

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, NOVEMBER 18TH, 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 David Hurt.

PUBLIC COMMENT:

CONSENT AGENDA

APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – OCTOBER 14th, & 21st, 2008

APPROPRIATIONS

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Public Safety	OEMS Training Grants	3505- 5540	7,480.00
Public Safety	PetSmart Grant	3501- 5601	10,000.00
	Total		17,480.00

Transfers Between Departments

Franklin Center	Transfer for Dashboard Software	30- 0031	(11,500)
IT		30- 0164	11,500

SMITH MOUNTAIN LAKE SHORELINE BID REJECTION AND REQUEST TO RE-BID PROJECT

On September 16, 1997, the Franklin County Board of Supervisors authorized the County to enter into a Memorandum of Understanding (MOU) with the Virginia Department of Conservation and Recreation concerning the development of a County park at Smith Mountain Lake. This park was constructed on property owned by the Virginia Department of Conservation and Recreation (DCR). This MOU was reached and signed on October 10, 2000 and finalized on February 13, 2002 giving Franklin County access to 37.34 acres of land at Smith Mountain Lake. A master plan for developing Smith Mountain Lake Community Park was completed.

Construction was started in March of 2004 with Phase I construction (stabilization and widening of causeway) completed on June 30, 2004. Phase II began in January of 2007 (the building of the park and pier) and Phase III in February of 2008 (the beach). The County has now opened its first public park on Smith Mountain Lake and is receiving great response.

With the need to protect the investment the County has made in this park, staff included in the 08/09 budget the request for funds to begin the much needed shoreline stabilization, starting with the stabilization of the shoreline surrounding the new beach area. The Board so graciously approved the funding for this project and staff would like to re-solicit for bids for this first 800' of the shoreline stabilization for Smith Mountain Lake Community Park.

Staff has met with local Smith Mountain Lake Companies that do shoreline stabilization around the Lake to discuss what the County would like on the Smith Mountain Lake Community Park Beach Shoreline Stabilization project. On October 17, one bid was submitted by Clifton F. Byrd

Inc. of Moneta in the sum of \$56,000. This surpassed the budget for this project. Therefore Staff is asking the Board for permission to reject this bid and re-solicit new Bids for this project.

RECOMMENDATION:

Approve approach towards shoreline stabilization and direct staff to reject current bid and re-solicit bids and follow the procurement process as necessary for this Smith Mountain Lake Community Park Shoreline Stabilization project. Authorize staff to award the project to the qualified low bidder, and to take all actions necessary to proceed to contract, execute the contract on behalf of the County, and administer the project to completion to the satisfaction of the County.

REQUEST FOR PUBLIC HEARING FOR THE FRANKLIN COUNTY HISTORICAL SOCIETY TAX EXEMPT STATUS

Mrs. Linda Stanley, Executive Director, Franklin County Historical Society, has submitted a request for the Board of Supervisors' approval for Real Estate Tax exemption status which would exempt the following tax:

REAL ESTATE

TAX YEAR	REAL ESTATE ASSESSED VALUE	TOTAL TAX DUE
2008	\$247,500.00 @ \$.46/\$100 = \$1,138.50	\$1,138.50

Tax Year 2008 taxes are due December 5th, 2008 and Mrs. Stanley is requesting exemption from the real estate tax in the amount of **\$1,138.50**.

In this request Mrs. Stanley has submitted all pertinent information required by Section 58.1-3651 of the State Code (attached hereto). The Historical Society currently receives County funding of \$8,500 for the budget year FY'08- 09 (funds released August 15, 2008).

RECOMMENDATION:

Staff respectfully submits the request for Board authorization to advertise for public hearing during the Board's **Tuesday, December 16th, 2008, Board meeting** for the requested Real Estate Tax exemption status beginning with the **2008** tax year

AWARD OF DRILLING & MONITORING LANDFILL WELLS BID

Pursuant to DEQ requirements and the corrective action plan dated April, 2008 the Franklin County Landfill is required to install multiple extraction and performance wells for a groundwater pump-and-treat-remediation system.

DEQ has approved a groundwater mitigation plan as prepared by Joyce Engineering which requires that seventeen (17) extraction wells and five (5) monitoring wells be constructed at the Franklin County Landfill. Depths of the proposed wells are expected to range between 120 and 240 feet below ground surface. Well construction requirements were advertised and all bids were received prior to October 27, 2008. Five bids were received as follows with the low bid being by Richard Simmons Drilling in the amount of \$143,100.00.

Company	Bid Amount
Bedford Well Drilling	\$184,735.00
Geologic Exploration, Inc.	\$180,040.00
McCall Brothers, Inc.	\$172,105.00
Davidson Drilling	\$159,830.00
Richard Simmons Drilling	\$143,100.00

Richard Simmons Drilling has met all requirements of the bid and qualifications package.

RECOMMENDATION:

It is recommended that the Board of Supervisors authorize the County Administrator to award the well drilling bid to Richard Simmons Drilling for \$143,100.00. Funds are available in the Landfill CIP budget for payment thereof. Contract shall be subject to review by legal counsel prior to execution thereof.

AUTHORIZATION TO REJECT BIDS AND TO SOLICIT BIDS FOR HISTORICAL MONUMENT

In June of 2007, the Historic Monument on the front lawn of the Courthouse was destroyed by an automobile accident. There is an ongoing effort to replace the monument.

After much effort, the County received a total of \$162,449.00 from insurance for the destroyed monument. In addition, a \$500.00 donation was received from Senator Hawkins to be used

toward the replacement of the statue. Previously, the Board had authorized staff to solicit bids for the replacement project.

We received three (3) bids from qualified firms, with only one of those being within our budget of \$162,949.00. This bid was submitted by Rock of Ages of Vermont, which seems to be a very respectable company. However, as staff began discussion with Rock of Ages, their current position is that they did not allow monies for upgrading the monument's foundation. In addition, they are asking that we provide equipment to load the statue "remains" onto their truck for transportation to their facility (to be used as a model).

These incurred costs will slightly exceed our original budget and after much review, staff has concluded that it may be in the County's best interest to reject the original bids and immediately re-advertise and seek new proposals.

The original monument bids were as follows:

*Rock of Ages	\$158,850.00
John Millner Association	\$175,000.00
Providence Construction	\$192,887.00

* These bids did not account for a new foundation or loading costs.

RECOMMENDATION:

Staff respectfully requests the Board's approval to reject the original bids for monument replacement and grant permission to re-advertise the project for bid.

EMPIRE FOODS IDA RESOLUTION

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF FRANKLIN COUNTY, VIRGINIA
REGARDING A REVENUE BOND FINANCING FOR
EMPIRE FOODS, INC.**

WHEREAS, the Industrial Development Authority of Franklin County, Virginia (the "Authority"), has considered the request of Empire Foods, Inc., a corporation having its principal place of business at 11243 Cornell Park Drive, Cincinnati, Ohio 45242, together with its affiliates (the "Company") regarding the proposed issuance by the Authority of its tax-exempt revenue bonds in a principal amount not to exceed \$3,500,000 (the "Bonds"); and

WHEREAS, the proceeds of the Bonds will be used to assist the Company in financing the acquisition, construction and equipping of an approximately 45,000 square-foot food processing facility that will manufacture products for distribution to retail grocery stores and other commercial enterprises (the "Project") in Franklin County, Virginia (the "County"); and

WHEREAS, the Project will be owned and operated by the Company or affiliates thereof; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds after a public hearing following reasonable public notice; and

WHEREAS, the County created and has jurisdiction over the Authority and is being asked to provide its approval for the issuance of Bonds by the Authority to finance a facility located in the Town of Rocky Mount, Virginia (the "Town"); and

WHEREAS, the Bonds will be issued by the Authority on behalf of the County and the Town and governing body approval with regard to the issuance of the Bonds will be provided by both the Town and the County; and

WHEREAS, the Board of Supervisors of Franklin County, Virginia (the "Board") constitutes the highest elected governmental unit of the County; and

WHEREAS, on November 18, 2008, the Authority held a public hearing following proper publication of notice (the "Public Hearing"), as required by the Code, and adopted an inducement resolution (the "Inducement Resolution") on such date immediately following such Public Hearing; and

WHEREAS, in the Inducement Resolution, the Authority provided preliminary approval as to the issuance of the Bonds and financing of the Project and recommended and requested that the Board approve the issuance of the Bonds and financing of the Project by the Authority; and

WHEREAS, a copy of the Inducement Resolution, a reasonably detailed summary of the comments expressed at the Public Hearing and the Company's Fiscal Impact Statement have been filed with the Board.

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

1. The recitals made in this Resolution are hereby adopted as a part of this Resolution. The Board accepts the documents submitted to it by the Authority.

2. The Board approves of the issuance of the Bonds by the Authority in a principal amount not to exceed \$3,500,000 and approves the financing of the Project. The Bonds may be issued in one or more series and from time to time. These approvals are given for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, and to permit the Authority to assist in the financing or refinancing of the Project.

3. The approval of the issuance of the Bonds and the financing of the Project does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company. Further, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the County, shall be pledged thereto.

4. Pursuant to the limitation contained in Temporary Treasury Regulation Section 5f.103-2(f)(1), this Resolution shall remain in effect for a period of one year from the date of its adoption.

5. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaims all liability for any damage to the Company or the Project, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

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

Adopted: November 18, 2008

STAG GRANT – NORTH 220 CORRIDOR WATER

WHEREAS, Franklin County, in cooperation with the Western Virginia Water Authority, wishes to expand its water system along the Route 220 corridor;

WHEREAS, the US Environmental Protection Agency has State and Tribal Assistance Grant (STAG) funding that may be applied to construct the waterline;

THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors at a regularly scheduled meeting held on *Tuesday, November 18th, 2008*, at the Board of Supervisor's Meeting Room hereby votes to seek STAG funding for the following project;

Drinking Water Infrastructure Project: Expansion of Public Water System from Roanoke County line to Plateau Plaza/Wirtz area of Franklin County

THEREFORE, BE IT RESOLVED, the County Administrator will immediately begin to process funding applications for this project and be authorized to sign any and all documents to apply for such funding.

FURTHER, BE IT RESOLVED, The County hereby names and appoints the following as their authorized representatives to transact and sign any and all documents related to the securing and managing of funds from the Federal Grant awarded to Franklin County as administered by the US Environmental Protection Agency.

BE IT LASTLY RESOLVED, the Franklin County Board of Supervisors designates Richard E. Huff, County Administrator and/or Larry Moore, Assistant County Administrator as their duly appointed person(s) to act on behalf of this County to satisfy this resolution.

TLAC 2009 LEGISLATIVE PROGRAMS

Richard E. Huff, II, County Administrator, shared with the Board the proposed 2009 TLAC Legislative Program as follows:

Mr. Huff stated at this week's meeting of the Tri-County Lake Administrative Commission's Board of Directors, the following legislative items were approved for consideration by the three Counties surrounding Smith Mountain Lake.

TLAC respectfully requests that Bedford, Franklin and Pittsylvania County approve the inclusion of these three requests in their 2009 Legislative Programs. A copy of each request is enclosed.

The items recommended by the TLAC Board for inclusion are:

- **Continued support of the \$25,000 appropriation for the Conversion of Navigation Aid System at Smith Mountain Lake to meet United States Coast Guard standards**
- **Continued support of the \$20,000 appropriation for the Smith Mountain Lake Water Quality Monitoring Program**
- **Continued support of the \$150,000 for the Treatment/Control of Hydrilla at Smith Mountain Lake and three other bodies of water within the Commonwealth**

**2009 General Assembly Appropriation Request from the
Tri-County Lake Administrative Commission (TLAC)
At Smith Mountain Lake**

**to be made part of the Legislative Programs for
Bedford, Franklin and Pittsylvania Counties**

The Tri-County Lake Administrative Commission (TLAC)
*respectfully requests that the General Assembly continue to support
the appropriation of the following budgeted item.*

**\$25,000 for Conversion of the
Navigation Aid System at Smith Mountain Lake
to United States Coast Guard Standards**

The three counties (Bedford, Franklin and Pittsylvania) bordering Smith Mountain Lake currently carry the total responsibility for the navigation aids on the lake. They contribute approximately \$68,000.00 each year for the maintenance and improvements of the navigation system. This includes the cost of a maintenance contract as well as replacement costs for the supplies and equipment needed for maintenance. In addition, these funds allow for new installations that are determined necessary for improved boating safety.

Recently, the United States Coast Guard (USCG) has indicated that Smith Mountain Lake's navigation system must be upgraded to meet its standards. It is estimated that the cost of these improvements will exceed \$150,000.00. The navigation aid system was put into place and has been maintained and improved annually in an effort to enhance the safety of the boaters, including both tourists and residents, who utilize this body of water in the Commonwealth.

Smith Mountain Lake has more boating traffic than any other lake in Virginia. According to VDGIF records, boating traffic on Smith Mountain Lake has increased by more than 45% since 1995. This volume of boating traffic, combined with a substantial percentage of inexperienced boaters, makes it important to have the best possible navigation system.

Currently, there are 153 channel markers, 6 lighted shoal markers, 57 unlighted shoal and rock markers and 18 AC lights on Halesford Bridge. There are 302 signs identifying the markers. Installation of additional markers is expensive. The signs will need to be converted to meet the

USCG standards. Additionally, the self-contained solar units utilized on the lighted markers must be replaced approximately every three years. The locations of these markers are noted on the two boating maps that are produced for Smith Mountain Lake.

Additionally, an annual contract for the normal maintenance of all markers has typically run about \$25,000.00. Funds are also needed for repairs due to unreported accidents, vandalism and acts of nature. During recent years, 5 channel markers were knocked down and required replacement. In addition, more than 30 shoal markers were damaged and required replacement. These damages, resulting generally from hit and run accidents, are costly to repair. TLAC has no way of recovering the costs of these repairs.

With the increasing reliability that is placed on GPS readings by the Virginia Department of Game and Inland Fisheries (VDGIF) and the United States Coast Guard (USCG), Virginia Counties, emergency personnel, as well as boaters in general, this office has developed a database of all of the markers on SML. This database includes the physical location of every approved marker on Smith Mountain Lake, the GPS coordinates and all other pertinent information about the marker. The information from this database and the subsequent distribution to VDGIF resulted in this office receiving recognition from VDGIF for having the most complete record of navigation markers for any lake in the Commonwealth.

The General Assembly appropriated \$20,000.00 each for 2000 and 2001 to assist in upgrading and maintaining this navigation system. These funds resulted in the installation of twenty-five (25) markers being added to the navigation system and assisted with the conversion to self-contained solar units for all lighted markers. Additionally, an appropriation of \$25,000 for both 2006 and 2007 were approved. These funds are being utilized as we continue maintenance efforts, but additional funds are needed. The conversion of the navigation system to meet USCG standards and the continued maintenance of the navigation markers play a major role in keeping Smith Mountain Lake safe for boaters during the day and at night.

In summary, the conversion of the Smith Mountain Lake navigation aid system to meet USCG standards is necessary to ensure that we meet federal standards. The amount of boat traffic on Smith Mountain Lake is immense. An appropriate and well-maintained navigation aid system is imperative for the safety of residents and visitors alike. Additional funds are needed to assist with the required conversion.

We respectfully request that the \$25,000 allocated for the conversion of the Smith Mountain Lake navigation aid system to United States Coast Guard standards continue to be supported by the General Assembly.

2009 General Assembly Appropriation Request from the
Tri-County Lake Administrative Commission (TLAC)
At Smith Mountain Lake

to be made part of the Legislative Programs for
Bedford, Franklin and Pittsylvania Counties

The Tri-County Lake Administrative Commission (TLAC)
respectfully requests that the General Assembly continue to support
the appropriation of the following budgeted item.

\$20,000 for the Smith Mountain Lake
Volunteer Water Quality Monitoring Program

The Water Quality Volunteer Monitoring Program is administered by the Smith Mountain Lake Association (SMLA) and Ferrum College scientists. This program has been in existence since 1987. The three counties bordering the lake (Bedford, Franklin and Pittsylvania) assist by providing funds for this program.

The purpose of the program is to monitor trends to the trophic status of Smith Mountain Lake. Over 75 volunteers collect water samples from the lake and measure water clarity for twelve weeks each summer. Ferrum students and staff analyze the samples for chlorophyll A and total phosphorus. Other water samples are taken throughout the summer by the Ferrum students and scientists to detect the presence of fecal coliform bacteria in lake waters. This program was

recently expanded to include measurements of dissolved oxygen, temperature, ph and conductivity.

A successful partnership has been established, and the program provides data that determines the rate of aging of the lake. The program, which is one of the largest in Virginia, also serves as an educational tool for citizens, organizations, and other government agencies. It is used as a model for other volunteer water monitoring programs across the nation.

Smith Mountain Lake is vital to the economic health of a three county portion of the Commonwealth. Investments in preserving the health of the lake will, in turn, protect the economy of the Commonwealth. This program has been made possible in the past through appropriations from the Department of Environmental Quality, passing through the Tri-County Lake Administrative Commission. A two-year appropriation was made in 2001 for \$36,500 annually. A one-year appropriation was made in 2005 for \$20,000.00. A two-year appropriation was made in 2006 for \$20,000 annually. A two-year appropriation was made in 2008 for \$20,000 annually.

The continuance of the Water Quality Monitoring Program at Smith Mountain Lake will provide critical baseline data. In 1999, Smith Mountain Lake became a source for public water for Bedford County. That service has been expanded. In 2005, it also became a source of public water for Franklin County. Franklin County is currently requesting approval for additional withdrawals, as well as consideration of a treatment plant. Also under consideration is the possibility that Roanoke County may also elect to use Smith Mountain Lake for public water as well.

We respectfully request that the \$20,000 allocated for the Water Quality Monitoring Program at Smith Mountain Lake continue to be supported by the General Assembly.

**2009 General Assembly Appropriation Request from the
Tri-County Lake Administrative Commission (TLAC)
At Smith Mountain Lake**

**to be made part of the Legislative Programs for
Bedford, Franklin and Pittsylvania Counties**

The Tri-County Lake Administrative Commission (TLAC)
*respectfully requests that the General Assembly support the
continued appropriation of the following budgeted item.*

**\$150,000 for the Treatment/Control of Hydrilla
at Smith Mountain Lake and three other
bodies of water within the Commonwealth**

During the 2008 legislative session, the General Assembly approved a \$150,000 line item through the Department of Agriculture and Consumer Services' Plant Pest and Disease Control funds. These funds are to be utilized to support the eradication of Hydrilla on Smith Mountain Lake, Lake Gaston, Lake Anna and the Potomac River.

In July of 2007, Hydrilla, an extremely invasive non-native aquatic vegetation, was identified in Smith Mountain Lake for the very first time. The Tri-County Lake Administrative Commission, a department of the three counties surrounding the lake, acted immediately. In 2008, in addition to the locations identified in 2007, even more infestations of Hydrilla have been identified at the lake. Because of the funds approved through the legislative line-item, we were able to treat all of the areas identified. This year, contact herbicides were used in all of the locations.

We continue to believe, based on experiences at other bodies of water, the best plan of action for any invasive non-native aquatic vegetation is to immediately begin treatment of the infestation. This immediate treatment approach will allow management and control of the vegetation, so long as it is continued in subsequent years. Neglecting treatment for even one year could have a huge detrimental effect to the recreational and safety aspects of the body of water.

Our invasive non-native aquatic vegetation treatment program has been ongoing since 2002. This year, a volunteer effort of locating aquatic vegetation was formalized. This effort provided us with more than 30 reports of vegetation requiring treatment. With the identification of Hydrilla, based on the recommendations from experts in the field, it is necessary to perform a full lake

wide survey for all aquatic vegetation annually. We contracted for such a survey this year. This survey identified additional locations of Hydrilla and thus allowed for timely treatment of those areas.

The total cost of the 2007 Smith Mountain Lake Aquatic Vegetation Program exceeded \$85,000.00. An estimate for the cost of this year's Program is approximately \$95,000.00. Based on these numbers, it is reasonable to expect that the 2009 Program will exceed \$95,000.00.

The experiences of other lakes have taught us that we cannot afford to ignore the growth of invasive aquatic vegetation in a body of water for even one year. To do so would result in a much greater expense in future years for initiatives to keep the vegetation under control.

Smith Mountain Lake has 20,260 acres with 500 miles of shoreline. It is a well-known tourist attraction in the Commonwealth and many local and state tax dollars are derived from the lake. We believe that it is in our best interest to make every effort to protect the lake from additional infestations of invasive non-native aquatic vegetation such as Hydrilla. A proactive approach such as the one which TLAC has implemented during the past seven years, will be required annually.

We respectfully request that \$150,000 allocated for the treatment and control initiatives for Hydrilla in Smith Mountain Lake and three other bodies of water within the Commonwealth continue to be supported by the General Assembly.

ROAD VIEWER-ROCKY MOUNT DISTRICT-JOHNNY L. SMITH/TERM EXPIRE 3/31/2009

(RESOLUTION #01-11-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented and to include a performance bid bond of \$2,800 for the Drilling & Monitoring Landfill Wells Bid for a total of \$145,900 to Richard Simmons Drilling.

MOTION BY: Russ Johnson

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

VDOT – CLEMENTS MILL BRIDGE UPDATE

Tony Handy, Resident Administrator, VDOT, presented the Board with the following update for Clements Mill Bridge as follows:

Franklin County Board of Supervisor's Update on Clements Mill Bridge

Follow up and recap of 10-31-08 meeting with County Administrator

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: Pending new allocation numbers for Six Year Improvement Plan

Current Estimate for Construction: Approximately \$1.2 Million

At the request of the County Administrator and BOS, the department took a closer look at the proposed project schedule to determine if it could be completed sooner. We have determined that it could be possible to get the project ready for advertisement in 2 to 2-1/2 years, given:

- No issues with Right of Way. Right of Way would need to be donated and/or right of entry agreements for construction/future maintenance. Any Right of Way issues would delay project at least 6 months, if not longer.
- Listing the project as its number 1 priority (or at least one of its very top).
- Project will need to be fully funded within a year of anticipated construction completion.
- Need to have PE (~ \$250K) funded immediately, by transferring existing funding to project.
- Design exception for 1 lane crossing continues to be supported.
- Coordination with Department of Historic Resources goes smoothly. If something unexpected is found that takes significantly longer to coordinate with DHR, then the project most likely will be delayed accordingly (Includes coordination to obtain PE info such as geology borings, as well as project scope changes such as structure costs).
- Keeping in mind issues may arise during plan development or construction, may necessitate increasing the project cost to maintain the proposed schedule.

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.

Keep in mind that the FY 09-14 Six Year Improvement Plan showed Federal Bridge Funds programmed for years 2010-2014. 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.

The following table shows FY 09-14 Secondary Six Year Plan previous funding and/or future allocated funding that could be diverted to the Clements Mill Bridge project, this does not include the Route 718 bridge project, which we feel is a priority (numbers are from 2009-2014 Franklin County Secondary Six Year Plan, which will decrease when new allocation numbers are finalized):

Route #	Route Name	Previous Available Funding	2009	2010	2011	2012	Total
942	Bluewater Drive	\$250,000	\$194,000	\$72,000	0	0	\$516,000
616	Moorewood Road	\$350,000	0	0	\$237,000	0	\$587,000
670	Burnt Chimney Road	0	0	0	\$100,000	\$162,000	\$262,000
	State Funds from Rural Rustics	0	\$28,989	\$395,139	\$252,221	\$71,747	\$748,096
	Total	\$697,000	\$222,989	\$467,139	\$589,221	\$233,747	\$2,210,096

- \$428,000 of previous unpaved funding can be transferred from Route 852 rural rustic/bridge project to other rural rustic projects currently in plan. This will help offset massive delays in "rural rustic" projects caused by funding transferred from the "State Funds from Rural Rustics" row shown above.
- There is a good potential for the Route 726 Wades Gap Road project to come in approximately \$50,000 to \$75,000 under the current allocation. If funds are left on the project, we anticipate that the funds could be transferred to another project as soon as July 2009.

The following is a possible alternative if the BOS wishes to fund the project for advertisement in 2010 with construction fully funded in 2011. Please keep in mind that this could change significantly depending on the severity of the allocation cuts to the secondary six year plan. We will be able to provide a much clearer picture once we receive the new allocation numbers for the secondary six year plan.

Transfer all available funding from Moorewood Road, Bluewater Drive and Burnt Chimney Road projects. Transfer any funding left from Route 726 project (\$50,000). Transfer as much as needed in 2009, 2010 and 2011 from "State Funds for Rural Rustics". This would allow Bluewater Drive, Moorewood Road and Burnt Chimney Road to begin funding, according to priority, after the Clements Mill Bridge Project is funded.

General discussion ensued.

CLASS IV ROAD REPORT

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

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

General discussion ensued.,

(RESOLUTION #02-11-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing for the abandonment of the aforementioned Class IV Roads as presented.

MOTION BY: Wayne Angell
 SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

**APPROPRIATIONS OF FUNDS FROM TRAFFIC & SAFETY IMPROVEMENT FUND
(RESOLUTION #03-11-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the transfer of \$26,000 from the Traffic & Safety Improvement Fund for road widening improvements on Shooting Creek Road where tractor trailer accidents have occurred.

MOTION BY: Bobby Thompson

SECONDED BY: Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

2008 FRANKLIN COUNTY RURAL ADDITION CANDIDATES

Tony Handy, VDOT, Resident Administrator, presented the following listing of proposed rural addition candidates:

2008 Franklin County Rural Addition Candidates

Road Name	Permanent Dwellings	Seasonal Dwellings	Houses per Mile	Mail? (Y or N)	School Bus? (Y or N)	Length (ft)	Cost/LF	Year Built	Speculative		Total Cost
									Interest (0 to 100%)	Total Points	
*Baker Lane	5	0	33	Y	Y	792	\$64	1989	0	112	\$50,885
	30	0	67	10	15		0	0	-10		
Big Oak Lane	11	0	24	Y	Y	2,376	\$55	1986	0	130	\$149,100
(section 1)	66	0	49	10	15		0	0	-10		
Big Oak Lane	17	0	24	Y	Y	3,802	\$62	1986	0	164	\$236,014
(section 2)	102	0	47	10	15		0	0	-10		
Big Oak Lane	24	0	21	Y	Y	6,125	\$62	1986	0	200	\$380,890
(section 3)	144	0	41	10	15		0	0	-10		
Cherry Hill Lane	6	0	15	Y	Y	2,112	\$64	1990	0	81	\$134,596
	36	0	30	10	15		0	0	-10		
**Dilly Valley Lane	8	0	19	Y	Y	2,218	\$64	N/A	0	101	\$141,690
	48	0	38	10	15		0	0	-10		
Hidden Country Lane	8	0	38	Y	Y	2,904	\$60	1980	0	139	\$175,413
	48	0	76	10	15		0	0	-10		
Pasley Lane	10	0	27	Y	N	1,954	\$69	1983	0	114	\$135,188
(section 1)	60	0	54	10	0		0	0	-10		
Pasley Lane	24	0	26	Y	Y	4,963	\$57	1981	0	210	\$280,479
(section 2)	144	0	51	10	15		0	0	-10		

*Handicap bus picks up a child.

**Estimate includes \$8,000 for sight distance improvements.

First section of Big Oak Lane includes 3 houses on Nina Lane.

Second section of Big Oak Lane includes 6 houses on Chestnut Bluff Lane.

Section 2 includes 4 houses on Viola Lane and 5 houses on Softwind Drive.

Mr. Russ Johnson requested to remove Pasley Lane, Sections 1 & 2 from the aforementioned listing and to re-place Pasley Lane with Paradise Acres. The Board concurred.

