THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, JANUARY 20, 2009, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

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

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

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Chairman Charles Wagner called the meeting to order.

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Invocation was given by Supervisor Bobby Thompson.

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Pledge of Allegiance was led by Supervisor David Cundiff.

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PUBLIC COMMENT:

CONSENT AGENDA

APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – DECEMBER 15TH, 16TH, & 22ND, 2008 & JANUARY 5, 2009

APPROPRIATIONS

DEPARTMENT	PURPOSE	ACCOUNT	AMOUNT
Clerk of Court	Library of Virginia records grant	2106- 7003	14,067.00
Parks and Recreation	Trails Grant	30- 0063	24,122.00
Park and Recreation	Carilion Donation for Boulder	30- 0158	1,000.00
	Playground		
Public Safety	Virginia Western Community College	3505- 5540	12,069.00
	Payment for instructional services		
	Total		51,258.00

Transfers Between Departments

None

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LIVE BURN TRAINING FACILITY PROJECT

In April of 2007, Franklin County was awarded a grant in the amount of $430,000 by the Virginia Fire Services Board (VFSB) for the construction of a burn building to assist in training the fire service of our jurisdiction. While the grant requires no matching funds, it is the responsibility of the locality for site preparation and additional facility options over the award amount. Public Safety has requested and been allocated capital improvement plan (CIP) funds for site development. In October of 2007, the Board of Supervisors approved Public Safety's request to approve the use of the County owned Shively Road parcel for the purpose of fire-EMS training to primarily include the construction of a burn building training facility and to allow Public Safety to begin the required activities related to the construction of such facility including the release of the CIP funds noted above, site preparation and solicitation of bids for the burn building training facility.

Of the $90,000 allocated CIP funds, approximately $67,000.00 remain after associated site engineering costs. Site preparation bids have been received and reviewed by Anderson and Associates for compliance with County specification requests. Staff has determined that Paul R.

Shively, Inc. offered the lowest bids for the base bid item and alternate bid items. The total bid for the base item and alternate items is $79, 000. Since this amount is more than remaining funds allocated for this project, certain alternate items will not be able to be completed at this time but will provide for on-site water supply and storage that is necessary to conduct live burn training. Approval of bid items #1, 2, 3.1 and 5 from the Submitted bid sheet will allow the project to continue and will meet the objectives necessary to release the grant funding for construction of the building. The cost of the above items will be $64,000 according to the Shively bid proposal.

RECOMMENDATION:

Staff respectfully recommends that the Board of Supervisors accept the bid from Paul R. Shively, Inc. and award Bid Items #1, 2, 3.1, and 5 to Paul R. Shively, Inc.

SHIVELY BID RESULTS
FRANKLIN COUNTY BURN BUILDING SITE
FRANKLIN COUNTY, VA

Bid Schedule Item No.	Description	Unit	Price
1	Mobilization	LS	$1,000
2	Site Pad & Access Road	LS	$21,80
	2.1 Excavation & Grading	LS	0
	2.2 Roadway Basecourse	LS	$18,00
	2.3 Drainage Culverts	LS	0
	2.4 Seeding & Restoration	LS	$1,000
	2.5 Storm water Pond		$4,000
			$4,200
TOTAL BID PRICE			**$50,000**

Alternative Bid Item Schedule

Item No.	Description	Unit	Price
3	Well Development		
	3.1 Well Drilling & Casing (max 350' deep)	LS	$4,000
	3.2 Additional Well Drilling (beyond 350')	VF	$10
	3.3 Well Development (pump, power, pitless adapter, piping, testing, etc.)	LS	$8,000
			$7,000
	Water Distribution	LS	$10,00
4	10,000 Gallon Storage Tank	LS	0
5	1,500 Gallon Tank	LS	$7,000
6			
TOTAL ALTERNATIVE BID PRICE			**$36,000**

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(RESOLUTION #01-01-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented above with the inclusion of bid items 3.3 & 3.4 ($15,000) for the Live Burn Training Facility Project with a total cost of $79,000.00.

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

****

VDOT – SUMMERBREEZE DRIVE

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

RESOLUTION

WHEREAS, the street(s) described below was established November 10, 1989 and currently serves at least 3 families per mile, and

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia, and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-72.1 (D), Code of Virginia:
Name of Subdivision: Summerbreeze Subdivision Phase II
Name of Street: Summerbreeze Drive

From: Intersection of Virginia Route 687 (Alean Road)

To: 0.55 miles SW of Int. Route 687 (Cul-de-Sac)

Guaranteed Right-of-Way Width: 50 feet. Length: 0.553 miles

Plat Recorded Date: December 30, 2008 Deed Book: 0950 Page: 03112 thru 03115

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

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to §33.1-72.1 (D), Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.
(RESOLUTION #02-01-2009)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned resolution as presented.

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

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DRAFT PRIMARY SIX YEAR PLAN
Tony Handy, Resident Administrator, VDOT presented the following draft Primary Six-Year Plan for the Board's review:

Below is a list of projects within Franklin County currently in the Draft Primary Six Year Plan. A more detailed summary for each project follows. The Clements Mill Bridge project is funded through the centralized bridge fund, and appears in the Draft Primary Six Year plan. A new project was added to the Draft Plan, the Route 927 bridge replacement (also funded through the centralized bridge fund). Please note that the timeline to prepare the plan was very tight, and the bridge funding was prioritized based on the bridge sufficiency rating, and it is understood that the allocated funding and priorities may need to be adjusted. From my dealing with the BOS I would assume that the BOS would ask that the Clements Mill Bridge project be given priority over, and completed before, the Route 927 bridge replacement project. I have communicated this to our District Office, please let me know if this is not the case. Public comments for the Draft Plan are still open until January 14, 2009 and can be submitted to the following email address six-yearprogram@vdot.virginia.gov.

At this time we have not received secondary six year plan allocation numbers. When the secondary numbers are available, we will provide them to the Board.

UPC 56412 – Franklin County BOS – Route 40 Sidewalk at Ferrum (Old Enhancement Project)

UPC 52515 – Add Right/Left Turn Lanes and Signal at Route 122 / 116

UPC 82189 – Route 122 Bridge Replacement (Bridge Over Gills Creek)

UPC 90304 – (***New Project***) Raise Grade and Add Right Turn Lane, Southbound Route 220/608

Add right turn lane at the intersection of Route 220 Southbound Lane and Route 608. Raise the grade of the Southbound lane of Route 220 just prior to the Route 608 intersection by adding additional pavement within the “dip”, and thereby increase sight distance at the intersection.

UPC 84934 – Clements Mill Bridge Project (Route 687)
UPC 90089 – (***New Project***) Route 927 (Iron Bridge Road) Bridge Replacement (over NS Railroad)

VDOT Virginia Department of Transportation — Six-Year Improvement Program

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Project Listing

Line Item Details

Project Summary

UPC	56412
Project	FRANKLIN COUNTY BOARD OF SUPERVISORS
Scope of Work	ENVIRONMENTALLY RELATED
Description	FROM: CONST. OF SIDEWALK ALONG SHERIFF SHIVELY BR., PEDESTRIAN TO: CROSSING OF NORFOLK & SOUTHERN RR TRACKS AT RT. 805 & OTHER
Report Note	Bicycle/Pedestrian Improvement
Fund Source	STP

Project Location

Map It

District	Salem	Jurisdiction	Franklin County
Program/System	Primary	Length	0.0000 MI
Route		Street	
MPO Area	NonMPO		
Zip Code	24088		

Estimates & Schedule

	Estimated Cost (Thousands)	Schedule
Prelim. Eng. (PE)	$92	Complete
Right-of-Way (RW)		N/A
Construction (CN)	$315	Underway
Total Estimate	**$407**	

