

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, MARCH 16, 2010, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED IN THE GOVERNMENT CENTER, 1255 FRANKLIN STREET, ROCKY MOUNT, VIRGINIA.

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

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

\*\*\*\*\*

Chairman Charles Wagner called the meeting to order.

\*\*\*\*\*

Invocation was given by Supervisor Bobby Thompson.

\*\*\*\*\*

Pledge of Allegiance was led by Supervisor David Cundiff.

\*\*\*\*\*

\*\*\*\*\*

**PUBLIC COMMENT:**

**ROANOKE VALLEY GOVERNOR'S SCHOOL FUNDING**

Emma Webb, Student, Roanoke Valley Governor's School Funding, made the following comments to the Board for their consideration:

- Roanoke Valley Governor's School has been included in the School Board's tentative budget plan, in the first, or mildest, tier of cuts.
- Education is an issue that affects us all, even those that are not directly enrolled in the school system.
- One of the first factors that businesses examine when considering relocation is the quality of education in the area. I understand that the economy is flagging, but wouldn't it be counterproductive to limit funds to an institution that attracts more commerce to the county?
- The Franklin County Public School system is the largest employer in the county. I recognize that in this economic climate, everyone must take cuts. However, I don't believe that cutting a significant portion of funding from a system that is both the biggest draw to the county and the largest "business."
- On that same note, Franklin County Public Schools serves thousands of students a day. Considering that for every student, there is at least one concerned parent involved, this is obviously an issue that has an impact on the large portion of the constituency.
- One option to increase funding is a slight increase in taxes. No one here enjoys paying taxes. But we cannot demand excellency without paying for it. No one looks forward to that portion of their paycheck going to fund other, different endeavors.
- But I have personally spoken to dozens of teachers, parents, alumni and community members. They strongly support a tax raise for the purpose of funding childrens' education here in Franklin County.
- There are other strategies as well. In the tentative county budget plan, furlough days are mentioned. A small 1%pay cut has been mentioned for all county employees – and our teachers and administrators in the public schools are already facing a 1-2% reduction in salary. Yes, there are places where spending in the schools can be made more efficient – but this should not keep my friends and classmates from playing an instrument in the school band, making a goal on the soccer field, or conducting research at the Roanoke Valley Governor's School.
- We recognize that reductions are inevitable. But we implore you, to remember the students. If any of you have children, remember their time in the public schools. Remember how much of the community is comprised of the schools. Remember that these kids will grow up, vote, run for public office, and represent Franklin County to the rest of the world.

\*\*\*\*\*

Chairman Wagner recessed the meeting.

\*\*\*\*\*

Chairman Charles Wagnerre-convened the meeting..

\*\*\*\*\*

### **SEPTIC TANK ORDINANCE**

Mike Bryant stated he would like to start off by thanking the Board members for allowing him to speak here today. I consider it a privilege and honor to live in this great country which gives me this freedom. I am a lifelong resident of Franklin County so are my parents, and my grandparents. My dad, Jerry; worked with you Mr. Wagner and Mr. Cundiff at the Sheriff's Department for years. I graduated from Franklin County High School and even graduated from Ferrum College. So as you can tell my roots run deep in this county. I am not someone who has migrated here from another area or state. I consider this my lifelong home.

In saying this I have never gotten involved in local, state, or federal government. I have always kept up with what is going on and I have never missed a November election. But I have never even considered speaking or voicing my opinion at a forum such as this. But as I see the government intruding and regulating more and more of my life and my freedoms I believe it is time to stand up and let my voice be heard. I am sick of being told what I can and cannot do and continuing to be taxed for unnecessary, wasteful government programs. I understand you have a difficult job to do being on the board and obviously you will not make everyone happy, but I just want to go back to the common sense approach that this country was founded on. We have entirely too many rules and regulations that are intended to help, but in the long run just turn out to be another government bureaucracy that wastes hard earned tax payer money.

I could spend hours speaking to you about the waste in the government and could give you numerous examples especially at the federal level, but I came here today to mainly speak about Ordinance number Sec. 17-8 the mandatory septic tank pump out program. This is one of these programs that I consider to be a huge waste of time and money. I have been fighting this ordinance since 2006. I live in the Hardy section of the county and let me clarify that I do not live in one of the upscale lake neighborhoods located in Hardy. I live on some farm land that borders the lake that was given to me by my father and mother in-law. I live at marker #76 which is close to the Bay Roc Marina side of the lake. My land does not actually border the lake and I do not have a boat dock or deeded access to the lake. I do have a view of the beautiful lake as long as it has not rained heavily in the past few days. When it rains heavily the lake in front of my home looks like a land field. I have pictures that I have taken that shows the debris at different times and these are not isolated incidents. This happens every time we have a heavy rain.

I have written letters to the Department of Planning and Community Development Pump Out Program stating my concerns along with these pictures. I have even met with Mr. Larry Moore and his associates to discuss the matter, but all I seem to get is the standard government bureaucracy reply which is it is someone else's responsibility to clean up the lake (i.e. APCO) and that the ordinance is on the books and we cannot do anything about it. Well I believe that to be a convenient response. My septic tank is approximately 480 feet from the shoreline. It would take years and years of neglect for it to contaminate the lake. I cannot imagine walking in my back yard and having raw sewage seeping from my septic tank for years and not doing something about it. But that is what this ordinance is saying. It is saying the government knows how to regulate my septic tank better than I do.

I have researched where the ordinance originated from and it came from a study by the Tri-County Lake Administrative Commission, but the only reference I can find is on their website which explains what happens when a septic tank is neglected. It mentions nothing about how many have polluted the lake or a percentage that are not working properly. It only speaks of what may happen. I spoke with the Administrator's office yesterday also hoping to find out how many septic tanks have polluted the lake. They did not have the information available at that time, but returned my call today saying that they spoke to the health department and they had 17 applications for septic tank repair in the lake area and they estimated that 1/2 of them would fall within the 500 foot requirement. Out of the 5500 tanks that Mr. Moore estimated are within the 500 foot requirement this is .16 percent, not 16%, but .16 percent. This also did not say they had polluted the lake, but only that they had requested to be repaired. Even on the county's website the page explaining the pump out program the quote is, "In recent years there has been **concern** about malfunctioning or poorly maintained septic systems and the adverse effects they have on lake water quality." The key word here is **concern**: No proof of existing problems, just concern. We are addressing an issue that does not exist. I am all for preventive maintenance, but existing issues should be corrected before looking at future possibilities.

We have a HUGE issue right now with the debris in the lake, but the responses I have gotten do not want to address this issue. They want to address the issue that possibility, maybe, years down the road my septic tank will overflow and seep into the lake. Please let's use some common sense and our knowledge and resources to fix what exists and not worry about what ifs. I have seen 55 gallon drums, tires, bottles, and all kinds of debris floating down the lake and this does not seem to generate the concern as my septic tank does. I know it is being discussed and negotiations with APCO are in process, but that is only part of the solution. As I spoke with Mr. Moore he told me that the debris in the lake was APCO's issue to resolve. But I ask him the question: Where does the debris initiate from? Obviously, it comes from the land which is regulated by the county. I believe more time and effort should be devoted in determining where the debris is coming from and hold those land owners responsible instead of worrying about septic tank issues that do not exist.

It comes down to a matter of principle. The county wants me to pay a \$35 registration fee for my septic tank and then pay a company to come and pump it. Will this cost bankrupt me? No, but it is unnecessary and just another tax that is disguised as a fee. But the real issue is why are we wasting this type of money at this time? We are in the worst or one of the worst economic crises of our lifetime. The county wants its citizens to fork over more money for a wasteful program. Here is what I see. Mr. Moore estimates again that there are approximately 5500 septic tanks that will fall under this ordinance. If you multiply \$35 by 5500 that give you \$192,500. This is to support the septic tank police. Can this be serious in these times? I believe if the people of the county had the choice to chose between the septic tank police or use this money to support 5 or 6 teachers for one year I believe you know the answer to that question.

