

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, OCTOBER 21ST, 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

Chairman Charles Wagner called the meeting to order.

Invocation was given by Supervisor Bobby Thompson.

Pledge of Allegiance was led by Supervisor Leland Mitchell.

PUBLIC COMMENT:

Deborah Leonard, Administrative Assistant, Franklin Youth Center, stated she is working there as an Americorps Vista Volunteer. Americorps Vista is like the Peace Corps on a community level. Vista means Volunteers in service to America. I don't get paid a salary; I get a stipend, a living allowance if you will to compensate me for some of my time. In exchange I am on call for the Youth Center 24/7. And I took an oath to commit to this volunteering for a minimum of one year. I did this because I felt that there was a great need to help the youth of Franklin County.

The Youth Center was organized in 2004 by Michael Patterson of JP Designs and consists of a Director and a group of board members. It received non-profit status in 2005. Until a few months ago we were operating out of a one room building just up the street, now we are located a couple of miles out on Route 40 in a nice house across from Golden Eagle Vault Company.

The Youth Center's mission statement is as follows:

The Youth Center is committed and dedicated to working with the parent's educators and other professionals to provide a positive educational and recreational environment for our youth.

We plan to provide traditional after school tutoring and mentoring programs; to work with the juvenile court system, have activities schedule on high risk holidays such as Halloween, Christmas, News Year's Eve and Spring Break.

We have an Autumn Bash planned for this year from 6-8:30 p.m. at the American Legion Building for children of all ages.

In the near future we have the following events scheduled:
Cake Decorating, Obesity Awareness Class,
RAD (Rape Aggression and defense class for young women)
Diabetes Awareness
Great (Girls Respecting Each Other And Themselves)
Autumn Bash
Christmas party
Most of these are free programs.

We are also are planning on Opening a Child Care Center called "New Discoveries". Our building needs some renovations done to it before it can be up to code to open a child care center in it. We are asking local business for any type donations either monetary or building supplies to help renovate the building. We have a list of what we need if anyone would be interested in helping with the renovations or providing some of the building or electrical supplies.

We feel there is a great need in the community for affordable child care. Not everyone can afford traditional childcare.

We are also in need of volunteers. If anyone is interested in helping us with any talent or skill you have to bring to the table then call us at 483-8008.

In addition to the special events that we are having at the youth center we are in the planning stages of some fund raising projects that we be having in the near future so be watching or those and we hope that you will participate and that the Youth Center will have your support.

I will add that presently we are funded by the Roanoke Valley United Way, however, we aren't funded by the Rocky Mount United Way and if you or your neighbor would give them a call and request them to add us to their list of donations.

CONSENT AGENDA

APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – SEPTEMBER 16TH & 23RD, 2008

APPROPRIATIONS

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Public Safety	OEMS Grant	3505- 1002	2,142.00
Public Safety	Virginia Fire Programs Grant	30- 0147	116,840.00
Sheriff	Project Lifesaver Donation	3301- 5105	15,000.00
Sheriff	Dept of Criminal Justice Grant	1101- 3002	4,969.00
		Total	138,951.00

Transfers Between Departments

	Reduce Operating and Capital Budgets	
Board of Supervisors	for	(18,470)
County Administrator	local revenue budget revisions	(4,100)
Commissioner of Revenue		(29,979)
Finance		(4,000)
Risk Management		(17,687)
Information Technology		(43,056)
Circuit Court		(4,000)
Clerk of Court		(18,000)
Sheriff		(23,147)
Family Resources		(12,782)
Parks and Rec		(15,000)
Library		(35,000)
Planning		(21,500)
GIS		(11,052)
Economic Development		(25,000)
Franklin Center		(6,000)
BOS Contingency		(15,000)
Commerce Utilities		(30,000)
Debt Service Savings on 220 North Water Line		(35,000)
GIS Assessment Phase II and III		(36,000)
Document Imaging		(25,000)
Jail Visitation Area		(50,000)
Building Inspector Vehicle Replacement		(14,000)
Smith Mountain Lake Park Concession and Maintenance Building		(300,000)
Local Jail Planning		(100,000)
Franklin Center - Skills Analysis		(55,620)
Windy Gap Park		(79,645)
Operations Reserve		1,029,083

PAYMENT FOR FOREST FIRE CONTROL

For the past 20 years, The County has paid the Virginia Department of Forestry 5 cents per acre for forest fire protection in Franklin County. There are a total of 266,733 acres protected in the County.

A new rate of 7 cents per acre was signed into law by Governor Kaine this past March 4 - well after the County had completed their FY'08-09 budget process. The new rate will require an additional appropriation of \$5,335 which will be added to the \$13,337 already appropriated in the FY'08-09 adopted County budget for a total payment of \$18,672 in FY'08-09. The rate is scheduled to increase another 2 cents in FY'09-10 to 9 cents per acre.

RECOMMENDATION:

Staff respectfully requests the Board to appropriate an additional \$5,335 from the Board's operating contingency for payment to the Virginia Department of Forestry.

OUTDOOR OCCASION PERMIT/DON PALMER

Don W. Palmer, Owner & Operator of the Motorcycle event is requesting approval for his 2008 Annual Outdoor Occasion Permit for October 25 & 26, 2008. The submitted Outdoor Occasion Permit for Mr. Palmer is enclosed for your review and consideration.

All pertinent agencies per County Code Section 13-29.2 have signed off on the 2008 Outdoor Occasion Permit for Mr. Palmer.

Per County Code Section 13-29.4 the fee of \$100.00 has been remitted and deposited with the County Treasurer's Office.

RECOMMENDATION:

Staff request Board approval on the 2008 Outdoor Occasion Permit application as submitted per County Code Section 13-29.1.

COMMUNITY FACILITIES GRANT PROGRAM AWARD

In 2006, 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. A variety of community groups have used this funding to build and enhance community recreation amenities. Projects funded through the program include: Grassy Hill Natural Area Trail, Jamison Mill Park Site Improvements, GUP Field Rehabilitation and Restoration, Rocky Mount Elementary Playground for All, Antioch Community Park, and Henry Community Park.

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 unless the facility is being programmed for a special event or other activity sponsored by the facility's ownership/operational group of record. The applying groups must commit to maintain the facility in a safe and usable condition after the receipt of county funding support and/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.

The County advertised the first round of 2008 grants in August. The second round of grants will be advertised in February. The County has up to \$27,000 to distribute this fiscal year.

Two grant requests were received in the fall cycle:

- Glade Hill Elementary PTO - \$5,000 to refurbish walking track
- Franklin County Golf Foundation - \$5,000 to complete Preliminary Engineering Report for proposed Public Driving Range and Golf Instruction Facility

Staff reviewed the requested projects per the criteria adopted by the Board of Supervisors. Staff therefore recommends the following funding:

Group	Score	Project Specifics	Rec. Grant	Comments
Franklin County Golf Foundation	90	Complete PER for a Golf Range Facility in Waid Recreational Area. Study will include review of infrastructure needed to support the facility including capital cost projections for future fund raising.	\$5,000	\$2,000 in-kind services donated by Stone Engineering as the match. Private/public partnership elements and use of existing county park assets make this a good starting point for the golf project.
Glade Hill PTO	70	Refurbish track	\$0	Need further information on the match and project specifics from the PTO. Will meet with them and help prep for a submittal in the next grant round.

RECOMMENDATION:

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

RIGHT OF WAY ABANDONMENT FOR GLADE HILL SCHOOL

The Franklin County School Board is requesting that Route 9156 (30-foot right of way) as shown on VDOT Rocky Mount Residency drawing, dated October 10, 2008, and all VDOT right-of-way in association with the entrance to Glade Hill Elementary School be vacated to allow for additional parking and other necessary improvements along the existing VDOT right-of-way. VA Code allows for the vacation of recorded rights of way by the methods outlined in VA Code Section 33.1-151. The applicant has requested that the Franklin County Board of Supervisors vacate this right-of-way in accordance with Section 33.1-151 of the Code of VA which requires that the Board of Supervisors to provide the prescribed Notice of Intent to Abandon road by:

- Posting Notice at Courthouse or 3 places along the road to be abandoned, AND
- Publishing Notice in 2 issues of a local newspaper, AND
- Notifying the CTB/Commissioner or the proposed abandonment
- Hold a public hearing if requested by a citizen that uses the road, or the Commonwealth Transportation Board

No parties will be affected besides the School Board, as the existing secondary route serves only Glade Hill Elementary School.

RECOMMENDATION: In accordance with right-of-way vacation procedures, staff respectfully requests the Board schedule a public hearing for November 18, 2008, and enter into a resolution to post and publish the prescribed Notices of Intent to Abandon Route 9156 (30-foot right of way) as shown on VDOT Rocky Mount Residency drawing, dated October 10, 2008, and all VDOT right-of-way in association with the entrance to Glade Hill Elementary School. In addition, staff respectfully requests that the Board of Supervisors enter an order of abandonment in its minutes at the November 18, 2008 Board meeting.

RIGHT-OF-WAY ABANDONMENT FOR GLADE HILL SCHOOL PUBLIC HEARING

The Franklin County School Board is requesting that Route 9156 (30-foot right of way) as shown on VDOT Rocky Mount Residency drawing, dated October 10, 2008, and all VDOT right-of-way in association with the entrance to Glade Hill Elementary School be vacated to allow for additional parking and other necessary improvements along the existing VDOT right-of-way. VA

Code allows for the vacation of recorded rights of way by the methods outlined in VA Code Section 33.1-151. The applicant has requested that the Franklin County Board of Supervisors vacate this right-of-way in accordance with Section 33.1-151 of the Code of VA which requires that the Board of Supervisors to provide the prescribed Notice of Intent to Abandon road by:

- Posting Notice at Courthouse or 3 places along the road to be abandoned, AND
- Publishing Notice in 2 issues of a local newspaper, AND
- Notifying the CTB/Commissioner or the proposed abandonment
- Hold a public hearing if requested by a citizen that uses the road, or the Commonwealth Transportation Board

No parties will be affected besides the School Board, as the existing secondary route serves only Glade Hill Elementary School.

RECOMMENDATION:

In accordance with right-of-way vacation procedures, staff respectfully requests the Board schedule a public hearing for November 18, 2008, and enter into a resolution to post and publish the prescribed Notices of Intent to Abandon Route 9156 (30-foot right of way) as shown on VDOT Rocky Mount Residency drawing, dated October 10, 2008, and all VDOT right-of-way in association with the entrance to Glade Hill Elementary School. In addition, staff respectfully requests that the Board of Supervisors enter an order of abandonment in its minutes at the November 18, 2008 Board meeting.

VACO VOTING CREDENTIALS FOR THE ANNUAL BUSINESS MEETING

The 2008 Annual Business Meeting of the Virginia Association of Counties will be held on **Tuesday, November 11, 2008** from 10:30 a.m. to Noon. As you are aware, for Franklin County to be certified to vote at the Annual Business Meeting the submitted form or a Proxy Statement must be submitted to VACO by November 1st, 2008. Mr. Russ Johnson, Gills Creek District Supervisor, has confirmed, he will be in attendance and will represent Franklin County, should this be the desire of the Board.

Mr. Johnson stated he was unable to attend due to a scheduling conflict and the Board appointed Rick Huff to serve as the Board's voting representative during the VACO Annual Business meeting.

Supervisor Cundiff requested the Board to pull the Community Facilities Grant Program until later in the afternoon.

(RESOLUTION #01-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented above with the appointing edit addition of VACO Voting Representative/Rick Huff and to pull the Community Facilities Grant Program Award until later in the afternoon.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

Supervisor Cundiff and Scott Martin advised the Board John McKelvey has donated the labor for grading for the Glade Hill PTO project.

(RESOLUTION #02-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Community Facilities Grant Program as submitted.

MOTION BY: David Cundiff

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

VDOT – CLEMENTS MILL BRIDGE

Tony Handy, Resident Administrator, VDOT, presented the Board an update on Route 687 – Clements Mill Bridge Replacement Project:

State Project #: 0687-033-701 (UPC – 84934)

Description: Replace existing single lane structure, which is currently closed, with a new structure.

Current Advertisement Date: October 2013 (Federal Bridge Funding)

Current Estimate for Construction: Approximately \$1 Million

At the request of the County Administrator, the department reviewed the project funding and schedule to determine if the project could be accelerated. Given the schedule constraints, it appears that the soonest the project could be advertised would be November 2012. This would be possible only if the Board of Supervisor's made the project a top priority and was able to allocate sufficient funding for such an advertisement date.

Given the current and projected revenue shortfall in the Commonwealth of Virginia budget, it is not possible to accurately determine what the six year plan construction allocations will be in the future, or what stipulations the associated allocations may carry. Simply stated, we currently just do not know what impacts the shortfall will have on specific programs or projects. With that said, the following is a scenario using last years projected allocations, which most surely will be declining.

The Board of Supervisors could fund the project for a November 2012 advertisement date by:

- Listing the project as its number 1 priority (or at least one of its very top)
- Transferring \$350,000 from the Moorewood Road Project (this would correspond to the decrease in funding by changing the project from curb and gutter to shoulder ditch).
- Transfer all associated funding from the "Rural Rustic" projects that are not dedicated to unpaved roads.
- Approximately \$490,000 from previous unpaved road project allocations have been transferred to existing "Rural Rustic" projects currently in the plan. This should help minimize the need to wholesale delay all of the "Rural Rustic".

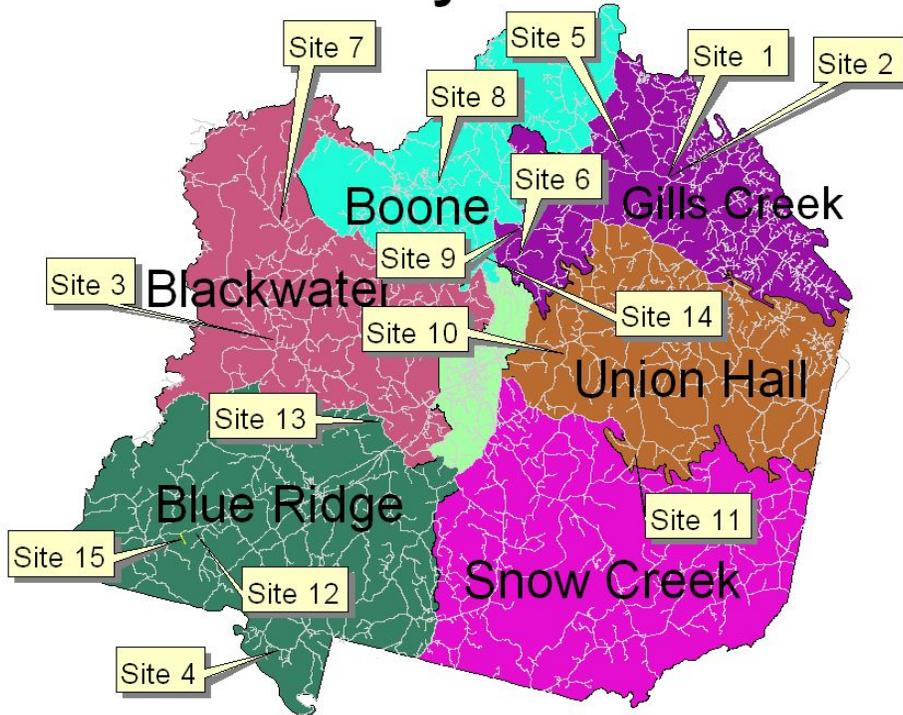
Keep in mind that currently there are Federal Bridge Funds programmed for years 2009-2014. Depending on what affect the Commonwealth's revenue shortfall has on those funds, there may be the ability to supplement the project with these funds during those years, thereby freeing up funds for other projects in the County Secondary Six Year Plan.

Even with the anticipated budget reductions, it appears safe to expect that the County could fund the bridge replacement with secondary funding with a November 2012 advertisement date. While the extent of cuts to construction allocations are not known, one would anticipate that there would be sufficient funding, so long as the BOS made the project a priority and was willing to delay funding of other projects to keep this project on schedule.

BRIDGE STRUCTURAL REPORT

Tony Handy, Resident Administrator, VDOT, presented the Board an update on Deficient Bridges in Franklin County as follows:

Franklin County Deficient Bridges



Site	Rte.	VA Str. #	Built	Length	Lanes	Road Width	ADT	Suff. Rtg.	Deck/Sup/Sub GCR	Posting	Maint. System	Area
1	122	1020	1942	217	2	24	5214		4 / 5 / 5	Unposted	Primary	Boone
Schedule structure for replacement in lieu of repairs due to narrow roadway, high traffic count, and poor condition												
2	122	1034	1946	255	2	26	6909	48.6	4 / 5 / 4	Unposted	Primary	Boone
Schedule structure for replacement due to narrow roadway, high traffic count and overall poor condition												
3	602	6422	1972	46	2	24	526	51.5	7 / 4 / 6	Unposted	Secondary	Blackwater
Replace with SS-7												
4	605	6011	1932	73	2	19.2	1004	38	6 / 5 / 5	18	Secondary	Blue Ridge
Complete replacement due to traffic volume and deteriorating substructure. Reduced weight limit prohibits truck traffic.												
5	634	6246	1961	18	2	18.9	444	32.9	6 / 4 / 5	16	Secondary	Boone
Recommend Complete Replacement												
6	635	6042	1932	35	2	19	941	28.3	6 / 4 / 6	19	Secondary	Boone
Replace superstructure - Possible replacement with box culvert.												
7	643	6057	1915	83	1	11.5	298	16.1	5 / 4 / 7	11	Secondary	Blackwater
Single Lane structure - low capacity, narrow width												
8	686	6289	1970	20	2	18.9	144	22.8	6 / 4 / 7	14	Secondary	Boone
Recommend replacement with SS-7												
9	687	6089	1929	129	1	11	N/A	0	4 / 3 / 4	0	Secondary	Boone / Giles Creek
CLEMENTS MILL STRUCTURE CLOSED ON 6/9/05 Narrow Bridge with historic buildings adjacent. Currently Funded for advertisement in 2013 - Federal Bridge Funds												
10	705	6463	1968	106	2	21.8	1102	47.1	8 / 5 / 4	Unposted	Secondary	Union Hall
Recommend structure replacement due to poor condition, in lieu of major substructure repair.												
11	718	6443	1932	171	2	18.7	591	18.4	4 / 4 / 5	17	Secondary	Union Hall
Structure is scheduled for replacement due to narrow roadway and overall poor condition. Bridge in Six Year Plan												
12	788	6338	1932	23	2	18.8	100	50.3	5 / 5 / 7	15	Secondary	Blue Ridge
Beam Loss Replace with SS-7												
13	927	6358	1956	102	1	15.2	284	26.2	7 / 4 / 7	10	Secondary	Blue Ridge
Single Lane structure - Over Railroad. Near intersection of 607 between Ferrum and Rocky Mount. Just off of 40.												
Other Bridges Noted In Review												
14	775	6183	1906	107	1	11	660	16.6	8 / 4 / 4	5	Secondary	Boone
Single Lane structure - Bridge maintained by NS Railroad												
15	892	6197	1932	102	1	11.5	1	19.9	8 / 5 / 7	4	Secondary	Blue Ridge
Single Lane Structure - Serves one property owner. Left in place after construction of 40 west of Rocky Mount												
	724	6109	1920	66	1	15	400	55.8	6 / 6 / 6	15	Secondary	Snow Creek
Single lane structure - old route 220 - between route 619 & route 220. Relatively good condition for age.												

TRAFFIC CALMING – SML COMMUNITY PARK

Tony Handy, Resident Administrator, VDOT, presented the Board an update on Traffic Calming – SML Community Park as follows:

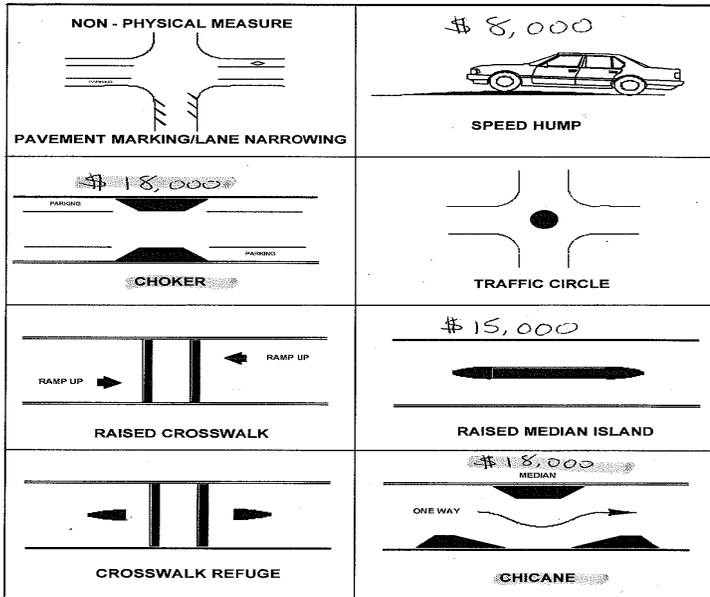
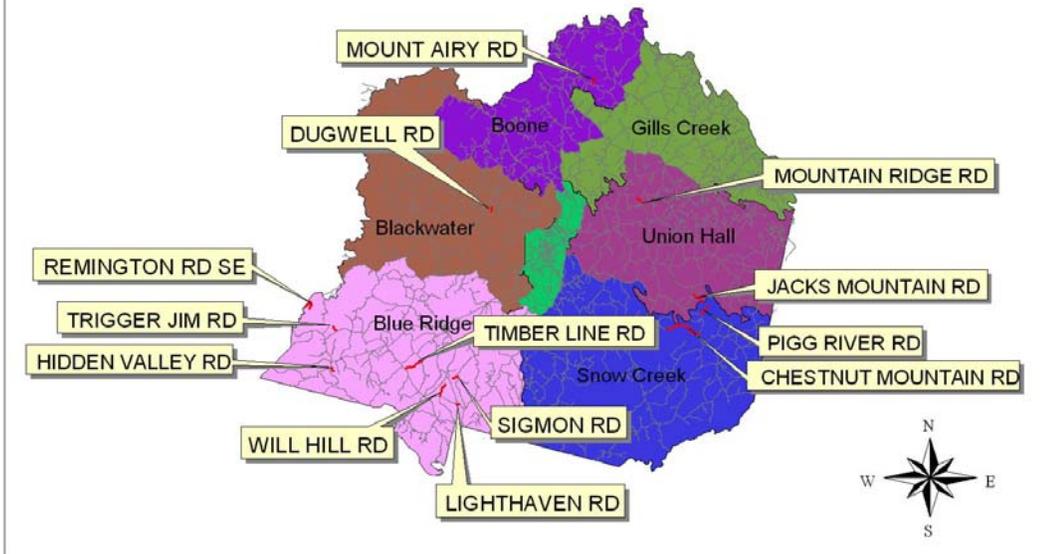


Figure 2. Typical Physical and Non-Physical Traffic Calming Measures

CLASS 4 ROAD REPORT

Tony Handy, Resident Administrator, VDOT, presented the Board an update on Class 4 Roads in Franklin County as follows:

Franklin County Class IV Roads



Mountain Ridge Road (Route 839) – Union Hall District

Length : 0.5 miles
 From : Greenhouse Road (Route 839/963)
 To : End State Maintenance
 Condition : Good Condition – We have placed millings and excess material on roadway and will continue to placing excess materials on roadway when available.

Pigg River Road (Route 673) – Snow Creek District

Length : 0.9 miles
 From : End of Pavement (1.1 miles N. Int. Route 673/646)
 To : Ford of Pigg River (connecting Jack's Mountain Road)
 Residence : None (Farm Hunting Land)
 Condition : Fair Condition – 2 small open fords and must ford Pigg River to continue onto Jack's Mountain Road (Route 673).

Jack's Mountain Road (Route 673) – Union Hall District

Length : 0.98 miles
 From : Ford of Pigg River (connecting Pigg River)
 To : 0.5 mi. S. Int. 662/673
 Residence : None – Farm Land - 12 lot subdivision "River View Acres" currently for sale
 Condition : Good Condition – We have placed millings and excess material on roadway and will continue to placing excess materials on roadway when available. Must ford Pigg River to continue onto Pigg River Road.

Chestnut Mountain Road (Route 715) – Snow Creek District

Length : 2.98 miles
 From : 0.73 mi. E. Fralins Road (Route 931)
 To : Truevine Road (Route 646)
 Residence : None (Farm & Hunting Land)
 Condition : Unimproved Road – Passable Condition – Recommend 4WD

Mount Airy Road (Route 635) – Boone District

Length : 0.6 miles
 From : 0.56 mi. E. Truman Hill Road (Route 678)
 To : 0.24 mi. W. Edwardsville Road (Route 680)
 Residence : None
 Condition : Unimproved Road – We do not currently maintain this section of Route 635. Several years back environmental issues were raised related to sediment loss from the open ford. Due to those issues we have currently stopped

maintenance of the road in an attempt to discourage use of the roadway to minimize crossing of the open ford. Recommend the BOS consider discontinuance of this section of road from the State Maintenance System.

Will Hill Road (Route 771) – Blue Ridge District

Length : 1.6 miles
 From : 0.74 mi. NE Lighthaven Road (Route 768)
 To : Prilliman Switch Road (Route 767)
 Residence : None (Mountainous Terrain)
 Condition : Unimproved Road – Sections of Road Impassable – We do not currently maintain this section of the roadway. Recommend the BOS consider discontinuance of this section of road from the State Maintenance System.

Timber Line Road (Route 865) – Blue Ridge District

Length : 1.3 miles
 From : Republican Church Road (Route 778)
 To : Henry Road (Route 605)
 Residence : 5 (five) residential – Cemetery – Farm Land
 Condition : Good Condition – Section in middle currently in Fair Condition, we will work to get that section in Good Condition.

Lighthaven Road (Route 768) – Blue Ridge District

Length : 0.2 miles
 From : Cannaday Road (Route 904)
 To : 0.2 mi. W. Cannaday Road (Route 904)
 Residence : One (1)
 Condition : Good Condition – Property owner placed stone.

Length : 1.1 miles
 From : 0.2 mi. W. Cannaday Road (Route 904)
 To : Will Hill Road (Route 771)
 Residence : None (Farm/Timber & Hunting Land)
 Condition : Unimproved Road – Passable with the exception of 0.5 mi. section starting at 0.2 mi W. Cannaday Road (Route 904). We will work to get this section open.

Sigmon Road (Route 837) – Blue Ridge District

Length : 0.35 miles
 From : Haw Patch Road (Route 606)
 To : 0.35 mi. W. Haw Patch Road (Route 606)
 Residence : One (1) and Cemetery
 Condition : Good Condition

Length : 0.34
 From : 0.35 mi. W. Haw Patch Road (Route 606)
 To : Prilliman Switch Road (Route 767)
 Residence : None (Mountainous Terrain) - Short section of roadway off of Route 767 serves as driveway for church.
 Condition : Unimproved Road – Sections of Road Impassable – We do not currently maintain this section of the roadway. Recommend the BOS consider discontinuance of this section of road from the State Maintenance System.

Trigger Jim Road (Route 846) – Blue Ridge District

Length : 1.3 miles
 From : Griffith Hill Road (Route 637)
 To : Dead End
 Residence : 2 (two) residential
 Condition : Good Condition – Property owner placed stone on roadway.

Remington Road (Route 993) – Blue Ridge District

Length : 1.3 miles
 From : Blue Ridge Parkway
 To : Dead End
 Residence : 4 (four) residential – Farm Lane

Condition : Good Condition

Hidden Valley Road (Route 841) – Blue Ridge District

Length : 0.2 miles
 From : Franklin Street (Route 40)
 To : End State Maintenance
 Residence : 1 (one) residential – Farm Land
 Condition : Good Condition – We currently maintain 0.2 miles of roadway, while county map shows the road being 0.37 miles. We will work to resolve the discrepancy.

Length : 0.52 miles
 From : Callaway Road (Route 641)
 To : End State Maintenance
 Residence : 4 (four) residential / 1 (one) commercial – Farm Land
 Condition : Good Condition – Property owners placed rough surface on first 0.4 miles.

Dugwell Road (Route 731) – Blackwater District

Length : 0.52 miles
 From : Callaway Road (Route 641)
 To : End State Maintenance
 Residence : 4 (four) residential / 1 (one) commercial – Farm Land
 Condition : Good Condition – Property owners placed rough surface on first 0.4 miles.

Mr. Handy stated the following Class IV Roads may need to be considered by the Board for abandonment due to their present condition:

- Mount Airy Road (Route 635) – Boone District***
- Will Hill Road (Route 771) – Blue Ridge District***
- Sigmon Road (Route 837) – Blue Ridge District***

These Class IV roads will be discussed during the November meeting.

RURAL ADDITION CANDIDATE SELECTIONS & COST ESTIMATES

Tony Handy, Resident Administrator, VDOT, presented the Board an update on Rural Addition Candidates Selections & Cost Estimates in Franklin County as follows:

There should be approximately \$221,000 available for the Franklin County Board of Supervisors to use to construct Rural Addition Road(s) next year. The actual amount may be more or less, depending on the actual costs of last year's Rural Addition selection Summerbreeze Drive.

<u>District (BOS Member)</u>	<u>Road Name</u>	<u>Length (miles)</u>	<u>Estimate (\$)</u>
Union Hall (Mr. Cundiff)	- Big Oak Lane		
	(Section 1 - from Rte. 670 to cemetery)	0.45	149,100
	(Section 2 – from Rte. 670 to Chestnut Bluff Lane)	0.72	236,014
	(Section 3 – entire length)	1.16	380,890
Snow Creek (Mr. Mitchell)	- Cherry Hill Lane	0.40	134,596
Boone (Mr. Hurt)	- Hidden Country Lane	0.55	175,413
Gills Creek (Mr. Johnson)	- Pasely Lane		
	(Section 1 – from Rte. 688 to cemetery)	0.37	135,188
	(Section 2 – entire length)	0.94	280,479
Blue Ridge (Mr. Thompson)	- Dilly Valley Lane	0.42	141,690
	(Estimate includes \$8,000 for sight distance improvements)		
Rocky Mount (Mr. Wagner)	- Baker's Lane	0.15	50,885

(RESOLUTION #03-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Bernard E. Goehring to serve on the Road Viewers as the Boone District representative with a said term to expire 3/31/2009.

MOTION BY: David Hurt
 SECONDED BY: Russ Johnson
 VOTING ON THE MOTION WAS AS FOLLOWS:

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

SCHOOL SYSTEM/APPROPRIATION REQUEST FOR 2008-2009

Lee Cheatham, Director of Business & Finance, School System, presented the Board with an additional appropriation request as follows:

Revenues – Carryover – Local Appropriation from 2007-08	<u>\$421,158.30</u>
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Proposed Expenditures:

- | | |
|---|--------------------|
| 1. Emergency Replacement of Sanitary Septic Drainfield at Sontag Elementary School – Engineer & Contractor | \$ 76,587.50 |
| 2. Mobile Classroom Unit for Dudley Elementary School – Purchase, Set-up and Utilities | 59,257.78 |
| 3. Desks, Shelving, Cubbies, Computers & Printer for Mobile Classroom Unit at Dudley Elementary School | 10,186.79 |
| 4. Energy Funds – Transportation & Heating Fuels | 135,176.23 |
| 5. School Capital Project – Enclose the Rear Lot at the FCHS West Campus with Walls & Roof to Provide Additional All-Weather Instructional Spaces for the Auto Body & Masonry Career & Technical Instructional Spaces | <u>139,950.00*</u> |

Total Proposed Expenditures	<u>\$421,158.30</u>
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*Note: Funds for the School Capital Project totaling \$139,950.00 to enclose the Rear Lot at the FCHS West Campus will be held unspent until after any amount of the possible State Budget Cuts for 2008-09 has been offset by other budget reductions or if necessary by this project.

The Franklin County Board of Supervisors has recommended, in past years, that we submit a request for carryover appropriation of any school funds remaining unspent at the end of any fiscal year. \$421,158.30 still remains unspent from the County appropriation to the School Board for fiscal year 2007-08. The Franklin County Board of Supervisors has approved the previous carryover requests for funds remaining at the end of the 1992-93 through the 2006-07 years.

(RESOLUTION #04-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the appropriation request in the amount of \$421,158.30 as presented.

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

AUTHORIZATION TO ADVERTISE FOR PUBLIC HEARING/GOVERNMENT CENTER TRAIL EASEMENT

Paul Stockwell, Planning & Zoning Administrator, Town of Rocky Mount, stated in 2006, the Town of Rocky Mount received a matching grant from the Virginia Department of Historic Resources to conduct an architectural investigation of historic resources and to prepare an interpretive plan and brochure for the Pigg River Heritage Area in the southern area of Rocky Mount. Over the past year, Hill Studio, P.C. was contracted to undertake this work and the plan and brochure has since been completed.

This plan includes documentation of resources and planning recommendations for preservation, education, and recreation. These resources include the Washington Iron Furnace, Robert Hill Fort, Richard F. Rakes House, and Rakes Picnic Pavilion and Cement Spring among others. One of the recommendations for the plan is the establishment of a trail connecting the various resources and providing for recreational and educational opportunities for residents and visitors. This trail would be a community facility that enhances the quality of life for all residents of the Town providing opportunities for walking, jogging, and bicycling along a scenic river/ creek

corridor, while also providing educational opportunities for students, residents, and visitors of the historic resources that are an integral part of the heritage of Rocky Mount.

Although Town Council recently decided to not currently apply for Transportation Enhancement Funds for the portion of the planned trail connecting Veterans' Memorial Park to Celeste Park, an alternative route may still be viable. This alternative could eventually show the community and property owners in the neighborhood how much of an asset a trail could be. The alternative being considered would connect the future Franklin County Government Center at the old Winn-Dixie Building on 40 West to Celeste Park. The trail will run along Furnace Creek being approximately ten feet in width and constructed to VDOT and ADA standards.

The Town would appreciate your consideration in allowing a public trail at the new Franklin County Government Center by potentially granting the Town a trail easement for its construction and maintenance. In addition, the Town of Rocky Mount has applied for funding for construction of The Veterans' Memorial Connector Trail that will connect the Veterans' Memorial to the Lynch Park parking area. The Town also intends on working with County staff to develop a Memorandum of Understanding for this trail at Lynch Park.

Included with this letter are the following:

- 1) Town of Rocky Mount Draft Resolution for the Pigg River Heritage Trail Government Center Extension
- 2) Concept Plan for Pigg River Heritage Trail Government Center Extension
- 3) Town of Rocky Mount Resolution for the Veterans' Memorial Connector Trail
- 4) Concept Plan for The Veterans' Memorial Connector Trail
- 5) Pigg River Heritage Trail Master Plan
- 6) Brochure: A Tour Along the Historic Pigg River

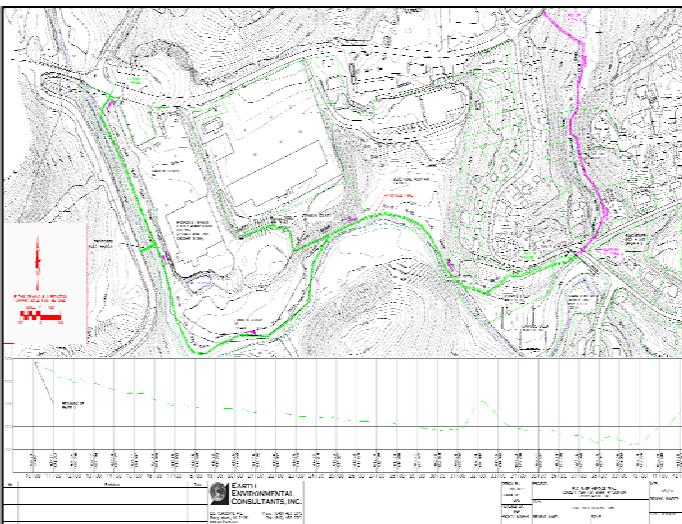
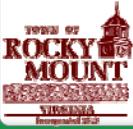
At this time, Mr. Stockwell I would like to respectfully request the Board for authorization to proceed with a public hearing in order to grant an easement to the Town of Rocky Mount for the proposed Pigg River Heritage Trail – Government Center Extension. In addition, as the application deadline for the Transportation Enhancement Grant is November 1st, a letter or resolution for "conceptual" support of the plan would be appreciated. The Town will continue to work with County staff to develop language for an easement for this trail if the conceptual plan is supported. Thank you for your thoughtful consideration of these projects that would provide many benefits to users of all ages. Should you have any questions, please do not hesitate to contact me at 483-0907.

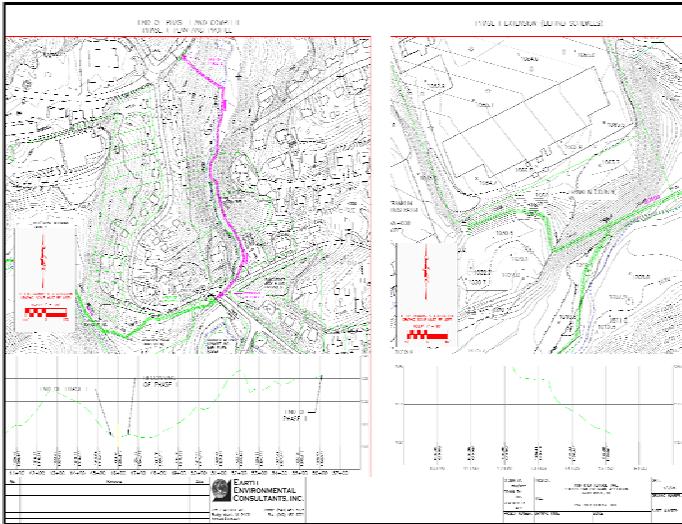
The following PowerPoint was shared with the Board:

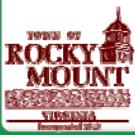


Project Description

- Pigg River Heritage Trail- Government Center Extension Concept Plan includes:
 - Construction of approximately 1 mile of paved trail to connect Celeste Park & the New Franklin County Government Center.
 - The trail will be 10' in width and suitable for Pedestrian & Bicycle use.
 - Four (4) access gates are proposed, one (1) at each end and one each side of Old Furnace Road.
 - Landscaping will be provided at public road crossings.
 - Interpretive signage will be placed along the trail.
 - Trash receptacles and benches are planned approximately every 500'.
 - Split rail fence may be used in certain situations to deter users from leaving the trail.







Project Approach/Timeline

- **Grant Application**
 - Prepare Draft Grant Application
 - Hold Public Hearing regarding Grant Application
 - Town Council Resolution to submit Grant Application
 - Submit Grant Application to VDOT on/or before November 1, 2008.
- **If the Town of Rocky Mount receives Grant approval from VDOT**
 - Complete Preliminary Trail Design
 - Conduct Public Input Meetings with Citizens & Town Council
 - Prepare Final Trail Design
 - Present Final Design to Town Council & Citizens for final approval
 - Submit final Trail Design to VDOT for approval
 - Bid & Construct Project.
- Subsequent Grant Applications can be submitted annually if the original application is not fully funded.



Pigg River Heritage Trail-Government Center Extension is Intended to:

- Provide the First Public Trail in Rocky Mount
- Provide Recreation Opportunities
- Encourage Health Benefits
- Increase Connectivity
- Promote Historical and Educational Opportunities
- Enhance Economic Growth
- Promote Community Involvement & Interaction
- Attract Business and Home-Buyers




(RESOLUTION #05-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to forward a letter of endorsement for the Pigg River Heritage Trail – Government Center and authorize any required advertisement for public hearing for an easement as presented.

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

Comment [c1]: Not sure if the Town holds this public hearing or if we do?? Perhaps only a public hearing would be needed for an easement if only a grant is approved. May want to contact Paul with the Town to confirm.

TOWN OF ROCKY MOUNT WATER/SEWER LATERALS/WRAYS CHAPEL ROAD

Matt Hankins, Assistant Town Manager, Rocky Mount, advised the Board, Mrs. Akers owns an eight unit apartment building just outside of Rocky Mount on Wrays Chapel Road. Mr. Cecil Mason, Director of Public Works for Rocky Mount and David Vogelsong, Director of Utilities met out in the field and looked at the property. The Akers property is adjacent to the Town limits. While the Akers live in the County it is their request that this apartment building be considered for connection to the Rocky Mount water system. The sewer extends up the neighbor's property line (neighbor is Jimmy & Evonne Dillon) and stops in a manhole next to Wray Chapel Road. The water line comes up the Wray Chapel Road right of way and ends at a fire hydrant about 5 feet past the Town limit on the County's property on the other side of the street from the apartment. To serve the apartments with water, the Town would need to tap the water main, extend water across the street and set a two inch meter. To provide sewer, Ms. Akers may need to get an easement from the Dillon's, depending on the type of easement owned by the Town. Mr. Vogelsong mentioned this to Mr. Mason and he said he discussed this issue with Ms. Akers and she told him it wouldn't be a problem.

The water and sewer mains are already in place and the Town would be picking up another customer. The Town would need to cut the road for the water lateral, so they would need a permit from VDOT. The sewer lateral would require digging on the Dillon's property, so this may require an easement from them.

RECOMMENDATION:

Staff presents the request for the Board's direction.

(RESOLUTION #06-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the request for the water and sewer extension on Wrays Chapel Road as submitted.

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

LOCAL JAIL STUDY

Vicki Meadors, Captain, Sheriff's Department, shared with the Board with the opening of the Regional Jail, the operation of the existing local jail must be determined and an analysis of potential savings that can go to help cover the new costs associated with the new Regional Jail must be performed.

The Franklin County Jail was constructed in 1937 as a local county jail to house fifty-eight inmates convicted of jail time offenses, which at the time was a twelve month sentence or less. Over the years, the jail evolved to holding prisoners of greater sentences as local jails came under Commonwealth of Virginia and Department of Corrections standards and guidelines. These standards and guidelines were implemented for all local jails, which included everything from health and safety guidelines to equal implementations of sentencing. During the 1970's the state began closely monitoring these guidelines which included periodic inspections. As a result of state prisons becoming overcrowded, local jail guidelines evolved from the state that required the housing of inmates with short term prison sentences. The state at this time began providing reimbursements for certain sentenced inmates.

During the late 1970's, Franklin County Circuit Court Judge B.A. Davis, III, along with the concurrence of the Sheriff implemented a formal inmate county work force program. This program provided certain incarcerated inmates with an opportunity to provide labor to the daily operations of the county with their reward being to work outside the confines of the jail, repay their debt to society, repay certain fines, and receive shortened sentence considerations for favorable work. This program continues today and has evolved from about ten inmates to over forty inmates at the present time. During 1987, a work release dormitory was constructed as an addition to the jail to house thirty-two inmates in the work release and work force programs.

As a result of the dormitory addition to the jail, the core operation structure was altered and remodeled to provide necessary health and safety support for the total inmate population. This included primarily expanding the kitchen, laundry, records, and medical services and later remodeling to provide a required secure control and processing/receiving area. As a result of this addition, expansion and remodeling, the total bed/bunk space increased to seventy but with a Department of Corrections rated capacity of forty-nine.

During this period, the Department of Corrections also implemented the requirement that the jail could no longer hold juveniles and or female prisoners. The jail at one time had a two-bed cell separate from other cells that allowed the jail to temporarily hold juveniles or female inmates. Since the implementation of this standard, the jail is no longer allowed to incarcerate juveniles or females within the facility.

The jail responsible inmate population has dramatically increased during the last ten years to at times housing up to 100 inmates in the local facility which only has 70 bunk spaces and is rated to hold 49 inmates by DOC. During this time, we have had a high of as many 150 local responsible inmates housed outside of our local facility. The overall cost to house inmates at out of the county facilities has also greatly increased due to not only the increased inmate population, but per prisoner day cost as well. Initially the average daily cost of an inmate for outside housing was \$16.50 and over the last several years that cost has increased to \$45.00. The cost during the last budget year to house inmates at out of the county facilities was about \$1.1 million dollars in local funds. Because of the local daily inmate population, the state Compensation Board had gradually increased state funded emergency corrections positions to the county to a present level of five.

Alternative means to handle the severe overcrowding of our jail and to address ever-increasing cost in local funds began about 1999 by including this issue in the Board of Supervisors five year planning process. Initially there were no alternatives other than to request funding for a planning study and implementation of preliminary funding to build or increase cell space of the local jail. Funding from the state for jails was frozen at the time due to a state moratorium on new construction. During 2003, we were contacted by Roanoke County concerning our interest of joining with them in a study to construct a new regional jail along with Montgomery County and the City of Salem. Roanoke County and Salem were already a regional jail and were available for certain new construction funding at the time if a jail study showed the need for a new regional jail. All mentioned jurisdictions agreed upon the need for a new regional jail and sanctioned the preparation of a Community-Based Corrections Plan and Study. This report was completed in December 2004 by Powell Consulting Services. Roanoke County and Salem were granted an exemption to the moratorium to new jail construction during the 2004 General Assembly session if a required community-based corrections plan, facility specifications, and expected financing costs would be successfully presented to Department of Corrections and the State Board of Corrections prior to March 1, 2005.

By meeting these requirements, the Governor included a recommendation for funding consideration by the 2006 General Assembly. During this process, Franklin County and

Montgomery County were included and approved to become members of the new regional jail with General Assembly funding as included and recommended in the Community-Based Corrections Plan and Study and with approval of the Department of Corrections and State Board of Corrections.

A formal construction design was approved by the design and review team composed of members from each jurisdiction of the new regional jail. Funding was approved and formal design and construction plans were initiated to begin construction during early 2007. Completion is expected early 2009 with initial prisoner transfers to the new regional jail expected by mid March 2009.

The Franklin County Jail will remain open and fully operational to house up to 60 inmates including work force, work release, county work force inmates, school release, pretrial inmates and weekenders. The Jail will continue to serve all law enforcement agencies in Franklin County. The jail staff will continue to supervise work force inmates who provide uncompensated labor services to the county. The sworn jail staff provides courtroom security and secure prisoner movement to three courts as follows: Juvenile Court; three bailiffs for 4 days per week, General District Court; two bailiffs for 2½ days per week, Circuit Court; two bailiffs for 5 days per week. The jail staff will provide security monitoring for two local video visitation station areas connected to the new regional jail. The jail staff will continue to transport juveniles and out of county incarcerated adults to and from local court appearances. The jail staff will continue to be responsible for transportation of fugitives. The jail staff will transport ECO (Emergency Commitment Order) and TDO (Temporary Detention Order) commitments, which are now mostly performed by law enforcement personnel. The jail staff will continue to perform special need transportation services such as court ordered evaluations, treatments, consultations, etc. The jail staff will perform courthouse security duties as needed when secure courthouse enhancements are completed in the near future.

The jail needs several improvements at some point for health and safety condition issues, security issues, and enhancement of core support services.

The services and needs of the jail are reviewed, outlined, and summarized in the submitted presentation.

RECOMMENDATION:

Staff respectfully requests further guidance and direction from the Board of Supervisors as to any additional analysis that might be required. The following presentation was presented:

Franklin County Jail History

- The jail was constructed in 1937 to house 58 inmates for 12 month sentences or less.
- In the late 1970's the Sheriff's Office and Judge Davis began the Inmate Work Program and in 1987 built the dormitory and completed the jail as it is today.
- Shortly following the addition of the dormitory the kitchen, laundry, and medical were remodeled to accommodate the increased capacity.



Facility Profile

Contract Medical	Mixed	Jail "Books" Inmates	Mixed
Contract Food Service	No	Local Salary Supplement	Yes
# Federal Contract Beds	0	# of Locally Funded Positions	3
Direct Supervision - # Beds	0	Air Conditioned	No
Indirect Supervision - # Beds	49	Houses Females	No
Date(s) Built	1937, 1987	Operates Dispatch	No
Compensation Board Funded Positions	25		
ALL INMATE HOUSED DAYS (LIDS)	32,276	OPERATING CAPACITY	180% TOTAL STATE RESPONSIBLE
FED / OUT OF STATE ADP	0		
TOTAL LIDS ADP	88		
DOC RATED OPERATING CAPACITY	49		

2. EXPENDITURES		<i>Inmate Day</i>
Personal Services	\$1,153,353	\$35.73
Food Services	\$220,886	\$6.84
Medical Services	\$87,751	\$2.72
Inmate Programs	\$0	\$0.00
Transportation	\$23,725	\$0.74
Direct Jail Support	\$164,081	\$5.08
Capital Accounts - Operating	\$19,731	\$0.61
Other Jail Indirect Expenses	\$110,828	\$3.43
SUB-TOTAL OPERATING	\$1,780,355	\$55.16 Per Inmate Day
Capital Accounts - Long Term	\$0	\$0.00
Debt Service	\$0	\$0.00
TOTAL EXPENDITURES	\$1,780,355	\$55.16 Per Inmate Day



FUNDING PERCENT OF TOTAL EXPENDITURES BY SOURCE

- 61.81% STATE FUNDED → \$34.10 per inmate per day
- 0.00% FEDERAL FUNDED
- 35.83% LOCAL OPERATING → \$19.76 per inmate per day
- 0.00% LOCAL DEBT RELATED
- 2.37% OTHER FUNDED → \$1.31 per inmate per day
- 100.00% TOTAL FUNDED



Regional & Local Jails

- The new Regional Jail was developed to hold post dispositional inmates from all of the member jurisdictions who are waiting to be taken into the Department of Corrections or who are serving their sentences.
- Pre-trial inmates are to be held in the local jails to keep them closer to their attorneys and to avoid transporting to court hearings.
- Pre-trial inmates may be placed at the Regional Jail if they have disciplinary problems or medical problems that the current jail would be unable to handle.
- The Regional Jail will also hold all of Franklin County's female prisoners (pre-trial and post trial). The current jail does not house female prisoners or juveniles.



Regional & Local Jails

- The current local jails in all participating jurisdictions are to remain open.
- The number of beds built in the new Regional Jail was determined through a planning study which involved all of the participating jurisdictions.
- The planning study determined the number of inmate beds that would be needed to house post dispositional inmates and special needs inmates for the participating jails for 20 years into the future.



Projections

- Retaining approximately 60 inmates, the following number of additional beds are projected to be needed:

2008	2012	2018
150	192	268

(Community Based Corrections Plan Bed Shortfall projections performed by Powell Consulting Services)



Local Jail

- Each participating jail determined the number of beds that they would maintain once the Regional Jail opened.
- The 60 inmate beds at the Franklin County Jail is the number agreed upon in the early stages of planning for the Regional Jail.
- That number was deducted from the inmate population projections in the Community-Based Corrections Plan to come up with the total number of beds needed for Franklin County in the Regional Jail.
- If the member jails were to keep more inmates in their local jails, that would cause a shortfall of inmates in the Regional Jail and cause the other member jails to pay for a greater portion of the cost of the Regional Jail.



Local Jail

- Beds in Franklin County will be utilized to house pre-trial or pre-dispositional inmates.
- The local jail will also be used to house the court ordered work release inmates, the county work program inmates, school release, and weekenders.
- The new Regional Jail will not have a work release program or an inmate work program which would go out into the community. These inmates must be maintained at the local level.



Work Force Benefit

ASSIGNED INMATE WORK TASKS	NUMBER OF INMATES	DAILY HOURS PER INMATE	DAYS WORKED PER WEEK	TOTAL YEARLY INMATE TASKS HOURS	TOTAL YEAR LABOR VALUE
Car Wash	1	12	7	4,380	\$28,689.00
General Custodial/Night	4	6	7	8,760	\$57,378.00
General Custodial/Day & Night	3	12	7	13,140	\$86,067.00
Goode & County Complex/Multiple Labor Tasks	1	15	7	5,475	\$35,861.25
Landfill	3	10, 8(Sat)	6	9,048	\$59,264.40
Dog Pound	1	10, 8(Sat)	6	3,016	\$19,754.80
County Inmate Utility Truck Operator	1	16	7	5,824	\$38,147.20
Recreation Department	3	10	5	7,800	\$51,090.00
Senior Citizen Building	1	10	6	3,120	\$20,436.00
Franklin Memorial Park Cemetery	2	10	6	6,240	\$40,872.00
General Labor Work Force Off Site (Supervised)	5	8	4	8,320	\$54,496.00
General Labor Work Force for County Properties	2	16	7	11,648	\$76,294.00
Kitchen & Meal Preparation	6	8	5	12,480	\$81,744.00
Jail Laundry	2	16	7	11,648	\$76,294.40
TOTALS	35	159		110,899	\$726,388.05



Local Jail

- In addition, the Franklin County Jail is used by all law-enforcement agencies in Franklin County.
- That includes the Town of Rocky Mount, Virginia State Police, Ferrum College Police, Game Wardens, etc.
- It was agreed upon by all participating jurisdictions that the local jails would remain open in their jurisdictions to handle arrestees from these law enforcement agencies, thus keeping law enforcement officers in their home counties, rather than being on the road transporting.



Transportation

- Even though the Regional Jail will provide two transports per day, those are ONLY to and from the Regional Jail.
- Franklin County must continue to provide transports for,
 - Juveniles
 - Franklin County court dates for out of county inmates.
 - ECO and TDO transports
 - Fugitives
 - Special needs i.e. court ordered evaluations etc.



ANALYSIS OF FUNDING FOR JAIL/COURT STAFFING

The Franklin County Jail has the current staff with the following funding sources:

Comp Board Positions	Comp Board Funding	County Funding
13	\$462,784	\$67,639
Block Grant Positions		
6	\$113,076	\$93,794
Emergency Corrections		
5	\$158,363	\$14,333
County Positions		
4	\$0	\$139,580
TOTAL POSITIONS	TOTAL COMP FUNDING	TOTAL COUNTY FUNDING
28	\$734,223	\$315,346

The Franklin County Jail currently has 5 Emergency Correctional Officer positions allocated to assist in managing the overcrowding condition of the jail. The Franklin County Jail in its original service agreement with other members of the new regional jail authority and with understanding from the Department of Corrections and the Compensation Board would house a maximum of 60 inmates. The housing of these 60 inmates would have allowed Franklin County to keep funding for the 5 Emergency Correctional Officer positions. The Sheriff's Office received notification from the Compensation Board with its current annual budget that these 5 positions would be reclassified & reallocated. Franklin County would continue to receive funding for 4 of the original 5 positions but they would be reclassified to 2 court services positions and 2 law enforcement positions. The 2 law enforcement positions were due to Franklin County over the past two years due to population increases but had been unfunded from the state. The fifth position would be reallocated to the new regional jail upon its opening and transfer of inmates from the Franklin County Jail. The 4 county positions are partially funded by the county and partially funded by fee collections imposed through court assessment fees for court room security. One of the Comp Board funded positions at the jail is the cook.

Total Current Inmate Population

- The jail population changes daily, sometimes hourly. This is a snapshot.
 - Inmates: (average) 68 pre-dispositional
 - 107 post-dispositional
 - Minimum Security: 4 work release (paid jobs)
 - 33 work program (trusty jobs)
 - Weekenders: 7
 - Total: 219



Other Correctional Programs

- Are there any cost reductions or programs that could reduce our cost???
- Home Electronic Monitoring
- Drug Court
- Court Corrections Program



HEM

- Home Electronic Monitoring is an option.
- There are strict guidelines that must be followed in the selection of inmates for the program.
- We estimate approximately 10% of our inmate population, or 8 to 10 inmates would qualify.
- This would obviously be fluid and would require at minimum two Deputies to facilitate the program.



HEM Offender Fees

- Upon acceptance to the Program, each participant will pay an initial fee which includes the monitoring hook up fee, (\$40), advance payment for the first week, (\$98), and an initial drug-screening fee, (\$12).
- **This initial fee totals \$150.00**
 - There will be a fee for each and every time a hookup is required.



HEM Offender Fees

- The offender will pay a fee of \$12 for weekly drug screenings.
- In order to defray the cost of the program and monitoring, each participant will be required to pay a set daily monitoring fee of \$14 a day.
- Total offender cost per week, \$110.00
- Cost of services per week, \$35.00



\$\$\$\$ HEM Bottom Line \$\$\$\$

- Participants pay for the program up front.
- The equipment is leased and up front start up cost are minimal.
- Once we collect participant fees the program will become fiscally self supportive.



Correctional Program Updates

- As of October 9, 2008, Governor Kaine announced the reduction and virtual stop of Court-Community Corrections Program and Drug Court.
- The opportunity to explore any of these options are not available at this time.



Local Jail Needs

LOCAL JAIL NEEDS RELATED TO REGIONAL JAIL :

- With regards to the Regional Jail, Franklin County will need to provide space to accommodate video visitation for Franklin County residents to visit incarcerated individuals without having to drive to Roanoke County.
- Attorneys may also be able to visit their clients by video. An area for 2 visitation stations will need to be provided.
- We are unsure of the exact specifications, but at a minimum the location should be weatherproof, have electricity, heating, cooling and internet access. It can be a remote set-up, away from the jail; however, it does need to be monitored by correctional officers in some fashion to prevent abuse or misuse of equipment.



Local Jail Needs

- Control Center
- Booking Office
- Holding Cell
- Drunk Cell
- Kitchen
- Laundry
- Local Inmate Visitation
- Inmate Property Storage



Local Jail Needs

- Inmate Records
- Medical Office
- Work Release Supervisors Office
- Administrative Office
- Staff Lockers / Gun Lockers
- Maintenance Needs
- Security Enhancement



Local Jail Needs

- Secure Corridor to Courthouse / Magistrate
- In addition
 - Window security upgrades
 - Air Conditioning needs to be installed
 - Wiring is outdated and must be upgraded
- At this time the only improvements the Franklin County Jail must make to go forward with the opening of the Regional Jail is video visitation / arraignment.



Current and Projected Expenditures Summary

These totals are per day, at an average daily population of 88 inmates now v. 60 once Regional Jail opens.

<u>Expense</u>	<u>Inmate Cost current</u>	<u>Projected</u>
Food Service	\$601.92	\$410.40
Medical	\$239.36	\$163.20
Other	\$301.84	\$205.80
Transportation	\$121.44	\$91.08
Totals	\$1143.12	\$870.48

Savings \$272.64 daily X 365 = **\$99,513.60**



GOVERNMENT CENTER BIDS REVIEW

Jack Murphy, Thompson & Litton, stated in 2003, the Board began discussions concerning the need for a long term solution to office space needs in the Courthouse complex. The Virgil Goode

Building was built in 1968 and since that time additions have been made to the Courthouse and E911 function, but no significant office space has been added for County offices.

As various options were explored, so came requests for easier citizen access, expanded parking, more security for the Courthouse, consensus to close most of the exterior entrances of the Courthouse, and consideration of moving the high foot traffic offices out of the Courthouse in order to make it an "all courts" building. Additional office space for the Sheriff's Department in the Virgil Goode Building was also identified as a priority for interrogation rooms, evidence and armory storage and line up areas.

Various options were explored including expanding on the current site, vacant land opportunities, existing building retrofits, and in July, 2006, the County purchased the former Winn Dixie Grocery Store and 17 acres of land in the Town with access to public utilities. This purchase followed a public information meeting held in June, 2006 to gather citizen input on buying the property and its adaptive reuse for County office space.

In July, 2007, the Board was presented a schematic design and preliminary cost estimates for the project. Based on input from that meeting, T&L Architects presented a conceptual design to the Board in November, 2007 at which time the Board authorized completing the design and bringing back bids for the Board's consideration.

Appendix A represents the bid tally sheet received for the bids. Throughout the following discussion, the Alternates listed are as follows:

Alternate #1 – project was bid with brick used on west side. This alternate is a credit for using painted block in lieu of brick.

Alternate #2 – to replace the existing roof with a new roof

Alternate #3 – credit to use a different control system for HVAC system.

The project generated a large amount of interest with 15 General Contractors picking up a full set of plans and bids received from 9 of the 15. The lowest 4 bidders on the base bid were within 2.25% of each other and within .7% of the architect's estimate of the high side.

The low bidder on the base bid was Frith Construction at \$5,632,299 (112.29/sq.ft.). This represents \$-87,701 less than the latest architectural estimate prior to bid receipt. Should the County decide to go with all three alternates, the low bidder becomes Clark Construction at \$5,849,460. (Appendix B) If alternates 2&3 are selected (leaving the brick on the west side of the building), Frith becomes the low bidder at \$5,911,699. (Appendix C) Other combinations of alternates can be determined from the bid sheet.

The bids are good for 45 days from September 30, 2008.

The features of the building as designed are as follows:

1. Departments included in the design
 - Treasurer
 - Commissioner of the Revenue
 - Registrar
 - Information Technology/GIS
 - Building Inspections
 - Planning and Community Development
 - Commerce & Leisure Services
 - Finance/Human Resources
 - County Administration
 - Board and Commissions Meeting Room
 - Future County Attorney
2. Growth space built into each department for future expansion.
3. 2,000 sq.ft. of record storage
4. Space allocated for future in-house assessors

5. Parking for 183 cars.
6. Generator, independent cooling, and battery backup for a self contained data center which houses mission critical hardware that supports the County's 911 system, revenue collection and finance system, real estate system, payroll systems, etc.

Financing

\$4,253,000 has been borrowed for the Government Center and the debt service is built into the current budget (\$381,700). The balance of funds needed for the project have been projected to be taken from the County's retained earnings (fund balance). This is projected to be approximately \$3,500,000 over two fiscal years and will have no further debt service impact on the budget. This amount will be further identified once the furniture and technology bids are solidified further into the project. This project budget currently carries a 5.4% project contingency of \$319,900 which based on other projects, hopefully will not be largely needed. While prudent to show a contingency, change orders will be kept to a bare minimum.

RECOMMENDATION:

This project, now five years into our planning, is ready for the Board's consideration. Staff recommends that the Board award the bid with whatever combinations of alternates that it deems appropriate with the understanding that staff, in conjunction with T&L, will value engineer the project and bring back whatever credits maybe applied following that negotiation.

Appendix A

Franklin County Government Center -- Bid Tally Sheet
 Thompson & Lifton Project 8836
 Bids Received and Opened: 2:00 p.m., September 30, 2008

Bidder	VA License	Bond	Addenda	Base Bid	Alternate #1	Alternate #2	Alternate #3	Difference from Estimate	% from Estimate
Architect's Estimate				\$5,720,000	-\$98,881	\$306,923	-\$50,000	\$0	0.00%
1 Frith Construction Co., Inc.	✓	✓	1, 2, 3	\$5,632,299	-\$45,000	\$304,400	-\$25,000	-\$87,701	-1.53%
2 Clark Construction Co., Inc.	✓	✓	1, 2, 3	\$5,671,000	-\$63,680	\$327,140	-\$85,000	-\$49,000	-0.86%
3 Avis Construction Co., Inc.	✓	✓	1, 2, 3	\$5,735,000	-\$49,000	\$340,000	-\$10,000	\$15,000	0.26%
4 Price Buildings, Inc.	✓	✓	1, 2, 3	\$5,759,000	-\$45,000	\$318,000	NO BID	\$39,000	0.68%
5 Martin Brothers Contracting	✓	✓	1, 2, 3	\$5,928,000	-\$55,000	\$317,000	-\$75,500	\$208,000	3.64%
6 Thor, Inc.	✓	✓	1, 2, 3	\$5,963,000	-\$56,000	\$568,000	-\$70,000	\$243,000	4.25%
7 Breakell, Inc.	✓	✓	1, 2, 3	\$6,236,100	-\$48,900	\$323,800	-\$25,000	\$516,100	9.02%
8 G&H Contracting, Inc.	✓	✓	1, 2, 3	\$6,290,000	-\$53,000	\$336,000	-\$75,500	\$570,000	9.97%
9 Lionberger Construction Co.	✓	✓	1, 2, 3	\$6,362,000	-\$77,000	\$309,000	-\$76,000	\$642,000	11.22%
Blair Construction	DID NOT SUBMIT								
Building Consultants, LLC	DID NOT SUBMIT								
Daniels Builders, LLC	DID NOT SUBMIT								
MW Construction Company	DID NOT SUBMIT								
Nichols Construction Corp.	DID NOT SUBMIT								
Stanley W. Bowles, Inc.	DID NOT SUBMIT								
								TOTAL Base Bid + All Alternates	Difference from Estimate
Architect's Estimate				\$5,720,000	-\$98,881	\$306,923	-\$50,000	\$5,878,042	
1 Clark Construction Co., Inc.	✓	✓	1, 2, 3	\$5,671,000	-\$63,680	\$327,140	-\$85,000	\$5,849,440	-\$28,582
2 Frith Construction Co., Inc.	✓	✓	1, 2, 3	\$5,632,299	-\$45,000	\$304,400	-\$25,000	\$5,866,699	-\$11,343
3 Avis Construction Co., Inc.	✓	✓	1, 2, 3	\$5,735,000	-\$49,000	\$340,000	-\$10,000	\$6,016,000	\$137,958
4 Martin Brothers Contracting	✓	✓	1, 2, 3	\$5,928,000	-\$55,000	\$317,000	-\$75,500	\$6,114,500	\$236,458
5 Thor, Inc.	✓	✓	1, 2, 3	\$5,963,000	-\$56,000	\$568,000	-\$70,000	\$6,405,000	\$526,958
6 Breakell, Inc.	✓	✓	1, 2, 3	\$6,236,100	-\$48,900	\$323,800	-\$25,000	\$6,486,000	\$607,958
7 G&H Contracting, Inc.	✓	✓	1, 2, 3	\$6,290,000	-\$53,000	\$336,000	-\$75,500	\$6,497,500	\$619,458
8 Lionberger Construction Co.	✓	✓	1, 2, 3	\$6,362,000	-\$77,000	\$309,000	-\$76,000	\$6,518,000	\$639,958
9 Price Buildings, Inc.	✓	✓	1, 2, 3	\$5,759,000	-\$45,000	\$318,000	NO BID	N/A	
Blair Construction	DID NOT SUBMIT								
Building Consultants, LLC	DID NOT SUBMIT								
Daniels Builders, LLC	DID NOT SUBMIT								
MW Construction Company	DID NOT SUBMIT								
Nichols Construction Corp.	DID NOT SUBMIT								
Stanley W. Bowles, Inc.	DID NOT SUBMIT								

Appendix B

8836-04

Franklin County Government Center
Adaptive Reuse of the former Winn Dixie Grocery Store

Construction Cost Summary based on Actual Bid

	COST	Cost/Sq	
^{^1} Clark Construction Company	\$5,571,000	\$111.06	50,160 Total Sq Ft.
Allowance for paving activities	\$100,000	\$1.99	
Total Clark Construction Base Bid	\$5,671,000	\$113.06	
Alternate #1	-\$63,680		Credit to remove west elevation brick
Alternate #2	\$327,140	\$6.73	Re-roof existing building
Alternate #3	-\$85,000		Credit to change HVAC controls
Alternates Subtotal	\$178,460	\$3.56	
Actual Construction Subtotal	\$5,849,460	\$116.62	Accepting base bid plus all 3 alternates
^{^2} Project Contingency	\$319,900		
subtotal	\$6,169,360	\$122.99	

^{^1} Includes Storm drainage, water line upgrade, paving resurfacing, curbs, walks, islands, landscaping, site signage, flag poles, benches, etc.
Telecom Infrastructure only: cabling, backbone, outlets, for Telephone, Fire Alarm, and Security Equipment, (no computer equipment)

^{^2} Project Contingency remained the same as indicated in 6/30/08 Cost Estimate

Appendix C

8836-04

Franklin County Government Center
Adaptive Reuse of the former Winn Dixie Grocery Store

Construction Cost Summary based on Actual Bid

	<u>COST</u>	<u>Cost/Sf</u>	
^1 Frith Construction Company	\$5,532,299	\$110.29	50,160 Total Sq Ft.
Allowance for paving activities	\$100,000	\$1.99	
Total Frith Construction Base Bid	<u>\$5,632,299</u>	\$112.29	
Alternate #1	-\$45,000		Credit to remove west elevation brick
Alternate #2	\$304,400	\$6.26	Re-roof existing building
Alternate #3	-\$25,000		Credit to change HVAC controls
Alternates Subtotal	<u>\$234,400</u>	\$4.67	
Actual Construction Subtotal	\$5,911,699	\$117.86	Accepting base bid plus alternates 2 & 3 only
^2 Project Contingency	<u>\$319,900</u>		
subtotal	<u>\$6,231,599</u>	\$124.23	

^1 Includes Storm drainage, water line upgrade, paving resurfacing, curbs, walks, islands, landscaping, site signage, flag poles, benches, etc. and, Telecom Infrastructure only: cabling, backbone, outlets, for Telephone, Fire Alarm, and Security Equipment, (no computer equipment)

^2 Project Contingency remained the same as indicated in 6/30/08 Cost Estimate

Jack Murphy, Thompson & Litton, presented the following PowerPoint regarding the Government Center Bids:



THOMPSON & LITTON

Franklin County Board of Supervisors Meeting



Franklin County Government Center
The former Winn Dixie Building

Competitive Construction Bid Results

Jack Murphy, AIA
Thompson & Litton
October 21, 2008

Advertisement for Competitive Bids

- **Bid Period: 45 days**
- **Advertisement Date :August 15, 2008**
- **Pre-Construction Meeting:August 26, 2008 @ 2:00 PM**
- **Bids Due: September 30, 2008 @ 2:00 PM**
- **A/E Bid Day Construction Cost Estimate: \$5,720,000**

Advertisements appeared in the **Franklin News Post** on August 15th, 22nd, and 29th, and in the *Sunday Edition* of the **Roanoke Times & World News** on August 17th, and 24th.

Final Cost Estimate Prior to Bidding



Estimated Project Costs for Budgeting Purposes

	COST	Cost/Sq	
A1 Site Development/ Improvements	\$501,044	\$9.99	
Infill/ Sel. Demo/ Adaptive Reuse	\$4512,966	\$89.97	50,160 Total Sq Ft.
A2 Telecommunications	\$154,105	\$3.07	
A3 Design Contingency	\$0	\$0.00	
subtotal	\$5,168,116	\$103.03	
A4 Escalation	\$516,812	\$10.30	
subtotal	\$5,719,927	\$113.34	
			\$5,720,000
A7 Alternate #1	-\$98,881		Credit to remove west elevation brick
A7 Alternate #2	\$306,923		\$6.32 Re-roof entire building
Project Contingency	\$319,900		
subtotal	\$6,039,827		
Technical Innovations Estimate	\$366,400		
A5 FF&E	\$680,200		Assumes full occupancy upfit
A6 Professional consulting fees	\$605,163		
Expenses	\$30,000		Bid advertisements & document printing
Credit for previously approved fees	-\$92,000		Phase One - Schematic Design
subtotal	\$1,589,763		
Total Estimated Project Cost	\$7,629,600		

Franklin County Government Center -- Bid Tally Sheet

Ironman & Ulten Project 0636
Rich Received and Opened: 2:00 p.m., September 30, 2008



Bidder	VA License	Band	Address	Base Bid	Alternate #1	Alternate #2	Alternate #3	Difference from Estimate	% from Estimate
Architect's Estimate				\$5,720,000	-\$98,881	\$306,923	-\$50,000	\$0	0.00%
Frith Construction Co., Inc.	✓	✓	1, 2, 3	\$5,632,299	-\$48,000	\$304,400	-\$28,000	-\$87,701	-1.53%
Clark Construction Co., Inc.	✓	✓	1, 2, 3	\$5,699,077	-\$43,601	\$337,140	-\$85,000	-\$49,700	-0.86%
Clark Construction Co., Inc.	✓	✓	1, 2, 3	\$5,720,000	-\$97,000	\$340,000	-\$10,000	\$16,000	0.28%
Oliver Holdings, Inc.	✓	✓	1, 2, 3	\$5,729,000	-\$45,000	\$330,000	NO BID	\$29,000	0.50%
Martin Brothers Contracting	✓	✓	1, 2, 3	\$5,938,000	-\$55,000	\$317,000	-\$13,500	\$28,000	0.49%
Thos. Inc.	✓	✓	1, 2, 3	\$5,943,000	-\$54,000	\$348,000	-\$70,000	\$343,000	6.00%
Franklin, Inc.	✓	✓	1, 2, 3	\$6,236,100	-\$88,900	\$353,000	\$25,000	\$316,100	5.53%
CEAH Contracting, Inc.	✓	✓	1, 2, 3	\$6,290,000	-\$83,000	\$336,000	-\$75,500	\$370,000	6.47%
Wendepages Construction Co.	✓	✓	1, 2, 3	\$6,363,000	-\$77,000	\$309,000	-\$14,000	\$443,000	7.73%
Frith Construction									
Building Consultants, LLC									
Donohoe Builders, LLC									
MW Construction Company									
Nichols Construction Corp.									
Strawley W. Rowles, Inc.									
								TOTAL Base Bid's All Alternates	Difference from Estimate
Architect's Estimate				\$5,720,000	-\$98,881	\$306,923	-\$50,000	\$5,687,440	-\$32,560
Clark Construction Co., Inc.	✓	✓	1, 2, 3	\$4,671,000	-\$43,600	\$307,140	-\$86,000	\$5,647,440	-\$32,560
Frith Construction Co., Inc.	✓	✓	1, 2, 3	\$5,632,299	-\$45,000	\$304,400	-\$25,000	\$5,687,440	-\$32,560
Clark Construction Co., Inc.	✓	✓	1, 2, 3	\$5,720,000	-\$97,000	\$340,000	-\$10,000	\$6,010,000	\$317,920
Martin Brothers Contracting	✓	✓	1, 2, 3	\$5,938,000	-\$55,000	\$317,000	-\$13,500	\$6,114,500	\$394,400
Thos. Inc.	✓	✓	1, 2, 3	\$5,943,000	-\$54,000	\$348,000	-\$70,000	\$6,465,000	\$745,000
Franklin, Inc.	✓	✓	1, 2, 3	\$6,236,100	-\$88,900	\$353,000	-\$25,000	\$6,485,000	\$765,000
CEAH Contracting, Inc.	✓	✓	1, 2, 3	\$6,290,000	-\$83,000	\$336,000	-\$75,500	\$6,497,500	\$777,500
Wendepages Construction Co.	✓	✓	1, 2, 3	\$6,363,000	-\$77,000	\$309,000	-\$14,000	\$6,510,000	\$790,000
Oliver Holdings, Inc.	✓	✓	1, 2, 3	\$5,729,000	-\$45,000	\$330,000	NO BID	NO BID	NO BID
Frith Construction									
Building Consultants, LLC									
Donohoe Builders, LLC									
MW Construction Company									
Nichols Construction Corp.									
Strawley W. Rowles, Inc.									

November 2007 Budget to Base Bid Comparison



Estimated Project Costs for Budgeting Purposes

	COST	Cost/Sq	
A1 Site Development/ Improvements	\$475,000	\$9.47	
Infill/ Sel. Demo/ Adaptive Reuse	\$4,206,000	\$83.85	50,160 Total Sq Ft.
A2 Telecommunications	\$180,300	\$3.59	
A3 Design Contingency	\$662,700	\$13.21	
subtotal	\$5,524,000	\$110.13	
A4 Escalation	\$692,400	\$13.81	
subtotal	\$6,126,400	\$122.14	
Project Contingency	\$331,500		
subtotal	\$6,457,900		
AV Computer Allowance	\$300,000		
A5 FF&E	\$558,000		
A6 Professional consulting fees	\$593,563		
Expenses	\$30,000		Bid advertisements & document printing
Credit for previously approved fees	-\$92,000		Phase One - Schematic Design
subtotal	\$1,389,563		
Total Estimated Project Cost	\$7,847,500		

	COST	Cost/Sq
Frith Construction Company	\$5,532,299	\$110.29
Allowance for paving activities	\$100,000	\$1.99
Total Frith Construction Base Bid	\$5,632,299	\$112.29

	COST	Cost/Sq
Project Contingency	\$319,900	
subtotal	\$5,952,199	\$118.66

Low Bid accepting all 3 Alternates - Clark



Construction Cost Summary based on Actual Bid

	COST	Cost/Sq	
A1 Clark Construction Company	\$5,571,000	\$111.06	50,160 Total Sq Ft.
Allowance for paving activities	\$100,000	\$1.99	
Total Clark Construction Base Bid	\$5,671,000	\$113.06	
Alternate #1	-\$63,680		Credit to remove west elevation brick
Alternate #2	\$327,140	\$6.73	Re-roof existing building
Alternate #3	-\$85,000		Credit to change HVAC controls
Alternates Subtotal	\$178,460	\$3.56	
Actual Construction Subtotal	\$5,849,460	\$116.62	Accepting base bid plus all 3 alternates
A2 Project Contingency	\$319,900		
subtotal	\$6,169,360	\$122.99	

A1 Includes Storm drainage, water line upgrade, paving resurfacing, curbs, walks, islands, landscaping, site signage, flag poles, benches, etc.
Telecom Infrastructure only: cabling, backbone, outlets, for Telephone, Fire Alarm, and Security Equipment, (no computer equipment)
A2 Project Contingency remained the same as indicated in 6/30/08 Cost Estimate

Low Bid accepting 2 & 3 Alternates Only - Frith



Construction Cost Summary based on Actual Bid

	COST	Cost/Sq	
A1 Frith Construction Company	\$5,532,299	\$110.29	50,160 Total Sq Ft.
Allowance for paving activities	\$100,000	\$1.99	
Total Frith Construction Base Bid	\$5,632,299	\$112.29	
Alternate #1	-\$45,000		Credit to remove west elevation brick
Alternate #2	\$304,400	\$6.26	Re-roof existing building
Alternate #3	-\$25,000		Credit to change HVAC controls
Alternates Subtotal	\$234,400	\$4.67	
Actual Construction Subtotal	\$5,911,699	\$117.86	Accepting base bid plus alternates 2 & 3 only
A2 Project Contingency	\$319,900		
subtotal	\$6,231,599	\$124.23	

A1 Includes Storm drainage, water line upgrade, paving resurfacing, curbs, walks, islands, landscaping, site signage, flag poles, benches, etc. and
Telecom Infrastructure only: cabling, backbone, outlets, for Telephone, Fire Alarm, and Security Equipment, (no computer equipment)
A2 Project Contingency remained the same as indicated in 6/30/08 Cost Estimate

Bid Award Requirements



EXTRACT FROM BID DOCUMENTS

15.5 If the contract is to be awarded, it will be awarded to the Bidder whose evaluation by Owner indicates to Owner that the award will be in the best interests of the Project. The Contract award will not necessarily be to the lowest Bidder. Additive bid items may be awarded in any order.

15.6 If the contract is to be awarded, Owner will give the Successful Bidder Notice of Award within 45 days after the day of the Bid opening.

Code of Virginia

§ 11-53. Negotiation with lowest responsible bidder. — Unless canceled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted, except that if the bid from the lowest responsible bidder exceeds available funds, the public body may negotiate with the apparent low bidder to obtain a contract price within available funds; however, such negotiation may be undertaken only under conditions and procedures described in writing and approved by the public body prior to issuance of the Invitation to Bid and summarized therein. (1982, c. 647.)

Q & A



**The New
Franklin County Government Center**

Estimated Project Budget – July 20, 2007

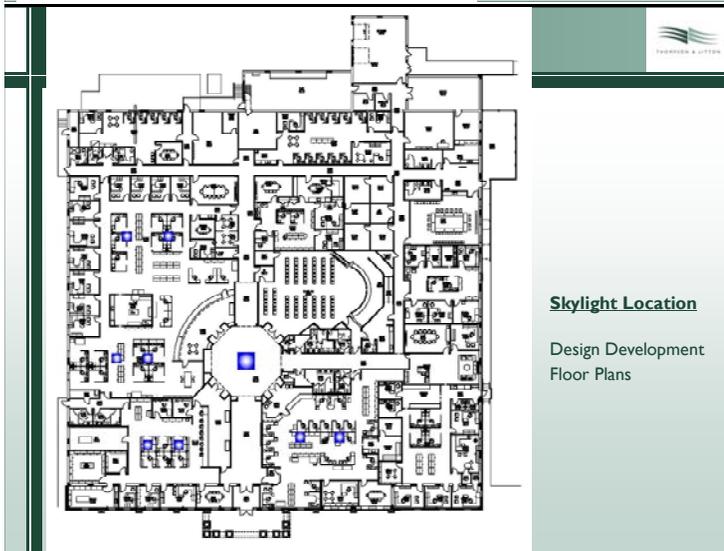
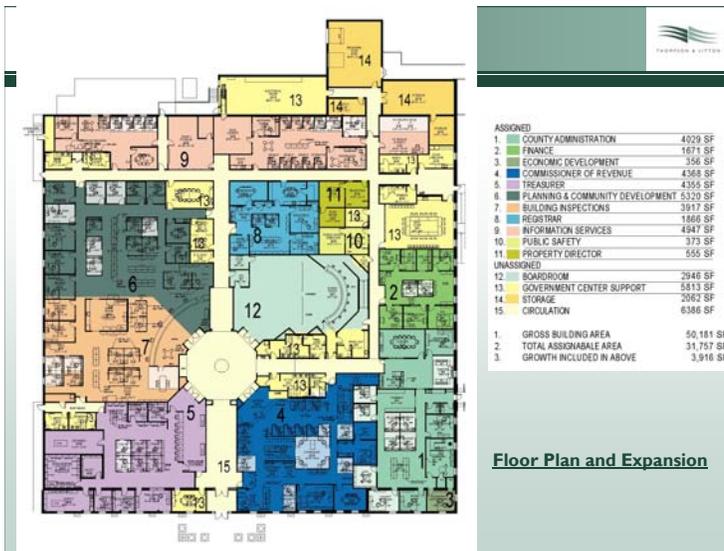
Estimated Project Costs for Budgeting Purposes

	<u>COST</u>	<u>Cost/Sf</u>	
^1 Site Development/ Improvements	\$525,000	\$10.47	
Infill/ Renovation/ Adaptive Reuse	\$4,248,600	\$84.70	50,160 Total Sq Ft.
Selective Building Demolition	\$407,400	\$8.12	
^2 Telecommunications	\$180,300	\$3.59	
^3 Design Contingency	\$662,700	\$13.21	
subtotal	\$6,024,000	\$120.10	
^4 Escalation	\$602,400	\$12.01	
subtotal	\$6,626,400	\$132.11	
Project Contingency	\$331,300	5%	
subtotal	\$6,957,700		
^5 FF&E	\$558,000		
^6 Related Fees	\$601,300	0%	
Credit for previously approved fees	-\$92,000	Phase One - Schematic Design	
subtotal	\$1,067,300		
Total Estimated Project Cost	\$8,025,000		July 20, 2007

Estimated Project Budget – November 2007

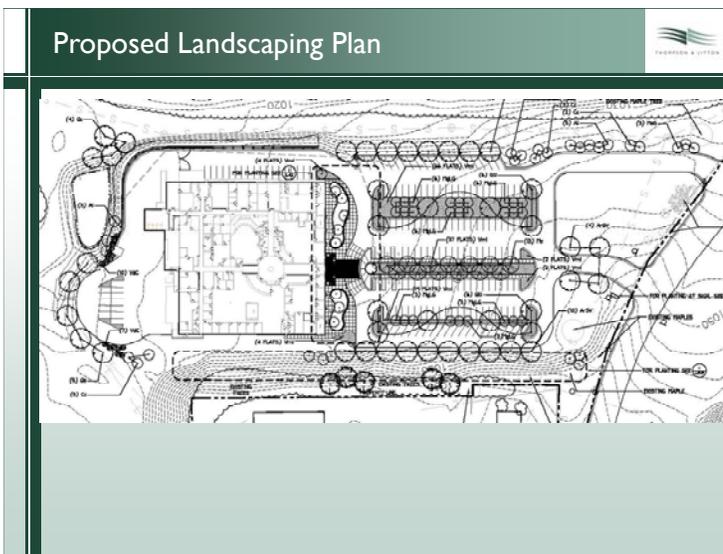
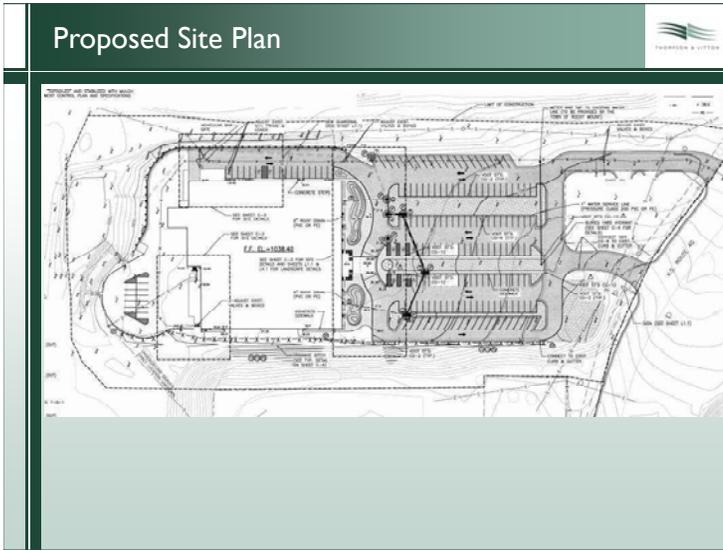
Estimated Project Costs for Budgeting Purposes

	<u>COST</u>	<u>Cost/Sf</u>	
^1 Site Development/ Improvements	\$475,000	\$9.47	
Infill/ Sel. Demol/ Adaptive Reuse	\$4,206,000	\$83.85	50,160 Total Sq Ft.
Telecommunications	\$180,300	\$3.59	
^2 Design Contingency	\$662,700	\$13.21	
subtotal	\$5,524,000	\$110.13	← \$10/sf Less
^4 Escalation	\$602,400	\$12.01	
subtotal	\$6,126,400	\$122.14	
Project Contingency	\$331,500		
subtotal	\$6,457,900		← \$500k Less
A/V Computer Allowance	\$300,000		← Not identified
^5 FF&E	\$558,000		
^6 Professional consulting fees	\$593,563		
Expenses	\$30,000		Bid advertisements & documents printing
Credit for previously approved fees	-\$92,000	Phase One - Schematic Design	
subtotal	\$1,389,563		
Total Estimated Project Cost	\$7,847,500		← \$177,500 Less



Winn Dixie - Existing Site Plan





General discussion ensued.

(RESOLUTION #07-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to award the Government Center Bid to Frith Construction, in the amount of \$5,911,699 which will include alternates 2 & 3 and any value engineering designating such funds from the fund balance.

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

THE MOTION PASSED WITH A 5-2 VOTE.

OVERSIGHT COMMITTEE

Chairman Wagner, appointed Wayne Angell and Bobby Thompson to serve as the Oversight Committee working with staff to review the bids and / or changes during the construction process.

220 CORRIDOR PLAN

Neil Holthouser, Director of Planning & Community Development, shared with the Board an update on the 220 – North Corridor Plan as follows:

Comment [c2]: May want to check with Vince and Rick to make sure the amount and language is exactly correct.

220-North Corridor Plan

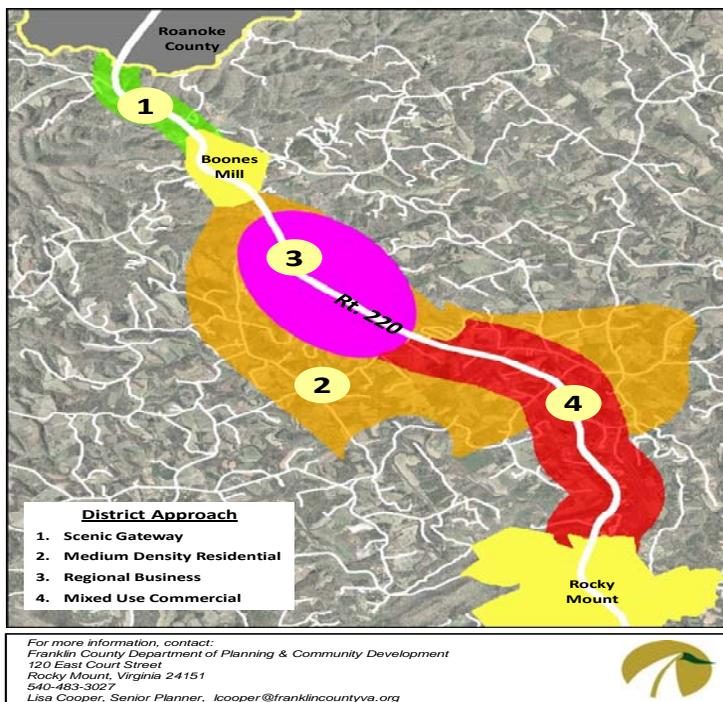


In April, 2007, the Franklin County Board of Supervisors entered into an agreement with Roanoke County and the Western Virginia Water Authority to construct a 12-inch water line along Virginia State Route 220, a distance of 12.5 miles, from the Suncrest Heights subdivision in Roanoke County to the Wirtz area (just beyond Rt. 697) in Franklin County. The project is estimated to cost \$5.5 million, with Franklin County contributing \$3.2 million. The project began construction in mid-2008, and is anticipated for completion in 2010. To help fund the project, Franklin County applied for and received a State and Tribal Grant (STAG) from the federal government in the amount of \$1 million. As a condition of the STAG award, the County must complete a corridor study to anticipate and guide growth along Rt. 220.

The Franklin County Board of Supervisors charged the Planning Commission with the development of the *220-North Corridor Plan*. The Board established a study area along Rt. 220, ranging from the Roanoke County line to the northern limits of the Town of Rocky Mount. The *220-North Corridor Plan* is intended to serve as an extension of the Comprehensive Plan of Franklin County. Upon consideration and adoption by the Board of Supervisors, it is anticipated that the *220-North Corridor Plan* will be incorporated into the Comprehensive Plan, and serve as an amendment thereof.

A draft of the 220-North Corridor Plan is currently being considered by the Planning Commission. To view the draft Plan, please visit the County's website at www.franklincountyva.gov/planning-comm. The draft Plan calls for the creation of four distinct districts along the 220 corridor, as follows (see map next page):

1. **Scenic Gateway.** This district extends from the Roanoke County line south to the northern Boones Mill town limits. This district is characterized by steep slopes, dramatic views, and significant development constraints, including creeks, a railroad, and limited vehicular access off of Rt. 220. The Plan calls for limited new development along this segment, the protection of scenic views, and preservation of the natural tree canopy along Rt. 220.
2. **Medium-Density Residential.** This district encompasses an area on either side of Rt. 220, south of the Town of Boones Mill, which is currently identified by the Comprehensive Plan for Low-Density Residential development. It is envisioned that, with the availability of public water, this district could support additional suburban density in clustered residential subdivisions. By concentrating residential density into areas best served by public water, good transportation access, and nearby commercial uses, the Plan seeks to preserve the rural character of surrounding areas.
3. **Regional Business.** This district encompasses an area along Rt. 220 from Grassy Hill Road to Brick Church Road. With the availability of public water, enhanced broadband access, and the potential for additional transportation enhancements, it is envisioned that this area could serve as a regional employment center. The Plan seeks to secure approximately 600 to 1,000 acres for a well-planned, campus-like Regional Business Park.
4. **Mixed Use Commercial.** This district extends from Brick Church Road to the northern town limits of Rocky Mount. This area currently consists of highway commercial businesses and scattered single-family homes with access directly off of Rt. 220. The Plan envisions this area transitioning to a mixture of commercial, office, and residential uses, in well-planned developments with controlled highway access. It is envisioned that new commercial development will support a nearby regional business park, as well as the needs of a growing suburban population in this area.



The Board authorized staff to proceed with submitting a STAG grant extension request regarding the completion and adoption of the 220 Corridor Plan. The consensus of the Board was that

more work would likely be needed on the Plan once the Planning Commission officially submits the Plan to the Board.

The Board recessed the meeting to the County Administrator's Conference Room to conduct a closed meeting in accordance with 2.2-3711, a-1, Personnel & a-5, Discussion of a Prospective New Business or Industry.

CLOSED MEETING
(RESOLUTION #08-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-1, Personnel and a-5, Discussion of a Prospective New Business or Industry, of the Code of Virginia, as amended.

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

The Board recessed to the Administration Conference Room in the County Administration Building for conducting the closed meeting.

MOTION: David Cundiff

RESOLUTION: #09-10-2008

SECOND: David Hurt

MEETING DATE October 21st, 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

Chairman Wagner recessed the meeting for dinner.

Chairman Charles Wagner recessed the meeting for the previously advertised public hearings as follows:

Franklin County Family YMCA, Petitioners/Owners for property currently zoned PCD, Planned Commercial District, to amend proffer # 7D, Architectural Proffers in regard to the exclusion of vertical metal siding approved by the Franklin County Board of Supervisors as part of the rezone request for LakeWatch Plantation. The existing proffer states "vertical metal siding shall be prohibited on any façade visible from any public street right of way". The requested amended proffer states that vertical metal siding shall be allowed on the existing building located on Tax Map# 15, Parcel # 42.4 in accordance with the submitted plan titled "Concept Plan/Amended Proffer Request for the Franklin County Family YMCA at LakeWatch Plantation", and further states all improvements shall be installed within fifteen months from the date of approval by the Franklin County Board of Supervisors, with said improvements to be bonded by letter of credit pursuant to Franklin County Code Section 25-629 to allow issuance of a Certificate of Occupancy. (Case # REZO-8-08-3017)

Neil Holthouser, Director of Planning and Community Development, presented the staff report and the Planning Commission recommendation.

THE FOLLOWING PEOPLE SPOKE IN FAVOR OF THE PROPOSED YMCA AMENDED PROFFER:

Dave Lawton, Executive Director, YMCA

Gary Ellis, Resident of Lakewatch
 Andrea Vampler
 Erick Hill
 Phyllis Johnson
 Danny Perdue
 Lori Dudley, Branch Director, shared with the Board a letter of support as follows:

RICHARD W. CAIRNS
26 Virginia Avenue
Moneta, VA 24121

Franklin County Board of Supervisors
 40 East Court Street
 Rocky Mount, Virginia 24151
 Dear Sirs:

As a citizen of Franklin County who strongly supports important county-wide community organizations like the YMCA, I urge you to grant an exception to the vertical metal siding proffer at the LakeWatch YMCA facility so that the costs required to comply with the proffer are not imposed as financial penalties upon the YMCA and in turn upon the citizens of Franklin County.

After 35 years living in locations throughout the United States and abroad while in service to our nation, my wife and I settled in Franklin County in 2002 because of its natural beauty and temperate climate, its rural heritage and strong sense of community, and the warm, down-to-earth Americans who make Franklin County such a great, friendly community in which to live. The first community facility we visited was the YMCA at Westlake. Since that time, we have been active in the YMCA at Westlake, now at LakeWatch, and in Rocky Mount. We have seen YMCA programs grow and reach out to all segments of this community, making important, positive contributions in the lives of children, youth and adults throughout the County. The YMCA is truly a community organization that we can all be proud to support.

It is the very nature of the YMCA—a nonprofit community organization—that should guide your resolution of the vertical metal siding issue at the LakeWatch facility. As I understand the facts, the YMCA's use of vertical metal siding was a good faith mistake by all concerned. The YMCA, the architect, the construction company and the developer apparently all believed the proffer prohibited vertical metal siding when visible from Route 122, rather than from any public right of way in LakeWatch. The parties discussed the fact that the building was not within sight lines of Route 122, and they concluded the project was in compliance with the proffer, as they mistakenly understood it at the time. Apparently, even Franklin County officials were mistaken when they approved architectural drawings that included vertical metal siding. Unless there are other facts that have gone unreported, the inescapable conclusion is that this mistake was entirely an honest one. Finally, I understand that not one resident has complained about or voiced objection to the vertical siding. That is understandable because by any reasonable standard, the appearance of the vertical metal siding is not objectionable.

I understand and respect the concern some Supervisors may have that allowing the YMCA to amend the proffer might create a precedent for developers to rely upon in the future. As a lawyer and retired judge, I submit that precedent is only created upon the same or similar facts. Thus, a decision can be narrowly drawn to grant an amendment to a proffer based on a good faith mistake by a nonprofit community organization in which the County implicitly assented and for which there is no opposition by surrounding residents. This would make future reliance on your decision as precedent quite difficult because an applicant would have to prove the same or similar facts. Explicitly prefacing your decision to grant the YMCA relief by confining it to these narrow facts would permit the Board of Supervisors to exercise its good judgment and discretion in this case and in future cases, to reach different results based on different facts, and to do so in an entirely defensible, reasonable way.

I appreciate and applaud government enforcing its own rules and applying them even-handedly. However, citizens also expect our elected officials to exercise sound discretion, to make right and reasonable decisions, and to grant exceptions to rules within their authority when the facts cry out for an exception. The facts in the YMCA case cry out for an exception. I respectfully request that you reconsider and reverse your vote to deny an amendment to the proffer. This is the best resolution for the Franklin County because it will not penalize an important community nonprofit organization at the expense of its programs, nor will the cost of unnecessary remediation be born

by the citizens of Franklin County. Strict enforcement of this proffer will not serve to deter future violations by penalizing a developer or builder—it will only penalize the citizens of this County who are your constituents.

Having been invited to attend a meeting designed to craft a compromise acceptable to all, I understand the YMCA is proposing to take certain alternative remedial steps including landscaping and some building modifications, the cost of which will be approximately \$25,000, more or less. While I strongly support an amended proffer that will avoid any additional costs, if the Board rejects the no-cost option, I support the lower-cost option.

The citizens of Franklin County look to you, our elected officials, to make fair decisions that are in the best interests of all. Supporting the YMCA by finding a no-cost or low-cost solution is in the best interests of the entire community.

Respectfully submitted,

Richard W. Cairns
Colonel and Senior Judge (Retired)
U.S. Army Court of Criminal Appeals

Mr. Russ Johnson presented a letter, for the record, sent by Rick DuFour as follows:

As you know we have corresponded in the past regarding the Board's decision to penalize the YMCA because of its oversight in not adhering to a proffer banning vertical siding on its building. As I have stipulated in the past, I have never found the arguments that "a proffer is a proffer, exceptions can't be made, and we can't establish a precedent" to be compelling.

This facility was built only because of the benevolence of residents who supported it as a community benefit and public good. The decision to penalize the YMCA is, in fact, a decision to penalize those same members of the community. I can identify no one who benefits from a decision to demand that the YMCA take on additional costs to change the appearance of a structure that is not visible from any major road and that not one of the residents of the neighborhood has raised an objection to. Ironically, had the Y put up horizontal siding, there would be no controversy, and yet I know of no one who would argue that the direction of the siding has an impact on the aesthetics of the building. I have served on Boards my entire life, and I know that in making decisions Boards can stipulate that a decision 1) does not establish a precedent or 2) that the only precedent would be if the situation were identical. I believe that Boards should make decisions on the basis of the public good, and in my mind, that clearly leads to the conclusion that the Board should seek to assist the Y to find a resolution rather than punish it.

So I continue to be disappointed in the decision to punish the YMCA, or more accurately, to punish your constituents who support the YMCA. I am distressed that the donations I have made to support the Y building program and the community it serves will now be spent on cosmetics. Nevertheless, it is now the time to seek common ground to extricate all the involved parties from this lose-lose situation. I understand that the Y has presented a proposal to address immediately some of the aesthetic issues that was the underlying basis for the initial proffer and to pledge to further correct the problem with its subsequent expansion of the building. I hope I can count on your full support for that compromise.

Unfortunately, I will be out of the state on October 21, and thus I will not be able to make a personal appeal to the Board. I respectfully ask that the Board allow this letter to be read into the public record, and more importantly, that you and the other members of the Board accept the compromise that has been offered.

Sincerely,

Richard P. DuFour
465 Island Pointe Lane
Moneta, VA. 24121

THE FOLLOWING PEOPLE SPOKE IN OPPOSITION OF THE PROPOSED YMCA AMENDED PROFFER:
Gale Taylor

The public hearing was closed.**(RESOLUTION #10-10-2008)**

BE IT THEREFORE ORDAINED, by the Board of Supervisors to approve the aforementioned rezoning with proffers, whereby the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended with the following proffers and deviations:

Proffers for Case # REZO-8-08-3017, Franklin County Family YMCA:

1. Vertical metal siding shall be prohibited on any façade visible from any public street right of way, with the following amendment applying only to the existing building located on Tax Parcel 15-42.4:

2. Vertical metal siding shall be prohibited on any façade visible from any public street right of way within or adjoining the Lakewatch Plantation Planned Commercial Development, except as follows: Vertical metal siding shall be allowed on the existing building located on Tax Parcel # 15-42.4 in accordance with the attached plan titled "CONCEPT PLAN/AMENDED PROFFER REQUEST FOR THE FRANKLIN COUNTY FAMILY YMCA AT LAKEWATCH PLANTATION", dated July 29, 2008, prepared by Philip W. Nester. All improvements as shown on the attached plan shall be installed within fifteen months from the date of approval by the Franklin County Board of Supervisors, with said improvements to be bonded by letter of credit pursuant to Franklin County Code Section 25-629 to allow issuance of a Certificate of Occupancy.

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

Western Virginia Water Authority/ Petitioners, and Westlake Corporation/ owners request to include the Westlake Overlay District as identified in the Franklin County 2025 Comprehensive Plan to revise a Special Use Permit to expand the capacity and service area of an existing waste water treatment facility on +/- 57 acres currently zoned A-1. Tax Map # 30 Parcel # 1.1 (Case # SPEC-8-08-3028)

Aaron Burdick, Senior Planner/Current Planning Manager, presented the staff report and the Planning Commission recommendation.

Mike McEvoy, Western Virginia Water Authority, presented the advertised petition.

No one spoke for or against the proposed petition.

(RESOLUTION #11-10-2008)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the special use permit with the conditions as discussed for uses as provided in this chapter finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base. Approval with the following conditions:

Conditions for Case # SPEC-8-08-3028, Western Virginia Water Authority:

1. Service Area. The mass drainfields shall only serve sewage generated from those parcels shown on the map created by Engineering Services, dated July 31, 2008, and titled "Proposed Waste Water Service Area."
2. Future Expanded Service Area. Any future service area expansion shall be subject to Board of Supervisor approval.
3. Future Capacity Expansion. Any future sewage treatment facility capacity expansion shall be subject to Board of Supervisor approval.

4. **Structures.** There shall be no structures or paving on this property directly relating to the Special Use Permit, consisting of +/-57.541 acres, except those necessary for the public utility operations. Said structures shall be barn or agricultural in design with wood siding.
5. **Material Storage.** Outdoor storage of materials shall be limited to only those materials necessary to support public utility operations. Said materials shall be stored within fifty (50) feet of the existing facility, and shall be screened with a six (6) foot wood fence, or with evergreen trees, consisting of two (2) staggered rows of evergreen trees with ten (10) foot spacing. Trees shall be a minimum height of six (6) feet at time of planting.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

PETITION of the Franklin County Board of Supervisors to amend the following sections of Chapter 25, "Zoning" of the Franklin County Code, to incorporate corrected references to the Code of Virginia: Article I, Division 1, Section 25-1; Division 2, Section 25-23; Division 3, Section 25-40; Article V, Division 3, Section 25-639 and Section 25-645; Division 6, Section 25-729, Section 25-732, Section 25-733, Section 25-734, Section 25-737, Section 25-738, and Section 25-747; Division 7, Section 25-768, Section 25-771, Section 25-773, Section 25-775, Section 25-776, and Section 25-777. (Case # A-08-08-01)

Neil Holthouser, Director of Planning and Community Development, presented the staff report and the Planning Commission recommendation.

(RESOLUTION #12-10-2008)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendment, as advertised, and that the public purpose is public necessity, convenience, general welfare, or good zoning practice and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, that the County Code be, and is hereby amended for corrected references to the Code of Virginia as follows:

ARTICLE I. GENERAL PROVISIONS

DIVISION 1. AUTHORITY, ESTABLISHMENT, PURPOSE AND OFFICIAL ZONING MAP

Sec. 25-1. Authority and enactment.

This chapter, to be cited as the Zoning Ordinance of Franklin County is hereby ordained, enacted and published by the Board of Supervisors of Franklin County, Virginia, pursuant to the provisions of title 15.2, chapter 22, article 7 Code of Virginia, 1950, and amendments thereto.

(Ord. of 5-25-88)

DIVISION 2. APPLICATION OF REGULATIONS

Sec. 25-23. Conflicting ordinances.

- (a) Whenever provisions within this chapter conflict with any local, state or federal statute or regulation with respect to requirements or standards, the most severe or stringent requirement or standard will prevail.
- (b) For purposes of this section, any proffer heretofore accepted by the board of supervisors in accordance with section 15.2-2296 et seq., of the Code of Virginia, shall be continued in effect and shall be construed to be a "local regulation" until amended or varied by the board of supervisors in accordance with law, regardless of the repealer of any previous ordinance. (Ord. of 5-25-88)

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:

Conditional zoning. "Conditional zoning" means, as part of classifying land within a governmental entity into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for in a particular zoning district or zone by the overall zoning ordinance. It is the purpose of section 15.2-2296 of the Code of Virginia to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain

conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.

Inoperable vehicle. An inoperable vehicle means any motor vehicle which either is not in operating condition; and/or which it would not be economically practical to make operative, or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle. This term shall not include vehicles used in agricultural or horticultural purposes as provided for in section 46.2-665 of the Code of Virginia.

ARTICLE V. PROCEDURE

DIVISION 3. SPECIAL USE PERMITS

Sec. 25-639. Application.

Application for a special use permit shall be made by the filing thereof by the owner or contract purchaser of the subject property with the zoning administrator, together with a fee as set forth in section 25-789, the fees of this chapter. No such permit shall be issued unless the board of supervisors shall have referred the application therefore to the planning commission for its recommendations. Failure of the planning commission to report within sixty (60) days after the first meeting of the planning commission after the application has been referred to the planning commission shall be deemed a recommendation of approval. No such permit shall be issued except after notice and hearing as provided by sections 15.2-2204 and 15.2-2205 of the Code of Virginia. Also, a notification sign shall be posted by the applicant upon the subject property and adjacent to the nearest state highway at the point of access to the subject property for a period of fourteen (14) days prior to the first public hearing of the board of supervisors.

(Ord. of 5-25-88)

Sec. 25-645. Review of public uses for compliance with the Comprehensive Plan.

(c) The foregoing notwithstanding, the provisions of section 15.2-2232 of the Code of Virginia shall apply to any such review.

(Ord. of 5-25-88)

Cross references: For other provisions applicable to the above, see § 25-50.

DIVISION 6. AMENDMENTS TO ZONING ORDINANCE

Sec. 25-729. Code provisions.

The board of supervisors may amend, supplement or change the regulations in the zoning ordinance, or the zoning boundaries or classifications of property on the zoning map, in conformity with the provisions of title 15.2, chapter 14, article 7, of the Code of Virginia (1950), as amended, and the provisions and purposes of this division.

(Ord. of 5-25-88)

Sec. 25-732. By property owner contract purchasers and owner's agent petition; by motions.

Amendment of this chapter shall be initiated as follows:

(1) By the filing with the board of supervisors of a petition of any owner or owners of land proposed to be rezoned, which petition shall be addressed to the board of supervisors and shall be on a standard form and accompanied by a fee set forth in section 25-789. In accordance with 15.2-2286 of the Code of Virginia, this petition shall also include, in the case of any application for a zoning map amendment, zoning ordinance modification, zoning concept development plan amendment, special use permit, variance, site plan or zoning permit, the provision of satisfactory evidence from the treasurer's office that any real estate taxes due and owed to the county which have been properly assessed against the property have been paid and that the property shall be in compliance with all county ordinances prior to final approval of such application.

(2) By motion of the commission.

(3) By motion of the board of supervisors.

(Ord. of 5-25-88)

Sec. 25-733. Proffers of conditions.

Prior to any public hearing before the board of supervisors, any applicant for rezoning may voluntarily proffer, in writing, reasonable conditions to be applied to such rezoning as part thereof. Such conditions shall comply with the provisions of section 15.2-2297 of the Code of Virginia; provided, that the proffering thereof by the applicant shall be deemed prima facie evidence of such compliance.

(Ord. of 5-25-88)

Sec. 25-734. Effect of conditions.

Upon the approval of any such rezoning, all conditions so proffered and accepted by the board of supervisors shall be deemed a part thereof and nonseverable therefrom and shall remain in force until amended or varied by the board of supervisors in accordance with section 15.2-2302 of the

Code of Virginia. All such conditions shall be in addition to the regulations provided for the district by this chapter.

(Ord. of 5-25-88)

Sec. 25-737. Public hearing; notice.

The commission shall hold a public hearing on any such rezoning petition, ordinance amendment, or resolution, as provided by section 15.2-2285 of the Code of Virginia, after notice as required by sections 15.2-2204 and 15.2-2205 of the Code of Virginia. Required notices to adjoining property owners shall be sent by an agent of the governing body and such notices shall be sent by first class mail. A representative of the agent shall make an affidavit that such mailings have been made and file such affidavit with the papers in the case.

(Ord. of 5-25-88)

Sec. 25-738. Report by planning commission to board of supervisors after hearing.

After the conclusion of the hearing provided for in this section, unless proceedings are terminated as provided herein, the commission shall report to the board of supervisors its recommendation with respect to the proposed amendment. In acting favorably with respect to a proposed amendment initiated by the petition of a property owner or owners, the commission need not confine its recommendation to the proposed amendment as set forth in the petition, but may reduce or enlarge the extent of land that it recommends be rezoned or may recommend that land be rezoned to a different zoning classification than that petitioned for if the commission is of the opinion that such revision is in accord with public necessity, convenience, general welfare and good zoning practice and is in furtherance of the purposes of this chapter and section; provided; that before recommending an enlargement of the extent of land or a rezoning to a less restricted classification than was set forth in the petition, the commission shall hold a further hearing on the matter, pursuant to the requirements of sections 15.2-2204 and 15.2-2205 of the Code of Virginia. No amendment to the zoning map shall be approved for a change in zoning classification different from that applied for and contained in the public notice of hearing nor for any land not included therein without referring said change to the commission for its review and recommendations and proceedings pursuant to this section and section 25-733; provided, however, that an amendment may be approved for only a portion of the area proposed for rezoning if the portion rezoned is accurately and sufficiently delimited in the approval action, or if a portion is reclassified pursuant to sections 15.2-2286, 15.2-2288, 15.2-2287, and 15.2-2303 et seq. of the Code of Virginia, where land may be reclassified as in floodplain districts.

(Ord. of 5-25-88)

Sec. 25-747. Petition for review of decision.

Any zoning applicant or any other person who is aggrieved by the decision of the zoning administrator in enforcing and guaranteeing conditions to a rezoning (pursuant to section 15.2-2299 of the Code of Virginia) may petition the governing body for the review of the decision of the zoning administrator. All such petitions for review shall be filed with the zoning administrator and with the clerk of the governing body within thirty (30) days from the date of decision for which review is sought, and such petitions shall specify the grounds upon which the petitioner is aggrieved.

(Ord. of 5-25-88; Res. of 10-25-88)

DIVISION 7. BOARD OF ZONING APPEALS

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

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

(Ord. of 5-25-88)

Cross references: Powers and duties of board of zoning appeals, § 25-773.

Sec. 25-771. Removal.

Pursuant to the Code of Virginia, section 15.2-2308, any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after hearing held after at least fifteen (15) days' notice. (Ord. of 5-25-88)

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

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

- (1) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any regulation adopted pursuant hereto.
- (2) To authorize upon appeal or original application in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, when owing to special conditions a literal enforcement of the provision will result in unnecessary hardship; provided, that the spirit of the chapter shall be observed and substantial justice done, as follows:

- a. When a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter.
 - b. No such variance shall be authorized by the board of zoning appeals unless it finds:
 1. That the strict application of this chapter would produce undue hardship;
 2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
 - c. No such variance shall be authorized except after notice and hearing as required by sections 15.2-2204 and 15.2-2205 of the Code of Virginia.
 - d. No variance shall be authorized unless the board of zoning appeals finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the chapter.
 - e. In authorizing a variance, the board of zoning appeals may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (3) To hear and decide appeals from the decision of the zoning administrator.
 - (4) To hear and decide applications for interpretation of the zoning map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by sections 15.2-2204 and 15.2-2205 of the Code of Virginia, the board of zoning appeals may interpret the map in such a way as to carry out the intent and the purpose of this chapter for the particular section or district in question. The board of zoning appeals shall not have the power, however, to rezone property or substantially to change the locations of district boundaries as established by this chapter and the zoning map.

(Ord. of 5-25-88)

Sec. 25-775. Application for variances.

Application for variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the zoning administrator in accordance with the provisions of this section and with rules adopted by the board of zoning appeals. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board of zoning appeals, who shall place the matter on the docket to be acted on by the board of zoning appeals. No such variance shall be authorized except after notice and hearing as required by sections 15.2-2204 and 15.2-2205 of the Code of Virginia. The zoning administrator shall also transmit a copy of the application to the commission, which may send a recommendation to the board of zoning appeals or appear as a party at the hearing. (Ord. of 5-25-88)

Sec. 25-776. Procedure.

- (a) Appeals and applications for variances shall be filed with the zoning administrator, together with a fee as set forth in section 25-789.
- (b) The board of zoning appeals shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof pursuant to sections 15.2-2204 and 15.2-2205 of the Code of Virginia, as well as due notice to the parties in interest, and decide the same within sixty (60) days. In exercising its powers, the board of zoning appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. The concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variance from this chapter. (Ord. of 5-25-88)

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

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer, or any officer, department, board or bureau of the county, may present to the circuit court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board of zoning appeals, which petition shall proceed in accordance with section 15.2-2314 of the Code of Virginia. (Ord. of 5-25-88)

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

PETITION of the Franklin County Board of Supervisors to amend the following sections of Chapter 25, "Zoning" of the Franklin County Code, to clarify definitions for principal and accessory uses, buildings, and structures: Article I, General Provisions, Division 3, Definitions, Section 25-40, Principal definitions of the Zoning Ordinance. (Case # A-08-08-02)

Neil Holthouser, Director of Planning and Community Development, presented the staff report and the Planning Commission action from their meeting.

General discussion ensued.

(RESOLUTION #13-10-2008)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendments, as advertised, and that the public purpose is public necessity, convenience, general welfare, or good zoning practice and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, that the County Code be, and is hereby amended for Section 25-40, Principal definitions as follows:

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:

Building. A structure having a roof supported by columns or walls, which is designed and intended to house, shelter, or enclose persons, animals, activities, processes, equipment, goods, materials, or personal property.

Building, accessory. A secondary and subordinate building which is incidental to and associated with a principal building and its corresponding principal use. An accessory building must be located on the same parcel of land as the principal building with which it is associated, and shall not exceed its associated principal building in terms of building footprint, gross floor area or height.

Building, principal. A primary building(s) which is devoted to, designed for, or intended to house, shelter, or enclose a principal use. A principal building must be located on the same parcel of land as the principal use it serves.

Structure. Anything constructed or erected, the use of which requires permanent location or placement on the ground or attachment to something having a permanent location or placement on the ground.

Structure, accessory. A secondary and subordinate structure which is incidental to and associated with a principal structure and its corresponding principal use. An accessory structure must be located on the same parcel of land as the principal structure with which it is associated.

Structure, principal. A primary structure(s) which is devoted to, designed for, or intended to be used by a principal use. A principal structure must be located on the same parcel of land as the principal use it serves.

Use. An activity, process, operation, or purpose to which land, or a building or structure located thereon, is devoted, and for which such land, building or structure is or may be utilized, occupied or maintained.

Use, accessory. A secondary and subordinate use of the land, which is incidental to, associated with, and dependent upon a principal use.

Use, principal. A primary use(s) for which a given parcel of land, or the principal structure or building thereon, is designed, arranged, developed, or intended.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

Comment [c3]: May want to get with Planning staff as I have in my notes a need for an editorial change / correction.

VOTING ON THE MOTION WAS AS FOLLOWS:

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

NAYS: Hurt

PETITION of the Franklin County Board of Supervisors to amend the following sections of Chapter 25, "Zoning", of the Franklin County Code, to define and regulate adult uses, and to allow adult uses by special use permit in the B-2, General Business District: Article I, General Provisions, Division 3, Definitions, Section 25-40, Principal definitions of the Zoning Ordinance; Article II, Basic Regulations, Division 4, Supplemental Regulations, Section 25-119, Reserved; and Article III, District Regulations, Division 9, Business District, General (b-2), Section 25-336, Special use permits. (Case # A-08-08-03)

Neil Holthouser, Director of Planning and Community Development, presented the staff report and the Planning Commission action from their meeting.

(RESOLUTION #14-10-2008)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendment, as advertised, and that the public purpose is public necessity, convenience, general welfare, or good zoning practice and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, that the County Code be, and is hereby amended for Section 25-40, Section 25-119 and Section 25-336 as follows:

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:

Adult use. A use that regularly exploits an interest in matter related to specified sexual activities or specified anatomical areas, where:

- (1) *Specified sexual activities* shall include:
 - a) Human genitals in a state of sexual stimulation or arousal;
 - b) Acts of human masturbation, sexual intercourse, or sodomy; or
 - c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- (2) *Specified anatomical areas* shall include:
 - a) Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or
 - b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adult use, bookstore: An establishment that devotes more than fifteen (15) percent of the total floor area utilized for the display of books and periodicals, or fifteen (15) percent of the total sale stock of the establishment, to the display and sale of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, compact discs, DVDs, records or any other forms of visual or audio representations which are characterized by an emphasis upon the depiction and description of specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than fifteen (15) percent of the total floor area or total stock of the establishment to the sale of books and periodicals.

Adult use, drive-in theatre: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult use, mini-motion picture theatre: An establishment, with a capacity of more than five (5) but less than fifty (50) persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

Adult use, model studio: Any establishment open to the public where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Code of Virginia for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.

Adult use, motion picture arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult use, motion picture theatre: An establishment, with a capacity of fifty (50) or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

ARTICLE II. BASIC REGULATIONS

DIVISION 4. SUPPLEMENTAL REGULATIONS

Sec. 25-119. Adult uses.

- (a) *Application of division.* In any zoning district in which a use is otherwise permitted, if such use constitutes an "adult use," as defined in this chapter, the minimum requirements and standards set out in this section shall apply to such use.
- (b) *Prohibited locations, generally.*
- (1) No adult use may be established within two thousand (2,000) feet of any other such adult use in any zoning district.
 - (2) No adult use may be established within one thousand (1,000) feet of a residentially zoned district or a school, educational institution, church, public park, playground, playfield or day care center.
 - (3) The "establishment" of an adult use, as referred to in this section, shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area or the conversion, in whole or in part, of an existing business to any adult use.
- (c) *Measurement of distances.* All distances specified in this division shall be measured from the property line of one use to another. The distance between an adult use and a residentially zoned district shall be measured from the property line of the use to the nearest point of the boundary line of the residentially zoned district.

MOTION BY: Wayne Angell

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

PETITION of the Franklin County Board of Supervisors to amend the following sections of Chapter 25, "Zoning", of the Franklin County Code, to define and regulate amateur radio towers: Article I, General Provisions, Division 3, Definitions, Section 25-40, Principal definitions of the Zoning Ordinance; Article II, Basic Regulations, Division 4, Supplemental Regulations, Section 25-128, Towers, antennas, satellite dishes. (Case # A-08-08-04)

Neil Holthouser, Director of Planning and Community Development, presented the staff report and the Planning Commission action from their meeting.

Harry Whise, Amateur Radio Operator, stated the radio operators in the County support the proposed amendment.

(RESOLUTION #15-10-2008)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendment, as advertised, and that the public purpose is public necessity, convenience, general welfare, or good zoning practice and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, (7) Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, that the County Code be, an d is hereby amended for Section25-40 and Section 25-128 as follows:

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:

Tower, amateur radio. A structure, including cables, guy wires, or other structural supports, on which an antenna is installed for the exclusive purpose of transmitting and receiving non-commercial radio signals without remuneration, and which is operated by an amateur radio operator licensed by the Federal Communications Commission.

ARTICLE II. BASIC REGULATIONS

DIVISION 4. SUPPLEMENTAL REGULATIONS

Sec. 25-128. Towers, antennas, satellite dishes.

(b) Amateur radio towers shall be subject to the following requirements:

1. Amateur radio towers shall be permitted in all zoning districts.
2. Amateur radio towers, including any and all antennas, appurtenances, cables, guy wires, or structural supports, shall be subject to the front, side and rear setback requirements for accessory structures for the zoning district in which the tower is located.
3. No amateur radio tower may exceed a height of two hundred (200) feet, as measured from the ground at a point directly beneath the apex of the tower.
4. Prior to the issuance of a land use permit for any amateur radio tower, the applicant shall provide the following:
 - a. A completed land use application form.
 - b. A copy of the approved and valid Federal Communications Commission license.
 - c. A description of the proposed tower, including its height and method of construction.
 - d. A survey plat of the subject property, showing meets and bounds of all property lines, the location of all existing structures, and the proposed location of the tower, including the location of cables, guy wires or other structural supports.

MOTION BY: David Cundiff

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

PETITION of the Franklin County Board of Supervisors to amend the following sections of Chapter 25, "Zoning", of the Franklin County Code, to clarify the performance guarantee requirements for physical improvements required for site development, and to allow for performance bonding as an acceptable form of surety: Article V, Procedure, Division 4, Site Development Plan, Section 25-677, Minimum standards and improvements required. (Case # A-08-08-05)

Neil Holthouser, Director of Planning and Community Development, presented the staff report and the Planning Commission action from their meeting.

General discussion ensued.

(RESOLUTION #16-10-2008)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendment, as advertised, and that the public purpose is public necessity, convenience, general welfare, or good zoning practice and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, that the County Code be, and is hereby amended for Chapter 25, Section 25-677 as follows:

**ARTICLE V. PROCEDURE
DIVISION 4. SITE DEVELOPMENT PLAN**

Sec. 25-677. Minimum standards and improvements required.

(b) *Bonding and agreement:* Prior to the approval of any site development plan, the applicant shall execute an agreement with the county to construct all physical improvements required by the site development plan, except for such improvements as are bonded elsewhere under Section 7-14 (erosion and sediment control), Section 19-66 (subdivisions), Section 22-16 (water and sewer systems), and Section 25-97 (landscaping and buffering). Whenever the cost of such improvements as identified under Section 25-676(37) shall exceed twenty-five thousand dollars (\$25,000), the applicant shall post a performance guarantee with surety acceptable to the county to cover the estimated cost of the required improvements plus ten (10) percent contingency. Acceptable forms of surety include:

1. A letter of credit from a recognized lending institution;
2. A cash amount, placed in escrow with the county; or
3. A performance bond, issued by a surety company licensed in the State of Virginia.

Any dispute arising from the proposed disposition of a posted performance guarantee shall be resolved by the Franklin County Circuit Court.

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

**PUBLIC NOTICE
PROPOSED LEASE OF OFFICE SPACE**

In accordance with the provisions of Section 15.2-1800 of the Code of Virginia, as amended, notice is hereby given to all interested parties that the Board of Supervisors of the County of Franklin, Virginia will conduct a public hearing on the proposed lease of office space consisting of approximately 2,670 square feet, a part of the former Developmental Center Building, 40 West Church Street, Rocky Mount, Virginia for use by Family Preservation Services, Inc.

Ann B. Minnix, L.C.S.W., Roanoke Regional Director, shared with the Board the function of Family Preservation Services, Inc. Mrs. Minnix stated the agency is serving 50 students within 6 schools; 11 counselors (9 of the counselors are Franklin County residents). Mrs. Minnix asked the Board to approve the lease as advertised.

No one spoke for or against the proposed

(RESOLUTION #17-10-2008)

BE IT THEREFORE RESOLVED, by the Board to authorize the County Administrator to negotiate a fair market lease rate with the appropriate terms and conditions for Family Preservation Services, Inc., as advertised.

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

**PUBLIC NOTICE
PROPOSED LEASE OF LAND**

In accordance with the provisions of Section 15.2-1800 of the Code of Virginia, as amended, notice is hereby given to all interested parties that the Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M., on Tuesday, October 21st, 2008**, in the Meeting Room located in the Courthouse, Rocky Mount, Virginia to consider a lease arrangement for a period of up to two (2) years for agricultural purposes on approximately 60.80 acres of land located at the corner of Six Mile Post Road (Route 640) and Waid Park Road (Route 800) in the Blackwater Magisterial District. This land is adjacent to the premises of Waid Park.

Since 2001, the County of Franklin has been leasing fields for agricultural purposes to local farmers. Since the original leases were drawn up, the County has pulled fields eight (8), nine (9) and twenty-one (21) out of production as they have been converted to athletic fields and a bird sanctuary.

Following the County's procurement policy, staff has advertised for a public hearing and to seek sealed bids from all parties interested in leasing these fields for agricultural purposes. The only bidders were the existing farmers and they have asked to continue to retain the same fields they had presently leased.

Below are the field descriptions, acreage and lease rates presently used by the farmers. (**Upland** represents land away from the water and **bottomland** represents land next to the water.)

FIELD NUMBER	ACREAGE	TYPE (UPLAND OR BOTTOMLAND)	PROPOSED LEASE RATE (TOTAL FOR THE FIELD)	FARMER
6 & 16	12	Upland Acres	\$27/per acre	Donald Bowman
6, 7, 13, & 14	17.5	Bottomland Acres	\$47/per acre	Donald Bowman
10 & 11	16	Upland Acres	\$20/per acre	Emery Bowman
10	5.5	Bottomland Acres	\$40/per acre	Emery Bowman
15	11	Upland Acres	\$40per acre	Oaks Dairy Farm

RECOMMENDATION

Staff respectfully requests Board authorization to award the field leases for a period to commence in January 2009 and conclude in December 2011 as received.

(RESOLUTION #18-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to award the bids on the aforementioned farm land for the stated rate per acre as received (sealed bids) from Donald Bowman, Emery Bowman and Oaks Dairy Farm.

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

**NOTICE OF PUBLIC HEARING
 ON PROPOSED FINANCING BY
 FRANKLIN COUNTY, VIRGINIA**

Notice is hereby given that Franklin County, Virginia (the "County") will hold a public hearing and consider the adoption of a proposed Resolution authorizing the issuance of its Water and Sewer System Revenue Bond, Series 2008 in an aggregate principal amount not to exceed \$3,500,000 (the "Bond"), all in accordance with the Public Finance Authority. Proceeds from the sale of the Bond shall be used to finance the costs to: (1) acquire from the Western Virginia Water Authority (the "Authority") the right to purchase a wastewater treatment system located in the Westlake Overlay area of the County and generally situated along Route 122; and (2) pay issuance expenses in connection with the Bond (collectively, the "Project").

Vincent Copenhaver, Director of Finance, shared with the Board the following resolution authorizing the borrowing of up to \$3,500,000 for the Water & Sewer System as previously advertised:

**RESOLUTION REGARDING THE PUBLIC HEARING
 FOR THE PROPOSED FINANCING OF THE
 PURCHASE OF A WASTEWATER TREATMENT SYSTEM BY FRANKLIN COUNTY,
 VIRGINIA**

WHEREAS, a public hearing (the "Public Hearing") is required in accordance with the requirements of Section 15.2-2606 of the Code of Virginia of 1950, as set forth in the Public Finance Act (the "Public Finance Act") in connection with the proposed financing of the acquisition of a wastewater treatment system located in the Westlake Overlay area of Franklin County, Virginia (the "Project"); and

WHEREAS, notice of the Public Hearing was published twice in a newspaper having general circulation in Franklin County, Virginia (the "County") in accordance with the requirements of the Public Finance Act (the "Notice"); and

WHEREAS, the Public Hearing was held at the date, time and place set forth in the Notice, and any person desiring to appear and be heard with respect to the topic was provided a reasonable opportunity to do so at the Public Hearing:

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

1. The Board hereby determines that the Public Finance Act requirements associated with the Public Hearing for the proposed financing by the County of the Project in an amount not to exceed \$3,500,000 have been satisfied.

2. The Board hereby directs the staff of the County to prepare a summary of citizen comments presented at the Public Hearing for inclusion in the minutes of this Board meeting.

3. The Board hereby determines that, based on current market conditions, it is in the best interests of the citizens of the County to delay further consideration of the financing of the Project at this time, and the Board shall not entertain the final approval of the financing of the Project until the terms and details of the arrangement are presented to the Board at the subsequent meeting.

4. This resolution shall take effect immediately.
No one spoke for or against the proposed financing.

(RESOLUTION #19-10-2008)

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

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

ZONING & SUBDIVISION ORDINANCE UPDATES

Neil Holthouser, Director of Planning & Community Development, requested Board direction on the next round of Phase I possible Zoning Ordinance amendments. The Board stated it would like further information for such amendments in the following areas: Accessory Structures in multiple zones; Commercial & Residential site lighting ; Residential up-lighting of entrance signs; Windmills; Signs on moveable vehicles (trucks). Mr. Hurt further requested staff to bring back some information regarding mountain overlay zones.

Neil Holthouser, Director of Planning & Community Development, also requested Board direction on a joint work session with the Planning Commission with a facilitator for Phase II of the proposed Zoning & Subdivision Re-Write. General discussion ensued. The Board will hold the joint Zoning work session at approximately **6:30 p.m. on Tuesday, November 18th, 2008** in the Multi-Purpose Room at The Franklin Center.

General discussion was held.

FEMA FLOOD PLAIN MAPS & DRAFT ORDINANCE

Neil Holthouser, Director of Planning & Community Development, advised the Board staff has a good draft ordinance ready for the Board's review, however, the maps from FEMA have inaccuracies. Mr. Holthouser requested the Board's authorization to update Chapter 9 of the Flood Plain Ordinance by holding a public hearing, prior to December 16th, 2008.

General discussion ensued.

The Board concurred with staff's request to advertise for public hearing proposed amendments to Chapter 9, Flood Plain Ordinance for November 18th, 2008. Mr. Holthouser also stated, should FEMA grant an extension to the County to clear up the discrepancies presently on the flood maps, the public hearing will not be held until a later date.

APPOINTMENTS

Industrial Development Authority (Term Expires 11/18/2008) 4-Year Term

- ❖ Blue Ridge District
- ❖ Snow Creek District

(RESOLUTION #20-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Leo Scott, Blue Ridge District and Allen Jones, Snow Creek District Representatives to serve on the Industrial Development Authority with said terms to expire November 18, 2012.

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

West Piedmont Planning District Commission Board (Term Expires 12/31/2008) 1-Year Term

- ❖ 2 Board Members

Western Va. Regional Jail Authority (Term Expires 12/31/2008) 1-Yr Term

- ❖ 1 Board Member Appointment
- ❖ 1 Administrative Staff Appointment

(RESOLUTION #21-10-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Charles Wagner, Board Representative and Christopher Whitlow, Administrative Staff to the Western Virginia Regional Jail Authority with said terms to expire 12/31/2009.

MOTION BY: David Hurt

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ABSENT: Cundiff

Chairman Wagner adjourned the meeting.

CHARLES WAGNER
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR