

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, SEPTEMBER 15, 2009, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

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

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

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Chairman Charles Wagner called the meeting to order.

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Invocation was given by Supervisor Bobby Thompson.

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Pledge of Allegiance was led by Supervisor Bobby Thompson.

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#### **RESOLUTION OF APPRECIATION**

Russ Johnson, Gills Creek District Supervisor, presented the following resolution to Jerry Hale:

#### **JERRY HALE NO-WAKE FIREWORKS EVENT**

**WHEREAS**, Jerry Hale, championed the cause to change the reckless behavior of thousands of boaters at Southwest Virginia's Smith Mountain Lake, with a "**Voluntary No-Wake Fireworks Event**", and

**WHEREAS**, "Jerry" began a tenacious publicity effort that began on February 1, 2006, and

**WHEREAS**, "Jerry" provided frequent articles to the local newspapers and other media sources to explain the goals of the event and how the plan would work, and

**WHEREAS**, "Jerry" received endorsements from the Board of Supervisors of Franklin, Bedford & Pittsylvania Counties, Virginia Department of Game & Inland Fisheries, WSL Channel 10 and a number of neighborhood and boating safety groups around Smith Mountain Lake, and

**WHEREAS**, "Jerry" spoke and distributed No-Wake maps to every imaginable group such as, The Lions and Rotary Clubs, realtors, fishing, ski, and powerboat clubs, neighborhood associations, and the Water Safety Council, and

**NOW, THEREFORE BE IT RESOLVED** by the Franklin County Board of Supervisors to recognize Jerry Hale for his committed service to Franklin County, and especially the residents of and visitors to Smith Mountain Lake users

**BE IT LASTLY RESOLVED**, to express the Board's appreciation to Jerry Hale for his untiring commitment to pursuing the betterment of all of Franklin County and to his family for their unwavering support of his efforts to make Franklin County and Smith Mountain Lake a better and safer place for all.

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Chairman, Wagner presented the following resolution of appreciation to Tim Baker:

#### **TIM BAKER - RETIRING RAC MEMBER**

#### **➤ RESOLUTION OF APPRECIATION**

**WHEREAS**, Mr. Tim Baker is well known for his commitment to the citizens of Franklin County, and

**WHEREAS**, Mr. Baker did faithfully, unselfishly, and steadfastly give of his time and talents for the betterment of all of Franklin County, and

**WHEREAS**, Mr. Baker did serve for four years (4) on the Franklin County Recreation Advisory Commission, and

**WHEREAS**, during the time of his service the County increased the amount of public park acreage, and

**WHEREAS**, during his time the participation rate in County recreation programs increased by over 50%, and

**BE IT THEREFORE RESOLVED**, by the Franklin County Board of Supervisors to recognize Mr. Tim Baker for his invaluable contribution to the citizens of Franklin County

**NOW, THEREFORE, BE IT RESOLVED**, that the Franklin County Board of Supervisors commends and expresses their sincere appreciation to Mr. Baker and extends their very best wishes to *Mr. Baker* in his future endeavors. Franklin County is a better place thanks to Mr. Baker's successful efforts to expand parks and recreation services.

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**PUBLIC COMMENT:**

✓ Ms. Reva Dillon – SML Park Fees

Ms. Dillon requested the BOS to reconsider the charge presently being charged at the SML Park. Ms. Dillon advised the Board there were no coolers allowed on the SML beach, and generally all beaches allow coolers. Ms. Dillon stated she felt the beach should be user friendly. Ms. Dillon advised the Board she was willing to donate another picnic shelter, however, we don't need this because people aren't using the Park. Ms. Dillon advised the Board that the SML Park could be developed fully with additional donations and the property properly managed by our County officials it can be done.

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Ms. Marilyn Amerson, Westlake Library Branch Manager spoke in appreciation for Library Volunteers providing the following statistics:

**WESTLAKE LIBRARY VOLUNTEER STATISTICS**

- Volunteers logged in 1,310 hours in 2008 (July-December).
- Volunteers have logged in more than 1,432 hours so far in 2009 (January-August).
- The monthly breakdown on volunteers in 2009 is as follows:

MONTH	TOTAL HOURS	# OF VOL.	#OF VOL. SESSIONS
January	230.50	38	58
February	175.5	35	61
March	183.50	35	60
April	263	46	70
May	159.25	36	46
June	150	32	41
July	271	46	71
August	168.5	31	57

- More than 90 different individuals have volunteered under the direction of volunteer coordinator Sonya Riche so far in 2009.
- Additional volunteers include art coordinator Donna Never, WishList coordinator Kathy Leitz and Yvette Van Hise coordinator of Dewey and Marley Day--a special program promoting pet adoption.

**VOLUNTEER EFFORTS INCLUDE FUNDRAISING**

- David Baldacci event initiated by Bonnie Johnson: \$3,442.00
- Stained Glass silent auction by Nancy Luce and the Lake Glass Group: \$2,900.00
- Wishlist Program (ongoing) by Kathy Leitz and Sallyann Cosgrove \$1,281.00

These figures are included in the overall figure of the more than \$113,000 raised so far by the CCC for the Westlake Library.

**Volunteers don't get paid, not because they're worthless, but because they're priceless—  
anonymous quote.**

A key pen to having a successful volunteer program, such as we have is welcomed and professional and staff has done a remarkable job.

The Board directed staff to explore a formalized volunteer recognition program for County volunteers. A report will be delivered back to the Board upon completion.

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✓ Ms. Twyla Ferguson – St. Rt. 890 Dumpster Site

Ms. Ferguson stated she was here today on behalf of the residents of the Snow Creek magisterial District asking for the closure of the dumpster site on Snow Creek Road near the Franklin, Henry county Line. This issue has been brought to the Board's attention every month for the past 5 months including today. The picture on the front page of the Franklin news Post taken several weeks ago was not a true portrayal of the dumpster site in question. It was brought to my attention on August 24, 2009 a lady on Fanny Cook Road and a lady on Shady Grove Road while dumping their trash at the site were approached by a man who stepped out from behind the dumpsters, also a gentleman on Fanny Cook Road had a man step out from behind the dumpsters while dumping his trash. My husband has forbidden me to stop at this site for the reasons I just stated. I as well as many other residents, of the community are wondering who this man is. Is he harmful??? We do not know, but the possibility is there. The dumpster site has become a community problem, a safety issue and a health issue. Gentlemen, I would like to leave here today with the thought that you, the Board, being men of reasonable and sound minds will take the necessary steps to close this site before something happens that you cannot fix. I am asking that you bring final closure to this issue. Thank you for your time and Good Day.

The Board stated the consideration of closing this dumpster site will be placed on the agenda for October.

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## **CONSENT AGENDA**

### **APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – AUGUST 18 & 25, 2009**

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### **HAZARD MITIGATION GRANT APPLICATION**

The West Piedmont Multi-Jurisdictional Hazard Mitigation Plan was approved by FEMA on October 4, 2006. The West Piedmont PDC worked with the region's localities in applying for grant funds to employ a consultant to develop the original plan which was approved by all of the West Piedmont PDC cities, counties, and towns. That document met the 44 Code of Federal Regulations, Parts 201 (DMA 2000) and 78.5 (Flood Mitigation Plan Development) requirements—making each jurisdiction eligible to apply for federal disaster assistance for five years from the date of their approval letter. The Plan must be reviewed, revised and resubmitted for approval within five years in order for the County to maintain eligibility for Hazard Mitigation Grant Program (HMGP) project grant funding.

Staff has been advised that grant funding for plan updates is available through the Federal Emergency Management Agency (FEMA); the grant requires a 75% federal and 25% non-federal cost share. The non-federal cost share can be an in-kind match. West Piedmont and related jurisdictional staff held a meeting with the Virginia Department of Emergency Management on July 15<sup>th</sup>. Those in attendance requested that the PDC coordinate the development of a regional grant for funds for the plan update for submission to VDEM to meet the October 10<sup>th</sup> deadline. West Piedmont has developed a draft application which will request \$56,250 in FEMA funds (\$52,250 for consultant services and \$4,000 for advertising/information dissemination activities). The required in-kind match will be \$18,750 for the West Piedmont PDC. VDEM has indicated that we can utilize pre-award in-kind services (i.e. meetings, grant development, staff hours, etc.) towards the \$18,750. After collecting the in-kind time and travel from those present at the July 15<sup>th</sup> meeting and including the WPPD staff time, the balance of in-kind required for the grant request will be approximately \$15,000. The emergency service coordinators present at the July 15<sup>th</sup> meeting agreed to provide the time and travel for their work on the plan as the required in-kind for the grant. The WPPD will manage the grant and track the in-kind for the localities.

**RECOMMENDATION:** Staff respectfully recommends the Board of Supervisors authorize West Piedmont PDC to work with County staff on a regional grant for the update and submission of the West Piedmont Multi-Jurisdictional Hazard Mitigation Plan. Any local match will be provided with in-kind services (i.e. staff participation).

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### **BRUSH TRUCK SKID UNIT**

In May, the Board of Supervisors approved the purchase of a brush truck chassis for the Burnt Chimney Fire Department and to solicit bids for a pump unit.

Bids were solicited and received from vendors and manufacturers for the pump unit between August 07, 2009 and September 3, 200. The pump unit specifications were adopted by the volunteer fire chiefs in 2007. The chassis approved for purchase in May has been received. Of the bids submitted, Jack L. Slagle Fire Equipment & Supply Co., Inc. submitted the lowest bid of \$ 23, 356.00 as requested. Staff has inspected the bid and determined that it meets the outlined specifications.

Funds to purchase the pump unit are available from the volunteer fire vehicles line item of the FY 2008 – 2009 CIP budget.

**RECOMMENDATION:**

Staff respectfully recommends that the Board of Supervisors authorize the purchase of the pump unit from Jack L. Slagle Fire Equipment Co., Inc. for the amount specified.

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**COURTHOUSE MONUMENT**

The County of Franklin has solicited bids for the purpose of replacing the Confederate Monument (which was destroyed by an automobile accident in June 2007). The most recent solicitation resulted in the receipt of three (3) bids they were as follows:

<b>FIRM</b>	<b>BASE BID</b>
Rock of Ages	\$162,949.00
Providence Construction	\$161,500.00
Valley Monument	\$131,000.00

After a considerable amount of discussions with the apparent low bidder (Valley Monument), it became apparent that firm could not satisfy the conditions of the desired contract.

In April, the Board authorized staff to begin discussions with the next low bidder (Providence Construction).

After meeting with a representative of Providence Construction and allowing the company an opportunity to demonstrate their complete ability to perform the desired work, it is necessary for staff to recommend **against** choosing this firm for the project. Most notable is the fact that upon close review, Providence is proposing the re-use of four (4) sections of the monument base (rather than a total reconstruction). While these base units did not receive as much damage as the other section of the monument, staff is concerned of potential internal cracks, etc. that could cause problems later when exposed to the elements.

Most recently, many discussions have been had with a Vermont company, Rock of Ages. Rock of Ages has submitted a bid of \$162,949.00. A review committee comprised of the Honorable Judge William N. Alexander, Doctor J. Francis Amos and Mike Thurman the Director of Facilities, have spent a considerable amount of time closely reviewing previous work performed by this company and gathering additional information as deemed necessary. Actual samples of the materials to be used have been reviewed as well.

Rock of Ages has a very impressive history dating back well over 100 years. They have agreed to honor their original bid amount, should they be chosen for this work.

**RECOMMENDATION:**

Staff respectfully requests permission to enter into an agreement with Rock of Ages for the purpose of the reconstruction of the Confederate Monument located on the Courthouse lawn.

Staff will work in conjunction with Rock of Ages, the County Administrator and County Attorney with regard to developing an acceptable "Terms of Agreement". Upon receiving the "Notice to Proceed", Rock of Ages will furnish and install a complete reconstructed monument in approximately 240 calendar days.

Funding has been set aside for this project.

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**(RESOLUTION #01-09-2009)**

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

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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**CLEMENTS MILL BRIDGE UPDATE**

David Hurt, Boone District Supervisor, advised the Board Congressman Tom Perriello has notified the County the House of Representatives has approved budget language for Clements Mill Bridge replacement in the amount of \$950,000 (FY 2010 budget). This funding will go before the Senate for approval and Congressman Perriello feels very confident the Senate will pass the funding for the bridge at Clements Mill.

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**VDOT –ST. RT. 116 (JUBAL EARLY HIGHWAY) THROUGH TRUCK TRAFFIC RESOLUTION**

Tony Handy, Resident Administrator, VDOT, advised the Board VDOT is waiting for Roanoke County’s direction from their Board. Mr. Handy stated he would keep the Board abreast of further direction from Roanoke County staff refining Board language.

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**VDOT/LEO SCOTT DRIVE – LEO SCOTT DRIVE/ROUTE 1269**

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

**BLUE RIDGE HERITAGE EAST VILLAGE**  
**LEO SCOTT DRIVE – ROUTE 1269**  
**RESOLUTION**

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

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

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

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

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

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

**Project/Subdivision**            **Blue Ridge Heritage East Village**

**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**

► **Leo Scott Drive, State Route Number 1269**

Old Route Number: 0

- From: Rte 1272
- To: Cul de sac, a distance of: 0.16 miles.
- Recordation Reference: to be supplied
- Right of Way width (feet) = 50

**(RESOLUTION #02-09-2009)**

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

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

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**COUNTRYSIDE/25 MPH SPEED LIMIT  
(RESOLUTION #03-09-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to request VDOT to conduct a study for the placement of a 25 MPH speed limit sign in the Countryside Subdivision per the request made by Countryside Homeowner's Association.

MOTION BY: Wayne Angell

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**HUNT ROAD/UNION HALL DISTRICT**

David Cundiff, Union Hall District Supervisor, requested the Board to have VDOT conduct a safety study inspection on Hunt Road off of Route 40 East and to report back to the Board their findings. The Board concurred with the request.

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**CPR UPDATE**

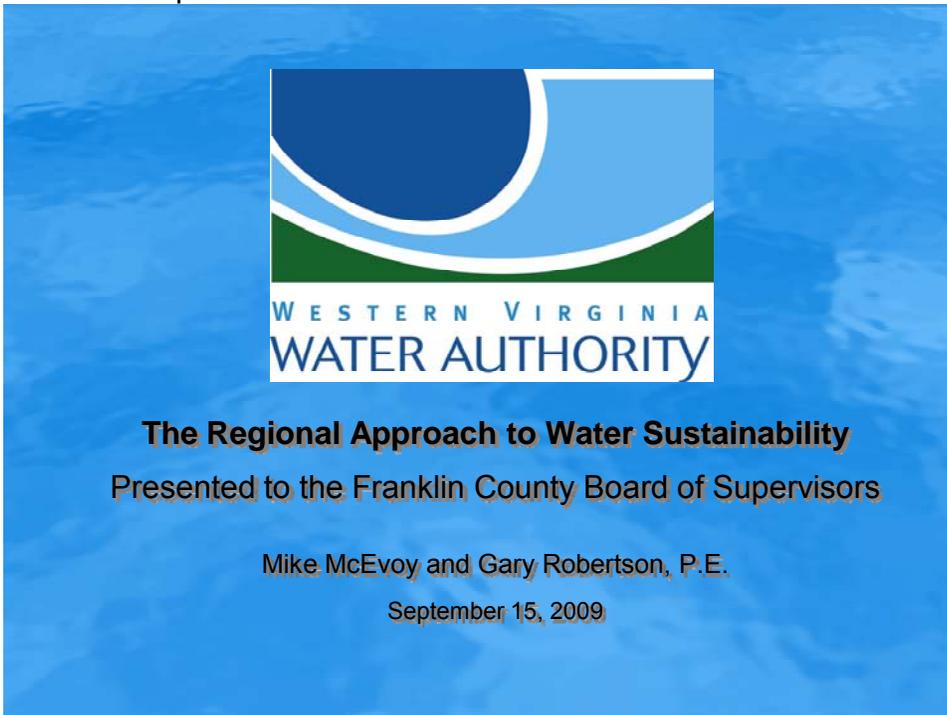
Katie McElroy, Executive Director, Community Partnership Revitalization, introduced herself to the Board and presented an updated the Board with upcoming events.

- -CPR- organization development
- -Buy Local Campaign
- -Partnerships- Tourism, Parks and Rec
- -Business Fundraising Partnerships
- -Uptown- Façade program
- -Way Finding Signs
- -Business Recruitment
- -Youth Board Development

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**FRANKLIN COUNTY'S WESTERN VIRGINIA WATER AUTHORITY MEMBERSHIP**

Mike McEvoy, Executive Director, Western Virginia Water Authority, presented the following PowerPoint presentation:





## Presentation Overview

- Background on the Western Virginia Water Authority
- Status of Utility Projects in Franklin County
- Benefits to All Localities by Working Together



## The Regional Approach to Water Sustainability

- The Water Authority was formed in July 2004 to become a Regional Entity for providing water and wastewater services
- Seven Member Board of Directors – by joining the Authority, the Franklin County Board of Supervisors will designate one Director
- The Authority views Water and Sewer Infrastructure as Customer Assets that Need to be effectively managed
- Leave Land Use Decisions and Development Policies to the Localities by following the each Locality's Comprehensive Plan



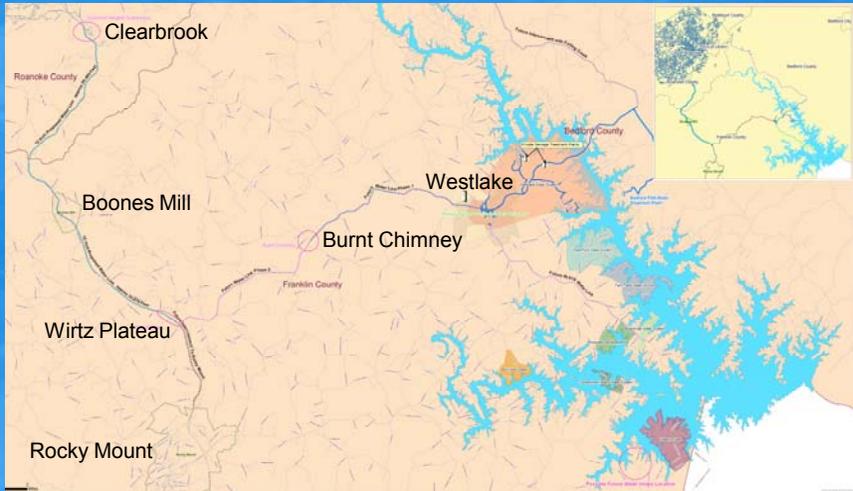
## U.S. Route 220 Water Line Project

- Provides public water and fire protection, enhancing the quality of life for customers in the regional community
- The water line and fire hydrants have been installed from Clearbrook in Roanoke County to the Franklin County border, representing 27,000 feet of new water line
- This line lays the groundwork for a future connection between water sources in the Roanoke Valley and Smith Mountain Lake



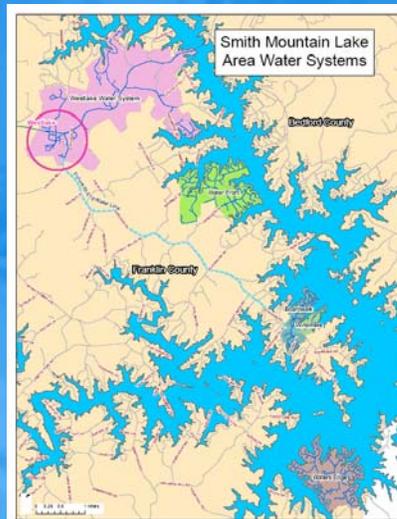


## Regional Water and Wastewater Projects



## Westlake Area Water Systems

- Currently the Authority has four individual community well systems:
  - Water Front
  - The Boardwalk
  - Windmere Pointe
  - Waters Edge
- Future interconnections will replace the wells with reliable public water and fire protection



## Westlake Water & Wastewater

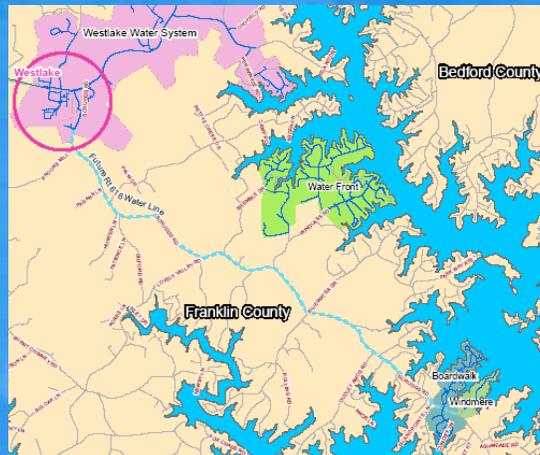
- Public water from Smith Mountain Lake currently serves the Westlake Commercial District
- The Authority is working closely with Bedford County PSA to operate these systems
- Westlake Wastewater provides public sanitary sewer for the growing Westlake Commercial Overlay District





