

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

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

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

Chairman Charles Wagner called the meeting to order.

Invocation was given by Supervisor Bobby Thompson.

Pledge of Allegiance was led by Supervisor Bobby Thompson.

IN MEMORIAM RESOLUTION OF APPRECIATION – NELSON STONE

Bobby Thompson, Blue Ridge District Supervisor, presented the Nelson Stone family the following resolution:

**IN MEMORIAM
RESOLUTION OF APPRECIATION**

WHEREAS, the Franklin County Board of Supervisor's, is desirous of recognizing Mr. Nelson Stone, who faithfully and steadfastly served as a dedicated officer of elections and member of his community and county; and

WHEREAS, Mr. Nelson Stone was an active member of the Officer of Elections from February 1977, through November 2008, and

WHEREAS, Nelson volunteered 31 years of service and maintained a high level of professionalism in the election process, and

WHEREAS, Nelson demonstrated his patriotism to his country and in upholding democratic ideals, and

WHEREAS, God in his infinite wisdom chose to call Nelson home Thursday, September 3, 2009,

BE IT LASTLY RESOLVED, to express the Board's appreciation to Mr. Nelson Stone's family along with the County's recognition of their support for Nelson's many community efforts.

SPECIAL RECOGNITION/VIETNAM MOVING WALL

Debra Wier, Director of Tourism, presented the following resolutions of appreciation to the following individuals:

**HERMAN J. CHANEY
AMERICAN LEGION POST 6
AMERICAN LEGION POST 111
VFW 10840**

DARLENE SWAIN

VDF (VIRGINIA DEFENSE FORCE) 31ST BATTALION, ROCKY MOUNT

PUBLIC COMMENT:

Rev. Vandal Muse – Diamond Avenue Extension

I am Rev. Vandal Muse and I stand here today to speak on behalf of the citizens and taxpayers of Franklin County and residents of Diamond Avenue and Highland Hills communities. We want to thank Mr. Wagoner for meeting with the people of the communities several times to hear their concerns.

We are here to address with you as a Board two problems that exist in our Communities which are not new to you because at one time these issues were part of your Six Year Plan. The residents are disturbed to learn that our needs are no longer in the long range plans for Franklin County improvement. They were brought before the Board several years ago. So our question is “Why and how did the removal of our issues take place?”

There is a need to have the Flood Zone which is at the entrance of the communities eliminated from flooding when there is substantial rainfall and that a Second Exit Out be provided. When you think of all the emergencies that could happen, both of these issues are extremely critical. As an example, if for some unforeseen reason an individual became ill and needed immediate medical attention and the Bridge in the Flood Zone was closed, how would the medical need be met? Further, what would we do if a train derailed and the communities experienced a chemical spill? If flooding happens to the extent that passage is hindered, then the children will not be able to attend school. These are just the obvious things that could happen if the communities are left as they are today.

As you can clearly see, if the Bridge is closed, there is no way into our community and no way out. We believe you would be hard pressed to find such a situation occurring anywhere else in Franklin County.

We would be remiss if we did not tell you that when we think about our situation we are painfully reminded of the Ninth Ward in New Orleans, Louisiana. We liken this to no attention, and to no invested interest in making improvements to such critical issues as members of the Board of Supervisors.

We must enlighten you to the fact that there are more than 100 families which are comprised of many people. This brings another concern to us which is “How can developers continue to be approved to build more dwellings in an area of this size with only one way out?”

Let us repeat again the fact that the individuals that make up these communities are taxpaying citizens. We strongly feel that we are being subjected to a time bomb waiting to happen. Therefore, we request that this issue be placed at the top of your list to begin immediate actions to eliminate. Let us add that we are aware of the fact that the project will cost money because everything you do in life does. However, when you have taken care of other projects, you have found both the means and the resources to make them happen.

We ask that a written response be sent to us within the next ten days. This communication is to be sent to the following contact person:

Ms. Phyllis Dunnings
965 Diamond Avenue
Rocky Mount, VA 24151

Chairman Wagner stated the County Administrator would make a reply within the requested 10 days.

CONSENT AGENDA
APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – SEPTEMBER 10 &15, 2009
APPROPRIATIONS

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Public Safety	OEMS Training Grant	3505- 5540	437.00
Public Safety	PetsMart Grant Carryover	3501- 5601	3,954.00
Public Safety	Spay/Neuter Donations Carryover	3501- 5620	8,141.00
Parks and Recreation	National Recreation and Park		

	Association Fishing Grant	7102- 5412	5,000.00
Parks and Recreation	Golf Facility Donations	30- 153	1,250.00
Parks and Recreation	Roanoke Valley Conventions & Visitors Bureau Fishing Tournament		
	Donation	8110- 5810	1,750.00
Sheriff	Department of Justice Grant	3102- 5409	44,775.00
Library	Additional State Aid less 9-8-09 budget reductions	7301- 5425	13,018.00
	\$180,336 - 9,017 = \$171,319		
	(\$158,301 currently budgeted)		
Contributions	Carryover for CPR Contribution	8106- 5600	7,000.00
	Total		\$85,325.00

Transfers Between Departments

Capital Fund: IT Disaster Recovery and Prevention	30- 0111	(4,136)
IT: Professional Services	1220- 3002	4,136

To move unused, remaining capital funds to IT general fund department

AUTHORIZATION TO APPLY FOR ENERGY GRANT

On October 6, 2009 Governor Kaine officially announced that \$9.7 million in Energy Efficiency and Conservation Block Grants (EECBG) would be distributed on a competitive basis to small local governments. The grant program is intended to help local governments, cities and counties implement strategies to encourage energy efficiency and renewable energy initiatives. The program emphasizes a community based approach to help meet energy and climate protection goals. Grants will be administered under the U.S. Department of Energy/Virginia Department of Mines, Minerals and Energy (DMME).

Staff has reviewed the EECBG application and eligible activities which may be considered. Staff has met with representatives of the Franklin County Schools and the Town of Rocky Mount and have invited these entities to participate in a joint application to be submitted by Franklin County. The grant will seek funding for the services of a technical consultant to assist in the development of an energy strategy including energy efficiency, energy conservation and energy usage goals. The grant will seek funding to conduct energy audits for all buildings of the schools, Town and the County excluding Windy Gap School, the Franklin Center and the Franklin County Governmental Center through the identification of strategies of behavioral changes and methods to increase energy efficiency and the reduction of energy consumption within these buildings. Funds will also be utilized to find an energy manager position (including benefits) for up to two (2) years.

The remaining funds grant will also be utilized for implementation of energy resource technologies that significantly increase energy efficiency including heating and cooling systems, heat and power systems and energy storage systems. It has been discussed by the representatives of the three entities that implementation priorities will be determined based on the recommendation of the technical consultant and the energy audits received on respective buildings within the entities.

Staff has also met with representatives of CATCE, Ferrum College and TRANE Inc. to discuss the aspects of the proposed grant. Grant guidelines require 16 months for obligation on any funds received and 34 months to utilize the funds received. The grant request will be threefold and funds will be requested as follows:

- \$70,000 for the hiring of a technical consultant and the preparation of the energy

- audits
- \$100,000 for the funding of an energy manager position for a period of two (2) years
- \$200,000 for funding of identified strategies
 - Total request \$370,000

In addition to this grant request, each entity may apply for individual funding for specific projects. Franklin County will be applying for additional grants in an amount to be determined to install an energy efficient Gas Extraction Unit (GEU) at the Landfill. This funding will be utilized to fund the development, construction and tracking of a required Department of Environmental Quality (DEQ) mandate requiring methane gas extraction and management.

**FRANKLIN COUNTY BOARD OF SUPERVISORS
RESOLUTION**

Resolution Number: _____

RESOLUTION of the BOARD OF SUPERVISORS of FRANKLIN COUNTY approving the application for an Energy Efficiency and Conservation Block Grant (EECBG) and providing that Franklin County will apply for a joint grant in cooperation with the Franklin County Schools and the Town of Rocky Mount.

WHEREAS, the purpose of the grant is to seek funds to hire a consultant to analyze buildings within the three entities, hire an energy manager and utilize sums available to implement proposed energy efficiency improvements within the identified buildings based on the final analysis; and

WHEREAS, the Franklin County Board of Supervisors, the Franklin County School Board and the Town of Rocky Mount have determined that it is in the best interest of their citizens that the three entities jointly apply for the EECBG grant in pursuance of energy efficiency and cost savings.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Franklin County, Virginia as follows:

The Board of Supervisors hereby determine that it is in the best interest of the citizens of Franklin County that Franklin County enter into a joint agreement with the Franklin County School Board and the Town of Rocky Mount to apply for an Energy Grant (EECBG) under the administration of the Virginia Department of Mines, Minerals and Energy's Division of Energy (DMME); and

The appropriate staff of Franklin County shall take all action necessary or convenient to file for the EECBG grant.

I the undersigned, hereby certify that the foregoing Resolution, Number _____ was duly approved and adopted by the Franklin County Board of Supervisors on this **20th** day of **October, 2009**.

Charles Wagner, Chairman of the Board of Supervisors

RESOLUTION of the BOARD OF SUPERVISORS of FRANKLIN COUNTY approving the application for an Energy Efficiency and Conservation Block Grant (EECBG) and providing that Franklin County will apply for a grant for the design and installation of a Gas Extraction System.

WHEREAS, the purpose of the grant is to seek funds to install a Gas Extracting Unit at the Franklin County Landfill; and

WHEREAS, the Franklin County Board of Supervisors have determined that it is in the best interest of their citizens that the County apply for the EECBG grant in pursuance of energy efficiency and cost savings.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Franklin County, Virginia as follows:

The Board of Supervisors hereby determine that it is in the best interest of the citizens of Franklin County that Franklin County to apply for an Energy Grant (EECBG) under the

administration of the Virginia Department of Mines, Minerals and Energy's Division of Energy (DMME); and

The appropriate staff of Franklin County shall take all action necessary or convenient to file for the EECBG grant.

I the undersigned, hereby certify that the foregoing Resolution, Number _____ was duly approved and adopted by the Franklin County Board of Supervisors on this **20th** day of **October, 2009**.

RECOMMENDATION:

It is staff's recommendation that the Board of Supervisors authorize the County Administrator or his designee to take necessary actions required for the filing of a joint funding request for the hiring of a technical consultant, an energy manager, funding for an energy implementation. Also, to file for the individual grant funding request for a Gas Extraction Mitigation Unit at the Franklin County Landfill.

AWARD OF FURNITURE BID FOR GOVERNMENT CENTER

In planning for the move of many offices to the 50,000 sq. ft. Government Center, staff along with the architect began a careful review of existing furnishings that could be reused vs. what would need to be replaced or bought in addition. The result of that study shows that approximately 20% of the furnishings at the new center would be reused from existing furniture. Some filing cabinets need to be replaced as do some desks, due to age and poor condition. In addition, there are a number of flexible, work cubicles that need to be purchased as there are fewer individual offices in the Government Center than exist in the current space. The original budget for furnishings was \$558,000 and funds were included in the project budget.

Most all of the furnishings could have been purchased from state contracts at very attractive pricing, however due to market conditions it was determined that even better pricing might be possible. By bidding these furnishings outside the renovation contract, the contractor's markup was avoided and waited until closer to needing the furnishings before getting prices in hopes of obtaining better pricing. A complete set of bid specifications were developed and bids were received on October 6, 2009. Two bids were received which included smaller companies bidding as part of a bigger package from both companies. One of the bids was received after the due time and was returned unopened per state procurement law. The other bid submitted by Harris Office Furniture of Roanoke was determined to be responsive. The bid specs broke the furnishing into "sections" and the Harris bid did not respond to one section. The one section that Harris did not respond to was desks that Harris did not have the franchise for and they chose not offer a substitute. The desks can be purchased off of state contract without further bidding, however we were made aware that there was a cooperative contract awarded by a governmental coop located in Houston, TX (The Cooperative Purchasing Network-TCPN) that offered pricing even below VA contract pricing. After confirming with Virginia purchasing officials, it was determined that we were eligible to purchase off this contract and the section that Harris did not bid on can be procured through TCPN. All of the furnishings are being offered under these contracts at a 51-68% discount.

The Harris bid totaled \$ \$413,190.19. The TCPN/Gunlocke contract totaled \$ 85,694. Combined, furnishings totaled \$498,885.01, or 10.6% under budget.

RECOMMENDATION:

Staff recommends that the Board award the furnishings contracts to Harris Office Furniture in the amount of \$413,190.19 and the TCPN contract to Gunlocke Furniture in the amount of \$85,694. Funds are allocated in the CIP fund for the Government Center and the savings of \$59,115 from the budgeted number will be held unspent.

VACO VOTING CREDENTIALS FOR ANNUAL BUSINESS MEETING/APPOINTMENT

Russ Johnson, Gills Creek District Supervisor, Voting Delegate, VACO Conference

SHERIFF'S DEPARTMENT PURCHASE OF VEHICLES

The Franklin County Sheriff's Office is a law enforcement agency with local jail and law enforcement responsibility. It maintains a fleet of police vehicles necessary to carry out all functions and responsibilities. Field law enforcement vehicles are normally replaced around 125,000 miles and the better of these vehicles are then reissued or reassigned to support services such as prisoner transport or spare fleet vehicles. They are maintained in this

capacity until they become unreliable or repairs and maintenance become cost prohibitive. K-9 police vehicles are normally replaced around 100,000 miles due to excessive engine idle times to maintain a controlled environment for their canine partners.

The Sheriff's Office requests to order five new marked police vehicles. The five new marked vehicles would ultimately replace vehicles that have reached their replacement mileages. These five new requested marked vehicles would be new 2010 Ford Police Interceptor vehicles through a York County, Virginia contract IFB No. 1661 at a cost of **\$24,400.00** each for a **Total cost of \$ 122,000.00**. Current Virginia state contract price for the same 2010 vehicle is \$ 25, 125.00. These vehicles would replace the following vehicles:

1. 2002 Dodge Intrepid Police unmarked K-9 vehicle, current mileage 115,000
2. 2004 Ford Police Interceptor unmarked former K-9 vehicle, current mileage 109,000, out of service
3. 2004 Ford Police Interceptor, current mileage 131,000
4. 2004 Ford Police Interceptor, current mileage 125,000, wrecked, insurance pending
5. 2005 Ford Police Interceptor, current mileage 125,000

Vehicles 3 & 5 would be used as spare vehicles or to replace jail vehicles depending on their condition when new vehicles are received. Vehicle 2, which is a spare vehicle, is currently being used by a shift uniformed deputy although it is in poor condition from previously being a K-9 vehicle. Vehicle 4 is believed to be a total loss with insurance settlement pending.

RECOMMENDATION:

Staff respectfully recommends replacement of vehicles as requested. Request has been reviewed by the Vehicle User Group and has been approved as submitted.

2009-2010 MICRO-GRANT AWARDS

The Franklin County Board of Supervisors annually makes small grants to non-profit organizations within the community for promotional expenses related to local projects and events. These funds assist organizations with marketing of their event or program, while at the same time assisting Franklin County in promoting itself to potential visitors. This year, \$30,000 has been set aside within the County's 2009-2010 Tourism budget for these awards. A total of twenty-three (23) applications were received this year, representing twelve (12) different organizations. Of these seventeen projects, eleven (11) were first-time project applications.

Franklin County operates a MicroGrant program to support tourism efforts within the County. Funding for this program is generated by the transient occupancy, or "lodging", tax applied to the motels, hotels, and bed & breakfasts in the County. The purpose of this MicroGrant program is to increase the local tourism industry thus creating new jobs, attracting new tourists, spawning new hospitality-related investments, and improving the quality of life for Franklin County residents. It is recognized that the County cannot, and should not, be the only provider of tourism events for our community. We should instead help other organizations create events and marketing campaigns that can leverage the community's limited resources. We must leverage our limited dollars to support interesting, dynamic, and creative special events/marketing campaigns that set Franklin County apart from competitors throughout the mid-Atlantic region. Tourism MicroGrants exist to support events and activities that a) encourage tourists from outside the region to enjoy our community and make use of our hospitality industry, and b) provide an opportunity to expand the awareness and visibility of the community throughout the region.

In reviewing the twenty-three submitted applications, Staff evaluated each applicant on a great number of different factors, including but not limited to: the amount of funds leveraging involved; marketing plan and scope; perceived economic impact; financial need; partnership opportunities; and past performance. Based on all criteria and available data, Staff has made the following recommendations for 2009-2010 Tourism MicroGrant awards:

<u>APPLICANT</u>	<u>PURPOSE</u>	<u>2008-2009 AWARD</u>	<u>AMOUNT SOUGHT</u>	<u>STAFF RECOMMENDATION</u>
Warren Street Society	Warren Street Festival	\$ 1,200.00	\$ 2000.00	\$ 1,200.00
Festival in the Pines	Festival in the Pines	\$ 2,000.00	\$ 4500.00	\$ 2,000.00
SWVA Antique Farm	SWVA Antique Farm Days	\$	\$	\$ 3,000.00

Days		3,000.00	3,000.00	
SWVA Antique Farm Days	Antique Flea Market/Swap Meet	New	\$ 500.00	\$ 500.00
SML Chamber	Various Events	\$ 5,000.00	\$ 5,000.00	\$ 3,500.00
Franklin County Historical Society	Ghost Bus Tours	\$ 600.00	\$ 300.00	\$ 300.00
Franklin County Historical Society	Moonshine Express	New	\$ 300.00	\$ 300.00
Franklin County Historical Society	Signage	New	\$ 900.00	\$ 0.00
Franklin County Historical Society	History in Bloom	New	\$ 2,000.00	\$ 0.00
Franklin County Historical Society	Music, Cars & More on the Crooked Road	New	\$ 2,500.00	\$ 500.00
Franklin County Youth Center	Fall Festival	New	\$ 1,000.00	\$ 500.00
Franklin County Youth Center	Spring Festival	New	\$ 1,000.00	\$ 500.00
Blue Ridge Dinner Theatre	Blue Ridge Dinner Theatre	\$ 3,200.00	\$ 3,200.00	\$ 2,500.00
Blue Ridge Garden Tractor Pullers Association	State Pull	\$ 0	\$ 1,000.00	\$ 500.00
Blue Ridge Institute & Museum	Various Events	\$ 0	\$ 5,000.00	\$ 2,000.00
CPR	Franklin County Christmas	\$ 1,000.00	\$ 1,300.00	\$ 1,300.00
CPR	Chug for the Jug	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
CPR	Footlights of the Blue Ridge	\$ 1,800.00	\$ 2,000.00	\$ 2,000.00
CPR	Pigg River Ramble	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
CPR	History in Bloom	New	\$ 575.00	\$ 0.00
CPR	Frank and Stein Poker Run	New	\$ 475.00	\$ 475.00
Cable 12/Gabriel Productions	Coverage of Various events	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Free Clinic of Franklin County	Fiddlin for the Free Clinic	New	\$ 1,500.00	\$ 500.00
			Total Sought \$45,250.00	Total Recommended \$28,775.00

Due to the number of high-caliber projects and limited funding, all applications with exception of three received some funding from the Tourism micro-grant program. While hard decisions on applications were made, it is encouraging to note that the number and quality of the applications indicate a solidly growing tourism environment within Franklin County.

