Holthouser, Director of Planning  
**Date:** April 15, 2014  
**Tax #:** 54.2-13 and a portion of 54.2-14  
**District:** Union Hall District  
**Applicant:** Howard Eugene Huff and Melinda Gail Huff  
**Owner:** Howard Eugene Huff and Melinda Gail Huff

**REQUEST:**

**PETITION FOR REZONE** – Petition of **Howard Eugene Huff & Melinda Gail Huff, Petitioners/Owners** requesting a rezone for a +/- 0.579 acre parcel (Lot 3) and a 0.476 acre parcel ( a portion of Lot 4), from M-1, Light Industry with proffers to M-1, Light Industry, with amended proffers. The subject property is located at 1301 Old Franklin Turnpike in the Union Hall District of Franklin County; and is further identified as Tax Map # 54.2 Parcel # 13 and a portion of Tax Map # 54.2 Parcel # 14 for a total of 1.055 acres. The petitioner is now seeking to rezone with amended proffers for the purpose of sales and display of vehicles. The Future Land Use map identifies this area as Commercial Highway Corridor which does not prescribe a specific density. This petition to amend proffers would not result in any residential development, nor any increase of residential density for this property.

**RECOMMENDATION:**

The Planning Commission held a public hearing in consideration of this request on March 11, 2014. By vote of 7-0, the Planning Commission approved the following:

*The Planning Commission recommends that the Board of Supervisors approve the request for rezoning from M-1 with proffers to M-1 with amended proffers, accepting and incorporating into its approval the petitioner's statement of proffers dated February 28, 2014 and as amended March 11, 2014, which includes the following:*

1. *Substantial Conformity. The site shall be developed in substantial conformity with the conceptual plan of development entitled "Huff Subdivision: Revised Concept Plan," dated January 31, 2014, prepared by Stone Engineering.*
2. *Limitation of Use. Use of the site shall be limited to the following:*
  - a) *Automobile sales with associated uses, including, without limitation: maintenance, repair, cleaning, washing, and detailing.*
  - b) *Office/retail uses associated with any uses approved for parcel #54.2-13 or #54.2-14, as identified by Franklin County Real Estate records.*
  - c) *Indoor storage associated with any uses approved for parcel #54.2-13 or #54.2-14, as identified by Franklin County Real Estate records.*
  - d) *Customer and/or employee parking associated with any uses approved for parcel #54.2-13 or 54.2-14, as identified by Franklin County Real Estate records.*



**SITE STATISTICS:**

- Location:* Hwy 40 E @750' +/- east of Town of Rocky Mount  
Addressed as 1301 Old Franklin Tpke., Rocky Mount VA 24151
- Size:* +/- 1.055 acres total
- Existing Land Use:* Commercial; no permanent structures, parking & storage associated with the business on the remainder of Parcel #52.4-14
- Adjoining Zoning:* M-1, M-1P, A-1, B-2
- Adjoining Land Uses:* Commercial, Agricultural, Rural Residential
- Adjoining Future Land Uses:* Commercial Highway Corridor
- Utilities:* Private well and septic; public water and sewer available within 300 feet (ToRM); overhead electric



*The property is the area outlined in blue at the center of the aerial photograph.*



**BACKGROUND:**

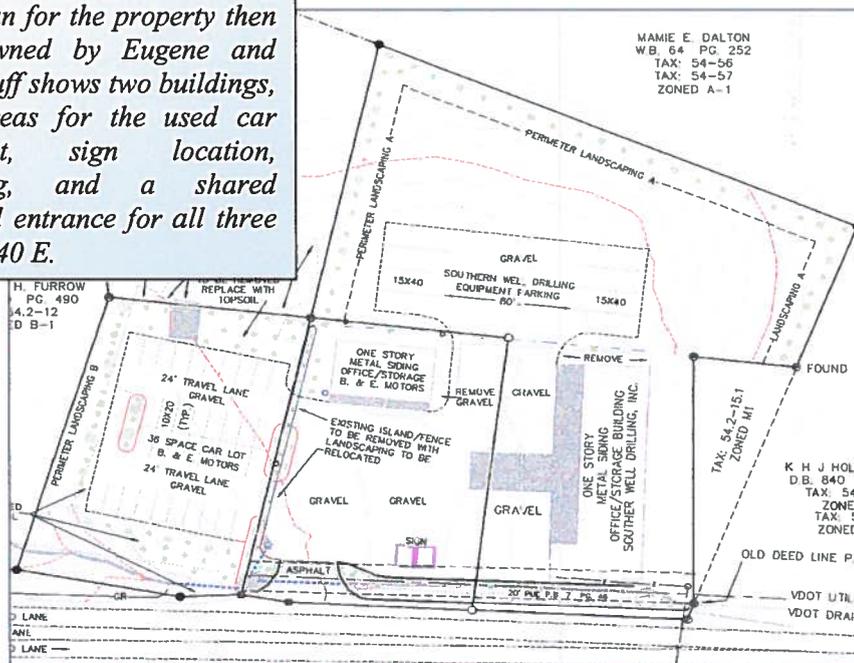
The property is located at 1301 Old Franklin Tpke., Rocky Mount [SR 40], in the Union Hall District and is identified in the Franklin County Real Estate Tax Records as Tax Map # 54.2, Parcel # 13 and a portion of Parcel #14.

The subject property was part of a rezoning request in 2007, involving several parcels along Route 40. The 2007 rezoning request resulted in the rezoning of approximately 1.583 acres from RC-1 (Residential Combined Subdivision District) and M-1 (Light Industrial District), to M-1, (Light Industrial District), with proffers. The purpose of the 2007 rezoning request was to allow for a car sales lot, offices, and equipment storage for a commercial / industrial well-drilling business. The statement of proffers approved by the Board of Supervisors in November 2007 includes the following proffers:

**Proffers for Case # R 07-10-01, Howard Eugene Huff and Melinda Gail Huff:**

1. The subject property shall be developed in substantial conformance with the rezoning request plan for Howard Eugene Huff, dated August 29, 2007, prepared by Philip W. Nester. No buildings or other proposed uses shall be added without being approved by an additional public hearing.
2. Access shall be restricted to the existing paved entrance on Tax Parcel #54.2-14 (existing M-1 zoning). The existing gravel entrance on Tax Parcel #54.2-13 (proposed M-1 zoning) shall be removed.
3. No additional signs shall be added.
4. No additional lighting is proposed at this time. Any future lighting additions shall comply with Franklin County Zoning and Site Plan requirements. Any additional lighting must be approved by Franklin County Planning staff only after review of a site plan.

*Page two of the original rezoning concept plan for the property then entirely owned by Eugene and Melinda Huff shows two buildings, parking areas for the used car sales lot, sign location, landscaping, and a shared commercial entrance for all three parcels on 40 E.*





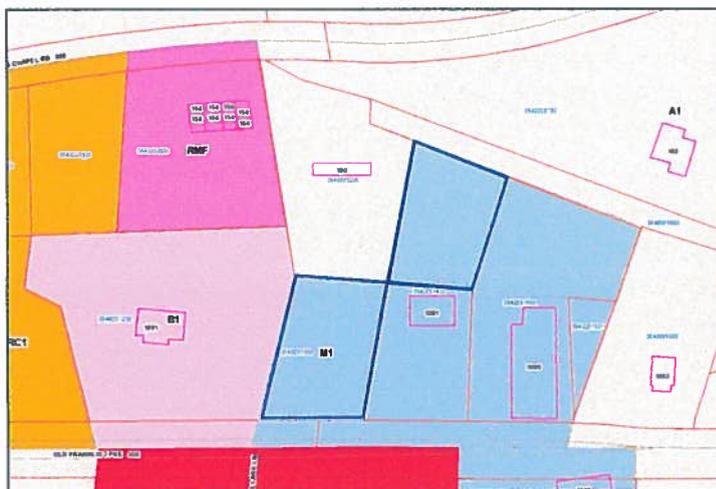
Since being rezoned in 2007, the original 1.583-acre area has been subdivided into three lots, one of which has been sold, although these lots share a common commercial entrance along Rt. 40. The easternmost lot, Parcel 52.4-15 owned by Turner, Turner, & Turner LLC, is where Indigo Signs is located and was the subject of a request to amend that portion of the concept plan and amended proffers that was approved by the Board in July 2013 [REZO-5-13-11771].

The petitioners own the northern, central and western-most parcels containing approximately 1.57 acres, a portion of which was part of the original 1.583 acres that were rezoned to M-1 in 2007. The petitioners are now seeking to amend the statement of proffers as they apply to Parcel 54.2-13 and the 0.476 acre portion of Parcel 54.2-14. Specifically, the petitioners request that an amended concept plan be approved for the +/- 1.055 acre area that is the subject of this petition, and that an additional building as shown on the amended proffered concept plan be allowed in substantial conformity with this new plan.

**ZONING ORDINANCE:**

Sec. 25-352 of the Zoning Ordinance sets forth the following Purposes for the M-1 district:

- (a) This district is established to encourage the development of manufacturing and wholesale business establishments which do not produce high levels of smoke, smell, noise, light, dust and other nuisances; which operate primarily within enclosed structures; and which do not deal with large volumes of customers on a continuous basis throughout the day.
- (b) Limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors, or noise, landscaping and the number of persons employed may be imposed to protect and foster environmental desirability while permitting industries of certain types to locate near a labor supply, provided buffering districts or buffering land is provided.
- (c) This district is limited to commercial establishments, retail and wholesale, and light manufacturing on and off the premises, all of which may have outside storage of materials and outside displays of product for sale.



*The current zoning of the area and surrounding properties*

Legend

- Tan – A-1, Agricultural
- Pink – B-1, Business Limited
- Red – B-2, Business General
- Fuchsia – RMF, Residential Multi-Family
- Gold – RC-1 Residential Combined Subdivision
- Lavender – M-1, Light Industrial District



**COMPREHENSIVE PLAN:**

The 2025 Comprehensive Plan for Franklin County identifies the subject property as being located within the Commercial Highway Corridor. The Comprehensive Plan states the following with respect to these Corridors:

**Commercial Highway Corridors** are linear commercial development along an established primary highway. These highway corridors are intended to provide development opportunities extending behind the parcels that front on the primary highway.

Commercial Highway Corridors: The Commercial Highway Corridors identified in the Franklin County Comprehensive Plan are:

Route 220:

- Between Brick Church Road and Iron Ridge Road
- Between Shady Lane (983) and the Rocky Mount Town limits.
- Between Cassell Drive and the Franklin County Commerce Park

Route 40 West:

- Between the Rocky Mount Town limits and Six Mile Post Road

Route 40 East:

- Between the Rocky Mount Town limits and Golden View Road

***Policies for Commercial Highway Corridors***

1. The County will explore and implement effective ways to manage and improve the negative impacts of strip commercial development on important arterial roads that have already experienced development. These impacts include frequent curb cuts, proliferation of signs and visual clutter, poor aesthetics and poor traffic flow.
2. In areas that face increasing pressure for strip commercial development, the County will explore ways to provide incentives to encourage beneficial development, and desirable site characteristics, and to reduce the negative impacts on the rural character of the County. The methods will include planning for intersecting local access road nodes connecting to parallel collector roads.
3. The County will encourage and monitor site plans for new development along key commercial corridors to coordinate entrances according good engineering practices to reduce safety hazards and congestion and to meet or exceed VDOT commercial highway entrance standards.
4. Discourage further linear expansion of commercial highway corridors.
5. Discourage the future designation of any new commercial highway corridors.
6. New commercial development should be directed to identified Towns and Villages and/or lateral expansion of existing commercial corridors.
7. Scale and design of development should be in keeping with traditional character of Franklin County.

[12-8]

**CONSIDERATIONS:**

The Future Land Use Map of the adopted 2025 Comprehensive Plan for Franklin County identifies this area as a Commercial Highway Corridor, which does not prescribe a specific density, but includes as Policy # 7: *Scale and design of development should be in keeping with traditional character of Franklin County.*



The M-1 zoning district does not prescribe a specific residential density, and is "intended to provide development opportunities extending behind the parcels that front on the primary highway." Therefore we can conclude that the uses allowed in the M-1 district are generally in harmony with development in proximity or within neighboring areas.

Several commercial establishments and rural residences make up the properties immediately adjacent to the sides, rear, and front of this parcel, which lies just outside the Rocky Mount town limits. There is a mix of zoning on these properties including that which allows manufacturing and retail commercial as a use-by-right, and could be developed in accordance with the uses and requirements allowed in these districts. The adjacent properties to the southwest and east of the parcel under review are zoned M-1 either with or without proffers, the parcel to the west is zoned B1, and the parcel directly to the south is zoned B-2 with proffers. All of these properties contain active commercial businesses that involve a variety of inside and outside activities and uses.

The three properties directly to the north are zoned A-1 (Agricultural) and two contain residences. In addition to single family and manufactured homes, A-1 permits agricultural and non-residential uses, including some retail and light industrial uses, which are generally compatible with rural development but may have some off-site impacts such as traffic, smells, dust, and noise.

In light of the variety of existing and allowable uses in the area and the fact that the current and proposed proffers limit the uses that could be developed on this property, the amended Concept Plan showing one additional building proposed containing 400 sf of retail and 2000 sf of accessory storage appears to have the potential to be compatible with the established neighboring properties in the community if site development is limited in ways that address anticipated off-site impacts.

