

(Please click on highlighted areas for attachments)



Franklin County

A Natural Setting for Opportunity

AGENDA

**FRANKLIN COUNTY BOARD OF SUPERVISORS
TUESDAY, AUGUST 18, 2015**

- 1:30 P.M. Call To Order, Chairman Cline Brubaker
- 1:31 Invocation, Supervisor Bobby Thompson
- 1:32 Pledge of Allegiance, Supervisor Bob Camicia
- 1:33 Public Comment
- Kirk Bowers / Mountain Valley Pipeline (**See Attachment #12**)
 - Carolyn Reilly / Hands Across Our Land
- 1:39 **CONSENT AGENDA (REQUIRES ACTION)**
- REF: 1. Approval of Accounts Payable Listing, Appropriations, and Minutes for July 21, 2015
2. Authorization to Advertise for VDOT Revenue Sharing Funding (**See Attachment #1**)
3. Animal Control Vehicle Replacement (**See Attachment #3**)
4. Tourism Micro Grant (**See Attachment #13**)
5. Authorization to Purchase Public Safety Rescue Squad Ambulance (**See Attachment #5**)
6. Authorization to Seek Bids for Courthouse and Jail Painting (**See Attachment #10**)
7. Request to Advertise for a Landfill Shovel Dozer (**See Attachment #9**)
8. Request for Letter of Opposition on the Inter-basin Transfer for Kerr Lake Regional Water System (**See Attachment #8**)
- 1:40 Vincent Copenhaver, Director of Finance
- REF: 1. Monthly Finance Report

- 1:55 James Ervin, Rocky Mount Town Manager
REF: 1. Veteran Park Update (**See Attachment #6**)
- 2:05 C. W. Thomas, E-911 Coordinator
REF: 1. Request to Apply for EMD Grant (**See Attachment #7**)
- 2:20 Neil Holthouser, Director of Planning & Community Development
REF: 1. White Paper/Short Term Rental Recommendation (**See Attachment #11**)
2. Briefing on local plan review for proposed Mountain Valley Pipeline (**See Attachment #14**)
- 2:50 W. Brent Robertson, County Administrator
REF: 1. Bid Award for A & E Services/Ferrum Pedestrian Bridge
2. Other Matters
- 3:00 Recess for Previously Advertised Public Hearing for the Smith Farm Lease:

PUBLIC NOTICE

PROPOSED LEASE OF REAL PROPERTY

NOTICE IS HEREBY GIVEN pursuant to the requirements of Section 15.2-1800 of the Code of Virginia that the Franklin County Board of Supervisors will hold a public hearing to consider a proposal for leasing that real property owned by Franklin County being the Smith Farm (Tax Map Number 0470006000) located at 733 Crafts Ford Road, Wirtz, Virginia and containing approximately 307.65 acres. The proposed use of the property is for farming. (**See Attachment #4**)

- 3:10 Other Matters by Supervisors
- 3:20 Request for Closed Meeting in Accordance with 2.2-3711, a-1, Personnel, a-3, Acquisition of Land, 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**)

Adjournment Thereafter

RISE & SHINE GUESTS FOR AUGUST ARE CHARLES & BRENT

FRANKLIN COUNTY
Board of Supervisors



Franklin County
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EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> Revenue Sharing Program for FY2016	<u>AGENDA DATE:</u> 8/18/15	<u>ITEM NUMBER:</u>
<u>SUBJECT/PROPOSAL/REQUEST:</u> Advertisement of Program to Solicit Public Interest in Participating	<u>ACTION:</u>	<u>INFORMATION:</u>
<u>STAFF CONTACT(S):</u> Lisa Cooper	<u>CONSENT AGENDA:</u> <u>ACTION:</u> Yes	<u>INFORMATION:</u>
	<u>ATTACHMENTS:</u> No	
	<u>REVIEWED BY:</u> 	

BACKGROUND:

The Board of Supervisors has an adopted policy in place on the use of VDOT Revenue Sharing Funds. The Board's policy/procedure has been to advertise and receive proposals before the application deadline of November 1, 2015 for FY 2016 funding. Therefore, it is once again time to solicit public interest in the program and set a deadline for submission of project applications by the public.

DISCUSSION:

The County will receive any interest of the public and VDOT will work with planning staff on the cost to be anticipated, and what public share will be needed. It is explained to the citizens that the program is contingent on Board approval and VDOT approval and availability of VDOT funds. Applicants must submit their request along with a check for \$2,500 payable to the County Treasurer and a guarantee to provide the right-of-way to the County. The funds are held in escrow until it is determined whether the project will go forward. If it goes forward, the \$2,500 is applied to the project, and the applicants pay one-half the construction cost and any other costs that arise. Their funds must be deposited with the County prior to advertisement of the project.

Projects are prioritized to consider the number of homes served, the number of homes served per road mile, the age of the development, the unit cost of the road, whether there is a need for school bus and/or mail service, whether the project will open land to development. Staff and VDOT will provide the Board with a summary of the projects proposed by the public for its consideration, before the application deadline.

RECOMMENDATION:

Staff respectfully requests the Board of Supervisors authorize staff to proceed with advertisements during the month of September regarding the VDOT revenue sharing program with applications to be submitted to the County Planning and Community Development Office by 4:00 p.m., Friday, October 2, 2015.

FRANKLIN COUNTY, VIRGINIA

PUBLIC NOTICE OF UPCOMING VDOT REVENUE SHARING FUNDING DEADLINE

Franklin County Planning has established an **October 2, 2015 @ 4:00 P.M.** deadline for submission of applications under the VDOT Revenue Sharing Program to improve private roads and bring them into the State Highway System. The County's policy on use of these funds was established by the Board of Supervisors under Section 33.1-23.05 of the Code of Virginia, as amended. Franklin County is one of approximately 45 counties that participate in the Program to provide public and private funds for additional improvements to the primary and secondary road systems. The Commonwealth Transportation Board's annual allocation of state funds in this program is limited by State Code, and a share of these funds will be allocated to Franklin County to potential projects, **subject to availability of State funding.**

Under the Board's policy, the projects for which applications may be made are prioritized using several factors which include: (1) Number of homes served; (2) Density of development; (3) Age of developments; (4) Unit cost of road; (5) School bus and mail service; (6) Existing development vs. future development potential; (7) Ranking of projects. In addition, applicants must file an application fee or bond in the amount of \$2,500 and are responsible for providing 50% of the construction costs in an escrow account acceptable to VDOT prior to the construction of an approved project.

All 2016 revenue sharing applications must be turned into Lisa Cooper by **October 2, 2015 @ 4:00 P.M.** at 1255 Franklin Street, Suite 103, Rocky Mount, Virginia 24151. For more information contact Lisa Cooper, Senior Planner, (540) 483-6642.

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

FRANKLIN NEWS POST
PLEASE RUN IN THE FOLLOWING FRIDAY EDITIONS!
September 4, 11, 18, & 25, 2015

SMITH MOUNTAIN LAKE EAGLE
PLEASE RUN IN THE FOLLOWING WEDNESDAY EDITIONS!
September 2, 9, 16, 23, & 30, 2015

**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)

LIBRARY BOARD	Jim Morrison	117 Clipper Drive Moneta, VA 24121	Gills Creek	4-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
-STEP, INC.	Joey Cornwell	Post Office Box 411 Ferrum, VA 24088		3-Year	6/30/2015

FRANKLIN COUNTY
Board of Supervisors



Franklin County

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EXECUTIVE SUMMARY

AGENDA TITLE: Animal Control Vehicle Replacement	AGENDA DATE: 08/18/2015	ITEM NUMBER:
SUBJECT/PROPOSAL/REQUEST Animal control vehicle/replacement/authorize purchase from local dealer.	ACTION: Yes	INFORMATION:
STRATEGIC PLAN FOCUS AREA: Goal # Action Strategy: Provide services to citizens	CONSENT AGENDA: Yes ACTION:	INFORMATION:
STAFF CONTACT(S): Messrs. Robertson, Hatcher	ATTACHMENTS:	
	REVIEWED BY: PR	

BACKGROUND:

A vehicles assigned to the Animal Control Division has high mileage and is in need of replacement due to normal wear and tear. The vehicle is a 2009 Chevrolet 4 wheel drive pickup that is used by animal control officers to respond to complaints on a daily basis. In previous years the county has followed fleet management guidelines to replace vehicles used for front line service after they have reached 125,000 miles.

DISCUSSION:

On average each officer travels approximately 2000 miles per month responding to complaints received from the public. There are 2 animal control officers that respond to approximately 1400 calls per year. The vehicles assigned to the officers are used on a daily basis and must be reliable to provide these services to the public. The vehicle being requested will be a similarly equipped pickup truck that has been proven to work well for animal control operations. The vehicle features will include 1/2 ton capacity, extended cab, 4 wheel drive and a towing package as they are necessary features in daily animal control operations. Four-wheel drive is needed to reduce any property damage claims when setting and removing traps and for operation in off road and sometimes remote areas. The extended cab is necessary as there is no protected or secure storage for the additional gear, firearms, and equipment needed for conducting daily animal control operations. The towing package is needed to tow public safety trailers.

Staff has researched available vehicles with the requested features and found the Ford F150 pickup is available on state contract for purchase at a cost of \$29,151.00. Staff contacted both Berglund Chevrolet and Duncan Ford to and obtained two additional quotes for vehicles equipped with the similar options as those found on state contract. Berglund's quoted price was more than that found on state contract and Duncan Ford in Rocky Mount provided a quote of \$27,252.00 which is \$1,899.00 less than the state contract price.

There are budgeted funds available in the 15 – 16 CIP budget to cover the purchase cost in line item 30230170-57005.

RECOMMENDATION:

Staff respectfully recommends that the Board of Supervisors approve the purchase of the replacement vehicle from Duncan Ford as outlined in this summary.

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FRANKLIN COUNTY
Board of Supervisors



Franklin County
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EXECUTIVE SUMMARY

AGENDA TITLE: Smith Farm Lease	AGENDA DATE: August 18, 2015	ITEM NUMBER:
SUBJECT/PROPOSAL/REQUEST Request the Board of Supervisors to consider a lease extension/renewal.	ACTION:	INFORMATION:
STRATEGIC PLAN FOCUS AREA:	CONSENT AGENDA: Yes	
Goal #	ACTION:	INFORMATION:
Action Strategy:	ATTACHMENTS: Yes	
STAFF CONTACT(S): Messrs. Robertson, Thurman	REVIEWED BY: <i>RR</i>	

BACKGROUND:

Some five years ago, the County of Franklin acquired the 307+/- acre "Smith" Farm. This acreage is identified as tax/map/parcel 0470006000 and is situated in the Union Hall Magisterial District of Franklin County. The property was originally bequeathed to Virginia Western Community College at the request of Mr. James T. Smith upon his death.