RECOMMENDATION: It is recommended that the Board approve the Staff recommendations for Tourism Micro-Grant awards from the 2009-2010 County Tourism budget. Funding is to be provided from the tourism enterprise fund. These funds must be spent on tourism related events and cannot be transferred to the county's general fund.

PARKS & RECREATION OFFICE CLEANING BID AWARD

Franklin County is well served by flexible, adaptable, accessible community facilities that encourage and strengthen family, neighborhood, natural environment, and local government functions. Franklin County is viewed as a national leader in the delivery of parks, recreation programs, arts, and cultural events that enrich the quality of life and health for residents and visitors alike.

In 1978 the Franklin County Parks and Recreation Office was built and staffed by three employees. Nearly thirty-one years have passed since the building was constructed. Since

then the Department has tripled in staff, tripled in programs, averaged a 20% increase in youth athletic participation annually, implemented numerous special events, tourism opportunities and now serves a much larger county population with a much larger activity demand. With continued growth in all of these areas, the current facility was expanded in 2007 by 1100 square feet to better accommodate the housing of staff, office supplies, program equipment and space for public use. With the increase in sport programs and activities the additional space has been a much welcomed change to the Parks and Recreation Office Complex.

For the staff to maintain a quality environment in this larger Office Complex is has become apparent with the increased square footage the need of a janitorial cleaning service to help maintain a properly cleaned environment.

In September of 2009 staff requested bids to accomplish this task. The bids were accepted on the 14th of September and there were three bids that were submitted to the procurement office on September 14th which supplied the proper documentation of General Liability Insurance.

The bidding companies are:

1. **The Creighton Companies, LLC** of Ferrum, VA with a bid for once a week cleaning.
Bid of \$175.00 per month.
2. **DMS Cleaning Service, Inc.** of Rocky Mount, VA with a bid for once a week cleaning.
Bid of \$285.00 per month
3. **G. W. Building and Remodeling** of Wirtz, VA with a bid for once a week cleaning.
Bid of \$498.00 per month

The Parks and Recreation Department has the funds in its Maintenance Budget available to contract this cleaning service. The Creighton Companies, LLC has given the County of Franklin the lowest bid for the Parks and Recreation Office Cleaning of \$175.00 per month and have supplied the proper documentation of General Liability Insurance.

RECOMMENDATION:

After the review of the bids and contract by Franklin County's Attorney, the staff requests that the Board of Supervisors direct the County Administrator to award the Parks and Recreation Office Cleaning Contract to: **The Creighton Companies, LLC** of Ferrum, VA.

(RESOLUTION #01-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to pull the Award of Furniture Bid for Government Center & Sheriff's Department Purchase of Vehicles from the consent agenda until after the Budget presentation; approving the remaining Consent Agenda items as presented above.

MOTION BY: Russ Johnson

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

AWARD OF FURNITURE BID FOR GOVERNMENT CENTER

Jack Murphy, Architect, Thompson & Litton, reviewed with the Board In planning for the move of many offices to the 50,000 sq. ft. Government Center, staff along with the architect began a careful review of existing furnishings that could be reused vs. what would need to be replaced or bought in addition. The result of that study shows that approximately 20% of the furnishings at the new center would be reused from existing furniture. Some filing cabinets need to be replaced as do some desks, due to age and poor condition. In addition, there are a number of flexible, work cubicles that need to be purchased as there are fewer individual offices in the Government Center than exist in the current space. The original budget for furnishings was \$558,000 and funds were included in the project budget.

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in hopes of obtaining better pricing. A complete set of bid specifications were developed and bids were received on October 6, 2009. Two bids were received which included smaller companies bidding as part of a bigger package from both companies. One of the bids was received after the due time and was returned unopened per state procurement law. The other bid submitted by Harris Office Furniture of Roanoke was determined to be responsive. The bid specs broke the furnishing into "sections" and the Harris bid did not respond to one section. The one section that Harris did not respond to was desks that Harris did not have the franchise for and they chose not offer a substitute. The desks can be purchased off of state contract without further bidding, however we were made aware that there was a cooperative contract awarded by a governmental coop located in Houston, TX (The Cooperative Purchasing Network-TCPN) that offered pricing even below VA contract pricing. After confirming with Virginia purchasing officials, it was determined that we were eligible to purchase off this contract and the section that Harris did not bid on can be procured through TCPN. All of the furnishings are being offered under these contracts at a 51-68% discount.

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RECOMMENDATION:

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VDOT – HUNT ROAD – SAFETY ISSUE REPORT

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

At the September 15th BOS meeting, Supervisor Cundiff requested that VDOT review Hunts Road (Route 659) for possible safety improvements to widen Hunts Road near the intersection of Route 40 to make the road wide enough for two vehicles to enter and exit Hunts Road at the same time.

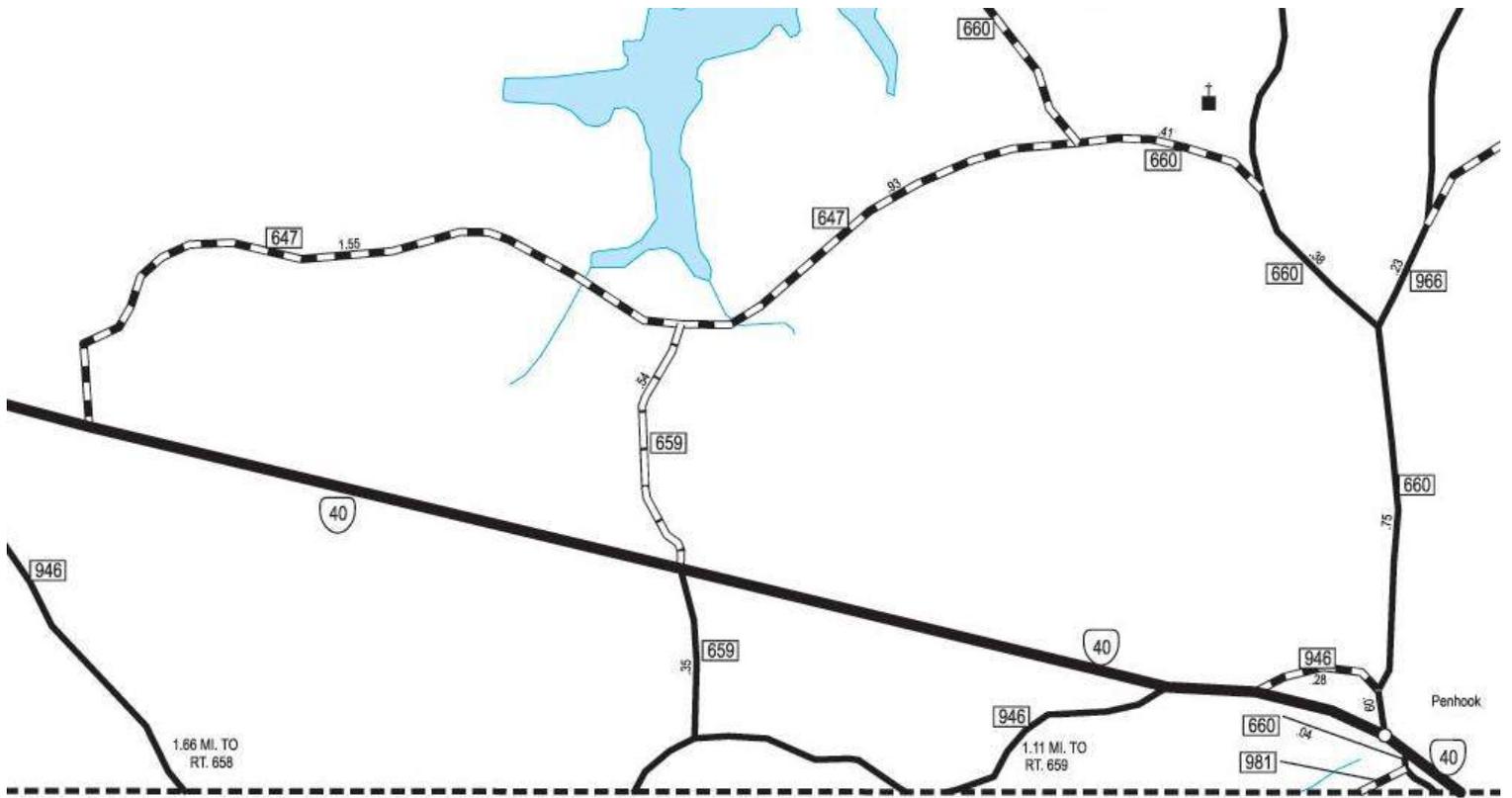
Supervisor Cundiff and I meet with the property owner on September 15th, 2009 to discuss the possibility of donated Right of Way for the project. The property was receptive at that time, however on October 1st, 2009, the property owner and her grandson called the residency office to inform us that donated right of way was not available. Right of Way will need to be secured before this project can move forward.

Initial Estimate for Project (assuming Donated Right of Way):

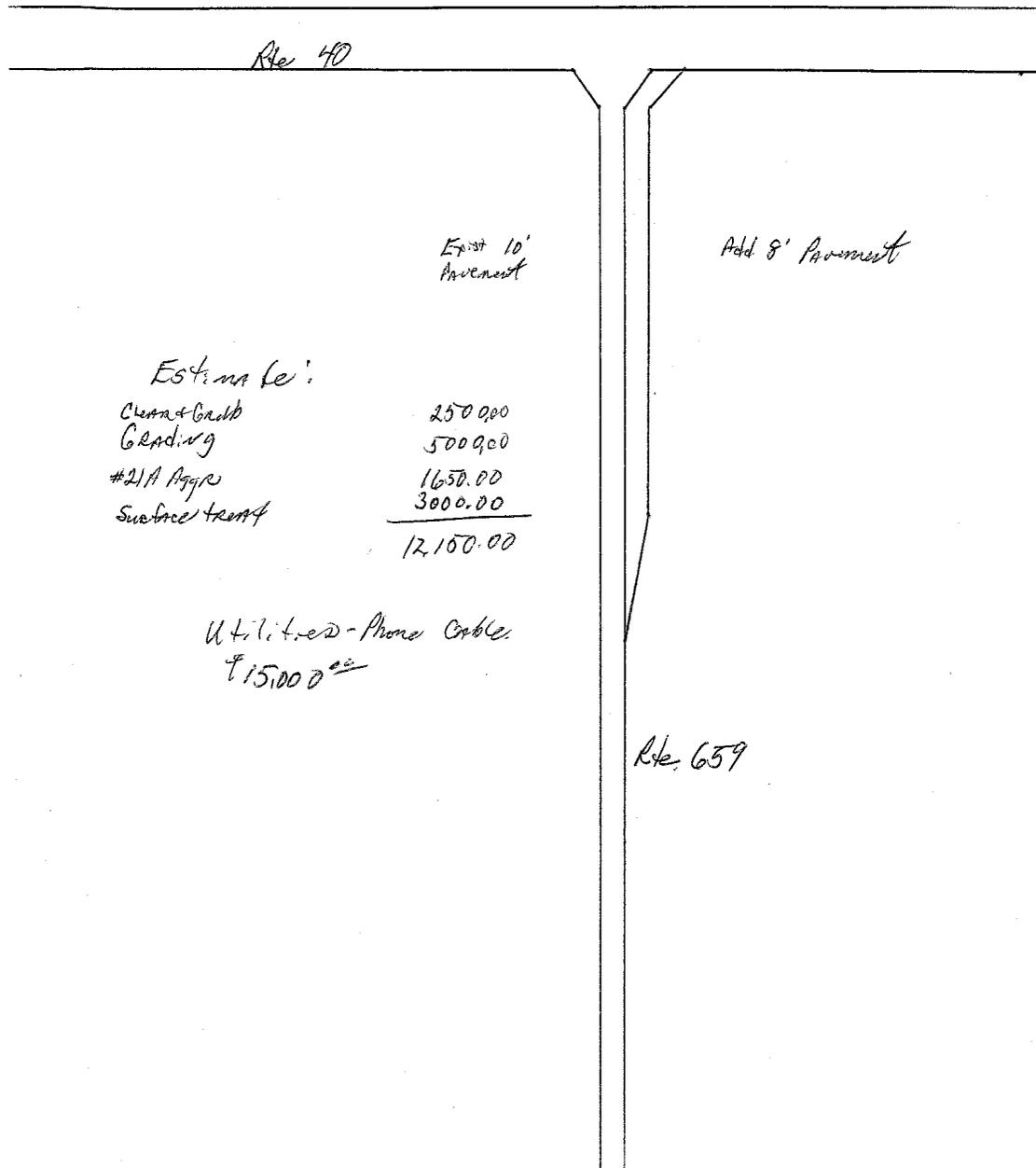
Roadway Work -	\$12,150
Utility Relocation -	<u>\$15,000</u>
Total Cost	\$27,150

VDOT could fund the construction of the necessary improvements with existing funding from Franklin County's Secondary Six-Year Plan "Countywide Traffic Services". There is approximately \$150,000 currently in the "Countywide Traffic Services" fund.

Location of Proposed Work Route 659



Sketch of Proposed Work Route 659



An estimate shown below for widening Route 659 to 18' and this area being surface treated for a distance of 225' from Route 40 and grading slope of Route 40 to the West to improve sight distance.

Clear and Grubbing	2500.00
Grading	5000.00
#21A Aggregate	1650.00
Surface Treat	3000.00
TOTAL	\$12,150.00

Telephone lines and a pedestal have to be relocated that has an estimated cost of \$15,000.00.

(RESOLUTION #02-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned safety issue project on St. Rt. 659 as presented and move forward, contingent upon receiving the right-of-way as presented.

MOTION BY: David Cundiff

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ST. RT. 635 – BRIDGE STRUCTURE

Tony Handy, Resident Administrator, VDOT, presented the following update on St. Rt. 635 Bridge Structure:

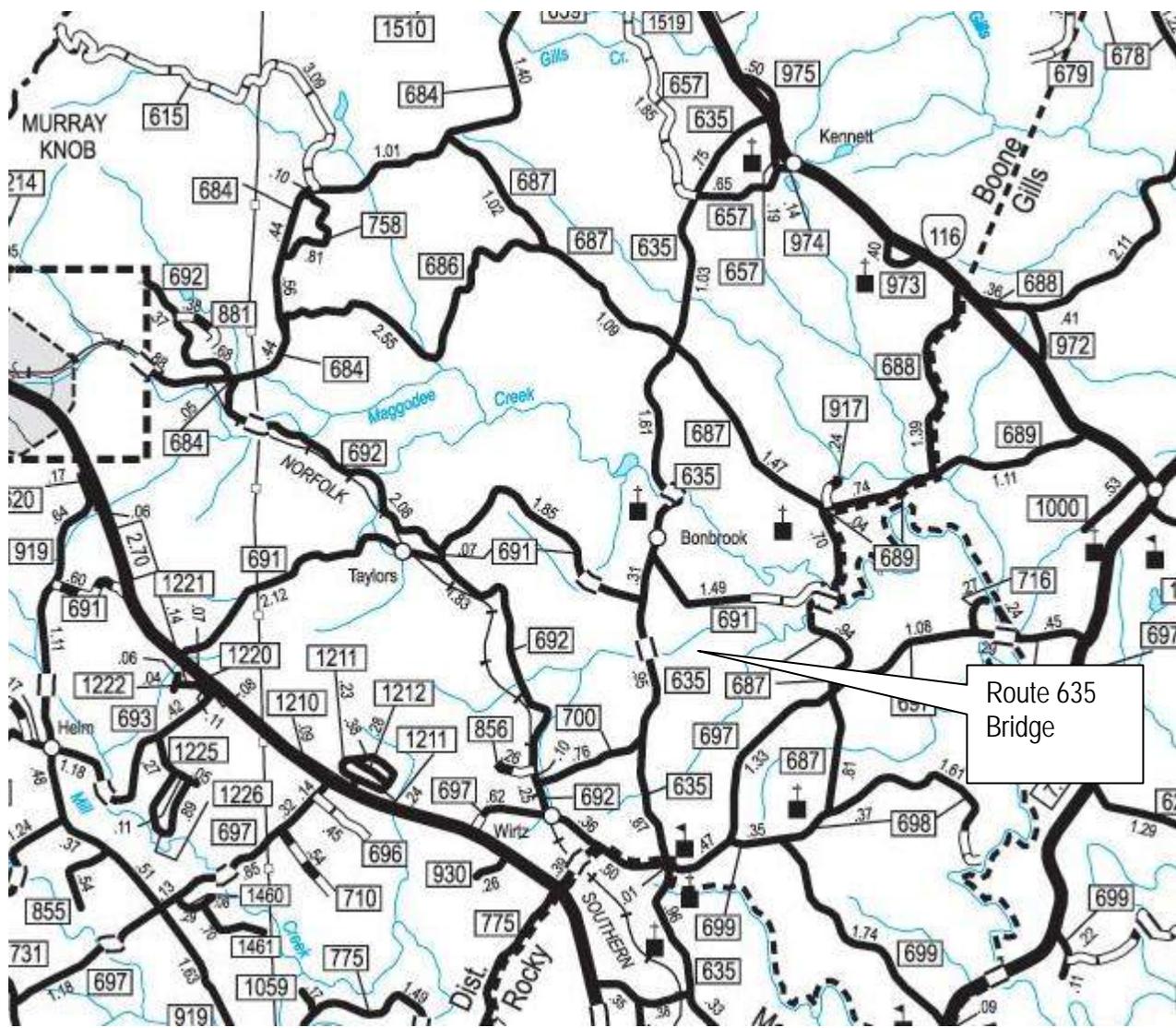
The Virginia Department of Transportation is preparing a project to replace the superstructure on the Route 635 Bridge (over a Branch of Magodee Creek). The current proposed advertisement date is February 2010. This date is a preliminary date and may be changed due to funding and/or engineering and/or construction issues.

VDOT requests the Board to formally, through resolution, acknowledge its support of the project, the fact that the road will be closed and its concurrence with waiving a public hearing.

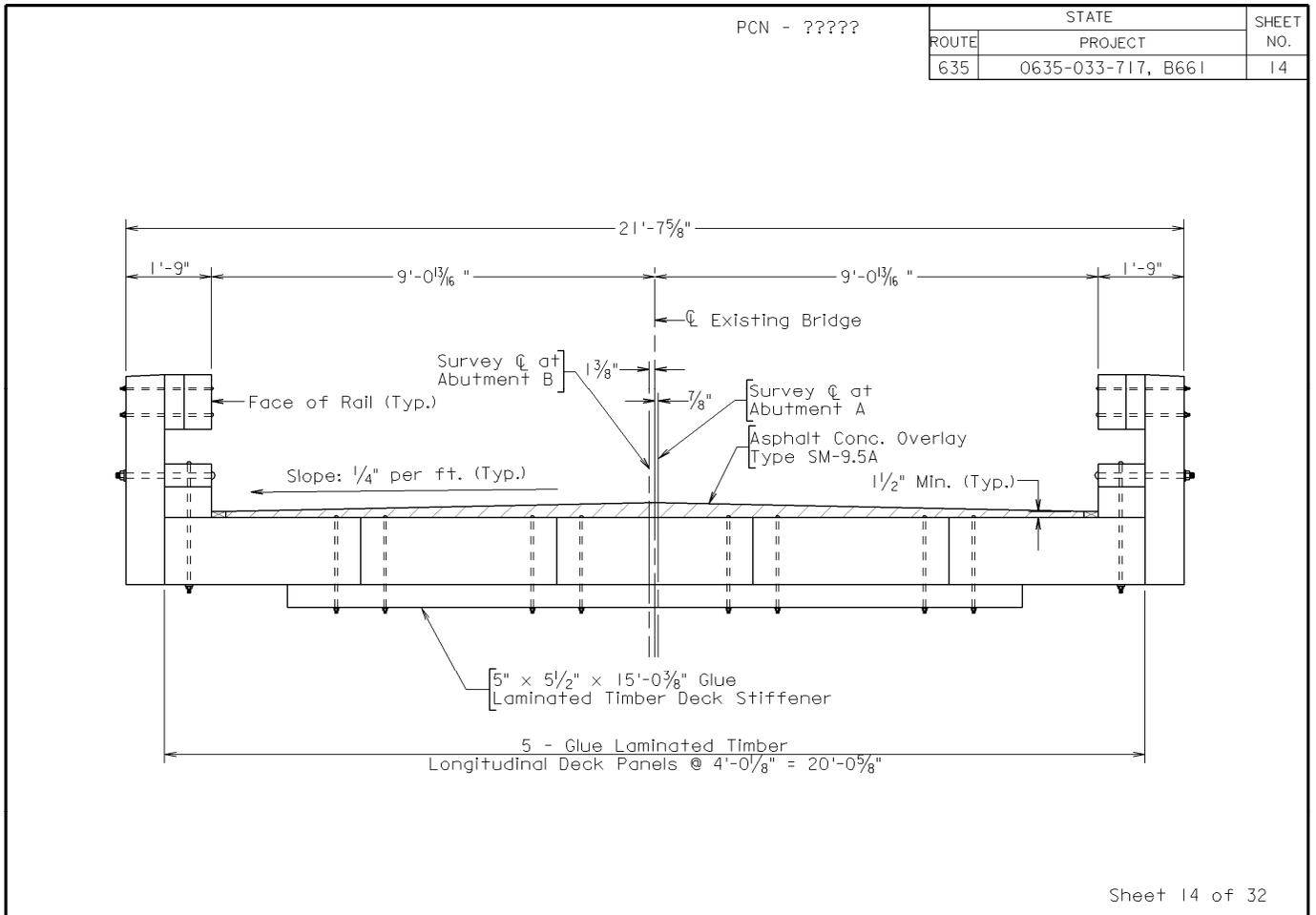
Below are some useful facts concerning the project:

- The Bridge is planned to be closed for 1 month to replace structure.
- There will be a formal detour signed for the project; Route 697 (Wirtz Road), Route 684 (Boones Mill Road) and 687 (Alean Road). While we understand that local drivers may find more direct routes to detour around the closure, we do feel that this is the best detour route for drivers unfamiliar with the local roads in the area.
- Bridge existing structure will be replaced in-kind.
- Attached is location map and typical of bridge

Route 635 Bridge Project – Location Map



Route 635 Bridge Project – Bridge Typical



(RESOLUTION #03-10-2009)

WHEREAS, the Virginia Department of Transportation is planning a project (project # 635-033-717, B661) to reconstruct the Route 635 bridge superstructure, over a Branch of Maggoodee Creek, in Franklin County; and

WHEREAS, the project serves a public need and is in the best interest of the citizens of Franklin County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Franklin County, Virginia, supports the above mentioned project (project # 635-033-717, B661), concurs with waiving a public hearing, and supports closure of the road during construction so long as the road is closed to traffic no longer than two weeks and is done outside of the normal public school year.

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

ST. RT. 643 – BRIDGE STRUCTURE

Tony Handy, Resident Administrator, VDOT, presented the following update on St. Rt. 643 Bridge Structure:

The Virginia Department of Transportation is preparing a project to replace the superstructure on the Route 643 Bridge (over the Blackwater River). The current proposed advertisement date is March 2010. This date is a preliminary date and may be changed due to funding and/or engineering and/or construction issues.

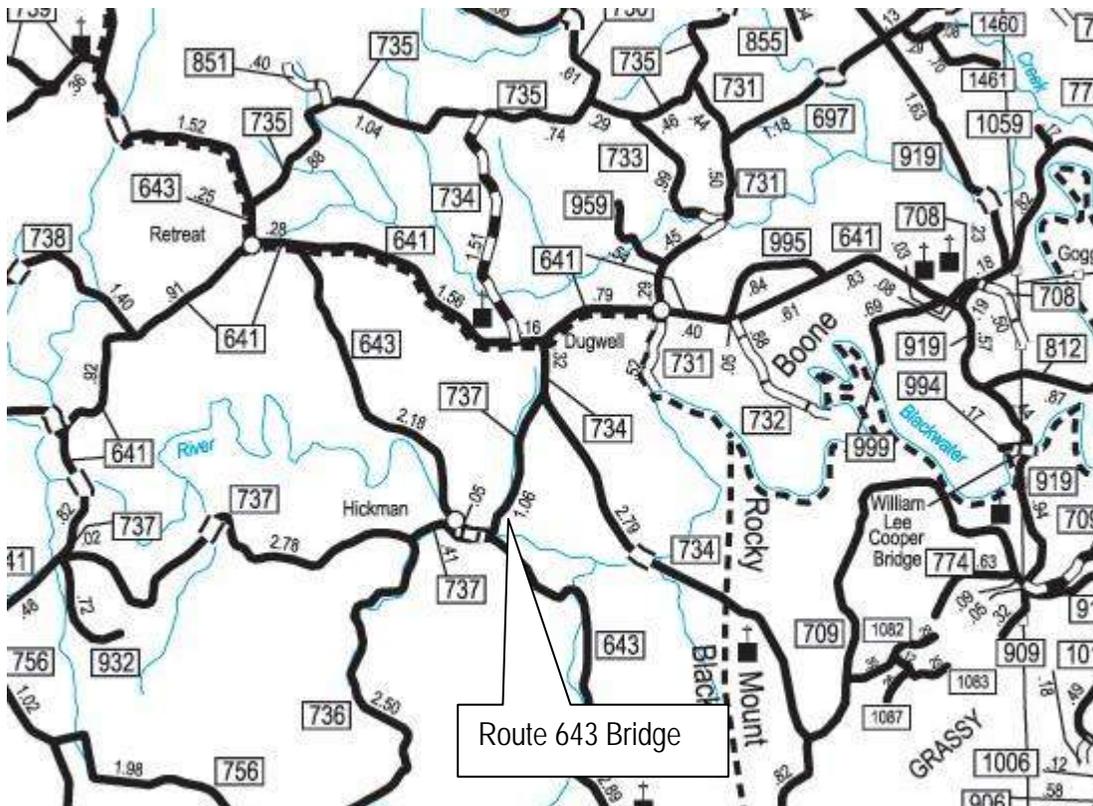
VDOT requests the Board to formally, through resolution, acknowledge its support of the project, the fact that the bridge/road will be closed and its concurrence with waiving a public hearing.

Below are some useful facts concerning the project:

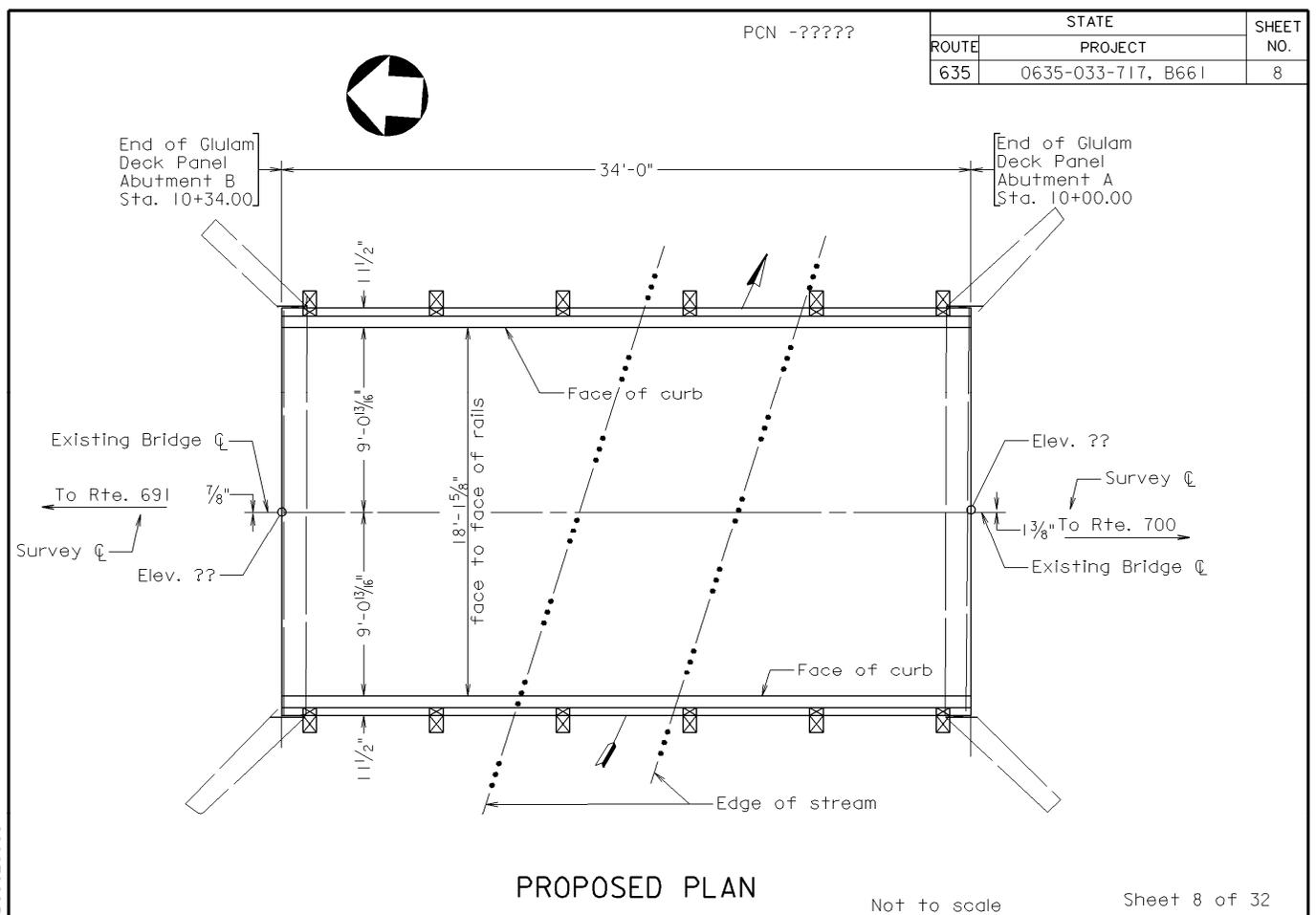
- The Bridge is currently scheduled to be closed from September 2010 to May 2011.
- There will be no formal detour signed for the project. In the event that creates a significant problem, we will take necessary corrective action.
- Bridge existing one-lane structure is being replaced with a one-lane structure.

- Some trees will need to be removed in order to remove the existing bridge and set the new structure.
- Attached is location map and typical of bridge

Route 643 Bridge Project – Location Map



Route 643 Bridge Project – Bridge Typical



(RESOLUTION #04-10-2009)

WHEREAS, the Virginia Department of Transportation is planning a project (project # 643-033-723, B658) to reconstruct the Route 643 bridge, over the Blackwater River, in Franklin County; and

WHEREAS, the project serves a public need and is in the best interest of the citizens of Franklin County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Franklin County, Virginia, supports the above mentioned project (project # 643-033-723, B658), acknowledges that the bridge will be closed during construction and concurs with waiving a public hearing.

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

MOTION BY: Wayne Angell

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

CLEMENT MILL BRIDGE UPDATE

Tony Handy, Resident Administrator, VDOT, stated the project would be ready to bid/build in 2014. Mr. Huff will follow up on VDOT funding for the Clements Mill Bridge by contacting Congressman Perriello's Office.

SPEED LIMIT STUDY FOR TRUMAN HILL ROAD

David Hurt, Boone District Supervisor, requested VDOT to study the area located at the new Windy Gap School to have a designated speed limit reduction.

(RESOLUTION #05-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the speed limit study for Truman Hill Road, Boone District.

MOTION BY: David Hurt

SECONDED BY: Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

CROWELL GAP STUDY FOR TRACTOR TRAILER – GPS

David Hurt, Boone District Supervisor, requested the Board to have VDOT to study the Crowell Gap, St. Rt. 657. General discussion ensued. Mr. Hurt requested Mr. Handy to follow up with him on the progress of the study.

APPROVAL OF APPROPRIATION OF UNSPENT LOCAL SCHOOL FUNDS FOR 2008-2009 INTO 2009-2010

Lee Cheatham, Director of Finance & Business, presented for the Board's consideration approving an increase in the School's 2009-10 appropriations as follows:

Revenues – Carryover – Local Appropriation from 2008-09	<u>\$1,303,267</u>
Proposed Expenditures:	
1. Purchase of 4 Replacement School Buses (4 @ \$71,592 + \$1,395 Adjustment)	287,763
2. School Capital Project – Enclose the Rear Lot at the FCHS West Campus with Walls & Roof to Provide Additional All-Weather Instructional Spaces for the Auto Body & Masonry Career & Technical Instructional Spaces (The original funding was \$139,950 which was approved by the Franklin County Board of Supervisors on 10/21/08 and again on 6/16/09) (Additional funding of \$39,936 is needed due primarily to fire code and sprinkler system costs that were not originally anticipated)	39,936
3. Energy Fund – Portion of Electricity Rate Increases (\$1,142,140 x 27.4% = \$312,946)	312,946

4.	Installation of Boones Mill Elementary School Waterline (\$86,650 – school capital funds \$46,604 + \$7,500 to close wells and filtering systems)	47,546
5.	Reserved for Future School Capital Projects	<u>615,076</u>
	Total Proposed Expenditures	<u>\$1,303,267</u>

The Franklin County Board of Supervisors has recommended, in past years, that we submit a request for carryover appropriation of any school funds remaining unspent at the end of any fiscal year. \$1,303,267 still remains unspent from the County appropriation to the School Board for fiscal year 2008-09. The Franklin County Board of Supervisors has approved the previous carryover requests for funds remaining at the end of the 1992-93 through the 2007-08 years.

(RESOLUTION #06-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve \$1,303,267 appropriation of unspent local school funds for 2008-2009 into 2009-2010.

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

APPROVAL OF ADDITIONAL APPROPRIATION OF COUNTY SCHOOL CAPITAL PROJECTS

Lee Cheatham, Director of Finance & Business, presented for the Board's consideration approving an appropriation of County School Capital Projects as follows:

Revenues:

County School Capital Projects Funds for 2009-10 – Total Revenues	\$1,100,000
--	-------------

Less Projects Approved by the Franklin County
Board of Supervisors on May 19, 2009:

1.	FCHS Hawkins Gymnasium Roof Replacement - Estimated Project Costs	(415,204)
	<u>Actual Costs:</u>	
	a. A/E Fees & Expenses	\$ 32,000
	b. Project Bid-See Attachment	306,000
	c. Contingency	<u>30,600</u>
	Total	<u>\$368,600</u>
2.	Reduce Budget for FCHS Hawkins Gymnasium Roof Replacement Project (\$415,204-\$368,600=\$46,604)	46,604
3.	ADA and Security Purpose Door Hardware Upgrades at BFMS East, BFMS West, The Gereau Center and One Elementary School	(296,430)
	Contingency for Security Door Hardware Project	<u>(30,406)</u>

Balance of Revenues Being Requested \$ 404,564

Proposed Expenditures:

1.	Purchase of Five (5) 65-Passenger Blue Bird School Buses from the State Contract	\$ 357,960
2.	Reserved for the Boones Mill Elementary School Waterline Extension Project (2" Water Meter & Vault - \$5,000	

and Availability Fee - \$20,000)	25,000
3. Reserved for the Boones Mill Elementary School Waterline Extension Project (Plumbing Work at School & Close Old Wells)	<u>21,604</u>

Total Proposed Expenditures \$ 404,564

(RESOLUTION #07-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned appropriation in the amount of \$404,564 as presented.

MOTION BY: David Cundiff

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

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

RISING OPPORTUNITIES PROGRAM

Diane Lovell, Founder, Rising Opportunities, Inc., stated how and why the group has come together. Mrs. Lovell stated their goal is to establish stability. Jim Tobin, Executive Director, Piedmont Community Services, stated he was very concerned with the closing of Didlake. Mr. Tobin states the stumbling block for the program thus far is the start up dollars for 3 months which has to be documented and submitted to Richmond. Mr. Tobin requested the Board to approve the following 2 step process:

1. Piedmont Community Services Board would front the \$60,000 with a pay back to Piedmont on a schedule by Rising Opportunities.

2. If Rising Opportunities could not pay the \$60,000, then Franklin County would be a back up source of repayment to Piedmont Community Services.

Approximately 10 individuals would be served at first start up. Having 14 would certainly help maintain Rising Opportunities Program for start up and continued operations .

General discussion ensued. The Board chose to table the issue at hand and to consider next month after the Piedmont Community Services Board considers the request.

FINANCIAL UPDATE

Vincent Copenhaver, Finance Director, presented to the Board the following PowerPoint Presentation on State budget cuts thus far:



The Question of State Budget Cuts



Frustrated and Confused
Finance Director

Why? Because this is the fourth time in two years we've dealt with State Budget Cuts

Four Choices:

- *Cover the State Budget Reductions with County funds.*
- *Share in the reductions with the Constitutional Officers – some State reductions, some County reductions.*
- *Require Constitutional Officers to make budget reductions for the total amount of state reductions.*
- *Wait until new Governor takes office.*

Background Information

How much does the State fund now?

Office	Total 09-10 Budget	State	County	State %
Commonwealth Attorney	\$677,006	\$505,843	\$171,163	74.7%
Clerk of Court	\$668,761	\$314,078	\$354,683	47.0%
Sheriff*	\$8,544,982	\$3,253,550	\$5,291,432	38.1%
Treasurer	\$500,286	\$166,840	\$333,446	33.3%
Commissioner of Revenue	\$539,948	\$170,130	\$369,818	31.5%
Totals	\$10,930,983	\$4,410,441	\$6,520,542	40.3%

*Includes Regional Jail Per Diem at \$2.6 million

What Duties do the Constitutional Officers Perform?