Old Franklin Turnpike (SR 40) is a heavily traveled, two-lane public arterial road that connects the Penhook, Glade Hill, and Union Hall areas of Franklin County with the Town of Rocky Mount. Staff believes that future traffic generated by the proposed rezoning would not negatively impact the roadway's level of service for vehicles traveling on SR 40. The property has an existing permitted entrance that is in conformance with current VDOT standards, and when consulted, the area land use engineer for VDOT did not have additional comments or concerns for this proposal. The property has been developed substantially in accordance with the original rezoning concept plan prepared by Philip Nester for Mr and Ms Huff, and there is very little room left on the property for amended or additional activities.

Staff notes that the County's current development permit requirements, including the thresholds for a site plan, lighting, signage, building and use setbacks from residential property, and erosion and sediment control will govern all further disturbance of land, including future activities, parking areas, or other potential structures, on this site. No additional lighting, parking, signage, or land disturbance is proposed on the new Concept Plan.



**ANALYSIS:**

Staff believes that the M-1 zoning category is generally appropriate and consistent with the Comprehensive Plan's designation of this section of Rt. 40 as a Commercial Highway Corridor. Staff notes that the purpose of the M-1 zoning category, as set forth in Sec. 25-352, is to "encourage the development of manufacturing and wholesale business establishments which do not produce high levels of smoke, smell, noise, light, dust and other nuisances; which operate primarily within enclosed structures; and do not deal with large volumes of customers on a continuous basis throughout the day."

Staff believes that the petitioner's proffers, as amended, provide sufficient certainty about how the site will be used and developed, and adequate protections for adjoining property owners and the surrounding community.

**RECOMMENDATION:**

The Planning Commission held a public hearing in consideration of this request on March 11, 2014. By vote of 7-0, the Planning Commission approved the following:

*The Planning Commission recommends that the Board of Supervisors approve the request for rezoning from M-1 with proffers to M-1 with amended proffers, accepting and incorporating into its approval the petitioner's statement of proffers dated February 28, 2014 and as amended March 11, 2014, which includes the following:*

1. Substantial Conformity. *The site shall be developed in substantial conformity with the conceptual plan of development entitled "Huff Subdivision: Revised Concept Plan," dated January 31, 2014, prepared by Stone Engineering.*
2. Limitation of Use. *Use of the site shall be limited to the following:*
  - a) *Automobile sales with associated uses, including, without limitation: maintenance, repair, cleaning, washing, and detailing.*
  - b) *Office/retail uses associated with any uses approved for parcel #54.2-13 or #54.2-14, as identified by Franklin County Real Estate records.*
  - c) *Indoor storage associated with any uses approved for parcel #54.2-13 or #54.2-14, as identified by Franklin County Real Estate records.*
  - d) *Customer and/or employee parking associated with any uses approved for parcel #54.2-13 or 54.2-14, as identified by Franklin County Real Estate records.*



**SUGGESTED MOTIONS:**

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) (APPROVE) I find that the proposal 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. Therefore I move to approve the petitioner's request to rezone the property from M-1 with proffers to M-1 with amended proffers as presented.

**OR**

- 2) (DENY) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to deny the request to rezone the property from M-1 with proffers to M-1 with amended proffers.

**OR**

- 3) (DELAY ACTION) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted to the Planning Commission.

STATE OF VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY:

**RECOMMENDATION:**

A request for a rezone on approximately +/- 1.055 total acres (Lot 3 and portion of revised Lot 4) parcel located at 1301 Old Franklin Turnpike in the Union Hall District of Franklin County, identified and recorded as Tax Map # 54.2, Parcel # 13 and portion of 14 in the Franklin County Real Estate Tax Records.

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

**WHEREAS**, the **petitioners/owners, Howard Eugene Huff and Melinda Gail Huff**, has filed with the Secretary of the Planning Commission a petition requesting a rezone permit to amend the statement of proffers which restricts the allowable uses of the property.

**WHEREAS**, the petition was referred to the Planning Commission on March 11, 2014 and to the Board of Supervisors on April 15, 2014, which after due legal notice as required by Section 15.2-2204 and Section 15.2-2205 of the Code of Virginia of 1950, as amended, was held on March 11, 2014; and

**WHEREAS**, at that public hearing all parties in interest were afforded an opportunity to be heard; and

**WHEREAS**, the Planning Commission after due consideration, has recommended to the Franklin County Board of Supervisors that the rezone request as listed above be **APPROVED with proffers**.

Howard Eugene Huff and Melinda Gail Huff.; Case # REZO-2-14-12676

1. **Substantial conformity**. The site shall be developed in substantial conformity with the conceptual plan of development entitled "Huff Subdivision: Revised Concept Plan," dated January 31, 2014, prepared by Stone Engineering.
2. **Limitation of Use**. Use of the site shall be limited to the following:
  - a.) Automobile sales with associated uses, including, without limitation: maintenance, repair, cleaning, washing and detailing.
  - b.) Office/retail uses associated with any uses approved for Parcel #54.2-13 and /or #54.2-14, as identified on the current Franklin County real estate records.
  - c.) Indoor storage associated with any uses approved for Parcel #54.2-13 and/or #54.2-14, as identified by Franklin County real estate records.
  - d.) Customer and/or employee parking associated with any uses approved for Parcel #54.2-13 and/or #54.2-14, as identified by Franklin County real estate records.

NOW THEREFORE, be it resolved, that the Planning Commission recommends to the Franklin County Board of Supervisors that the above-referenced parcel(s) of land and the Petitioner/Owner(s), be granted the request for a Rezone Permit to amend previously approved proffers.

The above action was adopted on the recommended motion of Mrs. Wendy Ralph, representative of the Union Hall District. The motion was seconded by, Mr. Edmund Law, representative for the Rocky Mount District of Franklin County. The motion was approved as written above upon the following vote:

AYES: McGhee, Law, Webb, Colby, Ralph, Doss, Mitchell  
NAYES:  
ABSTAIN:  
ABSENT:

Bonnie Shwartz Clerk  
Franklin County Planning Commission

Mar. 12 2014 Date

BEFORE THE BOARD OF SUPERVISORS  
FRANKLIN COUNTY VIRGINIA

HOWARD EUGENE HUFF	)	
MELINDA GAIL HUFF	)	
	)	REZONE
PETITIONERS	)	CASE #REZO-2-14-12676
Tax Map/Parcel #54.2-13	)	VOLUNTARILY PROFFERS
Tax Map/Parcel #54.2-14 (portion)	)	
_____	)	

Comes now the Petitioners of the above stated Rezone Petition and do voluntarily proffer the following:

1. SUBSTANTIAL CONFORMITY:

The site shall be developed in substantial conformity with the conceptual plan of development entitled "Huff Subdivision: Revised Concept Plan," dated January 31, 2014, prepared by Stone Engineering.