Required Allocations

Values in Thousands of Dollars

Fund Sources	Previous Allocations	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	Required After 2014
(E)Transportation Enhancement Funds: Federal	$278	$0	$0	$0	$0	$0	$0	
Open Container Funds: Bike/Ped	$185	$0	$0	$0	$0	$0	$0	
Total Funding	**$463**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	

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Project Listing

Line Item Details

Project Summary

UPC	52515
Project	RTE 122 - ADD LTL & RTL @ RTE 122 & RTL @ RTE 116
Scope of Work	SAFETY/TRAFFIC OPERS/TSM
Description	FROM: 0.11 MILE WEST ROUTE 670 TO: 0.13 MILE EAST ROUTE 116
Report Note	State funds - AC for future federal conversion.
Fund Source	HES/STP,STP/STP/HES

Project Location

Map It

District	Salem	Jurisdiction	Franklin County
Program/System	Primary	Length	0.3000 MI
Route	0122	Street	
MPO Area	NonMPO		
Zip Code	24184		

Estimates & Schedule

	Estimated Cost (Thousands)	Schedule
Prelim. Eng. (PE)	$360	Complete
Right-of-Way (RW)	$667	Underway
Construction (CN)	$2,300	FY2009
Total Estimate	**$3,328**	

Required Allocations

Values in Thousands of Dollars

Fund Sources	Previous Allocations	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	Required After 2014
Open Container Funds: Statewide	$321	$0	$0	$0	$0	$0	$0	
Primary Formula: Federal	$0	$211	$890	$4	$151	$0	$0	
Primary Formula: State	$861	$0	$154	$5	$7	$0	$0	
Primary Formula: State Match	$0	$53	$222	$1	$38	$0	$0	
Safety Funds: Hazard Elimination	$410	$0	$0	$0	$0	$0	$0	
Total Funding	**$1,593**	**$264**	**$1,266**	**$10**	**$195**	**$0**	**$0**	**$0**

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Project Listing

Line Item Details

Project Summary

UPC	82189
Project	ROUTE 122 - BRIDGE OVER GILLS CREEK - STRUCTURE #1034
Scope of Work	MINOR BRIDGE REHAB
Description	FROM: 7.79 MILE BEDFORD CL TO: 2.47 MILE ROUTE 116
Report Note	State funds - AC for future federal conversion.
Fund Source	BR

Project Location

District	Salem	Jurisdiction	Franklin County
Program/System	Primary	Length	0.0000 MI
Route	0122	Street	
MPO Area	NonMPO		
Zip Code			

Estimates & Schedule

	Estimated Cost (Thousands)	Schedule
Prelim. Eng. (PE)	$309	Underway
Right-of-Way (RW)	$220	FY2011
Construction (CN)	$2,878	FY2012
Total Estimate	**$3,408**	

Required Allocations

Fund Sources	Previous Allocations	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	Required After 2014
	Values in Thousands of Dollars							
Bond Match: State Bond Match	$0	$0	$22	$0	$0	$0	$0	
Bridge Replacement: Federal	$0	$0	$88	$0	$0	$0	$0	
National Highway System Allocations: Federal	$0	$0	$0	$0	$440	$439	$1,600	
National Highway System Allocations: State Match	$0	$0	$0	$0	$110	$110	$400	
Primary Formula: Federal	$0	$123	$0	$0	$0	$0	$0	
Primary Formula: State Match	$0	$31	$0	$0	$0	$0	$0	
Priority Transportation Funds: State	$45	$0	$0	$0	$0	$0	$0	
Total Funding	**$45**	**$154**	**$110**	**$0**	**$549**	**$549**	**$2,000**	**$0**

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Project Listing

Line Item Details

Project Summary

UPC	90304
Project	RAISE GRADE AND ADD RIGHT TURN LANE
Scope of Work	SAFETY/TRAFFIC OPERS/TSM
Description	FROM: Rt 220 TO: Rt 608
Report Note	
Fund Source	HSIP

✔ New Project

Project Location

District	Salem	Jurisdiction	Franklin County
Program/System	Primary	Length	–
Route	0220	Street	
MPO Area	NonMPO		
Zip Code			

Estimates & Schedule

	Estimated Cost (Thousands)	Schedule
Prelim. Eng. (PE)	$50	FY2009
Right-of-Way (RW)		N/A
Construction (CN)	$181	FY2010
Total Estimate	**$231**	

Required Allocations

Fund Sources	Previous Allocations	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	Required After 2014
	Values in Thousands of Dollars							
Highway Safety Improvements: Federal	$0	$208	$0	$0	$0	$0	$0	
Highway Safety Improvements: State Match	$0	$23	$0	$0	$0	$0	$0	
Total Funding	**$0**	**$231**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

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Project Listing

Line Item Details

Project Summary

UPC	84934
Project	RTE.687 - REPLACE EXISTING ONE-LANE BRIDGE
Scope of Work	BRIDGE REPLACEMENT
Description	FROM: 0.01 mi. North Route 691 TO: 0.70 mi. South Route 689 (0.1100 MI)
Report Note	
Fund Source	BROS

Project Location

District	Salem	Jurisdiction	Franklin County
Program/System	Secondary	Length	0.1100 MI
Route	0687	Street	Alean Road
MPO Area	NonMPO		
Zip Code			

Estimates & Schedule

	Estimated Cost (Thousands)	Schedule
Prelim. Eng. (PE)	$248	Underway
Right-of-Way (RW)	$27	FY2012
Construction (CN)	$739	FY2014
Total Estimate	**$1,014**	

Required Allocations

Values in Thousands of Dollars

Fund Sources	Previous Allocations	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	Required After 2014
(S)Secondary Formula: Federal/State	$97	$0	$0	$0	$0	$0	$0	
Bond Match: State Bond Match	$0	$0	$20	$60	$23	$12	$14	
Bridge Replacement: Federal	$0	$0	$80	$240	$90	$47	$57	
Total Funding	**$97**	**$0**	**$100**	**$300**	**$113**	**$58**	**$71**	**$275**

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Project Listing

Line Item Details

Project Summary

UPC	90089
Project	RTE. 927 - BRIDGE REPLACEMENT (STR. 6358)
Scope of Work	BRIDGE REPLACEMENT
Description	over NS Railroad
Report Note	
Fund Source	BROS

✔ New Project

Project Location

District	Salem	Jurisdiction	Franklin County
Program/System	Secondary	Length	_
Route	0927	Street	Iron Bridge Road
MPO Area	NonMPO		
Zip Code			

Estimates & Schedule

	Estimated Cost (Thousands)	Schedule
Prelim. Eng. (PE)	$188	Underway
Right-of-Way (RW)	$85	FY2011
Construction (CN)	$1,149	FY2013
Total Estimate	**$1,423**	

Required Allocations

Values in Thousands of Dollars

Fund Sources	Previous Allocations	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	Required After 2014
Bond Match: State Bond Match	$0	$0	$25	$38	$69	$51	$87	
Bridge Replacement: Federal	$0	$0	$100	$152	$275	$204	$347	
Total Funding	**$0**	**$0**	**$124**	**$190**	**$344**	**$255**	**$434**	**$76**

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REVENUE & BUDGET UPDATE

Richard E. Huff, II, County Administrator, presented the following PowerPoint presentation regarding Revenue & Budget update:

JANUARY, 2009 FINANCIAL UPDATE

FRANKLIN COUNTY BOARD OF SUPERVISORS

Where are We?

- Prided ourselves in conservative and thoughtful local fiscal forecasting
- Built reserves for future capital projects
- Made strategic investments to assist in creating 571 new jobs in Trinity Packaging (300), Jammin (60), Lineal Technologies (110), Empire Foods (85), McAirlaids (160), etc.
- Looked ahead in forecasting & anticipated much of current situation
  - Regional Jail Increase Set Aside
  - Operating & Capital Start Up for Windy Gap Elem. School Set Aside

Where are We?

- Locally, we have managed very conservatively
  - Debt per capita low
  - Outstanding debt as a % of personal income in County is less in 2008 than it was in 1999 according to FY08 audit
  - Pay as You Go Philosophy as much as possible

Where are We?

- Current year revenue estimates within 1.3% of updated projections as opposed to State
- Example- State projected 4.1% growth in sales tax in FY09, Franklin County projected a 7.3% decrease
- State continues to pass along their shortfalls to the localities to bail the state out, whereby localities must absorb state shortfall

Current Budget Year

- State reduced it's commitment to Franklin County by $340,567 "off the top"
- Cuts were based on total state aid but assumed cuts to:
  - Sheriff's Ofc. -$137,696
  - CSA (Foster Children) -$148,074
  - Commonwealth's Attorney -$ 17,376
- All of these cuts were "absorbed" by local taxpayers

Current Year Budget Assumptions
(It's the Economy….)

- Anticipating a slowing economy,
  - Projected sales tax to fall by 7.3% from previous year's budget, adjusted in October to reflect 10.7% & 09-10 budget projects an additional 5.0% decline (-$678,000 in 2 years).
  - Projected real estate collections are currently at 93.95% of bills sent out vs. prior year's trend at 94.9% at the same point last year.
  - Recordation Tax Still Falling (46% over two years)
  - Interest Income has dropped on LGIP (Local Government Investment Pool) from 3.24% in June, 2008 to 1.33% today

Current Year Performance

- Noting a sluggish economy and revenue collection environment, the Board approved cutting **$1,029,038** in approved funds from the non-school budgets in October, 2008 (Schools were held harmless)
- Total Non-School cuts in current year $340,567 + $1,029,038 = **$1,369,605**
- A selective hiring freeze has been implemented based on ability to deliver services to citizens
  - Currently, 4 FT, 1 PT vacant
- Fuel savings measures implemented in Sheriff's Office & Public Safety

Current Year Performance

through December, 2008

- Bottom Line- Current year will continue to be monitored, but stable for now with precautions taken

FRANKLIN COUNTY

no.203,078 A Natural Setting for Opportunity - Since 1785

State Cuts Direct Support to Franklin County Law Enforcement, Education and Other Services Again for FY10

In spite of careful and prudent local financial planning, state support for local operations including k-12 education are proposed to be cut by Governor Kaine.

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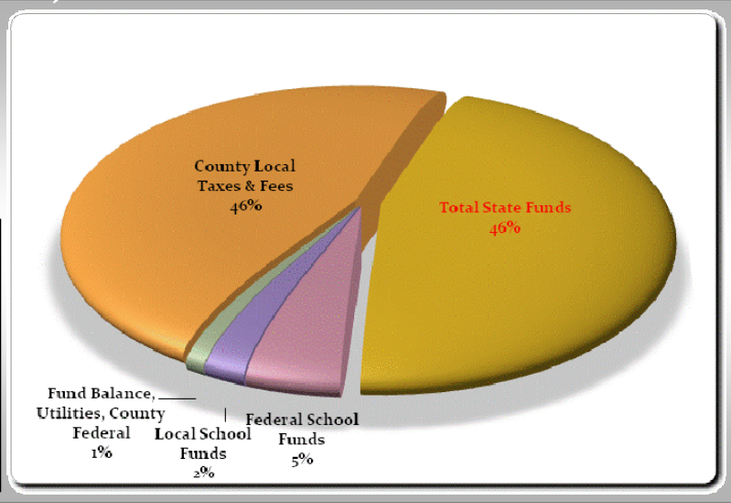
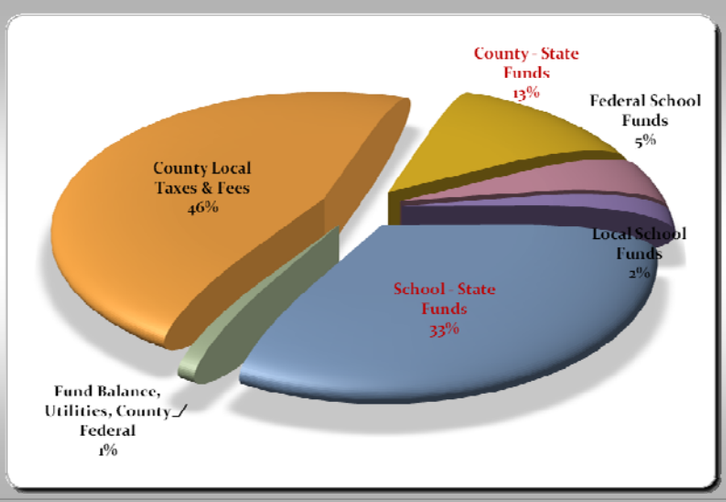
ADOPTED 2008-2009 COUNTY REVENUES (Net of Interfund Transfers)



Adopted 2008-2009 Revenues - Shows Breakdown of Where State Funds Flow



FY2010

Governor Tim Kaine's Proposed Budget Will Cut:

- Constitutional Officers
  - Sheriff's Office-(234,052)
  - Commissioner of Revenue- (9,966)
  - Treasurer- (9,304)
  - Commonwealth Attorney- (29,535)
  - Clerk of Court- (22,173)

  All Salary Reductions
- Clerk's Excess Fees- (89,667)

FY2010

- School System
  - ($3.2 million) in state budget reduction
  - ($ 700,000) in enrollment drop (122 students next year)

  ($3,900,000)

FY2010

- General Government
  - $340,567 overall state cut
  - $400,000 specific state cut
  - Unknown impact at Regional Jail for operations & capital

FY2010

- General Government
  - $340,567 overall state cut
  - $400,000 specific state cut
  - Unknown impact at Regional Jail for operations & capital

FY2010

- Total State Reductions to Schools & General Government Anticipated –($4.3 million)

FY2010

Local Revenue Picture

- Real Estate – No growth expected
- Sales Tax - 5% decline from budgeted and a budgetary impact of $350,000 less in 09-10
- Personal Property – Flat to modest increase

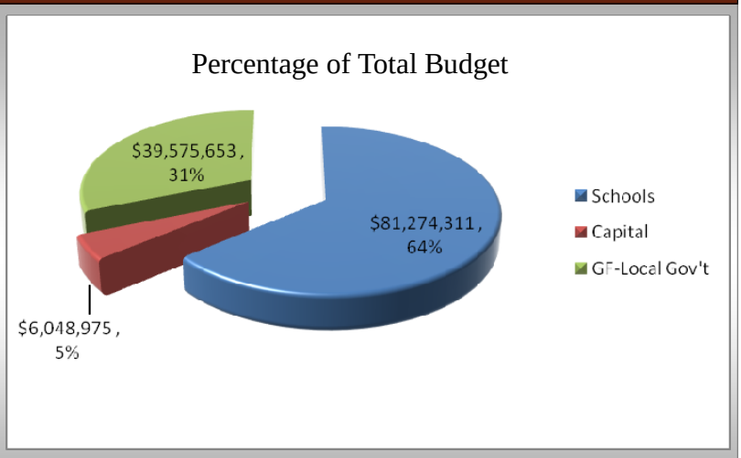
- Net New Local Dollars Projected –($2.4million) budget to budget reduction….But it is early! Estimates are still changing as staff gets better information

FY2010

Over the past several years and then when the FY2009 budget was set this year, funds were reserved to open the Regional Jail (add'l $1.3 million) & to open Windy Gap Elementary School ($755,792). These are real dollar increases in the FY10 budget

Local revenue shortfall may be in the $2,400,000 range, although still preliminary

How We Are Structured…



FY2010

If local shortfall split based on share of budget

64% Schools	$1,536,000
31% General Government	$ 744,000
5% Capital	$ 120,000
TOTAL	$2,400,000

Challenges

- State Budget may not be adopted on time- General Assembly scheduled for adjournment on February 28, 2009
- Governor's Budget will likely be amended significantly
- Will local revenue reductions be passed on to the schools in some proportion?
- Will the Constitutional Officers be required to absorb state cuts to salary line items including law enforcement?

