

(Please click on highlighted areas to view attachments.)



# Franklin County

*A Natural Setting for Opportunity*

## AGENDA FRANKLIN COUNTY BOARD OF SUPERVISORS TUESDAY, JUNE 16, 2015

- 1:30 P.M. Call To Order, Vice-Chairman Charles Wagner
- 1:31 Invocation, Supervisor Bobby Thompson
- 1:32 Pledge of Allegiance, Supervisor Ronnie Thompson
- 1:33 Public Comment
- Philip Smith - 58.1-3506 Other Classification of Tangible Personal Property for Taxation **(See Attachment #1)**
  - Dave Werner, Preserve Franklin **(See Attachment #8)**
- 1:39 Mike Smith, Boone Mill Town Council Member  
REF: 1. Introduction Matt Lawless, Boones Mill Town Manager
- 1:42 CONSENT AGENDA (REQUIRES ACTION)
- REF: 1. Approval of Accounts Payable Listing, Appropriations, and Minutes for May 19, 21, 26 & 28, 2015
2. EMS Revenue Recovery **(See Attachment #10)**
3. Amendment to County Procurement Policy in Accordance with 2.2-4303 **(See Attachment #4)**
4. Appropriation Ordinance Effective July 1, 2015 - June 30, 2016 **(See Attachment #5)**
5. Compensation Study **(See Attachment #6)**
6. Bid Award for Landfill Compact Track Loader **(See Attachment #9)**
7. School CIP Request **(See Attachment #7)**
8. Request for Approval for Amended Language to Western Va. Regional Workforce Charter **(See Attachment #15)**
9. Technical and Editorial Amendments to the Water & Wastewater Agreement dated October 1, 2014. **(See Attachment #16)**
- 1:45 Vincent Copenhaver, Director of Finance  
REF: 1. Monthly Finance Report
- 1:50 John Hull, Director of Market Intelligence, Ro. Regional Partnership  
REF: 1. Western Virginia Regional Industrial Authority Update **(See Attachment #3)**
- 2:05 Daryl Hatcher, Director of Public Safety  
Cindy Brooks, Animal Control Manager  
REF: 1. Animal Shelter Update **(See Attachment #13)**

RICHARD E. HUFF II  
COUNTY ADMINISTRATOR  
1255 FRANKLIN STREET, SUITE 112  
ROCKY MOUNT, VIRGINIA 24151  
(540) 483-3030  
www.franklincountyva.gov

2:40 Ronnie Thompson, Boone District Supervisor  
REF: 1. Hiring an Attorney for Citizens Opposed to Proposed Pipeline

2:45 Richard E. Huff, II, County Administrator  
REF: 1. Request to Petition Circuit Court for Commonwealth Attorney's Vacancy **(See Attachment #14)**  
2. Part Time Courtroom Bailiff Assistance **(See Attachment #17)**  
3. Other Matters

2:55 Other Matters by Supervisors

3:10 Request for Closed Meeting in Accordance with 2.2-3711, a-1, Personnel, a-3, Acquisition of Land & a-7, Consult with Legal Counsel, 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 #2)***

Recess for Dinner

6:00 Call To Order, Vice-Chairman Charles Wagner

6:01 Recess for Previously Advertised Public Hearings as Follows:

***PETITION for REZONE*** - Petition of William M. and Mary Hannabass, Petitioners and William M. & Mary Hannabass and Shirley Frith, Owners requesting a rezone from RC-1, Residential Combined Subdivision District to an A-1, Agricultural District for a +/- 15.31 acres (9.22 acres and 6.09 acres) parcels of land, located at 531 Jamestown Road and 535 Jamestown Road in the Blackwater District of Franklin County, and further identified as the following Franklin County Tax Map/Parcel # 0550000502 and 0550000502D. (Case # REZO-4-15-14045) ***(See Attachment #11)***

***PETITION*** of Franklin County Board of Supervisor to amend Chapter 25, "Zoning," of the Franklin County Code, to amend definition of a variance and the standard by which the board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements. By amending Article 1, Division 3, Section 25-40, Principal definitions of the Zoning Ordinance, to amend the definition of a variance to meet state code definition of a variance; and by amending Article V, Division 7, Section 25-773, Powers and duties of the board of zoning appeals to update requirements in granting of a variance under new state legislation ***(See Attachment #12)***

*Adjournment Thereafter*

***RISE & SHINE GUESTS FOR JUNE ARE BOBBY THOMPSON & RICK***

1

**Request for Special Classification of Vehicle  
of Virginia Defense Force (VDF) Member**

To the Commissioner of the Revenue of the County City/Town of FRANKLIN

Pursuant to the Code of Virginia § 58.1-3506.A.44, I request that

PHILIP R. SMITH, LTC, VDFID # 0800641 an active uniformed member of the  
(Name/Rank/VDF #)

VDF (not in the reserves) be granted a special classification for the vehicle registered in your jurisdiction at

930 OLD CARRIAGE RD, GLADE HILL, VA 24092  
(Address)

which this member regularly uses in his/her official duties:

1999, HONDA, CR-V  
(Year/Make/Model)

JHLRD1742XC052901  
(VIN)

for the tax year 2019.

Thank you in advance for your consideration.

  
BG Timothy P. Williams  
Adjutant General

----- Forwarded message -----

From: "Reynolds, C.B." <[CB.Reynolds@franklincountyva.gov](mailto:CB.Reynolds@franklincountyva.gov)>

Date: May 19, 2015 9:05 AM

Subject: RE: Request for Special Classification of Vehicle

To: "P Smith" <[philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)>

Cc:

I WOULD SUGGEST THAT YOU CALL AND GET ON THE AGENDA FOR THE JUNE MEETING OF THE BOARD TO SPEAK TO THIS ISSUE.

I HAVE DISCUSSED YOUR CONCERNS TO THE BOARD

HOPE TO SEE YOU ON THE JUNE AGENDA

C.B.

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From: P Smith [[philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)]

Sent: Thursday, May 14, 2015 3:09 PM

To: Reynolds, C.B.

Subject: Fwd: Request for Special Classification of Vehicle

Mr. Reynolds,

I have not heard back from you on the matter below. Please advise what I need to do to have this considered by the Board of Supervisors.

Thankyou,

V/r

Philip R. Smith

LTC(VA) LN VDF

Commander

4th Regiment

Virginia Defense Force

E-mail: [philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)<<mailto:philip.smith.vdf@gmail.com>>

Cell: [540-352-0441](tel:540-352-0441)

<http://www.vdf.virginia.gov/>

Classification: UNCLASSIFIED

Caveats: FOUO

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On Wed, Feb 11, 2015 at 6:05 AM, P Smith

<[philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)<mailto:[philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)>> wrote:

Mr. Reynolds,

Pursuant to the Code of Virginia § 58.1-3506.A.44, and per the direction of the Franklin County Commissioner of the Revenue, Mrs. Margaret Torrence (see her email below) attached is a request for personal property tax classification of the vehicle I use in the fulfillment of my official duties in service to the Commonwealth of Virginia in the Virginia Defense Force. The Virginia Defense Force is part of the Virginia Department of Military Affairs (Virginia National Guard, Virginia Air National Guard and Virginia Defense Force) and serves alongside our Virginia National Guard counterparts during times of disaster to restore and protect the lives and property of the citizens of the Commonwealth. We train on a monthly basis to maintain our skills and training and use much of our personal property (such as our vehicles) in service to the Commonwealth.

The code creates a separate personal property tax classification for a motor vehicle owned or leased by a uniformed member of the Virginia Defense Force and used by the uniformed member of the Virginia Defense Force to respond to their official duties. Any locality is authorized to set a personal property tax rate for such motor vehicles less than the rate applicable to the general class of tangible personal property.

I am requesting your consideration in approving the attached application, signed by the Adjutant General of Virginia, for an exemption from personal property tax on the vehicle that I primarily use for drills. I appreciate your consideration of this request. Please feel free to contact me at [540-352-0441](tel:540-352-0441)<tel:540-352-0441> if you have any questions.

V/r

Philip R. Smith

LTC LN VDF

Commander

4th Regiment

Virginia Defense Force

E-mail: [philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)<mailto:[philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)>

Cell: [540-352-0441](tel:540-352-0441)<tel:540-352-0441>

<http://www.vdf.virginia.gov/>

Classification: UNCLASSIFIED

Caveats: FOUO

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----- Forwarded message -----

From: Torrence, Margaret

<[Margaret.Torrence@franklincountyva.gov](mailto:Margaret.Torrence@franklincountyva.gov)<mailto:[Margaret.Torrence@franklincountyva.gov](mailto:Margaret.Torrence@franklincountyva.gov)>>

Date: Mon, Feb 9, 2015 at 3:26 PM

Subject: RE: Request for Special Classification of Vehicle

To: P Smith <[philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)<mailto:[philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)>>

Mr. Smith,

Thank you for your inquiry into different tax rates as it pertains to your situation. I researched the code of Virginia and the Commissioner is not authorized to set a tax rate for any class of property. To have the tax rate lowered/changed for this class of property, the Board of Supervisors would have to make that decision. You should contact your Board of Supervisor member and share your concerns with him. The supervisor for the Union Hall district is Mr. C.B. Reynolds.

If I can assist you with additional information, please contact me at your convenience.

Sincerely,

Margaret Torrence

Margaret S. Torrence, MCR

Commissioner of the Revenue

1255 Franklin Street Suite 102

Rocky Mount, VA 24151

Office [540-483-3083](tel:540-483-3083)<tel:[540-483-3083](tel:540-483-3083)>

Fax [540-483-3089](tel:540-483-3089)<tel:[540-483-3089](tel:540-483-3089)>

[[cid:image001.jpg@01CD9D8B.5F0265A0](#)]

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From: P Smith [[mailto:\[philip.smith.vdf@gmail.com\]\(mailto:philip.smith.vdf@gmail.com\)](mailto:philip.smith.vdf@gmail.com)<mailto:[philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)>]

Sent: Sunday, January 25, 2015 8:05 PM

To: Torrence, Margaret

Subject: Request for Special Classification of Vehicle

Mrs. Torrence,

Pursuant to the Code of Virginia § 58.1-3506.A.44, attached is a request for personal property tax classification of the vehicle I use in the fulfillment of my official duties in service to the Commonwealth

of Virginia in the Virginia Defense Force.

The code creates a separate personal property tax classification for a motor vehicle owned or leased by a uniformed member of the Virginia Defense Force and used by the uniformed member of the Virginia Defense Force to respond to thier official duties. Any locality is authorized to set a personal property tax rate for such motor vehicles less than the rate applicable to the general class of tangible personal property.

I am requesting your consideration in approving the attached application for an exemption from personal property tax on the vehicle that I primarily use for drills. Please feel free to contact me at [540-352-0441](tel:540-352-0441)<tel:540-352-0441> if you have any questions.

Thank you,

V/r

Philip R. Smith

LTC LN VDF

Commander

4th Regiment

Virginia Defense Force

E-mail: [philip.smith.vdf@gmail.com](mailto:philip.smith.vdf@gmail.com)<mailto:philip.smith.vdf@gmail.com>

Cell: [540-352-0441](tel:540-352-0441)<tel:540-352-0441>

<http://www.vdf.virginia.gov/>

Classification: UNCLASSIFIED

Caveats: FOUO

§ 58.1-3506. Other classifications of tangible personal property for taxation.

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;
5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;
6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;
7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, 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;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such

equipment purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;

12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;

13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

15. Motor vehicles (i) owned by members of a volunteer rescue squad or volunteer fire department or (ii) leased by members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer rescue squad member or volunteer fire department member, or leased by each volunteer rescue squad member or volunteer fire department member if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer rescue squad member or volunteer fire department member regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is a member of the volunteer rescue squad or fire department who regularly responds to calls or regularly performs other duties for the rescue squad or fire department, and the motor vehicle owned or leased by the volunteer rescue squad member or volunteer fire department member is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer rescue squad or volunteer fire department or (ii) leased by auxiliary members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or rescue squad member may be specially classified under this

section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is an auxiliary member of the volunteer rescue squad or fire department who regularly performs duties for the rescue squad or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer rescue squad or fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1900, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100 which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue

or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§~~15.2-4600~~ et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a

package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including, but not limited to, medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline; and

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible

personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 45, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, A 9, A 21, and A 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

(Code 1950, §§ 58-829.2:1, 58-829.3, 58-829.5 to 58-829.9, 58-831.01; 1960, c. 418; 1970, c. 655; 1976, c. 567; 1978, c. 155; 1979, cc. 351, 576; 1980, c. 412; 1981, cc. 236, 445; 1982, c. 633; 1984, c. 675; 1985, c. 220; 1986, c. 195; 1988, c. 822; 1989, cc. 80, 694; 1990, cc. 677, 693; 1991, cc. 247, 330, 478; 1992, cc. 642, 680; 1993, c. 100; 1994, cc. 171, 221, 266, 631; 1995, c. 142; 1996, cc. 537, 603, 605; 1997, cc. 244, 250, 433, 457; 1999, cc. 289, 358; 2000, cc. 409, 413, 441, 442, 604; 2001, cc. 41, 447; 2002, cc. 6, 63, 148, 337; 2003, cc. 657, 670; 2004, cc. 4, 556, 591; 2004, Sp. Sess. I, c. 1; 2005, cc. 271, 325, 357; 2006, cc. 200, 231, 400; 2007, cc. 88, 322, 609; 2008, cc. 26, 94, 143; 2009, cc. 40, 44; 2010, cc. 264, 849; 2012, cc. 97, 288; 2013, cc. 39, 271, 287, 393, 652; 2014, cc. 50, 409.)

**§ 58.1-3506. Other classifications of tangible personal property for taxation.**

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ [44-54.4](#) et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ [44-54.4](#) et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § [44-11](#). That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline; and

**THE FOLLOWING TERMS ARE UP FOR RE-APPOINTMENT  
BY JUNE 30, 2015**

**(NOTIFICATION IS GIVEN ACCORDING TO THE BOARD'S POLICY/60 DAYS PRIOR TO EXPIRATION)**

DAN RIVER ASAP	Tom Webster	Post Office Box 81 Boones Mill, VA 24065		3-Year	6/30/2015
LIBRARY BOARD	Jim Morrison	117 Clipper Drive Moneta, VA 24121	Gills Creek	4-Year	6/30/2015
PIEDMONT COMM. SERVICES BOARD	Justin Sigmon	500 Lighthouse Road Henry, VA 24102	Rep.	3-Year	6/30/2015
PIEDMONT COMM. SERVICES BOARD	Peggy Woody	500 Orchard Street Rocky Mount, VA 24151	Rep.	3-Year	6/30/2015
PIEDMONT COMM. SERVICES BOARD	Tillie Thompson	2140 Rakes Road Rocky Mount, VA 24151	Rep.	3-Year	6/30/2015
PIEDMONT COMM. SERVICES BOARD	Charles Wagner	330 Riverview Street Rocky Mount, VA 24151	Rep.	3-Year	6/30/2015
RECREATION COMMISSION	Frank Chrzanowski	13400 Booker T. Washington Hg Moneta, VA 24121	Boone	3-Year	6/30/2015
RECREATION COMMISSION	Brenda Perdue Un-Exp. Term of Greg Davis	1092 Big Oak Lane Wirtz, VA 24154	Union Hall	3-Year	6/30/2015
RECREATION COMMISSION	George Martin	3768 Snow Creek Road Martinsville, VA 24112	Snow Creek	3-Year	6/30/2015
STEP, INC.	Joey Cornwell	Post Office Box 411 Ferrum, VA 24088		3-Year	6/30/2015



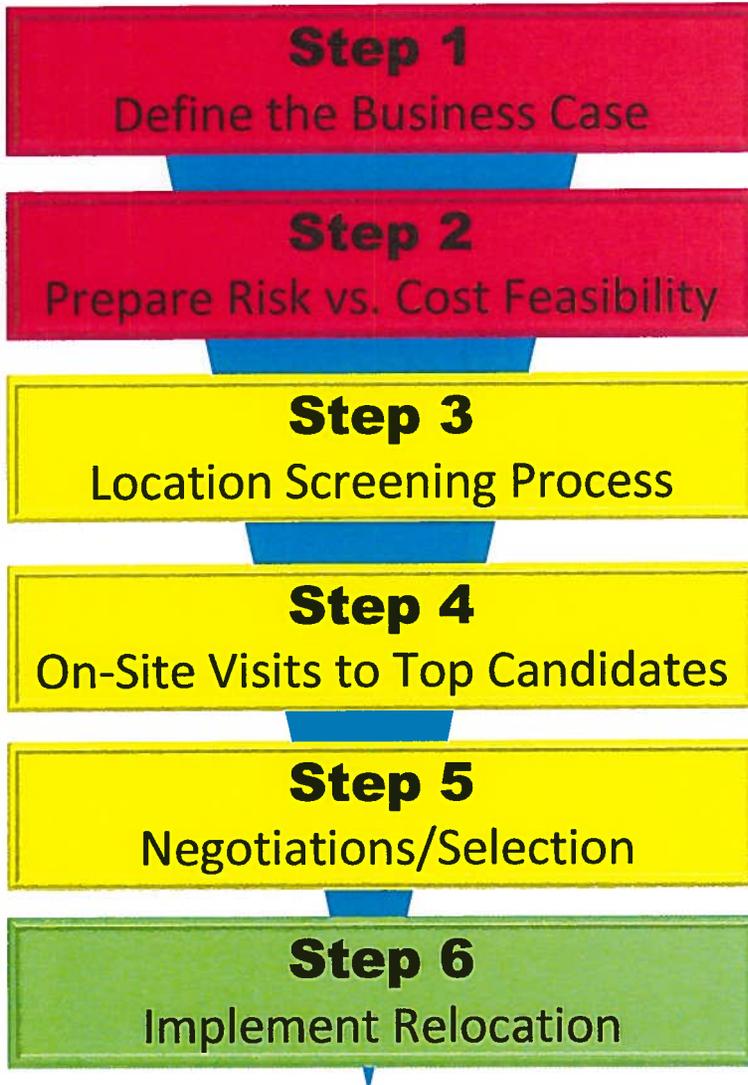
**ROANOKE REGIONAL  
PARTNERSHIP**

An aerial night photograph of Roanoke, Virginia. The city lights are visible, with a prominent highway interchange on the right side showing long-exposure light trails in red and white. The background shows rolling hills under a dark sky.

# **WESTERN VIRGINIA REGIONAL INDUSTRIAL FACILITY AUTHORITY SITE STUDY RESULTS**



# **SITE SELECTION PROCESS**

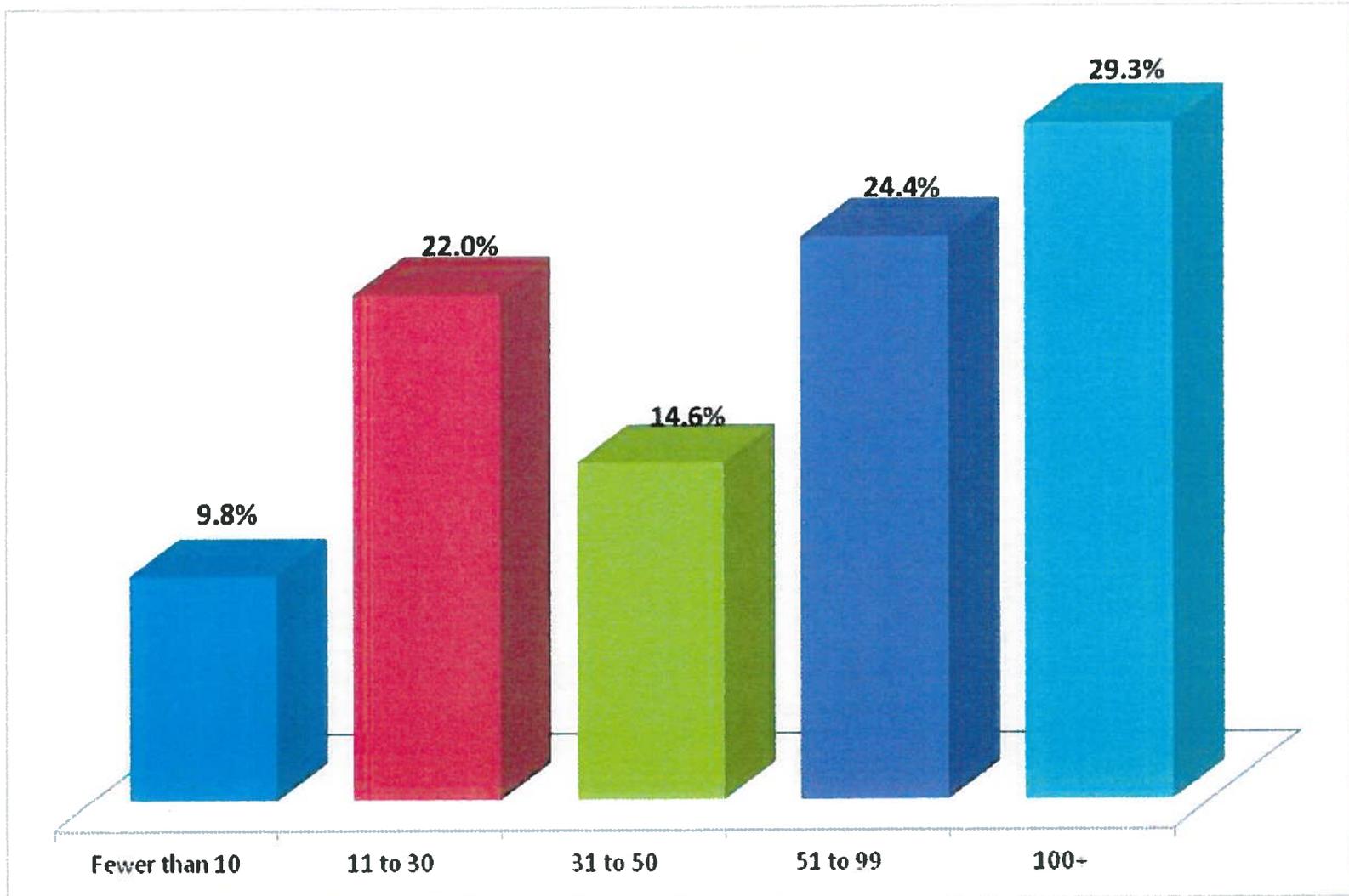


- Right to Work state
- Geographic positioning (logistics)
- Industry presence (specific skills/services)
- Transportation access
- Other resources (land/buildings, utilities, training)



**ROANOKE REGIONAL  
PARTNERSHIP**

# REAL ESTATE DEMAND





**ROANOKE REGIONAL  
PARTNERSHIP**

# **REAL ESTATE DEMAND**

	<b>50 Acres or More</b>	<b>Less than 50 Acres</b>
Jobs	500	150
Investment	\$200M	\$40M



# REAL ESTATE SUPPLY

Location	Contiguous	Shovel Ready	Pad Sizes	Interstate	Rail	Gas
Botetourt Center at Greenfield	100	Yes	8.5	3	No	Yes
Roanoke Co. Center for Res. & Tech.	57	Yes	11.0	-2	No	Yes
Roanoke Centre for Indus. & Tech.	54	Yes	7.2 – 18.6	3	No	Yes
Franklin Rocky Mount Industrial Park	49	No	-	+5	Yes	No
Copty Property	18	No	-	3	No	Yes
Vinton Business Park	18	Yes	6.5	4.5	No	Yes
Tripple Creek Industrial Site	18	No	-	+5	No	No
Valley Tech Park	8.4	Yes	8.4	2	No	Yes

“In regards to real estate, the Roanoke Region is not competitive for projects that require 40+ acres of developable, ready-to-go property.” - quote from VEDP



**ROANOKE REGIONAL  
PARTNERSHIP**

# REGIONAL ANALYSIS

Goal: Identify Single User Industrial Site  
Opportunities of At Least 100 Acres

Locality	Parcels	# 50+ acres
Botetourt County	20,282	1,058
Roanoke County*	46,412	607
City of Roanoke	44,499	29
City of Salem	10,594	8
Franklin County	43,726	2,235
<b>Total Parcels</b>	<b>165,530</b>	<b>3,937</b>

\* Town of Vinton is included in Roanoke County figures



# SITE SELECTION

Stage 1	165,530	Criteria
<b>Slope Analysis</b>	157,979	Less than 30% of the parcel is covered by slope that is greater than 10%
<b>Karst Features</b>	155,883	Parcels that do not contain any Karst Features
<b>Wetland Coverage</b>	155,297	Parcels that have less than 25% of area covered by a wetland
<b>Zoning</b>	34,901	parcels that are not zoned Residential, and are 1500' feet from residential zoning
<b>Threatened &amp; Endangered Species</b>	34,821	Parcels that do not contain any Threatened and Endangered Species
<b>Major Roads</b>	19,406	Parcels that are 3 miles from a 4 lane road
<b>National Forest</b>	19,310	Parcels that do not contain any National Forests
Stage 2	19,310	Criteria
<b>Electric</b>	16,848	Parcel must be within two miles
<b>Water</b>	3,614	Parcel must be within two miles
<b>Sanitary Sewer</b>	1,996	Parcel must be within two miles



**ROANOKE REGIONAL  
PARTNERSHIP**

# **EVALUATION CRITERIA**

- 100 acres minimum
- Limited number of landowners
- Avoid floodplain locations
- Average slope <5% for minimum 80 acre pad
- Maximize buffer from residential areas
- Regular configuration (square or rectangular shape)
- Preference for high visibility/highway access
- Utilities (power, water, sewer, fiber, natural gas) within 2 miles



**ROANOKE REGIONAL  
PARTNERSHIP**

# **SITES BY LOCALITY**

<b>Locality</b>	<b>Number of Sites</b>
Botetourt County	3
Franklin County	1
Roanoke City	1
Roanoke County	4
Salem City	0
Town of Vinton	0
Botetourt / Roanoke	1
<b>Total Sites</b>	<b>10</b>



**ROANOKE REGIONAL  
PARTNERSHIP**

# SITES BY SIZE

<b>Site Size Range</b>	<b>Number</b>
< 100 acres	0
100 to 200	6
200 to 500	2
>500 acres	2
<b>Total Sites</b>	<b>10</b>



# TOP THREE SITE SUMMARY

	Site 1	Site 2	Site 3
Acreage	135	153	860
Developable Acreage	119	139	579
Total Cost Estimate	\$18,950,000	\$21,070,000	\$53,478,000
Annual Revenue Projection at Build Out	\$2,404,800	\$2,606,475	\$1,652,813
Potential Yield	8,890 SF/acre	7,520 SF/acre	3,580 SF/acre
Closest Water	12" adjacent	16" adjacent	12" adjacent
Closest Sewer	8" adjacent	10" and 8" adjacent	8" adjacent
Property Owners	11	1	4



**ROANOKE REGIONAL  
PARTNERSHIP**

# **NEXT STEPS**

- Funding model
  - Ongoing administrative costs
  - Additional characterization/due diligence
- Due diligence
- Site control
- Site improvement and preparation
- Marketing

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE:</u></b>  <b>AMENDMENT TO COUNTY PROCUREMENT POLICY IN ACCORDANCE WITH 2.2-4303 OF STATE CODE</b></p> <p><b><u>SUBJECT/PROPOSAL/REQUEST</u></b></p> <p><b>AUTHORIZATION TO AMEND TO COUNTY PROCUREMENT POLICY IN ACCORDANCE WITH 2.2-4303 OF STATE CODE</b></p> <p><b><u>STRATEGIC PLAN FOCUS AREA:</u></b>  <b>Goal #</b>  <b>Action Strategy:</b></p> <p><b><u>STAFF CONTACT(S):</u></b>  <b>Mr. Huff &amp; Mrs. Tudor</b></p>	<p><b><u>AGENDA DATE:</u></b>      <b><u>ITEM NUMBER:</u></b>          JUNE 16, 2015</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> YES</p> <p><b><u>REVIEWED BY:</u></b> <i>REH</i></p>
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**BACKGROUND:**

Per State Code Section 2.2-4303, G., a public body may establish purchase procedures, **if adopted in writing**, (See Attachment A) may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$60,000.