Sheriff:

- *Law Enforcement*
- *Crime investigation*
- *Emergency dispatching*
- *Jail administration*
- *Courtroom security*
- *Civil papers*
- *Domestic violence advocacy*
- *Neighborhood watch program/DARE*

As we look at this list of duties, it's clear that the benefit is to us locally

Duties of the Constitutional Officers Continued

Clerk of the Circuit Court:

- *Recorder of deeds*
 - *Probates wills*
 - *Issues marriage licenses, concealed handgun permits, processes passport applications*
 - *Administers all civil and criminal court cases for the Circuit Court*
 - *Processes adoptions, divorces, name changes*
 - *Repository for historical records*
 - *Multiple other duties as listed in the Code of Virginia*
- Once again – all local duties*

Duties of the Constitutional Officers Continued

Commissioner of Revenue

- *Assesses 106,470 personal property accounts, meals tax, transient tax, merchants capital, machinery and tools, public service, mobile homes*
- *Assesses 54,307 real estate parcels including transfers, new construction, plats, land use and tax relief*
- *Processes State income tax returns and State estimated tax payments*
- *Provides assistance to the public in the areas listed above*

Over 90% of the work of this office benefits us locally

Duties of the Constitutional Officers Continued

Treasurer:

- *Collection of all taxes and processing of all other revenues received by the County*
- *Reconciliation of the County's main checking account*
- *Collection of delinquent taxes, tax letters and judgments*
- *Investment of the County's funds and management of daily cash flows*

Work for state includes the collection of state income tax payments and state income estimated tax payments

Duties of the Constitutional Officers Continued

Commonwealth Attorney:

- *Prosecution of all criminal, traffic and juvenile offenses in the General District, Juvenile and Domestic Relation and Circuit Courts*
- *Appeals to the Virginia Court of Appeals and the Supreme Court of Virginia*
- *Provides legal advice to all local and State law enforcement agencies and officers investigating matters in Franklin County*

Once again, the majority of these duties benefit the County

Additional Background Info

- *Population growth increase last ten years: 11.4%*
- *Personal Property Assessments: 7.9% increase over last year*
- *Total Real Estate Assessments = 54,307*
- *Concealed Weapons Permits: 27.1% increase over last year*
- *Criminal Cases on Docket: 65.1% increase over last year*
- *Real Estate Collection Percentage: one of the highest in the State at 98.45%*

What is the State Reduction Amount?

<i>Sheriff</i>	<i>\$188,428</i>
<i>Commonwealth Attorney</i>	<i>\$38,726</i>
<i>Treasurer</i>	<i>\$15,048</i>
<i>Commissioner of Revenue</i>	<i>\$16,106</i>
<i>Clerk of Court</i>	<i><u>\$35,816</u></i>
<i>Total</i>	<i><u>\$294,124</u></i>

Option 1: Cover with County Funds

- *There are some potential savings/adjustments in the 09-10 budget that include:*
- *CSA – as we've mentioned in our previous budget discussions we believe there are some savings that can be realized in the 09-10 budget but CSA projections can change rapidly and total expenditures are hard to predict*
- *Vacant Appraiser position in Commissioner of Revenue Office*
- *An additional revenue enhancement of DUI cases being written on county warrants*
- *This option will cost the County \$294,124*

Option 1 Pros and Cons

Pros:

Avoids any layoffs – keeps offices staffed and open to the public at current levels

Cons:

This County funding commitment will probably need to be carried forward in future years as the State continues to struggle to meet their local obligations

Option 2: Share in Reductions

Commonwealth Attorney agrees to not fill one of his two vacant State position

Sheriff agrees to hold three of four vacant state deputy positions open

Commissioner of Revenue to hold vacant Assessor position open

Treasurer gives up all part time funds which are half funded by the State

Clerk of Court reduces various operating line items within her current budget

Total State reductions = \$160,064

Total County reductions = \$134,060

Option 2 Pros/Cons

Pros:

- *Avoids layoffs*
- *Keeps all offices open to serve the public – no reduced operating hours*

Cons:

- *Three vacant positions in Sheriff's office makes law enforcement/corrections more difficult*
- *Possibility of future state budget reductions*

Future:

- *Any future comp board vacancies to be evaluated by County staff/constitutional officer before being filled.*

Option 2: Share in Reductions

Commonwealth Attorney agrees to not fill one of his two vacant State position

Sheriff agrees to hold three of four vacant state deputy positions open

Commissioner of Revenue to hold vacant Assessor position open

Treasurer gives up all part time funds which are half funded by the State

Clerk of Court reduces various operating line items within her current budget

Total State reductions = \$160,064

Total County reductions = \$134,060

Option 3: Require Total State Reductions in Constitutional Offices

Commonwealth Attorney loses vacant Attorney position and has reduced funding for a second vacant Attorney position

Sheriff loses four vacant positions, part time funds, must possibly lay off one more additional deputy

Clerk of Court must layoff one or two employees out of 11

Treasurer must lay off one employee or reduce salaries

Commissioner must also lay off one employee or reduce salaries

Option 3 Additional Information

- *Possibility of five layoffs*
- *Creates inequity between constitutional offices since four out of five offices must make layoffs.*
- *Adds to the unemployment of Franklin County and increases the County's cost of unemployment insurance*
- *May force some offices to close to the public one day per week or two half days per week*
- *Could begin to impact County's assessing/collection capability – state deadline of Sept 1 for the RE/PP book*
- *If salaries are reduced across the board, then this creates inequity between constitutional offices and county departments*

Option 4 - Wait

- *Promises by both gubernatorial candidates to reverse the reductions in January (at this point this statement is not verified for all offices – only law enforcement)*
- *How should we handle the good possibility of future reductions and the very real possibility of the state withdrawing all their support for these offices?*
- *Would the budget process be the best time to evaluate these reductions?*
- *Although one-time money, over \$200,000 in additional tax sale funds have been collected this fiscal year which could serve as the 09-10 buffer amount*

Magnitude

- *929 state positions eliminated – what 's the magnitude?*
- *929 is 0.77% of the total state employment of 120,800*
- *During the last budget process, Franklin County eliminated 5.9 full time equivalents (FTE's) or 2.28% of our total full time employment of 259 (excludes Social Services)*

Summary: Four Choices

- *Cover the State Budget Reductions with County funds*
- *Share in the reductions with the Constitutional Officers – some State reductions, some County reductions*
- *Require Constitutional Officers to make budget reductions for the total amount of state reductions*
- *Wait until new Governor takes office*

Summary

- *These offices provide many valuable services to our County government as well as the citizens of the County*
- *We certainly need to be mindful of equity issues between Constitutional office employees and the rest of the County employees. We have and do continually strive to be one team which is Franklin County*
- *Questions?*

General discussion ensued.

The Board of Supervisors will cover \$134,060 shortfall along with the Constitutional Officers absorbing cuts in the amount (\$160,064) totaling \$294,124 from Option 2. The Board will

revisit in January after the General Assembly meets to re-evaluate should there be further cuts from the State in January.

LANDFILL MITIGATION APPROPRIATION

Van Burbock, Consultant, Joyce Engineering, Inc. advised the Board the Department of Environmental Quality (DEQ) requires the Franklin County Landfill to perform quarterly methane gas monitoring in probes along the property boundary and at all on-site structures. When any readings exceeding 4% methane the County is mandated to submit a Landfill Gas Remediation Plan to DEQ. If the methane gas reading rises above 5% methane in any probe, then remediation has to be implemented. The County Landfill has been doing monthly methane gas monitoring since June 2007 because methane gas readings rose to 7% and higher and then came back down. However, DEQ still required that a gas mitigation plan be designed and installed.

In April 2009, the methane gas reading went back up to 4%. Joyce Engineering prepared a Remediation Plan and sent it to DEQ for review and approval. In May 2009, the methane gas readings in probe 1A went up to 7% methane. The Landfill had to start the implementation of the LFG Remediation. The first action of the plan is the installation of a gas extraction unit (GEU) or alternative mitigation on the gas vents nearest probe 1A. The County received bids and they were opened on Thursday, August 20, 2009. The County received four (4) different bids for gas mitigation ranging between \$153,995 and \$226,408 for implementation of a gas mitigation plan.

Bids received were substantially higher than anticipated due to the necessity to hook up an additional 9 vents not previously required to be monitored by DEQ. However, due to the location of the exceedances and the continuous gas reading DEQ is requiring that all vents be added to the mitigation plan. Subsequent to receiving these bids, staff met with Joyce Engineering and held discussions with DEQ. It was determined and approved by DEQ that the County would be provided an additional 90 days to gather further data. Subsequent data collection revealed that exceedances of methane gas are located in a concentrated area at the western edge of the Landfill near Route 220. It is our engineering firm's opinion that trenching may be a means of dissipating the methane gas which would be less costly than a GEU mitigation. A trench would be dug for approximately 350ft at a depth of 20ft to 30ft parallel to the probes requiring mitigation.

If the trenching process does not meet DEQ requirements, the County would then be required to proceed with another alternative. However, "there is no guarantee that either trenching or a gas extraction system (GEU) would be successful".

Since the methane gas dissipates into the atmosphere and our exceedances are relatively low, we are in a position to try alternative options prior to the expense of a full blown gas extraction unit (GEU). We will eventually be required to install a GEU but we believe this can be delayed for a couple of years. The County had originally budgeted \$60,000 for a gas extraction unit plus drilling additional vent holes. Currently the County has \$78,000 in the CIP gas line item and an additional \$110,000 available as a result of the lower bid awarded for the required landfill pump and treat system. Total available in CIP is \$188,000. Preliminary cost estimates for the trench installation is \$79,500. Please note that \$79,500 may be considerably more if a heavier pipe is required or should trenching require terraces in lieu of trenching.

It is staff's recommendation that these funds be utilized to install a trench to mitigate the gas exceedances and provide additional data.

RECOMMENDATION:

County staff and Joyce Engineering respectfully recommend that the Board of Supervisors authorize the County Administration to bid for the gas mitigation trenching /installation. Funds are currently available within the Landfill CIP budget for payment.

General discussion ensued.

(RESOLUTION #08-10-2009)

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

STATE. ROUTE 890 DUMPSTER SITE

Leland Mitchell, Snow Creek District Supervisor, stated in his opinion he would like to see the site remain open. The Board asked if the recent citations were controlling the dumping and staff advised it had not helped at all. The Board stated they would follow the lead of Mr. Mitchell since this was his district.

SHERIFF'S DEPARTMENT PURCHASE OF VEHICLES

The Franklin County Sheriff's Office is a law enforcement agency with local jail and law enforcement responsibility. It maintains a fleet of police vehicles necessary to carry out all functions and responsibilities. Field law enforcement vehicles are normally replaced around 125,000 miles and the better of these vehicles are then reissued or reassigned to support services such as prisoner transport or spare fleet vehicles. They are maintained in this capacity until they become unreliable or repairs and maintenance become cost prohibitive. K-9 police vehicles are normally replaced around 100,000 miles due to excessive engine idle times to maintain a controlled environment for their canine partners.

The Sheriff's Office requests to order five new marked police vehicles. The five new marked vehicles would ultimately replace vehicles that have reached their replacement mileages. These five new requested marked vehicles would be new 2010 Ford Police Interceptor vehicles through a York County, Virginia contract IFB No. 1661 at a cost of **\$24,400.00** each for a **Total cost of \$ 122,000.00**. Current Virginia state contract price for the same 2010 vehicle is \$ 25, 125.00. These vehicles would replace the following vehicles:

1. 2002 Dodge Intrepid Police unmarked K-9 vehicle, current mileage 115,000
2. 2004 Ford Police Interceptor unmarked former K-9 vehicle, current mileage 109,000, out of service
3. 2004 Ford Police Interceptor, current mileage 131,000
4. 2004 Ford Police Interceptor, current mileage 125,000, wrecked, insurance pending
5. 2005 Ford Police Interceptor, current mileage 125,000

Vehicles 3 & 5 would be used as spare vehicles or to replace jail vehicles depending on their condition when new vehicles are received. Vehicle 2, which is a spare vehicle, is currently being used by a shift uniformed deputy although it is in poor condition from previously being a K-9 vehicle. Vehicle 4 is believed to be a total loss with insurance settlement pending.

RECOMMENDATION:

Staff respectfully recommends replacement of vehicles as requested. Request has been reviewed by the Vehicle User Group and has been approved as submitted.

(RESOLUTION #09-10-2009)

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

MOTION BY: David Hurt

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

AWARD OF FURNITURE BID FOR GOVERNMENT CENTER

Jack Murphy, Architect, Thompson & Litton, reviewed with the Board in planning for the move of many offices to the 50,000 sq. ft. Government Center, staff along with the architect began a careful review of existing furnishings that could be reused vs. what would need to be replaced or bought in addition. The result of that study shows that approximately 20% of the furnishings at the new center would be reused from existing furniture. Some filing cabinets need to be replaced as do some desks, due to age and poor condition. In addition, there are a number of flexible, work cubicles that need to be purchased as there are fewer individual offices in the Government Center than exist in the current space. The original budget for furnishings was \$558,000 and funds were included in the project budget.

Most all of the furnishings could have been purchased from state contracts at very attractive pricing, however due to market conditions it was determined that even better pricing might be possible. By bidding these furnishings outside the renovation contract, the contractor's markup was avoided and waited until closer to needing the furnishings before getting prices in hopes of obtaining better pricing. A complete set of bid specifications were developed and bids were received on October 6, 2009. Two bids were received which included smaller

companies bidding as part of a bigger package from both companies. One of the bids was received after the due time and was returned unopened per state procurement law. The other bid submitted by Harris Office Furniture of Roanoke was determined to be responsive. The bid specs broke the furnishing into "sections" and the Harris bid did not respond to one section. The one section that Harris did not respond to was desks that Harris did not have the franchise for and they chose not offer a substitute. The desks can be purchased off of state contract without further bidding, however we were made aware that there was a cooperative contract awarded by a governmental coop located in Houston, TX (The Cooperative Purchasing Network-TCPN) that offered pricing even below VA contract pricing. After confirming with Virginia purchasing officials, it was determined that we were eligible to purchase off this contract and the section that Harris did not bid on can be procured through TCPN. All of the furnishings are being offered under these contracts at a 51-68% discount.

The Harris bid totaled \$ \$413,190.19. The TCPN/Gunlocke contract totaled \$ 85,694. Combined, furnishings totaled \$498,885.01, or 10.6% under budget.

RECOMMENDATION:

Staff recommends that the Board award the furnishings contracts to Harris Office Furniture in the amount of \$413,190.19 and the TCPN contract to Gunlocke Furniture in the amount of \$85,694. Funds are allocated in the CIP fund for the Government Center and the savings of \$59,115 from the budgeted number will be held unspent.

(RESOLUTION #10-10-2009)

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

MOTION BY: Wayne Angell

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

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

NAYS: Johnson

FARM USE TAG ABUSE

Richard E. Huff, II, County Administrator, presented the Board a draft letter addressed to Sheriff Hunt Captain Denney, State Policy stating the Franklin County Board of Supervisors has expressed concerns over the proliferation of Farm Use Tags and unregistered Farm Use vehicles being driven on the highways of Franklin County. Especially concerning is the potential lack of insurance on an unregistered vehicle being used for purposes beyond the scope of the exemptions offered as well as "F" tags being used on vehicles that are exceeding the purposes allowed for vehicles displaying such tags.

Mr. Huff stated the Board recognizes how difficult it may be to monitor these uses, but some publicity about proper use and avoiding abuses coupled with some enforcement including checkpoints would be most welcome.

The Board directed staff to forward the letter to Sheriff Hunt and Captain Denney, State Police.

VOLUNTEER RECOGNITION PROGRAM

Richard E. Huff, II, County Administrator, briefed the Board on the Board and Commissions volunteers recognition program. Mr. Huff stated there were over 136 volunteers serving on Boards and Commissions, 878 Departments with a total of 1,014 volunteers. Mr. Huff requested the Board to take a look at the list of volunteers and to carefully consider this type of program recognition. General discussion ensued.

Chairman Wagner recessed the meeting for dinner.

Chairman Wagner called the meeting to order.

Scott Woodrum, Staff Engineer, VDOT, presented the following PowerPoint presentation regarding St. Rt. 116 Truck Traffic Restriction:



Through Truck Restriction Program Considerations for Route 116 Roanoke & Franklin Counties

October 13, 2009
RR Dan Collins
Residency Administrator, Salem Residency



Through Truck Restriction Program

Commonwealth Transportation Board Philosophy

- All vehicles should have access to the roads on which they are legally entitled to travel.
- Travel by any class of vehicle on any class of highway should be restricted only upon demonstration that it will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any of the users of the transportation system.
- There may be a limited number of instances when restricting through trucks from using a segment roadway will reduce potential conflicts.
- Guidelines to govern and regulate requests for through truck restrictions on primary and secondary highways.



2



Through Truck Restriction Program

Eligible Roadways

- Secondary highways - CTB delegates the authority to restrict through truck traffic to the Commissioner of VDOT.
- Primary highways – CTB retains authority
- Restrictions can apply to any truck, truck and trailer or semi trailer combination, or any combination of those classifications.



3

Through Truck Restriction Program

Compliance with Code of Virginia

In order to comply with the requirements of the Code of Virginia, the local governing body must 1) hold a public hearing and, 2) make a formal request of the Department.

The following must be adhered to:

- A) The public notices for the hearing must include a description of the proposed through truck restriction and the alternate route with the same termini. A copy of the notices must be provided.
- B) A public hearing must be held by the local governing body and a transcript of the hearing must be provided with the resolution.
- C) The resolution must describe the proposed through truck restriction and a description of the alternate, including termini.
- D) The governing body must include in the resolution that it will use its good offices for enforcement of the proposed restriction by the appropriate local law enforcement agency.



Failure to comply with the above will result in the request being returned. The CTB and the Commissioner shall act upon any such formal request within nine months of its receipt, unless good cause is shown.

4

Through Truck Restriction Program

Review Criteria

VDOT considers 4 criteria. The proposed restriction must meet both the first and second criteria in order to be approved:

1. Reasonable alternate routing is provided.
2. The character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area



5

Through Truck Restriction Program

Review Criteria Continued -



In addition to meeting the first two criteria, the proposed restriction must meet either the third or the fourth criteria in order to be approved.

3. The roadway is residential in nature. Typically, the roadway will be judged to be residential if there are at least 12 dwellings combined on both sides within 150' of the existing or proposed roadway center line per 1,000 feet of roadway.
4. The roadway must be functionally classified as either a local or collector.

Failure to satisfy criteria 1 and 2, and either criteria 3 or 4 will normally result in rejection of the requested restriction.