2. LIMITATION OF USE:

Limitation of Use: Use of the site shall be limited to the following:

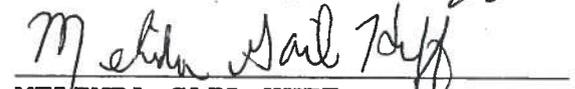
(a) Automobile sales with associated uses, including, without limitation: maintenance, repair, cleaning, washing and detailing.

(b) Office/retail uses associated with any uses approved for Parcel # 54.2-13 and/or #54.2-14, as identified on the current Franklin County real estate records.

(c) Indoor storage associated with any uses approved for Parcel #54.2-13 and/or 54.2-14, as identified by Franklin County real estate records.

(d) Customer and/or employee parking associated with any uses approved for Parcel #54.2-13 and/or #54.2-14, as identified by Franklin County real estate records.

  
 \_\_\_\_\_  
 HOWARD EUGENE HUFF

  
 \_\_\_\_\_  
 MELINDA GAIL HUFF

LAW OFFICES  
RAINE & PERDUE, P.L.C.  
245 SOUTH MAIN STREET  
PERDUE - MONTGOMERY BUILDING  
ROCKY MOUNT, VIRGINIA 24151

MICHAUX RAINE III (1936-2010)  
CLYDE H. PERDUE, JR.  
C. HOLLAND PERDUE III

(540) 483-9269  
FAX (540) 483-0828  
cperduelaw@jetbroadband.com

February 28, 2014

Franklin County Planning Department  
Neil Holthouser  
1255 Franklin Street, Suite 103  
Rocky Mount, Virginia 24151

Re: Howard Eugene Huff and Melinda Gail Huff  
Amendment to Concept Plan  
Tax Map/Parcel #54.2-13 and Portion #54.2-14

Mr. Holthouser,

After further discussion with Planning Staff, the petitioners will subnet the following proffer:

PROFFER:

1. SUBSTANTIAL CONFORMITY: The site shall be developed in substantial conformity with the conceptual plan of development entitled "Huff Subdivision: Revised Concept Plan," dated January 31, 2014, prepared by Stone Engineering.

Thank you,

  
Clyde H. Perdue, Jr.

CHPJR:mbb

Limitation of Use: Use of the site shall be limited to the following:

(a) Automobile sales with associated uses, including, without limitation: maintenance, repair, cleaning, washing and detailing.

(b) Office/retail uses associated with any uses approved for Parcel # 54.2-13 and/or #54.2-14, as identified on the current Franklin County real estate records.

(c) Indoor storage associated with any uses approved for Parcel #54.2-13 and/or 54.2-14, as identified by Franklin County real estate records.

(d) Customer and/or employee parking associated with any uses approved for Parcel #54.2-13 and/or #54.2-14, as identified by Franklin County real estate records.

FRANKLIN COUNTY  
PETITION/APPLICATION FOR REZONING

Howard Eugene Huff (Type or Print)

I/We, Melinda Gail Huff, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors to amend the Franklin County Zoning Maps as hereinafter described:

1. Petitioners Name: Howard Eugene Huff & Melinda Gail Huff
2. Property Owner's Name: same  
Phone Number: (540) 493-8595  
Address: 836 Greenway Road  
Glade Hill, VA Zip: 24092
3. Exact Directions to Property from Rocky Mount: Route 40 East, approx. 1/2 mile beyond town limits to 130<sup>th</sup> Old Franklin Turnpike
4. Tax Map and Parcel Number: 0540201300 & portion of 0540201400
5. Magisterial District: Union Hall
6. Property Information: (Lot 3) (Portion of Revised Lot 4)
  - A. Size of Property: 0.579 Ac. & 0.476 Ac (1.055 Ac., Total)
  - B. Existing Land Use: Auto Sales
  - C. Existing Zoning: M1
  - D. Existing number of allowed dwelling units per acre or commercial/industrial development square feet per acre: No additional buildings allowed per prior rezone.
  - E. Is property located within any of the following overlay zoning districts: No.  
 Corridor District  Westlake Overlay District  Smith Mountain Lake Surface District
  - F. Is any land submerged under water or part of a lake? Yes  No If yes, explain.  
\_\_\_\_\_  
\_\_\_\_\_
7. Proposed Development Information:
  - A. Proposed Land Use: Auto Sales
  - B. Proposed Zoning: M1
  - C. Size of Proposed Use: 1.055 Ac., Total (Lot 3 & portion of Revised Lot 4)
  - D. Proposed dwelling units per acre or commercial/industrial development square feet per acre: 1 Existing building, Propose 2,400 S.F. building

Checklist for completed items:

- Application Form
- Letter of Application
- List of Adjoining Property Owners and Addresses
- Concept Plan
- Application Fee

I certify that this petition/application for rezoning and the information submitted herein is correct and accurate.

Petitioner's Name (Print): Howard Eugene Huff  
Melinda Gail Huff  
Signature of Petitioner: X *Howard E. Huff*  
X *Melinda G. Huff*  
Date: \_\_\_\_\_  
Mailing Address: 836 Greenway Road  
Glade Hill, Virginia 24092  
Telephone: (54) 493-8595

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): \_\_\_\_\_  
Signature of Owner: \_\_\_\_\_  
Date: \_\_\_\_\_

Date Received by Planning Staff: \_\_\_\_\_  
Time: \_\_\_\_\_  
Clerk's Initials: \_\_\_\_\_

CHECK #: \_\_\_\_\_  
RECPT. #: \_\_\_\_\_  
AMOUNT: \_\_\_\_\_

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every property adjacent to the site and directly across from any public right-of-way adjoining the site. Names and addresses are available in the County Real Estate office in the Courthouse.

NAME: Carolyn H. Furrow ADDRESS: P.O. Box 856  
TAX MAP NUMBER: 0540201200 Rocky Mount, Virginia 24151

NAME: Fannie Louise Eames ADDRESS: 180 Wrays Chapel Road  
TAX MAP NUMBER: 0540005200 Rocky Mount, Virginia 24151

NAME: Clarence W. Dalton  
Keith G. Dalton  
Ricky & Margie Hambrick  
& Others ADDRESS: 3710 Sandlewood Road  
TAX MAP NUMBER: 0540005600 &  
0540005700 Roanoke, Virginia 24019

NAME: K H J Holdings, LLC ADDRESS: P. O. Box 776  
TAX MAP NUMBER: 0540201501 &  
0540005300 South Boston, Virginia 24592

NAME: Trelease Enterprise, Inc ADDRESS: 3744 Burnt Chimney Road  
TAX MAP NUMBER: 0540037606 Wirtz, Virginia 24184

NAME: Brian Young ADDRESS: 7124 Six Mile Post Road  
TAX MAP NUMBER: 0540037400 Rocky Mount, Virginia 24151

NAME: Jimmy Reed &  
Evonne A. Dillon ADDRESS: 85 Chitwood Circle  
TAX MAP NUMBER: 0540037500 Rocky Mount, Virginia 24151

NAME: Turner Turner &  
Turner, LLC ADDRESS: 1305 Old Franklin Turnpike  
TAX MAP NUMBER: 0540201500 Rocky Mount, Virginia 24151

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
TAX MAP NUMBER: \_\_\_\_\_

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
TAX MAP NUMBER: \_\_\_\_\_

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
TAX MAP NUMBER: \_\_\_\_\_

LAW OFFICES  
**RAINE & PERDUE, P.L.C.**  
245 SOUTH MAIN STREET  
PERDUE - MONTGOMERY BUILDING  
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MICHAUX RAINE III (1936-2010)  
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C. HOLLAND PERDUE III

(540) 483-9269  
FAX (540) 483-0828  
cperduelaw@jetbroadband.com

February 3, 2014

Franklin County Planning Department  
Neil Holthouser  
1255 Franklin Street, Suite 103  
Rocky Mount, Virginia 24151

Re: Howard Eugene Huff and Melinda Gail Huff  
Amendment to Concept Plan  
Tax Map/Parcel #54.2-13 and Portion #54.2-14

Mr. Holthouser,

This letter and application is a follow up to our meeting with you and VDOT in regard to the above referenced application.

Enclosed with this Letter of Application are the following:  
Application;  
List of Adjoining Property Owners and Address;  
Concept Plan; and,  
the application fee.

Briefly, this application is to provide for the amendment of the Concept Plan in the previous rezone of each parcel (tax map/parcel #54.2-13 and the remaining portion of #54.2-14) in Case # RO7-10-01 (Howard Eugene Huff and Melinda Gail Huff).

The new Concept Plan indicates the Huff's intentions to make improvements to the properties which will better serve the land to provide for the sale and display of vehicles, with the proposed retail office, parking and accessory storage area. It is noted that the land use proposal is allowed as a "use by right" within the M-1 zoning. This application is necessary by reason of the proffer made in Case #RO7-10-01 providing that "No buildings or other proposed uses shall be added without being approved by an additional public hearing." Generally, the proposed use of the property is in compliance with the zoning and will have a commercial beneficial effect on the surrounding area.

The filing provides the original Concept Plan and the new Concept Plan showing the proposed amendment/changes.

I appreciate your processing this matter.

If you should have any questions do not hesitate to contact this office.

Thank you,

  
Clyde H. Perdue, Jr.

CHPJR:mbb  
Enclosure





## MEMORANDUM

Case # REZO-3-14-12738



**To:** Franklin County Board of Supervisors  
**From:** Neil Holthouser, Director of Planning & Community Development  
**Date:** April 15, 2014  
**Tax #:** A 4.56-acre portion of #28-118; and all of #28-114.02 (8.2 acres)  
**District:** Gills Creek District  
**Applicant:** Donnie Montgomery; Homestead Creamery, Inc.  
**Owner:** Homestead Creamery, Inc.

### REQUEST:

Petition of **Donnie Montgomery, Petitioner/Homestead Creamery, Inc., Owner** requesting a rezone for a +/- 12.76 acre site (4.56 acres of parcel # 0280011800 and 8.2 acres of parcel # 0280011402) from A-1, Agricultural to B-2, Business District General, with proffers. The subject property is located on SR 122 (Booker T. Washington Highway) in the Gills Creek District of Franklin County. The petitioner is now seeking to rezone for "off-street parking" and septic drain field expansion associated with an existing milk distribution business and retail store located on parcel # 0280011400. The Future Land Use Map of the Franklin County Comprehensive Plan identifies this area as Village Buffer, which does not prescribe a specific residential density. The B-2 zoning category does not prescribe a specific residential density. This petition to rezone would not result in any residential development, nor any increase of residential density for this property. (Case # REZO-3-14-12738)

### RECOMMENDATION:

The Planning Commission held a public hearing in consideration of this request on April 8, 2014. By vote of 7-0, the Planning Commission approved the following:

*The Planning Commission recommends that the Board of Supervisors approve the request by Homestead Creamery Inc., to rezone approximately 12.76 acres from A-1, Agricultural to B-2, Business District General, accepting and incorporating into its approval the applicant's statement of proffers, which includes the following:*

- 1. The proposed development will be developed in substantial conformance to the Concept Plan submitted with the rezoning application, prepared by Parker Design Group and dated March 3, 2014.*



Site Statistics	
Location:	Rt. 122, east of intersection with Rt. 116, in Burnt Chimney
Size:	4.56-acre portion of TMP#28-118; and all of TMP#28-114.02, which contains 8.2 acres
Existing Zoning:	A-1, Agricultural
Existing Land Use:	Undeveloped, except for a commercial entrance and driveway located on TMP#28-114.02
Proposed Zoning:	B-2, Business District General
Proposed Land Use:	Employee & customer parking; stormwater management facilities; expanded septic drainfields
Adjacent Zoning:	B-2, A-1
Adjacent Land Uses:	Commercial, agricultural
Utilities:	Site is to be served with public water; private septic

**BACKGROUND:**

Homestead Creamery, Inc., owns and operates a milk/dairy processing and distribution business located at 7256 Booker T. Washington Highway (Rt. 122), and an associated retail store located at 7254 Booker T. Washington Highway. Homestead Creamery currently owns the following parcels of land:

Parcel #	Acreage	Current Zoning	Current Use
28-116	1.15	B-2	Milk/dairy processing & distribution plant
28-118	6.4	1.84 acres B-2; 4.56 acres A-1	Retail store located on 1.84-acre B-2 portion; remaining 4.56-acre portion zoned A-1 is currently undeveloped
28-117	1.75	B-2	Some parking; existing septic drainfield
28-114.02	8.2	A-1	Existing commercial entrance & driveway; otherwise undeveloped





In 2013, Homestead Creamery announced plans for an expansion of its dairy production business. To help facilitate this expansion, Franklin County has partnered with the Western Virginia Water Authority to extend a public water line along Rt. 122 from the Westlake area to the Burnt Chimney area. Homestead Creamery anticipates the need to expand its physical production plant, which in turn will require additional employee and customer parking, as well as additional septic drainfields for disposal and management of waste water.

**REQUEST:**

Homestead Creamery is now requesting rezoning of approximately 12.76 acres from A-1, Agricultural, to B-2, Business District General, for the purpose of developing parking areas, stormwater management facilities, and expanded septic drainfields. The request includes approximately 4.56 acres of parcel #28-118, located to the rear of the existing retail store; and all 8.2 acres of parcel #28-114.02, which is currently undeveloped except for an existing driveway and commercial entrance along Rt. 122.

The petitioner has submitted a conceptual plan of development in support of this rezoning request. The concept plan shows additional parking areas for customers, employees, buses, and trucks; an area for future development of stormwater management facilities; an outdoor storage area associated with truck staging; and potential future drainfield expansion areas.

The petitioner has submitted a statement of proffers, which includes the following:

- 1. The proposed development will be developed in substantial conformance to the Concept Plan submitted with the rezoning application, prepared by Parker Design Group and dated March 3, 2014.*

**ANALYSIS:**

The Comprehensive Plan for Franklin County designates this area as a "village," commonly known as Burnt Chimney. According to the Plan, villages are to serve as "the primary focus for local services, social activities, and community life as well as providing opportunities for employment." The Plan goes on to state that:

*...commercial services include convenience shopping, general business, and professional services that serve the needs of the surrounding rural community. Community facilities include elementary schools, recreation areas, fire and rescue sites, post offices, and churches. Residential uses include farmhouses, rural dwellings, small subdivisions and apartments located on the upper floors of commercial development. Villages provide many of the daily needs of the area residents, but some services will still be provided outside of the village area.*

**Policies for Villages**

1. Encourage small-scale residential subdivision, townhouses, garden apartments and apartments above commercial uses in locations that complement and support established or new villages with supporting services such as convenience shopping, general business, elementary schools, recreational areas, fire and rescue sites, and churches.



2. Make future decisions about the location of community facilities so as to strengthen the identity and improve the quality of life of the village.
3. New development in villages should preserve open space and viewsheds; take into consideration existing vegetation; and incorporate these concepts into site planning to preserve the rural character.
4. Development in the village should be based on adopted community plans that include architectural and site development guidelines.
5. In conjunction with community plans, identify villages where small-scale County public water and sewer systems are feasible. Development in the village should be based on adopted community plans that include architectural and site development guidelines.
6. Design standards for the villages for interconnected rectilinear street patterns.
7. Develop the villages in such a way that residents are in walking distance to services and public spaces.
8. Development of villages should include village squares and public spaces.
9. Work to establish, identify, and plan the enhancement of key gateways and entry points to the villages and to establish guidelines for landscaping, setback, and coordination of access so as to enhance the quality of these points.
10. Encourage development of small scale commercial and light industrial in villages for residents to work and provide services to the surrounding rural community.
11. The County will encourage and monitor site plans for new development along key commercial corridors to coordinate entrances according to good engineering practices to reduce safety hazards and congestion and to meet or exceed VDOT commercial highway entrance standards.

Staff believes that Homestead Creamery's existing uses are generally consistent with the goals and policies outlined in the Comprehensive Plan for "villages." Homestead Creamery serves as a significant local employer; its location within the village center allows its employees to patronize local businesses for convenience goods and services. Much of the raw material for Homestead Creamery's production comes from the surrounding region. In this sense, the processing and distribution facility acts as a market hub for the regional dairy community. Homestead Creamery operates a retail store selling milk, ice cream, and other dairy products, and includes a small petting zoo. This business serves as a tourist destination, and is often frequented by school children on field trips. Staff believes that all of these uses contribute to the vibrancy and character of Burnt Chimney as a village center.

Staff believes that the proposed B-2 zoning category is generally consistent with the purpose and intent of the Comprehensive Plan. While not all uses allowed by-right in the B-2 category are compatible with villages, staff believes that the applicant's proffered Concept Plan adequately addresses issues of site layout and arrangement of uses. Staff notes that the applicant has not specifically provided any proffers related to uses, or the restriction thereof. However, staff believes that the proffered concept plan effectively limits the use of the 12.76-acre rezoning site to the following uses, which are called out by annotation on the concept plan:

- customer parking (32 spaces)
- employee overflow parking (38 spaces)
- bus parking
- truck staging area
- outdoor storage area
- stormwater management area
- potential drainfield expansion



Staff believes that any development other than what is shown and annotated on the concept plan would require a subsequent petition for rezoning, in order to amend the concept plan/statement of proffers.

This request for rezoning has been reviewed by VDOT, which has determined that the request does not meet the traffic generation threshold requiring a traffic impact study. VDOT has preliminarily determined that Homestead Creamery's existing commercial entrances along Rt. 122 are sufficient to accommodate the development that would result from this rezoning request. Staff notes that the proposed development will require a Site Plan and Erosion & Sediment Control Plan, which will be reviewed in detail by VDOT prior to any approval.

The site will be served by public water once construction of the Western Virginia Water Authority's public water line to Burnt Chimney has been completed. Sewer will be handled privately, with expanded septic drainfields located on site.

**RECOMMENDATION:**

The Planning Commission held a public hearing in consideration of this request on April 8, 2014. By vote of 7-0, the Planning Commission approved the following:

*The Planning Commission recommends that the Board of Supervisors approve the request by Homestead Creamery Inc., to rezone approximately 12.76 acres from A-1, Agricultural to B-2, Business District General, accepting and incorporating into its approval the applicant's statement of proffers, which includes the following:*

- 1. The proposed development will be developed in substantial conformance to the Concept Plan submitted with the rezoning application, prepared by Parker Design Group and dated March 3, 2014.*



**SUGGESTED MOTIONS:**

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) (APPROVE) I find that the proposal 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. Therefore I move to approve the petitioner's request to rezone the property from A-1 to B-2 with proffers.

**OR**

- 2) (DENY) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to deny the request to rezone the property from A-1 to B-2 with proffers.

**OR**

- 3) (DELAY ACTION) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted to the Board of Supervisors.

STATE OF VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY:

**RECOMMENDATION:**

A request for a rezone from A-1, Agricultural to B-2, Business District General on approximately +/- 12.76 total acres (4.56 acres of parcel #0280011800 and 8.2 acres of parcel #0280011402) parcels located at SR 122, Booker T. Washington Highway in the Gills Creek District of Franklin County, identified and recorded as Tax Map # 28, Parcel # 114 in the Franklin County Real Estate Tax Records.

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

**WHEREAS**, the **petitioners; Donnie Montgomery/owners; Homestead Creamery, Inc.**, has filed with the Secretary of the Planning Commission a petition requesting a rezone permit for "off-street parking" and septic drain field expansion associated with an existing milk distribution business and retail store.

**WHEREAS**, the petition was referred to the Planning Commission on April 8, 2014 and to the Board of Supervisors on April 15, 2014, which after due legal notice as required by Section 15.2-2204 and Section 15.2-2205 of the Code of Virginia of 1950, as amended, was held on April 8, 2014; and

**WHEREAS**, at that public hearing all parties in interest were afforded an opportunity to be heard; and

**WHEREAS**, the Planning Commission after due consideration, has recommended to the Franklin County Board of Supervisors that the rezone request as listed above be **APPROVED with proffers**.

Donnie Montgomery/Homestead Creamery Inc.; Case # REZO-3-14-12738

1. **Substantial conformity**. The proposed development will be developed in substantial conformance to the Concept Plan submitted with the rezoning application, prepared by Parker Design Group, Inc. and dated March 3, 2014.

NOW THEREFORE, be it resolved, that the Planning Commission recommends to the Franklin County Board of Supervisors that the above-referenced parcel(s) of land and the Petitioner/Owner(s), be granted the request for a Rezone Permit to rezone from A-1, Agricultural to B-2, Business District General.

The above action was adopted on the recommended motion of Mr. James Colby, representative of the Gills Creek District. The motion was seconded by, Mrs. Wendy Ralph, representative for the Union Hall District of Franklin County. The motion was approved as written above upon the following vote:

AYES: McGhee, Law, Colby, Ralph, Doss, Mitchell

NAYES:

ABSTAIN: Webb

ABSENT:

 Clerk

 Date

Franklin County Planning Commission



816 Boulevard  
Salem, VA 24153  
P: 540.387.1153  
F: 540.389.5767  
www.parkerdg.com

ENGINEERS | SURVEYORS | PLANNERS | LANDSCAPE ARCHITECTS

February 28, 2014

Neil Holthouser, Director  
Planning & Community Development  
Franklin County  
1255 Franklin Street, Suite 103  
Rocky Mount, VA 24151

Re: Homestead Creamery  
Rezoning Application  
PDG #06-0440-08

Dear Mr. Holthouser:

Enclosed you will find an application for rezoning of tax parcel 02080011402, and portions of tax parcel 0280011800 from Agricultural District (A-1) to General Business District (B-2). The owner/petitioner of the property, Homestead Creamery, Inc. has requested we prepare this application and submit to you as their agent. The purpose of this letter is to briefly describe the proposed use of the properties, the effects this proposed use will have on the surrounding area, and the reason for the request.

The proposed use of these properties will consist of supporting parking and drainfield areas for Homestead Creamery's continued growing business. Since 2001, Homestead Creamery has consistently grown. With this growth has come the need for additional parking, and drainfields. Currently the facility lacks parking and is working on a wastewater plan that requires additional drainfields. In an effort to remain functional in this location, Homestead Creamery needs portions of the properties they currently own to be zoned B-2.

The proposed development will improve the current conditions of the property and impacts to the surrounding area. Parking areas are proposed in the rear of the property in an effort to improve the aesthetic appearance from Rt 122 and resolve an overcrowding of parking that exists today. The ability to expand drainfields will allow for growth of the plant and replacement of older failing drainfields. Allowing the expansion of this infrastructure will reduce impacts that occur today and allow for a planned growth to move forward. Any impacts from future growth will be controlled through current traffic, stormwater, and waste management regulations.

The purpose for this rezoning request is to allow for the construction of supporting infrastructure to an established and growing business.

We respectfully request you consider the approval of this request, and should you have any questions or comments regarding this application, please do not hesitate to contact us.

Sincerely,  
Parker Design Group, Inc.



Sheldon R. Bower, PE  
Principal

Enclosures

Cc: File  
Client

**FRANKLIN COUNTY  
PETITION/APPLICATION FOR REZONING  
(Type or Print)**

I/We, Homestead Creamery, Inc., as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors to amend the Franklin County Zoning Maps as hereinafter described:

1. Petitioners Name: Donnie Montgomery

2. Property Owner's Name: Homestead Creamery, Inc

Phone Number: 540-721-2045

Address: PO Box 506  
Wirtz, VA Zip: 24184

3. Exact Directions to Property from Rocky Mount: From 40, turn onto North 122 towards Burnt Chimney, Creamery is on the right just past intersection of 116 & 122

4. Tax Map and Parcel Number: Portions of 0280011800 & 0280011402

5. Magisterial District: Gills Creek

6. Property Information:

A. Size of Property: 12.76 Acres

B. Existing Land Use: Vacant / storage

C. Existing Zoning: A1

D. Existing number of allowed dwelling units per acre or commercial/industrial development square feet per acre: \_\_\_\_\_

E. Is property located within any of the following overlay zoning districts:

Corridor District  Westlake Overlay District  Smith Mountain Lake Surface District  
within 500' of 122

F. Is any land submerged under water or part of a lake? Yes  No  If yes, explain.

\_\_\_\_\_  
\_\_\_\_\_

7. Proposed Development Information:

A. Proposed Land Use: Parking / storage / potential drain fields

B. Proposed Zoning: B2

C. Size of Proposed Use: 12.76 Acres

D. Proposed dwelling units per acre or commercial/industrial development square feet per acre: \_\_\_\_\_

Checklist for completed items:

- Application Form
- Letter of Application
- List of Adjoining Property Owners and Addresses
- Concept Plan
- Application Fee

I certify that this petition/application for rezoning and the information submitted herein is correct and accurate.

Petitioner's Name (Print): Donnie Montgomery

Signature of Petitioner: Donnie Montgomery

Date: March 1, 2014

Mailing Address: P.O. Box 506  
Wirta, Va 24184

Telephone: 540-721-2045

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_

Date Received by Planning Staff: \_\_\_\_\_

Time: \_\_\_\_\_

Clerk's Initials: \_\_\_\_\_

CHECK #: \_\_\_\_\_

RECPT. #: \_\_\_\_\_

AMOUNT: \_\_\_\_\_

**ADJACENT PROPERTY OWNERS**

**Name:** Bowman Marlyn J & Connie King (Trustees) Joint Revocable Trust  
**Address:** 7254 Booker T Washington Hwy  
Wirtz, VA 24184

**Tax Map Number:** 0280011900

**Name:** Bowman Marlyn J & Connie King (Trustees) Joint Revocable Trust  
**Address:** 7254 Booker T Washington Hwy  
Wirtz, VA 24184

**Tax Map Number:** 0280012000

**Name:** Bowman Marlyn J & Connie King  
**Address:** 7254 Booker T Washington Hwy  
Wirtz, VA 24184

**Tax Map Number:** 0280013501

**Name:** Montgomery Donnie R & Charlotte S  
**Address:** 934 Bonbrook RD  
Wirtz, VA 24184

**Tax Map Number:** 0280013501A

**Name:** Turner Ruth P & Benjamin T & Brown Nancy T & Whitlow Diane T  
**Address:** 7361 Booker T Washington Hwy  
Wirtz, VA 24184

**Tax Map Number:** 0280011400

**Name:** Burnt Chimney Volunteer Fire Department  
**Address:** 7300 Booker T Washington Hwy  
Wirtz, VA 24184

**Tax Map Number:** 0280011500

**Name:** Turner Ruth P & Whitlow Wanda C (Trustees)  
**Address:** 7361 Booker T Washington Hwy  
Wirtz, VA 24184

**Tax Map Number:** 0280009600

**Name:** Burnt Chimney Properties Inc  
**Address:** 16475 Booker T Washington Hwy  
Moneta, VA 24121

**Tax Map Number:** 0280009512

**Name:** Family Dollar Stores of Virginia Inc  
**Address:** PO Box 1017  
Charlotte, NC 28201

**Tax Map Number:** 0280009515

**ADJACENT PROPERTY OWNERS**

**Name:** Tucker Forrest Lee & Mary Lynn (Trustees)

**Address:** PO Box 510  
Wirtz, VA 24184

**Tax Map Number:** 0280009600

**Name:** Turner Ruth P & Whitlow Wanda C (Trustees)

**Address:** 7361 Booker T Washington Hwy  
Wirtz, VA 24184

**Tax Map Number:** 0280009600

**Name:** Homestead Creamery Inc

**Address:** PO Box 506  
Wirtz, VA 24184

**Tax Map Number:** 0280011600

**Name:** Homestead Creamery Inc

**Address:** PO Box 506  
Wirtz, VA 24184

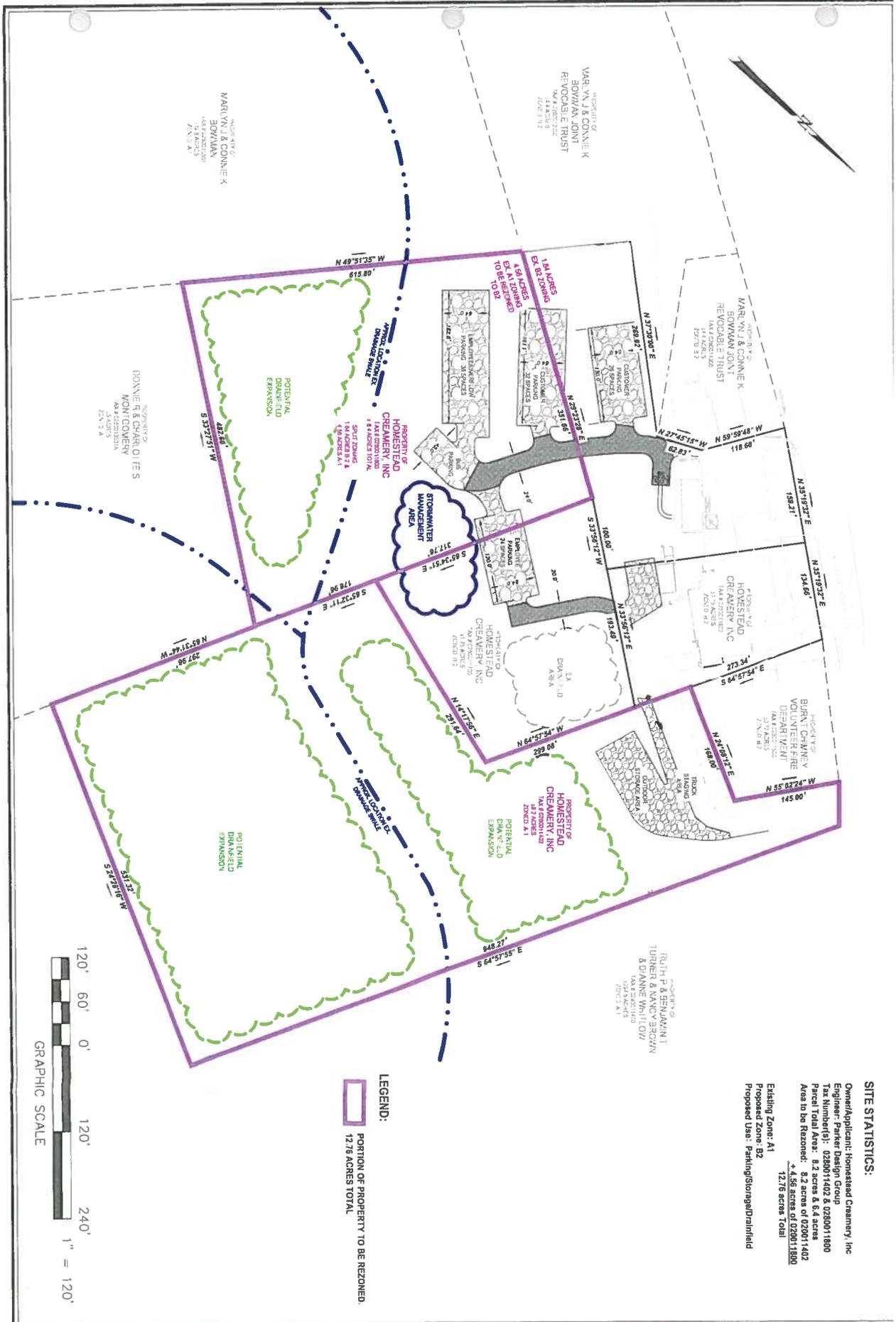
**Tax Map Number:** 0280011700

**Proffered Conditions:**

The applicant hereby requests that the following proffered condition be adopted as it pertains to Tax No. 0280011402 and portion of Tax No. 0280011800.

- 1) The proposed development will be developed in substantial conformance to the Concept Plan submitted with the rezoning application, prepared by Parker Design Group and dated March 3, 2014.

Applicant: Homestead Creamery, Inc.  
Applicant Signature: Donnie Montgomery  
Date: March 1, 2014



**SITE STATISTICS:**  
 Owner/Applicant: Homestead Creamery, Inc  
 Engineer: Parker Design Group  
 Tax Number(s): 028001402 & 0280011800  
 Parcel Total Area: 8.2 acres & 6.4 acres  
 Area to be Rezoned: 8.2 acres of 028011402  
 + 4.56 acres of 028011800  
 = 12.76 acres Total

Existing Zone: A1  
 Proposed Zone: B2  
 Proposed Use: Parking/Storage/Drainfield

**LEGEND:**  
 PORTION OF PROPERTY TO BE REZONED  
 12.78 ACRES TOTAL



SCALE: 1" = 120'  
 PROJECT NO. 06-0440-08  
 DATE: March 3, 2014  
 REV:

**Homestead Creamery  
 Concept Plan**  
 Franklin County, VA

 **parker**  
 DESIGN GROUP, INC. ENGINEERS \* SURVEYORS \* PLANNERS \* LANDSCAPE ARCHITECTS

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 Salem, Virginia 241  
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