HEALTH DEPARTMENT YEAR END SURPLUS

Dr. Gordon Green, Director of Franklin County Health Department, presented the following PowerPoint presentation for the Board consideration:

WEST PIEDMONT HEALTH DISTRICT

“Public Health 101”

1

West Piedmont Health District

- What is Public Health?
- What is the West Piedmont Health District?
- What are our Programs?
- F.C. Service Enhancements and Budget Reductions

2

Public Health

- “The study and practice of safeguarding and improving the health of the community as a whole”
- Manages disease and health through society-wide measures

3

10 Essential Services

- 1] Monitor health status to identify and solve community health problems
 - 2] Diagnose and investigate health problems and health hazards in the community
 - 3] Inform, educate and empower people about health issues
 - 4] Mobilize community partnerships and actions to identify and solve health problems
 - 5] Develop policies and plans that support individual and community health efforts
-

4

10 Essential Services

- 6] Enforce laws and regulations that protect health and ensure safety
 - 7] Link people to needed personal health services and assure the provision of healthcare when otherwise unavailable
 - 8] Assure competent health and personal healthcare workforce
 - 9] Evaluate effectiveness, accessibility and quality of personal and population based health services
 - 10] Research for new insights and innovative solutions to health problems
-

5

Public Health

- Helps Prevent Us From Getting Sick or Hurt
 - Helps Us Understand How to Improve Our Health
 - Helps Keep Our Environment Safe
 - Helps Us Obtain Health Care
-

6

Virginia Department of Health

- The Virginia Department of Health was created in 1908, because of widespread tuberculosis.
- In 1908, VDH began with a staff of 4 and an initial budget of \$4,000 dollars.
- In 2008, VDH staffing levels has approximately 4,000 employees and an operating budget of approximately \$535 million dollars.

7

Virginia Department of Health

- Prior to 1947, cities and counties operated their own independent health departments, many of which did not provide what we know as basic public health services.
- In 1947, the General Assembly created the “cooperative” health department system to assure basic public health services in every city and county.

8

Virginia Department of Health

- The General Assembly Provided three options to localities to establish and maintain a LHD:
 - Contract with VDH to operate the LHD (33 of 35 health districts)
 - Contract with VDH to locally administer the LHD (2 of 35 health districts – Arlington and Fairfax)
 - Operate an independent LHD (0 of 35 health districts)

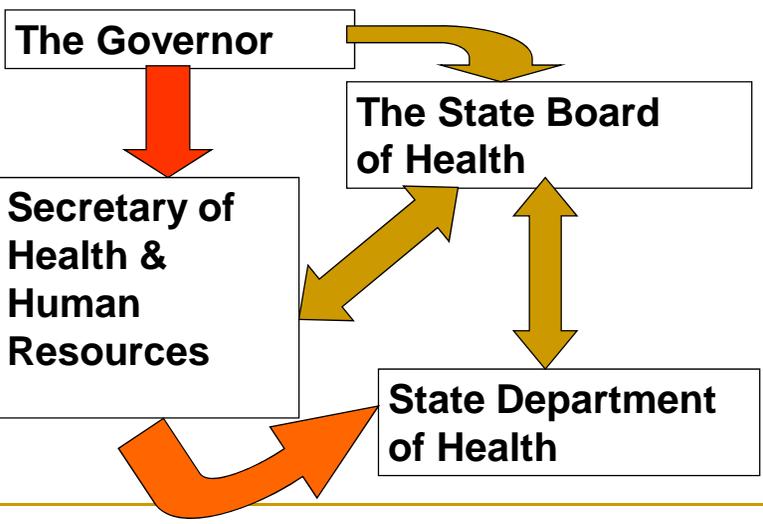
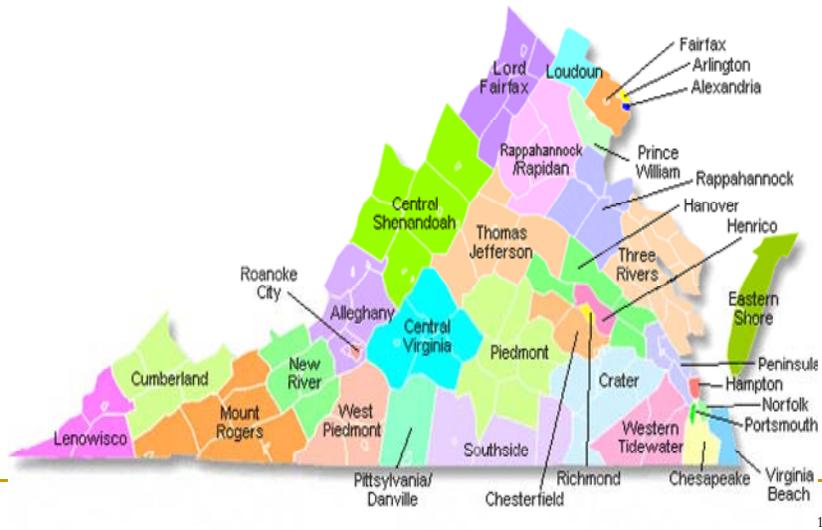
9

Virginia Department of Health

- By 1971, all 135 cities and counties had elected to become part of state cooperative LHD system, with Henrico County being the last locality to join.

10

35 Health Districts in Virginia



12

The Virginia Department of Health – VDH

- Mission – To **Promote and Protect the Health of Virginians.**
- Vision - To Have **Healthy People in Healthy Communities.**

13

West Piedmont Health District

- Collaboration among:
 - Franklin County
 - Patrick County
 - Henry County
 - City of Martinsville

14

West Piedmont Health District

- Serve an Urban and Rural Population of 140,000 People
- 55 Employees
- Budget - \$3,200,000

15

West Piedmont Health District

- **Funding:**
 - General Revenues from the State
 - Local Revenues from Municipalities
 - Federal – Grants for specific programs, e.g. W.I.C.
 - Fees for Services provided
-

16

West Piedmont Health District

- **Locations:**
 - Franklin County Health Dept.
 - Rocky Mount
 - Henry/Martinsville Health Dept.
 - Martinsville
 - Patrick County Health Dept.
 - Stuart
-

17

West Piedmont Health District

- **Services for Men and Women**
 - Adult Immunization & Travel
 - AIDS/HIV Testing
 - ADAP
 - Tuberculosis
 - “Plan First” – Family Planning
 - Sexually Transmitted Infections
 - Vital Statistics
 - Health Education / OSHA
-

18

West Piedmont Health District

- **Services Especially for Women:**
 - Family Planning
 - Pregnancy Testing
 - Gyne/Pap Smear Clinic
 - EWL – “Every Woman’s Life”
 - WIC – “Women, Infants and Children”
-

19

West Piedmont Health District

- **Services for Infants and Children**
 - Immunizations
 - Car Seat Program
 - Well Child Clinic
 - School Health
 - Newborn screening
 - Children Specialty Services
-

20

West Piedmont Health District

- **Environmental Health:**
 - Well Inspection and Permits
 - Sewage Permits
 - Drinking Water Information
 - Restaurant Inspections and Permits
 - Rabies Control
-

21

West Piedmont Health District

- E. P. & R. - Emergency Preparedness and Response
 - Epidemics
 - Natural Disasters
 - Terrorism

22

West Piedmont Health District

- What is Public Health?
- What is the West Piedmont Health District?
- What are our Programs?
- Service Enhancements and Budget Reductions

23

West Piedmont Health District

Budget Reduction – Fiscal Year 2009:

WPHD General Funds Reduction -	\$ 81,223
Loss of Local Match	- \$ 54,149
<hr/>	
WPHD Budget Reduction	\$135,372

24

Franklin County Health Department

Service Enhancements in Franklin County:

- 1] 1.0 FTE Nurse Practitioner for WPHD.
 Increased hours, clinics, and services.
 Will bring 2 RN's with her for clinics.
- 2] Increase RN at FCHD from 1.0 FTE to 1.6 FTE
- 3] Add 0.4 FTE Environmental Health Specialist

25

Franklin County Health Department - Year End Settlement -

2008 F.C. Year End Settlement:

Local Match	\$329,852.00
Local Revenues	+ \$ 95,990.13
<hr/>	
Local Total	\$425,842.13
Local Expenses	- \$404,172.72
<hr/>	
100% Local Funds	\$ 21,669.42

26

Franklin County Health Department

2007 Year End Settlement: \$7,577.81

- Returned to FC.
- Other 3 Localities allowed WPHD to retain and use in their locality.

Using 100% Local Revenue to purchase vehicles for local use.

27

Franklin County Health Department

- Travel in Franklin County:
 - 29,723 Miles Reimbursed at \$0.585 / Mile
 - Vehicles at FCHD:
 - Jeep SUV – 1999
 - Dodge Ram Pickup – 1999
 - Ford F-150 Pickup – 1999 – New – Oct. 08

28

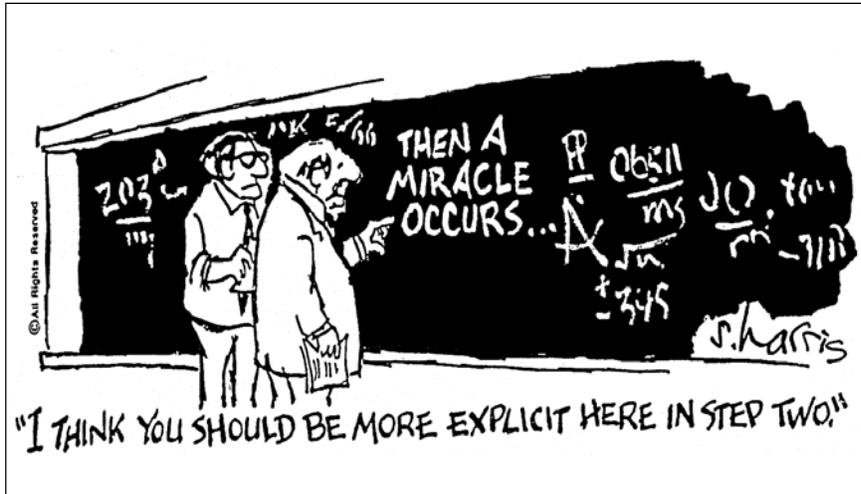
West Piedmont Health District

- Difficult Economy
- Difficult to Predict Revenues

- If able to leave this 100% Local Money with the FCHD, we would purchase 2 vehicles, enhancing safety and decreasing mileage costs.

29

Thank You.



30

(RESOLUTION #04-11-2008)

BE IT THEREFORE RESOLVED by the Board to approve the appropriate of \$21,669.42 of carry over funds back to the Health Department budget as requested.

MOTION BY: Bobby Thompson

SECONDED BY: No Second

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Thompson

NAYS: Mitchell, Hurt, Cundiff, Angell, Johnson, & Wagner

MOTION FAILS WITH 1-6 VOTE.

SOCIAL SERVICES SPACE NEEDS

Mr. Walter Zaumseil, Director of Social Services, presented the following PowerPoint presentation for the Board's consideration:

*Franklin County
Department of Social Services*

Office Space
Report to Board of Supervisors
November 18, 2008

Current State

- Two sites (3 ½ miles apart)
- Main Building: 11161 Virgil Goode Hwy. Approximately 8,000 sq. ft.; 39 staff
- Annex: 453 S. Main Street Rocky Mount, Approximately 3,000 sq. ft.; 20 staff
- Current, combined annual rent: \$69,000

Main Building Services:

- Adult Services
- Adult Protective Services
- Child Daycare Programs
- Employment Services
- General Services Intake

Main Building Services (cont'd)

- Public Assistance (Medicaid, Food Stamps, Temporary Assistance for Needy Families, Energy Assistance, State/Local Hospitalization)
- Fraud Enforcement
- Administration: (financial management, human resources, benefits)
- Administration (Board of Social Services, Director)

Annex Building Services

- Child Protective Services
- Foster Care
- Foster Care Prevention
- Adoptions
- Custody studies

Current Issues: Customer

- Which is correct building?
- Privacy
- Confidentiality
- Accessibility
- Transportation
- File security

Issues: Safety

- Main Building
 - Poorly lit parking lot
 - Dangerous location
 - Remote location
- Secure staff space
 - Interview area
 - Restrooms
 - Alarm system

Issues: Security

- Records (Public Assistance, Adoptions, Child Protective Services, Foster Care)
- Personal effects
- Theft

Issues: Efficiency and Effectiveness

- Service integration
- Separated administration
- No mail/courier service
- Separate and duplicate phone systems
- Duplicate reception functions
- Duplicate office equipment (fax, copier, postage, phone)
- Duplicate letterhead (forms, documents and correspondence)

Issues: Efficiency and Effectiveness (cont'd)

- Travel required for meetings
- Vehicles (unable to pool use)
- Additional fuel consumption
- Access to supervision
- Inefficient communication (voice mail and e-mail)
- Noise
- No storage (renting off-site)
- General appearance

Desired State:

- One Rocky Mount site
- 14,000-15,000 sq. ft.
- Separate office and interview areas
- Receiving room (for children coming into care)
- Two visitation rooms (for families)
- Child play area
- Secure file storage
- Adequate general Storage

Advantages to Adequate Space:

- Elimination of "Issues"
- Service coordination
- One stop service for clients
- Efficient and effective program administration and integrity
- Workplace pride (employer of choice)
- Less illness
- Cost savings
- Economic impact (Rocky Mount)

Options for Consolidated Site:

- County developed & amortized.
- Lease and convert existing office space.
- Long term lease, privately developed office space.
- Current reimbursement approximately 80% (federal/state).
- Additional federal reimbursement: 40%

SOCIAL WORKER POSITION FUNDING

Walter Zaumseil, Director of Social Services, advised the Board two (2) Social Work positions (2.0 FTE's) were approved as part of the FY' 2009 budget, with 20% County matching funds based on the assumption that there would be 80% State matching funds. The State match was in

reality 11%. With available funding, an additional \$7,000 in local funding would be required to fund the positions through the remainder of FY' 2009.

The functions of the two positions have been modified since prior discussion and approval. The agency has had success in reducing local costs incurred by the Comprehensive Services Act (CSA) for state and local foster care children. This success derived from prevention activities and additional effort to avoid and shorten residential placement, focusing on community based care in local foster homes. When sibling groups come into care, they must frequently be put into intermediate level, therapeutic foster care because of the lack of community providers that can handle multiple children that are removed from their homes. An effort will be made to recruit foster families that can handle sibling groups.

One of the positions will be dedicated to the development of community based resources, and the recruitment and retention of foster parents. This requires significant outreach, training and support. The other position will supplement the prevention effort. Currently, there is one social worker performing prevention services with a caseload of 56 children. Industry standards are in the range of 16 to 18. To effectively perform their duties, prevention workers must work intensely with children, parent and the family to avoid placements into foster care; or, if necessary, ensure placements be made at the lowest level of care: in the community.

Part of the funding is from existing sources: \$19,000 from the CRAFTS grant, with the additional \$20,000 appropriated by the Board of Supervisors for FY' 2009. Additional funding for these positions will support the community based care effort, avert residential placements and decrease the demand for local matching funds for CSA funded care. Residential placements require a 28% local match, to go up to 35%. Community based placements have a 14% local match. Funding for FY' 2010 will be presented in that budget submission and, based on current trends, would be offset by decreased and shortened CSA residential placements.

RECOMMENDATION: Reallocate \$7,000 from CSA local matching funds to the Department of Social Services for FY'2009.

(RESOLUTION #05-11-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the recommendation to reallocate \$7,000 from CSA local matching funds to the Department of Social Services for FY" 2009.

MOTION BY: Wayne Angell

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

PHASE 1.2 ZONING ORDINANCE UPDATES

Neil Holthouser, Director of Planning and Community Development, stated in October 2008, the Board of Supervisors approved a series of amendments to Chapter 25, Zoning, of the Franklin County Code. These amendments were commonly known as "Phase I" of a general update to the county's land development ordinances, with "Phase II" planned as a comprehensive overhaul of the Zoning and Subdivision ordinance. Phase II is scheduled to begin in early 2009. In the meantime, however, the Board has expressed an interest in pursuing additional amendments to the Zoning Ordinance to address the following:

- Consideration of revisions to lighting standards to address street lighting, commercial lighting, and lighting of residential subdivision entrances;
- Consideration of new sign standards to address signage on vehicles;
- Consideration of new standards to allow for windmills;
- Consideration of procedural changes to the subdivision process to allow for the subdivision of lots that already contain accessory structures, but do not contain principal structures.
- Consideration of new standards to regulate ridgetop development.

Staff is currently researching model ordinances from other jurisdictions related to the above-referenced topics and has scheduled a meeting to discuss such items with the County Attorney. Staff is in the process of drafting ordinance language for the Board's review in December, 2008.

RECOMMENDATION:

Following a discussion review with the Board, staff respectfully requests further comments, feedback and direction as to the drafting of the amendments.

Chairman Wagner requested the Board to forward any concerns they may have regarding the lighting ordinance to Neil Holthouser, Director of Planning & Community Development.

Ron Willard, Sr., Developer, spoke to the Board regarding street lighting. Mr. Willard stated he had used Acorn lighting in some of his previous projects and they were \$3,800 increased now to \$5,100 for each unit. Mr. Willard felt it would be a shame to destroy the architectural design for the project as previously passed. Mr. Willard requested the Board to grant the 2000 Acorn lighting previously approved for the Carilion project waiting for approval from the County.

The Board concurred with Mr. Willard's lighting request. .

(RESOLUTION #06-11-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to repeal the lighting ordinance.

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

MR. ANGELL WITHDREW HIS MOTION.

AG DEVELOPMENT BOARD PROPOSAL

Martha Walker, Community Viability Specialist, Virginia Tech, shared with the Board Setting the Stage for Agricultural Progress. Mrs. Walker stated Mr. David Cundiff, Union Hall District Supervisor, inquired how to take Franklin County to the next agricultural level. Mrs. Walker shared with the Board a document stating a plan of action, by-laws and stated 1,012 farms consuming 39% of the land in Franklin County (172,539 acres), agriculture is one of its key industries.

(RESOLUTION #07-11-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to implement the Agriculture Development Board in Franklin County.

MOTION BY: David Cundiff

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

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

DELINQUENT TAXES

Mrs. Lynda Messenger, Treasurer, shared with the Board computer print-outs showing the delinquent taxes owed to Franklin County. Mrs. Messenger advised the board of 166 tracts of land with delinquent taxes in the amount of \$264,039.98. Mrs. Messenger advised the Board the majority of these properties have four or more years of delinquent taxes and several have as many as 20 years delinquency. Mrs. Messenger stated the largest amount owed on any one tract of land is a little over \$12,000.

General discussion ensued.

Mrs. Messenger requested the Board to look at the number of delinquent tracts of land and to go forward with a tax sale. Mrs. Messenger stated it would certainly be a great way of producing revenue for the County now and continue to be a revenue source in the future. Mrs. Messenger requested the Board to review the packet and to notify her by the January 2009 Board meeting.

PROPOSED GREENBOX SITES FOR CLOSURE

Larry Moore, Assistant County Administrator, stated at the request of the Board of Supervisors at the Planning Retreat in August 2008, the following seven (7) green box sites are being presented for discussion of closure to reduce the financial challenges of the County in regards to budgetary cuts.

The seven (7) recommended sites considered for closure are:

- **The Knob (Blue Ridge)** – *problem site located near the Henry line; picked up everyday*
 - 3 boxes; 7 hours weekly savings
- **Jerald's Store (Snow Creek)** – *citizens can utilize new SAGO site; picked up everyday*
 - 1 box; 3 hours weekly savings
- **Belchers(Snow Creek)** – *citizens can utilize new SAGO site; picked up everyday*
 - 1 box; 3 hours weekly savings
- **Lloyd Hodges (Union Hall)** – *to be closed after Webster road site is fully open in order to utilize the new site; picked up twice everyday*
 - 2 boxes; 4 hours weekly savings
- **Penhook Boat Dock (Union Hall)** – *utilize Penhook site; picked up 4 to 5 times a week*
 - 1 box; 1 hour weekly savings

- **VDOT (Rocky Mount)** – *picked up 1 time a week*
 - 1 box; ½ hour weekly savings
- **American Legion Building (Rocky Mount)** – *picked up 1 time a week*
 - 1 box; ½ hour weekly savings

If the above green box sites were closed, then the projected savings would be approximately 19 hours of driver's time weekly and an estimated 200 miles weekly. This would equate to 10,400 miles annually or a savings of \$13,300 (10,000 miles/3mpg x \$4.00). This calculation of weekly savings of driver's time would also result in the payment of less overtime.

RECOMMENDATION:

Staff respectfully seeks the Board of Supervisors direction to the County Administrator and the department of Solid Waste Director as to the closings of the above referenced green box sites for effective management of governmental services.

General discussion ensued.

(RESOLUTION #08-11-2008)

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

MOTION BY: David Hurt
 SECONDED BY: Wayne Angell

A SUBSTITUTE MOTION WAS OFFERED TO TABLE UNTIL A LATER DATE:

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

THE SUBSTITUTE MOTION PASSES WITH A 4-3 VOTE.

CLOSED MEETING

(RESOLUTION #09-11-2008)

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-3, Acquisition of Land, of the Code of Virginia, as amended.

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

MOTION: Russ Johnson **RESOLUTION: #10-11-2008**
 SECOND: Leland Mitchell MEETING DATE November 18th, 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

RECOMMENDED FEES FOR TIRE DISPOSAL

Larry Moore, Assistant County Administrator, stated Franklin County is served by a County maintained Landfill which meets the needs of its citizens. It has been identified that the current tire fee schedule for the County Landfill does not cover existing costs. The reason for the proposed increases is to fund rising capital costs and allow the budget to include for the closure/construction of the Landfill.

It costs Franklin County \$94 per ton to dispose of tires and we can get approximately 100 tires per ton depending on the size of the tires. However, several tire vendors have found it is more favorable for them to send their tires (particularly large tires) to the Landfill than dispose of them. The current fee is \$1.00 per tire, no matter the size.

Franklin County Code Chapter 18-15 – Disposal of Fees was last amended on June 15, 2004. The current Code language states the following:

(a) Fees associated with the disposal of waste using County facilities will be established by resolution of the Franklin County Board of Supervisors. Adjustments in fees may be recommended from time-to-time by solid waste management staff to the Board of Supervisors for their consideration, based upon current circumstances. Any fee schedule adopted by the Board of Supervisors will indicate the date of adoption and the most recently adopted fee schedule shall be prevailing charges for the items listed and approved.

(b) The fees prescribed in this section shall be due and payable prior to the disposal of any solid waste enumerated above and shall be collected by the superintendent of the Landfill prior to deposit at the Landfill. Corporate and/or regular users of the Landfill will be permitted to arrange a monthly payment procedure satisfactory to the County Administrator.

Tire disposal fees at the Landfill have remained the same for approximately 14 years. At the same time disposal fees to the County have increased. For the FY 07/08 recycling costs were \$44,073.00 and recycled receipts were \$25,778.00 representing a loss of \$18,295.00. By increasing tire disposal fees, we can offset this loss. Franklin County does not charge for collection of other recycled goods including white goods, plastic and aluminum.

Currently, we pay \$94.00 per ton to dispose of tires at the Bassett Facility. Assuming we can continue with an average of 75 tires (all sizes) per ton it is estimated we will break even on our recycling costs.

TIRE FEE COMPARISON

Counties	Tire Fees	Comments
Bedford County	resident - 8 tires free/yr. After 8 - \$1.00 per tire \$1.00 per tire Oversized -- flat \$125.00/ton	
Botetourt County	\$2.00 passenger \$5.00 per truck & tractor	
City of Salem	does not accept tires	Trash goes to Amelia
Floyd County	\$3.00 passenger (≤ 16") \$4.00 bias ply tire (> 16" & ≤ 20") \$8.00 radial ply tire (> 16" & ≤ 20") \$18.00 tractor-trailer/off road/ agricultural implement tires (> 20")	Municipal/ Commercial/ Industrial Solid Waste
Franklin County	\$1.00/ tire	Proposed: \$2.00/ car tire \$3.00/ truck tire \$4.00/ construction, heavy equipment/tractor tires
Henry County	\$3.00/tire	Transfer station run by First Piedmont
Montgomery County	only take tires on Wed. from 8-12 small tire - \$1.00 with rim \$7.00 medium tire - \$2.00 with rim \$8.00 with split rim - \$17.00 large tire - \$5.00 with rim \$11.00 with split rim - \$20.00 off road tires - \$40.00	Trash to C'burg to transfer station to Pulaski
Pittsylvania County	\$43.20/ ton - split tires only	Do not accept whole tires
Roanoke County	\$55/ton -- \$2.00 per tire	

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt by resolution the Solid Waste tire fee increase which will serve to offset the loss of recycling at the Landfill and the increased cost of operation. It is recommended that the fee for tire disposal be increased by resolution as follows:

\$2.00 per car tire
\$3.00 per truck tire
\$4.00 per construction or heavy equipment tractor tires

The Board instructed staff to explore opportunities to possibly shred and utilize some of the tires for landfill cover. The Board asked staff to bring back additional information regarding weighing tires individually; sell by the ton or a charge per tire (under 10) and then weigh larger quantities. Mr. Moore stated he would inquire about the need for a grinder and would report his findings also.

Staff will bring a report back to the Board during their December 16th meeting.

Chairman Wagner recessed the meeting for dinner.

Board members Mr. Angell and Mr. Hurt left the meeting.

Chairman Wagner called the meeting to order and recessed the meeting for the previously advertised public hearing:

Chairman Wagner opened the public hearing.

NOTICE OF PUBLIC HEARING

Abandonment of State Route 9156 from the Secondary System of State Highways

In accordance with Section 33.1-151 of the State Code of Virginia, the Franklin County Board of Supervisors will hold a public hearing to consider the abandonment of State Route 9156 and all Virginia Department of Transportation right-of-way in association with the entrance to Glade Hill Elementary School in the Union Hall Magisterial District from the Secondary System of State Highways. The public hearing will be held at **6:00 p.m., Tuesday, November 18, 2008**, in the Board of Supervisor's Meeting Room, located in the Franklin County Courthouse, East Court Street entrance, Rocky Mount, Virginia.

Steve Oakes, School Facilities, presented the request.

No one spoke for or against the proposed abandonment.

Chairman Wagner closed the public hearing.

(RESOLUTION #11-11-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the abandonment of State Route 9156 from the Secondary System of State Highways as advertised.

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

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

Neil Holthouser, Director of Planning & Community Development, presented proposed advertised amendments to the County's Chapter 9 Flood Plain Management Ordinance of the County Code as follows:

PUBLIC HEARING FOR FLOODPLAIN MANAGEMENT AMENDMENTS

Pursuant to the Franklin County Code, and the Code of Virginia, the **Franklin County Board of Supervisors** will hold a public hearing on **Tuesday, November 18, 2008, at 6:00 PM** in the Board of Supervisors Meeting Room located in the Franklin County Courthouse, Court Street entrance, to which all interested parties are invited in reference to the following request:

PETITION of The Franklin County Board of Supervisors to amend Chapter 9; FloodPlain Management Ordinance of the Franklin County Code, to add specific regulations in reference to new definitions, special flood hazard areas (SFHA) and new floodplain regulations for manufactured homes and recreational vehicles. A copy of the amendments to Chapter 9 can be reviewed in the Planning and Community Development Office located at 120 E. Court Street, Rocky Mount.

ARTICLE I. IN GENERAL

Sec. 9-1. Purpose of chapter.

The purpose of this chapter is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
2. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
3. Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

(Ord. of 11-21-88)

Sec. 9-2. Definitions.

For the purposes of this chapter, only, the following words and terms shall have the meanings ascribed to them in this section:

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation. The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

Flood. A general and temporary inundation of normally dry land areas.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source.

Floodway. The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Franklin County Board of Supervisors, herein after referred to as "the board of supervisors," is the appointed review board to hear appeals or grant waivers actions regarding this chapter.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Historic structure. Any structure that is:

- (1.) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4.) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- (5.) By an approved state program as determined by the Secretary of the Interior; or,
- (6.) Directly by the Secretary of the Interior in states without approved programs.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Federal Code 44CFR §60.3.

Manufactured home. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers travel, and other similar vehicles.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

One hundred year (100-year) flood: A flood that on the average, is likely to occur once every one hundred (100) years (i.e., that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Recreational vehicle. A vehicle which is:

- (1.) Built on a single chassis; and,
- (2.) 400 square feet or less when measured at the largest horizontal projection; and,
- (3.) Designed to be self-propelled or permanently towable by a light duty truck; and,
- (4.) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

Special flood hazard area. The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 9-9 of this chapter.

Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of building, whether or not that alteration affects the external dimensions of the building.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1.) Project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- (2.) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. of 11-21-88; Revised 11-18-08)

Sec. 9-3. Applicability of chapter.

The provisions of this chapter shall only apply to ~~all~~ lands within the jurisdiction of Franklin County ~~and~~ identified as being within 100-year floodplain as designated by the Federal Insurance Administration.

(Ord. of 11-21-88; Revised 11-18-08)

Sec. 9-4. Compliance with chapter.

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a permit(s) from the planning and community development and/or the building department. Such use, activity, or development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) or the **Franklin County** Subdivision Regulations.

Prior to the issuance of any such permit(s), the County Administrator or his designee shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

~~No land shall be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply within the jurisdiction of this chapter.~~

(Ord. of 11-21-88; Revised 11-18-08)

Sec. 9-5. Violations of chapter.

(a) A violation of any provision of this chapter or any order or direction of the County Administrator or his designee or any other authorized employee of the county given pursuant to this chapter shall constitute a Class 1 misdemeanor, confinement in jail for up to twelve (12) months and a fine of up to \$2,500, either or both.. In addition to any penalty imposed for such violation, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter.

(b) The imposition of a penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue, and the person responsible therefor shall be required to correct or remedy such violation or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the board of supervisors to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this chapter.

(Ord. of 11-21-88; Revised 11-18-08)

Cross references: Penalty for Class 1 misdemeanor, § 1-11.

Sec. 9-6. Abrogation and greater restrictions.

This chapter supersedes any flood management ordinance currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this chapter.

(Ord. of 11-21-88; Revised 11-18-08)

Sec. 9-7. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this chapter. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this chapter are hereby declared to be severable.

(Ord. of 11-21-88)

Sec. 9-8. Chapter does not create liability on part of county or county personnel for flood damages.

(a) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages.

(b) This chapter shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. of 11-21-88)

Sec. 9-9. Floodplain districts generally.

(a) The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for Franklin County, Virginia, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated December 16, 2008, as amended.

(b) The floodway district is delineated, for purposes of this chapter, using the criteria that a certain area within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of the flood more than one (1) foot at any point. The areas included in this district are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the Flood insurance Rate Map ~~accompanying and or Flood Insurance Rate Map.~~

(c) The flood-fringe district shall be that area of the 100-year floodplain not included in the floodway district. The basis for the outermost boundary of this district shall be the 100-year flood elevation contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.

(d) The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown on the Flood Insurance Rate Map ~~flood boundary and floodway map.~~ Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers, Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations and the like shall be submitted in sufficient detail to allow a thorough review by the county.

When the data is not available from any source, the lowest floor of the structure shall be elevated to no lower than two (2) feet above the highest adjacent grade.

(e) The special floodplain district (special flood hazard). Until a regulatory floodway is designated, no new construction, substantial improvements or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A and AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the area. Development activities in Zones A, and AE, on the Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed,

provided that the developer/applicant first applies, with the endorsement of the county for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

(Ord. of 11-21-88; Revised 11-18-08)

Sec. 9-10. Map of district boundaries.

The boundaries of the floodplain districts are established as shown on the Flood Insurance Rate Map, which is declared to be a part of this chapter and which shall be kept on file at the county planning and community development or other locations as designated by the County Administrator's office.

(Ord. of 11-21-88; Revised 11-18-08)

Sec. 9-11. District boundary changes.

The delineation of any of the floodplain districts may be revised by the board of supervisors where natural or man-made changes have occurred or more detailed studies conducted or undertaken by the U. S. Army Corps of Engineers or some other qualified agency or individual document the need for such change. Prior to any such change, approval must be obtained from the Federal Insurance Administration.

(Ord. of 11-21-88)

Sec. 9-12. Reserved.

Sec. 9-13. Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the County Administrator or his designee. Should a dispute arise concerning the boundaries of any of the districts, the board of supervisors shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board of supervisors and to submit his own technical evidence, if he so desires.

(Ord. of 11-21-88; Revised 11-18-08)

Sec. 9-14. Approval and notification required for proposed alteration or relocation of channel or floodway of watercourse, stream, etc.

(a) Prior to any proposed alteration or relocation of any channel or floodway of any watercourse, stream or the like within the county, approval shall be obtained from the Division of Federal Insurance Administration.

(b) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within Franklin County a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

(c) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

~~Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this municipality, approval shall be obtained from the Division of Soil and Water Conservation, Department of Conservation and Historic Resources. A permit from the U. S. Corps of Engineers and the Marine Resources Commission and certification from the State Water Control Board may be necessary (a joint permit application is available from any one (1) of these three (3) organizations). Further notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be provided to the Division, and the Federal Insurance Administration.~~

(d) All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- (1) For structures that have been elevated, the elevation of the lowest floor (including basement).
- (2) For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed.
- (3) The elevation of the 100-year flood.
- (4) All manufactured homes to be placed or substantially improved within the floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code.
- (5) In the flood-fringe and approximated floodplain districts, the development and/or use of land shall be undertaken in accordance with the regulations of the underlying district; provided, that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.
(Ord. of 11-21-88; Revised 11-18-08)

Sec. 9-15. Standards for Manufactured Homes and Recreational Vehicles:

- (a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements of this chapter.
- (b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either:
 - (1) The lowest floor of the manufactured home is elevated no lower than one (1) feet above the base flood elevation; or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade,
 - (3) Be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (c) All recreational vehicles placed on sites must either:
 - (1) Be on the site for fewer than one hundred eighty (180) consecutive days; and,
 - (2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); and,
 - (3) Meet all the requirements for manufactured homes in this chapter.

Sec. 9-16. Floodway District.

The following provisions shall apply within the Floodway District:

- (a) Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the Franklin County's endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

- (b) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions in this ordinance.
- (c) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

Sec. 9-17. Standards for Subdivision Proposals.

- (a) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; and,
- (b) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

Sec. 9-18. Waivers from provisions of chapter.

- (a) Whenever any person is aggrieved by a decision of the County Administrator or his designee with respect to the provisions of this chapter, it is the right of that person to appeal to the board of supervisors for a waiver. Such appeal must be filed, in writing, within thirty (30) days after the determination by the County Administrator or his designee. Upon receipt of such an appeal, the board of supervisors shall set a time and place for the purpose of hearing the appeal, which shall be not less than ten (10) nor more than thirty (30) days from the date of the receipt of the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties. Such hearing shall be public and the appellant, his representative, the County Administrator or his designee and any other person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard. The determination made by the board of supervisors shall be final in all cases.
- (b) In passing upon applications for waivers under this section, the board of supervisors shall consider the following factors and procedures specified in other sections of this chapter and consider the following additional factors:
- (1) The damage of life and property due to increased flood heights or velocities caused by encroachments. No waiver shall be granted for any proposed use, development or activity within the floodway district that will cause any increase in flood levels during the 100-year flood.
 - (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
 - (3) The proposed water supply and sanitation systems and the ability of these systems to present disease, contamination and unsanitary conditions.
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - (5) The importance of the services provided by the proposed facility to the community.
 - (6) The requirements of the facility for a waterfront location.
 - (7) The availability of alternative locations, not subject to flooding, for the proposed use.
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (10) The safety of access to the property, in time of flood, of ordinary and emergency vehicles.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - (12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure.

(13) All other factors which are relevant to the purpose of this chapter.

~~(d) Special exceptions shall only be issued under this section after the board of supervisors has determined that the granting of such will not result in:~~

~~(1) Unacceptable or prohibited increases in flood heights;~~

~~(2) Additional threats to public safety;~~

~~(3) Extraordinary public expense;~~

~~(4) The creation of nuisances; (5) Fraud or victimization of the public; or~~

~~(6) Conflict with local laws or ordinances.~~

~~(e) No special exception shall be granted for any proposed use, development or activity within the floodway district that will cause any increase in flood levels during the 100-year flood.~~

(a) Waivers shall only be issued after the board of supervisors has determined that the waiver will be the minimum required to provide relief ~~from any hardship to applicant.~~

(b) The board of supervisors shall notify the applicant for a waiver, in writing, that the issuance of a waiver to construct a structure below the 100-year flood elevation increases risks to life and property and will result in increased premium rates for flood insurance. A record of such notification, as well as all waiver actions, including justification for their issuance, shall be maintained and any waivers which are issued shall be noted in the annual report submitted to the federal insurance administration.

(Ord. of 11-21-88; Revised 11-18-08)

Sec. 9-19. Continuation of nonconforming structures and uses.

A structure or use of a structure or premises which lawfully existed on November 21, 1988, the date of the adoption of the ordinance from which this chapter is derived, but which is not in conformity with this chapter, may be continued subject to the following conditions:

(1) Such structures or uses located in the floodway district shall not be expanded or enlarged, unless the effect of the proposed expansion on enlargement on flood heights is fully offset by accompanying improvements.

(2) Any modification, alteration, repair, reconstruction or substantial improvement ~~of any kind~~ to a structure or use located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value shall be elevated or floodproofed to the greatest extent possible.

(3) The modification, alteration, repair, reconstruction or substantial improvement ~~of any kind~~ to a structure or use, regardless of its location in a floodplain district, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of the building code.

(4) Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

(Ord. of 11-21-88; Revised 11-18-08)

Cross references: Building code, § 5-21 et seq.

Secs. 9-17--9-30. Reserved.

ARTICLE II. DISTRICT REGULATIONS

Sec. 9-31. General requirements for uses, activities and development.

(a) All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a building permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, such as the building code. Prior to the issuance of any such permit, the building official shall require all applications to include compliance with all applicable state and federal laws.

(b) Under no circumstances shall any use, activity or development in a floodplain district adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

(Ord. of 11-21-88)

Sec. 9-32. Sanitary sewer facilities.

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) in a floodplain district shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

(Ord. of 11-21-88)

Cross references: Sewers and sewage disposal, Ch. 17.

Sec. 9-33. Water facilities.

All new or replacement water facilities in a floodplain district shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.

(Ord. of 11-21-88)

Sec. 9-34. Drainage facilities.

All storm drainage facilities in a floodplain district shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage away from buildings and on-site waste disposal sites. The board of supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

(Ord. of 11-21-88)

Sec. 9-35. Utilities.

All utilities, such as gas and water lines and electrical and telephone systems, being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.

(Ord. of 11-21-88)

Sec. 9-36. Streets and sidewalks.

Streets and sidewalks in floodplain districts should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(Ord. of 11-21-88)

Sec. 9-37. Improvements to offset effect of development on flood heights in floodway district.

In the floodway district, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and state authorities.

(Ord. of 11-21-88)

Sec. 9-38. Mobile homes prohibited in floodway district; exception.

The placement of any mobile home, except in an existing mobile home park or subdivision, within the floodway district is specifically prohibited.

(Ord. of 11-21-88)

Cross references: Permit for location of mobile homes, Ch. 5-2; mobile homes and mobile home parks, Ch. 10.

Sec. 9-39. Development or use of land in flood-fringe district and approximated floodplain district.

(a) In the flood-fringe and approximated floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district; provided, that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

(b) Within the approximated floodplain district, the applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the 100-year flood elevation more than one (1) foot at any one (1) point. The engineering principle--equal reduction of conveyance--shall be used to make the determination of increased flood heights.

(c) Within the floodway area delineated by the applicant, no development shall be permitted except where the effect of such development of flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities, as required above.

(Ord. of 11-21-88)

No one spoke for or against the proposed amendments.

The public hearing was closed.

The Board will take action during their December 16th, 2008 Board meeting.

TRANSFER OF PHASE I WATER SYSTEM

Larry Moore, Assistant County Administrator, advised the Board on October 18, 2002 Franklin County entered into an agreement with the Bedford County Public Service Authority (BCPSA) to purchase water until October 31, 2014. Pursuant to the agreement, at the end of year nine, which is October 31, 2011, this agreement could be terminated or extended for an additional ten (10) years by either party. This water system begins at a master meter on the Bedford side of the Hales Ford Bridge and extends to Westlake Town Center. Western Virginia Water Authority (WVWA) is negotiating to purchase the Westlake Village Central Sewer System and has requested that the public water system be part of the public sewer and water system to be managed by WVWA. Franklin County staff has met with Bedford County staff and they have agreed to the assignment of the October 18, 2002 agreement to WVWA.

An agreement has already been reached with Roanoke County and WVWA to extend a 12" water main from the Clearbrook area of Roanoke County to Wirtz Road in Franklin County. As part of a potential strategy to provide for a community water system, WVWA has been in discussion with Franklin County and developers on extending water down Scruggs Road. WVWA is in the process of negotiating the purchase of water systems in Franklin County and would potentially have more customers in Franklin County than Franklin County does after the purchase. Currently Franklin County has 67 residential and 97 commercial Phase I customers who are provided water representing current 08/09 annual income approved at approximately \$239K. The County's estimated annual expenses for the Phase I system is currently \$216K not including debt service. We have invested approximately \$3.5 million into the Phase I system development including a one (1) million dollar STAG grant. We have a remaining debt of \$1.979 million plus interest. The original amortization was 15 years with a remaining life of 11 years. The debt payment of \$242K was due and paid in September 2008 and the interest rate is 4.16%.

The systems WVWA may purchase are: The Waterfront, Boardwalk, The Farm, Water's Edge and Contentment Island. The first three systems are located off of Scruggs Road. Water's Edge system is in Penhook area and Contentment Island is in the Union Hall area. WVWA will work to tie together the three systems on Scruggs Road in with the Phase I water system. WVWA is in discussion with the State Corporation Commission to take over the service areas for these systems and the change of ownership. By Franklin County transferring the Phase I Water System to WVWA, they will be able to bill both water and sewer available in the future. Since the sewer bill is based on the water usage, this makes billing for both at the same time important. WVWA also has maintenance crews and equipment to better address the needs of the customers in Franklin County.

Should Franklin County approve WVWA to construct the waterline down Scruggs Road the County would still need to provide a current debt service subsidy of approximately \$240K annually for the Phase I water system which currently has an outstanding balance of \$1.979 million and is due to be paid in full in 10 years. In discussion with WVWA we have arrived at the following proposal: On an annual basis the first 50 availability fees received from Scruggs Road or Phase I only (approximately \$2500 x 50 = \$125,000.00) would be retained by WVWA and any additional availability fees over 50 would be paid to Franklin County until such time as the debt service on the Phase I waterline has been paid in full. The intention of this provision is to retire the debt service on the Route 616 waterline extension only. After payment in full of the Phase I debt service, then 100% of the availability fees would be set aside in an ECROW account for future development of an extended waterline to Burnt Chimney, upgrades to the Bedford County

Treatment Plant, or a jointly agreed to area of the County subject to meeting one of the following conditions.

1. Sufficient development to justify extension; or
2. Existing subdivision connections to offset infrastructure; or
3. Franklin County contribution to build out a line; or
4. WVWA business plan for extension after 20 years.

Ownership of assets during the time of the continued debt payments would need to be worked out between the County, BB&T bank (financial agent) and WVWA. No additional County money would be necessary for the Scruggs Road waterline extension if WVWA is successful in their developer negotiations and/or the county receives another STAG grant for a total contribution of one (1) million dollars. If agreements are not reached and contributions are not received then the County will not participate in the Scruggs Road waterline extension at the present time. If financial arrangements are agreed upon then WVWA would assume operational and maintenance responsibility for Phase I, Scruggs Road and no further contribution would be required of Franklin County.

11/7/08

**Franklin County
Water System Recap - Phase 1 Only**

	<u>Year Ended</u> <u>June 30, 2008</u>	<u>Four Months</u> <u>Ending 10/31/08</u>	<u>FY 08-09</u> <u>Projections</u>
Water Revenue	180,414	79,529	238,587
Expenses	<u>(143,786)</u>	<u>(86,936)</u>	<u>(215,808)</u>
Operating Income (Loss)	<u>36,628</u>	<u>(7,407)</u>	<u>22,779</u>
Debt Service	241,965	200,723	241,895
Depreciation	<u>93,486</u>	<u>31,162</u>	<u>93,486</u>
Income (Loss) after Debt Service & Depreciation	<u>(298,823)</u>	<u>(239,292)</u>	<u>(312,602)</u>

Remaining Debt Service Payments as of 10/31/08:

Original amount borrowed was \$2,700,000 on September 16, 2003

<u>Date</u>	<u>Principal</u>	<u>Interest</u>
3/1/09		41,172
9/1/09	163,000	41,172
3/1/10		37,781
9/1/10	169,900	37,781
3/1/11		34,247
9/1/11	177,100	34,247
3/1/12		30,564
9/1/12	184,600	30,564
3/1/13		26,724
9/1/13	192,500	26,724
3/1/14		22,720
9/1/14	200,700	22,720
3/1/15		18,454
9/1/15	209,200	18,454
3/1/16		14,194
9/1/16	218,100	14,194
3/1/17		9,657
9/1/17	227,300	9,657
3/1/18		4,930
9/1/18	237,000	4,930
	<u>1,979,400</u>	<u>480,886</u>

RECOMMENDATION:

Staff respectfully requests the Board of Supervisors authorize the County Administrator to work with the Bedford County Public Service Authority, Franklin County legal counsel, BB&T bank and WVWA to transfer the water agreement from Franklin County to the Western Virginia Water Authority and authorize the County Administrator to schedule a public hearing for discussion of transferring the Phase I Water System to Western Virginia Water Authority.

(RESOLUTION #12-11-2008)

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

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

FY'2009-2010 BUDGET CALENDAR

Richard E. Huff, II, County Administrator, presented a proposed draft FY 2009-2010 budget calendar for the Board's review and consideration as follows:

MARCH 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 7:30 PM School Board Budget Public Hearing (BFMS)	4	5	6	7
8	9 9:00 AM Adoption of School Budget (School Board Office)	10 7:00 PM BOS to Receive School Budget (Franklin Center)	11	12	13	14
15	16	17 1:30 PM BOS Meeting - County Budget Presentation	18	19	20	21
22	23 6:00 PM BOS Work Session (Franklin Center)	24	25	26 6:00 PM BOS/School Board Work Session (Franklin Center)	27	28
29	30	31 6:00 PM BOS/School Board Work Session (School Board Office)				

APRIL 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2 6:00 PM BOS Work Session (Franklin Center) Approve Budget Ad	3	4
5	6	7	8 Budget and Tax Levy Ad Published in News Post	9	10	11
12	13	14	15 Budget and Tax Levy Ad Published in News Post	16	17	18
19	20 7:00 PM Budget Public Hearing (Benjamin Franklin Middle School)	21	22	23	24	25

26	27	28 6:00 PM Adoption of County Budget (BOS Meeting Room)	29	30		
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General discussion ensued.

The Board felt a joint meeting with the School Board during their regular Board meeting in January for budget purposes may be beneficial.

Mr. Russ Johnson, Gills Creek District Supervisor, stated he would like to see the proposed county budget presented to all board members at the same time and hear the dialog from all Board members. The Board decided to meet early in March to go over the proposed budget as a whole board.

APPOINTMENTS

West Piedmont Planning District Commission

- 2 Board Members (Term Expires 12/31/2008)

(RESOLUTION #13-11-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Bobby Thompson and Leland Mitchell to serve on the West Piedmont Planning District Commission Board with said term to expire 12/31/2009.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Cundiff, Johnson, Thompson & Wagner

ABSENT: Hurt & Angell

Chairman Wagner adjourned the meeting.

CHARLES WAGNER
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR