

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, NOVEMBER 17, 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 Cundiff
Bobby Thompson Left @ 5:00 P.M.
David Hurt In at 5:00 P.M.

ABSENT: Russ Johnson

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

Chairman Charles Wagner called the meeting to order.

Invocation was given by Supervisor Bobby Thompson.

Pledge of Allegiance was led by Supervisor David Hurt.

RECOGNITION OF STAFF:

GO GREEN CHALLENGE AWARD

Richard E. Huff, II, County Administrator, presented Amanda Carter, Charlie Catlett and Jake Schad the Go-Green Challenge Award for Franklin County, stating Franklin County was the only County with a population less than 90,000 to receive this award. A \$3,000 check was presented to the County.

SHARON K.TUDOR, MMC/DESIGNATION/CLERK TO THE BOARD/RECOGNITION

Vincent Copenhaver, CPA, Director of Finance, presented Sharon K. Tudor, Clerk to the Board, the award of MMC designation from International Institute Municipal Clerks (IIMC). Mr. Copenhaver stated it gives him great pleasure to announce that our very own Board Clerk, Sharon Tudor, has earned the designation of Master Municipal Clerk from the International Institute of Municipal Clerks. The Master Municipal Clerk is the highest designation granted by the Institute. To earn this designation one must attend various educational programs every year, successfully complete the exams at the end of the program and also fulfill an experience requirement as a municipal clerk. This program can take from six to eight years to complete - Sharon was able to finish in five years. There are only 25 other master municipal clerks out of the 334 counties, towns and cities in Virginia.

Mr. Copenhaver advised the Board Sharon has also been asked to serve on the Virginia Municipal Clerk's Education Committee and as part of this committee is actively planning the 2011 State conference to be held in Blacksburg.

PUBLIC COMMENT:

Mike Hutspiller – Proposed Subdivision in Boones Mill District

Mr. Hutspiller, expressed his concern related to receiving inaccurate information in relation to the County's role in the enforcement of E & S Control Ordinance in the Town of Boones Mill. Mr. Hutspiller stated that after receiving information from the Planning Department his project was delayed. Additionally, Mr. Hutspiller expressed concerns relating to what he felt were inconsistent applications of the permitting process through VDOT regarding to his proposed subdivision and what had been required of Franklin County when it obtained permits for its greenbox sites. Additionally, Mr. Hutspiller requested the County work with Boones Mill to get VDOT to assist him in moving his project forward.

MR. VANDAL MUSE/DIAMOND ROAD EXTENSION

Reverend Vandal Muse thanked the Board and VDOT officials for coming down last week to view the flooding situation. Reverend Muse stated he was a lifetime resident of Franklin County and lived here all his life. Reverend Muse stated this project should be at the front of the projects and

the Town of Rocky Mount officials are willing to work with the County. Reverend Muse stated the residents were at the County's mercy.

CONSENT AGENDA

APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – OCTOBER 20 & NOVEMBER 5, 2009

COUNTY CODE CHAPTER 11: MOTOR VEHICLES & TRAFFIC PUBLIC HEARING FOR AMENDMENTS/RE-ADOPTION

In reviewing County Code Chapter 11 with the Commonwealth Attorney's Office, it has come to staff's attention that Chapter 11 needs to be readopted so that the amendments that have been made in the State DUI law since 2004 can be added into the County Code. There are three sections that the state has added since 2004 that should be included. (See Attachments/Typed in Red)

It appears the Franklin County DUI ordinances have been based on the ordinances in effect in Danville City and Pittsylvania County because of our localities all being in the same judicial district, their ordinances would be familiar to the General District Court judges that sit in Franklin County. The Commonwealth's Attorney does not see any reason to change that arrangement.

There is an issue about future amendments to the County DUI ordinances that the Board may wish to consider. Some governing bodies redo the ordinances each year to incorporate the changes that the state makes to their DUI statutes. Their ordinances are amended each year to specifically state that they are adopting the DUI law as it is amended effective as of July 1 of that year. This approach requires the jurisdiction be informed on any changes the General Assembly adopts. The changes would have to be advertised and adopted in the proper way and timing would be a consideration so that the July 1 deadline is met.

Some jurisdictions have ordinances that state they also adopt any subsequent changes or substitutes to the state DUI statutes. Cliff Hapgood, Commonwealth Attorney, cannot find a case that says that this is improper, but he also stated he cannot find a case that says this procedure is permissible.

County Code Section 11-4 incorporates all of the motor vehicle laws including driving suspended so no new ordinances are necessary.

Below is the proposed County Code that should be considered for adoption. The text in red is new. The text in green needs to be repealed since it refers to prior updating.

Sec. 11-4. Adoption of state law.

Pursuant to the authority of section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the state contained in title 46.2, except those provisions and requirements of the violation of which constitutes a felony and except those provisions and requirements which, by their very nature, can have no application to or within the county, are hereby adopted and incorporated herein by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the county. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this chapter as fully as though set forth at length herein and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provisions of title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.

(Code 1974, § 10-2)

Sec. 11-62. Driving motor vehicle, engine, etc., while intoxicated, etc.; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-266 of the Code of Virginia, as amended, which relates to driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-62.1. Persons under age twenty-one driving after illegally consuming alcohol; penalty; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-266.1 of the Code of Virginia, as amended, which relates to persons under the age of twenty-one (21) driving after illegally consuming alcohol, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.
(Ord. of 2-18-03)

Sec. 11-63. Preliminary analysis of breath to determine alcoholic content of blood; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-267 of the Code of Virginia, as amended, which relates to the ability of a person who is suspected of a violation of section 18.2-266 or section 18.2-266.1, to have his breath analyzed to determine the probable alcoholic content of his blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.
(Ord. of 2-18-03)

Sec. 11-63.1. Chemical testing to determine alcohol or drug content of blood; definitions; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.1 of the Code of Virginia, as amended, which sets out the definitions to be used in conjunction with chemical testing of motor vehicle operators to determine the alcohol or drug content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.
(Ord. of 2-18-03)

Sec. 11-63.2. Implied consent to post-arrest chemical test to determine drug or alcohol content of blood; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.2 of the Code of Virginia, as amended, which relates to the implied consent of motor vehicle operators to submit to post-arrest chemical testing to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.
(Ord. of 2-18-03)

Sec. 11-63.3. Refusal of tests; procedures, adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.3 of the Code of Virginia, as amended, which relates to the refusal of motor vehicle operators to submit to post-arrest chemical tests to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety as if it were fully set forth herein.
(Ord. of 2-18-03)

Sec. 11-63.4. Appeal and trial; sanctions for refusal; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.4 of the Code of Virginia, as amended, which relates to the procedure for appeal and trial of the warrant or summons issued for a refusal to submit to post-arrest chemical tests and the sanctions for such refusal, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.
(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-63.5. Qualifications and liability of persons authorized to take blood samples; procedure for taking samples; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.5 of the Code of Virginia, as amended, which relates to the qualifications and liability of persons authorized to take blood samples and the procedure for taking such samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.
(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-63.6. Transmission of blood samples; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.6 of the Code of Virginia, as amended, which relates to the identification, handling, and transportation of the blood sample, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.
(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-63.7. Transmission of blood test results; use as evidence; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.7 of the Code of Virginia, as amended, which relates to the handling and transmission of blood samples; provision of information to the accused relating to an independent test; and disposition of second container of blood and the qualifications of the laboratory conducting such test, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-63.8. Fees; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.8 of the Code of Virginia, as amended, which relates to fees for withdrawal of blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-63.9. Assurance of breath-test validity; use of test results as evidence; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.9 of the Code of Virginia, as amended, which relates to assuring breath-test validity and the use of test results as evidence, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-63.10. Evidence of violation of section 18.2-266 or section 18.2-266.1; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.10 of the Code of Virginia, as amended, which relates to the admission of relevant evidence upon any question at issue before the court, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-63.11. Substantial compliance; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.11 of the Code of Virginia, as amended, which relates to the taking, handling, identifying, etc. of blood or breath samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-64. Presumptions from alcoholic content of blood; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-269 of the Code of Virginia, as amended, which relates to presumptions arising from the alcohol content of blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-65. Penalty for driving while intoxicated; subsequent offense; prior conviction; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270, paragraphs A, B, D, **E and F except that portion of paragraph F that refers to a felony**, of the Code of Virginia, as amended, which relate to the penalties for driving while intoxicated, are hereby adopted and incorporated in their entirety into this chapter as if such paragraphs were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-65.1 Multiple offenders; Payment to Trauma Center Fund.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270.01, of the Code of Virginia, as amended, which relates to multiple offenders and payments to the Trauma Center Fund, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Sec. 11-65.2 Ignition Interlock systems; penalty.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270.1, of the Code of Virginia, as amended, which relates to ignition interlock systems and the penalties for failure to comply, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein

Sec. 11-65.3 Forfeiture of driver's license for driving while intoxicated.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-271, of the Code of Virginia, as amended, which relates to forfeiture of driver's license for driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein

Sec. 11-65.4 Probation, education and rehabilitation of person charged and convicted; person convicted under the laws of another state.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-271.1, of the Code of Virginia, as amended, which relates to the probation, education and rehabilitation of a person charged and convicted and a person convicted under laws of another, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein

Sec. 11-66. Driving after forfeiture of driver's license; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-272 of the Code of Virginia, as amended, which relates to driving after forfeiture of a driver's license, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-67. Report of conviction to department of motor vehicles; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-273 of the Code of Virginia, as amended, as effective on July 1, 1998, which relates to the reporting of convictions to the department of motor vehicles, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

~~**Sec. 11-68. Readoption of certain sections of this article.**~~

~~Chapter 11, article III (operation of vehicles generally), sections 11-62, 11-63.4, 11-63.5, 11-63.6, 11-63.7, 11-65, 11-66, and 11-67 are hereby readopted as written with all references to the Code of Virginia (1950) meaning the Code of Virginia, 1950 as in effect on July 1st, 2003.~~

~~(Ord. of 7-15-03(1))~~

~~**Sec. 11-69. Readoption of Chapter 11 to conform to the Code of Virginia (1950), as amended in effect July 1, 2004.**~~

~~All sections of Chapter 11 of the Franklin County Code which relate to driving under the influence of alcohol or drugs or a combination of alcohol and drugs and the punishment for same are hereby readopted as written with all references to the Code of Virginia (1950), as amended, meaning the Code of Virginia (1950) as in effect on July 1, 2004. Effective date July 1, 2004. Section 11-68 will apply to offenses prior to July 1, 2004.~~

~~(Ord. of 7-20-04(2))~~

RED TEXT IS NEW VERBIAGE

GREEN TEXT IS TO BE REPEALED

RECOMMENDATION:

Staff respectfully request Board authorization to advertise and hold for public hearing in December the proposed amendments to Chapter 11 of the County Code as submitted and reviewed. Staff further requests that any subsequent changes to state DUI statutes be automatically adopted by the County as soon as possible after state adoption.

WINDY GAP PARK EQUIPMENT & AMENITIES

Windy Gap Elementary School and Community Park is a 30-acre site located on Truman Hill Road. The park site is located adjacent to the school and is the only public park that serves the rapidly growing Truman Hill Road/Windy Gap Road area of the County. The nearest park to serve this part of the community is over 12 miles away in Rocky Mount or at Smith Mountain Lake.

The School System is permitting the public to access the park site during non-school hours. During these non-school hours, the schools are preventing public use and access of the existing playground. Given that the site is complete, and that the public is making extensive use of the trails and sports fields during non-school hours, it is recommendation of staff that the County complete installation of the park amenities proposed for this site within the park's master plan (adopted by the Board in 2006).

The park equipment that needs to be purchased and installed includes the following:

1. Baseball/Soccer Field Fencing (\$5,000)
2. Park Parking Lot Development (\$4,000)
3. Park & Interpretive Signage (\$3,000)
4. Bleachers (4 @ \$3,000 ea.)
5. Youth Playground (\$40,000)

The County has \$117,202 remaining in the Windy Gap Community Park Development Capital Account to cover the cost of park completion. Staff estimates that \$70,000 will be necessary to acquire, and install, the park amenities listed above. If the Board authorizes staff to complete installation of these park amenities, the park can be completed by mid-January.

RECOMMENDATION:

Staff requests that the Board authorize County staff to acquire and install the park amenities listed above with the total amount not to exceed \$70,000, and ensuring that all adopted purchasing and bid processes and policies are followed.

PROPOSED BUDGET CALENDAR FOR FY' 2010-2011

MARCH 2010

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2 7:30 PM School Board Budget Public Hearing (BFMS)	3	4	5	6
7	8 6:00 PM Adoption of School Budget (School Board Office)	9 7:00 PM BOS to Receive School Budget (Franklin Center)	10	11	12	13
14	15	16 1:30 PM BOS Meeting – County Budget Presentation	17	18	19	20
21	22 6:00 PM BOS Work Session (Franklin Center)	23	24	25 6:00 PM BOS/School Board Work Session (Franklin Center)	26	27
28	29	30 6:00 PM BOS/School Board Work Session (School Board Office)	31			

APRIL 2010

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 6:00 PM BOS Work Session (Franklin Center) Approve Budget Ad	2	3
4	5	6	7 Budget and Tax Levy Ad Published in News Post	8	9	10
11	12	13	14 Budget and Tax Levy Ad Published in News Post	15	16	17
18	19	20 6:00 PM Budget Public Hearing (Benjamin Franklin Middle School)	21	22	23	24
25	26	27 6:00 PM Adoption of County Budget (BOS Meeting Room)	28	29	30	

(RESOLUTION #02-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented with the Board to table Windy Gap Park Equipment & Amenities agenda item until December as presented.

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

VDOT – CITIZEN REQUEST FOR SPEED LIMIT REDUCTION/ST. RT 699 & 949

Tony Handy, Resident Administrator, VDOT, presented the Board with the following submitted letters requesting speed limit reductions on Route 699 (Angle Plantation Road) and Route 949 (Lakewood Drive).

Mr. Handy stated, if the Board supports the citizen’s request, the department will conduct an engineering study, and if the study findings are such that a posting is appropriate, post the road in accordance to the study findings.

(RESOLUTION #03-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to forward to VDOT the request to conduct speed limit reductions on St. Rt. 699 & 949 as presented.

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

DUDLEY CREEK ESTATES

Tony Handy, Resident Administrator, VDOT, presented the following resolution for the Board’s consideration:

**Dudley Creek Estates
Dudley Creek Road – Route 1546**

RESOLUTION

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

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

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

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

IN THE COUNTY OF FRANKLIN

By resolution of the governing body adopted November 17, 2009

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body’s resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):

Report of Changes in the Secondary System of State Highways

Project/Subdivision Dudley Creek Estates

Type Change to the Secondary System of State Highways: Addition

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

Reason for Change: **New subdivision street**

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

Street Name and/or Route Number**► Dudley Creek Road, State Route Number 1546**

Old Route Number: 0

- From: Rte 678
- To: Cul de sac, a distance of: 0.54 miles.

Right of Way width (feet) = 50

(RESOLUTION #04-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Dudley Creek Estates road as presented.

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Cundiff, Angell, Thompson & Wagner

ABSENT: Hurt & Johnson

CLEMENTS MILL BRIDGE UPDATE

Tony Handy, Resident Administrator, VDOT, was not an update available.

ST. RT. 635 REVISED RESOLUTION

Tony Handy, Resident Administrator, VDOT, presented the Board with a revised resolution for the Board's consideration:

RESOLUTION

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 Magodee 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 every effort is made to minimize the impact to school buses, and if at all possible limit the closure to days outside of the normal public school year.

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

(RESOLUTION #05-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint

MOTION BY: Wayne Angell

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Cundiff, Angell, Thompson & Wagner

ABSENT: Hurt & Johnson

DIAMOND AVENUE/\$20,000 TRAFFIC ENGINEERING FUNDS

Tony Handy, Resident Administrator, VDOT, advised the Board they could use up to \$20,000 from the Traffic & Engineering Funds to conduct an engineering study for Diamond Avenue Extension and Highland Hills project.

(RESOLUTION #06-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize the expenditures of up to \$20,000 from the Traffic & Engineering Funds to conduct an engineering/feasibility study of the Diamond Avenue Extension and Highland Hills project.

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

SCHOOL ENERGY BONDS

Lee Cheatham, Director of Business & Finance, School System, presented the following request for \$900,000 in non-interest bearing Qualified School Construction Bonds (QSCB's) from the Allocation for School Energy Efficiency Improvement Projects:

<u>Project Location</u>	<u>Description</u>	<u>Proposed Loan Amount</u>
BFMS West Building	Replace Lighting & Lighting Controls for Energy Efficiency	\$373,500
BFMS East Building	Replace Lighting & Lighting Controls & replace HVAC Chiller Unit for Energy Efficiency	<u>526,500</u>
Total		<u>\$900,000</u>

The potential benefits of these projects and the proposed financing method are as follows:

1. The financing is non-interest bearing. Investors receive a tax credit instead of interest on the bonds. If we borrowed \$900,000 from VPSA it would cost \$288,000 in interest for a 15 year loan at 4.00%. The VSPA bonds issued in May 2009 carried a 3.67% rate but since then they have been increased towards a 4.00% rate.
2. \$60,000 is available from a reduction in the debt service needs for 2010-11. This can be used to pay off a 15 year non-interest bearing loan of \$900,000. During the first five (5) years only 10% must be paid or a total of \$90,000. We could use \$18,000 per year from the \$60,000 debt service drop off to service these QSCB's and that would still leave \$42,000 that we could use to fund some other projects with a 4.00% VPSA loan. For example, if we borrowed \$390,000 for 15 years with a 4.00% interest rate the principal and interest payment during the first year would be \$41,600. We will have more than \$100,000 in additional debt service drop off in 2011-12.
3. We can achieve energy savings totaling \$22,362 per year plus the increase in AEP's rates which are estimated to increase by at least 17.5% which would increase the potential savings to \$26,275 per year. We only need \$18,000 per year for debt service for the QSCB's for the first five (5) years. We could use these savings to pay the bonds for the first five (5) years totaling \$90,000 and reserve the rest of the savings of \$8,275 per year for year six (6) totaling \$41,375 to make the payment in year six (6) (\$18,000 + \$26,275 = \$44,275).

There are many advantages to obtaining a QSCB loan as listed above. The energy savings will pay the debt service for the first six (6) years of the 15-year loan and will pay 43.8% of the normal \$60,000 payment for years 7-15. I have enclosed copies of the two applications for your review.

General discussion ensued.

(RESOLUTION #07-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to deny the request as presented.

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

BYRNE JUSTICE ASSISTANCE GRANT PROGRAM (JAG)/SCHOOL SYSTEM

Lee Cheatham, Director of Finance & Business, School System, shared with the Board Byrne Justice Assistance Grant Program (JAG).

Mr. Cheatham, advised the Board the Department of Criminal Justice Services (DCJS) is making available federal funds for grants to support new projects. Funds for these grants come from money allocated to Virginia through the U.S. Department of Justice, Bureau of Justice Assistance's Edward Byrne Memorial Justice Assistance Grant (JAG) Program. JAG funds are used to prevent and control crime to improve the functioning of the criminal justice system in 7 purpose areas including Prevention and Education Programs.

The process is completed in two phases. The first phase involves submitting a three page paper outlining the proposal. Qualifying proposals will be asked to submit a complete grant package.

Local units of government are eligible to receive JAG funds and submit proposals. Proposals must be authorized by the county administrator. The maximum grant amount will be \$75,000. 95% of the cost can be federal funds, but 5% must be a cash match from non-federal sources. The school system will make the 5% match.

- Franklin County Public Schools would like to expand the Olweus Bullying Prevention Program to all elementary schools in 2009-10.
- It is currently being implemented at the middle school.
- The approximate cost will be \$75,181.
- The cost projection includes training, materials, and staff stipends necessary to implement the program.
- Bullying prevention improves the schools' instructional programs with the following benefits:
 - Reduction of truancy rates
 - Reduction of dropout rates
 - Improvement of academic achievement
 - Improvement of graduation rates
 - Reduction of fighting
 - Reduction of larceny and vandalism

(RESOLUTION #08 -11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize the School System to apply for the JAG grant as presented.

MOTION BY: Bobby Thompson

SECONDED BY: David Cundiff

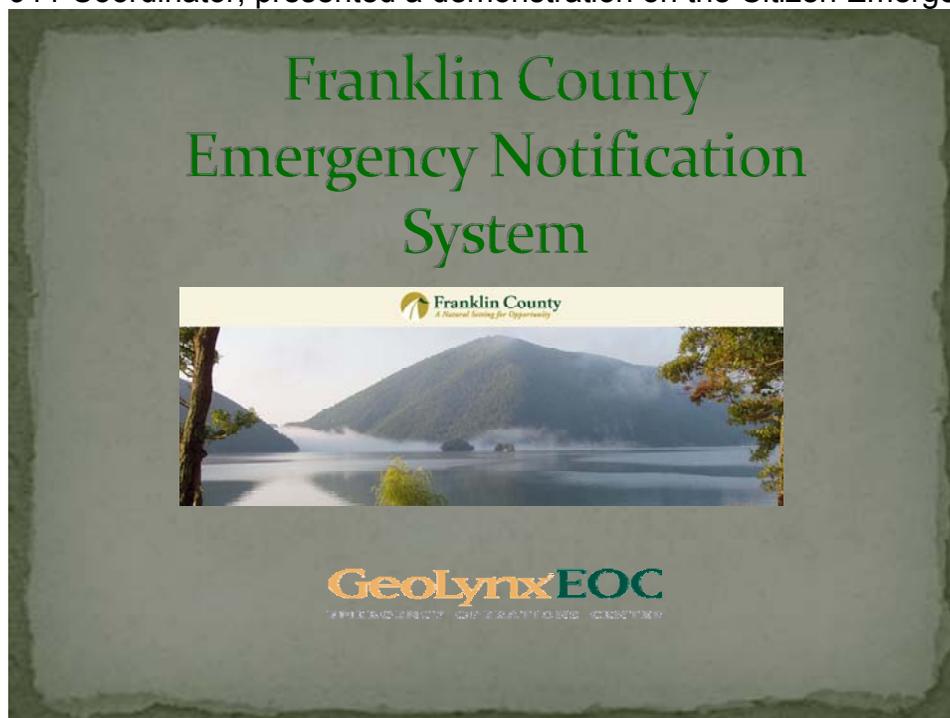
VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Cundiff, Angell, Thompson & Wagner

ABSENT: Hurt & Johnson

CITIZENS EMERGENCY NOTIFICATION ALERT SYSTEM PRESENTATION

Jon Greene, CEO, Communication, Inc., Daryl Hatcher, Director of Public Safety, and Bill Agee, 911 Coordinator, presented a demonstration on the Citizen Emergency Notification Alert System.



Three Dialing Options

- Remote Dialer
 - Used for Large Call Volume
 - Uses internet to dial out
 - Uses local telephone system to receive calls
 - No Line Leasing
- Local Dialer
 - Used for smaller calling volume
 - Uses in-house hardware
 - Uses local telephone lines to dial out
- Hybrid Dialer
 - Best of Both



Franklin County decided on the Hybrid Option

Remote dialing:

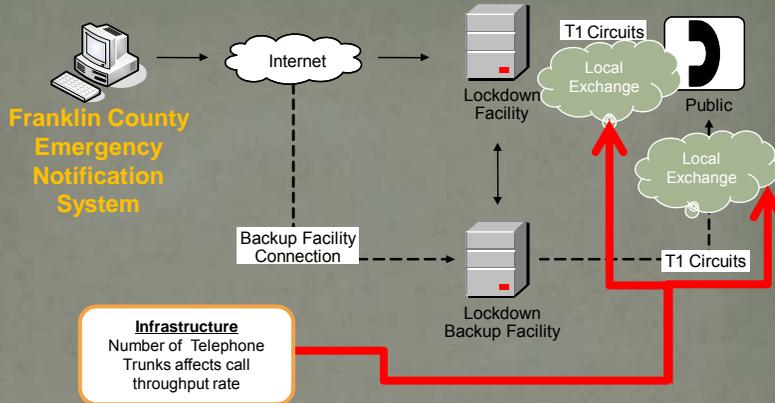
- Used for calls that have to go out quickly
- Used for calls to large areas
- Can send 672 concurrent calls to the local exchange
 - Possible to send over 1300 calls per minute based on a 30 second call
- Incurs Usage Fees
 - Each call is billed at a rate of \$0.15 per call for a 30 second call
 - 30 seconds is a typical call
- Redundant dialers that are geographically separated
- Highest call volume (Call Throughput)
- Actual call throughput depends on local telephone infrastructure

Local Dialing:



- Used for calls that do not have to go out quickly
- Used for smaller calling areas
- Uses Local lines to place calls
- Franklin County dedicated 16 of 46 available local lines
 - During calling events Franklin County may experience some busy circuits for local business.
- 32 concurrent calls can be placed based on a 30 second message
 - 30 seconds is a typical mass notification message
- Can be used for internal non-emergency calls
- No per calling fees

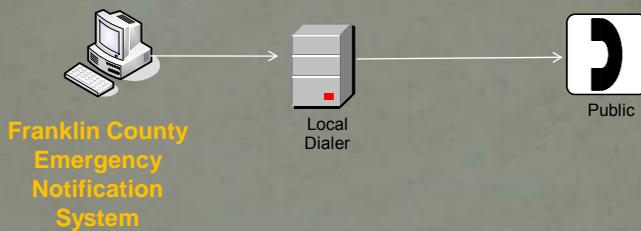
Remote Dialing = High Call volume with calling fees



Important Note:

Remote dialing systems offer a higher rate of call volume however they also rely on the localities long distance telephone infrastructure to push calls back into the local telephone system. This does not mean that calls incur long distance charges. This simply means the call throughput rate will also be determined by the number of idle long distance trunks that a locality has available to them. The remote dialer can push out 672 concurrent calls averaging 1300 to 1500 calls per minute. If there are only 300 long distance trunks available then the locality can only receive 300 concurrent calls. Over variable include the number of long distance lines which may be in use at the time of the call. Also the number of long distance trunks which the telephone company reserves as spares.

Local Dialing = Lower call volume and no calling fees



Important Note:

The local dialing system relies on the local telephone lines which can be dedicated to mass notification. This has a slower call throughput rate however it does not incur calling fees above that of the normal telephone line fees.

Typical Franklin County Call Throughput Rate

• Examples of call throughput for remote dialing:

- One T1 line = 24 concurrent calls
- 20 T1 lines = 480 concurrent calls
- 10,000 people to call / 480 lines
- 30 second call = ***10.5 minutes to dial 10,000 calls***

• **Local Dialing Solution:**

- 16 Local Lines = 16 Concurrent Calls
- 10,000 People to call / 16 lines
- 30 second call = ***10.5 hours to dial 10,000 calls***

Important Notice

- The Mass Notification system should be used for emergency purposes only. If it is regularly used as a public awareness system then it becomes less affective in an emergency situation.
-
- If the general public becomes accustomed to receiving periodic public awareness messages they may choose to ignore message during an emergency.

AGING SERVICES OVERVIEW PRESENTATION

Mike Burnette, Transportation Coordinator, introduced Teresa Carter, Director, Southern Area Agency on Aging, and then presented the following PowerPoint Presentation:

FRANKLIN COUNTY DEPARTMENT OF AGING SERVICES

An Overview of the Department's Past,
Present, and Future



Mission: Provide the County's older population with safe, affordable, effective, and reliable services in a courteous and respectful manner that successfully improves their quality of life.

Staff: Director, Transportation Coordinator, part-time secretary, part-time activities coordinator, part-time bus drivers

Partners: Southern Area Agency on Aging, STEP, Medicaid providers, area nursing homes, VA Department of Aging, Franklin County Aging Services Board



Overview

- ▶ Southern Area Agency on Aging (SAAA)
 - ▶ SAAA provides services that promote independence and well-being for older adults. The Agency is also an information center for older adults and their caregiving family members
 - ▶ Service area (as designated by the Virginia Department for the Aging) includes Danville, Martinsville, and the Counties of Franklin, Henry, Patrick, and Pittsylvania
 - ▶ SAAA receives federal, state, and local funds to provide services mandated under the federal Older Americans Act
 - ▶ Eligibility age for most services is 60. Fifty-five is the eligibility age for the Senior Employment Program
 - ▶ Staff provide some services funded by the Agency. Other services are rendered by agencies that subcontract with SAAA, including STEP and the Franklin County Department of Aging



DEPARTMENT OF AGING SERVICES

HISTORY

- ▶ 2009: Department of Aging Services Celebrates 35th Anniversary
- ▶ Department was created to transport teacher-citizens to Ferrum College to lead heritage programs
- ▶ Evolved into transport for residents to congregate meals housed at Ferrum College
- ▶ 1974: 1 bus and 1 part-time driver and 1 day per week



DEPARTMENT OF AGING SERVICES

PRESENT

- ▶ 2009: 10 buses and 9 part-time drivers providing transport services 6 days per week
- ▶ Located in rented space in the American Legion Building on Tanyard Rd.
- ▶ Serves over 800 citizens per year making over 10,000 trips annually
- ▶ Shift in focus in recent years from Socialization / Recreation to Medical-related Transportation
 - ▶ Medical Transports jumped from 2.9% of total transports in 2000 to 93.6% in 2009 (400 of 13,548 in 2000 vs. 9,429 of 10,071 in 2009)
 - ▶ 384 unduplicated Socialization/Recreation clients in 2000 vs. 131 in 2009



DEPARTMENT OF AGING SERVICES

PRESENT

- ▶ Focus on three mission components:
 - ▶ Socialization / Recreation
 - ▶ Nutrition / Disease Prevention
 - ▶ Transportation
- ▶ Medical Transportation is the TOP priority



DEPARTMENT OF AGING SERVICES

PRESENT

- ▶ Socialization / Recreation
 - ▶ Offers activities, such as bingo and music, during 4 congregate meals each month
 - ▶ Greatly reduced offerings in last decade
 - ▶ 2008–2009 Numbers:
 - ▶ 131 unduplicated people
 - ▶ 95 events
 - ▶ 10,386 hours of individual services



DEPARTMENT OF AGING SERVICES

PRESENT

- ▶ Nutrition / Disease Prevention
 - ▶ Hosts 4 congregate meals per month
 - ▶ Offers health-related educational opportunities and hosts health screenings
 - ▶ Greatly reduced in last decade
 - ▶ 2008–2009 Numbers:
 - ▶ 25 unduplicated people
 - ▶ 69 events
 - ▶ 953 hours of individual services



DEPARTMENT OF AGING SERVICES

PRESENT▶ **Transportation**

- ▶ Driving senior and economically-disadvantaged residents to and from medical appointments and essential treatments (i.e. daily and weekend dialysis)
- ▶ Transporting elderly citizens to and from congregate meals and basic shopping needs
- ▶ Department receives majority of funding for transports from state and federal funds
- ▶ Transportation is provided free or at a low cost to Franklin County citizens



DEPARTMENT OF AGING SERVICES

PRESENT▶ **Transportation - continued**

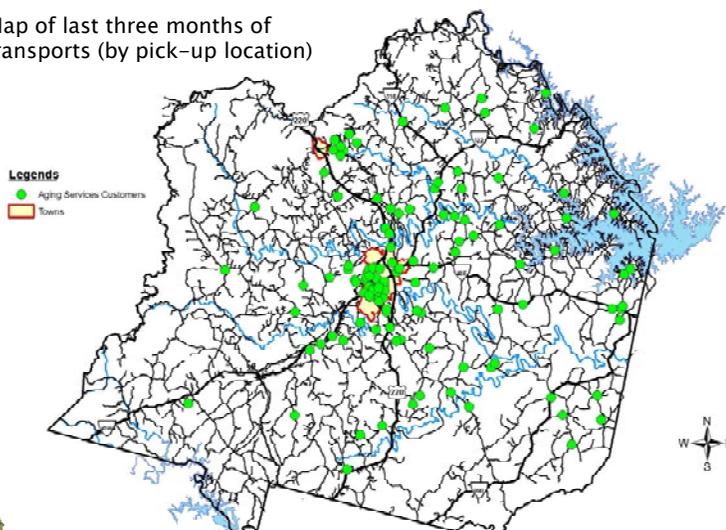
- ▶ Transport miles have increased 157% from 2000 to 2009
- ▶ Transportation of seniors (those over 60) is approximately 56% of medical transports
- ▶ 44% of medical transports are under age 60 - mandated by grant
- ▶ 2008-2009 Numbers:
 - ▶ 737 unduplicated people
 - ▶ 178,826 miles
 - ▶ 10,071 one-way trips (9,429 were medical-related)



DEPARTMENT OF AGING SERVICES

PRESENT▶ **Transportation - continued**

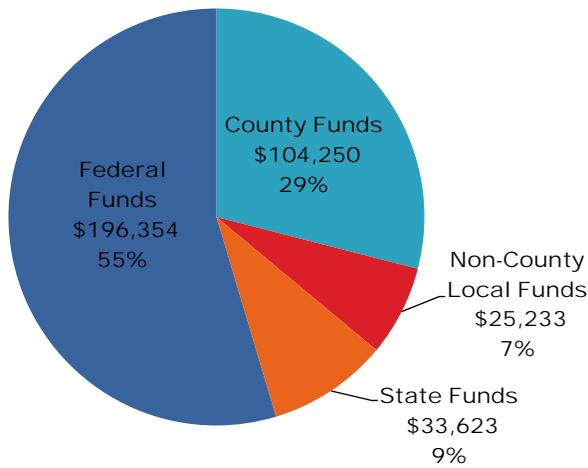
- ▶ Map of last three months of transports (by pick-up location)



DEPARTMENT OF AGING SERVICES

PRESENT

▶ Current Department Funding Source Breakdown



DEPARTMENT OF AGING SERVICES

PRESENT

▶ Current Department Funding (\$359,460)

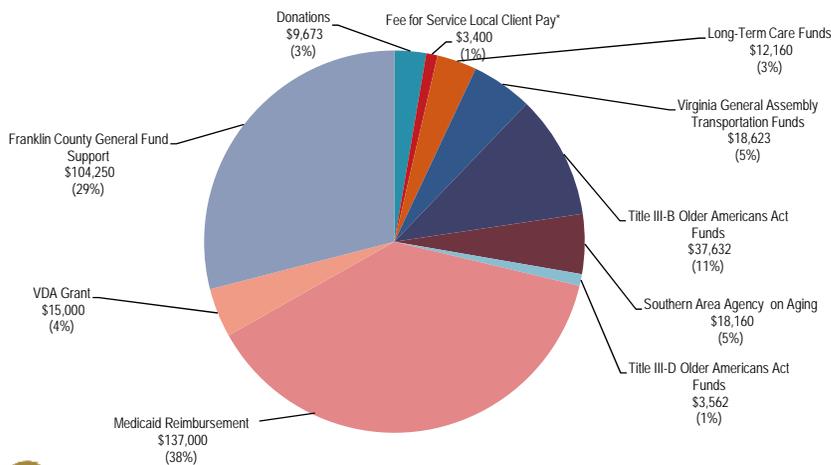
- ▶ Transportation (\$326,023 or 92.8%)
 - ▶ Medicaid
 - ▶ Other State/Federal (VDA funds, DRPT grants, etc.)
 - ▶ County
 - ▶ Fee for Service
 - ▶ User Donations
- ▶ Socialization / Recreation (\$12,558 or 3.6%)
 - ▶ Federal funds administered by SAAA
- ▶ Nutrition / Disease Prevention (\$12,558 or 3.6%)
 - ▶ Federal funds administered by SAAA



DEPARTMENT OF AGING SERVICES

PRESENT

▶ Current Department Funding Source Breakdown



*FFS charges mandated by Federal scale



DEPARTMENT OF AGING SERVICES

PRESENT

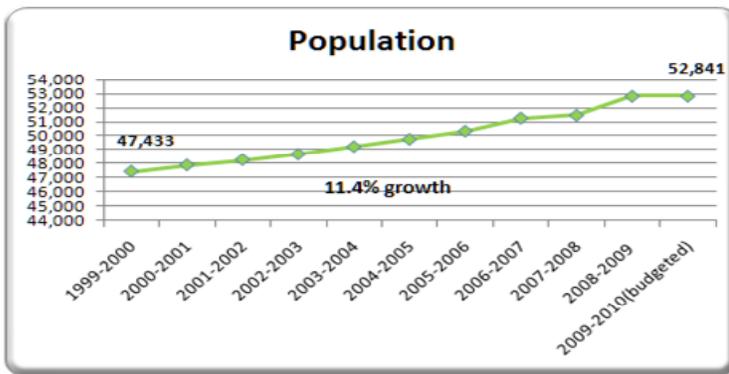
- ▶ Current General Fund spending on Aging Services represents:
 - ▶ \$2.03 per capita per year (vs. \$0.59 per capita in 2000)
 - ▶ \$10.75 per senior per year (vs. \$4.11 per senior in 2000)
- ▶ Seniors in poverty:
 - ▶ Generally, 17% of seniors in rural areas with another 13% near poverty
 - ▶ In 2000, 9.8% of local seniors in poverty (663 people)
 - ▶ At same rate, this would mean there are 950 local seniors in poverty today (out of about 9,700 seniors)



DEPARTMENT OF AGING SERVICES

PRESENT

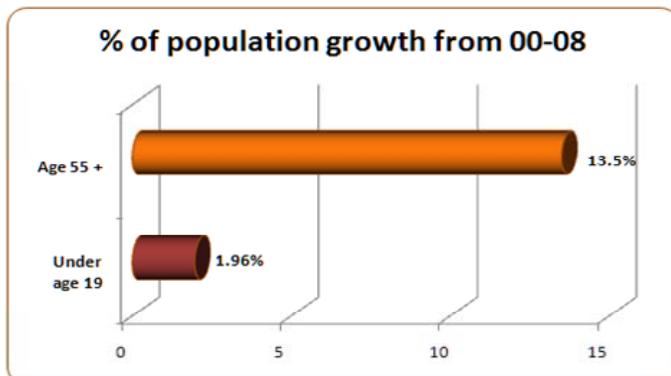
- ▶ The County's general population has experienced steady growth this decade



DEPARTMENT OF AGING SERVICES

PRESENT

- ▶ However, Baby Boomers are already changing the County's demographics as we know them



DEPARTMENT OF AGING SERVICES

FUTURE

- ▶ By 2030, the population in Virginia over the age of 65 will have doubled to over 1.8 million citizens
- ▶ Increasing life spans mean 18–22 years in retirement
- ▶ Greater numbers of seniors and increasing life spans will mean significant increase in demand of services for maturing Franklin County citizens

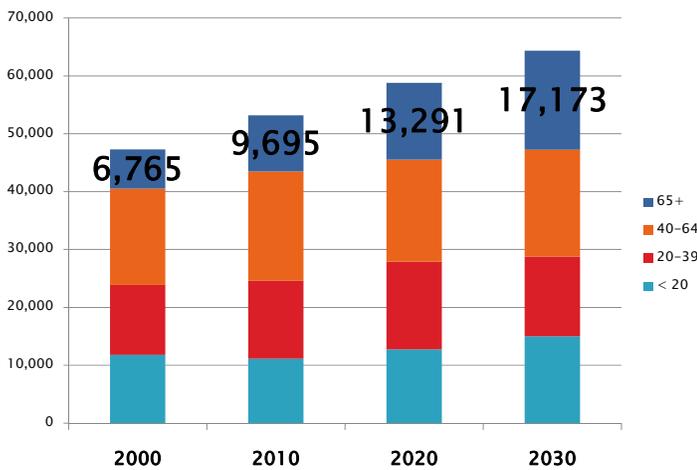
	2010				2020				2030				2000-2030	
	< 20	20-39	40-64	65+	< 20	20-39	40-64	65+	< 20	20-39	40-64	65+	Total Growth	65+ Growth
Virginia													31%	121%
Franklin County	11,141	13,434	18,926	9,695	12,734	15,170	17,605	13,291	14,975	13,774	18,477	17,173	36%	154%

Source: Virginia Employment Commission, <http://www.vawc.virginia.gov/analyzer/default.asp>



FUTURE

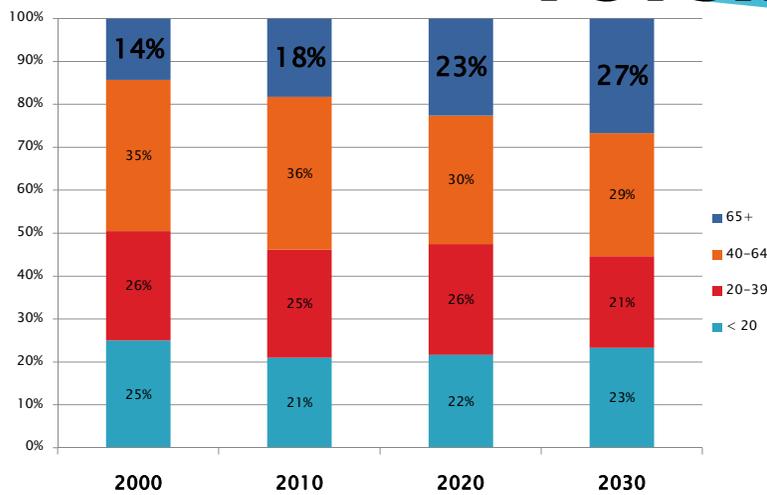
Franklin County Aging Trends



Source: Virginia Employment Commission, <http://www.vawc.virginia.gov/analyzer/default.asp>



FUTURE



Source: Virginia Employment Commission, <http://www.vawc.virginia.gov/analyzer/default.asp>



FUTURE

- ▶ 2000 to 2030: Franklin County to grow 36%
- ▶ 2000 to 2030: Franklin County senior population to grow...

154%

- ▶ 2000 Franklin County seniors= 6,765
- ▶ 2030 Franklin County seniors= 17,173
- ▶ By 2030, ages 65+ will be County's 2nd largest age group (slightly behind 40-64 age group)



DEPARTMENT OF AGING SERVICES

FUTURE

- ▶ Government will be asked to fulfill much greater levels of **NEEDS** and **WANTS** from the older population
- ▶ Older, more frail, less healthy will **need** more transportation services to medical appointments, more nutrition services, more assistance from caregivers
- ▶ Younger, healthier seniors will **want** increased services from government, especially in recreation
- ▶ Planning related to capital investments, zoning regulations, and service offerings will become a priority



DEPARTMENT OF AGING SERVICES

FUTURE

- ▶ Service Wants of Healthy Seniors
 - ▶ Recreation / Leisure Activities
 - ▶ Financial Advice (Estate Planning, Entitlements, Etc)
 - ▶ Socialization



DEPARTMENT OF AGING SERVICES

FUTURE

- Service Needs of Frail Seniors
 - Transportation
 - Using current standards (conservative):
 - Senior medical transports could rise from 5,314 in 2009 to 9,413 by 2030
 - Needed drivers could rise from 9 in 2009 to 16 by 2030
 - Needed vans could rise from 10 in 2009 to 19 by 2030
 - Demand already greater than resources – 25–30 clients turned down each month
 - Medical Education and Services
 - Socialization
 - Nutrition



Franklin County
A More Beautiful Community

DEPARTMENT OF AGING SERVICES

FUTURE

- Service Needs of Frail Seniors
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 - Medical Education and Services
 - Socialization
 - Nutrition



Franklin County
A More Beautiful Community

DEPARTMENT OF AGING SERVICES

PRESENT / FUTURE

- What is the Department's immediate challenge?

Determining County's Role in Continuing to Serve Local Seniors

- Department at a crossroads given demand vs. resources
 - Transport Services (Increasing demand for transports)
 - Recreation/Socialization (Increasing demand for elderly-focused activities)
 - Facility Issues (ADA)



Franklin County
A More Beautiful Community

DEPARTMENT OF AGING SERVICES

PRESENT / FUTURE

➤ What can/should be done today to prepare for tomorrow?

Pursue the Creation of an Aging Services Master Plan

- Level of Service Wants and Needs Analysis
- Operational Analysis
 - Transportation (Reduce services, outsourcing, partnering, department expansion)
 - Socialization / Recreation (Parks and Recreation Department, YMCA, other partnerships)
 - Nutrition / Disease Prevention (Parks and Recreation, STEP, other partnerships)
- Facility Analysis
- Best Practices – Regional/State/National Models
- Goals, Objectives, Recommendations



220 NORTH GATEWAY OVERLAY

Neil Holthouser, Director of Planning & Community Development, updated the Board and stated the Planning Commission has forwarded to the Board during their December meeting for their review. Mr. Holthouser requested the Franklin County Board of Supervisors to amend Chapter 25, “Zoning” of the Franklin County Code, to implement a Rural Development Overlay District, Article IV, Special Provisions, Division 5. 220-North Rural Development Overlay District; Section 25-501, Purpose; Section 25-501.1, Boundaries; Section 25-501.2, Relationship to underlying zoning; Section 25-501.3, Change in underlying zoning classification; Section 25-501.4, Residential Cluster Developments Section 25-501.5, Standards for residential lots within residential cluster developments; Section 25-501.6, Standards for required open space within residential cluster developments; Section 25-501.7, Management of required open space within residential cluster developments; Section 25.501-8 Signs.

Staff respectfully requests the Board of Supervisors to adopt the 220-North Rural Development Overlay District as an amendment to the Franklin County Zoning Ordinance, Article IV, Special Provisions, Division 6.

(RESOLUTION #09-10-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing the Scenic Overlay for the December Board meeting.

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

DEVELOPMENT ORDINANCES UPDATE

Neil Holthouser, Director of Planning & Community Development, presented the following listing for the Board’s review with the understanding the listing will be kept open for future nominations. Mr. Holthouser advised the Board staff will select from this group to be a technical advisory committee (8-10 people) in conjunction with the County Administrator.

	Last Name	First Name	Nominated By:	Interest Category
1	Amos	G.T.	Leland Mitchell	Agricultural / Rural
2	Bassett	Russ	Russ Johnson	Environmental / Conservation
3	Bondurant	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	Bird	Tim	David Hurt	Other
8	Camicia	Bob	H	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	Hartman	Holly	David Hurt	Environmental / Conservation
18	Hodges	Daan	David Hurt	Agricultural / Rural
19	Holland	Shirley	Wayne Angell	Other
20	Hunt	Charles	Russ Johnson	Agricultural / Rural
21	Jamison	Daphnie	Russ Johnson	Environmental / Conservation
22	Johnson	David	Bobby Thompson	Environmental / Conservation
23	Johnson	Florella	Charles Wagner	Neighborhood / Residential
24	Johnson	Phyllis	Russ Johnson	Development / Real Estate
25	Jordan	Charles	David Hurt	Land Planning / Engineering
26	Krupp	Dan	Bobby Thompson	Other
27	Marshall	Charlie	Russ Johnson	Agricultural / Rural
28	McGee	Angie	David Hurt	Development / Real Estate
29	McKelvey	Jim	Russ Johnson	Land Planning / Engineering
30	Meadors	Larry	Bobby Thompson	Neighborhood / Residential
31	Miller	Jim	Russ Johnson	Development / Real Estate
32	Miller	Paul	Russ Johnson	Other
33	Montgomery	Thad	Russ Johnson	Agricultural / Rural
34	Nester	Phil	Charles Wagner	Land Planning / Engineering
35	Reynolds	Gary	Leland Mitchell	Agricultural / Rural
36	Seidelmann	Jim	Russ Johnson	Other
37	Shiflett	Ron	Leland Mitchell	Land Planning / Engineering
38	Smith	Stan	Russ Johnson	Environmental / Conservation
39	Spencer	Lois	Russ Johnson	Neighborhood / Residential
40	Stevens	Glen	Bobby Thompson	Environmental / Conservation
41	Thomas	Carolyn	Bobby Thompson	Environmental / Conservation
42	Whitaker	Brian	Bobby Thompson	Agricultural / Rural
43	Willard II	Ron	David Cundiff	Development / Real Estate

EROSION & SEDIMENTATION ORDINANCE

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

Prior to last spring, the County's Erosion & Sedimentation Control Ordinance required permits for land disturbance activities greater than 3,000 square feet which was a higher standard than the State of Virginia's threshold of 10,000 square feet. On May 19, 2009, the Board of Supervisors adopted revisions to Chapter 7 of the Franklin County Code-Erosion and Sediment Control Ordinance. These revisions relaxed the overall County standard, yet provided an increased focus on those sites deemed critical (proximity to watercourse and steep slopes) but also lessened the focus on sites that are not deemed critical.

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

The ordinance states who may prepare the erosion and sediment control plans. Specifically, plans associated with the construction of a single-family home must be prepared by a responsible land disturber, professional engineer, certified landscape architect, or licensed surveyor; all other plans must be prepared by a professional engineer, certified landscape architect, or licensed surveyor. However, in accordance with Department of Conservation and Recreation

requirements all calculations must be prepared by a licensed engineer. This applies to erosion control measures included but not limited to roadside ditches, sediment traps, sediment basins, and permanent diversions.

While the intent of the ordinance changes were to provide increased focus on those sites deemed critical (proximity to watercourse and steep slopes) and also lessen the focus on sites that are not deemed critical, one perhaps un-intended result has been an adverse impact to a homeowner for a standard walk-out basement.

Since the adoption of the ordinance, increasing concerns have been expressed over the new requirement for an engineered plan to be submitted for building lots of slopes 15% or greater, specifically related to the construction of single family homes with walk out basements. Such engineered plans are most often a new undertaking to the single family home owner / contractor, thereby resulting in an increased amount of cost and time. As such, many contractors, homeowners, etc. have expressed vocal concern.

Staff is subsequently reviewing this matter and has prepared some analysis for the Board's consideration below.

CONSIDERATIONS:

The following are considerations taken into account when developing, and amending, an Erosion and Sediment Control Ordinance:

1. Type of Development
 - a. Single-family Residential
 - b. Not Single-family Residential

The Department of Conservation and Recreation allows localities to adopt less stringent standards for land disturbing activities that are associated with the construction of a single-family residence.

2. Location in Respect to Water
 - a) Less than or equal to 200 feet from water
 - b) More than 200 feet from water

The Franklin County Erosion and Sediment Control Ordinance has historically made a distinction between land disturbing activities that are within 200 feet from water and land disturbing activities that are more than 200 feet from water. Likewise Bedford County also makes this distinction. It is believed that 200 feet is a distance whereby sediment can travel downhill under normal circumstances, (i.e. the absence of heavy rain, or critical slopes).

3. Slope of Area to be Disturbed
 - a. Greater than or equal to 15%
 - b. Less than 15%

The Department of Conservation considers a 15% slope to be a critical slope. Likewise, the Alternative Inspection Program for Land Disturbance Activities, Article III for the Franklin County Erosion and Sediment Control Ordinance (reviewed and approved by DCR), considers a 15% slope to be a critical slope.

4. Amount of Land Disturbance
 - a. Less than or equal to 3,000 square feet
 - b. Greater than 3,000 square feet
 - c. Less than 10,000 square feet and less than or equal to half an acre
 - d. Greater than half an acre.

3,000 square feet is considered to the amount of land disturbance typically involved in grading for a moderately sized single-family residence. The grading associated with the construction of most single-family residences, including the installation of a driveway and septic system, can be accomplished by disturbing less than 10,000 square feet in total area. Half an acre is the smallest grading activity considered when determining the frequency of inspection for a given land disturbing activity under the Alternative Inspection Program for Franklin County. Those projects disturbing more than half an acre require more frequent inspections than projects disturbing half an acre or less.

RECOMMENDATION:

In reviewing the current issue of walk-out basements, staff has examined some options, and would offer the following standards as DRAFT amendments to Chapter 7 of the Franklin County Code-Erosion and Sediment Control Ordinance:

	Generally:	If area of disturbance is within 200' of water	If area of disturbance contains slopes 15% or greater	Notes:
Single-Family Residential	Areas of disturbance less than 10,000 sf are not regulated	Areas of disturbance less than 3,000 sf are not regulated	Areas of disturbance less than 3,000 sf are not regulated	
	Areas of disturbance greater than 10,000 sf are regulated	Areas of disturbance greater than 3,000 sf are regulated	Areas of disturbance greater than 3,000 sf are regulated	
	Areas of disturbance between 10,000sf < half acre, may get E&S permit with Agreement in Lieu of Plan	If regulated, an E&S Plan is always required	<i>Areas of disturbance between 3,000sq < half acre, may get E&S permit with Agreement in Lieu of Plan</i>	<i>This standard would NOT require an engineered plan for most walk-out basements.</i>
	If area of disturbance is > half acre of disturbance, requires E&S Plan		If area of disturbance is > half acre of disturbance, requires E&S Plan	
	Generally:	If area of disturbance is within 200' of water	If area of disturbance contains slopes 15% or greater	Notes:
Anything other than Single-Family Residential	Areas of disturbance less than 10,000 sf are not regulated	Areas of disturbance less than 3,000 sf are not regulated	Areas of disturbance less than 3,000 sf are not regulated	
	Areas of disturbance greater than 10,000 sf are regulated	Areas of disturbance greater than 3,000 sf are regulated	Areas of disturbance greater than 3,000 sf are regulated	
	If regulated, an E&S Plan is always required	If regulated, an E&S Plan is always required	If regulated, an E&S Plan is always required	

SUMMARY:

In summary, please be advised staff has been made aware of increasing concerns from contractors and home owners regarding the requirement for engineered plans for standard walk-out basements. Staff believes this new requirement is an un-intended result of the revised E & S Ordinance addressing critical slopes (>15%). Subsequently, staff further analyzed this matter and has drafted a possible “patch” to the ordinance, whereby most single family dwellings with walk-out basements (in land areas of disturbance of less than ½ acre and of 15% or greater slopes) would not be required to submit an engineered plan, but rather obtain an Erosion & Sedimentation permit in lieu of a plan. Should the Board so request, staff will offer any further analysis or recommendations.

The Board directed staff to come back next month with options and ranges to consider and then setting the public hearing in January.

TLAC LEGISLATIVE PACKAGE 2010

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

TLAC respectfully requests that Bedford, Franklin and Pittsylvania County approve the inclusion of these three requests in their 2010 Legislative Programs. A copy of each request is enclosed.

The items recommended by the TLAC Board for inclusion are:

- **Support of a \$40,000 appropriation for the Smith Mountain Lake Water Quality Monitoring Program (two year appropriation of \$20,000 each)**
- **Support of a \$50,000 appropriation for the Conversion of Navigation Aid System at Smith Mountain Lake to meet United States Coast Guard standards (two year appropriation of \$25,000 each)**
- **Support of a \$200,000 appropriation for the Treatment/Control of Hydrilla at Smith Mountain Lake and three other bodies of water within the Commonwealth**

**2010 General Assembly Appropriation Request from the
Tri-County Lake Administrative Commission at Smith Mountain Lake**

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

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

**\$40,000 for the Smith Mountain Lake
Volunteer Water Quality Monitoring Program**

The Water Quality Volunteer Monitoring Program is administered by the Smith Mountain Lake Association (SMLA) and Ferrum College scientists. This program has been in existence since 1987. The three counties bordering the lake (Bedford, Franklin and Pittsylvania) assist by providing funds for this program. Additionally, more than 75 volunteers provide in-kind services for this program.

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

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

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

The continuance of the Water Quality Monitoring Program at Smith Mountain Lake will provide critical baseline data. In 1999, Smith Mountain Lake became a source of public water for Bedford County. That service has been expanded. In 2005, it also became a source of public water for Franklin County. Franklin County is currently requesting approval for additional withdrawals, as

well as consideration of a treatment plant. Also under consideration is the possibility that Roanoke County may also elect to use Smith Mountain Lake for public water as well.

We respectfully request that a two-year appropriation for \$20,000.00 each year, be allocated for the Water Quality Monitoring Program at Smith Mountain Lake, be supported by the General Assembly.

2010 General Assembly Appropriation Request from the Tri-County Lake Administrative Commission at Smith Mountain Lake, be supported by the General Assembly.

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

**\$50,000.00 for Conversion of the
Navigation Aid System at Smith Mountain Lake
to United States Coast Guard Standards**

The three counties (Bedford, Franklin and Pittsylvania) bordering Smith Mountain Lake currently carry the total responsibility for the navigation aids on the lake. They contribute over \$50,000.00 each year for the maintenance and improvements of the navigation system. This includes the cost of a maintenance contract, as well as replacement costs for the supplies and equipment needed for maintenance.

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

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

Currently, there are 153 channel markers, 6 lighted shoal markers, 57 unlighted shoal and rock markers and 18 AC lights on Halesford Bridge. There are 309 signs identifying the markers. All of the signs will need to be converted to meet the USCG standards. Additionally, the signage for the 57 unlighted shoal and rock markers must be modified to meet USCG standards. The locations of these markers are noted on the two boating maps that are produced for Smith Mountain Lake.

An annual contract for the normal maintenance of all markers has typically cost about \$25,000.00. Funds are also needed for repairs due to unreported accidents, vandalism and acts of nature. During recent years, 5 channel markers were knocked down and required replacement. In addition, more than 40 shoal markers were damaged and required replacement. These damages, resulting generally from hit and run accidents, are costly to repair. There is no way of recovering the costs of these repairs.

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

The General Assembly appropriated \$25,000.00 each for 2007 and 2008 for navigation expenditures. These funds are to be utilized specifically for the conversion efforts. Additional funds are needed. The conversion of the navigation system to meet USCG standards, and the continued maintenance of the navigation markers, play a major role in keeping Smith Mountain Lake safe for boaters during the day and at night.

In summary, the conversion of the Smith Mountain Lake navigation aid system to meet USCG standards is necessary to ensure that federal standards are met. The amount of boat traffic on

Smith Mountain Lake is immense. An appropriate and well-maintained navigation aid system is imperative for the safety of residents and visitors alike. Additional funds are needed to assist with the required conversion. We respectfully request that a two-year appropriation of \$25,000.00 each year, be allocated for the conversion of the Smith Mountain Lake navigation aid system to United States Coast Guard standards, be supported by the General Assembly.

**2010 General Assembly Appropriation Request from the
Tri-County Lake Administrative Commission at Smith Mountain Lake**

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

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

**\$200,000 for the Treatment/Control of Hydrilla
at Smith Mountain Lake and other
bodies of water within the Commonwealth**

During the 2008 legislative session, the General Assembly approved a \$150,000 line item through the Department of Agriculture and Consumer Services' Plant Pest and Disease Control funds. These funds were to be utilized to support the eradication of Hydrilla on Smith Mountain Lake, Lake Gaston, Lake Anna and the Potomac River. Subsequently, this office was provided with \$50,000 of these funds for the management and control of Hydrilla in Smith Mountain Lake.

In July of 2007, Hydrilla, an extremely invasive non-native aquatic vegetation, was identified in Smith Mountain Lake for the very first time. The Tri-County Lake Administrative Commission, a department of the three counties surrounding the lake, began control initiatives immediately. Additional infestations throughout Smith Mountain Lake have been identified with Hydrilla since those initial infestations. Because of the funds approved through the legislative line-item noted above, and the financial support of the three local counties, we have been able to treat all of the areas identified annually. This year, contact herbicides were used in all of the locations except for one 13 acre tract where a systemic herbicide was utilized.

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

Our invasive non-native aquatic vegetation treatment program has been ongoing since 2002. For the past two years, a volunteer effort of identifying possible locations of invasive aquatic vegetation, such as Hydrilla, was formalized. With the identification of Hydrilla in a body of water, experts recommend lake wide surveys for all aquatic vegetation annually. We contracted for a partial survey early in the season with a more intensive survey late in the season. These surveys identified additional locations of Hydrilla and thus allowed for timely treatment of those areas. These three efforts combined, provided identification of more than 70 locations of invasive aquatic vegetation that required treatment in 2009.

The total cost of the 2008 Smith Mountain Lake Aquatic Vegetation Program exceeded \$75,000.00. Although the totals for the 2009 program are not yet final, it is estimated that the total will exceed \$90,000.00. Based on these numbers, it is reasonable to expect that the 2010 program will exceed \$105,000.00 in Smith Mountain Lake alone. This estimate does not account for the financial needs of treating Hydrilla at other bodies of water in the Commonwealth.

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

In 2007 when the \$150,000 line item for Hydrilla eradication was approved, four bodies of water (Lake Anna, Lake Gaston, the Potomac River and Smith Mountain Lake) were included in which Hydrilla had been identified within the Commonwealth. It has recently come to our attention that Hydrilla has also been identified in other bodies of water within the Commonwealth, including Claytor Lake and the Chickahominy River. We respectfully request that the General Assembly

financially assist with the control and management of Hydrilla in bodies of water within the Commonwealth.

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

We respectfully request that an allocation of \$200,000 for the treatment and control initiatives for Hydrilla in Smith Mountain Lake and other bodies of water within the Commonwealth be supported by the General Assembly.

(RESOLUTION #10-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the aforementioned 2010 TLAC Legislation Package as presented.

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

FINANCIAL UPDATE

Richard E. Huff, II, County Administrator, presented the following PowerPoint presentation:

Local Revenues

Sales Tax	<u>05-06</u>	<u>06-07</u>	<u>07-08</u>	<u>08-09</u>	<u>09-10</u>
July	341,923	366,758	366,496	354,517	311,918
August	364,874	402,645	393,535	368,238	333,402
September	353,615	356,530	370,138	355,379	326,164
October	346,571	377,264	367,805	336,596	314,822
November	320,761	358,851	348,288	357,668	
December	360,230	359,571	346,312	307,417	
January	316,942	366,074	331,450	293,796	
February	361,312	387,221	359,702	346,251	
March	290,516	293,465	282,188	242,084	
April	296,164	313,593	346,723	277,775	
May	394,354	353,670	345,981	283,470	
June	350,930	351,294	332,110	296,513	
	<u>4,098,192</u>	<u>4,286,936</u>	<u>4,190,728</u>	<u>3,819,704</u>	<u>1,286,306</u>
Budget	3,575,000	4,093,357	4,479,153	4,151,000	3,800,950

Local Revenues

Meals Tax	<u>05-06</u>	<u>06-07</u>	<u>07-08</u>	<u>08-09</u>	<u>09-10</u>
July	73,231	79,672	83,513	85,251	87,352
August	86,105	79,072	85,724	100,988	106,519
September	86,643	85,857	92,431	92,809	87,842
October	76,687	66,612	79,700	67,667	67,152
November	59,538	64,418	66,241	76,153	
December	44,993	47,203	50,288	50,341	
January	46,280	53,133	51,472	53,895	
February	49,061	53,416	51,159	47,401	
March	48,945	46,977	53,727	49,434	
April	60,213	63,697	56,784	55,087	
May	61,746	70,015	62,008	68,635	
June	71,604	103,999	80,711	80,220	
	<u>765,046</u>	<u>814,071</u>	<u>813,758</u>	<u>827,881</u>	<u>348,865</u>
Budget	713,646	797,133	778,000	845,000	800,000

Local Revenues

Interest Income	<u>05-06</u>	<u>06-07</u>	<u>07-08</u>	<u>08-09</u>	<u>09-10</u>
July	47,394	256,497	132,112	132,329	66,479
August	57,138	75,892	129,714	17,746	56,184
September	46,237	208,302	108,061	150,492	60,674
October	35,538	63,792	113,229	12,531	45,003
November	52,848	134,302	97,282	13,223	
December	92,898	139,577	132,914	266,551	
January	108,075	173,298	124,551	318,467	
February	96,489	144,966	17,533	21,407	
March	99,939	317,794	25,013	222,510	
April	77,406	161,387	31,137	95,679	
May	77,839	162,311	29,662	84,172	
June	67,934	141,036	22,884	65,918	
	<u>859,735</u>	<u>1,979,154</u>	<u>964,092</u>	<u>1,401,025</u>	<u>228,340</u>
Budget	370,000	825,000	1,400,000	1,400,000	800,000

Local Revenues

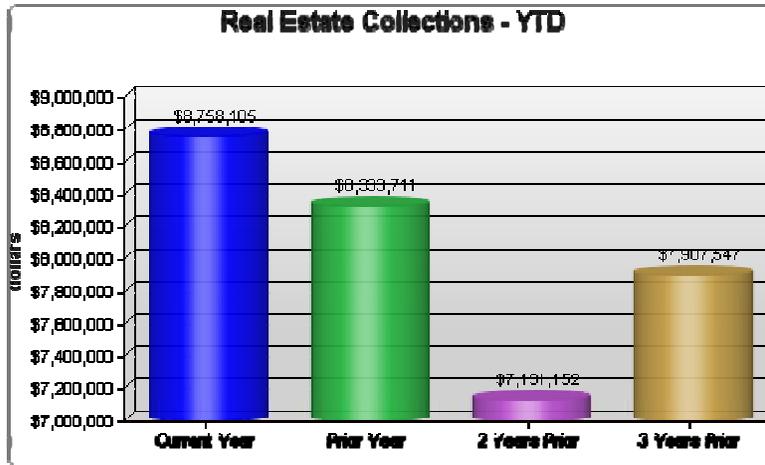
Transient Occupancy Tax	<u>05-06</u>	<u>06-07</u>	<u>07-08</u>	<u>08-09</u>	<u>09-10</u>
July	11,967	12,675	13,850	12,648	11,736
August	26,755	24,837	26,685	24,206	23,262
September	21,246	21,657	20,801	23,263	20,402
October	11,050	11,582	17,630	10,532	12,319
November	8,579	9,251	8,046	6,625	
December	3,940	4,256	4,140	3,307	
January	2,164	3,082	2,047	1,777	
February	2,840	2,340	1,495	2,186	
March	2,559	1,722	2,199	2,557	
April	4,098	4,001	4,793	3,522	
May	6,942	5,797	4,851	4,220	
June	8,556	8,092	7,610	9,765	
	<u>110,696</u>	<u>109,292</u>	<u>114,147</u>	<u>104,608</u>	<u>67,719</u>
Budget	123,482	112,000	112,000	115,000	100,000

Local Revenues

Landfill Receipts	<u>05-06</u>	<u>06-07</u>	<u>07-08</u>	<u>08-09</u>	<u>09-10</u>
July	81,673	67,451	55,520	65,042	53,317
August	75,977	72,539	113,181	70,679	46,590
September	93,078	116,006	56,962	64,043	65,230
October	58,985	80,942	95,914	67,149	68,276
November	87,164	62,860	94,133	55,599	
December	52,297	92,805	60,337	42,075	
January	66,947	66,128	36,698	22,288	
February	81,378	60,451	71,409	64,907	
March	80,408	60,914	59,322	29,282	
April	74,044	56,882	69,643	60,787	
May	93,601	78,607	54,786	47,222	
June	88,166	120,520	96,787	63,031	
	<u>933,718</u>	<u>936,105</u>	<u>864,692</u>	<u>652,104</u>	<u>233,413</u>
Budget	955,000	875,000	950,000	900,000	776,587

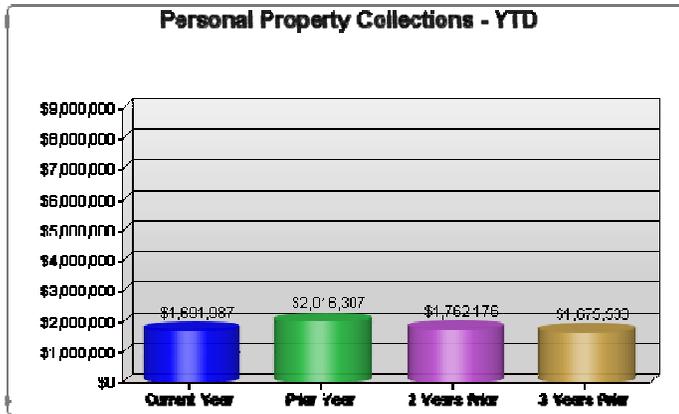
Local Revenues

(as of 11/16/2009)



Local Revenues

(as of 11/16/2009)



State Revenues

Education Funding is Greatest Concern

- Commonwealth has already reduced FY10 K-12 general funds by almost \$800 million – partially offset by federal stimulus funding.
- Expect additional K-12 cuts.
 - K-12 is 35 percent of GF and 70 percent of local aid.
- State and local revenue problems will be compounded when federal K-12 stimulus funding ends – beginning in FY11.
- Localities are holding Virginia’s public education system together to meet SOA and SOL standards by spending **\$3 billion more per year** than required to match state \$.
 - In total, **localities spend 82 percent** more than required by state.
 - This **excess pays for 22 percent of all K-12** spending.
- Without state and/or local tax increases, major policy changes will be required to align K-12 spending levels with revenues, even with only minimal re-benchmarking costs (\$138 mil. for biennium).
 - Restoring “support cost” funding would require an additional \$754 million in the next biennium.

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State Budget Summary (Setting the Stage for January)

- On August 19, Governor announced a \$300 mil. FY 09 GF revenue shortfall and an additional \$1.2 billion GF revenue shortfall for FY 10.
- On September 8, Governor announced \$1.35 bil. budget reduction plan. Only for FY 10 - does not solve 2010-12 budget problems.
- Expect an even tougher 2010-12 budget due to a weakened state balance sheet (e.g. Rainy Day fund drawdown), lack of new debt capacity, expiring federal stimulus \$, and a weak economic recovery.
- Medicaid and other HHS cost pressures will continue, putting additional strain on the 2010-12 state budget. Medicaid growth could consume all additional 2010-12 biennium GF revenues.
- State aid to localities will continue to be reduced in the 2010-12 biennium.
- Falling real estate and car values, sales taxes, business taxes will make it difficult for localities to continue backfilling declining state support.

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Dismal 1st Quarter FY 2010 GF Revenues

	% of GF	Growth	
		Forecast %	% Thru 1st Q
Individual Income Taxes	66.1%	-1.8%	-5.6%
<i>Withholding</i>	66.2%	2.1%	-2.3%
<i>Estimated Payments</i>	13.7%	-16.8%	-23.4%
<i>Refunds</i>	-13.8%	-1.2%	18.6%
Sales Taxes	20.5%	-0.4%	-5.9%
Corporate Income Taxes	4.7%	2.2%	-7.9%
All Other	8.6%	-5.3%	-16.4%
Total GF Revenues	100.0%	-1.6%	-7.4%

12

Major "One Times" More Than Half of Strategies to Close \$5.5 Bil. 2008-10 Budget Gap	
	<u>GF Millions \$</u>
Rainy Day Fund Withdrawal	\$773
Sales Tax Acceleration/LPC Adjust/Tax Amnesty	\$186
Bonded Debt for GF Capital	\$355
Delay 4th Q VRS Retirement/Benefit Payments*	\$135
State Employee Furlough*	\$16
Sell Prison/Transfer Fire Programs Fund to GF	\$51
Enhanced ARRA.SFSF/Medicaid Match	\$1,059
ARRA.SFSF - Flexible Funds	\$219
ARRA.SFSF - Education	<u>\$652</u>
Total Major "One-time" Budget Strategies	\$3,446
* Includes NCF agency transfer to GF	

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Medicaid Expenditure Forecast (\$ Mil. at 7% utilization growth)			
	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>
GF	\$2,273	\$2,817	\$3,427
Special Rev	\$304	\$301	\$298
Federal*	\$3,759	\$3,661	\$3,528
Total Medicaid @7% Growth	\$6,336	\$6,779	\$7,254
Medicaid GF as Percent of Total GF	15.7%	18.8%	21.8%
ARRA Stimulus Funding*	\$685	\$367	\$0
* Assumes EMAP remains at 61.59% thru CY 2010 then returns to 50% in CY 2011			

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Significant Additional General Funds Will be
Necessary to Maintain Current Services When
Federal Stimulus Ends

ARRA Stimulus Funding (\$ Mil.)					
	<u>FY 10 ARRA*</u>	<u>FY 11 ARRA*</u>	<u>FY 11 GF Backfill</u>	<u>FY 12 ARRA</u>	<u>FY 12 GF Backfill</u>
Medicaid**	\$720	\$360	\$360	\$0	\$720
K-12 Public Education	\$434	\$296	\$138	\$0	\$434
Higher Education	\$219	\$36	\$183	\$0	\$219
Sheriffs (Byrne Justice)	\$23	\$0	\$23	\$0	\$23
SFSF General	<u>\$109</u>	<u>\$0</u>	<u>\$109</u>	<u>\$0</u>	<u>\$109</u>
Total	\$1,505	\$692	\$813	\$0	\$1,505

*Federal ARRA stimulus funds used by Virginia to offset general fund cuts

** DMAS forecast presented to Senate Finance Committee 10/22/09

15

State Funding in Franklin County

- In FY10 (current year), state aid was reduced by **\$3,801,510**
- This was partially offset by **\$2,778,847** in Stimulus Funding
- This is expected to be reduced in FY11 by \$440,000-\$730,000.
- County's Composite Index increases for FY11 from .3885 to .4012 resulting in an anticipated loss of \$590,048 in FY11 based on projected State Basic Aid
- VRS Rates for teachers recommended to increase 4.1% resulting in \$1,693,702 estimated cost (VACO does not believe the General Assembly will approve this because of the cost to the State to pay their share).

16

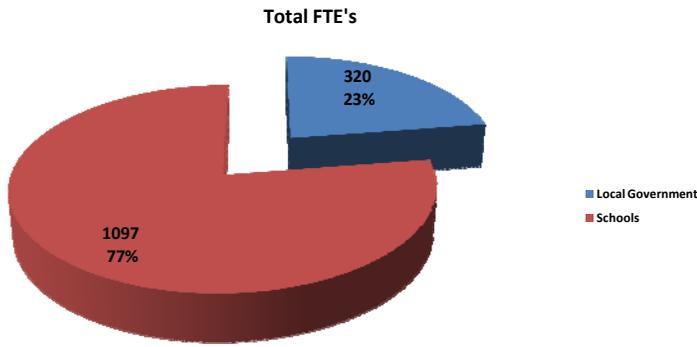
Cumulative State Cuts (Non School)

- | | | |
|----------------------|-----------|-------------------|
| • FY 08-09: | \$336,867 | Beginning of Year |
| • December 23, 2008: | \$305,030 | Mid Year Cut |
| • FY 09-10: | \$340,567 | Beginning of Year |
| • September 8, 2009: | \$310,553 | Mid Year Cut |

Regional Cuts

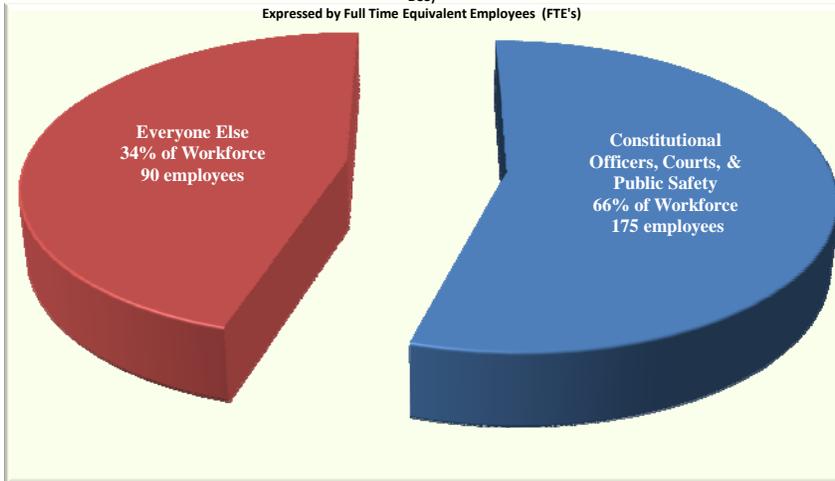
- Regional Jail received a cut of \$409,293 in September, 2009
- Juvenile Detention Center has received state cuts this year of \$143,000

Options



Options

Ratio of Const. Officers, Public Safety, & Courts to All Other Functions of Local Government (Excluding DSS)
Expressed by Full Time Equivalent Employees (FTE's)



<u>Department/Cost Center Category</u>	<u>FY10 Approved</u>	<u>% of Budget</u>
Schools	81,424,672	65.73%
Sheriff: Corrections	4,888,175	3.95%
CSA	4,456,467	3.60%
Sheriff: Law Enforcement	3,162,731	2.55%
Social Services: Administration	2,975,128	2.40%
Public Safety	2,824,986	2.28%
Social Services: Programs	2,281,225	1.84%
Capital: Local Government	2,268,876	1.83%
Planning and Community Development	1,223,178	0.99%
Debt Service	1,197,105	0.97%
Capital: Schools	1,100,000	0.89%
E911	1,080,414	0.87%
General Properties	978,117	0.79%
Parks and Recreation	953,201	0.77%
Information Technology	855,544	0.69%
Solid Waste: Collections	830,340	0.67%
Utilities	729,740	0.59%
Commonwealth Attorney	677,006	0.55%
Clerk of Court	668,761	0.54%
Library: Downtown	664,270	0.54%
Juvenile Court Services	603,204	0.49%
Commissioner of Revenue	578,408	0.47%
Sheriff Courts	519,076	0.42%
Treasurer	500,286	0.40%
Economic Development	479,331	0.39%

Next Steps

- Could be looking at \$3+ million shortfall in FY11
(TOO EARLY TO TELL ABOUT STATE FUNDS)
- Priorities?
- Discussion with Schools about presenting balanced budget?
- Revenue Enhancements? (Fees, Taxes, etc. to Research?)

The Board stated the Chairman for the School Board and Board of Supervisors would meet along with staffs and County Administrator and Superintendent and report back to the Board.

RISING OPPORTUNITIES UPDATE

Richard E. Huff, II, County Administrator, stated Piedmont has agreed to front the money and advised the Board there are private individuals making donations which would guarantee their funding. Rising Opportunities will bring their update to the Board in December.

FRANKLIN COUNTY FOOTBALL TEAM ADVANCEMENT TO DIVISION 6 NORTHWEST REGION PLAYOFFS

Dr. Lackey requested the Board to forward their best wishes to the Franklin County Football Team.

CHRISTMAS PARADE CANDY

(RESOLUTION #11-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize \$500.00 to purchase candy for the Christmas parade TO BE HELD ON Sunday, December 6, 2009.

MOTION BY: David Cundiff

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Cundiff & Thompson

NAYS: Wagner

ABSTAINED: Angell

ABSENT: Hurt & Johnson

THE MOTION PASSED WITH A 3-1-1-2

APPOINTMENT – SOUTHERN AREA AGENCY ON AGING/TERM EXPIRES 1/1/2010

A December agenda item.

WEST PIEDMONT PLANNING COMMISSION/1-YR. TERM/EXPIRES 12/31/2009 (2-BOARD REPRESENTATIVES)

(RESOLUTION #11-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Leland Mitchell and Bobby Thompson to serve on the West Piedmont Planning Commission Board with said terms to expire 12/31/ 2010.

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Cundiff, Angell, Thompson & Wagner

ABSENT: Hurt & Johnson

TLAC/1-YR. TERM/EXPIRES 1/31/2010 (CITIZEN & BOARD MEMBER)

A December agenda item.

EXTENSION LEADERSHIP COUNCIL/2-YR. TERM/EXPIRES 1/31/2010 (BOARD REPRESENTATIVE)

(RESOLUTION #12-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint David Cundiff to serve on the Extension Leadership Council with term to expire 1/31/2012.

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

CLOSED MEETING

(RESOLUTION #13-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-1, Personnel, a-3, Acquisition of Land, a-7, Consult with Legal Council, and a-29, Contracts, of the Code of Virginia, as amended.

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

MOTION: Wayne Angell **RESOLUTION: #14-11-2009**
SECOND: David Cundiff MEETING DATE November 17, 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, Cundiff, Angell, & Wagner
NAYS: NONE
ABSENT DURING VOTE: Hurt, Johnson & Thompson
ABSENT DURING MEETING: Hurt, Johnson & Thompson

UNION HALL GREENBOX SITE LEASE

(RESOLUTION #15-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors approve the following lease agreement:

LEASE AGREEMENT

THIS LEASE AGREEMENT is made an entered into on this the _____ day of _____, 2009 by and between DREAMA B. ALLMAN AND REX L. BROWN, the parties of the first part, hereinafter referred to as Lessor and COUNTY OF FRANKLIN, VIRGINIA, a body politic, hereinafter referred to as Lessee.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the actual payment of monies as hereinafter set forth and the benefits accruing to the parties hereto, the Lessor and Lessee agree as follows:

- 1. Lessor leases unto Lessee and Lessee rents from Lessor that parcel of land along Route 834 as reflected on the plat made by Philip W. Nester, Land Surveyor, stamped December 17, 2003 and attached to the agreement between the parties.

- 2. Annual rental will be Two Thousand Four Hundred Dollars (\$2,400.00) and will be paid upon execution of the lease and annually thereafter not later than November 30 of each year.
- 3. The initial term of this lease shall run from December 1, 2009 through November 30, 2014.
- 4. Lessor acknowledges and understands that the subject property is to be used as a site for dumpsters for the collection of wastes and lease shall be in effect as long as approved by all pertinent regulatory agencies.
- 5. Additional waste disposal and/or recycling boxes may be placed at the aforementioned site as determined necessary by Lessee.
- 6. This lease will renew automatically for an additional five year term unless notice from the Lessee to the Lessor is given prior to September 30, 2014. Notice to the Lessor shall be deemed as notice to Dreama B. Allman and Rex L. Brown at the address shown on the current County tax records at the time that any notice may be delivered.

DREAMA B. ALLMAN

REX C. BROWN

COUNTY OF FRANKLIN, VIRGINIA
BY: _____ (SEAL)

COMMONWEALTH OF VIRGINIA
COUNTY OF FRANKLIN, to-wit:

The foregoing lease agreement was acknowledged before me on this the ____ day of _____, 2009 by Dreama B. Allman and Rex C. Brown.

My commission expires: _____

Notary Public

COMMONWEALTH OF VIRGINIA
COUNTY OF FRANKLIN, to-wit:

The foregoing lease agreement was acknowledged before me on this the ____ day of _____, 2009 acting for and on behalf of said County.

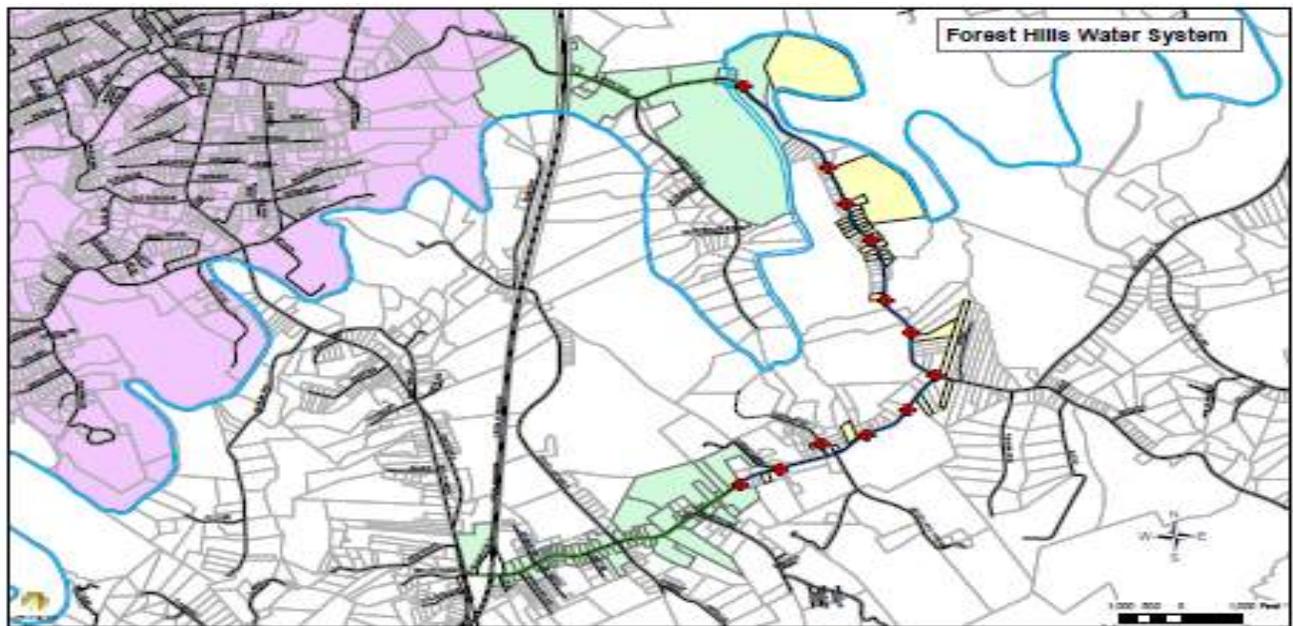
My commission expires: _____

Notary Public

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

FOREST HILLS SERVICE AREA/MAPS – TOWN OF ROCKY MOUNT
(RESOLUTION #16-11-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the submitted service area maps for the Forest Hill Water System located within the Town of Rocky Mount establishing the water service area.



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

Chairman Wagner recessed the meeting for dinner.

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

LEGAL NOTICE

The Franklin County Board of Supervisors will hold a public hearing at 6 P.M. on Tuesday, November 17, 2009, in the Board Meeting Room at the Franklin County Courthouse, 275 South Main Street, Room 221, Rocky Mount, VA, to consider restricting through truck traffic on State Route 116, Boone and Gills Creek Magisterial Districts.

The through truck traffic restriction is proposed for Route 116 (Jae Valley Road / Jubal Early Highway) beginning at the intersection of Sunnyvale Street / Mount Pleasant Boulevard traveling south on Route 116 (Jae Valley Road / Jubal Early Highway) and ending at the intersection of Route 122 (Booker T. Washington Highway) with the termini to termini distance equaling approximately 12.6 miles.

The alternate route proposed is Route 116 (Jae Valley Road) beginning at the intersection of Sunnyvale Street / Mount Pleasant Boulevard traveling north on Route 116 (Jae Valley Road / Mt. Pleasant Boulevard) to Bennington Street, then traveling north on Bennington Street which becomes 13th Street to Route 24 (Jamison Avenue), then traveling west on Route 24 (Jamison Avenue / Elm Avenue) to Route 220 (Roy L. Webber Expressway), then traveling south on Route 220 (Roy L. Webber Expressway / Franklin Road / Virgil H. Goode Highway) to Route 40 (Old Franklin Turnpike), then traveling northeast on Route 40 (Old Franklin Turnpike) to Route 122 (Booker T. Washington Highway), then traveling north on Route 122 (Booker T. Washington Highway) and ending at the intersection of Route 116 (Jubal Early Highway) with the termini to termini distance equaling approximately 35.2 miles.

Aaron Burdick, Senior Planner/Current Planning Manager, presented the following PowerPoint:

Legal Authority

- In accordance with section 46.2-809 of the Code of Virginia, through-trucks can be restricted in cases where doing so will promote the health, safety and welfare of the public without creating an undue hardship on any transportation user.

11/17/2009

116 Truck Restriction

2

Through Truck Restriction Program

- Requires a public hearing by Board of Supervisors, the adoption of a resolution, and a formal request to VDOT through the VDOT Residency Administrator.
- The resolution must specify an alternative route, include a description of the through-truck restriction (ie. all trucks, trucks of a certain size), and language stating that the local government will utilize its own law enforcement to enforce the restriction.

11/17/2009

116 Truck Restriction

3

Through Truck Restriction Program (Continued)

- VDOT conducts an engineering study of the request and develops a final report, along with a recommendation to approve or deny the proposed restriction.
- Request goes to District Commissioner and then to the Commonwealth Transportation Board (CTB).

11/17/2009

116 Truck Restriction

4

Through Truck Restriction Program (Continued)

- Commonwealth Transportation Board can:
 - Approve the request as submitted
 - Deny the request as submitted
 - Modify the requested restriction
 - Send the request back to the local governing body for reconsideration

11/17/2009

116 Truck Restriction

5

Through Truck Restriction Program (Continued)

- If approved, the VDOT District Office and local government are notified, and signs posted along restricted state roadway.
- Process takes about nine months.
- Restrictions do not apply to trucks that have legitimate business along the restricted route.

11/17/2009

116 Truck Restriction

6

Local Government Cooperation with VDOT

- Franklin County was asked by Roanoke County to consider partnering with Roanoke County on a truck restriction along Route 116 due to safety concerns.
- Staff from Franklin County, Roanoke County, and VDOT have been working together for several months to consider the terms of the restriction.

11/17/2009

116 Truck Restriction

7

VDOT Engineering Study

- Study using AutoTurn showed that a 46' truck could adequately navigate the entire length of Route 116.
- The results of this study will be included in VDOT's final report to the CTB.
- Did not take into account vertical alignment, only horizontal alignment.

11/17/2009

116 Truck Restriction

8

Roanoke County Resolution

- Adopted unanimously by Roanoke County Board of Supervisors on October 13, 2009.
- "NOW, THEREFORE BE IT RESOLVED, that the Roanoke County Board of Supervisors requests the Commonwealth Transportation Board to restrict through tractor truck and trailer or semi-trailer combinations in excess of 28 feet on Route 116 with the termini to termini distance equaling approximately 12.6 miles."

11/17/2009

116 Truck Restriction

9

Roanoke County Resolution (Continued)

- Creates an alternative route that utilizes Route 220, Route 40 East, and Route 122 in Franklin County.
- Roanoke County will use its offices for enforcement on the proposed restriction in Roanoke County.
- Meets requirements of the Through-Truck Restriction Program.

11/17/2009

116 Truck Restriction

10

Franklin County Resolution

- VDOT has conducted its engineering study
- Roanoke County adopted a 28 foot restriction, which is not consistent with the VDOT study results
- Franklin County has been asked to pass a resolution

11/17/2009

116 Truck Restriction

11

Franklin County Resolution (Continued)

- Advertisement for public hearing ran in the Franklin News Post on November 6 and November 13.
 - Advertised as a FULL through-truck restriction
 - Board can adopt whatever restriction it feels appropriate, because the advertised full restriction is the most restrictive
- Resolution drafted is identical to that adopted by Roanoke County.

11/17/2009

116 Truck Restriction

12

Next Steps

- If resolution is adopted:
 - Copies of the resolution, transcript of the public hearing, and advertisements run in newspaper are forwarded to the local VDOT Residency Administrator.
- District Administrator requests public comments
- CTB votes on the restriction

11/17/2009

116 Truck Restriction

13

John Bisnett asked if the weight of a vehicle should be considered.

(RESOLUTION #15-11-2009)

BE IT THEREFORE ORDAINED, by the Board of Supervisors to adopt the following resolution as follows:

RESOLUTION #15-11-2009
**REQUESTING THE COMMONWEALTH TRANSPORTATION BOARD TO
 RESTRICT THROUGH TRACTOR TRUCK AND TRAILER OR SEMI-
 TRAILER COMBINATIONS IN EXCESS OF 28 FEET ON ROUTE 116 (JAE
 VALLEY ROAD / JUBAL EARLY HIGHWAY), BOONE & GILLS CREEK
 MAGISTERIAL DISTRICTS**

WHEREAS, the Franklin County Board of Supervisors and the Roanoke County Board of Supervisors have studied the possibility of placing a through tractor truck and trailer or semi-trailer combinations restriction in excess of 28 feet on Route 116 (Jae Valley Road / Jubal Early Highway); and

WHEREAS, the through tractor truck and trailer or semi-trailer combinations restriction in excess of 28 feet is proposed for Route 116 (Jae Valley Road / Jubal Early Highway) beginning at the intersection of Sunnyvale Street / Mount Pleasant Boulevard traveling south on Route 116 (Jae Valley Road / Jubal Early Highway) and ending at the intersection of Route 122 (Booker T. Washington Highway) with the termini to termini distance equaling approximately 12.6 miles; and

WHEREAS, the alternate route proposed is Route 116 (Jae Valley Road) beginning at the intersection of Sunnyvale Street / Mount Pleasant Boulevard traveling north on Route 116 (Jae Valley Road / Mt. Pleasant Boulevard) to Bennington Street, then traveling north on Bennington Street, which becomes 13th Street to Route 24 (Jamison Avenue), then traveling west on Route 24 (Jamison Avenue / Elm Avenue) to Route 220 (Roy L. Webber Expressway), then traveling south on Route 220 (Roy L. Webber Expressway / Franklin Road / Virgil H. Goode Highway) to Route 40 (Old Franklin Turnpike), then traveling northeast on Route 40 (Old Franklin Turnpike) to Route 122 (Booker T. Washington Highway), then traveling north on Route 122 (Booker T. Washington Highway) and ending at the intersection of Route 116 (Jubal Early Highway) with the termini to termini distance equaling approximately 35.2 miles; and

WHEREAS, the alternate route has been found to be reasonable; and

WHEREAS, a public hearing has been held according to Section 46.2-809 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE BE IT RESOLVED, that the Franklin County Board of Supervisors requests the Commonwealth Transportation Board to restrict through tractor truck and trailer or semi-trailer combinations in excess of 28 feet on Route 116 (Jae Valley Road / Jubal Early Highway) beginning at the intersection of Sunnyvale Street / Mount Pleasant Boulevard traveling south on Route 116 (Jae Valley Road / Jubal Early Highway) and ending at the intersection of Route 122 (Booker T. Washington Highway) with the termini to termini distance equaling approximately 12.6 miles; and

BE IT FURTHER RESOLVED that Franklin County will use its offices for enforcement on the proposed restriction in Franklin County.

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

PETITION FOR REZONE – Petition of John L. Bisnett, Sr. and Laura J. Bisnett, Petitioners/Owners, for property consisting of +/- 1.92 acres currently zoned B-2, Business District General with proffers to B-2 and A-1 with proffers. The subject property is currently zoned B-2, Business District General, which does not prescribe a specific density. The property is located on Lakewood Forest Road, in the Gills Creek Magisterial District of Franklin County and is identified in Franklin County Real Estate Tax Records as Tax Map # 30, Parcel # 61.2A. The future land use map of the adopted 2025 Comprehensive Plan for Franklin County identifies this area as appropriate for Low Density Residential uses with a desired density range of two to four dwelling units per acre. The zoning ordinance does not prescribe a specific density for the B-2 Zoning district; the A-1 District allows a maximum density of 1.2 units per acre. (Case # REZO-9-09-5427)

SITE DETAILS

Tax Map Number:
30-61.2A

Zoned:
B-2 with proffers

Size:
+/-1.92 acres

Gills Creek Magisterial District

Applicants and Owners:
John Bisnett and
Laura Bisnett



11/17/2009

Bisnett Rezone/SUP

2

EXISTING CONDITIONS

- Woodworking shop
- Contractors office with apartment above and apartment below*(violation of Final Order Case #R 7-03-01) *
- Log Cabin Display (violation-erected without permits)
- Gravel Parking areas
- Grass field on eastern portion of property, woods to rear of property
- Surrounded by A-1, B-2, and RC-1 properties



11/17/2009

Bisnett Rezone/SUP

3

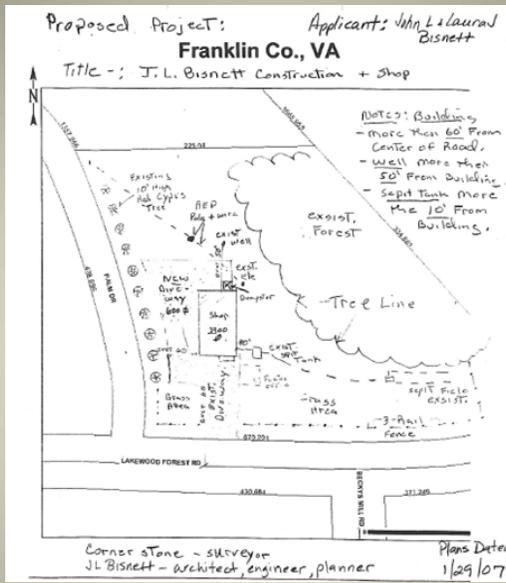
PREVIOUS REQUEST

- Case #R 7-03-01- April 24, 2007
- Rezone from A-1 to B-2
 - Contractor Office and Facility, One Apartment, Woodworking
 - Proffers
 - Concept Plan

11/17/2009

Bisnett Rezone/SUP

4

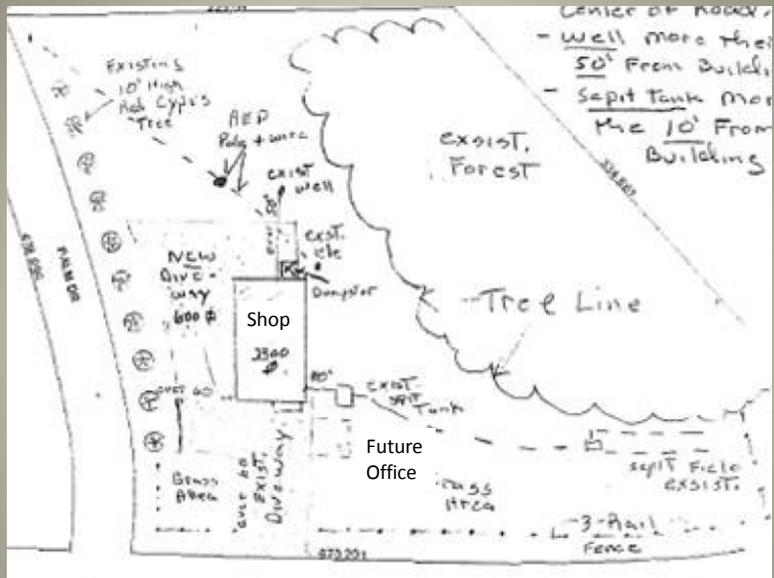


Old Concept Plan

11/17/2009

Bisnett Rezone/SUP

5



Old Concept Plan (modified by staff for clarity)

11/17/2009

Bisnett Rezone/SUP

6

REQUESTS

CASE# REZO-9-09-5427

- Rezone B-2 with proffers, to B-2 and A-1 with proffers
- Amend Concept Plan
- Log Cabin Outdoor Display
- Validate the two apartments
- Subdivide .8 acres (to be zoned A-1) and build single-family home

CASE# SPEC-9-09-5540

- Outdoor display on business property (log cabin display)

2006 AERIAL PHOTOGRAPH



11/17/2009

Bisnett Rezone/SUP

7



11/17/2009

Bisnett Rezone/SUP

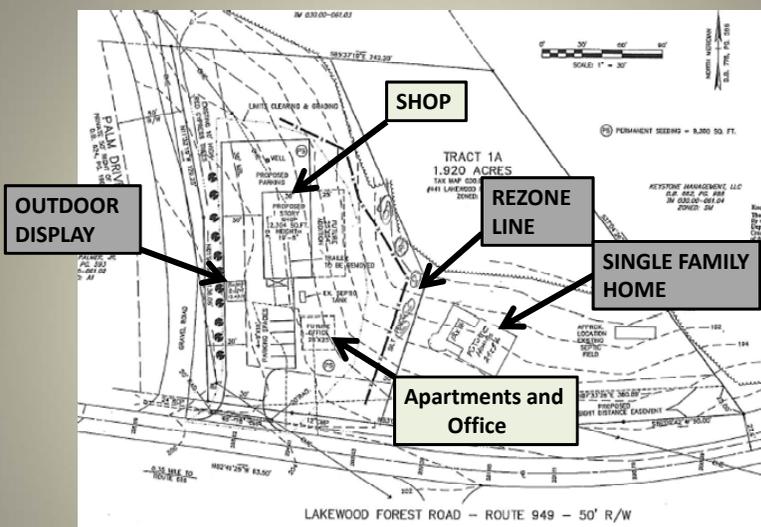
8



11/17/2009

Bisnett Rezone/SUP

9



New Concept Plan

11/17/2009

Bisnett Rezone/SUP

10

General Business District, B-2

- This district is limited to commercial, retail, and wholesale establishments which may have outdoor display of products and storage.
- Outdoor Display requires a Special Use Permit
- Single-family homes not allowed in B-2
 - Applicants request to rezone .8 acres to A-1 for construction of a single-family home

11/17/2009

Bisnett Rezone/SUP

12

COMPREHENSIVE PLAN

- 2025 Comprehensive Plan
 - Low Density Residential
- 1995 Comprehensive Plan
 - Future Commercial and Business Land Uses



11/17/2009

Bisnett Rezone/SUP

13

CONSIDERATIONS

- The existing B-2 zoning and existing land uses on the subject parcel are not consistent with the Future Land Use Map of the 2025 Comprehensive Plan, which calls for this area to be Low Density Residential.
- When the property was rezoned from A-1 to B-2 in April 2007, the Future Land Use Map of the 1995 Comprehensive Plan called for this area to be Future Commercial and Business Land Uses.

11/17/2009

Bisnett Rezone/SUP

14

CONSIDERATIONS (Cont.)

- The request has varying degrees of intensity
- If approved, the requests to allow for outdoor display on the subject property would grant more rights to a property that is not consistent with the Future Land Use Map. (More intense than current zoning)
- If approved, the request to rezone .8 acres to A-1 would make this portion of the subject property consistent with the Future Land Use Map. (Less intense than current zoning)

11/17/2009

Bisnett Rezone/SUP

15

APPLICANT SUBMITTED AND PLANNING COMMISSION SUGGESTED PROFFERS

REZO-9-09-5427

1. Substantial Conformance with Concept Plan
2. Hours of Operation
3. Outside Storage of Materials
4. Single Family Dwelling Unit-location and design
5. Permissible Uses
6. Vegetative Buffers
7. Apartments-*If accepted would validate 2 apartments*
8. Subdivision of Parcel

11/17/2009

Bisnett Rezone/SUP

16

PLANNING COMMISSION RECOMMENDATION- REZO-9-09-5427

- By a vote of 6-0, with one absent, the Planning Commission recommends APPROVAL of the Rezone Request from B-2 with proffers to B-2 and A-1 with proffers, and recommends the acceptance of the revised applicant submitted proffers. The revised applicant submitted proffers are identical to the proffers suggested by the Planning Commission at the October 13, 2009 meeting.
- These proffers are shown on Slide 15, and listed in full on Sheet 7 of 8 of the Staff Memorandum.

11/17/2009

Bisnett Rezone/SUP

17

PLANNING COMMISSION RECOMMENDATION- SPEC-9-09-5540

By a Vote of 6-0, with one member absent, the Planning Commission recommends DENIAL of the Special Use Permit for Outdoor Display on Business Property.



11/17/2009

Bisnett Rezone/SUP

18

STAFF SUGGESTED CONDITIONS

SPEC-9-09-5540

-If the Board of Supervisors approves the Special Use Permit Request, staff suggests the Board consider the following conditions in association with this Special Use Permit request:

1. *Substantial Conformance with Concept Plan*
2. *Substantial Conformance with Building Photographs*

11/17/2009

Bisnett Rezone/SUP

19

STAFF SUGGESTED CONDITIONS

SPEC-9-09-5540

If the Board of Supervisors agrees with the Planning Commission's recommendation to approve the Rezone Request, but deny the request for Special Use Permit, staff suggests that the approval for rezone be contingent upon the applicant removing the outdoor display from the Concept Plan/Rezoning Request for JL Bisnett Construction prepared by John L. Bisnett, Sr. dated August 31, 2009. This will help to keep the concept plan consist with the desires of the Board of Supervisors and assist staff in future reviews of this project.

11/17/2009

Bisnett Rezone/SUP

20

John Bisnett, owner, presented his petitions for rezone and special use applications.

Bob Lisk, expressed he support for the rezone petition. Mr. Lisk did express concern for the special use permit for signage. Mr. Lisk was advised the display is the log structure in question not signage.

The public hearing was closed.

(RESOLUTION #16 11-2009)

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

Approved Proffers and Deviations:

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

PETITION FOR SPECIAL USE – Petition of John L. Bisnett, Sr. and Laura J. Bisnett, Petitioners/Owners, requesting a Special Use Permit for the purpose of allowing outdoor displays on business property currently zoned B-2, Business District General. The subject petition includes property consisting of +/- 1.12 acres (portion of 1.92 acres) located on Lakewood Forest Road, in the Gills Creek Magisterial District of Franklin County and is identified in the Franklin County Real Estate Tax Records as Tax Map # 30, Parcel # 61.2A. (Case # SPEC-9-09-5440)

(RESOLUTION #17-11-2009)

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

Proffers for Case # REZO-9-09-5427, John L. Bisnett, Sr. and Laura J. Bisnett:

1. Substantial Conformance with the Concept Plan – The applicant will develop the property in substantial conformance with the Concept Plan/Rezoning request for J L Bisnett Construction prepared by John L. Bisnett, Sr. dated August 31, 2009.
2. Hours of Operation – Hours of operation shall be 7:00 AM to 7:00 PM, Monday through Saturday.
3. Outside Storage of Materials – Any outside storage shall be accessory and subordinate to the occupants and operations of the principal use of the property as a contractor office and facility. Storage area(s) shall be enclosed by an evergreen buffer, consisting of a single row of evergreen trees (as listed in Section 25-103, Recommended plant lists (a) Evergreen trees), planted on six (6) foot centers with a minimum height of two and one half (2 ½) feet at the time of planting, and shall be located to the rear of the shop building as identified on the concept plan.
4. Residential Building – The proposed single family dwelling to be located on the newly created parcel which will be zoned A-1, shall be constructed in substantial conformance with the elevation drawings submitted with the rezoning application.
5. Permissible Uses – Uses of the property shall be limited to the following:
 - a. Contractor office and facility on B-2 portion of property
 - b. Two (2) apartments on B-2 portion of property
 - c. Woodworking shop on B-2 portion of property
 - d. Single family residence on A-1 portion of property

6. Vegetative Buffers – A twenty (20) foot undisturbed vegetative buffer shall be maintained along the western property lines of the property zoned B-2. A twenty (20) foot vegetative buffer in accordance with Section 25-100 (a) shall be installed along B-2 (eastern) side of the new subdivision line.
7. Apartments – No more than two (2) apartments shall be allowed and shall only be rented to employees of the business and shall only be for use of the employee and /or immediate family members.
8. Subdivision of Parcel – Upon approval of the rezone, the property shall be subdivided to create two separate tracts, one zoned B-2 and one zoned A-1, with the subdivision line being located in substantial conformance with the Concept Plan/Rezoning Request for J L Bisnett Construction prepared by John L. Bisnett, Sr. dated August 31, 2009.

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

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 Rural Development Overlay District, Article IV, Special Provisions, Division 5. 220-North Rural Development Overlay District; Section 25-501, Purpose; Section 25-501.1, Boundaries; Section 25-501.2, Relationship to underlying zoning; Section 25-501.3, Change in underlying zoning classification; Section 25-501.4, Residential Cluster Developments Section 25-501.5, Standards for residential lots within residential cluster developments; Section 25-501.6, Standards for required open space within residential cluster developments; Section 25-501.7, Management of required open space within residential cluster developments; Section 25.501-8 Signs; Section 25-501.9, Access Management; Section 25-501.10, Utilities and screening. (Case #A-09-09-02.)

Neil Holthouser, Director of Planning and Community Development, stated, 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. The overlays are the following:

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; which was adopted by the Board of Supervisors on October 20, 2009;
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 the staff report.

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.

CHAPTER 25

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 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. 25-501.3. 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:

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. 25-501.6. 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:

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 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.

Dr. Holly Hartman, stated the 220-North Rural Development Overlay District proposed this evening is a critical component of Franklin County's managed growth vision. Encouraging the clustering of dwelling units in order to preserve significant open space is an important way to conserve the scenic and rural character south of Boones Mill.

The Board will please consider recent experiences of some other predominately rural towns and counties in the U.S., such as western North Carolina:

They found that a primary determinant of attracting high-tech business was the picturesque nature of the surroundings, and the lack of traffic congestion which is found in regions which allow development sprawl to occur. Residential clustering helps to prevent some of the worst side effects of suburban sprawl, such as miles of rarely used front yards, which separate neighborhood families from each other and discourage community ties. High-tech business owners investigating areas such as Franklin County as potential places to locate their companies often mention as one of their main concerns, the ability to attract qualified employees to move into the area. "Lifestyle" was one of the factors most frequently cited: High-tech workers are willing to sacrifice some amount of salary in exchange for a more harmonious, human-centered lifestyle.

Franklin County's interest in becoming an economic destination of choice is understandable. But we must be careful not to undercut the rural, land-based quality-of-life factors which draw the attention of white-collar business interests in the first place. Innovative, cluster-based approaches to residential housing design not only preserve critical land qualities and a sense of community among residents, but offer cheaper site development costs and reduced impact on watersheds. Therefore I ask the Board of Supervisors to **Vote Yes** on the Planning Commission's proposed Rural Development Overlay District.

ADDENDUM

Question: *Franklin Co.'s document speaks to the nature of only residential development. Although it refers to "limiting commercial development", there is no further mention of how that would be accomplished. What if a developer wants to build a commercial enterprise south of Boones Mill, what's to prevent it from doing so in an environmentally egregious way?*

Fact Sheet, Ohio State University Extension:

"Clustering housing in rural areas can maintain the rural character of the area. It can also provide open space for community members and preserve critical land qualities. It may provide a sense of community among residents, particularly if some of the open areas are designed for communal activities. Another advantage is that developers often experience cheaper site development costs involving the construction of roads and water/sewer infrastructure. These reduced costs often offset the costs of restoration or development of amenities such as trails in the open space areas. Other advantages include meeting a market need for low-maintenance housing and greatly reducing the impacts of development on watersheds."

Public Hearing was closed.

(RESOLUTION #18-11-2009)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendments, as advertised and following, 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.

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 centerline of the northbound travel lane of Route 220 at the intersection of Route 220 and Brick Church Road; thence southeast along the centerline of the northbound travel lane of Route 220 to the intersection of Route 220 and Link Street; thence northeast along the centerline of the Link Street right-of-way to the intersection of Link Street and Rolling Hill Drive; thence east along the centerline of the Rolling Hill Drive right-of-way to the intersection of Rolling Hill Drive and Hazelwood Lane; thence northeast along the centerline of the Hazelwood Lane right-of-way for a distance equal to one-half (1/2) of a mile from the centerline of the northbound travel lane of Route 220, as measured perpendicular to the centerline of the northbound travel lane of Route 220; thence 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 west 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 west 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 west along the corporate boundary of the Town of Boones Mill 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 the Brick Church Road right-of-way; thence northeast along the centerline of the Brick Church Road right-of-way to the intersection of Brick Church Road and Route 220 at a point located along the centerline of the southbound travel lane of Route 220.
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 supercede the requirements of the underlying zoning district. In the absence of an enumerated requirement of this division, the requirements of the underlying zoning district shall prevail.

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

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

1. Where the property proposed for rezoning consists of five (5) or more acres, such request for rezoning shall be limited to the RPD, Residential Planned Unit Development District.
2. Where the property proposed for rezoning consists of less than five (5) acres, such request for rezoning shall be accompanied by a conceptual plan of development conforming to the concept plan requirements of the 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 commonly-owned 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 commonly-owned 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. 25-502.3 (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 commonly-owned 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 wetlands. Wetlands contained within areas of required open space shall be delineated according to Army Corps of Engineers standards.
6. 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.
7. Areas of required open space shall measure at least fifty (50) feet in width, as measured at the narrowest dimension.
8. Areas of required open space shall be held in common ownership, and shall be platted as open space lots distinct from residential lots. Open space lots shall have a minimum lot area or 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.
9. All areas of required open space shall be permanently reserved for common use by residents of the development and/or the public at large. Nothing contained herein shall be construed to prevent the use or development of any required open space area for one or more of the following:
 - a. Agriculture, horticulture, forestry, and/or timber harvesting.
 - b. Parks, playgrounds, trails, preserves, and/or conservation areas.
 - c. Public utilities associated with water, sewer, electrical transmission, and/or communications, provided that all distribution lines are located underground. Land area devoted to above-ground structures associated with such utilities shall not count toward the provision of required open space.

Sec. 25-501.7. Management of required open space within residential cluster developments.

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

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

Sec. 25-501.8. 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.

MOTION BY: David Hurt

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ABSENT: Johnson & Thompson

PETITION TO AMEND COUNTY CODE – Petition of the Franklin County Board of Supervisors to amend Chapter 9; Floodplain Management Ordinance of the Franklin County Code, Section 9-9. Floodplain districts generally; item (1); to amend the effective date (January 6, 2010) of new FIRMs (Flood Insurance Rate Maps) and to adopt new FIRMs with the effective date of January 6, 2010. A copy of the amendment to Chapter 9, and the new FIRMs can be reviewed in the Planning and Community Development Office located at 120 East Court Street, Rocky Mount. Chairman Wagner adjourned the meeting.

Lisa Cooper, Senior Planner, Long Range, requested the Franklin County Board of Supervisors to amend Chapter 9; Floodplain Management Ordinance of the Franklin County Code, Section 9-9. Floodplain districts generally; item (a); to amend the effective date (January 6, 2010) of new FIRMs (Flood Insurance Rate Maps) and to adopt new FIRMs with the effective date of January 6, 2010.

Staff respectfully requests the Board of Supervisors to amend Chapter 9: Floodplain Management Ordinance, Section 9-9; Floodplain districts generally, as presented and adopt the new FIRMs with an effective date of January 6, 2010.

(RESOLUTION #19 11-2009)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendment to Chapter 9: Floodplain Management Ordinance, Section 9-9, Floodplain districts generally, as presented and adopt the new FIRMs with an effective date of January 6, 2010, 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.

MOTION BY: David Cundiff

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ABSENT: Johnson & Thompson

Chairman Wagner adjourned the meeting.

CHARLES WAGNER
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR