

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, APRIL 21, 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 (Left @ 5:00 P.M.)  
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 Wayne Angell.

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**PUBLIC COMMENT:**

***Oscar Pagans – 2009-2010 Proposed School Budget***

❖ Mr. Pagans stated he was not happy with the school budget. He stated, he hoped everyone of the present Board members would continue to run for office. He felt they have done a good job and hoped Mr. Hurt would reconsider running again.

Mr. Pagans stated he has shared with the Board a teacher's salary scale for the last ten years which reflected an increase each year.

In closing, Mr. Pagans requested the Board to think about the rest of the County and possibility 35 people who may lose their jobs with the school system.

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***James Patterson – Franklin County Youth Center***

❖ Mr. Patterson stated the Franklin County Youth Center is dedicated to creating opportunities for families, especially low and moderate income families and at risk children, in the Franklin County area. In order to meet the needs of our community, our facility is in need of renovations to meet codes that will enable us to open a State Licensed child care center. These renovations will allow us to provide child care, preschool enrichment, before and after school programs and recreational opportunities.

Mr. Patterson stated he was requesting the Board's support by first, agreeing to approve the Center's efforts to apply for a Planning Grant through the Department of Housing and Community Development. Once we have accomplished our goals with the Planning Grant, we would like the County's support for a Community Development Block Grant. Finally, we would like to request that the Board of Supervisors consider matching funds that we will obtain through USDA Rural Development.

Mr. Huff will follow up with the process and letter need by Mr. Patterson.

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**CONSENT AGENDA**

**APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – MARCH 17, 24, 26 & 31, 2009**

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**2009 SML CONCESSION BID AWARD**

Smith Mountain Lake Community Park Beach had a very successful first year of operation. Although we put a bid out for concessions last year, there were no bids submitted. With **15,000** visitors last year, it is our expectation to have well beyond that number of visitors this season. After putting the bid out again this year, we received one bid from GPH Vending.

GPH Vending bid includes mobile food service at Smith Mountain Lake Community Park for an annual fee of 15% of all gross revenues payable to the County. The County will provide GPH Vending with a schedule of desired vending hours to ensure that food services are delivered appropriately. GPH will be responsible for maintaining all necessary Virginia Department of Health Food Service permits for the duration of the contract.

**RECOMMENDATION:**

Review the submitted agreement and direct staff to enter into a contract with GPH Vending for 2009.

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**BLUE MOUNTAIN PRODUCTIONS, INC./2009 SPECIAL ENTERTAINMENT APPLICATION**

Robert King is requesting Board approval for their Special Entertainment Permit set **May 23, 2009, June 19 & 20, 2009 and October 2 & 3, 2009**. In the past, the Board has granted approval for the completed permit and setting a property bond in the amount of \$10,000.00 to be posted with the County Administrator (10) days prior to the day the festival is to begin per County Code Section 3-80.

With all of the required County departments signing off on the proposed Special Entertainment Permit, the application is in order and Mr. King has executed the required property bond in the amount of \$10,000 (as in the past years set by the Board) per County Code Section 3-80. Mr. King has remitted the filing fee of \$300.00 per County Code Section 3-83.

**RECOMMENDATION:**

**Staff requests Board approval on the proposed Special Entertainment Permit for Robert A. King for May 23, June 19 & 20 and October 2 & 3, 2009.**

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**CPMT APPOINTMENT/ANN MINNIX**

The 1993 General Assembly passed House Bill 2075 and with Governor Gilmore's signature the Comprehensive Services Act became law on July 1, 1993. VA code section 2.2-5205 requires that the local governing body appoint the local Community Policy Management Team in accordance with the Comprehensive Services Act.

The Community Policy and Management Team to be appointed by the local governing body shall include a representative of a private organization or association of providers for children's or family services if such organizations or associations are located within the locality.

On August 19th 2003 the Franklin County Board of Supervisors Appointed Mr. Ed Stone as the private provider representative for STEP Inc. on the Franklin County Community Policy Management Team.

On February 25th, 2009 the Franklin County C.S.A. Office was advised that Mr. Ed Stone would no longer be able to serve on the Franklin County Community Policy Management Team.

On March 25th 2009 the Franklin County Community Policy Management Team considered the information above and nominated Ms. Ann Minnix Regional Director of Family Preservation Services, Inc. (VA) to replace Mr. Ed Stone as the private provider representative on the Franklin County Community Policy Management Team.

**RECOMMENDATION:**

Appoint Ms. Ann Minnix Regional Director of Family Preservation Services, Inc. (VA) to the Franklin County Community Policy Management Team.

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**DEPARTMENT OF FORESTRY/PARKS & RECREATION POLE BARN**

The Virginia Department of Forestry requests that the Franklin County Board of Supervisors consider permitting the Forestry staff to build and base an equipment storage facility at Waid Recreation Area. The facility would house equipment used for wildland fire fighting in the County. At present, Forestry staff equipment is stored in the open field across from the new Government Center and is not protected from vandalism.

County staff and Department of Forestry staff has reached an agreement that will permit the Commonwealth to construct a storage facility for wildland firefighting equipment at Waid Park. The Commonwealth, in lieu of rent to the County for placement of the structure in a County park, would provide annually up to twenty (20) hours of tractor/dozer work at Waid Recreation Area during non wildland fire season. The Department of Forestry will cover all costs involved with the construction of the project in return for a 19 years and 9 months lease ending December 31, 2029. At the close of the lease, the storage facility will become the property of the County.

**RECOMMENDATION:**

Staff requests Board authorization to execute the submitted agreement, once approved to form and intent by the County Attorney, with the Commonwealth of Virginia and permit construction of the wildland fire equipment storage facility at Waid Recreation Area.

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**MUNICIPAL CLERK’S WEEK**

**PROCLAMATION  
MUNICIPAL CLERK’S WEEK  
MAY 3 THROUGH MAY 9, 2009**

**WHEREAS**, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**WHEREAS**, the Office of the Municipal Clerk is the oldest among public servants, and

**WHEREAS**, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

**WHEREAS**, the Municipal Clerk serves as the information center on functions of local government and community.

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province county and international professional organizations.

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

**NOW THEREFORE, WE**, the Franklin County Board of Supervisors do recognize the week of *May 3 through May 9, 2009*, as Municipal Clerk’s Week, and further extend appreciation to our Municipal Clerk, **Sharon K. Tudor, CMC** and to all Municipal Clerks for the vital services they perform and their exemplary dedication the communities they represent.

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**PIEDMONT COMMUNITY SERVICES BOARD REVISION TO BY-LAWS**

The current number and distribution of board members for Piedmont Community Services Board was established in 1972 jointly by Martinsville, Henry County, Patrick County and Franklin County. There are currently twelve (12) board members with two (2) members appointed from Martinsville, five (5) appointed from Henry County, two (2) appointed from Patrick County and three (3) appointed from Franklin County.

On February 23, 2009 the Piedmont Regional Community Services Board unanimously endorsed a revision to its bylaws due to the recent report of population changes by Weldon Cooper Center. This revision would increase the number of board members from twelve (12) to fourteen (14), with the two additional members being appointed by Franklin County.

**DRAFT**

**PIEDMONT COMMUNITY SERVICES**

	<b><u>Population*</u></b>	<b><u>%</u></b>	<b><u>Current Board Members</u></b>	<b><u>%</u></b>	<b><u>Proposed Board Members</u></b>	<b><u>%</u></b>
Henry County	55,279	39	5	41	5	35
Franklin County	52,202	37	3	25	5	35
Patrick County	19,424	14	2	17	2	15
Martinsville	14,611	10	2	17	2	15
<b>TOTAL</b>	<b>141,516</b>	<b>100%</b>	<b>12</b>	<b>100%</b>	<b>14</b>	<b>100%</b>

**RECOMMENDATION:**

Staff respectfully requests the Board of Supervisors approve the revision of the Piedmont Community Services Bylaws and the following resolution:

WHEREAS, Chapter 37.2-501 of the Code of Virginia, 2008, directs that “when any combination of counties and cities establishes a community services board, the board of supervisors of each county or the council of each city shall mutually agree on the size of the board and shall appoint the members of the community services board;” and

WHEREAS, Piedmont Regional Community Services Board was established in 1972 by resolution of Martinsville city and the counties of Franklin, Patrick, and Henry pursuant to Section 37.2 of the Code of Virginia, 2008; and

WHEREAS, twelve Board of Directors members for Piedmont Regional Community Services Board were authorized – two from Martinsville; two from Patrick County; five from Henry County; and three from Franklin County; and

WHEREAS, population changes since 1972 indicate that an increase of Board of Directors members be made to maintain the purpose that “appointment to the community services board shall be broadly representative of the community” (37.2-501); now therefore,

BE IT RESOLVED by the Board of Supervisors of Franklin County, Virginia, in conjunctions with the local governments of the counties of Franklin, Henry, and Patrick that fourteen members shall be appointed – two from Martinsville; two from Patrick County; five from Henry County; and five from Franklin County. The change of total members from twelve to fourteen shall be effective July 1, 2009.

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**RECREATION COMMISSION/UNIO HALL DISTRICT/GREG DAVIS/TERM EXPIRES 6/30/2012**

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**2009 SOUTHWEST VIRGINIA ANTIQUE & POWER FESTIVAL APPLICATION**

Franklin County and the surrounding region have a rich history in agriculture and industry. The traditions are still very active. The SWVA Antique and Power Festival has become one of our the region’s most significant heritage based events celebrating agriculture.

The festival is in its fourth successful year. Last year it drew over 4,000 participants over the three days with many coming from of them from outside the county thus utilizing our hotels and restaurants. Franklin County Parks & Recreation partners to host this event. As this event grows, it is beginning to take on aspects of a “County Fair” atmosphere.

The Festival will again be hosted at Franklin County Recreation Park. This festival demonstrates the diversity of the region and Franklin County and offers a glimpse into the culture of that contributed to the County’s past. The group has posted the \$500 property bond required by the Board for past events.

The Southwest Virginia Antique and Power Festival, Inc. is organized by a group of dedicated volunteers with help from the county’s Parks and Recreation Department and Tourism Office. The volunteers are overseeing many of the tasks that need to occur before and during the event. The group estimates that there will be approximately 100 exhibitors participating in the festival.

The committee will once again charge \$5.00 entry fee for the event. Children 12 years old and under will be admitted free. This fee will help cover expenses for the 2009 event and additional monies will be placed in an account as a base for 2010.

There are approximately 425 parking spaces at the park. This includes existing parking areas and multi-use fields. All parking areas will have attendants directing traffic, enter and exit areas will be marked with additional parking and shuttles provided. The event has been reviewed by the Franklin County Sheriff’s office, the Department of Health, the Franklin County Building Inspector and the Department of Parks and Recreation and has been cleared by these agencies.

**RECOMMENDATION:**

Staff has worked closely with this group as they have grown this event. They have fulfilled the requirements under the Special Events permit and we recommend Board approval for this year’s festival. Staff advises the Southwest Virginia Antique Farm and Power Festival, Inc. has provided a \$500 bond to cover any possible damage to the park incurred during this event.

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**AUTHORIZATION TO ADVERTISE FOR LANDFILL GROUNDWATER PUMP & TREAT SYSTEM**

The groundwater pump and treat system to be installed at the Franklin County Landfill was designed in accordance with the Landfill Corrective Action Plan (CAP) as amended in 2006 by

Joyce Engineering Inc. (JEI) on behalf of Franklin County. The CAP was required by the Virginia Department of Environmental Quality (DEQ) based upon groundwater contamination from the unlined landfill identified in monitoring well sampling. The groundwater contamination mandated a Nature and Extent Study (NES) and an Assessment of Corrective Measures (ACM) which were submitted to DEQ in 2003 and identified the groundwater contamination as Volatile Organic Compounds (VOCs) that extended beyond the facility property in the southeastern region of the property. Due to the migration of contaminated in the southeastern contaminant plume, DEQ required an aggressive mitigation method, for which the CAP proposed a groundwater pump and treat system. This CAP was approved by DEQ in 2008.

The groundwater pump and treat system at the Franklin County landfill as approved by DEQ will consist of 18 groundwater extraction wells, 6 performance wells, a water treatment building and associated piping. The groundwater extraction wells are arranged in a line perpendicular to the movement of groundwater contamination near the southeastern perimeter of the landfill property and form a hydraulic barrier to prevent further groundwater contaminant migration off of the property. These wells are currently installed and have a horizontal spacing of approximately 120 feet. The installation of the pump and treat system will allow groundwater to be pumped from these wells to a central treatment building where volatile organic compounds (VOCs) will be removed from the contaminated water with an air stripper. The air stripper unit will use pressurized air flow to volatilize the VOCs and remove them from the water. The treated water will then be discharged to an intermittent stream on the landfill property under the current Virginia Pollutant Discharge Elimination System (VPDES) permit for the site.

Franklin County completed installation of the groundwater pump and treat extraction and performance wells in December 2008. The current project phase consists of the installation of the well pumps, treatment system and associated piping. This phase includes an estimated **\$350,000** of construction costs for system installation (to be bid), an estimated **\$10,000** of bid phase services (JEI), and an estimated **\$35,000** of construction administration services (JEI). County personnel will be utilized for on-site construction supervision to help reduce costs. Advertising for the system installation bids will take place on Friday April 24<sup>th</sup> in the Franklin News Post and Sunday April 26<sup>th</sup> in the Roanoke Times.

**RECOMMENDATION:**

Staff respectfully requests Board approval to bid for the required Landfill pump and treatment system.

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**2010 CENSUS PARTNER PROCLAMATION**

*WHEREAS* an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day-care centers, roads and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs;

*WHEREAS* more than \$300 billion per year in federal and state funding is allocated to states and communities based on census data;

*WHEREAS* census data ensure fair Congressional representation by determining how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts;

*WHEREAS* the 2010 Census creates jobs that stimulate economic growth and increase employment opportunities in our community;

*WHEREAS* the information collected by the census is protected by law and remains confidential for 72 years;

Now, therefore, we PROCLAIM that the Franklin County Board of Supervisors is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

Now, therefore, we PROCLAIM that the Franklin County Board of Supervisors is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

Support the goals and ideals for the 2010 Census and will disseminate 2010 Census information to **1) Encourage** those in our community to participate.

Encourage people to place an emphasis on the 2010 Census; and

2) Franklin County will participate in events and initiatives that will raise overall awareness of the 2010 Census and ensure a full and accurate census.

Support census takers as they help our community complete an accurate count.

3) Create or seek opportunities to collaborate with other like-minded groups in our community, such as 4) Complete Count Committees, to utilize high-profile, trusted voices to advocate on behalf of the 2010 Census.

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### **COURTHOUSE MONUMENT**

In June 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 receiving bids (for the second time), the Board of Supervisors (December 16, 2008) voted to allow staff to negotiate with the low bidder, Valley Monument in the amount of \$131,000. After several weeks of discussions, it has become apparent that the firm cannot satisfy the terms and conditions of the desired contract.

The next low bidder, Providence Construction of Richmond, Virginia submitted a bid of \$161,500. This bid is within the approved funding allocation of \$162,949.

As of this summary, it appears Providence Construction can meet the obligations as set forth in the specifications.

### **RECOMMENDATION:**

Staff respectfully requests permission to enter into discussion with the representatives of Providence Construction. It is further requested that if all requirements as outlined in the bid documents are addressed, the Board allow the County staff to work in conjunction with the County Administrator and County Attorney to proceed with developing the necessary contract documents and authorize work to commence for this project. Funding has been set aside in a special account for this project.

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### **VIRGIL H. GOODE BUILDING ROOF REPLACEMENT**

The existing roof on the Goode office building located at 70 East Court Street is approximately 27 years old and is beginning to be expensive to maintain and patch as needed.

The Virgil H. Goode office building was constructed in 1968. The original roof was "overlaid" with a membrane (ballasted) roof in 1982.

While this roof has served well for nearly 28 years, it is beginning to require frequent maintenance and should be replaced. Samples of the original roof materials have been submitted for testing and pending the outcome, staff will develop a set of specifications for re-roofing this building. Funding is available in the current capital improvement program for this work.

### **RECOMMENDATION:**

Staff requests permission to seek bids for the purpose of installing a new roof on the Virgil H. Goode office building. This work is estimated to cost \$40,000.00 and funding is available in the current capital plan. Bids will be brought back before the Board for final approval.

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### **IDENTITY THEFT PREVENTION POLICY**

One of the principal purposes of the Fair and Accurate Credit Transactions Act (FACTA) passed by Congress in 2003 is to combat the growing problem of identity theft. Part of this Act is required compliance with the Federal Trade Commission's Red Flag rules. A Red Flag is any pattern, practice or specific activity that indicates the possible existence of identity theft. Red Flag rules apply to all financial institutions and creditors who offer covered accounts.

Since Franklin County operates a water department that bills customers for services already used, the Federal Trade Commission considers the County to be a creditor with covered accounts because it is providing a service for later payment. The Red Flag rules require the County to adopt identity theft prevention procedures designed to detect, prevent and mitigate identity theft in connection with these accounts.

### **RECOMMENDATION:**

Staff respectfully requests the Board to adopt the submitted Identity Theft Prevention Policy.

### **(RESOLUTION #01-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda as presented.

MOTION BY:

Russ Johnson

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

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### **VDOT – 6-YEAR SECONDARY WORK SESSION**

Tony Handy, Resident Administrator, VDOT, reviewed with the Board the following data regarding the 6-Year Secondary highlights for their review and consideration:

Mr. Handy stated the updated Six-Year Plan and Budget Detail Report. I have scheduled time on April's Board Meeting Agenda for discussion of the plan with Staff and VDOT. In the past the Board has held a public hearing to approve the Six-Year Plan. Following April's Meeting, if the Board wishes, staff will schedule a public hearing.

#### Highlights of the Updated Six-Year Plan

- \$5,861,456 Fund Reduction (52%) from previously approved Six-Year Plan, approved by the Board of Supervisors on June 24, 2008
- Six-Year Plan funds must be used on Federal Funded Projects. The only State Funds in the Plan are to cover existing projects.
- Projects deleted due to lack of significant funding and/or not eligible for federal funding that were not already funded with previous state funds:
  - Bluewater Drive
  - Moorewood Road
  - Burnt Chimney Road

#### Details of Updated Six-Year Plan

##### *Old Forge Road- Route 756*

Spot Improvements-Widen Road and straighten curves, improve site distance

Traffic Count: 510  
 Budget: Engineering: \$76,000  
 Right of Way: \$0  
 Construction: \$387,000  
 Total: \$463,040

Ad Date: 4/28/2009

120 East Court Street· Rocky Mount, Virginia 24151 · (540) 483-3027 · (540) 483-3041

(Fax)

##### *Wades Gap Road- Route 726*

Restoration and Rehabilitation

Traffic Count: 90  
 Budget: Engineering: \$50,000  
 Right of Way: \$0  
 Construction: \$400,000  
 Total: \$450,000

Ad Date: 11/28/2008

##### *Hardy Road-Route 634*

Reconstruction: New alignment

Traffic Count: 3300  
 Budget: Engineering: \$814,311  
 Right of Way: \$642,400  
 Construction: \$4,222,947  
 Total: \$5,679,658

Ad Date: 12/11/2007

##### *Colonial Turnpike-Route 718*

Bridge Replacement

Traffic Count: 601  
 Budget: Engineering: \$365,498  
 Right of Way: \$82,175  
 Construction: \$2,495,345  
 Total: \$2,943,018

Ad Date: 11/12/2013

##### *Glade Creek Road-Route 889*



120 East Court Street· Rocky Mount, Virginia 24151 · (540) 483-3027 · (540) 483-3041

(Fax)

*Wright Road-Route 970*

Rural Rustic: Surface Treatment

Traffic Count: 50

Budget:	Engineering:	\$11,000
	Right of Way:	\$0
	Construction:	\$69,871
	<i>Total:</i>	<i>\$80,871</i>

Ad Date: 8/31/2011

*Adney Gap Road-Route 643*

Rural Rustic: Surface Treatment

Traffic Count: 50

Budget:	Engineering:	\$16,000
	Right of Way:	\$0
	Construction:	\$122,531
	<i>Total:</i>	<i>\$138,531</i>

Ad Date: 8/31/2011

*Blankenship Road-Route 732*

Rural Rustic: Surface Treatment

Traffic Count: 90

Budget:	Engineering:	\$15,000
	Right of Way:	\$0
	Construction:	\$133,369
	<i>Total:</i>	<i>\$148,369</i>

Ad Date: 8/31/2011

*Hardy Ford Bridge-Route 634*

Bridge Replacement

Traffic Count: 4100

Budget:	Engineering:	\$207,599
	Right of Way:	\$26,500
	Construction:	\$1,545,630
	<i>Total:</i>	<i>\$1,779,729</i>

Ad Date: 1/8/2014

*Listening Hill-Route 658*

Rural Rustic: Surface Treatment

Traffic Count: 70

Budget:	Engineering:	\$11,000
	Right of Way:	\$0
	Construction:	\$134,263
	<i>Total:</i>	<i>\$145,263</i>

Ad Date: 8/31/2011

120 East Court Street· Rocky Mount, Virginia 24151 · (540) 483-3027 · (540) 483-3041

(Fax)

*Alean Road-Route 687*

Bridge Replacement

Traffic Count: 4100

Budget:	Engineering:	\$248,441
	Right of Way:	\$27,010
	Construction:	\$738,930
	<i>Total:</i>	<i>\$1,014,381</i>

Ad Date: 10/8/2013

*Summerbreeze Drive*

Rural Addition

Budget:	Engineering:	\$0
	Right of Way:	\$0
	Construction:	\$150,000
	<i>Total:</i>	<i>\$150,000</i>

Ad Date: 3/30/2009

Russ Johnson, Supervisor, Gills Creek District, requested the Board to add a right turning lane on St. Rt. 616 turning onto St. Rt. 122. The Board concurred with the request to be added to the 6-Year Secondary Road Plan.

**(RESOLUTION #02-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing in May for the 6-Year Secondary Road plan as presented with the inclusion of Mr. Johnson's request.

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

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**FUTURE SPEED STUDIES**

Tony Handy, VDOT, Resident Administrator, presented the following information to the Board for their review and consideration regarding future speed studies: Mr. Handy stated when VDOT receives these request from citizens, the process will include the Board's review and their direction prior to action from VDOT. The Board concurred with the process and will begin the process hereafter.

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**CLEMENTS MILL BRIDGE UPDATE**

Tony Handy, VDOT, Resident Administrator, stated he did not have any update at the present time. Mr. Huff advised the Board paper work has been submitted to Tom Perriello's office for federal assistance.

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**THE VINEYARD SUBDIVISION**

Tony Handy, VDOT, Resident Administrator, presented the following resolution for the Board's review and consideration:

**THE VINEYARD SUBDIVISION**  
**CONCORD CIRCLE – ROUTE 1094**  
**FOXGRAPE CIRCLE – ROUTE 1095**  
**VINTAGE CIRCLE – ROUTE 1096**  
**RESOLUTION**

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

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

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

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

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

**Project/Subdivision**      **The Vineyard**

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

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

Reason for Change:      **New subdivision street**

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

**Street Name and/or Route Number**

► **Concord Circle, State Route Number 1094**

Old Route Number: 0

- From: Route 1084  
To: Cul de Sac, a distance of: 0.29 miles.  
Right of Way width (feet) = 50

► **Foxgrape Circle, State Route Number 1095**

Old Route Number: 0

- From: Rte 1094  
To: Cul de sac, a distance of: 0.20 miles.  
Right of Way width (feet) = 50

► **Vintage Circle, State Route Number 1096**

Old Route Number: 0

- From: Foxgrape Circle  
To: Cul de sac, a distance of: 0.21 miles.  
Right of Way width (feet) = 50

**(RESOLUTION #03-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the aforementioned resolutions as submitted.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**HUMAN RESOURCE MANAGEMENT POLICIES UPDATE**

Christopher Whitlow, Assistant County Administrator, shared with the Board the County's Human Resources Policy and Procedure Manual is reviewed and updated on an as needed basis throughout the year to incorporate new employment and/or benefit regulations from the Federal and/or State Government as well as changes made by the County to clarify, update and/or add/delete programs. There were a number of changes with this review based on Federal updates; State requirements; County program addition and clarification of current policies and procedures.

The following items are hereby presented for consideration for approval:

**Family Medical Leave Act Policy #4.30:**

On January 16, 2009, new Federal regulations were passed that affected the Family and Medical Leave Act (FMLA) that required updating our current FMLA Policy. Major changes included an increase in FMLA leave from 12 to 26 weeks for a covered service member to care for an ill or injured service member; qualifying exigency leave up to 12 weeks for families of covered military members; clarification of a "serious" health condition; a formal communication of Employee Rights and Responsibilities under FMLA being provided to every employee; different FMLA forms and record keeping requirements. All Federal mandates and clarifications are incorporated into Franklin County's FMLA policy, including changing a fixed calendar year to a rolling 12 month period going forward from the first day of approved FMLA leave. This provides each employee with a specific timeframe and prevents more than 12 to 26 weeks being taken in any 12 month period as mandated by law. *The policy submitted contains all the Federal mandates and/or to verbiage required to clarify the policy's original intent.*

**Overtime/Compensatory Leave, Policy #3.15:**

**Section V. Computation of OT Hours (Part B)** – It was determined that the Firefighter/Paramedic/EMS employees of the Public Safety Department, qualify for the overtime exemption per FLSA requirements. This allows the department to adopt a work period of 27 days with 204 maximum allowable hours paid before overtime/comp time applies. In addition, the work schedule for Animal Control Officers who are sworn in fall under section 553-211 – Law Enforcement and they will now follow applicable work period and overtime exemptions. This update will allow for more flexibility with scheduling in the Public Safety department, provide better service to its customers and reduce annual overtime costs.

**Section VI. Compensatory Leave or Compensatory Time (Parts D, E & F)** – The comp time accrual was changed from 240 hours to 480 hours for the Public Safety Employees qualifying for the overtime exemption. Other sections were clarified to incorporate the change.

**Section VII. Call Back Pay & Section VIII. Additional Provisions for Sworn Law Enforcement:**

The original County policy paid non-exempt employees overtime for Call Back Pay and Court Time regardless of the number of hours an employee worked. Upon budget review and discussion with the Sheriff, it was recommended that the policy be updated to reflect **straight time** for Call Back Pay and Court Time and subsequent FLSA requirements because their positions in Law Enforcement required emergency response and coverage as needed. Employees will be compensated for the hours worked and only receive overtime/comp time based on total hours worked per FLSA requirements. *This is consistent with how this type of pay has been handled by interpretation in the past and brings County policy into line with prior practice.*

**Grievance Procedure, Policy #1.15:**

**Section I. Eligibility** - These changes clarify that Sheriff's Department employees with the rank of Lieutenants and above cannot grieve and Constitutional Officers and their employees who are NOT on the County pay plan cannot grieve.