**DISCUSSION:**

The adopted County Procurement Policy does not reflect this language regarding competitive sealed bids or competitive negotiation and staff is seeking Board approval to amend the County's Procurement Policy to co-inside with the State Code of Virginia. The following proposed amendments to Section II. Definitions / B. 3 (See Attachment #B/Pages 4-6) of the County Procurement Policy is presented in **bold red italicized** verbiage for the Board's review and consideration to be adopted and amended to the County's Procurement Policy.

**RECOMMENDATION:**

**Staff respectfully requests Board authorization to amend the County Procurement Policy to shadow State Code Section 2.2-4303 G, as reviewed and presented.**

A

## STATE CODE SECTION

### § 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. Upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination.

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

1. By the Commonwealth, its departments, agencies and institutions on a fixed price design-build basis or construction management basis under § 2.2-4306;

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property;

3. By any governing body of a locality with a population in excess of 100,000, provided that the locality has the personnel, procedures, and expertise to enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis and shall otherwise be in compliance with the provisions of this section, § 2.2-4308, and other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The procedures of the local governing body shall be consistent with the two-step competitive negotiation process established in § 2.2-4302.2; or

4. As otherwise provided in § 2.2-4308.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

**G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed \$100,000; however, such small purchase procedures shall provide for competition wherever practicable. For local public bodies, such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$60,000.**

For state public bodies, purchases under this subsection that are expected to exceed \$30,000 shall require the (i) written informal solicitation of a minimum of four bidders or offerors and (ii) posting of a public notice on the Department of General Services' central electronic procurement website or other appropriate websites. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. A state public body may establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is

not expected to exceed \$50,000; however such small purchase procedures shall provide for competition wherever practicable.

I. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

J. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

(1982, c. 647, § 11-41; 1985, c. 164; 1986, cc. 332, 559; 1987, c. 456; 1988, cc. 40, 640; 1989, c. 296; 1991, c. 73; 1993, c. 242; 1996, cc. 827, 965, 1019; 1999, c. 178; 2000, cc. 637, 647, 664, 692; 2001, cc. 395, 844; 2003, cc. 644, 895; 2004, cc. 706, 874, 906; 2005, c. 394; 2006, cc. 464, 510; 2008, c. 78; 2009, c. 123; 2010, c. 567; 2011, cc. 332, 594, 612, 681; 2012, cc. 805, 836; 2013, cc. 502, 583.)

**COUNTY OF FRANKLIN - VIRGINIA**  
**PROCUREMENT POLICY SUMMARY**

**ADOPTED 4/19/94**

**RESOLUTION # 05-04-94**

**REVISED & ADOPTED 2-15-2005**

**AMENDED 4-19-2005 SECTION (XIX)**

**AMENDED 4-18-2006 SECTION (IV)**

**AMENDED 6-16-2015 SECTION (II)**

**PURPOSE (2.2-4300)**

The purpose of this policy is to establish uniform standards and procedures in the procurement of goods, supplies, and services for the Franklin County government offices. This policy is a method to help insure that department heads and other individuals responsible for purchasing within the County have a reference source to use in responding to questions on law and procedures.

**PROCUREMENT POLICY SUMMARY**

1. Administration of the Board adopted purchasing policy is the ultimate responsibility of the County Administrator. The County Administrator will be the County Procurement Agent and may designate others to administer the purchasing policy and procedures on behalf of the County.
2. Each Department Head in conjunction with the County Procurement Specialist or his/her designee is responsible for procurement of goods, supplies, and services in accordance with this policy using good judgment in the expenditure of tax dollars for purposes that further the goals and mission of the County. Each Department Head may, at his/her discretion, appoint a departmental County Procurement Specialist to administer the requirements of this policy.
3. The department heads, departmental County Procurement Specialists and employees are also responsible to ensure appropriate purchasing for the County.

**AMENDED 11/8/95**

**(RESOLUTION # 01-11-1995)**

**AMENDED 3/18/97**

**(RESOLUTION # 09-03-1997)**

**AMENDED 2-15-2005**

**(RESOLUTION #01-02-2005)**

**AMENDED 4-18-2006**

## GUIDELINES

### **\$0 - \$1,000**

Any Employee may purchase up to \$1,000 in goods, supplies and services without prior approval provided that individual is permitted by the Department Head and County Procurement Specialist to purchase on behalf of the County and does so in keeping with the spirit and practices of this policy. Budgetary funds must be available for these purchases. Any purchases over this amount will be subject to the guidelines that follow.

### **\$1001 to \$5000**

Three (3) Verbal quotes are required for all purchases in this category from a minimum of three vendors; Documentation of the three (3) verbal quotes is required.

### **\$5,001 to \$30,000**

Three (3) Written quotes are required for all purchases in this category from a minimum of three vendors;

### **Over \$30,000 or when operating funds are not available -**

Proposed purchases over \$30,000 will be in accordance with the public procurement process and specifically be approved by the Board of Supervisors in the fiscal year in which the purchase is to be made with approval received prior to advertisement for sealed bids;

### **\$1,000 and Up -**

Written purchase orders are required for all purchases over this amount and must be approved by the Director of Finance or County Procurement Specialist. Department Heads will be required to certify that funds are available within departmental resources.

# PROCUREMENT POLICY FOR GOODS, SUPPLIES, AND SERVICES

## I. PURPOSE - (2.2-4300)

The purpose of this policy is to establish uniform standards and procedures in the procurement of goods, supplies, and services for the Franklin County government offices. This policy is a method to help insure that department heads and other individuals responsible for purchasing within the County have a reference source to use in responding to questions on law and procedures.

## II. DEFINITIONS - (2.2-4301)

A. Competitive Sealed Bidding - is a method of contractor selection which includes the following elements.

1. Issuance of a written Invitation for Bid obtaining or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. All bidders must meet prequalification standards, and the Invitation for Bid will include a statement of any additional requisite qualifications of potential contractors. When it is impractical to prepare initially a purchase description to support an award based on prices, an Invitation to Bid may be issued requesting the submission of unpriced offers to be followed by an Invitation for Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation;
2. **Public notice of the Invitation for Bid at least ten days prior to the date set for receipt of bids by posting in a designated public area, publication in a newspaper of general circulation, or both.** In addition, bids may be solicited directly from, potential contractors. Any such additional solicitations shall include businesses selected from a list made available by the Department of Minority Business Enterprise;
3. Public opening and announcement of all bids received;
4. Evaluation of bids based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability. Evaluation shall be made by the County Procurement Specialist in conjunction with the applicable department head.
5. *Reject all bids or award to the lowest responsive and responsible bidder.* When the terms and conditions of multiple bids are so provided in the Invitation for Bid, awards may be made to more than one bidder. Awards shall be made by the County Administrator or as otherwise provided for in this policy except in the case of contracts in excess of \$30,000 which shall be awarded by the Board of Supervisors. The County Administrator may refer any contract to the Board for award as deemed necessary. Informalities in bids may be waived and all bids or proposals may be cancelled or rejected;

6. Competitive sealed bidding shall not be required for procurement of professional services.

3. Competitive Negotiation is a method of contractor selection which includes the following elements:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors which will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the contractor;
2. Public notice of the Request for Proposal at least ten days prior to the date set for receipt of proposals by posting in a public area normally used for posting of public notices and by publication in a newspaper of general circulation in the County. In addition, proposals may be solicited directly from potential contractors;
3. Procurement of services;

***A Professional Services. Professional Services is defined by the Virginia Public Procurement Act (VPPA), as “means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering”.***

***1.) Request for Proposals. The Purchasing Department shall issue a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors which will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the contractor. Professional Services Request for Proposals shall not, however, request that offerors furnish estimates of man-hours or cost for services.***

***2.) Public Notice. Public Notice of the Request for Proposal shall be given at least ten (10) days prior to the date set for receipt of proposals by publication in a newspaper of general circulation in the County, posted on the public notice board in the County Administration Building and on the County's website ([www.franklincountyva.gov](http://www.franklincountyva.gov)). In addition, proposals may be solicited directly from potential contractors.***

***3.) Selection and Award. The County shall engage in individual discussions with two (2) or more offerors deemed fully qualified, responsible and suitable on the basis of initial response and with emphasis on professional competence, to provide the required***

***services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used in the review of the professional competence of the offeror. At the discussion stage, the County may discuss non-binding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, non-binding estimates of prices for services.***

4.) The County shall engage in individual discussions with two or more offerors deemed fully qualified, responsible, and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. Such offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or costs for services. Where these services are requested in conjunction with the provision for goods and supplies, cost estimates may be required or solicited. At the discussion stage, the County may discuss nonbinding estimates of total project cost, including, but no limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. Proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussions outlined above, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the County shall select, in the order of preference, two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the County can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations conducted with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the County determine in writing and in its sole discretion that only one offeror is fully qualified and more suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

***5.) Single or Term Contracts. Contracts for professional services, as defined in Section II (B) Competitive Negotiation of this Policy, where the aggregate cost is not expected to exceed Sixty Thousand Dollars (\$60,000), may be entered into in the following manner: (St. Code 2.2-4303,G)***

***a. Single or term contracts for professional services may be entered into without competitive negotiation provided the aggregate or the sum of all phases is not expected to***

***exceed \$60,000. Such contracts are typically referred to as a "Continuing Services Contract" which will have gone through the competitive negotiation process to qualify professional services providers for a set period of time. Once awarded, the "Continuing Services Contract" may be used for identified professional services up to the aggregate \$60,000 limit without further negotiation.***

B. Other than Professional Services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. **Price shall be considered but need not be the sole determining factor.** After negotiations have been conducted with each offeror so selected, the County shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. Should it be determined in writing and in its sole discretion that only one offeror is fully qualified, or that the offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

4. Award to the most suitable offeror. Awards shall be made by the County Administrator or as otherwise provided for in this policy except in the case of contracts **in excess of \$30,000** which shall be awarded by the Board of Supervisors. The County Administrator may refer any contract to the Board for award as deemed necessary. Informalities in bids may be waived and all bids or proposals may be canceled or rejected;

- C. Construction means building, altering, repairing, improving, or demolishing any structure, building, or highway, and any draining, dredging, excavation, grading, or similar work upon real property.
- D. Construction Management Contract means a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided for in the contract, the furnishing of construction services to the owner.
- E. County means the County of Franklin and all agencies covered by this policy including the Franklin County Public Schools and may include all other agents duly designated by the Board of Supervisors with responsibility of administering this policy.
- F. Design-build Contract means a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, roadway, or other item specified in the contract.
- G. Goods mean all material, equipment, supplies, printing, and automated data processing hardware and software.

**ANNUAL RESOLUTION OF APPROPRIATION OF THE COUNTY OF FRANKLIN FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016**

*A resolution to appropriate designated funds and accounts from specified estimated revenues for FY 15-16 for the operating budget and the Capital Improvements Program for the County of Franklin and to authorize and empower County officers to expend funds and manage cash assets; and to establish policies under which funds will be expended and managed.*

The Franklin County Board of Supervisors does hereby resolve on this 16<sup>th</sup> day of June, 2015 that, for the fiscal year beginning on July 1, 2015, and ending on June 30, 2016, the following sections are hereby adopted.

- Section 1. The cost centers shown on the attached table labeled Appropriations Resolution, Exhibit B, are hereby appropriated from the designated estimated revenues as shown on the attached table labeled Appropriations Resolution, Exhibit A.
- Section 2. Appropriations, in addition to those contained in this general Appropriations Resolution, may be made by the Board of Supervisors only if deemed appropriate and there is available in the fund unencumbered or unappropriated sums sufficient to meet such appropriations.
- Section 3. The School Board and the Social Services Board are separately granted authority for implementation of the appropriated funds for their respective operations. By this resolution the School Board and the Social Services Board are authorized to approve the transfer of any unencumbered balance or portion thereof from one classification of expenditure to another within their respective funds in any amount.
- Section 4. The County Administrator is expressly authorized to approve transfers of any unencumbered balance or portion thereof from one classification of expenditure to another within the same cost center for the efficient operation of government.

- Section 5. All outstanding encumbrances, both operating and capital, at June 30, 2015 shall be reappropriated to the FY 2015-2016 fiscal year to the same cost center and account for which they are encumbered in the previous year.
- Section 6. At the close of the fiscal year, all unencumbered appropriations lapse for budget items other than those involving ongoing operational projects, or programs supported by grants or County funds, which must be preapproved by the County Administrator or his designee. Such funds must be applied to the purpose for which they were originally approved.
- Section 7. Appropriations previously designated for capital projects will not lapse at the end of the fiscal year but shall remain appropriated until the completion of the project if funding is available from all planned sources, or until the Board of Supervisors, by appropriate ordinance or resolution, changes or eliminates the appropriation. Upon completion of a capital project, the County Administrator is hereby authorized to close out the project and return to the funding source any remaining balances. This section applies to all existing appropriations for capital projects at June 30, 2015 and appropriations as they are made in the FY15-16 Budget. The County Administrator is hereby authorized to approve construction change orders to contracts up to an increase not to exceed the budgeted project contingency and approve all change orders for reduction of contracts.
- Section 8. The approval of the Board of Supervisors of any grant of funds to the County shall constitute the appropriation of both the revenue to be received from the grant and the County's expenditure required by the terms of the grant, if any. The appropriation of grant funds will not lapse at the end of the fiscal year but shall remain appropriated until completion of the project or until the Board of Supervisors, by appropriate resolution, changes or eliminates the appropriation. The County Administrator may increase or reduce any grant appropriation to the level approved by the granting agency during the fiscal year. The County Administrator may approve necessary accounting transfers between cost centers and funds to enable the grant to be accounted for in the correct manner. Upon completion of a grant project, the County Administrator is authorized to close out the grant and return to the funding source any remaining balance. This section applies to appropriations for grants outstanding at June 30, 2015 and appropriations in the FY 15-16 Budget.

- Section 9. The County Administrator may reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the Federal Government to the level approved by the responsible state or federal agency.
- Section 10. The County Administrator is authorized to make transfers to the various funds for which there are transfers budgeted. The County Administrator shall transfer funds only as needed up to amounts budgeted or in accordance with any existing bond resolutions that specify the matter in which transfers are to be made.
- Section 11. Appropriations are hereby authorized for the Courthouse Maintenance Fund, the Forfeited Assets Program Fund, the Law Library Fund, the E911 Fund, the Debt Service Fund, the Utility Fund and EMS Billing Revenue equal to the total cash balance on hand at July 1, 2015, plus the total amount of receipts for the fiscal year 2015-2016. The County Administrator is also authorized to appropriate carryover funds from any designated revenues or donated funds.
- Section 12. The Treasurer may advance monies to and from the various funds of the County to allow maximum cash flow efficiency. The advances must not violate County bond covenants or other legal restrictions that would prohibit an advance.
- Section 13. All procurement activities with funds appropriated herein shall be made in accordance with the County purchasing ordinance and applicable state statutes.
- Section 14. It is the intent of this resolution that funds be expended for the purpose indicated in the budget; therefore, budgeted funds may not be transferred from operating expenditures to capital projects or from capital projects to operating expenses without the prior approval from the Board of Supervisors. Also, funds may not be transferred from one capital project to another without the prior approval of the Board of Supervisors.
- Section 15. The County Administrator is authorized, pursuant to State statute, to issue orders and checks for payments where funds have been budgeted, appropriated, and where sufficient funds are available. A listing of vendor payments shall be presented to the Board of Supervisors not less frequently than monthly.
- Section 16. Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional and proportionate appropriations – the purpose being to make the

appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all the appropriations in full. Otherwise, the said appropriations shall be deemed to be payable in such proportions as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.

- Section 17. All revenues received by an agency under the control of the Board of Supervisors or by the School Board or by the Social Services Board not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by said agency under the control of the Board of Supervisors or by the School Board or by the Social Services Board without the consent of the Board of Supervisors being first obtained, and those sums appropriated to the budget. Any grant approved by the Board for application shall not be expended until the grant is approved by the funding agency for drawdown. Nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.
- Section 18. Allowances out of any of the appropriations made in this resolution by any or all County departments, commissions, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the same rate as that established by the State of Virginia for its employees and shall be subject to change from time to time to maintain like rates.
- Section 19. All previous appropriation ordinances or resolutions to the extent that they are inconsistent with the provisions of this resolution shall be and the same are hereby repealed.
- Section 20. This resolution shall become effective on July 1, 2015.



County of Franklin  
 Adopted Revenues  
 Fiscal Year 2015 - 2016

Real Estate	\$ 35,732,596	Shared Expenses Sheriff	\$ 3,020,713
Public Service Corp	969,067	Shared Expenses Comm of Revenue	162,620
Personal Property	9,552,887	Shared Expenses Treasurer	148,726
Machinery and Tools	688,654	Shared Expenses Registrar	42,000
Merchants Capital	675,000	Shared Expenses Clerk of Court	356,456
Penalties and Interest	632,000	Shared Expenses Jail Costs	130,000
		Public Assistance Grants	4,565,484
Sales Tax	4,125,000	VJCCCA Grant	20,040
Communications Tax	2,244,962	Family Resources Grants	169,438
Consumer Utility Taxes	975,000	Comprehensive Services Grant	3,200,042
County Business License	4,700	Franklin Center Grants	47,000
Franchise License Tax	225,000		
Motor Vehicle License Fees	2,024,637		
Bank Stock Taxes	128,791	Personal Property Tax Relief	2,626,618
Tax on Deeds	425,000		
Hotel/Motel Trans Occupancy Tax 2%	34,000	Library Grants	153,449
Hotel/Motel Trans Occupancy Tax 3%	51,644	Recordation Taxes - State	160,000
Meals Tax	1,000,000	Aging Services Grants	125,322
		Grantor Tax on Deeds	125,000
Licenses and Fees	372,000	Drug Enforcement Grants	12,000
		Park Land - Pymt in Lieu of Tax	18,200
Court Fines and Costs	110,000		
Interest on Bank Deposits	600,000		
		Fund Balance	<u>635,276</u>
Rent, Miscellaneous	397,560		
		Total General Fund	<u>80,414,056</u>
Clerk of Court Fees	170,000	Capital Fund	3,235,501
Commonwealth Attorney Fees	5,000	Asset Forfeiture Fund	10,000
Off Duty Pay for Sheriff Deputies	40,000	E911 Fund	978,666
Care of Prisoners	5,000	Law Library	12,000
Animal Control Fees	5,000	Debt Service Fund	3,081,859
Landfill Fees	875,000	Utilities	24,000
Aging Services Local Revenue	12,000	Courthouse Maintenance Fund	<u>12,000</u>
Family Resource Center Donations	30,500	Total - Other Funds	<u>7,354,026</u>
Recreation Fees	100,000		
EMS Billing Revenue	1,294,564		
Library Fines and Fees	35,000		
Franklin Center Fees	9,500		
Sale of Maps and Code	700	Schools: Local (Cafeteria, Miscellaneous)	2,974,917
		State	39,067,150
Recovered Costs	415,390	Federal	8,452,110
		County	33,077,124
Motor Vehicle Carriers Tax	42,500	Canneries	<u>53,857</u>
Mobile Home Titling Tax	75,000	Total School Funds	<u>83,625,158</u>
Motor Vehicle Rental Tax	50,000		
Shared Expenses Comm Attorney	562,020		
			<u>\$ 171,393,240</u>

County of Franklin  
 Adopted Expenditures  
 Fiscal Year 2015-2016

**General Government Administration**

Board of Supervisors \$ 361,505

Family Resource Center \$ 258,108  
 Aging Services 231,427

11,590,060

**General and Financial Administration**

County Administrator 424,177  
 Commissioner of Revenue 586,977  
 Reassessment 150,000  
 Treasurer 461,068  
 Finance 251,324  
 Risk Management 395,221  
 Human Resources 122,946  
 Information Technology 1,148,461  
 Registrar 288,552  
4,190,231

**Parks, Recreation and Cultural**

Parks and Recreation 976,903  
 Library Administration 932,387  
1,909,290

**Community Development**

Planning Agencies 581,048  
 Planning & Community Development 576,362  
 Economic Development 1,052,446  
 GIS and Mapping 153,364  
 Franklin Center 196,379  
 Tourism Development 200,858  
 Virginia Cooperative Extension 104,392  
2,864,849

**Judicial Administration**

Circuit Court 105,598  
 General District Court 7,080  
 Magistrate 2,000  
 Juvenile and Domestic Rel Court 17,150  
 Clerk of the Circuit Court 635,842  
 Sheriff - Courts 604,690  
 Juvenile Court Services 429,288  
 Commonwealth Attorney 796,053  
2,597,701

**Nondepartmental**

672,373

**Transfers to Other Funds**

Schools - Operations 30,674,665  
 Schools - Debt Service 2,402,459  
 Schools - Canneries 34,746  
 County Capital: School CIP 1,220,000  
 Utilities 15,000  
 Debt Service 2,883,056  
 County Capital: County CIP 2,015,501  
 E911 926,158

Subtotal 40,171,585

**Public Safety**

Sheriff - Law Enforcement 4,284,761  
 Correction and Detention 4,032,145  
 Building Inspections 532,121  
 Animal Control 266,436  
 Public Safety 3,645,366  
12,760,829

**Total General Fund** 80,414,056

**Public Works**

Road Viewers 450  
 Public Works 231,989  
 Solid Waste and Recycling 2,180,099  
 General Buildings and Grounds 1,244,600  
3,657,138

**Other Funds:**

E911 978,666  
 Debt Service 3,081,859  
 Capital Fund 3,235,501  
 Law Library 12,000  
 Courthouse Maintenance 12,000  
 Utilities 24,000  
 Forfeited Assets 10,000  
 Schools 83,625,158

**Health and Welfare**

Health Department 338,705  
 Community Services 112,231  
 Social Services 5,887,733  
 CSA 4,761,856

\$ 171,393,240

FRANKLIN COUNTY  
Board of Supervisors



Franklin County

*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<p><b>AGENDA TITLE:</b></p> <p style="text-align: center;">Compensation Study</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b></p> <p>Request of the Board to enter into a contract with Springsted, Inc to conduct an external compensation study for Franklin County</p> <p><b>STAFF CONTACT(S):</b> Messrs. Huff, Whitlow, Copenhaver,</p>	<p><b>AGENDA DATE:</b> June 16<sup>th</sup>, 2015      <b>ITEM NUMBER:</b></p> <p><b>ACTION:</b>      <b>INFORMATION:</b></p> <p><b>CONSENT AGENDA:</b> YES      <b>INFORMATION:</b></p> <p><b>ACTION:</b></p> <p><b>ATTACHMENTS:</b></p> <p><b>REVIEWED BY:</b> <i>REH</i></p>
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**BACKGROUND:**

The last compensation study was conducted in fiscal year 2006-2007. Half of the survey results were implemented July 1, 2007 with the other half being implemented July 1, 2008.

**DISCUSSION:**

Given current marketplace trends and an improving economy, the County desires to review and update its' salaries and pay scales. An updated compensation plan is an important management tool that promotes fair and equitable compensation of the County's employees. A few of the benefits of an updated plan include:

- Supports the County's efforts to attract and retain employees
- Recognizes changes in employees' duties and responsibilities
- Acknowledges increases in the complexity of employees' jobs due to advances in technology
- Ensures internal equity and consistency among similar positions
- Ensures that salaries are externally competitive with comparable employers in appropriate labor markets

Staff recommends the following localities by included in the survey:

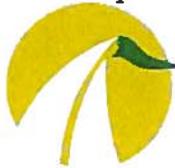
- |                                |                                    |                            |
|--------------------------------|------------------------------------|----------------------------|
| Augusta County                 | Bedford County                     | Botetourt County           |
| Campbell County                | Henry County                       | Montgomery County          |
| Roanoke County                 | City of Martinsville               | City of Roanoke            |
| Washington County              | City of Salem                      | Town of Vinton             |
| Franklin County Public Schools | Bedford County PSA                 | Western VA Water Authority |
| Virginia State Police          | VA Dept of Game & Inland Fisheries | Town of Rocky Mount        |
| Rockingham County, VA          | Western Virginia Regional Jail     |                            |

The study will take 90 -120 days to complete and is expected to cost \$14,990 exclusive of out-of-pocket expenses. Funds are included in the FY15-16 budget for this project.

**RECOMMENDATION:**

Staff respectfully requests the Board allow the County Administrator to enter into a contract with Springsted, Inc to conduct an external compensation study for Franklin County.

FRANKLIN COUNTY  
Board of Supervisors



Franklin County

*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<p><b>AGENDA TITLE:</b></p> <p style="text-align: center;">School CIP Request</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b></p> <p style="text-align: center;">Request of the Board to move School Five Year CIP Savings of \$250,000 to plumbing fixture/partition upgrades</p> <p><b>STAFF CONTACT(S):</b> Messrs. Huff, Copenhaver, Dr. Church</p>	<p><b>AGENDA DATE:</b> June 16<sup>th</sup>, 2015</p> <p><b>ACTION:</b></p> <p><b>CONSENT AGENDA:</b> YES</p> <p><b>ATTACHMENTS:</b> YES</p> <p><b>REVIEWED BY:</b> <i>RETT</i></p>
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**BACKGROUND:**

The Board of Supervisors has requested that County staff review all appropriation requests from the Franklin County Public Schools

**DISCUSSION:**

A five year school capital funding plan was adopted by the Board of Supervisors beginning in Fiscal Year 12-13. A total of \$2,705,537.66 has been spent to date on various projects including roof replacements, water system upgrades, gym floor replacement, asphalt replacement and CCTV Camera Upgrades. Completed projects have been \$484,386.93 under budget in total. The Schools would like to use \$250,000 of the savings towards plumbing fixture/partition upgrades at various schools. \$500,000 is currently budgeted in the plumbing fixture/partition project account and with the \$250,000 addition; the total budget would be \$750,000 for this project.

**RECOMMENDATION:**

Staff respectfully requests the Board's authorization for the re-allocation of \$250,000 from School Five Year CIP savings to additional plumbing fixture/partition upgrades.



## FRANKLIN COUNTY PUBLIC SCHOOLS

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### Office of Superintendent

25 Bernard Road • Rocky Mount, VA 24151-6614  
(540) 483-5138 • FAX (540) 483-5806

May 18, 2015

Mr. Richard E. Huff, II  
County Administrator  
1255 Franklin Street, Suite 112  
Rocky Mount, VA 24151

Dear Mr. Huff:

Please find attached information regarding our Five Year CIP Loan. After completion of numerous projects, we were under budget at \$484,386.93.

I would like to request that \$250,000.00 of the savings of \$484,386.93 be re-allocated for plumbing fixture/partition upgrades. We would be able to provide many additional upgrades in this area with this funding.

I thank you and the Board of Supervisors for their consideration of our request. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "W. Mark Church".

W. Mark Church, Ph.D.  
Division Superintendent

Enclosure

cc: Jonathan Crutchfield, Director of Operations  
Darryl Spencer, Supervisor of Buildings and Grounds  
Sharon Tuttle, Assistant Director of Business & Finance



## FRANKLIN COUNTY PUBLIC SCHOOLS

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### Department of Maintenance

250 School Service Road • Rocky Mount, VA 24151-6614  
(540) 483-5538 • FAX (540) 483-0195

TO: Dr. W. Mark Church, Division Superintendent

FROM: Darryl K. Spencer, Supervisor of Buildings and Grounds DKS

DATE: May 11, 2015

SUBJECT: Five Year CIP Loan

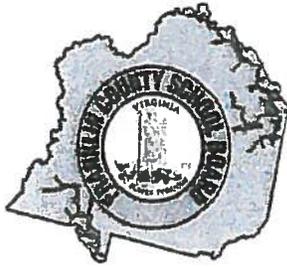
Attached is a priority funding recommendation for the Five Year Capital Improvement Plan dated October 5, 2012. After completion of projects 1, 2, 5, 6, 7, 9, 10, 12, 13, 14, 16 and 17, we were under budget at \$484,386.93. The Completed Five Year Capital Improvement Projects list is also attached.

Project 11, Plumbing Fixture/Partition Upgrades, is left to be completed and \$500,000.00 is budgeted under this category. In order to provide more upgrades in this area, I request that \$250,000.00 of the savings of \$484,386.93 be re-allocated for this purpose.

Please let me know if you have any questions.

Attachments (2)

cc: Jon Crutchfield, Director of Operations  
Sharon Tuttle, Assistant Director of Business and Finance



**FRANKLIN COUNTY PUBLIC SCHOOLS**

COPIES TO:  
 (1) STEVE OAKES  
 (2) DARRYL SPENCER  
 FLAM: hcc 10-16-12

**Department of Maintenance**  
 250 School Service ♦ Road Rocky Mount, VA 24151  
 (540)483-5538 ♦ FAX (540)483-0195

Date: October 5, 2012  
 Memo to: Dr. W. Mark Church, Interim Superintendent  
 From: Steven C. Oakes, Director of Facilities & Transportation  
 Re: Five Year Capital Improvement Plan Recommendation - Revised  
 Cc: Suzanne Rogers, Assistant Superintendent  
 Phillip Poff, Director of Human Resources  
 Lee Cheatham, Director of Business & Finance  
 Darryl Spencer, Supervisor of Building & Grounds

Below please find my priority funding recommendation for the projects listed in the Five Year Capital Improvement Plan:

PROJECT	BUDGET	PREPARE PLANS, SPECS & BIDS	COMPLETE PROJECTS
1. Roof Replacement at Boones Mill	\$ 543,953	2012-2013	Summer 2013
2. Roof Replacement at Dudley	\$ 572,610	2013-2014	Summer 2014
3. Roof Replacement at Sontag	\$ 536,130	2014-2015	Summer 2015
4. Roof Replacement at Rocky Mount	\$ 728,062	2015-2016	Summer 2016
5. Upgrade Water System Callaway	\$ 69,225	2012-2013	Summer 2013
6. Upgrade Water System Sontag	\$ 127,225	2012-2013	Fall 2013
7. Upgrade Water System Dudley	\$ 121,225	2013-2014	Summer 2014
8. Asbestos Removal/Floor Tile Replacement	\$ 700,000	2012-2016	Summer 2016
9. Gym Floor Replacement BFMS West	\$ 171,120	2012-2013	Summer 2013
10. Gym Floor Replacement Hawkins	\$ 282,000	2012-2013	Summer 2013
11. Plumbing Fixture/Partition Upgrades	\$ 500,000	2012-2014	Summer 2014
12. Asphalt Replacement BFMS East Bus Loop	\$ 123,000	2012-2013	Summer 2013
13. Asphalt Replacement Main Road BFMS West to Trail	\$ 201,015	2012-2013	Summer 2013
14. CCTV Camera Upgrades	\$ 301,010	2012-2014	Summer 2014
15. Replace 6 Unit Ventilators at BC	\$ 306,130	2013-2014	Summer 2014
16. Asphalt Replacement BFMS West Teacher Lot	\$ 179,370	2012-2013	Summer 2013
17. Asphalt Replacement BFMS Behind West Cafeteria	\$ 62,325	2012-2013	Summer 2013
<b>TOTAL</b>	<b>\$5,524,400</b>		
<b>Additional Items to Consider</b>			
1. Install Central Station Smoke Detectors All Schools	\$ 320,000	2014-2015	Summer 2015
2. Install Air Conditioning Lee Waid Cafeteria	\$ 208,812	2013-2014	Summer 2014
3. Install Air Conditioning Snow Creek Cafeteria	\$ 222,328	2013-2014	Summer 2014
<b>TOTAL</b>	<b>\$ 751,140</b>		
<b>GRAND TOTAL</b>	<b>\$6,275,540</b>		

Updated: October 5, 2012

(Note: Revised information to delete the completed FCHS Ramsey Hall Kitchen Project.)

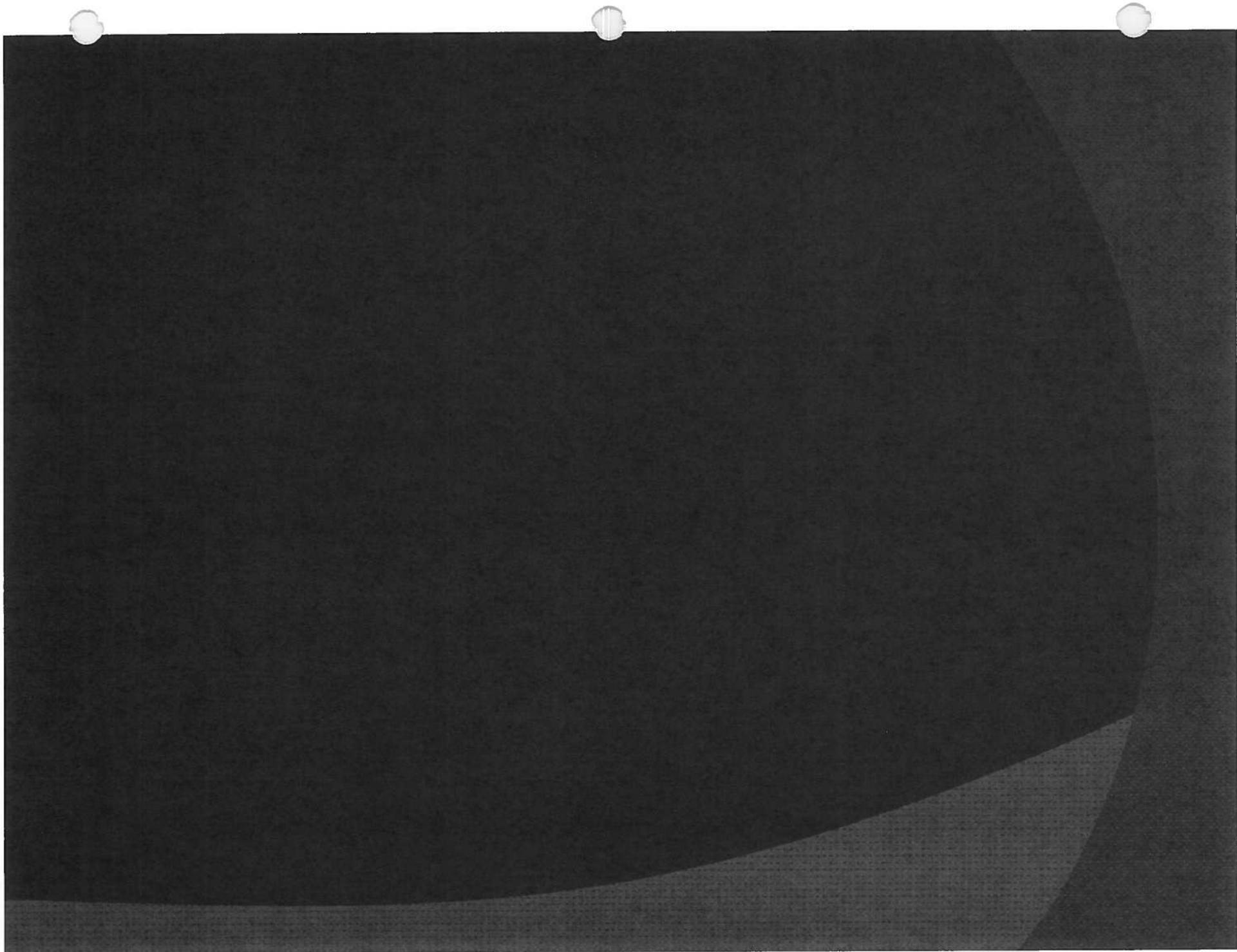
→ SUMMER + FALL 2013 — \$1,759,233  
 → SUMMER 2014 — 2,232,115  
 φ — SUMMER 2015 — 856,130  
 ✓ — SUMMER 2016 — 1,428,062  
 \$ 6,275,540

**Completed Five Year Capital Improvement Projects**

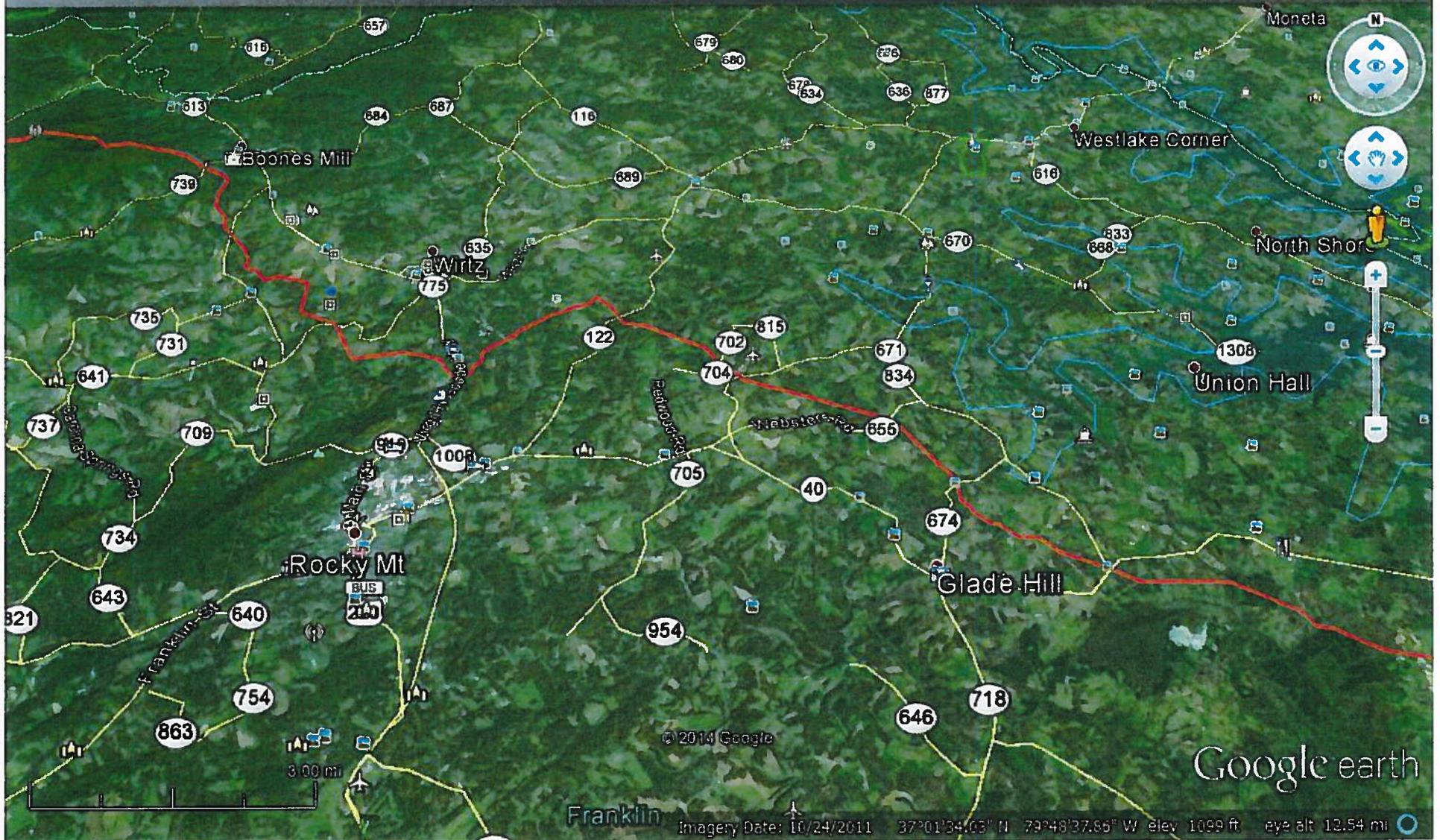
<b>Project</b>	<b>Acct #</b>	<b>Budget</b>	<b>FY 12-13 Actual</b>	<b>FY 13-14 Actual</b>	<b>FY 14-15 Actual</b>	<b>Total Actual</b>	<b>(Over)/ Under Budget</b>
Roof Replacement Boones Mill #1	17 57000	543,953.00	35,460.15	354,677.25		390,137.40	153,815.60
Roof Replacement Dudley #2 Callaway, Sontag & Dudley Water	17 57009	572,610.00		371,028.87	5,840.22	376,869.09	195,740.91
System Upgrade #5, 6, & 7	17 57004	317,675.00	52,249.50	293,167.92	8,805.34	354,222.76	(36,547.76)
Gym Floor Replacement BFMW & Hawkins #9 & 10	17 57001	453,120.00	152,409.58	139,170.20		291,579.78	161,540.22
Asphalt Replacements BFME Bus Loop, BFMW to Trail, BFMW Teacher Lot, BFMW Behind Cafeteria #12, 13, 16 & 17	17 57003	565,710.00	119,114.77	436,757.16		555,871.93	9,838.07
CCTV Camera Upgrade # 14	17 57007	301,010.00	182,419.83	59,108.28	59,482.00	301,010.11	(0.11)
		<b>2,754,078.00</b>	<b>541,653.83</b>	<b>1,653,909.68</b>	<b>74,127.56</b>	<b>2,269,691.07</b>	<b>484,386.93</b>

Presentation to Franklin County  
Board of Supervisors  
June 16, 2015

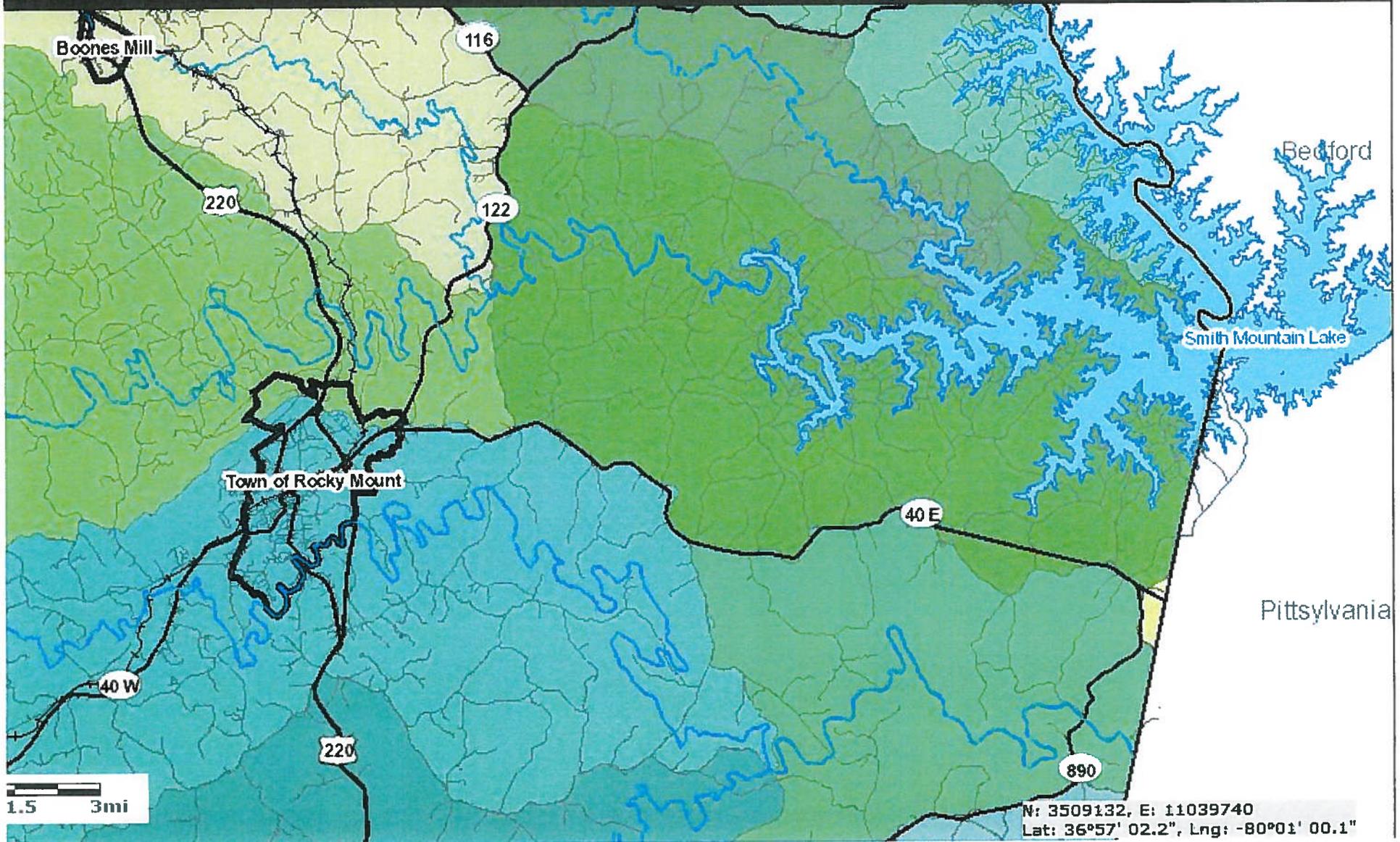
**WATER QUALITY  
CONCERNS--  
MOUNTAIN VALLEY  
PIPELINE PROJECT**



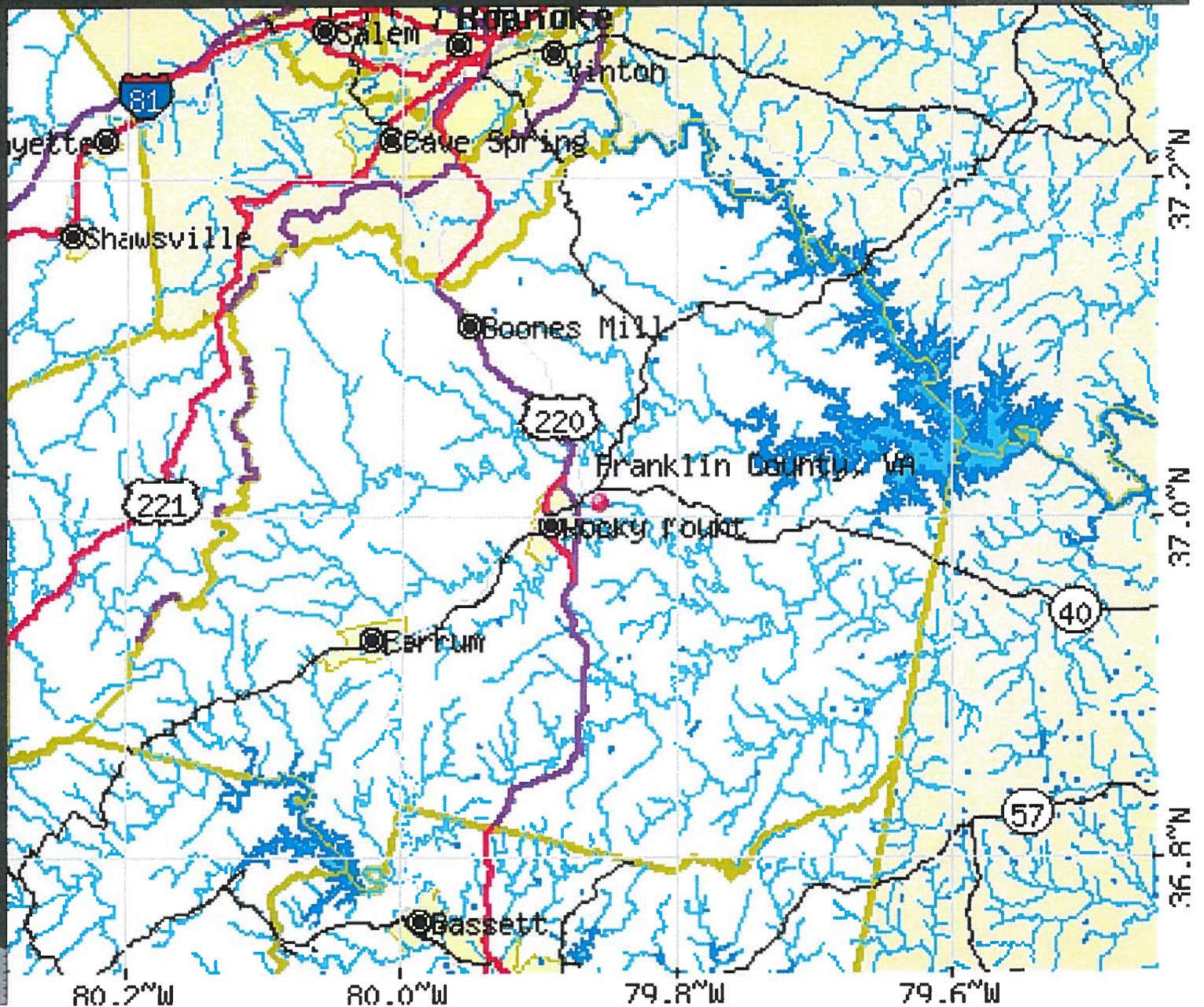
# MVP Route through Franklin County



# Smith Mountain Lake Watershed

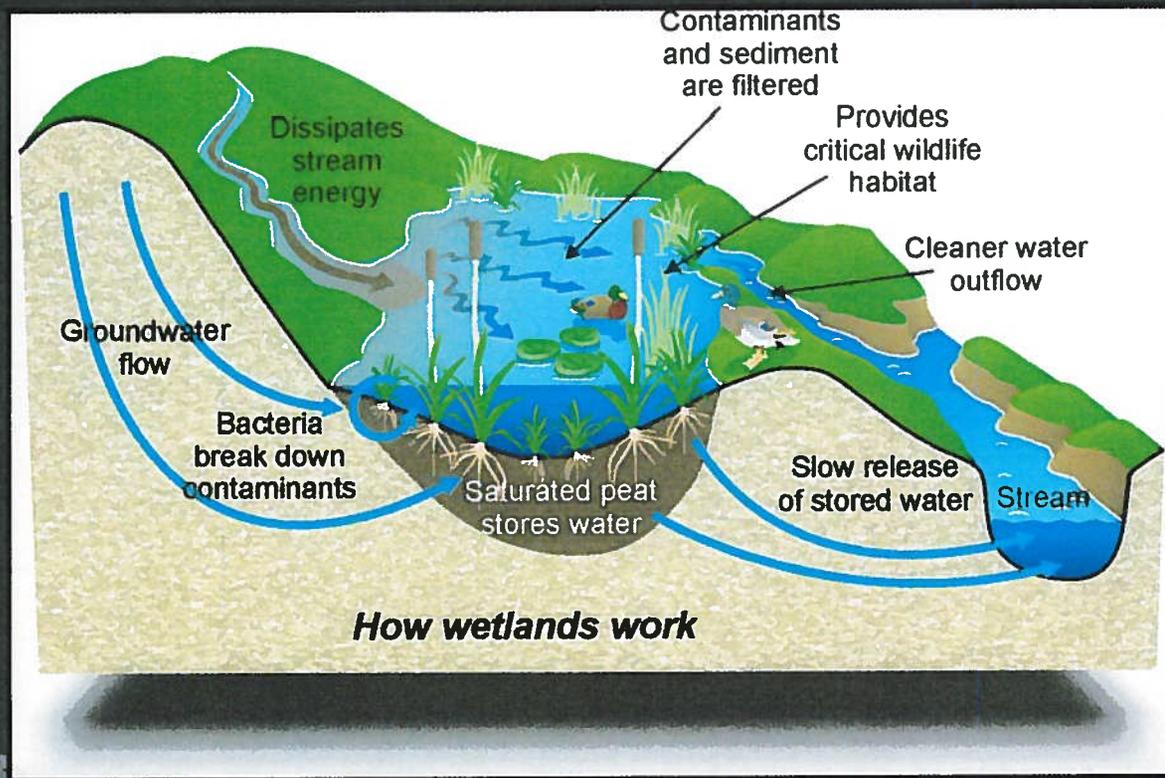


Franklin County has extensive network of waterways



## Wetlands and their Benefits

- Purifies water by filtering out contaminants in the water
- Stream bank stabilization from riparian vegetation
- Prevents erosion and sedimentation by slowing down water velocities during flood events.
- Water storage and stream recharge during the dry season.
- Provides habitat for plants, fish, and wildlife.