Challenges

- Strategic decisions must be made as to essential vs. nonessential services
- Policy on use of one time money for reductions that are likely to reoccur? (Fund Balance)
- Is new revenue an option?
  - Fees-new, increased, etc.?
  - Personal Property is being raised in some localities in the proportion of the state cuts since the state reduced personal property taxes with Car Tax Relief and then is taking money away from critical services

Challenges

- Is there direction/suggestions /parameters that the Board wishes to give as the budget begins to be formulated?

General discussion was held on the critical and challenging time in our County with regards to budget deliberations.
****

AUDIT REPORT PRESENTATION

Ms. Deanna Cox, CPA, Robinson, Farmer Cox Associates, stated the Board did not have any Disagreements with Management and no corrected and uncorrected misstatements within the presented Audit Report. Ms. Cox stated the County was in good financial standing with the Audit year ending June 30, 2008. Ms. Cox stated county staff had done a good job with internal control and pulling information together.

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REGIONAL JAIL UPDATE

Charlie Poff, Superintendent, Western Virginia Regional Jail, presented the Western Virginia Regional Jail update as follows:

Western Virginia Regional Jail
January 2009

Front Entrance

Roof Top Water Retention System

Energy Star Roofing System

Vacuum Plumbing System

New Lighting – Property Room

New Slider Doors

Cell Interior

Dormitory Bunks

Newly Delivered Furniture Training Room

Window Installation Intake

Video Visitation Partitions Inmate Housing

Master Control

Bathroom Facilities

Kitchen Equipment

Kitchen Equipment

Academy Recruits in Training

State Reimbursement Funding

State Reimbursement Funding

- $11.3 Million in additional construction reimbursement funding was eliminated
- A planning study was conducted including a pre-construction estimate
- The project was approved by Board of Corrections on August 3,2005
- Eligible costs approved were $35,476,808 or 50% of $70,953,615
-

- Value Engineering = $1.4 Million in Savings
- Additional Savings of $648,023 realized from selected contractor
- Bid documents were released on September 17, 2006 and closed on October 31, 2006
- Three proposals received:
  - $78.1 M
  - $81.2 M
  - $81.8 M

- Substantial increases in concrete, ready mix concrete, gypsum products, copper, and fabricated steel products
- Projects based on planning study estimates generally exceed estimated costs
- Building costs were consistent with other Virginia Jail projects at $155,000 per bed.

- 2008 Appropriations Act of General Assembly
- Department of Corrections notified of actual costs
- Board of Corrections approved $11.3 million in additional reimbursement
- Total eligible costs were $93.6 million, of which, 50% or $46.8 million was reimbursable from the state

- All projects approved by the Board of Corrections have been funded by the state
- The state's share of costs are funded through the Virginia Public Building Authority
- Legislative Action in Progress
- Honor the decision of the Board of Corrections

****

CEED PRESENTATION

Dr. Charles Lackey, Division Superintendent of Schools, introduced Kevin Bezy, Principal, Gereau Center and John Richardson, Gereau Teacher, as they presented to the Board the following CEED PowerPoint Presentation:

The CEED Project

The Center for Energy Efficient Design

The Gereau Center for Applied Technology and Career Exploration

History of the Gereau Center

- November 1994
- $14.7 million Referendum
- $1.6 Million Challenge Grant

Emphasis on Problem Based Learning and solving real-world problems in holistic learning context

Career Modules

- Arts
- Manufacturing
- Architecture & Engineering
- Legal Science
- Media Design
- Environmental and Natural Resources
- Finance
- Health and Human Resources

The Gereau Center

History of Energy Projects

Photovoltaic Panels

AEP-Million Solar Roofs Project

Hydroponics

500 Watt Wind demonstration turbine

Aquaponics

Biodiesel Production

Honda Grant

$25,000

Solar Hot Water for the entire school

Skystream3.7

Wind Turbine

Solar Hot Water for Greenhouse

Solar Crossing Lights

Virginia Department of Mines, Minerals, and Energy

$75,000

Solar Traffic Flashers

Motion Sensor Security Lights

Solar Security Lighting

Solar Signage Lighting

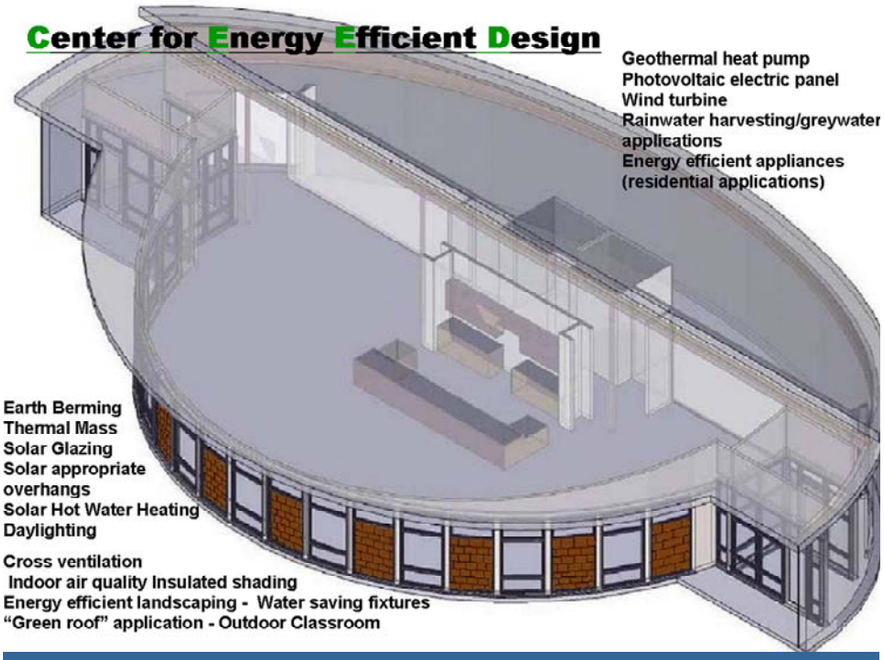
Virginia Department of Mines, Minerals, and Energy

The Vision

since 2003

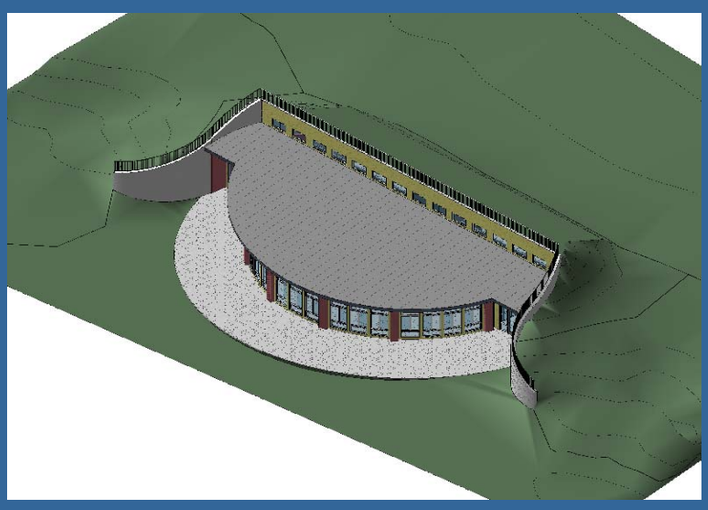
- To create a “zero energy” learning environment with both residential and educational applications

- Model “green” techniques and technologies that will act as a template for construction in the 21st Century



CEED

Conceptual Drawing



Educational Implications

- Training our best and brightest for cutting edge careers -- i.e..... all students in the Franklin County Schools
- Shifting the expectations of all county residents to cost effective and money saving architecture -- including contractors, builders, potential homeowners
- Teaching the architects, engineers, and technicians of the future …Learning, thinking, modeling, creating, and coordinating new innovative techniques

Economic Implications

- Introducing techniques and technologies for building industries in all of Southwest Virginia
- Revitalizing depressed manufacturing infrastructure
- Incubating small business opportunities
- Adding an attraction for literally thousands of visitors

On the Cutting Edge

The CEED is truly "one of a kind" with whole community benefits

Art Powers of the US Department of Energy stated "There is no place in the United States that combines green technology and education in such a way you all have. This is awesome."

The Perfect Storm

- **Department of Energy Grants**
  Over $400,000
- **Community Involvement and Donations**
  Over $250,000
- **Possible Local Monies**
- **Economic Conditions**
  A crisis is an opportunity and we have the responsibility to act boldly

Partners

- **U.S. Department of Energy**
- **Virginia Department of Mines, Minerals, and Energy**
- **American Electric Power**
- **The Honorable Virgil H. Goode, Jr.**
- **Virginia Tech**
- **Ferrum College**
- **Rainwater Management Solutions of Salem**
- **MW Manufacturing**

Letters of Community Support

- Ferrum College
- The Honorable Virgil Goode
- Virginia Superintendent of Public Schools
- Rocky Mount Town Manager
- U.S. Senator Mark Warner
- Division Superintendent , Va. Department of Mines. Minerals, and Energy
- Architecture Department Chair, Virginia Tech
- Franklin County Director of Economic Development

Revenues:	
Interest Earned on Windy Gap Financing:	
VA SNAP 10/31/08	$538,718
BB&T 10/31/08	79,898
Additional Interest to be Earned	22,760
Total	641,376
Less Interest Originally Committed to Windy Gap	(343,972)
Balance of Uncommitted Interest	297,404
Less Glade Hill Water Storage Tank Project Funding (Approved by the Franklin County Board of Supervisors 12/16/08)	(69,850)
Uncommitted Windy Gap Construction Contingency	189,635
Federal Department of Energy Grant (11/23/04)	213,137
Federal Department of Energy Grant (12/26/07)	196,800
Donations – Appalachian Power Co.	10,000
Other School Funds	2,208
Balance of Total Revenues Not Yet Appropriated	$839,334
Proposed Expenditures:	
CEED Project at The Gereau Center	$ 839,334

Darryl Spencer (on-site construction manager) and Lee Cheatham have reviewed the estimated usage of the $360,720 in Windy Gap Elementary School Project contingency funds for the Windy Gap Project with the architects, contractor and engineers. Submitted is a schedule that the architects, contractor and engineers have prepared which includes detailed information relative to the usage of these funds. The schedule also includes a surplus in contingency funds of $191,135. We have proposed committing $189,635 as a local funds match for the CEED Project at the Gereau Center. This is in addition to the $83,300 ($34,500 + $48,800) that is earmarked for any contingency funds needed for the remainder of the Windy Gap Project. We anticipate using only a portion of the funds ($83,300) as we have identified.

(RESOLUTION #03-01-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the CEED Project as presented with the proposed expenditures of $417,189 as requested.

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

NAYS: Mitchell & Wagner
ABSTAINED: Thompson
THE MOTION PASSED WITH A 4-2-1 VOTE.
****

INTRODUCTION OF ACTING SUPERINTENDENT/BOOKER T. WASHINGTON MONUMENT

Rebecca Harriett, Superintendent, Booker T. Washington Monument, introduced Timothy Simms as Booker T. Washington Monument Acting Superintendent.

Chairman Wagner, presented Mrs. Rebecca Harriett the following resolution in appreciation of her services to Franklin County:

WHEREAS, Rebecca Harriett has provided distinguished leadership for over thirteen years as the Superintendent of the Booker T. Washington National Monument; and

WHEREAS, she has recently announced her acceptance of the position of Superintendent for the Harpers Ferry National Historical Park; and

WHEREAS, her energy, enthusiasm, and dedication to the Booker T. Washington National Monument and to Franklin County will be greatly missed; and

WHEREAS, due to her efforts during her tenure as Superintendent, the Booker T. Washington National Monument has grown in visitation and attractiveness; and

WHEREAS, she has successfully brought recognition to the Booker T. Washington National Monument as an important and prestigious national historical site; and

NOW BE IT THEREFORE RESOLVED, the Franklin County Board of Supervisors hereby expresses and acknowledges their sincere appreciation for the contributions that Rebecca Harriett has made to the preservation and promotion of Franklin County's cultural history and to the betterment of Franklin County's overall quality of life.
****

PHASE 1.2 ZONING UPDATES WINDMILLS/WIND ENERGY FACILITIES

Lisa Cooper, Senior Planner, stated in October 2007, the Franklin County Board of Supervisors approved a series of amendments to the Zoning Ordinance in an effort to address conflicts, inconsistencies and deficiencies of immediate concern. This set of amendments, known as "Phase 1," was part of a two-stage project to update the County's land use and development regulations. "Phase 2" will consist of a general overhaul of both the Zoning and Subdivision ordinances, scheduled to take place during 2009 and 2010.

As staff prepares to embark on the Phase 2 update, the Board has asked staff to consider additional ordinance amendments of immediate concern, in a process now referred to as "Phase 1.2." In December 2008, staff presented the Board with draft ordinance language related to: 1) revised standards for outdoor lighting; and 2) revised sign regulations concerning signs on vehicles or mobile platforms. The Board authorized staff to proceed with the outdoor lighting issue; the Planning Commission will hold a public hearing in consideration of outdoor lighting standards at its February 10, 2009, meeting. The Board raised additional questions about the county's sign regulations, including the need for revised definitions, regulation of temporary roadside signs, and provisions to allow for off-site advertising for agricultural uses. Staff continues to research the above-mentioned sign issues, and will bring forward draft ordinance language in the near future.

At this time, staff has prepared for the Board's consideration an amendment to the Zoning Ordinance related to wind energy facilities (i.e. windmills, turbines, and associated power grid facilities.) This draft amendment (attached) proposes to allow wind energy facilities in all commercial, industrial, and agricultural zoning districts by Special Use Permit. The draft ordinance contains new definitions, supplementary regulations, criteria for the granting of an SUP, and the decommissioning of abandoned wind energy facilities. The draft addresses three types of wind energy facilities, each with its own acreage, setback, and dimension requirements:

1. Small systems, which are designed to supplement other electrical sources for domestic use;
2. Large systems, which consist of one or more turbines having a rate capacity of up to 999 kilowatts; and
3. Utility scale systems, which consist of one or more turbines having a rate capacity of one megawatt or more.

The following draft ordinance was presented for the Board's consideration:

Article 1. General Provisions

Division 3. Definitions

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

The following definitions shall apply in the interpretation and enforcement of this Chapter.

Wind energy facility: An electricity generating facility, which is to convert wind energy into electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind energy facility, large system: A wind energy conversion system consisting of one or more wind turbine(s), a tower(s) and associated control or conversion electronics, which has a rated capacity of not more than 999 kW.

Wind energy facility, small system: A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for onsite consumption. A small wind energy conversion system consisting of a single wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100kW.

Wind energy facility, utility scale: A wind energy system consisting of more than one wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than 1 MW or greater.

Wind energy facility, wind farm: See "Wind energy facility, utility scale"

Wind energy facility, wind pump: A type of windmill used for pumping water from a well or draining land.

Wind energy facility, wind turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower and pad transformer.

Wind energy facility, wind turbine height: The distance measured from grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Wind energy facility, windmill: A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as pumping water.

Article II. Basic Regulations

Division 4. Supplemental Regulations

Sec. 25-128. Towers, antennas, satellite dishes and *wind energy facilities*.

(c) *Wind Energy Facilities shall be subject to the following requirements:*

1. *Wind energy facilities are permitted by special use permit in agricultural, commercial and industrial zoning districts.*

2. *An application for a special use permit for a wind energy facility shall contain the following:*

    a. *A narrative describing the proposed wind energy facility, including an overview of the project;*

    b. *The approximate generating capacity of the wind energy facility;*

    c. *The specific number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers and a description of ancillary facilities;*

d. *Identification and location of the properties on which the proposed wind energy facility will be located;*

e. *A site plan sealed by a professional engineer, showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and location of all structures and properties within the geographical boundaries of any applicable setback;*

f. *Signed and approved copies of any negotiated power purchase agreement and the utility company's approved schematics;*

g. *Other relevant studies, reports, certifications and approvals as may be deemed necessary by Franklin County to ensure compliance with this ordinance;*

h. *Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars and the anticipated manner in which the wind power project will be decommissioned and the site restored; and,*

i. *Signature of the property owner(s) and the facility owner/operator of the wind energy facility;*

j. *Utility scales wind energy facilities shall require an Environmental Impact Study (EIS). The EIS shall require review and comments from applicable state and federal agencies, including, but not limited to, Virginia Department of Environmental Quality, Virginia Department of Mines, Minerals, and Energy, US Army Corps of Engineers and the US Fish and Wildlife Service;*

3. *he following dimensional requirements shall apply to the installation of wind turbines and/or wind energy facilities:*

a. *Small system a five (5) acre minimum lot size; large system a ten (10) acre minimum lot size and utility scale a twenty-five (25) acre minimum lot size.*

b. *Small system 120 feet maximum height from grade, large system 250 feet maximum height from grade and utility scale 500 feet maximum height from grade.*

c. *Turbines/Wind Energy Facility shall be setback from buildings, property lines, public right of ways, private street, expressed as a ratio of height of the turbine/wind energy facility, in accordance with the following table:*

d. *Setbacks shall be measured from a point directly beneath the apex of the structure, including turbine blades*

Wind Energy Facility Type	Setback from property lines, as a function of Turbine/Wind Energy Facility	Setback from public Right of Ways, as a function of Turbine/Wind Energy Facility	Setback from private streets, as a function of Turbine/Wind Energy Facility
Small System	1.0	1.0	1.5
Large System	1.5	1.0	1.5
Utility Scale	2.0	1.5	1.5

e. As part of the Special Use Permit process, the property owner(s) may request a deviation of the setback requirements of the subject property. The deviation shall describe how the proposed wind turbine and/or wind energy facility is not in compliance and state that consent is granted for the wind turbine and/or wind energy facility to not be setback as required by this ordinance. Any such deviation shall be signed by property owner(s) as a condition of the special use permit.

4. Wind Energy Facilities shall be subject to design and construction requirements as follows:

   a. The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).

   b. All electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state and national codes.

   c. The visual appearance of wind energy facilities shall at a minimum:

      1. Maintain a galvanized finish and be non-obtrusive color such as white, off-white or gray;
      2. Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacture, facility owner and operator.

5. The governing authority shall consider the following factors and any other factors deemed prudent in any given situation in determining whether to issue a special use permit:

   a. Height of the wind energy facility.

   b. Proximity of the wind energy facility to residential structures and residential district boundaries.

   c. Nature of the uses on adjacent and nearby properties.

   d. Surrounding topography.

   e. Surrounding tree coverage and foliage.

   f. Design of the wind energy facility, with particular reference to design characteristics that have effect of reducing or eliminating visual obtrusiveness.

   g. Proposed ingress and egress.

   h. Consistency with the comprehensive plan and the purposes to be served by zoning.

i. *Noise*

j. *Shadow flicker*

k. *Traffic and pedestrian safety*

6. *Decommissioning or abandoned wind energy facility shall be subject to the following requirements:*

   a. *The wind energy facility owner, operator and/or property owner shall have three (3) months to complete decommissioning of the facility if no electricity is generated for a continuous period of eighteen (18) months.*

   b. *Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads and any other associated facilities.*

   c. *Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.*

   d. *A performance surety, in a form approved by the County Administrator or his designee, shall be submitted by the applicant prior to the issuance of land use and building permits in order to insure removal of the wind energy facility when it is no longer to be used for wind generation.*

RECOMMENDATION:
Staff recommends that the Board of Supervisors authorize the amendment on wind energy facility to be forwarded to the Planning Commission for public hearing and recommendation

(RESOLUTION #04-01-2009)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to forward the draft Windmills/Wind Energy ordinance amendment to the Planning Commission for public hearing.

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

THE MOTION PASSED WITH A 6-1 VOTE.
****

PHASE 2 ZONING ORDINANCE UPDATE
Neil Holthouser, Director of Planning & Community Development, shared with the Board a Land Use Scenario Exercise for a Phase II Update schedule for January 27, 2009. Mr. Holthouser, stated the agenda for the January 27th meeting would be to identify critical issues that should or should not be addressed as part of the ordinance update; identify needs for additional research and analysis and to consider the scope, schedule, process and public involvement that will be required in order to complete the Update project. Mr. Mitchell stated he would like to see the title changed (Land Use Scenario) so if read in the newspaper it would not be misunderstood. Staff stated they would make minor modifications and edits to the proposed Phase II Update of the Zoning & Subdivision Ordinance.
****

COOPERS COVE COMMUNITY PARK UPDATE
B. J. Jefferson, County Attorney, stated in his opinion, he would encourage the Board to buy title insurance.

(RESOLUTION #05-01-2009)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to accept Cooper's Cove Community Park property and to obtain title insurance.

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

PROCESS FOR THE COLLECTION OF DELINQUENT TAXES
Richard E. Huff, II, County Administrator, stated during the Tuesday, December 16, 2008 Board meeting, the County Administrator advised the Board, staff would report the process for Collection of Delinquent Taxes at their January meeting.

State Code Section 58.1-3934, *authorizes the Collection of delinquent local taxes.*

State Code Section 2.2-4344, allows a locality to contract for legal services "without" a Request for Proposal (RFP). After speaking with sixteen (16) localities and Kevin Appeal, Treasurer's Association Attorney, research has found four (4) localities choosing the RFP process while the remaining localities worked with their locality's Treasurer to contract with an attorney for this service. Recommendations from other Treasurers across the state produced a pool of names of firms with successful collection recovery rates.

The Treasurer's Delinquent Tax report presented to the Board during their November monthly meeting reflected a balance of over $264,000 in delinquent taxes. Several of these tracts of land are legatee property and this is the only way these properties can be cleared and placed back into the current tax records.

In closing, the total cost of recoveries of delinquent taxes, as well as the recovery fee will be incurred by the delinquent tax payer (the locality will spend $0 in the collection process) of which the standard collection commission is 20% paid to the hired firm.

RECOMMENDATION:

Staff requests that the Board authorize the Treasurer in conjunction with Finance staff to interview prospective firms who have worked for other Virginia localities and hire the firm most capable of collecting the outstanding amounts based on experience.

(RESOLUTION #06-01-2009)

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

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

****

SCHOOL FACILITIES STUDY

Richard E. Huff, II, County Administrator, stated he had met with Dr. Charles Lackey regarding their facilities study. Mr. Huff stated Dr. Lackey would update after the budget sessions with more specific data from the School Board.

****

WINDY GAP COMMUNITY PARK JOINT USE AGREEMENT WITH SCHOOLS

David Hurt, Boone District Supervisor, stated Staff was directed by the Board of Supervisors to develop an agreement between the School System and County that would identify operational policies for the Windy Gap Elementary School/Park site. Staff developed a Memorandum of Understanding (MOU) to outline and clarify the numerous verbal agreements made between the Franklin County Board of Supervisors and the Franklin County School Board with regards to use and management of the Windy Gap Elementary School and Community Park Site (SITE).

By outlining these verbal agreements and informal understandings, staff aimed to develop an agreement that could allow the County and School System to work together at the Windy Gap site to expand upon their existing framework of cooperation for beneficial programs, projects, and parks/recreational development activities already accomplished and planned by both bodies.

The master plan for the Windy Gap site incorporates facilities that can accommodate daily citizen use and County funds are presently being used for construction of these amenities. The County has invested $300,000 into park infrastructure at this site.

Staff prepared the draft MOU seeking to identify opportunities for shared use of the park and school facilities at this site. School staff has indicated that the School System will not approve the agreement as written unless the requirement for unfettered access to the passive portion of the school/park site is deleted.

The position of the Board of Supervisors has been consistent through the Windy Gap site development effort, from land acquisition to approval of development funding, that the site will have park infrastructure elements available for general public use. Further, County funding for the larger gymnasium and passive park amenities at the site were made with the direction to the School Board that the County would have priority scheduling of the facility for recreation and community programs.

The School Superintendent believes that access to entire Windy Gap facility should be limited to school programming while school is in session due to public safety concerns. The County believes that portions of the site should be open for public access and that use of these facilities will not interfere with school operations. The Superintendent thus requests that the last

paragraph under point II be removed/reworded and that Point C of Sections III & IV be removed and changed to demonstrate public access only when school is in session.

The Recreation Advisory Commission (RAC) reviewed the proposed MOU and recommends strongly that this site should have park use per the Board of Supervisor's direction (unfettered) in the passive areas. The RAC endorses the language contained in the proposed MOU.

RECOMMENDATION:

Staff seeks direction from the Board of Supervisors relative to the MOU for joint use at the Windy Gap Site.

Memorandum of Understanding (MOU)
Regarding the Management and Operation of the
Windy Gap Elementary School and Community Park Site

I. PURPOSE

The purpose of this MOU is to outline and clarify the numerous verbal agreements made between the Franklin County Board of Supervisors (BOARD) and the Franklin County School Board (SCHOOL BOARD) with regards to use and management of the Windy Gap Elementary School and Community Park Site (SITE).

By outlining these verbal agreements and informal understandings, the BOARD and SCHOOL BOARD hope to work together at the SITE to expand upon their existing framework of cooperation for beneficial programs, projects, and parks/recreational development activities already accomplished and planned by both bodies. Both Boards agree that their joint programs, projects and activities are in the best interests of the public.

This MOU is intended to act as a guide for future cooperation between the BOARDS at the SITE and may be amended by mutual agreement from time to time as the parties may desire.

II. INTRODUCTION

The BOARD operates a Parks & Recreation Department to serve as the County's lead management organization dedicated to providing a comprehensive public parks and recreation service to the citizens of Franklin County. These responsibilities include management of several parks owned by Franklin County for the benefit of its citizens and programming of public recreational programs that use SCHOOL BOARD facilities extensively. The Department operates the County's public recreational programs that serve over 20,000 citizens in sports, activities, and special events each year. The County's parks provide for a variety of uses and activities including outdoor recreation.

The mission of the Franklin County Public Schools and SCHOOL BOARD is to prepare students for life-long learning and employment and to enable them to participate as responsible family members and citizens of Franklin County and the world community. The SCHOOL BOARD has a responsibility to protect the safety of school system students and ensure that their learning environment is secure, safe, and focused on education.

The BOARD allocated funding to the SCHOOL BOARD to acquire this SITE for the purpose of development of a co-located elementary school and community park facility.

Recognizing high public demand for recreational multi-use trails, additional sports fields facilities, and larger indoor gymnasium space as illustrated by a recent Parks and Recreation survey, the BOARD completed a site plan for the SITE, and funded development that will provide facilities at the SITE that may be used by the school system and by Franklin County citizens. This Site Plan was adopted by the SCHOOL BOARD.

There is a need to actively promote public-public partnerships that encourage active physical activities for all segments of the community. The BOARDS' agree that the availability of the

SITE'S amenities to the widest segment of the population possible will produce a healthier, more fit, and more livable community.

The BOARDS' share the common responsibility and interest of promoting, maintaining, and developing facilities that can be used mutually by citizens and school system partners for the community's betterment.

The BOARD approved over $11 million in taxpayer funds to facilitate development of this joint use site. The BOARD'S instruction to the SCHOOL BOARD for use of these funds specified development of an elementary school site, a passive community park site, an enlarged gymnasium that will be available for Parks & Recreation programming, and enhanced water quality control systems to as to ensure a minimal impact to Gills Creek watershed. The SCHOOL BOARD accepted the funding for these agreed upon purposes.

In consideration of the above premises, the parties agree as follows:

III. BOARD SHALL:

A. Work with the SCHOOL BOARD to identify appropriate partnership opportunities for the community park component of the SITE (trail projects, education programs, etc.) and jointly pursue such projects in conjunction with the Windy Gap PTO, Windy Gap/Hardy/Franklin County community contingent upon availability of funds and personnel.

B. Encourage continued participation between County officials and School System staff in the development of mutually beneficial SITE development/enhancement projects and educational activities on site.

C. Provide unfettered access to the passive recreational components of the SITE that are not being scheduled or used by School System programs.

D. Schedule the gymnasium and grounds for organized County recreation activities when the facilities are not in use by the School System.

E. Provide County funds to maintain the passive park and recreational elements on the site per the adopted Master Plan. This includes the passive walking trail and any play elements added by the BOARD per the adopted SITE plan

F. Conduct regular playground inspection and routine maintenance services through the County's licensed playground safety inspector.

IV. SCHOOL BOARD SHALL:

A. Work with the SCHOOL BOARD to identify appropriate partnership opportunities for the community park component of the SITE (trail projects, education programs, etc.) and jointly pursue such projects in conjunction with the Windy Gap Elementary PTO, Windy Gap/Hardy/Franklin County community contingent upon availability of funds and personnel.

B. Encourage continued participation between County officials and School System staff in the development of mutually beneficial trail work projects and educational activities on site.

C. Provide unfettered general public access to the passive recreational components found on the site when they are not in use by School System programs, classes, or officially scheduled activities.

D. Permit County Parks and Recreation programmers with first option for gymnasium and full grounds facility use when the SITE is not being used by official School System programs activities to include maintenance, and school sanctioned activities.

E. Assume full maintenance/upkeep responsibilities for active park components to include active sports fields, running/walking track, and outdoor restroom facilities. Should the BOARD request use of the active sports areas for organized play, the BOARD shall assume responsibilities for lining and game preparation maintenance responsibilities.

V. IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE SAID PARTIES THAT:

A. The principal contacts for this agreement are:

Franklin County Administrator	Franklin County Schools System Superintendent
Richard E. Huff, II	Charles Lackey, Ed.D.
40 East Court Street	25 Bernard Road
Rocky Mount, VA 24151	Rocky Mount, VA 24151
540-483-3030	540-483-5138

In witness whereof, the parties have executed this MOU effective as of the last date listed below:

_____ _____
RICHARD E. HUFF, II Date
County Administrator

_____ _____
Charles Lackey, Ed.D. Date
School Superintendent

Mr. Hurt requested the Board's concurrence to allow him to meet with school officials to resolve concerns with the Windy Gap Community Park Joint Use Agreement with the Schools. The Board concurred with the request.
****

5TH DISTRICT OFFICE

Russ Johnson, Gills Creek District, Supervisor, requested Board support in forwarding a letter to Tom Perriello, 5th District Congressman, requesting him to locate a satellite 5th District Congressional office in the Virgil H. Goode Building, Rocky Mount, Virginia. The Board directed the County Administrator to forward said letter to Congressman Perriello.
****

PROPERTY TO BE USED FOR TRAINING K-9 UNITS

Russ Johnson, Gills Creek District, Supervisor, requested staff to identify 1 acre of land to train K-9 units. The Board directed staff to request the Sheriff to forward a detail letter requesting their needs.
****

CLOSED MEETING
(RESOLUTION #07-01-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-3, Acquisition of Land, of the Code of Virginia, as amended.

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

MOTION: **RESOLUTION: #08-01-2009**
SECOND: MEETING DATE January 20th, 2009

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

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

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

VOTE:
AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner
NAYS: NONE
ABSENT DURING VOTE: NONE
ABSENT DURING MEETING: NONE

****

Chairman Wagner recessed the meeting.

Chairman Wagner called the meeting to order for the previously advertise public hearing as follows:

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing at approximately ***6:00 P.M***., on **Tuesday, January 20, 2009**, at the Multi-Purpose Room, located at 50 Claiborne Avenue, Rocky Mount, Virginia to consider the proposed amendment to County Code **Chapter 22: Section 110 titled: General Procedures Addressing Mandatory Sewer Connection for All New Construction in the Westlake Overlay District.**

Sec. 22-110. General procedures.

(a) *Mandatory connection of new construction to the Franklin County Public Sewer System.*

(1) No person shall make any connection to the Franklin County Public Sewer System or alter any fixtures so connected without first having received written approval from the Department of Public Works, its successors or assigns.

(2) New structures and/or facilities shall be defined for the purposes of Franklin County Code section 22-110(a) as those which obtain a building permit following the passage of section 22-110 by the Board of Supervisors. New subdivisions and development for the purposes of section 22-110(a) shall be defined as those which are reviewed, approved, or permitted by the Franklin County Planning Commission, Board of Supervisors, Planning and Community Development Department, or Building Official, or their successors or assigns following the passage of section 22-110(a) by the Board of Supervisors.

(3) New sewer systems for the purposes of offering such systems to the county for dedication and ownership according to Franklin County Code section 22-110 (b) and chapters 22, 19, and 25 shall be defined as those which are reviewed or approved by the Franklin County Planning and Community Development Department or the Public Works Department, or their successors or assigns, following the passage of sections 22-110 (b) by the Board of Supervisors.

(4) All new structures and/or facilities which are located within three-hundred (300) linear feet of the county's public sewer system (as measured from the closest point of the structure to the edge of an easement or right-of-way including the public sewer distribution system) shall be required to connect to the county's public sewer system. The connection of such premise to the county's public sewer system shall not be required when access to the affected property requires the crossing of another property without an available easement, provided that county property and the property of the Virginia Department of Transportation shall be exempted.

(5) All new structures and/or facilities, subdivisions, and developments with ~~two (2)~~ three (3) to fourteen (14) equivalent residential connections (ERCs) having a property line within six-hundred (600) linear feet of the county's public sewer system (as measured from the closest point of the property line to the edge of an easement or right-of-way including the public sewer distribution system) shall be required to connect to the county's public sewer system.

(6) All new structures, facilities, subdivisions, and developments with fifteen (15) or greater equivalent residential connections (ERCs) shall be required to connect to the county's public sewer system if they meet the following distance requirements for the number of applicable lots or ERCs (the distance measured from the closest point of the property line to the edge of an easement or right-of-way including the county's public sewer distribution system):

TABLE INSET:

Number of Lots or ERCs	*Required Extension (Linear Feet)*
15-20	1,000
25	1,250
30	1,500
35	1,750
40	2,000
45	2,250
50	2,500
60	3,000
70	3,500
80	4,000

90	4,500
100	5,000
125	6,250
150	7,500

The county shall require up to 1,000 linear feet (L.F.) extension for 15--20 lots or ERCs, and each lot or ERC over 20 shall require an additional 50 L.F. extension. The maximum extension required is 7,500 L.F.

(7) Structures and/or facilities, subdivisions, and developments existing at the time of the passage of this ordinance (section 22-110(a)) are exempt from the requirement to connect to the county public sewer system so long as the septic tank or sewer system serving the property with sewage disposal meets the requirements of the Virginia Department of Health. The county may impose a connection fee, a front footage fee, and/or a monthly nonuser service charge that shall not be more than that proportion of a minimum monthly user charge as debt service compares to the total operating and debt service costs. In the event of a privately owned septic tank or sewer system failure as determined by the Virginia Department of Health, existing structures and facilities which were served by the failed septic tank or sewer system shall be required to connect to the county public sewer system if they meet the aforementioned vicinity and distance requirements for new structures and/or facilities, subdivisions, and developments.

(b) *Transfer of approved sewer systems to ownership by Franklin County.* The developer and/or owner of any new sewer system in Franklin County which is designed to serve three (3) or greater equivalent residential connections (ERCs) shall assure that such new sewer system meets all required standards of chapter 22, shall seek and obtain approval of the design and its construction by the Public Works Department or its successors and assigns, shall not supply sewer until the new sewer system receives such approvals, and, as a condition precedent to subdivision or site plan approval under chapters 19 and 25 of the Franklin County Code, shall offer such new system at no cost to the County of Franklin for dedication and ownership. The developer and/or owner of any such new sewer system shall follow all applicable regulations and policies of the County of Franklin and shall seek all required approvals for the planning, development and construction of the sewer system. Franklin County may consider acceptance of systems which are offered for dedication and ownership based on an analysis of the sewer system and its location. Those systems which are within 7,500 linear feet of the existing county public sewer system and/or within the anticipated county sewer service area are higher priority candidates for acceptance by the county. The anticipated county sewer service area and other criteria for acceptance may change over time at the discretion of the Board of Supervisors. Franklin County may accept or reject the ownership of any such sewer system offered to it according to the policies approved by resolution or ordinance. Any new sewer system built solely within the boundary limits of the Towns of Boones Mill or Rocky Mount or the service area of the Ferrum Water and Sewage Authority shall not be required to be offered by the developer and/or owner to Franklin County.

(8) All new development, as defined by 22-1109 (2), constructed in the Westlake Overlay District shall be required to connect to sanitary sewer. The requirement to connect to public sewer may be waived if the connection would exceed the criteria defined in 22-1109 (4), (5), or (7).

(Ord. of 11-19-96, Ch. II, § II-6; Ord. of 2-15-05(1)) *

*****New LANGUAGE***

No one spoke for or against the proposed ordinance amendments.

(RESOLUTION #10-01-2009)

BE IT THEREFORE ORDAINED, by the Board of Supervisors to amend Chapter 22: Section 110 Titled: General Procedures Addressing Mandatory Sewer Connection for All New Construction in the Westlake Overlay District previously advertised and as presented.

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

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220 CORRIDOR STUDY

Neil Holthouser, Director of Planning and Community Development, presented the draft 220 Corridor Study

General discussion was held on the draft 220 Corridor Study.

The Board directed staff to answer the letter submitted earlier by David Hurt, Boone District Supervisor with the 16-18 questions of concern/clarification.
The Board directed staff to develop a 220 Corridor Study with basic elements for Board review during their January 27, 2009 worksession to include three districts within the 220 Corridor Study as follows:

1. Scenic Gateway District
2. Regional Business District
3. Mixed Use Commercial District

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CEED APPROPRIATION

Revenues:	
Interest Earned on Windy Gap Financing:	
VA SNAP 10/31/08	$538,718
BB&T 10/31/08	79,898
Additional Interest to be Earned	22,760
Total	641,376
Less Interest Originally Committed to Windy Gap	(343,972)
Balance of Uncommitted Interest	297,404
Less Glade Hill Water Storage Tank Project Funding (Approved by the Franklin County Board of Supervisors 12/16/08)	(69,850)
Uncommitted Windy Gap Construction Contingency	189,635
Federal Department of Energy Grant (11/23/04)	213,137
Federal Department of Energy Grant (12/26/07)	196,800
Donations – Appalachian Power Co.	10,000
Other School Funds	2,208
Balance of Total Revenues Not Yet Appropriated	$839,334
Proposed Expenditures:	
CEED Project at The Gereau Center	$ 839,334

(RESOLUTION #11-01-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the appropriation request for the CEED capital project funding for the 2008-2009 fiscal year in the amount of $839,334 as previously presented.

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

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Chairman Wagner adjourned the meeting.

CHARLES WAGNER	RICHARD E. HUFF, II
CHAIRMAN	COUNTY ADMINISTRATOR