**Deleted:** The County Administrator shall determine the officers and employees excluded from this Grievance Procedure and shall be responsible for maintaining a current list of the affected positions. (This is not needed based on changes in Section I, Eligibility)

**Section IV. Standing To Pursue A Grievance (Parts A and D)**

A statement was added to clarify Human Resources' role and Human Resources' ability to work with employee and Supervisor through Step 1 of the Resolution Process. This ensures understanding procedure protocol by all parties involved.

**Performance Review, Policy #3.10:**

**Section I. Procedure for Compliance for Performance Review (Part G, 1)** - Sentence added that states: An employee who receives an overall unsatisfactory evaluation will not be eligible for a pay increase until such time as the unsatisfactory evaluation has been corrected.

**Traditional Sick Leave, Policy #4.45**

**Section I. In General – Statement to allow County flexibility in determining amount of sick leave usage for family members was added in “notes” section** - The County reserves the right to limit the amount of sick leave taken by an employee for that of certain family members, and for family related absences covered by the Family and Medical Leave Act (FMLA)

**New Policies:**

**Shared Sick Leave Bank Policy, Policy Draft # 4.50:**

This policy will be in support of the “Family” core value of the County's Strategic Plan with a program to support for the employees when a serious health related situation happens to an employee. The action strategy was to develop a Shared Sick Leave Bank policy to assist employees through difficult times without loss in pay that would affect them and their families. This will be totally funded by employee participation and donations as outlined in the policy.

What makes Franklin County's proposal unique is that they will be requiring that the **initial enrollment** for participation will be **one paid leave day (vacation, holiday, comp)**. Once an employee has met the eligibility requirements and enrolled in the program, they can determine what type of paid leave day they will donate to the Shared Sick Leave Bank (sick, holiday, comp, vacation). A one day donation will be required annually and deducted from the employees paid leave. Additional donations may be requested, as needed, by the Shared Sick Leave Bank Committee. Participants will not be **asked** to donate more than 4 leave days a year. Employees must maintain the equivalent of 12 days of paid leave for their own illness annually. There will be at least 2 enrollment periods annually. There is a cap of 240 hours on the amount of leave requested.

An employee committee, chaired by Human Resources, will review and approve requests for participation and utilization. The Shared Sick Leave Bank policy applies only to an employee's serious health condition and must be considered extreme and/or catastrophic. Employees must participate in the Bank to be eligible to request donations from the bank. Participation does not guarantee request approvals.

Employees must have used all their own paid leave and be out 160 consecutive hours before their request can be *approved* by the Committee to utilize donations by the Committee. This program will provide a short term disability benefit at no cost to the County, help morale and continue to build a partnership with and amongst the employees.

**Policy “Formalization of Current Practice”**

**Dress Code Policy Draft #1.30:**

Franklin County has always had an “informal” Business Casual dress code, but now desires to make it official by having a policy that has guidelines and monitoring language to ensure that an appropriate and professional image continues to be made to the Public and other employees.

**No Smoking Policy Draft #1.35:**

This policy would create a smoke free environment..... Furthermore, employees should not smoke in the front “*Entranceway*” of any County Building and should always dispose of any smoking product/trash in the proper receptacles.

*All of the changes have been reviewed with the County’s Management Team without objection.*

**RECOMMENDATION:**

Staff respectfully requests the Board to consider approving the associated updates and changes to the Franklin County Human Resources Management Policies and Procedures Manual.

**(RESOLUTION #04-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the amendments to the presented policies.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**ZONING REVISION OPTIONS**

Neil Holthouser, Director of Planning & Community Development, advised the Board, on January 27, 2009, the Board of Supervisors and the Planning Commission held a joint work session to discuss the scope and process for the upcoming Phase 2 Update of the County’s Zoning and Subdivision ordinances. The purpose of the work session was to identify issues or topics that should be addressed as part of the Phase 2 Update.

Staff has prepared a draft Request for Proposals for professional consulting services to assist in the Phase 2 Update. The draft RFP reflects the issues and topics discussed by the Board and Planning Commission at the January 27<sup>th</sup> joint work session.

The draft RFP contains a revised Scope of Services (see page 3) outlining the role of the consultant, as well as the role of Planning staff, in the ordinance update project. It is anticipated that the consultant will lead and facilitate a series of community discussions, focusing on topics identified by the Board and Planning Commission. Staff will provide technical assistance, including the preparation of draft ordinance text.

**RECOMMENDATION:**

Staff requests that the Board authorize advertisement of the submitted Request for Proposals.

**(RESOLUTION #05-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for solicitation of proposals.

MOTION BY: David Hurt

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**DRAFT OVERLAY ORDINANCE FOR 220 CORRIDOR**

Neil Holthouser, Director of Planning & Community Development, advised the board the 220-North Corridor Plan was adopted by the Board of Supervisors on February 17, 2009. The Plan seeks to anticipate and guide development along the 220 corridor from the Franklin County/Roanoke County line to the Rocky Mount town limits. The 220-North Corridor Plan calls for a series of overlay zoning districts along the corridor to preserve the County’s scenic beauty, concentrate commercial development into well-planned centers, and lay the groundwork for a potential regional employment center along Route 220.

Staff has prepared outlines for the three overlay zoning districts, as recommended by the Corridor Plan. The overlay districts shall be located in the Zoning Ordinance under Article IV; Special Provisions. The overlay districts are the following:

1. 220-North Scenic Gateway Overlay District, extending from the Franklin County/Roanoke County line to the northern limits of the Town of Boones Mill;
2. 220-North Regional Business Overlay District, extending from the southern limits of the Town of Boones Mill to Brick Church Road; and
3. 220-North Mixed Use Commercial Overlay District, extending from Brick Church Road to the northern limits of the Town of Rocky Mount.

The three overlay districts are proposed to have sections dealing with the relationship to underlying zoning, clustering of residential uses, open space within residential developments, access management, signs, buffering, and landscaping.

**RECOMMENDATION:**

Staff recommends that the Board of Supervisors authorize three overlay districts to be forwarded to the Planning Commission for work sessions and forward a draft of the three overlay districts to the Board for consideration at a future date.

**(RESOLUTION #06-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to forward to the Planning Commission for work session and to then be forwarded back to the Board at a future date.

MOTION BY: David Hurt

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**FLOODPLAIN MAP UPDATE**

Neil Holthouser, Director of Planning & Community Development, stated the recent County maps with an adoption date of December 16 have been updated as of April 2, 2009, and are much better than the previously submitted maps dated December 16, 2008. An open house will be held for citizens to review the revised maps on Monday, April 27, 2009 from 4:30 to 6:00 P.M., whereby staff will stand ready to answer possible questions from citizens,.

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**EROSION & SEDIMENT CONTROL/CHAPTER 7 PROPOSED UPDATES**

Aaron Burdick, Senior Planner, Current Planning Manager, stated Title 10 of the Code of Virginia, adopted in 1973, requires all localities to adopt a local erosion and sediment control program. The 1986 Appropriations Act required the Division of Soil and Water Conservation to conduct a review of local compliance with the Erosion and Sediment Control Law. The state regulates all land disturbing activities of 10,000 square feet or greater.

Franklin County adopted a local erosion and sediment control ordinance in 1998 which was more stringent than the state minimum requirement by requiring erosion and sediment control permits for land disturbing activities of 3,000 square feet or more. Until this time, land disturbing activities in Franklin County were regulated by a conservation district. In 2004, Franklin County's local program was found to be inconsistent with state law and was placed on probation. Several steps have been taken to bring the program into compliance, including but not limited to using building inspector's to perform inspections on single family homes, revising the ordinance in 2006, and create an Alternative Inspection Program (AIP).

In September 2007, Planning Staff presented the idea of the AIP to the Board of Supervisors, which involved better utilizing County resources and prioritizing projects to determine inspection frequency based upon several criteria including total disturbed acreage, soil erodibility, critical slopes, distance to watercourse, and condition of vegetative buffer. The Department of Conservation and Recreation approved Franklin County's Alternative Inspection Program in February 2008; however, the AIP has yet to be implemented. The Department of Conservation and Recreation has notified Franklin County that its Local Erosion and Sediment Control Program will be audited in Fall 2009.

Staff was requested to look at ways to revise Chapter 7 that would continue to provide increased focus on those sites deemed critical (proximity to watercourse and steep slopes) but also lessen the focus on sites that are not deemed critical. Currently, all land clearing activities of 3,000 square feet or more are regulated as a land disturbing activity and require either an agreement in lieu of a plan or an erosion and sediment control plan. Those activities less than 3,000 square

feet are exempt. The state has established a minimum standard of 10,000 square feet but allows localities to be more stringent.

Staff is proposing the following changes to the current ordinance:

-Creation of a sliding scale that establishes a minimum of 3,000 square feet for all land disturbing activities that are within 200 feet of any surface water or has slopes that exceed 15%, and establishes a minimum of 10,000 square feet for all land disturbing activities that are not within 200 feet of any surface water and does not have slopes that exceed 15%.

-Require erosion and sediment control plans be prepared by a professional engineer, certified landscape architect, or licensed surveyor

**Chapter 7**  
**EROSION AND SEDIMENT CONTROL**  
**Article I. In General**

Sec. 7-1. Title of Chapter

Sec. 7-2. Local control program established.

Sec. 7-3. Definitions.

Sec. 7-4. Purpose of the chapter.

Sec. 7-5. Authority of the chapter.

Sec. 7-6. Applicability to Boones Mill and Rocky Mount.

Sec. 7-7. Appeals from decisions under chapter.

Sec. 7-8. Violations of chapter—Penalty, injunctive relief, civil relief.

Sec. 7-9. Enforcement of chapter by legal action.

Sec. 7-10. Effect of compliance with chapter in proceedings for damages.

Sec. 7-11. Permit for land-disturbing activities.

Sec. 7-12. Erosion impact areas.

Sec. 7-13. Shoreline protection required.

Sec. 7-14. Bond or other security for land-disturbing activities.

Sec. 7-15. Inspection of land-disturbing activities.

Sec. 7-16. Severability.

Sec. 7-17. Reserved.

**Article II. Control Plan for A Land-Disturbing Activity**

Sec. 7-18. Submission and approval requirements.

Sec. 7-19. Standards to be used in preparation and consideration.

Sec. 7-20. Responsibility of property owner when work to be done by a contractor.

Sec. 7-21. Approval or disapproval.

Sec. 7-22. Changing approved plan.

Sec. 7-23. Review Fee.

**Article III. Alternative Inspection Program**

**ARTICLE I. IN GENERAL**

**Sec. 7-1. Title of chapter.**

This chapter shall be known as the "Erosion and Sediment Control Ordinance of Franklin County, Virginia."

(Ord. of 5-19-1998)

**Sec. 7-2. Local control program established.**

There is hereby established a local erosion and sediment control program for the effective control of soil erosion, sediment deposition and nonagricultural runoff which must be met to prevent the 2 degradation of properties, stream channels, waters and other natural resources. Franklin County hereby adopts this chapter, regulations promulgated by the Virginia Soil and Water Conservation Board pursuant to section 10.1-562 of the Code of Virginia, and the "Virginia Erosion and Sediment Control Handbook" as currently in effect and amended from time to time.(Ord. of 5-19-1998)

**Sec. 7-3. Definitions.**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

*Administrator or program administrator.* The representative of the board of supervisors (the program authority) who has been appointed to serve as the agent of the board in administering this chapter.

*Agreement in lieu of a plan.* A contract between the program administrator and the owner which specifies conservation measures which must be implemented in the construction or location of a single-family residence, this contract may be executed by the program administrator, or

designees, in lieu of a formal site plan. Provided, however, that no agreement in lieu of a plan may be issued for land-disturbing activity within two hundred (200) feet of state waters. Land-disturbing activity in such areas requires an erosion control plan (see section 7-13).

*Applicant.* Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, authorizing land-disturbing activities to commence. *Board.* The Virginia Soil and Water Conservation Board.

*Certified inspector.* An employee or agent of Franklin County who (i) holds a certificate of competence from the board in the area of project inspection or (ii) is enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment.

*Certified plan reviewer.* An employee or agent of Franklin County who (i) holds a certificate of competence from the board in the area of plan review, (ii) is enrolled in the board's training program for plan review and successfully completes such program within one (1) year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1.

*Certified program administrator.* An employee or agent of Franklin County who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one (1) year after enrollment.

*Clearing.* Any activity which removes the vegetative ground cover including, but not limited to, root mat removal and/or topsoil removal.

*Conservation plan, erosion and sediment control plan or plan.* A document containing material for the conservation of soil and water resources of a unit or units of land. It may include appropriate maps, and appropriate soil and water plan inventory and management information, with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives. A conservation plan, erosion and sediment control plan, or plan must be prepared by a profession engineer, certified landscape architect, or licensed surveyor.

*County.* The County of Franklin.

*Denuded.* A term applied to land that has been physically disturbed and no longer supports adequate vegetative cover.

*Department.* The department of conservation and recreation.

*District or soil and water conservation district.* The Blue Ridge Soil and Water Conservation District, a political subdivision of this Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of chapter 5 of title 10.1.

*Erosion impact area.* An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of less than three thousand (3,000) square feet used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes. ten thousand (10,000) square feet used for residential purposes, or to any lot or parcel of land less than three thousand (3,000) square feet in size that is within two hundred (200) feet of any surface water and has slopes that do not exceed 15%.

*Excavating.* Any digging, scooping or other method of removing earth materials.

*Filling.* Any depositing or stockpiling of earth materials.

*Grading.* Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

*Land-disturbing activity.* Any disturbance of land which may result in soil erosion from water or wind and the movement of sediment into water or onto land, including, but not limited to, clearing,

grading, excavating, transporting and filling of land other than federal land, except that the term shall not include the following:

- (1) Minor activities such as home gardens and individual home landscaping, repairs and maintenance work.
- (2) Individual utility service connections.
- (3) Installation, repair and maintenance of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced.
- (4) Septic tank lines or drain fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.
- (5) Surface or deep mining.
- (6) Exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas.
- (7) Tilling, planting, or harvesting of agricultural horticultural, or forest crops, or livestock feedlot operations; including agricultural engineering operations as follows; construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (section 10.1-604 et seq.) of Chapter 6 of this title, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally, or is converted to bona fide agricultural or improved pasture use.
- (8) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
- (9) Disturbed area less than ~~three thousand (3,000) square feet in size.~~ ten thousand (10,000) square feet or less in size that is not within two hundred (200) feet of any surface water and does not have slopes that exceed 15%.
- (10) Disturbed area less than three thousand (3,000) square feet in size that is within two hundred (200) feet of any surface water and does not have slopes that exceed 15%.
- ~~(10)~~(11) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles.
- ~~(14)~~(12) Emergency work to protect life, limb or property and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

*Land-disturbing permit.* A permit issued by the county authorizing the applicant to undertake a land-disturbing activity in accordance with the provisions of the county erosion and sediment control program.

*Local erosion and sediment control program or local program.* An outline or explanation of the various elements or methods employed by the county to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program.

*Owner.* The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

*Permittee.* The person to whom the permit authorizing the land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

*Person.* Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

*Plan approving authority.* The department of planning and community development of Franklin County.

*Post-development.* Conditions that may be reasonably expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

*Predevelopment.* Conditions at the time the erosion and sediment control plan is submitted to the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time the erosion and sediment control plan for the initial phase is submitted for approval shall establish pre-development conditions.

*Program authority.* Franklin County, Virginia.

*Responsible land disturber.* An individual from the project or development team who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a responsible land disturber certificate of competence, (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review, (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (section 54.1-400 et seq.) of Chapter 4 of Title 54.1.

*Single-family residence.* A noncommercial dwelling unit that is occupied exclusively by one family.  
*Stabilized.* An area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

*State erosion and sediment control program or state program.* The program administered by the Virginia Soil and Water Conservation Board pursuant to the state code including regulations designed to minimize erosion and sedimentation.

*State waters.* All waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdiction.

*Surface water.* All water at or above the land's surface including, but not limited to springs, streams, rivers, lakes, ponds, wetlands, and artificial waterbodies.

*Town.* An incorporated town.

*Transporting.* Any movement of earth material from one place to another, when such movement results in destroying the vegetative cover, either by tracking or the buildup of earth materials, to the extent that erosion and sedimentation will result from the area over which such transporting occurs.

(Ord. of 5-19-1998; Ord. of 9-26-2006)

#### **Sec. 7-4. Purpose of chapter.**

The purpose of this chapter is to conserve the land, water, air and other natural resources of Franklin County and the State of Virginia and to promote the health, welfare and convenience of county residents by establishing requirements for the control of erosion and sedimentation and by establishing procedures by which these requirements can be administered and enforced.

(Ord. of 5-19-1998)

#### **Sec. 7-5. Authority for chapter.**

This chapter is authorized by the 1950 Code of Virginia, as amended, title 10.1, chapter 5, article 4 (section 10.1-560 et seq.), known as the "Erosion and Sediment Control Law." Such law provides for a comprehensive statewide program, with standards and guidelines to control erosion and sedimentation, which is implemented on a local level.

(Ord. of 5-19-1998)

#### **Sec. 7-6. Applicability to Boones Mill.**

This chapter shall apply to any land-disturbing activity in the incorporated town of Boones Mill.  
(Ord. of 9-26-2006)

**Sec. 7-7. Appeals from decisions under chapter.**

(a) Final decisions of the program administrator under this chapter shall be subject to review by the Franklin County Board of Supervisors, provided an appeal is filed within thirty (30) days from any written decision by the program administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

(b) Final decisions of the board of supervisors under this chapter shall be subject to review by Circuit Court of Franklin County, provided an appeal is filed within thirty (30) days from the date of any written decision by the Franklin County Board of Supervisors which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

(Ord. of 9-26-2006)

**Sec. 7-8. Violations of chapter--Penalty, injunctive relief, civil relief.**

(a) A violation of any provision of this chapter shall be deemed a Class 1 misdemeanor.

(b) The county, district, or board may apply to the Circuit Court of Franklin County for injunctive relief to enjoin a violation or a threatened violation of the chapter, without the necessity of showing that there does not exist an adequate remedy at law. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation.

(c) Civil penalties:

(1) A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:

a. Commencement of a land-disturbing activity without an approved plan as provided in section 7-11 shall be up to one thousand dollars (\$1,000.00)/day.

b. Failure to comply with the vegetative measures, structural measures, watercourse measures or underground utility measures of the minimum standards found in the Virginia Erosion and Sediment Control Handbook shall be up to one hundred dollars (\$100.00)/violation/day.

c. Failure to obey a stop work order shall be up to one hundred dollars (\$100.00)/day.

d. Failure to stop work when a permit is revoked shall be up to one thousand dollars(\$1,000.00)/day.

(2) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of three thousand dollars (\$3,000.00), except that a series of violations arising from commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section.

(d) Any civil penalties assessed by the court shall be paid into the treasury of Franklin County, except that where the violator is the county itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(e) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the program administrator, or any condition of a permit or any provision of this chapter, the administrator may provide, in an order issued by the program administrator against such persons, for the payment of civil charges for violations in specific sums not to exceed the limit specified in subsection (e) of this section. Such civil charges shall be in lieu of any appropriate civil penalty which could be imposed under subsection (c) or (e).

(f) Except when land disturbance requiring a permit has begun without a permit, or when in the opinion of the administrator, conditions pose an imminent danger to life, limb, property or to the waters of the commonwealth, this article shall be enforced in the following steps:

(1) Issue a field correction notice listing the violations noted during inspection and the required corrective action.

(2) Send a correction letter when follow-up inspection reveals that the violations cited in the field correction notice have not been corrected.

(3) Send a notice to comply by certified mail, return receipt required, identifying the violations noted in the correction letter which have not yet been corrected and allowing ten (10) days after the receipt of the notice for the implementation of the corrective actions.

(4) Issue a stop work order by certified mail, return receipt required, requiring that all work on the site should be stopped until the corrective measures noted in the notice to comply are

implemented. A maximum period of seven (7) days after the receipt of the order shall be allowed to correct the violations. In addition, the land-disturbing permit may be revoked during this period until the corrective actions are taken. Should this permit be revoked, all construction work on the site shall be stopped. Upon the completion of the corrective actions, the stop work order is rescinded and the permit is reinstated.

(5) Imposition of criminal or civil penalties. Either, but not both, of these penalties may be imposed if the seven-day period in the stop work order passes without the implementation of necessary corrective actions. The time frame for computing the number of days in violation shall not begin until the seven (7) days allowed for corrective action has expired unless work was not stopped as ordered.

(Ord. of 5-19-1998)

**Sec. 7-9. Enforcement of chapter by legal action.**

The county attorney and/or commonwealth's attorney shall, upon request of the program authority, take legal actions to enforce the provisions of this chapter.

(Ord. of 5-19-1998)

**Sec. 7-10. Effect of compliance with chapter in proceedings for damages.**

Compliance with the provisions of this chapter shall be prima facie evidence, in any legal or equitable proceeding for damages caused by erosion, or sedimentation, that all requirements of law have been met and the complainant must show negligence in order to recover any damages.

(Ord. of 5-19-1998)

**Sec. 7-11. Permit for land-disturbing activities.**

Except as otherwise specifically provided, no person shall engage in any land-disturbing activity until he has acquired a land-disturbing permit from the Franklin County Department of Planning and Community Development.

(Ord. of 5-19-1998)

**Sec. 7-12. Erosion impact areas.**

In order to prevent further erosion, the program administrator may identify any land, whether or not disturbed by the building process, as an erosion impact area and require an approved plan.

(Ord. of 5-19-1998)

**Sec. 7-13. Shoreline protection required.**

Notwithstanding any other provision of this chapter, any person who conducts land-disturbing activities, any part of which is within two hundred (200) feet of frontage along state waters must obtain a land-disturbing permit and must, as a requirement of the land-disturbing permit, install and maintain appropriate shoreline protective measures which, as a minimum, shall protect the land area from erosion caused by wave action, water level fluctuation or other water movement, and shall also protect the water from siltation resulting from erosion of the shoreline. A method of shoreline protection shall be proposed by the property owner or agent of the owner and shall be approved by the county based upon factors such as location of the property (i.e., main channel vs. cove), topography, existing natural protection such as rock, stable vegetation, etc., and other factors as deemed pertinent. Installation of riprap shall be according to standards set out in this chapter in subsection 7-19(b) below.

It shall be the responsibility of the owner to consult with the U.S. Army Corps of Engineers for any requirements of that agency.

(Ord. of 5-19-1998)

**Sec. 7-14. Bond or other security for land-disturbing activities.**

Prior to the issuance of any land-disturbing permit, the program administrator shall require an applicant or owner to submit a reasonable performance bond to secure the required erosion and sediment control measures with surety, cash escrow, letter of credit, any combination thereof, or such legal arrangement acceptable to the program administrator to ensure that measures could be taken by the county at the applicant or owner's expense should he fail, after proper notice and within the time specified to initiate or maintain appropriate conservation action which may be required of him by the approved plan. If the county takes such conservation action upon failure 10 by the applicant or owner, the county may collect from the applicant or owner for the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within sixty (60) days of the achievement of adequate stabilization of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement or the unexpended or unobligated portion thereof, shall be refunded to the applicant or owner or terminated. These requirements are in addition to all other provisions of law relating to the issuance of such permits

and are not intended to otherwise affect the requirements for such permits. Cash escrow agreements and letters of credit are the only acceptable forms of surety to ensure completion of required conservation actions.

(Ord. of 5-19-1998; Res. No. 20-10-98, 10-20-1998)

**Sec. 7-15. Inspection of land-disturbing activities.**

(a) The program administrator shall provide for periodic inspections of land-disturbing activity either through the district or through county personnel. The district may inspect, monitor and make reports to the county, but enforcement shall be the responsibility of the program administrator. The program administrator may require monitoring and reports from the person responsible for carrying out the plan to insure compliance with the approved plan, and to determine whether the measures required in the plan are effective in controlling erosion and sediment. The owner, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors. Inspections shall be performed ~~during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project prior to the release of any surety.~~ The Franklin County Board of Supervisors ~~may establish an alternative inspection program which ensures compliance with the approved erosion and sediment control plan provided such program has been approved by the Virginia Soil and Water Conservation Board.~~ in accordance with the Virginia Soil and Water Conservation Board's approved Alternative Inspection Program (AIP) for Franklin County, approved February 1, 2008.

(b) If the program administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan as set forth in subsection 7-7(f) above by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery, to the site of the land-disturbing activities, to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter, and upon conviction shall be subject to the penalties provided herein.

(c) Upon receipt of a sworn complaint of a substantial violation of this chapter from a designated inspector of the county or the district, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in subsection (b) above, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken, or, if land-disturbing activities have commenced without an approved plan, requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained. Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued whether or not the alleged violator has been issued a notice to comply order. The order shall be served in the same manner as a notice to comply and shall remain in effect for seven (7) days from the date of service, pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court of Franklin County. If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the program administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the locality in which the site is located. The owner may appeal the issuance of an order to the Circuit Court of Franklin County. Any person violating or failing, neglecting or refusing to obey an order issued by the program administrator may be compelled in a proceeding instituted in the Circuit Court of Franklin County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the program administrator from taking any other action specified in section 7-7.

(Ord. of 9-26-2006)

**Sec. 7-16. Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereto. The Franklin County Board of Supervisors hereby declares that it would have enacted this chapter and each section, subsection, sentence, clause, and phrases hereof, irrespective of the fact that any one or more

sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

(Ord. of 5-19-1998)

**Sec. 7-17. Reserved.**

**ARTICLE II. CONTROL PLAN FOR A LAND-DISTURBING ACTIVITY**

**Sec. 7-18. Submission and approval requirements.**

(a) Except as otherwise specifically provided, no person shall engage in any land disturbing activity until a plan has been submitted and approved by the county, and a permit has been issued by the program administrator.

(b) Any person whose land-disturbing activity involves lands which extend into the jurisdiction of another local erosion and sediment control program may submit a plan to the board for review and approval, rather than submission to each jurisdiction concerned. Such person shall comply with section 7-12 of this chapter.

(c) No grading, land-disturbing activity, building or other permit shall be issued by the county for any work which involves land-disturbing activity for which permit is required unless the applicant submits with his application a plan for approval, and certifies, after approval, that the plan will be followed.

(d) Where the land-disturbing activity results from the construction or location of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan approving authority.

(e) Prior to the issuance of any permit for land disturbing activity, the person responsible for carrying out the plan shall provide the name of the responsible land disturber who will be in charge of and responsible for the projects land disturbance.

(f) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the board for review and written comments. The specifications shall apply to:

(1) Construction, installation or maintenance of electric, natural gas and telephone utility lines and pipelines; and;

(2) Construction of the tracks, rights of way, bridges, communication facilities and other related structures and facilities of the railroad company.

(g) State agency projects are exempt from the provisions of this chapter.

(Ord. of 5-19-1998; Ord. of 7-18-2006)

**Sec. 7-19. Standards to be used in preparation and consideration.**

(a) The Virginia Erosion and Sediment Control Handbook and Virginia Erosion and Sediment Control Regulations shall be available at the program administrators office and shall be used in preparing the plan required by this article. The county, in considering the adequacy of such plan, shall be guided by the standards set out in the handbook and regulations.

(b) Shoreline rip-rap shall be installed according to the following specifications:

(1) Materials and design as part of an engineered plan, based on standards in the handbook and VDOT manual and approved by the county; or,

(2) In the case of separate individual residential lots involving five hundred (500) feet or less of shoreline, the following minimum materials and design standards may be used:

a. Stone--Class B erosion stone, VDOT Class I, or equivalent

b. Plastic filter cloth--Exxon GTF-400 Geotextile or equivalent.

c. Temporary and permanent seeding, fertilization, and mulching rates as specified by the Virginia Erosion and Sediment Control Handbook.

d. Maximum slope ration for riprap area--2.5 to 1.

e. Minimum vertical face height--Thirty-six (36) inches above full pond level (795-foot contour) or to the prevailing cut line.

f. Terrace width (if needed at top of rip rap slope) shall have a minimum width of twelve (12) feet.

g. Terrace back slope ratio--Maximum 2:1.

h. Minimum thickness of rip rap layer--Twelve (12) inches.

(3) All installation of materials shall be according to the VESC Handbook and manufacturers specifications.

(Ord. of 5-19-1998)

**Sec. 7-20. Responsibility of property owner when work to be done by a contractor.**

Whenever a land-disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval

of the required erosion and sediment control plan shall be the responsibility of the owner of the land.

(Ord. of 5-19-1998)

**Sec. 7-21. Approval or disapproval.**

(a) Upon receipt of a plan submitted under this chapter, together with the required fees, the program administrator shall act on such plan within forty-five (45) days, by either approving the plan in writing or by disapproving the plan in writing and giving specific reasons for disapproval. The program administrator shall approve the plan if the plan meets the conservation standards of the county E&S program and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will comply with all provisions of this chapter. If a temporary sediment basin, a permanent stormwater detention basin or any other permanent feature is a part of the approved plan, this same person must designate, in writing the person who will be liable for necessary long-term maintenance on these structures.

(b) If a plan is disapproved, the program administrator shall specify such modifications, terms and conditions as will permit approval of the plan and shall communicate such requirements to the permit issuing authority.

(c) If no action is taken by the plan approving authority within the time specified in subsection (a) above, the plan shall be deemed approved and the program administrator may issue the land-disturbing permit.

(Ord. of 5-19-1998)

**Sec. 7-22. Changing approved plan.**

A plan that has been approved under this article may be changed by the program administrator in the following cases:

- (1) Where inspection has revealed that the plan is inadequate to satisfy applicable regulations.
- (2) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments, consistent with the requirements of this chapter, are agreed to by the program administrator and the person responsible for carrying out the plan.

(Ord. of 5-19-1998)

**Sec. 7-23. Review fee.**

A plan review fee shall be paid to the county at the time of filing a plan under this article and prior to issuance of a land-disturbing permit or agreement in lieu of a plan. The maximum fee for any land-disturbing permit, regardless of acreage, shall be three thousand dollars (\$3,000.00). The fee shall be payable to the Treasurer of Franklin County in the amount required by a fee schedule adopted by the board of supervisors.

(Ord. of 5-19-1998; Ord. of 7-18-2006)

**Cross references:** Section 27-1, Fee Schedule.

**ARTICLE III. ALTERNATIVE INSPECTION PROGRAM**

**PURPOSE:** The alternative inspection program described herein for the County of Franklin is designed to provide the oversight of urban land-disturbing activities by effectively utilizing local staff to meet specific urbanization trends while addressing specific environmental conditions within the locality.

**AUTHORIZATION:** 10.1-566 of Title 10.1 Chapter 5, Article 4 of the Code of Virginia and 4VAC50-30-60 of the Erosion and Sediment Control Regulations.

**POLICY:** To most effectively utilize local staff and protect the resources of the County of Franklin and the Commonwealth, the County of Franklin will implement an alternative inspection program based on a system of priorities. The system of priorities will be based upon the amount of disturbed project area, site conditions, stages of construction, and site conditions noted on previous inspections.

**IMPLEMENTATION:**

1. The erosion and offsite environmental impact potential of regulated projects shall be determined by an evaluation of the topography soil characteristics, acreage disturbed, proximity to water resources, and proximity to adjacent property lines.

2. After plan review and a site visit, the plan reviewer and the program administrator will assign a classification number to the project.

3. Classification numbers will be assigned to projects which address site specific erosion potential and offsite environmental impact. These classification numbers will be used to determine the frequency of inspections. The classification numbers will range from one to three, one (1) requiring a less frequent inspection schedule and three (3) requiring a more frequent inspection schedule.

4. The classification of a project may be adjusted to a higher or lower classification by the program administrator based upon complaints, violations, inspections, and stages of construction.

5. The classification number shall be included on the approved plan, written on the file folder, written on the building permit application, and made a part of the project database.

**BASIS FOR CLASSIFICATION:** The following classifications shall be assigned to projects based on a preliminary site visit and plan review:

CLASS 1 Total acres disturbed under two acres; greater than 150 foot buffer (LOW) between disturbed area and any property lines, water resources, or public streets; slopes are 0-7 percent and greater than or equal to 300 feet; weighted soil K-factor is less than .23.

CLASS 2 Total acres disturbed under two acres; disturbed area is 50 feet to (MED) 150 feet from any property lines, water resources, or public streets; slopes are 7-15 percent and greater than or equal to 150 feet; weighted soil K-factor is between .23 and .36.

CLASS 3 Total acres disturbed over two acres; disturbed area is less than 50 (HIGH) feet from any property lines, water resources, or public streets; slopes are greater than 15 percent and greater than or equal to 75 feet; weighted soil K-factor is greater than .36.

**FREQUENCY OF INSPECTIONS:**

- All permitted land-disturbing activities will be inspected at a minimum frequency according to the following schedule:

CLASS 1 At the beginning and completion of the project and every eight weeks.

CLASS 2 At the beginning and completion of the project and at least every five weeks.

CLASS 3 At the beginning and completion of the project and at least every two weeks.

2. All inspections will be documented on an inspection log maintained as a part of each project file. Project owners will receive copies of inspection reports with noted violations.

3. Inspection return frequency is not limited to the above schedule and will increase in frequency due to runoff producing storm events or documented violations.

**TABULAR RATING SYSTEM – EROSION AND SEDIMENT CONTROL  
FRANKLIN COUNTY, VIRGINIA**

<u>TOTAL DISTURBED ACREAGE</u>	<u>CHECK</u>	<u>RATING</u>	<u>DISTANCE TO WATERCOURSE</u>	<u>CHECK</u>	<u>RATING</u>
<u>Less than ½ acre</u>		<u>0</u>	<u>0-50 feet</u>		<u>5</u>
<u>½ acre to one acre</u>		<u>3</u>	<u>50-100 feet</u>		<u>3</u>
<u>1 to 2 acres</u>		<u>5</u>	<u>150-300 feet</u>		<u>1</u>
<u>&gt;2 acres- Must inspect every two weeks (High Priority)</u>			<u>Greater than 300 feet</u>		<u>0</u>
<u>Soil Erodibility (base on K-Factor)</u>			<u>Distance—Downstream Adjacent Property</u>		
<u>Low (0.23 and lower)</u>		<u>1</u>	<u>Less than 50 feet</u>		<u>5</u>
<u>Moderate (0.24 - .036)</u>		<u>3</u>	<u>50 feet to 150 feet</u>		<u>3</u>
<u>High (.037 and higher)</u>		<u>5</u>	<u>Greater than 150 feet</u>		<u>1</u>
<u>Buffer Vegetation Condition</u>			<u>Length of Buffer</u>		
<u>Very Good (Dense, grass, hayfield)</u>		<u>0</u>	<u>0-50 feet</u>		<u>5</u>
<u>Good (Avg. grass, forest good pasture)</u>		<u>1</u>	<u>50-150 feet</u>		<u>3</u>
<u>Fair (poor grass, fair pasture)</u>		<u>3</u>	<u>150-300 feet</u>		<u>1</u>
<u>Poor (Bare soil, pavement)</u>		<u>5</u>	<u>Greater than 300 feet</u>		<u>0</u>
<u>Critical Slope</u>			<u>Crossing Water Course</u>		
<u>Does the slope meet or exceed the following criteria</u>			<u>Yes—inspect every two weeks (High Priority)</u>		
<u>Grade of slope—0-7%, slope length&gt;300 feet OR</u>			<u>No</u>		<u>0</u>
<u>Grade of slope—7-15%, slope length&gt;150 feet OR</u>					
<u>Grade of slope—15%, slope length&gt;75 feet</u>					
<u>If yes to any of these slope conditions</u>					
<u>Rating 3</u>					
<u>If no, rating 0</u>					

**OVERALL RATING INSPECTION RETURN FREQUENCY**

**(TOTAL OF THE ABOVE CATEGORIES)**

If \_\_\_\_\_ is 26-33 then \_\_\_\_\_ Once every two (2) weeks

If \_\_\_\_\_ is 20-26 then \_\_\_\_\_ Once every five (5) weeks

If \_\_\_\_\_ is 13-19 then \_\_\_\_\_ Once every eight (8) weeks

If \_\_\_\_\_ is 12 or less then \_\_\_\_\_ Frequency based on criteria below

**Note: Inspection return frequency is not limited to the above schedule and will increase in frequency due to run-off producing storm events or documented violations. Also, an inspection will be performed at the beginning and completion of all projects, regardless of rating.**

Project \_\_\_\_\_ Name: \_\_\_\_\_ Approved

By: \_\_\_\_\_ Date: \_\_\_\_\_

**RECOMMENDATION:** Staff requests the Board of Supervisors to review and consider the proposed revisions to Chapter 7 and provide direction. If the Board determines that the proposed revisions are in appropriate form, staff respectfully requests the Board to authorize staff to schedule a public hearing in consideration of the proposed revisions.

**(RESOLUTION #07-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing in May with noted changes.

MOTION BY: David Hurt

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**SPECIAL RECOGNITION**

Charles Wagner, Chairman, stated Debra's career began in the Army in 1983. She spent three years active duty both stateside and in Korea. After leaving the Army, she joined the Virginia National Guard. She has served in several units including 329th Military Support Group in Virginia Beach. The 3rd of the 111th unit in Portsmouth. The 229th Chemical Company in Roanoke.

Currently, she is Sergeant First Class (E-8) Debra H. Weir 1710th Transportation Company, Emporia

Recently deployed to Tallil, Iraq in support of Operation Enduring Freedom. Served in Iraq for ten aGreat, great kids.

Different jobs she has done during her career: Chaplin's Assistant, Family Support Specialist, Recruiting & Retention, Readiness NCO, Truck Driver, Admin.

Michael Burnette stepped into the big shoes of Debra last March and has served as the County's acting tourism director in her absence. He helped run multiple events, get us set up for the BASSMASTER event and brought in over \$45K in new grant dollars to support regional tourism initiatives.

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**BASSMASTERS**

Debra Weir, Director of Tourism, stated the BassMaster's were back in Franklin County along with ESPN. Ms. Weir presented the Board with Angler T-Shirts and thanked the Board for the community development.

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**YOUTH ATHLETICS FEE STRUCTURE**

Scott Martin, Director of Commerce & Leisure Services, Franklin County Parks and Recreation organizes and administers a variety of youth athletic programs. These athletic programs served over 4,500 youth in Franklin County in 2008.

**2002-2008 Franklin County Parks & Recreation Youth Sports Participation Numbers**

Year	Youth Basketball	Youth Cheer	Youth Co-Ed Softball	Youth Fall Baseball	Youth Fall Soccer	Youth Fast Pitch Softball	Youth Modified Pitch Softball	Youth Spring Soccer	Youth T-Ball	Youth Spring Baseball	Total Numbers
2002	1,021	302	92	0	630	86	78	588	217	570	3,584
2003	962	269	164	0	720	159	115	749	200	600	3,938
2004	1,024	280	206	0	740	95	131	802	199	540	4,017
2005	1,103	311	176	30	765	97	171	841	190	543	4,227

2006	1,214	289	188	50	771	86	181	858	228	486	4,351
2007	1,120	291	188	173	735	71	229	863	231	467	4,368
2008	1,115	262	162	285	770	67	234	920	184	626	4,625

For over thirty years Franklin County has provided these services to the public with no participation fee. According to staff research, Franklin County is the last county in Virginia to offer youth sports programming free of a participation fee. Currently, the only fee that Franklin County Parks & Recreation assesses for youth athletic programs is a late registration fee. If a citizen registers their child late, a fee of \$15.00 is assessed. The cost of uniforms for programs has been, and will continue to be, carried by the participants either through sponsorships or purchase as arranged by the respective coaches.

The County Administrator's proposed 2009 budget includes the implementation of a user fee to offset a portion of the expenses incurred by the youth recreation program. The goal of the fee is to permit the County to continue to deliver programs at 2008 levels by making up a potential general fund shortfall with user fees. Youth athletic programs that will be impacted by the proposed fee include: baseball, t-ball, softball, soccer, basketball and cheerleading. Sandlot football is an affiliated program of the County and already charges fees to offset its incurred operational expenses.

The County now charges fees for classes, some special events/activities, all shelter reservations, park rentals, and adult sports. The County does not charge for general park admission or use of amenities at county park sites. These existing fees will not be impacted by the proposed youth athletics participation fee. The youth athletics participation fee needs to be set by the Board in April so that the County can meet the registration deadlines for FY 2010 summer activities and sports.

The proposed youth athletics fee will be \$10.00 per child, per program. Children will not be registered for participation until the fees are received by staff. Staff is implementing an online registration system that will permit payment to be received via credit/debit cards. A service charge will be added to online registration in order to cover the additional direct costs of providing this convenience (about 1-2% per transaction).

Staff projects a 13% decrease in participation numbers due to adding the proposed \$10.00 per child, per activity participation fee. The late registration fee will remain intact. These charges should produce anticipated revenue of \$40,000.00.

Revenue realized through these fees will be used to offset recreation program expenses including equipment purchases, field/facility maintenance, officials, program administration, and support services for youth sports leagues. This revenue will still cover well less than 50% of the "real" cost of delivering these public recreation programs.

**RECOMMENDATION:**

Review the proposed youth athletic fee schedule and direct staff on implementation.

General discussion ensued.

The Board directed staff to research and bring back additional list of possibilities for the Board's review and consideration on Tuesday, April 28, 2009.

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**KERR LAKE REGIONAL WATER SYSTEM-INTERBASIN TRANSFER NOTICE OF PUBLIC HEARING (RVARC)**

Wayne Strickland, thanked the Board for their renewal of membership with Roanoke Valley Alleghany Regional Commission.

Shane Sawyer, Regional Planner, Roanoke Valley Alleghany Regional Commission, stated the Kerr Lake Regional Water System in North Carolina is currently requesting to increase its authorized interbasin transfer of water from the Roanoke and Dan River basins to the Tar River and Fishing Creek in neighboring North Carolina. A comment period for this phase of the interbasin transfer closes on May 8, 2009. A presentation was recently made to the Roanoke Valley Alleghany Regional Commission (RVARC) as to any position or comment the Commission or its members may have regarding the proposed transfer. The Town of Rocky Mount has expressed opposition to the project, while Henry County has adopted a resolution opposing any transfer of ground or surface water. West Piedmont PDC is also considering a similar resolution.

Staff from the Regional Commission (RVARC) hereby provides an information briefing on the proposed interbasin transfer. While the Roanoke Valley Regional Water Supply Plan will not be completed until October of this year, RVARC and its members may wish to comment on the

proposed interbasin transfer prior to the May 8<sup>th</sup> comment period deadline. Related information is hereby submitted for the Board's consideration.

**RECOMMENDATION:**

Following the presentation from the Regional Commission, staff respectfully requests any comment or further action regarding the proposed Kerr Lake Interbasin Transfer of groundwater from the Roanoke – Dan River Basins.

**RESOLUTION**  
**OF THE**  
**FRANKLIN COUNTY BOARD OF SUPERVISORS**

**WHEREAS**, the citizens of Franklin County want and deserve access to fresh water for good health and for recreational opportunities, and are fortunate to live within the Dan/Roanoke River basin area which provides both; and

**WHEREAS**, the natural and cultural resources of our basin include the entire river system and its drainage area, including surface and ground water supplies; and

**WHEREAS**, the withdrawal of surface or ground water to supply out-of-basin uses permanently removes water from the Dan River as part of the Roanoke River basin; and

**WHEREAS**, permanent removal of surface or ground water from the basin reduces water supplies available to serve existing and future residential, commercial, industrial, agricultural, and recreational uses within the basin; and

**WHEREAS**, permanent loss of water from the river basin creates negative economic impacts, including negative environmental, recreational, cultural, and aesthetic impacts; and

**WHEREAS**, the communities of the Dan/Roanoke River basin must preserve existing water resources of the basin to meet their current demands and to ensure availability to support future economic growth within the basin:

**THEREFORE BE IT RESOLVED**, on this 21<sup>th</sup> day of April 2009, that the Franklin County Board of Supervisors is opposed to the transfer of ground or surface water from the Dan/Roanoke River basin to support uses outside the watershed of the Dan/Roanoke River and any of its tributary streams and rivers.

**(RESOLUTION #08-04-2009)**

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

MOTION BY: Bobby Thompson

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**BURN TRAINING BUILDING PROJECT**

Daryl Hatcher, Director of Public Safety, stated 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. In January of 2009, Paul R. Shively Construction was awarded the site preparation contract. The site preparation work has been substantially completed at this time.

The next phase of this project requires the preparation, solicitation, and review of bids for the actual burn building. The grant funding agency requires a building permit to be submitted by June 30, 2009. To avoid loss of grant funds, the building should be advertised and awarded as soon as possible. The bid package must contain the required information to allow for the construction of a simulator that meets the Virginia Department of Fire Programs regulations.

The bid package will consist of specifications to meet a Class A fire structure with supporting documents. The building will consist of residential style 2-story structure with a 4-story tower structure with the approximate overall dimensions of 60' x 25'. The bid package will be submitted with a base bid to construct the 2-story burn training structure, and an alternative bid item to construct a 4-story tower. The tower portion will be used to conduct high-rise building training.

This phase of work will include advertising for bids to construct the burn training building broken down as follows, an estimated \$5,200 in Preparing and Assisting with the Bid Package to Anderson & Associates, and up to \$2000 in Construction Administration Services to Anderson & Associates. County personnel will be utilized for on-site construction supervision to help reduce costs. Bids for the burn training building should be received by or before May 15, 2009. Funds are available in the CIP budget to cover the costs to Anderson & Associates.

**RECOMMENDATION:**

Authorize County staff to proceed with hiring Anderson & Associates, Inc. to prepare a bid package for the burn training building and to proceed with receiving bids to construct the burn training building.

**(RESOLUTION #09-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise and solicit bids for the Burn Building Project and bring back in May for Board review.

MOTION BY: Leland Mitchell

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**SCHOOL BOARD BUDGET UPDATE/JOINT COMMITTEE MEETING**

Wayne Angell updated the Board on a joint committee meeting with a couple of school board members. Mr. Angell stated the School System did not include buses in their proposed school budget. Mr. Angell stated at least 9 of the old buses needed to be taken off of the schedule. Mr. Angell indicated the possible elimination of swimming classes and instructor, so the School Board would not rehire the instructor and would utilize the YMCA and the \$54,000 school funding. Mr. Angell stated the School Board did need to purchase 5 buses from the \$1.1M proposed Capital budget which the School Board indicated (Air Conditioning Cafeterias) would be postponed. Mr. Angell stated an increase would occur within their proposed budget if an increase is made from the Capital Set-Aside projects. Charles Wagner stated at least ½ of the Capital Set-Aside should be kept for the roof replacement (\$400,000) for the Central Gym Building from the \$1.1M Capital Set Aside. The board stated they would ask the School Board to commit to purchasing at least 4 additional buses if the Board authorized purchase of 5 buses from School Capital making a total of 9 buses to be authorized at the same time.

Bobby Thompson, stated he would like to see this type of dialogue continue for the next budget process.

**APPOINTMENTS:**

- ***Dan River ASAP/3-Year Term*** (May Agenda Item)
- ***Library Board/4-Year Term***
  - *Rocky Mount District*
  - *Snow Creek District*
  - *Boone District* (May Agenda Item)
  - *Union Hall District*
- ***Piedmont Regional Community Services/3-Year Term***
  - 2 Appointments (May Agenda Item)
- ***Recreation Commission/3-Year Term (Expires 6/30/2009)***
  - *Snow Creek District*
  - *Boone District* (May Agenda Item)
- ***Social Services Board/4-Year Term***
  - *Blackwater District* (May Agenda)
  - *Blue Ridge District* (May Agenda)
- ***STEP, Inc./2-Year Term***

**LIBRARY BOARD APPOINTMENTS/ROCKY MOUNT/SNOW CREEK/UNION HALL DISTRICTS**

**(RESOLUTION #10-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Jean Waltrip, Rocky Mount District Representative to serve on the Library Board with said term to expire 6/30/2013.

MOTION BY: Charles Wagner

SECONDED BY: Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

BE IT THEREFORE RESOLVED, by the Board of Supervisors to Re-Appoint William Mitchell, Snow Creek District Representative, to serve on the Library Board with said term to expire 6/30/2013.

MOTION BY: Leland Mitchell

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

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

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Rebecca Mushko, Union Hall District to serve on the Library Board with said terms to expire 6/30/2013.

MOTION BY: David Cundiff

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**RECREATION COMMISSION APPOINTMENTS/SNOW CREEK DISTRICT**

**(RESOLUTION #11-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Freeman Witcher, Snow Creek District, to the Recreation Commission with said term to expire June 30, 2012.

MOTION BY: Leland Mitchell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**STEP, INC. BOARD APPOINTMENTS**

**(RESOLUTION #12-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Charles Wagner and Cindy Treadway to a two year term on the STEP, Inc. Board with said terms to expire June 30, 2011; and to reappoint Randy Matney for a one year term with said term to expire June 30, 2010.

MOTION BY: Wayne Angell

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**CLOSED MEETING**

**(RESOLUTION #13-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-4, Protection of individual privacy in a personal matter not related to the public business, a-5, Discussion of a prospective new business or industry and a-7, Consult with Legal Counsel, of the Code of Virginia, as amended.

MOTION BY: Leland Mitchell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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MOTION: Leland Mitchell

SECOND: Russ Johnson

**RESOLUTION: #14-04-2009**

**MEETING DATE April 21, 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  
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Chairman Wagner recessed the meeting for the previously advertise public hearings as follows:

**PETITION** of the Franklin County Board of Supervisors to amend Chapter 25, "Zoning," of the Franklin County Code, to define and regulate wind energy facilities, by amending Article I, General Provisions, Division 3, Section 25-40, Principal definitions of the Zoning Ordinance, to include definitions for various types of wind energy facilities; Article II, Basic Regulations, Division 4, Section 25-128, Towers, antennas, and satellite dishes, to include supplemental regulations governing wind energy facilities; Article III, District Regulations, Division 1, Agricultural District (A-1), Section 25-178, Permitted uses, to allow for a small system wind energy facility by right; and Section 25-179, Special use permits, to allow for large system and utility scale wind energy facilities, with a special use permit; Division 9, Business District, General (B-2), Section 25-336, Special use permit, to allow for small system, large system, and utility scale wind energy facilities, with a special use permit; Division 10, Industrial District (M-1)-Light Industry, Section 25-354, Special use permits, to allow for small system, large system, and utility scale wind energy facilities, with a special use permit; and Division 11, Industrial District (M-2)-Heavy Industry, Section 25-373, Special use permits, to allow for small system, large system, and utility scale wind energy facilities, with a special use permit. (Case #A-02-09-01.)

Lisa Cooper, Senior Planner/Long Range Planning Manager, presented the draft amendment to Chapter 25 of the Franklin County Code to provide for different types of wind energy facilities. She stated that the Franklin County Planning Commission held a public hearing on March 10, 2009 to consider the amendment to the zoning ordinance concerning wind energy facilities. The Planning Commission made a recommendation of approval by vote of 4-2, with one member being absent.

Public Hearing Opened.

No one spoke for or against the proposed amendments.

Public Hearing Closed.

Ms. Cooper summarized the draft amendments to the zoning ordinance concerning wind energy facilities. After discussion of the Board of Supervisor it was determined to close the public hearing and staff would supply the Board of Supervisor with performance standards concerning issue, but not limited to, noise and buffering. Also, stated staff would research if wind energy facilities "utility scale" would require a 15.2. -2232 Comprehensive Plan compliance review.

General discussion ensued.  
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**PETITION** of the Franklin County Board of Supervisors to amend Chapter 25 "Zoning" of the Franklin County Code, to define and regulate outdoor lighting as follows: amend Article I, General Provisions, Division 3, Definitions, Section 25-40, Principal definitions of the Zoning Ordinance, to include definitions pertaining to "outdoor lighting"; amend Article II, Basic Regulations, Division 4.1, Sign Regulations, Section 25-156.5, Sign permits, item (f), to delete references to lighting fixtures, foot candles and setbacks to lighting; amend Article V. Procedure, Division 4, Site Development Plan, Section 25-677, Minimum Standards and Improvements Required, item (l) Outdoor lighting and street lights, to delete references to design theme, foot candles and height pertaining to lighting; establish new supplemental regulations under Article II, Division 4.2, Outdoor Lighting, Section 25.157.1, Intent; 25.157.2, Applicability; 25.157.3, Exempt; 25-157.4, Street Lighting; 25.157.5, Site Lighting; 25-157.6, Building Lighting; 25-157.7, Sign Lighting; 25-157.8, Landscaping Lighting; and 25.157.9, Nonconforming Outdoor Lighting;. (Case #A-01-09-01)

Neil Holthouser, Director of Planning, presented the draft amendment to Chapter 25 of the County Code to provide for different types of outdoor lighting. He stated that the Franklin County Planning Commission held a public hearing on March 10, 2009 to consider the amendment to the zoning ordinance concerning outdoor lighting and changes to sign and site development plan regulations. The Planning Commission made a recommendation of approval by vote of 6-0, with one member being absent.

Mr. Holthouser summarized the draft amendments to the zoning ordinance concerning outdoor lighting with changes to current sections of the ordinance. Mr. Holthouser made one change in Section 25-157.2. Applicability. Item (a) to add the following sentence for clarification:

“Such installation or replacement shall require the submittal of a photometric plan demonstrating the requirements of the Division are met.”

The outdoor lighting ordinance amendment, changes to the sign and site development plan regulations were adopted by vote of 6-0; with one Board of Supervisor absent.

Public Hearing Opened.

No one spoke for or against the proposed amendments.

Public Hearing Closed.

**(RESOLUTION #15-04-2009)**

BE IT THEREFORE ORDAINED, by the Board of Supervisors to adopt the aforementioned amendments to Chapter 25 – Zoning Ordinance as advertised, to define and regulate outdoor lighting as advertised including the sign and site development plan regulations with the suggested language, whereby the proposed amendments will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended as follows:

**ARTICLE I. General Provisions**

**DIVISION 3. DEFINITIONS.**

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

*Lighting, building.* Lighting that is intended to illuminate the exterior of a building, and which is housed in a lighting fixture that is attached to the building intended to be illuminated.

*Lighting, full cut-off.* A lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the lighting fixture, and which effectively precludes light trespass in an upward direction.

*Lighting, landscape.* Lighting that is intended to illuminate a landscape area or feature, and which is contained in a lighting fixture that is not attached to any building or structure.

*Lighting, outdoor.* Lighting which emanates from an outdoor light source, and which is intended to illuminate any outdoor area, where such area to be illuminated is visible from adjoining properties, or public or private streets.

*Lighting, sign.* Lighting that is intended to illuminate a sign.

*Lighting, site.* Lighting that is intended to illuminate improved areas of a site, including parking lots, driveways, sidewalks, pathways, storage areas, display areas, and service areas.

*Lighting, street.* Lighting that is intended to illuminate public or private streets.

*Lighting, temporary.* Lighting that is associated with an event, occasion, or purpose of limited duration, and where such lighting is not housed in a fixture permanently attached to the ground or any structure.

(Ord. of 5-25-88; Adopted 4-21-2009)

**ARTICLE II. Basic Regulations**

**DIVISION 4.1 SIGN REGULATIONS**

**Sec. 25-156.5. Sign permits.**

(f) All applications for a sign permit which includes lighting shall include a lighting plan. ~~All lighting fixtures shall be located at the top of the sign face when external illumination is proposed. All such fixtures shall be shielded and directed downwards so that the light source is directed towards the sign face and is not visible from adjacent properties and roads. Outdoor advertising signs of the type constructed of translucent materials and illuminated from within, do not require shielding. In no case shall direct or reflective illumination exceed 0.25 footcandles as measured at any point twenty-five (25) feet from the light source.~~

(Res. No. 27-10-99, 10-19-99; Adopted 4-21-2009)

**DIVISION 4.2. OUTDOOR LIGHTING**

**Sec. 25-157.1 Intent**

The purpose of this Division is to promote the general welfare by controlling light trespass and to protect the public safety through the prevention of glare by regulating the size, height, placement, direction and intensity of outdoor lighting in a manner that:

- (a) Permits the reasonable use of outdoor lighting for safety, utility, commerce, and security;
- (b) Minimizes glare and obtrusive light on public streets and adjacent properties by controlling the direction and intensity of light;
- (c) Preserves night skies, to the extent practicable, by directing light downward or otherwise controlling for upward-escaping light; and
- (d) Protects residential neighborhoods by limiting light trespass.

#### **Sec. 25-157.2. Applicability**

- (a) The regulations of this Division shall apply to the installation or replacement of any outdoor lighting that requires a building permit. Such installation or replacement shall require the submittal of a photometric plan demonstrating the requirements of this Division are met.
- (b) The routine maintenance of any existing outdoor lighting fixture, including the changing of lamps or light bulbs, housing, lenses or other similar components, does not constitute replacement and shall not be subject to the requirements of this Division.

#### **Sec. 25-157.3. Exempt**

The following outdoor lighting shall be exempt from the requirements of this Division:

- (a) Security lighting controlled by motion sensors which provides illuminations for fifteen (15) minutes or less;
- (b) Dusk to dawn lighting associated with agricultural uses;
- (c) Temporary lighting for holiday decoration or civic occasions;
- (d) Temporary lighting for construction purposes, provided that such lighting is removed upon completion of the construction activity.
- (e) Lighting required and regulated by the Federal Aviation Administration;
- (f) Lighting of the flag of the United States of America or the Commonwealth of Virginia, or other noncommercial flags expressing constitutionally protected speech.

#### **Sec. 25-157.4. Street Lighting**

The following standards shall apply to street lighting:

- (a) Street lights shall be located and arranged so that light output does not exceed 0.5 footcandles at any point that is fifty (50) feet from the light source.
- (b) Street lights shall be limited to 35 feet in height, as measured from grade at a point directly below the light source.
- (c) Street lights fixtures shall be down-casting and full cut-off.

#### **Sec. 25-157.5. Site Lighting**

The following standards shall apply to site lighting:

- (a) Site lighting shall be located and arranged so that light output does not exceed 0.5 footcandles at the front, side and rear property lines.
- (b) Site lights shall not exceed 35 feet in height, as measured from grade at a point directly below the light source, except for the lighting of public recreational facilities, where such lighting shall not exceed 80 feet in height.
- (c) Site lighting fixtures shall be down-casting and full cut-off.

#### **Sec. 25-157.6 Building Lighting**

The following standards shall apply to building lighting:

- (a) Building lights shall be located and arranged so that light output does not exceed 0.5 footcandles at the front, side, and rear property lines.
- (b) Building light fixtures shall be down-casting and full cut-off.

#### **Sec. 25-157.7 Sign Lighting**

The following standards shall apply to sign lighting:

- (a) Internally-illuminated signs shall have an opaque background with translucent text and/or symbols, or a translucent background that is not white, off-white, or yellow in color. Light output from internally illuminated signs shall not exceed 0.25 footcandles at the front, side, and rear property lines.
- (b) Externally-illuminated signs may be lighted by:
  - (1) An attached lighting fixture which is attached to the sign face or sign structure, provided that the lighting fixture is downward-casting and full cut-off. The light source shall be shielded from view from public streets, private streets, and adjoining properties. Light output shall not exceed 0.25 footcandles at the front, side, and rear property lines.
  - (2) A detached lighting fixture which is physically separate from the sign face and sign structure, provided that the light source is directed toward the sign, is shielded from view from public streets, private streets, and adjoining properties, and provided that light output does not exceed 0.25 footcandles at any point that is fifty (50) feet from the light source. Light output shall not exceed 0.25 footcandles at the front, side, and rear property lines.

### **Sec. 25-157.8 Landscaping Lighting**

The following standards shall apply to landscape lighting:

- (a) Landscape lighting shall be located and arranged so that light output does not exceed 0.25 footcandles at the front, side, and rear property lines.
- (b) Landscape light fixtures shall be down-casting and full cut-off, except as allowed elsewhere in this section.
- (c) Upcasting landscape lights shall be permitted if:
  - (1) The light source is directed toward a building, structure, wall or landscape feature;
  - (2) The light source is shielded from view from all public streets, private streets, and adjoining properties;
  - (3) Light output does not exceed 0.25 footcandles at any point that is fifty (50) feet from the light source.

### **25.157.9. Nonconforming Outdoor Lighting**

If any outdoor lighting is lawfully in existence at the time of adoption or amendment of this chapter which does not conform to the provisions of this chapter, such outdoor lighting fixtures may be continued, provided that no change shall be made which increases the degree or extent of nonconformity with the provisions of the Division as adopted or amended.

(Adopted 4-21-2009)

## **ARTICLE V. Procedure**

### **DIVISION 4. Site Development Plan**

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

- (l) ~~Outdoor lighting and street lights: Residential uses requiring site plan approval, exclusive of single family detached, shall be required to provide lighting for parking areas and pathways. Commercial uses conducting regular business after dark shall have appropriate safety lighting in parking areas and along pathways leading from these areas to the buildings. Unless otherwise approved by the zoning administrator in consideration of the fulfillment of a design theme of a project, all lighting shall be shielded and directed downward so that the light source is shielded from direct view from all adjoining parcels and roads. All lighting shall be arranged and installed so that direct or reflective illumination does not exceed 0.5 footcandles above background levels, measured at the property line. The height of all light poles and related structures shall not exceed the scale of the structure of which it serves. In no case shall the measured height of the poles and related structures exceed thirty-five (35) feet, except for public recreational facilities where the measured height cannot exceed eighty (80) feet. All uses requiring site plan approval shall provide outdoor lighting for parking areas and pathways leading from parking areas to buildings. Where such lighting is required, the site plan shall be accompanied by a lighting plan, in accordance with the requirements of Article II, Division 4.2, Outdoor Lighting.~~

MOTION BY:

David Hurt

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

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### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that Franklin County, Virginia (the "County") will conduct a public hearing regarding (i) the proposed transfer by the County of all its right, title and interest in an existing water line system serving portions of the Central and Smith Mountain Lake area of the County, to the Western Virginia Water Authority (the "Authority"), (ii) the assignment of certain contract rights and obligations to the Authority related to the purchase of water from Bedford County, Virginia and (iii) the proposed approval of a service contract between the County and the Authority and the establishment, at the request of the Authority, of rates, charges and requirements associated with the availability of water and sewer services to County residents. In addition, the County will consider the adoption of a Resolution authorizing the refinancing of its \$2,966,000 Wastewater System Revenue Bond ("Westlake Project") Series 2008 (the "Bond") issued to finance the purchase of a wastewater treatment system to be operated by the Authority and the sale of such refunding bond in an amount not to exceed \$3,500,000 to the Virginia Resources Authority or any other interested purchasers thereof. All of such actions are being taken to facilitate the County's transfer of operational responsibility for all of the County's water and sewer systems to the Authority.

### **RESOLUTION AUTHORIZING THE ESTABLISHMENT OF RATES, CHARGES AND OTHER REQUIREMENTS FOR WATER AND SEWER SERVICES AND PROVIDING FOR THE TRANSFER OF THE WATER SERVICE SYSTEM SERVING THE CENTRAL AND SMITH MOUNTAIN LAKE AREAS OF FRANKLIN COUNTY TO THE WESTERN VIRGINIA WATER AUTHORITY**

**WHEREAS**, the Western Virginia Water Authority (the "Authority") is a public body politic and corporate of the Commonwealth of Virginia duly created pursuant to the Virginia Water and Waste Authorities Act; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia (the "County") has determined that it is in the public interest for the Authority to own and operate or operate the water and wastewater systems currently maintained and provided by the County to its citizens; and

**WHEREAS**, pursuant to a resolution adopted December 16, 2008, the County has previously issued its \$2,966,000 Water and Sewer System Revenue Bond ("Westlake Project") Series 2008 and used the proceeds to acquire a wastewater treatment system located in the Westlake overlay area of the County (the "Westlake System") and the Authority has agreed to operate and manage the Westlake System in accordance with the terms of the Westlake Wastewater System Operating Agreement dated as of December 15, 2008 between the County and the Authority (the "Westlake Operating Agreement"); and

**WHEREAS**, the Authority has agreed to retire and refund certain indebtedness of the County incurred to establish a water system in the County as evidenced by the County's \$2,700,000 Water System Revenue Bond, Series 2003 (the "2003 Bond"); and

**WHEREAS**, the Authority will undertake such responsibility in consideration for the transfer by the County of the water system financed with the proceeds from the 2003 Bond currently serving the central and Smith Mountain Lake area of the County (the "Phase I System") to the Authority and the establishment of a mutually agreeable service contract pursuant to which the Authority would operate the Phase I System and any improvements and extensions thereto in exchange for certain payments and assistance from the County; and

**WHEREAS**, the Authority has also expressed its intention to undertake the acquisition, construction and equipping of various capital improvements to the Phase I System, including but not limited to, the extension of water service to other residents of the County (the "Phase II System"); and

**WHEREAS**, the Water System Transfer Agreement dated as of April 15, 2009 between the Authority and the County (the "Transfer Agreement") and the Water System Service Contract Agreement dated as of April 15, 2009 between the Authority and the County (the "Service

Contract”), both of which are submitted hereto, set forth the terms and conditions pursuant to which the Phase I System will be transferred to and operated by the Authority and the Phase II System will be developed; and

**WHEREAS**, the Authority has requested the Board of Supervisors of the County (the “County Board”), acting as the governing body of the County to the extent the County Board has not already previously done so, to establish the rates, requirements and fee structures requested by the Authority in connection with its operation of the County’s water and wastewater systems; and

**WHEREAS**, the rates, requirements and fee structures with regard to the Westlake System, the Phase I System, the Phase II System and any other wastewater or water utility systems owned or operated by the Authority in the County (collectively, the “Utility System”) are described in further detail and set forth in an exhibit submitted to this Resolution, and such charges and obligations with regard to the Utility System shall be applicable to all County residents:

**NOW, THEREFORE, BE IT RESOLVED BY FRANKLIN COUNTY, VIRGINIA:**

1. Approval of Transfer Agreement. The Transfer Agreement submitted hereto as Exhibit A is approved in substantially the form presented to this meeting, with such changes, insertions or omissions as may be approved by the Chairman of the Board or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Transfer Agreement on the County’s behalf. The Chairman of the Board and the County Administrator are authorized to execute and deliver the Transfer Agreement on behalf of the County, and such other documents and certificates as such officer may consider necessary.

2. Approval of Service Contract. The Service Contract submitted hereto as Exhibit B is approved in substantially the form presented to this meeting, with such changes, insertions or omissions as may be approved by the Chairman of the Board or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Service Contract on the County’s behalf. The Chairman of the Board and the County Administrator are authorized to execute and deliver the Service Contract on behalf of the County, and such other documents and certificates as such officer may consider necessary.

3. Further Actions, Documents and Instruments. The Chairman and Vice Chairman of the Board, the County Administrator, the Assistant County Administrator, the Finance Director and such officials and agents of the County as may be designated by any of them are authorized and directed to take such further actions as they deem necessary regarding the transfer of the Phase I System to the Authority, and the execution, delivery and performance of the obligation under the Transfer Agreement and the Service Contract. All such actions previously taken by such officers and agents are ratified and confirmed.

4. Adoption of Rates, Charges and other Utility System Requirements Requested by the Authority. The County hereby adopts the Western Virginia Regional Standards and Specifications for Water and Sewer and the applicable Chapters and provisions of the Code of Franklin County are hereby amended to establish the service rates, charges and other requirements requested by the Authority with respect to the Utility System, all as set forth with more detail in Exhibit C submitted hereto.

5. Effective Date. This Resolution shall take effect immediately.

Public Hearing Opened.

No one spoke for or against the proposed Phase I transfer.

Public Hearing Closed.

**(RESOLUTION #16-04-2009)**

BE IT THEREFORE ORDAINED, by the Board of Supervisors to adopt the aforementioned resolution as prepared and presented and to authorize County Administrator to execute pertinent documents.

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

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#### **PUBLIC NOTICE**

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M.**, on **Tuesday, April 21, 2009**, in the Meeting Room located in the Courthouse, Rocky Mount, Virginia to consider the proposed amendment to Section 22-36 (c). The proposed adoption would continue to include **Section 22-36 (c)** "Mandatory Connection of New Construction in the West Lake Overlay District and all other areas of Franklin County where Western Virginia Water Authority has been or shall be approved to operate". This section would be modified by changing "the County's Public Water System" to "the Western Virginia Water Authority Public Water System". This would require new systems, within a reasonable distance, to connect to Western Virginia Water Authority and adopt by reference all Western Virginia Water Authority regulations:

Public Hearing Opened.

No one spoke for or against the proposed Phase I transfer.

Public Hearing Closed.

#### **(RESOLUTION #17-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the following resolution:

#### **RESOLUTION AUTHORIZING THE ESTABLISHMENT OF RATES, CHARGES AND OTHER REQUIREMENTS FOR WATER AND SEWER SERVICES AND PROVIDING FOR THE TRANSFER OF THE WATER SERVICE SYSTEM SERVING THE CENTRAL AND SMITH MOUNTAIN LAKE AREAS OF FRANKLIN COUNTY TO THE WESTERN VIRGINIA WATER AUTHORITY**

**WHEREAS**, the Western Virginia Water Authority (the "Authority") is a public body politic and corporate of the Commonwealth of Virginia duly created pursuant to the Virginia Water and Waste Authorities Act; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia (the "County") has determined that it is in the public interest for the Authority to own and operate or operate the water and wastewater systems currently maintained and provided by the County to its citizens; and

**WHEREAS**, pursuant to a resolution adopted December 16, 2008, the County has previously issued its \$2,966,000 Water and Sewer System Revenue Bond ("Westlake Project") Series 2008 and used the proceeds to acquire a wastewater treatment system located in the Westlake overlay area of the County (the "Westlake System") and the Authority has agreed to operate and manage the Westlake System in accordance with the terms of the Westlake Wastewater System Operating Agreement dated as of December 15, 2008 between the County and the Authority (the "Westlake Operating Agreement"); and

**WHEREAS**, the Authority has agreed to retire and refund certain indebtedness of the County incurred to establish a water system in the County as evidenced by the County's \$2,700,000 Water System Revenue Bond, Series 2003 (the "2003 Bond"); and

**WHEREAS**, the Authority will undertake such responsibility in consideration for the transfer by the County of the water system financed with the proceeds from the 2003 Bond currently serving the central and Smith Mountain Lake area of the County (the "Phase I System") to the Authority and the establishment of a mutually agreeable service contract pursuant to which the Authority would operate the Phase I System and any improvements and extensions thereto in exchange for certain payments and assistance from the County; and

**WHEREAS**, the Authority has also expressed its intention to undertake the acquisition, construction and equipping of various capital improvements to the Phase I System, including but not limited to, the extension of water service to other residents of the County (the "Phase II System"); and

**WHEREAS**, the Water System Transfer Agreement dated as of April 15, 2009 between the Authority and the County (the "Transfer Agreement") and the Water System Service Contract Agreement dated as of April 15, 2009 between the Authority and the County (the "Service Contract"), both of which are submitted hereto, set forth the terms and conditions pursuant to which the Phase I System will be transferred to and operated by the Authority and the Phase II System will be developed; and

**WHEREAS**, the Authority has requested the Board of Supervisors of the County (the "County Board"), acting as the governing body of the County to the extent the County Board has not already previously done so, to establish the rates, requirements and fee structures requested by the Authority in connection with its operation of the County's water and wastewater systems; and

**WHEREAS**, the rates, requirements and fee structures with regard to the Westlake System, the Phase I System, the Phase II System and any other wastewater or water utility systems owned or operated by the Authority in the County (collectively, the "Utility System") are described in further detail and set forth in an exhibit submitted to this Resolution, and such charges and obligations with regard to the Utility System shall be applicable to all County residents:

**NOW, THEREFORE, BE IT RESOLVED BY FRANKLIN COUNTY, VIRGINIA:**

1. Approval of Transfer Agreement. The Transfer Agreement submitted hereto as Exhibit A is approved in substantially the form presented to this meeting, with such changes, insertions or omissions as may be approved by the Chairman of the Board or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Transfer Agreement on the County's behalf. The Chairman of the Board and the County Administrator are authorized to execute and deliver the Transfer Agreement on behalf of the County, and such other documents and certificates as such officer may consider necessary.

2. Approval of Service Contract. The Service Contract submitted hereto as Exhibit B is approved in substantially the form presented to this meeting, with such changes, insertions or omissions as may be approved by the Chairman of the Board or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Service Contract on the County's behalf. The Chairman of the Board and the County Administrator are authorized to execute and deliver the Service Contract on behalf of the County, and such other documents and certificates as such officer may consider necessary.

3. Further Actions, Documents and Instruments. The Chairman and Vice Chairman of the Board, the County Administrator, the Assistant County Administrator, the Finance Director and such officials and agents of the County as may be designated by any of them are authorized and directed to take such further actions as they deem necessary regarding the transfer of the Phase I System to the Authority, and the execution, delivery and performance of the obligation under the Transfer Agreement and the Service Contract. All such actions previously taken by such officers and agents are ratified and confirmed.

4. Adoption of Rates, Charges and other Utility System Requirements Requested by the Authority. The County hereby adopts the Western Virginia Regional Standards and Specifications for Water and Sewer and the applicable Chapters and provisions of the Code of Franklin County are hereby amended to establish the service rates, charges and other requirements requested by the Authority with respect to the Utility System, all as set forth with more detail in Exhibit C submitted hereto.

5. Effective Date. This Resolution shall take effect immediately.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ABSENT: Angell

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**PUBLIC NOTICE**

In accordance with the provisions of U. S. Department of Justice, Office of Justice Programs, Award Number: #16.804 titled *Edward Byrne Memorial Justice Assistance Grant VA-DJ*, notice is hereby given to all interested parties that the Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M., on Tuesday, April 21, 2009 @ 6:00 P.M.**, in the Meeting Room, 275 South Main Street, Room 221, located in the Courthouse, Rocky Mount, Virginia to consider disbursement of approximately \$28,000.00 in Federal Grant funds for part-time deputies to provide Court Room Security.

Major Josh Carter, Sheriff's Department, stated the Sheriff's department has applied for the Edward Byrne Memorial Justice Assistance Grant VA-DJ to consider disbursement of approximately \$28,000.00 in Federal Grant funds for part-time deputies to provide Court Room Security.

Public Hearing Opened.

No one spoke for or against the proposed grant

Public Hearing Closed.

**(RESOLUTION #18-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize the Sheriff's Department to apply for the Edward Byrne Memorial Justice Assistance Grant as presented.

MOTION BY: Bobby Thompson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ASENT: Angell

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**PUBLIC NOTICE**

The County of Franklin will hold a public hearing on **Tuesday, April 21, 2009**, at approximately **6:00 p.m.**, in the Board of Supervisor's meeting room to consider granting three (3) easements to The Town of Rocky Mount for improvements associated with and appurtenant to the Town of Rocky Mount Uptown Revitalization Plan across the following properties pursuant to Virginia Code 15.2-1800.

**Tax Map # 2070071100, which is owned by Franklin County  
Town of Rocky Mount Easement Description (Uptown Revitalization)**

The County of Franklin will grant a three foot (3') wide by thirty foot long (30') easement starting at the southwest corner of the property and running along the southern edge adjacent to the exterior wall of the existing building owned by the Franklin County Perinatal Education Center and shown as Tax Map Number 207.00-712.00 for the purpose of underground utility conduit placement and maintenance to serve the building; an easement along the western boundary of the property seven and a half foot (7.5') from the back of curbing adjacent to South Main Street across Municipal Facilities Drive or approximately twenty-eight feet (28') for the purpose of underground utility conduit placement and maintenance; and a twenty-eight foot easement from back of curbing starting at the northern edge of Municipal Facilities Drive and running to the northern property line or approximately ten feet (10') for proposed underground utilities, new sidewalks, street lights, landscaping, and hardscaping areas. The Town of Rocky Mount will be responsible for the maintenance of all landscaping material. The purpose of said easement is to allow the Town of Rocky Mount to construct all appurtenances associated with the Rocky Mount Uptown Revitalization Project. Any impacts to ingress and egress of the property or for access to adjoining properties shall be temporary and specifically for construction or maintenance activities only. The location of underground utility conduit and landscaping areas are shown on the Plans titled "Town of Rocky Mount Uptown Revitalization." The easements herein addressed and being considered by the Franklin County Board of Supervisors shall not be used in such a way as to interfere with reasonable access by Franklin County or any of its invitees or guests as to accessing any County property which benefits from the easement areas or of which the easement areas are a part.

**Tax Map # 2070071000, which is owned by Franklin County  
Town of Rocky Mount Easement Description (Uptown Revitalization)**

The County of Franklin will grant a twenty-eight foot (28') easement along the western property line from the back of curbing of South Main Street for the length of the property or approximately thirty-nine feet (39'). The easement includes proposed underground utilities, new sidewalks, street lights, landscaping, and hardscaping areas around the entrance to the existing parking lot. The purpose of said easement is to allow the Town of Rocky Mount to construct all appurtenances associated with the Rocky Mount Uptown Revitalization Project. The Town of Rocky Mount will be responsible for the maintenance of all landscaping material. Any impacts to ingress and egress of the property or for access to adjoining properties shall be temporary and specifically for construction or maintenance activities only. No work under this easement shall interfere with the entrance and use of existing parking facilities on said property. The easements herein addressed and being considered by the Franklin County Board of Supervisors shall not be used in such a way as to interfere with reasonable access by Franklin County or any of its invitees or guests as to accessing any County property which benefits from the easement areas or of which the easement areas are a part.

**Tax Map # 2070070800, which is owned by Franklin County  
Town of Rocky Mount Easement Description (Uptown Revitalization)**

The County of Franklin will grant a twenty-eight foot (28') easement starting at the southwest corner of the property along the western property line from the back of curbing along South Main Street approximately forty-two feet (42') to the edge of the existing building owned by Naff Properties LLC and shown as Tax Map Number 207.00-709.00 for for the purpose of constructing new sidewalk, streetlights, connection of adjacent building with underground utility conduit, placement of an electric pad mounted transformer, flush mounted utility handholes, and landscaping elements; an easement four feet from back of curb along South Main Street in front of the existing building occupied by Main Street Coffee Shop and the Virginia Department of Forestry, not to include footprint of building, for purposes of underground utilities; an easement four feet (4') wide by thirty (30') feet long from back of curb along the north side of the existing building, not including building footprint, for the purpose of providing utilities to said building; an easement on the western property line seven and a half feet (7.5') from back of curb along South Main Street for approximately one hundred and twenty feet to the intersection of South Main Street and East Court Street for proposed underground utilities, new sidewalks, street lights, and park bench; and an easement along the northern property line seven and a half foot (7.5') from back of curb along East Court Street starting at the intersection with South Main Street for approximately two hundred and seventy-three feet (273'), not to include any building footprint or alter existing building entrances, for purposes of installing underground utilities to connect to existing above ground utilities. The easement is as shown on the Plans titled "Town of Rocky Mount Uptown Revitalization." The Town of Rocky Mount will be responsible for the maintenance of all landscaping material. Any impacts to ingress and egress of the property or for access to adjoining properties shall be temporary and specifically for construction or maintenance activities only. No work under this easement shall interfere with the entrance and use of existing parking facilities on said property. The easements herein addressed and being considered by the Franklin County Board of Supervisors shall not be used in such a way as to interfere with reasonable access by Franklin County or any of its invitees or guests as to accessing any County property which benefits from the easement areas or of which the easement areas are a part.

The purpose of these utility easements will be to provide underground utility transmission service to Franklin County and adjacent property owners as well as streetscape improvements in the Uptown section of Historic Rocky Mount.

Jared Webb, Earth Environmental, presented the aforementioned proposed easements for the Board's consideration.

Public Hearing Opened.

No one spoke for or against the proposed easements.

Public Hearing Closed.

**(RESOLUTION #19-04-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned advertised easements as presented,

MOTION BY:	David Hurt
SECONDED BY:	David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ABSENT: Angell

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Chairman Wagner adjourned the meeting.

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CHARLES WAGNER  
CHAIRMAN  
propose

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RICHARD E. HUFF, II  
COUNTY ADMINISTRATOR