Shortly after Mr. Smith's death in 1979, Dale and his son Monty Brown began farming the acreage and through an ongoing agreement with Virginia Western Community College, continued to do so over the years.

In January of 2011 (and after acquiring the property), the Franklin County Board of Supervisors held the necessary public hearing and approved leasing the farm to Monty Dale Brown.

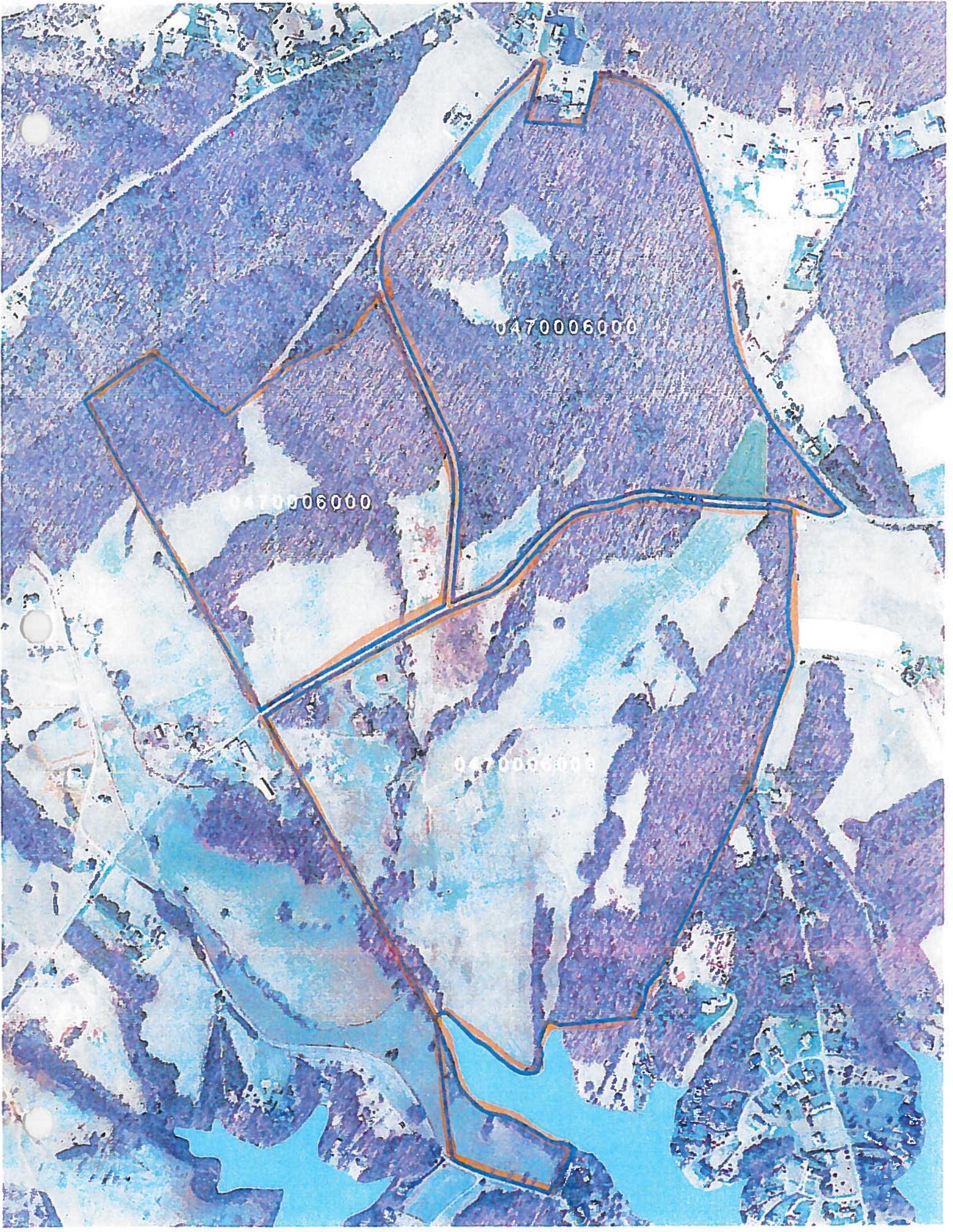
Recently the current lease between Franklin County and Monty Dale Brown expired. Mr. Brown has expressed a sincere interest in requesting that the Board of Supervisors consider continuing a lease agreement with him for farming purposes.

DISCUSSION:

It has been determined that a public hearing will be necessary as a first step in renewing this lease. At the July 21, 2015 Board meeting, the Board of Supervisors authorized staff to hold a public hearing in August.

RECOMMENDATIONS:

Staff respectfully requests that the Board of Supervisors approve a lease renewal to Mr. Monty Dale Brown with regard to the "Smith Farm". Mr. Brown has been a good tenant the past 4+ years with no complaints received. The agreement will be in accordance with the provisions set forth in the attached lease draft.



0470006000

0470006000

0470006000

THIS LEASE AGREEMENT made this the _____ day of _____, 20__ by and between the COUNTY OF FRANKLIN, a political subdivision in the Commonwealth of Virginia, hereinafter referred to as Lessor and MONTY DALE BROWN, 1280 Lovely Valley Road, Wirtz, Virginia 24184, hereinafter referred to as Lessee.

: W I T N E S S E T H :

THAT FOR AND IN CONSIDERATION of the mutual covenants and promises herein contained, which the parties deem adequate consideration for this lease, the Lessor and Lessee herein agree as follows:

1. The Lessor rents and leases to the Lessee and the Lessee hires and leases from the Lessor that parcel of property identified by Franklin County Tax Map number 47-60, containing 307+/- acres and referred to as the former James Turner Smith farm.

2. Rental for this agreement is \$100.00 annually. Lessee hereby agrees to make said rental payment to the County of Franklin on or before February 1 of each calendar year. In addition, Lessee agrees to sponsor an annual scholarship of at least \$1,000.00 annually which scholarship will provide funding for one Franklin County student to attend school at Virginia Western Community College.

3. It is understood that the intended (primary) use of the property by Lessee will be that of grazing cattle and associated crop land.

4. Property shall be maintained by good farming practices and in strict accordance with applicable provisions as set forth by the Virginia Department of Agriculture and other such regulatory authorities (USDA, etc.) Lessor reserves the right to require the Lessee to provide periodic soil sampling of pasture and cropland

5. Application of bio-solids to the property is prohibited. Application of manure to fields must first be approved by the Franklin County Director of Facilities.

6. The initial term of this lease shall run from January 1, 2015 through December 31, 2016. This lease shall automatically renew for an additional two (2) year term running from January 1, 2017 through December 31, 2018 unless terminated. Should either party wish to terminate this lease prior to the end of any lease period, they shall provide written notification to the other party six (6) months prior to the termination date.

7. Lessor reserves the right to enter upon the property at all times and to make such use of the property as to NOT interfere with Lessee's operation thereon.

8. Lessee agrees to indemnify and hold harmless the Lessor, its agents and employees, from any and all liability, damages, costs or expenses which may arise out of the use by Lessee of said property or failure to comply with this agreement.

9. Lessee shall, at the expiration or sooner termination of this agreement, return the said property in the same condition as existed at the commencement of this lease.

10. Lessee does not and shall not have the right to assign or sublet premises or any part thereof without prior written consent of Lessor. Any such consent by Lessor will not release the Lessee from liability.

11. Lessee shall be required to provide proof of farmers liability insurance with the County (Lessor) named as an insured.

12. Lessor reserves the right to place stream credits (requirement of Federal law in some circumstances) on the land.

WITNESS the following signatures and seals.

COUNTY OF FRANKLIN

BY: _____ (SEAL)

BY: _____ (SEAL)
MONTY DALE BROWN, LESSEE

COMMONWEALTH OF VIRGINIA
COUNTY OF FRANKLIN, to-wit:

The foregoing Lease Agreement was acknowledged before me on this the _____
day of _____ 20__ by _____.
My commission expires: _____
Notary I. D. # _____

Notary Public

COMMONWEALTH OF VIRGINIA
COUNTY OF FRANKLIN, to-wit:

The foregoing Lease Agreement was acknowledged before me on this the _____
day of _____ 20__ by Monty Dale Brown, Lessee.
My commission expires: _____
Notary I. D. # _____

Notary Public

PUBLIC NOTICE PROPOSED LEASE OF REAL PROPERTY

NOTICE IS HEREBY GIVEN pursuant to the requirements of Section 15.2-1800 of the Code of Virginia that the Franklin County Board of Supervisors will hold a public hearing to consider a proposal for leasing that real property owned by Franklin County being the Smith Farm (Tax Map Number 0470006000) located at 733 Crafts Ford Road, Wirtz, Virginia and containing approximately 307.65 acres. The proposed use of the property is for farming.

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

Said public hearing will be held at approximately 3:00 P.M., Tuesday, August 18, 2015, in Franklin County Government Center, 1255 Franklin Street, Suite 104, Rocky Mount, Virginia.

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


SHARON K. TUDOR, MMC
CLERK

PLEASE PUBLISH IN YOUR Monday, August 3 & 10, 2015 EDITIONS.

Lease of land.bos

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FRANKLIN COUNTY
Board of Supervisors



EXECUTIVE SUMMARY

<p>AGENDA TITLE: Ambulance replacement Franklin County Rescue Squad</p> <p>SUBJECT/PROPOSAL/REQUEST Ambulance Purchase/accept grant funds/authorize purchase from existing contract</p> <p>STRATEGIC PLAN FOCUS AREA: <u>Goal # 4.3</u> <u>Action Strategy:</u> Provide emergency medical services using best practices.</p> <p>STAFF CONTACT(S): ssrs. Robertson, Hatcher</p>	<p>AGENDA DATE: 08/18/2015 ITEM NUMBER:</p> <p>ACTION: Yes INFORMATION:</p> <p>CONSENT AGENDA: Yes ACTION: INFORMATION:</p> <p>ATTACHMENTS:</p> <p>REVIEWED BY: PR</p>
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BACKGROUND: In FY2015 - 2016, an ambulance for Franklin County Rescue Squad is scheduled for replacement due to high mileage and a significant repair history. The vehicle to be replaced has offered unreliable service for years and is currently using its third engine in 140,000 miles. The vehicle was purchased in 2008 and is used to respond to calls on a daily basis when it has not been out of service for repairs. Upon delivery of a new ambulance, staff recommends this vehicle be removed from service and sent to surplus. In December 2014, public safety staff applied for a Rescue Squad Assistance Fund (RSAF) grant to assist with the purchase of a replacement ambulance and the Virginia Office of EMS approved the grant request in July 2015. Effective July 2015, state ambulance equipment requirements were amended to include changes passed down by the U.S. Department of Transportation. Due to the required changes, the county must include a patient restrain system for any ambulance purchased after July 1, 2015.

DISCUSSION: The Franklin County Rescue Squad is the busiest EMS station in Franklin County. The station is dispatched to an average of 1500 calls annually. Due to the high number of EMS calls received, ambulances assigned to the station incur significant mileage and normal wear and tear through daily use. The vehicle to be replaced averages approximately 2500 miles per month as a result of the call volume. The ambulance to be replaced is typically used by career staff and is used daily for EMS responses to medical emergencies. Vehicle maintenance costs for this single vehicle have exceeded \$75,000 in 7 years which primarily have been incurred for engine repairs or replacements. There are 2 ambulances assigned to the Franklin County Rescue Squad due to the heavy call volume and overlap of career and volunteer shifts. Frequently both ambulances are in use for simultaneous responses especially on weekends when the Franklin County squad must respond to assist other agencies due to volunteer staffing shortages. As such, when either of the ambulances assigned to the station are out of service, a reserve ambulance is used from other EMS stations such as Callaway, Red Valley, York Mountain and Ferrum. Due to the high number of responses and typical wear and tear associated with daily use, staff is requesting a new ambulance be purchased for use at this station.

In December 2015, staff applied for a RSAF grant to assist with the purchase an ambulance for Franklin County Rescue Squad and in July 2015 the Virginia Office of EMS awarded \$88,030.00 to apply toward the purchase of a new vehicle. The grant awarded requires a 50% local funding match. The maximum amount awarded in the grant must be used toward the Franklin County Rescue Squad ambulance purchase. The vehicle being purchased must be a Dodge 4500 Type I modular ambulance in accordance with the grant requirements.

Effective July 1, 2015, the U.S. Department of Transportation (USDOT) implemented new specifications for ground transport ambulances that Virginia has adopted. The most notable changes addresses ambulance cot retention systems and provider safety. The county specifications that were adopted in 2007 are currently compliant with the majority of the new USDOT guidelines with the exception of how the cots are secured in the vehicle to keep the patient and stretcher in place in the event of an accident. Guidelines now require that an approved patient cot retention system be incorporated into any new ambulances purchased after July 1, 2015. These systems must have passed crash safety testing and prevent the stretcher from coming loose in an accident. Currently there are two approved systems available and they are vendor specific. The patient cot in the ambulance to be replaced is manufactured by Stryker Systems and is capable of being up fit for use with the Stryker PowerLoad system. The cost to add the Stryker system to the new ambulance is \$26,098.00 and will be done at the factory when the truck is constructed if approved.

The purchase of this vehicles will be made under the terms and agreements of a procurement contract for Montgomery County Virginia. Montgomery County has an open contract for ambulance purchases that is effective until 12/2017 with Vest Sales and Service. Vest Sales and Service in Floyd County is an emergency vehicle distributor and repair center for Osage ambulances. An Osage ambulance built to meet the current Franklin County specifications is available for purchase for \$176,060.00 using the Montgomery County contract. Factoring in the RSAF grant amount of \$88,030.00 reduces the cost to \$88,030.00 for the ambulance. With the addition of the Stryker PowerLoad System cost of \$26,098.00, the final cost of the ambulance will be \$114,128.00. There are adequate CIP funds available in the 2015 – 2016 budget in line items 3000-023-0147-7001 and 3000-023-0147 -7005 to facilitate the purchase the vehicle.

RECOMMENDATION:

Staff respectfully recommends that the Board of Supervisors accept the Rescue Squad Assistance Fund grant and approves the purchase of an ambulance as outlined in this request.

TOWN OF ROCKY MOUNT
C. James Ervin
Town Manager
Town of Rocky Mount
345 Donald Ave, Rocky Mount VA 24151
jervin@rockymountva.org 540.483.7660

August 6, 2015

MEMORANDUM

TO: Sharon K. Tudor MMC
Clerk

FROM: C. James Ervin, Town Manager
Town of Rocky Mount

REF: VETERAN'S PARK

The Veteran's Memorial Park is a fantastic asset for the Town and the County. Unfortunately the park suffered a massive erosion event three years ago that caused several hundred cubic feet of the bank of the intersection of Furnace Creek and the Pig River to erode.

This erosion places the Furnace Creek bank dangerously close to the improved area of the park and sets up a scenario where the next erosion event may damage the memorial. It needs to be repaired.

Unfortunately the repair is complicated by the rules under which the Town has to operate as it relates to stormwater management and construction in an active stream. This is further complicated in that I as Town Manager have advocated for a solution that would be permanent and secure the investment of the Town and County for the long term.

These impacts and limitations result in a proposed solution that is part extension of the existing box culvert from Furnace Creek and part bank stabilization with large rock. With engineering and permitting this is nearly a million dollar project.

The Town has authorized a debt issue that will address this in our current budget and requests that Franklin County contribute to this and partner with the Town to help offset this considerable expense in our joint asset. The entire area around the park has been the site of considerable Town investment from the bridge replacement to the removal of the obsolete dam and the construction of the pedestrian foot path. Town Council and the Citizens of Franklin County and the Town of Rocky Mount would be grateful for any level of cost sharing from Franklin County.



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p>AGENDA TITLE: EMD Grant Request SUBJECT/PROPOSAL/REQUEST Grant request to implement a EMD program for Franklin County.</p> <p>STRATEGIC PLAN FOCUS AREA: Goal # Action Strategy:</p> <p>STAFF CONTACT(S): Messrs. Robertson, Overton, Hatcher, Thomas</p>	<p>AGENDA DATE: 8/18/2015 NUMBER: ACTION: YES</p> <p>CONSENT AGENDA: X</p> <p>ATTACHMENTS: YES</p> <p>REVIEWED BY: <i>BR</i></p> <p>ITEM INFORMATION:</p>
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BACKGROUND: Emergency Medical Dispatch (EMD) is a process in which communications officers assist the public with medical emergencies by relaying first aid and lifesaving instructions to the caller prior to the arrival of an ambulance. The EMD program also prioritizes calls based on the information received by the communications officer when taking the call for help. EMD programs have been proven to save lives across the United States and numerous 9-1-1 centers in Virginia already use the program. Grant funds are available to localities through the Rescue Squad Assistance Fund (RSAF) grant program administered through the Virginia Office of EMS. The Office of the Sheriff, 9-1-1 center is seeking a RSAF grant to implement an Emergency Medical Dispatch (EMD) program for Franklin County. All EMD programs must have a physician agree to provide medical oversight of the program and approve the medical procedures that communications officers will relay to callers. Dr. Charles Lane, the Operational Medical Director for Franklin County has agreed to provide medical oversight for this project and the program is endorsed by the Department of Public Safety as it will greatly enhance emergency medical care in the community.

DISCUSSION: Even though Emergency Medical Dispatch is found throughout the nation only a handful of programs are available for localities to use. The surrounding counties of Roanoke, Bedford, Pittsylvania, Henry and Patrick currently provide EMD services in their 9-1-1 centers. The Office of the Sheriff and 9-1-1 center supervisors have reviewed several EMD programs in use and have reviewed the program with Dr. Lane. The program to be used is offered by the Association of Public-Safety Communications Officials (APCO) and has been used extensively by surrounding 9-1-1 centers with success. An EMD program uses scripted questions that the communications officer asks the caller to determine the severity of the medical emergency. The questions follow a flow chart design that base each question on the previous answer. Using this method, communications officers are able to determine the severity of the patient's condition, the priority of the call, and provide a list of first-aid techniques as well as CPR instructions, if necessary, to assist the patient until medical assistance can arrive. This program will benefit the citizens of Franklin County by providing pre-arrival instructions to callers as there are often extended response times in the county simply due to the distances ambulances must travel to reach a victim.

The program will have an initial cost of approximately \$40,000 to purchase the APCO software and educational materials to train 9-1-1 center personnel. It is anticipated the Rescue Squad Assistance Fund grand will cover all of the anticipated software and

Communications Officer training costs in order to implement the program. The grant application deadline is August 31, 2015 with notification of awarded funds being January 1, 2016.

The Office of the Sheriff plans to begin this program using current staffing levels in the 9-1-1 center of 3 communications officers per shift. Research of other 9-1-1 centers in Virginia indicates that additional staffing may be needed in the future to meet demands as this program develops and call volumes continue to increase. An increase in the amount of time a communications officer spends with a caller is anticipated due to the length of time in which a communications officer must stay on the phone with certain callers dealing with medical emergencies. For example, a communications officer may need to give CPR instructions to a caller reporting a patient in cardiac arrest or during an emergency childbirth situation. These calls will be infrequent but will have an impact on the other emergency calls being received in the center during these events and can potentially cause delays. Even though EMD calls will have an impact on the center the Sheriff considers these benefits worthwhile as it will enable the center to assist the public by prioritizing responses and providing an enhanced level of services to the community. Staffing levels will be studied after implementation of the program in order to determine if additional positions are warranted in the future to meet demonstrated call demands. Only after implementation can these metrics be accurately determined to address potential staffing needs.

Implementation of the program will begin soon after the approval of grant funding is received and installation of the program into the communications center consoles can be accomplished. Dr. Lane will review the medical instructions provided in the program and may edit the procedures based on current patient care guidelines prior to training communications officers in their implementation. After the system is installed in the center and all communications officers are training in its operation, all EMS calls will follow EMD protocols when answered in the center. Any medical care procedure brings a risk of civil liability but these will be reduced by following a tested and proven EMD program, such as the one offered by APCO. The Office of the Sheriff anticipates EMD will provide a level of enhanced professionalism as well as offer the ability to prioritize responses which is a service that all citizens of Franklin County deserve.

RECOMMENDATION: The Office of the Sheriff and Operational Medical Director respectfully requests the Board of Supervisors approve the Rescue Squad Assistance Fund grant application and approve implementation of an Emergency Medical Dispatch system for Franklin County.

FRANKLIN COUNTY
Board of Supervisors



Franklin County
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EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Roanoke River Basin/Kerr Lake Water Withdrawal Resolution</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Resolution to Oppose Water Withdrawal From Kerr Lake</p> <p><u>STAFF CONTACT(S):</u> Messrs. Robertson, Whitlow, Smith</p>	<p><u>AGENDA DATE</u> August 18, 2015</p> <p><u>ITEM NUMBER:</u></p> <p><u>ACTION:</u></p> <p><u>CONSENT AGENDA:</u> Yes</p> <p><u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> Yes. 1. Resolution</p> <p><u>REVIEWED BY:</u> <i>BR</i></p>
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BACKGROUND:

Smith Mountain Lake is one of the greatest assets of Franklin County. The lake is also one of the integral parts of the Roanoke River Basin which extends through Kerr Lake and through North Carolina. Currently the North Carolina Department of Environment and Natural Resources (NCDENR) is studying a request for an interbasin transfer (IBT) from the Kerr Lake Regional Water System (KLRWS). The request is to increase their grandfathered withdrawal capacity of 10 million gallons per day (mgd) to an amount over 14 mgd from Kerr Lake. 75% of Kerr Lake is located in the Commonwealth of Virginia. To date there have been no environmental or economical studies on the upstream communities on the Roanoke River Basin including Smith Mountain Lake to address what impact this additional withdrawal may have. The NCDENR has its final meeting on this IBT on September 10, 2015.

DISCUSSION

Franklin County is a member of the Roanoke River Basin Association. The Virginia Roanoke River Basin Advisory Committee and the Virginia DEQ are opposed to this IBT without the proper studies to address the potential upstream restrictions caused by this action. Henry County has already submitted a resolution in opposition to the IBT. A similar resolution from Franklin County would provide support to the Roanoke River Basin Association current efforts to protect the region's watershed resources, such as our lakes and rivers.

RECOMMENDATION:

Staff respectfully requests the Board of Supervisors to adopt a resolution in opposition to the above described interbasin transfer on the Kerr Lake Regional Water System. This resolution would be presented along with other localities' resolutions to the NCDENR on September 10 to show our dedication to preserving the Roanoke River Basin and Smith Mountain Lake.

FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity
EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Request to obtain bids for Landfill Shovel Dozer.</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u></p> <p><u>STRATEGIC PLAN FOCUS AREA:</u> County Government Services</p> <p><u>STAFF CONTACT(S):</u> Messrs. Robertson, Whitlow, Smith,& Sink</p>	<p><u>AGENDA DATE</u> <u>ITEM NUMBER:</u> August 18, 2015</p> <p><u>ACTION:</u></p> <p><u>CONSENT AGENDA:</u> YES</p> <p><u>ATTACHMENTS:</u> No</p> <p><u>REVIEWED BY:</u> <i>PR</i></p> <p><u>INFORMATION:</u></p>
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BACKGROUND: Franklin County operates a solid waste collection service and landfill for the residents and businesses of Franklin County. In 2012 the County constructed the first of six new landfill cells that will handle the solid waste requirements of Franklin County for decades. The efficient use of the airspace within these cells is the underlying principle for a successful landfill operation. This airspace is one of the most lucrative financial assets that Franklin County owns. The efficient use of this airspace is obtained through proper placement and compaction of the solid waste as it is dumped at the landfill. The compactor wheels chop up and compact the waste when it is distributed in uniform level lifts. The compactor is not designed to quickly or evenly place or distribute the waste. A bulldozer or "shovel dozer" accomplishes this task much quicker and with more uniform results keeping the trash trucks moving and dumping on clean, safe, level pads. Unfortunately due to the large number of dead animals and other various items, the smaller bulldozer is not an option for daily work in the trash. All animal carcasses brought to the landfill must have a hole dug for their burial. The large number of tires we receive illegally at the landfill also precludes the use of a bulldozer as they must be "picked" out of the trash working face to be disposed of properly. The "clamshell bucket" on a shovel dozer accomplishes this task well. Having a piece of equipment to properly place the waste at all times is essential.

DISCUSSION: Currently the County owns three shovel dozers of which only two are operational. Our primary machine is a 2012 Caterpillar 963D with 7394 hours. Our backup machine is a 2006 Caterpillar 963C with 17,700 hours. Our third machine which staff utilizes to load gravel and keep the brush pile cleaned up is a 1999 Caterpillar 963B with 22,233 hours. The older 963B dozer has finally stopped running and it is not economical to spend money to replace its many worn out parts. Staff is currently using parts off of the 963B to keep the 963C running. In the private sector the life expectancy of these machines is 12,000 to 14,000 hours. Staff would like to move the 963C to the gravel and brush pile where it should last for many years in that capacity. With a new primary machine staff would bump the 963D to the backup machine for use during peak periods and for use when the primary machine is down for service or repairs. With the "landfill package" on the undercarriage, staff estimates a new shovel dozer to cost between \$325,000 and \$375,000. Such funds for the shovel dozer have been budgeted and would come from Landfill Capital Equipment Account 3036-0004-57001.

RECOMMENDATION: Staff respectfully requests the Board of Supervisors to authorize advertising for bids for a new shovel dozer as outlined above.

FRANKLIN COUNTY
Board of Supervisors



Franklin County
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EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> Painting Exterior of Franklin County Courthouse/Jail	<u>AGENDA DATE:</u> August 18, 2015	<u>ITEM NUMBER:</u>
<u>SUBJECT/PROPOSAL/REQUEST</u> To Seek Bids For Exterior Painting <u>STRATEGIC PLAN FOCUS AREA:</u>	<u>ACTION:</u>	<u>INFORMATION:</u>
<u>Goal #</u> <u>Action Strategy:</u>	<u>CONSENT AGENDA:</u> Yes	<u>INFORMATION:</u>
<u>STAFF CONTACT(S):</u> Messrs. Robertson, Thurman	<u>ACTION:</u>	<u>INFORMATION:</u>
	<u>ATTACHMENTS:</u> No	
	<u>REVIEWED BY:</u> 	

BACKGROUND:

The Franklin County Courthouse is constructed of masonry veneer which is painted. The Franklin County Jail is concrete covered with EFIS (Exterior insulation finishing system) on the exterior. While these finishes are reasonably durable, they do require periodic painting to assure an adequate appearance.

DISCUSSION:

Both buildings were last painted in 2008 and are becoming in much need of cleaning/painting. While attempts are made to paint interiors of County Buildings with staff and trustee labor, it is necessary to contract with qualified painting companies for the exterior of these buildings.

RECOMMENDATIONS:

It is estimated that painting of both structures will be such that staff will need to advertise and receive bids from qualified painting contractors for this work.

Staff respectfully requests Board approval to seek such bids. Upon receipt of bids and assuring those bids are within available budget it is further requested that staff be allowed to enter into contractual agreement with the lowest, qualified bidder for this work.

FRANKLIN COUNTY
Board of Supervisors



Franklin County
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EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> "White Paper" on Short Term Tourist Rental of a Dwelling</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Short Term Tourist Rental of a Dwelling</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><u>Action Strategy:</u></p> <p><u>STAFF CONTACT(S):</u> B. Robertson, C. Whitlow, N. Holthouser</p>	<p><u>AGENDA DATE:</u> August 18, 2015</p> <p><u>ITEM NUMBER:</u></p> <p><u>ACTION:</u> Yes <u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u></p> <p><u>ACTION:</u> <u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> Yes "White Paper" memorandum by Planning Commission Members</p> <p><u>REVIEWED BY:</u> <i>PR</i></p>
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BACKGROUND:

The Board of Supervisors requested the Planning Commission on Tuesday, February 17, 2015, to discuss the Short Term Tourist Rental of a Dwelling regulations specifically, whether such use should be allowed to a greater or lesser degree, and whether additional regulations are needed in the Zoning Ordinance.

DISCUSSION:

The Planning Commission has been discussing the Short Term Tourist Rental of a Dwelling since their March, 2015 work session. They have been unable to reach a consensus on this subject. The Planning Commission has written a "White Paper" memorandum with their thoughts and recommendations for the Board of Supervisors review and consideration.

RECOMMENDATION:

Staff respectfully request the Board of Supervisors direction regarding the "White Paper" memorandum.

MEMORANDUM

To: Franklin County Board of Supervisors
From: Franklin County Planning Commission
Date: August 11, 2015
RE: Short-term tourist rental of a dwelling

In recent months, at the Board's request, the Planning Commission has held a series of discussions about the use of "short-term tourist rental of a dwelling," specifically, whether such use should be allowed to a greater or lesser degree, and whether additional regulations are needed in the Zoning Ordinance to clarify the County's expectations regarding short-term rentals. The Planning Commission considered several policy options, but did not reach consensus on any single policy approach for recommendation to the Board. This memorandum is meant to outline the policy options considered by the Planning Commission, so that the Board might clarify its direction and intent.

BACKGROUND

Short-term rentals have been the subject of policy debate in Franklin County for many years. At one time, the use of "detached tourist dwelling" was allowed as a permitted or "by-right" use in the A-1, Agricultural zoning category. Other zoning categories allowed for the use of "dwelling," without specifically addressing whether such dwelling could be used for short-term rental. In 1995, the Board of Supervisors amended the Zoning Ordinance to delete the use of "detached tourist dwelling," add a new definition for "short-term tourist rental of dwelling," and to require a Special Use Permit for such use in the A-1 zoning category. In 1998, the Board further amended the Zoning Ordinance to clarify that the use of "short-term tourist rental of dwelling" is a separate use from "dwelling," generally, and to clarify that short-term rentals are not allowed in the RE, R-1, R-2, RC-1 and RMF zoning categories.

The Zoning Ordinance currently defines short-term rental as rental of a residential dwelling for a period of 30 days or less. This use is currently allowed as a permitted or "by-right" use in the RPD, Residential Planned Unit Development, and PCD, Planned Commercial Development, zoning categories; and by Special Use Permit in the A-1, Agricultural, zoning category. The use is not allowed in any other zoning category.

In the Spring of 2015, the Planning Commission considered three petitions for zoning action involving the use of "short-term tourist rental of a dwelling." The zoning petitions included:

- a request for Rezoning, to amend previously-approved proffers which specifically prohibited short-term rentals for a residential subdivision known as The Coves, zoned RPD, Residential Planned Unit Development. The RPD zoning category allows for the use of short-term rentals as a permitted or "by right" use. In the case of The Coves, the use was originally prohibited by voluntary proffer; the petitioner sought to amend the proffers to allow the use of short-term rental. This petition was ultimately withdrawn by the petitioner, due in part to strong objections raised by a property owner within the development.

- a request for Special Use Permit to allow short-term rental for a one-acre residential property located in the Shore Side subdivision, in the Gills Creek district, at Smith Mountain Lake, zoned A-1, Agricultural. The Planning Commission recommended denial, and the Board ultimately denied the request for Special Use Permit.
- a request for Special Use Permit to allow short-term rental for an 8-acre parcel in the Union Hall district at Smith Mountain Lake, zoned A-1, Agricultural. This parcel was not part of a residential subdivision. The Planning Commission recommended denial, and the Board ultimately denied the request for Special Use Permit.

A number of neighbors and property owners attended the public hearings for the above-mentioned zoning cases and expressed opposition to the use of short-term rental. Based on the intensity of opposition, the Board requested that the Planning Commission study the issue further and return with a policy recommendation.

ANALYSIS:

The Planning Commission considered the following policy options regarding short-term rentals:

1. **Maintain the status quo.**

This option assumes that the current regulatory configuration is correct and functioning properly. Short-term rentals are currently allowed as a permitted use in RPD and PCD. These are "planned-unit developments" which require a detailed concept plan, and most often include voluntary proffers. It is assumed that the Planning Commission and Board are able to adequately judge the impact of any proposed short-term rentals within context of the larger development plan, and negotiate any necessary conditions through the process of voluntary proffers. It is further assumed that, in the case of newly-created planned-unit developments, all property owners will come to the project with the understanding that short-term rentals are allowed within their developments.

Short-term rentals are currently allowed by Special Use Permit in the A-1, Agricultural, zoning category. This category is the most geographically pervasive zoning category, particularly in rural areas. It is also found at Smith Mountain Lake in the form of large undeveloped tracts, individual residential parcels, and residential subdivisions with >35,000-square-foot lots. The Special Use Permit requirement assumes that the potential impact of short-term rental in A-1 can be judged on a case-by-case basis, with the opportunity for neighbors to voice their opinions and concerns through the public hearing process. It is further assumed that the Board can impose any necessary conditions restricting or regulating the use of short-term rental through issuance of a Special Use Permit.

A minority of Planning Commission members believe that the status quo regulatory framework is sufficient to address the issue of short-term rentals. However, there was no majority consensus for the status quo option.

2. **(a) Expand the use of short-term rentals as a permitted use.**

This policy option would expand the use of short-term rental by allowing it as a permitted use, or by Special Use Permit, in other zoning categories. Options considered included:

- allowing short-term rental as a permitted use in A-1, as opposed to requiring a Special Use Permit.
- allowing short-term rental in other residential zoning categories, including R-1, R-2, RC-1, RE and RMF, by Special Use Permit.
- allowing short-term rental as a permitted use in commercial zoning districts, including B-1 and B-2.

The Planning Commission unanimously agreed that none of the options for expanding the use of short-term rental should be pursued. The Planning Commission unanimously agreed that the use of short-term rental should not be allowed in the R-1, R-2, RC-1, RE or RMF zoning categories.

(b) Contract the use of short-term rentals by eliminating it from A-1.

This policy option would remove the use of short-term rental from the list of Special Use Permit uses in the A-1 zoning category. This option would leave short-term rentals as an allowed use only within planned-unit developments.

A minority of Planning Commission members supported this option of eliminating the use of short-term rentals from A-1. However, a majority of Planning Commission members felt that the use of short-term rentals could be compatible in certain settings zoned A-1, and were therefore not willing to recommend its removal altogether.

3. **Codify the expectations for short-term rentals, through supplemental zoning regulations.**

This policy option would involve an amendment to the zoning ordinance to incorporate new supplemental regulations related to short-term rentals. Sec. 25-138 already contains some supplemental regulations, which focus primarily on the behavior of short-term rentals. For example, Sec. 25-138 limits the number of occupants; regulates parking; regulates boat storage; requires certain fire safety measures; and requires the property owner to give written consent to the County for inspection purposes.

The Planning Commission considered whether Sec. 25-138 should be expanded to include locational criteria, including:

- a minimum acreage standard for short-term rentals. Properties that do not meet the minimum area requirement would not be allowed the use of short-term rental, and would not have standing to apply for a Special Use Permit.
- a minimum separation requirement from the short-term rental dwelling unit to property lines, or to neighboring residences. Properties that do not meet the minimum separation requirement would not be allowed the use of short-term rental, and would not have standing to apply for a Special Use Permit.
- a provision which would prohibit the use of short-term rentals in residential subdivisions with an established homeowners association and/or restrictive covenants, unless such homeowners association or covenants specifically allowed for the use of short-term rental.

- a minimum shoreline requirement for properties at Smith Mountain Lake, to ensure adequate separation from neighboring docks and boathouses. Properties that do not meet the minimum shoreline requirement would not be allowed the use of short-term rental, and would not have standing to apply for a Special Use Permit.
- a minimum buffer requirement, which would require the planting of new vegetation or the preservation of existing vegetation, for a specified width/depth, between the short-term rental unit and neighboring properties.

The Planning Commission rejected this policy approach for several reasons. Having rejected the notion of expanding the use of short-term rental as outlined in options 2 (a) and 2 (b) above, a majority of Planning Commission members believed that the use of short-term rental should remain as a Special Use Permit option in the A-1 zoning category. By codifying any locational criteria, the Planning Commission agreed that it would be more difficult to deny a Special Use Permit for any property that met such codified criteria, even if other extenuating circumstances arose to justify denial. Some Planning Commission members felt that a codified set of locational criteria could be too confining, eliminating the option for Special Use Permit in some settings where short-term rental might not be objectionable.

4. **Incorporate policy guidance into the Comprehensive Plan.**

This policy option would follow similar logic to option #3 above, except that the locational criteria would be included as "guidance" through the Comprehensive Plan rather than as a regulatory requirement contained in the zoning ordinance. Such locational guidance might include:

- a recommended minimum acreage for short-term rentals.
- a recommended minimum separation from the short-term rental dwelling unit to property lines, or to neighboring residences.
- a recommendation that the use of short-term rentals be discouraged in residential subdivisions with an established homeowners association and/or restrictive covenants, unless such homeowners association or covenants specifically allowed for the use of short-term rental.
- a recommended minimum shoreline length for properties at Smith Mountain Lake, to ensure adequate separation from neighboring docks and boathouses.
- a recommendation encouraging a vegetative buffer between the short-term rental unit and neighboring properties.

The Planning Commission is currently drafting an update to the County's Comprehensive Plan, with a revised Future Land Use Map that distinguishes between rural, suburban, and urban place-types. The Planning Commission considered the inclusion of policy language in the Plan which would discourage the use of short-term rentals in any area shown on the Future Land Use Map as appropriate for "suburban" uses, where the anticipated development pattern consists primarily of residential neighborhoods.

A minority of Planning Commission members supported this policy option. However, a separate minority of Planning Commission members felt that the policy guidance would not go far enough to protect neighboring properties, while others on the Planning Commission felt that such policy guidance was not necessary in order to evaluate the appropriateness of short-term rentals on a case-by-case basis.

CONCLUSION:

After careful consideration of multiple policy options, the Planning Commission did not reach consensus on any one policy approach for recommendation to the Board of Supervisors (other than the fact that the Planning Commission agreed that the use of short-term rentals should NOT be expanded.)

The Planning Commission agreed that it would be beneficial for the Board to review all of the Planning Commissions policy considerations. The Planning Commission respectfully requests that the Board consider the options contained herein (or any other options the Board deems appropriate), and clarify its direction and intent.

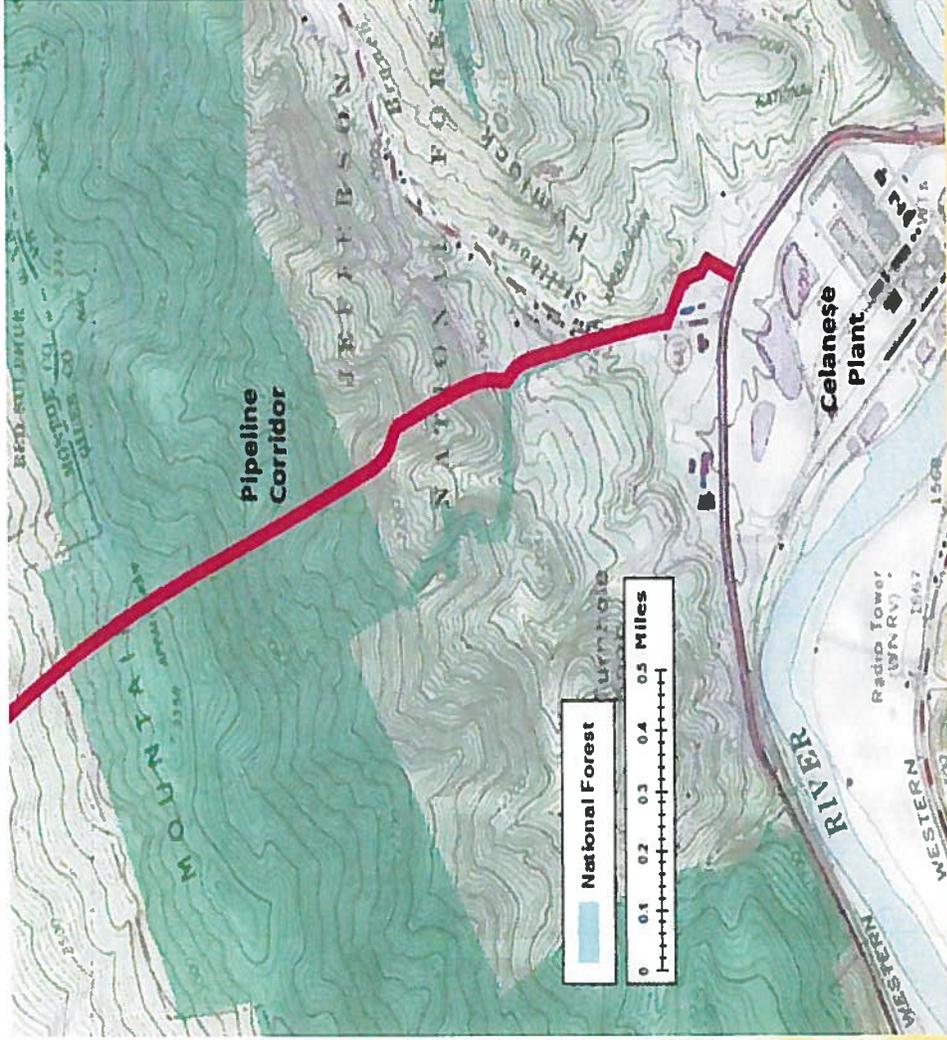
FRANKLIN COUNTY

**Mountain Valley Pipeline
Erosion and Sediment
Control Resolution**

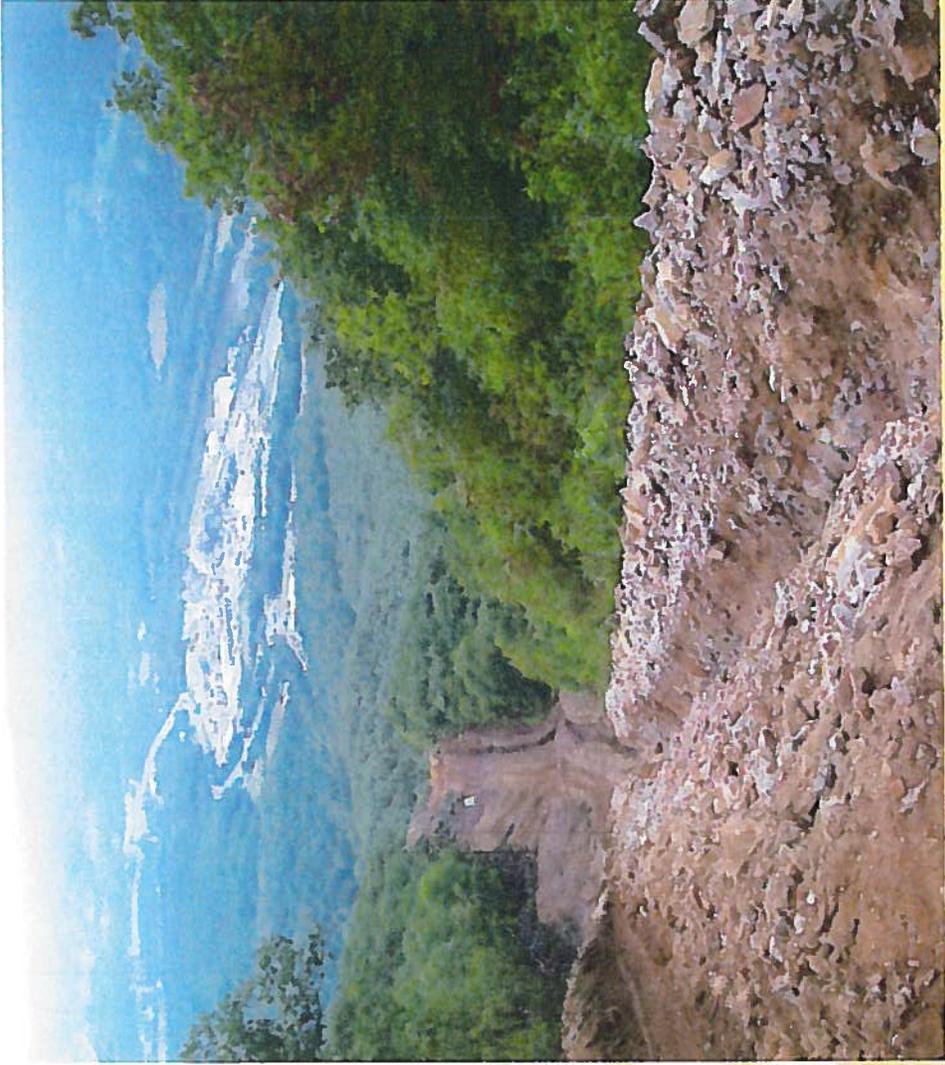
**Kirk A Bowers, PE
Pipelines Campaign Manager**



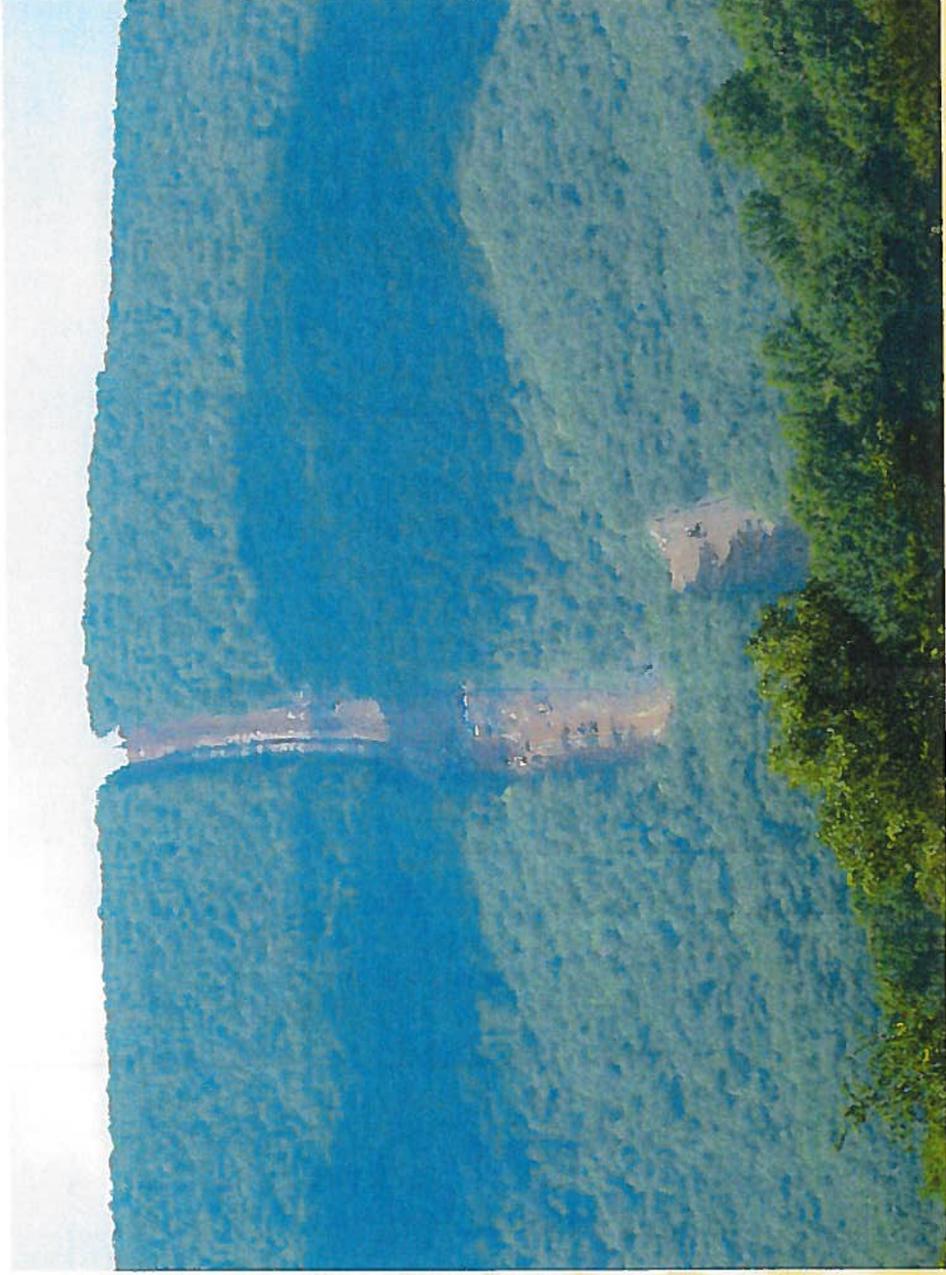
COLUMBIA GAS PIPELINE CORRIDOR



COLUMBIA GAS PIPELINE GILES COUNTY



PIPELINE CORRIDOR AERIAL PHOTO



SEDIMENT FLOWING BELOW SILT FENCE



SEDIMENT FLOWING FROM PIPELINE CORRIDOR



SEDIMENT FLOWING DOWN HILL SIDE



STREAM FILLED WITH MUD



INSPECTION REPORTS: SEPTEMBER 2013

September 5, 2013: "I have never seen that much sediment move off site."

September 15, 2013: "Also has new flow from ditch that looks like equipment took muck out and put it on downhill side. It looked like a lava flow; barely got to the stream."

OPEN TRENCH LENGTH VARIANCE



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Papler
Director
(804) 698-4020
1-800-592-5482

March 31, 2014

Ms. Lacey England
Columbia Gas of Virginia
1809 Coyote Drive
Chester, VA 23836

Re: Columbia Gas of Virginia, Variance for the Celanese Upgrade Project

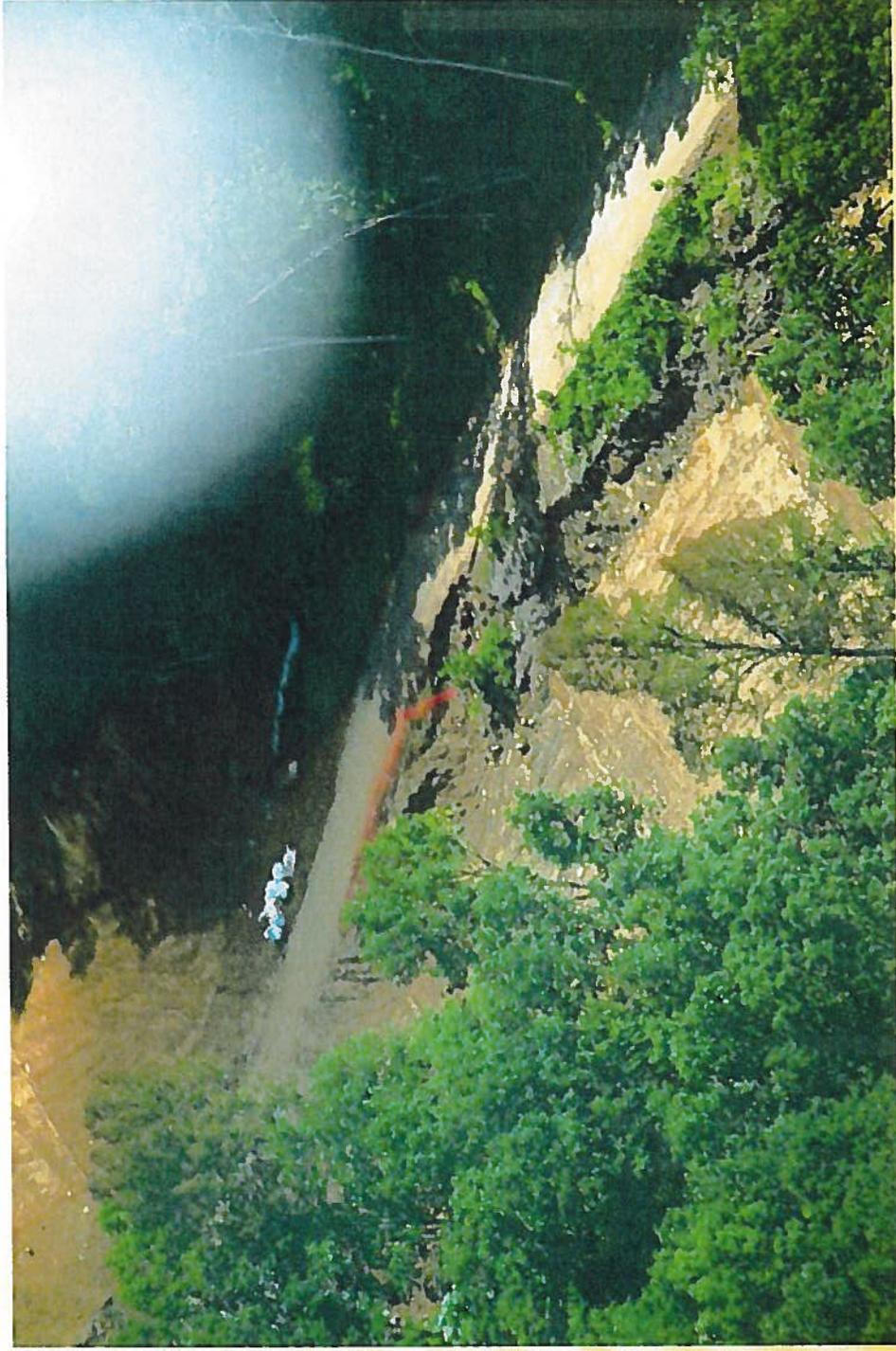
Dear Ms. England:

The Virginia Department of Environmental Quality (DEQ) has reviewed the Columbia Gas of Virginia request for a variance to Minimum Standard 16.a of the Virginia Erosion and Sediment Control Regulations (9VAC25-840-40) dated March 7, 2014 for the referenced project. Minimum Standard 16.a specifies that no more than 500 linear feet of trench may be opened at one time. DEQ grants conditional approval to this variance request with the understanding that the two conditions listed below, shall apply to this project.

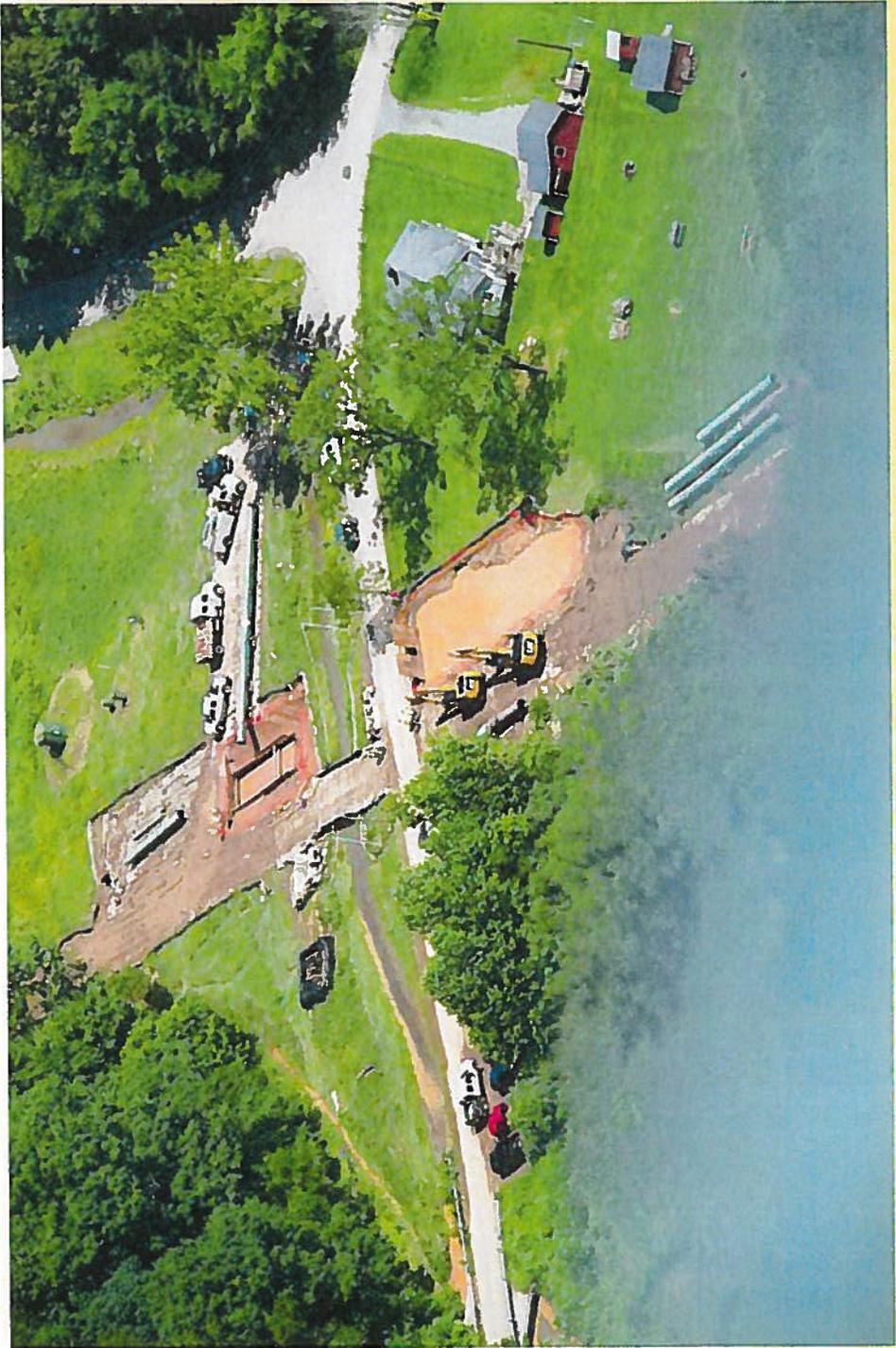
- 1.) Two sections of excavated open trench: the North trench section shall not exceed 1,000 feet in length and the Peters Mountain trench section shall not exceed 2,000 feet in length.
- 2.) Adjacent property and the environment shall be protected from erosion and sedimentation damage associated with the land-disturbing activity.

To ensure an efficient information exchange and response to inquiries, the DEQ Central Office is your primary point of contact. Central Office staff will coordinate with our Regional Office staff as appropriate. Your point of contact is:

STONEWALL GATHERING PIPELINE, WV



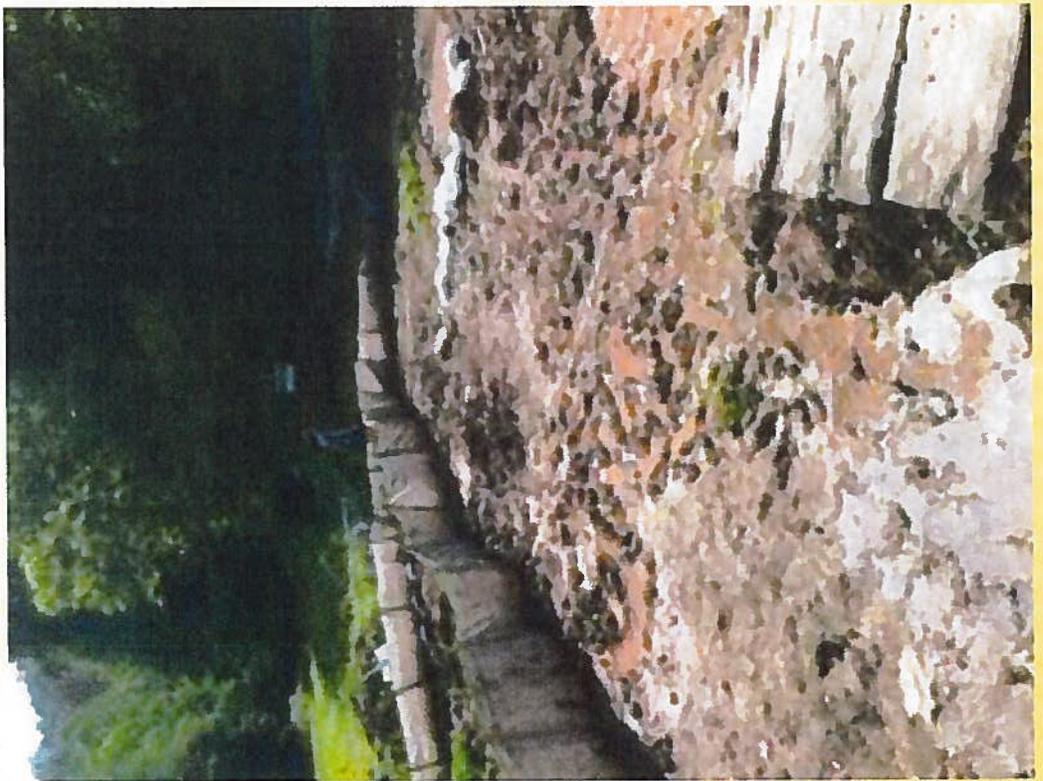






MEATHOUSE FORK, WV





WHY DOES IT MATTER?

E&SC plans provide details about the construction site (*slope, soil type, stream crossings, wetlands, seepage areas, watershed areas, etc.*), the project design (*size and location of the pipeline trench, placement of excavated material, access roads, staging areas, etc.*), and the design and location of erosion control structures and devices (*runoff diversions, silt fences, check dams, sediment ponds, etc.*). These plans guide the construction process, and what the company presents as evidence that it has done the necessary planning for compliance with Virginia's Erosion and Sediment Control law and regulations.

The plans are also intended to include engineering calculations for erosion and sediment control measures to be constructed to prevent sediment laden runoff that alters stream channels and damages habitat for fish and other aquatic life.

The problem is that the DEQ doesn't have the resources to review E&SC plans and doesn't do any inspections for compliance unless there are complaints. The DEQ relies on pipeline construction companies to do their own plan review and inspections. The work is done by people hired by and therefore not independent of the company.

The fox is indeed guarding the hen house.

ANNUAL STANDARDS & SPECS

Another problem is that EQT/NextERA and other gas utility companies operate under Annual Standards and Specifications, which is what allows them to do their own E&SC plan review and inspection program. Oversight of all other construction projects is by local governments, counties and cities. The DEQ has oversight of pipeline projects, but it doesn't exercise its authority or meet its responsibilities.

We have already seen in the previous slides that Columbia and its contractors are willing to cut corners. They bet that it would not rain and did not install adequate erosion control measures. They lost the bet when an intense summer storm hit the site and resulted in mud flowing like a "lava flow" down the mountainside.

Business as usual for pipeline construction companies involves the expectation that they can get away with almost anything. No one is really in control and no one is watching.

DEQ DECISION

- ✘ Through correspondence and meetings with DEQ, it was confirmed that:
 1. DEQ officials don't know when they will decide if a site specific erosion control plan will be required,
 2. DEQ officials don't know whether they will request site-specific E&SC plans for the ACP,
 3. No application has been submitted that would require them to make a decision.
- ✘ The last point is critical. No applications are required to DEQ that would require a decision.

The easiest thing for DEQ to do now is to do nothing.

- ✘ And that is just what the DEQ will do unless the public and local government are able to persuade our state officials, the Governor, the Secretary of Natural Resources, and the Director of the DEQ to take steps to make the E&SC plans available. There really is no justification for them not doing this for a project of this magnitude.

INDIVIDUAL PERMIT

- ✘ **Regardless of DEQ's shortcomings, the laws and regulations are still in place, but it's up to citizens and local governments to make them work. And given the steep mountains, high quality streams, and complex hydrology that the MVP will cross, we need an explicit policy decision regarding submittal, review and enforcement of erosion control plans prior to construction of the Mountain Valley Pipeline.**
- ✘ **However, the only way the public will have access to E&SC plans in time to review and provide input before project approval and construction is if the DEQ obtains the plans. In order to obtain the plans, we need local officials from impacted counties to pass this resolution requesting the DEQ require an individual permit rather than a general permit. In practice, that is one way that the DEQ can require submission of site specific E&SC plans for the Mountain Valley Pipeline.**

RESOLUTION

- ✘ We request that you pass the Erosion Control resolution so that:
- ✘ 1. DEQ will require project-specific Erosion and Sediment Control and Stormwater Management Plans for the proposed Mountain Valley Pipeline project that will meet all Virginia standards, and that these plans will be made available to the public prior to project approval and construction; and
- ✘ 2. Localities will have the right to review plans, conduct inspections and enforce their local Erosion and Sediment Control Ordinances; and
- ✘ 3. Prior to project approval and construction, EQT/NextERA officials and third-party inspectors will be required to meet with local officials to discuss the implementation of the project-specific Erosion and Sediment Control and Stormwater Management Plans and adaptive management plans.

FRANKLIN COUNTY
Board of Supervisors



Franklin County
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EXECUTIVE SUMMARY

<p>AGENDA TITLE: 2015-2016 Tourism MicroGrant Awards</p> <p>SUBJECT/PROPOSAL/REQUEST The Franklin County Board of Supervisors annually awards small grants to organizations within the community for promotional expenses related to local tourism-related projects and events.</p> <p>STRATEGIC PLAN FOCUS AREA: <u>Goal #</u> <u>Action Strategy:</u></p> <p>STAFF CONTACT(S): Robertson, Burnette</p>	<p>AGENDA DATE: August 18, 2015</p> <p>ACTION:</p> <p>CONSENT AGENDA: X ACTION:</p> <p>ATTACHMENTS:</p> <p>REVIEWED BY: RR</p>	<p>ITEM NUMBER:</p> <p>INFORMATION:</p> <p>INFORMATION:</p>
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BACKGROUND:

Annually, the Franklin County Board of Supervisors awards small grants to organizations within the community to assist with promotional and operational expenses of local tourism-related projects and events. These funds help with the marketing of those events and/or programs, while at the same time further allowing the County tourism office to promote Franklin County to potential visitors. For the 2015-2016 fiscal year, \$20,000 has been set aside within the Franklin County Tourism budget for these awards.

DISCUSSION:

A total of thirteen (13) applications were received from eight (8) different organizations by the application deadline on August 1, reflecting a total of \$25,741 in requested funds.

Funding for the Tourism MicroGrant Program is generated by the transient occupancy, or lodging tax, applied to the motels, hotels and bed & breakfast properties in the County. The purpose of this MicroGrant program is to increase the local tourism industry thus creating new jobs, attracting new tourists, spawning new hospitality-related investments and improving the quality of life for Franklin County residents. It is recognized that the County cannot, and should not, be the only provider of tourism events for our community. We should instead assist other organizations in the creation of events and marketing campaigns that can leverage the community's limited resources. We must leverage our limited dollars to support interesting, dynamic and creative special events and marketing campaigns that set Franklin County apart from competitors throughout the mid-Atlantic region.

Tourism MicroGrants exist to support events and activities that a) encourage tourists from outside the region to enjoy our community and make use of our hospitality industry, and b) provide an opportunity to expand the awareness and visibility of the community throughout the region. In reviewing the thirteen (13) submitted applications, staff evaluated each applicant on a number of different factors, including, but not limited to, the amount of funds leveraging involved; marketing plan and scope; perceived economic impact; financial need; partnership opportunities; and past performance. Additionally, the estimated number visitors to each event, whether it was a multi-day event, and whether it was a new or established event played major parts in determining the recommendations below. Based on all criteria and available data, staff has made the following recommendations for this year's Tourism MicroGrant Program awards:

APPLICANT	PURPOSE	AMOUNT SOUGHT	STAFF RECOMMENDATIONS
Blue Ridge Institute	Blue Ridge Folklife Festival	\$ 4,000.00	\$ 4,000.00
FC Historical Society	Ghosts & More	\$ 600.00	\$ 600.00
	Moonshine Express	\$ 600.00	\$ 600.00
	Living History Encampment	\$ 200.00	\$ 200.00
Community Partnership for Revitalization	Come Home to FC Christmas	\$ 1,600.00	\$ 1,600.00
	Court Days	\$ 2,400.00	\$ 2,400.00
SWVA Antique Power Festival	Antique Farm Fall Swap Meet	\$ 250.00	\$ 250.00
	Antique Farm Days	\$ 2,000.00	\$ 2,000.00
	Antique Farm Spring Swap Meet	\$ 250.00	\$ 250.00
SoVa Child Advocacy Center	Johnny Casa 5K	\$ 3,500.00	\$ 500.00
Rocky Mount Center for the Arts	Rocky Mount Arts Festival	\$ 4,000.00	\$ 2,500.00
Jubal Early Preservation Trust	Friends of Jubal Early Kick-Off	\$ 2,341.00	\$ 2,000.00
Warren Street Society	Warren Street Festival	\$ 4,000.00	\$ 2,500.00
		TOTAL SOUGHT \$25,741.00	TOTAL RECOMMENDED \$19,400.00

RECOMMENDATION:

Staff respectfully recommends that the Board approve the staff recommendations as presented for 2015-2016 Tourism MicroGrant Program awards from the Franklin County Tourism budget.

Department of Planning & Community Development



14

MEMORANDUM

To: Brent Robertson, County Administrator
Chris Whitlow, Assistant County Administrator

From: Neil Holthouser, Director of Planning & Community Development

Date: August 18, 2015

RE: Oversight of land disturbing activities associated with proposed natural gas pipeline

At its July 21, 2015, meeting, the Board of Supervisors was presented with a draft resolution by a citizens group concerned about the construction of the Mountain Valley Pipeline - a proposed interstate natural gas pipeline which is currently being reviewed by the Federal Energy Regulatory Commission (FERC). The draft resolution expressed concern about the potential environmental impacts of the proposed pipeline, specifically the potential for soil erosion and the sedimentation of water courses due to extensive land disturbing activities.

The draft resolution calls on Franklin County to petition the Governor of Virginia and other state officials, to request the following (paraphrased):

1. A commitment that the state Department of Environmental Quality (DEQ) will require project-specific Erosion & Sediment Control and Stormwater Management plans, rather than a general plan lacking site-specific engineering. *(The concern seems to be that a general plan will not adequately address site-specific topographic, soil, and water constraints.)*
2. A guarantee that local governments will have the right to conduct their own plan review and inspections of project-specific plans. *(The concern seems to be that DEQ may not be adequately resourced to conduct a thorough plan review or to perform thorough and frequent inspections.)*
3. A requirement that the pipeline developer and third-party inspectors must hold a pre-construction meeting with local officials to discuss project-specific implementation of the required Erosion & Sediment Control and Stormwater Management measures. *(The concern seems to be that a regional or centralized DEQ office might not adequately explain to the pipeline developer any unique and local constraints or concerns, which are best understood by the locality itself.)*

It is staff's understanding, based on the language of the Code of Virginia, advice offered by state officials, and peer consultation with neighboring localities, that linear utility projects - including natural gas pipelines - are required to abide by state laws related to Erosion & Sediment Control and Stormwater Management. The mechanism for compliance is known as an "annual general" permit, whereby the entire linear length of the project, spanning multiple local government jurisdictions, is covered under a singular permit reviewed and renewed annually by DEQ. This annual general permit acts an agreement between the pipeline developer and the state, and essentially says that the pipeline developer understands and agrees to abide by all applicable standards and specifications for Erosion & Sediment Control and Stormwater Management.

By contrast, a non-linear/non-utility development project occurring entirely within one local government jurisdiction, would require an Erosion & Sediment Control and Stormwater Management permit from the locality itself. In order to obtain this permit, the developer would conduct site-specific engineering and prepare a site-specific plan, which would be reviewed and inspected by the local government.

Staff notes that, in either case noted above, the "permit" for land disturbance is a Virginia state permit, not a local permit. Franklin County operates as a "program authority" under the auspices of the state. Franklin County maintains and enforces its local ordinance for Erosion & Sediment Control and Stormwater Management as a mandate from the state, with guidance and oversight provided by DEQ. Any Erosion & Sediment Control or Stormwater Management permits issued by the County are considered to be state-issued permits, issued by a state-established program authority. The state delegates certain responsibilities to the local program authority for Erosion & Sediment Control and Stormwater Management, but may supersede the local program authority at any time.

The concern in the case of the proposed Mountain Valley Pipeline seems to be that, if linear multi-jurisdictional land disturbance is permitted at the state level, such permit will be general in nature and lack thorough review and monitoring. Staff notes that road crossings will require input and review from VDOT, and stream or water-course crossings will require review and approval by the Department of the Army (Army Corps of Engineers.) In past experience with linear utility projects, including water lines and electrical transmission lines, both VDOT and the Army Corps have required detailed site-specific engineering in order to ensure compliance with Erosion & Sediment Control and Stormwater Management regulations. Staff anticipates that site-specific engineering would be required of the proposed Mountain Valley Pipeline in similar circumstances.

To date, staff has been unable to locate a definitive source within DEQ or other state agency to speak to the state's intended permitting posture for the proposed Mountain Valley Pipeline. The pipeline project has not yet been authorized by the FERC; until such time as it is approved by the FERC, staff believes it unlikely that DEQ will officially announce or comment on its permitting posture. Through conversations with peers in neighboring localities, there seems to be a general understanding among local governments that the project will be reviewed under an annual general permit issued by and monitored by DEQ. Staff notes that other localities are considering similar petitions to the Governor, requesting that the state declare its permitting posture and assure local governments that a thorough environmental review will be conducted.