

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, MAY 20<sup>TH</sup>, 2008, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Charles Wagner, Chairman  
Wayne Angell, Vice-Chairman  
Leland Mitchell  
David Hurt  
David Cundiff  
Russ Johnson  
Bobby Thompson

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

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Chairman Charles Wagner called the meeting to order.

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Invocation was given by Supervisor Bobby Thompson.

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Pledge of Allegiance was led by Supervisor Leland Mitchell.

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**THE HONORABLE ROBERT HURT & CHARLES POINDEXTER PRESENTATION/HUBERT QUINN**

**HOUSE JOINT RESOLUTION NO. 525**

*Commending Hubert L. Quinn.*

Agreed to by the House of Delegates, March 5, 2008

Agreed to by the Senate, March 6, 2008

WHEREAS, Hubert L. Quinn retired on December 31, 2007, after serving as an exemplary member of the Franklin County Board of Supervisors for 16 years; and

WHEREAS, committed to the well-being of his fellow citizens, Hubert Quinn continually supported public policies that served the best interests of all of the residents of Franklin County; and

WHEREAS, a dedicated public servant, Hubert Quinn represented his neighbors of the Blue Ridge District from January 1, 1992, to December 31, 2007, during a period of tremendous change and many challenges; and

WHEREAS, dedicated to the prosperity of Franklin County, Hubert Quinn was a tireless supporter of his community and served Franklin County with integrity and great skill; and

WHEREAS, through his experience and considerable expertise, Hubert Quinn furthered good government in Franklin County and improved the quality of life for all of his fellow citizens; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly commend Hubert L. Quinn on his 16 years of outstanding leadership as a member of the Franklin County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hubert L. Quinn as an expression of the General Assembly's gratitude for his many achievements and best wishes for a happy and rewarding retirement.

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**THE HONORABLE ROBERT HURT & CHARLES POINDEXTER PRESENTATION/ALICE HALL**

**HOUSE JOINT RESOLUTION NO. 527**

*Commending Alice Sigmon Hall.*

Agreed to by the House of Delegates, March 5, 2008

Agreed to by the Senate, March 6, 2008

WHEREAS, Alice Sigmon Hall, the respected and admired clerk of the Circuit Court of Franklin County, retired on December 31, 2007; and

WHEREAS, Alice Hall, a graduate of Franklin County High School, began her distinguished public service career on January 1, 1953, as deputy clerk of the Circuit Court of Franklin County; and

WHEREAS, a dedicated and experienced public servant, Alice Hall became clerk of the Circuit Court of Franklin County on November 6, 1996; and

WHEREAS, Alice Hall received her circuit court clerk certification from the University of Virginia's Weldon Cooper Center for Public Service on August 25, 2000; and

WHEREAS, with tireless energy and impeccable character, Alice Hall diligently worked to improve the quality of services provided to her fellow citizens and her depth of knowledge has been a valuable resource to the Clerk's Office and Franklin County; and

WHEREAS, an enthusiastic supporter of her community and her profession, Alice Hall has given her time and immense talents to many civic and professional organizations over the years, including as a member of the Virginia Court Clerks' Association, Franklin County Chamber of Commerce, and Henry Fork Service Center; and

WHEREAS, Alice Hall is a faithful member of Redwood United Methodist Church, where she is a member of the choir; she has served as a Girl Scout leader, youth leader, and Sunday school teacher; and

WHEREAS, Alice Hall served as the circuit court clerk of Franklin County with great skill, professionalism, and integrity; she plans to enjoy her retirement by spending quality time with her husband and family, especially her beloved grandchildren, as well as visit the sick and elderly members of her church; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly commend Alice Sigmon Hall on her 55 years of outstanding public service to the citizens of Franklin County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alice Sigmon Hall as an expression of the General Assembly's gratitude for her many achievements and best wishes for a happy and rewarding retirement.

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**THE HONORABLE CHARLES POINDEXTER PRESENTATION/WAYNE ANGELL**

**HOUSE JOINT RESOLUTION NO. 540**

*Commending W. Wayne Angell.*

Agreed to by the House of Delegates, March 5, 2008

Agreed to by the Senate, March 6, 2008

WHEREAS, W. Wayne Angell has served with distinction as a member of the Franklin County Board of Supervisors for 20 years since January 1, 1988; and

WHEREAS, Wayne Angell served as chairman of the Franklin County Board of Supervisors for 12 years from January 1996 until December 2007 and currently is serving as vice-chair; and

WHEREAS, during his tenure as chairman, Wayne Angell was committed to the prosperity of Franklin County and the best interests of its citizens; he was instrumental in the county obtaining a AA credit rating through Moody's Investors Service; and

WHEREAS, Wayne Angell was a valuable asset in the opening of the award-winning Leonard A. Gereau Center for Advanced Technology and Career Exploration (CATCE), a hands-on, interactive learning program designed to broaden insight in potential career choices for students; and

WHEREAS, Wayne Angell was a great supporter of the \$8.2 million expansion and renovation of Franklin County High School; and

WHEREAS, Wayne Angell's leadership was essential in the successful creation of the Franklin County Workforce Development Consortium, a collaborative effort between community educational and workforce partners to address the need to improve workforce skills within the community, as well as the construction and opening of The Franklin Center, a 30,000 square foot workforce center and state One-Stop Shop; and

WHEREAS, Wayne Angell worked diligently to preserve 500 acres of land within minutes of downtown Rocky Mount and to include the parcel in the county's park system, ensuring that the



The Franklin County Board of Supervisors annually makes small grants to non-profit organizations within the community for promotional expenses related to local projects and events. These funds assist organizations with marketing of their event or program, while at the same time assisting Franklin County in promoting itself to potential visitors. This year, \$30,000 has been set aside within the County's 2008-2009 Tourism budget for these awards. A total of seventeen (17) applications were received this year, representing twelve (12) different organizations. Of these seventeen projects, six (6) were first-time project applications.

Franklin County operates a MicroGrant program to support tourism efforts within the County. Funding for this program is generated by the transient occupancy, or "lodging", tax applied to the motels, hotels, and bed & breakfasts in the County. The purpose of this MicroGrant program is to increase the local tourism industry thus creating new jobs, attracting new tourists, spawning new hospitality-related investments, and improving the quality of life for Franklin County residents. It is recognized that the County cannot, and should not, be the only provider of tourism events for our community. We should instead help other organizations create events and marketing campaigns that can leverage the community's limited resources. We must leverage our limited dollars to support interesting, dynamic, and creative special events/marketing campaigns that set Franklin County apart from competitors throughout the mid-Atlantic region. Tourism MicroGrants exist to support events and activities that a) encourage tourists from outside the region to enjoy our community and make use of our hospitality industry, and b) provide an opportunity to expand the awareness and visibility of the community throughout the region.

In reviewing the seventeen submitted applications, Staff evaluated each applicant on a great number of different factors, including but not limited to: the amount of funds leveraging involved; marketing plan and scope; perceived economic impact; financial need; partnership opportunities; and past performance. Based on all criteria and available data, Staff has made the following recommendations for 2008 Tourism MicroGrant awards:

<u>APPLICANT</u>	<u>PURPOSE</u>	<u>2007-2008 AWARD</u>	<u>AMOUNT SOUGHT</u>	<u>STAFF RECOMMEN DATION</u>
Warren Street Society	Warren Street Festival	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
Festival in the Pines	Festival in the Pines	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00
SWVA Antique Farm Days	SWVA Antique Farm Days	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
SML Chamber	Various Events	\$ 7,000.00	\$ 5,000.00	\$ 5,000.00
Franklin County Historical Society	Ghost Bus Tours	New	\$ 600.00	\$ 600.00
Franklin County Historical Society	Crooked Road Project - Electronic	New	\$ 3,440.00	\$ 1,000.00
Franklin County Historical Society	Crooked Road Project - Models	New	\$ 1,212.00	\$ 0.00
Franklin County Speedway	Franklin County Speedweeks	New	\$ 3,000.00	\$ 2,000.00
Blue Mountain Productions	Gemini Fest / Blue Mtn Bluegrass Fest	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Cable 12	Various Events	\$ 4,800.00	\$ 5,000.00	\$ 5,000.00
Blue Ridge Dinner Theatre	Blue Ridge Dinner Theatre	\$ 2,500.00	\$ 6,400.00	\$ 3,200.00
SoVA Child Advocacy Center	Johnny Casa 5k	New	\$ 5,000.00	\$ 500.00
Burnt Chimney Coonhunters Assoc	Franklin County Moonshine Classic	\$ 500.00	\$ 700.00	\$ 500.00
CPR	Franklin County Christmas	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
CPR	Chug for the Jug	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
CPR	Footlights of the Blue Ridge	\$ 2,500.00	\$ 2,500.00	\$ 1,800.00
CPR	Pigg River Ramble	New	\$	\$

			1,200.00	1,200.00
		\$ 27,000.00	\$ 43,752.00	\$ 30,000.00
			% of sought recommended	68.6%

Sixteen of the seventeen proposals were funded in whole or in part. Due to the number of high-caliber projects and limited funding, only nine of these applications received full funding and only approximately 69% of the funding sought was awarded. While hard decisions on applications were made, it is encouraging to note that the number and quality of the applications indicate a solidly growing tourism environment within Franklin County.

**RECOMMENDATION:** It is recommended that the Board approve the Staff recommendations for Tourism MicroGrant awards from the 2008-2009 County Tourism budget.

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**IDA RESOLUTION FOR FERRUM COLLEGE**

Ferrum College has requested up to \$6,000,000 in revenue bonds be issued through the IDA of Floyd County. These funds will be used to finance various projects on the Ferrum campus and will include the renovation of Bassett Hall and the construction of a new residence hall.

The Floyd County Industrial Development Authority has conducted the required public hearing on the proposed financing and also adopted its resolution related to the financing. A fiscal impact statement of the project is also included as part of the attachments.

**RECOMMENDATION:**

Staff respectfully requests the Board of Supervisors to adopt the attached resolution for Franklin County.

RESOLUTION  
OF THE BOARD OF SUPERVISORS OF  
FRANKLIN COUNTY, VIRGINIA

WHEREAS, the Industrial Development Authority of Floyd County, Virginia (the "Authority") has considered the application of Ferrum College (the "Borrower") requesting the issuance of one or more of the Authority's revenue bonds or notes in an amount not to exceed \$6,000,000 (the "Bonds") to assist in financing the construction, expansion, renovation and equipping of various buildings (collectively, the "Project"), including the renovation of Bassett Hall and the construction of a new residence hall, which Project will be located on the Borrower's campus on Route 602 in Franklin County, Virginia (the "County"), the Project will be owned and operated by the Borrower, and the Authority has held a public hearing thereon; and

WHEREAS, it has been requested that the Board of Supervisors of the County (the "Board") approve the financing of the Project and the issuance of the Bonds, and such approval is required for compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended;

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

1. The Board approves the financing of the Project and the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by said Section 147(f), to permit the Authority to assist in the financing of the Project. The Board concurs with the inducement resolution adopted by the Authority on April 22, 2008 with respect to the Bonds and the Project.

2. The approval of the issuance of the Bonds, as required by said Section 147(f), does not constitute an endorsement of the Bonds, the creditworthiness of the Borrower or the economic viability of the Project. The Bonds shall provide that neither the Commonwealth of Virginia (the "Commonwealth") nor any political subdivision thereof, including the County, Floyd County (the "Locality") and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and receipts pledged therefore and that neither the faith or credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the Locality, the County and the Authority, shall be pledged thereto.

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

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**2008-2009 ANTHEM INSURANCE CONTRACT RENEWAL**

County and Town staff recently met with our insurance consultant to review and discuss the health and dental insurance renewals for next fiscal year (FY08-09). Third quarter claims and

experience were discussed as well as the renewal information presented by Anthem Blue Cross Blue Shield and Delta Dental.

Anthem Blue Cross Blue Shield presented a renewal quote with an **8.2%** increase for the County's 08-09 health insurance. This increase is much lower than the initial 48% increase the County received last year and is due to a medical trend factor of 11.6% versus the 2007 trend factor of 15%. The trend factor for prescription drugs was also slightly down at 11.6% versus the 2007 trend of 11.7%.

The dental insurance proposal from Delta Dental presented a renewal quote of 3.4% for a one year renewal. Schedules are attached showing the premium breakdown and total costs to the County.

**RECOMMENDATION:**

Staff respectfully requests the Board to allow the County Administrator to renew our health insurance coverage with Anthem Blue Cross/Blue Shield and our dental insurance with Delta Dental for FY08-09 with no change in benefits for either plan. Funds are available in the adopted FY08-09 budget health and dental insurance reserve for the additional employer premium costs (\$174,794). The increase in the premium will be shared in the same portion as the Board has used for the employer share for several years.

Franklin County  
Health Insurance 08-09

<b>Current Premiums</b>					
	<b>Monthly Premium</b>	<b>Employer %</b>	<b>Employer Pays</b>	<b>Employee %</b>	<b>Employee Pays</b>
Employee Only	408.04	82%	334.59	82%	73.45
Employee Child	624.31	75%	468.23	25%	156.08
Employee/Spouse	856.89	75%	642.67	25%	214.22
Employee Family	1,056.83	75%	792.62	25%	264.21

<b>Renewal 7-1-08</b>					
	<b>Monthly Premium</b>	<b>Employer %</b>	<b>Employer Pays</b>	<b>Employee %</b>	<b>Employee Pays</b>
Employee Only	441.69	82%	362.19	82%	79.50
Employee Child	675.79	75%	506.84	25%	168.95
Employee/Spouse	927.55	75%	695.66	25%	231.89
Employee Family	1,143.98	75%	857.99	25%	286.00

<b>Impact to Franklin County</b>						
	<b>Number</b>	<b>Current Premium</b>		<b>Renewal Premium</b>		<b>Difference</b>
		<b>County Cost</b>	<b>Total Cost</b>	<b>County Cost</b>	<b>Total Cost</b>	
Employee Only	112	334.59	449,692.72	362.19	486,777.72	37,084.99
Employee Child	14	468.23	78,663.06	506.84	85,149.54	6,486.48
Employee/Spouse	67	642.67	516,704.67	695.66	559,312.65	42,607.98
Employee Family	106	792.62	1,008,215.82	857.99	1,091,356.92	83,141.10
			<u>2,053,276.27</u>		<u>2,222,596.83</u>	<u>169,320.55</u>

<b>Impact to Franklin County Employees</b>						
	<b>Current Premium</b>		<b>Renewal Premium</b>		<b>Monthly Difference</b>	<b>Yearly Difference</b>
	<b>Monthly</b>	<b>Yearly</b>	<b>Monthly</b>	<b>Yearly</b>		
Employee Only	73.45	881.37	79.50	954.05	6.06	72.68
Employee Child	156.08	1,872.93	168.95	2,027.37	12.87	154.44
Employee/Spouse	214.22	2,570.67	231.89	2,782.65	17.67	211.98

Employee Family	264.21	3,170.49	286.00	3,431.94	21.79	261.45
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**Franklin County  
Dental Insurance 08-09**

Current Premiums	Monthly	Employer	Employer	Employee	Employee
	Premium	%	Pays	%	Pays
Employee Only	24.18	86%	20.79	14%	3.39
Employee Child	37.86	81%	30.67	19%	7.19
Employee/Spouse	39.08	81%	31.65	19%	7.43
Employee Family	74.38	81%	60.25	19%	14.13

Renewal 7-1-08	Monthly	Employer	Employer	Employee	Employee
	Premium	%	Pays	%	Pays
Employee Only	25.00	86%	21.50	14%	3.50
Employee Child	39.16	81%	31.72	19%	7.44
Employee/Spouse	40.42	81%	32.74	19%	7.68
Employee Family	76.92	81%	62.31	19%	14.61

Impact to Franklin County	Current Premium			Renewal Premium		Difference
	Number	County	Total	County	Total	
		Cost	Cost	Cost	Cost	
Employee Only	123	20.79	30,693.12	21.50	31,734.00	1,040.88
Employee Child	13	30.67	4,783.99	31.72	4,948.26	164.27
Employee/Spouse	104	31.65	39,505.19	32.74	40,859.77	1,354.58
Employee Family	118	60.25	85,310.88	62.31	88,224.16	2,913.28
			<u>160,293.19</u>		<u>165,766.19</u>	<u>5,473.00</u>

Impact to Franklin County Employees	Current Premium		Renewal Premium		Monthly Difference	Yearly Difference
	Monthly	Yearly	Monthly	Yearly		
Employee Only	3.39	40.62	3.50	42.00	0.11	1.38
Employee Child	7.19	86.32	7.44	89.28	0.25	2.96
Employee/Spouse	7.43	89.10	7.68	92.16	0.25	3.06
Employee Family	14.13	169.59	14.61	175.38	0.48	5.79

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**SPAY/NEUTER ASSISTANCE FUND**

In September 2006, staff presented a report to the Board of Supervisors that outlined goals and objectives to reduce the number of owner- surrendered animals at the shelter. Part of this report included a Spay/Neuter Assistance Program. Public Safety has worked diligently to reduce the euthanasia rate at the county animal shelter. Although improvements have been made, and the euthanasia rates are lower, additional efforts need to be undertaken to produce the desired result of offering spay/neuter assistance. Staff and volunteers at the shelter have formulated a plan to implement this program.

An obstacle with any new program is identifying where to obtain support funds. State legislation currently allows localities to commit dog license fees toward spay/neuter assistance. DMV revenue is available, as are Grants from corporate charities.

The first source available for spay/neuter assistance are the DMV revenues returned to each locality based on the sales of SPCA-friendly license plates. These revenues have generally been used by the county to apply toward spay/neuter assistance and should be allowed to continue. These revenues vary but are typically around \$1,000. The lowest prices for spay/neuter procedures for this area are between \$50 and \$60 on average. Obviously, the DMV revenues can be expended quickly.

In the September 2006 report to the Board of Supervisors, one method outlined was to change the license fees for dogs that have not been spayed or neutered; Specifically, the revenue generated by increasing the license fees for unaltered male dogs. Prior to 2008, the license fee

for an unaltered male was the same as an altered female, which was \$4.00. In October 2007, the fee schedule was changed based on whether the dog had been spayed or neutered, versus the sex of the animal. This resulted in an increased fee for an unaltered male from \$4.00 to \$10.00. Preliminary figures indicate an \$8,000 increase in dog license revenues since the fee schedule change was made. § 3.1-796.94 of the Code of Virginia specifies in Section A paragraph 2, that any funds collected pursuant to the enforcement of ordinances adopted pursuant to the provisions of this section, may be used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs. Grant funding is available to localities from corporations such as Pet Smart Charities. These grants are typically one-time grants that can be applied to alleviate the costs of spay/neuter procedures for low-income individuals. Public Safety would like to apply for this grant to obtain funding for spay/neuter assistance. Since this grant is a one-time event, the county would need to consider dedicating a portion of the license fees previously mentioned, as a method to provide continuous funding.

A draft copy of the spay/neuter assistance voucher is attached to this memo. All of the veterinarians listed as well as Planned Pethood have agreed to accept these vouchers. The voucher would be issued to persons who may have difficulty affording the spay/neuter procedure costs. The voucher is presented to the veterinarian when the payment is rendered. The veterinarian presents the voucher to the county for reimbursement from the spay/neuter assistance fund. Each voucher has a tracking number to prevent duplication and it must be issued by the Adoption Specialist or Animal Control Officer to the owner of the animal. Vouchers should also be made available to owners of animals that have surrendered unwanted puppies and kittens to the shelter, or have received multiple nuisance notices regarding an unaltered dog or cat.

**RECOMMENDATION:**

Staff respectfully recommends that the Board of Supervisors authorize implementation of the Spay/Neuter Assistance Program. Staff additionally recommends that the Board of Supervisors authorizes application for the Pet Smart Charities grant while continuing to apply the DMV revenues to the spay neuter assistance program.

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**FRANKLIN COUNTY AMATEUR RADIO CLUB**

**FRANKLIN COUNTY AMATEUR RADIO CLUB**

**WHEREAS**, Amateur Radio operators are celebrating a century of the miracle of the human voice over the airwaves with their "Hello" campaign; and

**WHEREAS**, Amateur Radio has continued to provide a bridge between peoples, societies, and countries by creating friendships and the sharing of ideas; and

**WHEREAS**, Amateur Radio Operators have also provided countless hours of community services throughout these decades; and

**WHEREAS**, these Amateur Radio's services are provided wholly uncompensated; and

**WHEREAS**, the State also recognizes the services Amateur Radio's people provide to our many Emergency Response organizations; and

**WHEREAS**, these same individuals have further demonstrated their value in public assistance by providing free radio communications for local parades, walk-a-thons, fairs and other charitable public events; and

**WHEREAS**, the state of Virginia recognizes and appreciates the diligence of these "hams" who also serve as weather spotters in the Skywarn program of the US Government Weather Bureau; and

**WHEREAS**, Amateur Radio once again provided its undisputed relevance in the modern world in 2005 by providing emergency communications when other systems failed in the devastation of Hurricanes Katrina and Rita in the USA and in the Tsunami catastrophe overseas; and

**WHEREAS**, the American Radio Relay League is the leading organization for Amateur Radio in the USA; and

Whereas, the ARRL Amateur Radio Field Day exercise will take place on June 28-29, 2008 and is a 24 hour emergency encampment exercise and demonstration of the Radio Amateurs' skills and readiness to provide self supporting communications even in fields without further infrastructure; now

**THEREFORE**, we the Franklin County Board of Supervisors do hereby officially recognize and designate June 23-29, 2008, as

***Amateur Radio Week in Franklin County, Virginia***

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**FIBER OPTIC CONNECTIVITY BID AWARD**

The Franklin Center obtained a Rural Business Enterprise Grant (RBEG) in the spring of 2007. This grant provided \$176,000 of funding, which was to be used \$60,000 for fiber-optic network

connectivity, \$35,000 for computer network switches and \$81,000 for video conferencing core solution. The grant for the \$60,000 fiber-optic network connectivity expires October 1, 2008. The other two items have been completed.

The County advertised and obtained three bids to extend a fiber-optic network from the Franklin Center to the proposed Government Center. The plans also included a Phase II option of extending the fiber from the proposed County Government Center to the Public Safety building on 40 West just outside of the Town limit. The low bid was from Toney Construction Inc. for \$74,470 for Phase I and \$91,070 if the County does both phases. Extending the fiber to the Public Safety Facility would eliminate the need for the T1 line the County is currently leasing from NTELOS for \$260 a month. The other two bids were from JWS and CEI and are shown below.

- Toney Construction                      \$91,070.00
- JWS    \$100,260.00
- CEI    \$128,138.23

**RECOMMENDATION:**

It is recommended that the Board authorize the County Administrator to enter into a contract with Toney Construction to extend fiber from the Franklin Center to the County Government Center and Public Safety. Funding is available to complete Phase I and Phase II in the Franklin Center account with an additional \$60,000 to be received from the Rural Business Enterprise Grant.

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**VIRGINIA CARES BOARD RE-APPOINTMENT/TERM EXPIRES 6/30/2011**

❖ Jon Morris

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**VETERAN PARK CONTRACT**

While the EA process is underway for the Pigg River Power Dam Removal Project, staff requests that the Board consider providing the public with a recreational amenity on the Pigg River. The existing low head dam at Veterans' Memorial Park in Rocky Mount is an existing safety hazard. During times of high water, a five-foot deep re-circulating hole develops below the dam. This hole could easily trap a boat or boater during times of high water. Further, increasing public use of the concrete platform adjacent to the dam site has created an additional need to provide for a safe river exit option should someone enter the river inadvertently.

Fortunately, this is an easy problem to solve. Staff requests that the Board consider funding a pilot in-stream project at this site. This smaller scale in-water feature would be designed to eliminate the safety hazard, while concurrently preserving the dam AND permitting development of a boat/fish passage. The proposed Conceptual Design for this site would add features downstream of the existing dam that would back water up against the existing dam thus removing the catch hydraulic. A natural wave would replace the existing straight drop thus allowing boats to safely surf and pass while at the same time ensuring that anything that goes over the dam gets flushed downstream quickly. The features at the Vet's Park site would become part of the biomonitoring plan for the Pigg River Power Dam removal project and allow the agencies to test proposed whitewater designs before they are installed at Power Dam.

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

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

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

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

Undertaking both of these projects using previously set aside funds will permit the blueway project to move forward. The pilot project at Vet's Park will remove an existing safety issue, add a community amenity to support existing events and activities at the park, and permit the County to demonstrate techniques proposed for the Power Dam site. At some point a water passage facility will need to be built at this site to allow for uninterrupted floating between Lynch Park and the site of the future park at Power Dam. This plan simply builds the Veteran's Park feature first. Staff anticipates that the cost to build out the dam safety/fish and boat passage features with minimal river access will be about \$200,000.

Funding for this component is available in the Pigg River Power Dam budget. Staff proposes to use these funds now, deliver a benefit to the public in 2008, and then replenish the Pigg River Power Dam line item over the next two budget years. Staff retained REP/Anderson & Associates to complete in-stream design for the Pig River in July 2007 through the County's procurement policy. Staff has an existing open contract for site design with REP/Anderson & Associates to complete the design for the Pigg River site. Staff requests that the Board accept a change order to this contract to permit the Veteran's Park design work to occur under this existing contract with REP/Anderson. The County has set aside \$20,000 to complete this phase of the project and thus no new funding is requested. The Board's adopted 2008 CIP provides the funding to complete this task.

**RECOMMENDATION:**

Staff requests authorization from the Board to complete initial design for the Veteran's Park Pilot River Park project using the existing design contracts with Recreation, Engineering & Planning and Anderson & Associates Engineers in the amount not to exceed \$20,000.

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**ANTIQUÉ FARM DAYS RESOLUTION**

**WHEREAS**, 2008 marks the 5<sup>th</sup> year of the Antique Farm Days; and

**WHEREAS**, the Antique Farm Days has grown into one of Franklin County's largest tourism events; and

**WHEREAS**, the show is made possible by the hard work and dedication of the citizens of Franklin County who volunteer their time to host this wonderful event; and

**WHEREAS**, the show will welcome over 5,000 visitors and exhibitors to Franklin County Recreation Park between June 13<sup>th</sup> - June 15<sup>th</sup>, 2008; and

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

**WHEREAS**, the show offers Franklin County citizens the opportunity to reconnect with their past and to remember a bygone time when work was harder, and the chores took longer

**NOW BE IT THEREFORE RESOLVED**, the Franklin County Board of Supervisors hereby declare June 13<sup>th</sup> – 15<sup>th</sup>, 2008 as "**Antique Farm Days**" in Franklin County.

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**WESTERN VIRGINIA WATER AUTHORITY & ROANOKE COUNTY AGREEMENT**

Franklin County adopted a resolution on April 16, 2007 whereby the Western Virginia Water Authority (WVWA), Roanoke County and Franklin County authorized the continued discussion regarding the Route 220 waterline extension. It was agreed by resolution that the officers of the respective organizations would take the necessary action to negotiate an agreement among the jurisdictions and otherwise plan the development, financing and construction of the waterline extension; provided however, that no jurisdiction shall be legally bound until it has explicitly approved the terms and conditions of the agreement.

Staff has negotiated an agreement with WVWA and Roanoke County specifically identifying the cost, financing, capital contributions, water service rates, sharing of fees, and term of the contract. The contract also addresses the issues relating to the County's retained right to approve future extensions, proposed improvements to the system and authorized water restrictions.

WVWA has been working on the development plan and the negotiation of financing options (less Franklin County's STAG grant of one (1) million dollars).

Key elements of the Support Agreement include:

- Provide proportionate moral obligation security for the portion of debt service on that portion of the Local Bond regarding the Route 220 waterline project with a percentage of 43% Roanoke County and 57% Franklin County.
- Costs are allocated to the percentage of the project within the respective jurisdictions.
- Total bonds to be issued and sold to VRA not to exceed \$11,800,000.00 of which \$5,681,200.00 of the proceeds shall be allocated to the "Route 220 Waterline Project".
- Nonbinding obligation of Franklin County not to exceed the proportionate share of \$5,681,200.00 or \$3,238,284.00.

Franklin County will receive a \$1,000,000.00 STAG grant and shall retain ownership of the waterline until completion of construction and shall allocate STAG proceeds to said project. WVWA and VRA have agreed as of May 14, 2008 that Franklin County will only be obligated for interest on the portion of the Bond proceeds outstanding on the "Project" loan at the time payments are due. Interest due and payable by Franklin County will be reduced immediately as the One Million Dollar STAG amount is applied to the "principal" of the bond proceeds.

**RECOMMENDATION:**

It is the recommendation of staff that the Board of Supervisors authorize the County Administrator to execute the Support Agreement authorizing the Western Virginia Water Authority to enter into a Bond Financing Agreement with VRA in the amount not to exceed \$11,800,000.00 of which the Franklin county share will be \$3,238,284. Said agreement committing the moral obligation of the County to the repayment of the bonds sold to Virginia Resources Authority (VRA) for the bonds to be issued and purchased. Additionally it is recommended that the Board of Supervisors issue a resolution authorizing the WVWA to proceed with the planning, design, engineering and construction of a twelve (12") inch waterline from the connection with Roanoke County to Wirtz Road (Route 697) provided by WVWA.

**WESTERN VIRGINIA WATER AUTHORITY**

**SUPPORT AGREEMENT**

**THIS SUPPORT AGREEMENT** is made as of June 1, 2008, among the **BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA** (the "Roanoke Board"), acting as the governing body of Roanoke County, Virginia ("Roanoke"), the **BOARD OF SUPERVISORS OF FRANKLIN COUNTY, VIRGINIA** (the "Franklin Board"), acting as the governing body of Franklin County, Virginia ("Franklin" and, collectively with Roanoke, the "Counties" and, each individually, a "County"), **WESTERN VIRGINIA WATER AUTHORITY** ("WVWA"), and **VIRGINIA RESOURCES AUTHORITY** ("VRA"), as purchaser of the Local Bond, as hereinafter defined, pursuant to a Financing Agreement dated as of June 1, 2008 (the "Financing Agreement"), between VRA and WVWA.

**RECITALS:**

**WHEREAS**, WVWA and the Counties have entered into a Contract dated as of November 16, 2007 (the "Water Line Contract"), under which, among other things, WVWA has agreed to extend a twelve-inch water line along Virginia State Route 220 through Roanoke County and to the Franklin County area known as Wirtz Plaza (the "Water Line Extension Project") and the Counties agreed to provide proportionate moral obligation security for payment of that portion of the debt service on that portion of the Local Bond that is allocable to the cost of the Water Line Extension Project, now estimated to be \$5,681,200;

**WHEREAS**, WVWA is proceeding with the issuance and sale to VRA of its not to exceed \$11,800,000 Water System Revenue Bond, Series of 2008 (the "Local Bond"), a now estimated \$5,681,200 of the proceeds of which will be used to finance the Water Line Extension Project pursuant to the terms of the Financing Agreement, as authorized by a resolution of the Board of WVWA adopted on April 17, 2008;

**WHEREAS**, the Roanoke Board adopted on \_\_\_\_\_, 2008, a resolution authorizing, among other things, the execution of a non-binding obligation of the Roanoke Board to consider certain appropriations in support of Roanoke's proportion of the now estimated \$5,681,200 of the proceeds of the Local Bond and related costs and the Water Line Extension Project; and

**WHEREAS**, the Franklin Board adopted \_\_\_\_\_, 2008, a resolution authorizing, among other things, the execution of a non-binding obligation of the Franklin Board to consider certain appropriations in support of Franklin's proportion of the now estimated \$5,681,200 of the proceeds of the Local Bond and related costs and the Water Line Extension Project.

### AGREEMENT

**NOW, THEREFORE**, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. Unless otherwise defined, each capitalized term used in this Support Agreement shall have the meaning given it in the Financing Agreement.

2. The term "Proportional Share" shall mean for each of the Counties, the following percentages of the Annual Deficiency Amount (as defined in paragraph 5) or such other percentages as may be agreed upon by the Counties in writing, provided such amended allocation shall add up to 100%:

Roanoke – 43%  
Franklin – 57%.

Each of the Counties' obligations is limited to its Proportional Share of debt service on that portion of the proceeds of the Local Bond that ultimately is expended for the Water Line Extension Project, including a like proportion of the costs of issuance of the Local Bond and any escrows allocable to the Water Line Extension Project (the "Support Amount"), and the amounts to be included in each County's submitted budget pursuant to paragraphs 6 and 7 shall not be increased to offset a non-appropriation by the other County.

3. If the Counties' moral obligation commitment is invoked, the Counties' Proportionate Share of debt service on the Support Amount shall be taken from the first dollars the Counties annually send to WVWA (excluding amounts belonging to WVWA and sent by either in its capacity as collecting or fiscal agent for WVWA).

4. WVWA shall use its best efforts to issue and sell the Local Bond, to use a portion of the proceeds thereof now estimated at \$5,681,200 to pay the costs of the Water Line Extension Project, and to construct and place the Water Line Extension Project in operation at the earliest practical date.

5. No later than March 15 of each year, beginning March 15, 2009, WVWA shall notify the Roanoke Board and the Franklin Board of (a) the amount (the "Annual Deficiency Amount") by which WVWA reasonably expects the Net Revenues Available for Debt Service to be insufficient to pay the debt service on the Support Amount of the Local Bond, in full as and when due during the Counties' fiscal year beginning the following July 1 and (b) the corresponding Proportional Share of each County.

6. The County Administrator of Roanoke (the "Roanoke Administrator") and the County Administrator of Franklin (the "Franklin Administrator" and each of the Roanoke Administrator and the Franklin Administrator shall be referred to as a "County Administrator") each shall include their respective Proportional Share, if any, in their budget submitted to the Roanoke Board or the Franklin Board, as appropriate, for the following fiscal year as an amount to be appropriated to or on behalf of WVWA. Each County Administrator shall deliver to VRA within ten days after the adoption of the respective County budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Roanoke Board or the Franklin Board, as appropriate, has appropriated to or on behalf of WVWA an amount equal to their respective Proportional Share, if any. Payments are expected to be made to WVWA five (5) business days prior to the due dates of WVWA's payments on the Local Bond (now scheduled to be October 1, 2008 and April 1 and October 1 in years 2009 through 2028).

7. If at any time the Net Revenues Available for Debt Service shall be insufficient to make any of the payments referred to in paragraph 5 hereof, WVWA shall notify each County Administrator of the amount of such insufficiency and the corresponding Proportional Shares relating to such insufficiency and each County Administrator shall request a supplemental appropriation from the Roanoke Board or the Franklin Board, as appropriate, in the amount necessary to pay the respective Proportional Share.

8. Each County Administrator shall present each request for appropriation pursuant to paragraph 7 above to the Roanoke Board or the Franklin Board, as appropriate, and the Roanoke Board or Franklin Board, as appropriate, shall consider such request at their next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meetings, the appropriate County Administrator shall notify VRA as to whether the amount so requested was appropriated. If a County Administrator shall fail to make any such appropriation, the appropriate County Administrator shall add the amount of such requested appropriation to the Proportional Share reported to the Roanoke Board or the Franklin Board, as appropriate, for the next fiscal year.

9. The Roanoke Board and the Franklin Board each hereby undertakes a non-binding obligation to appropriate the respective Proportional Share as may be requested from time to time pursuant to paragraphs 6 and 8 above to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia; provided, however, that each County's Proportional Share shall never be in an amount in excess of the debt service on the Support Amount of the Local Bond for the applicable period. The Roanoke Board and the Franklin Board, although acknowledging that they are not empowered to make any binding commitment to make such appropriations in future fiscal years, each hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that its successor boards do likewise.

10. Nothing herein contained is or shall be deemed to be a lending of the credit of either County to WVWA, VRA or to any holder of the Local Bond or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of either County, nor shall anything herein contained legally bind or obligate either County to appropriate funds for the purposes described herein.

11. Any notices or requests required to be given hereunder shall be deemed given if sent by first class mail, postage prepaid, addressed (i) if to the Roanoke Board or Roanoke, to P.O. Box 29800, Roanoke, VA 24018-0798, Attention: County Administrator, (ii) if to the Franklin Board or Franklin, to 40 East Court St. Rocky Mount, VA 24151, Attention: County Administrator, (iii) if to WVWA, to 601 South Jefferson Street, Suite 200, Roanoke, VA 24011, Attention: Executive Director, Water Operations and (iv) if to VRA, to 1111 East Main Street, Suite 1920, Richmond, Virginia 23219, Attention: Executive Director. Any party may designate any other address for notices or requests by giving notice.

12. It is the intent of the parties hereto that this Agreement shall be governed by the laws of the Commonwealth of Virginia.

13. In accordance with the provision of the Water Line Contract that it is limited to a 20 year term, this Agreement shall remain in full force and effect until October 1, 2028 so long as the WVWA does not default on any obligation to VRA related to the debt service on the Water Line Extension Project. In the event the WVWA does default on any obligation related to the Water Line Extension Project, this Agreement shall remain in full force and effect until such default is either cured or forgiven by VRA.

**IN WITNESS WHEREOF**, the parties hereto have each caused this Agreement to be executed in their respective names as of the date first above written.

#### **CONFEDERATE STATUE REPLACEMENT**

On June 6, 2007, a Pickup truck lost control while travelling south on Main Street, struck the Confederate Statue in front of the Franklin County Courthouse and then struck the Courthouse. The statue was destroyed beyond repair.

The Director of General Properties immediately began the process of seeking companies that have the experience necessary to offer an estimate of the cost to replace the statue. A company in Vermont presented an estimate of \$162,949 to totally replace the statue. Through much discussion with Progressive Insurance Company (insurance carrier for the driver that struck the statue), the policy limits of \$100,000 were offered as payment which has not been received by the County. The County's insurance carrier has presented payment for the remainder of the cost of replacing the statue less the deductible of \$1,000. State Senator Charles Hawkins also presented a \$500 donation to the County for this project.

#### **RECOMMENDATION:**

Staff respectfully requests the Board to appropriate the VACO insurance proceeds of \$61,949 and the \$500 donation received from State Senator Charles Hawkins so work can begin on the replacement of the statue The \$100,000 which has not been received from Progressive at this time, will be brought to the Board for appropriation at a future meeting.

**(RESOLUTION #01-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented with the Board pulling Fiber Optic Connectivity Bid Award and Veteran Park Contract items until later in the evening.

MOTION BY: Russ Johnson  
 SECONDED BY: David Cundiff  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, & Wagner  
***ABSTAINED: Thompson/On IDA Resolution for Ferrum College Item & Aye Vote on all other Consent Agenda items)***

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**(RESOLUTION #02-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to award Phase I of the Fiber-Optic Network Project bid to Toney Construction in the amount of \$74,470 contingent upon the receipt of right of ways involved.

MOTION BY: Wayne Angell  
 SECONDED BY: David Hurt  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**VDOT – 6-YEAR SECONDARY ROAD PLAN**

Tony Handy, Resident Administrator, VDOT, presented the Board with the following resolution for their consideration:

Secondary System  
 Franklin County  
 Construction Program  
 Estimated Allocations

Fund	FY2008	FY2010	FY2011	FY2012	FY2013	FY2014	Total
Secondary Unimproved Roads	\$82,853	\$77,174	\$82,832	\$88,638	\$93,448	\$48,325	\$413,368
Toll Fee	\$133,727	\$168,217	\$168,217	\$168,217	\$168,217	\$168,217	\$860,912
STP Converted from IM	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP - Bond Match	\$173,291	\$171,206	\$174,621	\$177,387	\$180,296	\$183,137	\$1,090,229
Formula STP	\$29,329	\$10,668	\$17,339	\$18,981	\$14,835	\$12,783	\$138,935
MIG Formula	\$114,418	\$113,548	\$110,668	\$109,232	\$101,690	\$133,788	\$743,636
BR Formula	\$113,419	\$0	\$0	\$0	\$0	\$0	\$113,419
Formula STP - Match	\$72,288	\$33,029	\$32,048	\$38,403	\$36,549	\$38,038	\$309,361
State Funds	\$549,431	\$589,542	\$544,473	\$511,358	\$555,120	\$388,204	\$3,448,638
Federal STP	\$582,382	\$587,224	\$596,264	\$709,628	\$720,843	\$732,648	\$4,349,691
<b>Total</b>	<b>\$1,992,883</b>	<b>\$1,933,108</b>	<b>\$1,922,633</b>	<b>\$1,910,971</b>	<b>\$1,987,894</b>	<b>\$1,988,619</b>	<b>\$11,367,378</b>

Board Approval Date: 6/17/2008

**(RESOLUTION #03-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned resolution as presented.

MOTION BY: Russ Johnson  
 SECONDED BY: Bobby Thompson  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**WAVERLY SUBDIVISION STREET ADDITION**

Tony Handy, VDOT, Resident Administrator, presented the following resolution for the Board consideration:

**In the County of Franklin**

By resolution of the governing body adopted May 20, 2008

***The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.***

***A Copy Testee Signed (County Official):***

**Report of Changes in the Secondary System of State Highways**

**Project/Subdivision**            **Waverly Subdivision - Section 1**

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

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

Reason for Change:                    **New subdivision street**

Pursuant to Code of Virginia Statute:    **§33.1-229**

**Street Name and/or Route Number**

▶ **Harbour Court, State Route Number 1642**

Old Route Number: 0

- From: Route 1640
- To: Cul de Sac, a distance of: 0.10 miles.
- Recordation Reference: DB 455 pgs 78-84
- Right of Way width (feet) = 50 feet

The Board of Supervisors of Franklin County, in regular meeting on the 20<sup>th</sup> day of May, 2008, adopted the following:

Waverly Section 1 – Harbour Court (Route 1642)

**RESOLUTION**

WHEREAS, the street(s) described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Franklin County, and

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

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

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

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

**(RESOLUTION #04-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Harbour Court/Waverly Subdivision as submitted.

MOTION BY:                            Russ Johnson

SECONDED BY:                        Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

**RURAL ADDITION UPDATE**

r. Handy reminded the Board that it was the time to appoint the Road Viewers, whereby the Board should consider such appointments at their June meeting.

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**BEEF INITIATIVE IN FRANKLIN COUNTY**

Roger Seale, VABI Project Manager, Blue Ridge Soil and Water Conservation, briefed the Board on the Beef Initiative Project. Mr. Seale stated the project was an expansion of the Southside Value-Added Beef Initiative, which was funded by a \$300,000 grant from the Virginia Tobacco Indemnification and Community Revitalization Commission. This grant, which includes the Counties of Franklin, Henry and Patrick, has the overall objective of improving the production, management and marketing capabilities of beef cattle producers in tobacco dependent communities, thereby enhancing farm profitability with corresponding benefits to the region's overall economy. Blue Ridge Soil and Water Conservation District is administering the grant

which kicked off in February, 2007 with a proposed closing date of March 31, 2008. The Tobacco Commission has since provided an extension of the cost share program with the expressed desire to see all of the funds used by farmers in the project area.

The grant budget provided \$270,000 for cost share to farmers, \$15,000 for personnel, and \$15,000 for mileage and other administrative expenses. The grant also stipulated that the cost share funds shall be allocated to the participating counties as follows: Franklin -\$113,960, Henry - \$67,280, Patrick - \$88,760. The number of beef producers in each county was a factor in determining county allocations. Should a county or counties fail to use all of their allocation, the Disbursement and Oversight Committee can redistribute funds as needed. Also any unused personnel or administrative funds can be shifted to cost share.

Cost share activity, by county, through today is listed below.

Franklin: 28 farmers have completed projects earning \$78,812.26

Henry: 17 farmers have completed projects earning \$49,915.64

Patrick: 33 farmers have completed projects earning \$93,786.06

Mr. Seale advised the Board currently there is a balance in cost share funds of \$47,486.08 plus approximately \$11,000.00 in unused administrative funds. We have 9 project applications on hand for Franklin County.

The Blue Ridge SWCD also administers several conservation programs including the Blackwater River and Pigg River TMDL's. These activities bring several hundred thousand dollars into the local economy annually.

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#### **REDWOOD GREENBOX SITE**

Larry Moore, Assistant County Administrator, stated Franklin County entered in to a lease agreement with Lumsden Farms on September 7, 2007 subject to the granting of a special use permit which was approved at the Planning Commission of October 09, 2007 and by the Board of Supervisors on October 23, 2007. The lease provided for monthly rent beginning at \$300.00 a month increased annually by the CPI index each year through the term of the lease. The initial term of the lease shall run from October 01, 2007 to September 30, 2017 with the consideration of an additional ten (10) year term. The County has the right of first refusal should the lessor decide to sell said property at any time during a lease period.

The signed lease provides it is the responsibility of the County that this site be utilized as a green box site and the County be responsible for any environmental clean-up, including hazardous wastes, contamination resulting from use of the green box site, as well as being responsible for clean-up relating thereto. At the request of the County, Jim Lovell of Earth Environmental Consultants, Inc. was contracted to prepare the bid requirements subject to VDOT's required traffic analysis, appropriate permitting, site preparation, terms of the lease including a six foot high chain link fence around the leased property, and the safety of the trucks entering and exiting the site. Due to the embankment entering the site, significant excavation is required to meet VDOT traffic requirements. Bids were advertised on February 15 and 22, 2008 in the Franklin News-Post with all bids being received and opened in public on March 04, 2008.

The following three bids were presented to the Board of Supervisors on March 18, 2008:

Hubbard Excavating and Hauling	\$97,885.50
Worley Ready Mixed Concrete	\$95,018.40
F&B Contractors	\$94,378.60

All bids received were significantly more than the anticipated development costs of \$70,000.00 to \$75,000.00. At the Board of Supervisors meeting of March 18, 2008 it was requested that Mr. Lumsden be contacted and asked if he would consider selling the property or extending the lease due to the high amounts on the bids received and potential development costs. It was also requested that staff rebid the project reducing the developed site to 100ft, reduce the aggregate from 8" to 6", remove the evergreen trees and bid them separately. Contact has been made with Mr. Lumsden and he is willing to extend the lease to 20 years subject to the terms and conditions previously indicated in the lease. New bids were received on May 07, 2008 and the bids for consideration of the Board of Supervisors as follows:

Virginia Carolina Paving Company	\$129,160.00
Worley Ready Mix	\$89,935.00
Hubbard Excavating & Hauling	\$82,185.00
F & B Contractors, Ltd.	\$79,962.10
Stanley Excavating	\$78,704.00

**RECOMMENDATION:**

Staff requests the Board’s review and consideration of the rebid amounts received on May 07, 2008. Staff also requests the Board’s review and consideration regarding the extension of the lease with Lumsden Farms for a term of 20 years. Based on the CPI increase of 2.5% annually the lease payments would be \$480.00 per month beginning the 20<sup>th</sup> year. Funds are available in the Capital Budget should the Board desire to move forward.

**(RESOLUTION #05-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to award the bid to Stanley Excavating in the amount of \$78,704.00 and to authorize the County Administrator and County Attorney to execute necessary documents with an assured 10 year lease with an option of an additional guaranteed 10 year lease following the first ten year term.

MOTION BY: David Cundiff  
 SECONDED BY: David Hurt  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**CHARGE FOR TIPPING FEES**

Larry Moore, shared with the Board an incident which occurred regarding household waste. Mr. Moore stated the code specifically addresses household trash vs. commercial. After discussion, the Board affirmed large volumes of debris are to be currently managed as commercial waste unless otherwise identified.

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**SCHOOL CAPITAL PROJECTS FUNDING REQUEST**

Lee Cheatham, School System, Director of Business, shared with the Board the following School Capital Projects Funding request:

Revenues:

Unused Balance of County School Capital Projects Funds for 2007-08 to be carried over into 2008-09	\$ 118,195
Unused Contingency on Ferrum Paving Project and School Bus Garage Roofing Project for 2007-08 to be carried over into 2008-09	29,535
County School Capital Projects Funds for 2008-09	<u>1,100,000</u>
Total Revenues	<u>\$1,247,730</u>

Proposed Expenditures:

Burnt Chimney Elementary School Roof Replacement Project:	
Project Bid – See Attachment	\$ 386,100
Architectural / Engineering Fees	51,200
Contingency	<u>38,610</u>
Total	<u>475,910</u>
FCHS Law Parking Lot Replacement Project:	
Project Bid – See Attachment	267,903
Architectural / Engineering Fees	16,000
Excavation of Unsuitable Buried Materials	30,000
Moving Utilities	12,000
Moving Lights	4,500
Relocate & Add Fencing	9,500
Additional Paving & Gravel	25,000
Contingency	<u>31,717</u>
Total	<u>396,620</u>

Boys' Locker Room Renovation at FCHS Hawkins Gymnasium:	
Estimated Cost – See Attachment	132,000
Contingency	<u>13,200</u>
 Total	 <u>145,200</u>
 FCHS/BFMS ADA Door Hardware Upgrades / Electronic Security Door-Locking Systems:	
Estimated Cost – See Attachment	<u>140,000</u>
 FCHS Plumbing Fixture / Restroom Partition Upgrades:	
Estimated Cost – See Attachment	<u>90,000</u>
 Total Proposed Expenditures	 <u>\$1,247,730</u>

**(RESOLUTION #06-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the requested school capital appropriations and carryover funds as submitted.

MOTION BY: Wayne Angell  
 SECONDED BY: David Cundiff  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**SCHOOL EFFICIENCY REVIEW UPDATE**

Dr. Lackey stated he was very proud of how efficient the school system was being run in a recent School Efficiency Report. The Board commended the school system on the efficiency report results.

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**KEITH RENICK EASEMENT REQUEST**

Mike Thurman, Director of General Properties, shared with the Board a request from Keith and Donna Renick who are owners of the property at 345 South Main Street in Rocky Mount, Virginia (Tax Map ID: 207.00-715.00). This property adjoins the Franklin County Courthouse Complex (Tax Map ID: 207.00-711.00).

Mr. and Mrs. Renick are in the process of renovating their building for the purpose of opening an antique business. In order to meet parking requirements by the Town, the Renick's are considering creating parking at the rear (East) of the property. In order to access this area, they are requesting an easement from the County. The easement as requested would be an area of approximately 30' x 54' long and located just east of the Franklin County Perinatal property.

**RECOMMENDATION:**

It is recommended that the Board review this request and should it deem appropriate, advertise for the necessary public hearing in order to grant such an easement.

**(RESOLUTION #07-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing during the June board meeting as requested.

MOTION BY: Wayne Angell  
 SECONDED BY: David Hurt  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**FRANKLIN COUNTY PERINATAL EDUCATION SERVICES**

Mike Thurman, Director of General Properties, presented a request from Franklin County Perinatal Education Center who has recently acquired the former "Rakes Building" located at 335 South Main Street in Rocky Mount, Virginia (Tax Map ID: 207.00-712.00). Plans are in place for this building to be renovated and become home to multiple non-profit agencies. This property adjoins the Franklin County Courthouse complex (Tax Map ID: 207.00-711.00)

The Perinatal Education Center (represented by Amy Pendleton) is requesting an easement near the Northeast corner of their building for the purpose of constructing an entrance/exit stairway on the side of the building. This easement would consists of an area of approximately 4'-6" x 40'.

In addition, a second easement request is being made near the entire East end of the structure which would allow vehicle access to four (4) parking spaces (which have been shown on their proposed parking plan). This easement would consist of an area to be determined in accordance with acceptance by Rocky Mount's Parking Ordinance.

Mr. Thurman advised the Board the County is currently working under three (3) variances granted by the Town of Rocky Mount and he had concern relating to county parking issues.

**RECOMMENDATION:**

It is recommended that the Board review these requests and should it deem appropriate, advertise for the necessary public hearing in order to consider granting on or both of the easements.

**(RESOLUTION #08-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing during the June board meeting as requested.

MOTION BY: Wayne Angell

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**FUNDING REQUEST FROM HELPING HANDS**

Dr. Sam Campbell, Director, Helping Hands, stated Helping Hands of Franklin County is a local non-profit agency that provides emergency assistance to families of Franklin County. This assistance may take the form of paying for electricity to avoid termination, rent/mortgage assistance, heating fuel payments, Medical, Dental and Prescription Drug payments and Food.

Dr. Campbell stated \$7,000 was appropriated to Helping Hands in FY2007-2008 and \$7,000 has been included in the FY2008-2009 adopted budget.

Dr. Campbell shared the following Factors impacting Helping Hands in 2008 include:

- Helping Hands must wait a year to apply for funding from the SML Charity Home Tour since they have received funding the past two years (funding loss of \$20,000 in 2008).
- Since 2001, the number of clients receiving assistance has almost doubled - from 509 to 992.
- Electricity, heating fuel, gas have all increased.

Helping Hands is requesting an additional appropriation from the Franklin County Board of Supervisors of \$5,000 in the current 07-08 fiscal year.

**RECOMMENDATION:**

Staff respectfully requests the Board of Supervisors to consider the additional \$5,000 funding request from Helping Hands.

**(RESOLUTION #09-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appropriate the requested \$5,000 from the Board's contingency budget for assistance to Helping Hands FY' 07-08 shortfall in funding.

MOTION BY: Bobby Thompson

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**STEP, INC. BUILDING & TIPPING FEES WAIVED**

Jon Morris, Executive Director, STEP, Inc., advised the Board of a special project STEP and the Town of Rocky Mount have been working on for months to demolish and rebuild a house on Woodlawn Drive. Mr. Morris stated the Town of Rocky Mount is providing the legal support, paying for the relocation of the tenant, and providing all the demolition for the project. STEP has moved the tenant and will build the new house. Mr. Morris respectfully requested the Board to waive the landfill tipping fees and any fees associated with dumping the demolished house and building inspection fees associated with the build.

**(RESOLUTION #10-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to make an additional appropriation in the amount of actual costs for building and tipping fees relating to the request.

MOTION BY: David Cundiff

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**COMMUNITY FACILITIES GRANT PROGRAM**

Scott Martin, Director of Commerce & Leisure Services, stated in 2007, the Board of Supervisors adopted a Community Facilities Improvement Program to guide application of \$15,000 in community park development funding available each year. This program's goal is to improve the

County's quality of life by helping citizens and community groups improve publicly accessible park facilities. This guide prescribes the format and rating criteria from which funding decisions may be made by the Board of Supervisors. The County advertised the 2<sup>nd</sup> round of grants in February. Grant requests were submitted by the following qualified community groups:

- Antioch Community Park – (Parking Lot and Initial Sports Turf Preparation)
- Friends of Jamison Mill (Jamison Mill Dredging)
- Friends of Philpott (Jamison Mill Picnic Shelter)
- Rocky Mount PTO (ADA Sidewalk to Basketball Court and Playground)
- Penhook Community Improvement Club (Soccer Goals)
- Muse Field (LLC)

The County has up to \$13,000 to distribute in this round of community grants.

All groups that apply for funding assistance through the Community Facilities Program must be either a: non-profit, neighborhood association, civic club, sports/athletic association, conservation group, established faith body, or private land owner with an intent to provide public recreational facilities to the public through a gift, long-term lease, or other arrangement satisfactory to the Board of Supervisors. All facilities funded through this program must be open for general public, drop-in use with no charge applied unless the facility is being programmed for a special event or other activity sponsored by the facility's ownership group. The applying groups must commit to maintain the facility in a safe and usable condition after the receipt of county funding support OR completion of construction funded by the County.

Applicants must provide at minimum a 25% cost-share contribution to the total project value. Contributions may include the value of the land provided (one time), volunteer/contributed labor, and private fund donations. The Board's adopted policy directs that the scoring system below be used for evaluation and recommendations:

100 to 90 Points	Recommend approval to the Board of Supervisors
90 to 80 Points	Recommend partial funding to the Board of Supervisors
Below 80 Points	Assist the Groups in Refining the Proposals Prior to Board Presentation

In order to reach as many different areas of our community as possible with this program, grantees shall only be eligible to receive funds once every two years. Additionally, the grant amount shall not exceed \$8,000 per recipient unless determined otherwise by the entire Board of Supervisors. County works out payment to the clubs based upon project timeline and leveraged opportunities unique to each project. Groups may only request funding every other year.

Staff reviewed the requested projects per the criteria adopted by the Board of Supervisors. This cycle's requests were the strongest received by staff thus far. Funding is not available to fully fund all projects. However, after review, staff recommends partial funding across the Board to facilitate development of these needed community amenities. Staff therefore recommends the following funding:

Group	Score	Project Specifics	Rec. Grant	Comments
Antioch Community Park	100	Parking Lot Development and Initial Sports Turf Preparation	\$3,000	Phase II Project Funding
Friends of Philpott	100	Picnic Shelter	\$3,000	Desired Community Amenity
Friends of Jamison Mill	90	Dredging of Former Boat Ramp	\$2,000	Permitting and Pool Level are interrelated. Staff recommends partial approval and the opportunity to review dredging requirements with Corps.
Rocky Mount PTO	100	Accessible Playground and Access Trail	\$2,000	Much needed given focus of activities for disabled youth/students at this site.
Penhook Community	100	Soccer Goals	\$3,000	Great community support has more than

Improvement Club				leveraged existing county investments.
Muse Field LLC	-	General Park Refurbishment	-	Applicant withdrew application to build a stronger project for the next cycle.

**RECOMMENDATION:**

Review the proposed recommendations and direct staff on the award of grant funds.

**(RESOLUTION #11-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the submitted recommendations as presented.

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

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**GOLF PROPOSAL UPDATE**

Scott Martin, Director of Commerce & Leisure Services, shared with the Board, Franklin County Parks and Recreation staff was approached in August by a number of citizens expressing interest in the development of a public driving range at one of the County’s public parks near Rocky Mount. Byron Perdue met with County staff to discuss the idea further. It was suggested that a joint meeting between County staff and interested golfers be held to gauge support for the concept. Over 60 individuals attended a public meeting at the Franklin Center on September 10<sup>th</sup> to discuss public golf opportunities.

The discussion centered on the lack of a public golf instruction/learning facility near Rocky Mount. At present, there is only one public driving range in the County – Westlake Golf & Country Club. Willow Creek Golf Club is a semi-private club but lacks a public driving range. Attendees at the September 10<sup>th</sup> meeting requested that the Board consider evaluating the market for the development of a golf instructional facility at Waid Recreation Area.

The market study for the Waid site indicated that the population was present to support operation of a golf facility at Waid Recreation Area. The ability to operate this facility with as minimum impact to the County budget as possible would require a private/public partnership that used volunteers, corporate support, and ongoing instruction revenue streams. In order to explore these concepts further, a group of citizens led by Byron Perdue (Rocky Mount) would like to enter into a MOU with the County for a two year period. The agreement would allow for both the County and the private Franklin County Golf Foundation to explore the concept with some level of commitment on both parties in terms of seriousness. A proposed MOU that would enable this partnership to exist is attached. It is in draft form and any final agreement will require Board approval.

**RECOMMENDATION:**

Staff requests that the Board consider Mr. Perdue’s proposal for a partnership to explore development potential for a Golf Instruction Facility at Waid Park.

Bryan Perdue, thanked the Board for supporting the golf study which reflected the support of the development of a golf facility and foundation as a non-profit organization to include golf amenities. Mr. Perdue requested the Board to enter into a memorandum of understanding with the foundation for the next two years for non-development of the 40 acres at Waid Park area until after a study can be conducted.

General discussion ensued.

**(RESOLUTION #12-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the request as submitted.

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

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**W. E. SKELTON 4-H EDUCATIONAL CONFERENCE SPECIAL EVENTS PERMIT**

Scott Martin, Director of Commerce & Leisure Services, shared with the Board a request made by Roger Ellmore, Executive Director, W. E. Skelton 4-H Educational Conference is requesting Board approval for their Special Entertainment Permit set for **June 8<sup>th</sup> and August 10<sup>th</sup>, 2008.**

This is the first year for the proposed event. As in years past, the Board has granted approval for special entertainment permits and the setting of a bond amount offered at the Board's discretion. The set bond will be posted with the County Administrator (10) days prior to the day the festival is to begin per County Code Section 3-80. The Board has generally set a \$500.00 bond for first time events within the County.

With all the required County departments signing off on the proposed Special Entertainment Permit, the application is in order. Mr. Ellmore has remitted the filing fee of \$100.00 per event (\$200.00) per County Code Section 3-83 and will post the bond set by the Board.

**RECOMMENDATION:**

Staff requests Board approval on the proposed Special Entertainment Permit for the W. E. Skelton 4-H Educational Conference Center contingent upon receipt of the said bond set by the Board

**(RESOLUTION #13-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Special Entertainment permit for the W. E. Skelton 4-H Educational Conference Center with a \$500.00 bond.

MOTION BY: Russ Johnson

SECONDED BY: Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**SML CELEBRATE THE LAKE WEEKEND SPECIAL EVENTS PERMIT**

Scott Martin, Director of Commerce & Leisure Services, The Smith Mountain Lake Association, is requesting Board approval for their Special Entertainment Permit set for *June 21<sup>st</sup>, 2008*, Celebrate The Lake Week-end. This is the second year for the proposed event. As in years past, the Board has granted approval for special entertainment permits and the setting of a bond amount offered at the Board's discretion. The set bond will be posted with the County Administrator ten (10) days prior to the day the festival is to begin per County Code Section 3-80. The Board has generally set a \$500.00 bond for less than three (3) consecutive year events within the County.

With all of the required County departments signing off on the proposed Special Entertainment Permit, the application is in order and Bob Camicia has remitted the filing fee of \$100.00 per County Code Section 3-83. Mr. Camicia will post bond after the Board sets the bond amount. In accordance with County Code Section 3-80, the bond will be submitted ten (10) days prior to the event.

**RECOMMENDATION:**

Staff requests Board approval on the proposed Special Entertainment Permit for the Smith Mountain Lake Association contingent upon receipt of the said bond set by the Board

**(RESOLUTION #14-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Special Entertainment permit for the SML Association with a \$500.00 bond.

MOTION BY: David Cundiff

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**VETERAN PARK CONTRACT**

Scott Martin, Director of Commerce & Leisure Services, advised the Board while the EA process is underway for the Pigg River Power Dam Removal Project, staff requests that the Board consider providing the public with a recreational amenity on the Pigg River. The existing low head dam at Veterans' Memorial Park in Rocky Mount is an existing safety hazard. During times of high water, a five-foot deep re-circulating hole develops below the dam. This hole could easily trap a boat or boater during times of high water. Further, increasing public use of the concrete platform adjacent to the dam site has created an additional need to provide for a safe river exit option should someone enter the river inadvertently.

Fortunately, this is an easy problem to solve. Staff requests that the Board consider funding a pilot in-stream project at this site. This smaller scale in-water feature would be designed to eliminate the safety hazard, while concurrently preserving the dam AND permitting development of a boat/fish passage. The proposed Conceptual Design for this site would add features downstream of the existing dam that would back water up against the existing dam thus removing the catch hydraulic. A natural wave would replace the existing straight drop thus allowing boats to safely surf and pass while at the same time ensuring that anything that goes over the dam gets

flushed downstream quickly. The features at the Vet's Park site would become part of the biomonitoring plan for the Pigg River Power Dam removal project and allow the agencies to test proposed whitewater designs before they are installed at Power Dam.

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

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

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

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

Undertaking both of these projects using previously set aside funds will permit the blueway project to move forward. The pilot project at Vet's Park will remove an existing safety issue, add a community amenity to support existing events and activities at the park, and permit the County to demonstrate techniques proposed for the Power Dam site. At some point a water passage facility will need to be built at this site to allow for uninterrupted floating between Lynch Park and the site of the future park at Power Dam. This plan simply builds the Veteran's Park feature first. Staff anticipates that the cost to build out the dam safety/fish and boat passage features with minimal river access will be about \$200,000.

Funding for this component is available in the Pigg River Power Dam budget. Staff proposes to use these funds now, deliver a benefit to the public in 2008, and then replenish the Pigg River Power Dam line item over the next two budget years. Staff retained REP/Anderson & Associates to complete in-stream design for the Pigg River in July 2007 through the County's procurement policy. Staff has an existing open contract for site design with REP/Anderson & Associates to complete the design for the Pigg River site. Staff requests that the Board accept a change order to this contract to permit the Veteran's Park design work to occur under this existing contract with REP/Anderson. The County has set aside \$20,000 to complete this phase of the project and thus no new funding is requested. The Board's adopted 2008 CIP provides the funding to complete this task.

**RECOMMENDATION:**

Staff requests authorization from the Board to complete initial design for the Veteran's Park Pilot River Park project using the existing design contracts with Recreation, Engineering & Planning and Anderson & Associates Engineers in the amount not to exceed \$20,000.

**(RESOLUTION #15-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve staff's recommendation as presented.

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

THE MOTION PASSED WITH A 4-2-1 VOTE.

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**INTRODUCTION OF DR. GORDON GREEN/HEALTH DEPARTMENT DIRECTOR**

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**FOOD AT COUNTY FAIRS**

Mike Burnett, Parks & Recreation, Tourism, advised the Board the Virginia Administrative Code (Section 12 VAC 5-421-3560 Exemptions to Regulations) allows Virginia localities to exempt certain non-profit or governmental entities from the requirements usually mandated upon food service. This allows those organizations that set up food sales at events or for fundraising activities to bypass some of the more onerous requirements imposed upon full-time, for-profit food retailers. The Franklin County Board of Supervisors previously adopted this exemption policy by ordinance in Article I. Section 9.1.1 of the County Code. However, after review by local and state Health Department officials, it has been determined that the ordinance as currently written does not meet all requirements of the Virginia Code and requires clarification.

The Virginia Department of Health enforces food quality standards for fairs and youth athletic activities. It is their recommendation that the proposed additional language to the existing ordinance be adopted to clearly establish the exemptions provided by the locality to these governmental and non-profit, charitable organizations. The proposed language defines the terms used in the ordinance (specifically "fair", "food booth", and "youth athletic association"). It spells out the fact that, while an exempt food provider is not required to get a Health Department permit, they are bound by a list of guidelines on the preparation and serving of food to the public. It also lists the procedure that such an organization must follow to be deemed exempt and lawfully sell food to the public under this exemption. Due to the inadequate detail of the existing ordinance, there has been significant confusion on the part of these organizations as to the requirements placed upon them. The proposed additional language for the local ordinance has been requested and approved by the Virginia Department of Health.

**ARTICLE I. REGULATION OF FOOD AT COUNTY FAIRS AND YOUTH ATHLETIC ACTIVITIES\***

**\*Cross references:** Outdoor occasion ordinance governing racetracks, § 13-25 et seq.

Sec. 9-1.1. Exemptions.

The provisions of title 35.1 of the Code of Virginia as pertains to health and sanitation for restaurants shall not apply to:

- (1) Food booths at fairs, if such booths are promoted or sponsored by any political subdivision of the commonwealth or by any charitable nonprofit organization or group thereof.
- (2) Concession stands at youth athletic activities, if such stands are promoted or sponsored by either a youth athletic association or by any charitable nonprofit organization or group thereof which has been recognized as being a part of the recreational program of the political subdivision where the association or organization is located by an ordinance or resolution of such political subdivision.

(3) The term "food booth" shall include any temporary food establishment, whether it be a tent, canopy, shelter, trailer, mobile kitchen, or other shelter that operates for no more than 14 consecutive days in conjunction with a single event or celebration.

The term "fair" shall include any fair, festival, sponsored community event or celebration, such as those commonly called Ferrum Folk Life Festival, Lord's Acre Sale, Boones Mill Apple Festival, etc.

The term "youth athletic association" shall include any school, school sanctioned booster club, local government recreation department, etc.

No food booth operating under this exemption will be required to obtain a permit to operate. The Franklin County Health Department will not conduct inspections of the food preparation or service at exempted food booths. Upon request, the Franklin County Health Department will offer advice, targeted education, and guidance related to the safe and sanitary methods of food preparation and service.

Any group or organization that proposes to operate a temporary food booth at a fair shall contact the Franklin County Health Department at least ten days in advance of the event. Documentation will be required to prove that the group or organization is sponsored by a political subdivision of the Commonwealth, or is a charitable non-profit organization or group thereof. The proposed operation must be described and the proposed menu submitted. The Franklin County Health Department will make a determination as to whether the submitted proposal meets the standards for exemption, or if a permit to operate will be required per the Food Regulations.

Any food booth operating under this exemption shall fully and completely comply with the guidelines as specified hereafter:

A. Physical Facility

- 1) Overhead protection that is both wind resistant and waterproof shall extend over all food preparation, service, and storage areas, except that cooking equipment such as grills and smokers that have lids may sit outside the confines of the overhead protection.
- 2) Food booths without properly finished flooring shall be set up on asphalt, concrete, decking, or grass. Dirt or gravel shall be acceptable only if covered with mats, carpet, duckboards, or platforms to control dust and mud.

#### B. Equipment and Utensils

- 1) Facilities for proper handwashing shall be provided. This shall include one of the following:
  - a. Hot and cold running water, soap, and disposable towels; or
  - b. Warm water in a closed container with a spigot or tap, soap, and disposable towels; or
  - c. If no raw meats or seafood are being handled and only limited preparation is involved (such as hot dogs or sno-cones), disposable anti-microbial hand towelettes or a hand sanitizer with disposable towels may be considered for use.
- 2) Adequate equipment shall be available to hold food hot, cold, or frozen as the menu will necessitate. This may include refrigerated trucks, portable coolers or ice chests, grills, steam tables, holding cabinets, warming units, etc.
- 3) A three compartment sink or three containers of adequate size shall be provided for washing, rinsing, and sanitizing food contact surfaces of equipment. Detergent and sanitizers shall be provided, as well as a test kit or strips to check concentrations of sanitizer. (Chlorine = 50-200ppm) Food contact surfaces of equipment and utensils shall be cleaned and sanitized prior to use.
- 4) A metal stemmed, slim tipped probe type food thermometer shall be provided.
- 5) Single service containers and utensils shall be provided. (paper, plastic or styrofoam plates, bowls, and cups; foil, deli wraps, plastic utensils, etc.)
- 6) Easily cleanable tabletops and work surfaces shall be provided as needed.
- 7) Adequate trash receptacles and plastic liners shall be provided for the disposal of all garbage/refuse during and after the event.

#### C. Personal Cleanliness and Hygiene

- 1) No person that is coughing, sneezing, has a runny nose or discharges from the nose, eyes, or mouth, has an open cut or sore, or has recently experienced symptoms of diarrhea or vomiting shall be allowed to prepare or serve food.
- 2) Food handlers shall wear a hair restraint, clean clothing, and shall remove all watches, bracelets and rings with the exception of a plain wedding band.
- 3) Food handlers shall frequently wash their hands and exposed portions of their arms by vigorously rubbing together the surfaces of their lathered hands and arms for at least 15 seconds and thoroughly rinsing with clean water.
- 4) Food handlers shall not contact ready-to-eat foods with their bare hands. Spatulas, tongs, serving spoons, deli-wrap, and/or single use disposable gloves shall be used to prevent hands from contacting ready-to-eat foods. Gloves shall be used for one purpose only, and changed between uses.
- 5) Food handlers shall not smoke or eat while on duty or present at the booth.

#### D. Food Sources, Temperature Requirements

- 1) All food products (including beverages and ice) shall come from an approved source that complies with law. Foods not prepared on-site may be prepared and properly transported from the kitchen of an exempt organization or from the home of a member. All canned products (hermetically sealed container such as cans, tins, glass jars, etc.) shall be obtained from a commercial source approved by the Virginia Department of Agriculture and Consumer Services. **Absolutely no "home-canned" products may be offered to the public for consumption or used as ingredients in any product offered to the public for consumption.**
- 2) Beverages should be offered in cans or bottles. Beverages prepared by the operator (such as tea, coffee, or lemonade) shall be made with water from an approved source, and held in covered containers.
- 3) Potentially Hazardous Food (PHF) means a food that requires temperature control because it is in a form capable of supporting bacterial growth and causing disease. PHFs include raw and cooked meats, poultry, seafood, dairy products, eggs, cooked vegetables, cut tomatoes and melons, garlic-in-oil mixtures, custards, batters, rice, pastas, etc.
- 4) Potentially Hazardous Foods shall be temperature controlled to prevent the growth of harmful bacteria and microorganisms. PHFs shall be held:

- a. Below 41°F if held cold (refrigerated); or
  - b. Above 135°F if held hot waiting for service; or
  - c. Frozen solidly, and properly thawed prior to use.
- 5) PHFs that must be reheated prior to service shall be heated to greater than 165°F within two hours and the temperature verified by the use of a clean probe thermometer.
  - 6) PHFs held at a temporary food booth should NOT be held over and offered for consumption at a later time, except those items not used that remained properly refrigerated or frozen.
  - 7) All PHFs that are cooked shall be checked with a proper probe thermometer and the internal temperature in the thickest part shall reach a minimum temperature for more than 15 seconds as specified below:
    - a. Raw meat, pork, fish, and eggs shall be cooked to 145°F or above.
    - b. Hamburger and ground, comminuted, or injected meats shall be cooked to 155°F or above.
    - c. Poultry, any product with raw poultry as an ingredient, stuffed meats, or any stuffing containing meats, and wild game that is approved for sale shall be cooked to 165°F or above.
    - d. Whole intact-muscle beef steaks may be served if the exterior is cooked to 145°F and a color change is achieved on all external surfaces due to heat searing.
    - e. Alternative temperatures and times as can be found in the FDA Food Code for products or times not mentioned above.
  - 8) Any PHF that is cooked in advance shall either be held hot until service (above 135°F) or the PHF shall be cooled to below 70°F within two hours, and further cooled to below 41°F within four hours, then properly refrigerated. Large volumes of food shall be reduced in mass or divided into smaller containers, spread thin in shallow pans, iced, and/or agitated as necessary to bring the temperature to below 70°F and then 41°F within the proper time limits as indicated above.
  - 9) Food preparation and menu offerings shall be limited to products that can be safely prepared in the available temporary food booth setting.
  - 10) Self-service condiments shall be individually packaged or served from a squeeze bottle. (no common dipping from a bowl)

#### E. Transportation & Storage

- 1) Food products or single service items may not be stored on the ground.
- 2) Raw animal products shall be safely separated from ready-to-eat foods, and stored in a manner so that bloody juices will not contaminate clean work surfaces, equipment, or utensils.
- 3) Food stored on ice may not be in water. Coolers shall be drained.
- 4) Food that is transported from the kitchen of the organization or the home of an organization member shall be properly transported, which includes being tightly covered and temperature controlled if necessary.

#### F. Water, Sewage and Wastewater, Toilets

- 1) An adequate supply of water from an approved source shall be provided and available for food preparation, for cleaning and sanitizing of equipment and utensils, and for handwashing. Approved sources are municipal water systems or other public waterworks.
- 2) If connecting to an approved pressurized water system, a white hose approved for potable water shall be used.
- 3) All sewage (including liquid waste from handwashing, food preparation, cooler drains, and utensil washing) shall be collected and disposed of in an approved and sanitary manner. Wastewater shall not be allowed to run onto or be dumped onto the ground surface or disposed of in storm drainage systems.
- 4) Toilets shall be available to operators and customers within a reasonable distance.

An easily readable sign or placard shall be posted in a clearly visible location that indicates the name of the group or organization operating the food booth, and indicating that the food was prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.

(Ord. of 10-20-92)

**State law references:** Similar provisions, Code of Virginia, § 35.1-26.

**RECOMMENDATION:** It is recommended that the Board authorize the County Administrator to advertise a Public Hearing as soon as practicable for the purpose of hearing comment and adopting the proposed addition to Section 9.1.1. Exemptions of the County Code.

General discussion ensued.

**(RESOLUTION #16-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing the proposed addition to Section 9.1.1. Exemptions of the County Code as presented.

MOTION BY: Russ Johnson

SECONDED BY: Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**WALLACE CAMPBELL/WATER & SEWER EXTENSION REQUEST**

Neil Holthouser, Director of Planning and Community Development, shared with the Board a request Mr. Wallace L. Campbell is requesting approval from Franklin County to allow water and sewer extensions to a ±49-acre site located on Power Line Road, identified as Tax-Parcel # 63-84. The property is located in the Rocky Mount Magisterial District in a non-zoned area of Franklin County. The property is currently undeveloped.

Mr. Campbell has submitted a request to the Town of Rocky Mount to extend municipal water and sewer services to the property. The request calls for water to be extended from Diamond Avenue (Route 820) to Power Line Road (Route 1012), for a distance of approximately 1,000 feet. The request calls for sewer to be extended from the Rocky Mount corporate limits at Furnace Creek, along an unnamed branch and crossing several privately-owned parcels, for a distance of approximately 2,500 feet.

On February 11, 2008, the Rocky Mount Town Council considered Mr. Campbell’s request and agreed to refer the request to Franklin County for further consideration. Extension of water and sewer utilities outside the Town’s corporate limits requires approval from the Franklin County Board of Supervisors.

**CONSIDERATIONS:**

Franklin County’s Comprehensive Plan designates this area as “Conservation Area/Steep Slopes greater than 25%.” The site features steeply-sloping terrain, and is located immediately adjacent to a state-owned nature preserve. The site is located in an unzoned area of Franklin County. Site development is controlled primarily through the County’s subdivision ordinance.

Staff met with Mr. Campbell and his representative, Mr. Phil Nester, on March 21, 2008, to discuss the utility extension request. Although staff generally supports the development of new neighborhoods with public utilities, staff expressed concerns about the development of this particular property with public water and sewer. The subject property is located near the western terminus of Diamond Avenue, which serves as the only means of access to the area. Diamond Avenue crosses a creek with a wood-plank bridge, and crosses a railroad line with a steep at-grade crossing. Staff is concerned that access to the subject property may be limited by rail traffic and periodic flooding. Trains occasionally stop along the tracks, blocking access to the area for extended periods of time. Rail traffic and periodic flooding could pose significant risks to the population in the event of emergencies.

According to the County’s subdivision ordinance, the subject property could be developed by-right with wells and septic fields, with a minimum lot size of 35,000 square feet and minimum road frontage of 125 feet. With public water OR public sewer, the subdivision ordinance allows for a minimum lot size of 15,000 square feet with a minimum road frontage of 100 feet. With public water AND public sewer, the subdivision ordinance allows for a minimum lot size of 7,500 square feet with a minimum road frontage of 75 feet. The table below summarizes the anticipated lot yield under the various development scenarios:

	Develop with well & septic	Develop with public water OR sewer	Develop with public water AND sewer
Minimum lot size	35,000 sq. ft.	15,000 sq. ft.	7,500 sq. ft.
Minimum road frontage per lot	125 feet	100 feet	75 feet
Net developable area (assume 25% of gross area needed for roads,	36.75 acres	36.75 acres	36.75 acres

infrastructure)			
Theoretical lot yield (net developable area divided by min. lot size)	45 lots	106 lots	213 lots
Mitigating factors affecting lot yield	Steep slopes; suitable well sites; suitable drainfield sites; road configuration; required road frontage.	Steep slopes; suitable well or drainfield sites; road configuration; required road frontage.	Steep slopes; road configuration; required road frontage.
Anticipated lot yield	41 lots (applicant's estimate)	70 + lots	120+ lots

Staff informed the applicant that, due to significant public health and safety concerns, it could not support any additional density for this site beyond the by-right standard (i.e. well & septic development.) Staff encouraged the applicant to prepare alternate concept plans for the site, showing how it might be developed under both the by-right (well & septic) and public utility scenarios.

#### **NEW INFORMATION SINCE APRIL 15, 2008**

The applicant presented his request to the Board of Supervisors on April 15, 2008. The Board deferred action until its May 20, 2008, meeting, in order to allow the applicant time to revise his concept plan. Specifically, the Board requested that the applicant consider a "cluster" approach which would concentrate residential lots on less-steep areas of the property, and preserve open space on steeper slopes and in areas bordering the state nature preserve.

The applicant has submitted a revised concept plan, dated April 24, 2008 and entitled "Preliminary Concept Wallace Campbell." This revised plan calls for the extension of public water and sewer to the property, and includes a total of 57 residential lots. According to the concept plan, each lot would have a minimum area of 15,000 square feet, and a minimum road frontage (width) of 100 feet. The concept plan does not call for the clustering or concentration of residential lots; however, the plan does show one(1) large lot located at the northwest corner of the property, with slopes in excess of 16-percent. The applicant has expressed a desire to retain larger lot sizes, rather than clustering with smaller lots and dedication of common open space, for reasons of marketability.

#### **RECOMMENDATION:**

Staff offers the following potential actions for the Board's consideration:

1. DENY the request for water and sewer utility extension.
2. APPROVE the request for water extension only.
3. APPROVE the request for sewer extension only.
4. APPROVE the request for water and sewer extension and connection to Town of Rocky Mount Utilities conditioned upon:
  - i. Substantial Conformance with the Preliminary Concept Plan dated April 24, 2008 showing 57 lots for Tax Parcel 63-84
  - ii. That the property be developed for single family dwelling unit use only and not more than 57 single family dwelling units may be placed on the property, parcel # 63-84, nor more than 57 total combination "taps" be made for water and sewer connections
  - iii. Approval shall not be construed as granting any other property, other than the subject of this request, the right to connect to Town of Rocky Mount Utilities (water and sewer).

Phil Nester, representing Wallace Campbell presented his client's request with a reduction in lots than previously submitted for consideration.

General discussion ensued.

**(RESOLUTION #17-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the request for water and sewer extension and connection to Town of Rocky Mount Utilities conditioned upon:

- ❖ Substantial Conformance with the Preliminary Concept Plan dated April 24, 2008 showing 57 lots for Tax Parcel 63-84
- ❖ That the property be developed for single family dwelling unit use only and not more than 57 single family dwelling units may be placed on the property, parcel # 63-84, nor more than 57 total combination "taps" be made for water and sewer connections
- ❖ Approval shall not be construed as granting any other property, other than the subject of this request, the right to connect to Town of Rocky Mount Utilities (water and sewer).

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Cundiff, Angell, Thompson & Wagner

NAYS: Hurt & Johnson

THE MOTION PASSES WITH A 5-2 VOTE.

\*\*\*\*\*

**SML MARINE FIRE/RESCUE BOAT**

Daryl Hatcher, Director of Public Safety, presented to the Board a request to purchase marine fire apparatus between the Franklin County Public Safety Department and Smith Mountain Lake Marine Volunteer Fire Rescue Company. Mr. Hatcher stated fire protection is a priority and the Marine Fire Company is an important part of our plan. In recognition of the funds provided to assist with the purchase of a marine fire apparatus, Franklin County and the Smith Mountain Lake Marine Fire & Rescue Company agree that:

1. Franklin County must guarantee the components of the system remain in place, as such the County of Franklin will be named as a co-owner on the title to the vessel.
2. The Smith Mountain Lake Marine Fire & Rescue Company will extend the ISO coverage on Smith Mountain Lake into areas of Franklin County that are not currently located in the lower ISO rating area.
3. The apparatus in which the County of Franklin has an interest, will be moored in Franklin County.
4. Apparatus purchased with funds from Franklin County will be equipped according to NFPA equipment standards.
5. The apparatus will be fully insured against loss at all times that it is in operation or moored. This policy will name the County of Franklin as a beneficiary up to the amount awarded for the initial purchase.

In recognition of the conditions stated in the proposed letter of agreement, Mr. Hatcher asked the County of Franklin to allocate funds in the amount of \$150,000, over two budget years, which begin with the FY 08-09 budget. These funds will be used by the Smith Mountain Lake Marine Fire & Rescue Company to assist with the purchase of a marine fire fighting apparatus that meet the conditions previously outlined.

**(RESOLUTION #18-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the request with the submitted 5 conditions and to house the boat to serve Franklin County immediately/within a 5 mile radius with \$150,000 (\$75,000/2 year) allocated for FY 08-09 & FY 09-10.

MOTION BY: Russ Johnson

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

**CLOSED MEETING****(RESOLUTION #19-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-3, Acquisition of Land, and a-5, Discussion of a Prospective New Business or Industry, of the Code of Virginia, as amended.

MOTION BY: David Hurt

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

MOTION: David Cundiff  
 SECOND: Wayne Angell  
 WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

**RESOLUTION: #20-05-2008**  
 MEETING DATE May 20<sup>th</sup>, 2008

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

**Mr. David Hurt excused himself from the closed meeting.**

AYES: Mitchell, Cundiff, Angell, Johnson, Thompson & Wagner

NAYS: NONE

ABSENT DURING VOTE: Hurt

ABSENT DURING CLOSED MEETING: HURT

\*\*\*\*\*

Call To Order, Chairman Charles Wagner and Recess Thereafter for the Previously Advertised Public Hearings:

**PUBLIC HEARING NOTICE**

The Franklin County Board of Supervisors will hold the following public hearing on **Tuesday, May 20<sup>th</sup>, 2008 @ approximately 6:00 P.M.**, in the Board of Supervisors Meeting Room, Franklin County Courthouse, Rocky Mount, Virginia.

The proposed public hearing will be held to receive public comment on a request made by Franklin County Perinatal Educational Center to receive exemption from **taxation on real estate and personal property** owned by Franklin County Perinatal Educational Center. The estimated assessed value for the following property is as follows:

MAP NUMBER	DESCRIPTION	LAND VALUE	TOTAL TAX DUE
207.00-712.00	.226 acres	\$ 59,100.00	
	(Building Value)	\$130,300.00	
<b>TOTAL:</b>		\$189,400.00@\$ .46/\$100	<b>\$ 871.24*</b>
<b>Personal Property</b>		\$7,825.00@\$1.89/\$100	<b>\$ 147.89**</b>
<b>GRAND TOTAL:</b>			<b>\$1,019.13</b>

**\* & \*\* Adopted Real Estate and Personal Property Tax Rates**

Pursuant to Title 58.1-3651 of the Code of Virginia, this request is that such exemption should be categorized as charitable and benevolent.

Eric Ferguson, Attorney, Rhodes, Hutcherson & Stone presented the Perinatal Center's request for tax exemption for real estate and personal property tax rates. Mr. Ferguson requested the Board to also exempt the back taxes in about \$700.00 to be waived or rebated, if possible.

No one spoke for or against the proposed hearing.

\*\*\*\*\*

Chairman Wagner closed the public hearing.

**(RESOLUTION #21-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve exemption status for the Franklin County Education Services on real estate and personal property taxes going forward as advertised.

MOTION BY: Bobby Thompson

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

Request a letter from Franklin County Perinatal for seeking relief from back personal property and real estate taxes.

\*\*\*\*\*

Chairman Wagner recessed the meeting for the previously advertised public hearing.

#### **PUBLIC NOTICE**

The County of Franklin will hold a public hearing on **Tuesday, May 20<sup>th</sup>, 2008**, at approximately **6:00 p.m.**, in the Board of Supervisor's meeting room to consider granting two (2) easements to AEP for public utility easement across the following properties pursuant to Virginia Code 15.2-1800.

#### **Tax Map # 0330002301, which is owned by Franklin County AEP Easement Description (Scruggs Green Box Site)**

From the intersection of Route 616 (Scruggs Road) and Route 833 (Lovely Valley Road), the County of Franklin will grant a fifteen foot (15') wide utility easement on the south side of Scruggs Road and paralleling the VDOT right of way for a distance of seventy-five feet (75') northwest from said intersection. The purpose of said easement is to replace the existing 40' utility pole with a 65' utility pole. At no time should there be more than 2 poles in said easement. The pole location is shown on drawing number V-1912 and titled "Proposed Right of Way on the Property of the County of Franklin, VA".

#### **Tax Map # 0300006905, which is owned by Franklin County AEP Easement Description (Scruggs Road Park)**

The County of Franklin will grant a forty foot (40') easement along Route 616 (Scruggs Road) for the length of the property or approximately 964 feet more or less. The purpose of said easement is to place four (4) power poles in the easement as shown on drawing number V-1912 and titled "Proposed Right of Way on the Property of the County of Franklin, VA".

The purpose of these utility easements will be to provide upgraded electric transmission service in the Smith Mountain Lake area of the County.

Larry Moore, Assistant County Administrator, presented the petitioner's request. Mr. Moore stated the green box site easement would be the only easement to be heard tonight. AEP withdrew their earlier request for the Scruggs Road Park.

No one spoke for or against the proposed public hearing.

Chairman Wagner closed the public hearing.

#### **(RESOLUTION #22-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to grant the previously advertised public hearing for:

#### **Tax Map # 0330002301, which is owned by Franklin County AEP Easement Description (Scruggs Green Box Site)**

From the intersection of Route 616 (Scruggs Road) and Route 833 (Lovely Valley Road), the County of Franklin will grant a fifteen foot (15') wide utility easement on the south side of Scruggs Road and paralleling the VDOT right of way for a distance of seventy-five feet (75') northwest from said intersection. The purpose of said easement is to replace the existing 40' utility pole with a 65' utility pole. At no time should there be more than 2 poles in said easement. The pole location is shown on drawing number V-1912 and titled "Proposed Right of Way on the Property of the County of Franklin, VA".

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

#### ***APPOINTMENTS: (Term Expires 6/30/2008)***

- Planning Commission (4-Year Term)
  - ❖ Blackwater District
- Social Services (4-Year Term)
  - ❖ Boone District
  - ❖ Rocky Mount
- Transportation Safety Commission
  - ❖ Greg Austin (Sheriff's Dept. Representative)

**(RESOLUTION #23-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Pat Strike, Boone District with said term to expire June 30, 2012 to the Social Services Board.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

**(RESOLUTION #24-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Greg Austin to the Transportation Safety Commission to represent the Sheriff's Department.

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

**PROPOSED AGRICULTURE COMPLEX RESOLUTION**

David Cundiff, Supervisor, Union Hall District, shared with the Board a proposed Regional Agricultural Complex. Mr. Cundiff stated the complex will seek to serve as a regional hub for high-quality agricultural events and products. Facilities will be included to support a farmers market, livestock center, educational and meeting spaces, as well as a covered arena for events such as equine and viticulture shows and competitions to support and enhance regional tourism efforts. Once complete the center will assist several agribusiness sectors and create a local clearinghouse for technical assistance. Mr. Cundiff offered the following resolution for Board review and consideration:

**VIRGINIA:** At the regular meeting of the Pittsylvania County Agricultural Development Board on Thursday, December 20, 2007, in Chatham, Virginia, the following resolution was presented and adopted:

WHEREAS, the Pittsylvania County Farm Bureau Federation has purchase fifteen (15) acres on U. S. Route 29, with the ability to expand the size of the site, to build a new office adjoining a regional agricultural complex, and

WHEREAS, the Farm Bureau Federation has applied to the Tobacco Indemnification and Community Revitalization Commission for funding for Phase I to complete the preliminary engineering and to clear the site and start a foundation, and

WHEREAS, the Farm Bureau Federation has set up the Tax Exempt 501(c)5 Organization to assist in funding, building, and operating the proposed regional agricultural complex to provide an economic driver for the Counties of Bedford, Campbell, Henry, Halifax, Franklin, Pittsylvania, and other Counties, and

WHEREAS, this regional Agricultural Complex is designed to support a centralized facility to increase the value added functions of agricultural marketing, agri-tourism, equestrian and vintry, which meets the vision and mission of the Pittsylvania County Agricultural Development Board, then

BE IT HEREBY RESOLVED, that the Pittsylvania County Agricultural Development Board supports this regional Agricultural Complex Project, recommending it to the Franklin County Board of Supervisors, that this project be developed as a regional partnership and

BE IT FURTHER RESOLVED, that the Pittsylvania County Agricultural Development Board respectfully request the Franklin County Board of Supervisors adopt the guidelines and funding to enhance the partnership and development of the regional Agricultural Complex.

**(RESOLUTION #25-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the aforementioned resolution as submitted with no local funds allocated.

MOTION BY: David Cundiff

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

**SAGO DUMPSTER SITE**

Leland Mitchell, Snow Creek District Supervisor, thanked the Board for their help in the completion of the dumpster site in the Sago Community. Mr. Mitchell stated the project should be complete within a couple of days and the community is very thankful.

\*\*\*\*\*

**FRANKLIN COUNTY FLAG**

Russ Johnson, Gills Creek District, stated the Board needed a County flag. Mr. Johnson asked the Board to support the design and development of a County flag to display at the VACO meeting in November. The Board concurred with the request.

\*\*\*\*\*

**220 CORRIDOR STUDY**

Neil Holthouser, Director of Planning & Community Development, advised the Board the Planning Commission held a work session on May 13, 2008, concerning the 220 Corridor Study. Staff presented a PowerPoint presentation to the Planning Commission to discuss transportation patterns, proposed future land use changes, corridor character, access management, and right-of-way design.

Planning Commission directed staff to finalizing corridor character, access management, and right-of-way design for each segment of the corridor for their discussion, review, and approval. A work session is scheduled for Tuesday, June 10, 2008 to discuss and finalize the components listed above.

Mr. Holthouser presented the following PowerPoint presentation:

Route  
**220**  
Corridor Study  
Franklin County Planning Commission  
May 13, 2008

1

**Introduction**

- Franklin County has entered into an agreement with Western Virginia Water Authority to bring a “trunk” water line down the Route 220 corridor.
- As a requirement of STAGG grant, the County must adopt a corridor plan to address potential growth associated with the water line.
- The Board of Supervisors has charged the Planning Commission with developing a draft **Route 220 Corridor Study** to address land use, transportation, access management, and design issues.

2

## Introduction

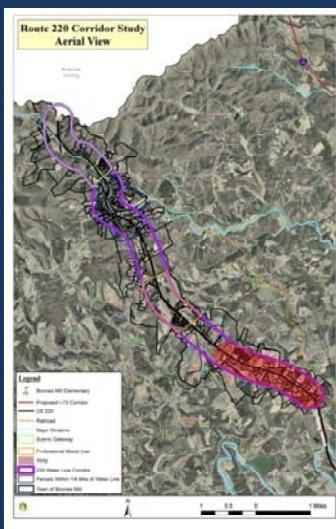
**220**  
Route 220 Corridor Study

- The **Route 220 Corridor Study** area extends from the Roanoke County line south to Iron Ridge Road (Route 775). The study area encompasses a ¼-mile buffer on each side of the highway.
- It is anticipated that, once adopted by the Board, the **Study** will also be incorporated into the County's Comprehensive Plan.
- It is anticipated that **Study** will lead to the development of an overlay zoning district(s) along the 220 corridor.

3

## Introduction

**220**  
Route 220 Corridor Study



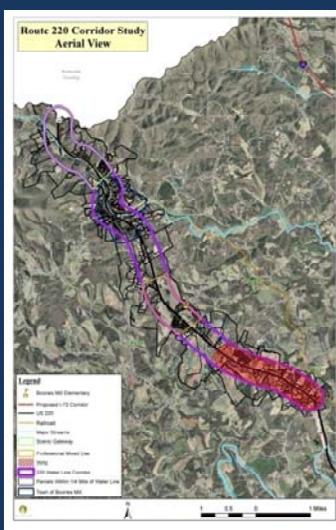
The Planning Commission has recommended that the **Study** analyze five distinct segments within the Route 220 corridor:

- Scenic Gateway
- Grassy Hill
- Professional Mixed Use
- Agricultural / Low Density
- Wirtz

4

## Introduction

**220**  
Route 220 Corridor Study



For each of these segments, the **Study** will address the following topics:

- Transportation
- Future Land Use
- Corridor Character
- Access Management
- Right-of-Way Design

5

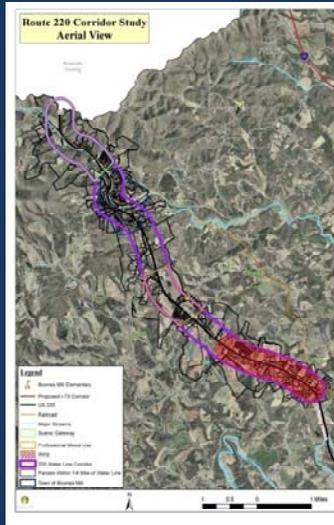
## Transportation

### 220 Route 220 Corridor Study

Route 220 is Franklin County's primary transportation artery.

220 serves as an important commuter corridor, linking Franklin County residents to jobs in the Roanoke Valley.

220 is also vital in the County's efforts to attract more jobs here at home.



6

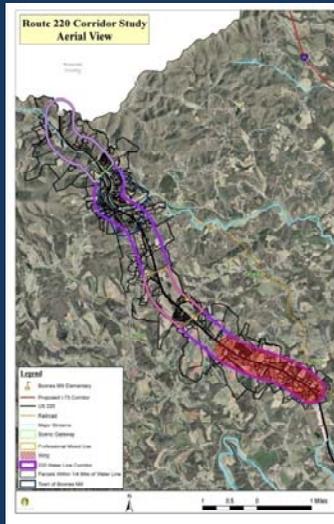
## Transportation

### 220 Route 220 Corridor Study

The vehicle carrying capacity of Route 220 is ultimately limited.

Capacity is absorbed by new development here, but also by new development in neighboring jurisdictions.

How will Franklin County use the available capacity to maximum benefit? How will we mitigate negative impacts of additional traffic?



7

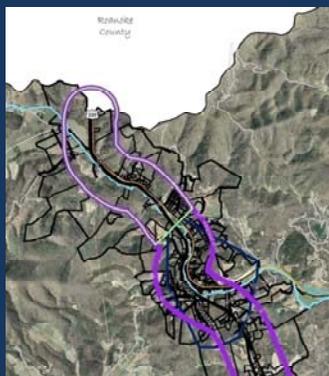
## Transportation

### 220 Route 220 Corridor Study

Current average daily vehicle counts within the **Study** area are as follows:

Roanoke County line to north Boones Mill town limits:

**@ 24,000**



Roanoke County line to north Boones Mill town limits

8

## Transportation

### 220 Route 220 Corridor Study

Current average daily vehicle counts within the **Study** area are as follows:

Through the Town of Boones Mill:

**@ 23,000**

**Implication:** 1,000 vehicles enter Rt. 220 northbound, or exit Rt. 220 southbound, at Boones Mill



Boones Mill town limits

## Transportation

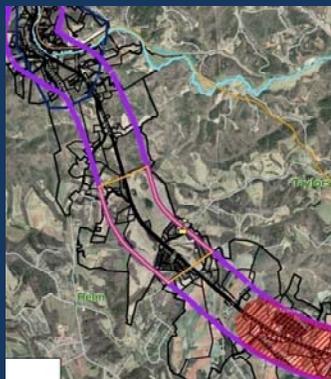
### 220 Route 220 Corridor Study

Current average daily vehicle counts within the **Study** area are as follows:

South Boones Mill town limits to Brick Church Road :

**@ 23,000**

**Implication:** Few "local" vehicles entering or exiting Rt. 220 between Boones Mill and Brick Church Road



South Boones Mill town limits to Brick Church Road

## Transportation

### 220 Route 220 Corridor Study

Current average daily vehicle counts within the **Study** area are as follows:

Brick Church Road to north Rocky Mount town limits:

**@ 24,000**

**Implication:** 1,000 vehicles enter Rt. 220 southbound, or exit Rt. 220 northbound, at Wirtz area (Rt. 697; Plateau Plaza).



Brick Church Road to north Rocky Mount town limits

## Transportation

### 220 Route 220 Corridor Study

What do the average daily vehicle counts tell us about the existing capacity and daily usage of Route 220?

Most trips are “through-trips”

Negligible local traffic

Commuter corridor from Rocky Mount to Roanoke

Development in Roanoke / Roanoke Co. is driving traffic demand



12

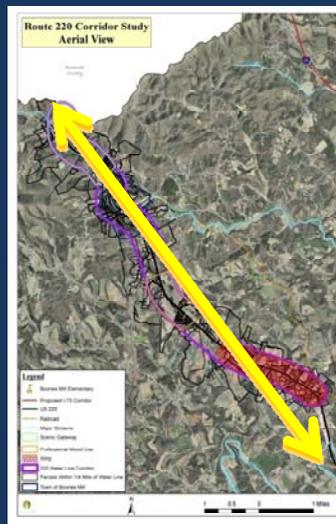
## Transportation

### 220 Route 220 Corridor Study

What do the average daily vehicle counts tell us about the existing capacity and daily usage of Route 220?

Franklin County faces a choice:

- 1) Continue serving as a commuter corridor, capturing dollars from passing traffic; or
- 2) Use the available capacity of 220 to grow local jobs, housing and economic development; requires new approach to land use.



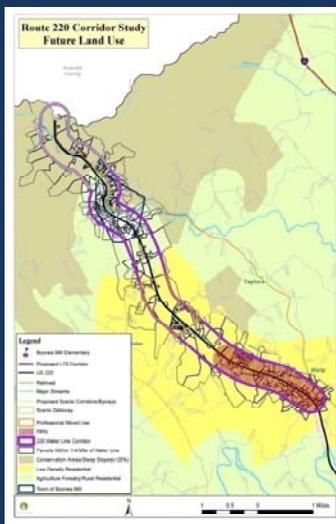
13

## Future Land Use

### 220 Route 220 Corridor Study

The 2025 Comprehensive Plan identifies the following future land use categories within the **Study** area:

- Conservation Areas / Steep Slopes
- Agriculture Forestry / Rural Residential
- Low Density Residential
- Commercial Highway Corridor



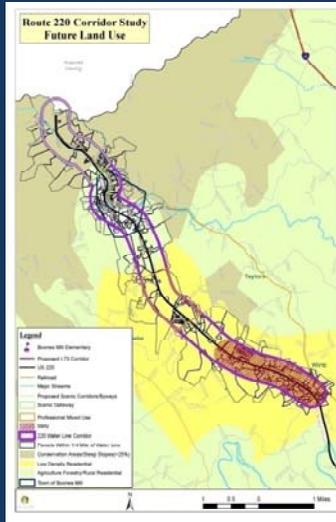
14

## Future Land Use

220  
Route 220 Corridor Study

According to the 2025 Plan, the following development patterns are anticipated in the future:

- Conservation Areas / Steep Slopes **limited development; preservation**
- Agriculture Forestry / Rural Residential **farms; large-lot single-family**
- Low Density Residential **1 to 2 dwelling units per acre**
- Commercial Highway Corridor **focused in nodes or villages**



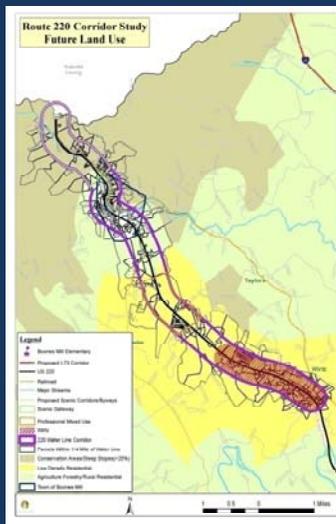
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## Future Land Use

220  
Route 220 Corridor Study

Once public water is available along Route 220, are these future land use categories still appropriate?

- Conservation Areas / Steep Slopes **limited development; preservation**
- Agriculture Forestry / Rural Residential **farms; large-lot single-family**
- Low Density Residential **1 to 2 dwelling units per acre**
- Commercial Highway Corridor **focused in nodes or villages**



16

## Future Land Use

220  
Route 220 Corridor Study

Once public water is available along Route 220, are these future land use categories still appropriate?

“**Scenic Gateway**” area is planned primarily for Conservation Areas / Steep Slopes. Limited development is anticipated due to topography and other physical constraints. What mechanisms are needed to conserve land and preserve scenic views?



Scenic Gateway

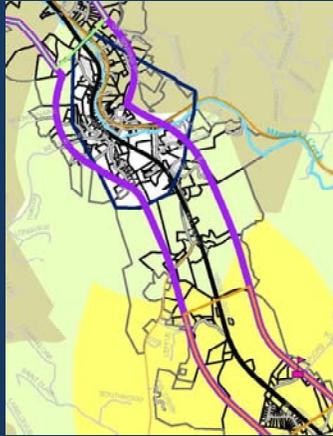
17

## Future Land Use

**220**  
Route 220 Corridor Study

Once public water is available along Route 220, are these future land use categories still appropriate?

**“Grassy Hill”** area is planned primarily for Agriculture / Rural Residential. According to the Comprehensive Plan, utilities are not expected in this area. Should higher residential densities be permitted around Boones Mill? Should public water be extended for new subdivisions?



Grassy Hill

18

## Future Land Use

**220**  
Route 220 Corridor Study

Once public water is available along Route 220, are these future land use categories still appropriate?

**“Professional Mixed Use”** area is planned primarily for Low Density Residential, with an anticipated density of 1 to 2 dwelling units per acre. Will the population base be sufficient to demand professional mixed use? How will more intense development affect traffic and access?



Professional Mixed Use

19

## Future Land Use

**220**  
Route 220 Corridor Study

Once public water is available along Route 220, are these future land use categories still appropriate?

**“Agricultural / Low Density”** area is planned primarily for Low Density Residential. Given the existence of large parcels, is low-density residential the best use of the land? What will the market demand? How will development support the adjoining Professional Mixed Use area?



Agricultural / Low Density

20

## Future Land Use

**220**  
Route 220 Corridor Study

Once public water is available along Route 220, are these future land use categories still appropriate?

“Wirtz” area is planned primarily for Highway Commercial. These uses require high visibility and convenient access. How can we promote a thriving commercial node while simultaneously improving access management and eliminating sign clutter? Does this area need a “theme”?



Wirtz

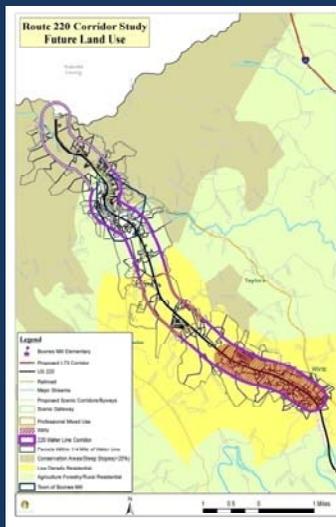
21

## Future Land Use

**220**  
Route 220 Corridor Study

The **220 Corridor Study** may result in recommendations to change the future land use pattern. Any changes should be adopted into the 2025 Comprehensive Plan as a Plan Amendment.

The Comprehensive Plan should be amended prior to adoption of any overlay zoning district(s).



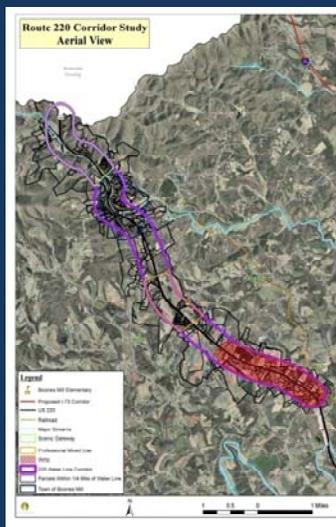
22

## Corridor Character

**220**  
Route 220 Corridor Study

Development along the 220 corridor is currently governed by the Zoning and Subdivision Ordinances.

The majority of land within the **Study** area is zoned A-1, with several R-1 residential subdivisions. Commercial developments near the Wirtz area are typically zoned B-2 or M-1. A Planned Commercial District (PCD) was approved in 2006 for “Orient Bay.”



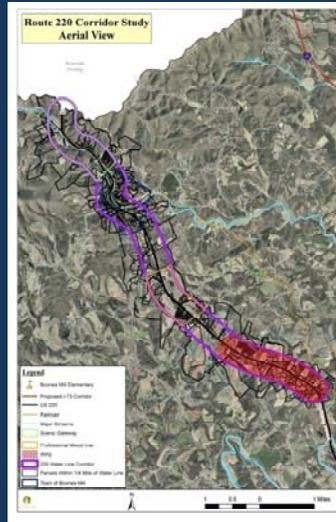
23

## Corridor Character

220  
Route 220 Corridor Study

Additional land use mechanisms may be needed to encourage compatible development, avoid visual clutter, control access, and preserve important views.

This is typically accomplished through the adoption of “overlay” zoning.



24

## Corridor Character

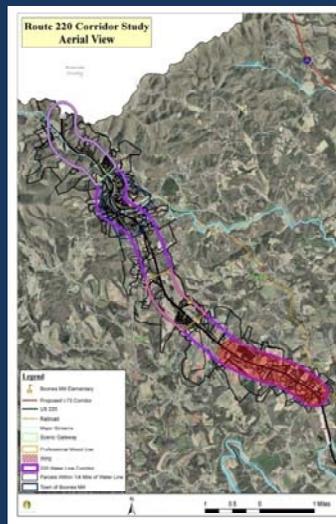
220  
Route 220 Corridor Study

Franklin County’s Zoning Ordinance currently contains the following overlay zoning districts:

Westlake Village Center District

Corridor Overlay District

Smith Mountain Lake Surface District



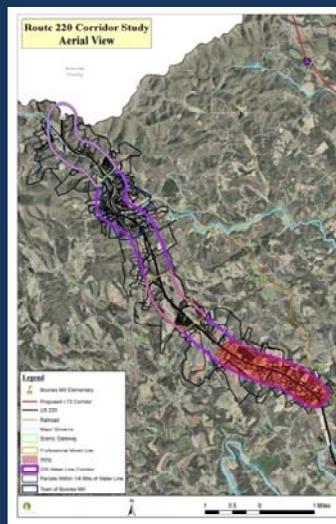
25

## Corridor Character

220  
Route 220 Corridor Study

Overlay zoning districts typically seek to manage the following:

- Signs
- Landscaping
- Building placement
- Parking configuration
- Buffers of adjoining uses
- Vehicular access



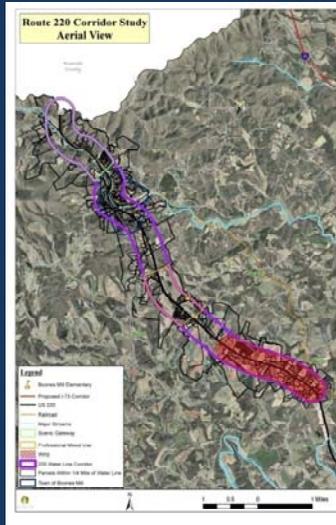
26

# Corridor Character

220  
Route 220 Corridor Study

Overlay zoning districts seek to transform the function and appearance of areas over time.

New developments are required to meet the overlay standards; non-conforming developments are grandfathered. Compliance is achieved over time through attrition.



27

# Corridor Character

220  
Route 220 Corridor Study



Example of Corridor Transformation

28

# Corridor Character

220  
Route 220 Corridor Study



Example of Corridor Transformation

29

## Corridor Character



EXISTING



PROPOSED



Example of Corridor Transformation

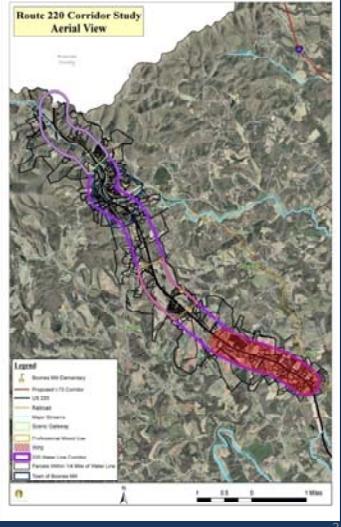
30

## Other Issues



In addition to Transportation, Future Land Use, and Corridor Character, the Study will also address:

- Access management**
- Right-of-Way Design**



31

Neil Holthouser advised the Board a target date to bring a multi-choice to the Planning Commission in June and schedule for public hearing for the Planning Commission in July and for the Board of Supervisors to conduct a public hearing in August.

It was the consensus of the Board for the 220 Corridor Study to be extended South along U.S. 220 from Iron Ridge Road unto the town limits of Rocky Mount. Furthermore, the Board noted future land use beyond the quarter mile of U.S. 220 should also be contemplated as the Corridor Study is completed.

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Chairman Wagner recessed the meeting for the previously advertised public hearing:

**PETITION** of the Franklin County Board of Supervisors to amend Chapter 25 of the Franklin County Zoning Ordinance, Article I, General Provisions, Division 3, Definitions, Section 25-40, Principal definitions of the Zoning Ordinance, to include definitions for “temporary construction headquarters” and “temporary events;” Article II, Basic Regulations, Division 4, Supplemental Regulations, Section 25-129, Temporary construction headquarters, yards, to require the issuance of a temporary land use permit for temporary construction headquarters; and Section 25-134, Temporary events sponsored by local nonprofit organizations, to establish standards for temporary events and to delete reference to sponsorship by local nonprofit organizations; Article III, District Regulations, Division 1, Agricultural District, A-1, Section 25-178, Permitted uses, to allow temporary construction headquarters and temporary events as permitted uses; and Section 25-179, Special use permits, to allow carnivals, circuses, fairs and other events lasting more than

ninety-six (96) hours but not more than four (4) months, with a special use permit; Division 2, Residential Estates District, RE, Section 25-192, Permitted uses, to allow temporary construction headquarters as a permitted use; and Section 25-193, Special use permits, to delete reference to temporary uses related to construction; Division 3, Residential Suburban Subdivision District, R-1, Section 25-222, Permitted uses, to allow temporary construction headquarters as a permitted use; and Section 25-223, Special use permits, to delete reference to temporary uses related to construction; Division 4, Residential Suburban Subdivision District, R-2, Section 25-235, Permitted uses, to allow temporary construction headquarters as a permitted use; and Section 25-236, Special use permits, to delete reference to temporary uses related to construction; Division 5, Residential Combined Subdivision District, RC-1, Section 25-267, Permitted uses, to allow temporary construction headquarters as a permitted use; and Section 25-268, Special use permits, to delete reference to temporary uses related to construction and temporary uses not lasting for more than four (4) months; Division 6, Residential Multifamily District, RMF, Section 25-280, Permitted uses, to allow temporary construction headquarters as a permitted use; and Section 25-281, Special use permits, to delete reference to temporary uses related to construction; Division 7, Residential Planned Unit Development District, RPD, Section 25-294, Permitted uses, to allow temporary construction headquarters and temporary events as permitted uses; and Section 25-295, Special use permits, to delete reference to temporary uses related to construction; Division 8, Business District, Limited, B-1, Section 25-317, Permitted uses, to allow temporary construction headquarters and temporary events as permitted uses; and Section 25-318, Special use permits, to delete reference to temporary uses related to construction; Division 9, Business District, General, B-2, Section 25-335, Permitted uses, to allow temporary construction headquarters and temporary uses as permitted uses; and Section 25-335, Special use permits, to allow carnivals, circuses, fairs and other events lasting more than ninety-six (96) hours but not more than four (4) months, with a special use permit; Division 10, Industrial District, Light Industry, M-1, Section 25-353, Permitted uses, to allow temporary construction headquarters and temporary events as permitted uses, and delete reference to temporary uses related to construction; Division 11, Industrial District, Heavy Industry, M-2, Section 25-372, Permitted uses, to allow temporary construction headquarters and temporary events as permitted uses, and to delete reference to temporary uses related to construction and temporary uses including circuses, fairs, shows, and carnivals; and Section 25-373, Special use permits, to allow carnivals, circuses, fairs and other events lasting more than ninety-six (96) hours but not more than four (4) months, with a special use permit. Temporary construction headquarters, where permitted, shall be subject to the requirements of Section 25-129 of the Zoning Ordinance. Temporary events, where permitted, shall be subject to Section 25-134 of the Zoning Ordinance. (Case # A 08-05-01)

**CHAPTER 25            ZONING**  
**ARTICLE I. GENERAL PROVISIONS**  
**DIVISION 3. DEFINITIONS**

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

The following definitions shall apply in the interpretation and enforcement of this chapter:

*Temporary construction facility.* A temporary building or structure designed, arranged and intended for the on-site management or oversight of construction or development activity.

Temporary construction facilities may also contain temporary storage yards for the purpose of storing equipment and materials which are needed for on-site construction or development.

*Temporary event.* An activity involving the gathering of people for entertainment or a common social purpose, which involves paid admission and takes place outdoors, and which may include public performance, amplified music or the sale of food or beverage.

**ARTICLE II. BASIC REGULATIONS**  
**DIVISION 4. SUPPLEMENTAL REGULATIONS**

Sec. 25-129. Temporary construction headquarters, yards ~~yards~~ **facilities**.

- (a) Temporary construction ~~headquarters may be located for a period not to exceed eighteen (18) months~~ **facilities, where permitted, shall require a temporary land use permit issued by the zoning administrator, and shall be subject to the conditions set forth below.**
- (b) **Any temporary** ~~Construction yards and headquarters~~ **facility** shall be located within the recorded subdivision it serves or on the same lot where the construction project is located.
- (c) All areas of such properties shall be maintained in such manner as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public right-of-way.

- (d) Buildings, materials, supplies and debris shall be completely removed from such property within sixty (60) days from the date of completion of the last building to be constructed or within sixty (60) days from the date active construction is discontinued, whichever occurs first.
- (e) Any temporary land use permit issued by the zoning administrator for temporary construction facilities shall be valid for an initial period not to exceed twenty-four (24) months. Thereafter, the zoning administrator may renew the temporary land use permit on an annual basis.

**Sec. 25-134. Temporary events sponsored by local nonprofit organizations.**

~~This section is reserved for future use.~~

- (a) Temporary events, where permitted, shall require a temporary land use permit issued by the zoning administrator, subject to the conditions set forth below.
- (b) The applicant shall submit information indicating the individuals and/or parties sponsoring the event, the nature of the event, the type of entertainment scheduled, the total estimated number of people expected to attend the event, the estimated number of people expected to attend the event per day, and the dates for which the temporary land use permit is requested.
- (c) The applicant shall provide a detailed plan for event parking and parking management. Parking shall be required in a ratio of one hundred (100) square feet of land area per person, based on the estimated number of people expected to attend the event per day. Land area required for parking shall be less than twelve (12) percent in slope, and shall be cleared or unconstrained by trees, buildings, structures or other impediments to parking.
- (d) The applicant shall provide a detailed plan for adequate medical facilities, fire protection, and security of the event site. Such plan must be reviewed and approved by the Franklin County Department of Public Safety prior to issuance by the zoning administrator of a temporary land use permit.
- (e) The applicant shall provide a detailed plan for adequate sanitation facilities, garbage and trash collection and disposal, and on-site facilities for providing food, water, or lodging for persons attending the event. Such plan must be reviewed and approved by the Franklin County Department of Health prior to issuance by the zoning administrator of a temporary land use permit.
- (f) The applicant shall provide a detailed plan for off-site traffic control and circulation to provide safe ingress and egress to the event without burdening the existing road network or substantially disrupting the normal flow of traffic. Such plan shall be reviewed and approved by the Franklin County Sheriff's Office prior to issuance by the zoning administrator of a temporary land use permit.
- (g) Any lighting installed for the event shall be directed away from adjoining properties and public rights-of-way, and shall not exceed one (1) foot candle as measured at the property line.
- (h) Temporary events shall require a minimum land area of one (1) acre.
- (i) Temporary events shall be limited in duration to not more than ninety-six (96) hours. Events lasting more than ninety-six (96) hours shall not be classified as temporary events.
- (j) Events with an estimated daily attendance of three hundred (300) persons or less shall be exempt from the requirements of this section.

**ARTICLE III. DISTRICT REGULATIONS  
DIVISION 1. AGRICULTURAL DISTRICT (A-1)**

**Sec. 25-178. Permitted uses.**

Within the Agricultural District (A-1) the following uses are permitted:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

**Temporary events, subject to the requirements of Sec. 25-134**

Sec. 25-179. Special use permits.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

~~Carnivals.~~

**Carnivals, circuses, fairs and other events lasting more than ninety-six (96) hours but less than four (4) months.**

~~Circuses.~~

~~Fairs.~~

~~Temporary uses—Circuses, fairs, shows, carnivals, not more than four (4) months' duration.~~

#### **DIVISION 2. RESIDENTIAL ESTATES DISTRICT (RE)**

Sec. 25-192. Permitted uses.

Within the Residential Estates District (RE), structures to be erected or land to be used shall be permitted for one (1) of the following uses:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

Sec. 25-193. Special use permits.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

~~Temporary uses—Construction, including temporary buildings and portable buildings (time may be limited by the county.)~~

#### **DIVISION 3. RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT (R-1)**

Sec. 25-222. Permitted uses.

Within the Residential Suburban Subdivision District (R-1), structures to be erected or land to be used shall be permitted for one (1) of the following uses:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

Sec. 25-223. Special use permits.

(a) The following uses shall be permitted only by special use permit approved by the Franklin County Board of Supervisors:

~~Temporary uses, construction activity, including temporary buildings, portable buildings (uses may be limited by the county as to time.)~~

#### **DIVISION 4. RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT (R-2)**

Sec. 25-235. Permitted uses.

Within the Residential Suburban Subdivision District (R-2), structures to be erected or land to be used shall be permitted for one (1) of the following uses:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

Sec. 25-236. Special use permits.

(a) The following uses shall be permitted only by special use permit approved by the Franklin County Board of Supervisors:

~~Temporary uses, construction activity, including temporary buildings, portable buildings (these uses may be limited by the county as to time.)~~

#### **DIVISION 5. RESIDENTIAL COMBINED SUBDIVISION DISTRICT (RC-1)**

Sec. 25-267. Permitted uses.

Within the Residential Combined Subdivision District (RC-1), the following uses are permitted:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

Sec. 25-268. Special use permits.

(a) The following uses shall be permitted only by special use permits approved by the board of supervisors:

~~Temporary uses, construction activity, including temporary buildings, portable buildings (the county may limit use in terms of duration.)~~

~~Temporary uses, uses not lasting more than four (4) months.~~

#### **DIVISION 6. RESIDENTIAL MULTIFAMILY DISTRICT (RMF)**

Sec. 25-280. Permitted uses.

Within the Residential Multifamily District (RMF), the following uses are permitted:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

Sec. 25-281. Special use permits.

The following uses shall be permitted only be special use permit approved by the Franklin County Board of Supervisors:

~~Temporary uses, construction activity, including temporary buildings, portable buildings (these uses may be limited by the county as to time.)~~

#### **DIVISION 7. RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT (RPD)**

Sec. 25-294. Permitted uses.

Within the Residential Planned Unit Development District (RPD), the following uses are permitted:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

**Temporary events, subject to the requirements of Sec. 25-134**

Sec. 25-295. Special use permits.

The following uses shall be permitted only by special use permits approved by the Franklin County Board of Supervisors:

~~Temporary uses, construction activity, including temporary buildings, portable buildings (these uses may be limited by the county as to time.)~~

#### **DIVISION 8. BUSINESS DISTRICT, LIMITED (B-1)**

Sec. 25-317. Permitted uses.

Within the Limited Business District (B-1), the following uses are permitted:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

**Temporary events, subject to the requirements of Sec. 25-134**

Sec. 25-318. Special use permit.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

~~Temporary areas, construction activity, including temporary buildings, portable buildings (these uses may be limited by the county as to time.)~~

#### **DIVISION 9. BUSINESS DISTRICT, GENERAL (B-2)**

Sec. 25-335. Permitted uses.

Within the General Business District (B-2), the following uses are permitted:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

**Temporary events, subject to the requirements of Sec. 25-134**

~~Temporary uses, construction activity, including temporary buildings, portable buildings (these uses may be limited by the county as to time.)~~

Sec. 25-336. Special use permits.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

~~Carnivals.~~

**Carnivals, circuses, fairs and other events lasting more than ninety-six (96) hours but less than four (4) months.**

~~Circuses.~~

~~Fairs.~~

#### **DIVISION 10. INDUSTRIAL DISTRICT (M-1) – LIGHT INDUSTRY**

Sec. 25-353. Permitted uses.

Within the Light Industry Industrial District (M-1), the following uses are permitted:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

**Temporary events, subject to the requirements of Sec. 25-134**

~~Temporary uses, construction activity, including temporary buildings, portable buildings (these uses may be limited by the county as to time.)~~

#### **DIVISION 11. INDUSTRIAL DISTRICT (M-2) – HEAVY INDUSTRY**

Sec. 25-372. Permitted uses.

Within the Heavy Industry Industrial District (M-2), the following uses are permitted:

**Temporary construction facilities, subject to the requirements of Sec. 25-129**

**Temporary events, subject to the requirements of Sec. 25-134**

~~Temporary uses, construction activity, including temporary buildings, portable buildings (these uses may be limited by county as to time.)~~

~~Temporary uses, including circuses, fairs, shows, carnivals (limited to four (4) months' duration).~~

Sec. 25-373. Special use permits.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

**Carnivals, circuses, fairs and other events lasting more than ninety-six (96) hours but less than four (4) months.**

Vickie Gardner, Executive Director, SML Chamber of Commerce, supported the County's proposed amendment to Chapter 25 as advertised.

Phil Nester commended Mr. Holthouser with the proposed amendments and urged the Board's support.

Chairman Wagner closed the public hearing.

**(RESOLUTION #26-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the proposed amendments as advertised in general welfare and good zoning for temporary events.

MOTION BY: Russ Johnson

SECONDED BY: Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

**CLOSED MEETING**

**(RESOLUTION #27-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-3, Acquisition of Land, and a-5, Discussion of a Prospective New Business or Industry, of the Code of Virginia, as amended.

MOTION BY: David Hurt

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

MOTION: Leland Mitchell

SECOND: David Cundiff

**RESOLUTION: #28-05-2008**

MEETING DATE May 20<sup>th</sup>, 2008

WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

\*\*\*\*\*

**VA. WESTERN COMMUNITY COLLEGE BOARD APPOINTMENT**

**(RESOLUTION #29-05-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Larry D. Moore to serve on the Virginia Western Community College Board with said term to expire June 30<sup>th</sup>, 2012.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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Chairman Wagner adjourned the meeting.

\_\_\_\_\_  
CHARLES WAGNER  
CHAIRMAN

\_\_\_\_\_  
RICHARD E. HUFF, II  
COUNTY ADMINISTRATOR