**Mountain Valley**  
PIPELINE LLC

Mountain Valley Pipeline Project

**Published with  
FERC May 2015**

Docket No. PF15-3

**Resource Report 2 – Water Use and Quality**

# Pipeline Impacts



# Pipeline Construction



## **CONCERN: Blasting Could Create Unintended Rock Fracturing**

- **Could alter surface water flows**
- **Could divert groundwater from wells.**
- **Could potentially drain nearby wetlands.**
- **Mountain Lake is an example of subsurface fractures.**



## **CONCERN: Contaminated Groundwater and Surface Water**

- Chemical spills (gas, oil, etc.) from equipment during the pipeline construction process will enter surface and groundwater immediately.
- Chemicals applied to prevent external pipeline corrosion will be immediately available to ground water.
- Potential leaks/explosions will saturate soil and groundwater with toxic chemicals.



## CONCERN: French Drain Effect

- Groundwater and surface water will always seek the low spot.
- Excavated trench with piping and backfill will act as a french drain.
- Dewatering of wetlands will change wetland function altogether.

Dewatering the trench (FERC)



Groundwater looking for the low spot.



**How is erosion  
controlled in  
areas with very  
steep hills?**



## **Concern: Impact of Contaminated Water on Farmers**

- **Surface water contamination could have serious health effects on livestock that drink from streams and wetland areas.**
- **Contaminated groundwater should not be used for irrigating crops due to the toxic substances involved.**
- **Organic farmers certification could be at risk should surface water, groundwater, or soil become contaminated with inorganic substances.**
- **Annual spraying of easement to prevent re-vegetation will result in annual application of chemicals into the soil and water supply.**



## **MVP States will use Open-Cut Crossing Method to cross waterbodies**

“An open-cut waterbody crossing will be conducted using methods similar to conventional upland open-cut trenching. The open-cut construction method will involve excavation of the pipeline trench across the waterbody, installation of a prefabricated segment of pipeline, and backfilling of the trench with native material. No effort will be made to isolate the stream flow from the construction activities. Depending upon the width of the crossing and the reach of the excavating equipment, excavation, and backfilling of the trench will generally be accomplished using backhoes or other excavation equipment operating from one or both banks of the waterbody. If necessary for reach, the equipment may operate within the waterbody. Equipment in the waterbody will be limited to that needed to complete the crossing. All other construction equipment will cross the waterbody using equipment bridges, unless otherwise allowed by the FERC Procedures for minor waterbody crossings.

Mitigation measures will be implemented to minimize impacts to the aquatic environment during construction as described in the FERC Procedures. Construction activities will be scheduled so that the trench is excavated immediately prior to pipe laying activities. The duration of construction within each waterbody will be limited to 24 hours for minor waterbodies (10 feet wide or less) and 48 hours for intermediate waterbodies (greater than 10 feet wide but less than or equal to 100 feet in width). In accordance with the FERC Procedures, excavated spoil that is stockpiled in the construction right-of-way will be at least 10 feet from the stream bank or in approved additional work areas, and will be surrounded by sediment control devices to prevent sediment from returning to the waterbody. The waterbody banks will be returned to as near to pre-construction conditions as possible within 24 hours of completion of each open-cut crossing.”

Table 2-A-3

Surveyed Waterbodies Crossed by the MVP Project <sup>a/</sup>

State/County	Waterbody ID	Waterbody Name	Milepost	Flow type	Crossing Method <sup>b/</sup>	FERC Classification	Approximate Crossing Length (feet)	Classification <sup>c/, d/</sup>	Fishery Type <sup>e/</sup>
<b>Virginia</b>									
Franklin	S-G24	UNT/ Green Creek	238.8	Intermittent	Open cut	Minor	6	No data	No data
Franklin	S-H1	Green Creek	239.1	Perennial	Open cut	Minor	10	No data	Coldwater
Franklin	S-G26	UNT/ Green Creek	239.4	Intermittent	Open cut	Minor	7	No data	No data
Franklin	S-G27	UNT/ Green Creek	239.5	Perennial	Open cut	Minor	7	No data	No data
Franklin	S-D17	UNT/ North Fork Blackwater River	240.8	Intermittent	Open cut	Minor	7	No data	Coldwater
Franklin	S-D17	UNT/ North Fork Blackwater River	240.9	Intermittent	Open cut	Minor	7	No data	Coldwater
Franklin	S-D12	UNT/ North Fork Blackwater River	241.0	Intermittent	Open cut	Minor	6	No data	Coldwater
Franklin	S-D13	UNT/ North Fork Blackwater River	241.0	Intermittent	Open cut	Minor	4	No data	Coldwater
Franklin	S-D13	UNT/ North Fork Blackwater River	241.0	Intermittent	Open cut	Minor	4	No data	Coldwater
Franklin	S-D13	UNT/ North Fork Blackwater River	241.0	Intermittent	Open cut	Minor	4	No data	Coldwater
Franklin	S-D13	UNT/ North Fork Blackwater River	241.0	Intermittent	Open cut	Minor	4	No data	Coldwater
Franklin	S-D13	UNT/ North Fork Blackwater River	241.0	Intermittent	Open cut	Minor	4	No data	Coldwater
Franklin	S-D12	UNT/ North Fork Blackwater River	241.0	Intermittent	Open cut	Minor	6	No data	Coldwater
Franklin	S-D12	UNT/ North Fork Blackwater River	241.0	Intermittent	Open cut	Minor	6	No data	Coldwater
Franklin	S-D12	UNT/ North Fork Blackwater River	241.0	Intermittent	Open cut	Minor	6	No data	Coldwater
Franklin	S-D11	UNT/ North Fork Blackwater River	241.1	Perennial	Open cut	Minor	10	No data	Coldwater
Franklin	S-D10	UNT/ North Fork Blackwater River	241.6	Intermittent	Open cut	Minor	8	No data	Coldwater
Franklin	S-D9	UNT/ North Fork Blackwater River	241.6	Intermittent	Open cut	Minor	7	No data	Coldwater
Franklin	S-D8	North Fork Blackwater River	241.6	Perennial	Open cut	Intermediate	18	AL, FC, R, W	Coldwater
Franklin	S-B3	UNT/ North Fork Blackwater River	242.4	Intermittent	Open cut	Minor	6	No data	Coldwater
Franklin	S-B5	UNT/ North Fork Blackwater River	242.5	Perennial	Open cut	Intermediate	20	No data	Coldwater
Franklin	S-B4	UNT/ North Fork Blackwater River	242.6	Intermittent	Open cut	Minor	9	No data	Coldwater
Franklin	S-A25	UNT/Maggodee Creek	248.5	Perennial	Open cut	Minor	6	No data	Coldwater
Franklin	S-A26	UNT/ Teels Creek	249.3	Intermittent	Open cut	Minor	2	No data	No data

**Definitions**

UNT – Unnamed Tributary

<sup>a/</sup> Locations of the proposed route where access has been granted and where field survey completed as of April 28, 2015. Table to be updated and finalized with field verified data in Resource Report 2 filed with MVP's application to the FERC.

<sup>b/</sup> Crossing method to be finalized in Resource Report 2 filed with MVP's application to the FERC.

<sup>c/</sup> West Virginia State Water Classifications: (Source: WVDEP)

A = Public water

B = Propagation and Maintenance of fish and other aquatic life includes: warm water fishery, trout waters, and wetlands

C = Water Contact Recreation

D = Irrigation, Wildlife, Livestock watering

E = Water transport, Cooling water, Power production, Industrial

<sup>d/</sup> Virginia State Water Classifications: (Source: VDEQ)

AL = Propagation and Maintenance of fish and other aquatic life

FC = Production of edible and marketable natural resources including fish and shellfish

R = Water Contact Recreation, including swimming and boating

W = Wildlife

PWS = Public Water Supply

No data = This stream has not been accessed by the VDEQ and there is no water quality classification.

<sup>e/</sup> Fishery Type: (Source: WVDEP and VDGIF)

No data: No data was available in source documents.

Table 2-A-3

## Surveyed Waterbodies Crossed by the MVP Project a/

State/County	Waterbody ID	Waterbody Name	Milepost	Flow type	Crossing Method b/	FERC Classification	Approximate Crossing Length (feet)	Classification c/, d/	Fishery Type e/
Virginia									
Franklin	S-A27	UNT/ Teels Creek	249.4	Perennial	Open cut	Minor	7	No data	No data
Franklin	W-A30	UNT/ Teels Creek	249.7	Perennial	Open cut	Intermediate	25	No data	No data
Franklin	S-D23	UNT/ Teels Creek	252.3	Perennial	Open cut	Intermediate	20	AL, FC, R, W	No data
Franklin	S-D21	UNT/ Teels Creek	252.4	Ephemeral	Open cut	Minor	3	AL, FC, R, W	No data
Franklin	S-D22	UNT/ Teels Creek	252.4	Intermittent	Open cut	Minor	8	AL, FC, R, W	No data
Franklin	S-D19	UNT/ Teels Creek	252.6	Ephemeral	Open cut	Minor	3	AL, FC, R, W	No data
Franklin	S-D18	UNT/ Teels Creek	252.6	Ephemeral	Open cut	Minor	2	AL, FC, R, W	No data
Franklin	S-D19	UNT/ Teels Creek	252.6	Ephemeral	Open cut	Minor	3	AL, FC, R, W	No data
Franklin	S-D19	UNT/ Teels Creek	252.6	Ephemeral	Open cut	Minor	3	AL, FC, R, W	No data
Franklin	S-D18	UNT/ Teels Creek	252.6	Ephemeral	Open cut	Minor	2	AL, FC, R, W	No data
Franklin	S-D18	UNT/ Teels Creek	252.6	Ephemeral	Open cut	Minor	2	AL, FC, R, W	No data
Franklin	S-C12	UNT/ Teels Creek	252.8	Perennial	Open cut	Intermediate	35	AL, FC, R, W	No data
Franklin	S-C12	UNT/ Teels Creek	252.8	Perennial	Open cut	Intermediate	35	AL, FC, R, W	No data
Franklin	S-C12	UNT/ Teels Creek	252.8	Perennial	Open cut	Intermediate	35	AL, FC, R, W	No data
Franklin	S-C14	Teels Creek	253.1	Perennial	Open cut	Intermediate	50	AL, FC, R, W	No data
Franklin	S-C13	UNT/ Teels Creek	253.1	Perennial	Open cut	Intermediate	40	AL, FC, R, W	No data
Franklin	S-C16	UNT/ Little Creek	253.4	Perennial	Open cut	Intermediate	15	AL, FC, R, W	No data
Franklin	S-C17	Little Creek	253.7	Perennial	Open cut	Intermediate	50	AL, FC, R, W	No data
Franklin	S-D16	UNT/ Blackwater River	256.0	Intermittent	Open cut	Minor	6	No data	No data
Franklin	S-B14	UNT/ Blackwater River	258.1	Intermittent	Open cut	Minor	3	No data	No data
Franklin	S-B13	UNT/ Blackwater River	258.1	Intermittent	Open cut	Minor	3	No data	No data
Franklin	S-B15	UNT/ Blackwater River	258.1	Intermittent	Open cut	Minor	4	No data	No data
Franklin	S-B16	UNT/ Blackwater River	258.1	Intermittent	Open cut	Minor	1.5	No data	No data
Franklin	S-B16	UNT/ Blackwater River	258.1	Intermittent	Open cut	Minor	1.5	No data	No data
Franklin	S-B17	UNT/ Blackwater River	258.2	Perennial	Open cut	Intermediate	20	No data	No data
Franklin	S-B15	UNT/ Blackwater River	258.2	Intermittent	Open cut	Minor	4	No data	No data
Franklin	S-B15	UNT/ Blackwater River	258.2	Intermittent	Open cut	Minor	4	No data	No data
Franklin	S-B15	UNT/ Blackwater River	258.2	Intermittent	Open cut	Minor	4	No data	No data
Franklin	S-B17	UNT/ Blackwater River	258.2	Perennial	Open cut	Intermediate	20	No data	No data
Franklin	S-B15	UNT/ Blackwater River	258.2	Intermittent	Open cut	Minor	4	No data	No data
Franklin	S-B15	UNT/ Blackwater River	258.2	Intermittent	Open cut	Minor	4	No data	No data
Franklin	S-B15	UNT/ Blackwater River	258.2	Intermittent	Open cut	Minor	4	No data	No data
Franklin	S-B15	UNT/ Blackwater River	258.2	Intermittent	Open cut	Minor	4	No data	No data
Franklin	S-C8	Blackwater River	258.6	Intermittent	Open cut	Minor	5	AL, FC, R, W, PWS	No data
Franklin	S-C8	Blackwater River	258.6	Intermittent	Open cut	Minor	5	AL, FC, R, W, PWS	No data
Franklin	S-C8	Blackwater River	258.6	Intermittent	Open cut	Minor	5	AL, FC, R, W, PWS	No data
Franklin	S-C10	UNT/Maggodee Creek	259.2	Ephemeral	Open cut	Minor	3	No data	Coldwater
Franklin	S-G23	UNT/ Poplar Camp Creek	265.1	Intermittent	Open cut	Minor	3	AL, FC, R, W, PWS	No data
Franklin	S-G21	UNT/ Poplar Camp Creek	265.1	Intermittent	Open cut	Minor	3	AL, FC, R, W, PWS	No data
Franklin	S-G22	UNT/ Poplar Camp Creek	265.1	Perennial	Open cut	Intermediate	12	AL, FC, R, W, PWS	No data

Table 2-A-3

## Surveyed Waterbodies Crossed by the MVP Project a/

State/County	Waterbody ID	Waterbody Name	Milepost	Flow type	Crossing Method b/	FERC Classification	Approximate Crossing Length (feet)	Classification c/, d/	Fishery Type e/
Virginia									
Franklin	S-G23	UNT/ Poplar Camp Creek	265.1	Intermittent	Open cut	Minor	3	AL, FC, R, W, PWS	No data
Franklin	S-G22	UNT/ Poplar Camp Creek	265.1	Perennial	Open cut	Intermediate	12	AL, FC, R, W, PWS	No data
Franklin	S-G20	Poplar Camp Creek	265.3	Perennial	Open cut	Minor	10	AL, FC, R, W, PWS	No data
Franklin	S-G18	UNT/ Blackwater River	265.9	Intermittent	Open cut	Minor	2	No data	No data
Franklin	S-G17	UNT/ Blackwater River	266.2	Ephemeral	Open cut	Minor	5	No data	No data
Franklin	S-E18	UNT/ Blackwater River	266.6	Perennial	Open cut	Minor	7	No data	No data
Franklin	S-E17	UNT/ Blackwater River	266.9	Perennial	Open cut	Minor	8	No data	No data
Franklin	S-E14	UNT/ Blackwater River	267.4	Perennial	Open cut	Intermediate	12	No data	No data
Franklin	S-H26	UNT/ Jacks Creek	269.7	Ephemeral	Open cut	Minor	7	No data	No data
Franklin	S-H27	UNT/ Jacks Creek	270.1	Ephemeral	Open cut	Minor	10	No data	No data
Franklin	S-H28	UNT/ Jacks Creek	270.1	Ephemeral	Open cut	Minor	6	No data	No data
Franklin	S-H27	UNT/ Jacks Creek	270.1	Ephemeral	Open cut	Minor	10	No data	No data
Franklin	S-H28	UNT/ Jacks Creek	270.1	Ephemeral	Open cut	Minor	6	No data	No data
Franklin	BRAID-1.1-TO-S-H24	Little Jacks Creek	270.8	Perennial	Open cut	Minor	6	No data	No data
Franklin	S-H25	UNT/ Little Jacks Creek	270.8	Perennial	Open cut	Minor	7	No data	No data
Franklin	S-H24	UNT/ Little Jacks Creek	270.8	Perennial	Open cut	Minor	10	No data	No data
Franklin	S-H25	UNT/ Little Jacks Creek	270.8	Perennial	Open cut	Minor	7	No data	No data
Franklin	BRAID-1.1-TO-S-H24	Little Jacks Creek	270.8	Perennial	Open cut	Minor	6	No data	No data
Franklin	S-H25	UNT/ Little Jacks Creek	270.8	Perennial	Open cut	Minor	7	No data	No data
Franklin	S-H25	UNT/ Little Jacks Creek	270.8	Perennial	Open cut	Minor	7	No data	No data
Franklin	S-H24	Little Jacks Creek	270.8	Perennial	Open cut	Minor	10	No data	No data
Franklin	S-H24	Little Jacks Creek	270.8	Perennial	Open cut	Minor	10	No data	No data
Franklin	S-H24	Little Jacks Creek	270.9	Perennial	Open cut	Minor	10	No data	No data
Franklin	S-H23	UNT/Turkey Creek	271.1	Ephemeral	Open cut	Minor	3	No data	No data
Franklin	S-A14	UNT/Turkey Creek	271.2	Ephemeral	Open cut	Minor	4	No data	No data
Franklin	S-A13	UNT/Turkey Creek	271.5	Perennial	Open cut	Minor	8	No data	No data
Franklin	S-H21	Turkey Creek	271.5	Perennial	Open cut	Minor	6	No data	No data
Franklin	S-A13	UNT/Turkey Creek	271.5	Perennial	Open cut	Minor	8	No data	No data
Franklin	S-H21	Turkey Creek	271.5	Perennial	Open cut	Minor	6	No data	No data
Franklin	S-A11	UNT/Turkey Creek	271.6	Ephemeral	Open cut	Minor	3	No data	No data
Franklin	S-H17	Dinner Creek	272.0	Intermittent	Open cut	Minor	1.5	No data	No data
Franklin	S-H18	UNT/Dinner Creek	272.0	Ephemeral	Open cut	Minor	2	No data	No data
Franklin	S-A7	UNT/Dinner Creek	272.1	Intermittent	Open cut	Minor	6	No data	No data
Franklin	S-A7	UNT/Dinner Creek	272.1	Intermittent	Open cut	Minor	6	No data	No data
Franklin	S-G16	Strawfield Creek	273.2	Perennial	Open cut	Intermediate	30	No data	No data
Franklin	S-G15	UNT/Parrot Branch	273.5	Intermittent	Open cut	Minor	9	No data	No data
Franklin	S-G13	Parrot Branch	273.9	Perennial	Open cut	Minor	8	No data	No data
Franklin	S-D7	UNT/ Jonnikin Creek	274.6	Intermittent	Open cut	Minor	8	No data	No data

# 102 Surveyed Waterbody Crossings!

- What is the effect on the watershed?
- If there is long term damage to Smith Mountain lake, what is the effect on property values and tax revenue?
- What percentage of Franklin County Ad Valorem Tax Revenues are derived from SML properties?

## **36 miles of pipeline in Franklin County**

- What is the effect on private and public water wells along this route?
- What effect on water quality might there be for the town of Rocky Mount?

## From MVP Resource Report 2

### **Impacts to Waterbodies from Rock Blasting and Mitigation Measures**

Temporary impacts from blasting rock in an open-cut crossing of a flowing waterbody can include a short-term increase in the sediment load in the waterbody during the period of trenching and injury to fish and mussels from the shock wave created by the blast. Exposure to high levels of suspended solids can cause loss of fish egg and fry, reduced natural fish movements, fish vacating areas of high suspended solids, and other adverse impacts on fisheries resources.

### **2.1.4.2 Blasting Impacts on Water Supply Wells and Mitigation Measures**

Although mechanical methods of removing bedrock are preferred, blasting may be conducted as needed to excavate the pipeline trench in some areas of shallow bedrock. If blasting is required in an area near water supply wells, blasting could cause temporary changes in water level and turbidity may affect groundwater quality in bedrock-based water well systems located in close proximity to the construction right-of-way.

### **Impacts to Waterbodies from Turbidity and Sediment Runoff and Mitigation Measures**

Pipeline construction across waterbodies could result in increased potential for turbidity and sediment runoff from the construction right-of-way.

### **Impacts to Waterbodies from Potential Releases of Fuels, Lubricants, and Coolants, and Mitigation Measures**

The use of heavy equipment to complete pipeline installation across waterbodies may increase the potential for accidental releases of fuels, lubricants, and coolants. Such releases could adversely affect aquatic species and contaminate public water supplies that rely on surface water intakes located downstream of the waterbody crossing.

Table 2.2-2

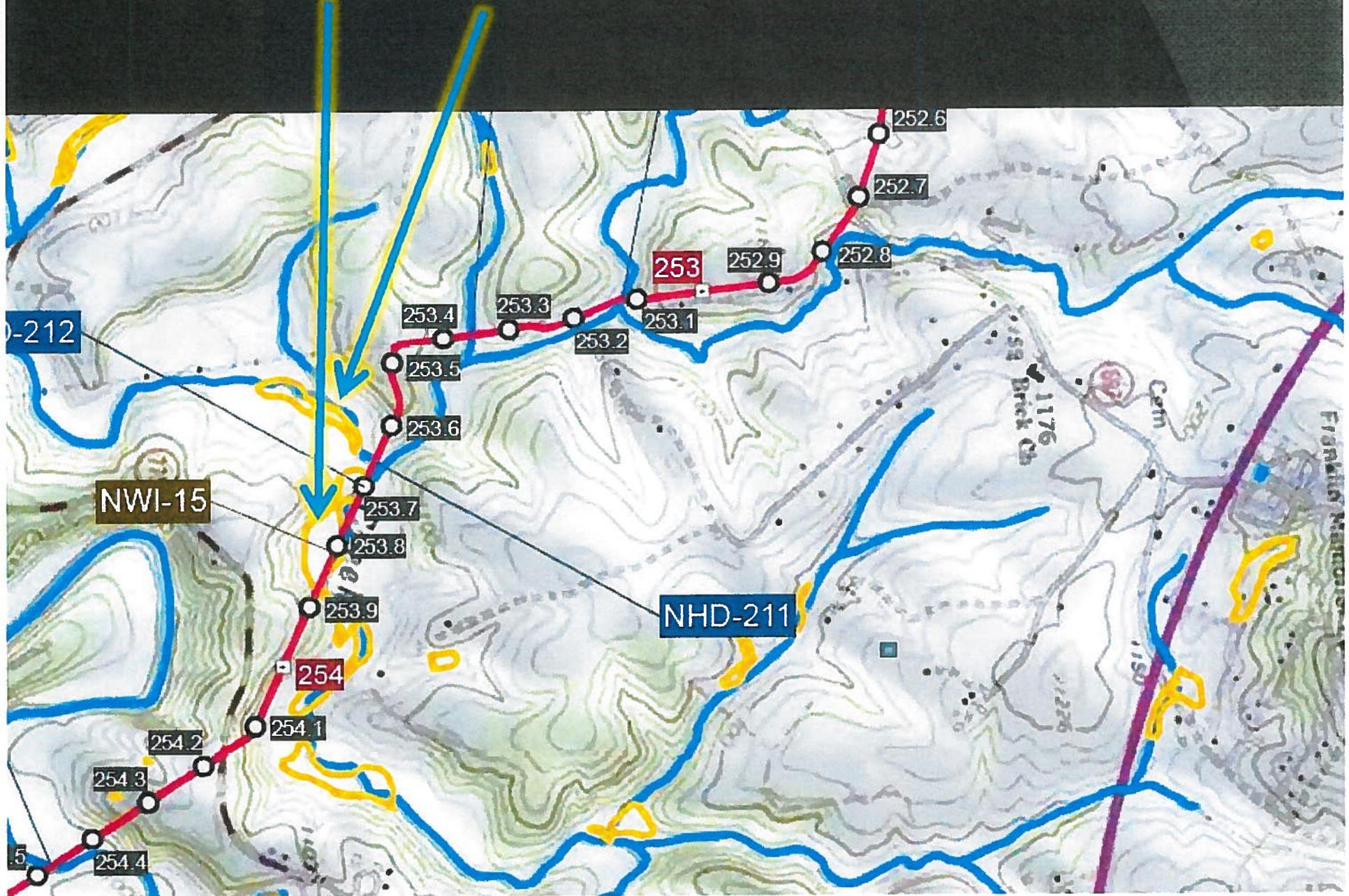
FEMA-100 year Flood Zones crossed by the MVP Project

State/County	Floodplain Waterbody	Milepost	Length Crossed (feet)
<b>Virginia</b>			
Franklin	Little Creek	254.4	960
Franklin	Blackwater River <u>a/</u>	256.0	3,317
Franklin	Blackwater River <u>a/</u>	257.0	291
Franklin	Maggodee Creek	260.2	169
Franklin	Blackwater River	260.6	204

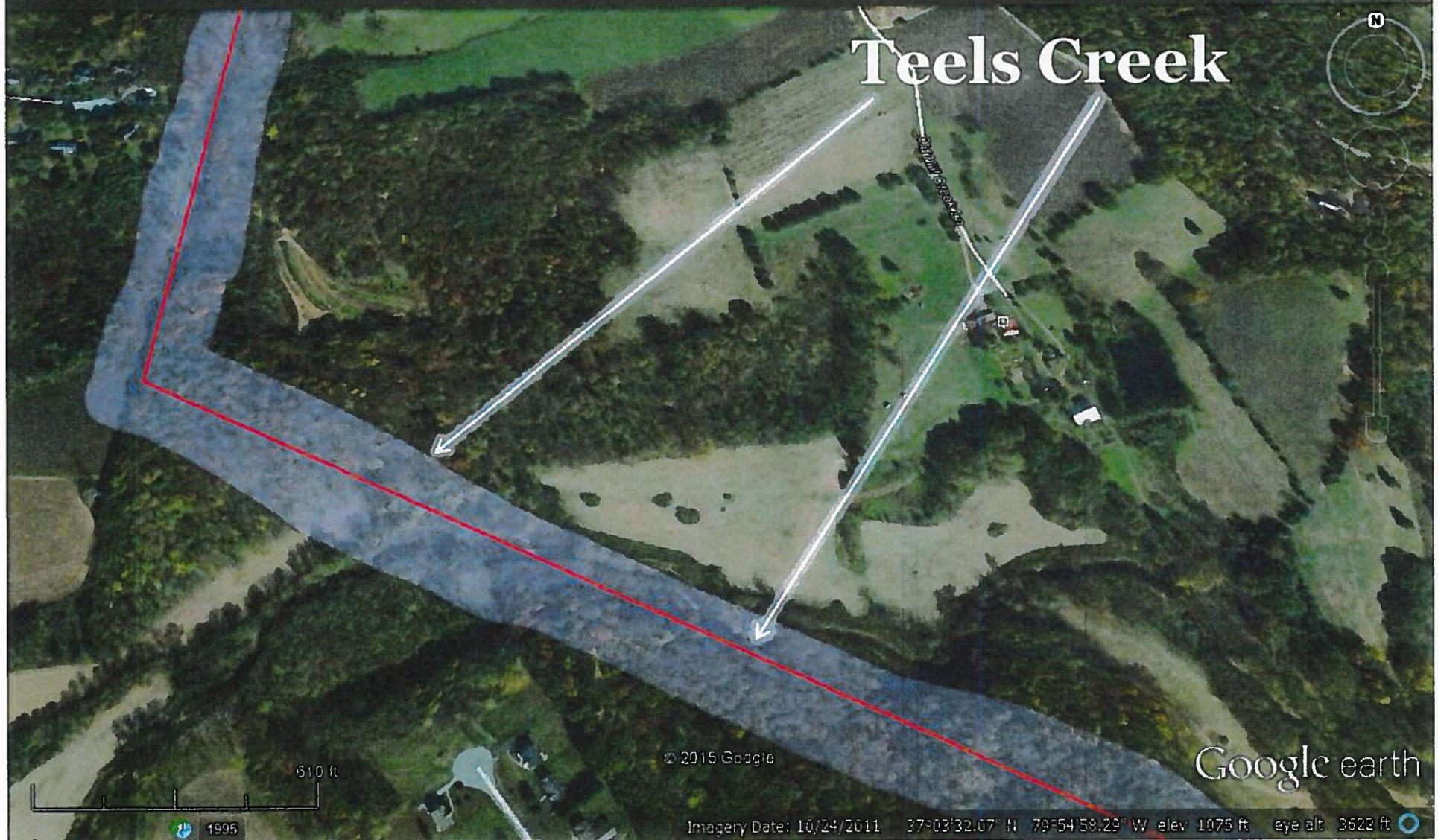
Source : FEMA 2015

a/ Pipeline crosses floodplain multiple times

Note the wetlands (yellow)—area just north of Iron Ridge Road



# Four Corners Farm—Lower Pasture Impacted by MVP



Teels Creek

Google earth

© 2015 Google

Imagery Date: 10/24/2011 37°03'32.07" N 79°54'58.29" W elev 1075 ft eye alt 3622 ft

1995

510 ft

# What should you do?

- Request a FERC Scoping Meeting for the citizens of Franklin County. We were NOT represented!
- Take a position with FERC against the excessive waterbody crossings.
- Move to protect property owners in Franklin County.

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE:</u></b> Landfill Capital equipment</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Approval of skid steer purchase. Pursuant to RFP.</p> <p><b><u>STRATEGIC PLAN FOCUS AREA:</u></b> County Government Services</p> <p><b><u>GOAL #:</u></b> #3 Customer Service</p> <p><b><u>ACTION STRATEGY:</u></b> Define and implement alternative methods for delivering County Services to expand citizen's options.</p> <p><b><u>STAFF CONTACT(S):</u></b> Messrs. Huff, Whitlow, Smith, Sink</p>	<p><b><u>AGENDA DATE</u></b>                      <b><u>ITEM NUMBER:</u></b> June 16, 2015</p> <p><b><u>ACTION:</u></b></p> <p><b><u>CONSENT AGENDA:</u></b> Yes</p> <p><b><u>ATTACHMENTS:</u></b> Bid sheet</p> <p><b><u>REVIEWED BY:</u></b> </p> <p><b><u>INFORMATION:</u></b></p>
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**BACKGROUND:** At the April 14, 2015 Board of Supervisors Meeting the Board approved to seek proposals for a Landfill Skid Steer. All bids were received on June 2, 2015 at 3:00 pm. The approved FY 2014 – 2015 annual capital budget currently has funds proposed in the amount of \$110,186.43 to purchase the skid steer.

**DISCUSSION:** The County received six various proposals from four vendors, however only four of the proposals from three of the vendors met the specifications. All the bids came in under budget. The base tractor bids that met specifications were Anderson Tractor –John Deere 333E \$61,000, Ditch Witch of Roanoke- Kubota SVL 90-2 HFC - \$61,200.75, Carter Machinery- Caterpillar 299D2 - \$72,780, and Caterpillar 299D \$68,036. The associated bush hog and bucket attachment bids were Anderson Tractor - \$11,100, Ditch Witch of Roanoke - \$12,468.70, Carter Machinery \$10,352. The total bids with proper specifications were Anderson Tractor \$72,100, Ditch Witch of Roanoke \$73,669.45, Carter Machinery \$83,132 and \$78,388.

**RECOMMENDATION:** Staff requests that the Board of Supervisors award the Landfill Skid Steer to Anderson Tractor for the John Deere 333E and its associated attachments for the purchase price of \$72,100 as it fully meets the proposal specification and landfill needs. Funds will come from the 2014-2015 Landfill Equipment Capital Account (30-00-036-0004-57001)



# Franklin County

*A Natural Setting for Opportunity*

## BID SHEET FORM FOR

Compact Track Loader + Attachments

DATE/TIME OF BID OPENING: Tuesday, June 2, 2015 @ 3:00 PM

VENDOR RESPONDING	CONTACT PERSON	TELEPHONE NUMBER	AMOUNT OF QUOTE	MEETS SPECS YES/NO
<u>Ditch-Witch of Revere</u>	<u>Zuheta 2015</u>		<u>\$ 61,200.75</u>	<u>YES</u>
<u>Lawrence Equipment</u>	<u>Case 2013-Derro</u> <u>Case 2015</u>		<u>\$ 54,500.00</u> <u>\$ 56,954.00</u>	<u>No</u>
<u>Anderson Tractor</u>	<u>JD 338</u>		<u>\$ 61,000.00</u>	<u>YES</u>
<u>Carter Machinery</u>	<u>Cat 299D2</u> <u>Cat 299D</u>		<u>\$ 72,700.00</u> <u>\$ 69,036.00</u>	<u>YES</u>

I hereby certify that the above responses to the bid or services request were received in a timely fashion and opened in public on 6, 2, 2015

Signature Sharon

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<b>AGENDA TITLE:</b> Emergency Medical Services Revenue Recovery.	<b>AGENDA DATE:</b> 06/19/2015	<b>ITEM NUMBER:</b>
<b>SUBJECT/PROPOSAL/REQUEST</b> EMS Revenue Recovery/Revenue recovery rate increase/authorize adjustment in revenue recovery rate.	<b>ACTION:</b> Yes	<b>INFORMATION:</b>
<b>STRATEGIC PLAN FOCUS AREA:</b> <b>Goal #</b> <b>Action Strategy:</b> Provide emergency medical services using best practices.	<b>CONSENT AGENDA:</b> <b>ACTION:</b>	<b>INFORMATION:</b>
<b>STAFF CONTACT(S):</b> Messrs. Huff, Hatcher	<b>ATTACHMENTS:</b>	<b>REVIEWED BY:</b> <i>REH</i>

**BACKGROUND:** The Board of Supervisors last amended the fee schedule for EMS revenue recovery on June 19, 2012. Adjustments to the rates need to be periodically made to insure that revenue recovery rates are in alignment with federal Medicare/Medicaid reimbursement guidelines. Federal guidelines allow for a municipally operated EMS system to use a patient's annual property tax payment as the required copayment for expenses not covered by insurance. In short, County residents with insurance (including Medicare or Medicaid) will not be sent a bill provided the insurance carrier approves the charges and their deductible has been met.

A decade ago it was common for patients to have \$100 to \$500 insurance deductibles and \$1000 deductible amounts were rare and not the normal amounts in the industry. Due to recent changes in the insurance industry deductible amounts have increased to where a \$500 deductible is rare and \$1000 is the industry standard. The higher deductibles are beginning to have an effect on Franklin County's EMS revenue recovery program as most commercial insurance carriers do not pay for ambulance services until the policy deductible has been met.

**DISCUSSION:** In establishing fees for an EMS revenue recovery, Franklin County must follow the Medicare Ambulance Fee Schedule guidelines. The Medicare allowable is the base line for Franklin County to determine the rates it should charge for an ambulance transport. Periodically Medicare will increase the payment allowed for an Ambulance transport and Medicare approved an increase as of January 1, 2015. These increases typically average 2.0% annually. There are 4 rates that have to be evaluated, Advanced Life Support 2 (ALS 2), Advanced Life Support 1 (ALS1), Basic Life Support (BLS) and loaded mileage. The difference in allowable charges for each rate is based on the level of care EMS providers deliver to the patient. Mileage is only reimbursable for the miles incurred transporting the patient to the hospital and not for mileage incurred responding to the incident.

In establishing the appropriate fees for Franklin County, the county needs to have rates that are 25 to 30% above the Medicare Allowable. The reason for this is; by federal guideline Medicare is not supposed to be the highest payer for these services. Commercial insurance companies typically pay 80 to 100% of the amount billed. If an agency is charging at or near the Medicare Allowable, and the commercial insurance company is paying at 80 to 100% of the charge, this puts the commercial insurance payments below the Medicare Allowable. For example, if the BLS Charge and the Medicare Allowable for a BLS response is \$300, Medicare would allow \$300 to be paid; where as a commercial insurance may only pay 80%, which is \$240. This is well below the Medicare allowable. Medicare would then audit Franklin County to evaluate for compliance. Setting the revenue recovery fees at least 25% above the Medicare allowable reduces the likelihood of an audit. The guidelines for establishing revenue recovery rates were established by Medicare and are the recognized standard for revenue recovery statewide.

	<b>Franklin Co. Current Rates</b>	<b>2015 RURAL Medicare Allowable</b>	<b>30% Above Medicare Allowable</b>	<b>RECOMMENDED RATES FOR FRANKLIN CO.</b>
Mileage	\$13.00	\$11.02	\$14.33	\$15.00
BLS	\$450.00	\$360.90	\$469.17	\$500.00
ALS 1	\$550.00	\$428.57	\$557.14	\$650.00
ALS 2	\$800.00	\$620.30	\$806.39	\$850.00

In preparation for this summary, staff prepared a comparison of the EMS revenue recovery rates for various counties and individual departments in central Virginia localities. The data collected is listed in the following chart:

<b>Locality</b>	<b>BLS</b>	<b>ALS 1</b>	<b>ALS 2</b>	<b>Mileage</b>
Roanoke City	\$350.00	\$450.00	\$600.00	\$9.00
Roanoke Co.	\$375.00	\$425.00	\$650.00	\$11.00
Bedford	\$402.28	\$477.70	\$691.41	\$8.43
Amherst Co	\$425.00	\$525.00	\$700.00	\$12.25
Henry Co.	\$450.00	\$550.00	\$750.00	\$13.00
Floyd Co	\$450.00	\$550.00	\$650.00	\$10.00
Christiansburg	\$451.28	\$535.90	\$775.64	\$9.22
Martinsville	\$500.00	\$600.00	\$750.00	\$9.00
Franklin Co (Proposed)	\$500.00	\$650.00	\$850.00	\$15.00
Botetourt	\$571.00	\$713.00	\$907.00	\$8.43

Fidelis Billing, the revenue recovery agent for Franklin County, recently notified staff of a change in how commercial insurance companies are paying claims for ambulance services due to increasing deductible amounts. The increased deductible is causing more commercial insurance claims to be rejected due to patient deductibles being more than the Medicare allowable rate. This creates a situation where more and more residents are receiving bills for EMS services even though they own property in Franklin County. This change resulted in flat EMS revenue recovery amounts for 2014 and is expected to continue if not cause a decrease in revenue recovery in future years.

Fidelis offered several options should the county decide to address the increased deductibles. Probably the least popular option is to "hard bill" residents for ambulance transports. Hard billing is the practice of attempting to collect denied insurance claims from the patient using typical collection means. This practice is done in some localities but has never been considered a favored practice for Franklin County. Other localities have looked at treating non-residents differently when billing for ambulance services. With this practice, the locality still does soft billing for residents but hard bills non-residents. This may prove to be a problem for Franklin County as some non-residents own vacation property in the county but have permanent addresses in other areas. Finally, some localities are attempting to collect unpaid EMS services claims through off-sets of the patients state income tax refunds. In this scenario the county

Treasurer would file for an off-set of any state tax refund due to the patient to satisfy a portion of the unpaid ambulance transport bill. Tax off-sets are gaining favor for localities and are already being used by Franklin County to collect unpaid property taxes and overdue library fees. In the case of an off-set for EMS billing claims, Fidelis would supply the county with a list of unpaid claims. The Treasurer would file for the off-set and there would be no collection fees paid to Fidelis for the amount collected.

**RECOMMENDATION:**

**Staff respectfully recommends that the Board of Supervisors endorse the requested increase in EMS Revenue Recovery rates and authorize staff to investigate additional measures to collect non-paid insurance claims to be brought to the Board for consideration at a later date.**

**MEMORANDUM**

Case # REZO-4-15-14045


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

**To:** Franklin County Board of Supervisors  
**From:** Neil Houser, Director of Planning  
**Date:** June 16, 2015  
**Tax #:** 55-5.2, 55-5.2D  
**District:** Blackwater District  
**Applicant:** William Marvin and Mary Hannabass  
**Owner:** William Marvin and Mary Hannabass and Shirley Frith

**REQUEST:**

**PETITION for REZONE** – Petition of **William M. and Mary Hannabass, Petitioners** and **William M. & Mary Hannabass and Shirley Frith, Owners** requesting a rezone from RC-1, Residential Combined Subdivision District, to A-1, Agricultural District, for a total of +/- 15.31 acres, including a +/- 9.22 acre parcel and a +/- 6.09 acre parcel, located at 531 Jamestown Road and 535 Jamestown Road, respectively, in the Blackwater District of Franklin County, and further identified as the following Franklin County Tax Map/Parcel #0550000502 and #0550000502D. The Future Land Use Map of the Comprehensive Plan of Franklin County identifies this area as appropriate for Agriculture Forestry/Rural Residential uses, with a recommended residential density range of one to two dwelling units per acre. Parcel #0550000502 currently has a residential density of 0.11 dwelling units per acre; parcel #0550000502D currently has a residential density of 0.16 dwelling units per acre. This petition for rezone would not result in any increase in residential density for either parcel. (Case # REZO-4-15-14045)

**RECOMMENDATION:**

*On Tuesday, May 12, 2015, the Planning Commission held a public hearing regarding the application and adopted the following, by a vote of 7-0-0:*

*The Planning Commission recommends that the Board of Supervisors approve the request for rezoning from RC-1, Residential Combined Subdivision District, to A-1, Agricultural District, with proffers.*

1. Limitation of Use. *Use of the property shall not include any of the following:*
  - *Manufactured Home Parks*
  - *Short Term Tourist Rental of a Dwelling*
2. Limitation of Hunting. *The property may be used for hunting only by the property owners or immediate family thereof.*

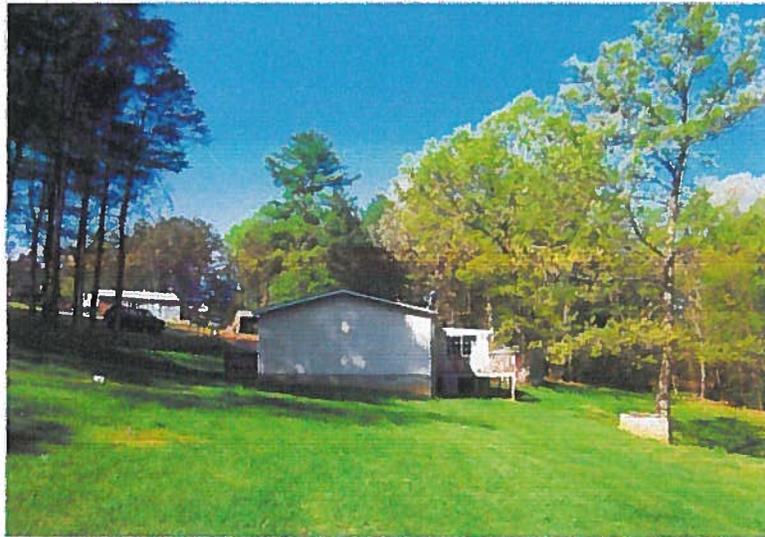


**Site Statistics**

Location:	531 and 535 Jamestown Road (SR 812); Blackwater District
Size:	Two parcels totaling 15.31 acres
Existing Zoning:	RC-1, Residential Combined Subdivision District
Existing Land Use:	Agricultural/Forestry, Rural residential
Proposed Zoning:	A-1, Agricultural
Proposed Land Use:	No change
Adjacent Zoning:	A-1; RC-1 (Residential Combined Subdivision); RMF (Residential Multi-Family)
Adjacent Land Uses:	Agriculture/forestral uses; single-family residential uses; one multi-family structure
Utilities:	This area relies on private well and private septic
Soils	Clifford fine sandy loam, 8 to 15 percent slopes and Clifford-Hickoryknob complex, 25 to 45 percent slopes
Topography	Rolling, with floodplain along the Blackwater River

**SITE / AREA PHOTOGRAPHS**

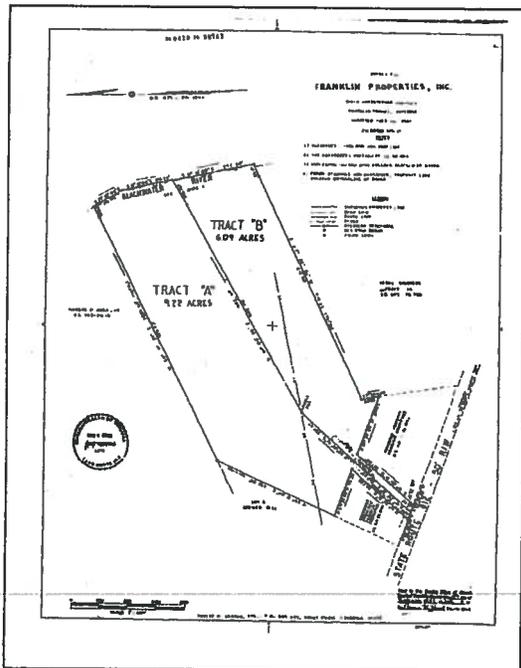








## **BACKGROUND:**



The applicants are farmers who have lived on the property for over twenty years and would like to use the property the same way it has always been used, which is vegetable farming, wood harvesting, general cultivation, and rural residential activities. The Hannabass family applied for a permit to build a hunting cabin in the wooded portion of their property, at which time they were told that since the property is zoned RC-1, hunting and agricultural buildings and activities could not be permitted.

The property was the subject of a plat recorded at PB 420 P 563 in September 1987, shown as Tract A containing 9.22 acres and Tract B containing 6.09 acres, under the name "Franklin Properties." At about the same time the same owner recorded Section 3 of Cobweb Hill subdivision containing smaller lots along

Jamestown Road abutting the property under review, and it is assumed that the owner intended to eventually subdivide the two tracts that comprised residual acreage into subdivision lots. However, the property was never developed and was eventually sold to the present owners in the early to mid-1990s.

The property was originally zoned RC-1 at the time of the County's adoption of zoning but according to the applicants has always been rural and agricultural in use. It is the opinion of the planning staff that the reason the property may have been zoned RC-1 was to preserve the right of the property owner to continue to subdivide new lots in the way that the Cobweb Hill Subdivision was created. However, the present owners had no such intentions and continued to use the property as a farm and woodlot.

The Hannabass family lives in a doublewide manufactured home and has five cultivated areas where they grow vegetables and crops. They have seed beds, compost bins, and a number of barns and sheds where they house their tools, vehicles, and equipment used in farming and the maintenance of theirs and Mrs. Frith's property. Over the years they have sold produce to their neighbors, raised small farm animals and at times have nurtured a few head of cattle on the property. Mrs. Frith lives in a vintage singlewide manufactured home and also has a few farm-type outbuildings. The Hannabass family assists Mrs. Frith in keeping up her property and gardening.

In addition to the existing homes the two tracts contain detached garages, well-houses, separate septic systems, several farm-type outbuildings, fencing, and are accessed via a shared driveway off of Jamestown Road which is maintained by Mr. Hannabass. The rear



of both tracts is mostly wooded and contains some steep slopes and 100-year floodplain. There are several deer stands in this area, and it is in this wooded portion of the property where the Hannabass family would like to construct a hunting cabin for the use of their son. An old logging road provides safe access through the woods down to the Blackwater, where the Hannabass family would also like to plant crops in the rich bottomland next to the river.



The overall surrounding area is characterized by a mix of rural residential and agricultural uses, with most of the neighboring properties zoned RC-1 and A-1. Several properties with similar uses and environmental/topographic characteristics as this property are included in the areas zoned A-1. The adjacent properties zoned RC-1 are all comprised of smaller lots with homes on them – most being in the range of 2/3-acre to 1-3/4 acre in size; other than the Hannabass and Frith property the largest of the other RC-1 lots is about 5 acres in size. It should be noted that there are no large or intensive commercial-scale agricultural uses in the immediate area.

#### **ZONING ORDINANCE:**

Sec. 25-177 of the Zoning Ordinance sets forth the following intent for the A-1 district:

- (a) *This district includes unincorporated portions of the county that are occupied by various open uses such as farms, forests, lakes, reservoirs, streams and park lands. This district is established for the purpose of facilitating existing and future farming operations, preserving farm and forest lands, conserving water and other*



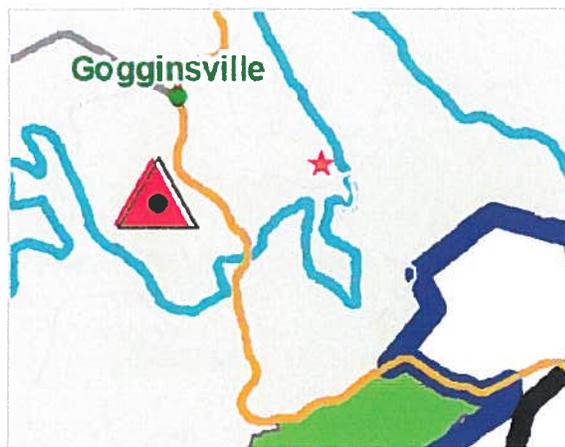
*natural resources, reducing soil erosion, preventing water pollution, and protecting watersheds and reducing hazards from flood and fire.*

- (b) *It is expected that certain desirable rural areas of this rural district may logically develop residentially at low density. It is the intent, however, to discourage the random scattering of residential, commercial, or industrial uses in this district. It should also be presumed that the agricultural and forestry activities may produce some noise, odors and other effects and a certain level of tolerance for these effects must be expected to those who would dwell in this district. Special use permits will be employed to seek improved level of compatibility between uses.*

Permitted uses in the A-1 Agricultural District include Agriculture, farming; Home occupations, Class A and Class B; Kennels; Lodge Halls; Antique Shop; Bed and Breakfast establishments; Libraries; Portable and temporary sawmill; Primitive campground; Colleges; Churches; Cemeteries; Conservation Areas; Feedlot, commercial poultry; Garage principle; Forestal operations and management; Gardens, private; Greenhouses, nurseries; Residential cluster development; and other uses as set forth in Sect 25-178. While many of these by-right uses may or may not be feasible or desirable on the properties under review, it should be considered that any of them could be established on the two properties without further review should the property be rezoned to A-1, Agricultural as requested by the applicants.

### **COMPREHENSIVE PLAN:**

Franklin County's Comprehensive Plan identifies this area as appropriate for Agriculture Forestry/Rural Residential uses. The Comprehensive Plan sets forth the following for this category:



#### ***Farmland***

Farmland constitutes the rural nature of the County. The agricultural industry in Franklin County is experiencing a transitional period. Dairy farms are consolidating and the tobacco industry is in decline. However, a segment of the community remains dedicated to the agricultural way of life and it is desirable to protect a certain amount of agricultural land.

At present, low density residential development occurs by right in agriculturally zoned areas. These developments have inadequate buffers, agricultural and forestal operations are potentially incompatible with new residential land use.



*Policies for Farmland*

1. Design residential development to add open space between residential and agricultural uses so that each is adequately buffered from the other.
2. Farmland Preservation: Provide incentives to discourage the conversion of active agricultural land to other uses through continued use value assessment and taxation. Investigate the use of State of Virginia purchase of development rights, transfer development rights, and other measures for farmland preservation.
3. Agribusiness: Support and encourage both temporary and ongoing agribusiness activities on farms that contribute to their continuing economic operation. Ensure flexible siting standards to permit the location and continuation of agribusiness that support or are a part of the agricultural and forestal economy.
4. Conservation of Farmland: Where development occurs in identified agricultural conservation areas, use flexibility in regulations to permit new development to locate on sites that minimize interference with agricultural operations.
5. Soil and Water Conservation: Encourage agricultural policies to protect and preserve soil and water quality.
6. Watershed Conservation: Encourage the combination of agricultural-oriented technical and financial assistance programs with watershed management programs to identify and prioritize problem areas and to improve conservation measures.
7. Nutrient Management Plans: Promote Best Management Practice (BMP) for agriculture to minimize nutrient run-off in Franklin County.
8. The burden of providing buffers between the uses should be on the new residential development. Such buffers protect agricultural operations from nuisance complaints.

*Rural Residential*

The rural areas of Franklin County outside of the built-up settlements will be a mix of agricultural and forestal uses interspersed with residential uses. Rural residential lots will support farm homes and individual single-family dwellings. Water and sewer typically will be provided by on-site well and septic systems. In general, development should be on side roads in order to preserve the open character and safety of County roads by reducing the number of public access points. Developers or residents in these areas should not expect public facilities or utilities to be constructed for their benefit.

*Policies for Rural Residential*

1. Encourage private roads in rural residential development to meet state standards.
2. Proposed subdivisions should be served by internal streets that connect to existing rural roads to avoid strip development and to minimize individual driveway access along existing collector highways.
3. All building lots fronting on state maintained roads in rural areas should be laid out to minimize the stacking of access points.
4. Roads that are not built to state standards and that are not eligible for inclusion in the state highway system should have mandatory provisions for the establishment of associations that provide for maintenance by lot owners.



5. Cluster development in new subdivisions should be encouraged to preserve land area to be devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.
6. Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.
7. Building setbacks on primary and secondary roadways should be increased and natural vegetation along the roadways should be retained/established as a means of preserving the rural roadscape.
8. Existing subdivision and zoning ordinances shall be reviewed and the current policy for by right subdivisions in A1 zones which allows 35,000 square foot lots needs to be reconsidered.

### *Forestland*

Forestlands in the County are fundamental and vital part of the County's character, and are a productive use of large tracts of rugged terrain. Forestland provides numerous recreational activities and plays an important role in tourism. Not only are forestlands important for economic perspective, but a wildlife habitat. Forestry should remain an important land use for the future, and County policies should seek to protect and preserve forest interests.

### *Policies for Forestland*

1. Forestry Preservation: Investigate land use policies that will ensure contiguous tracts of forestland are preserved to ensure forest for economic, tourism, recreation activities, and wildlife habitation.
2. Forestry activities should be conducted in accordance with Forestry Best Management Practices (BMP) to prevent adverse impacts such as erosion and siltation on watersheds.
3. Forestal Operations: Ensure flexible but effective siting standards for forest operations, including but not limited to saw mills, lumber concentration yards, and trucking operations.

### **CONSIDERATIONS:**

The Zoning Ordinance states that areas zoned A-1 may "logically develop residentially at low density." Franklin County's Comprehensive Plan defines low density as 1 to 2 dwelling units per acre.

The A-1 zoning district allows for a maximum density of 1.25 dwelling units per acre, with a density bonus up to a maximum of 1.5 dwelling units per acre available for residential cluster developments. Residential clustering is required in the A-1 district if the number of residential lots exceeds the following formula:

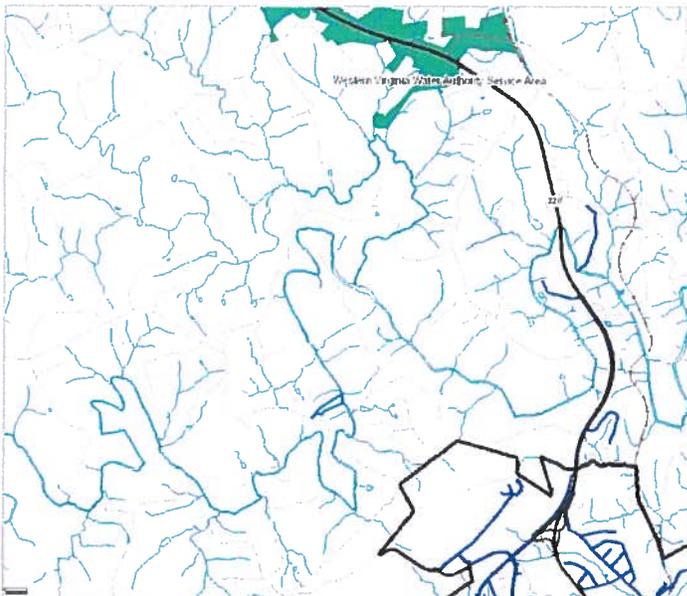
$L \geq (A/2) + 10$ ; where L = the number of residential lots and A = the total acreage of the tract being subdivided.



Given the number of environmentally sensitive areas identified on the property, including possible jurisdictional wetlands, 100-year floodplain, and steep slopes in excess of 25 percent grade, Residential clustering may be desirable and practical on the property should it ever be developed in order to preserve and protect these sensitive areas as viable open space.

As of this writing, staff has received two inquiries regarding this application from surrounding property owners and the public. No one expressed reservations about the rezoning and both who inquired stated that they supported the application as presented, that the applicants were very good neighbors, and that having fresh produce available in their rural neighborhood was appreciated.

Planning staff had some concerns regarding uses that are not allowed in the RC-1 District, but are allowed in A-1, that could impact surrounding neighbors unless voluntary proffers restrict these uses; however the same could be said of much of the surrounding properties that are currently zoned A-1. Staff did discuss possible proffers with the applicants and they declined to submit any proffer statement with the application. Further discussion with the applicants yielded the information that the applicants do not wish to proffer or restrict the property, and believe strongly that since the property has always been farmed, hunted, and lightly timbered, that the property should be zoned A-1, Agricultural, in order to allow the farming, hunting, timbering and rural residential activities as are currently permitted on immediately adjoining properties that are zoned A-1.



The Comprehensive Plan strongly supports the application as the Agriculture Forestry/Rural Residential category describes activities that are identical in nature to the proposed use and proposed zoning.

Additionally, the property is several miles away from the present Western Virginia public water service area and the Town of Rocky Mount public water service areas (see map to left). Although Grassy Hill Road, adjacent to Jamestown Road, is a well-traveled thoroughway

between the Town of Rocky Mount and the Boones Mill area, no specific subdivision or development proposals have been submitted or approved in this area in quite some time, and none are foreseen. The Long-Range planner states no objections to the proposal and



all of the members of the Development Review Team who expressed opinions were in support of the application or had no comments. Specifically, VDOT states that in at least one direction (east), it is doubtful that a commercial driveway entrance permit application for this location could meet sight distance, which further limits the ability of the property to be more intensely developed either commercially or residentially.

If approved, this rezoning request would allow all uses permitted by right in the A-1 District, including further subdivision and residences, bed and breakfasts, antique shops, cemeteries, conservation areas, manufacture homes, bona fide farming activities, and other uses associated with animals or agriculture including kennels, greenhouses, and commercial stables. More intense uses such as campgrounds, higher-traffic retail (convenience stores, grocery stores), processing mills, flea markets, lumber yards, milk stations, meat processing, mining, tourist and resort facilities, chipping mills, recreational facilities, shooting ranges, and feed lots would require the issuance of a Special Use Permit by the Board of Supervisors after advertisement, notification and public hearings.

#### **RECOMMENDATION:**

On Tuesday, May 12, 2015, the Planning Commission held a public hearing regarding the application and adopted the following, by a vote of 7-0-0:

*The Planning Commission recommends that the Board of Supervisors approve the request for rezoning from RC-1, Residential Combined Subdivision District, to A-1, Agricultural District, with proffers.*

1. *Limitation of Use: Use of the property shall not include any of the following:*
  - *Manufactured Home Parks*
  - *Short Term Tourist Rental of a Dwelling*
2. *Limitation of Hunting: The property may be used for hunting only by the property owners or immediate family thereof.*

**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 recommend approval of the petitioner's request to rezone the property from RC-1 to A-1, with proffers:

1. *Limitation of Use. Use of the property shall not include any of the following:*

- *Manufactured Home Parks*
- *Short-Term Tourist Rental of a Dwelling*

1. *Limitation of Hunting. The property may be used for hunting only by the property owners or immediate family thereof.*

**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 RC-1 to A-1.

**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.

VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

The property known as Tax Map  
Number 55-5.02 (9.22 acres +/-) and  
55-5.02D (6.09 acres +/-) Addressed as  
531 Jamestown Road and 535 Jamestown Road,  
respectively, Located in the Blackwater district  
of Franklin County, Virginia

TO THE MEMBERS OF THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

AMENDED PROFFER OF CONDITIONS

WHEREAS, the applicants and owners, **William Marvin Hannabass, Mary Hannabass and Shirley Frith** have filed with the Planning and Zoning Administrator an application for a zoning permit for the property known as Tax Map Number 55-5.02 (9.22 acres) and 55-5.02D (6.09 acres) addressed as 531 Jamestown Road and 535 Jamestown Road in the Blackwater district; and

WHEREAS, the applicant proffered certain conditions to the zoning permit according to Section 15.2.2296, et seq., of the Code of Virginia (1950), as amended, and Section 25-733 of the Zoning Ordinance of Franklin County; and

WHEREAS, the applicant desires to amend the proffered conditions.

NOW, THEREFORE, the applicant does hereby amend the proffered conditions to the zoning permit as follows:

1. **Limitation of use.** Use of the property shall not include any of the following:
  - Manufactured Home Parks
  - Short Term Tourist Rental of a Dwelling
2. **Limitation of Hunting.** The property may be used for hunting only by the property owners or immediate family thereof.

**William Marvin Hannabass, Mary Hannabass and Shirley Frith/Owners**

By: William Marvin Hannabass  
Mary Hannabass  
Shirley Frith

STATE OF VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY:

**RECOMMENDATION:**

A request for a rezone on an approximately +/- 15.31 total acre parcel a +/- 9.22 acre parcel and a +/- 6.09 acre parcel, located at 531 Jamestown Road and 353 Jamestown Road, respectively, in the Blackwater District of Franklin County, identified and recorded as Tax Map # 55, Parcel # 5.02 and Tax Map # 5, Parcel # 5.02D in the Franklin County Real Estate Tax Records.

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

**WHEREAS**, the petitioner, **William Marvin Hannabass and Mary Hannabass** has filed with the Secretary of the Planning Commission a petition requesting a rezone from RC-1, Residential Combined District to A-1, Agricultural District General.

**WHEREAS**, the petition was referred to the Planning Commission on May 12, 2015 and to the Board of Supervisors on June 16, 2015, 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 May 12, 2015; 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, does have a recommendation for the Board of Supervisors.

For the petitioner of William Marvin Hannabass and Mary Hannabass, Petitioners and William Marvin Hannabass, Mary Hannabass and Shirley Frith/Owners; Case # REZO-4-15-14045

**NOW THEREFORE**, be it resolved, that the Planning Commission does have a recommendation to the Franklin County Board of Supervisors for the above-referenced parcel(s) of land and the Petitioner/Owner(s), regarding the rezone from RC-1 to A-1 with proffers.

Proffers are listed as follows:

1. **Limitation of use.** Use of the property shall not include any of the following:
  - Manufactured Home Parks
  - Short Term Tourist Rental of a Dwelling
2. **Limitation of Hunting.** The property may be used for hunting only by the property owners or immediate family thereof.

The above action was a motion to approve by Mr. Jim Colby, representative for the Gills Creek District. The motion was seconded by, Mr. Edmund Law, representative for the Rocky Mount District of Franklin County. The motion was a majority as written above upon the following vote:

AYES: McGhee, Doss, Law, Colby, Mitchell, Webb, Ralph

NAYES:

ABSTAIN:

ABSENT:

 Clerk  
Franklin County Planning Commission

 Date

VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

The property known as Tax Map Number 55-5.02 (9.22 acres +/-) and 55-5.02D (6.09 acres +/-) Addressed as 531 Jamestown Road and 535 Jamestown Road, respectively, Located in the Blackwater district of Franklin County, Virginia

TO THE MEMBERS OF THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

AMENDED PROFFER OF CONDITIONS

WHEREAS, the applicants and owners, **William Marvin Hannabass, Mary Hannabass and Shirley Frith** have filed with the Planning and Zoning Administrator an application for a zoning permit for the property known as Tax Map Number 55-5.02 (9.22 acres) and 55-5.02D (6.09 acres) addressed as 531 Jamestown Road and 535 Jamestown Road in the Blackwater district; and

WHEREAS, the applicant proffered certain conditions to the zoning permit according to Section 15.2.2296, et seq., of the Code of Virginia (1950), as amended, and Section 25-733 of the Zoning Ordinance of Franklin County; and

WHEREAS, the applicant desires to amend the proffered conditions.

NOW, THEREFORE, the applicant does hereby amend the proffered conditions to the zoning permit as follows:

1. **Limitation of use.** Use of the property shall not include any of the following:
  - Manufactured Home Parks
  - Short Term Tourist Rental of a Dwelling
2. **Limitation of Hunting.** The property may be used for hunting only by the property owners or immediate family thereof.

**William Marvin Hannabass, Mary Hannabass and Shirley Frith/Owners**

By: William Marvin Hannabass  
Mary Hannabass  
Shirley Frith

FRANKLIN COUNTY  
PETITION/APPLICATION FOR REZONING  
(Type or Print)

<sup>William</sup>  
I/We, Marvin & Mary Hannabass, 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: <sup>William</sup> Marvin & Mary Hannabass

2. Property Owner's Name: <sup>William</sup> Marvin & Mary Hannabass & Shirley Frith

Phone Number: 540-483-7833

Address: 53<sup>1/2</sup> Jamestown Road & 535 Jamestown Road  
Rocky Mount, Va Zip: 24151

3. Exact Directions to Property from Rocky Mount: Grassy Hill Road to Jamestown Road on Right Turn left on to gravel Driveway 1/2 mile on left beh. Town Houses

4. Tax Map and Parcel Number: 0550000502 0550000502D

5. Magisterial District: Blackwater District

6. Property Information:

A. Size of Property: (A) 9.22 acres & (B) 6.09 acres

B. Existing Land Use: Farm

C. Existing Zoning: RC1

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

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: Farming

B. Proposed Zoning: A1

C. Size of Proposed Use: 15.31

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): <sup>William</sup> Marvin & Mary Hannabass  
 Signature of Petitioner: William Marvin Hannabass  
~~\_\_\_\_\_~~  
Mary Hannabass  
 Date: 4/2/15  
 Mailing Address: 531 Jamestown Rd.  
Rocky Mt VA 24151  
 Telephone: 540 483 7833

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

Shirley Frith Owner's Name (Print): <sup>William</sup> Marvin & Mary Hannabass  
 Signature of Owner: William Marvin Hannabass  
~~\_\_\_\_\_~~  
Mary Hannabass  
 Date: 4/2/15  
 X Shirley Frith 4/2/15  
 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: Rannie Harden ADDRESS: 491 Jamestown Rd  
 TAX MAP NUMBER: 0550000508 Rocky Mount, Va 24151

NAME: Betty E. Handler ADDRESS: 553 Jamestown Rd  
 TAX MAP NUMBER: 0550000502B Rocky Mount, Va 24151

NAME: Billy & Betty Aker ADDRESS: 573 Jamestown Rd  
 TAX MAP NUMBER: 0550000502c Rocky Mount, Va 24151

NAME: Mary Mprestons Crimmins ADDRESS: 625 Jamestown Rd  
 TAX MAP NUMBER: 0550000509 Rocky Mount, Va 24151

NAME: Tony Saunders ADDRESS: 675 Jamestown Rd  
 TAX MAP NUMBER: 0550000501 Rocky Mount, Va 24151

NAME: Tony Saunders ADDRESS: 679 Jamestown Rd  
 TAX MAP NUMBER: 0550000501A Rocky Mount, Va 24151

Jennifer L. Chitwood  
 NAME: Jeff Stump ADDRESS: 915 Jamestown Rd  
 TAX MAP NUMBER: 0550000604 Rocky Mount, Va 24151

NAME: Henry & Betty Wagner ADDRESS: 492 Jamestown Rd  
 TAX MAP NUMBER: 0550002300 Rocky Mount, Va 24151

NAME: Kenny & Tammy Wagner ADDRESS: 574 Jamestown Rd  
 TAX MAP NUMBER: 0550002200 Rocky Mount, Va 24151

NAME: Jerry C & Beverly Wood ADDRESS: 920 Adams Perry Road  
 TAX MAP NUMBER: 0550000311 Rocky Mount, Va 24151  
~~0550000502A~~

NAME: Jerrold & Gaye Cling ADDRESS: 1196 Callaway Rd  
 TAX MAP NUMBER: 0550000502A Rocky Mount, Va 24151  
 peel Greene



We would like to have the property rezoned to farm land A1. It is now zoned RCI for subdivisions.

We have been here and owned it since 1995. We have fields and gardens. The land use will not change only the zoning. The future we do not want to have problems with neighbors. Now we want to put a hunting cabin on the land.

**MEMORANDUM**  
**Case # A-4-15-01**



**To:** Franklin County Board of Supervisors  
**From:** Neil Houser, Director of Planning and Community Development  
**Date:** June 16, 2015  
**RE:** Amendment to the Zoning Ordinance concerning the definition of a variance and powers and duties of the Board of Zoning Appeals.

**REQUEST:**  
**PETITION of Franklin County Board of Supervisors to amend Chapter 25, "Zoning," of the Franklin County Code, as follows: amend Article I, Division 3, Section 25-40, Principal definitions of the Zoning Ordinance, to amend the definition of "variance" to be consistent with §15.2-2201 of the Code of Virginia; and amend Article V, Division 7, Section 25-773, Powers and duties of the board of zoning appeals, to amend the criteria for the granting of variances to be consistent with §15.2-2309 of the Code of Virginia. (Case # A-4-15-00001)**

**RECOMMENDATION:**  
The Planning Commission held a public hearing in consideration of amendments to the Zoning Ordinance at its May 12, 2015, meeting. By vote of 7-0 the Planning Commission approved the following:  
*The Planning Commission recommends that the Board of Supervisors approve an amendment to Chapter 25 "Zoning," of the Franklin County Code, as follows: amend Article I, Division 3, Section 25-40, Principal definitions of the Zoning Ordinance, to amend the definition of "variance" to be consistent with §15.2-2201 of the Code of Virginia; and amend Article V, Division 7, Section 25-773, Powers and duties of the Board of Zoning Appeals, to amend the criteria for the granting of variances to be consistent with §15.2-2309 of the Code of Virginia.*  
The Board of Supervisors recommends that such amendments are made effective July 1, 2015.

## ARTICLE 1. General Provisions

### DIVISION 3. Definitions

#### Sec. 25-40. Principal definitions of the Zoning Ordinance

*Variance* means, in the application of this Zoning Ordinance, a reasonable deviation from those provisions regulating the **shape**, size, or area of a lot or parcel of land, or the size, **height**, area, bulk or location of a building or structure when the strict application of this chapter would ~~result in unnecessary or unreasonable hardship to the property owner~~ **unreasonably restrict the utilization of the property**, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the ~~intended spirit and purpose of this chapter, and would result in substantial justice being done.~~ It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

*(Ord. of 5-25-88; Res. No. 22-12-93, § 3, 12-21-93; Res. of 8-17-94; Res. No. 19-10-94, § 1, 10-18-94, Res. No. 21-10-94, 10-18-94; Res. No. 22-10-94, 10-18-94, Res. No. 38-11-95, 11-21-95; Amend. of 12-19-95; Amend. of 9-16-97; Res. No. 22-05-98, 5-19-98; Res. No. 26-09-99, 9-21-99; Res. No. 16-03-2001, 3-20-01; Ord. of 2-15-05(3); Ord. of 9-21-04; Ord. of 2-21-06(2); Amend. of 3-25-08(5); Res. No. 26-05-2008, 5-20-08; Res. No. 12-10-2008, 10-21-08; Res. No. 13-10-2008, 10-21-08; Res. No. 14-10-2008, 10-21-08; Res. No. 15-10-2008, 10-21-08; Res. No. 15-04-2009, 4-21-09; Res. No. 5-05-2009, 5-19-09; Res. No. 16-05-2009, 5-19-09; Res. No. 12-07-2010, 7-20-10; Res. No. 12-07-2014, 7-15-14)*

**Secs. 25-41—25-44. - Reserved.**

## ARTICLE V. Procedure

### DIVISION 7. Board of Zoning Appeals

#### Sec. 25-768. - Board of zoning appeals; appointment and organization.

A board of zoning appeals, consisting of seven (7) members, shall be appointed in accordance with the provisions of section 15.2-2308 of the Code of Virginia, and shall have such powers and duties as set forth in section 15.2-2309 of the Code of Virginia.

*(Ord. of 5-25-88; Res. No. 12-10-2008, 10-21-08)*

**Cross reference—** Powers and duties of board of zoning appeals, § 25-773.

#### Sec. 25-769. - Staff.

Within the limits of funds appropriated by the board of supervisors, the board of zoning appeals may employ or contract for such secretaries, clerks, legal counsel, consultants and other technical and clerical services as the board of zoning appeals may deem necessary for transaction of its business. These services may also be provided by the county staff with concurrence of the board of supervisors.

*(Ord. of 5-25-88)*

Sec. 25-770. - Compensation.

Members of the board of zoning appeals shall receive such compensation as may be authorized by the board of supervisors, from time to time, by ordinance or resolution.

(Ord. of 5-25-88)

Sec. 25-771. - Removal.

Pursuant to the Code of Virginia, section 15.2-2308, any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after a hearing held after at least fifteen (15) days' notice.

(Ord. of 5-25-88; Res. No. 12-10-2008, 10-21-08)

Sec. 25-772. - Bylaws.

The board of zoning appeals may, from time to time, adopt such rules and regulations consistent with the ordinances of the county and the laws of the Commonwealth as it may deem necessary to carry out the duties imposed by the chapter. The meetings of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine. The board shall choose annually its own chairman and vice-chairman, who shall act in the absence of the chairman. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. All records of official actions shall become part of the permanent records of the board. A quorum shall be a majority of all members of the board.

(Ord. of 5-25-88)

Sec. 25-773. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties in accordance with section 15.2-2309 of the Code of Virginia:

- (1) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any regulation adopted pursuant hereto. **The decision on such appeal shall be based on the board of zoning appeals' judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a public hearing on an appeal, the administrative officer shall explain the basis for his/her determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in marking its decision. For purposes of this chapter, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board of zoning appeals shall be in compliance with this chapter, notwithstanding any other provision of law, general or special.**

(2) ~~To authorize~~ **Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases such a variance as defined in section 15.2-2201 of the Code of Virginia, the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his/her application meets the standard for a variance as defined in section 25-40 definitions and the criteria set out in this section.** ~~from the terms of this chapter as will not be contrary to the public interest, when owing to special conditions a literal enforcement of the provision will result in unnecessary hardship; provided, that the spirit of the chapter shall be observed and substantial justice done, as follows:~~

- a. ~~When a property owner can show that his~~ **Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of this chapter, and (i) the property interest for which the variance is being requested property was acquired in good faith and where, by reason of the exceptional and any hardship was not created by the applicant for the variance; narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter. (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of section 15.2-2309 of the Code of Virginia or the process for modification of a zoning ordinance pursuant to subdivision A4 of section 15.2-2286 of the Code of Virginia at the time of the filing of the variance application.**
- b. ~~No such variance shall be authorized by the board of zoning appeals unless it finds:~~
  1. ~~That the strict application of this chapter would produce undue hardship;~~
  2. ~~That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and~~
  3. ~~That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.~~

- eb. No such variance shall be ~~authorized~~ **considered** except after notice and hearing as required by sections 15.2-2204 and ~~15.2-2205~~ of the Code of Virginia. **However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board of zoning appeals may give such notice by first-class mail rather than by registered or certified mail.**
- d. ~~No variance shall be authorized unless the board of zoning appeals finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the chapter.~~
- ec. In **authorizing granting** a variance, the board of zoning appeals may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. **Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under this chapter. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.**
- (3) To hear and decide appeals from the decision of the zoning administrator **after notice and hearing as provided by section 15.2-2204 of the Code of Virginia. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the board of zoning appeals may give such notice by first-class mail rather than by registered or certified mail.**
- (4) To hear and decide applications for interpretation of the zoning map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by sections 15.2-2204 and ~~15.2-2205~~ of the Code of Virginia, the board of zoning appeals may interpret the map in such a way as to carry out the intent and the purpose of this chapter for the particular section or district in question. **However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the the street or road form the property affected, the board of zoning appeals may give such notice by first-class mail rather than by registered or certified mail. The board of zoning appeals shall not have the power to change substantially the locations of district boundaries as established by this chapter.**
- (5) No provision of this chapter shall be construed as **granting any** ~~The board of zoning appeals shall not have the power, however,~~ to rezone property or to base board decisions on the merits **and intent of local ordinances duly adopted by the Board of Supervisors. substantially to change the locations of district boundaries as established by this chapter and the zoning map.**
- (Ord. of 5-25-88; Res. No. 12-10-2008, 10-21-08)

Sec. 25-774. - Appeal to the board of zoning appeals.

Appeal to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator. Such appeal shall be taken within ten (10) days after the decision appealed from by filing with the zoning administrator, and with the board of zoning appeals, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of zoning appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board of zoning appeals or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

(Ord. of 5-25-88)

Sec. 25-775. - Application for variances.

Application for variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the zoning administrator in accordance with the provisions of this section and with rules adopted by the board of zoning appeals. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board of zoning appeals, who shall place the matter on the docket to be acted on by the board of zoning appeals. No such variance shall be authorized except after notice and hearing as required by sections 15.2-2204 and 15.2-2205 of the Code of Virginia. The zoning administrator shall also transmit a copy of the application to the commission, which may send a recommendation to the board of zoning appeals or appear as a party at the hearing.

(Ord. of 5-25-88; Res. No. 12-10-2008, 10-21-08)

Sec. 25-776. - Procedure.

- (a) Appeals and applications for variances shall be filed with the zoning administrator, together with a fee as set forth in section 25-789
- (b) The board of zoning appeals shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof pursuant to sections 15.2-2204 and 15.2-2205 of the Code of Virginia, as well as due notice to the parties in interest, and decide the same within sixty (60) days. In exercising its powers, the board of zoning appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. The concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variance from this chapter.

(Ord. of 5-25-88; Res. No. 12-10-2008, 10-21-08)

Sec. 25-777. - Decision of board of zoning appeals.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer, or any officer, department, board or bureau of the county, may present to the circuit court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board of zoning appeals, which petition shall proceed in accordance with section 15.2-2314 of the Code of Virginia.

(Ord. of 5-25-88; Res. No. 12-10-2008, 10-21-08)

Secs. 25-778—25-788. - Reserved.

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
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EXECUTIVE SUMMARY

<p><b>AGENDA TITLE:</b> Animal Shelter Needs Assessment</p> <p><b>SUBJECT/PROPOSAL/REQUEST</b> Animal Shelter improvement/authorize design of replacement animal shelter facility</p> <p><b>STRATEGIC PLAN FOCUS AREA:</b> <u>Goal # 2 County Government Services</u> <u>Action Strategy: Improve government services to residents.</u></p> <p><b>STAFF CONTACT(S):</b> Mrs. Huff, Hatcher, Brooks</p>	<p><b>AGENDA DATE:</b> 06/19/2015      <b>ITEM NUMBER:</b></p> <p><b>ACTION:</b> Yes      <b>INFORMATION:</b></p> <p><b>CONSENT AGENDA:</b> <b>ACTION:</b>      <b>INFORMATION:</b></p> <p><b>ATTACHMENTS:</b> Overview of Larc Field site</p> <p><b>REVIEWED BY:</b> <i>RAH</i></p>
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**BACKGROUND:** Staff presented a preliminary report to the Board of Supervisors works session in January of this year outlining numerous structural issues at the current animal shelter. The report identified structural deficiencies and specified how additional space is needed to house animals surrendered to the county as well as those that are picked up by officers. In April, staff delivered the needs assessment report to the Board of Supervisors and requested permission to move forward and identify a potential site to construct a new animal shelter facility.

**DISCUSSION:** The objectives developed by staff to select a suitable shelter construction site were to keep the facility centrally located in the county, locate the facility in a location that provided easy access for the public, and for the site to be affordable or already owned by the county. Other factors were the availability of utilities such as water and electric services and for the location to have minimal site development costs. Public Safety staff has worked with staff from GIS and Public Works to find a suitable location which is literally next door to the current facility located adjacent to Larc Field on the access road to the current animal shelter. Landfill staff has identified the grassy field across from the Larc ball field as an area that can be excavated and has confirmed this with the Department of Environmental Quality.

The site has several conveniences that will be realized moving forward. First, the site is easy to find since the current facility is next door. Second, since the site is fairly level and free of trees it will cost less for site development. Finally, the site is on property already owned by the county so there will be no site acquisition costs associated with the project. An additional benefit is improved parking for Larc Field as the field and the shelter can share a common parking area. The site also has easy access to US 220 and should be easily located by the public. There are concerns that the water supply may be an issue due to the high levels of iron in the water supply to the existing shelter. A potential benefit exists however in that public

works staff feels the county may be able to tie the existing drain field into the new facility to reduce the amount of drain fields needed for the new facility.

Staff asked GIS to determine if the shelter facility could be constructed on the site. The attached photograph depicts how a potential 6000 square foot building could fit into the Larc Field parking site. In the report from Shelter Planners completed on March 5, the study looked at data collected by the Animal Control Division as well as data supplied by the Franklin County Humane Society to determine the size of the facility based on demonstrated needs. Additionally, the report considers the average length of stay for dogs and cats as well as surge capacity that occurs during seasonal peak demands that are typically seen locally during the spring and early summer months.

The study offered two sizing scenarios – one was based on the length of stay to meet the minimum state guidelines and the second was based on the county’s current policy which holds animals for 15 days for animals that arrive at the shelter with identification. The study determined that a 6000 square foot facility is needed for Franklin County to maintain their current holding period and meet future demands for at least 20 years.

It is necessary to consider length of stay to determine building size as the county is required by state law to hold stray animals a minimum of 5 full days without a collar or identification. The state minimum does not allow the county to count the day the animal arrived and the day the animal exits the shelter into that 5 day total. As such, the actual minimum amount of time that an animal without identification is held at the shelter is 7 days. For animals with identification, the state requirement is that it must be held for a minimum of 10 full days which equates to an actual holding period of 12 days. The state requirements were written to allow owners of lost pets to have time to come to the shelter to attempt to locate their animals prior to the expiration of the holding time.

There was an option presented in the report that reduced the size of the proposed shelter to 3972 sq. ft. from 6072 sq. ft. This model had 29 dog spaces and 11 cat spaces with an available length of stay of 15 days for dogs and 10 days for cats. This option does meet the state requirements for the 10 day length of stay but the model has 5 fewer cat holding spaces than the current facility. Although it does offer 12 additional dog spaces it isn’t considered a viable option based on the limited number of holding spaces. The shelter already operates the 16 cat holding facility at maximum capacity almost all the time. The 3972 sq. ft. option would not sufficiently allow for the annual seasonal peak demand that occurs during the spring and summer months. Problems with this model are anticipated to begin immediately as it is not capable of handling current demand and will certainly be too small to handle future needs. Animal Control policy currently holds all dogs for 15 days and cats for 10 days due to space limitations at the current facility.

Results of the study recommends a new facility that is approximately 6024 square feet to meet the current and future needs of the county based on the information examined in the report. Using recent shelter construction costs (+/- \$215 - \$240 per sq. ft) as a basis, the estimated building costs are between \$1,308,340 and \$1,460,472. Based on bid history of other Virginia shelter projects, Shelter Planners itemized the costs as follows understanding that projects costs vary from project to project:

<b>New Construction</b>	<b>(+/- \$215 to \$240 per Square Foot)</b>	
Site Work 16%	\$ 209,334	to \$ 233,676
General Building 84%	\$1,099,005	to \$1,226,796
Anticipated Totals 100%	<b>\$1,308,340</b>	to <b>\$1,460,472</b>

**The General Building Category contains the following cost estimates:**

General Construction 60%	\$ 659,403	to \$ 736,078
HVAC 24%	\$ 263,761	to \$ 294,431

Plumbing 9%	\$ 98,910	to	\$ 110,412
Electrical 7%	\$ 76,930	to	\$ 85,876
<b>Building Totals 100%</b>	<b>\$1,099,005</b>	<b>to</b>	<b>\$1,226,796</b>

<b>**Salliport (optional)</b>	<b>(+/- \$125</b>	<b>to</b>	<b>\$150 per Square Foot)</b>
Anticipated Total 100%	<b>\$ 106,250</b>	<b>to</b>	<b>\$ 127,500</b>

The report recommends an approximately 6024 square foot facility to be constructed to meet the current and future needs of the county. Studies do not always accurately reflect the cost of local projects. A building plan based on the needs assessment and needs outlined by county staff must be considered in order to more accurately reflect actual project building costs. ShelterPlanners recommends that in addition to the cost estimates shown that there should be a planned contingency allowance of approximately 10% to account for unforeseen items, usually associated with site acquisition and preparation work. Construction costs vary and it will be difficult to project more accurate cost estimates accurately until a final building plan is approved based on the selected location.

**RECOMMENDATION:** Staff respectfully recommends that the Board of Supervisors authorize a building plan be developed that includes construction and site preparation estimates to be delivered to the Board of Supervisors at a future meeting to consider the feasibility of constructing a new animal shelter.



03/10/2010

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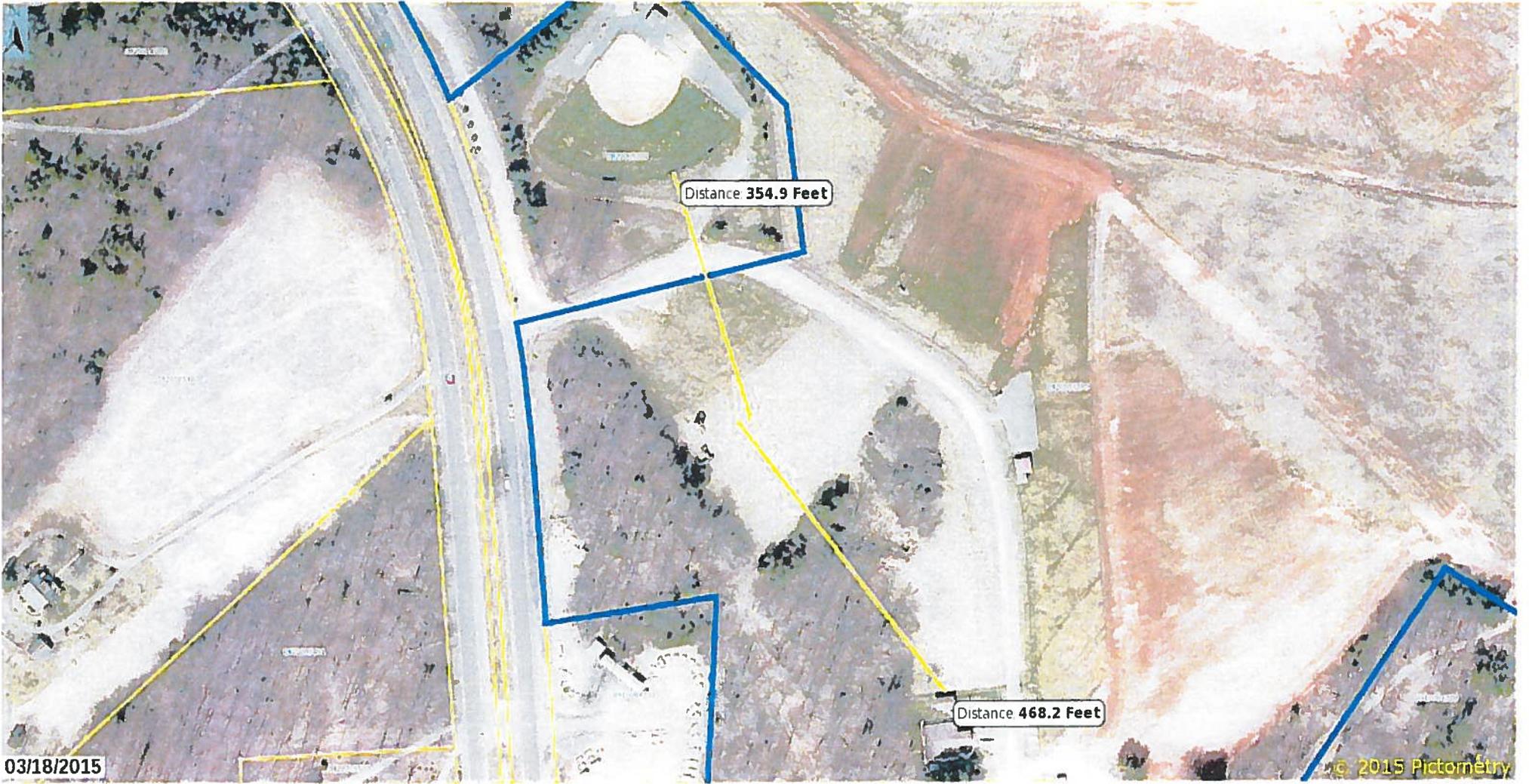
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Distance 354.9 Feet

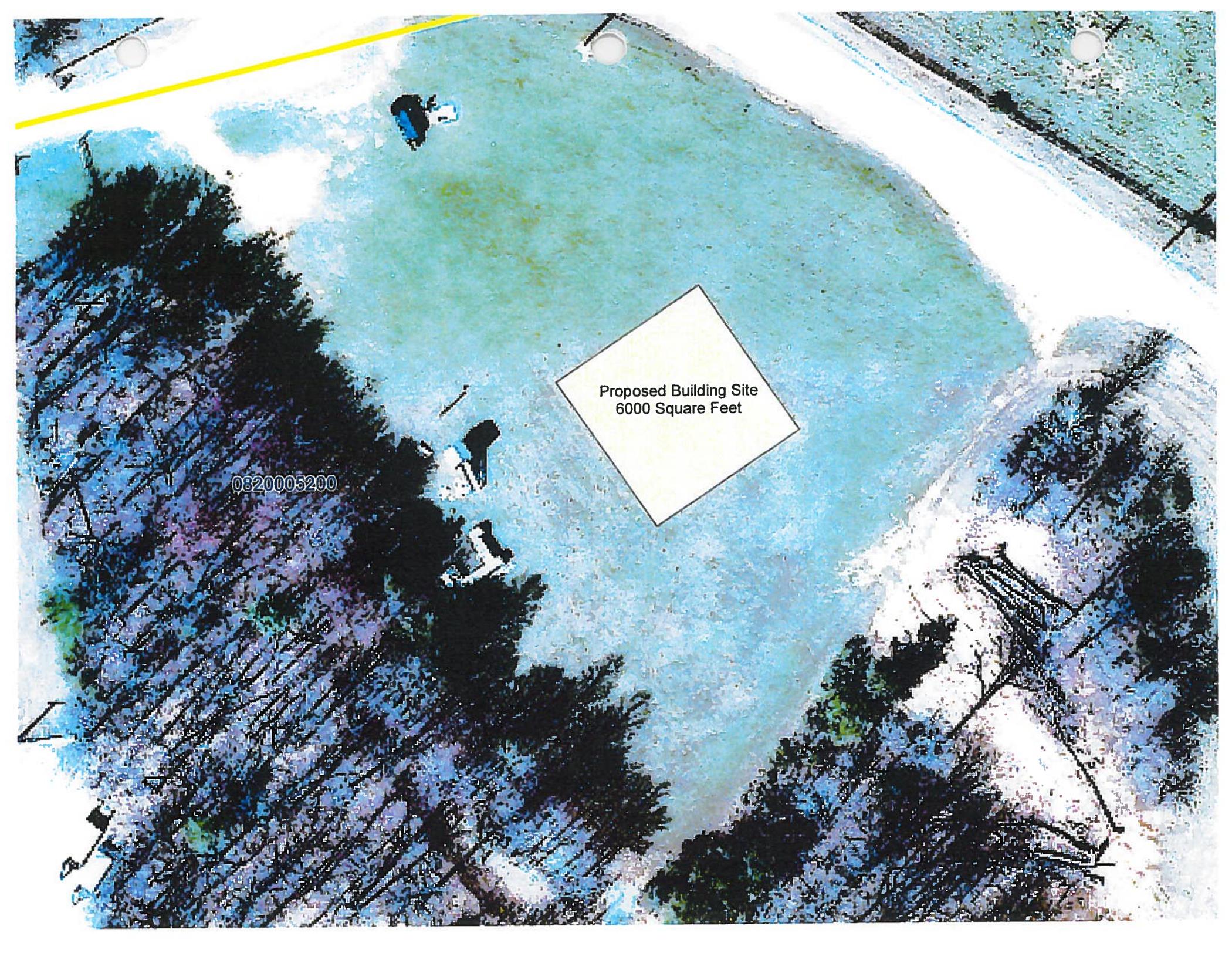
Distance 468.2 Feet

03/18/2015

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Proposed Building Site  
6000 Square Feet



FRANKLIN COUNTY  
Board of Supervisors



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EXECUTIVE SUMMARY

<b>AGENDA TITLE:</b> Writ of Elections – Commonwealth Attorney Anticipated Vacancy	<b>AGENDA DATE:</b>	<b>ITEM NUMBER:</b>
	June 16, 2015	
	<b>ACTION:</b> Yes	<b>INFORMATION:</b>
<b>SUBJECT/PROPOSAL/REQUEST</b> Request to authorize the County Attorney to petition the Circuit Court to Issue a Writ of Election to Fill an Expected Vacancy in the Office of the Commonwealth Attorney.	<b>CONSENT AGENDA:</b>	
	<b>ACTION:</b>	<b>INFORMATION:</b>
<b>STRATEGIC PLAN FOCUS AREA:</b>	<b>ATTACHMENTS:</b> Yes	
<b>Goal # 2 County Government Services</b> <b>Action Strategy:</b> Improve government services to residents.	<b>REVIEWED BY:</b> <i>RET</i>	
<b>STAFF CONTACT(S):</b> Messrs. Huff, Jefferson		

**BACKGROUND:**

Staff expects to receive a letter any day from Tim Allen, Commonwealth Attorney for Franklin County to vacate his office in order to become a Juvenile Court Judge as of July 1, 2015.

State law says the governing body shall, within 15 days of the occurrence of the vacancy petition the Circuit Court to issue a Writ of Election to fill the vacancy. Because of the timing of the vacancy, the election will take place on Tuesday, November 3, 2015.

**DISCUSSION:**

The Board will likely not meet again until after more than 15 days past the date the vacancy will occur (July 1, 2015).

**RECOMMENDATIONS:**

Staff recommends that the Board authorize the County Attorney to file the Writ of Election within the prescribed time period once the letter is received notifying the Board of the vacancy.

§ 24.2-228.1. Election to fill vacancy in constitutional office.

Notwithstanding any provision of a charter to the contrary, a vacancy in any elected constitutional office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled by special election. The governing body of the county or city in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ [24.2-681](#) et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall promptly issue the writ ordering the election for a date determined pursuant to § [24.2-682](#). Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the thirtieth day before the date set for the special election. Notwithstanding the foregoing provisions, a vacancy in any elected constitutional office in any county or city with a population of 15,000 or less, or shared by two or more units of government with a combined population of 15,000 or less, shall be held at a special election ordered by the court to be held at the next ensuing general election to be held in November. If the vacancy occurs within 90 days prior to that election, however, the writ shall order the election to be held at the second ensuing such general election.

B. The highest ranking deputy officer, or, in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth, if there is such a deputy or assistant in the office, shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office. In the event that (i) there is no deputy officer or full-time assistant attorney for the Commonwealth in the office or (ii) the highest-ranking deputy officer or assistant attorney for the Commonwealth declines to serve, the court shall make an interim appointment to fill the vacancy pursuant to § [24.2-227](#) until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office.

C. Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

D. The absence from the county or city of a constitutional officer by reason of his service in the Armed Forces of the United States shall not be deemed to create a vacancy in the office without a written notification by the officer of his resignation from the office. Notwithstanding any other provision of law, including § [19.2-156](#), the power to relieve a constitutional officer of the duties or powers of his office or position during the period of such absence shall remain the sole prerogative of the constitutional officer unless expressly waived by him in writing.

(2000, cc. [787](#), [1070](#); 2003, c. [1015](#); 2006, cc. [120](#), [253](#); 2009, c. [157](#); 2011, c. [599](#).)

§ 24.2-682. Times for special elections.

Notwithstanding any charter or special act to the contrary, the following provisions govern the times for holding special elections. Every special election shall be held on a Tuesday. No special election shall be held within the 55 days prior to a general or primary election. No special election shall be held on the same day as a primary election. A special election may be held on the same day as a general election.

B. A referendum election shall be ordered at least 81 days prior to the date for which the referendum election is called.

C. A special election to fill a vacancy in any constitutional office shall be held promptly and in accordance with the requirements of subsection A.

(Code 1950, §§ 24-44, 24-136, 24-137, 24-138, 24-139, 24-141, 24-346; 1956, c. 378; 1966, c. 115; 1970, c. 462, §§ 24.1-1(5)(c), 24.1-163, 24.1-165; 1971, Ex. Sess., c. 119; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1977, c. 30; 1978, cc. 258, 304, 778; 1979, c. 37; 1980, c. 639; 1981, c. 367; 1982, cc. 498, 650; 1983, c. 461; 1989, c. 322; 1991, c. 592; 1991, 1st Sp. Sess., c. 12; 1993, c. 641; 2000, cc. [787](#), [1070](#); 2008, cc. [107](#), [385](#); 2010, cc. [431](#), [542](#).)

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<p><b>AGENDA TITLE:</b> Workforce Investment Board Chief Legal Elected Officials Charter Agreement (CLEO)</p>	<p><b>AGENDA DATE:</b> June 16, 2015 <b>ACTION:</b></p>	<p><b>ITEM NUMBER:</b>  <b>INFORMATION:</b></p>
<p><b>SUBJECT/PROPOSAL/REQUEST</b> Amend the CLEO Agreement dated July 21, 2003. <b>STRATEGIC PLAN FOCUS AREA:</b></p>	<p><b>CONSENT AGENDA:</b> Yes</p>	<p><b>INFORMATION:</b></p>
<p><b>Goal #</b> <b>Action Strategy:</b></p>	<p><b>ACTION:</b></p>	<p><b>INFORMATION:</b></p>
<p><b>STAFF CONTACT(S):</b> RHH Messrs. Huff,</p>	<p><b>ATTACHMENTS:</b> Yes</p>	<p><b>INFORMATION:</b></p>
<p><b>REVIEWED BY:</b></p>		

**BACKGROUND:**

The Workforce Area #3 Chief Local Elected Officials (CLEO) Consortium was formed in a Charter Agreement (Agreement) in 2003 by the cities and counties in the Roanoke-Valley Alleghany Region. The Consortium agreed to work cooperatively to promote programs to support employment opportunities within the region. The Agreement was developed in a manner consistent with the provisions of the Workforce Investment Act (WIA) and identified the role of the CLEO, such as appointing the members of the Western Virginia Workforce Development Board (WDB) and designated a Grant Recipient and Fiscal Agent for WIA funds.

In July 2014, the United States Congress enacted the Workforce Innovation and Opportunity Act (WIOA), which repealed and replaced WIA. In light of this change and a proposed partnership between the WDB and the Roanoke Valley-Alleghany Regional Commission (RVARC), the CLEO voted to amend its Charter Agreement. Amendment No. 1 updates the Agreement to be consistent with the provisions of WIOA, re-designates the City of Roanoke as the Consortium Grant Recipient, and changes the Fiscal Agent to be the Roanoke Valley-Alleghany Regional Commission. This change was made to provide greater organizational and fiscal capacity to support the mission of the WDB. It should also result in better coordination of economic and workforce development efforts, and create a stronger focus on serving the needs of key industry sectors.

Furthermore, the Amendment confirms that the Charter Agreement is an exercise of joint powers as permitted by Section 15.2-1300 of the Code of Virginia, which provides the Member Jurisdictions more options to cooperatively address workforce development in the future.

**COMMENDATIONS:**

Staff recommends that the changes outlined in Amendment 1 be approved and authorize the appropriate signatories to execute the documents.

## DRAFT Staff Report

### Amendment of Chief Local Elected Officials Consortium Charter Agreement May 15, 2015

#### Background

The Workforce Area #3 Chief Local Elected Officials (CLEO) Consortium was formed in a Charter Agreement (Agreement) in 2003 by the cities and counties in the Roanoke-Valley Alleghany Region. The Consortium agreed to work cooperatively to promote programs to support employment opportunities within the region. The Agreement was developed in a manner consistent with the provisions of the Workforce Investment Act (WIA) and identified the role of the CLEO, such as appointing the members of the Western Virginia Workforce Development Board (WDB) and designated a Grant Recipient and Fiscal Agent for WIA funds.

#### Considerations

In July 2014, the United States Congress enacted the Workforce Innovation and Opportunity Act (WIOA), which repealed and replaced WIA. In light of this change and a proposed partnership between the WDB and the Roanoke Valley-Alleghany Regional Commission (RVARC), the CLEO voted to amend its Charter Agreement. Amendment No. 1 updates the Agreement to be consistent with the provisions of WIOA, re-designates the City of Roanoke as the Consortium Grant Recipient, and changes the Fiscal Agent to be the Roanoke Valley-Alleghany Regional Commission. This change was made to provide greater organizational and fiscal capacity to support the mission of the WDB. It should also result in better coordination of economic and workforce development efforts, and create a stronger focus on serving the needs of key industry sectors.

Furthermore, the Amendment confirms that the Charter Agreement is an exercise of joint powers as permitted by Section 15.2-1300 of the Code of Virginia, which provides the Member Jurisdictions more options to cooperatively address workforce development in the future.

#### Action Requested

Staff request that City Council/the Board of Supervisors adopt the attached Ordinance approving Amendment No. 1 to the CLEO Charter Agreement. Upon approval of the Ordinance, the Mayor/Chair will be authorized to sign the Amendment and other requisite documents related to the Agreement.

AMENDMENT NO. 1  
TO  
WORKFORCE INVESTMENT AREA III  
CHIEF LOCAL ELECTED OFFICIALS

This Amendment No. 1 to the Workforce Investment Area III Chief Local Elected Officials Charter Agreement is made this \_\_\_ day of \_\_\_\_\_, 2015, by and among City of Covington, the City of Roanoke, the City of Salem, and the County of Alleghany, the County of Botetourt, the County of Craig, the County of Franklin, and the County of Roanoke (the “Member Jurisdictions”).

RECITALS

A. The Member Jurisdictions, via action through their respective mayors and chairmen of the board of supervisors, formed the Workforce Investment Area III Chief Local Elected Officials Consortium (the “Consortium”) by the execution of the Workforce Investment Area III Chief Local Elected Officials Charter Agreement dated July 21, 2003 (the “Charter Agreement”).

B. Pursuant to the terms of the Charter Agreement, the Consortium agreed to work cooperatively to promote programs to support employment opportunities within Workforce Development Area III, as designated by the Commonwealth of Virginia (“Area III”), in a manner consistent with the provisions of the Workforce Investment Act, 29 U.S.C. §§ 2801, et seq. (“WIA”) and the rules and regulations promulgated by the United States Department of Labor (the “Department”).

C. In July 2014, the United States Congress enacted the Workforce Innovation and Opportunity Act, 29 U.S.C. §§ 3101, et seq. (“WIOA”) that repealed and replaced WIA.

D. Pursuant to Section 13 of the Charter Agreement, the Member Jurisdictions may amend the Charter Agreement with the authorization and concurrence of the governing bodies of each of the Member Jurisdictions.

E. The Member Jurisdictions have the authority to enter into joint agreements pursuant to Section 15.2-1300, Code of Virginia (1950), as amended, and the Charter Agreement constitutes an agreement for the joint exercise of powers by participating political subdivisions of the Commonwealth of Virginia.

F. Based upon a review of the Charter Agreement, and the recent enactment of WIOA, the Member Jurisdictions desire to amend the Charter Agreement in accordance with this Amendment No. 1 to Workforce Investment Area III Chief Local Elected Officials Charter Agreement (“Amendment No. 1”).

G. The governing body of each of the Member Jurisdictions has adopted an ordinance approving of, and concurring with this Amendment No. 1, and has authorized its respective mayor or chairman of its board of supervisors to execute this Amendment No. 1.

NOW, THEREFORE, based on the recitals set forth above, which recitals are a material part of this Amendment No. 1, and for other good and valuable consideration, the Member Jurisdictions agree and hereby amend the Charter Agreement as follows:

1. Amendment to Purpose of the Agreement.

The preamble section of the Charter Agreement entitled “PURPOSE OF THE AGREEMENT” is amended to provide at the end of the section as follows:

The Consortium acknowledges the enactment of the Workforce Investment and Opportunity Act of 2014, 29 U.S.C. §§ 3101, *et seq.* (“WIOA”) and agrees that the Consortium, in cooperation with the WDB, a Virginia non-stock corporation, will operate in accordance with the provisions of the WIOA and the regulations and rules

promulgated and adopted by the United States Department of Labor to insure success of the programs operated under the WIOA comply with all applicable federal and state laws, rules, regulations, and guidelines, and with the terms of the local plan developed for Area III.

The Member Jurisdictions, through the CLEO, acknowledge, affirm, and agree that the Workforce Investment Area III Chief Local Elected Officials Charter Agreement dated July 21, 2003, as amended, constitutes an agreement authorized by Section 15.2-1300, Code of Virginia (1950), as amended, for the joint exercise of powers by participating political subdivisions of the Commonwealth of Virginia.

2. Amend Section 8 of the Charter Agreement by deleting Section 8 in its entirety and replacing Section 8 with the following:

SECTION 8 Administration.

8.1 Grant Recipient.

The Consortium designates from its membership the local government jurisdiction of the City of Roanoke as the grant recipient for all grants funds appropriated to the Consortium for Area III pursuant to the Act of the WIOA. The City shall ensure compliance with the terms and conditions of such grants.

8.2 Fiscal Agent.

In order to facilitate and expedite the implementation and operation of the workforce development plan for Area III, the Consortium appoints the Roanoke Valley-Alleghany Regional Commission as the initial fiscal agent for the Consortium and WDB. The Consortium, with the advice and consent of the WDB and the Member Jurisdiction designated as the grant recipient, shall appoint any future fiscal agent pursuant to this Section 8.2.

The terms, conditions, duties, and responsibilities of fiscal agent shall be set forth in an agreement among the Consortium, WDB, the grant recipient designated by the Consortium, and the party designated by the Consortium as fiscal agent.

3. Amend the Charter Agreement by adding a new Section 14 to follow Section 13 and to read and provide as follows:

SECTION 14. Changes in the Act.

The Member Jurisdictions acknowledge and agree that the WIOA repeals and replaces the Act. For purposes of this Charter Agreement, the Member Jurisdictions agree that references to “the Act” or sections of “the Act,” and regulations and rules adopted pursuant thereto, contained in this Charter Agreement shall hereafter include or refer to the WIOA, relevant and corresponding sections of the WIOA, and the rules, regulations, and guidelines adopted pursuant to the WIOA, as they currently exist or may be amended.

4. Effect.

Except as amended by this Amendment No. 1, the Charter Agreement remains in full force and effect in accordance with its original terms. The Member Jurisdictions acknowledge, agree, and ratify that the Charter Agreement, as amended by this Amendment No. 1, constitutes the entire charter for the establishment of the Consortium. Capitalized terms not defined in this Amendment No. 1 shall have the meaning ascribed to such terms as set forth in the Charter Agreement. This Amendment No. 1 shall take effect as of the latest date on which the governing bodies of the Member Jurisdictions have approved and concurred to this Amendment No.1.

SIGNATURES APPEAR ON THE FOLLOWING PAGES

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<p><b>AGENDA TITLE:</b> Technical and Editorial Amendments to the Water and Wastewater Agreement with the Town of Rocky Mount and the Western Virginia Water Authority</p> <p><b>SUBJECT/PROPOSAL/REQUEST</b> Adopt Amendments to the Water and Wastewater Agreement to clarify several sections.</p> <p><b>STRATEGIC PLAN FOCUS AREA:</b></p> <p><b>Goal #</b> <b>Action Strategy:</b></p> <p><b>STAFF CONTACT(S):</b> Messrs. Huff, Smith</p>	<p><b>AGENDA DATE:</b> June 16, 2015</p> <p><b>ACTION:</b></p> <p><b>CONSENT AGENDA:</b> Yes</p> <p><b>ACTION:</b></p> <p><b>ATTACHMENTS:</b> Yes</p> <p><b>REVIEWED BY:</b> RSH</p>	<p><b>ITEM NUMBER:</b></p> <p><b>INFORMATION:</b></p> <p><b>INFORMATION:</b></p>
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**BACKGROUND:**

The County adopted a Water and Wastewater Agreement dated October 1, 2014 with the Town and Water Authority. As the agreement made its way to all three parties, several minor and editorial changes were requested and it was determined to be easier to get the agreement signed by all parties and make the minor changes at a later date. The changes are requested by the Water Authority Board and their legal counsel.

**DISCUSSION:**

Don Smith, Director of Public Works compared the requested changes and advises as does Mr. Jefferson, that the requested changes do not materially change the agreement or the County's position.

**RECOMMENDATIONS:**

Staff recommends that the changes shown in the red marked attached copy be approved by the Board and authorizes the County Administrator to execute the revised document.

**THIS WATER and WASTEWATER SALE AGREEMENT ("Agreement")**, dated as of October 1, 2014, by and between Franklin County, Virginia, (the "County") a county of the Commonwealth of Virginia, the Town of Rocky Mount, Virginia, ("Rocky Mount") a political subdivision of the Commonwealth of Virginia, and the Western Virginia Water Authority (the "Authority"), a public service authority formed and existing in accordance with the provisions of Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended, under the Virginia Water and Waste Authorities Act §§ 15.2-5100-15.2-5158 (the "Act").

**WITNESSETH:**

**WHEREAS**, the Authority owns and operates an existing water treatment, transmission and distribution system with all complementary and appurtenant components to serve potable water approved by the Virginia Department of Health and has sufficient capacity to provide water, in addition to current customers in portions of Franklin County, to the citizens of Rocky Mount; and,

**WHEREAS**, Rocky Mount owns and operates an existing wastewater treatment, transmission and collection system with all complementary and appurtenant components necessary to treat wastewater approved by the Virginia Department of Environmental Quality and has sufficient capacity to provide wastewater treatment, in addition to its current customers in Rocky Mount and some existing portions of Franklin County, to additional citizens and businesses in Franklin County; and,

**WHEREAS**, the Authority, County and Rocky Mount agree that this Agreement affords an opportunity to extend the Authority's water transmission and distribution system further within Franklin County and into and through Rocky Mount to deliver public water service to certain additional residents and businesses in Franklin County and to supply a source of water to Rocky Mount's water distribution system; and

**WHEREAS**, the Authority, County and Rocky Mount agree that this Agreement affords an opportunity to extend Rocky Mount's wastewater treatment, transmission and collection system into and through Franklin County to deliver public wastewater service to certain additional residents and businesses in Franklin County; and

WHEREAS, all parties agree that the long term interests of the citizens of Rocky Mount and the County will be best served by the extension of the Authority's water transmission and distribution system and by extension and connection to Rocky Mount's wastewater treatment, transmission and collection system, including any necessary infrastructure such as water tanks, pump stations, and treatment equipment needed to connect;

NOW THEREFORE, in consideration of the mutual benefits accruing to each party, the parties do hereby agree as follows:

1. Financing and Capital Contributions in Aid of Construction. The parties anticipate that the Authority will provide the financing for an initial water transmission main extension <sup>(“INITIAL WATER EXTENSION”)</sup> connecting the Authority's existing water distribution system in the County with Rocky Mount's water distribution system. Rocky Mount will pay, via a reimbursement to the Authority, seventy-five percent (75%) of the annual debt service on a schedule and terms to be agreed to by Rocky Mount and the Authority over the term of the <sup>bonds to be issued by the AUTHORITY</sup> bond issue (“Capital Contributions in Aid of Construction”), and that the bond issue will be secured as a parity pledge of the water revenues <sup>generated by it and future extensions from it</sup> of the Authority and by a moral obligation by the Town of Rocky Mount, Virginia. The County agrees not to request financial participation from Rocky Mount for any Pass Through Water Extensions referenced in Section 4.

The parties anticipate that the Authority will provide the financing for an initial wastewater transmission extension <sup>(“INITIAL WASTEWATER EXTENSION”)</sup> from the Authority's wastewater service area in Franklin County connecting to Rocky Mount's wastewater collection system. The County will pay, via a reimbursement to the Authority, seventy-five percent (75%) of the annual debt service on a schedule and terms to be agreed to by the County and the Authority over the term of the bond <sup>to be issued by the authority</sup> issue (“Capital Contributions in Aid of Construction”), and that the bond issue will be secured as a parity pledge of the wastewater revenues <sup>by the INITIAL WASTEWATER EXTENSION and future extensions from it</sup> of the Authority and by a moral obligation by Franklin County, Virginia. The County agrees not to request financial participation from Rocky Mount for any Wastewater Extensions referenced in Section 5.

2. Retail Customer Water and Wastewater Service Rates and Fees. The parties agree that all customers in Franklin County connecting or required to be connected to the <sup>INITIAL WATER EXTEN</sup> water

~~transmission main extension and to other future extensions in Franklin County from the water transmission main extension~~ including Pass Through Extensions as defined in Section 4 shall be customers of the Authority; that they will pay the Authority's connection, availability and other fees as applicable; and that these customers will pay the Authority's published rates for water service in Franklin County.

The parties agree that all of the customers in Franklin County connecting or required to be connected to the ~~wastewater main extension and to other future extensions in Franklin County from the wastewater main extension~~ shall be customers of the Authority; that they will pay the Authority's connection, availability and other fees as applicable; and that these customers will pay the Authority's published rates for wastewater service in Franklin County.

3. ~~Wholesale Water and Wastewater Service Rates and Fees;~~ Upon completion of an ~~initial extension from the Authority's water system to Rocky Mount,~~ the Authority agrees to sell water to Rocky Mount and Rocky Mount agrees to buy water from the Authority for resale to Rocky Mount customers. The Authority agrees that for the duration of this Agreement there will be no reduction in the quantity of water supplied under this Agreement except under the conditions noted herein. The Authority agrees to make a minimum of 500,000 gallons per day available to Rocky Mount, provided that the Authority has sufficient sources of raw water. There is no minimum purchase requirement by Rocky Mount. Water used to supply the Pass Through Water Extensions created under section 4 of this agreement will be offset by an equal amount of water drawn from the interconnection with the Authority unless an alternate arrangement is requested by a party and agreed to by all parties.

The Authority will sell bulk water service to Rocky Mount on substantially the same terms it sells bulk water to other localities, except under the conditions noted herein. The Bulk Water Rate shall be determined by multiplying the Authority's second tier retail water rate, currently \$3.50 per thousand gallons, by 0.75, rounding down to the nearest tenth of a cent. The Bulk Water Rate will be stated as a cost per thousand gallons (\$/Kgal) and is \$2.60 at the time of this Agreement ( $\$3.50 \text{ per Kgal} \times 0.75 = \$2.625$ , rounded down to \$2.60 per Kgal).

The Authority may from time to time request Rocky Mount to draw water at no charge to aid in flushing and maintenance of water quality by the authority.

Upon completion of ~~an~~<sup>the</sup> initial extension from Rocky Mount's wastewater system to the Authority's service area in Franklin County, Rocky Mount agrees to sell ~~wastewater service~~<sup>bulk</sup> to the Authority and the Authority agrees to buy ~~wastewater service~~<sup>bulk</sup> from Rocky Mount for resale to its customers in Franklin County. Rocky Mount agrees that for the duration of this Agreement there will be no reduction in the quantity of wastewater capacity supplied under this Agreement except under the conditions noted herein. Rocky Mount agrees to ~~make~~<sup>treat</sup> 400,000 gallons a day available to the Authority provided that Rocky Mount has sufficient wastewater plant permit capacity or pump station capacity available. Rocky Mount's wastewater treatment plant is licensed to treat 2 million gallons a day and has an average demand of 800,000 gallons a day at the date of this agreement. Rocky Mount and the Authority agree that additional capacity can be requested and negotiated in the future and that capacity will be provided if it is within the technical and licensure limits of the Rocky Mount wastewater treatment plant. In the event that the requested capacity exceeds the plant's capacity and or pump station capacity, Rocky Mount reserves the right to expand the plant's treatment capacity and ~~pump station capacity~~ and to negotiate an amendment to this agreement addressing the impacts of such an expansion to meet the needs of the Authority and the County.

Rocky Mount will sell bulk wastewater service to the Authority, except under the conditions noted herein. The Bulk Wastewater Rate shall be determined by multiplying the Authority's second tier retail sewer rate, currently \$3.50 per thousand gallons, by 0.75, rounding down to the nearest tenth of a cent. The Bulk Wastewater Rate will be stated as a cost per thousand gallons (\$/Kgal) and is \$2.60 at the time of this Agreement ( $\$3.50 \text{ per Kgal} \times 0.75 = \$2.625$ , rounded down to \$2.60 per Kgal).

4. Pass Through Water Extensions. The parties agree and concur that the Authority may, in conjunction with the County, wish to extend the Authority's water distribution system via additional extensions within Franklin County. These additional extensions may be sought in the form of extensions from Rocky Mount's water distribution system, which requires water to pass from the Authority's distribution system through Rocky Mount's water distribution system and then into new Authority constructed water lines in other areas of Franklin County (the

"Pass Through Extensions"). Requests for such Pass Through Extensions from the Authority to Rocky Mount will be considered and administratively approved individually based on the technical and engineering feasibility of each pass-through extension with the feasibility to be determined by an engineer who has experience in water systems in general. Such engineer shall be mutually agreed to by the Authority, Rocky Mount, and the County. Feasibility shall consider the potential for any negative impacts, including water quality, on Rocky Mount's water system and its users and a lack of negative impact would result in a determination that such extension was feasible. In addition, pass through requests shall include a review of the capital expenses, if any, required to support the Pass Through Extension usage. The Authority has the right to implement any capital expenses identified to support the Pass Through Extension. Water use at each Pass Through Extension will be metered by the Authority, accounted for and credited to Rocky Mount against water purchased from the Authority. Such Pass Through Extensions will be operated as consecutive systems unless agreed otherwise by all parties and as a consecutive system, the Authority is responsible for the regulatory compliance of the extensions and the customers' connections to those extensions.

5. Wastewater Extensions. The parties agree and concur that the Authority may, in conjunction with the County, extend Rocky Mount's wastewater collection system via additional extensions within Franklin County. Requests for such Wastewater Extensions from the Authority and the County to Rocky Mount will be considered and administratively approved individually based on the technical and engineering feasibility of each determined by an engineer who has experience in wastewater systems. Such engineer shall be mutually agreed to by the Authority, Rocky Mount and County. Feasibility shall consider the potential for any negative impact, including effects on Rocky Mount's wastewater system, the quality of the receiving water at the plant's discharge point, other users, and the licensure status of the plant. A lack of negative impact would result in a determination that such extension was feasible. In addition, Wastewater Extension requests shall include a review of the capital expenses, if any, required to support the Wastewater Extension. The Authority and the County have the right to implement any capital expenses identified to support the Wastewater Extensions. Wastewater discharged to Rocky Mount's wastewater treatment plant at each Wastewater Extension will be

metered by the Authority or measured using customer water consumption records multiplied by a factor of 1.2 to account for inflow and infiltration. Example: If an extension generates 10,000 gallons per month of wastewater as determined by adding up the monthly water meter records for wastewater customers connected to the line, the total billed wastewater flow would be 1.2 \* 10,000 gallons or 12,000 gallons. Such Wastewater Extensions will be operated as consecutive systems unless otherwise agreed to by all parties and will require all parties to operate the consecutive systems. As a consecutive system, the Authority is responsible for the regulatory compliance of the extensions and the customers connecting to those extensions with the exception that Rocky Mount may require implementation of the Commonwealth of Virginia's and Rocky Mount's pretreatment regulations as it relates to any customer connected to any Wastewater Extension. Rocky Mount and the Authority pledge to enter into the ~~standard EPA Multijurisdictional Agreement for Pretreatment~~ *a pre treatment agreement substantially similar to The UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S*

6. Approval of Extensions & Improvements to the Proposed System. <sup>WATER</sup> Initial ~~main~~ extensions, ~~Pass Through Extensions~~, and Wastewater Extensions must be approved by the Franklin County Administrator and Town of Rocky Mount Manager. Rocky Mount agrees that Pass Through Extensions and Wastewater Extensions shall be permitted by right from Rocky Mount's water system and wastewater system, provided <sup>notice is given to the County and Rocky Mount and</sup> they are constructed and operated under the terms of this Agreement. Rocky Mount and the County also agree to cooperate with the Authority on such matters as regulation of the construction and operation of water systems and wastewater systems, mandatory connections for new customers, and other legislative matters to provide the jurisdictional and legal basis for the development of water and wastewater initial main extensions, Pass Through Extensions and Wastewater Extensions consistent with the Authority's published rules and regulations.

7. Water Restrictions. If the Authority decides to restrict water usages or withdrawals due to droughts, emergencies, or other conditions or circumstances, any reductions or restrictions placed on water sold to Rocky Mount shall be the same as placed on all other Authority customers.

8. Wastewater Discharge Restrictions. If Rocky Mount decides to restrict wastewater discharge due to emergencies, or other conditions or circumstances, any reductions or restrictions placed on wastewater discharged by Authority customers shall be the same as placed on all other Rocky Mount customers.

9. Quality, System Responsibility and Technical Feasibility. The quality and pressure of the water delivered under this Agreement including Pass Through Extensions shall be sufficient for fire flow needs (if practical) and shall meet the requirements of the Virginia Department of Health and other state or federal agencies which have jurisdiction over public water supplies. The water provided by the Authority shall not contain specific contaminants that would result in noncompliance with the Virginia Department of Health or other applicable state or federal agency permit requirements or regulations. The Authority shall at least annually provide Rocky Mount with the most recent water quality analysis of the water sold by a mutually agreed upon date that will allow Rocky Mount sufficient time to comply with any water quality reporting requirements.

The quality of the wastewater delivered under this Agreement shall meet the sewer use requirements of Rocky Mount's pretreatment program and the Multijurisdictional Agreement for Pretreatment and shall not contain specific contaminants that would inhibit the operation of Rocky Mount's wastewater treatment plant or result in noncompliance with Virginia Department of Environmental Quality or other applicable state or federal agency permit requirements or regulations. The Authority agrees to provide Rocky Mount pretreatment information on permitted customers in Franklin County to meet state or federal reporting requirements. Each party shall be responsible for the maintenance, upkeep, improvement, inflow and infiltration control, wastewater quality and biological load, pretreatment, water quality and water loss in their respective systems. Rocky Mount reserves the right to set parameters for odor and the presence of aerobic conditions. In the event of a planned improvement for the purpose of adding additional capacity to either the Authority's water or wastewater system or Rocky Mount's water or wastewater system, each party shall be given a reasonable opportunity at its own cost to participate in the planning and installation of such improvements.

10. Billing and Payment. The Authority shall be responsible for maintaining bulk water meters and wastewater meters, if utilized, and for calculation of bulk bills. The measurement basis shall be in gallons. The Authority will submit a water bill to Rocky Mount on a monthly basis, detailing the amount due from Rocky Mount for water purchased. The Authority will submit a wastewater statement, along with payment, to Rocky Mount on a monthly basis, detailing the amount owed Rocky Mount for wastewater discharged. Each party at its respective expense shall have the right to test and verify the accuracy of all bulk meters. If the accuracy of a tested meter is less than 95% or more than 105%, then adjustments shall be made to reflect the correct usage for the most recent ninety (90) day period. *and the date payment is due*

11. Term; Rights on Termination. The term of this Agreement shall be thirty (30) years beginning October 1, 2014 and ending September 30, 2044, unless renewed, terminated or otherwise extended as provided herein. If the Authority or Rocky Mount or the County ~~does~~ *do* not notify the other parties of its intent to terminate or renew this Agreement, it shall automatically and without further action on the part of the Authority or Rocky Mount or the County be extended in five year increments, unless and until the Authority or Rocky Mount or County notifies the other parties at least one year in advance of its intent to cease to be a party to this Agreement at the end of the five year term.

Should Rocky Mount, the Authority or the County cease to be a party to this Agreement, title to facilities, extensions, or other assets within Franklin County constructed or provided by the Authority or subsequently acquired by the Authority shall vest and remain vested in the Authority in fee simple. Should the County withdraw as a member of the Authority, the procedures, including disposition of facilities, extensions, or other assets, shall be governed by the Code of Virginia under the terms of the Act. Any facilities within the town limits of Rocky Mount shall revert to Rocky Mount, in fee simple. Rocky Mount shall retain the right to purchase water from the Authority or County, should the County ~~leave the Authority~~ *withdraw from the*, under terms to be negotiated but substantially similar to this agreement. *SUCH TERMS SHALL INCLUDE* The Authority or County, should the County ~~leave the Authority~~ *withdraw from*, shall retain the right to purchase wastewater service from Rocky Mount under terms to be negotiated but substantially similar to this agreement. *PAYMENT OF OUTSTANDING DEBT*

12. No Waiver. The failure of any party to insist upon strict performance of any of the terms or provisions of this Agreement, or to exercise any option, right or remedy contained in this Agreement, shall not be construed as a waiver or as a relinquishment for the future of such term, provision, option, right or remedy. No waiver by any party of any term or provision of this Agreement shall be deemed to have been made, unless expressed in writing and approved by all parties.

13. Integration of Provisions. If any clause or provision of this Agreement is or becomes illegal, invalid or unenforceable because of present or future laws or any rule or regulation of any governmental body or entity, then the remaining parts of this Agreement shall not be affected.

14. Governing Law. This Agreement shall be construed under and shall be governed by the laws of the Commonwealth of Virginia.

15. Notices. All notices or other communications required or desired to be given with respect to this Agreement shall be in writing and shall be delivered by hand or by courier service or sent by registered or certified mail, return receipt requested, bearing adequate postage and properly addressed as provided below. Each notice given by mail shall be deemed to have been given and received when actually received by the party intended to receive such notice or when such party refuses to accept delivery of such notice. Upon a change of address by any party, such party shall give written notice of such change to the other parties in accordance with the foregoing. Inability to deliver because of changed address or status of which no notice was given shall be deemed to be receipt of the notice sent effective as of the date such notice would otherwise have been received.

To the Authority:

Western Virginia Water Authority

601 S. Jefferson

**Roanoke, Virginia 24011**

**Attention: Executive Director, Water Operations**

**With copy to:**

**Harwell M. Darby, Jr.**

**Glenn, Feldmann, Darby & Goodlatte**

**P. O. Box 2887 (24001)**

**210 First Street, S.W., Suite 200**

**Roanoke, Virginia 24011**

**To Franklin County:**

**Franklin County Board of Supervisors**

**1255 Franklin Street, Suite 112 Rocky Mount, Virginia 24151**

**Attn: County Administrator**

**With copy to:**

**B. James Jefferson, Esquire**

**5 East Court Street, Suite No. 101**

**Rocky Mount, Virginia 24151**

**To The Town of Rocky Mount:**

**Rocky Mount Town Council**

**345 Donald Ave.**

**Rocky Mount, VA 24151**

**Attn: Town Manager**

With copy to:

John Boitnott, Esquire  
Town of Rocky Mount Attorney  
5 East Court Street, Suite 301  
Rocky Mount, VA 24151

16. Binding on Successors. This Agreement shall be binding upon and inure to the benefit of the Authority and both the Town and County and their respective successors and assigns. The rights and obligations of this Agreement may not be sold, assigned or transferred at any time without prior written consent of all the parties, which consent will not be unreasonably withheld.

17. Subject to Future Appropriations. The obligations of the Town <sup>to make debt service</sup> ~~under this Agreement~~ shall be subject to and dependent upon appropriation being made from time to time by the Town Council for such purpose. Any other provision to the contrary notwithstanding, this Agreement and the obligations herein shall not constitute a debt of the Town within the meaning of any limitation on indebtedness of the Town under any constitutional or statutory limitation, and nothing in this Agreement shall constitute a pledge of the full faith and credit of the Town under any provision of its Charter, as applicable, or the Constitution of Virginia. The failure of the governing body of the Town to appropriate funds in any year for payment in full of the payments required by the Authority as herein provided, or any other provision of this Agreement during such year, shall ipso facto terminate this Agreement without any further liability on the part of the Town of any kind, thirty (30) days after the Town Council makes a final determination not to appropriate funds for this Agreement for the current fiscal year.

18. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof, and supersedes all prior understandings and writings. This Agreement may be amended or modified only by a writing signed by the Authority and the Town and County.

payments to the authority under section 1 of this agreement

19. Force Majeure. No party shall be liable for any failure to perform its non-monetary obligations under this Agreement due to any cause beyond its reasonable control such as wars, riots, civil commotion, strikes, labor disputes, embargoes, natural disasters, and Acts of God, or any other cause or contingency similarly beyond its control.

20. Including. In this Agreement, whenever general words or terms are followed by the word "including" (or other forms of the word "include") and words of particular and specific meaning, the word "including" (or other forms of the word "include") shall be deemed to mean "including without limitation," and the general words shall be construed in their widest extent and shall not be limited to persons or things of the same general kind or class as those specifically mentioned in the words of particular and specific meanings.

21. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall comprise but a single document.

22. Resolution of Disputes. In the event of a dispute among the parties hereto, each is bound to participate in a process of mediation with a mediator to be selected by them (and if they are unable to select a mediator, each name one and those named select the mediator) with a view toward using their good faith efforts to resolve the dispute with the help of the mediator and the mediation process. Only when the mediator certifies in writing that each has used good faith efforts to resolve the dispute may any party institute legal proceedings to resolve a dispute under this Agreement.

Western Virginia Water Authority

Michael McEvoy Gary Robertson

By: Gary Robertson / Michael McEvoy

Its: Executive Directors

STATE OF VIRGINIA )

) to - wit:

CITY/COUNTY OF Roanoke )

The foregoing instrument was acknowledged before me this 29 day of January, 2015 2014, by Gayle Shrewsbury of the Western Virginia Water Authority.

Notary Public

My commission expires: 9/30/2018



TOWN OF ROCKY MOUNT, Virginia

Steven C. Angle

By: Steven C. Angle

Mayor

Town of Rocky Mount

Approved as to form:

John T. Boitnott

John T. Boitnott, Town Attorney

STATE OF VIRGINIA )

) to - wit:

CITY/COUNTY OF Franklin )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of March, ~~2014~~<sup>2015</sup>, by Steven C. Angle, Mayor of the Rocky Mount Town Council.

Stacey Bowles Sink

Notary Public

My Commission expires: April 30, 2019



FRANKLIN COUNTY, Virginia

Richard E Huff

By: Richard E. Huff II

Administrator, Franklin County

STATE OF VIRGINIA

)

)

to - wit:

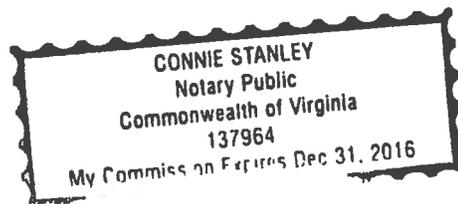
CITY/COUNTY OF Franklin

The foregoing instrument was acknowledged before me this 8 day of January, 2016 by Richard E. Huff II, Franklin County Administrator.

Connie Stanley

Notary Public

My commission expires: 12-31-2016





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

**MEMORANDUM**

**TO:** Franklin County Board of Supervisors

**FROM:** Richard E. Huff, II, County Administrator *REH*

**DATE:** June 10, 2015

**REF:** Part Time Courtroom Bailiff Assistance

Beginning July 1, 2015, Judge Allen will begin holding additional court sessions beyond what the Sheriff's Department is required to cover today. Only the first six months of the FY15-16 fiscal year have been set at this point with the following schedule:

16 weeks x 2 days per week x 2 deputies = 512 hours  
 + 8 weeks x 1 day per week x 2 deputies = 128 hours  
 640 hours

640 hours x \$15.76/hr. = \$10,086.40 + \$771.61 FICA = \$10,858.01 in part time pay needed.

Staff requests that the Board approve hiring the part time staff needed effective immediately in order to get them trained for a July 1, 2015 start with the funding requested to be appropriated to the Sheriff's budget from FY 14-15 carryover.

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