## Scruggs Road Water Line

- This line will connect the Westlake Water System to the existing community well systems along Scruggs Road
- Bids are currently being solicited for construction of this water line
- Franklin County received a \$500,000 grant to help fund this water line project



## Benefits of Working Regionally

- Customers benefit from economies of scale
  - Capabilities, Equipment and Services can be shared
- Multiple, managed water sources offer reliable water supplies in times of drought
- Increased regionalism offers a higher degree of reliability for all localities involved
- Customer growth in any individual locality benefits all customers of the Authority



## Benefits of Working Regionally

- The 2003 Long Range Water Supply Study recommended utilizing multiple water sources to maximize efficiencies
- The 2003 plan and the current state mandated water supply plan recommend Smith Mountain Lake as the region's best choice for future water supply
- The Authority, Bedford County PSA and Franklin County worked with AEP's re-licensing of Smith Mountain Lake to ensure adequate future water supply for the region



## Regional Benefits of Working Together

- The addition of Franklin County to the Water Authority offers the option to transport water between Smith Mountain Lake and the reservoirs in the Roanoke Valley
- Future interconnection to water system in Stewartville; and
- The Westlake Wastewater System is the first step in beginning a public sewer system for Franklin County



## Future Franklin County Water Lines

- Phase 1 of this future water line will provide public water to the Burnt Chimney area of Franklin County
- Phase 2 of this future water line will establish a central consolidated water system
- No time frame has been established for construction of these water lines



## Working Together

By working together, today and for the future, we will meet the short term needs of the region and provide customers with adequate water supply and fire protection for years to come.

The Board directed staff to proceed with the Membership with the Western Virginia Water Authority and to place on the October agenda.

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Neil Holthouser, Director of Planning & Community Development, stated on February 17, 2009, the Franklin County Board of Supervisors adopted the 220-North Corridor Plan, in conjunction with a planned public water line along the Rt. 220 corridor. Among other things, the Plan recommended the development and adoption of a series of overlay zoning districts along the corridor to protect important environmental features and guide future growth and development. Since the adoption of the Corridor Plan, the Planning Commission and staff have worked to develop draft language for the following overlay zoning districts

1. 220-North Mixed Use Overlay District, including an area from the Rocky Mount town limits to Brick Church Road, extending for ½ mile on each side of Route 220;
2. 220-North Rural Development Overlay District (described in the Plan as the “Regional Business” overlay), including an area from Brick Church Road to the Boones Mill town limits, extending for ½ mile on each side of Route 220; and
3. 220-North Scenic Gateway Overlay District, including an area from the Boones Mill town limits to the Roanoke/Franklin county line, extending for ¼ mile on each side of Route 220.

On September 8, 2009, the Planning Commission held a public hearing on the proposed 220-North Mixed Use Overlay District. After hearing public comment, the Planning Commission incorporated several minor editorial changes and voted unanimously (7-0) to recommend the overlay district to the Board of Supervisors for further consideration. A copy of the draft 220-North Mixed Use Overlay District, as recommended by the Planning Commission, is attached to this Executive Summary.

In addition, the Planning Commission has scheduled a public hearing for its October 13, 2009, meeting to consider the draft 220-North Rural Development Overlay District. It is anticipated that the Planning Commission will hold a public hearing in November 2009 to consider the 220-North Scenic Gateway Overlay District.

Please note that, as of this writing, the draft ordinance does not include information related to “access management.” Staff is currently working with VDOT to review draft ordinance language related to the management of vehicular access along Rt. 220 and other secondary roads. VDOT has recently revised its standards for entrance separation, sight distance, and corner clearance. In addition, the General Assembly has approved legislation requiring the interconnectivity of residential subdivisions. Staff is working with VDOT to address these new requirements.

General discussion ensued.

**RECOMMENDATION:**

Staff requests the Board of Supervisors to authorize a public hearing on October 20, 2009, to consider the 220-North Mixed Use Overlay District as an amendment to the Franklin County Zoning Ordinance, Article IV, Special Provisions, Division 6.

**Division 6. 220-North Mixed Use Overlay District**

**Sec. 25-502. Purpose.**

The 220-North Mixed Use Overlay District is intended to promote a mixture of residential, office, and commercial uses in an integrated and interconnected manner that allows for creative land use planning; provides safe and efficient pedestrian and vehicular access; preserves open space and scenic views; and presents an attractive transportation corridor along Route 220. The requirements of this division are meant to work in conjunction with the requirements of the underlying zoning districts to guide the type and arrangement of uses, structures, buildings, roads, parking areas, signs, and landscaping in an efficient and coordinated manner.

**Sec. 25-502.1. Boundaries.**

The 220-North Mixed Use Overlay District includes an area on each side of Virginia Route 220, extending generally from the northern corporate boundary of the Town of Rocky Mount to the intersection of Route 220 and Brick Church Road. The official boundaries of the 220-North Mixed Use Overlay District are shown on the official zoning map for Franklin County, and are further described as follows:

1. Beginning at a point along the centerline of the northbound travel lane of Route 220 at the intersection of Route 220 and Brick Church Road; thence southeast along the centerline of the northbound travel lane of Route 220 to the intersection of Route 220 and Link Street; thence northeast along the centerline of the Link Street right-of-way to the intersection of Link Street and Rolling Hill Drive; thence east along the centerline of the Rolling Hill Drive right-of-way to the intersection of Rolling Hill Drive and Hazelwood Lane; thence northeast along the centerline of the Hazelwood Lane right-of-way for a distance equal to one-half

(1/2) of a mile from the centerline of the northbound travel lane of Route 220, as measured perpendicular to the centerline of the northbound travel lane of Route 220; thence southeast and south in a manner parallel to the centerline of the northbound travel lane of Route 220 at a distance of one-half (1/2) of a mile from the centerline of the northbound travel lane of Route 220, as measured perpendicular to the centerline of the northbound travel lane of Route 220, following such course to the corporate boundary of the Town of Rocky Mount; thence west along the corporate boundary of the Town of Rocky Mount to a point located along the centerline of the northbound travel lane of Route 220; thence west along the corporate boundary of the Town of Rocky Mount to a point located along the centerline of the southbound travel lane of Route 220; thence west along the corporate boundary of the Town of Rocky Mount for a distance equal to one-half (1/2) of a mile from the centerline of the southbound travel lane of Route 220, as measured perpendicular to the centerline of the southbound travel lane of Route 220; thence north and northwest in a manner parallel to the centerline of the southbound travel lane of Route 220 at a distance of one-half (1/2) of a mile from the centerline of the southbound travel lane of Route 220, as measured perpendicular to the centerline of the southbound travel lane of Route 220, following such course to the centerline of the Brick Church Road right-of-way; thence northeast along the centerline of the Brick Church Road right-of-way to the intersection of Brick Church Road and Route 220 at a point located along the centerline of the northbound travel lane of Route 220.

2. The boundaries of the 220-North Mixed Use Overlay District may be amended to extend such boundaries to include any parcel of land, in part or in its entirety, that contains area within or immediately abutting the official boundaries of the 220-North Mixed Use Overlay, as described above. Any such amendment of the overlay boundaries shall be consistent with the requirements of this chapter for amendment of the zoning ordinance, and, if approved by the Board of Supervisors, shall be reflected on the official zoning map for Franklin County.

**Sec. 25-502.2. Relationship to underlying zoning.**

The 220-North Mixed Use Overlay District is intended to work in conjunction with the requirements of the underlying zoning district. Where specifically enumerated, the requirements of this division shall supercede the requirements of the underlying zoning district. In the absence of an enumerated requirement of this division, the requirements of the underlying zoning district shall prevail.

**Sec. 25-502.3. Change in underlying zoning classification.**

The following requirements shall apply to any change in the underlying zoning classification (i.e. rezoning):

1. Where the property proposed for rezoning consists of five (5) or more acres, such request for rezoning shall be limited to the RPD, Residential Planned Unit Development District, or the PCD, Planned Commercial Development District.
2. Where the property proposed for rezoning consists of less than five (5) acres, such request for rezoning shall be accompanied by a conceptual plan of development conforming to the concept plan requirements of the PCD, Planned Commercial Development District.

**Sec. 25-502.4. Residential cluster developments.**

Where the underlying zoning is A-1, R-1, or R-2, the following residential cluster development requirements shall apply:

1. Any residential development consisting of twenty (20) or more acres and containing four (4) or more residential lots shall be required to reserve a minimum of fifty (50) percent of the development's gross area as open space. Residential lots shall be clustered and arranged in accordance with the residential lot standards set forth in this division. Required open space shall be provided and arranged in accordance with the open space standards set forth in this division. Subdivisions that meet the requirements for "family division," as defined by the Franklin County Subdivision Ordinance, are exempt from the requirements of Sec. 25-502.4 (1); however, subdivisions that meet the requirements for "family division" may develop as residential cluster developments, provided that they meet the residential lot and open space standards set forth in this division.
2. Any residential development consisting of less than twenty (20) acres and/or less than four (4) lots may develop as a residential cluster development, in accordance with the with the residential lot and open space standards set forth in this division. Such residential cluster developments shall be required to reserve a minimum of fifty (50) percent of the development's gross area as open space.

3. The maximum residential density of any residential cluster development shall be determined by the underlying zoning district, as follows:
  - a. Where the underlying zoning is A-1, the maximum allowed density of any residential cluster development shall be 1.2 dwelling units per acre.
  - b. Where the underlying zoning is R-1 or R-2 and where residential lots are served by individual wells and septic drainfields, the maximum allowed density of any residential cluster development shall be 1.2 dwelling units per acre. Where served by public water and/or sewer, the maximum allowed density shall be two (2) units per acre.

**Sec. 25-502.5. Standards for residential lots within residential cluster developments.**

The following standards shall apply to the design and arrangement of residential lots within residential cluster developments:

1. Residential lots shall have a minimum lot size of 10,000 square feet.
2. Residential lots shall have a minimum road frontage of fifty (50) feet.
3. All structures, including principal buildings, accessory buildings, porches, stoops, and eave overhangs, shall meet the following required setbacks:
  - a. Front: a minimum of twenty (20) feet, as measured from the edge of the right-of-way, or forty-five (45) feet, as measured from the centerline of the right-of-way, whichever is greater.
  - b. Side: a minimum of ten (10) feet.
  - c. Rear: a minimum of twenty (20) feet.
  - d. Corner lots shall be deemed to have a primary front, defined as the lesser of the two road frontages; and a secondary front, defined as the greater of the two road frontages. The property line opposite the primary front shall be considered a rear property line; the property line opposite the secondary front shall be considered a side property line. For corner lots, the following required setbacks shall apply:
    - 1) Primary front: a minimum of twenty (20) feet, as measured from the edge of the right-of-way, or forty-five (45) feet, as measured from the centerline of the right-of-way, whichever is greater.
    - 2) Secondary front: a minimum of twenty (20) feet, as measured from the edge of the right-of-way, or forty-five (45) feet, as measured from the centerline of the right-of-way, whichever is greater.
    - 3) Side: a minimum of ten (10) feet.
    - 4) Rear: a minimum of twenty (20) feet.
4. Open space lots shall have a minimum lot size of two-thousand (2,000) square feet. Open space lots are not required to have road frontage.

**Sec. 25-502.6. Standards for required open space within residential cluster developments.**

The following standards shall apply to the design and arrangement of required open space within residential cluster developments:

1. A maximum of seventy-five (75) percent of the required open space may consist of wetlands. Wetlands contained within areas of required open space shall be delineated according to Army Corps of Engineers standards.
2. A maximum of seventy-five (75) percent of the required open space may consist of steep slopes, defined as having a slope greater than twenty-five (25) percent.
3. Areas of required open space shall measure at least fifty (50) feet in width, as measured at the narrowest dimension.
4. All areas of required open space shall be permanently reserved for common use by residents of the development and/or the public at large. Nothing contained herein shall be construed to prevent the use or development of any required open space area for one or more of the following:
  - a. Agriculture, horticulture, forestry, and/or timber harvesting.
  - b. Parks, playgrounds, trails, preserves, and/or conservation areas.
  - c. Public utilities associated with water, sewer, electrical transmission, and/or communications, provided that all distribution lines are located underground. Land area devoted to above-ground structures associated with such utilities shall not count toward the provision of required open space.

**Sec. 25-502.7. Management of required open space within residential cluster developments.**

The following standards shall apply to the management of required open space within residential cluster developments:

1. There shall be established a nonprofit association, a non-stock or membership corporation, trust or foundation of all individuals or corporations owning residential property within the residential cluster development to ensure maintenance of required open spaces.
2. When the required open space is to be maintained through a nonprofit association, corporation, trust or foundation, said organization shall conform to the following requirements:
  - a. The developer must establish the organization prior to the sale of any lots.
  - b. The membership in the organization shall be mandatory for all residential property owners, present or future, within the residential cluster development.
  - c. The organization shall manage all required open space and recreational and cultural facilities; shall provide for the maintenance, administration and operation of said land and improvements, and any other land within the residential development; and shall secure liability insurance on the land.
  - d. The organization shall conform to the Condominium Act, sections 55-79.39 through 55-79.103, Code of Virginia, 1950, as amended to date.

**Sec. 25-502.8. Required landscape yards.**

With the exception of single-family residential development, all development within the 220-North Mixed Use Overlay District shall comply with the following landscape yard requirements:

1. A minimum landscape yard of fifty (50) feet shall be required adjacent to Route 220. The landscape yard shall be measured perpendicular to the edge of the right-of-way.
2. A minimum landscape yard of twenty-five (25) feet shall be required adjacent to all other roads. The landscape yard shall be measured perpendicular to the edge of the right-of-way.
3. Structures, buildings, parking areas, outdoor storage, and outdoor display are prohibited in the required landscape yard. Nothing herein shall preclude the location of driveways within the required landscape yard.
4. Signs shall be permitted within the required landscape yard. Where the landscape yard is required to be fifty (50) feet, signs shall be set back a minimum of twenty-five (25) feet from the edge of the right-of-way. Where the landscape yard is required to be twenty-five (25) feet, signs shall be set back a minimum of fifteen (15) feet from the edge of the right-of-way.

**Sec. 25-502.9. Required landscaping.**

With the exception of single-family residential development, all development within the 220-North Mixed Use Overlay District shall comply with the following requirements for landscaping:

1. Parking lots shall be developed with the following perimeter landscaping:
  - a. At least one (1) large deciduous tree for each fifty (50) lineal feet.
  - b. At least one (1) small deciduous tree for each fifty (50) lineal feet.
  - c. At least one (1) medium shrub for each ten (10) lineal feet.
2. Parking lots shall be developed with the following interior landscaping:
  - a. At least one (1) landscape island for each one-hundred (100) lineal feet.
  - b. At least one (1) large deciduous tree for each required landscape island.

**Sec. 25-502.10. Signs.**

Free-standing signs within the 220-North Mixed-Use Overlay District shall comply with the following:

1. Off-premises signs shall be prohibited.
2. Any development requiring the submittal of a concept plan shall also include a signage plan, showing the location, design, size, height and arrangement of all proposed free-standing signs. The signage plan shall be incorporated into the required concept plan.

**Sec. 25-502.11. Development within the Special Flood Hazard Area.**

Development within any area of the 220-North Mixed-Use Overlay District that is designated as a Special Flood Hazard Area, as shown on the adopted Flood Insurance Rate Map (FIRM) for Franklin County, shall comply with the following:

1. A special use permit shall be required for the establishment or expansion of any use or structure located within the Special Flood Hazard Area.
2. Where a special use permit is required for development within the Special Flood Hazard Area, the special use permit application shall contain a concept plan showing the boundaries of the Special Flood Hazard Area and the location of any existing and/or proposed structures, buildings, roads, parking areas, or other physical improvements.

**Secs. 25-503-610. Reserved.**

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

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to move forward and advertise for a Board of Supervisors Public Hearing in October.

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

\*\*\*\*\*

David Hurt, Boone District, requested the Board to direct the Planning Commission for recommendation for the three overlay districts with screening as in Westlake Overlay District to be incorporated in to the proposed ordinance.

\*\*\*\*\*

**LAND DEVELOPMENT ORDINANCE UPDATE**

Neil Holthouser, Director of Planning & Community Development, presented the following Nomination Worksheet for the Board’s consideration to appoint individuals to serve on a Technical Advisory Committee. Mr. Holthouser stated he saw the Advisory Committee serving the Board in three (3) ways as follows:

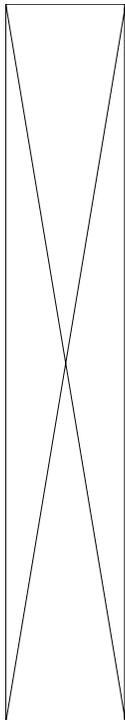
1. Technical Advisory Committee (TAC) will be helping with the outline of the ordinance – how the ordinance will be structure.
2. Developing analysis – what the TAC thinks will work or what will not work in the ordinance. For example, if we are discussing procedures for rezoning or special use permit; will this language work or not.
3. Actually writing code language – trouble shooting, getting rid of problems, etc.

The Board agreed to get a list of possible names for the Technical Advisory Committee back to staff by Friday, October 9<sup>th</sup> so as the Board can consider appointments at their October 20<sup>th</sup> meeting.

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**FINANCE UPDATE**

Richard E. Huff, II, County Administrator, shared with the Board slides of trending revenue shortfalls as follows:



<b>Meals Tax</b>	<b><u>05-06</u></b>	<b><u>06-07</u></b>	<b><u>07-08</u></b>	<b><u>08-09</u></b>	<b><u>09-10</u></b>
July	73,231	79,672	83,513	85,251	87,352
August	86,105	79,072	85,724	100,988	106,729
September	86,643	85,857	92,431	92,809	
October	76,687	66,612	79,700	67,667	
November	59,538	64,418	66,241	76,153	
December	44,993	47,203	50,288	50,341	
January	46,280	53,133	51,472	53,895	
February	49,061	53,416	51,159	47,401	
March	48,945	46,977	53,727	49,434	
April	60,213	63,697	56,784	55,087	
May	61,746	70,015	62,008	68,635	
June	71,604	103,999	80,711	80,220	
	765,046	814,071	813,758	827,881	194,081
Budget	713,646	797,133	778,000	845,000	800,000

<b>Transient Occupancy Tax</b>					
	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>
July	11,967	12,675	13,850	12,648	11,736
August	26,755	24,837	26,685	24,206	23,262
September	21,246	21,657	20,801	23,263	
October	11,050	11,582	17,630	10,532	
November	8,579	9,251	8,046	6,625	
December	3,940	4,256	4,140	3,307	
January	2,164	3,082	2,047	1,777	
February	2,840	2,340	1,495	2,186	
March	2,559	1,722	2,199	2,557	
April	4,098	4,001	4,793	3,522	
May	6,942	5,797	4,851	4,220	
June	8,556	8,092	7,610	9,765	
	110,696	109,292	114,147	104,608	34,998
Budget	123,482	112,000	112,000	115,000	100,000

<b>Sales Tax</b>	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>
July	341,923	366,758	366,496	354,517	311,918
August	364,874	402,645	393,535	368,238	333,402
September	353,615	356,530	370,138	355,379	
October	346,571	377,264	367,805	336,596	
November	320,761	358,851	348,288	357,668	
December	360,230	359,571	346,312	307,417	
January	316,942	366,074	331,450	293,796	
February	361,312	387,221	359,702	346,251	
March	290,516	293,465	282,188	242,084	
April	296,164	313,593	346,723	277,775	
May	394,354	353,670	345,981	283,470	
June	350,930	351,294	332,110	296,513	
	4,098,192	4,286,936	4,190,728	3,819,704	645,320
Budget	3,575,000	4,093,357	4,479,153	4,151,000	3,800,950

-7.3%      -8.4%

<b>Landfill Receipts</b>	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>
July	81,673	67,451	55,520	65,042	53,317
August	75,977	72,539	113,181	70,679	46,590
September	93,078	116,006	56,962	64,043	
October	58,985	80,942	95,914	67,149	
November	87,164	62,860	94,133	55,599	
December	52,297	92,805	60,337	42,075	
January	66,947	66,128	36,698	22,288	
February	81,378	60,451	71,409	64,907	
March	80,408	60,914	59,322	29,282	
April	74,044	56,882	69,643	60,787	
May	93,601	78,607	54,786	47,222	
June	88,166	120,520	96,787	63,031	
	933,718	936,105	864,692	652,104	99,907
Budget	955,000	875,000	950,000	900,000	776,587

-13.7%

<b>Recordation Tax</b>	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>
July	108,898	84,400	78,104	68,681	57,464
August	87,940	67,942	53,745	59,298	55,233
September	97,932	84,552	72,765	46,965	
October	118,778	65,588	60,644	44,090	
November	90,948	66,610	55,806	54,003	
December	77,455	62,300	54,400	29,223	
January	66,038	82,489	46,572	35,534	
February	62,920	55,100	41,994	52,467	
March	59,467	59,625	54,990	43,934	
April	93,372	72,226	47,798	61,218	
May	78,395	71,946	50,535	46,775	
June	76,082	76,264	50,795	50,826	
	1,018,225	849,042	668,148	593,014	112,697
Budget	568,268	780,000	840,000	750,000	450,000

- **Disclaimer:** We are only two months into the 09-10 fiscal year. Projections are very difficult at this point and variances will occur based on the volatile nature of the current economy.

## Budget Pressures

- Personal Property billings have dropped over \$1 million from last year to this year. Why?? Drop in NADA values, lower number of new vehicles being purchased, lower values of vehicles being purchased. By anticipating most of this drop over the past two years, our potential budget shortfall in the current year may only be \$275,000.
- Real Estate showing small growth of 1.5% over 2008. May see surplus revenue of \$450,000 in the current year.
- Decal sales have dropped 3.4% for the year ended June 30, 2009 compared to June 30, 2008. This may result in a shortfall of \$42,000.
- Communications Tax-Due to a drop in the number of land line phones, this revenue source may miss budget in the current year by \$300,000. There is also a statewide overpayment rebate being applied that is lowering our monthly income that was not known at budget time.

Franklin County					
Analysis of State Budget Cuts Announced by the Governor on September 8, 2009					
		Currently	%	Reduction	
Purpose	Revenue Source	Budgeted	Reduction	Amount	
Compensation Board Reimbursements:					
Salary Support	Sheriff	2,704,695	4.70%	127,121	
Salary Support	Commonwealth Attorney	390,555	5.00%	19,528	
Salary Support	Treasurer	85,192	15.00%	12,779	
Salary Support	Commissioner of Revenue	91,734	15.00%	13,760	
Salary Support	Clerk of Court	229,284	15.00%	34,393	
Grant Funded Position	Virginia Juvenile Community Crime Control Act (VJCCCA)	27,853	5.00%	1,393	
Electoral Board and Registrar Salary	Registrar	59,752	10.00%	5,975	
Books & Supplies	Library State Aid	180,336	5.00%	9,017	
				<b>Total</b>	<b>223,965</b>

## K-12 Education

- School Staff estimates that a reduction in state school sales tax revenues of up to \$236,880 below what VDOE estimated originally for 2009-10 is likely. This has not yet been confirmed by the Dept. of Education. The FY2010 School Budget was built, per school staff, on using \$150,000 less for their sales tax estimate than the state had predicted, so the impact could be in the \$86,000 range if the revised state estimate is correct. Also, it appears that enrollment may exceed the original budget estimate thereby yielding additional state dollars.

## Specific Direction Needed

### Given that these cuts are permanent, the use of local dollars will be an ongoing commitment

1. Can Constitutional Officers use local money in their existing budgets to fill these funding gaps if they have it? Example: A locally funded position that is vacant....could the money be transferred to the Comp Board shortfall?
2. Will local funds from outside their respective budgets be made available to cover the shortfall?
3. Is there a priority?
4. What is the policy position if additional state cuts come in January when the General Assembly meets?

Mr. Huff stated if the Board decides to locally fund the cuts handed down by the Compensation Board for Constitutional Officers, then the dialogue should begin now to direct staff how to address these funding issues. The Board directed staff to get a handle on the revenue cuts and the greatest service impact and report back to the Board in October.

General discussion ensued.

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**BOONES MILL ELEMENTARY SCHOOL WATER LINE EXTENSION**

Richard E. Huff, II, County Administrator, stated at the Board of Supervisors planning retreat held on August 25, 2009, staff proposed the issue of providing a waterline extension to the Boones Mill Elementary school. This extension could be run as a lateral extension change order as the contractor installs the Route 220 waterline from Roanoke County to Wirtz road in order to benefit from unit pricing provided in the competitive bid.

A project estimate of **\$141,400** prepared by Earth Environmental as of November 4, 2008 has been rendered. Please note that this project cost estimate includes **only construction** of the extension from Route 220 to the school property. The school would be responsible for the cost of hookup including a projected 2" water meter and vault (\$5000) (to be verified) and an availability fee of \$20,000 for a total of \$25,000.

The question to the Board is if the Schools believe that being served by public water would be a benefit, who should pay the extension and hook up costs? Should they be shared, should the Schools prioritize it and cover the costs or should the County decide that it should cover the cost outside of the regular school capital budget?

The total project bid was awarded \$348,902 under the budgeted amount. If no further funds are committed, this amount will be applied to our principle thereby reducing our debt service payment. If some portion is used for extensions, the interest cost is 4.33% for 20 years. The additional payment for \$141,400 would be \$10,580 annually.

As

<b>Boones Mill Elementary School Waterline Extension</b>				
<b>Description</b>	<b>Est. Qty</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Extended Total</b>
Mobilization	1	LS	\$ 10,000	\$ 10,000
12" Water Line	1,350	LF	\$ 60	\$ 81,000
12" Gate Valve	2	EA	\$ 3,000	\$ 6,000
12" Tee	1	EA	\$ 675	\$ 675
Fire Hydrant Assembly	1	EA	\$ 3,500	\$ 3,500
Water Service Connection	1	EA	\$ 1,500	\$ 1,500
12" Bends	4	EA	\$ 500	\$ 2,000
Bonds, Permits & Insurance	1	LS	\$ 5,000	\$ 5,000
Erosion & Sediment Control	1	LS	\$ 2,500	\$ 2,500
Site Restoration	1	LS	\$ 1,500	\$ 1,500
<b>SUBTOTAL</b>				<b>\$ 113,700</b>
<b>10% CONTINGENCIES</b>				<b>\$ 11,400</b>
<b>TOTAL CONSTRUCTION</b>				<b>\$ 125,100</b>
<b>10% ENGINEERING &amp; INSPECTION</b>				<b>\$ 12,500</b>
<b>3% LEGAL &amp; ADMIN</b>				<b>\$ 3,800</b>
<b>ESTIMATED TOTAL PROJECT COST</b>				<b>\$ 141,400</b>

Wayne Angell, Blackwater District, stated the project was not an emergency and he felt the project should be placed in the budget and funded through the CIP budget process. Mr. Angell felt it was not the correct time to discuss this after just talking about possible layoffs of staff.

Mr. Angell and the Board felt the "T" should be placed in the connection and the School System should budget the proposed hook-up water line to the elementary school in the CIP as with any other capital request.

\*\*\*\*\*

**HEALING STRIDES OF VIRGINIA**

Richard E. Huff, II, County Administrator, shared with the Board a Special Entertainment Permit for Healing Strides of Virginia. Mr. Huff stated this is the fourth year that the **Healing Strides of Virginia Special Event** has been held in Franklin County. Healing Strides of Virginia presents Saddles & Bluegrass Hoedown on Saturday, October 17<sup>th</sup>, 2009. The show will be held at 672 Naff Road, Boones Mill, VA. (property owned by Healing Strides of Virginia) Approximately one thousand (1,000) attendees are expected. This event has been held in prior years with no known significant problems, issues, or complaints.

This event has a good track record over the past three years of being a safe, family-oriented activity. The organization has completed the necessary permit application and received its temporary land use permit through the Planning Department. The organization has noted that food vendors will be required to contact the Health Department to meet any requirements and portable toilets will be on site in an adequate number. The plans for the event have been approved by the Health Department, Public Safety, the Sheriff's Office, the Building Inspection Office, and the Planning Department. In accordance with County Code Section 3-83 a fee of \$100.00 will be collected contingent upon approval of the requested special event.

**RECOMMENDATION:** It is recommended that the Board approve this permit application and set a bond amount of \$500.00.

**(RESOLUTION #06-09-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Special Entertainment Permit for Healing Strides of Virginia on Saturday, October 17, 2009, as presented.

MOTION BY: David Hurt

SECONDED BY: Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

\*\*\*\*\*

**OTHER MATTERS BY SUPERVISORS**

Russ Johnson, Gills Creek District, Supervisor, requested staff to research "***After the Fact Legislation***" for Dock Permitting, giving a legal status to correct issuance.

Industrial Development Authority – 4 Year Term (An October agenda item)

➤ Rocky Mount District

\*\*\*\*\*

David Hurt, Boone District Supervisor, requested staff to come up with a more consistent course for County wide volunteer appreciation recognition from the Board. The Board concurred with Mr. Hurt's request and directed staff to bring back a recommendation to the Board for their review and consideration.

\*\*\*\*\*

Chairman Wagner recessed the meeting to the County Administration Office.

\*\*\*\*\*

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

**Petition of Scott R. Gabrielson, Petitioner/Owner, requesting to rezone property** consisting of +/- 4.5 acres (portion of 11.032 acres) currently zoned B-2 , Business District General with proffers to M-1, Light Industry, for the purpose of manufacturing church furniture and to store wood products related to the production of church furniture. The subject property is currently zoned B-2 (Business District General) which does not prescribe a specific density. The future land use map of the adopted 2025 Comprehensive Plan for Franklin County designates this area for Conservation Area/Steep Slopes uses, which does not prescribe a specific density. The applicant's proposed rezoning to M-1, Industrial District Light Industry, does not prescribe a specific density. The property is accessed through Tax Map 44, Parcel # 126 located off St. Rt. 220 South, in the Blackwater Magisterial District of Franklin County, and is identified as Tax Map # 44, Parcel # 127. (Case # REZO-7-09-5070)

Neil Holthouser, Director of Planning & Community Development, presented the following staff PowerPoint Update on the Gabrielson Rezone petition:

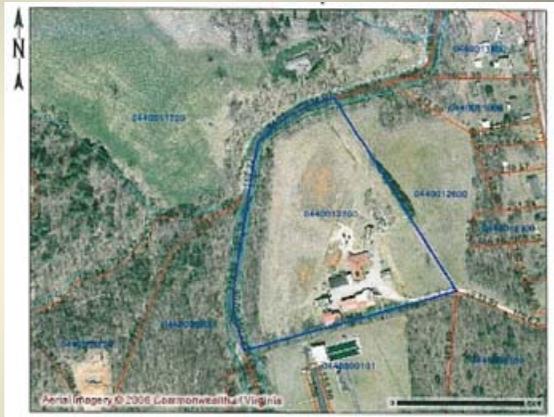
**SITE DETAILS**

Tax Map Number:  
Portion of 44-127

Size:  
+/-4.5 acres of +/- 11 acres

Blackwater Magisterial District

Applicant and Owner:  
Scott R. Gabrielson



9/15/2009

GABRIELSON REZONE

2

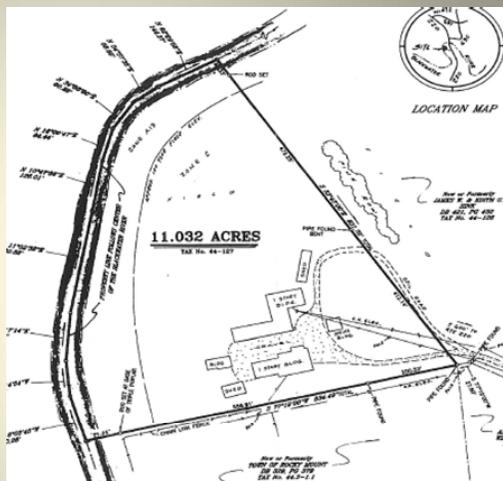
**EXISTING CONDITIONS**

+/- 4.5 acres along the Blackwater River zoned B-2 with Proffers for the purpose of a golf driving range (rezoned from M-1, August 1999)

Remaining acreage, +/- 6.5 acres, zoned by-right M-1 (rezoned from A-1, October 1989)

6 buildings containing a total of +/- 15, 700

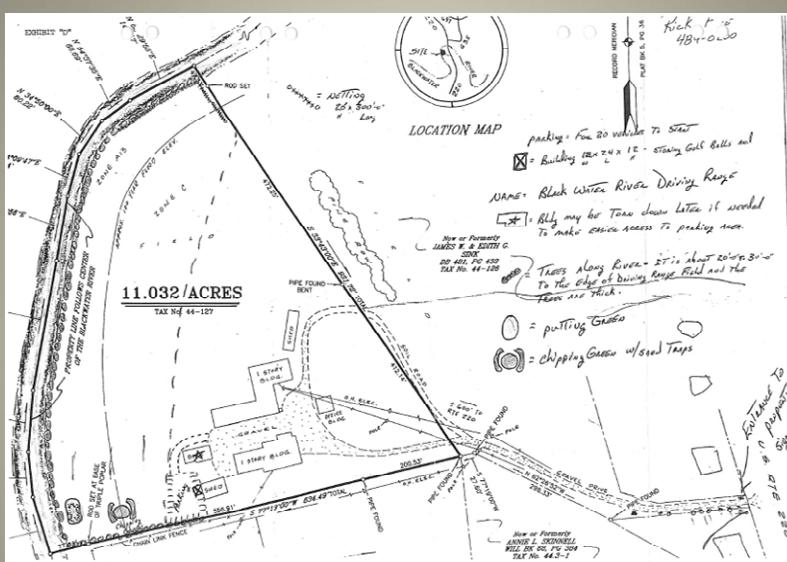
Access to Route 220 through Tax Map and Parcel #44-126



9/15/2009

GABRIELSON REZONE

3



**CONCEPT PLAN- GOLF DRIVING RANGE**

9/15/2009

GABRIELSON REZONE

4

## REQUEST

- CASE# REZO-7-09-5070

Rezone +/- 4.5 acre portion of Tax Map and Parcel Number 44-127, currently zoned B-2 with proffers to by-right M-1, for the purpose of wood product manufacturing and wood storage

9/15/2009

GABRIELSON REZONE

5

## GENERAL BUSINESS DISTRICT, B-2

- The property is currently zoned B-2.
- This district is limited to commercial, retail and wholesale, establishments which may have outdoor display of products and storage, and do not manufacture their products on the premises.
- Wood product manufacturing and wood product storage are not permitted uses.

9/15/2009

GABRIELSON REZONE

7

## LIGHT INDUSTRIAL DISTRICT, M-1

- The requested zoning is M-1, which states
  - This district is established to encourage the development of manufacturing and wholesale business establishments which do not produce high levels of nuisances, and which do not deal with large volumes of customers.
  - Limitations on establishments may be imposed to protect and foster environmental desirability while permitting industries of certain types to locate near a labor supply, provided buffering districts or buffering land is provided.
  - Establishments may have outside storage of materials and outside displays of product.

9/15/2009

GABRIELSON REZONE

8

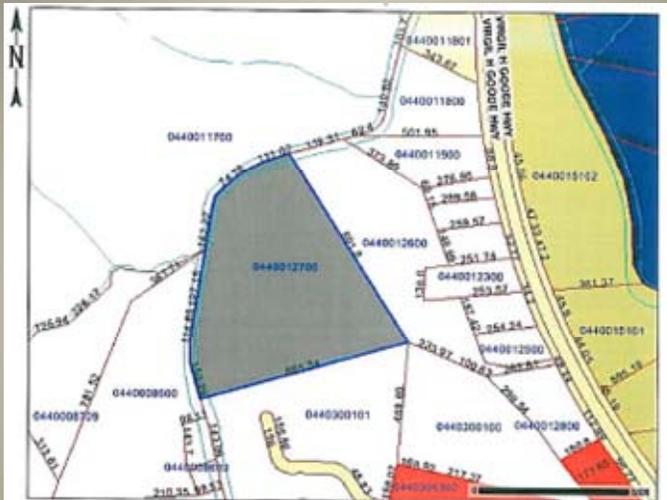
# LIGHT INDUSTRIAL DISTRICT, M-1 Continued

- The applicant has informed staff that the operation will not produce high levels of noise or dust, and will operate within enclosed structures.
- It is anticipated that there will be minimal customers onsite.

9/15/2009

GABRIELSON REZONE

9



## ADJACENT ZONING

A1, RC1, and B2

9/15/2009

GABRIELSON REZONE

10



## LAND USES

- Class Code 4- Commercial/Industrial
- Class Code 5- Agriculture- 20-99 acres
- Class Code 7- Exempt –Local

9/15/2009

GABRIELSON REZONE

11

# COMPREHENSIVE PLAN

- CONSERVATION AREAS

- The County will view the Blackwater and Pigg Rivers as critical management areas and strive to improve the water quality and access to the rivers as Blueway resources.
- The County should develop specific policies and standards to provide appropriate incentives and protections to ensure long term conservation.

9/15/2009

GABRIELSON REZONE

12



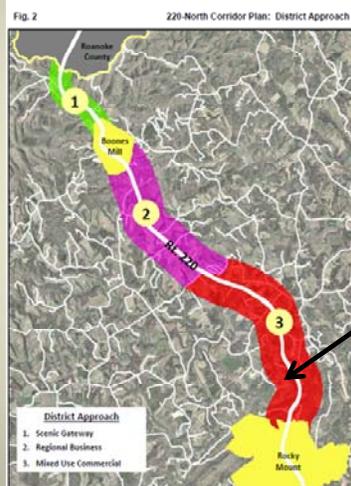
FLOODPLAIN OF BLACKWATER RIVER

9/15/2009

GABRIELSON REZONE

13

# 220 NORTH CORRIDOR PLAN



SITE

9/15/2009

GABRIELSON REZONE

14

## 220 NORTH CORRIDOR PLAN

- Subject parcel is located within a *Mixed-Use Commercial District*.
  - The purpose of this district is to encourage a mixture of commercial, office, and residential uses in integrated, well-planned developments.
  - Extends ½ mile measured perpendicular to the centerline of Route 220
  - Areas within 250 feet of the Blackwater River should be preserved and protected as open space. Such areas should be indentified as open space on any concept plan brought forward through the rezoning process.

9/15/2009

GABRIELSON REZONE

15



FLOODPLAIN OF BLACKWATER RIVER

9/15/2009

GABRIELSON REZONE

16

## 220 NORTH CORRIDOR PLAN Continued

- Access management techniques should be utilized to improve traffic flows along 220 and provide greater separation between curb cuts.
  - VDOT has approved a commercial entrance permit for an entrance onto Route 220 through Tax Map and Parcel # 44-126, and is not requiring any improvements to the entrance at this time. If future development of the site is such that significant increases in traffic or large trucks are seen at the entrance, improvements will be required.

9/15/2009

GABRIELSON REZONE

17

## CONSIDERATIONS

- The applicant intends to utilize the existing buildings, located on the portion of the property zoned M-1, and has indicated that he does not have plans for new buildings or site improvements.

9/15/2009

GABRIELSON REZONE

18

## CONSIDERATIONS (continued)

- Staff suggested the applicant consider rezoning the entire property to M-1 with proffers related to the proposed use of the entire property, internal and external movement of traffic, and way to minimize potential impacts to the Blackwater River and adjoining properties.

9/15/2009

GABRIELSON REZONE

19

## CONSIDERATIONS (continued)

- Based upon current application, any use allowed by-right in the M-1 Zoning District would be permissible on any part of the +/-11.032 acres.
- Theoretical concerns with current application
  - Uses detrimental to, or incompatible with, adjoining properties and the Blackwater River
  - Uses that are inconsistent with the Comprehensive Plan
  - Uses that are inconsistent with the 220 North Corridor Plan
  - Uses that generate a significant number of trips

9/15/2009

GABRIELSON REZONE

20

## PLANNING COMMISSION SUGGESTED PROFFERS

1. **Landscaping along Blackwater River:**  
The applicant shall maintain a thirty (30) foot undisturbed natural buffer along the Blackwater River.
2. **Floodplain Prohibitions:** The following shall be prohibited within the floodplain of the Blackwater River-the erection or placement of any structures, the parking of any inoperable vehicles and equipment, and storage of any type.

9/15/2009

GABRIELSON REZONE

21

## APPLICANT SUBMITTED PROFFERS

1. The applicant shall not disturb the natural tree line buffer along the Blackwater River. However, the applicant shall be allowed to remove dead or diseased trees which create a hazard in said area.
2. The applicant shall not erect or build any structure in the floodplain of the Blackwater River without prior permission from the County.
3. The applicant will not store inoperable motor vehicles within the floodplain of the Blackwater River.

9/15/2009

GABRIELSON REZONE

22

## APPLICANT SUBMITTED PROFFERS

The applicant submitted proffers are not consistent the proffers suggested by the Planning Commission when it recommended approval of the subject rezoning request by a vote of 6-0.

9/15/2009

GABRIELSON REZONE

23

Mrs. Deanna Stone, Attorney, presented the petitioner's request for rezone as advertised.

Public Hearing was opened.

Charles Jordon, Boones Mill Resident, did not know what benefit it would be to rezoning this piece of property. An adjacent portion of the land, where church furniture is manufactured, is already zoned M-1. I have read that the manufacturing operation will not be expanded at this time. That leads me to wonder why this rezoning is requested now. As far as I know, the County has no guarantee of continuity in ownership. It is possible that the land could be sold to an ambitious developer. Instead of M-1, can the land be developed under A-1 (agriculture), the prevailing zoning in the neighborhood?

Several concerns are apparent. Firstly, the scenic and water quality of the Blackwater River should be preserved. Much of the flood plain and shoreline should be included in a buffer. Would the owner or the community derive any benefit from zoning the buffer for industry? Would making the buffer line the zoning boundary be a better option?

Secondly, Rocky Mount obtains its water supply just upstream of this site. No current contamination has been identified, and none should be allowed to intrude.

Thirdly, access to the parcel is poor and likely to remain so. The current driveway, across private land, is gravel at best. A ditch where water cuts across the driveway is so deep that I believe it could disable a car. The driveway is too narrow for two vehicles to pass, so a truck might have to wait to enter while another vehicle exits. If the business is ever expanded, VDOT might require a right turn lane from the southbound Virgil H. Goode Highway (US 220), but can the private driveway be widened to provide a turning vehicle a place to go after it turns? Alternatively, Shady Lane might be extended through the Rocky Mount waterworks. Currently, Shady Lane, a residential street, allows only right turns in and out, because there is no crossover to the northbound lanes of the highway.

Because the median is higher on one side than the other, any crossover at that location would have to be sharply sloped to meet both roadways. Can that be done safely? If not, is there a safe place for trucks to make a U-turn? Heavy truck traffic and compromised sight distances already make this a dangerous area to drive through. Has there been a traffic study to see how to alleviate the hazards, or at least not make them worse?

Public Hearing was closed.

**(RESOLUTION #07-09-2009)**

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

Proffers for Case REZO-7-09-5070, Scott R. Gabrielson:

1. Landscaping along Blackwater River: The applicant shall not disturb the natural tree line buffer along the Blackwater River. However, the applicant shall be allowed to remove dead or diseased trees which create a hazard in said area.
2. Floodplain Prohibitions: The applicant shall not erect or build any structure in the floodplain of the Blackwater River without prior permission from the County
3. Floodplain Prohibitions: The applicant will not store inoperable motor vehicles within the floodplain of the Blackwater River.

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

NAYS: Johnson

\*\*\*\*\*

**PETITION of Orient Bay, LLC as Petitioner/Owner, requesting a special use permit for property consisting of a total of +/- 2 acres currently zoned B-2, Business District General for the purpose of extending and enlarging the service area for a previously approved wastewater treatment plant. The subject property is currently zoned B-2; the B-2 zoning district does not**

prescribe a specific density. The future land use map of the adopted 2025 Comprehensive Plan for Franklin County designates the area as Commercial Highway Corridor and does not prescribe a specific density range. The intended land use is B-2, Business District General, and does not prescribe a specific density range. The property is located on US Route 220 North, +/-1400 feet south of the traffic signal at intersection with Wirtz Road and US Route 220 in the Boone Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 36, Parcel # 223.14. (Case # SPEC-7-09-5077)

Neil Holthouser, Director of Planning and Community Development, presented the following staff report on the special use permit:

### SITE DETAILS

**Tax Map Number:**  
36-223.14

**Size:**  
+/-57.541 acres

**Zoning:**  
General Business B-2

Boone Magisterial District

**Owner:**  
Sheperd Properties, LLC

**Applicant:**  
Orient Bay, LLC



**Parcels**

Parcel ID: 0360022314  
 Map: 03600  
 Parcel: 22314  
 Zone: B2  
 Owner: SHEPHERD PROPERTIES LLC  
 Co-Owner:  
 Owner Address: 2320 MAIDEN LANE  
 City: ROANOKE  
 State: VA  
 Zip1: 24015  
 Description 1: RT 220 NORTH  
 Description 2:  
 Acres: 15.933  
 Land Value: \$350,300  
 Bidg Value: \$1,658,600  
 Deed Book: 679  
 Deed Page: 2496  
 District: BN

9/15/2009

Wirtz Central Sewer System

2

## PREVIOUS REQUEST

- **Special Use Permit for Wastewater Treatment Plant**  
*(Case U06-12-05)*
- Construct and operate a wastewater treatment plant on +/-2 acres on property located on the north side of US Route 220, +/-1,400 feet south of the signalized intersection of Route 697 and US Route 220
- Provide sewage treatment to properties located near the intersection of Route 697 and US Route 220
- Service area= 95.322 acres
- Designed with an estimated peak flow of approximately 62,740 gallons
- Facilities within the service area were estimate to contribute 62% of capacity at build-out



## SPECIAL USE PERMITS (Continued)

- Board of Supervisors *“may impose upon any such permit such conditions relating to the use for which such permit is granted as it may deem necessary in the public interest...”*



9/15/2009

Wirtz Central Sewer System

8

## SPECIAL USE PERMITS (Continued)

- A special use permit shall expire eighteen months from the date of issuance if *“no commencement of use, structure, or activity has taken place.”*



9/15/2009

Wirtz Central Sewer System



9

## COMPREHENSIVE PLAN

- **Public Utilities**
  - Develop and implement a long range countywide utility infrastructure plan which assures equitable level of access for all County citizens including but not limited to water, sewer, solid waste...
  - Develop community facilities plan for public sewer development that incorporates realistic development goals and objectives, timing, funding, and technology.
  - Consider the development of regulations for County oversight of new sewer systems meeting all state and local design, construction, expansion and sustainability standards

9/15/2009

Wirtz Central Sewer System

10

## Comprehensive Plan and 220 North Corridor Plan

- Mixed Use Commercial District
- Encourage beneficial development that reduces the negative impacts on the rural character of the County, including strip development.
- Staff believes that it is important to serve future projects and redevelopment projects within the Commercial Highway Corridor with public utilities, both public water (to be provided by the Western Virginia Water Authority) and public sewer (provided by private enterprise.)

9/15/2009

Wirtz Central Sewer System

13

## Comprehensive Plan and 220 North Corridor Plan

- Redevelopment of existing commercial properties, not consistent with the visions of the 220 North Corridor Plan and 2025 Comprehensive Plan , will be more likely if served by public water and sewer.

9/15/2009

Wirtz Central Sewer System

14

## CONSIDERATIONS

- The applicant's request to amend the previously approved Special Use Permit to enlarge the service area is consistent with Franklin County's 2025 Comprehensive Plan.



9/15/2009

Wirtz Central Sewer System

15

## CONSIDERATIONS

- It is documented that there are contaminated soils in this area, and there are several undeveloped tracts of land with commercial development potential. Rather than having these tracts develop with individual septic systems it is more advantageous to the environment and Franklin County for these properties to be served by public sewer.

9/15/2009

Wirtz Central Sewer System

16

## PLANNING COMMISSION SUGGESTED CONDITIONS

- Substantial Conformance- The property shall be developed in substantial conformance with the concept plans.
- Operations/Maintenance Plans- The applicant shall provide operations/maintenance plans and shall appoint a trustee who shall be responsible for maintenance or transferring the ownership to a licensed operator.
- Future Capacity Expansion-Any future expanded capacity shall be subject to BOS approval

9/15/2009

Wirtz Central Sewer System

17

## PLANNING COMMISSION SUGGESTED CONDITIONS (Cont.)

- Connection to Public Utility- The applicant shall connect to a public utility providing sewage treatment should it become available.
- Service Area-Limited to those parcels shown on the concept plan, with any service outside this area subject to approval of an amended Special Use Permit.
- Construction Permits and Approvals-All applicable permits and approvals from the Health Department and DEQ for construction of the sewer system must be submitted to Franklin County prior to site plan approval.
- Operations Permits and Approvals- All applicable permits and approvals from the Health Department and DEQ for operation of the sewer system must be submitted to Franklin County prior to site plan approval.

9/15/2009

Wirtz Central Sewer System

18

Clyde Perdue, Attorney, presented the petition for Orient Bay as advertised. Public Hearing was opened. No one spoke for or against the proposed special use permit. Public Hearing was closed.

**(RESOLUTION #08-09-2009)**

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

**Conditions for Case # SPEC-7-09-5077, Orient Bay, LLC:**

1. Substantial Conformance – The property shall be developed in substantial conformance with the concept plans.
2. Operations/Maintenance Plans – The petitioner shall provide operations/maintenance plans and shall appoint a trustee who shall be responsible for maintenance or transferring the ownership to a licensed operator.
3. Future Capacity Expansion – Any future expanded capacity shall be subject to BOS approval.
4. Connection to Public Utility – The petitioner shall connect to a public utility providing sewage treatment should it become available.
5. Service Area – Limited to those parcels shown on the concept plan, with any service outside this area subject to approval of an amended Special Use Permit.
6. Construction Permits and Approvals – All applicable permits and approvals from the Health Department and DEQ for construction of the sewer system must be submitted to Franklin County prior to site plan approval.
7. Operations Permits and Approvals – All applicable permits and approvals from the Health Department and DEQ for operation of the sewer system must be submitted to Franklin County prior to site plan approval.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

\*\*\*\*\*

**Petition of Town of Boones Mill/Petitioner and Bethlehem Ridge LLC/owner, requesting a special use permit** for approximately 10 acres, currently zoned A-1, Agricultural District, to permit public utilities- water treatment plant. The future land use map of the adopted 2025 Comprehensive Plan for Franklin County designates this area for Conservation Areas/Steep Slope uses which does not prescribe a specific density range. The zoning ordinance states that the A-1, Agricultural District has a maximum density of 1.2 dwelling units per acre. The properties are located on Leaning Oak Road, approximately 3,000 feet from the intersection of Leaning Oak Road and Bethlehem Road, in the Boone Magisterial District of Franklin County, and are identified as Tax Map # 26.3 Parcel # 7, Tax Map # 26 Parcel #'s 56.1-56.3. (Case # SPEC-8-09-5252)

Neil Holthouser, Director of Planning & Community Development presented the following special use petition:

**SITE DETAILS**

Tax Map Numbers:  
26.3-7, 26-56.1, 26-56.2, and 26-56.3

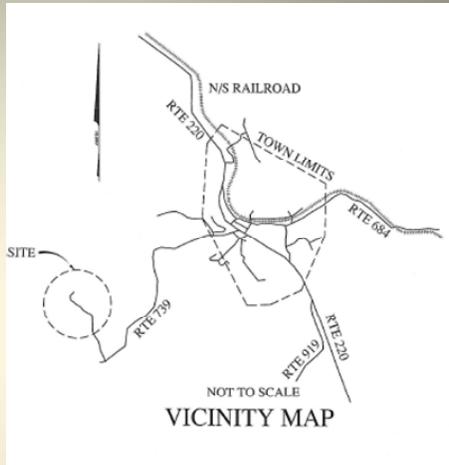
Size:  
Request- +/-10 acres  
Total Acreage- +/-39.8 acres

Zoning:  
Agricultural District, A-1

Boone Magisterial District

Owners:  
Bethlehem Ridge, LLC  
Town of Boones Mill

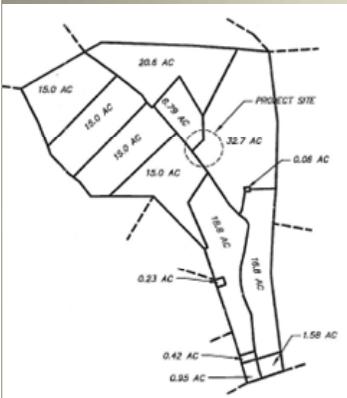
Applicant:  
Town of Boones Mill



9/15/2009

Boones Mill Water System

2



The Town of Boones Mill has been notified that it has received approximately \$3.4 million dollars in grant funds through the American Reinvestment & Recovery Act of 2009 to upgrade its water system.

9/15/2009

Boones Mill Water System

3

**REQUEST**

**CASE# SPEC-8-09-5252**

- Request to permit a public utility-water treatment plant
- Request will enable the Town of Boones Mill to bring its current water system up to Health Department standards and ensure the town has adequate capacity of safe drinking water

9/15/2009

Boones Mill Water System

4



## SPECIAL USE PERMITS (Continued)

- Board of Supervisors *“may impose upon any such permit such conditions relating to the use for which such permit is granted as it may deem necessary in the public interest...”*
- A special use permit shall expire eighteen months from the date of issuance if *“no commencement of use, structure, or activity has taken place.”*

9/15/2009

Boones Mill Water System

9

## COMPREHENSIVE PLAN

- **Public Utilities**
  - Develop and implement a long range countywide utility infrastructure plan which assures equitable level of access for all County citizens including but not limited to water, sewer, solid waste...
- **Conservation Areas**
  - The County should develop specific policies and standards to provide appropriate incentives and protections to ensure long term conservation.

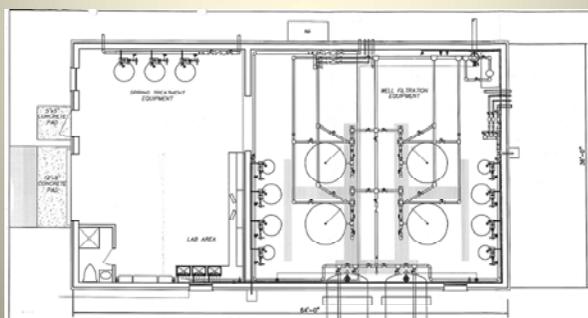
9/15/2009

Boones Mill Water System

10

## CONSIDERATIONS

- *Staff believes that the applicant’s request to permit a public utility-water treatment plant in the A-1 Zoning District is consistent with the criteria to issue a special use permit.*



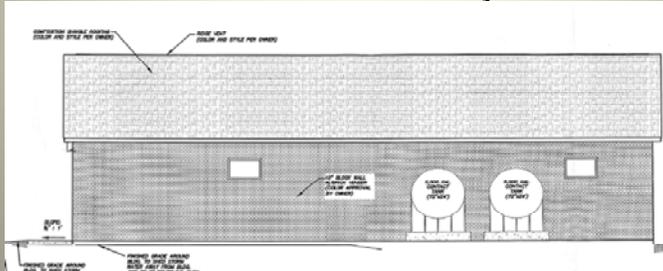
9/15/2009

Boones Mill Water System

11

## CONSIDERATIONS

- *Staff believes that the applicant's request to permit a public utility-water treatment plant in the A-1 Zoning District is consistent with Public Utility Objective 28.0 to develop water service to commercial and residential sites within the Town of Boones Mill.*



9/15/2009

Boones Mill Water System

12

## CONSIDERATIONS

- *Staff believes the request is not consistent with Public Utility Strategy 28.0c. The Town of Boones Mill has chosen to request a Special Use Permit to replace and upgrade components of its water treatment plant instead of connecting to the Western Virginia Water Authority's waterline along US Route 220.*
- *28.0c-Connect existing systems to the countywide public water system source as the distribution system.*

9/15/2009

Boones Mill Water System

13

## CONSIDERATIONS-Service Area

- Contained within the application for rezoning is a service area map that illustrates the area which the Town of Boones Mill currently provides water to customers.
- The request for the special use permit is specific to the actual physical water treatment plant and does not relate to the service area which the physical water treatment plant may or may not be allowed to serve.

9/15/2009

Boones Mill Water System

15

## CONSIDERATIONS-Continued

- Even though this request is not consistent with Public Utility Strategy 28.0c, the Town of Boones Mill is a sovereign entity with the ability to provide its own public utilities- specifically town water and sewer.
- Additionally, the request is to upgrade an existing water treatment plant.

9/15/2009

Boones Mill Water System

14

## CONSIDERATIONS-Service Area

As such, staff and the Planning Commission suggest Condition #3 as a way to clarify that an approval of the Special Use Permit for Public Utility does not imply or recognize any service area and states that any expansion of the service area outside of the Town of Boones Mill Corporate Limits is subject to approval by the Board of Supervisors after formal petition from the Town of Boones Mill.

9/15/2009

Boones Mill Water System

16

## PLANNING COMMISSION SUGGESTED CONDITIONS

- **Concept Plan.** The property shall be developed in substantial conformance with Sheets 1, 2, 3, and 5 of the concept plan prepared by Hurt and Proffitt, entitled, "Boones Mill Water System Replacement," dated July 31, 2009.
- **Future Expansion.** Any future expansion of the water system shall be subject to a new Special Use Permit request.
- **Service Area.** The approval of this Special Use Permit in no way implies or recognizes any service area for the subject public utility-water treatment plant outside of the Town of Boones Mill Corporate Limits. Any service area expansion shall be subject to approval by the Franklin County Board of Supervisors, only after formal petition by the Town of Boones Mill.

9/15/2009

Boones Mill Water System

17

Public Hearing was opened. Charles Jordon, resident, stated The Town of Boones Mill needs a similar upgrade to its waterworks on Cahas Mountain. For this purpose, it has secured a federal grant for \$3,396,400. With 270 connections, the expenditure is \$12,579 per customer. A few years ago, Shannon Forest needed just over \$5,000 per connection, either in the form of a grant or a loan, but it did not happen. Instead, each customer had to drill a well, at a cost up to \$10,000.

Does the Town of Boones Mill occupy a privileged position? I have been told that some residents near Smith Mountain Lake tried to incorporate a town, so that they could enjoy a level of services on a par with Boones Mill, but that they ran into obstacles.

Boones Mill often gets more water out of the ground than its small customer base can use. The excess is poured on the ground. For several years, the Franklin News-Post has reported on a bottling agreement that has never materialized.

Will benefit of this project stop at town line? A number of small roads lead out of the Town of Boones Mill. If the people living on these roads tried to hook up to the Water Authority's proposed main, they would have to pipe through the town, alongside the town's mains. The cost would be prohibitive. It would be more economical for them to be able to connect to the town water supply. Fortunately, most of those people in single-family houses can manage with private wells.

That leaves the Heatherwood Apartments, located in what I understand to be a former high school above Boones Mill. The fire hydrant serving that complex was turned off a while ago. That lack of water compromises the safety of the apartment residents and the volunteers of the Boone Mill Fire Department who will come to their rescue in a fire.

If this permit is granted, I urge that it include a requirement that the applicants provide water to fight fires at the Heatherwood and any similarly-situated buildings.

Bryan Cosman, Hurt –Proffitt Firm, addressed the Board concerning replacing the lines and fire protect to the residents within the Town of Boones Mill.

Public Hearing was closed.

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

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

Conditions for Case # SPEC-8-09-5252, Town of Boones Mill:

1. Concept Plan – The property shall be developed in substantial conformance with Sheets 1, 2, 3, and 5 of the concept plan prepared by Hurt and Proffitt, entitled, “Boones Mill Water System Replacement,” dated July 31, 2009.
2. Future Expansion – Any future expansion of the water system shall be subject to a new Special Use Permit request.
3. Service Area – The approval of this Special Use Permit in no way implies or recognizes any service area for the subject public utility-water treatment plant outside of the Town of Boones Mill Corporate Limits. Any service area expansion shall be subject to approval by the Franklin County Board of Supervisors, only after formal petition by the Town of Boones Mill.

MOTION BY: David Hurt

SECONDED BY: Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M.**, on **Tuesday, September 15, 2009**, in the Meeting Room located in the Courthouse, Rocky Mount, Virginia to consider the following proposed amendment to **Section 1-15. Assessment of Additional Costs in Civil, Criminal or Traffic Cases for Support of Courthouse Maintenance**, of the Franklin County Code:

**ORDINANCE AMENDING SECTION 1-15 BY ADDING THE FOLLOWING:**

**CIVIL CASES**

Pursuant to the provisions of section 17.1-281 of the Code of Virginia, there is hereby assessed, as a part of the costs incident in any *civil*, criminal, or traffic case in any District Court or Circuit Court located in the county, the sum of ~~four dollars (\$4.00)~~, **two dollars (\$2.00)**, which sum shall be collected by the respective clerk of each court in which the case is filed and remitted to the county treasurer. Sums so remitted shall be held by the treasurer subject to disbursements by the board of supervisors for the maintenance of the courthouse and court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance. The assessment provided for herein shall be in addition to any other fees prescribed by law.

Vincent Copenhaver, Director of Finance, presented the proposed ordinance change as advertised.

Public Hearing was opened.

No one spoke for or against the proposed ordinance as advertised.

Public Hearing was closed.

**(RESOLUTION #10-09-2009)**

**NOW THEREFORE BE IT ORDAINED**, by the Board of Supervisors to approve the proposed ordinance amendment, as advertised, as amended.

MOTION BY: Bobby Thompson

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**CLOSED MEETING**

**(RESOLUTION #11-09-2009)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-29 Contracts, and a,-5 a-7, Consult with Legal Counsel, Acquisition of Land, 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: David Hurt

**RESOLUTION: #12-09-2009**

MEETING DATE September 15, 2009

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

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

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

VOTE:

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

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

\*\*\*\*\*

Chairman Wagner adjourned the meeting.

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

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