What concerns me is this is just one program that I know about that is such as waste. I am not happy about this economic condition we are in and no one knows it better than me because I am Operations Manager of a construction company. But I believe it to be a blessing as more people are becoming engaged in the functions of government and see the true picture of so much waste. We need to cut instead of raising taxes. We need to eliminate these unnecessary programs and wasteful entitlements. Thomas Jefferson said: The democracy will cease to exist when you take away from those who are willing to work and give to those who would not.

I ask the Board to reconsider this ordinance. What I do not want to hear is the standard response that the problem you mention Mr. Bryant is not the county's it is APCO's and that the ordinance is already on the books and we must enforce it. I believe you do have the power to repel this ordinance or at the very least halt it until the existing issues are addressed. Please address this issue today as Mr. Moore has informed me that after today if my septic tank is not registered and pumped he will be forced to pump my tank and fine me \$150. Thank you so much for allowing me to speak here today.

\*\*\*\*\*

#### **BAYWOOD HOMEOWNER'S ASSOCIATION**

Bob Jeans representing Tom Tanner and Baywood Homeowner's Association advised the Board the property owners in Baywood Subdivision, along with many other subdivisions along Smith Mountain Lake, have the need for a common storage area for boats, recreational vehicles, and trailers. These items are currently parked in driveways, yards, or along the side of the road. Baywood is currently zoned R-1 which prohibits a separate lot for storage.

Therefore, the Baywood Homeowners Association would like to petition the Franklin County Board of Supervisors for a "Text Amendment" to Section 25-223 of the Franklin County Code (Special Use Permits in the Residential Suburban Subdivision District, R-1) to allow "Boat, Recreational Vehicles, and Trailer Storage" as a use permissible through a Special Use Permit. In addition to this change, we would like to add a new, separate definition for the above referenced change under Section 25-40 of the Franklin County Code (Principle definitions of the Zoning Ordinance).

***Boat, Recreational Vehicles, and Trailer Storage*** – *A space or structure, or combination thereof, dedicated for the storage of boats, recreational vehicles, and trailers that is unoccupied and unobstructed from the ground upward, except for the items being stored: provided, however that no storage shall be allowed within yards or setback areas required by other sections of this Zoning Ordinance.*

We have met with the Senior Planner/Current Planning Manager, Aaron Burdick, and he informs us that the Zoning Ordinance is in the process of being rewritten. We understand that it may be easier to ask that our concern be addressed in the new Ordinance, and wait for the new Code to

be passed. However, as we understand it, this process could take as long as two years to obtain approval. Because of this we would like the Board to consider the above mentioned amendment at the present time. Thank you in advance for your consideration of this request.

The Board directed the Planning staff to review the proposed text amendment to Section 25-223 of the Franklin County Code (Special Use Permits in the Residential Suburban Subdivision District, R-1) to allow "Boat, Recreational Vehicles, and Trailer Storage" as a use permissible through a Special Use Permit and the addition of the proposed change to add a new, separate definition for the above referenced change under Section 25-40 of the Franklin County Code (Principle definitions of the Zoning Ordinance). Staff will bring a recommendation back to the Board for their review and consideration, taking into account, whether or not now is the appropriate time to consider a text amendment in light of the ongoing update of the zoning code.

\*\*\*\*\*

**FRANKLIN COUNTY YOUTH CENTER, INC.**

Nancy Bell, Professional Grant Writer, stated she had been asked by Mike Paterson to address the Board regarding the Franklin County Youth Center, Inc. Ms. Bell requested the Board to lend their ear to the urgency of a Boys & Girls Club. Ms. Bell stated the most cost effective way is to partner with the schools. Ms. Bell urged the Board not to let the program die on the vine.

Mike Patterson advised the Board he was requesting the following:

These requests will serve to enable FCYC to move forward in the efforts to open a child care center and develop youth programs that will be accessible to low income families in Franklin County. We respectfully ask that you consider these issues.

- Request that Franklin County Youth Center be approved by resolution to go forward in the process of acquiring Community Development Block Grant funds once we have official ownership of a facility in the form of a long term contract.
- Request for approval by resolution for Department of Juvenile Justice: *Title V* funds to go through Franklin County to Franklin County Youth Center once funding application is completed and approved.
- Request for approval by resolution to work out a system by which funds from grants or other funding sources may come through the county to Franklin County Youth Center.
- Request for approval by resolution for a letter of recommendation of Franklin County Youth Center to obtain Appropriation Funds.

Mr. Patterson stated the Youth Center is a nonprofit organization dedicated to creating opportunities for the families of Franklin County. Our endeavors are to provide services for the community and promote economic growth and development. We greatly appreciate your time and consideration in these matters.

The Board directed Mr. Patterson to contact Mike Burnette to work with for specific structure layout for funding. Mr. Patterson stated he was in no way asking for matching funds from the County. Mr. Huff advised Mr. Patterson he would personally meet with him to set forth the criteria needed for grant funding, etc.

\*\*\*\*\*

**CONSENT AGENDA**  
**APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – FEBRUARY 16 & MARCH 3, 2010**  
**APPROPRIATIONS**

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Sheriff	Domestic Violence Advocacy	3105- 1001	39,415.00
	Grant		
Sheriff	Project Lifesaver Donation	3102- 5105	350.00
Animal Control	State Payment for Animal Friendly	3501- 5600	1,154.00
	License Plates		
Solid Waste	Litter Control Grant	4203- 5467	12,780.00

Parks and Rec	Waid Park Land Rental payments	30-	27	1,875.00
Parks and Rec	Roanoke Valley Conventions & Visistors Bureau Grant	8110-	5201	5,000.00
Parks and Rec	Golf Foundation Donations	30-	153	2,005.00
	Total			\$62,579.00

**Transfers Between Departments**

None

**Other Appropriations:**

None

\*\*\*\*\*

**ANIMAL CONTROL VEHICLE REPLACEMENT**

A vehicle assigned to Animal Control has in excess of 133,000 miles. The vehicle has been plagued with electrical problems within the past year and is beginning to show signs of wear and tear. Funds to replace this vehicle are allocated in the FY 09 – 10 CIP budget. If not replaced this year, the vehicle will exceed 170,000 miles by March 2011. A similarly equipped vehicle is available on state contract. This item was tabled by the Board on February 16, 2010 until an inspection of the vehicle could be performed.

The vehicle to be replaced is a marked patrol vehicle used daily to provide animal control operations to the county. The ½ ton extended cab, 4 wheel drive, pickup works well for animal control operations and no changes in the basic vehicle specifications are suggested with one exception. The engine for the vehicle should be at least a 5.0 liter in order for the vehicle to tow large trailers safely.

Four wheel drive, an extended cab, and a towing package are necessary. Four-wheel drive is needed to reduce any property damage claims when setting and removing traps and for operation in off road conditions. The extended cab is necessary as there is no protected or secure storage for the additional gear, firearms, and equipment needed for conducting daily animal control operations. The vehicle listed on state contract meets all the needs for an animal control officer.

The vehicle available on state contract is priced at \$22,626.30 from R.K. Chevrolet in Virginia Beach. The FY 09 - 10 CIP budget contains \$24,431.70 to purchase this vehicle. The remaining \$1,805.05 will be used to mark and equip the new vehicle for service. The vehicle to be replaced will be turned over to General Properties to be reassigned for use by other county departments as a non-emergency vehicle.

On 2/25/2010 the vehicle was taken to Boones Mill Auto Service and a vehicle inspection was performed by a certified mechanic. The mechanic noted the following deficiencies on inspection:

- (1) Engine: Rings were worn on the engine which is causing blow by of oil through the exhaust. Vehicle is using 2 quarts of oil between oil changes. Noise in upper end of motor was noted due to wear. Suggested repair was to rebuild or replace the engine.
- (2) Suspension: All four shocks are worn and should be replaced for proper driving and handling. The lower ball joints on the front axle have excessive movement and should be replaced as it will not pass state inspection in current condition.
- (3) Braking system: The ABS light flashes on and off. Testing indicates that the ABS unit should be replaced.
- (4) Rear axle: Gear oil was found leaking from rear differential.
- (5) Electrical: A short in the electrical system was noted which is draining the battery within 24 hours if not driven.

**RECOMMENDATION:**

Staff respectfully recommends that the Board of Supervisors approve the purchase of the replacement vehicle from state contract.

\*\*\*\*\*

**WESTERN VIRGINIA WATER AUTHORITY RESOLUTION OF APPRECIATION – RICHARD E. HUFF, II**

**RESOLUTION #176 (10-09)**

**OF THE  
WESTERN VIRGINIA WATER AUTHORITY**

**Thanking Richard E. Huff II for his Service as Director of the Authority**

WHEREAS, the Western Virginia Water Authority (the "Authority"), a public service authority formed and existing in accordance with the provisions of Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended, the Virginia Water and Waste Authorities Act §§ 15.2-5100-15.2-5158 (the "Act"), has benefited for over two years from the useful and effective service of its Director, Richard E. Huff II; and

WHEREAS, heretofore by concurrent resolutions effective June 1, 2007 the Board of Supervisors of Roanoke County, Virginia, and the City Council of the City of Roanoke, Virginia, confirmed the nomination of Richard E. Huff II to serve out an unexpired term as a "Seventh" director of the Western Virginia Water Authority, and he proved so effective and useful to the Authority that he has stayed on as a holdover director until he resigned effective September 17, 2009, just before the Authority voted to approve the form of Comprehensive Agreement bringing Franklin County into the Authority as a locality member; and

WHEREAS, Richard E. Huff II has brought to the Authority his perspective as a long-standing and successful County Administrator (like his father before him) serving with an instinctive ability to weigh the merits and recommend the usefulness (or not) of any proposal; and,

WHEREAS, Richard E. Huff II has, in the course of Board deliberations on a variety of topics from inter-locality relations to system development to negotiating Water System Purchase and Wastewater Plant Operating contracts, employed his well-honed ability to "cut through the biosolids" and present the core issues of any debate in an elegant, simple and understandable manner; and,

WHEREAS, Richard E. Huff II has been absolutely indispensable to the Authority in guiding its search for its first regional locality to join as a member since the Authority's formation July 1, 2004; and,

WHEREAS, not the least of his value to the Authority, the Executive Directors, his fellow Directors, and the Authority Staff, has been his positive attitude, his obvious appreciation of the efforts of the staff and operations personnel of the Authority, and his knowing when to comment and, more importantly, when not to; and,

WHEREAS, the occasion of his leaving the Authority was actually due directly to the success of his tenure on the Board, building trust and cooperation between the Authority staff and Franklin County staff, and shepherding the political process to the very successful and gratifying conclusion of bringing Franklin County on as a member.

NOW THEREFORE, be it resolved by the Board of Directors of the Western Virginia Water Authority that they each extend their heartfelt thanks and gratitude to Richard E. Huff II for his service to the Authority, and that they extend their warmest regards and best wishes for his continued health and success.

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Boards of Supervisors of Roanoke County and Franklin County, Virginia, and to the City Council of the City of Roanoke, Virginia, with the request that it be read into the permanent public records of such governing bodies.

\*\*\*\*\*

**2010 SPECIAL ENTERTAINMENT PERMIT BLUE MOUNTAIN PRODUCTIONS/ROBERT KING**

Robert King is requesting Board approval for their Special Entertainment Permit set for May 28 & 29, 2010. In the past, the Board has granted approval for the completed permit and setting a property bond in the amount of \$10,000.00 to be posted with the County Administrator (10) days prior to the day the festival is to begin per County Code Section 3-80.

With all of the required County departments signing off on the proposed Special Entertainment Permit, the application is in order and Mr. King has executed the required property bond in the

amount of \$10,000 (as in the past years set by the Board) per County Code Section 3-80. Mr. King has remitted the filing fee of \$100.00 per County Code Section 3-83.

**RECOMMENDATION:**

Staff requests Board approval on the proposed Special Entertainment Permit for Robert A. King for May 28 & 29, 2010.

\*\*\*\*\*

**2010 SPECIAL ENTERTAINMENT PERMIT – TRIPPLE CREEK PARK/STERLING BELCHER**

Sterling Belcher has requested Board approval for his Special Entertainment Permit scheduled for *April 28 – May 1, 2010*. In the past, the Board has granted approval for the completed permit and the setting of a property bond in the amount of \$10,000.00 to be posted with the County Administrator (10) days prior to the day the festival is to begin per County Code Section 3-80. Also, a fee of \$100.00 has been posted per County Code Section 3-83.

With all of the required County departments signing off on the proposed Special Entertainment Permit, the application is in order and Mr. Belcher has executed the required property bond in the amount of \$10,000 (as in the past years set by the Board) ten (10) days prior to the event per County Code Section 3-80 and has remitted the filing fee of \$100.00 per County Code Section 3-83.

**RECOMMENDATION:**

Staff requests Board approval on the proposed 2010 Special Entertainment Permit submitted by Mr. Belcher.

\*\*\*\*\*

**AMATEUR RADIO PROCLAMATION**

**Franklin County, Virginia, Proclamation**

**WHEREAS**, Amateur Radio operators are celebrating over a century of the miracle of the human voice broadcast over the airwaves; and

**WHEREAS**, Amateur Radio has continued to provide a bridge between peoples, societies and countries by creating friendships and the sharing of ideas; and

**WHEREAS**, Amateur Radio Operators have also provided countless hours of community services throughout these decades; and

**WHEREAS**, these Amateur Radio's services are provided wholly uncompensated; and

**WHEREAS**, the State also recognizes the services Amateur Radio's people also provide to our many Emergency Response organizations, including the American Red Cross, Franklin County Department of Public Service, Virginia Department of Emergency Services, Virginia Emergency Operations Center; and

**WHEREAS**, these same individuals have further demonstrated their value in public assistance by providing free radio communications for local parades, bike-a-thons, walk-a-thons, fairs and other charitable public events; and

**WHEREAS**, the County of Franklin, Virginia, recognizes and appreciates the diligence of these "hams" who also serve as weather spotters in the Skywarn program of the US Government Weather Bureau; and

**WHEREAS**, Amateur Radio once again proved its undisputed relevance in the modern world in 2005 by providing emergency communications when other systems failed in the devastation of Hurricanes Katrina and Rita in the USA and in the Tsunami catastrophe overseas; and

**WHEREAS**, the ARRL is the leading organization for Amateur Radio in the USA; and

**WHEREAS**, the ARRL Amateur Radio Field Day exercise will take place on June 27, 2010, and is a 24 hour emergency preparedness exercise and demonstration of the Radio Amateurs' skills and readiness to provide self supporting communications without further infrastructure being required; now

**THEREFORE, WE**, the Franklin County Board of Supervisors, do hereby officially recognize and designate June 20-27, 2010 as **Amateur Radio Week in Franklin County, Virginia**.

\*\*\*\*\*

**FRANKLIN COUNTY TOASTMASTERS CLUB**

The following resolution was presented to Leigh Prom/Franklin County Toastmasters Club

**PROCLAMATION**

**WHEREAS**, the Franklin County Toastmasters Club is celebrating a decade of helping the men, women, and youth of our community develop communication and leadership skills; and

**WHEREAS**, leaders are good communicators; and

**WHEREAS**, Toastmasters teaches community members to listen effectively, think on their feet, and speak confidently; and

**WHEREAS**, the mission of the Franklin County Toastmasters Club is to provide a mutually supportive and positive learning environment in which each member has the opportunity to develop oral communication and leadership skills, which in turn foster self-confidence and personal growth;

**NOW THEREFORE**, WE, the Franklin County Board of Supervisors, do hereby officially recognize and designate **March 22-28, 2010** as

**FRANKLIN COUNTY TOASTMASTERS WEEK IN FRANKLIN COUNTY,  
VIRGINIA**

\*\*\*\*\*

**CALLAWAY SPEEDWAY 2010 RACING APPLICATION**

As in years past, Donald "Whitey" Taylor is requesting approval for his 2010 Annual Outdoor Occasion Permit for the racing season. The submitted Outdoor Occasion Permit for F. C. S. Enterprise, Inc. is enclosed for your review and consideration.

All pertinent agencies per County Code Section 13-29.2 have signed off on the 2010 Outdoor Occasion Permit for Mr. Taylor.

Per County Code Section 13-29.4 the fee of \$100.00 has been remitted and deposited with the County Treasurer's Office.

**RECOMMENDATION:**

Staff request Board approval on the 2010 Outdoor Occasion Permit application, as submitted, per County Code Section 13-29.1.

\*\*\*\*\*

**PENALTY IMPOSED FOR LATE APPLICATIONS/SPECIAL ENTERTAINMENT & OUTDOOR OCCASION EVENTS**

The Board directed the County Administrator to forward a letter to all applicants for Special Entertainment & Outdoor Occasion Events, notifying them if the applications are not received by the filing deadline (Sections 3-77 at least 21 days prior to a regular Board meeting and 60 days before the date of the proposed festival & 13-29.1 of the County Code/60 days before the first event of the calendar year) a double penalty will be imposed.

**(RESOLUTION #01-03-2010)**

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

MOTION BY: David Cundiff

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

\*\*\*\*\*

**VDOT – ST. RT. 706 BLUE BEND ROAD**

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

**WHEREAS**, Section §33.1-70.1 of the code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a **Rural Rustic Road**; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day (vpd); and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia (“Board”) requests that Route 709, Blue Bend Road, From: Route 919 To: 1.0 miles east of Route 919, be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on the road; and

**WHEREAS**, this road is in the Board’s six-year plan for improvements to its secondary system of state highways; and

**WHEREAS**, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic project; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics;

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

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

**(RESOLUTION #02-03-2010)**

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

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

\*\*\*\*\*

**CLEMENTS MILL BRIDGE UPDATE**

Tony Handy, Resident Administrator, VDOT, stated he would have an update next month.

\*\*\*\*\*

**VDOT – SECONDARY SIX YEAR PLAN DRAFT**

Tony Handy, Resident Administrator, VDOT, presented the Board with the following Six Year Draft update;



**Rocky Mount Residency**

**SUBJECT: FRANKLIN COUNTY BOARD OF SUPERVISOR’S – SECONDARY SIX YEAR PLAN**

It is time for the Franklin County Board of Supervisors and VDOT to begin the process adopting the FY 2011 – 2016 Secondary Six Year Plan (SSYP). As in the past, with direction from the BOS, we will draft a plan. The BOS will hold a public hearing and ultimately adopt a plan.

I have submitted the following for your use:

- 1) Surplus funding from previous allocations and available funding in FY 11-16.
- 2) Projects that were candidates to be added to the plan in 2008, but were not due to reduction in funding. Estimates are for planning purposes only, and will need to be updated if selected to be added to the SSYP.
- 3) List compiled in 2007 of projects that had previously been removed from the SSYP. This is not necessarily a complete listing of projects removed.
- 4) A copy of the FY 11-16 SSYP with projects that are currently on the plan.

I would recommend the following:

- Fully fund the Route 616 (Scruggs Road) project.
- Fund the 1204007 Cost Center (County Wide Traffic Services) with State funds as available. This will allow for small, site specific, spot improvements.
- Add unpaved roadway projects to fully allocate available and future unpaved road funds.
- Allocate the majority of available previous and future federal funds remaining to paving federally eligible secondary routes.

<u>Summary of Surplus Funds 2010-16</u>		
	<u>Amount</u>	<u>Available</u>
Unpaved Roads	<b>\$ 683,924</b>	2010
<u>Paved Roads</u>		
Federal	\$ 1,041,860	2010
State	<u>\$ 310,804</u>	2010
	<b>\$ 1,352,664</b>	
Rural Addition	<b>\$ 238,771</b>	2010
Revenue Sharing	<b>\$ 75,671</b>	2010
Future Unpaved	\$ 52,407	2012-13
	<u>\$ 165,217</u>	2013-14
	<b>\$ 217,624</b>	
Future Budget, Plant Mix	\$ 26,901	2010-11
	\$ 147,219	2011-12
	\$ 112,810	2012-13
	\$ 165,217	2014-15
	<u>\$ 165,217</u>	2015-16
	<b>\$ 617,364</b>	

List of Roads that were initially proposed to be added to the 2008 SSYP

District	Project	Route	From	To	Length (m)	Estimate	Est. - Rural Rustic	TC-04	TC-06	TC-08
UH	*Edward	981	920	ESM	0.45	\$800,000	\$200,000	20	20	230
BR	*Raven	895	789	ESM	0.41	\$750,000	\$225,000	20	20	20
BR	*Natures Own	712	748	ESM	0.20	\$275,000	\$80,000	30	30	50
SC	*Fralins	931	715	ESM	0.50	\$725,000	\$225,000	50	46	150
SC	Belcher	611	652	651	1.55	\$2,000,000		50	50	10
SC	Fawndale	719	609	715	0.52	\$800,000		50	50	60
UH	*Greenhouse Road	839 / 936	671	ESM	0.91	\$1,300,000	\$400,000	80	80	390
SC	*Briar Mountain	929	756	ESM	1.60	\$2,000,000	\$600,000	90	90	230
SC	Campbell	620	611	969	0.30	\$70,000		100	100	120
UH	Realign curve at intersection	944 / 668	Scope of work and estimate undefined at this time.					500	510	510
Boone	**Bridge over Praters Creek	681	116	633	0.09	\$528,233		690	700	700
Boone	**Hardy	634	0.23 mi S	679	1.21	\$7,359,565		4000	4100	4100
			Rte 635 S							

\* Projects that are eligible for unpaved road funding.

\*\* Projects that are eligible for federal funding.

Project Estimates are very rough and will need to be better refined prior to adoption of SSYP. They are provided here for planning purposes only.

Projects Removed From Secondary Six-Year Plan

Route	Road Name	Project	District	Reason	Year
637	Griffith Hill	widen road, improve alignment and drainage, surface treat	Blue Ridge	R/W	2002
640	Five Mile Mountain	widen road and grade to improve sight distance	Blackwater / Blue Ridge	Budget	2002
674	Doe Run	grade to improve sight distance at intersection	Snow Creek	R/W - Environmental	2002
741	Flanders	widen road, improve drainage, surface treat	Blackwater	Budget	2002
820	Diamond	improve sight distance at curves, improve drainage, repave	Rocky Mount	Budget	2002
727	Riverbrook	widen road, improve alignment and drainage, surface treat	Blue Ridge	Budget / Environmental	2003
756	Old Forge	improve sight distance at curves, improve drainage, repave	Blackwater	Budget	2003
767	Prillaman Switch	improve sight distance at curves, improve drainage, repave	Blue Ridge	R/W	2003
775	Iron Ridge	replace existing bridge	Boone	Railroad	2003
638	Walnut Knob	widen road, improve alignment and drainage, surface treat	Blue Ridge	R/W	2004
634	Harmony School	widen road, improve drainage, repave	Gills Creek	R/W	2005
697	Wirtz	widen road, improve drainage, repave	Gills Creek	R/W	2005
719	Fawndale	widen road, improve drainage, surface treat	Snow Creek	Budget	2005
635	Bonbrook Mill	replace existing bridge with box culvert, widen approaches	Boone	R/W	2006
611	Belcher	widen road, improve drainage, surface treat, replace bridge	Snow Creek	Budget	2007
620	Campbell	grade intersection to improve sight distance	Snow Creek	Budget	2007
640	Six Mile Post	grade intersection to improve sight distance	Blackwater	R/W	2007
657	Crowell's Gap	widen road, improve drainage, surface treat	Boone	Budget	2007
756	Old Forge	improve sight distance at curves, improve drainage, repave	Blackwater	Budget	2007
929	Briar Mountain	widen road, improve drainage, surface treat	Snow Creek	Budget	2007

Secondary System  
Franklin County  
Construction Program  
Estimated Allocations

Fund	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	Total
Secondary Unpaved Roads	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Tel/Fee	\$166,519	\$165,217	\$165,217	\$165,217	\$165,217	\$165,217	\$992,604
Residue Parcel	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STP Converted from IM	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP - Bond Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MG Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BR Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula STP - Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$166,519</b>	<b>\$165,217</b>	<b>\$165,217</b>	<b>\$165,217</b>	<b>\$165,217</b>	<b>\$165,217</b>	<b>\$992,604</b>

Board Approval Date:

-----

Residency Administrator

Date

-----

County Administrator

Date



**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Salem  
 County: Franklin County  
 Board Approval Date: 2014-12 through 2015-16

Route	PPMS ID	Accomplishment	Type of Project	Priority #	Road Name	Project #	Description	FROM	TO	Length	Ad Date	Estimated Cost		Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS					Balance to complete	Traffic Count	Scope of Work	FHWA #	Comments				
												PE	RW			2010-011	2011-12	2012-13	2013-14	2014-15						2015-16			
RL0643	72504	SAAP CONTRACT	S	NO PLAN, SECONDARY	ADNEY GAP ROAD	0643033P44	RTE 643 - RURAL RUSTIC ROAD (SURFACE TREAT NON-HARDSURFACE)					PE \$14,717 RW \$0 CON \$102,794 Total \$117,501	\$137,195 \$0 \$137,195	(\$19,694)												50	RESURFACING	16007	
RL0732	72505	SAAP CONTRACT	S	NO PLAN, SECONDARY	BLANKENSHIP ROAD	0732033P45	RTE 732 - RURAL RUSTIC ROAD (SURFACE TREAT NON-HARDSURFACE)					PE \$15,923 RW \$0 CON \$103,811 Total \$119,734	\$148,194 \$0 \$148,194	(\$28,460)												90	RESURFACING	16007	
RL0634	58890	CONTRACT	STP	SECONDARY - ONE HEARING DESIGN	HARDY FORD BRDG	0634033949	RTE 634 - FRANKLIN CO. APPROACH TO HARDY FORD BRIDGE					PE \$195,039 RW \$26,500 CON \$1,345,666 Total \$1,573,225	\$76,165 \$0 \$76,165	\$1,497,060												4100	BRIDGE REPLACEMENT	14009	Bridge and approach allocations are funded 50 / 50 % with Bedford County. PE funded in REDUX.
RL0658	72576	SAAP CONTRACT	S	NO PLAN, SECONDARY	LISTENING HILL	0658033P46	RTE 658 - RURAL RUSTIC ROAD (SURFACE TREAT NON-HARDSURFACE)					PE \$6,144 RW \$0 CON \$109,919 Total \$116,063	\$145,266 \$0 \$145,266	(\$29,203)												70	RESURFACING	16007	
RL0687	84934	CONTRACT	BROS	Minimum Plan	ALEAN ROAD	0687033701	RTE 687 - REPLACE EXISTING ONE-LANE BRIDGE					PE \$248,512 RW \$25,751 CON \$633,951 Total \$1,108,214	\$275,210 \$668,968 \$744,178	\$364,036												270	BRIDGE REPLACEMENT	16009	

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Salem  
 County: Franklin County  
 Board Approval Date: 2011-12 through 2015-16

Route	Road Name	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count			
					2010-011	2011-12	2012-13	2013-14	2014-15	2015-16					
Rt.0616	Schenega Road	PE \$72,837													
93277	0616033727	RW \$48,100	\$0		\$1,302	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
CONTRACT	RTE 616 - CONSTRUCT RIGHT	CON \$214,184	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
STP	TURN LANE AT INT. RTE. 122	Total \$335,121	\$0	\$335,121	\$1,302	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
Minimum Plan	Intersection of Route 122														
0018.00	0.12 miles south of intersection of Route 122	7/7/2015													
		0.1													
Rt.8838		PE \$0													
-2585		RW \$0	\$0		\$26,901	\$112,810	\$147,219	\$147,219	\$165,217	\$165,217	\$165,217	\$165,217			
	FUTURE BUDGET ITEMS & PLANT MIX	CON \$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
	VARIOUS LOCATIONS IN COUNTY	Total \$0	\$0	\$0	\$26,901	\$112,810	\$147,219	\$147,219	\$165,217	\$165,217	\$165,217	\$165,217			
9999.99															
Rt.8888		PE \$0													
-2584		RW \$0	\$0		\$0	\$52,407	\$0	\$0	\$0	\$0	\$0	\$0			
	FUTURE UNPAVED FUNDS: YR4-YR8	CON \$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
	VARIOUS LOCATIONS IN COUNTY	Total \$0	\$0	\$0	\$0	\$52,407	\$0	\$0	\$0	\$0	\$0	\$0			
9999.99															
Rt.4007		PE \$0													
-2581		RW \$0	\$156,153		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
	COUNTYWIDE TRAFFIC SERVICES	CON \$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
	VARIOUS LOCATIONS IN COUNTY	Total \$0	\$156,153		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
9999.99															
Rt.4005		PE \$0													
-2579		RW \$0	\$44,604		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
	COUNTYWIDE ENGINEERING & SURVEY	CON \$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
	VARIOUS LOCATIONS IN COUNTY	Total \$0	\$44,604		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
9999.99															

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Salem  
 County: Franklin County  
 Board Approval Date: 2011-12 through 2015-16

Route	Road Name Project # Description FROM TO Length Priority #	Estimated Cost PE RW CON Total	Previous Funding SSYP Funding Other Funding Total	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count Scope of Work FHWA # Comments	
					2010-011	2011-12	2012-13	2013-14	2014-15	2015-16			
RL4003 -2577 9999.99	1204003 COUNTY-WIDE RURAL ADDITIONS VARIOUS LOCATIONS IN COUNTY	\$0 \$0 \$0 \$0	\$268,873 \$0 \$268,873	(\$268,873)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0	RURAL ADDITIONS - SECTION 33.1 -72.1. ROLLOVER OF FUNDS CAN BE FOR FIVE YEARS.
RL4002 -2576 9999.99	1204002 COUNTY-WIDE PIPE & ENTRANCE VARIOUS LOCATIONS IN COUNTY	\$0 \$0 \$0 \$0	\$68,675 \$0 \$68,675	(\$68,675)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0	INSTALLATION CHARGE FOR PIPS AT PIPE ENTRANCES AND OTHER FOR DRAINAGE IMPROVEMENTS.

**\*\*\*\*\* CONGRESSIONAL APPROPRIATION SUBMITTAL AND VDOT UPDATE - DIAMOND AVENUE EXTENSION ROAD IMPROVEMENTS STATUS**

Christopher Whitlow, Assistant County Administrator, advised the Board he had received a call from Congressman Tom Perriello's Office requesting guidance from the County as to his office's submittal for an appropriations request for possible funding (not a guarantee) to go toward drainage improvements for Diamond Avenue Extension. Congressman Perriello's staff noted they were looking at a submittal for \$270,000 to assist in the completion of engineering plans for an approximate \$1.5M flooding improvement project on Diamond Avenue. The Congressman's staff noted there was no guarantee of such funding, and if such a request was funded the engineering plans project would require a 20% local match and that future construction money for such plans would possibly not be available in later years. Mr. Whitlow advised the Board, Congressman Perriello stated his office would need to know by Monday, if the Board is willing to fund the 20% matching funds (\$54,000) for the engineering plans project in order for a request (not a guarantee) to be made. Tony Handy, VDOT Resident Administrator noted his staff was in

the process of completing a drainage study for the project area in question and that his office has identified some VDOT highway improvement funding that could be used to make needed drainage improvements for Diamond Avenue Extension in the near future. The Board directed staff to notify Congressman Perriello's office to indicate no local funds (such as the 20% match requirement) is budgeted and that the Board is not willing to move forward with an appropriations request (not a guarantee) of \$270,000 for engineering plans at this time as the County will work with VDOT to utilize their improvement funding and associated forces to make the necessary drainage upgrades for this area. .

\*\*\*\*\*

## **CHAPTER 7 EROSION & SEDIMENT CONTROL ORDINANCE**

Neil Holthouser, Director of Planning & Community Development, shared with the Board 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, two perhaps un-intended result have been adverse impacts to a homeowner wishing to construct a standard walk-out basement or are disturbing a larger amount of area, or may be near a small amount of surface water, but are not likely to impact adjoining property owners.

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 an acre
  - d. Greater than 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. Those projects disturbing more than an acre are required to obtain a stormwater pollution prevention permit (SWPP) from DCR, and are subject to DCR review and inspections.*

**RECOMMENDATION:**

In reviewing the current issue of walk-out basements and land disturbing activities that have little potential of off-site impacts, staff has examined some options, and presents the table below for discussion purposes to illustrate land disturbing activities which require a permit, which do not require a permit, and when an agreement in lieu of a plan may be issued in association with the construction of a single family home:

<p><b><u>Land Disturbance Threshold is 3,000 Square Feet When:</u></b></p> <ul style="list-style-type: none"> <li>1) Land Disturbance is within 200 feet of any surface water and/or,</li> <li>2) Slopes are greater than 15%.</li> </ul>	<p><b><u>Land Disturbance Threshold is 10,000 Square Feet When:</u></b></p> <ul style="list-style-type: none"> <li>1) Land Disturbance is not within 200 feet of any surface water and,</li> <li>2) Slopes are less than or equal to 15%.</li> </ul>
<p><b><u>Agreement in Lieu of a Plan May Be Issued When:</u></b></p> <ul style="list-style-type: none"> <li>1) Land disturbance is being done in association with the construction of a single family home and,</li> <li>2) Land disturbance is not within 200 feet of the shoreline of Smith Mountain Lake, and</li> <li>3) Land disturbance is less than one acre.</li> </ul>	<p><b><u>Plan is Required When:</u></b></p> <ul style="list-style-type: none"> <li>1) Land disturbance is not being done in associations with the construction of a single family home and/or,</li> <li>2) Land disturbance is within 200 feet of the shoreline of Smith Mountain Lake and/or,</li> <li>3) Land disturbance is equal to or greater than one acre.</li> </ul>

**SITUATIONS WHEREIN LAND DISTURBANCE COMMENCES WITHOUT A REQUIRED PERMIT:**

Additionally, staff is proposing amendments to Chapter 7 of the Franklin County Code which will codify the policy currently used by the Department of Planning and Community Development for handling situations in which a land disturbing activity has occurred without an approved plan.

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

Within seven (7) days from the service of the order, it shall be the responsibility of the owner to retain the services of a plan preparer to prepare and submit the required erosion and sediment control plan, and notify the program administrator that a plan preparer has been retained. Within this seven (7) day period temporary corrective measures shall be installed to prevent harmful

erosion of lands or sediment deposition in waters within the watersheds of the commonwealth. Such temporary corrective measures shall be maintained until an approved plan and any required permits have been obtained. If the alleged violator has not obtained a plan preparer and/or installed the necessary temporary corrective measures within seven (7) days from the date of service of the order, the program administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the locality in which the site is located. The owner may appeal the issuance of an order to the Circuit Court of Franklin County. Any person violating or failing, neglecting or refusing to obey an order issued by the program administrator may be compelled in a proceeding instituted in the Circuit Court of Franklin County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the program administrator from taking any other action specified in section 7-8.

The required erosion and sediment control plan shall be submitted within (30) thirty days from the date of service of the order, unless otherwise agreed to by the program administrator. If the alleged violator has not submitted the required plan within the time period authorized by the program administrator, the program administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the locality in which the site is located. The owner may appeal the issuance of an order to the Circuit Court of Franklin County. Any person violating or failing, neglecting or refusing to obey an order issued by the program administrator may be compelled in a proceeding instituted in the Circuit Court of Franklin County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the program administrator from taking any other action specified in section 7-8.

(Ord. of 9-26-2006, Ord. of ?-??-2010)

#### **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 and for land disturbing activities that have little possibility of adversely impacting adjoining properties. Staff believes this new requirement is an un-intended result of the revised E & S Ordinance addressing critical slopes (>15%) for single family residential construction. Subsequently, staff further analyzed this matter, spoke with members of the development community, and has made suggestions, whereby most single family dwellings 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 regarding this matter.

The Board directed staff to bring forth a draft ordinance for the Board's review and consideration next month upon which the Board may then schedule a public hearing.

\*\*\*\*\*

#### **WATERLINE GRANT ANALYSIS**

Neil Holthouser, Director of Planning & Community Development, stated in 2007, the Franklin County Board of Supervisors approved an agreement between Franklin County, Roanoke County, and the Western Virginia Water Authority, to construct a 12-inch public water line along the Route 220 corridor, from the Clearbrook area in Roanoke County south to the Plateau Plaza area in Franklin County. Work began on the water line in 2008, and is expected to be completed in 2010.

In order to better understand how the availability of public water might impact development demand and potential along the Rt. 220 corridor, the Board of Supervisors commissioned a study to identify the likely costs and potential customer base along various "lateral" extension routes (i.e. along the network of secondary roads with access to Rt. 220.) Franklin County received a Water Supply Assistance Grant from the Virginia Department of Health in order to fund the study.

Franklin County retained the services of Rocky Mount-based consultants Earth Environmental & Civil, Inc., to conduct the study. The consultants met with the Board of Supervisors in mid-2009 to define the scope of analysis. The Board directed the consultants to study the feasibility of water line extensions in the area generally bounded by Rt. 220, Bethlehem Road, Callaway Road, Grassy Hill Road, and the northern corporate limits of the Town of Rocky Mount.

Submitted, please find excerpts from the preliminary engineering report, prepared by Earth Environmental & Civil, Inc., dated January 29, 2010. These excerpts include an overview map of the study area; a sample of the consultant's methodology (using Green Level Road as an example); an index of all roads and road segments studied; and cost and connectivity estimates for each road segment.

**RECOMMENDATION:**

Staff requests that the Board review the report summary and provide additional direction, as necessary.

The Board stated there just isn't enough development to offset the cost for the area studied. The useful data will be available for future use with costs and customer base readily available with the ability to continue to update the information.

\*\*\*\*\*

**BASSMASTERS CLASSIC TOURNAMENT UPDATE**

Debra Weir, Tourism Director, gave the Board an update on the Bassmasters Classic Tournament as follows:

**Bassmaster Elite – Blue Ridge Brawl – April 15 – 18, 2010**

Where: Parkway Marina

Times: Daily Launches at 6:30 a.m. – Weigh In – 3:30 p.m.

Shuttle from Bernard's landing – Friday – 12 to 7 p.m./ Saturday 12 – 7 p.m. and Sunday 12 – 6 p.m.

**Special Events**

**Friday** – College Appreciation Day – Show your colors, after weigh in music, food, beverages, corn hole competition and lots of fun for the entire family.

**Saturday** – Fish Like the Pros – Take Me Fishing Kids Tournament – Registration Begins at 9 am competition at 10. Winners will be announced at 12:30. This is free for children 15 and younger. Each child will get a t-shirt and lunch. Must bring their own bait, rod and tackle.

At 12 the Expo opens with Sportsman's Alliance and the Casting Kids competition. All events FREE!!!

Saturday night after the weigh in we are going to hold the Blue Ridge Brawl Karaoke Idol contest with cash prizes....

Sunday – Expo opens at 12 with Sportsman Alliance/Casting Kids and the Final weigh in to crown the Blue Ridge Brawl Bassmaster Elite Champion.

The website for this is [www.blueridgebrawl.com](http://www.blueridgebrawl.com)

\*\*\*\*\*

**GOLF DRIVING RANGE**

Richard E. Huff, II, County Administrator, asked for clarification pertaining to the Golf Association seeking direction from the Board on the County's intent of development of the proposed Golf driving range at the Waid Park area. Mr. Huff stated a draft memorandum of understanding has not yet been completed between the county and the golf association. The Board felt a Memorandum of Understanding should be executed prior to any future development.

\*\*\*\*\*

**BUDGET CALENDAR:**

Richard E. Huff, II, County Administrator, shared with the Board the following draft budget calendar:

# March 2010

February 2010							April 2010						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6				1	2	3	
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28							25	26	27	28	29	30	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16 <small>1:30PM - 5:00PM Regular BOS Meeting 7:30PM - 9:30PM School Board Budget Public Hearing (BFMS East Auditorium)</small>	17	18	19	20
21	22	23 <small>6:30PM - 9:30PM Union Hall Community Meeting (Glede Hill School)</small>	24 <small>6:00PM - 7:30PM School Superintendent to Present School Budget To BOS (FCGC-BOS Room)</small>	25	26	27
28 <small>6:00PM - 8:00PM County Administrator to Present Budget to BOS (FCGC)</small>	29	30	31	1 <small>6:00PM - 9:00PM BOS Budget Worksession (FCGC-Training Room-B75)</small>	2 <small>6:00PM - 9:00PM BOS Budget Worksession (FCGC-Training Room-B75)</small>	3

1/17/2010 10:50 AM

1/2

Huff, Rick

# April 2010

March 2010							May 2010						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6		2	3	4	5	6	7	1
7	8	9	10	11	12	13	9	10	11	12	13	14	15
14	15	16	17	18	19	20	16	17	18	19	20	21	22
21	22	23	24	25	26	27	23	24	25	26	27	28	29
28	29	30	31				30	31					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29 <small>6:00PM - 8:00PM County Administrator to Present Budget to BOS (FCGC)</small>	30	31	1 <small>6:00PM - 9:00PM BOS Budget Worksession (FCGC-Training Room-B75)</small>	2 <small>6:00PM - 9:00PM BOS Budget Worksession (FCGC-Training Room-B75)</small>	3
4	5 <small>Deadline to Set Tax R...</small>	6	7 <small>Ad to Run in Newspa...</small>	8 <small>7:00PM - 9:00PM Snow Creek Community Meeting</small>	9	10
11	12 <small>6:30PM - 8:30PM Boone District Community Meeting (Coopers Cove Community Center)</small>	13 <small>6:30PM - 8:30PM Boone District Community Meeting (Heatherwood Apartments Community Room)</small>	14 <small>Ad to Run in Newspa...</small>	15	16	17
18	19	20 <small>1:30PM - 5:00PM Regular BOS Meeting 7:00PM - 12:00AM BOS Budget Public Hearing (Checking on High School Auditorium)</small>	21	22	23	24
25	26	27 <small>6:00PM - 8:00PM Adopt County Budget (FCGC-BOS Room)</small>	28	29	30	1

\*\*\*\*\*

**FY' 2010-2011 BUDGET PRESENTATION**

Richard E. Huff, II, County Administrator, presented the following slides for the Board's review and consideration:

## Board of Supervisors' Responsibility

### *§ 22.1-94. Appropriations by county, city or town governing body for public schools.*

A governing body may make appropriations to a school board from the funds derived from local levies and from any other funds available, for operation, capital outlay and debt service in the public schools. Such appropriations shall be not less than the cost apportioned to the governing body for maintaining an educational program meeting the standards of quality for the several school divisions prescribed as provided by law. The amount appropriated by the governing body for public schools shall relate to its total only or to such major classifications prescribed by the Board of Education pursuant to § 22.1-115. The appropriations may be made on the same periodic basis as the governing body makes appropriations to other departments and agencies.

## Board of Supervisors' Responsibility

### *§ 22.1-115. System of accounting; statements of funds available; classification of expenditures.*

The State Board, in conjunction with the Auditor of Public Accounts, shall establish and require of each school division a modern system of accounting for all school funds, state and local, and the treasurer or other fiscal agent of each school division shall render each month to the school board a statement of the funds in his hands available for school purposes. The Board shall prescribe the following major classifications for expenditures of school funds: (i) instruction, (ii) administration, attendance and health, (iii) pupil transportation, (iv) operation and maintenance, (v) school food services and other noninstructional operations, (vi) facilities, (vii) debt and fund transfers, (viii) technology, and (ix) contingency reserves.

## School Board's Responsibility

### *§ 22.1-92. Estimate of moneys needed for public schools; notice of costs to be distributed.*

B. Before any school board gives final approval to its budget for submission to the governing body, the school board shall hold at least one public hearing to receive the views of citizens within the school division. A school board shall cause public notice to be given at least ten days prior to any hearing by publication in a newspaper having a general circulation within the school division. The passage of the budget by the local government shall be conclusive evidence of compliance with the requirements of this section.

Assessed Value	Current Tax	Less State Car Tax Rebate	Taxpayer's Net Payment	10 cent increase	Less State Car Tax Rebate	Taxpayer's Net Payment
\$5,000.00	\$70.00	\$41.87	\$28.13	\$75.00	\$42.61	\$32.39
\$15,000.00	\$210.00	\$125.60	\$84.40	\$225.00	\$127.82	\$97.18
\$25,000.00	\$350.00	\$167.47	\$182.53	\$375.00	\$170.43	\$204.57
			New Revenue Generated	\$430,000.00		

Jurisdiction	Adjusted Tax Rate*
Roanoke County	\$2.73
Roanoke City	\$2.69
Salem	\$2.50
Rockingham County	\$2.18
Floyd County	\$2.11
Bedford County	\$2.04
Botetourt County	\$1.99
Montgomery County	\$1.95
Pulaski County	\$1.74
Patrick County	\$1.48
Franklin County	\$1.40
Henry County	\$1.15
<i>*The adjusted rate takes the rate times the assessment methodology and is the best comparison between communities</i>	

Assessed Value	15 cent increase	Less State Car Tax Rebate	Taxpayer's Net Payment	20 cent increase	Less State Car Tax Rebate	Taxpayer's Net Payment
\$5,000.00	\$77.50	\$42.94	\$34.56	\$80.00	\$43.27	\$36.73
\$15,000.00	\$232.50	\$128.83	\$103.67	\$240.00	\$129.82	\$110.18
\$25,000.00	\$387.50	\$171.77	\$215.73	\$400.00	\$173.09	\$226.91
	\$ 645,000.00			\$960,000.00		

Mr. Huff stated the County is facing an approximate \$1M shortfall in projected local revenue for next fiscal year. Mr. Huff advised the Board the State did approve a \$70 billion budget and most of the money for the constitutional offices has been restored and the schools will come out better than expected, however, Mr. Huff stated anything could happen prior to the Governor's signing.

Vincent Copenhaver, Director of Finance, presented the following options on Restructuring County Debt:

## Franklin County, Virginia

### *Overview of Potential 2010 Refinancing / Restructuring*

March 15, 2010

*[Note: All Changes versus Prior Version Highlighted in Red Text]*

- The County's debt portfolio is modest at only \$37.2 million and the repayment is rapid with a payout ratio at 76% (see table below).

Franklin County, Virginia				
Tax Supported Debt Service before Refunding				
	Principal	Interest	Total	Payout
FY	37,207,952	12,478,499	49,686,452	Ratio
2010	2,777,572	1,599,657	4,377,230	
2011	2,900,300	1,498,063	4,398,363	8%
2012	2,958,308	1,373,124	4,331,432	17%
2013	2,928,223	1,249,289	4,177,513	26%
2014	3,000,143	1,124,658	4,124,801	34%
2015	2,910,767	969,684	3,880,451	43%
2016	2,431,006	827,050	3,258,056	50%
2017	2,477,956	724,267	3,202,223	57%
2018	2,295,313	620,939	2,916,251	64%
2019	2,208,842	523,763	2,732,605	70%
2020	2,008,445	428,378	2,436,823	76%
2021	2,060,053	339,016	2,399,069	82%
2022	1,338,038	266,352	1,604,390	86%
2023	1,377,217	210,155	1,587,372	90%
2024	596,279	152,324	748,603	91%
2025	606,079	124,826	730,905	93%
2026	491,344	99,496	590,840	95%
2027	507,067	76,153	583,220	96%
2028	140,000	60,824	200,824	97%
2029	150,000	53,631	203,631	97%
2030	155,000	46,255	201,255	97%
2031	160,000	38,780	198,780	98%
2032	170,000	30,880	200,880	98%
2033	180,000	22,502	202,502	99%
2034	185,000	13,765	198,765	99%
2035	195,000	4,668	199,668	100%

- The County's rapid payout provides an opportunity to modestly refinance / restructure *roughly \$6.9 million* of the County's debt portfolio for cash-flow savings (*roughly 18% of the total portfolio*) and still maintain a 10 year payout ratio of roughly *74%*.
  - For a point of reference, the National Credit Rating Agencies consider a ten year payout ratio above 60% very strong.

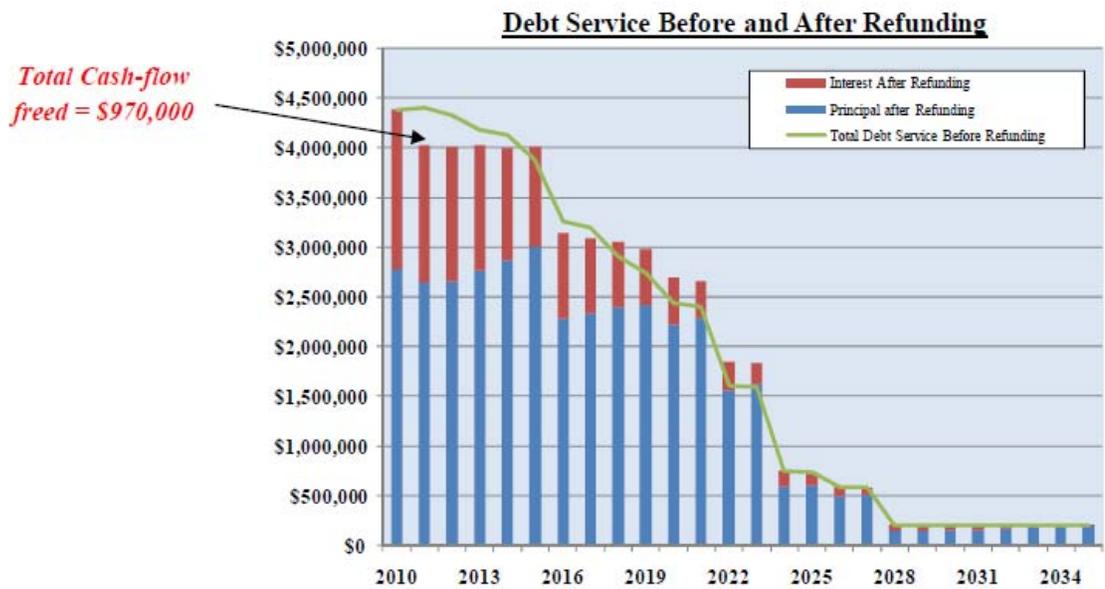
- The **\$6.9 million** refinancing / restructuring would lower the interest rates on the loan while freeing cash-flow over the next several fiscal years.
- The first portion of the refinancing / restructuring is a refinancing of roughly **\$2.4 million** of outstanding General Obligation debt.
  - In the current market, if the refinancing is combined with a larger issue, thus allowing the County to take advantage of the economies of scale as it relates to costs of issuance, a refinancing of this debt could result in Net Present Value Savings of roughly 4.5% to 5%.
  - The typical minimum net present value savings threshold for refinancing transactions like this is 3.0%.
- The second portion of the refinancing / restructuring is a moderate restructuring of roughly **\$4.5 million** of outstanding Lease Revenue debt.
  - Restructuring this debt can free significant cash-flow over the next several fiscal years while maintaining / lowering the interest rates on the loans.
  - The final maturities of the loans is not impacted (i.e. not extension of final maturity).
- When the **\$4.5 million** restructuring is combined with the **\$2.4 million** refinancing the net result is to free roughly **\$970,000** in cash-flow over the next four fiscal years (2011 to 2014) while providing an overall breakeven results in terms of the present value of total debt service.

<u>Fiscal Year</u>	<u>Cash-Flow Freed</u>
2011	<b><i>\$370,000</i></b>
2012	<b><i>315,000</i></b>
2013	<b><i>160,000</i></b>
2014	<b><i>120,000</i></b>
<b><u>Total</u></b>	<b><u><i>\$970,000</i></u></b>

- The County's debt service in future years never goes as high as it is today (i.e. fiscal year 2010).

- *Existing Debt Service Never Increases versus a Prior Year (i.e. No Year-to-Year Increases in Debt Service).*
- Additional details on the refinancing and restructuring are included below.

<u>Refinancing of 1998 General Obligation Bonds</u>		<u>Restructure 2007A and 2007B Lease Revenue Bonds</u>	
Par Amount Outstanding:	<b>\$2,328,895</b>	Par Amount Outstanding:	<b>\$4,413,800</b>
Current Interest Rates:	4.65% to 5.00%	Current Interest Rates:	3.91%
Final Maturity:	7/15/2014	Final Maturity:	2/1/2023
New Interest Rates:	0.68% to 2.33%	New Interest Rates:	0.68% to 4.03%
PV Savings:	4.65%		



General discussion ensued. The Board directed staff to continue exploring the possibility of refinancing/restructuring of county and school debt. The Board would then consider making a final decision by mid-May so funds may be utilized during the 2010-2011 fiscal year.

\*\*\*\*\*

**SOUTHERN AREA AGENCY ON AGING APPOINTMENT/TERM EXPIRES 5/31/2010**

✓ April Agenda Item

\*\*\*\*\*

**LOG CABIN ESTATES ROAD**

Bobby Thompson, Blue Ridge District Supervisor, advised the Board he would be meeting with the residents of Log Cabin Estates to develop a long term plan for their existing road repairs with a possible road maintenance agreement. Mr. Thompson thanked VDOT and staff for their assistance to these residents.

\*\*\*\*\*

**PERFORMING ARTS CENTER**

Russ Johnson, Gills Creek District Supervisor, advised the Board there was a group of individuals wishing to have a Performing Arts Center on the recently County purchased Smith Farm property. The Board directed Mr. Johnson to advise the group of citizens to talk with Mr. Huff and then he will report back to the Board.

\*\*\*\*\*

**SUING THE STATE/FRANKLIN COUNTY/ROANOKE CITY/SCHOOL FUNDING**

Charles Wagner, Chairman, advised the Board he had been contacted by Roanoke City to see if Franklin County would be willing to join forces in suing the Commonwealth for lack of funding for the School Systems. General discussion ensued. The Board opted not to be a partner of the law suit.

\*\*\*\*\*

**GOLF ASSOCIATION – CLARIFICATION**