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Through Truck Restriction Program

Route 116 - 2008 Traffic Data

Functional Classification - Rural Major Collector

Virginia Department of Transportation - Jurisdiction Report

Daily Traffic Volume Estimates

Including Vehicle Classification Estimates

Roanoke & Franklin Counties

Route	Jurisdiction	Length	AADT	QA	4Tire	Bus	Truck				OC	K Factor	QK Factor	Dir Factor	AAWDT	OW
							2Axle	3+Axle	1Trail	2Trail						
Franklin County Line																
116 Jao Valley Rd	Roanoke County	2.11	5400	G	98%	0%	1%	0%	0%	0%	F	0.117	F	0.869	5600	G
SR 633 Steffen Rd																
116 Jao Valley Rd	Roanoke County	1.17	5900	G	98%	0%	1%	0%	0%	0%	F	0.114	F	0.884	6400	G
SCL Roanoke																
SR 122 Burnt Chimney																
116	Franklin County	5.92	3500	F	98%	0%	1%	0%	0%	0%	F	0.106	F	0.645	3700	F
SR 678 Edwards Rd																
116	Franklin County	3.58	4000	F	98%	0%	1%	0%	0%	0%	C	0.109	F	0.857	4200	F
Roanoke County Line																

7



Through Truck Restriction Program

Traffic Data Truck Axle Definitions

4 Tire: Percentage of the traffic volume made up of motorcycles, passenger cars, vans and pickup trucks.

Bus: Percentage of the traffic volume made up of busses.

2 Axle Truck: Percentage of the traffic volume made up of 2 axle single unit trucks (not including pickups and vans).

3+Axle Truck: Percentage of the traffic volume made up of single unit trucks with three or more axles.

1 Trail Truck: Percentage of the traffic volume made up of units with a single trailer.

2 Trail Truck: Percentage of the traffic volume made up of units with more than one trailer.

8



Through Truck Restriction Program

Tractor Trailer Combination Vehicles simulated along Route 116

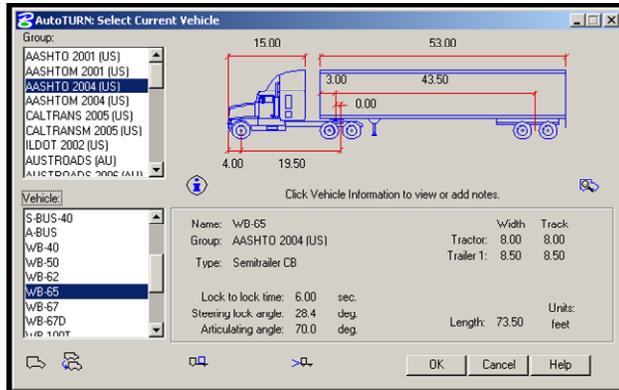
Overall Length (ft)	Trailer Length (ft)	AASHTO Designation	Typical Applications
45.5'	33'	WB-40	Reddy Ice, Blue Ridge Beverage
55'	42.5'	WB-50	US Foods, Kroger, PMI Petroleum Transport (58.4')
68.5'	48'	WB-62	US Foods, Kroger, Blue Ridge Beverage (62.5'), Recent Cattle Truck Crash (69.5')
73.5'	53'	WB-67	Typical Interstate Semi Tractor Trailers

9



Through Truck Restriction Program

AutoTURN Analysis – Sample template



10



Through Truck Restriction Program

Route 116
Roanoke and
Franklin Counties

○ Study
Locations

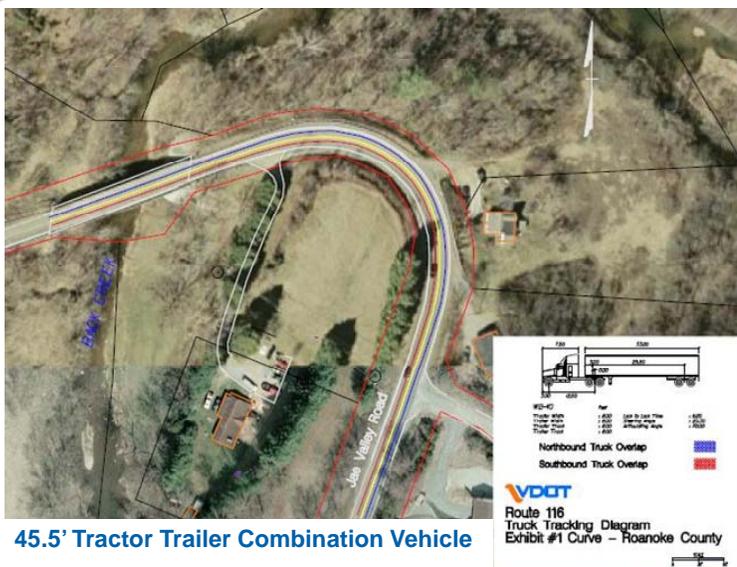
3 in Roanoke
1 in Franklin



11



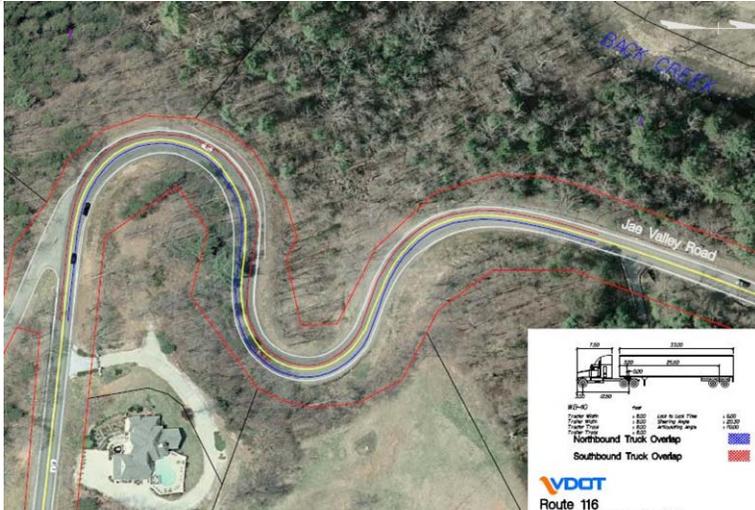
Through Truck Restriction Program



12



Through Truck Restriction Program

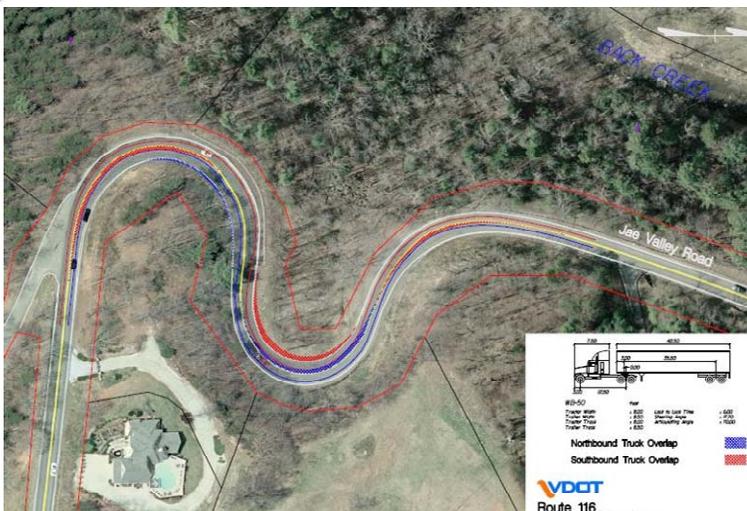


45.5' Tractor Trailer Combination Vehicle

16



Through Truck Restriction Program

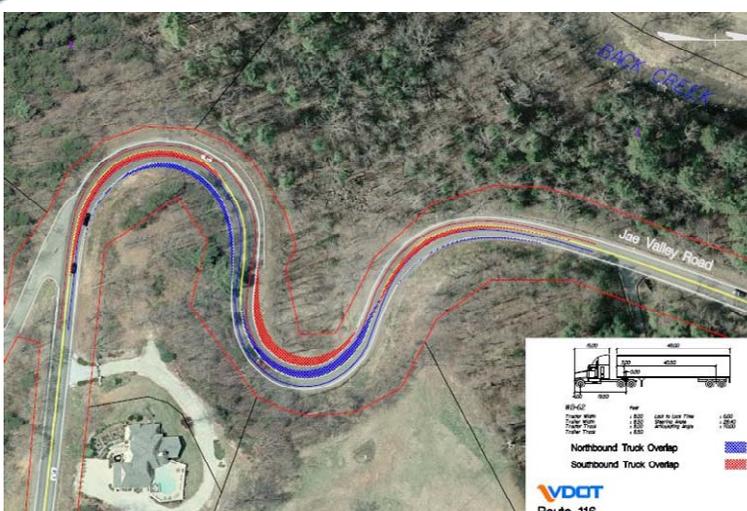


55' Tractor Trailer Combination Vehicle

17



Through Truck Restriction Program

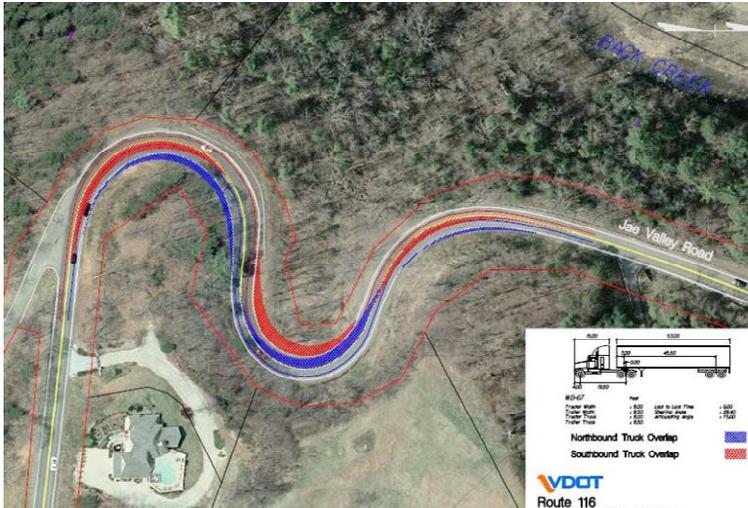


68.5' Tractor Trailer Combination Vehicle

18



Through Truck Restriction Program



73.5' Tractor Trailer Combination Vehicle

VDOT
Route 116
Truck Tracking Diagram
Exhibit #2 Curve - Roanoke County

19



Through Truck Restriction Program



45.5' Tractor Trailer Combination Vehicle

VDOT
Route 116
Truck Tracking Diagram
Exhibit #3 Curve - Roanoke County

20



Through Truck Restriction Program



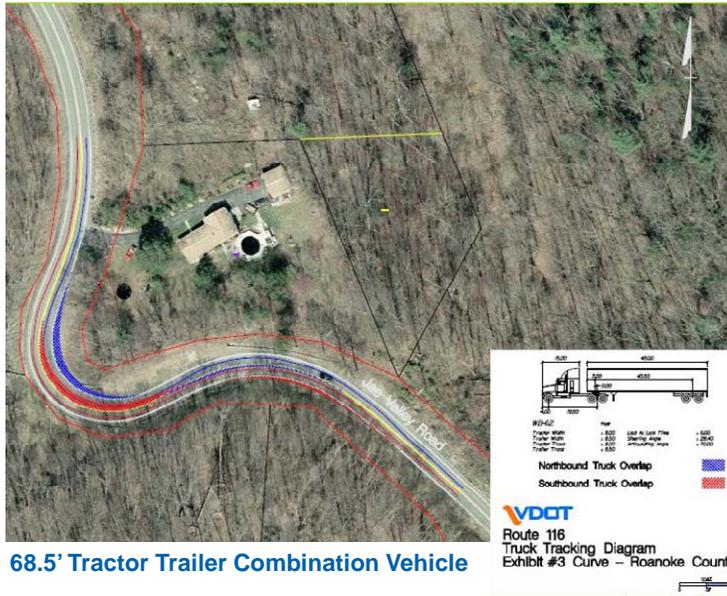
55' Tractor Trailer Combination Vehicle

VDOT
Route 116
Truck Tracking Diagram
Exhibit #3 Curve - Roanoke County

21



Through Truck Restriction Program

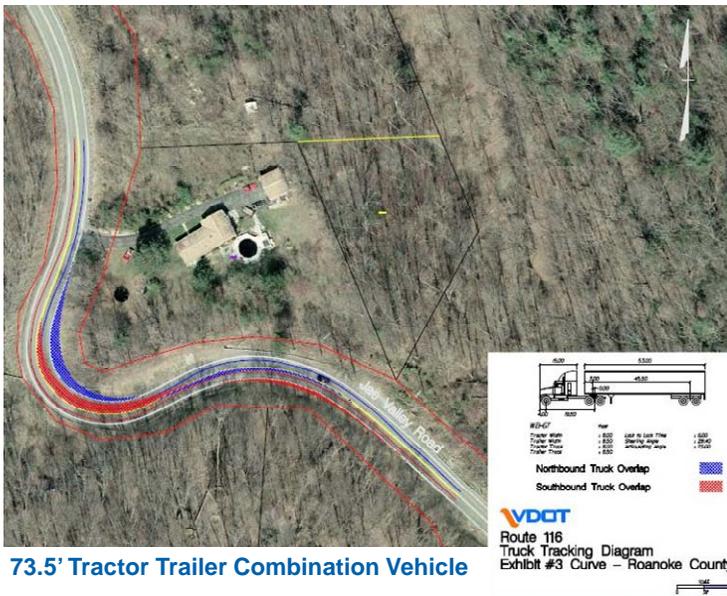


68.5' Tractor Trailer Combination Vehicle

22



Through Truck Restriction Program



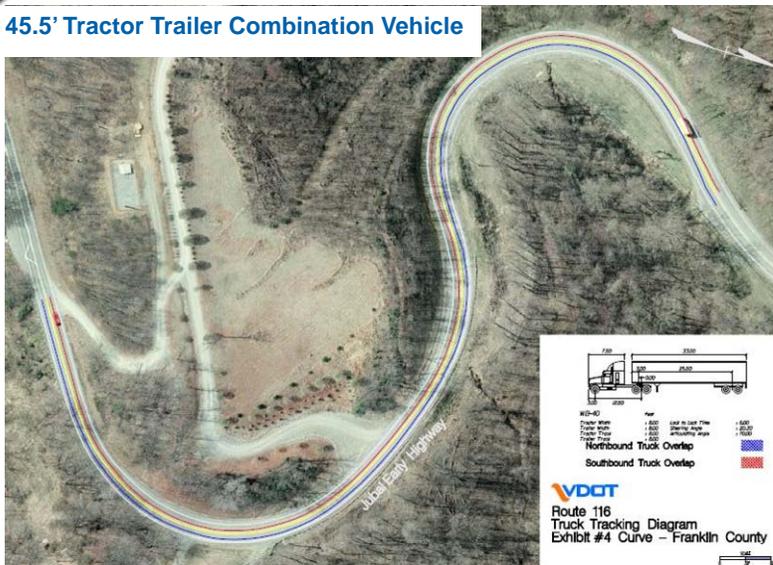
73.5' Tractor Trailer Combination Vehicle

23



Through Truck Restriction Program

45.5' Tractor Trailer Combination Vehicle

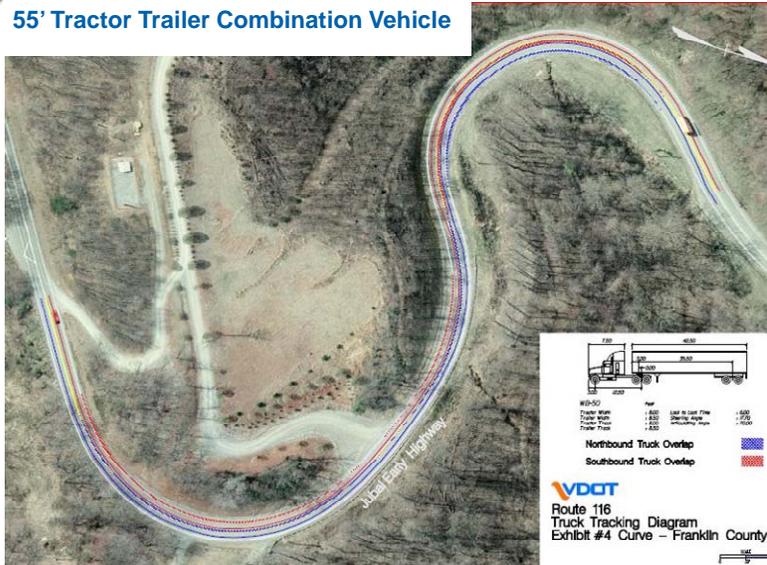


24



Through Truck Restriction Program

55' Tractor Trailer Combination Vehicle

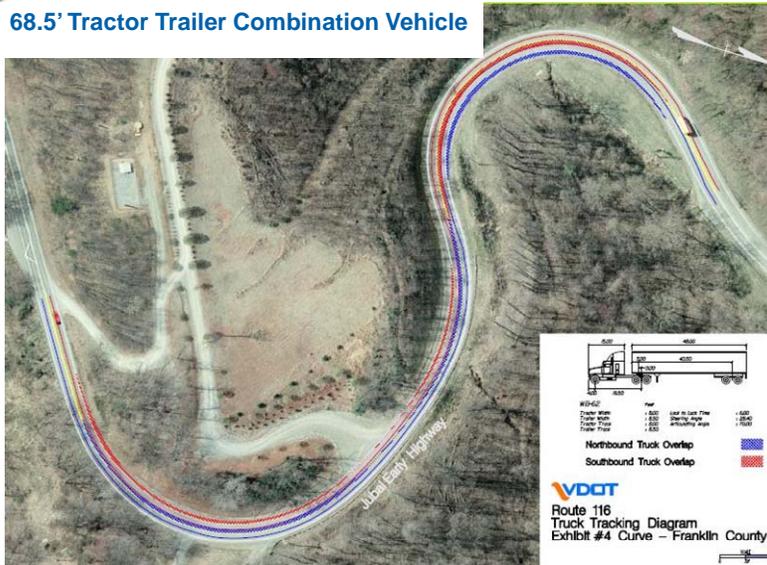


25



Through Truck Restriction Program

68.5' Tractor Trailer Combination Vehicle

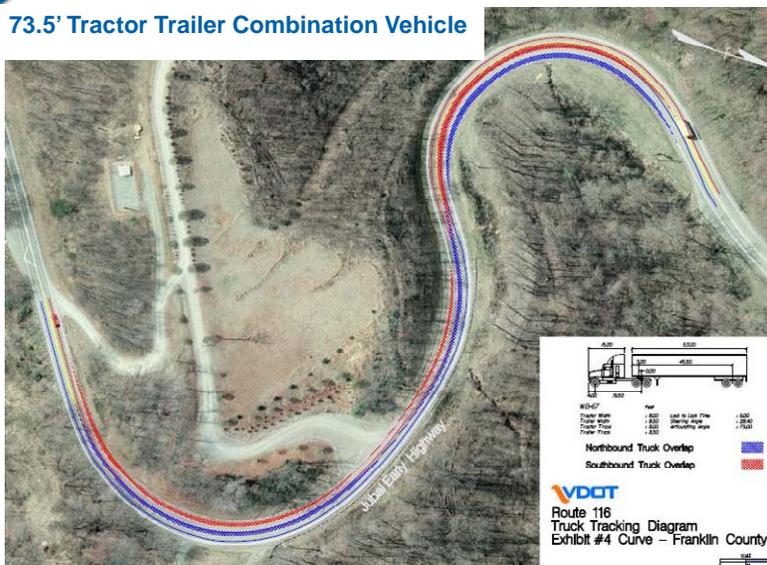


26



Through Truck Restriction Program

73.5' Tractor Trailer Combination Vehicle



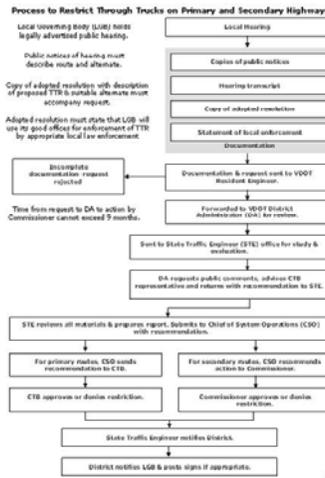
27



Through Truck Restriction Program

VDOT Process

1. The LGB makes formal request through the Resident Administrator.
2. Request submitted by the District Administrator to the State Traffic Engineer.
3. State Traffic Engineer conducts a traffic engineering study.



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Through Truck Restriction Program

4. The study sent to District Administrator for one or more of the following actions:



- Publish a public notice of the proposed restriction, requesting written comments only
- Publish a public notice of the proposed restriction and advise of the Department's willingness to hold a public hearing if requested
- Publish a public notice of the time and place of a public hearing on the proposed restriction

A copy of the public notice will be sent to the Virginia Trucking Association for distribution to the trucking industry and other interested parties.

If a proposed alternate route(s) includes route(s) in another locality, the locality should be notified of this proposal for their comments.

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Through Truck Restriction Program

5. The District Administrator prepares report and submits to the State Traffic Engineer which includes his recommendation, transcript of hearing (if held), copy of published public notice, and any written or oral comments received.
6. The District Administrator informs the respective CTB member and provides the State Traffic Engineer with the board member's concurrence or disagreement with the recommendation.
7. The State Traffic Engineer will review the District Administrator's recommendation. A report will be prepared which will be submitted to the Chief of System Operations.



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Through Truck Restriction Program

- 8. Chief of System Operations reviews and approves the recommendation of the State Traffic Engineer. The report is presented to the Commissioner for consideration by the CTB.
- 9. Following CTB action the State Traffic Engineer will make all appropriate notifications. The residency will be requested to post appropriate signs if the restriction is approved
- 10. If a request is received to rescind or modify an existing "through truck" restriction these same procedures must be followed.



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Through Truck Restriction Program



Questions or Comments

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General discussion ensued.

(RESOLUTION #11-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing for Truck Traffic Restriction on State Route 116 as adopted by Roanoke County for November Board meeting.

MOTION BY: David Hurt

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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

PETITION TO AMEND COUNTY CODE-Petition of the Franklin County Board of Supervisors to amend Chapter 25, "Zoning" of the Franklin County Code, to implement a Mixed Use Overlay District, Article IV, Special Provisions, Division 6. 220-North Mixed Use Overlay District; Section 25-502, Purpose; Section 25-502.1, Boundaries; Section 25-502.2, Relationship to underlying zoning; Section 25-502.3, Change in underlying zoning classification; Section 25-502.4, Residential cluster developments; Section 25-502.5, Standards for residential lots within residential cluster developments; Section 25-502.6, Standards for required open space within residential cluster developments; Section 25-502.7, Management of required open space within residential cluster developments; Section 25-502.8, Required landscape yards; Section 25-502.9, Required landscaping; Section 25-502.10, Signs; Section 25-502.11, Development within the Special Flood Hazard Area; and Section 25-502.12, Access Management. (Case #A-08-09-01.)

Neil Holthouser, Director of Planning & Community Development, gave a brief overview for the public on the study conducted for the Mixed Use Overlay as proposed and advertised for the public hearing.

David Arrington, Arrington Enterprises, Inc. shared with the Board concerns he has for the proposed Mixed Use Overlay District proposal. Mr. Arrington felt the adoption of this ordinance would prohibit their company to further develop their property in the future. The 50' mandatory set back would also cause a hardship and certainly variances would have to be sought.

Ed Friel, Blue Ridge Cabinets, expressed concerns over the 50' set back restriction (35' now, moving to 50' plus additional footage for parking lot). Mr. Friel stated with the today's economics the County needs to help establish jobs. Mr. Friel asked the Board to delete the 50' set back restriction as proposed.

Scott Gabrielson, Gabrielson Church, discussed the addition of a new building on his property, with signage, would he be able to add a sign on off-site property along U.S. 220. Staff advised him he would not be able to erect a sign under the current or proposed ordinance(s) for off-site property.

Barbara Dudley, asked if the proposed ordinance would affect a existing mobile home park sale located on 220. Staff stated existing mobile homes conform to the current county ordinance.

Holley Hartman, stated, "We live in an area of great natural beauty which some residents strive to protect and preserve, while others seek to use only for personal gain.

As the American workforce ages, retires, and increasingly streams into our area, we need to have proactive measures already in place, rather than waiting till the inflow is underway and then struggling to close the floodgates.

The Plan presented by Mr. Holthouser and the Planning Commission is sound. It even-handedly seeks to respect the interests of current developers, while conserving farmland and open spaces in a progressive vision which promotes both residential and business development.

In conclusion, protections need to be established now for the US-220 corridor, against short-sighted, chaotic retail colonization. The proposed Mixed-Use Overlay District makes possible future human-centered homes and jobs, instead of allowing socially destructive urban sprawl to set in."

General discussion ensued.

Chairman Wagner closed the public hearing.

(RESOLUTION #12-10-2009)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendment, as advertised, and that the public purpose is public necessity, convenience, general welfare, or good zoning practice and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended inclusive of the 250' landscape language and 25' buffer applies only to the existing lots at the adoption of this ordinance.

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 northeast edge of the Route 220 right-of-way directly opposite the intersection of Route 220 and Brick Church Road; thence southeast along the edge of the Route 220 right-of-way to the westernmost corner of the parcel identified by Franklin County Real Estate records as tax map number 36, parcel number 188.01; thence northeast along the westernmost edge of such parcel to the northernmost corner of such parcel; thence southeast along the northernmost edge of such parcel to the centerline of Rolling Hill Drive; thence south, southeast, and northeast along the centerline of Rolling Hill Drive to the intersection of Rolling Hill Drive and Hazelwood Lane; thence northeast along the centerline of Hazelwood Lane 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 Brick Church Road; thence northeast along the centerline of Brick Church Road to the intersection of Brick Church Road and Route 220 at a point located along the centerline of the southbound travel lane of Route 220; thence northeast to the point of origin along the northeast edge of the Route 220 right-of-way directly opposite the intersection of Route 220 and Brick Church Road.
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 zoning ordinance and the subdivision ordinance. In the absence of an enumerated requirement of this division, the requirements of the zoning ordinance and the subdivision ordinance shall prevail.

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

Where any change to the underlying zoning classification is requested (also known as a zoning map amendment or rezoning), such request 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. For the purposes of this division, a residential cluster development shall be defined as a development consisting of single-family residential uses, where residential lots and associated infrastructure are concentrated on a portion of the subject land, with the balance of the subject land reserved as permanently undeveloped open space.
2. Any residential development consisting of twenty (20) or more acres and containing four (4) or more residential lots shall be required to develop as a residential cluster development, with a minimum of fifty (50) percent of the development's gross area reserved as permanently undeveloped 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.
3. 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.
4. 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 permanently undeveloped open space.
5. 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.
6. All new streets or roads serving residential lots within a residential cluster development shall be constructed to VDOT standards for the acceptance of secondary streets into the state maintenance system.

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. Where residential lots within residential cluster developments have frontage on an existing road classified by VDOT as a primary road, the following residential lot standards shall apply:
 - a. The minimum lot size shall be 20,000 square feet.
 - b. The minimum road frontage shall be 150 feet.
2. Where residential lots within residential cluster developments have frontage on an existing road classified by VDOT as a secondary road, the following residential lot standards shall apply:
 - a. The minimum lot size shall be 15,000 square feet.
 - b. The minimum road frontage shall be 125 feet.
3. Where residential lots within residential cluster developments have their frontage solely along new secondary streets or roads, the following residential lot standards shall apply:
 - a. The minimum lot size shall be 10,000 square feet.
 - b. The minimum road frontage shall be 75 feet.
4. Where residential lots within residential cluster developments have frontage on an existing primary or secondary road, the setback requirements of the underlying zoning district shall prevail.
5. Where residential lots within residential cluster developments have their frontage solely along new secondary streets or roads, the following setback requirements shall apply for all structures, including principal buildings, accessory buildings, porches, stoops, and eave overhangs:

- 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.

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 steep slopes, defined as having a slope greater than twenty-five (25) percent.
2. Areas of required open space shall measure at least fifty (50) feet in width, as measured at the narrowest dimension.
3. Areas of required open space shall be platted as open space lots distinct from residential lots. Open space lots shall have a minimum lot area of 2,000 square feet. Open space lots are not required to have road frontage; however, open space lots must be accessible either by means of direct road frontage, or by private access easement with a minimum width of fifteen (15) feet.
4. 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.
5. All areas of required open space, except those devoted to agriculture, horticulture, forestry and/or timber harvesting as provided for in Sec. 25-502.6(4), shall be permanently reserved for common use by residents of the residential cluster development and/or the public at large.

Sec. 25-502.7. Ownership and management of required open space within residential cluster developments.

Areas of required open space shall be platted as open space lots distinct from residential lots, with such open space lots subject to the following ownership and management requirements:

1. Open space lots may be owned and managed by a single owner, family, entity, or agency, provided that such lots are permanently restricted by deed to prohibit any and all development, except as allowed under Sec. 25-502.6(4).
2. Open space lots may be owned and managed by a common owner, including a nonprofit association, a non-stock or membership corporation, trust, or foundation,

provided that such common owner include all owners of residential property within the residential cluster development. Such arrangement shall conform to the following:

- a. The developer must establish the common ownership entity prior to the sale of any lots.
- b. Membership in the common ownership entity shall be mandatory for all residential property owners, present or future, within the residential cluster development.
- c. The entity 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, with an exception being made for lots measuring two hundred and fifty (250) feet or less in depth at the time of the adoption of this ordinance. 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.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

220 NORTH RURAL DEVELOPMENT OVERLAY

Neil Holthouser, Director of Planning & Community Development, advised the Board on February 17, 2008, 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 October 13, 2009, the Planning Commission held a public hearing on the proposed 220-North Rural Development Overlay District. After hearing public comment, the Planning Commission incorporated several minor editorial changes and voted (6 in favor and 1 absent) to recommend the overlay district to the Board of Supervisors for further consideration. A copy of the draft 220-North Rural Development 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 November 10, 2009, meeting to consider the draft 220-North Scenic Gateway Overlay District. It is anticipated that, pending action by the Planning Commission in November, the 220-North Scenic Gateway Overlay District will be presented to the Board in December of 2009.

RECOMMENDATION:

Staff requests the Board of Supervisors to authorize a public hearing on November 17, 2009, to consider the 220-North Rural Development Overlay District as an amendment to the Franklin County Zoning Ordinance, Article IV, Special Provisions, Division 6.

Secs. 25-498 – 25.500. Reserved

Division 5. 220-North Rural Development Overlay District

Sec. 25-501. Purpose

The 220-North Rural Development Overlay District is intended to promote the efficient and compact design of residential developments within a rural setting, by encouraging the clustering of dwelling units and the preservation of significant open spaces. The 220-North Rural Development Overlay District seeks to conserve the scenic and rural character of this section of the Route 220 corridor by preserving open spaces; limiting commercial development; prohibiting obtrusive signage; and encouraging innovative design for clustered residential developments. 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, and signs in an efficient and coordinated manner.

Sec. 25-501.1. Boundaries

The 220-North Rural Development Overlay District includes an area on each side of Virginia Route 220, generally from the southern corporate boundary of the Town of Boones Mill to the intersection of Route 220 and Brick Church Road. The official boundaries of the 220-North Rural Development 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 northeast edge of the Route 220 right-of-way directly opposite the intersection of Route 220 and Brick Church Road; thence southeast along the edge of the Route 220 right-of-way to the westernmost corner of the parcel

identified by Franklin County Real Estate records as tax map number 36, parcel number 188.01; thence northeast along the westernmost edge of such parcel to the northernmost corner of such parcel; thence southeast along the northernmost edge of such parcel to the centerline of Rolling Hill Drive; thence south, southeast, and northeast along the centerline of Rolling Hill Drive to the intersection of Rolling Hill Drive and Hazelwood Lane; thence northeast along the centerline of Hazelwood Lane 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 northwest 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 Boones Mill; thence southwest along the corporate boundary of the Town of Boones Mill to a point located along the centerline of the northbound travel lane of Route 220; thence southwest along the corporate boundary of the Town of Boones Mill to a point located along the centerline of the southbound travel lane of Route 220; thence southwest and west along the corporate boundary of the Town of Boones Mill to a point that is the most southwest corner of the Town of Boones Mill; thence due west 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 southeast 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 Brick Church Road; thence northeast along the centerline of Brick Church Road to the intersection of Brick Church Road and Route 220 at a point located along the centerline of the southbound travel lane of Route 220; thence northeast to the point of origin along the northeast edge of the Route 220 right-of-way directly opposite the intersection of Route 220 and Brick Church Road.

2. The boundaries of the 220-North Rural Development 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 Rural Development 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. 25-501.2. Relationship to underlying zoning

The 220-North Rural Development 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 supersede the requirements of the zoning ordinance and the subdivision ordinance. In the absence of an enumerated requirement of this division, the requirements of the zoning ordinance and the subdivision ordinance shall prevail.

Sec. 25-501.3. Change in underlying zoning classification.

Where any change to the underlying zoning classification is requested (also known as a zoning map amendment or rezoning), such request shall be accompanied by a conceptual plan of development conforming to the concept plan requirements of the RPD, Residential Planned Unit Development District.

Sec. 25-501.4. Residential cluster developments

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

1. For the purposes of this division, a residential cluster development shall be defined as a development consisting of single-family residential uses, where residential lots and associated infrastructure are concentrated on a portion of the subject land, with the balance of the subject land reserved as permanently undeveloped open space.
2. Any residential development consisting of twenty (20) or more acres and containing four (4) or more residential lots shall be required to develop as a residential cluster development, with a minimum of fifty (50) percent of the development's gross area reserved as permanently undeveloped 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.
3. Subdivisions that meet the requirements for “family division,” as defined by the Franklin County Subdivision Ordinance, are exempt from the requirements of Sec. 25-501.4(2); 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.
 4. 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 permanently undeveloped open space.
 5. 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.
 6. All new streets or roads serving residential lots within a residential cluster development shall be constructed to VDOT standards for the acceptance of secondary streets into the state maintenance system.

Sec. 25-501.5. 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:

6. Where residential lots within residential cluster developments have frontage on an existing road classified by VDOT as a primary road, the following residential lot standards shall apply:
 - a. The minimum lot size shall be 20,000 square feet.
 - b. The minimum road frontage shall be 150 feet.
7. Where residential lots within residential cluster developments have frontage on an existing road classified by VDOT as a secondary road, the following residential lot standards shall apply:
 - a. The minimum lot size shall be 15,000 square feet.
 - b. The minimum road frontage shall be 125 feet.
8. Where residential lots within residential cluster developments have their frontage solely along new secondary streets or roads, the following residential lot standards shall apply:
 - a. The minimum lot size shall be 10,000 square feet.
 - b. The minimum road frontage shall be 75 feet.
9. Where residential lots within residential cluster developments have frontage on an existing primary or secondary road, the setback requirements of the underlying zoning district shall prevail.
10. Where residential lots within residential cluster developments have their frontage solely along new secondary streets or roads, the following setback requirements shall apply for all structures, including principal buildings, accessory buildings, porches, stoops, and eave overhangs:
 - 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.

Sec. 25-501.6. 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:

5. 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.
6. Areas of required open space shall measure at least fifty (50) feet in width, as measured at the narrowest dimension.
7. Areas of required open space shall be platted as open space lots distinct from residential lots. Open space lots shall have a minimum lot area of 2,000 square feet. Open space lots are not required to have road frontage; however, open space lots must be accessible either by means of direct road frontage, or by private access easement with a minimum width of fifteen (15) feet.
8. Nothing contained in this division 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.
5. All areas of required open space, except those devoted to agriculture, horticulture, forestry and/or timber harvesting as provided for in Sec. 25-501.6(4), shall be permanently reserved for common use by residents of the residential cluster development and/or the public at large.

Sec. 25-501.7. Ownership and management of required open space within residential cluster developments.

Areas of required open space shall be platted as open space lots distinct from residential lots, with such open space lots subject to the following ownership and management requirements:

1. Open space lots may be owned and managed by a single owner, family, entity, or agency, provided that such lots are permanently restricted by deed to prohibit any and all development, except as allowed under Sec. 25-501.6(4); or
2. Open space lots may be owned and managed by a common owner, including a nonprofit association, a non-stock or membership corporation, trust, or foundation, provided that such common owner include all owners of residential property within the residential cluster development. Such arrangement shall conform to the following:
 - a. The developer must establish the common ownership entity prior to the sale of any residential lots within the residential cluster development.
 - b. Membership in the common ownership entity shall be mandatory for all residential property owners, present or future, within the residential cluster development.
 - c. The entity 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 entity shall conform to the Condominium Act, sections 55-79.39 through 55-79.103, Code of Virginia, 1950, as amended to date.

Sec. 25-501.8. Signs.

Free-standing signs within the 220-North Rural Development 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.

(RESOLUTION #13-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize a public hearing on November 17, 2009, to consider the 220-North Rural Development Overlay District as an amendment to the Franklin County Zoning Ordinance, Article IV, Special Provisions, Division 6.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

FEMA REVISED FLOODPLAIN MAPS UPDATE

Neil Holthouser, Director of Planning & Community Development, advised the Board in 2008, the Federal Emergency Management Agency (FEMA) and the Virginia Department of Conservation and Recreation (DCR) informed the County that it needed to update its Floodplain Management Ordinance to incorporate new state and federal requirements. These requirements include, among other things: a) new definitions, including the term "Special Flood Hazard Area" (SFHA); b) regulations governing development within the SFHAs; c) regulations governing the location of manufactured homes and recreational vehicles in floodplain areas; d) exemptions for designated historic structures; and e) reference to the updated Flood Insurance Rate Map (FIRM) for Franklin County. On December 16, 2009, the Board of Supervisors held a public hearing and adopted the ordinance amendment and the updated FIRMs.

Also in 2008, FEMA embarked on an update to the FIRM for Franklin County. The stated purpose for this update was to digitize the floodplain boundaries in order to produce an electronic version compatible with parcel database, GIS, and web-based applications. As County staff reviewed the proposed 2008 floodplain boundaries, it was discovered that FEMA's contractor had used flawed contour data in certain area around Smith Mountain Lake. This flawed contour data may have inadvertently included several structures within the floodplain in error. On December 16, 2008 the Board of Supervisors adopted the new FIRMs and the required updated to the Floodplain management Ordinance. Failure to update the FIRMs and the Floodplain Management Ordinance would place the County's floodplain management program in suspension, potentially affecting existing insurance policies held by property owners in designated floodplain areas.

County staff registered its concerns with FEMA and DCR related to the contour errors contained in the 2008 FIRM for Franklin County. FEMA agreed and corrected the floodplain areas around Smith Mountain Lake that were the subject of the flawed contour data. FEMA prepared and issued revised map panels for areas impacted by the contour data, through a process known as Physical Map Revision (PMR). During this time period, County staff has helped numerous homeowners with their mortgage companies concerning the adopted and preliminary FIRMs.

In April of 2009, the County received the preliminary panels dated April 2, 2009 and was allotted thirty (30) days to review and comment on the DFIRMs. County staff hired Earth Environmental Consultants, Inc. to review the DFIRMs for accuracy. A press release was issued on April 16, 2009 inviting residents and property owners in the Smith Mountain Lake area to attend an "open house" on April 27, 2009 at The Franklin Center from 4:30 to 6:30 p.m. May 1, 2009. County staff forward comments to FEMA concerning the preliminary maps. FEMA had several months to incorporate comments and conduct additional quality reviews and a "Letter of Final Determination" was issued on July 6, 2009 and in six (6) months the new FIRMs can be adopted, which will be January 6, 2010.

In October 2009, County staff received the updated revised FIRMs with a map revised date of January 6, 2010. The revised FIRMs will be effective on January 6, 2010. DCR has informed County staff that the Floodplain Management Ordinance will not require an update from FEMA. However due to the change in the effective date of the FIRMs, County staff is requesting a change in the Floodplain Management Ordinance under Article 1, Section 9-9 (a); Floodplain districts generally concerning the date of the revised FIRMs.

RECOMMENDATION:

Staff respectfully requests the Board of Supervisors set a public hearing date of November 17, 2009, to consider the amendment of Chapter 9: Floodplain Management Ordinance, Section 9-9; Floodplain districts generally, as presented, to reflect the new effective date for a Flood Insurance Rate Map of January 6, 2010.

ARTICLE I. IN GENERAL

Sec. 9-1. Purpose of chapter.

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

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

(Ord. of 11-21-88)

Sec. 9-2. Definitions.

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

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

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

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

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

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

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

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

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

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

Historic structure. Any structure that is:

- (1.) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

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

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

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

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

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

Recreational vehicle. A vehicle which is:

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

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

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

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

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

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

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

Sec. 9-3. Applicability of chapter.

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

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

Sec. 9-4. Compliance with chapter.

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

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

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

Sec. 9-5. Violations of chapter.

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

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

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

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

Sec. 9-6. Abrogation and greater restrictions.

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

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

Sec. 9-7. Severability.

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

(Ord. of 11-21-88)

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

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

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

(Ord. of 11-21-88)

Sec. 9-9. Floodplain districts generally.

(a) The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for Franklin County, Virginia, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated ~~December 16, 2008~~ **January 6, 2010**, as amended.

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

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

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

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

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

(Ord. of 11-21-88; Revised 11-18-08; Revised 11-17-09)

Sec. 9-10. Map of district boundaries.

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

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

Sec. 9-11. District boundary changes.

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

(Ord. of 11-21-88)

Sec. 9-12. Reserved.

Sec. 9-13. Interpretation of district boundaries.

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

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

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

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

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

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

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

(1) For structures that have been elevated, the elevation of the lowest floor (including basement).

(2) For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed.

(3) The elevation of the 100-year flood.

(4) All manufactured homes to be placed or substantially improved within the floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code.

(5) In the flood-fringe and approximated floodplain districts, the development and/or use of land shall be undertaken in accordance with the regulations of the underlying district; provided, that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.
(Ord. of 11-21-88; Revised 11-18-08)

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

(a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements of this chapter.

(b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either:

(1) The lowest floor of the manufactured home is elevated no lower than one (1) feet above the base flood elevation; or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade,

(3) Be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

(c) All recreational vehicles placed on sites must either:

(1) Be on the site for fewer than one hundred eighty (180) consecutive days; and,

(2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); and,

(3) Meet all the requirements for manufactured homes in this chapter.

Sec. 9-16. Floodway District.

The following provisions shall apply within the Floodway District:

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

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

(b) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions in this ordinance.

(c) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

Sec. 9-17. Standards for Subdivision Proposals.

(a) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; and,

(b) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

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

(a) Whenever any person is aggrieved by a decision of the County Administrator or his designee with respect to the provisions of this chapter, it is the right of that person to appeal to the board of supervisors for a waiver. Such appeal must be filed, in writing, within thirty (30) days after the determination by the County Administrator or his designee. Upon receipt of such an appeal, the board of supervisors shall set a time and place for the purpose of hearing the appeal, which shall be not less than ten (10) nor more than thirty (30) days from the date of the receipt of the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties. Such hearing shall be public and the appellant, his representative, the County Administrator or his designee and any other person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard. The determination made by the board of supervisors shall be final in all cases.

(b) In passing upon applications for waivers under this section, the board of supervisors shall consider the following factors and procedures specified in other sections of this chapter and consider the following additional factors:

(1) The damage of life and property due to increased flood heights or velocities caused by encroachments. No waiver shall be granted for any proposed use, development or activity within the floodway district that will cause any increase in flood levels during the 100-year flood.

(2) The danger that materials may be swept on to other lands or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to present disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a waterfront location.

(7) The availability of alternative locations, not subject to flooding, for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(10) The safety of access to the property, in time of flood, of ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

(12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II. DISTRICT REGULATIONS

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

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

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

(Ord. of 11-21-88)

Sec. 9-32. Sanitary sewer facilities.

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

(Ord. of 11-21-88)

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

Sec. 9-33. Water facilities.

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

(Ord. of 11-21-88)

Sec. 9-34. Drainage facilities.

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

local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
(Ord. of 11-21-88)

Sec. 9-35. Utilities.

All utilities, such as gas and water lines and electrical and telephone systems, being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.
(Ord. of 11-21-88)

Sec. 9-36. Streets and sidewalks.

Streets and sidewalks in floodplain districts should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.
(Ord. of 11-21-88)

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

In the floodway district, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and state authorities.
(Ord. of 11-21-88)

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

The placement of any mobile home, except in an existing mobile home park or subdivision, within the floodway district is specifically prohibited.
(Ord. of 11-21-88)

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

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

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

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

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

(Ord. of 11-21-88)

(RESOLUTION #14-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing the proposed adopted FEMA Maps dated December 16, 2008 with an amended date of January 6, 2010.

MOTION BY: Russ Johnson

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

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

LAND DEVELOPMENT ORDINANCE UPDATE/ ESTABLISH TECHNICAL ADVISORY COMMITTEE

Neil Holthouser, Director of Planning & Community Development, submitted the following list of nominees for the Technical Advisory Committee:

1	Amos	G.T.	Leland Mitchell	Agricultural / Rural
2	Bassett	Russ	Russ Johnson	Environmental / Conservation
3	Bonderant	Deedee	Russ Johnson	Neighborhood / Residential

4	Bridges	Barry	Russ Johnson	Development / Real Estate
5	Brown	Charles	Leland Mitchell	Agricultural / Rural
6	Brush	Bill	Russ Johnson	Land Planning / Engineering
7	Byrd	Tim	David Hurt	Other
8	Camicia	Bob	Russ Johnson	Development / Real Estate
9	Capps	Sarah	David hurt	Agricultural / Rural
10	Chace	Warren	Russ Johnson	Neighborhood / Residential
11	Cuppy	Steve	Russ Johnson	Neighborhood / Residential
12	Dorr	Steve	Russ Johnson	Neighborhood / Residential
13	Faber	Erich	Russ Johnson	Other
14	Fansler	Tom	Russ Johnson	Land Planning / Engineering
15	Hagen	Lars	Russ Johnson	Neighborhood / Residential
16	Hamilton	Brian	Leland Mitchell	Land Planning / Engineering
17	Hodges	Daan	David Hurt	Agricultural / Rural
18	Hunt	Charles	Russ Johnson	Agricultural / Rural
19	Jamison	Daphnie	Russ Johnson	Environmental / Conservation
20	Johnson	Florella	Charles Wagner	Neighborhood / Residential
21	Johnson	David	Bobby Thompson	Environmental / Conservation
22	Johnson	Phyllis	Russ Johnson	Development / Real Estate
23	Jordan	Charles	David Hurt	Land Planning / Engineering
24	Krupp	Dan	Bobby Thompson	Other
25	McGee	Angie	David Hurt	Development / Real Estate
26	McKelvey	Jim	Russ Johnson	Land Planning / Engineering
27	Meadors	Larry	Bobby Thompson	Neighborhood / Residential
28	Miller	Jim	Russ Johnson	Development / Real Estate
29	Miller	Paul	Russ Johnson	Other
30	Montgomery	Thad	Russ Johnson	Agricultural / Rural
31	Nester	Phil	Charles Wagner	Land Planning / Engineering
32	Reynolds	Gary	Leland Mitchell	Agricultural / Rural
33	Seidelmann	Jim	Russ Johnson	Other
34	Shiflett	Ron	Leland Mitchell	Land Planning / Engineering
35	Smith	Stan	Russ Johnson	Environmental / Conservation
36	Spencer	Lois	Russ Johnson	Neighborhood / Residential
37	Stevens	Glen	Bobby Thompson	Environmental / Conservation
38	Thomas	Carolyn	Bobby Thompson	Environmental / Conservation
39	Whitaker	Brian	Bobby Thompson	Agricultural / Rural

(RESOLUTION #15-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the submitted listing and to allow other nominees to be offered that will ensure community, broad based interests are represented at the next Board meeting.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

Staff will report back in November so the Board can consider filling in the gaps on possible vacancies within interest category positions.

CONTINUATION OF PDR PROGRAM

Scott Martin, Director of Commerce and Leisure Services, shared with the Board, Franklin County's open space conservation program was initiated in September 2007 when the county adopted its first Purchase of Development Rights (PDR) program. This program was funded with \$50,000 in local funds and a \$100,000 matching grant from the Virginia Outdoors Foundation. A citizen panel was appointed by the Board to identify conservation priorities within the County and then to recommend a pilot PDR project for Board action. A 160-acre active dairy farm in Callaway was selected for the pilot project. This farm was placed in an

easement and its agricultural and open space characteristics are now preserved in perpetuity. The County contributed \$25,000 for preservation of the land and VOF provided \$25,000. The County covered the additional appraisal and legal fees for the transaction. The County has approximately \$13,000 left in this account.

Additional grant dollars have been made available to fund PDR programs by the Office of Farmland Preservation of the state Department of Agriculture and Consumer Services (VDACS). These are matching grants for locally funded PDR programs that preserve active farmland.

In order to apply for matching funds from the State to fund another potential agricultural conservation project, the County must submit a grant application by October 23rd. In concurrence with the grant application, the County must also seek certification from VDACS for the adopted Local Purchase of Development Rights Program. Only certified local PDR programs will be eligible for grant support.

The County anticipates that VDACS matching grants may be able to fund the County with matching funds to equal the County's current balance. While this minimal amount will not fund purchase of developmental rights for a large parcel, these funds may be enough to cover the legal costs for a landowner that seeks to place their land in a permanent easement. The landowner would then seek to find the value for the easement through traditional voluntary easement programs – rather than through County funded acquisition dollars.

VDACS certification appears to be a straight-forward process as well. Staff has reviewed the application for VDACS certification, and it appears, on the surface, that the existing Franklin County PDR program easily meets the requirements for state certification.

RECOMMENDATION:

Staff seeks authorization from the Board to seek certification of the County's PDR program and apply for matching PDR grants from VDACS.

(RESOLUTION #16-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to apply for the Virginia Department of Agriculture and Consumer Services (VDACS) certification of the County's adopted Purchase of Development Rights Program and to authorize the County Administrator to complete all necessary application materials; and

BE IT FURTHER RESOLVED, by the Board to Supervisors to authorize the County Administrator to seek matching funds from the Virginia Department of Agriculture and Consumer Services (VDACS) for \$13,385.31.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

PARKS & RECREATION MANUAL

Scott Martin, Director of Commerce & Leisure Services, : The number of recreational facilities and activities offered continues to grow, as does the number of Franklin County residents participating in these offerings. As this growth occurs so do the issues, questions, and duties presented to County Parks and Recreation staff. In an effort to treat all citizens and issues fairly and uniformly, staff is in need of a written, adopted set of guidelines from which to determine actions in similar situations. For this reason, and as requested under the Board's recently adopted Strategic Plan, staff has put together a draft policies and procedures manual. This manual sets out the operational policies for the department. It links department operations policies with the County's existing policy directives.

The Parks and Recreation Department staff have created a proposed policies and procedures manual outlining all aspects of the department's operation, including employment rules, park facility use guidelines, and sports league policies. Adoption of the document will ensure similar treatment to all citizens served by the department and assist existing and new employees in properly executing the County's service guidelines. The proposed manual has been drafted by staff over the last year with extensive input and review from the Recreation Advisory Committee (RAC). The RAC approved the draft policy manual at their regular August meeting. There are no large changes/adjustments in the new manual. Rather, the manual simply pulls together disparate operating procedures and policies and places them in

one document. The administrative tweaking within the document aims to improve

Facility	Current Fees		Capacity	Proposed Fees		Capacity
	Full Day Rental	Half Day Rental		Full Day Rental	Half Day Rental	
Rec Small Shelter	\$30	\$20	0-50 People	\$30	\$20	0-50 People
Multi-Purpose Shelter	\$50	\$30	0-75 People	\$50	\$30	0-250 People
Rec Full Park	N/A	N/A	N/A	\$200	N/A	250+ People
Rec Half Park	N/A	N/A	N/A	N/A	\$150	250+ People
Waid Small	\$30	\$20	0-50 People	\$20	\$10	0-25 People
Waid Large	\$50	\$30	0-75 People	\$30	\$20	0-50 People
Waid Platforms	\$15	\$10	0-8 People	N/A	N/A	0-8 People
Athletic Fields	N/A	N/A	N/A	\$100	N/A	N/A

transparency of operations for all staff. The one area that the Board will wish to review is fees for various services. These fees are existing for the department, and the new manual sets up a mechanism for recovering these fees in a more equitable, and ultimately, fair system that will permit the park system's resources to serve a changing marketplace.

Fees impacted by the adoption of this new manual are listed below. The Board may revisit these fees at future dates and as needed.

RECOMMENDATION:

It is recommended that the Board consider adoption of the proposed Parks and Recreation Policies and Procedures Manual as the guiding operational document for the department and authorize its use by department staff for that purpose.

(RESOLUTION #17-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Parks and Recreation Manual as presented.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

2009 SML COMMUNITY PARK BEACH OPERATIONS REPORT

Scott Martin, Director of Commerce & Leisure Services, shared with the Board Smith Mountain Lake Community Park Beach opened for public use this season on Saturday, May 23, 2009, which was the weekend of Memorial Day. It opened on weekends only through June 12th. Beginning June 13-September 7 it was opened seven days a week from 10:00AM – 6:00PM.

Staff sought recommendation from the County's insurance agency (VaCo) relative to the approach that the County should take for operational risk management on site. Staff was advised by VaCo that it would be in the County's best interest to have the beach guarded during operational hours. A minimum of two lifeguards are required to supervise the site at all times. An additional employee (lifeguard) was needed this season to operate the gate and collect entry fees. At a MINIMUM three staff needs to be present, seven days a week, from 10:00am-6:00pm.

The Board of Supervisors requested a report from staff at the close of the 2009 beach season so that the Board could evaluate the effectiveness of the fee structure.

Until 2009, no visitor fees were required to enter any existing Franklin County park facility for general recreational use. Specialized services, such as reserved facilities and special events/activities, have historically required a fee. The beach at SML will require that the County incur additional operational expenses given the need for lifeguards and increased maintenance coverage.

The Board of Supervisors directed staff to seek a fee recovery system that would reduce the County's general fund obligation for beach operations. In 2009, the County implemented a \$3.50 beach admission fee.

Lifeguards recorded beach patrons daily. As in 2008, weekend visitors were more abundant than during the weekdays. The beach was operated (96) days this past season and there were a total of 4,693 beach visitors. There was a significant reduction in visitation from 2008 to 2009. Weather was a factor as summer 2009 was cooler and had more days of clouds and precipitation than 2008.

Below is a table that lays out the actual operational costs for operating SML Community Park Beach for 2009.

2009 Option	2009 Wristband & Discount Punch Card Fees for Beach Area	2009 Cost of Lifeguards	2009 Cost of Seasonal Workers	2009 Worksheet	2009 Operational Costs Carried By County General Fund
Partial Recovery	\$3.50 per wristband x 3,163 beach patrons = \$11,070.50 plus 150 discount punch cards x \$20.00 a card = \$3,000.00 \$14,070.50 total income	9hrs a day x 96 days =864 hours x \$8.00/hr x 3 guards = \$20,736.00 9 hrs a day x 96 days=864 hours x \$8.00/hr x 1 money taker=\$6,912.00 1 head lifeguard x 10 hrs/week x 14 weeks x \$9.50/hr= \$1,330.00	4hrs x 96 days x \$10.00 = \$3,840.00 (8am-Noon Maintenance)	(Cost)\$32,818.00 (Rev) \$14,070.50	\$18,747.50 (County cost of operate the beach was approximately \$24,000 in 2008)

Staff estimated a total of 3,400 visitors for the 2009 beach season. This results in the county cost per visitor being \$5.51. In 2008 the county had 14,500 visitors to the beach and a total beach operating cost of \$24,000.00 resulting in a cost per visitor of \$1.66. The operating impact of the beach on the County's general fund was \$5,200 less in 2009 than in 2008.

For the 2010 season the staff of Parks & Recreation recommends opening only on weekends before school goes back and once Franklin County Public schools return for 2010 to only open on weekends as well. This year we did operate seven days a week after the Franklin County Public Schools returned. This would amount to fifteen shorter days with a cost savings of \$4,320.00.

GPH Vending withdrew concession operations after six weekends due to them operating at a loss. We honored their contract by allowing them to prove a two weeks' notice to terminate their contract. As of July 12, 2009 concessions were no longer available at Smith Mountain Lake Community Park.

Below is a projected budget for beach operations in 2010.

2010 Cost of Lifeguards	2010 Cost of Seasonal Workers	2010 Worksheet	2010 Operational Costs Carried By County
9hrs a day x 79 days =711 hours x \$8.00/hr x 3 guards = \$17,064.00	4hrs x 96 days x \$10.00 = \$3,840.00 (8am-Noon	3 guards \$17,064.00 1 money	\$27,992.00

<p>9 hrs a day x 79 days=711 hours x \$8.00/hr x 1 money taker=\$5,688.00</p> <p>1 head lifeguard x 10 hrs/week x 14 weeks x \$9.50/hr= \$1,330.00</p>	<p>Maintenance)</p>	<p>taker \$5,688.00</p> <p>1 head lifeguard \$1,330.00</p> <p>1 maintenance \$3,840.00</p>	
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RECOMMENDATION:

Review operational costs for SML Community Park Beach for the 2009 season.

AMENDED & RESTATED ARTICLES OF INCORPORATION FOR THE WESTERN VIRGINIA WATER AUTHORITY

Larry Moore, Assistant County Administrator, advised the Board on April 21, 2009, the Board of Supervisors approved and authorized the County Administrator to execute a resolution for the transfer of the Phase I water system to WVWA. The Board also adopted the WVWA rates, changes and other services in those areas of the County whereby WVWA had been authorized by the BOS to operate. Subsequent to the Board meeting, the water system service contract, the water system transfer agreement and the water system support agreement were executed on behalf of the County. The County also approved the financing and transfer of the Westlake sewer plant.

An agreement has been drafted whereby Franklin County would become a voting member of the WVWA and a Franklin County resident would be appointed as the voting member for a four (4) year term. Franklin County would hold one (1) of seven (7) seats available as a member of the Authority. Roanoke County and the City of Roanoke have invited Franklin County to become a member by resolution. In addition, the Articles of Incorporation for WVWA would be revised, approved and filed with the State Corporation Commission. After the joint November 5th Authority meeting Franklin County will become a member of the WVWA.

The Comprehensive Agreement reserves unto the Franklin County Board of Supervisors the right to approve any future extensions after November 5, 2009. Pursuant to section 6.3 of the agreement the Authority shall not construct, establish or authorize an extension of a water or sewer transmission line outside the approved 1000ft. of existing assets unless approved by Franklin County and in compliance with Franklin County's adopted Comprehensive Plan as provided in section 15.2-2232 of the Code of Virginia.

RECOMMENDATION:

Staff has reviewed the attachments for the Board of Supervisors review and adoption of the attached resolution approving the terms of the Comprehensive Agreement and the Amended and Restated Articles of Incorporation of WVWA pursuant to the Virginia Water and Waste Authorities Act at the joint meeting to be held on November 5, 2009. The resolution further provides that Franklin County join the Authority by appointment of a Franklin County resident in accordance with Virginia Code 15.2-5112. No action is necessary but rather the documents are provided for the Board's comment prior to being asked to vote on November 5th at the joint public meeting in Vinton.

**IN THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, VIRGINIA,
The 5th day of November, 2009.**

No. _____

A RESOLUTION approving the terms of a Comprehensive Agreement and providing that Franklin County, Virginia join Western Virginia Water Authority (the "Authority") in accordance with Virginia Code §15.2-5112.

WHEREAS, the City Council of the City of Roanoke, Virginia (the "City of Roanoke") and the Board of Supervisors of Roanoke County, Virginia ("Roanoke County") have determined concurrently that it is in the best interests of their citizens that Franklin County join and become a member of the Western Virginia Water Authority pursuant to the provisions of the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the 1950 Code of Virginia, as amended ("the Act"), and

WHEREAS, the Board of Supervisors of Franklin County, Virginia (the "Board of Supervisors") desires to approve of its becoming a member of the Authority by the adoption of this resolution concurrently with resolutions adopted by the City of Roanoke and Roanoke County, and a public hearing has been held in accordance with the requirements of §15.2-5104 of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Franklin County, Virginia as follows:

1. Approval of the Comprehensive Agreement. The Board of Supervisors hereby determines that it is in the best interests of the citizens of Franklin County that Franklin County enter into the Comprehensive Agreement and that it join and become a member of the Western Virginia Water Authority and binds Franklin County thereto and authorizes and directs the Chairman and the Secretary of the Board of Supervisors to execute and deliver the Comprehensive Agreement substantially in the form presented to this meeting, with such minor revisions and adjustments as the Chairman shall approve and to execute and deliver the Amended and Restated Articles of Incorporation of the Western Virginia Water Authority contained in Section 4 of this Resolution.
2. Appointment and Confirmation of Members. Franklin County shall appoint one member to a four year term of office. The County hereby appoints the following person to serve the following term on the Board of the Authority:

Name	Address	Term of Office beginning ending
Shirley Holland	161 Lila Lane, Boones Mill, VA	11/5/2009

3. Reorganization of the Authority. The Western Virginia Water Authority ("the Authority") is hereby reorganized in accordance with the terms of the following Amended and Restated Articles of Incorporation.
4. Amended and Restated Articles of Incorporation. The Board of Supervisors does hereby FIND as a matter of fact that inclusion in the Amended and Restated Articles of Incorporation of the Authority of preliminary estimates of capital costs, proposals for specific projects to be undertaken by the Authority, and preliminary estimates of initial rates for such services is impracticable. The Articles of Incorporation of the Western Virginia Water Authority are hereby amended and restated as follows:

**AMENDED AND RESTATED
ARTICLES OF INCORPORATION
OF THE
WESTERN VIRGINIA WATER AUTHORITY**

The Board of Supervisors of Roanoke County, Virginia, the City Council of the City of Roanoke, Virginia and the Board of Supervisors of Franklin County, Virginia as well as the Board of Directors of the Western Virginia Water Authority, have by concurrent resolutions adopted the following Amended and Restated Articles of Incorporation of the Western Virginia Water Authority, pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2 of the 1950 Code of Virginia, as amended) ("Act").

ARTICLE I

The name of the Authority shall be the Western Virginia Water Authority and the address of its principal office is 601 South Jefferson Street, Roanoke, Virginia 24011.

ARTICLE II

The names of the political subdivisions participating in the Authority are Roanoke County, Virginia, the City of Roanoke, Virginia, and Franklin County, Virginia (the "Localities"), each of which hereby acknowledges, covenants, and agrees that these Amended and Restated Articles of Incorporation shall not be further amended or changed without the express agreement of each of the governing bodies of each of the Localities. None of the following actions shall be taken or permitted to occur by the Board of the Authority without the affirmative vote of a majority of the members from the City of Roanoke and Roanoke County:

- (1) The inclusion of additional political subdivisions in the Authority; and
- (2) Additional agreement with other political subdivisions, entities, or persons, for the bulk sale of surplus water or for the acceptance and treatment of waste water.

ARTICLE III

The Board of the Authority shall consist of seven members. The names, addresses, and terms of office of the initial members of the reconstituted Board of the Western Virginia Water Authority are as follows **[will need to replace Rick Huff]**:

Name	Address	Term of Office beginning	ending
John P. Bradshaw, Jr.	3132 Burnleigh Road, SW Roanoke, Virginia 24014	July 1, 2009	June 30, 2010
Donald L. Davis	1031 Halliahurst Avenue Vinton, Virginia 24179	July 1, 2006	June 30, 2010
Marc Fink	Fink's Jewelers 3545 Electric Road, SW Roanoke, Virginia 24018	July 1, 2007	June 30, 2011
R. Grayson Goldsmith	Valley Bank 36 Church Avenue Roanoke, Virginia 24001	December 1, 2007	June 30, 2011
Richard E. Huff, II	County Administrator Franklin County, Virginia 40 East Court Street Rocky Mount, Virginia 24151	June 1, 2007	June 30, 2008
Robert C. Lawson, Jr.	2705 Longview Avenue, SW Roanoke, Virginia 24014	July 1, 2008	June 30, 2012
H. Odell "Fuzzy" Minnix	3314 Kenwick Trail Roanoke, Virginia 24018	July 1, 2008	June 30, 2012

Upon the expiration or vacation of the foregoing terms of office, the governing body of each participating political subdivision shall appoint the number of members set forth opposite its name below:

Roanoke County – Three, for four year terms

City of Roanoke – Three, for four year terms

Franklin County – One, for a four year term

The governing body of each of the Localities shall be empowered to remove at any time, without cause, any member appointed by it and to appoint a successor member to fill the unexpired portion of the removed member's term.

Each Board member shall be reimbursed by the Authority for the amount of actual expenses incurred in the performance of Authority duties.

ARTICLE IV

The purposes for which the Authority is being reorganized are to exercise all the powers granted to the Authority to acquire, finance, construct, operate, manage and maintain water, waste water, sewage disposal and storm water control systems and related facilities pursuant to the Act. The Authority shall have all of the rights, powers, and duties of an authority under the Act.

It is not practicable to set forth herein information regarding preliminary estimates of capital costs, proposals for specific projects to be undertaken, or initial rates for services of the proposed projects.

ARTICLE V

The Authority shall serve Roanoke County, the City of Roanoke, and Franklin County, Virginia, and, to the extent permitted by the Act and the terms of these Articles, such other public or private entities as the Authority may determine upon the terms and conditions established pursuant to appropriate contracts, either within or without Roanoke County, the City of Roanoke, or Franklin County, Virginia.

ARTICLE VI

The Authority shall cause an annual audit of its books and records to be made by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing body of each of the incorporating political subdivisions.

IN WITNESS WHEREOF the Board of Supervisors of Roanoke County, the City Council of the City of Roanoke, Virginia, and the Board of Supervisors of Franklin County, Virginia, and the Board of Directors of the Western Virginia Water Authority have caused these Amended and Restated Articles of Incorporation to be executed in their respective names, and their respective seals have been affixed hereto and attested by the respective secretaries and clerks of each.

WESTERN VIRGINIA WATER AUTHORITY

CITY OF ROANOKE, VIRGINIA

By: _____
Chairman Mayor

By: _____

WITNESS: _____(SEAL)
_____(SEAL)
Secretary

WITNESS:
Clerk

ROANOKE COUNTY, VIRGINIA

FRANKLIN COUNTY, VIRGINIA

By: _____
Chairman, Board of Supervisors

By: _____
Chairman, Board of Supervisors

WITNESS: _____(SEAL)
Clerk

WITNESS: _____(SEAL)
Clerk

5. Action to Be Taken. The appropriate officers of Franklin County shall take all action necessary or convenient to file and otherwise cause the Amended and Restated Articles of Incorporation to become effective.

6. Effective immediately. This resolution shall take effect immediately upon its adoption.

ATTEST:
Clerk

(RESOLUTION #18-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Shirley Holland to serve on the Western Virginia Water Authority for a 4 year term and to authorize staff to advertise for public hearing as a joint meeting to consider Franklin County joining the Western Virginia Water Authority on November 5, 2009 @ 10:00 a.m.

MOTION BY: Russ Johnson

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

FOREST HILL WATER SYSTEM TRANSFER

Larry Moore, Assistant County Administrator, The Forest Hills area of Franklin County had a long history of water supply and water quality problems, which deteriorated during the droughts of 2001 and 2002. Residents in the area were served mostly by individual wells, and these wells were often limited in their capacity and suffered from high concentrations of iron and sulfur in addition to high turbidity. During the drought period, many residents lost their well supply or saw a significant reduction in their well yields. In the subsequent years since the drought, the average and above average rainfall had no apparent impact on the ground water wells and the problems persisted.

During the drought period and immediately afterwards, approximately 20 well permits were issued, but only one in ten wells produced an acceptable well supply and the water quality was poor. Several of the wells were up to 700 feet deep.

As a result of those problems, the residents in the area approached the Town of Rocky Mount and Franklin County to get help finding a solution to their water problems. The County and the Town investigated the feasibility of extending water to the area. Since the Town had excess capacity in their water system, they agreed to provide water to the area if the County was able to locate funding for the project. The County and the Town entered into an agreement to provide water to the Forest Hills area as a result of the negotiations.

The project included approximately 4,300 LF of 12 inch water main, 7,800 LF of 8 inch water main, and 12 fire hydrants. It serves approximately 35 residences along Doe Run Road and Power Dam Road in addition to the Town's wastewater treatment facility. The total project cost was \$606,840.15 with funding sources being \$568,220.95 from Rural Development Grants and \$38,619.20 contributed by Franklin County.

On April 21, 2009 the Board of Supervisors approved and authorized the County Administrator to execute a resolution for the transfer of the Phase I water system to Western Virginia Water Authority. The Board also adopted the WVWA rates, charges and other services in those areas of the County whereby WVWA had been authorized by the BOS to operate. An agreement has been drafted whereby Franklin County would become a voting member of the WVWA Board. WVWA would be authorized pursuant to the Comprehensive Agreement to manage any future extensions after November 5, 2009 which have been approved by the BOS.

As a result of the agreement with WVWA, Franklin County now has only this small water system to oversee. Discussions have been held with WVWA and the Town of Rocky Mount and it is staff's opinion that it would be in the best interest of the 24 residences and one community system of 10 along Doe Run Road, Power Dam Road and the Rocky Mount wastewater treatment facility to transfer the Forrest Hills water system to the Town of Rocky Mount.

The residents of the Forrest Hills water system are paying water rates as adopted by the Franklin County Board of Supervisors on August 17, 2004 and revised on September 1, 2004 based on the Town of Rocky Mount's rates. If an agreement is reached with the Town of Rocky Mount, residents would most likely continue their payments based on the Town of Rocky Mount's minimum rate of \$21.50 which is \$10.50 less than the County's minimum rate of \$32.00 on all other previous water systems. Franklin County would retain all accrued availability and connection fees in the amount of approximately \$31,000 to offset the County's contribution to this system. Currently, the County is earning approximately \$3,000 net annually on this system, but this figure doesn't include administrative overhead, collections, maintenance if required, etc.

RECOMMENDATION:

It is staff's recommendation that the Board of Supervisors consider authorizing the County Administrator to transfer the Forrest Hills water system to the Town of Rocky Mount subject to the approval of the USDA, all regulatory agencies and acceptance by the Town. All documentation is to be reviewed and signed off by County legal counsel.

(RESOLUTION #19-10-2009)

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

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

SCHOOL BOARD JOINT MEETINGS/BOS

Richard E. Huff, II, County Administrator, shared with the Board a joint meeting proposal with the School Board in November or December. The Board felt like the joint meeting should be held after the first of the year.

INDUSTRIAL DEVELOPMENT AUTHORITY

➤ Rocky Mount District (Term Expires 11/18/2009)

(RESOLUTION #20-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Dick Shoemaker to serve on the Industrial Development Authority, representing the Rocky Mount District with said term to expire November 18, 2013.

MOTION BY: Russ Johnson

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

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

YEARLY ROTATION OF CHAIRMANSHIP

Russ Johnson, Gills Creek District Supervisor, asked the Board to have this item placed on the November agenda and the Board concurred.

QUALIFIED SCHOOL CAPITAL A BONDS

Richard E. Huff, II, County Administrator, advised the Board the County's Financial Advisors, Davenport, has advised a \$119 M Stimulus Bond Program (QSCAB) is forth coming with an interest rate of 0% to 1% with a 16year amortization. The Board directed the County Administrator to meet with school staff and scrub the following CIP listing and report back to the Board later on.

FRANKLIN COUNTY PUBLIC SCHOOLS

PROPOSED CAPITAL PROJECTS 2009-10 TO 2013-14

	2009-10	2010-11	2011-12	2012-13	2013-14	Beyond 2013-14
Transportation:						
Buses (Regular)	\$777,256	\$816,119	\$856,925	\$891,771	\$936,360	
Buses (Sp Ed)	\$146,072	\$153,376	\$161,045	\$169,097	\$177,552	
Vehicle Washing Facility		\$259,638				
Maintenance:						
Asbestos Removal	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000
Floor Tile Replacement	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000
ADA Door Hardware Upgrades	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000
Plumbing Fixture/ Partition Upgrades	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Roofs:						
Boones Mill School				\$796,402		
Sontag School						\$813,878
Glade Hill School			\$576,962			
Dudley School					\$895,334	
BFMS - East Hall		\$796,026				
FCHS - Central Gym	\$415,204					
FCHS:						
Automotive Services Building	\$951,526					
Sports Turf Stadium Field		\$850,000				
Sports Turf Track Field			\$882,000			
Sports Turf Practice Field				\$720,000		
Bridge to West Campus		\$500,000				
Press Box additions					\$155,000	
BFMS:						
Field House						\$2,069,760
Baseball Practice Field Lighting					\$89,885	
Softball Field Lighting					\$43,068	

New Athletic Fields						\$482,944
Asphalt Replacement:						
Ramsey Cafeteria Parking Lot	\$65,924					
Central Gym Main Parking Lot	\$256,000					
Central Gym Back Parking Lot	\$40,434					
Tech B Exit Road	\$40,140					
Lee Waid - Front Parking Lot		\$257,184				
Rocky Mount - Lower Parking lot		\$168,209				
BFMS - Behind West Cafeteria			\$75,756			
BFMS - West - North End - Teacher Parking Lot			\$218,900			
Driver Education Range				\$381,238		
Bus Parking Lot				\$316,994		
Maintenance, Transportation & Warehouse Lot			\$410,234			
Replace Air Conditioning Units:						
Snow Creek - Gym Unit	\$145,661					
Burnt Chimney - 6 Unit Ventilators & 2 Split Systems		\$299,117				
Install Air Conditioning in Cafeterias:						
Boones Mill		\$297,574				
Burnt Chimney		\$331,585				
Ferrum		\$266,028				
Glade Hill		\$273,512				
Lee Waid	\$208,812					
Rocky Mount	\$321,668					
Snow Creek	\$222,328					
Sontag	\$257,290					
Miscellaneous						
Special Education/Tech Services Building						\$2,855,938
Central Office Expansion			\$550,000			
Maintenance/Purchasing/Transportation Expansion				\$302,903		
Additional Bus Garage Bays					\$1,000,000	
Central Station Smoke Detectors					\$320,000	
TOTAL	\$4,213,315	\$5,633,368	\$4,096,822	\$3,943,405	\$3,982,199	\$6,587,520

	Total Projects	Debt Service @ 1%
	\$8,035,399	\$ 545,962

***THE FIGURES SHOWN ABOVE ARE COST**

ESTIMATES ONLY, THESE WERE DONE WITHOUT THE USE OF PROFESSIONAL SERVICES. THESE ESTIMATES ARE TO BE UPDATED INDIVIDUALLY

PRIOR TO ANY FINAL BUDGET.

CLOSED MEETING

(RESOLUTION #21-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-3, Acquisition of Land, a-5, Discussion of a Prospective New Business or Industry, of the Code of Virginia, as amended.

MOTION BY: David Hurt

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ABSENT: Angell

MOTION: Leland Mitchell

SECOND: David Cundiff

RESOLUTION: #22-10-2009

MEETING DATE October 20th, 2009

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

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

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

VOTE:

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

NAYS: NONE

ABSENT DURING VOTE: Angell

ABSENT DURING CLOSED MEETING: Angell

Chairman Wagner adjourned the meeting.

CHARLES WAGNER
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR