

(Please click on highlighted areas to view attachments.)



Franklin County

A Natural Setting for Opportunity

AGENDA FRANKLIN COUNTY BOARD OF SUPERVISORS TUESDAY, JUNE 21, 2016

- 1:30 P.M. Call To Order, Chairman Cline Brubaker
- 1:31 Invocation, Supervisor Charles Wagner
- 1:32 Pledge of Allegiance, Supervisor Tommy Cundiff
- 1:33 Resolution of Appreciation Dr. Jennifer Braatten, President, Ferrum College
- 1:35 Public Comment
- ✦ Dave Werner, Preserve Franklin Treasurer - Mountain Valley Pipeline **(See Front Pocket)**
 - ✦ Reverend Vandell Muse - Diamond Avenue Extension Update
 - ✦ Ron Hamlin - Caution Children's Sign **(See Attachment #14)**
 - ✦ Mark Joyner, Archeologist - Concerns in Franklin County
- 1:47 CONSENT AGENDA (REQUIRES ACTION)
- REF: 1. Approval of Accounts Payable Listing, Appropriations, and Minutes for May 17, 2016
2. Authorization to Solicit Bids for Landfill Cell #2 Construction **(See Attachment #16)**
3. Relocation of the Ferrum Voter Precinct **(See Attachment #4)**
4. 2016 Don Palmer Outdoor Occasion Permit Application **(See Attachment #3)**
5. Sheriff's Vehicles Purchase **(See Attachment #7)**
6. Glade Hill Fire Station Property Purchase **(See Attachment #12)**
7. Animal Control Grant Request **(See Attachment #8)**
8. VRA Westlake Sewer Debt Refunding **(See Attachment #9)**
- 1:50 Vincent Copenhaver, Director of Finance
- REF: 1. Monthly Finance Report
- 2:00 Howard Chapman, Development Director, Tri-Area Community Health
- REF: 1. Tri-Area Community Health Expansion Grant

2:15 Bill Tanger, Chairman, Friends of the Rivers of Virginia
REF: 1. Removal of Power Dam/Pigg River **(See Attachment #11)**

2:30 Brent Robertson, County Administrator
REF: 1. YMCA Board of Supervisor's Representative **(See Attachment #2)**
2. Adoption of Advertised & Proposed FY'2016-2017 County Budget
3. Adoption of Appropriation Resolution/FY'2016-2017 **(See Attachment #13)**

3:00 **WORKSESSION**
✦ U.S. 220 Corridor Overlay & Business Park Planning Utilities (Water & Sewer Service Area) Mike McEvoy, Western Virginia Water Authority
220 North Corridor Draft Plan, Regional Enterprise Park Draft Zoning Classification and Amendments, Steve Sandy Director of Planning & Community Development
✦ Limited Residential Lodging Act/SB416, Steve Sandy, Director of Planning & Community Development **(See Attachment #10)**

3:45 Other Matters by Supervisors
APPOINTMENTS: (See Attachment #1)

4:00 Request for Closed Meeting in Accordance with 2.2-3711, a-1, Personnel, a-3, Acquisition of Land, & a-5, Discussion of a Prospective New Business or Industry, or of Expansion or Retention of an Existing one, of the Code of Virginia, as Amended.

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

Recess for Dinner

6:00 Call To Order, Chairman Brubaker and Recess for the Previously Advertised Public Hearings as Follows:

PETITION for REZONE - Petition of JMB Investment, LLC a TN LLC/Petitioner and Donald Maddy, David Maddy, Dan Maddy, Dennis Maddy, and Douglas Maddy/Owners, requesting to rezone from A-1, Agricultural District, to B-2, Business District, General, for a total of 1.19 acres for the purpose of a Dollar General Convenience Store to be located at 3416 Iron Ridge Road, in the Boone District of Franklin County, and further identified as the following Franklin County Tax Map/Parcel # 0440017400. The Future Land Use Map of the Comprehensive Plan of Franklin County identifies this area as designated as Highway Corridor. (Case # [REZO-4-16-15313](#)) **(See Attachment #15)**

***ANNOUNCEMENT OF PUBLIC HEARING
TO CONSIDER SALE/TRADE OF COUNTY PROPERTY***

In accordance with the provisions of Section 15.2-1800 of the Code of Virginia, as amended, notice is hereby given to all interested parties that the Board of Supervisors of the County of Franklin, Virginia will conduct a public hearing for the purpose of considering the disposition by sale or trade of 0.036 acres on the south side of and adjoining State Route 40 near Turtle Hill Road in the Union Hall Voting District, having been conveyed to the County in Deed Book 1077, Page 554 and reflected on that plat in Deed Book 1075, Page 1769, Tax Map #0660003702. ***(See Attachment #6)***

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing at approximately ***6:00 P.M.***, on ***Tuesday, May 17, 2016***, at the Government Center, Board of Supervisors Meeting Room located at 1255 Franklin Street, Suite 104, Rocky Mount, Virginia to consider the repeal of ***Chapter 3: Sections 16-55, and to readopt proposed amendments to Chapter 3: Section 16-55*** of the Franklin County Code. The reason for the proposed amendments to Chapter 3 is to coincide with the State Code of Virginia. ***(See Attachment #5)***

Adjournment Thereafter

RISE & SHINE GUESTS FOR JUNE CHARLES & BRENT

1

THE FOLLOWING TERMS ARE UP FOR RE/APPOINTMENT
(NOTIFICATION IS GIVEN ACCORDING TO THE BOARD'S POLICY/60 DAYS PRIOR TO EXPIRATION)

COMMITTEE	NAME	ADDRESS	AREA	YEAR	TERM EXPIRES
AG BOARD See Attachment A	Daniel Austin	5688 Old Forge Road Rocky Mount, VA 24151	Crops	OPEN	12/15/2015
	Lynn Satalino	220 Mallard Point Road Wirtz, Va 24184	Equine	OPEN	12/15/2015
AGING SERVICES BOARD See Attachment B.		VACANCY	Blackwater	4 - Year	7/1/2016
		VACANCY	Blue Ridge	4 - Year	7/1/2016
		VACANCY	Union Hall	4 - Year	7/1/2016
DAN RIVER ASAP See Attachment C	Brandt Gawor	245 Farmington Road Hardy, VA 24101	Open District	3 - Year	6/30/2016
FERRUM WATER & SEWER AUTHORITY See Attachment D	Charlton "Brad" Bishop	289 Fairmont Drive Bassett, VA 24055		4 - Year	2/1/2019
LIBRARY See Attachment E	Nora Bowman	266 Sunflower Lane	Blackwater	4 - Year	6/30/2018 Unexpired Term
	Rebecca Mushko	8 Listening Hill Road Penhook, Virginia 24137	Union Hall	4 - Year	6/30/2017 Unexpired Term
PLANNING COMMISSION See Attachment F	Deborah Crawford	328 Brooks Point Lane Union Hall, VA 24176	Union Hall	4 - Year	6/30/2020
RECREATION COMMISSION See Attachment G	Jessica Gawor	245 Farmington Road Hardy, VA 24101	At Large Member	3 - Year	6/30/2015
RO. VALLEY ALLEGHANY REGIONAL COMMISSION See Attachment H	Chris Whitlow	1255 Franklin Street Rocky Mount, VA 24151	Citizen/Staff Rep	3 - Year	6/30/2016
	Ronnie Thompson	1629 Deepwoods Road Hardy, VA 24101	BOS Rep	3 - Year	6/30/2016
	Bob Camicia	143 Charlotte Lane Hardy, VA 24101	BOS Rep	3 - Year	6/30/2016
	Charles Wagner	330 Riverview Street Rocky Mount, VA 24151	BOS Rep	3 - Year	6/30/2016
SOCIAL SERVICES BOARD See Attachment I	John Lipscomb	346 Quail Valley Lane Boones Mill, VA 24065	Boone	4 - Year	6/30/2016
		VACANCY	Snow Creek	4 - Year	6/30/2016
TLAC See Attachment J	Brent Robertson	1255 Franklin Street Rocky Mount, VA 24151	Co. Adm.	1 Year	1/31/2017
VA. WESTERN COMMUNITY COLLEGE See Attachment K	Dr. Karen Hiltz	327 Mariners Cove Drive Moneta, VA 24121	Citizen Rep	4 - Year	6/30/2020
WP BUSINESS. DEVELOPMENT See Attachment L	Barry Bridges	125 Woodlake Drive Moneta, VA 24121	Open District	3 - Year	6/30/2016
WEST PIEDMONT PLANNING COMMISSION BOARD See Attachment M	Bobby Thompson	Post Office Box 40 Ferrum, VA 24088	BOS Rep	1-Year	12/31/2015

A

**AGRICULTURE BOARD
BOARD MEMBERSHIP ROSTER
1/31/2013**

The Board of Directors will:

- Promote and enhance the economic viability of production agriculture, forestry, and agri-business.
- Represent the agricultural community's position on policy issues at the local, state, and federal level.
- Provide advice and counsel to the Franklin County Board of Supervisors on policies relating to viability and sustainability of agriculture.
- Partner with other organizations to increase public understanding and awareness of state-of-the-art agricultural practices.
- Promote utilization of land use, conservation, and agricultural best management practices.
- Expand agricultural educational programming and workforce development.
- Advocate and coordinate agricultural economic development, investment, marketing, and promotion activities.
- Establish a network of agriculture producers and suppliers to encourage diversification and strengthen the agricultural infrastructure.
- Promote agritourism.

ARTICLE III: Membership

A. Selection and Term

Voting members shall represent each agriculture group in Franklin County with at least 11 individuals appointed by the Franklin County Board of Supervisors. For the purpose of the first meeting of the Agricultural Development Board, the membership on the Board shall be divided into two groups. At the first meeting, five (5) Directors shall be appointed to serve a one (1) year term and six (6) shall be appointed to serve a two (2) year term, thereby creating staggered terms. Subsequent appointments of Directors shall be for a term of two (2) years and may be reappointed for two (2) additional two-year terms. After serving three (3) consecutive terms, board members may be reappointed after a one year absence.

Board membership will include one producer from each of the following agricultural groups:

- Cattle
- Crops/Grain/Hay
- Crops/Produce/Organic
- Dairy
- Equine
- Forestry
- Horticultural
- Tobacco
- Viticulture/Orchard
- At-large (2 members)

**THE FOLLOWING TERMS ARE UP FOR RE-APPOINTMENT
BY.
DECEMBER 15 & 31, 2015**

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

COMMITTEE	NAME	ADDRESS	DISTRICT	YEAR	TERM EXPIRES
AG BOARD	Daniel Austin	5688 Old Forge Road Rocky Mount, VA 24151	Crops	OPEN	12/15/2015
AG BOARD	Lynn Satalino	220 Mallard Point Road Wirtz, Va 24184	Equine	OPEN	12/15/2015
AG BOARD	Connell McEnheimer	4999 Sontag Road Rocky Mount, VA 24151	Tobacco	OPEN	12/15/2015
AG BOARD	Davis Torrence	2801 McNeil Mill Road Rocky Mount, VA 24151	Cattle	2-Year	12/15/2017
AG BOARD	Jason Thurman	703 Woodman Road Rocky Mount, Va 24151	At Large Member	2-Year	12/15/2017
AG BOARD	Mark Woods	4111 Wades Gap Road Boones Mill, VA 24065	Produce	2 Year	12/15/2017
AG BOARD	Stephen Bray	511 Heritage Hollow lane Penhook, VA 24137	Diary	1-Year	12/15/2016
AG BOARD	David Craun	905 Kenwood Road Glade Hill, VA 24096	Horticulture	2-Year	12/15/2017
G BOARD	Ethan Cundiff	1712 Novelty Road Penhook, VA 24137	At Large Member	2-Year	12/15/2017
G BOARD	Davis Torrence	2801 McNeil Mill Road Rocky Mount, VA 24151	Cattle	2-Year	12/15/2017

**AGING SERVICES BOARD
4 YEAR TERMS
MAY 17, 2016**



The Advisory Committee is appointed by the Board of Supervisors to serve two and four year terms and can be reappointed for up to four year terms.

The main function of this Committee is to advise Department of Aging staff on services and activities relative to developing the yearly plan for services for the elderly (within the guidelines of The Older Americans Act), act as liaison between the Director and the Board of Supervisors, act as liaison between the Department of Aging and the community at large, act as advocate for the Department of Aging Services, provide program evaluation, act as advocate for elderly persons and programs.

Dr. Susan Beatty
842 Park Place
Moneta, Virginia 24121

July 1, 2020
GILLS CREEK DISTRICT

Mr. Benny Russell
70 East Court Street
Rocky Mount, Virginia 24151

July 1, 2017
BOONE DISTRICT

Mr. Arthur "Art" Donaldson
66 Sunburst Court
Union Hall, VA 24176

July 1, 2016
UNION HALL DISTRICT

Mrs. Pauline A. Nickelston
193 Storey Creek Lane
Rocky Mount, Virginia 24151

July 1, 2016
BLUE RIDGE DISTRICT

Lynn Meyers (Unexpired Term of Jim Conklin)
130 Hickmon Road
Rocky Mount, Virginia 24065

July 1, 2016
BLACKWATER DISTRICT

Johnny Greer
1256 Beulah Road
Rocky Mount, Virginia 24151

July 1, 2017
SNOW CREEK DISTRICT

Johnny L. Smith
15 Holly Knoll Drive
Rocky Mount, Virginia 24151

July 1, 2017
ROCKY MOUNT DISTRICT

Maggie Gray
129 Leeward Drive
Moneta, VA 24121

July 1, 2017
AT-LARGE

DAN RIVER ASAP
(ALCOHOL SAFETY ACTION PROGRAM)
3-YEAR TERMS
AS OF 4-16-2013

C

ARTICLE VII - POWERS OF THE POLICY BOARD

This Board shall have the following powers:

- a. To oversee and be responsible for the operation of the Program.
- b. To monitor the development of and approve all programs necessary for the successful and efficient operation of Dan River ASAP.
- c. To appoint, supervise and, if necessary, terminate the Executive Director, fix compensation and prescribe powers and responsibilities in keeping with the Commission on VASAP Policy and Procedure Manual.
- d. To establish staffing needs and authorize expenditure of funds as compensation therefore.
- e. To establish policy in connection with the expenditure of all funds available through the appropriation and collections of the Program.
- f. To monitor the development of and approve an annual budget to assure fiscal responsibility in the expenditure of funds collected by the Program. To approve line item transfers within the annual budget pursuant to requests of the Executive Director and to meet the needs of the Program.
- g. To direct the Executive Director to secure an annual state or independent audit of all financial records of the Program.
- h. To contract with and monitor any person, corporation, agency, or entity, public or private, meeting the qualifications of the Commission on VASAP Policy and Procedure Manual and the Code of Virginia for the furnishing of educational, analytic or alcohol/drug treatment, or other program services.

A Policy Board member of Dan River ASAP meets quarterly - March, June, September and December. The meetings are currently held at "The Dutch Inn" in Collinsville at 6:00pm dinner, and 6:30pm for the meeting. Dan River ASAP pays for the dinner

Brandt Gawor
245 Farmington Road
Hardy, VA 24101
540-263-0107

(Term Expires 6-30-2016)

Mr. Tom Webster, Chairman
Post Office Box 81
Boones Mill, VA 24065
(800) 347-0911 (W)
(540) 334-5469 (H) tomwebster@jefferds.com

(Term Expires 6-30-2018)

Tammy Goad
Executive Director
Dan River ASAP
135 East Market Street
Martinsville, VA 24112
276 632-6303 (T)
276 632-6304 (F)

danrascp@centruylink.net

D

**FERRUM WATER & SEWER AUTHORITY
4 YEAR TERMS
AS OF 10-20--2015**

The Ferrum Water and Sewage Authority Board of Directors consist of five members appointed by the Franklin County Board of Supervisors. The Board of Directors meets monthly on the second Thursday of the month. The purpose of the Board is to act as the governing body of the Authority, pursuant to State and Federal laws and regulations.

Roger Houchins
288 Nolen's Hill Road
Ferrum, Virginia 24088

2/1/2019

Charles Catlett
Project Manager
1255 Franklin Street, Suite 103
Rocky Mount, Virginia 24151

2/1/2019

Sam Moran (Unexpired term of Jeffrey Gring 10/20/2015)
815 Crestview Drive
Bassett, Virginia

2/1/2019

Joseph Edward Greer
247 Five Mile Mountain Road
Callaway, Virginia 24067
483-1561

2/1/2019

Vicki Cook (Unexpired term of Daryl Spencer 9/18/2012)
1406 Swenfield Road
Callaway, Virginia 24067

2/1/2019

J. J. Keith, Plant Manager
Ferrum Water Commission
Post Office Box 40
Ferrum, VA 24088
365-2193

ferrumwaterandsewer@embarqmail.com

ferrumwater/commission

**LIBRARY BOARD MEMBERS
AS OF 10-20-2015
4 YEAR TERMS**

The Library Board is comprised of one member from each magisterial district. The appointment is for a four year term, and the member may be re-appointed for an additional term. The Library Board normally meets on the Thursday before the second Monday of each month at 7:00 PM in the Library.

GENERAL DUTIES OF THE LIBRARY BOARD

- A. To hire a capable, trained librarian subject to approval by the governing body.
- B. To determine Library policies.
- C. To approve expenditures of Library funds.
- D. To receive gifts to the Library.
- E. To work actively for the improvement of all libraries by supporting library legislation in the state and nation.
- F. To become familiar with the State and Federal aid program and with state and national library standards.
- G. To attend Board meetings regularly.
- H. To become familiar with what constitutes good library service by reading, attending library meetings and visiting other libraries.
- I. To support the Library's service program in daily contacts with the public at large.

John R. Leary, III (Unexpired Term Kim Roe)
P. O. Box 123
Hardy, VA 24101
540-798-8025 (home)
john.leary@earthlink.net

BOONE DISTRICT 6/2017

Mrs. Bethany Worley
2821 Beech Mountain Road
Ferrum, Virginia 24088

BLUE RIDGE DISTRICT 6/2019

Doug Pafford
038 Island Pointe Lane
Moneta, Virginia 24121

GILLS CREEK DISTRICT 6/2019

Nora Bowman/**RESIGNED** (Filling Unexpired Term of Ruth Cook)
266 Sunflower Lane
Callaway, Virginia 24067

BLACKWATER DISTRICT 6/2018

Sandy Dillon
185 Sycamore Street
Rocky Mount, Virginia 24151

ROCKY MOUNT DISTRICT 6/2017

William Mitchell
6061 Sontag Road
Rocky Mount, VA 24151
483-7000

SNOW CREEK DISTRICT 6/2017

Rebecca Mushko/**RESIGNED**
8 Listening Hill Road
Penhook, VA 24137
576-3339

UNION HALL DISTRICT 6/2017

PLANNING COMMISSION MEMBERS & TERMS
Updated 5-17-2016
4-YEAR TERMS

James M. Colby
 80 Coveport Place
 Moneta, Virginia 24121
 540-719-2760 (home)

Gills Creek District
Term Expires: 6/30/2020

C. W. Doss, Jr.
 484 Twin Creeks Drive
 Ferrum, Virginia 24088
 540-365-2678 (home)

Blue Ridge District
Term Expires: 6-30-2020

Edmund C. (Doc) Law
 130 Mountain Avenue
 Rocky Mount, Virginia 24151
 540-483-9695 (home)

Rocky Mount District
Term Expires: 3-31-2018

Wendy Ralph
 265 Hampton Drive
 Union Hall, Virginia 24176
 540-576-3085 (home)

Union Hall District
Term Expires: 6-30-2016

Sherri Mitchell
 6061 Sontag Road
 Rocky Mount, Virginia 24151
 540-857-2020 3xt 5107 (work)
 540-483-7000 (home)
 e-mail: sherrie.mitchell@va.gov

Snow Creek District
Term Expires: 6-30-2018

Earl Webb Vice-Chairman
 151 Graveyard Knob Road
 Callaway, VA 24067
 540-489-5270 (work)
 e-mail: ewebb@swva.net (do not send large mail)

Blackwater District
Term Expires: 6-30-2020

Angie McGhee
 24935 Virgil Goode Highway
 Boones Mill, Virginia 24065
 540-334-2020 (work)
 540-537-5918 (cell)
 e-mail: McGheeRealtor@aol.com

Boone District
Term Expires 3-31-2018

***Each term is for 4 years**

BY-LAWS

FRANKLIN COUNTY PLANNING COMMISSION

Adopted May 10, 2005; Amended November 13, 2007, Amended May 11, 2010,
Amended February 12, 2013
Amended February 9, 2016

ARTICLE 1 – OBJECTIVES

- 1-1. This commission, established in conformance with the resolution adopted by the Board of Supervisors of Franklin County on February 29, 1961, had adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15, Article 2, Code of Virginia.
- 1-2. The official title of this commission shall be the "Franklin County Planning Commission".
- 1-3. Purpose and Responsibilities
Planning Commission Members duties and responsibilities include, but not limited to the following:
 - 1-3-1. The purpose of the Planning Commission is to advise the Board of Supervisors on all matters related to the orderly growth and development of Franklin County.
 - 1-3-2. With the advice and assistance of the Planning Department, recommend a comprehensive plan for the physical development of the County, and review the plan once every five (5) years as required by Virginia State Code.
 - 1-3-3. Recommend elements and amendments to the comprehensive plan.
 - 1-3-4. Recommend amendments to the Zoning Ordinance.
 - 1-3-5. Recommend amendments to the Subdivision Ordinance.
 - 1-3-6. Review and make recommendations on all special use permit applications to the Board of Supervisors.
 - 1-3-7. Approve or disapprove the general or approximate location, character, and extent of streets, parks or other public buildings, public structures, public utility facilities, or public service corporation facilities whether owned publicly or privately as required by Virginia State Code, and communicate its findings to the Board of Supervisors.
 - 1-3-8. And other duties as assigned by the Board of Supervisors.

ARTICLE 2 – MEMBERS

- 2-1. A county planning commission shall consist of seven (7) members. Members shall be appointed by the Board of Supervisors.
- 2-2. Members shall be appointed for a term of four (4) years, ending on June 30th. Any vacancy in membership shall be filled by appointment by the Board of Supervisors. It shall be for an expired term only. Any appointed member may be removed by the Board of Supervisors for inefficiency, neglect of duty or malfeasance in office. The Board may provide for the payment of expenses incurred by the performance of their official duties.
- 2-3. Attendance reports shall be made to the Franklin County Board of Supervisors each six (6) months, recommending that less than 50% attendance of each Commissioner would justify consideration for replacement.

ARTICLE 3 – OFFICERS AND THEIR SELECTION

Planning Commission By-Laws

- 3-1. The Officers of the Planning Commission shall consist of a chairman and vice chairman.
- 3-2. Nomination of officers shall be made from the floor at the regular July meeting each year. Election of officers shall follow immediately.
- 3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.
- 3-4. Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE 4 – DUTIES OF OFFICERS

- 4-1. The chairman shall be a citizen member of the commission and shall:
 - 4-1-1. Preside at all meetings whenever possible.
 - 4-1-2. Appoint committees, special and/or standing.
 - 4-1-3. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote of the members present).
 - 4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.
 - 4-1-5. Carry out other duties as assigned by the commission.
- 4-2. The vice-chairman shall be a citizen member of the commission and shall:
 - 4-2-1. Act in the absence or inability of the chairman to act.
 - 4-2-2. Have the powers to function in the same capacity as the Chairman in cases of the chairman's inability to act.
- 4-3. The Franklin County Department of Planning and Community Development will provide staff functions to the commission. Among other duties that may be undertaken, it will include:
 - 4-3-1. Keep a written record of all business transacted by the commission, the minutes.
 - 4-3-2. Notify all members of all pending meetings.
 - 4-3-3. Keep a file of all official records and reports of the commission.
 - 4-3-4. Certify all maps, records and reports of the commission.
 - 4-3-5. Give notice of all hearings and public meetings.
 - 4-3-6. Attend to all the correspondence of the commission.
 - 4-3-7. Keep a set of minutes of all meetings and send a copy to each member of the Commission and a public copy shall be sent to the County Clerk and individual copies shall be sent to such other persons as may be authorized by the Commission from time to time.
 - 4-3-8. Prepare and be responsible for the publishing of advertisements relating to public hearings.
 - 4-3-9. Ensure that members are timely informed of proposed or contemplated actions within their districts.

ARTICLE 5 – STANDING AND SPECIAL COMMITTEES

The need for standing committees shall be addressed by the Planning Commission at the February meeting each year. The committees must be approved by majority vote of those present at the regular February meeting.

Planning Commission By-Laws

- 5-1. Standing committees shall be appointed for one (1) year. Vacancies shall be filled immediately by the Commission Chairman.
- 5-2. Special committees may be appointed by the Chairman as necessary for the purposes and terms approved by the commission.

ARTICLE 6 – MEETINGS

- 6-1. Regular meetings of the Commission shall be held on the second Tuesday of each month at 6:00 p.m., unless otherwise designated. Due to inclement weather the regular meetings of the Franklin County Planning Commission may be continued to the following Thursday after the scheduled Planning Commission Meeting if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such findings shall be communicated to the member and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required.
- 6-2. Special meetings shall be called at the request of the Chairman or by two (2) members upon written request to the secretary. The secretary shall mail to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting or if all members are present at the special meeting or files a waiver of notice.
- 6-3. All regular meetings, hearings, records and accounts shall be open to the public.
- 6-4. A majority of the members of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be majority vote of those present and voting. Voting will be by roll call, and a record shall be kept as a part of the minutes.

ARTICLE 7 – ORDER OF BUSINESS

- 7-1. The order of business for a regular meeting shall be:
 - 7-1-1. Call to order by Chairman.
 - 7-1-2. Roll Call.
 - 7-1-3. Consent Agenda Approval of minutes of previous meeting.
 - 7-1-4. Public Hearing
 - 7-1-5. Citizen Comment
 - 7-1-6. New business.
 - 7-1-7. Old business
 - 7-1-8. Work session
 - 7-1-9. Adjournment.
- 7-2. Motions shall be restated by the Chairman before a vote is taken. Also, the Chairman will explain what a "yes" or "no" vote will mean with respect to the motion being voted on. The names of persons making and seconding motions shall be recorded.
- 7-3. Parliamentary procedure in commission meetings shall be governed by the adopted rules of order, namely, Robert's Rules of Order.

Planning Commission By-Laws

- 7-4. The secretary shall sign all minutes and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

ARTICLE 8 – HEARINGS

- 8-1. In addition to those required by law, the commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.
- 8-2. Notice of hearing shall be published in accordance with Title 15.2-2204 of the Code of Virginia.
- 8-3. The case before the commission shall be summarized by the Chairman or other member delegated by the Chairman. Interested parties shall have the privilege of the floor, but the chairman shall have the right to limit the amount of speaking time for each individual and in total. Citizens shall be limited to five (5) minutes to speak with exception of petitioners and/or their agents. Records or statements shall be recorded or sworn to, as evidence for any court of law, only after notice is given to the interested parties.
- 8-4. A record shall be kept of those speaking before the hearing.
- 8-5. Motions shall be restated by the Chairman before a vote is taken.

ARTICLE 9 – CORRESPONDENCE

- 9-1. It shall be the duty of the secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the planning commission.
- 9-2. It shall be the duty of the secretary to communicate by telephone, facsimile or e-mail when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

ARTICLE 10 – AMENDMENTS

- 10-1. These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days' prior notice.

ARTICLE 11 – EFFECTIVE DATE

- 11-1. Nothing in the foregoing by-laws shall be construed as invalidating any official business of the commission transacted prior to that date.
- 11-2. The foregoing by-laws shall become effective upon vote of a majority of the commission in regular meeting.
- 11-3. Adopted: May 10, 2005
- 11-4. Amended: November 13, 2007
- 11-5. Amended: May 11, 2010
- 11-6. Amended: February 12, 2013
- 11-7. Amended: February 9, 2016

RECREATION COMMISSION MEMBERS
AS OF 08-18-2015
3-YEAR TERMS

Recreation Advisory Commission Members (RAC)

The objective of the RAC shall be to function as an advisory body to the Franklin County Department of Parks and Recreation and the Franklin County Board of Supervisors. Granted in February of 1994, the Franklin County Board of Supervisors passed legislation to allow the operational structure of the Parks and Recreation Department to be jointly administered in the following capacity.

- By recommending the establishment of relevant policies for the development and enhancement of recreational programs and park facilities
- By assisting the Department and the Board in improving relationships between the community and the Department through civic, business, and other community representatives within their respective districts.
- By providing an additional resource for evaluating existing and proposed Departmental programs and facilities.
- By assisting the Director in development of strategic plans for implementation of long-term goals and objectives to meet anticipated community needs.
- By providing the Director with general advice on the operation and implementation of both programming and recreational facilities

Each member of the RAC shall be appointed by the Board and shall be elected in the following manner: one (1) member shall be appointed from each electoral district, provided that one (1) member shall be appointed at large, irrespective of his/her residence within any particular electoral district. The Board may modify the requirement for appointment by electoral district for original appointments to the RAC. The RAC meets once a month (the Thursday after the month's first Tuesday.)

George P. Martin, II (Unexpired Term of F. Witcher)

3768 Snow Creek Road

Martinsville, Virginia 24112

SNOW CREEK DISTRICT

6/30/2018

Reba Dillon

6051 Burnt Chimney Road

Wirtz, Virginia 24184

GILLS CREEK DISTRICT

6/30/2017

Mr. Al Flora (Unexpired term of Jonathan Crutchfield)

695 Dugwell Road

Boones Mill, VA 24065

BLACKWATER DISTRICT

6/30/2016

Brenda Perdue

1092 Big Oak Lane

Wirtz, Virginia 24154

719-0799

UNION HALL DISTRICT

6/30/2018

Frank Chrzanowski (Unexpired Term of Rick Arrington) 12-17-2013

2544 Poteet Road

Hardy, Virginia 24101

721-2868

BOONE DISTRICT

6/30/2018

Kay Saleeby (Unexpired term of Doug Beatty)

85 Forest Hill Road

Rocky Mount, Virginia 24151

483-1678

ROCKY MOUNT DISTRICT

6/30/2017

William Maxwell (Unexpired Term of Gary Holden)

3629 Dry Hill Road

Ferrum, VA 24088

BLUE RIDGE DISTRICT

6/30/2017

Jessica Gawor

245 Farmington Road

Hardy, Virginia 24101

(Unexpired term of Kay Saleeby)

AT LARGE MEMBER

6/30/2016

Jackie Surriano, Executive Director
Post office Box 2569
Roanoke, Virginia 24010
Jackie (Secretary) [jpacc@rvarc.org](mailto:jpac@rvarc.org)
(540) 343-4117 (Telephone)
(540) 343-4116 (Fax)

JA

3-YEAR TERMS
(As of 4-16-2013)

An Overview of the Roanoke Valley-Alleghany Regional Commission

Meetings of the Roanoke Valley-Alleghany Regional Commission are held every 4th **Thursday monthly at 3:00 p.m.** at the Regional Commission office (Conference Room) located at 313 Luck Avenue in downtown Roanoke. *(Unless otherwise notified.)* The Commission is composed of 34 representatives appointed by its 10-member governments. The majority of Commission members must be elected officials from local governments. Length of terms for local government representatives serving on the Regional Commission is three-years. Commission representation also includes non-voting liaison members representing chambers of commerce, economic development organizations, workforce development organizations and community colleges that are invited to participate in Commission meetings. Members of the Regional Commission discuss regional approaches to issues involving transportation, community/economic development and the environment. Members also initiate and facilitate productive regional discussion. Through its staff, the Commission encourages and assists localities in planning for the future. Commission members, through the annual work program and budget, establish a strategic agenda for the region. For more information on the Roanoke Valley-Alleghany Regional Commission visit www.rvarc.org.

Mr. Ronnie Thompson
1629 Deepwoods Road
Hardy, VA 24101
ronniethompson@franklincountyva.org
(TERM EXPIRES 6/30/2016)

Board Representative

Mr. Charles Wagner
330 Riverview Street
Rocky Mount, Virginia 24151
(540) 483-9109 - Home
charleswagner@franklincountyva.org
(TERM EXPIRES 6-30-2016)

Board Representative

Mr. Robert "Bob" Camicia
143 Charlotte Lane
Hardy, Virginia 24101
(540) 890-6007 (Home)
(540) 312-1976 (Cell)
gillscreek@earthlink.net
(TERM EXPIRES 6/30/2016)

Board Representative



Roanoke Valley-Alleghany

REGIONAL
commission

rvarc.org

313 Luck Avenue, SW | Roanoke, Virginia 24016 | P: 540.343.4417 | F: 540.343.4416 | rvarc@rvarc.org

April 19, 2016

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

Dear Ms. Tudor:

According to our record of appointments, the terms of The Honorable Bob Camicia, The Honorable Ronnie Thompson, and The Honorable Charles Wagner, elected representatives of Franklin County on the Roanoke Valley-Alleghany Regional Commission, expire June 30, 2016. The Regional Commission Bylaws state that all appointments are for three-year terms. They are, of course, eligible for reappointment.

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

Yours truly,

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

Wayne Strickland
Secretary to the Commission

WGS:jlj

**SOCIAL SERVICES BOARD MEMBERS
AS OF 5-30-2016
4 YEAR TERMS**



Renee.Smith@dss.virginia.gov

The Franklin County Department of Social Services provides both financial and social work services that are administered according to State and Federal regulations. The purpose of the Department is to provide assistance to meet basic needs, promote self reliance, strengthen families, and provide protection for County residents through community based services.

The Franklin County Board of Social Services is made up of seven members with one member from each magisterial district in the county, usually including one representative from the County Board of Supervisors. Members are appointed by the Board of Supervisors for a term of four years unless they are filling an unexpired term created by a vacancy on the Board. A member may serve no more that two full terms consecutively.

The Board is required by Virginia Code to meet at least bimonthly, and generally meets monthly on the fourth Tuesday of the month at 3:30 p.m.

Board member are expected to

- >Faithfully attend board and committee meetings.
- >Familiarize themselves with the programs, goals, and objectives of the local department.
- >Develop local personnel or other policies where needed if no State or Federal policies exist.
- >Take an active interest in issues of social services.
- >Avoid the hint of conflict of interest and clarify and enhance the public image of the Department.

Michael DeGiorgi 8585 Burnt Chimney Road Wirtz, Virginia 24184	UNION HALL DISTRICT	6/18
Danny Agee 545 Hempfield Road Callaway, Virginia 24067	BLACKWATER DISTRICT	6/17
Charles Wagner 330 Riverview Street Rocky Mount, VA 24151	ROCKY MOUNT DISTRICT BOARD REPRESENTATIVE	NO TERM
John Lipscomb 346 Quail Valley Lane Boones Mill, VA 24065 (540) 334-2839 (H) (248) 310-0650 (C) jrlipscomb@embarqmai.com	BOONE DISTRICT	6/16
Howard Ferguson 161 Mount Carmel Road Rocky Mount, VA 24151	SNOW CREEK DISTRICT	6/16
Richard Kleckner (<i>Unexpired Term of Benson Beck</i>) 145 Channelview Drive Moneta, Virginia 24121	GILLS CREEK DISTRICT	6/18
Martha H. Bowling 9249 Franklin Street Ferrum, Virginia 24088	BLUE RIDGE DISTRICT	6/17

ram Dinkie, Executive Director
Karen/Secretary
Post Office Box 55
400 Scruggs Road, Suite 200
Moneta, VA 24121
540 721-4400 (T)
540-721-4450 (Fax)



1 YEAR TERMS
1-19-2016

The Tri-County Lake Administrative Commission (TLAC) was created on October 3, 2000. It replaced the Smith Mountain Lake Policy Advisory Board which was created in July of 1986. TLAC serves as an administrative department for the three counties surrounding Smith Mountain Lake (Bedford, Franklin, and Pittsylvania). TLAC carries out Smith Mountain Lake planning duties including, but not limited to, navigation marker issues, debris removal, invasive aquatic vegetation issues and coordination with APCO for lake related issues. TLAC strives to assist in the development of a harmonious community at Smith Mountain Lake through the administration of the programs and projects delegated to it by the three County Boards of Supervisors.

- The TLAC Board of Directors meets on the first Tuesday of each month at 4 P.M.
- Appointments/Re-appointments are made annually
 - Members:
 - Administrator from each member County
 - Supervisor from each member County
 - Citizen Representative from each member County (appointed by the County's Board of Supervisors)
Note: Pittsylvania County's citizen representative serves only as an alternate for the County Supervisor
 - One member from the following local organizations:
 - Smith Mountain Lake Association
 - Smith Mountain Lake Chamber of Commerce
 - Appalachian Power Company
- Total Voting Members: 11
- Current Active Committees: Environmental and Navigation Committee Chairman must be active members of the TLAC Board of Directors
- Organizational Cooperative Agreement must be renewed every two years by all three Counties. The Boards of Supervisors recently approved the renewal of the agreement through October 3, 2008.

Lorie M. Smith
Citizen Appointment
400 Emerald Bay Drive
Moneta, Virginia 24121

1 31 2017

Robert M. Carnicia
Board Member
113 Charlotte Lane
Hardy, Virginia 24101

1 31 2017

K

VIRGINIA WESTERN COMMUNITY COLLEGE
DR. ROBERT SANDEL, PRESIDENT
3095 Colonial Avenue, SW
Post Office Box 14007
Roanoke, Virginia 24038
(540) 857-7311
abalzer@viriniawestern.edu

Amy Balzer, Secretary

The Virginia Western Community College Local Advisory Board consists of eleven appointed members from six localities. The Board meets every other month from 3:30pm-5:00pm on the Virginia Western campus in the President's Conference Room. The purpose of the Board is to act in an advisory capacity to the State Board for Community Colleges and to perform duties with respect to the operation of Virginia Western Community College.

4-Year Term

Expires June 30th

857-7311
857-7544(fax)

Larry D. Moore
45 Scenic River Drive
Rocky Mount, Virginia 24151

Expires 6/30/2016

**VIRGINIA WESTERN COMMUNITY COLLEGE
EDUCATIONAL FOUNDATION BOARD OF DIRECTORS**

William "Bill" Brush
81 Lighthouse Lane
Moneta, Virginia 24121
APPOINTED 9-20-2011

L

**WEST PIEDMONT BUSINESS DEVELOPMENT
CENTER**

The Board of Directors meets the first Wednesday of each month at 1:00 P.M. The meetings are held in the main office in Martinsville, Va (22 East Church Street). The meetings usually last approximately 1 hour.

**Robbin Hall
West Piedmont Business Development Center
22 East Church Street
Post Office Box 747
Martinsville, VA 24114
276-638-2523
276-638-2669 FAX**

3-Year Term

**Barry Bridges
125 Woodlake Drive
Moneta, Virginia 24121**

6/30/2016

WEST PIEDMONT PLANNING DISTRICT BOARD

David Hoback, Executive Director

Post Office Box 5268

Martinsville, VA 24115

1-YEAR TERM (2-BOS MEMBERS)

CITIZEN APPOINTMENT (3-YEAR TERM)

AS OF 11-17-2015

4th THURSDAY 7:00 Executive Board Meeting

7:30 Board Meeting-

tmeade@wppdc.org

In 1968, Virginia was divided into 21 planning districts. A planning district commission is a political subdivision of the Commonwealth chartered under the Regional Cooperation Act by the local governments of each planning district. As such they are a creation of local government encouraged by the state.

The West Piedmont Planning District Commission is made up of the Cities of Danville and Martinsville; the Counties of Franklin, Henry, Patrick, and Pittsylvania; and the Town of Rocky Mount. The Commission has two elected representatives and one appointed representative. Elected representatives serve terms coincident with their elected terms of office or such shorter term as their governing bodies shall determine. Citizen, or appointed, representatives serve a three-year term. Both elected and appointed representatives have a vote on Commission matters. The Commission meets on the fourth Thursday of each month at its office at 1100 Madison Street in Martinsville; an agenda or cancellation notice is sent one week prior to the meeting date.

The purpose of Planning District Commissions, as set out in the Code of Virginia, Section 15.2-4207, is "...to encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis problems of greater than local significance. The cooperation resulting from this chapter is intended to facilitate the recognition and analysis of regional opportunities and take account of regional influences in planning and implementing public policies and services. The planning district commission shall also promote the orderly and efficient development of the physical, social and economic elements of the district by planning and encouraging and assisting localities to plan for the future."

Virginia's PDCs provide a variety of technical and program services to member local governments. They include grant application assistance, management services for program implementation, land use planning services and mapping. The merging of mapping and information services has created the field of geographic information systems, where PDC's often lead the way. Transportation planning is another role for PDCs, who may deal with highway development, ridesharing, airport planning, and specialized transit. The West Piedmont Planning District Commission has also been designated as an Economic Development District by the U.S. Department of Commerce, making its member localities eligible to receive federal grant funds from that agency.

For the Commonwealth, PDCs serve as an accessible network that gives quick and complete statewide coverage. Each serves as the Affiliate State Data Center for the region. In this role they provide important information to businesses as well as citizens. PDCs are the regional contact for the Commonwealth Intergovernmental Review Process and provide input for a host of agencies and commissions.

Other duties of the PDC's are:

- To conduct studies on issues and problems of regional significance
- To identify and study potential opportunities for local cost savings and staffing efficiencies through coordinated local government efforts
- To identify mechanisms for the coordination of state and local interests on a regional basis
- To implement services upon request of member localities
- To provide technical assistance to state government and member localities
- To serve as a liaison between localities and state agencies, as requested.
- To review local government aid applications as required by applicable law through the A-95 or Intergovernmental Review Process
- To conduct strategic planning for the regional as required by applicable law
- To develop regional functional area plans as deemed necessary by the commission or as requested by member localities
- To assist state agencies, as requested, in the development of substate plans
- To participate in a statewide geographic information system, the Virginia Geographic Information Network, as directed by the Department of Planning and Budget
- To collect and maintain demographic, economic and other data, acting as a state data center affiliate in cooperation with the Virginia Employment Commission

Mr. Bobby Thompson
364 Sawmill Road
Ferrum, VA 24088
493-0364

12-31-2015

Mr. Leland Mitchell
4180 Sontag Road
Rocky Mount, Virginia 24151
493-0059

12-31-2016

Brian C. Hamilton
100 Fralins Road
Rocky Mount, Virginia 24151

12-31-2016

WEST PIEDMONT PLANNING DISTRICT COMMISSION BYLAWS

ARTICLE 1

Name, Location, Authority, Purpose

- Section 1. The name of this organization shall be the West Piedmont Planning District Commission, hereinafter called the "COMMISSION," and designated as District No. 12. It includes the Counties of Franklin, Henry, Patrick, and Pittsylvania and the Cities of Danville and Martinsville and the Town of Rocky Mount, Virginia.
- Section 2. The principal office of the COMMISSION shall be in Martinsville, Virginia. The location of the principal office may be changed in accordance with the provisions of the Charter of the COMMISSION.
- Section 3. The COMMISSION shall be a public body corporate and politic with all the powers and duties granted to it by the Regional Cooperation Act (Title 15.1, Chapter 34, Sections 1-1400 through 15.1-1416.1, Code of Virginia, 1950, as amended). The official acts of the COMMISSION shall be attested by the use of a common seal, an impression of which shall be affixed hereunder.
- Section 4. The purpose of the COMMISSION shall be to promote the orderly and efficient development of the physical, social, and economic elements of the Planning District by planning and encouraging and assisting governmental subdivisions to plan for the future, with emphasis on projects of greater than local interest.
- Section 5. The COMMISSION is composed of the following:
- A. The Board of Commissioners
 - B. An Executive Committee
 - C. Policy Advisory Committees and their sub-committees
 - D. The West Piedmont Regional Alliance
 - E. The Commission Staff

ARTICLE II

Membership

- Section 1. COMMISSION members shall be appointed, removed for cause, and vacancies filled by the respective governing bodies of those political subdivisions which are parties to the Charter Agreement, in accordance with the provisions of the Virginia Regional Cooperation Act and the Charter Agreement.

- Section 2 Any member of the COMMISSION shall be eligible for reappointment but may be removed for cause by the governing body which appointed him.
- Section 3. All members of the COMMISSION shall serve without compensation or refund of personal expenses except as otherwise authorized by the Executive Committee.
- Section 4 Whenever any COMMISSION member fails to attend three consecutive regular meetings, the Chairman shall notify the governing body of which the absent member is an appointee.
- Section 5. The COMMISSION may designate advisors who shall include the senior administrative official in each jurisdiction and such others as may be designated by the COMMISSION.

ARTICLE III

Terms of Office and Voting Rights

- Section 1. The terms of office and voting rights of COMMISSION members shall be in accordance with the provisions of the Charter Agreement.
- Section 2. A majority of the members shall constitute a quorum

ARTICLE IV

Meetings

- Section 1. Meetings of the COMMISSION shall be held normally on the fourth Thursday of each month. The regular meeting place shall be the Commission Offices in Martinsville or as determined by a majority of the COMMISSION in regular session. The locale of the meetings shall be rotated, at approximately quarterly intervals, among the member jurisdictions, at the invitation of the jurisdictions.
- Section 2. Matters may be placed on the agenda for consideration at meetings of the COMMISSION by one of the following:
- A. The Executive Director
 - B. A member of the Board of Commissioners
 - C. The governing body of a member jurisdiction

ARTICLE V

Officers

- Section In addition to the offices of Chairman and Vice-Chairman, as provided for in the Charter or Agreement, the COMMISSION may elect other officers such as a Secretary and a Treasurer.

- Section 2. The Chairman shall preside at all COMMISSION meetings, shall sign all acts or orders necessary to carry out the will of the COMMISSION, shall have the authority to assign routine administrative functions to the Executive Director, shall be eligible to vote on all matters before the COMMISSION, and shall have the generally recognized powers and duties of the office of Chairman or President of an organization. He shall also be authorized to countersign checks or drafts against COMMISSION funds.
- Section 3. The Vice-Chairman shall serve as Chairman in the absence or disability of the Chairman. In the case of a vacancy in the office of Chairman, the Vice-Chairman shall assume the Chairman's duties until a new Chairman is elected to fill the unexpired term. He shall also be authorized to countersign checks or drafts against COMMISSION funds.
- Section 4. The immediate past Chairman shall serve as Chairman Emeritus from the date his successor qualifies as Chairman until the next succeeding election and succession of a Chairman. The Chairman Emeritus shall be an advisor to the COMMISSION, with the right to participate in its deliberations, but without vote. Should a Chairman Emeritus continue to serve as a member of the COMMISSION in his own right, his equal powers and status shall be neither enlarged nor diminished by his status as Chairman Emeritus.
- Section 5. All COMMISSION officers shall be elected at the regular May or June meeting for terms of one year or until their successors are elected.
- Section 6. COMMISSION officers shall be eligible for re-election.
- Section 7. The COMMISSION shall appoint an Executive Director who shall be an employee of the COMMISSION and shall serve at the pleasure of a majority of the membership.
- Section 8. The COMMISSION may designate its Executive Director as the organization's secretary but without the right to vote.
- Section 9. The Secretary shall prepare and maintain a permanent written record of all COMMISSION proceedings, shall transmit notices and agendas to the membership, and shall transmit a copy of the minutes of each COMMISSION meeting to each member prior to the next regular meeting.
- Section 10. The Treasurer shall be responsible for supervision of the receipt, keeping, and disbursement of all funds and property of the COMMISSION, investing funds when and as authorized by the COMMISSION, and insuring that proper permanent records are maintained of all financial transactions; he may delegate to the Executive Director the routine conduct of his fiscal duties. He will sign all warrants and checks issued against the COMMISSION, except those authorized for signature by the Executive Director and/or Chairman and will submit a financial report at each regular meeting of the COMMISSION and at such other times and in such form as the COMMISSION may require. The Treasurer shall be bonded in an amount as determined by the COMMISSION.

Section 11 In addition to his regular administrative duties, the Executive Director shall:

- A Recommend work programs and financing methods for adoption of the COMMISSION.
- B Prepare the annual budget for adoption by the COMMISSION.
- C Arrange for an annual audit of the accounts of the COMMISSION by an independent auditing firm, a copy of which shall be submitted to the governing body of each participating governmental subdivision.
- D Recommend staff positions, professional personnel and their compensation, and personnel administrative practices for approval.
- E See that all warrants and checks issued against the COMMISSION are countersigned, subject to the provisions contained elsewhere within these Bylaws.

Section 12 The Executive Director shall be bonded in an amount to be determined by the COMMISSION.

Section 13 The COMMISSION may appoint one of its employees to serve as Deputy Director, to serve as such at the pleasure of a majority of the COMMISSION, and such service shall be a responsibility in addition to his other duties. The Deputy Director shall assist the Executive Director in review of plans and advise him on policy and budget matters. He shall act, within the context of established policies, in the place of the Executive Director in his absence, except in the hiring and discharge of employees and signing of checks or warrants.

Article VI

Executive Committee

Section 1. There shall be an Executive Committee consisting of the COMMISSION Chairman, Vice-Chairman, and one COMMISSION member from each city, town, and county delegation on the COMMISSION other than those of the Chairman and Vice-Chairman. The Executive Committee member from each city, town, and county shall be selected by the individual city, town, or county delegation on the COMMISSION except that those delegations from which the COMMISSION Chairman and Vice-Chairman were elected will not select other members.

Section 2 The COMMISSION may delegate to the Executive Committee such powers as the COMMISSION may determine, provided that these powers are not inconsistent with provisions of the Virginia Regional Cooperation Act or the Charter Agreement.

Section 3. A majority of the members shall constitute a quorum.

ARTICLE VII
Policy Advisory Committees

Section 1 As deemed appropriate, the COMMISSION shall designate Policy Advisory Committees, which shall be composed of the following:

- A Chairman: Each Policy Advisory Committee shall be chaired by a member of the Commission, appointed by and serving at the pleasure of the COMMISSION.
- B. Jurisdiction Members: The governing bodies of each member jurisdiction shall designate one representative to each of the Policy Advisory Committees.
- C At-large Members: Each Policy Advisory Committee shall have two members to serve a voice for the under-represented groups of the elderly, youth, poor, blacks, and women, these members to have full voting rights. At-large members shall be nominated by the local governing bodies and appointed by the COMMISSION.

Section 2. All matters, prior to Board action, shall be referred to the appropriate Policy Advisory Committee by the Executive Director. Each such committee shall be responsible for preparing recommendations to the COMMISSION on such matters. A Policy Advisory Committee may seek the advice of a sub-committee on a particular issue before acting thereon.

Section 3. Each Policy Advisory Committee may organize such sub-committee as it deems proper and necessary, the Chairman of the Policy Advisory Committee to report such acts to the COMMISSION at a regular meeting thereof. Unless the Policy Advisory Committee votes otherwise, each such sub-committee shall be chaired by a member of the parent Policy Advisory Committee.

Section 4. The regular term of office for each Policy Advisory Committee member shall be three (3) years. The term of office of members of a sub-committee shall be three years or such shorter period as is specified when the sub-committee is authorized. Members may be reappointed to serve another term or may be removed from office at any time, at the discretion of their governing bodies.

Section 5. To insure stability of membership and retention of experienced members on Policy Advisory Committees, initial terms of members shall be established as follows, in alphabetical order of the jurisdictions, effective 1 July 1973:

Danville City.....	1 year, expiring 30 June 1974
Franklin County.....	1 year, expiring 30 June 1974
Henry County.....	2 years, expiring 30 June 1975
Martinsville City.....	2 years, expiring 30 June 1975
Patrick County.....	3 years, expiring 30 June 1976
Pittsylvania County.....	3 years, expiring 30 June 1976
Rocky Mount.....	3 years, expiring 30 June 1976
At-large Members.....	3 years, expiring 30 June 1976

Subsequent to these initial terms of office, all future appointments will be for a three (3) year term.

Section 6 When a committee member has two consecutive unexcused absences from committee meetings, the jurisdiction which he represents will be notified of such absences.

ARTICLE VIII

West Piedmont Regional Alliance

Section 1. In order to comply with and take advantage of Chapter 26.3, the Regional Competitiveness Act, Section 15.1-1227.1 through Section 15.1-1227.5, of the Code of Virginia, the West Piedmont Planning District Commission shall create the West Piedmont Regional Alliance operating as a special standing committee under the auspices and responsibility of the Commission, this Alliance's legal existence depending on the existence of Section 15.1-1227.2, of the Code of Virginia.

- A. Purpose of the West Piedmont Regional Alliance: The West Piedmont Regional Alliance shall provide the required institutional management body for the implementation of the Commonwealth of Virginia's Regional Competitiveness Act Program in the West Piedmont Region to promote increased intergovernmental cooperation and, through the cooperation created and the associated strategically planned projects, produce a region which is more economically competitive with competing localities outside the Commonwealth of Virginia.
- B. Authorities of the Alliance: The Alliance shall have no additional authority beyond that which is necessary for carrying out the purposes of the Regional Competitiveness Act or which is prescribed within the Act.

The existence and operations of the Alliance shall cease with the repeal of the Regional Competitiveness Act or by an action by the West Piedmont Planning District Board of Commissioners to repeal Article VIII of the Planning District Commission's Bylaws.

- C. Area of Coverage by the Alliance: All cities, counties, and towns with a population of 3,500 or greater within the Planning District will be invited to participate in the Alliance.
- D. Distribution of Regional Competitiveness Act Program Funds: Funds that may be received in the Planning District through awards of Regional Competitiveness Act funding from the Virginia Department of Housing and Community Development or its successor shall be distributed on the basis as determined by resolution by all participating local governments, with the amounts of the awards determined by the Commonwealth of Virginia.

For its efforts in serving as the administrative agent for the West Piedmont Regional Alliance and as necessary as the fiscal agent, it is understood that the West Piedmont Planning District Commission shall invoice the

localities receiving Regional Competitiveness Act funds in an amount up to but not exceeding ten (10) percent of the funds distributed.

E. Alliance Membership: Membership of the Alliance shall reflect the requirements of the Code of Virginia, changing upon amendments made to the Code of Virginia. At its inception, members to be included in the Alliance shall be:

- Chief elected officials one each from the local government members of the Planning District, who may also be a Board of Commissioners member. The Planning District Commission shall invite officials (or their designees who must also be elected officials) to serve the Alliance
- Local government administrators (or designees) one from each of the Commission's member localities. The Planning District Commission shall invite administrators/designees to serve the Alliance
- Corporate officials eight (8) members appointed by the Commission. Nominees must be chief executive officers and/or presidents of a business corporation or their designees
- Presidents of Community Colleges (or their designees) within participating localities of the Planning District.
- Presidents of Four-Year Private Colleges (or their designees) within participating localities of the Planning
- Public School Systems Superintendents (or their designees) two (2) superintendents (or their designees) from among the school systems of the member jurisdictions
- Development Organization Representatives, two (2) members appointed by the Commission selected on a rotating basis from among the local economic development organizations or corporations within the Planning District.
- Civic Organization Representatives, two (2) members appointed by the Commission selected from a list of nominees submitted by Chamber of Commerce Directors whose lists of nominations may include the Chamber Director, Chamber President, or a Director or President from other civic organizations and community action agencies within the Planning District.
- West Piedmont Planning District Commission representatives, two (2) members, the Chairman and Vice Chairman, or their designees in the event that they are members under another category; PDC representatives shall be appointed by the Commission Chairman.

F. Terms of Office:

- Chief elected official members (or their designees) shall serve for the term as determined by their localities
- Local Government Administrators (or their designees) shall serve a term as determined by their localities
- Corporate members shall serve three (3) year terms.
- Community College Presidents shall serve for their term of office with the Virginia Community College System. A designee of a Community College President shall serve such term as determined by the President.
- Presidents of the Four-Year Private Colleges shall serve for their term of office with the college. A designee of a President of a Four-year Private College shall serve such term as determined by the President.
- Public School Systems Superintendents (or their designees) shall serve for two (2) year terms.
- Development Organization Representatives shall serve two (2) year terms.
- Civic Organization representatives shall serve for two (2) year terms after which time the organizations making their original appointment shall be asked to renominate the member or nominate a new member; the Planning District Commission Board shall make the appointment(s) from the list of nominees.
- West Piedmont representatives shall serve for their term of office on the Commission, or for no more than two (2) years in the case of designees

- G. Officers of the West Piedmont Regional Alliance The Chairman and Vice-Chairman of the West Piedmont Planning District shall serve as Chairman and Vice-Chairman of the Alliance.
- The Executive Director of the West Piedmont Planning District Commission shall serve as Executive Director of the West Piedmont Regional Alliance. He may assign duties to a designee including the Deputy Director of the West Piedmont Planning District Commission.
- H. Quorum/Voting for Meetings A quorum shall consist of one-third the Alliance's membership in attendance at a called meeting. If a quorum is present when a vote is taken the official vote of a majority of the members present is the act of the Alliance.
- Executive Committee The Alliance may create an Executive Committee with no more than fourteen (14) members including the Chairman, Vice-Chairman chosen at a meeting of the full Alliance membership. The Alliance may delegate to the Executive Committee such responsibilities as the Alliance may determine, provided that these powers are not inconsistent with the provisions of the Virginia Regional Competitiveness Act.
- J. Committees The Alliance Board may create one or more other committees and appoint members of the Board to serve on them. Each committee shall have two (2) or more members who serve at the pleasure of the Alliance Board. The creation of a committee and appointment of members to it shall be approved by a majority of directors in office when the action is taken. Each such committee shall be responsible for preparing recommendations to the Alliance on such matters as assigned.
- K. Termination No provision is made for terminating participation by a member other than through term expiration; however, the Chairman of the Alliance may direct that a letter be sent to the original nominating party, advising of poor attendance, in effect, missing four (4) meetings in one (1) year.
- L. Bylaws for the Alliance The Alliance shall operate under Article VIII of the West Piedmont Planning District Commission Bylaws as a standing committee of the Planning District. Once operative, the Alliance is permitted to adopt operating procedures in addition to but not in substitution for these bylaws herewith, insofar as these additional operating procedures do not conflict with West Piedmont Planning District Commission bylaws herewith.
- M. Fiscal Agency The West Piedmont Planning District Commission may serve as Fiscal Agent for its Alliance. The Alliance shall be liable for compliance with the laws of the Commonwealth in all respects, as a subdivision of the West Piedmont Planning District Commission, which itself is a subdivision of the Commonwealth of Virginia.
- N. Administrative Agency The West Piedmont Planning District Commission through its Executive Director and staff shall serve in the role of Administrative Agent for the Alliance. Local governing bodies participating in the Alliance and which receive Regional Competitiveness Act reward funding shall be billed at a rate not to exceed 10 percent per annum by the West Piedmont Planning District to cover costs of Alliance operations and administration.
- O. Freedom of Information, other Virginia Acts Impend on the Alliance The Alliance is liable for the Virginia Freedom of Information Act, Procurement Act, and those other acts of the Commonwealth of Virginia which generally govern the acts or actions, procedures, and recordings of public bodies.

ARTICLE IX

Amendments

- Section 1 Any proposed amendment to these Bylaws shall be mailed to each member of the COMMISSION at least five days prior to the meeting at which it is to be voted upon. A majority vote of all members of the COMMISSION voting at a regular meeting, shall be required to adopt any proposed amendment to the Bylaws.

ARTICLE X

Parliamentary Procedure

- Section 1 Robert's Rules of Order, Revised shall be the parliamentary authority for the conduct of meetings of the COMMISSION, the Executive Committee, Policy Advisory Committee, and the West Piedmont Regional Alliance, in all cases in which such rules apply and where they are not inconsistent with the provisions of the laws of Virginia, the Charter Agreement, and these Bylaws.
- Section 2 During Policy Advisory Committee (or sub-committee) meetings, no action shall be taken with respect to a matter affecting only a particular jurisdiction unless the committee (or sub-committee) representative of that jurisdiction is present or unless he is represented by a proxy or written proxy statement. Matters so tabled shall be reported by the Committee Chairman to the COMMISSION at its next regular meeting. In extreme cases, committees may exercise their own judgment in deviating from this rule.

ARTICLE XI

- Section 1 These Bylaws and any amendments thereto shall be effective immediately upon adoption.



For Youth Development
For Healthy Living
For Social Responsibility

Attention: Mr. Cline Brubaker
Mr. Brent Robertson

On behalf of the Franklin County Family YMCA, I would like to extend an invitation to Mr. Charles Wagner to become a member of our Y Board for a one year term beginning June 2016. I understand that Charles has indicated that he is interested in joining the Y Board but has asked that the YMCA notify the County Board of Supervisors first to secure their approval. Our Board has voted and approved Mr. Wagner as a new YMCA Board member.

The YMCA sees this as a good method to build an ongoing and strong partnership between our organizations and to provide helpful insights into the YMCA's performance and its programs. Our hope is that this will allow the YMCA to work more closely with the county on programs that serve and strengthen our community, which is the mission of the YMCA as you know.

Lastly, we will seek to identify any potential conflicts of interest in advance in order to avoid any appearances of impropriety. Please let me know when the Franklin County Board of Supervisors has approved of Mr. Charles Wagner joining the Franklin County Family YMCA Board of Directors. I have included my contact information below for your convenience.

Regards,


Jim Currie
CEO

Franklin County Family YMCA
@ Smith Mountain Lake
293 Firstwatch Drive
Moneta, VA 24121
540-721-9622 Fax: 540-721-0236

Franklin County Family YMCA
@ Rocky Mount
235 Technology Drive
Rocky Mount, VA 24151
540-489-9622 Fax: 540-489-1780
www.franklincountyyymca.org

Franklin County Family YMCA
@ Ferrum College
333 Wiley Drive
Ferrum, VA 24088
540-365-9622

FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Don Palmer Annual Outdoor Occasion Permit for 2016</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Don Palmer Annual Outdoor Occasion Permit for FY 2016</p> <p><u>STAFF CONTACT(S):</u> Mr. Robertson & Mrs. Tudor</p>	<p><u>AGENDA DATE:</u> June 21, 2016</p> <p><u>ITEM NUMBER:</u></p> <p><u>ACTION:</u> <u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u> YES <u>ACTION:</u> YES <u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> YES</p> <p><u>REVIEWED BY:</u> </p>
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BACKGROUND:

Don Palmer, Promoter, is requesting approval for his 2016 Annual Outdoor Occasion Permit for *Saturday & Sunday, August 20-21, 2016*. The attached Outdoor Occasion Permit is enclosed for your review and consideration.

DISCUSSION:

All pertinent agencies per County Code Section 13-29.2 have signed off on the 2016 Outdoor Occasion Permit scheduled for *Saturday & Sunday, August 20-21, 2016*.

Per County Code Section 13-29.4 the fee of \$100.00 has been paid (*Tuesday, May 24, 2016*) and deposited with the County Treasurer's Office.

RECOMMENDATION:

Staff recommends approval of the application as submitted per County Code Section 13-29.1 as presented.

#100.00 3
pc.
5.24.16
#4661



Franklin County

A Natural Setting for Opportunity

APPLICATION FOR OUTDOOR OCCASION PERMIT

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

DATE SUBMITTED: 5-18-16

NAME OF APPLICANT: Don W. Palmer

COMPLETE MAILING ADDRESS: 1470 Danville Turnpike
Penhook, Virginia 24137

EMAIL ADDRESS: pmpalmer@centurylink.net

TELEPHONE NUMBER: (540) 576-1480

CELL TELEPHONE: (540) 420-6334 / 83-8580

NAME OF EVENT: Sandy Bottom Scramble

NAME OF PROMOTER: Don Palmer

MAILING ADDRESS: 1470 Danville Turnpike, Penhook, Virginia

TELEPHONE NUMBER: (540) 576-1480

CELL TELEPHONE: (540) 420-6334

1. *Please describe the exact location of the proposed event(s) including the tax map and parcel location of the property.*

Approximately 2 miles from Snow Creek Road
on the left side of Danville Turnpike.
87-2812 # 87.27

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

Don Palmer
1470 Danville Turnpike
Penhook, Va 24137

Mike Palmer
1541 Danville Turnpike
Penhook, VA 24137

Please list the dates for which the permit is to be issued.

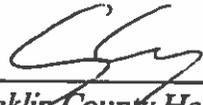
August 20, 2016
August 21, 2016

4. Please describe in detail, the nature of your event, anticipated attendance, and anticipated number of actual participants.

Motorcycle Race
250 +/- attendance

5. Please outline your plans for the provision of adequate sanitation facilities and sewage disposal methods.

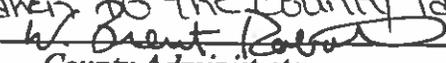
There will be 5 porta-johns and hand wash stations
The porta-johns will be pumped as needed by a licensed sewage disposal company.

APPROVED: 
Franklin County Health Department

5/18/16
Date

6. Please describe your plan for adequate disposal of solid waste.

We provide adequate trash barrels throughout our camping and viewing areas. Trash barrels are emptied frequently and do not create a nuisance or health hazard. Trash is bagged and placed in a trash truck provided on location then taken to the county landfill.

APPROVED: 
County Administrator

Date:

7. Please describe your plan for adequate security personnel as defined in Sections 13-27 and Section 13-31 of the Franklin County Code including how many security personnel will be present for each event as a minimum plus plans in place for higher than expected crowds.

(Use a separate sheet if required). This is a VCHSS event with strict regulations. This normally eliminates the need for security. Any problems will result in loss of a race and points for the rider that commits the offense. The series reserves the right to ban them indefinitely. This is a family oriented event. Alcohol is not permitted.

Name of Security Firm: _____

Va. Department of Commerce License Number: _____

Will These Guards be Armed? _____

APPROVED: Capitan Caldwell
Sheriff, County of Franklin

5/18/14
Date

8. Please describe any outdoor lighting to be used, what steps will be taken to prevent unreasonable glow or glare onto adjoining property, and acknowledgement that the lighting complies with the National Electrical Code Requirements.

There will be no outdoor lighting.

APPROVED: [Signature]
Building Official, County of Franklin

5/18/14
Date

9. Please describe a plan for adequate parking facilities and traffic control in and around the event area.

Open fields 1/4 of a mile from the state maintained road.

APPROVED: Capitan Caldwell
Sheriff, County of Franklin

5/18/14
Date

10. I hereby understand that it is unlawful to:

- a. (1) Operate between the hours 12:00 midnight and 9:00 a.m. and before 1:00 p.m. on Sundays.
- b. (2) Run practices more than two (2) days per week or operate during more than two (2) consecutive days regardless of whether it is in the same week and hours of practice shall be limited to a total of (6) hours which shall be six (6) consecutive hours on each of the two (2) practice days set out above, with the exception that when traveling racing associations are scheduled for a Saturday race, practice shall be limited to two (2) days in the preceding Monday-Friday time period. Such practice will be limited to six (6) hours daily. In the event that a "special event" race is rained out, such race may be held on Sunday. This rain out provision is limited to two (2) races per season.
- c. (3) Operate without the permit as outlined in this article.
- d. (4) Receive a permit for or operate a raceway in any fashion that does not have a fence or other barrier sufficient to prevent vehicular access of any nature to the tract area.
- e. (5) Operate after having been notified that any of the provisions required by the application requirements of section 13-29.2 are no longer in compliance according to the approving authority.

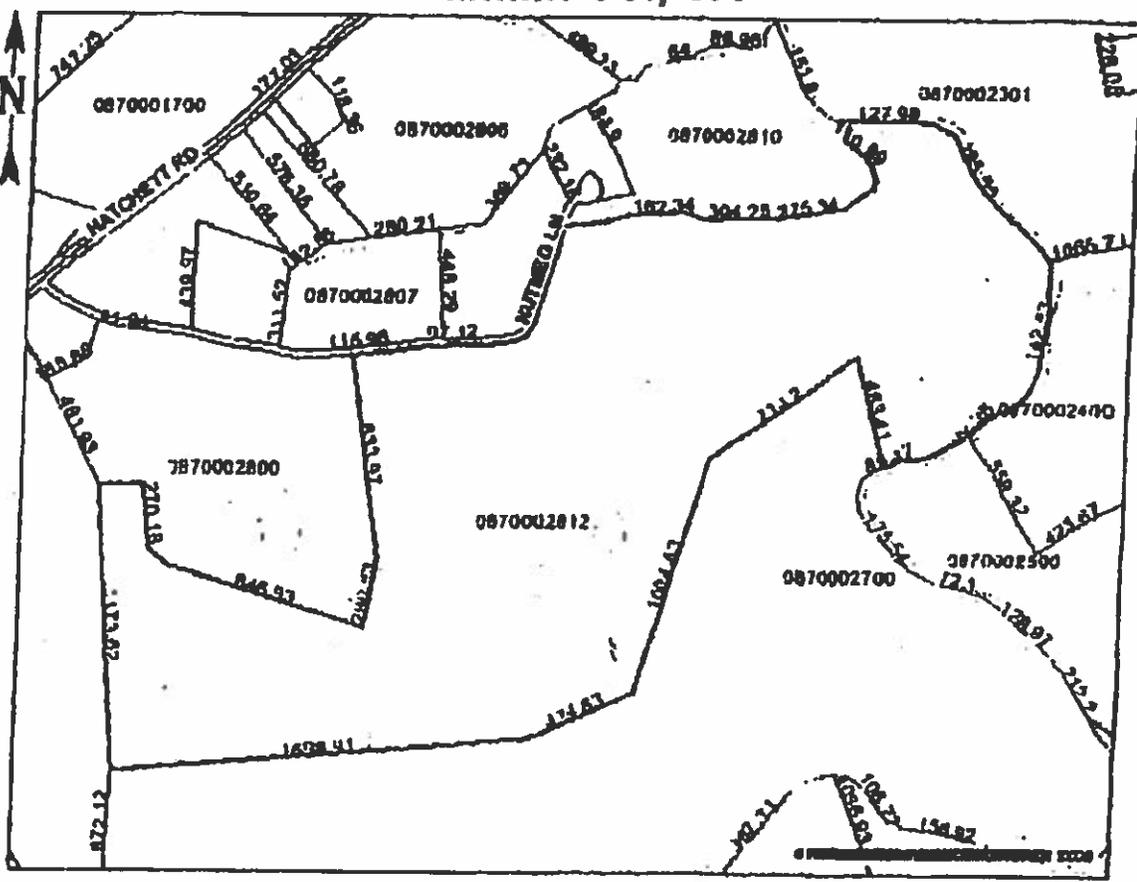
Don W Palmer
APPLICANT

5-18-16
Date

11. I hereby grant permission for the Board of Supervisors, its lawful agents and its duly constituted law enforcement officers to enter the property at any time for the purposes of determining compliance with the provisions of the Franklin County Code. I recognize that the Board of Supervisors of Franklin County shall have the right to revoke any permit issued under this ordinance for failure to comply with any of its provisions or conditions. I also have read Section 13-29.5 that grants authority to the County Administrator to revoke any permit issued under this ordinance for up to 30 days for any violation.

Don W Palmer
APPLICANT

5-18-16
Date



Parcels

Parcel ID: 0870002812
 Map: 08700
 Parcel: 02812
 Zone: NZ
 Owner: PALMER DON & PATTI
 Co-Owner:
 Owner Address: 1470 DANVILLE TURNPIKE
 City: PENHOOK
 State: VA
 Zip1: 24137
 Description 1: RT 629
 Description 2:
 Acres: 104.168
 Land Value: \$125,000
 Bldg Value: \$0
 Deed Book: 657
 Deed Page: 1462
 District: SC
 Sale Price: \$80,000
 Sale Date: 19990825
 Plat Book: 0681
 Plat Page: 0717
 Adopted Flood Hazard: Field not found
 Revised Flood Hazard: Field not found



Franklin County

A Natural Setting for Opportunity

FRANKLIN COUNTY Board of Supervisors

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u></p>	<p><u>AGENDA DATE:</u> June 21, 2016</p>	<p><u>ITEM NUMBER:</u></p>
<p>Franklin County Electoral Board – R. Dean Stone, Keith Hubbard and Jody D. Brown</p>	<p><u>ACTION:</u></p>	<p><u>INFORMATION:</u></p>
<p><u>SUBJECT/PROPOSAL/REQUEST:</u></p> <p>Ferrum Precinct: Change of polling place from the Ferrum Rescue Squad Building to the Ferrum Elementary School.</p>	<p><u>CONSENT AGENDA:</u> <u>ACTION:</u> Yes</p> <p><u>ATTACHMENTS:</u> Yes</p>	<p><u>INFORMATION:</u></p>
<p><u>STAFF CONTACT(S):</u> Kay W. Chitwood, Registrar</p>	<p><u>REVIEWED BY:</u> <i>PR</i></p>	

BACKGROUND: The Ferrum Rescue Squad is currently the polling place for the Ferrum Precinct located at 9285 Franklin Street, Ferrum.

DISCUSSION: The Electoral Board requests at this time to change the polling place of the Ferrum Precinct from the Ferrum Rescue Squad to the Ferrum Elementary School located at 660 Ferrum School Road, Ferrum. The Board feels that the location, parking and traffic flow would make for a much safer environment for the voters in this precinct. Attached is the letter of approval for the use of the school by Dr. Mark Church, School Superintendent, for Franklin County Schools. If approved the Electoral Board plans to implement by the 2016 November General Election. (Virginia Election Law 24.2-306 requires the locality to advertise prior to enactment so that the public can be heard).

RECOMMENDATION: The Franklin County Electoral Board respectfully requests the Board of Supervisors to authorize staff to advertise and hold a public meeting.



FRANKLIN COUNTY PUBLIC SCHOOLS

Office of Superintendent

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

April 26, 2016

Ms. Kay W. Chitwood
Franklin County General Registrar
1255 Franklin Street, Suite 106
Rocky Mount, VA 24151

Dear Ms. Chitwood:

The request of the Electoral Board to add Ferrum Elementary as a voting precinct was approved by the Franklin County School Board on April 11, 2016. Please work with Ms. Jennifer Talley, the principal of Ferrum Elementary, as to details in using the school as a polling location.

Should you have any questions, please feel free to contact me.

Sincerely,

W. Mark Church, Ph.D.
Division Superintendent

cc: Ms. Jennifer Talley, Principal – Ferrum Elementary



Franklin County
A Natural Setting for Opportunity

ELECTORAL BOARD
KAY W. CHITWOOD, GENERAL REGISTRAR

1255 FRANKLIN STREET, SUITE 106 • ROCKY MOUNT, VIRGINIA 24151

March 28, 2016

Dr. W. Mark Church
Franklin County School Superintendent
25 Bernard Road
Rocky Mount, VA 24151

Dear Dr. Church:

The Franklin County Electoral Board appreciates your and the Franklin County School Board's support of elections. For many reasons of accessibility, the schools that are also polling places serve the voters especially well.

We realize that many members of the public have shown concern about the use of schools during the most recent primary election and are grateful that you are putting the election calendar into your planning process in setting future school calendars. With your support in arranging staff development days, we should not face the situation of the general public having access to schools while students are present for any regularly scheduled election.

We do face a situation in the Ferrum precinct that we hope you can help us address. While the Rescue Squad has been most cooperative in welcoming voters to their building, the traffic on that section of Route 40, the very limited parking, and the nature of the handicap entrance along with many requests from voters have led us to look at other voting sites for that precinct. The best possibility for solving the voting problems will be moving the precinct to the Ferrum Elementary School. Specifically, we believe the gymnasium will provide plenty of space for officers of elections to set up a sensible arrangement of voting equipment and room for voters in case of inclement weather on election day.

If you and the Board will approve our taking further steps with the Board of Supervisors, we hope to begin the process of making this move during the summer so that the school will be available for the presidential election in November.

Sincerely,

Dean Stone
Electoral Board Chair

Keith Hubbard
Electoral Board Vice Chair

Jody D. Brown
Electoral Board Secretary

Kay Chitwood
General Registrar

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FRANKLIN COUNTY
Board of Supervisors



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

AGENDA TITLE: Proposed Amendments to County Code Section 3:Public Dance Halls	AGENDA DATE June 21, 2016	ITEM NUMBER:
SUBJECT/PROPOSAL/REQUEST: To Repeal & Amend Chapter 3 Public Dance Halls in the County Code	ACTION:	
STRATEGIC PLAN FOCUS AREA: Infrastructure	CONSENT AGENDA: YES	
GOAL #4	INFORMATION:	
STAFF CONTACT(S): Messrs. Robinson, Jefferson & Mrs. Tudor	ATTACHMENTS: YES. Proposed amendments to Chapter 3 County Code & Revamped Application for Public Dance Halls	
	REVIEWED BY: <i>BR</i>	

BACKGROUND:

During the Board meeting held on Tuesday, March 15, 2016, the Board directed staff to review County Code Chapter 3: Public Dance Halls adopted December 1977. While staff consisting, of the (*Commissioner of Revenue, Treasurer, Sheriff's Department, VDOT, Building Inspection's Official, Planning & Community Development, Public Safety and Board Clerk*) have met, discussed and offered comments from the eyes of each department's as to the role in this process.

DISCUSSION

In reviewing surrounding county codes there are varying degrees of amendments and penalties as several of the counties have utilized. Attached you will see a complete overhaul on Chapter 3 to align verbiage with the State Code of the Commonwealth of Virginia and the applicant's application for the Board's review.

Staff has shared and discussed with B. J. Jefferson, County Attorney, the proposed amendments to Chapter 3 and Mr. Jefferson states the amendments are ready for public hearing.

Staff brings the attached proposed amendments to Chapter 3: Public Dance Halls and application to the Board of Supervisors during their April 19, 2016 meeting requesting the Board to grant approval for staff to authorize for advertising for a public hearing on the proposed amendments to Chapter 3 of the Franklin County Code (see attached).

The Board directed staff to advertise for public hearing the proposed amendments to Chapter 3: Public Dance Halls in the County Code for the Tuesday, May 17, 2016.

RECOMMENDATION:

Staff respectfully request Board authorization to repeal and then adopt the attached amendments to Chapter 3: Public Dance Halls as submitted for public hearing on **Tuesday, June 21, 2016 @ 6:00 P.M.**

ARTICLE II. - PUBLIC DANCE HALLS

FOOTNOTE(S):

--- (2) ---

State Law reference— Authority of county to regulate public dance halls. Code of Virginia, § ~~18.2-~~
43315.2-912.3

DIVISION 1. - GENERALLY

Sec. 3-16. - Defined.

For the purposes of this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where context indicates a different meaning:

County Administrator means the County Administrator, or another County employee or officer as the County Administrator may designate.

Manager means any person charged with conducting the business affairs or daily operations of a public dance hall.

Permit holder means the person(s) who hold(s) a permit issued pursuant to this article.

Person means any individual, group of individuals, corporation, partnership, association or other entity formed for the purpose of conducting business, or any combination thereof, unless context indicates that a natural person is the intended meaning.

Public dance hall means any place not owned by the county open to the general public where dancing by the general public is permitted; however, a restaurant located in the county licensed under Code of Virginia, § 4.1-210 to serve food and beverages having a dance floor with an area not exceeding ten percent of the total floor area of the establishment shall not be considered a public dance hall.

For the purposes of this article the term "public dance hall" includes any dance hall or other place where there is dancing and which is open to members of the public upon the payment of an admission fee or any other form of compensation to the operator.

(Ord. of 12-19-77 Code of Virginia, § 15.2-912.3)

Sec. 3-17. - Violations of article generally.

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a Class 3 misdemeanor.

(Ord. of 12-19-77)

Cross reference— Penalty for Class 3 misdemeanor, § 1-11.

Sec. 3-18. - Exemptions ~~from article.~~

This article shall not apply to any single dance:

(1) Held for benevolent or charitable purposes; or

(2) Conducted under the auspices of a governmental, religious, educational, civic or military organization.

~~This article shall not apply to dances held for benevolent or charitable purposes or conducted under the auspices of religious, educational, civic or military organizations.~~

(Ord. of 12-19-77;[Code 2016](#))

State Law reference— Authority for above exemptions. Code of Virginia, § [158.2-912.3433](#).

Sec. 3-19. - Security requirements.

Whenever the number of patrons in a public dance hall is less than 50, then the public dance hall shall have at least one security worker. Whenever the number of patrons in a public dance hall is at least 100, then the public dance hall shall have at least three security personnel, no less than one of whom shall be a law-enforcement officer patrolling the establishment. For every 200 patrons, the public dance hall shall have at least four security personnel, no less than two of whom shall be law-enforcement officers dedicated to maintaining order in and around the public dance hall. For purposes of this section, the term "law-enforcement officer" has the meaning ascribed to that term by Code of Virginia, § 9.1-101. All other security personnel shall be "unarmed security officers" or "armed security officers" as defined by Code of Virginia, § 9.1-138 validly registered with the State Department of Criminal Justice Services as required by Code of Virginia, § 9.1-139. The permit holder for the public dance hall shall be responsible for all costs associated with fulfilling the security requirements of this section. The permit holder for the public dance hall shall be responsible for ensuring full compliance with this section.

(Code 2016)

Sec. 3-20. - Right of entry of police; enforcement.

Sheriff's Office personnel may enter any public dance hall for which a permit has been granted under this article during all hours of operation.

(Code 2016)

Sec. 3-21. - Entry prohibited to certain persons.

(a) No person under the age of 18 years shall remain on the public dance hall premises after 9:00 p.m. unless lawfully employed therein or unless accompanied by a parent or legal guardian.

(b) The manager of any public dance hall shall conduct, or cause to be conducted, a positive identification and age check of each person seeking admittance to ensure compliance with this section.

(c) It shall be unlawful for any person to falsely represent his or her age in order to gain admittance to a public dance hall or for any person to aid, abet or assist in making such false representation.

(Code 2016)

Sec. 3-22. - Manager to be present during operation; events with promoters.

(a) Each permit holder, except an individual who is a permit holder and on the premises, shall have a designated manager, as defined in Section 3-16, present and in actual charge of the business being conducted under the permit at any time the public dance hall is in operation. The name of the designated manager of every public dance hall shall be kept posted in a conspicuous place in the public dance hall, legible in print and size, during the time such manager is in charge. Designated managers must be at least 21 years of age and have passed a criminal background check to show that he or she has not been convicted of:

(1) Any violent felony involving a crime against a person;

(2) Any other felony within five years preceding the date of the event;

(3) Any misdemeanor involving contributing to the delinquency of a minor within five years preceding the date of the event;

(4) Any other criminal offense against a juvenile; or

(5) Any crime within five years preceding the date of the event involving:

a. The possession, sale or distribution of, attempted possession, sale or distribution of, or conspiracy to possess, sell or distribute a controlled substance, alcohol or firearms; or

b. The sale or distribution of, attempted sale or distribution of, or conspiracy to sell or distribute marijuana.

(b) No permit holder shall allow a promoter to sponsor any event within a public dance hall unless all persons with a controlling interest in that promoter have completed a criminal background check through the County Administrator within the three months preceding the date of such event and the criminal background check has shown that no such person has been convicted of:

(1) Any violent felony involving a crime against a person;

(2) Any other felony within five years preceding the date of the event;

(3) Any misdemeanor involving contributing to the delinquency of a minor within five years preceding the date of the event;

(4) Any other criminal offense against a juvenile; or

(5) Any crime within five years preceding the date of the event involving:

a. The possession, sale or distribution of, attempted possession, sale or distribution of, or conspiracy to possess, sell or distribute a controlled substance, alcohol or firearms; or

b. The sale or distribution of, attempted sale or distribution of, or conspiracy to sell or distribute marijuana.

(c) The permit holder shall ensure that the promoter possesses a business license issued by the county, and the permit holder shall produce on demand by any county officer or employee a copy of such business license.

(Code 2016)

Sec. 3-1923. - Required permit; application and fee. Permit.

(a) It shall be unlawful for any person to own, operate or maintain a public dance hall within the county, unless he has a permit so to do, approved by the Board of Supervisors pursuant to this section. Upon receipt of an approved dance hall permit from the Board of Supervisors, it shall be displayed next to the existing ABC License and Certificate of Occupancy within the establishment.

(b) Application for a permit under this article shall be made in writing on forms provided for this purpose and filed with the County Administrator. Applicants shall provide the following:

(1) The name, street address and telephone number of the proposed public dance hall.

(2) The name, residential address, telephone number, date of birth, gender, race, hair and eye color, height and weight of the individual applicant or the individual applying on behalf of an entity.

(3) The name, address and telephone number of each individual who is an officer, director, partner, principal or manager of the proposed public dance hall, as well as any promoter involved in conducting dances at the proposed public dance hall.

(4) Whether the applicant or any of the persons listed in subsection (b)(3) of this section has been convicted of any felony or misdemeanor and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed.

(5) Whether the applicant or any of the persons listed in subsection (b)(3) of this section has had a public dance hall permit denied or revoked by any jurisdiction and, if so, when and where the denial or revocation occurred.

(6) The name, residential address and telephone number of two references who are neither minors nor relatives of the applicant or of any person listed in subsection (b)(3) of this section.

(7) If the applicant does not own the premises of the proposed public dance hall, a signed statement from the owner(s) authorizing use of the premises for a public dance hall.

(8) Written declaration, dated and signed by the applicant, certifying that the information contained in the application is true and correct and authorizing the County Administrator to commence a criminal background and reference check.

(c) Each such application for a permit shall be accompanied by a fee in the amount of \$600.00.

(d) In addition to submitting the information required by subsection (b) of this section, applicants shall make the premises of the proposed public dance hall available for inspection pursuant to this article by representatives of the Sheriff's Office, Department of Public Safety, the Building Inspections Office, and the Department of Planning & Community Development.

~~It shall be unlawful for any person to own, operate or maintain a public dance hall within the county, unless he has a permit so to do issued pursuant to this section.~~

~~(b) Application for a permit required by this section shall be filed with the county administrator, who shall, within thirty (30) days thereafter, conduct such investigation as he deems necessary and report the results thereof to the board of supervisors.~~

~~(c) Upon receipt of the report referred to in subsection (b) above, the board of supervisors shall either approve or disapprove the permit application. If the application is approved by the board, the county administrator shall issue a signed permit to the applicant. If the application is disapproved by the board, the permit shall be denied.~~

~~(d) Upon receipt of approved county dance hall license from the board of supervisors, it shall be displayed next to the existing ABG License within the establishment.~~

(Ord. of 12-19-77; Res. No. 24-12-91, 12-17-91; Code 2016)

State Law reference— Authority of county to require dance hall permit. Code of Virginia, § 18.2-433.

Sec. 3-24. - Issuance or denial of permit.

(a) Within 45 days of the application filing, the Board of Supervisors shall approve a permit or provide a written decision of denial to the applicant.

(b) Upon receipt of a completed application, the County Administrator shall provide the application to the Sheriff, the Department of Public Safety Director, the Building Official for the Building Inspections Office, and the Director of Planning and Community Development, Va. Department of Highways and Transportation (VDOT), Treasurer and Commissioner of Revenue for their review. Within 21 days of receipt:

(1) The Sheriff and VDOT shall inform the County Administrator in writing whether the structure in which the proposed dance hall is located meets all security and traffic concerns;

(2) The Department of Public Safety Director shall inform the County Administrator in writing whether the structure in which the proposed dance hall is located meets all the provisions in the

county's fire prevention code, including the Virginia Statewide Fire Prevention Code, and whether the parking facilities impede the approach of fire apparatus;

(3) The Building Official shall inform the County Administrator in writing whether the structure in which the proposed dance hall is located meets all the applicable provisions in the Virginia Uniform Statewide Building Code; and

(4) The Director of Planning and Community Development shall inform the County Administrator in writing whether the proposed property use and vehicular parking provided on premises meets zoning requirements for the proposed dance hall.

(5) VDOT shall inform the County Administrator in writing whether a commercial entrance is required.

(6) Treasurer shall inform the County Administrator in writing that the real estate and personal property taxes are not delinquent.

(7) Commissioner of Revenue shall inform the County Administrator in writing that the meals tax is paid to date.

(c) The County Administrator shall recommend that the Board of Supervisors approve a permit if:

(1) The Sheriff has determined that the structure in which the proposed dance hall is located meets all security and traffic concerns;

(2) The Department of Public Safety Director has determined that the structure in which the proposed dance hall is located meets all the provisions in the county's fire prevention code, including the Virginia Statewide Fire Prevention Code, and the parking facilities do not impede the approach of fire apparatus;

(3) The Building Official has determined that the structure in which the proposed dance hall is located meets all applicable provisions in the Virginia Uniform Statewide Building Code;

(4) The Director of Planning and Community Development has determined that all property use and vehicular parking meets zoning requirements for the proposed dance hall.

(5) VDOT has determined a commercial entrance is not required.

(6) Treasurer has determined the real estate and personal property taxes are not delinquent.

(7) Commissioner of Revenue has determined the meals tax is paid to date.

(d) The County Administrator may recommend attaching conditions to a permit that are reasonably related to the preservation of domestic tranquility.

(Code 1995, § 4-64; Ord. No. 1093, § 3, 3-13-2007; Code 2016)

Sec. 3-250. - To be closed during certain hours.

It shall be unlawful for the owner, manager or other person in control of any public dance hall to permit such establishment to remain open for business or to allow dancing therein between 1:00 a.m. and 7:00 a.m. on ~~any day and further~~, Monday through Saturday. ~~D~~-ancing shall only be allowed between the hours of 1:00 p.m. and 11:00 p.m. on Sunday.

(Code 1974, § 13-9; Ord. of 12-19-77; Amend. of 1-21-03(1); Code 2016)

Sec. 3-26. - Revocation of permit or license.

The Board of Supervisors may revoke any permit issued pursuant to this article for any of the following reasons:

- (1) The dance hall does not conform to the requirements of the fire prevention code of the county, the Virginia Statewide Fire Prevention Code, or any other law concerning fire prevention or safety.
- (2) The dance hall does not conform to the requirements of the Virginia Uniform Statewide Building Code.
- (3) The dance hall does not conform to the county's zoning requirements.
- (4) The application or any statement made in support of the application has been discovered to contain a material misrepresentation or omission of fact.
- (5) The permit holder has allowed, or failed to take, reasonable measures to prevent repeated occurrences of disorderly, violent, obscene or other unlawful conduct on its premises.
- (6) The permit holder has violated any permit terms or conditions.
- (7) The permit holder has violated any provision of this article.
- (8) The permit holder has assigned or otherwise transferred the dance hall permit to another person or entity.
- (9) The permit holder is in violation of a local, state or federal law, and such violation prohibits continued operation of the dance hall.

(Code 2016)

Sec. 3-27. - Procedure upon denial of an application or revocation of a permit.

(a) If the Board of Supervisors denies an application or revokes a permit, the applicant or permit holder shall be notified in writing of such action, the reasons therefore, and the right to request a hearing. To receive a hearing, the applicant or permit holder is required to make a written hearing request which must be received by the County Administrator within thirty (30) days of the denial or revocation notice issuance. If a timely hearing request is not received by the County Administrator, the denial or revocation decision shall be final. If a hearing is properly requested, it shall be held within fourteen (14) days from receipt of the hearing request. The hearing shall be presided over by the County Attorney. The applicant or permit holder shall have the right to present evidence and argument or to have counsel do so. Within five (5) days of the hearing, the County Attorney shall render a decision, which shall be final. If a permit revocation decision becomes final, the permit holder must discontinue all dance hall operations, effective no later than 11:59PM that same day.

(b) Any person operating such a public dance hall whose permit has been revoked shall have the right of appeal to the circuit court of the county in accordance with law.

Sec. 3-218. - Consumption, etc., of alcoholic beverages on premises.

It shall be unlawful and a Class 4 misdemeanor for any person to ~~take a drink of~~consume any alcoholic beverage or tender a drink thereof to another, whether accepted or not, on the premises of any public dance hall, unless the establishment is licensed by the state alcoholic beverage control commission for "on the premises" alcoholic beverages sales.

(Ord. of 12-19-77)

State Law reference— Authority for above section. Code of Virginia. § 4-96.

Sec. 3-229. - Intoxicated, etc., persons to leave premises on order so to do.

Any person within a public dance hall who is found to be intoxicated or under the influence of alcohol, ~~marijuana~~ or any ~~other illegal drug or~~ narcotic shall, upon order of the proprietor or management personnel or any police officer, leave such dance hall forthwith and not return until sober.

(Code 1974, § 13-9; Ord. of 12-19-77)

Sec. 3-2330. - Responsibility for control of patrons; revocation of permit and license.

The owner(s) of a public dance hall shall be responsible for maintaining control of the patrons of such establishment ~~to the best of his ability~~. Lack of effort to control the patrons or repeated requests for police assistance may initiate action by the Board of Supervisors to review the establishment's permit and

~~license of the establishment.~~ Revocation of the permit and license may occur if, in the judgment of the Board of Supervisors, such action is in the best interest of the county.

(Ord. of 12-19-77)

Sec. 3-31. - Illumination of exterior signs.

Any person operating or conducting a public dance hall shall not allow exterior signs to be illuminated after 1:00 a.m. or to be illuminated during any hours prohibited for the operation of such dance hall.

(Code 2016)

Secs. 3-~~2432~~—3-35. - Reserved.

DIVISION 2. - LICENSE

Sec. 3-36. - Required.

It shall be unlawful for any person to operate a public dance hall within the county, unless he has a current license issued by the ~~County Administrator~~Commissioner of Revenue, upon approval by the Board of Supervisors pursuant to this division.

(Ord. of 12-19-77; Res. No. 39-01-91, 1-22-91)

Sec. 3-37. - License year.

The license year for public dance halls shall be from January first to December thirty-first.

(Ord. of 12-19-77)

Sec. 3-38. - Fee.

The annual fee for a license required by this division shall be ~~one-six~~ hundred dollars (~~\$6400.00~~); provided, however, that such fee shall be prorated as follows, if the initial license is obtained after the beginning of the license year:

- (1) If obtained during the first quarter of the year, the fee shall be ~~one-six~~ hundred dollars (~~\$6400.00~~).
- (2) If obtained during the second quarter of the year, the fee shall be ~~seventy-five~~four hundred and fifty dollars (~~\$75450.00~~).
- (3) If obtained during the third quarter of the year, the fee shall be ~~fifty-three~~ hundred dollars (~~\$50300.00~~).
- (4) If obtained during the last quarter of the year, the fee shall be ~~twenty-five~~one hundred and fifty dollars (~~\$25150.00~~).

The fee prescribed by this section shall be paid to the County Treasurer.

(Ord. of 12-19-77)

Cross reference— License taxes, § 20-151 et seq.

State Law reference— Authority of county to impose license tax on dance halls, Code of Virginia, § 18.2-433.

Sec. 3-39. - Issuance.

Upon proper application, payment of the fee prescribed by section 3-38 and compliance with all applicable provisions of this article, the County Administrator shall issue the license for a public dance hall; provided, however, that no such license shall be issued until such time as the Board of Supervisors has approved such application.

(Ord. of 12-19-79; Res. No. 39-01-91, 1-22-91)

Sec. 3-40. - Expiration and renewal.

A license issued under this division shall expire on December thirty-first next following its issuance and shall be renewed no later than the following January thirty-first. There shall be a penalty of ten (10) percent of the license fee, if the license is not so renewed, in addition to the yearly annual license fee.

(Ord. of 12-19-77)

Sec. 3-41. - Revocation.

The County Administrator shall have the authority to suspend for a period of not more than thirty (30) days a permitlicense issued under this division for failure to comply with any of its provisions and conditions with the suspension being subject to review by the Board of Supervisors at their next regular meeting.

(Amend of 1-21-03(1))

Sec. 3-42. - Changes in ownership, management or location.

Any change in the ownership of a controlling interest in a permitlicense holder of a public dance hall shall invalidate the permitlicense for such public dance hall. The permitlicense holder of a public dance hall shall furnish the county with written notice of any change in the ownership of less than a controlling interest in the permitlicense holder, containing all of the information required by Section 3-23(b) and (c), within thirty (30) days of such change. Upon any change in the management of a public dance hall, the permitlicense holder shall report the change to the County Administrator within fourteen (14) days by submitting information sufficient for the County Administrator to determine whether the permitlicense holder remains in compliance with this article. Any change in the location of a public dance hall shall invalidate the permitlicense for such public dance hall.

Secs. 3-423—3-55. - Reserved.



Franklin County

A Natural Setting for Opportunity

DANCE HALL PERMIT APPLICATION

Dance Hall Permit Application Instructions

This application must be completed in its entirety and submitted to the County Administrator's Office, 1255 Franklin Street, Suite 111, Rocky Mount, Virginia 24151 along with the Dance Hall Application fee of **\$600**, **AT LEAST FORTY-FIVE DAYS PRIOR TO THE FIRST DANCE HALL EVENT**. Payment may be made in cash, check, or money order made payable to the County of Franklin.

The following County departments will review this application: Planning & Community Development, Public Safety, Building Inspections, Commissioner of Revenue, Treasurer, VDOT and Sheriff's Department. Each department has its own section within this application. A copy of Franklin Code Chapter 3, Article II titled "Dance Halls" is available upon request. Please read through these instructions completely before you begin. If you have any questions, you may contact the County Administrator's Office at (540) 483-3030.

SECTION I (page 2)

This section is general information about the applicant, the venue, and the event. This page will be forwarded to all of the reviewing departments.

must select one of the following:

- Continuous (to operate a permanent dance hall)
- Promoter – Multiple Events (to conduct multiple dances at the same location)
- Single Event (to conduct a single dance)

Permits issued as Promoter – Multiple Events are valid for 12 months following the date of issuance. You may list as many events as desired within the 13-month period following the date of application, provided that all events will occur at the same location. Final approval for each dance will not be granted until the premises passes inspection by the Public Safety Department prior to the dance. It is **your** responsibility to contact the Public Safety Department at (540) 483-3091 a minimum of 30 days prior to each event to arrange for an inspection.

SECTION II (page 3)

This section is for the Planning & Community Department, which determines if the venue is properly zoned for the event. You **must** submit a floor plan showing total floor area and area devoted to dancing.

SECTION III (page 4)

This section is for the Division of Public Safety. You **must** submit the following with your application:

1. A site plan for the venue indicating the building location and parking areas; and
2. A floor plan for the venue indicating locations of exits, seating areas, dance floors, food preparation areas, and other occupied areas.
3. A certificate of Liability Insurance (Board of Supervisor's will set the amount)

The venue must submit to a fire inspection of the premises, to include building systems, occupancy limits, emergency exit conditions, fire suppression and detection systems, and emergency evacuation plans.

SECTION IV (page 5)

SECTION II – PLANNING

VENUE INFORMATION

Tax map or parcel number: _____ Zoning: _____

Type of business (check one): Restaurant
 Private Club (if admission privileges are sold to the general public at any time, check "Other")
 Other

Floor plan showing total area and area devoted to dancing attached? Yes No

Total floor area (in square feet): _____ Area devoted to dancing (in square feet): _____

FOR PLANNING DEPARTMENT OFFICE USE ONLY

Case number: _____

- The location **COMPLIES** with zoning regulations for a public dance hall.
- The location **DOES NOT** comply with zoning regulations for a public dance hall.
- The proposed use is not a public dance hall as defined in the zoning ordinance.

Director of planning (or designee): _____ Date: _____

VPOT

COMMERCIAL ENTRANCE REQUIRED

COMMERCIAL ENTRANCE NOT REQUIRED

SIGNATURE

DATE

COMMISSIONER OF REVENUE

TREASURER

DATE

DATE

ALL MEALS TAX PAID IN FULL: YES NO

ALL PERSONAL PROPERTY AND/OR REAL ESTATE TAXES PAID IN FULL YES NO

SECTION III – DIVISION OF PUBLIC SAFETY

Will there be any pyrotechnics/special effects in conjunction with the event? Yes No

If yes, you must complete a separate permit application, obtained through the Fire Marshal's Office. Contact the Division of Fire at 501-4900 for more information.

Site plan for the venue indicating the building location and parking areas attached? Yes No

Floor plan provided indicating locations of exits, seating areas, dance floors, food preparation areas, and other occupied areas? Yes No

FOR DIVISION OF FIRE USE ONLY

Case number: _____

Did the proposed venue submit to a fire inspection of the premises, to include building systems, occupancy limits, emergency exit conditions, fire suppression and detection systems, and emergency evacuation plans?

Yes No

Date of inspection: _____

Comments:

The location **COMPLIES** with State and County fire codes.

Yes No

The location **DOES NOT** comply State and County fire codes.

Fire Chief (or designee): _____

Date: _____

SECTION IV – BUILDING INSPECTION OFFICE

Existing/previous use of space: _____

Proposed occupant load: _____

Floor plan provided indicating locations of exits, seating areas, dance floors, food preparation areas, and other occupied areas? Yes No

FOR BUILDING INSPECTIONS OFFICE USE ONLY

Date of inspection: _____

Use group: _____

Occupant load: _____

Construction type: _____

CO number: _____

The location **COMPLIES** with applicable provisions of the Virginia Uniform Statewide Building Code.

The location **DOES NOT** comply with applicable provisions of the Virginia Uniform Statewide Building Code.

Building Official (or designee): _____ Date: _____

* **SECTION 2 (CODES/COMPLIANCE)**

BUILDING INSPECTION (CONTACT # (540) 483-3047)

This section will determine if the venue's structure adheres to the Virginia Uniform Statewide Building Code.

APPLICANT INFORMATION

Name: _____
Name of individual applying *Name of your business or employer*

Position with business: _____

Date of birth: _____ Last four digits of SSN: _____ Marital status: _____

Race: _____ Sex: _____ Height: _____ Weight: _____ Hair: _____

Eyes: _____

Have you ever been convicted of any criminal violations? Yes No

If yes, list the date(s) and offense(s):

REFERENCES

List the name, residential address, and telephone number of two individuals who are neither minors nor relatives of the applicant or of any person affiliated with the proposed dance hall.

1. Name: _____ Relationship to applicant: _____

Phone numbers: _____
Home *Work*

Address: _____
Street *City* *State* *Zip code*

2. Name: _____ Relationship to applicant: _____

Phone numbers: _____
Home *Work*

Address: _____
Street *City* *State* *Zip code*

SECURITY

What arrangements have you made for security for the dance hall? Include the security company's name, number of security personnel, etc. For information on hiring off-duty Franklin County Sheriff's Office call (540) 483-3000.

FOR SHERIFF'S OFFICE USE ONLY

Case number: _____

A background check conducted by the Franklin County Sheriff's Office indicates the applicant:

Meets background requirements pertaining to Franklin County Code regulations for a public dance hall.

DOES NOT meet background requirements pertaining to Franklin County Code regulations for a public dance hall.

Reference Check Completed:

Criminal History Check Completed:

Sheriff's Department (or designee): _____ Date: _____

AUTHORIZATION TO OBTAIN INFORMATION

I authorize the County of Franklin, Sheriff's Office to perform a background investigation in connection with my application for a public dance hall permit.

This investigation may include information as to my credit, criminal convictions, Division of Motor Vehicle records, personal references, professional references, previous employers, and other appropriate sources.

I authorize the release of any information that the County of Franklin may request from the above sources. All information I have provided on this application is true and accurate.

Applicant's signature: _____ Date: _____

Commonwealth of Virginia
County of Franklin
Sheriff's Department

On this _____ day of _____, 20____, _____, who name is signed to the foregoing instrument, personally appeared before me, acknowledged the foregoing signature to be his, and having been duly sworn by me, made oath that the statements made in the said instrument are true.

Signature of Notary Public: _____ My commission expires: _____

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M.**, on **Tuesday, May 17, 2016**, at the Government Center, Board of Supervisors Meeting Room located at 1255 Franklin Street, Suite 104, Rocky Mount, Virginia consider the repeal of **Chapter 3: Sections 16-55, and to readopt proposed amendments to Chapter 3: Section 16-55** of the Franklin County Code. The reason for the proposed amendments to Chapter 3 is to coincide with the State Code of Virginia.

A complete copy of the proposed amendments to said ordinance with the specifics of the proposed changes is available in the Office of the Board of Supervisor's Clerk, 1255 Franklin Street, Suite 111, Rocky Mount, Virginia 24151.

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

All citizens are encouraged to attend.


SHARON K. TUDOR, CLERK, MMC
FRANKLIN COUNTY BOARD OF SUPERVISORS

FRANKLIN NEWS POST

PLEASE PUBLISH IN YOUR **FRIDAY, MAY 6 & 13, 2016** EDITIONS

**COUNTY OF FRANKLIN, VIRGINIA
ANNOUNCEMENT OF PUBLIC HEARING
TO CONSIDER SALE/TRADE OF COUNTY PROPERTY**

In accordance with the provisions of Section 15.2-1800 of the Code of Virginia, as amended, notice is hereby given to all interested parties that the Board of Supervisors of the County of Franklin, Virginia will conduct a public hearing for the purpose of considering the disposition by sale or trade of 0.036 acres on the south side of and adjoining State Route 40 near Turtle Hill Road in the Union Hall Voting District, having been conveyed to the County in Deed Book 1077, Page 554 and reflected on that plat in Deed Book 1075, Page 1769, Tax Map #0660003702.

A copy of the plat of survey and property description for the proposed sale is available for review in the office of the Clerk to the Board of Supervisors, 1255 Franklin Street, Suite 111, Rocky Mount, Virginia.

Said public hearing will be held at approximately 6:00 P.M., Tuesday, June 21, 2016, at the Franklin County Board of Supervisor's Meeting Room, 1255 Franklin Street, Suite 104, Rocky Mount, Virginia.

All requests for reasonable accommodations due to a disability should be made to the County with at least a 48 hour notice.

All interested parties are encouraged to attend.



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

FRANKLIN NEWS POST:
Friday, June 10 & 17, 2016 editions

BK 1077PG0554

Document prepared by: Law Office of Steven R. Grant without the benefit of a title search

Consideration: \$10,000.00

Tax Map # 66-37.2

Address of Grantee: 1255 Franklin Street
Rocky Mount, VA 24151

2016 MAY 20 PM 1:01

160002874

THIS DEED, which is exempt from recordation fees pursuant to Section 58.1-811(3) of the 1950 Code of Virginia, as amended, made and entered into this the 17th day of May, 2016, by and between PATRICIA MYERS SINK and DOROTHY MYERS NANCE, party of the first part, hereinafter referred to as Grantors, and the COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia, party of the second part, hereinafter referred to as Grantee, and W. BRENT ROBERTSON, County Administrator, party of the third part, and B. JAMES JEFFERSON, County Attorney, party of the fourth part.

WITNESSETH :

THAT FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, and for other good and valuable consideration, the said Grantors do hereby bargain, sell, grant, deed, and convey with General Warranty and Modern English Covenants of Title unto the said COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia, Grantee, the following described real estate, to-wit:

All those certain tracts or parcels of land, together with the buildings and improvement thereon and the privileges, appurtenances, and easements thereunto belonging, situate, lying and being in Union Hall District, Franklin County, Virginia, designated as Tract 1, containing a total of 2.966 Acres 2.930 being on the North side of Route 40 and 0.036 being on the South side of Route 40 as more particularly shown on a plat of survey entitled, "Plat Showing Re-Survey of Property Being Conveyed By: The Estate of Ray Pagans.....," dated March 17, 2016, made by Roderick F. Pierson, L.S., a copy of which is recorded in the Clerk's Office, Circuit Court, Franklin County, Virginia in Deed Book 1075, Page 1768 and 1769.

Being the same property conveyed unto Charlotte A. Pagans and Ray Pagans by deed dated May 20, 1999 of record in the Clerk's Office, Circuit Court, Franklin County, Virginia in Deed Book 650, Page 1481;

STEVEN R. GRANT
ATTORNEY AT LAW
P.O. BOX 361
BEDFORD, VIRGINIA 24323
BAR # 27178

BK 1077PG0555

That the said Charlotte Pagans died on or about July 7, 2013 leaving her husband vested with fee simple title; and

That the said Ray Pagans died on or about June 30, 2015 and by his Last Will and Testament devised the herein described property unto Patricia Myers Sink and Dorothy Myers Nance a copy of which is recorded in the aforementioned Clerk's Office as Will File Number 16066023.

THIS conveyance is made subject to any and all easements, reservations, restrictions, covenant, and conditions validly of record affecting the property herein conveyed.

AS EVIDENCED by the signature of its Administrator hereto and pursuant to resolution of the Franklin County Board of Supervisors, the County of Franklin, a political subdivision of the Commonwealth of Virginia, accepts this conveyance.

AS EVIDENCED by his signature hereto and as required by Section 15.2-1803 of the 1950 Code of Virginia, as amended, B. James Jefferson, County Attorney, approves this deed as to form.

TO HAVE AND TO HOLD unto the said COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia, Grantee, its successors or assigns, forever in fee simple

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

Patricia Myers Sink (SEAL)
PATRICIA MYERS SINK

STATE OF VIRGINIA

CITY/COUNTY OF BEDFORD

The foregoing instrument was acknowledged before me on this the 18 day of May, 2016, by PATRICIA MYERS SINK.

My commission expires: 10-31-17

Pamela M. Bowden
Notary Public

PAMELA M. BOWDEN
NOTARY PUBLIC
REGISTRATION # 303710
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES

Dorothy Myers Nance (SEAL)
DOROTHY MYERS NANCE

STATE OF VIRGINIA

CITY/COUNTY OF BEDFORD

The foregoing instrument was acknowledged before me on this the 18 day of May, 2016, by DOROTHY MYERS NANCE.

My commission expires: 10-31-17

Pamela M. Bowden
Notary Public

PAMELA M. BOWDEN
NOTARY PUBLIC
REGISTRATION #303710
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES

COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia

BY: W. Brent Robertson (SEAL)
W. Brent Robertson, its Administrator

COMMONWEALTH OF VIRGINIA
COUNTY OF FRANKLIN, to-wit:

The foregoing deed was acknowledged before me on this the 17 day of May, 2016, by W. Brent Robertson, Administrator of the County of Franklin, a political subdivision of the Commonwealth of Virginia.

My commission expires: 1-31-2020 Notary Reg. # 137915

: Sharon K. Tupob
NOTARY PUBLIC

Embossed hereon is My Commonwealth of Virginia Notary Public Seal My Commission Expires January 31, 2020 SHARON K. TUPOB

COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia

BY: B. James Jefferson (SEAL)
B. James Jefferson, its Attorney

COMMONWEALTH OF VIRGINIA
COUNTY OF FRANKLIN, to-wit:

The foregoing deed was acknowledged before me on this the 17th day of MAY, 2016, by B. James Jefferson, Attorney for the County of Franklin, a political subdivision of the Commonwealth of Virginia.

My commission expires: 5/31/17 Notary Reg. # 137965

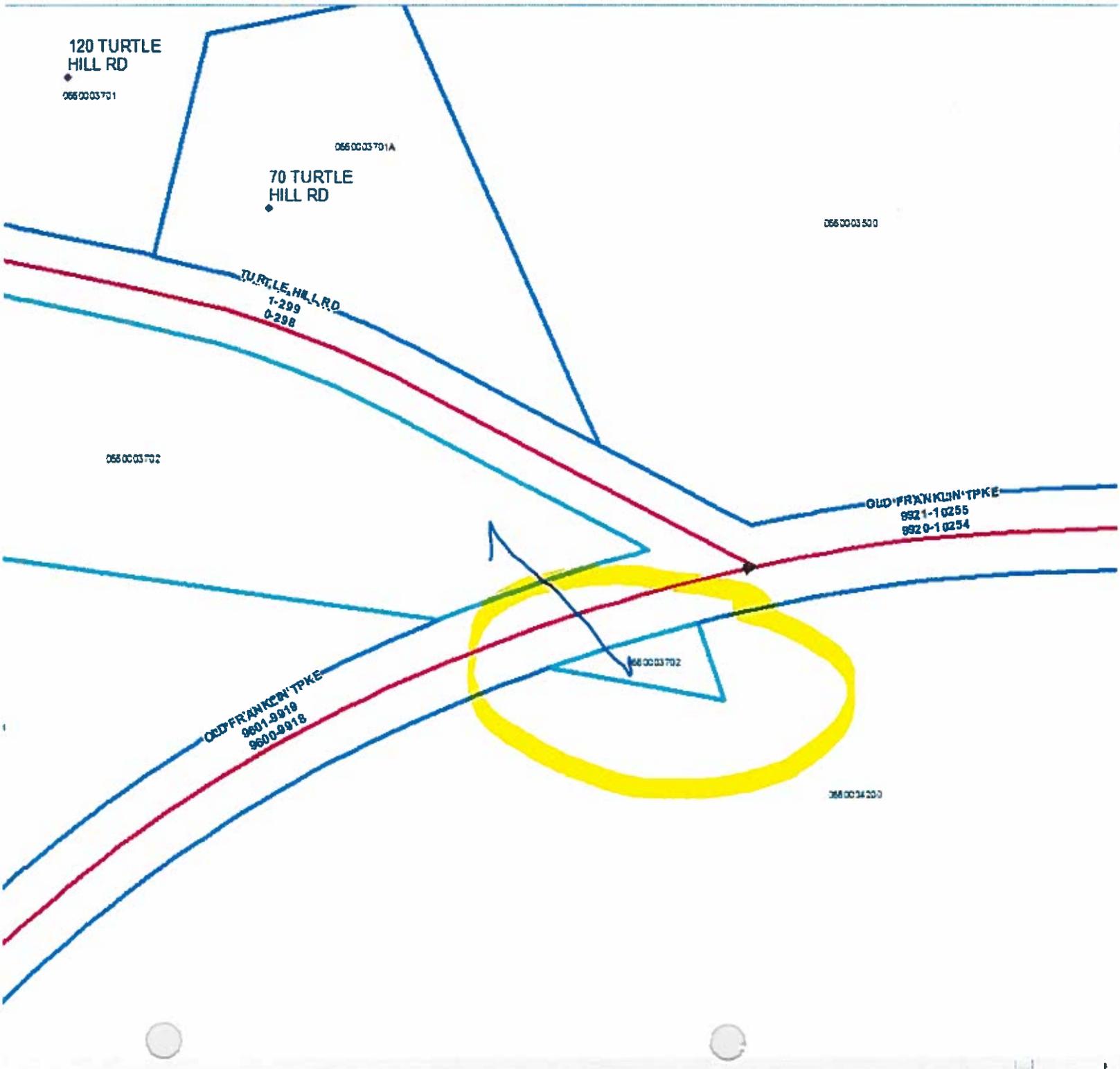
Donna E. Jefferson
NOTARY PUBLIC

 Donna E. Jefferson
Commonwealth of Virginia
Notary Public
Commission No. 137965
My Commission Expires 5/31/2017

BK 1077PG0558

INSTRUMENT #160002874
RECORDED IN THE CLERK'S OFFICE OF
FRANKLIN COUNTY ON
MAY 20, 2016 AT 01:01PM
\$10.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$5.00 LOCAL: \$5.00

TERESA J. BROWN, CLERK
RECORDED BY: SMP



Identify

Identify from: Parcels_new

Parcels_new
066

Location: 11,126,163.496 3,523,406.61

Field	Value
WVVA_SA	<null>
TRACT_LBL	
OBJECTID_1	1913999
MapNo	066
Insert_No	00
Parcel_No	037
Changed_By	mew
Date_chang	11/11/2004
PIN	0660003702
x	<null>
Parcel_Ext	02
descriptio	
ID_Label	37.2
LakeFront	N
Mapbook_ID	
Anchor	
LABEL	66.00-37.02
ROW	
LOT_LBL	
UNIT_LBL	
CalAcrage	2.645886
Subdivision	<null>
Parent_PIN	<null>
Shape.area	115254.785527
Shape.len	2111.848753
real_estate_master_id	261226
record	36609
original_map	066 00-037 02
map	0660003702
sheet	06600
lot	03702
occupancy_desc	VACANT LAND
zoning	A1
owner_name	SMITHERS JOY
owner_address	120 TURTLE HIL
owner_city	UNION HALL
owner_state	VA
owner_zip	24176
owner_zip_ext	
legal_description_1	RT 40
legal_description_2	

Identified 1 feature

Plat showing re-survey of
Property being conveyed by:
The Estate of Ray Pagans
Source: WB 150000275

To:
Dorothy M. Nance & Patricia M. Sink
Parcel #0660003702
Tract 1
2.966 acres

Plat showing survey of
Property being subdivided and owned by
The Estate of Ray Pagans
Source: WB 150000275

Being conveyed to:
Dorothy Myers Nance, Patricia Myers Sink,
Joyce Pagans Smithers and Tena Mullins
New Tract 2 of Parcel #0660003700
20.419 acres
And
New Tract 3 of Parcel #0660003700
20.419 acres

Plat showing survey of
Property being subdivided by:
Estate of Ray Pagans
Source: WB 150000275
And conveyed to:
Joyce P. Smithers
New Tract 4 of Parcel #0660003700
5.000 acres

I hereby certify, to the best of my knowledge and belief, that all of the requirements of the Board of Supervisors and ordinances of Franklin County, Virginia regarding the platting of subdivisions with the County have been met.

Monumentation at each lot corner as called for on this plat has been set or will be set upon approval of this plat by the Franklin County Planning Department.

This property was conveyed to The Estate of Ray Pagans by Instrument Number WB 150000275 and recorded in the Clerk's Office of the Circuit Court of Franklin County, Virginia.

The platting or dedication of the following described land,
Parcel #0660003700
Parcel #0660003702

is with the free consent and in accordance with the desires of the undersigned owners, proprietors, and trustees, if any.

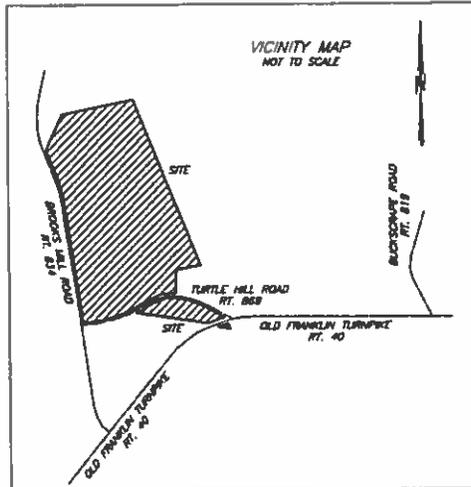
Dorothy Myers Nance
Dorothy Myers Nance - Co-Executor

Patricia Myers Sink
Patricia Myers Sink - Co-Executor

I, Wanda B DeLong, a Notary Public in and for the State of Virginia at large aforesaid, hereby certify that the owners name as signed hereon has acknowledged to the same before me this 11 day of April, 2016.

My commission expires 4/30/2019

Wanda B DeLong
Notary Public



CHD
VIRGINIA DEPT. OF TRANSPORTATION DATE
CHD
VIRGINIA DEPT. OF HEALTH DATE
Steven M. Sandy 4/11/16
SUBDIVISION AGENT FRANKLIN COUNTY DATE

NOTES:

1. This plat has been prepared without the benefit of a title report and therefore does not necessarily indicate all encumbrances upon the property.
2. Exact location of underground utilities and improvements unknown.
3. This property as platted falls within Flood Zone X of the Federal Insurance Rate Map One Hundred Year Flood Plain. See FIRN map 51067C0380C, DATED December 16, 2008
4. Franklin County intends to support the prosecution of those unlawfully disturbing any grave or grave marker. Accordingly, any grave, or any object or structure marking a place of burial identified during a survey, property research or plat preparation has been denoted on this plat.
5. This plat does not address the existence, detection, or delineation of any environmentally sensitive areas or any environmental problems located within the perimeter of the property shown.

UNION HALL DISTRICT
FRANKLIN COUNTY
VIRGINIA



This is to certify that on MARCH 17, 2016 I made an accurate survey of the premises shown herein and that there are no monuments or measurements visible on the ground other than as shown herein.



DATE: 3/17/2016
REVISED:
SCALE: 1" = 200'
TAX MAP: 0660003702 & 0660003700
ZONING: A1
PRECISION: 1:30,000+
DRAWN BY: R.J.B.
CHECKED BY: R.F.P.

2016 APR 11 PM 3:29
1600C1979

BK 1075 PG 1769
 BENJAMIN L. SMITH
 PARCEL ID: 066000300
 D.B. 739 PG. 625
 71.89 ACRES

P.B. _____ PG. _____
 COMM. NO. 14243 SHEET 2 OF 2

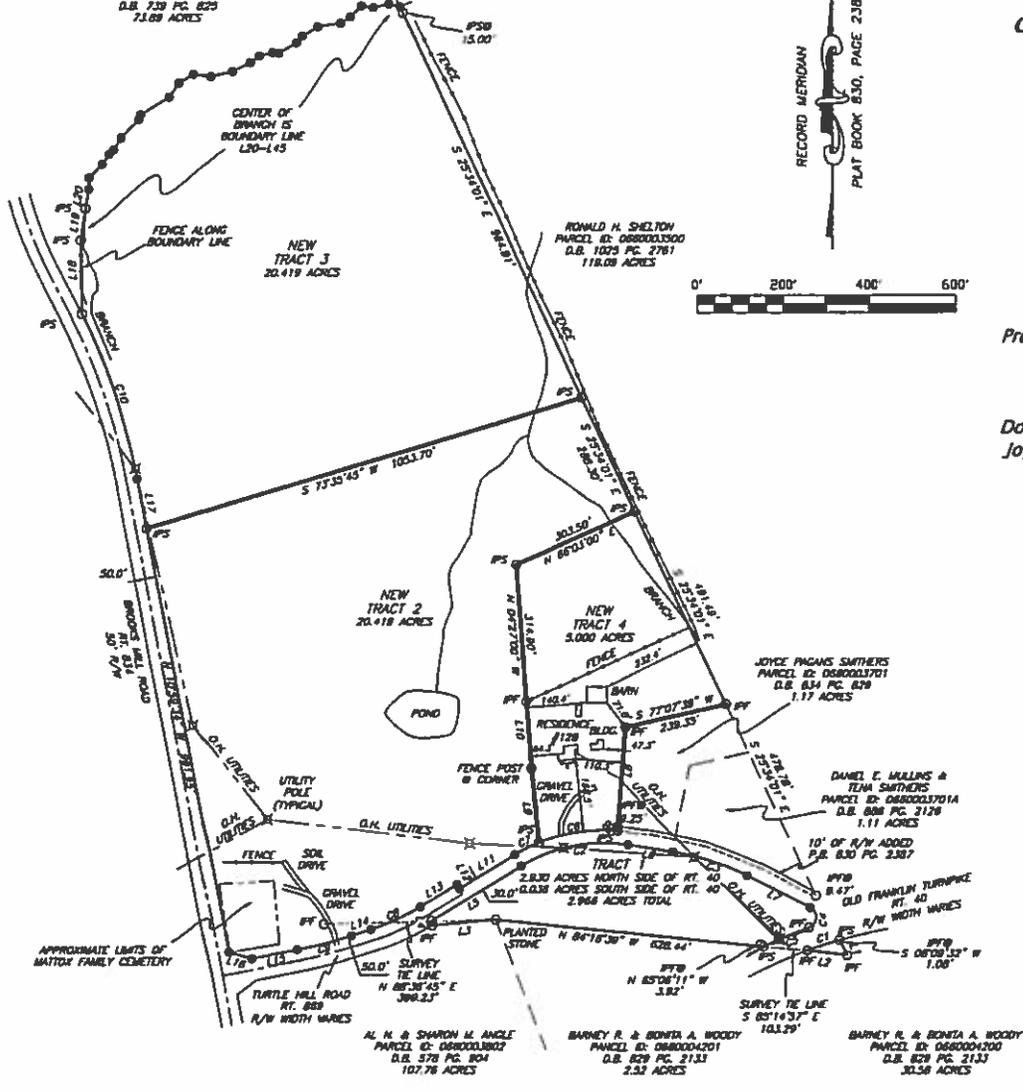
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 Property being subdivided by:
 Estate of Ray Pagans
 Source: WB 150000275
 And conveyed to:
 Joyce P. Smithers
 New Tract 4 of Parcel #0660003700
 5.000 acres



LINE	BEARING	DISTANCE
L1	S 37°02'25" E	36.87'
L2	N 82°12'20" W	83.84'
L3	S 8°58'00" W	145.54'
L4	N 08°11'50" E	105.73'
L5	N 58°22'58" E	744.88'
L6	S 81°10'18" E	104.51'
L7	S 83°10'18" E	184.33'
L8	S 04°12'22" W	233.24'
L9	N 02°08'12" W	172.05'
L10	N 02°17'00" W	154.18'
L11	S 56°22'58" W	150.77'
L12	N 30°37'00" E	102.88'
L13	N 58°10'28" E	100.00'
L14	S 7°20'28" W	46.87'
L15	S 70°02'28" W	107.10'
L16	N 72°25'00" W	55.80'
L17	N 10°56'34" W	119.88'
L18	N 00°51'58" W	188.11'
L19	N 08°08'15" E	23.31'
L20	N 08°48'13" E	44.73'
L21	N 01°28'15" E	25.75'
L22	N 43°23'22" E	43.60'
L23	N 34°35'18" E	26.04'
L24	N 47°28'00" E	14.78'
L25	N 53°38'21" E	35.15'
L26	N 44°32'28" E	36.65'
L27	N 12°41'58" W	10.58'
L28	N 58°11'18" E	72.05'
L29	N 38°29'18" E	38.87'
L30	N 60°32'23" E	38.11'
L31	S 87°10'01" E	30.05'
L32	N 78°02'28" E	52.45'
L33	N 63°25'28" E	45.80'
L34	N 52°13'50" E	28.60'
L35	N 72°28'55" E	31.12'
L36	S 88°40'10" E	14.88'
L37	N 80°48'48" E	43.77'
L38	N 41°58'50" E	20.28'
L39	N 58°22'58" E	41.71'
L40	N 81°30'00" E	54.04'
L41	N 58°09'45" E	28.42'
L42	N 49°31'20" E	33.88'
L43	S 81°43'05" E	27.18'
L44	N 78°21'37" E	36.85'
L45	S 74°39'55" E	27.82'

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	04°02'15"	1191.00	78.98	78.98	N 72°07'28" E
C2	38°18'45"	380.20	260.87	253.78	N 78°02'21" E
C3	17°43'58"	581.42	178.84	178.72	S 72°28'17" E
C4	13°44'07"	25.00	38.33	43.89	S 87°18'18" W
C5	08°38'29"	1171.00	113.58	113.54	N 87°21'18" E
C6	26°13'51"	410.20	187.26	188.12	N 87°27'45" E
C7	08°58'01"	410.20	84.20	84.13	N 87°51'58" E
C8	13°10'20"	347.86	174.83	173.63	S 85°43'28" W
C9	08°40'20"	1130.89	130.47	130.33	S 75°40'28" W
C10	15°43'58"	1457.40	400.04	398.79	S 18°31'21" E

INSTRUMENT # 160001979
 RECORDED IN THE CLERK'S OFFICE OF
 FRANKLIN COUNTY ON
 April 11, 2016 AT 3:29pm
 TERESA J. BROWN, CLERK
 BY: *Jessica Jambores*

- NOTES:
- This plat has been prepared without the benefit of a title report and therefore does not necessarily indicate all encumbrances upon the property.
 - Exact location of underground utilities and improvements unknown.
 - This property as platted falls within Flood Zone X of the Federal Insurance Rate Map One Hundred Year Flood Plain. See FIRIM map S1067C0380C, DATED December 16, 2008
 - Franklin County intends to support the prosecution of those unlawfully disturbing any grave or grave marker. Accordingly, any grave, or any object or structure marking a place of burial identified during a survey, property research or plat preparation has been denoted on this plat.
 - This plat does not address the existence, detection, or delineation of any environmentally sensitive areas or any environmental problems located within the perimeter of the property shown.

- LEGEND
- ◇ TELEPHONE PEDESTAL
 - CORNER FOUND/ SET
 - CALCULATED CORNER
 - UTILITY POLE

UNION HALL DISTRICT
 FRANKLIN COUNTY
 VIRGINIA

THE OFFICE OF
 SLUSHER SURVEYING INC.
 LAND SURVEYING AND PLANNING
 REG. NO. 642
 BEDFORD VIRGINIA 24623
 PH. 540-338-8157
 slushersurveying@earthlink.net



This is to certify that on March 17, 2016 I made an accurate survey of the premises shown hereon and that there are no encumbrances or attachments visible on the ground other than as shown hereon.

DATE: 3/17/2016
REVISED:
SCALE: 1" = 200'
TAX MAP: 0660003702 & 0660003700
ZONING: A1
PRECISION: 1:30,000+
DRAWN BY: R.J.B.
CHECKED BY: R.F.P.



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> PURCHASE OF SHERIFF'S VEHICLES</p> <p><u>SUBJECT/PROPOSAL/REQUEST</u> Request to purchase four police service replacement vehicles.</p> <p><u>STAFF CONTACT(S):</u> Sheriff Overton, Mr. Robertson, Capt. Young, Mr. Thurman</p>	<p><u>AGENDA DATE:</u> June 21, 2016</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></p> <p><u>REVIEWED BY:</u> BR</p>
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BACKGROUND:

The Office of the Sheriff, County of Franklin is a law enforcement agency with local jail and law enforcement responsibilities. It maintains a fleet of police vehicles necessary to carry out all functions and responsibilities. Per Franklin County Vehicle Policy (amended 2/15/2005) law enforcement vehicles are normally replaced with 125,000 miles and these vehicles may be reissued to support services such as prisoner transport or spare fleet vehicles or they may be surplused. They are maintained in this capacity until they become unreliable or repairs and maintenance becomes cost prohibitive.

DISCUSSION:

The Office of the Sheriff requests to order four new police service vehicles as replacement vehicles for vehicles currently in service. The listed vehicles for replacement are well above the 125,000 mile replacement threshold and/or have serious mechanical issues. Among the vehicles needing to be replaced are:

1. 1996 Chevy Lumina with over 112,000+ miles VIN#: 2G1WL52M4T1188229, numerous mechanical issues
2. 2002 Ford Taurus with 94,000+ miles (exact mileage unknown due to inoperable instrument panel), numerous mechanical issues VIN #: 1FAFP55292G21011
3. 2008 Ford Crown Victoria with 159,000+ miles VIN#: 2FABP7BV3BX105891
4. 2000 Jeep Cherokee with over 151,000+ miles VIN#: 1J4FF4851YL243665

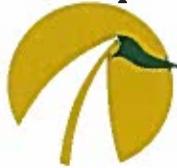
All four of these vehicles will be surplused and no longer maintained in the Sheriff's Office fleet.

Two of the police service vehicles requested are Full-Size Ford Interceptors (Taurus) through State contract #E194-75223 at a cost of \$22,665.00 per vehicle. The Office of the Sheriff also requests to purchase two pursuit rated Dodge Chargers through State contract E194-73015 at a cost of \$24,160.00 per vehicle. The cost of these vehicles will be covered by our existing vehicle budget 3000-021-0017-7005 with a balance of \$130,452.

RECOMMENDATION:

The Office of the Sheriff respectfully requests the Board of Supervisors approve the purchase of two full-size Ford Police Interceptor vehicles, and two Police Pursuit rated Dodge Chargers.

FRANKLIN COUNTY
Board of Supervisors



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p>AGENDA TITLE: Animal Control Grant Request</p> <p>SUBJECT/PROPOSAL/REQUEST Animal Welfare Grant opportunity/Submission of grant application to Petco Foundation/Approve grant submission request.</p> <p>STRATEGIC PLAN FOCUS AREA: Goal # Action Strategy: Spay/Neuter program and companion animal health project.</p> <p>STAFF CONTACT(S): Messrs. Robertson, Hatcher, Brooks</p>	<p>AGENDA DATE: June 21, 2016</p> <p>ITEM NUMBER:</p> <p>ACTION: YES</p> <p>INFORMATION:</p> <p>CONSENT AGENDA: YES</p> <p>ACTION:</p> <p>INFORMATION:</p> <p>ATTACHMENTS: NO</p> <p>REVIEWED BY: BR</p>
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BACKGROUND: Animal Control has previously applied for and received grant funds to improve animal welfare in Franklin County. In 2008 the county applied for and received grant funding from a private foundation to assist with the creation of a spay/neuter program would be offered to county residents. The spay/neuter program was successfully developed to encourage county residents to have their companion animals spayed or neutered in an effort to decrease the number of unwanted animals in the county. Animal control staff frequently encounters situations in areas of the county where residents are unable to provide basic care for their companion animals due to financial constraints or due to the number of animals found that are the result of indiscriminate breeding practices. Staff has an opportunity to apply for a grant to assist residents in these situations through the Petco Foundation. The Petco Foundation encourages governments and non-profits to work together to help save the animals in the community.

DISCUSSION: The purpose the grant application is to assist residents in providing routine medical care for the animals in their community. Animal Control staff will focus these efforts in high complaint areas that they have identified while responding to companion animal related complaints. Often these investigations reveal situations where the owner cannot afford to provide basic medical care for their companion animal due to the expense of the procedures needed. The process used by Animal Control Staff will be a "No Questions Asked" approach. The goal will be to use grant funds to provide the needed medical services to restore the animal to a healthy state so it can stay with the owner and will be healthy enough to be spayed or neutered. The goal is to reduce the number of sick/injured animals being brought to the shelter because the owner could not afford to pay for a needed medical procedure. Shortly after the medical needs of the animal are met, a spay/neuter clinic will be sponsored in the area in conjunction with Angels of Assisi where Angels of Assisi would pick up the animals to have them spayed/neutered and returned to the owner. Transportation and spay/neuter services will be provided by Angels of Assisi. Grant funds may also be used to cover the additional costs of the spay/neuter procedure which average approximately \$20.00 per animal. The overall goal of the program will be to reduce the number of animals being surrendered at the shelter due to health care needs or their inability to provide for spay/neuter services.

Staff plans to request up to the maximum amount of \$25,000 from Petco Foundation for this program. There is no match required to be provided by the county for any funds awarded. The county is not required to maintain these services when the grant funds have been expended and staff plans to provide this as a "one-time" service to the citizens as long as grant funds exist.

RECOMMENDATION:
Staff respectfully requests the Board of Supervisors approves the grant application to Petco Foundation to be considered for funding.

FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> <i>VRA Westlake Sewer Debt Refunding</i></p> <p><u>SUBJECT/PROPOSAL/REQUEST</u> <i>Request the Adoption of the attached Resolution Authorizing the Refunding of the Virginia Resources Authority Westlake Sewer Debt</i></p> <p><u>STRATEGIC PLAN FOCUS AREA:</u> <i>Goal #</i> <i>Action Strategy:</i></p> <p><u>STAFF CONTACT(S):</u> <i>Messrs. Robertson, Copenhaver</i></p>	<p><u>AGENDA DATE:</u> <i>June 21, 2016</i> <u>ITEM NUMBER:</u></p> <p><u>ACTION:</u> <u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u> <i>YES</i> <u>ACTION:</u> <i>YES</i> <u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> <i>YES</i></p> <p><u>REVIEWED BY:</u> <i>BR</i></p>
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BACKGROUND:

The County issued debt of \$2,905,000 from the Virginia Resources Authority in 2009 to finance the purchase of the Westlake Sewer System. The County agreed to make principal and interest payments of approximately \$200,000 per year for five years to help encourage economic development in this part of the County. In 2014 the Western Virginia Water Authority agreed to totally reimburse the County for principal and interest payments on this debt.

The Westlake Sewer System is operated and maintained by the Western Virginia Water Authority.

DISCUSSION:

The County's financial advisors, Davenport and Company, have evaluated this refunding opportunity and recommend the County proceed with the approval of the attached resolution. Annual savings will be approximately \$15,000 through 2035. This refunding would not extend the maturity date of the debt

RECOMMENDATION:

Staff respectfully requests the Board's adoption of the attached resolution authorizing the refunding of the Virginia Resources Authority Westlake Sewer Debt. Staff also requests authorization for the County Administrator and Director of Finance to sign any additional documents required by this transaction.

**RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF A
WASTEWATER SYSTEM REVENUE REFUNDING BOND, SERIES 2016, OF THE
COUNTY OF FRANKLIN, VIRGINIA AND PROVIDING FOR THE FORM, DETAILS
AND PAYMENT THEREOF**

WHEREAS, the Board of Supervisors (the **"Board"**) of the County of Franklin, Virginia (the **"County"**) has previously issued its \$2,905,000 Wastewater System Revenue Refunding Bonds (Westlake Project), Series 2009 (the **"2009 Bond"**), which was issued to finance and refinance the acquisition of a wastewater treatment system located in the Westlake Overlay area of the County (the **"Wastewater System"**) and related costs (together, the **"Project"**);

WHEREAS, the Board has been advised that the Virginia Resources Authority (**"VRA"**), a public body corporate and political subdivision of the Commonwealth of Virginia, is willing to refinance and restructure all or a portion of the 2009 Bond at favorable rates resulting in debt service savings to the County;

WHEREAS, the County desires to issue its wastewater system revenue refunding bond to prepay, redeem and refund a portion of the 2009 Bond, subject to the terms and conditions herein; and

WHEREAS, VRA has indicated its willingness to purchase such Bond from a portion of the proceeds of its Series 2016 VRA Summer Pool Bonds (as more particularly defined in the below defined Local Bond Sale and Financing Agreement, the **"VRA Bonds"**), and to provide a portion of the proceeds thereof to the County to refund the 2009 Bond in accordance with the terms of a Local Bond Sale and Financing Agreement to be dated as of a date specified by VRA, between VRA and the County (the **"Local Bond Sale and Financing Agreement"**), the form of which has been presented to this meeting;

WHEREAS, the County has submitted its application to VRA to refund all or a portion of the 2009 Bond and to sell the Bond (as defined below) to VRA;

WHEREAS, VRA has informed the County that the sale date of the VRA Bonds is tentatively scheduled for July 27, 2016 but may occur, subject to market conditions, at any time between July 15 and August 15, 2016 (the **"VRA Sale Date"**), and that VRA's objective is to pay the County an amount which, in VRA's judgment, reflects the market value of the Bond (the **"Purchase Price Objective"**), taking into consideration such factors as the purchase price received by VRA for the VRA Bonds, the underwriters' discount and other issuance costs of the VRA Bonds, and other market conditions relating to the sale of the VRA Bonds;

WHEREAS, the Local Bond Sale and Financing Agreement shall provide that the refunding of the 2009 Bond achieves an aggregate net present value debt service savings of not less than 3% of the refunded par amount of the 2009 Bond (the **"Targeted Savings"**); and

WHEREAS, the Local Bond Sale and Financing Agreement shall provide that the terms of the Bond will not exceed the parameters set forth herein.

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

1. Issuance of Bond. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 (the "Act"), the Board hereby authorizes the issuance and sale of wastewater system revenue refunding bond of the County to provide funds to refund all or a portion of the 2009 Bond and to pay related issuance and financing costs incurred in connection with issuing such Bond (as defined below).

2. Authorization of Local Bond Sale and Financing Agreement. The form of the Local Bond Sale and Financing Agreement submitted to this meeting is hereby approved. The Chairman of the Board, Vice Chairman of the Board, and County Administrator, any of whom may act, are authorized to execute the Local Bond Sale and Financing Agreement in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing the Local Bond Sale and Financing Agreement, whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the Bond to VRA shall be upon the terms and conditions of the Local Bond Sale and Financing Agreement. The proceeds of such Bond shall be applied in the manner set forth in the Local Bond Sale and Financing Agreement. All capitalized terms used but not defined herein shall have the same meaning as set forth in the Local Bond Sale and Financing Agreement.

3. Bond Details. The Bond shall be issued in an aggregate principal amount not to exceed \$2,900,000 consisting of a single, registered bond designated "Wastewater System Revenue Refunding Bond (Westlake Project), Series 2016" (the "Bond"), shall be numbered R-1, shall be dated on or within 31 days prior to the closing date of the VRA Bonds, and shall mature no later than December 31, 2035. The Board authorizes the issuance and sale of the Bond to VRA on terms as shall be satisfactory to the County Administrator; provided, however, that the Bond shall have a "true" interest cost not to exceed 4.50% (exclusive of "supplemental interest" as provided in the Local Bond Sale and Financing Agreement), the Bond shall be sold to VRA at a price not less than 95% of the aggregate principal amount of the Bond, the aggregate net present value debt service savings resulting from refunding of the 2009 Bond shall not be less than the Targeted Savings and the Bond shall be subject to optional redemption upon the terms set forth in the Local Bond Sale and Financing Agreement. Subject to the preceding terms, the Board further authorizes the VRA to determine the aggregate total of principal and interest payments on the Bond, establish an amortization schedule for the Bond including the dates and amounts and the optional and extraordinary prepayment provisions, if any, of the Bond, all in accordance with the provisions hereof.

As set forth in the Local Bond Sale and Financing Agreement, the County agrees to pay such "supplemental interest" and other charges as provided therein. The principal of and premium, if any, and interest on the Bond shall be payable in lawful money of the United States of America.

4. Payment and Redemption Provisions. The principal of and premium, if any, and interest on the Bond shall be payable as set forth in the Bond and the Local Bond Sale and Financing Agreement. The County may, at its option, redeem, prepay or refund the Bond upon the terms determined in accordance with Section 3 above and set forth in the Local Bond Sale and Financing Agreement.

5. Execution and Form of Bond. The Bond shall be signed by the Chairman or Vice Chairman of the Board and the County's seal shall be affixed thereon and attested by the Clerk of the Board. The Bond shall be issued as a typewritten bond in substantially the form of Exhibit A attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by such officers, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

6. Pledge of Revenues; Moral Obligation Pledge. (a) Principal of and premium, if any, and interest on the Bond and all other amounts due under the Local Bond Sale and Financing Agreement shall be payable from the revenues of the Wastewater System (**as more specifically defined in the Local Bond Sale and Financing Agreement, the "Revenues"**) and other sources pledged thereto in the Local Bond Sale and Financing Agreement. The Revenues are to be pledged upon the terms and conditions set forth in the Local Bond Sale and Financing Agreement. Nothing in the Bond, the Local Bond Sale and Financing Agreement or this Resolution shall be deemed to constitute a pledge of the faith and credit of the Commonwealth of Virginia or any of its political subdivisions, including the County. The issuance of the Bond shall not directly, indirectly or contingently obligate the Commonwealth of Virginia or any of its political subdivisions, including the County, to pledge its faith and credit or levy any taxes for the payment of the principal of or premium, if any, or interest on the Bond or other costs incident to it or make any appropriation for its payment except from the revenues and other funds pledged for such purpose. The Bond will be secured on parity with any outstanding bonds secured by the Revenues, including the unrefunded portion of the 2009 Bond.

(b) The Board hereby undertakes a non-binding obligation to appropriate such amounts as may be requested by the County Administrator from time to time to cure deficiencies in payments due on the Bond, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of the County do likewise while the Bond remains outstanding.

7. Preparation of Printed Bond. The County shall initially issue the Bond in typewritten form. Upon request of the registered owner and upon presentation of the Bond at the office of the Registrar (as hereinafter defined), the County shall arrange to have prepared, executed and delivered in exchange as soon as practicable the Bond in printed form in an aggregate principal amount equal to the unpaid principal of the Bond in typewritten form, in denominations of \$5,000 and multiples thereof (except that one Bond may be issued in an odd denomination of not less than \$5,000), of the same form and maturity and registered in such names as requested by the registered owners or their duly authorized attorneys or legal

representatives. The printed Bond may be executed by manual or facsimile signature of the Chairman or Vice Chairman of the Board, the County's seal affixed thereto and attested by the Clerk of the Board; provided, however, that if both such signatures are facsimiles, no Bond shall be valid until it has been authenticated by the manual signature of the Registrar and the date of authentication noted thereon. The typewritten Bond surrendered in any such exchange shall be canceled.

8. Registration and Transfer of the Bond. The County appoints the County Administrator as paying agent and registrar (the "Registrar") for the Bond. If deemed to be in its best interest, the County may at any time appoint a qualified bank or trust company as successor Registrar. Upon surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rates and registered in such name as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal, premium, if any, and interest, and the exercise of all other rights and powers of the owner, except that installments shall be paid to the person or entity shown as owner on the registration books on the 15th day of the month preceding each interest payment date.

9. Mutilated, Lost or Destroyed Bond. If the Bond has been mutilated, lost or destroyed, the County shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Bond or in lieu of and in substitution for such lost or destroyed Bond; provided, however, that the County shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost or destroyed Bond, (a) has filed with the County evidence satisfactory to the County that such Bond was lost or destroyed and (b) has furnished to the County satisfactory indemnity.

10. Arbitrage Covenants. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the VRA Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the VRA Bonds to be includable in the gross income for Federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of the Tax Compliance Agreement (as defined below) that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the VRA Bonds from being included in the gross income for federal income tax

purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

11. Tax Compliance Agreement. Such officers of the County as may be requested are authorized and directed to execute and deliver a tax compliance agreement in relation to the Bond (the "Tax Compliance Agreement") in the form approved by the Chairman or Vice Chairman of the Board or the County Administrator, or any of them, in collaboration with the County's bond counsel, with such completions, omissions, insertions and changes as may be approved by the officers of the County executing such Tax Compliance Agreement, whose approval shall be evidenced conclusively by the execution and delivery thereof.

12. Private Activity Bond Covenant. The County covenants that it shall not permit the proceeds of the Bond or the Related Financed Property (as defined in the Local Bond Sale and Financing Agreement) to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the VRA Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

13. Redemption of 2009 Bond. The County Administrator and County Finance Director are each authorized and directed to select the portion of the 2009 Bond to be redeemed and to take all proper steps to call for redemption all or the portion of the 2009 Bond designated for redemption and cause such portion or all of the 2009 Bond to be prepaid and refunded in full. The Chairman or Vice Chairman of the Board or the County Administrator, any of whom may act, are authorized to approve changes to the 2009 Bond and related financing documents, including the execution and delivery of an allonge or allonges to the 2009 Bond, as may be necessary to provide for the unrefunded portion, if any, of the 2009 Bond. Additionally, the Chairman or Vice Chairman of the Board or the County Administrator, any of whom may act, are authorized to approve any amendments to the service agreement or any other compensation agreements between the County and Western Virginia Water Authority ("WVWA") relating to the Wastewater System to provide for the contribution to the payment of debt service on the Bond by WVWA under terms identical to those provided for the 2009 Bond. The Secretary is authorized to affix the County's seal on any such documents and attest the same.

14. Official Statement. The County authorizes and consents to the inclusion of information with respect to the County contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds. The Chairman of the Board, the Vice Chairman of the Board or the County Administrator, each of whom is authorized to act, are authorized and directed to take whatever

actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12, including execution and delivery of a continuing disclosure agreement as deemed necessary by VRA.

15. SNAP Investment Authorization. The Board has determined to authorize the County Treasurer, if and as necessary, to utilize SNAP in connection with the investment of the proceeds of the Bond.

16. Qualified Tax-Exempt Obligation. To the extent the County intends to satisfy the requirements set forth in Section 265(b)(3) of the Code, and if requested by VRA, the County Administrator is hereby authorized to designate the Bond for purposes of such Section.

17. Other Actions. All other actions of County officials in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond and the prepayment, redemption and refunding of the portion of the 2009 Bond to be refunded are ratified, approved and confirmed. The County officials are authorized and directed to execute and deliver all agreements, certificates and other instruments considered necessary or desirable in connection with the issuance, sale and delivery of the Bond pursuant to this Resolution and the Local Bond Sale and Financing Agreement and the refunding of the portion of the 2009 Bond to be refunded.

18. Effectiveness and Filing of Resolution. This Resolution shall become effective immediately upon its passage. After such passage, a certified copy of this Resolution shall be filed by the Clerk with the Clerk of the Circuit Court of Franklin County, Virginia. The filing of this Resolution with the Clerk of the Circuit Court of Franklin County, Virginia shall be deemed to be the filing of an initial resolution or ordinance with such Court for all purposes of the Act. Any ordinances or resolutions inconsistent herewith previously adopted by the Board are amended to be consistent with this Resolution.

On motion of _____, seconded by _____, the foregoing Resolution was adopted at a regular meeting of Board of Supervisors on June __, 2016. A summary of the members present or absent at such meeting, and the recorded vote with respect to the foregoing Resolution, is set forth below:

YES

NO

ABSTAINED

ABSENT

Adopted this __ day of June, 2016.

The undersigned Clerk of the Board of Supervisors of the County of Franklin, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a Resolution adopted at a meeting of the Board of Supervisors of the County of Franklin, held on June __, 2016. I hereby further certify that such a meeting was a regular meeting, duly called and held, and that during the consideration of the foregoing Resolution, a quorum was present.

Clerk, Board of Supervisors of the
County of Franklin, Virginia

Exhibit A - Form of Bond

[Interest on this bond is intended by the issuer thereof to be included in gross income for federal income tax purposes.]

REGISTERED

REGISTERED

R-__

_____, 2016

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

FRANKLIN COUNTY

**Wastewater System Revenue Refunding Bond
Series 2016**

Franklin County, Virginia (the "County"), a political subdivision of the Commonwealth of Virginia, for value received, acknowledges itself in debt and promises to pay to the Virginia Resources Authority, or its registered assigns or legal representative ("VRA"), solely from the sources hereinafter described and pledged to the payment of this bond the principal sum of _____ DOLLARS (\$_____). Principal of this bond shall be payable in annual installments in the amounts and on the dates set forth in Schedule I attached hereto. Interest on this bond shall be payable on each April 1 and October 1, commencing _____, _____, computed on the basis of a 360-day year of twelve 30-day months at the rates set forth in Schedule I.

If any installment of principal of and interest on this bond is not paid to the registered owner of this bond within ten days after its due date, the County shall pay to VRA a late payment charge in an amount equal to five percent (5%) of the overdue installment.

Subject to the provisions of the Local Bond Sale and Financing Agreement dated as of _____, 2016 (the "Local Bond Sale and Financing Agreement"), between VRA and the County, so long as this bond is held by VRA or its registered assigns or legal representative, interest is payable by check or draft mailed to the registered owner of this bond at the address that appears on the 15th day of the month preceding each interest payment date on the registration books kept by the County Administrator, who has been appointed registrar and paying agent, or any successor bank or trust company (the "Registrar"). Principal of and premium, if any, and interest on this bond shall be payable in lawful money of the United States of America. In case any payment date on this bond shall not be a Business Day (as defined below), then payment of principal, premium, if any, and interest need not be made on such date, but may be made on the next succeeding Business Day, and, if made on such next succeeding Business Day, no additional interest shall accrue for the period after such payment date. "Business Day" means any Monday, Tuesday, Wednesday, Thursday or Friday on which commercial banking institutions generally are open for business in New York and Virginia.

This bond has been authorized by a resolution adopted by the County Board of Supervisors on _____, 2016 (the "Resolution"), and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 and the Local Bond Sale and Financing Agreement. Proceeds of this bond will be used to provide funds to (a) refinance all or a portion of the outstanding principal amount of the County's \$2,905,000 Wastewater System Revenue Refunding Bond (Westlake Project), Series 2009 (the "2009 Bond") and (b) pay the issuance and financing costs incurred in issuing this bond and refunding such bonds.

This bond is a limited obligation of the County and is payable from the Revenues (as defined in the Local Bond Sale and Financing Agreement) derived by the County from the ownership of the Wastewater System and other amounts pledged or provided by the County as authorized in accordance with the Resolution. The Wastewater System will be operated and managed on behalf of Franklin County by the Western Virginia Water Authority (the "Authority") pursuant to the terms of the Westlake Wastewater System Operating Agreement dated as of December 15, 2008 between the County and the Authority, as amended (the "Operating Agreement"). The Authority will maintain and administer the Revenues pledged by the County as security for this Bond for the benefit of the holder of this Bond. Pursuant to the terms and conditions of the Local Bond Sale and Financing Agreement, the County has also undertaken a non-binding obligation to appropriate such amounts as may be requested by the County Administrator from time to time to cure deficiencies between the amount of Revenues available from the Wastewater System and payments due on this Bond, as described in the Local Bond Sale and Financing Agreement, to the fullest degree and in such manner as is consistent with the Constitution and the laws of the Commonwealth of Virginia. This Bond is secured on a parity with the unrefunded portion of the 2009 Bond.

Nothing in this bond, the Local Bond Sale and Financing Agreement or the Resolution shall be deemed to constitute a pledge of the faith and credit of the Commonwealth of Virginia or any of its political subdivisions, including the County. This bond does not directly, indirectly or contingently obligate the Commonwealth of Virginia or any of its political subdivisions, including the County, to pledge its faith and credit or levy any taxes for the payment of the principal of or premium, if any, or interest on this bond or other costs incident to them or make any appropriation for their payment except from the revenues and other funds pledged for such purpose.

If any failure of the County to pay all or any portion of any required payment of the principal of or premium, if any, or interest on this bond results in a withdrawal from or a drawing on any VRA Reserve, the interest rates applicable to this bond shall be increased to interest rates sufficient to reimburse the VRA Reserve for any foregone investment earnings on the funds withdrawn therefrom and/or pay any interest, fees or penalties assessed as a result of the withdrawal from or drawing on the VRA Reserve. The increment of interest payable pursuant to the increase in rates shall be referred to as "Supplemental Interest." The term "interest" as used in this bond shall include Supplemental Interest, when and if payable. The County's obligation to pay Supplemental Interest shall commence on the date of the withdrawal or drawing of funds from the VRA Reserve occasioned by the County's failure to pay a required payment or portion thereof as described above (the "Supplemental Interest Commencement Date"). The

County's obligation to pay Supplemental Interest shall terminate on the date on which the County makes all payments required but outstanding since the date of the initial failure to pay (the "Supplemental Interest Termination Date"). From the Supplemental Interest Commencement Date to the Supplemental Interest Termination Date, Supplemental Interest shall be due and payable on the regularly scheduled interest payment dates provided for in this bond. As soon as reasonably possible after the Supplemental Interest Commencement Date, VRA shall deliver to the County a certificate as to the increase in interest rates and the amount of Supplemental Interest. The certificate shall set forth in reasonable detail the basis for the increase in interest rates and the manner of calculation of the increase and the amount of Supplemental Interest. Such certificate shall be conclusive (absent manifest error) as to the interest rate increase and amount of Supplemental Interest set forth therein. In determining the interest rate increase and the amount of Supplemental Interest, VRA may use any reasonable averaging and attribution methods.

Notwithstanding anything in this bond to the contrary, in addition to the payments of debt service provided for by this bond, the County shall pay, but only from its legally available funds, such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Local Bond Sale and Financing Agreement.

This bond may be redeemed, prepaid or refunded at the option of the County upon the terms set forth in the Local Bond Sale and Financing Agreement.

The County may issue additional bonds ranking on a parity with this bond with respect to the pledge of the Revenues under, and pursuant to the terms of the Local Bond Sale and Financing Agreement.

This bond is issuable as a fully registered bond. Upon surrender of this bond at the Registrar's office, together with an assignment duly executed by the registered owner or such owner's duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate and deliver in exchange, a new bond or bonds in the manner and subject to the limitations and conditions provided in the Resolution, having an equal aggregate principal amount, in authorized denominations, of the same series, form and maturity, bearing interest at the same rates and in the same manner, and registered in such names as requested by the then registered owner of this bond or such owner's duly authorized attorney or legal representative. Any such exchange shall be at the County's expense, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect to it.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the 15th day of the month preceding each interest payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of

this bond have happened, exist and have been performed, and this bond, together with all other indebtedness of the County, is within every debt and other limitation prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of Franklin County, Virginia, has caused this bond to be signed by its Chairman and the County's seal to be affixed hereto and attested by the Clerk of the Board, and this bond to be dated the date first above written.

(SEAL)

Chairman, Board of Supervisors of
Franklin County, Virginia

ATTEST:

Clerk, Board of Supervisors of
Franklin County, Virginia

**SCHEDULE I TO
FRANKLIN COUNTY, VIRGINIA
WASTEWATER SYSTEM REVENUE REFUNDING BOND
SERIES 2016**

Principal Installment <u>Number</u>	Principal Installment <u>Amount</u>	Principal Installment <u>Due Date</u>	Interest <u>Rate</u>
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[to be completed after pricing of VRA Bonds]



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

AGENDA TITLE: SB 416
Limited Residential Lodging Act

SUBJECT/PROPOSAL/REQUEST: To review & discuss SB 416 adopted in 2016 General Assembly Session

STRATEGIC PLAN FOCUS AREA:
Managed Growth

STAFF CONTACT(S):
Robertson, Whitlow, Sandy

AGENDA DATE: June 21, 2016

ITEM NUMBER:

ACTION:
INFORMATION:

CONSENT AGENDA:
ACTION:
INFORMATION:

ATTACHMENTS: Yes *BR*

REVIEWED BY:

BACKGROUND:

On April 1, 2016 the Virginia General Assembly passed SB 416 entitled the Limited Residential Lodging Act. The bill initially requires the Virginia House Commission to convene a work group to consider issues related to short-term rentals of bed and breakfast establishments, vacation rentals, and other transient occupancy venues. The working group would need to complete its work by December 1, 2016 with developing legislation for the 2017 General Assembly session. The Act is intended to provide procedures for the regulation and taxation of temporary rental transactions in which residents or tenants rent out all or a portion of their private residences for a temporary period. The Act also intends to preclude localities from enacting ordinances that prohibit or restrict the use of a residential dwelling as limited residential lodging or that work impose additional regulations on their operators regarding these operations. See attached copy of legislation and Department of Taxation 2016 Fiscal Impact Statement.

DISCUSSION:

The proposed legislation if adopted as currently written would preempt Franklin County's current regulations regarding short-term rentals. Franklin County currently regulates short-term rentals through the zoning ordinance. Short-term rentals are currently allowed as a by-right use in the Residential Planned Development (RPD) and Planned Commercial Development (PCD) Districts. They require a special use permit in Agricultural (A-1) zoning District. Short-term rentals are currently not permitted in other zoning districts in Franklin County.

In 2015, the Board requested that the Planning Commission review the issue of short-term rentals and whether such use should be allowed to a greater or lesser degree and whether additional regulations were needed in the zoning ordinance. The Planning Commission considered four (4) different policy options and ultimately did not reach consensus on any one policy approach (other than the fact that the Planning Commission agreed that the use of short-term rentals should NOT be expanded). See attached Planning Commission memo dated August 11, 2015. The Board of Supervisors received this memorandum on August 18, 2015 but also decided not to make any policy changes related to short-term rentals at that time.

Planning Staff has concerns that the new state legislation, if approved, will preclude the County from regulating short-term rentals at Smith Mountain Lake and throughout the County. It is Staff's opinion that the choice to regulate this use/activity should be a local decision not a decision dictated by the State. Franklin County decided in 1995 that regulations were needed for short-term rentals. The use of short-term rentals has the potential to create problems for neighborhoods such as noise, parking, trash, etc. A number of neighbors and property owners attended public hearings for special use permits to allow short-term rentals and expressed opposition to approval of short-term rentals. The ability to have this use freely as a "use by right" in any portion of the County also creates an enforcement concern for both zoning staff and the Sheriff's office.

The Virginia Housing Commission has convened a working group per the legislation. Planning Staff has found that the Virginia Association of Counties (VACO) and the Virginia Municipal League (VML) are represented on this working group to represent localities. There is also one Commissioner of Revenue on the working group to provide guidance on taxing concerns at the local level. See attached list of working group members. Several localities such as Blacksburg, Harrisonburg, Charlottesville, Hanover and Prince William County have expressed concerns over the proposed legislation and its impact on local zoning control. Some localities and Commissioners of Revenue are also concerned about the tax collection aspect of this legislation.

RECOMMENDATION:

Staff respectfully requests that the Board review the information regarding SB 416 and determine if the Board wants Staff to provide a written position or resolution to oppose this legislation outlining points of such opposition. Such a resolution could then be submitted to VA Delegates and Senators representing Franklin County as well as VACO and VML.

If a resolution is desired, Staff can prepare for consideration and approval by the Board at their July 19th meeting.

**Short-Term Rental Workgroup
March 2016**

Name	Affiliation
Delegate Christopher Peace	Chair
Edward Mullen	Air B and B Corporation
David Skiles	Travel Technology Association
Erica Gordon	Hilton Worldwide
Eric Terry	Virginia Restaurant & Travel Association
Amy Hagar	The Bed & Breakfast Association of Virginia
Sterling Rives	Virginia Association of Counties
Ron Rordam, Mayor of Blacksburg	Virginia Municipal League
Mark Haskins	Virginia Department of Taxation
Chip Dicks	Virginia Association of Realtors
Robert Bradshaw	Independent Insurance Agents of Virginia
Maggie Ragon, Commissioner of The Revenue	City of Staunton
Brian Gordon	Northern Virginia Apartment Building Association

*Additionally any VHC member who wishes to take part

**DEPARTMENT OF TAXATION
2016 Fiscal Impact Statement**

1. **Patron** Jill Holtzman Vogel

2. **Bill Number** SB 416

3. **Committee** Passed House and Senate

House of Origin:
 Introduced
 Substitute
 Engrossed

4. **Title** Procedures for the Taxation and Regulation
of Limited Residential Lodging Transactions

Second House:
 In Committee
 Substitute
 Enrolled

5. **Summary/Purpose:**

This bill would require the Virginia Housing Commission to convene a working group consisting of representatives from the hotel and hosting platform industries, state and local government (including tax officials), property owners, and other interested parties to consider issues related to the short-term rental of bed and breakfast establishments, vacation rentals, and other transient occupancy venues. The working group would need to complete its work by December 1, 2016 with the goal of developing legislation for the 2017 General Assembly session.

The bill would also create a statutory mechanism for the regulation and taxation of qualifying short-term rental transactions. The Limited Residential Lodging Act ("the Act") would require reenactment by the 2017 General Assembly before its provisions would take effect. Under the Act's terms, qualifying residents and tenants of a private residence would be authorized to rent out all or a portion of the residence on a temporary basis. The Act would establish rules and procedures for online facilitators ("hosting platforms") to collect and remit state and local retail sales and use taxes and transient occupancy taxes on behalf of the residents who engage in these transactions ("lodging operators"), as well as penalty structures for registered hosting platforms that fail to file the required returns or remit the full amount of tax due on these transactions.

The effective date of this bill is not specified. The provisions of the Act would only take effect if reenacted by the 2017 Session of the General Assembly.

6. **Budget amendment necessary:** No.

7. **No Fiscal Impact:** (See Line 8.)

8. **Fiscal implications:**

Based on similar studies, the Department estimates that its participation in this study would require some diversion of efforts from other functions, and would have no additional administrative impact. This bill would have no direct impact on state or local revenues.

9. Specific agency or political subdivisions affected:

Virginia Housing Commission
Department of Taxation

10. Technical amendment necessary: No.

11. Other comments:

Retail Sales and Use Tax on Transient Accommodations

The Retail Sales and Use Tax applies to the sale or charge for any room or rooms, lodging, or accommodations furnished to transients by any hotel, motel, inn, tourist cabin, camping grounds, club or other similar place in which rooms, lodging, space or accommodations are regularly furnished to transients for a consideration. This statutory language imposes an obligation upon renters of residences to collect the sales and use tax on transactions in which the rental accommodations are furnished to transients for fewer than 90 continuous days, and the transient has not obtained an interest in the property. The Department's longstanding policy is that the temporary rental of a private residence for fewer than 90 continuous days is subject to the sales and use tax in the same manner as charges for hotel or motel accommodations, since they both represent charges for lodging, space or accommodations regularly furnished to transients for a consideration. It is not necessary that the accommodations offered by a taxpayer be provided on a continuous basis in order for them to be considered furnished "regularly" within the meaning of the statute. Rather, the accommodations need only be offered with some frequency, such as on a weekly, monthly, seasonal or some other recurring basis to be considered furnished regularly.

Transient Occupancy Taxes

Under current law, any county may impose a transient occupancy tax at a maximum rate of two percent, upon the adoption of an ordinance, on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. The Department of Taxation has interpreted this provision to apply to the rental of cottages, duplexes, apartments, townhouses, condominiums, and other private residences. Several counties are authorized by statute to impose the tax at higher rates. Cities and towns are not limited in the rate of the transient occupancy tax they may impose. The tax, however, does not apply to rooms rented on a continuous basis by the same individual or group for 30 or more continuous days. The tax applies to rooms intended or suitable for dwelling and sleeping. Therefore, the tax does not apply to such rooms used for alternative purposes, such as banquet rooms and meeting rooms.

In addition to the transient occupancy taxes that may be imposed in counties, cities, and towns, legislation enacted in 2013 imposes a new two percent regional transient occupancy tax in the Northern Virginia Planning District. The Northern Virginia region consists of the Counties of Arlington, Fairfax, Loudoun and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. Revenues from this tax are deposited by the local treasurer into the state treasury and transferred by the Comptroller into special funds. Although the regional tax is a state tax, it is administered

and collected by the locality in which the room or space is located in the same manner as its current local transient occupancy tax.

Proposal

Property owners who wish to offer all or a portion of their homes for temporary rental for a charge, generally for fewer than 30 consecutive days, frequently utilize website platforms that enable the property owner to list and describe the property being offered for rental, and allow tourists and other transients to arrange for the rental of the property and payment of the booking.

This bill would require the Housing Commission to convene a working group consisting of representatives from the hotel and hosting platform industries, state and local government (including tax officials), property owners, and other interested parties to consider issues related to these and other short-term rentals of bed and breakfast establishments, vacation rentals, and other transient occupancy venues. The bill would require that the working group complete its work by December 1, 2016. Presumably, the Housing Commission study would provide the 2017 General Assembly additional information to inform its decision as to whether to support the Limited Residential Lodging Act or similar legislation, should either be introduced in 2017.

Specific Provisions of the Limited Residential Lodging Act

The Act would provide procedures for the regulation and taxation of temporary rental transactions in which residents or tenants rent out all or a portion of their private residences for a temporary period, generally, fewer than 30 days. The provisions of the Act would apply only if: 1) the property continues to be used primarily as a residence; 2) sales and use and occupancy taxes are collected and remitted by the lodging operator or hosting platform; and 3) the rental does not include simultaneous occupancy by more than one party under separate contracts.

Regulatory Provisions

Under the Act, localities would be precluded from enacting ordinances that prohibit or restrict the use of a residential dwelling as limited residential lodging or that would impose additional regulations on their operators regarding these operations. The only exception would apply to those residential units for which applicable taxes are not timely paid by the registered hosting platform or lodging operator. Localities would remain authorized to adopt ordinances and regulations generally applicable to residential use and zoning, to require limited residential lodging operators to maintain liability insurance, and to require lodging operators to register their names and addresses through that locality's online portal.

Imposition and Collection of Applicable Taxes

The Act would expressly impose "applicable taxes," which include only the state and local retail sales and use tax, the regional transient occupancy tax, and any local transient occupancy tax imposed by a county, city, or town, on the temporary rental of all or a portion of a primary residence. Under the Act, the sales and use tax would apply for any

such rentals for a period of fewer than 90 days. The local and regional transient occupancy taxes would apply to those residences rented for the time period subject to the transient occupancy tax in the applicable locality under current law. The Act would exempt lodging operators from the BPOL tax, provided their limited residential lodging activities take place on fewer than 45 days in a calendar year. Additionally, hosting platforms would be exempt from the BPOL tax under the Act.

The Act would require hosting platforms to register with the Department to collect and remit the applicable taxes associated with the booking, and to notify the lodging operator of the platform's registration. The hosting platform would not provide the Department with any identifying information of the lodging operator, such as the operator's name or address.

In addition, the Act would allow the Department to recover its administrative costs incurred in collecting the transient occupancy taxes remitted by the hosting platform. The remaining tax revenues would be distributed according to the provisions under current law for the distribution of the sales and use tax, regional transient occupancy tax, and local transient occupancy tax.

Audit and Confidentiality Provisions

Under the Act, the Department would be the only entity authorized to conduct sales and use and transient occupancy tax audits for transactions for which the hosting platform has agreed to collect and remit the taxes on behalf of the lodging operator. Localities would be prohibited expressly from conducting any such audits. The Department would need to conduct audits of the hosting platform on an anonymous, numbered account basis, would not have access to any personally identifiable information regarding the lodging operator or the occupants, and would be precluded from auditing the lodging operator or the occupant. The Act would deem any information the Department obtains from a registered hosting platform as confidential, and regardless of the exclusions from the confidentiality provisions under current law, would prohibit the Department from disclosing to any other agency any such confidential information. Any agreement entered into between the Department and the hosting platform would not be considered confidential tax information. Currently, the Department may divulge otherwise confidential taxpayer information to another agency or subdivision of the Commonwealth in the line of duty under state law.

Penalties

Additionally, the Act would impose the following penalties on hosting platforms that registered with the Department and failed to file a required return or pay the tax due:

- *Failure to file a return:* Regardless of whether any tax is due for the period in question, the hosting platform would owe a \$500 penalty if it fails to file a required return within one month of the due date, with an additional penalty of \$1,000 for each additional month. After the first month, an additional penalty would be imposed, capped at the lesser of 5 percent of the tax due for that return or \$10,000 in the aggregate. The Department would have the discretion to waive the penalty for good cause.

- *Underpayment:* The hosting platform would owe three percent of the underpayment if the failure to pay the full amount is not for more than one month, and an additional three percent would be added each month the failure continues, capped at 15 percent of the underpayment;
- *False or fraudulent return:* The hosting platform would be subject to a specific penalty of 50 percent of the difference between the amount reported and the amount of the proper tax.

Under the Act, the Department would collect and distribute the penalties as if they were part of the tax imposed.

Additional Provisions

Additionally, the Act would require the Department of Taxation to develop regulations in order to implement its provisions. The initial regulations would be exempt from the Administrative Process Act.

The provisions of the Act would take effect only upon reenactment by the 2017 General Assembly.

cc : Secretary of Finance

Date: 3/7/2016 KP
DLAS File Name: SB416FER161

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 674

An Act to amend the Code of Virginia by adding in Title 55 a chapter numbered 13.4, consisting of sections numbered 55-248.53 through 55-248.56, relating to establishing the Limited Residential Lodging Act; penalty.

[S 416]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 55 a chapter numbered 13.4, consisting of sections numbered 55-248.53 through 55-248.56, as follows:

CHAPTER 13.4.

LIMITED RESIDENTIAL LODGING ACT.

§ 55-248.53. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Applicable taxes" means any state or local tax imposed on a booking transaction pursuant to § 15.2-1104, Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, § 58.1-1742, Article 6 (§ 58.1-3819 et seq.) of Chapter 38 of Title 58.1, § 58.1-3840, or any other transaction tax imposed by a city or town charter.

"Booking transaction" means any transaction in which there is a charge to an occupant by an operator for the occupancy of any dwelling, sleeping, or lodging accommodations.

"Department" means the Department of Taxation.

"Hosting platform" means any person or entity that is not an operator and that facilitates reservations or collects payments for any booking transaction on behalf of an operator through an online digital platform.

"Limited lodger" means a person who occupies a residential dwelling unit for the purpose of limited residential lodging.

"Limited residential lodging" means the accessory or secondary use of a residential dwelling unit or a portion thereof by a limited residential lodging operator to provide room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy, provided only that (i) the primary use of the residential dwelling unit shall remain residential, (ii) any applicable taxes required to be collected and remitted by state and local law for each booking transaction are collected and remitted by a registered hosting platform pursuant to the provisions of this chapter or directly by the limited residential lodging operator, and (iii) such accessory or secondary use does not regularly include simultaneous occupancy by more than one party under separate contracts.

"Limited residential lodging operator" means an operator who is the primary resident of a residential dwelling unit offered for limited residential lodging purposes.

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered for a charge to occupants, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity, and includes a limited residential lodging operator.

"Primary resident" means either (i) the owner of the residential dwelling unit who occupies the dwelling unit as his principal place of residence and domicile or (ii) a tenant who has lived in the residential dwelling unit for at least 60 days and who treats the residential dwelling unit as his principal place of residence and domicile.

"Registered hosting platform" means a hosting platform that has registered with the Department for the collection and remittance of applicable taxes pursuant to this chapter.

"Residential dwelling unit" means a residence where one or more persons maintain a household, including a manufactured home. "Residential dwelling unit" does not include:

1. Residence at a public or private institution, if incidental to detention or the provisions of medical, geriatric, educational, counseling, religious, or similar services;

2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

3. Occupancy in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging where the occupant does not reside in such lodging as a primary resident;

4. Occupancy under a rental agreement covering premises used by the occupancy primarily in connection with business, commercial, or agricultural purposes; or

5. Occupancy in a campground as defined in § 35.1-1.

§ 55-248.54. Preemption of certain laws; authorized local ordinances.

A. Notwithstanding any other law, general or special, and except as expressly provided in this chapter, no local ordinance or other law shall:

1. Prohibit or restrict any residential dwelling unit from being used for limited residential lodging. Any such limited residential lodging shall (i) be deemed to be consistent with residential use; (ii) be authorized in any zoning district established pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 allowing residential use; and (iii) not require the residential dwelling unit or the owner or primary resident of the residential dwelling unit to adhere to any zoning or licensing requirements applicable to hotels, motels, bed and breakfast inns, lodging houses, or other commercial enterprises;

2. Impose or purport to impose any additional regulation or obligation on a limited residential lodging operator based on the use of such operator's residential dwelling unit for limited residential lodging purposes; or

3. Prohibit, impose additional regulations or obligations on, or otherwise restrict the operation of a hosting platform that collects and remits any taxes pursuant to this chapter.

B. Any local tax or fee authorized by law to be imposed upon (i) operators or (ii) occupants of any dwelling, lodging, or sleeping accommodations offered for a charge shall be applied in a uniform manner upon all operators, including a limited residential lodging operator, or occupants, including a limited lodger.

C. For purposes of the imposition of any local tax imposed pursuant to the provisions of Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1, neither the conduct of limited residential lodging by a limited residential lodging operator for fewer than 45 days in a calendar year, nor the conduct of a hosting platform pursuant to this chapter, shall constitute a business or be subject to taxes or fees pursuant to Chapter 37 of Title 58.1.

D. Nothing in this section shall be construed to prohibit a locality from:

1. Adopting and enforcing ordinances and regulations generally applicable to residential use and zoning including those related to noise, health and safety, the quiet enjoyment of property, parking, litter, yard signs, and other related issues, so long as such ordinances shall not be drawn or applied in such a manner as to create burdens or restrictions on limited residential lodging not placed on other authorized uses of residential property; or

2. Adopting and enforcing an ordinance requiring that any limited residential lodging operator maintain a minimum of \$500,000 of liability insurance specifically covering the limited residential lodging use of property held out for such use. Such requirement by an ordinance shall be deemed to have been met by an operator that conducts the limited residential lodging through a hosting platform that provides a minimum of \$500,000 of liability insurance for such use. The penalty for the violation of such ordinance shall not exceed \$200 per violation; or

3. Adopting and enforcing an ordinance that (i) prohibits or restricts any residential dwelling unit from being used for limited residential lodging due to a failure to make timely payment of applicable taxes by either a registered hosting platform or directly by the limited residential lodging operator, (ii) provides that any limited residential lodging operator not utilizing a registered hosting platform may be subject to audit by the commissioner of the revenue, director of finance, or other similar local tax official to demonstrate the payment of any applicable taxes, or (iii) requires any limited residential lodging operator operating within the locality to register his name and address through an online portal maintained by the locality.

§ 55-248.55. Inapplicability of chapter to contracts.

Nothing in this chapter shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Virginia Property Owners' Association Act (§ 55-508 et seq.).

§ 55-248.56. Registration of hosting platform; collection and remittance of certain taxes; audit.

A. A hosting platform shall register with the Department for the collection and remission of applicable taxes on any booking transactions facilitated by the hosting platform on behalf of operators within any one or more localities within the Commonwealth, and shall enter into any agreement with the Department related to such collection and remission. Such agreement shall not constitute confidential tax information pursuant to § 58.1-3 and shall be subject to disclosure pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. A registered hosting platform shall, with respect to each booking transaction facilitated by the hosting platform on behalf of an operator within any locality for which such hosting platform has registered to collect and remit applicable taxes, collect any applicable taxes and remit the total amount so collected to the Department on a monthly basis along with a schedule, on an aggregate basis, listing the total amounts owed to the Commonwealth and to each applicable locality for the relevant period. After the direct costs of administering this section are recovered by the Department, the remaining revenues shall be distributed by the Tax Commissioner in the same manner as the applicable taxes are distributed pursuant to Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, § 58.1-1742, and Articles 6 (§ 58.1-3819 et seq.) and 8 (§ 58.1-3840 et seq.) of Chapter 38 of Title 58.1, *mutatis mutandis*.

C. Any registered hosting platform shall provide notice to any operator utilizing the hosting platform of such registration and advising the operator that such operator should review any applicable state and local laws prior to listing a limited residential lodging unit for occupancy.

D. No operator utilizing a registered hosting platform shall be responsible for collecting or remitting any applicable taxes on any booking transaction when it has received notice pursuant to subsection C that such hosting platform will be collecting and remitting such applicable taxes. Any such notice shall itself be proof sufficient regarding the absence of any operator liability for such applicable taxes for the time period covered by the notice, and the hosting platform shall be liable for any such taxes.

E. Information provided to or obtained by the Department by a registered hosting platform shall be confidential pursuant to § 58.1-3. However, notwithstanding any provisions of § 58.1-3 to the contrary, such information shall not be provided to any other agency of the Commonwealth or political subdivision or officer thereof.

F. Applicable taxes payable by a registered hosting platform in accordance with this section shall be subject to audit only by the Department or its authorized agent. Any such audit shall be conducted on the basis of returns and supporting documents filed by the registered hosting platform with the Department and shall not be conducted directly or indirectly on any individual operator or occupant to whom rooms, lodgings, dwellings, or accommodations were furnished in exchange for a charge for occupancy. Audits of a registered hosting platform for applicable taxes shall be conducted on an anonymous numbered account basis and shall not require the production of any personally identifiable information relating to any booking transaction or individual operator or occupant. No commissioner of the revenue, director of finance, or other similar local tax official may conduct any audit of applicable taxes paid by a registered hosting platform.

G. Notwithstanding any other provision of law, general or special, any registered hosting platform that fails to file a required return or pay the full amount of the applicable taxes due shall be subject to:

1. A penalty in the amount of \$500 for failure to file a return within one month of the due date, with an additional penalty of \$1,000 for each additional month, or fraction thereof; thereafter during the period in which the failure continues, a penalty not to exceed the lesser of five percent of the taxes due on such return or \$10,000 in the aggregate. Such penalty shall apply whether or not any tax is due for the period for which such return was required. If such failure is due to providential or other good cause shown to the satisfaction of the Department, such return with or without remittance may be accepted exclusive of penalties;

2. A penalty in the amount of three percent of the underpayment if the failure to pay the full amount of applicable tax due is for not more than one month, with an additional three percent of the underpayment for each additional month, or fraction thereof, during which the failure continues, not to exceed 15 percent of the underpayment in the aggregate; and

3. In the case of a false or fraudulent return where willful intent exists to defraud the Commonwealth of any applicable tax due pursuant to this section, or in the case of a willful failure to file a return with the intent to defraud the Commonwealth of any such tax, a specific penalty of 50 percent of the difference between the amount reported and the amount of the tax actually due.

H. All penalties and interest imposed by this section shall be payable by the hosting platform and collectible and distributable by the Department in the same manner as if they were part of the tax imposed. Interest at a rate determined in accordance with § 58.1-15 shall accrue on the tax until the same is paid.

1. The Department shall develop regulations for the implementation of this chapter. Initial regulations shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but any updates or amendments to the regulations shall be subject thereto.

2. That nothing in this act shall be construed to subject any taxpayer to any additional taxes not currently imposed by law, nor shall this act be construed to relieve any taxpayer from any tax liability except as expressly set forth therein.

3. That the provisions of the first and second enactment clause of this act shall not become effective unless reenacted by the 2017 Session of the General Assembly.

4. That the Housing Commission shall convene a work group with representation from the hotel industry, hosting platform providers, local government, state and local tax officials, property owners, and other interested parties to explore issues related to expansion of the framework set forth in this act related to the registration, land use, tax, and other issues of public interest associated with the short-term rental of dwelling and other units. The work group shall take into consideration existing structures governing the activities of bed and breakfast inns, vacation rentals, and other transient occupancy venues. The work group shall complete its work by December 1, 2016, with the goal of developing recommendations and draft legislation for consideration by the 2017 Session of the General Assembly.

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
Board of Supervisors



Franklin County
A Natural Setting for Opportunity
EXECUTIVE SUMMARY

<p>AGENDA TITLE: Power Dam Removal</p>	<p>AGENDA DATE: June 21, 2016</p>	<p>ITEM NUMBER:</p>
<p>SUBJECT/PROPOSAL/REQUEST Presentation on the removal of the Power Dam on the Pigg River</p>	<p>ACTION:</p>	<p>CONSENT AGENDA:</p>
<p>STAFF CONTACT(S): Robertson, Whitlow, Burnette, and Chapman</p>	<p>ACTION:</p> <p>ATTACHMENTS: YES</p> <p>REVIEWED BY: <i>BR</i></p>	

BACKGROUND

Power Dam is located east of the Town of Rocky Mount on Power Dam Road. Constructed for power generation, the dam is 25 feet high and 200 feet long. It was built in 1915 to provide power for the Light and Power Company of Rocky Mount and later for the Appalachian Electric Power Company. The dam has been inoperable since the late 1950s and is currently in poor condition which threatens endangered and game species, structures downstream, and public recreational use.

Friends of the Rivers of Virginia (FORVA) which owns the Power Dam is working with the U.S. Fish and Wildlife Service, the County of Franklin, Town of Rocky Mount, Fish America Foundation, and others to restore the Pigg River through partial removal of Power Dam.

Breaching Power Dam will have the following benefits: 1) It will assist in the recovery of the Roanoke Logperch (*Percina rex*) and will benefit game fish such as Roanoke and largemouth bass. 2) This project will eliminate a threat to the State Route 713 bridge and the Rocky Mount Wastewater Treatment Plant. 3) Demolition of most of the dam will eliminate a safety hazard for recreational boaters and anglers. 4) Breaching Power Dam will provide additional resiliency to the Pigg River from hurricanes and other large storm events.

DISCUSSION

To ensure that this project is completed as safely as possible, FORVA has completed sediment analysis for contaminants, flood and sediment transport studies, water quality, biological monitoring, historic resources review and has informed land owners. FORVA is completing this project at their expense and discretion, whereby the organization is presenting their plans to various boards and groups in an effort to inform the public and answer any questions.

RECOMMENDATION:

Bill Tanger, Chairman of FORVA will present to the Board the progress made on this project and will answer any questions that the Board may have.

PIGG RIVER RESTORATION AT POWER DAM PROJECT

Frequently Asked Questions

1. When is work on the dam scheduled?

If the project is fully funded, work is scheduled to begin after January 2016. No work will occur between March 15 and June 30 of any year to minimize disturbance to fish spawning and the federally listed endangered Roanoke logperch.

2. Why is the dam being altered?

Power Dam was built in 1915 to provide power for the Light and Power Company of Rocky Mount and later for the Appalachian Electric Power Company. The dam has been inoperable since the late 1950s. The project will remove a public safety hazard, restore flood control, protect infrastructure downstream, provide recreational boat passage, and improve native fish passage and habitat.

3. Who is involved and funding the project?

The Friends of the Rivers of Virginia owns the dam. The U.S. Fish and Wildlife Service funded contaminant, hydraulic, and flood studies; biological surveys; and design and permitting services. Other partners include Franklin County, Virginia Department of Game and Inland Fisheries, Appalachian Electric Power, and the Town of Rocky Mount.

4. Will the dam be partially or completely removed?

The dam will be partially removed.

5. What will be done with the sediment behind the dam?

The dam will be removed in one or two phases. Supported by a sediment fate study, this approach will minimize sediment impacts to downstream resources.

6. What will be done with the woody debris behind the dam?

The material will be removed, allowed to dry on site, chipped, and hauled away. The woody material may be used as biomass fuel for electricity generation.

7. Is the dam historic?

Review by an architectural historian determined the dam was potentially eligible for listing on the national register of historic places. Section 106 of the National Historic Resources Act coordination has been initiated with the Virginia Department of Historic Resources and will be completed prior to the start of construction. Portions of the dam and power house are proposed to be left undisturbed for historic interpretation.

8. Will public use be permitted?

A public park providing boating and fishing access is proposed for the area.

9. What studies have been completed as part of the planning process?

The following studies have been completed: (1) sediment contaminant and quantity surveys, which did not detect any contaminants, (2) pre-removal water quality and fish biomonitoring, (3) Hydrologic Engineering Centers River Analysis System (HEC RAS) modeling, (4) sediment fate and transport modeling, and (5) wetlands assessment.

10. Will the public be provided an opportunity to review and comment on the project prior to construction?

The Friends of the Rivers of Virginia and the project partners welcome public involvement. Please contact one of the project managers listed below if you wish to be involved or kept informed about the project. If sufficient interest exists one or more informal meetings may be scheduled and public comments solicited as a part of the permit process.

11. I own property upstream of the dam. How will this project affect my property?

Water levels upstream of the dam within the reservoir pool will lower to historic (pre-dam) levels. A channel will form as sediment is transported out of the former pool area. Bedrock may be exposed during the channel forming process. Natural vegetation will reestablish upon the newly exposed riverbanks.

12. I own property downstream of the dam. How will this project affect my property?

There are no anticipated effects to property downstream. As floods occur there will be pulses of sediment released that will temporarily affect water clarity. Released sediment is expected to increase the diversity and complexity of instream habitat and channel morphology downstream. A sediment fate study documents these effects and is available upon request.

13. Will Power Dam Road (Route 713) be closed during project construction?

It is anticipated that the road and/or individual lanes may be closed for brief periods of time to allow heavy equipment ingress and egress. Those closures, if necessary, will be coordinated with the Virginia Department of Transportation and Franklin County and will be accompanied by appropriate signage and flagging personnel, as will the construction activities.

14. Will the project affect Power Dam Road (Route 713)?

Protection of downstream infrastructure, such as Power Dam Road, from potential damage due to dam failure is one of the benefits of this project. The dam owner and other project proponents have been coordinating with representatives from the Virginia Department of Transportation to ensure Power Dam Road is not negatively impacted by the project. The selected contractors will be required to ensure that the Power Dam Road bridge crossing is protected during the demolition process.

15. Will the project affect the Rocky Mount Wastewater Treatment plant immediately downstream of Power Dam?

Partial removal of the dam will eliminate the threat to the plant posed by a potential dam failure.

For more information visit <http://www.forva.org/> or <http://www.fws.gov/northeast/virginiafield/partners/powerdam.html>.

Contact:

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Will Smith
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FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

AGENDA TITLE: Glade Hill Property Purchase	AGENDA DATE: June 21, 2016 ITEM NUMBER:	
SUBJECT/PROPOSAL/REQUEST	ACTION:	INFORMATION:
Ratify property purchases for proposed Glade Hill Fire Department site		
STRATEGIC PLAN FOCUS AREA:	CONSENT AGENDA: YES INFORMATION:	
Infrastructure, Public Safety		
STAFF CONTACT(S):	ATTACHMENTS:	
Messrs. Robertson, Whitlow, Smith, Hatcher, Jefferson		
	REVIEWED BY: <i>YR</i>	

BACKGROUND:

In 2011, the County first began planning for a new fire station to meet the growing Fire-EMS needs in the Glade Hill area. The fire department has always had strong support within the community. Following a 2011 facilities report, it was noted that the current Glade Hill Fire Department building has structural issues that render it unsuitable for a renovation- expansion, whereby the station does not have an adequate office and storage space and the well that serves the property has a capacity of less than 1 gallon per minute. Constructing a new or expanded facility at this site would be impractical. As such, the Board of Supervisors committed to the construction of a new station once a suitable site was properly secured. Since 2011, various sites have been evaluated and considered, however a suitable site was never identified.

DISCUSSION:

Recently, the County identified an appropriate site for a new fire station, whereby the Board authorized staff to purchase two adjoining pieces of property in the Glade Hill area. Such properties are located along Virginia 40 East (Old Franklin Turnpike) and Route 869 (Turtle Hill Road) and are identified as tax map parcel #0660003702 containing approximately 2.966 acres and tax map parcel #0660004201 containing approximately 2.52 acres respectively. The first parcel purchase (tax map parcel #0660003702) was secured at a price of \$10,000, while the second parcel purchase (tax map parcel #0660004201) was secured for \$16,250 for a total of \$26,250 for both parcels (approximately 5.49 acres). Funds for these purchases have been budgeted and are available in the Public Safety Construction Capital Account. Such account was established several years ago, whereby excess EMS insurance billing is annually set aside to assist with future station planning and construction. Following the ratification of the Glade Hill property purchases, staff will return to the Board in the coming months to begin the construction plans discussion with the Board.

RECOMMENDATION:

Staff respectfully requests the Board of Supervisors to ratify the recent property purchases of (tax map parcel #0660003702) for \$10,000 and (tax map parcel #0660004201) for \$16,250, thereby authorizing the County Administrator and County Attorney to execute such purchase contracts accordingly.

FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> <i>Appropriations Resolutions</i></p> <p><u>SUBJECT/PROPOSAL/REQUEST</u> <i>Request the Adoption of the attached Appropriations Resolution for the fiscal year beginning July 1, 2016 and ending June 30, 2017</i></p> <p><u>STRATEGIC PLAN FOCUS AREA:</u> <i>Goal #</i> <i>Action Strategy:</i></p> <p><u>STAFF CONTACT(S):</u> <i>Messrs. Robertson, Copenhaver</i></p>	<p><u>AGENDA DATE:</u> <i>June 21, 2016</i> <u>ITEM NUMBER:</u></p> <p><u>ACTION:</u> <i>YES</i> <u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u> <u>ACTION:</u> <u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> <i>YES</i></p> <p><u>REVIEWED BY:</u> <i>BR</i></p>
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BACKGROUND:

The County must annually adopt a resolution of appropriation for the upcoming fiscal year which begins July 1, 2016 and ends on June 30, 2017.

DISCUSSION:

The appropriations resolution is attached for the Board's review. The total budget to be appropriated is \$175,380,807. Subtracting the transfers between funds results in a net budget of \$134,409,866. There are no one-time funds (fund balance) proposed to be used for on-going operations.

RECOMMENDATION:

Staff respectfully requests the Board's adoption of the attached resolution of appropriation authorizing the expenditure of County funds from estimated revenues.

**ANNUAL RESOLUTION OF APPROPRIATION OF THE COUNTY OF
FRANKLIN FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING
JUNE 30, 2017**

A resolution to appropriate designated funds and accounts from specified estimated revenues for FY 16-17 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 21st day of June, 2016 that, for the fiscal year beginning on July 1, 2016, and ending on June 30, 2017, 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 fund for the efficient operation of government.

- Section 5. All outstanding encumbrances, both operating and capital, at June 30, 2016 shall be reappropriated to the FY 2016-2017 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, 2016 and appropriations as they are made in the FY16-17 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, 2016 and appropriations in the FY 16-17 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, 2016, plus the total amount of receipts for the fiscal year 2016-2017. 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, 2016.



Franklin County
A Natural Setting for Opportunity

County of Franklin
 Adopted Revenues
 Fiscal Year 2016 - 2017

Real Estate	\$ 35,936,923	Shared Expenses Sheriff	\$ 3,067,937
Public Service Corp	996,113	Shared Expenses Comm of Revenue	168,503
Personal Property	9,773,620	Shared Expenses Treasurer	154,782
Machinery and Tools	832,741	Shared Expenses Registrar	44,000
Merchants Capital	724,567	Shared Expenses Clerk of Court	367,002
Penalties and Interest	700,000		
		Public Assistance Grants	4,641,665
Sales Tax	4,266,691	VJCCCA Grant	20,040
Communications Tax	2,175,654	Family Resources Grants	176,974
Consumer Utility Taxes	980,000	Comprehensive Services Grant	3,200,042
County Business License	4,000	Franklin Center Grants	47,000
Franchise License Tax	237,000		
Motor Vehicle License Fees	1,970,318	Personal Property Tax Relief	2,626,618
Bank Stock Taxes	180,000		
Tax on Deeds	455,000	Library Grants	153,449
Hotel/Motel Trans Occupancy Tax 2%	35,000	Recordation Taxes - State	160,000
Hotel/Motel Trans Occupancy Tax 3%	52,000	Aging Services Grants	127,322
Meals Tax	1,058,151	Grantor Tax on Deeds	125,000
		Drug Enforcement Grants	12,000
Licenses and Fees	368,778	Park Land - Pymt in Lieu of Tax	18,200
Court Fines and Costs	50,000	Fund Balance	<u>0</u>
Interest on Bank Deposits	620,000	Total General Fund	<u>80,931,080</u>
Rent, Miscellaneous	494,527	Capital Fund	3,235,501
		Asset Forfeiture Fund	10,000
Clerk of Court Fees	138,379	E911 Fund	977,663
Commonwealth Attorney Fees	5,000	School Capital Fund	975,062
Off Duty Pay for Sheriff Deputies	55,300	Law Library	10,000
		Debt Service Fund	3,975,988
Animal Control Fees	5,651	Utilities	24,000
Landfill Fees	818,170	Courthouse Maintenance Fund	44,000
Aging Services Local Revenue	10,000	Total - Other Funds	<u>9,252,214</u>
Family Resource Center Donations	27,463		
Recreation Fees	140,000	Schools: Local (Cafeteria, Miscellaneous)	3,281,797
EMS Billing Revenue	1,294,564	State	40,934,763
Library Fines and Fees	35,000	Federal	8,082,801
Franklin Center Fees	9,500	County	32,860,733
Sale of Maps and Code	540	Canneries	37,419
		Total School Funds	<u>85,197,513</u>
Recovered Costs	630,587		
Motor Vehicle Carriers Tax	40,000		
Mobile Home Titling Tax	76,000	Less Transfers Between Funds	(40,970,941)
Motor Vehicle Rental Tax	38,000		
Shared Expenses Comm Attorney	585,309	Total Net Budget	<u>\$ 134,409,866</u>

County of Franklin
 Adopted Expenditures
 Fiscal Year 2016-2017

General Government Administration

Board of Supervisors \$ 363,317

Family Resource Center \$ 258,483
 Aging Services 222,777

11,786,911

General and Financial Administration

County Administrator 372,698
 Commissioner of Revenue 616,285
 Reassessment 150,000
 Treasurer 509,287
 Finance 256,904
 Risk Management 400,111
 Human Resources 125,554
 Information Technology 1,177,637
 Registrar 292,121
4,263,914

Parks, Recreation and Cultural

Parks and Recreation 1,046,040
 Library Administration 930,094
1,976,134

Community Development

Planning Agencies 594,529
 Planning & Community Development 541,050
 Economic Development 1,015,102
 GIS and Mapping 151,813
 Franklin Center 196,192
 Tourism Development 258,221
 Virginia Cooperative Extension 109,641
2,866,548

Judicial Administration

Circuit Court 105,437
 General District Court 7,080
 Magistrate 2,000
 Juvenile and Domestic Rel Court 17,750
 Clerk of the Circuit Court 638,890
 Sheriff - Courts 725,303
 Juvenile Court Services 430,901
 Commonwealth Attorney 787,092
2,714,453

Nondepartmental

697,645

Transfers to Other Funds

Schools - Operations 30,504,781
 Schools - Debt Service 2,355,952
 Schools - Canneries 37,419
 County Capital 3,235,501
 Utilities 15,000
 Debt Service 2,929,563
 E911 917,663
39,995,879

Subtotal

39,995,879

Public Safety

Sheriff - Law Enforcement 4,134,070
 Correction and Detention 3,959,342
 Building Inspections 499,094
 Animal Control 276,413
 Public Safety 4,216,594
13,085,513

Total General Fund

80,931,080

Public Works

Road Viewers 0
 Public Works 214,436
 Solid Waste and Recycling 2,066,006
 General Buildings and Grounds 1,263,641
3,544,083

Other Funds:

E911 977,663
 Debt Service 3,975,988
 Capital Fund 3,235,501
 Law Library 10,000
 Courthouse Maintenance 44,000
 Utilities 24,000
 School Capital 975,062
 Forfeited Assets 10,000
 Schools 85,197,513
175,380,807

Health and Welfare

Health Department 370,000
 Community Services 109,511
 Social Services 6,028,136
 CSA 4,798,004

Less Transfers Between Funds

(40,970,941)

Total Net Budget

\$ 134,409,866

BAYWOOD PROPERTY OWNERS' ASSOCIATION

Mr. Bob Camicia,

I thank you for reviewing our request for a CAUTION CHILDREN sign on Baywood Drive, (Baywood Sub-Division).

The information you asked me to gather and present to you is in this packet.

Some of the lot owners have not replied to my letter and form, if I get any more responses, I will bring them with me to the June 21st, 1:30 p.m. meeting.

I have requested with Miss Tudor to have me recognized at the meeting.

The Baywood P.O.A. does not have a designated play or gathering area.

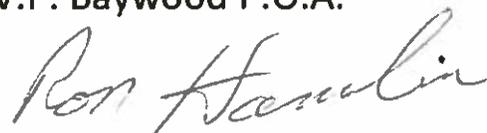
I contacted VDOT about a Speed Limit sign, and Miss Lisa Lewis of VDOT responded Yes we will get a Speed Limit sign and it should be installed by the end of June, 2016.

If I've forgotten anything, please call me at: 540-719-0364.

Thank You,

Ron Hamlin

V.P. Baywood P.O.A.



BAYWOOD PROPERTY OWNERS' ASSOCIATION

LOT #	<u>NAME</u>	<u>FULL TIME RESIDENT</u>
1	Tom & Virginia Tanner	Undeveloped
2	Stephen & Elizabeth Ruschmeier	No
3	Richard & Joyce Stewart	No
4	Denis & Lynn Girard	Yes
5	JSD Management	Under Construction
6	Bill & Jennifer Niemi	Under Construction
7	Rich & Christie Johnson	Undeveloped
8	Ron & Debbie Oliver	No
9	Christopher & Julie Ferguson	Yes

<u>LOT #</u>	<u>NAME</u>	<u>FULL TIME RESIDENT</u>
10	Dr. Tom Garges	Undeveloped
11	Doug & Maria Price	Yes
12	Hank & Kelly Irving	Yes
13	Thomas & Anne Tavino	No
14	B&G Development	Undeveloped
15	B&G Development	Undeveloped
16	Michael & Barbara Warner	Yes
17	Augusto & Hermina Sarrol	Undeveloped
18	Doug & Maria Ingles	No

<u>LOT #</u>	<u>NAME</u>	<u>FULL TIME RESIDENT</u>
19	George & Elke Crutchfield	Yes
20	Philip & Kimberly Steiner	Yes
21	Neil & Judy Flynn	Yes
22	Ronald & Joan Hamlin	Yes
23	Mr. & Mrs. Gene Lucado	Undeveloped
24	Mr. & Mrs. Gene Lucado	Undeveloped
25	Tommy & Jacqueline Valentine	Undeveloped

LOT # 1

BAYWOOD P.O.A.

NAME (S) Tom & Ginger Tanner

MAILING ADDRESS

P.O. Box 169
Huddleston, VA 24104

LOT # (S) 1 (IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

2

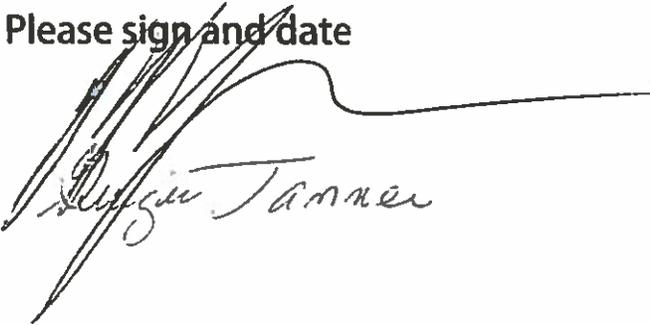
NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

ADDRESS 0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES NO (CIRCLE ONE)

Please sign and date


Ginger Tanner

Received 6/11/2016

LOT # 2

BAYWOOD P.O.A.

NAME (S)

STEPHEN AND ELIZABETH RUSCHMEIER

MAILING ADDRESS

608 SILKWOOD COURT
ANNAPOLIS, MD 21401

LOT # (S) 2 (IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

TWO

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

NONE

ADDRESS

DO YOU WANT A CAUTION CHILDREN SIGN?

YES

NO

(CIRCLE ONE)

Please sign and date

ARuschmeier 06/04/16

Received 6/8/2016

LOT # 4

BAYWOOD P.O.A.

NAME (S)

Denis & Lynn Girard

MAILING ADDRESS

359 Baywood Dr.
Moneta, VA 24121

LOT # (S)

4

(IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

ADDRESS

0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES

NO

(CIRCLE ONE)

Please sign and date

Lynn Girard 6/3/16

Denis Girard 6/3/16

Received 6/5/2016

Lot# 5

BAYWOOD P.O.A.

NAME (S)

Peggy + Billy Ansel's
JSD Management LLC

MAILING ADDRESS

4717 JOHN SCOTT DR
LYNCHBURG

LOT # (S)

5

(IN BAYWOOD SUB-DIVISION) = under construction

NUMBER OF ADULTS LIVING AT ADDRESS

- 2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

- 1

18mos

ADDRESS

DO YOU WANT A CAUTION CHILDREN SIGN?

YES

NO

(CIRCLE ONE)

Please sign and date


6/8/16

Received 6/15/2016

Lot # 6

BAYWOOD P.O.A.

NAME(S) Bill & Jennifer Niemi

MAILING ADDRESS 106 Arrowstone Ct
Morrisville NC 27560

LOT #(S) 6 (IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS 2 (vacation home)
not there full-time

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

ADDRESS 2 - 16 yrs
14 yrs

DO YOU WANT A CAUTION CHILDREN SIGN?

YES NO (CIRCLE ONE)

Please sign and date

Jennifer Niemi 6/5/16

Bill Niemi 6-5-16

Received 6/8/2016

LOT#8

BAYWOOD P.O.A.

NAME(S) Ronald W. and Deborah Oliver

NUMBER OF ADULTS LIVING AT ADDRESS
2 - PT

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT ADDRESS
0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES NO (CIRCLE ONE)

Please sign and date

Deborah C Oliver
Ronald W Oliver
6/11/14

Received 6/13/2016

LOT # 9

BAYWOOD P.O.A.

NAME (S)

CHRIS DYER, JULIE FERGUSON

MAILING ADDRESS

424 BAYWOOD DR.

LOT # (S)

9

(IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

| = age 3

ADDRESS

DO YOU WANT A CAUTION CHILDREN SIGN?

YES

NO

(CIRCLE ONE)

Please sign and date

Chris Dyer 6.10.16

Received 6/10/2016

LOT # 11

BAYWOOD P.O.A.

NAME(S) Doug Price

MAILING ADDRESS

412 Baywood Dr. Moneta, VA.
24121

LOT # (S) ~~11~~ 11 (IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

0

ADDRESS

DO YOU WANT A CAUTION CHILDREN SIGN?

YES NO (CIRCLE ONE)

Please sign and date



6-7-16

Received 6/9/2016

Lot # 12

BAYWOOD P.O.A.

NAME(S) HANK & KELLY IRVING

MAILING ADDRESS 400 BAYWOOD DR

LOT # (S) 12 (IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS
2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

ADDRESS 2 ages - 3
ages - 10

DO YOU WANT A CAUTION CHILDREN SIGN?

YES NO (CIRCLE ONE)

Please sign and date

Hank E. Irving
6-10-16

Received 6/10/2016

LOT # 13

BAYWOOD P.O.A.

NAME(S)

Tom + ANN TAVIAD

MAILING ADDRESS

346 Baywood Dr.
Moneta, VA 20121

LOT # (S)

13

(IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

0

ADDRESS

346 Baywood Dr.
Moneta, VA 24100

DO YOU WANT A CAUTION CHILDREN SIGN?

YES

NO

(CIRCLE ONE)

Please sign and date

[Signature]

6-6-16

Received 6/8/2016

Lot # 14

BAYWOOD P.O.A.

NAME(S)

THOMAS C. BUCK

MAILING ADDRESS

1336 CAMPER'S PARADISE TRAIL
MONETA, VA 24121

LOT # (S)

14

(IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

0

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT ADDRESS

0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES

NO

(CIRCLE ONE)

Please sign and date

T. Buck 6/15/14

LOT # 15

BAYWOOD P.O.A.

NAME (S) Thomas C. Buck

MAILING ADDRESS 1336 CAMPER'S PARADISE TRAIL
MONETA, VA 24121

LOT # (S) 15 (IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS 0

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT ADDRESS 0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES NO (CIRCLE ONE)

Please sign and date

T. Buck 6/15/16

LOT # 16

BAYWOOD P.O.A.

NAME (S)

Michael & Barbara Warner.

MAILING ADDRESS

228 Baywood Dr., Maneta VA
2#121

LOT # (S)

16

(IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

ADDRESS

0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES

NO

(CIRCLE ONE)

Please sign and date

Michael P. Warner 6/4/16

Received 6/6/2016

LOT # 18

BAYWOOD P.O.A.

NAME (S) DOUGLAS INGLES
MARIA INGLES

MAILING ADDRESS 140 BAYWOOD DR.
MONETA, VA. 24121

LOT # (S) 18 (IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS
2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT ADDRESS
0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES NO (CIRCLE ONE)

Please sign and date


DOUGLAS INGLES


MARIA INGLES

6/5/16
DATE

Received 6/8/2016

LOT # 19

BAYWOOD P.O.A.

NAME (S)

GEORGE + ELKE CRUTCHFIELD

MAILING ADDRESS

100 BAYWOOD DR. MONETA, VA 24121

LOT #(S) 19

(IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

ADDRESS

-0-

DO YOU WANT A CAUTION CHILDREN SIGN?

YES

NO

(CIRCLE ONE)

Please sign and date

George Crutchfield
6/4/2016

Received 6/8/2016

Lot #20

BAYWOOD P.O.A.

NAME(S) Philip M. Steiner, Kimberly Y. Steiner
Avery K. Flory

MAILING ADDRESS 36 Baywood Dr.
Moneta VA 24121

LOT # (S) ~~12 or 14~~ 20 (IN BAYWOOD SUB-DIVISION)
~~I think (unclear)~~

NUMBER OF ADULTS LIVING AT ADDRESS
3

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT ADDRESS
2 - ages 8 and 2

DO YOU WANT A CAUTION CHILDREN SIGN?

YES NO (CIRCLE ONE)

Please sign and date

Avery K. Flory 6/18/16

Received 6/11/2016

LOT # 21

BAYWOOD P.O.A.

NAME (S)

Neil P. Flynn + Judith A. Flynn

MAILING ADDRESS

49 Baywood Dr, Moneta, VA 24121

LOT # (S)

21

(IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

ADDRESS

0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES

NO

(CIRCLE ONE)

Please sign and date

Neil P. Flynn
Judith A. Flynn

6/5/16

Received 6/8/2016

LOT # 22

BAYWOOD P.O.A.

NAME (S)

Rod Hamlin
Joan Hamlin

MAILING ADDRESS

95 Baywood Dr.
Moneta, Va., 24121

LOT # (S)

22

(IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

2

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

ADDRESS

0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES

NO

(CIRCLE ONE)

Please sign and date

Ronald R. Hamlin

6/5/2016

Joan E. Hamlin

6/5/2016

Received 6/5/2016

Lot # 23

BAYWOOD P.O.A.

NAME(S) Gene Lucado

MAILING ADDRESS 398 Owl Ridge Dr, Hardy

LOT #(S) 23 (IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS
0

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT ADDRESS
0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES NO (CIRCLE ONE)

Please sign and date

Rayson E. Lucado
6/14/16

Received 6/14/2016

LOT #24

BAYWOOD P.O.A.

NAME(S) Gene Lucado

MAILING ADDRESS 398 Owl Ridge Dr, Hardy

LOT #(S) 24 (IN BAYWOOD SUB-DIVISION)

NUMBER OF ADULTS LIVING AT ADDRESS

0

NUMBER OF CHILDREN UNDER AGE 18 AND THEIR AGES LIVING AT

ADDRESS 0

DO YOU WANT A CAUTION CHILDREN SIGN?

YES NO (CIRCLE ONE)

Please sign and date

G.E. Lucado

6/14/16

Received 6/14/2016

Transmittal of Planning Commission Action

Item: Rezoning Request of JMB Investments, LLC. et.al. A-1 Agricultural District to B-2 General Business District for the purpose of constructing a Dollar General Store

Location: Southeast Corner of Route 220 and Iron Ridge Road (Boone District)

Date of Commission Action: May 10, 2016

Commission's Recommendation: **Denial of Request to Rezone**

BACKGROUND

This is a request to rezone a 1.19 acre parcel located at the intersection of Route 220 and Iron Ridge Road. The property is currently zoned A-1 Agricultural. B-2 General Commercial zoning is requested to facilitate the construction of a Dollar General store on the site.

The applicant has submitted a concept plan that does not meet Franklin County zoning requirements. To develop the site in accordance with the concept plan the Board of Zoning Appeals would need to grant variances to rear yard setback requirements (30 foot setback required along Iron Ridge Road, Zero (0) setback proposed); underground utility requirements and landscaping requirements. In addition, the Board of Supervisors would need to grant a parking waiver for the number of parking spaces proposed. Thirty-seven (37) parking spaces are required; thirty (30) spaces are proposed.

The staff advised the Planning Commission that the 220 Corridor Plan identifies this parcel as suitable for commercial use, however, the scale of the proposed development is too intense considering the size, shape and topography of the site.

Vehicle access to the site is proposed on Route 220 and on Iron Ridge Road. The Route 220 entrance is proposed to be a "right turn in/right turn out". South bound traffic would need to enter and exit the site via Iron Ridge Road. The applicant has advised the Commission that VDOT's preliminary determination is that acceleration and deceleration lanes will not be required on Route 220.

Eric Ferguson spoke to the Commission representing the applicant JMB Investments. He provided a history of JMB and advised the Commission that the site fits the needs of the applicant. He reminded the Commission that the 220 Corridor Plan identifies the site as suitable for commercial development.

Mr. Clyde Spencer, PE, representing the applicant, answered the Commissions' questions pertaining to site distance and Route 220 access.

Chairman Webb asked if any members of the public desired to speak to the petition. Two members of the public spoke at the public hearing. Mr. Walter Dillon, 3514 Iron Ridge Rd. spoke expressing concerns about truck traffic at the intersection of Iron Ridge and Route 220. He informed the Commission that there is a lot of truck traffic currently at the intersection due to the existing Hilltop Mulch and Jewel Machine businesses. He also expressed concerns regarding existing litter from nearby businesses. Mr. Brent Dillon, an adjacent property owner at 19658 Virgil Goode Hwy, also expressed concern about litter and advised the Commission school busses pick up and drop off students along this portion of Iron Ridge Road.

After the close of the public hearing, Commissioner Law stated that he thought there should be a deceleration lane for vehicles entering the site on Route 220. Chairman Webb agreed stating that although the site may be planned for commercial development, the site is too small for the development proposed.

Commissioner Colby stated he shared the thoughts of Mr. Law and Mr. Webb stating that the need for variances and a Board waiver for parking are evidence that the site is not suitable for the proposed development.

Commissioner Doss expressed concern about the proposed access on Route 220. He noted that increased development around this intersection may one day necessitate the installation of a traffic signal.

Commissioner Colby made a motion to recommend denial of the rezoning request. Commissioner Ralph seconded the motion.

Roll Call Vote"

Motion to deny:

Ayes: Doss, Law, Mitchell, Ralph, Colby, Webb

Nayes: McGhee

The motion to recommend denial of the rezoning petition approved 6-1-0

Transmittal Prepared by: Terrance L. Harrington, AICP

MEMORANDUM
Case # REZO 4-16-15313



To: Franklin County Planning Commission
From: Terrance Harrington, Senior Planner
Date: April 28, 2016
Tax #'s: 0440017400
District: Boone
Applicants: JMB Investment Co. LLC
Owners: Donald Maddy, David Maddy, Daniel Maddy, Dennis Maddy, and Douglas Maddy

REQUEST:

This is a request of JMB Investment Company LLC to rezone a 1.125 acre parcel from A-1 Agricultural to B-2 General Commercial. The property is located on the east side of Virgil Goode Highway (Rt. 220) at the intersection of Iron Ridge Road. Properties along this section of Rt. 220 North lie within the Rt. 220 North Mixed Use Overlay District. The purpose of the rezoning is to allow the property to be used for a retail use. A Dollar General Store is planned.

RECOMMENDATION:

Staff recommends that the Planning Commission consider and recommend **denial** of the rezoning petition as requested by the applicant.



NATURE OF REQUEST

This is a request of JMB Investment Co. LLC to rezone a 1.125 acre parcel located at the south east corner of Rt. 220 and Iron Ridge Road. The parcel is zoned A-1 Agricultural. B-2 General Business District zoning is requested. The applicant wishes to develop the property as a Dollar General store.

EXISTING PROPERTY CHARACTERISTICS

The property is slightly elevated above the Rt. 220 right-of-way, with the southern portions of the property having the highest elevations. Existing grades generally slope towards Iron Ridge Road. A single family dwelling is located on the southern portion of the property. Access to this home is from Iron Ridge Road. The home would be removed as a part of this development proposal.

The property's shape is defined by the Rt. 220 and Iron Ridge Road right-of-ways. Specifically, the horizontal curves of Iron Ridge Road form the rear property line of this property.

SURROUNDING LAND USES.

This site is at the southern end of a node of commercial properties along Route 220. Frontage properties on Rt. 220 are a mixture of retail and equipment repair. Iron Ridge Rd. (traveling east) provides access to two commercial operations, and several residences before its terminus with Wirtz Road.

UTILITIES AND STORM WATER

Public water and sewer are not available along this section of Route 220. The closest water line is in excess of 1000 feet from the site. Mandatory extension and hookup cannot be required at this distance. There are no sewer lines in this area of the County. The house on the property is served by a private well and septic. The proposed use will use a new private well and a relocated septic drain field.

The property is now served by overhead power poles/lines located along the Rt. 220 frontage of the site. These lines may need to be relocated or elevated to accommodate trucks entering the property

Underground detention will be used to detain storm water on the site. Discharge is proposed to be directed towards the Rt. 220 right of way, provided VDOT finds that an adequate channel design exists to accommodate the expected volumes and flow.



COMPREHENSIVE PLAN AND OVERLAY CORRIDOR

The property is designated in the 2025 Comprehensive Plan as a Commercial Highway Corridor. Commercial Highway Corridors are linear commercial developments along an established primary highway. These highway corridors are intended to provide development opportunities extending behind the parcels that front on the primary highway. This commercial highway corridor is identified as an area between Brick Church Road and Iron Ridge Road and is one of three commercial highway corridors along the Route 220 Corridor

POLICIES FOR COMMERCIAL HIGHWAY CORRIDORS

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

220 NORTH MIXED-USE COMMERCIAL OVERLAY DISTRICT

The 220 North Mixed-Use Commercial Overlay Zoning District is a component of the 220-North Corridor Study adopted as part of the 2025 Comprehensive Plan in 2009. The district has enhanced standards for required yards, landscaping, signage and utilities. (See Variance discussion below.)



TRANSPORTATION AND ACCESS

The Rt. 220 and Iron Ridge Rd. intersection has a median cut but is not signalized. Customer access to the proposed use will be from Rt. 220 North and from Iron Ridge Rd. Vehicles approaching from the south will use the proposed 220 north entrance to the site. Vehicles approaching from the north will turn left on to Iron Ridge Road using the existing dedicated left turn lane and median cut. An Iron Ridge Road entrance to the site is proposed at the southeastern corner of the site.

The adopted Route 220 North Corridor Plan recommends a minimum separation of 400 feet between commercial entrances and intersecting streets. The proposed Route 220 entrance is approximately 300 feet from the Iron Ridge Road intersection.

The petitioner has a responsibility to submit a traffic narrative and entrance calculation package to VDOT for their review and approval. Final VDOT comments on this submittal are not available at the time of the preparation of this report, however, preliminary information from VDOT is that neither acceleration nor deceleration lanes will be required for the proposed Rt. 220 entrance.

PROPOSED SITE DESIGN

The petitioner has submitted a proposed site design that does not comply with all B-2 zoning district design standards or design guideline standards contained in the Rt. 220 North Mixed Use Corridor Overlay District. If the rezoning is approved by the Board of Supervisors, the petitioner/owners will need to be granted a waiver by the Board of Supervisors, and a series of variances by the Board of Zoning Appeals. Lacking approval of the waiver and variances, the project design cannot proceed in its current form.

A +/- 9,100 square foot building is proposed. Information on the architectural design of the building has not been submitted, however, the staff assumes that the building will be similar in design to the other Dollar General Stores in the Franklin County area.

Parking is proposed between the Building and Rt. 220, and along the north side of the building adjacent to Iron Ridge Rd. Thirty (30) parking spaces are proposed. The zoning ordinance requires thirty-seven (37) spaces for a 9,100 square foot retail convenience use. Section 25-401 of the zoning ordinance provides that the petitioner may request that the Board of Supervisors grant a deviation to this parking standard to allow the site to be developed with a maximum of 30 spaces.

The zoning ordinance requires that the building have a minimum setback of thirty (30) feet from the Iron Ridge Road right-of way. The building is to be adjacent to the right-of-way with a zero (0) setback. The petitioner/owner must be granted a variance from the BZA for this building location to be approved.



The zoning ordinance requires that required landscaping in the required landscape yards be evenly spaced and that the landscaped yards be free of other non-landscape items. The concept plan shows parking, retaining walls and outdoor refuse disposal areas within a required yard. The petitioner/owner must be granted a variance from the BZA for this concept plan design modification to be approved.

The zoning ordinance requires that properties proposed for development or redevelopment in the corridor overlay district be served by underground power lines. The petitioner proposes a variance to this standard to allow new lines to be located above ground.

PUBLIC COMMENTS

To date, no public comments have been received.

PROFFERS

No proffers have been offered by the current owner of this parcel.

ANALYSIS

The use of this property for a retail use, such as Dollar General, is consistent with Comprehensive Plan policies and Corridor Overlay District policies pertaining to the use of the property. The location of the site is a logical extension of a commercial node located north of Iron Ridge Road along Route 220. Commercial uses should be promoted for this site. However, the intensity of the site design proposed is in the staff's opinion, too great considering the County's adopted development standards and the size, shape and topography of the site. The needed parking waiver, in conjunction with required variances for building setbacks and landscape yard requirements, is evidence that the submitted concept plan design is too intense for this site.

RECOMMENDATION:

The staff recommends that the Planning Commission recommend **denial** of this zoning request.



SUGGESTED MOTIONS:

The following suggested motions are sample motions that may be used.

(DENY) I find that the intensity and design of the proposal is inconsistent with adopted development standards and that the proposal to locate the building adjacent to the Iron Ridge Road right-of way will result is a significant safety factor for vehicles using this road and that such design proposal will not aid in the creation of a convenient, attractive, or harmonious community. Therefore, I move to recommend denial of the request.

OR

(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

OR

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

RALPH B. RHODES

ERIC H. FERGUSON

DEANNA P. STONE

May 20, 2016

Mr. Steve Sandy
Franklin County Planning & Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA 24151

Re: JMB Investments, LLC
June 10, 2016
Rezone Request

Dear Steve:

We will be asking for the deviation from the parking requirement which the Board of Supervisors can authorize. I believe the requirement is 37 spaces and we would want 30 spaces. Enclosed is a letter from Dollar General.

Thanks.

Yours very truly,

RHODES, FERGUSON & STONE, LTD.


Eric H. Ferguson

EHF/tfh

DOLLAR GENERAL

Dollar General Corporation
100 Mission Ridge
Goodlettsville, TN 37072

5-11-2016

Franklin County Board of Supervisors.
1255 Franklin St.
Rocky Mount, VA 24151

Re: Parking requirements at the proposed Dollar General in Franklin Co, VA

To Whom It May Concern,

Through the years, Dollar General has refined the design criteria for new store development. With over 12,000 stores in productive operation, we have gathered significant data.

One area which we are balanced between development cost and customer need is parking requirements and accessibility for our build-to-suit locations. Our stores average 15 to 20 transactions per hour. We have estimated and confirmed that 30 spaces will accommodate the customer flow rate that our business generates. This standard has also been sufficient for traffic generated at the peak Christmas season levels.

Thanks for your consideration and feel free to contact me with any other questions you may have.

Best Regards,

Sarah James Myatt

Dollar General Corporation
Plan Coordinator Southeast Region
615.855.5223
smyatt@dollargeneral.com

April 4, 2016

Cline Brubaker, Chairman
Franklin County Board of Supervisors
1255 Franklin Street, Suite 112
Rocky Mount, Virginia 24151

Charles Wagner, Vice-Chairman
Franklin County Board of Supervisors
1255 Franklin Street, Suite 112
Rocky Mount, Virginia 24151

Tim Tatum
Franklin County Board of Supervisors
1255 Franklin Street, Suite 112
Rocky Mount, Virginia 24151

Ronnie Thompson
Franklin County Board of Supervisors
1255 Franklin Street, Suite 112
Rocky Mount, Virginia 24151

James Colby
Franklin Co. Planning & Community Dev.
1255 Franklin Street, Suite 103
Rocky Mount, Virginia 24151

Edmund C. (Doc) Law
Franklin Co. Planning & Community Dev.
1255 Franklin Street, Suite 103
Rocky Mount, Virginia 24151

Wendy W. Ralph
Franklin Co. Planning & Community Dev.
1255 Franklin Street, Suite 103
Rocky Mount, Virginia 24151

Bob Camicia
Franklin County Board of Supervisors
1255 Franklin Street, Suite 112
Rocky Mount, Virginia 24151

Tommy Cundiff
Franklin County Board of Supervisors
1255 Franklin Street, Suite 112
Rocky Mount, Virginia 24151

Leland Mitchell
Franklin County Board of Supervisors
1255 Franklin Street, Suite 112
Rocky Mount, Virginia 24151

Angie McGhee
Franklin Co. Planning & Community Dev.
1255 Franklin Street, Suite 103
Rocky Mount, Virginia 24151

C. W. Doss, Jr.
Franklin Co. Planning & Community Dev.
1255 Franklin Street, Suite 103
Rocky Mount, Virginia 24151

Sherrie Mitchell
Franklin Co. Planning & Community Dev.
1255 Franklin Street, Suite 103
Rocky Mount, Virginia 24151

Earl L. Webb
Franklin Co. Planning & Community Dev.
1255 Franklin Street, Suite 103
Rocky Mount, Virginia 24151

Re: Rezoning Request of JMB Investment Co., LLC
Tax Map #0440017400

Dear Members of the Board of Supervisors and the Planning Commission:

I represent JMB Investment Co., LLC, a Tennessee Limited Liability Company. JMB is the contract purchaser for 1.19 acres owned by the family of Shirley Maddy Lynch at the intersection of Virgil Goode Highway and Iron Ridge Road, north of Rocky Mount, Virginia.

JMB Investment Co., LLC is a limited liability company comprised of four members. This LLC has been developing commercial properties for over four years and its members have been engaged in property development much longer. JMB has at least 75 current establishments developed with 35 of those in Virginia. This LLC wants to bring its expertise to Franklin County,

Currently, JMB is developing for Dollar General. Dollar General wants to place a store on the 1.19 acres at the intersection of Virgil H. Goode Highway and Iron Ridge Road. This property is currently zoned A1 and was the residence of Shirley Lynch, deceased. Her sons now own the property and want to sell it. Dollar General has determined that this location is ideal for a retail store.

Much of the adjoining property north of this parcel is already zoned B2. There is much commercial development occurring all along the U.S. 220 corridor. This location is a great fit for Dollar General based on their marketing plans.

JMB Investment Co., LLC believes this location has great development potential. The Maddys who own this lot agree. There are many challenges which confront this effort but we believe those can be overcome.

We are asking that you approve our rezoning request from A1 to B2. We will be happy to address any of your concerns.

Yours very truly,

RHODES, FERGUSON & STONE, LTD.



Eric H. Ferguson

EHF/tfh

cc: Mr. Steve Sandy
Mr. Dean Stone
JMB Investments Co., LLC

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

I/We, JMB Investment Co., LLC, a TN LLC, 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: JMB Investment Co., LLC, a Tennessee Limited Liability Co.

2. Property Owner's Name: Donald G. Maddy, David L. Maddy, Dan E. Maddy,
Dennis W. Maddy and Douglas B. Maddy

Phone Number: _____

Address: 70 Donald G. Maddy 950 Scuffling Hill Rd.
Rocky Mount, VA Zip: 24151

3. Exact Directions to Property from Rocky Mount: Go North on Virgil H. Gode Hwy (Rt. 220)
until you get to intersection with Iron Ridge Rd. (Rt. 775); property is on south side of
intersection east of Virgil H. Gode Hwy.

4. Tax Map and Parcel Number: 0440017400

5. Magisterial District: Boone

6. Property Information:

A. Size of Property: 1.19 acres

B. Existing Land Use: single family residential

C. Existing Zoning: A1

D. Existing number of allowed dwelling units per acre or commercial/industrial development square feet per acre: one residence

E. Is property located within any of the following overlay zoning districts: 200 North Mixed Use Overlay
 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: retail/commercial

B. Proposed Zoning: B2

C. Size of Proposed Use: 1.19 acres

D. Proposed dwelling units per acre or commercial/industrial development square feet per acre: 9100 sq ft in building

Checklist for completed items:

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

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

Petitioner's Name (Print): JMB Investment Co., LLC, a TN LLC

✓ Signature of Petitioner:  Jason Brown

Date: 4-1-16

Mailing Address: 325 ERIN DRIVE
KNOXVILLE, TN 37919

Telephone: 865-200-4770

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

Owner's Name (Print): _____

Signature of Owner: _____

Date: _____

Date Received by Planning Staff: _____

Time: _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

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): JMB Investment Co., LLC, a TN LLC

✓Signature of Petitioner: _____

Date: _____

Mailing Address: _____

Telephone: _____

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

Owner's Name (Print): Betty L. Maddy, widow of Donald Maddy

Signature of Owner: Betty L. Maddy

Date: 4-4-16

Date Received by Planning Staff: _____

Time: _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

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): JMB Investment Co., LLC, a TN LLC

✓Signature of Petitioner: _____

Date: _____

Mailing Address: _____

Telephone: _____

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

Owner's Name (Print): DAN MADDY

Signature of Owner: Dan Maddy

Date: 4/3/16

Date Received by Planning Staff: _____

Time: _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

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): JMB Investment Co., LLC, a TN LLC

✓Signature of Petitioner: _____

Date: _____

Mailing Address: _____

Telephone: _____

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

Owner's Name (Print): DENNIS WAYNE MADDY

Signature of Owner: Dennis Wayne Maddy

Date: 3-31-16

Date Received by Planning Staff: _____

Time: _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

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): JMB Investment Co., LLC, a TN LLC

✓Signature of Petitioner: _____

Date: _____

Mailing Address: _____

Telephone: _____

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

Owner's Name (Print): Douglas MAIDDY

Signature of Owner: *Douglas Maiddy*

Date: 4/1/16

Date Received by Planning Staff: _____

Time: _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

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): JMB Investment Co., LLC, a TN LLC

✓Signature of Petitioner: _____

Date: _____

Mailing Address: _____

Telephone: _____

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

Owner's Name (Print): David Lee Maddy

Signature of Owner: David Lee Maddy

Date: March 31 2016

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.

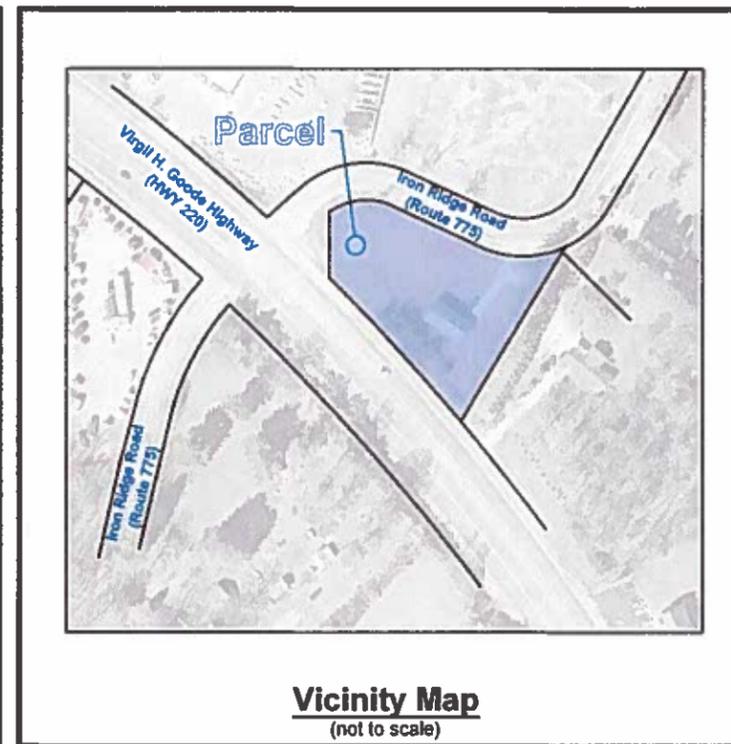
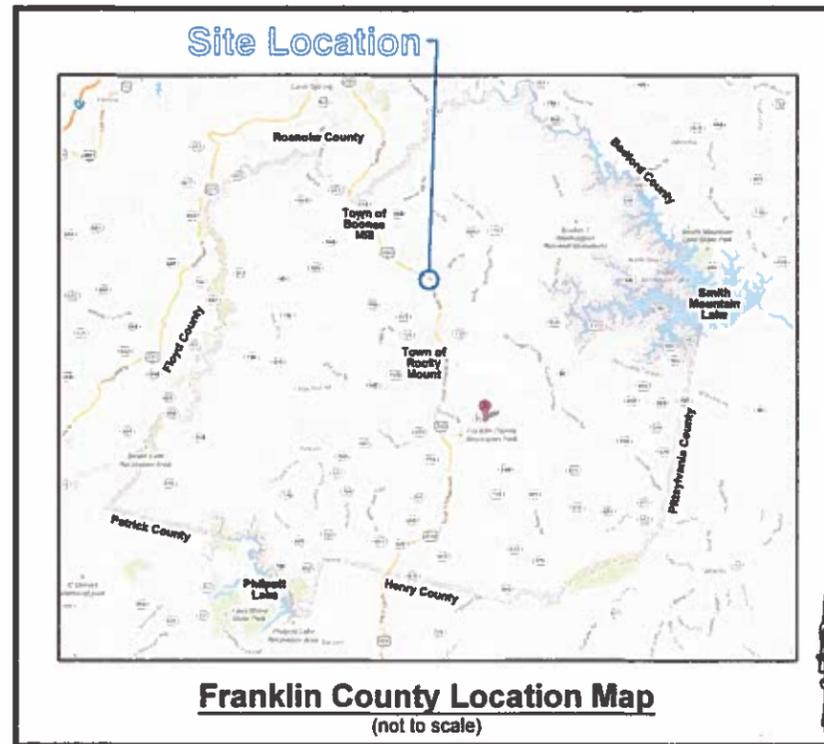
NAME: <u>Buddy W. Brooks and Martha Cooper, Trustees</u>	ADDRESS: <u>3115 Iron Ridge Rd.</u>
TAX MAP NUMBER: <u>0440010500</u>	<u>Rocky Mount, VA 24151</u>
NAME: <u>Allen B. & Mary F. McBride</u>	ADDRESS: <u>3246 Iron Ridge Rd.</u>
TAX MAP NUMBER: <u>0440010600</u>	<u>Rocky Mount, VA 24151</u>
NAME: <u>Edward B. Dillon</u>	ADDRESS: <u>19658 Virgil Goode Hwy</u>
TAX MAP NUMBER: <u>0440017300</u>	<u>Rocky Mount, VA 24157</u>
NAME: <u>Edward B. Dillon</u>	ADDRESS: <u>19658 Virgil Goode Hwy</u>
TAX MAP NUMBER: <u>0440017500</u>	<u>Rocky Mount, VA 24151</u>
NAME: <u>Walter T. Dillon</u>	ADDRESS: <u>3514 Iron Ridge Rd.</u>
TAX MAP NUMBER: <u>0440017700</u>	<u>Rocky Mount, VA 24151</u>
NAME: <u>Amos K. & Barbie M. Stolze</u>	ADDRESS: <u>34 Quaker Dr.</u>
TAX MAP NUMBER: <u>0440102301A</u>	<u>Hegins, PA 17938</u>
NAME: <u>Farrell Properties-220, LLC</u>	ADDRESS: <u>1824 Williamson Rd.</u>
TAX MAP NUMBER: <u>0440102307</u>	<u>Roanoke, VA 24012</u>
NAME: <u>Cundiff Tract One, LLC</u>	ADDRESS: <u>6141 Buckland Mill Rd.</u>
TAX MAP NUMBER: <u>0360022313</u>	<u>Roanoke, VA 24019</u>
NAME: <u>Daniel G. Houston and Russell W. Pugh</u>	ADDRESS: <u>430 Wirtz Rd.</u>
TAX MAP NUMBER: <u>0360022313A</u>	<u>Wirtz, VA 24184</u>
NAME: _____	ADDRESS: _____
TAX MAP NUMBER: _____	_____
NAME: _____	ADDRESS: _____
TAX MAP NUMBER: _____	_____

Concept Plan Supporting Rezoning Application - Rezone A1 to B2 Dollar General Site at Iron Ridge Road

DEVELOPER
JMB Investment Co., LLC
325 Erin Drive
Knoxville, TN 37919
(865) 200-4770
Aaron Dickenson

SITE ENGINEER
Stone Engineering, Inc.
P.O. Box 1058
Rocky Mount, VA 24151
(540) 483-0078
Dean Stone, P.E.

SURVEYOR
Cornerstone Land Surveying, Inc.
250 South Main Street
Rocky Mount, VA 24151
(540) 489-3590
James T. Riddle, L.S.



PROPERTY INFORMATION

Parcel ID: 044.00 174.00
Owner: Donald G. Maddy & David L. Maddy & Dan E. Maddy & Dennis W. Maddy & Douglas B. Maddy
Site Address: Iron Ridge Road & Hwy 220
Plat Bk/Pg: Unknown
Deed Bk/Pg: Unknown
Instrument Type: WB
Instrument Year: 2014
Instrument No.: 65434
Acreage: ±1.19 ac. (by GIS)
Zoning: A1
Magisterial District: Boone
Flood Zone: FEMA Zone X*

* Flood Zone Information from 51067C0185C Map revised Dec 18, 2008

Table of Contents	
Page	Description
1	Cover Sheet
2	Existing Zoning
3	Proposed Zoning & Notes
4	Concept Plan Zoning Notes
5	Concept Plan
6	Concept Plan General Notes

Notes
This exhibit shows information from the Franklin County GIS. The information presented has not been verified for accuracy as presented, surveyed, etc.

	03-31-2016 DATE
	ISSUED VERSION DESCRIPTION
Rezoning Concept Plan	
Initial issue date.	
Stone Engineering	P.O. BOX 1058 Rocky Mount, Virginia 24151 (540) 483-0078 (540) 483-5250 fax www.stoneengineering.biz
DESIGN	CDS
DRAFT	CDS
CHECK	RDS
SCALE	As Shown
SHEET	01 of 06
PROJECT NUMBER	
16002	



Zoning Exhibit
(not to scale)

Existing Zoning

Site in question is Zoned A1.

Adjoining sites:

- | | |
|---|-----------|
| 1. Owner: Edward Brent Dillon
Uses: Residential | Zoned: A1 |
| 2. Owner: Edward Brent Dillon
Uses: Residential | Zoned: A1 |
| 3. Owner: Cundiff Tract One LLC
Uses: Landscape Supply (Stone) | Zoned: B2 |
| 4. Owner: Amos K & Barbie M Stoltzfus
Retails Sales (Sheds) | Zoned: B2 |
| 5. Owner: Allen B & Mary F McBride
Uses Residential | Zoned: A1 |



P.O. BOX 1058
Rocky Mount, Virginia 24151
(540) 483-0078
(540) 483-5250 fax
www.stoneengineering.biz

DESIGN	CDS
DRAFT	CDS
CHECK	RDS
SCALE	As Shown
SHEET	02 of 06
PROJECT NUMBER	16002

Notes
This exhibit shows information from the Franklin County GIS. The information presented has not been verified for accuracy as presented, surveyed, etc.

Initial issue date.	03-31-2016
ISSUED VERSION DESCRIPTION	DATE

Existing Zoning

Proposed Zoning Notes

1. Current zoning is A-1.
2. Dollar General is a listed use for B-2 zoning: Convenience Store.
3. Property lies within the "220-North Mixed Use Overlay District"
4. No special uses are requested.
5. Maximum Building height is 40' from adjoining finish ground.
6. This lot is a double-frontage. Shortest frontage is along Hwy. 220, that is the front of the lot.
7. Minimum Building Setback Line Requirements
 - 7.1. Front Setback (from Hwy 220) is the greater of:
 - 7.1.1. 60 feet from center of ROW, or
 - 7.1.2. 35 feet from ROW (our case)
 - 7.2. Side setback is the (from Iron Ridge Road) is the greater of:
 - 7.2.1. Side Setback of 0 feet,
 - 7.2.2. 55 feet from center of ROW,
 - 7.2.3. 30 feet from ROW (our case)
 - 7.2.4. **SEE REQUIRED VARIANCE #1**
8. Side Setback (to the east) is 0 feet for the primary structure and 12 feet for accessory structures.
 - 8.1. **SEE REQUIRED VARIANCE #2**
9. Rear Setback (rear effectively does not exist) is 0 feet for the primary structure and 12 feet for accessory structures.
10. Building Separation Requirement
 - 10.1. Proposed Building must be more than 50 feet from any residential or living quarter use.
 - 10.2. Adjoining residential use to east is more than 50 feet away form property line (labeled on Concept Plan).
11. Off-street Parking
 - 11.1. Minimum 1 parking space per 200 sf of retail space.
 - 11.2. Retail space is 7,343 sf results in 37 parking spaces required.
 - 11.3. Concept Plan provides for 30 parking spaces.
 - 11.4. **SEE REQUIRED WAIVER #1**
12. Green space within the interior of the parking lot
 - 12.1. Minimum required of 5%
 - 12.2. Concept Plan shows 7.63%
13. Lot Open Space Requirements
 - 13.1. Required 10% open space on lot.
 - 13.2. Lot is 1.125 acres (survey), and, provided green space is 0.2557 ac, 22.74%
14. Landscape Yards & Landscaping
 - 14.1. This site is part of the "220-North Mixed Use Overlay District".
 - 14.2. Average lot depth is 126.16 feet (See Sheet 6) so the 50 foot front landscape yard along Hwy. 220 does not apply.
 - 14.1. The 25 foot landscape yard along Iron Ridge Road does still apply.
 - 14.2. Buffer to East (B-2 to A-1) is Landscaping Class "A".
 - 14.3. Landscaping Class "A" required along all ROW.
 - 14.4. **SEE REQUIRED VARIANCE #3**
15. Flood Insurance Rate Map / Floodplain
 - 15.1. The site is located on FIRM Franklin County, VA Map Number 51067C0185C.
 - 15.2. FIRM Zone is X.
16. VDOT Requirements
 - 16.1. Access Management Exception (AM-E) is required.
 - 16.2. Traffic Narrative and entrance calculation package will be required.
17. Potable Water Service
 - 17.1. Existing well will be legally closed.
 - 17.2. New well will be drilled on site.
18. Sanitary Sewer Services

- 18.1. Existing drain field will be abandoned in-place.
- 18.2. New drain field is conceptually shown on Concept Plan. It will be permit where shown or adjusted within available space as required by the permit.
19. Electric Service & Telecommunication Services
 - 19.1. Developer has stated they will coordinate any required changes to extend electric and telecommunication to the site.
 - 19.2. Any roof top units will be screened.
 - 19.3. Electric and telecommunication may over overhead.
 - 19.3.1. **SEE REQUIRED VARIANCE #4**
20. Lighting
 - 20.1. Site lighting will be accomplished with wall packs on the primary structure and pole mounted lighting as needed. Photometrics from the design will meet County Code.
21. Dumpster & Enclosure
 - 21.1. Dumpster adjoins the truck dock (north east corner) and is screened by a fence.

REQUIRED WAIVERS REQUESTED (BOS Action)

WAIVER #1 - Parking

This variance from Sec. 25-401 allows for a reduction in the required parking space. Dollar General has studied parking requirements at their stores and establishing 30 spaces as meeting their needs. This is lower than the county standard but supported within their development standards for this specific store model and application. The proposed 30 parking spaces are shown on and approved with the COncept Plan.

REQUIRED VARIANCES REQUESTED (BZA Action)

VARIANCE #1 - Primary Building Setback

This variance allows the construction of the primary structure (as shown on Concept Plan) within the setback from the ROW of Iron Ridge Road.

VARIANCE #2 - Accessory Building Setbacks

This variance allows the construction of the accessory structures (walls, fences, etc. as shown on Concept Plan) within the setbacks from the ROW's and the 12' setback from all other sides of the property.

VARIANCE #3 - Landscape Yards & Landscaping

Variance requested for the installed locations of all the required landscaping and the landscape yard along Iron Ridge Road. We request that landscaping be installed spread as much as possible, but must be grouped where open space is available on site. This precludes installation evenly spaced along each side. We also request that the application of the Landscape Yard requirement from the Overlay District be removed. This allows installation of non-landscape items within the landscape yards as shown on the Concept Plan

VARIANCE #4 - Underground Utilities

Variance requested Sec. 25-502.13 (Overlay District) for the underground installation of all utilities. The developer is proposing overhead installation of the electric and telecommunications similar to other businesses in the area.

Initial issue date.		03-31-2016
ISSUED VERSION DESCRIPTION		DATE
Proposed Zoning & Notes		
		
P.O. BOX 1058 Rocky Mount, Virginia 24151 (540) 483-0078 (540) 483-5250 fax www.stoneengineering.biz		
DESIGN	CDS	
DRAFT	CDS	
CHECK	RDS	
SCALE	As Shown	
SHEET	03 of 06	
PROJECT NUMBER		
16002		

This Concept Plan addresses the County Sec. 25-401. - Contents of a concept plan requires as follows

(a) *Vicinity map at a scale of not less than one inch equals two thousand (2,000) feet.*

Provided on Sheet 1.

(b) *Abutting streets with names and route numbers.*

Provided on Sheet 1.

(c) *Owners and uses of each adjoining tract.*

Provided on Sheet 2.

(d) *Topographic map with a minimum contour interval of ten (10) feet.*

Provided on Sheet 5, shown from County GIS.

(e) *An attorney's certificate showing the owner or owners of the subject property and the place of record of the latest instrument in the chain of title for each parcel constituting the tract.*

As per Eric H. Ferguson, Esq. of RHODES FERGUSON & STONE, LTD., Rocky Mount, VA owners are: Donald G. Maddy, David L. Maddy, Dan E. Maddy, Dennis W. Maddy, and Douglas B. Maddy. The record of the latest instrument in the chain of title is the "Last Will and Testament of Shirley Hilton Maddy Lynch" which is of record in the Clerk's Office of the Circuit Court of Franklin County in Will Book 115, page 1621.

(f) *A general statement of planning objectives to be achieved by the PCD district zoning, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific human-made and natural characteristics located on the site.*

Objectives are to rezone a residential property for business use within the 220-North Mixed Use Overlay District with adequate variance/waivers to allow construction per Concept Plan. Existing ownership is by several members of the Maddy family. Proposed ownership is by Dollar General. Proposed market is to provide convenience store services to the public within a targeted mix use corridor. The proposed development will remove the existing residential uses to create room for the new business uses.

(g) *A description and analysis of existing site conditions, including information on topography, historic resources, natural watercourses, floodplains, unique natural features, tree cover areas, and known archeological resources.*

The existing site is fully improved for residential use. A ridge along the Highway 220 right-of-way creates a steep embankment to a ditch line along the highway draining west. Also from the ridge, the site gradually slopes to a ditch line along Iron Ridge Road also draining west. The existing site is devoid of historic resources, natural water courses, floodplains, unique natural features and most trees. There are no known archeological resources on site.

(h) *The location, dimensions and use of each structure within the proposed development.*

Primary Structure: building is used as a convenience store containing retail and storage areas; structure is 70.67' x 130' (9,187 sq. ft.), structure contains 7,343 sq. ft. of retail space, tie distances from building to property line is shown on Sheet 5. Accessory structures are shown on the Concept Plan and include walls, fences, etc. (no enclosures).

(i) *A statement in tabular form of the floor area for each commercial structure, the total floor area for all commercial uses and the gross lot coverage of all commercial structures. For residential areas, the floor area, number of dwelling units, the residential density and the percentage of land in open space. For the entire tract, the percentage of the tract to be occupied by structures and the gross square footage for each use type proposed in the PCD zoning.*

<u>Commercial Structures</u>	<u>Floor Area</u>	<u>Entire Tract Information</u>	
Dollar General Store	9,187 sq. ft.	Total Tract	48,985 sq. ft.
Total of all structures	9,187 sq. ft.	Lot Coverage by Structures	18.8 %
		Retail Floor	7,343 sq. ft.
		Storage Space (non-retail)	1,844 sq. ft.

(j) *The proposed size, location and use of other portions of the tract, including landscaping and parking.*

Primary Structure	9,187 sq ft
Parking	15,268 sq ft (includes 1,165 sq ft of parking green space)
On-Site Green Space	9,973 sq ft (dos not include parking green space)
Walls, Drive Aisles, Dock, Dumpster Pad	14,557 sq ft
Total Lot	48,985 sq ft (1.125 ac. by survey)

(k) *A traffic circulation plan, including the location of access drives, parking and loading facilities, pedestrian walks and the relationship to existing and proposed external streets and traffic patterns. General information on the trip generation, ownership, maintenance and proposed construction standards for these facilities should be included. When required by the zoning administrator or planning commission, a traffic impact statement prepared by the developer showing the effects of traffic generated by the project on surrounding roads.*

Plan related items are illustrated on Sheet 5. Entrances, drive aisle, and parking are all private improvements and will be operated and maintained by Dollar General. The trip generation information should be identical to the Dollar General store on Bluewater Drive in Scruggs - the peak design event is a weekend peak pm hour of 63.6 trips (i.e. about one vehicle per minute distributed over two entrances).

(l) *If a reduction to the number of parking spaces is requested, a justification for this request shall be submitted. Based on adequate justification, the commission may recommend and the board may approve a deviation to the adopted parking regulations.*

The development of this site conforms to prototype standards from Dollar General. Their internal research using variables for parking utilization, store size, retail floor size, and access needs across the US has established the store prototype and parking used on this concept plan. The developer representing Dollar General has reviewed the Concept Plan and has not noted any atypical uses that would require more than the 30 parking spaces proposed. The County ordinance would require 1 space per 200 sq. ft. of retail space, resulting in 36.7 parking spaces. The requested parking space reduction is 7 spaces.

(m) *The proposed schedule of site development. At a minimum, the schedule should include an approximate commencement date for construction and a proposed build-out period.*

Proposed start of construction: July 01, 2016. End of Construction: July 01, 2017. Subject to change as required by permitting, weather, etc.

(n) *Generalized statements pertaining to architectural design principles and guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, signage plans, and landscaping.*

This site is an implementation of the Dollar General Prototype. The Dollar General Corporation establishes the prototype standards to establish a common 'feel' to all their sites. Since our site conforms to the guidelines any customer who has been to a Dollar General will recognize our proposed site. The best reference is the Dollar General store at Scruggs on Bluewater Drive. This can be typified by metal sided buildings with a very open, safe, well-lit parking lot, and easy access for quick stops.

(o) *A plan to insure the perpetual and proper care and maintenance of any private roads, water systems and sewage disposal and/or sewage treatment facilities. Such plan shall be reviewed by the county and, as appropriate, the Virginia Department of Health.*

The site will have private entrances, drives and parking. All outdoor amenities: walks, landscaping, lighting, etc. are privately maintained. The potable water and sewerage system will be private and on-site (regulated by VDH). The post-construction storm water quality and quantity control will be privately owned, operated, and maintained.



P.O. BOX 1058
Rocky Mount, Virginia 24151
(540) 483-0078
(540) 483-5250 fax
www.stoneengineering.biz

DESIGN	CDS
DRAFT	CDS
CHECK	RDS
SCALE	As Shown
SHEET	04 of 06
PROJECT NUMBER	16002

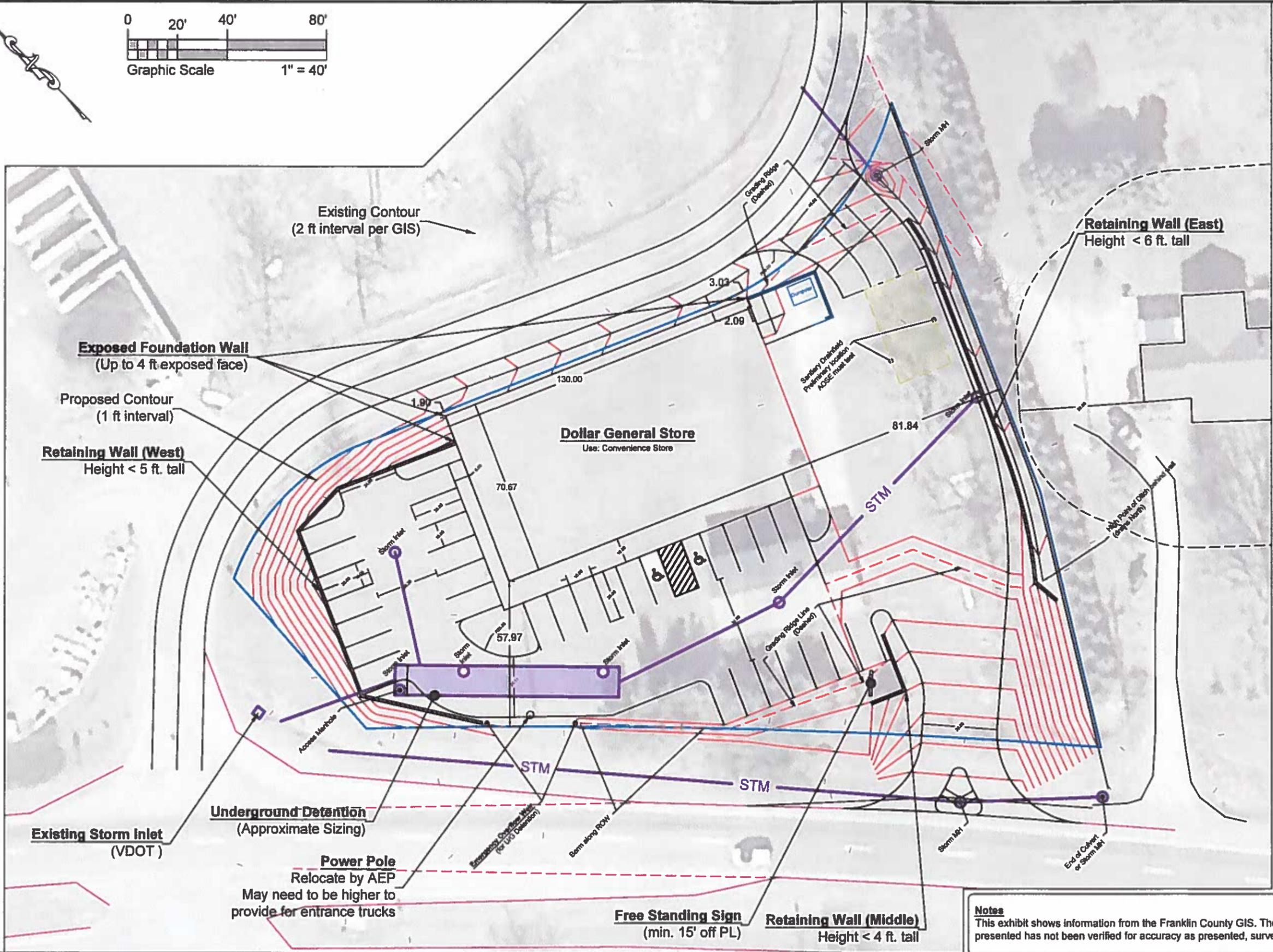
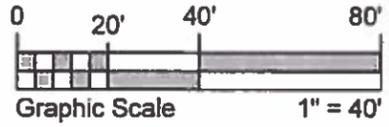
03-31-2016

DATE

ISSUED VERSION DESCRIPTION

Initial issue date.

Concept Plan Zoning Notes



Exposed Foundation Wall
(Up to 4 ft. exposed face)

Proposed Contour
(1 ft interval)

Retaining Wall (West)
Height < 5 ft. tall

Existing Contour
(2 ft interval per GIS)

Dollar General Store
Use: Convenience Store

Retaining Wall (East)
Height < 6 ft. tall

Underground Detention
(Approximate Sizing)

Power Pole
Relocate by AEP
May need to be higher to
provide for entrance trucks

Free Standing Sign
(min. 15' off PL)

Retaining Wall (Middle)
Height < 4 ft. tall

Notes
This exhibit shows information from the Franklin County GIS. The information presented has not been verified for accuracy as presented, surveyed, etc.

ISSUED VERSION DESCRIPTION		03-31-2016
Initial issue date.		DATE

Concept Plan

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SCALE	As Shown
SHEET	05 of 06
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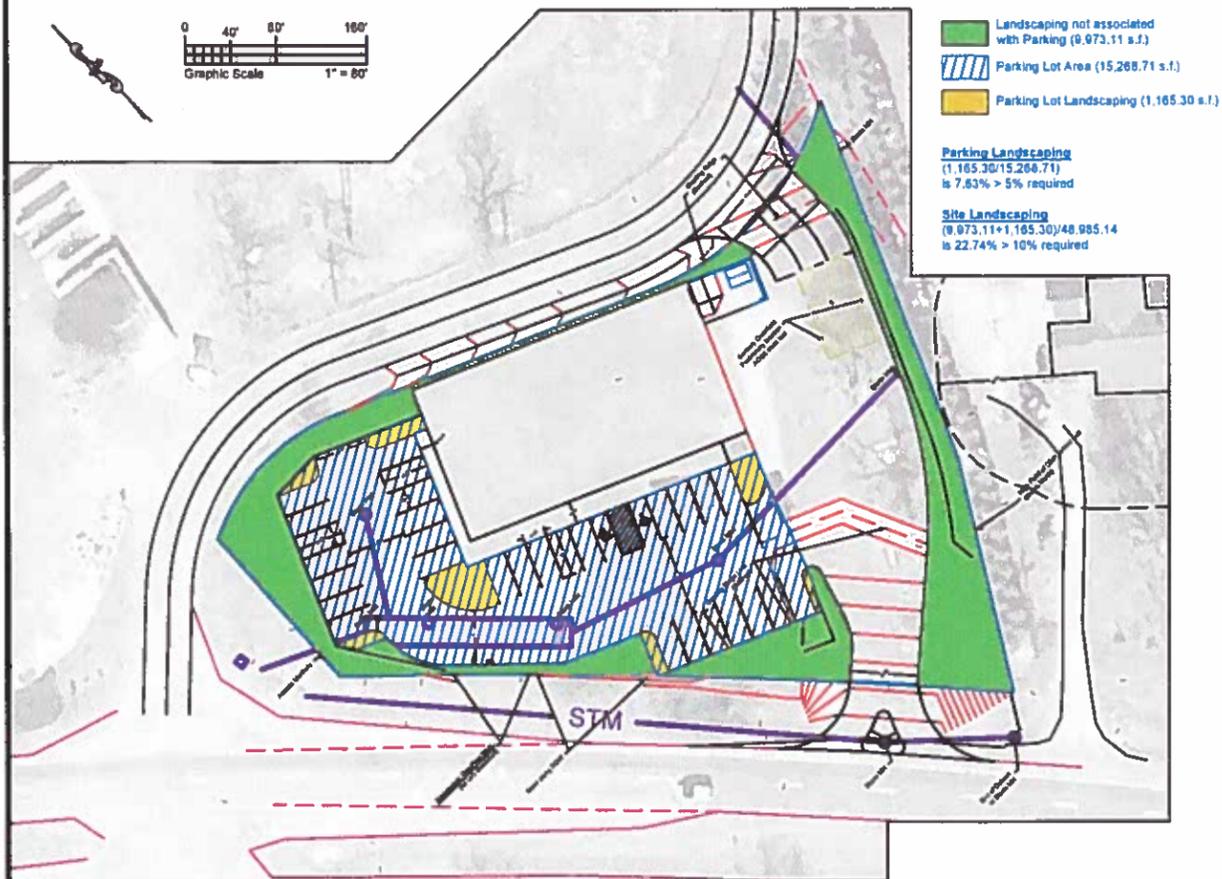
Concept Plan General Notes

1. Plan is based upon best available information
 - 1.1. Survey is based upon deed and monuments found in the field (no title report). **Note that the deed varies from the GIS Parcel information.**
 - 1.2. Aerial photograph is 2011 VGIN as published with the County GIS.
 - 1.3. Contours are from the County GIS at a two foot interval.
2. All walls shown are segmented retaining walls (SRW)
3. The storm sewer in Hwy 220 ROW is subject to change after further coordination with VDOT.
4. The proposed storm sewer crossing Iron Ridge Road (at north) may be omitted if VDOT allows flow across the super-elevated pavement section.
5. Developer reserves the right to add a flat bench, curb stops, curbing, dense shrubs, or guard rail along the top of the west wall to prevent vehicles from overtopping the wall.
6. Development will require storm water management for quantity and quality. Space is allocated to accommodate underground detention. Selection of filtering devices will occur with final design.

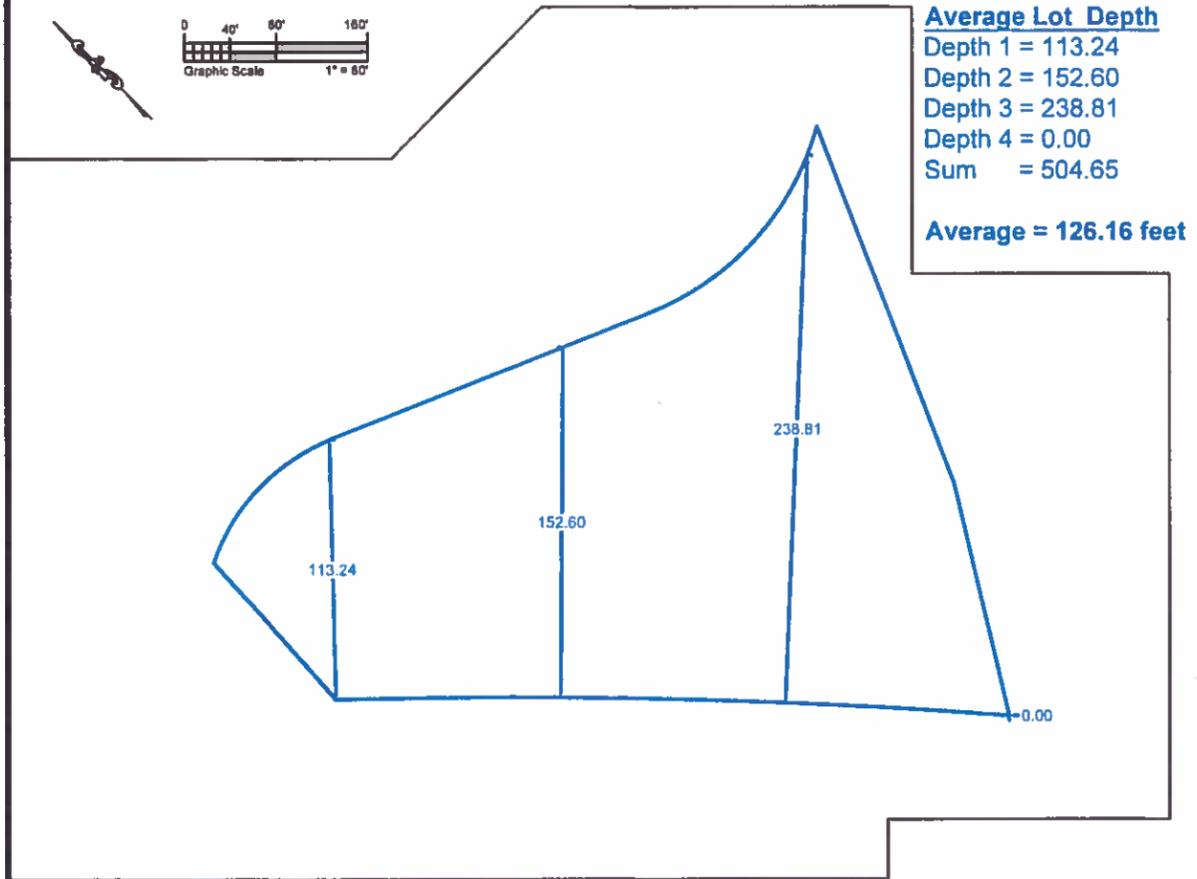
General Utility Information

1. A design locate was not completed as a part of this Plan and was not part of any known referenced plans.
2. All utilities are not shown.
3. All existing utilities are to be maintained in-service during construction.
4. Franklin County Public Utilities indicated that connection to public sewer and public water are not required.
5. Well location is approximate, as shown.
6. Drain field location is approximate (schematically accurate for dimensions and setbacks) and subject to change by the AOSE. The location shown is not guaranteed to perk or be suitable.

Landscaping Summary



Average Lot Depth Calculation



03-31-2016

DATE

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SCALE	As Shown
SHEET	06 of 06
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FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Landfill Construction</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Request to obtain bids for Landfill Cell 2 construction.</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u> Infrastructure</p> <p><u>STAFF CONTACT(S):</u> Messrs. Robertson, Whitlow, Smith, Sink</p>	<p><u>AGENDA DATE</u> <u>ITEM NUMBER:</u> June 21, 2016</p> <p><u>ACTION:</u></p> <p><u>CONSENT AGENDA:</u> YES</p> <p><u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> YES</p> <p><u>REVIEWED BY:</u> <i>BR</i></p>
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BACKGROUND: Franklin County operates a solid waste collection service and landfill for the residents and businesses of Franklin County. Currently, the Landfill continues to utilize the remaining cell in the old landfill (permit #72) which will be capped in the next couple of years. Staff has graded and reshaped the back side (east side) of the old landfill (Permit #72) to gain more airspace. It should take until approximately January 2017 to fill this airspace and at that time all of the old Permit #72 waste volume will have been filled. This will have extended its life several years past earlier projections.

In addition to the old landfill, the County now utilizes the new landfill (permit #577) for waste disposal. In 2012, the County constructed the first of six new approved landfill cells (permit #577). These cells will handle the solid waste demands of Franklin Country for many years. This first new cell is approximately half filled as a standalone cell.

Staff recently moved out of new Cell #1 after it reached a plateau where all traffic was entering on a level plane as shown in the attached drawing. To continue placing waste in Cell #1 will require all traffic and landfill equipment to be moving and working in an inefficient, difficult uphill direction. With the construction of a new cell (Cell #2), work can continue in a downhill manner until Cell #2 is at the same height as Cell #1 which then allow for long level lifts, thereby producing much less wear and tear on equipment and requiring less manpower to maintain. The attached drawing shows a potential volume capacity timeline, whereby once the new Cell #2 is constructed there should be 8 to 9 years of volume capacity without any new cell construction required.

DISCUSSION: Utilizing existing County staff, the work has already begun to prepare the new Cell #2 for its synthetic liner system. An estimated 180,000 cubic yards of the approximate 250,000 yards of excess soil has already been moved. The 5 manholes for the electrical conduit have been installed and approximately 20,000 tons of the required 32,000 tons of #57 stone have been stockpiled. As a result of last year's Board approval to move forward with stockpiling stone, this allowed the quarry to crush and haul the #57 stone at their convenience, thereby saving almost \$5 per ton (\$160,000) when compared to the 2012 bid.

The next step in moving forward with the development of Cell #2 is the final grading and liner system installation. The County's landfill consultant, Joyce Engineering, has submitted a bid preparation and quality control estimate of **\$142,000** for the Cell #2 project. County staff will perform the quality control on the synthetic liner system portion which should save the county approximately \$30,000 in contractor fees. Construction will need to be completed this fall so Cell #2 would be ready for use next spring. Project funding of \$1,250,000 has been budgeted in the County's Solid Waste Capital account for FY 16-17, whereby such funds will be borrowed this fall. In the interim, sufficient bridge funding within other various landfill capital accounts will cover any initial project expenditures. Project bids will be advertised and submitted in June-July, whereby a project award request would likely come back to the Board for their consideration at the August 16th meeting upon which construction would likely beginning in September.

RECOMMENDATION: Staff respectfully requests permission for staff to advertise for bids to complete the construction of New Landfill Cell #2. Such bids would then be presented to the Board for their consideration at a meeting in late summer.

