THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, APRIL 20, 2010, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED IN THE GOVERNMENT CENTER, 1255 FRANKLIN STREET, SUITE 104, 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
B. J. Jefferson, County Attorney
Sharon K. Tudor, MMC, Clerk

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Chairman Charles Wagner called the meeting to order.

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Invocation was given by Supervisor Bobby Thompson.

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Pledge of Allegiance was led by Supervisor Wayne Angell.

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PUBLIC COMMENT:

- Mark L. Fitzgerald – The Franklin Center Signage

Mr. Fitzgerald stated he was a long term resident of Franklin County, and over the past 20 years, a resident of Rocky Mount. Here we made our home and raised our children to adulthood.

I was entering, for the first time, a building in Rocky Mount (within the confines and bounds of Franklin County, VA) known as "The Franklin Center". This building houses various offices and is situated on what is described within the literature of its own publications as "positioned on a public campus".

This building was funded in part by the County of Franklin, The Virginia Department of Housing and Community Development, the U. S. Commerce – Economic Development Administration, among others. The consortium partners are presented, in attendant literature, (in part) as representing local governments.

Upon approaching the entrance of the building facing Claiborne Avenue, I saw a sign clearly displayed in the vestibule as you enter the lobby. The sign stipulates verbatim "NO WEAPONS / FIREARMS OF ANY KIND ALLOWED ON PREMISES AT ANY TIME" (capitals are as per the sign and not my emphasis).

I am hereby respectfully requesting that you seek the advice of your legal counsel regarding this sign, as it is in direct conflict with the Virginia Code and thereby, unlawful.

The specific code to which I make reference is:

Code of Virginia
Title 15.2 Counties, Cities, and Towns
Chapter 9 - General Powers of Local Governments
§ 15.2-915. Control of firearms; applicability to authorities and local governmental agencies.

Having requested that you refer to your legal counsel, I furthermore request that the sign be removed from this public campus, and public building.

Thank you for your consideration. I look forward to your reasonable and timely response.

My request is respectfully made, and with the full determination of a citizen of the United States of America, and the Commonwealth of Virginia.

The full section of the code of reference is attached for your convenience.

Code of Virginia

Title 15.2 Counties, Cities and Towns

Chapter 9 – General Powers of Local Governments

§ 15.2-915.

Control of firearms; applicability to authorities and local governmental agencies.

A. No locality shall adopt or enforce any ordinance, resolution or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof, shall not be construed to provide express authorization.

Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101 from acting within the scope of his duties.

The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail or juvenile detention facility.

B. Any local ordinance, resolution or motion adopted prior to the effective date of this act governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

(1987, c. 629, § 15.1-29.15; 1988, c. 392; 1997, cc. 550, 587; 2002, c. 484; 2003, c. 943; 2004, cc. 837, 923; 2009, cc. 735, 772.)

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DIAMOND AVENUE PROJECT

Reverend Vandel Muse, stated he was here this afternoon pleading for the Board's help on flooding and egress issues along Diamond Avenue Extension. Reverend Muse stated the neighborhood felt the Board did not see the importance of getting these citizens lives out in case of an emergency. Reverend Muse stated there were 100+ families in this area. Reverend Muse stated the flooding needed to be fixed and an exit constructed for the families to get out in case of an emergency. In closing, Reverend Muse urged the Board to take immediate action.

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CONSENT AGENDA

APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – MARCH 16, 24 & 30, APRIL 1 & 6, 2010

APPROPRIATIONS

DEPARTMENT	PURPOSE	ACCOUNT	AMOUNT
Sheriff	Law Enforcement Terrorism	3102- 5409	59,876.00
	Prevention		
Library	Gates Foundation Grant	7301- 7001	2,600.00
Public Safety	Department of Emergency	3505- 7001	83,950.00
	Management Grant		
General Properties	Sale of Light Fixtures	Capital Fund	20.00
Public Safety	EMT Training Grant	3505- 5540	1,428.00
Public Safety	Virginia Western Grant	3505- 5540	8,396.00

Public Safety	Four For Life Grant	3505- 5540	52,532.00
E911	Rocky Mount Share of CAD	Capital Fund	25,340.00
	Project		
Animal Control	Animal Shelter Donations	3501- 5413	876.00
	Total		$235,018.00

Transfers Between Departments

None

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AWARD OF LANDFILL GAS EXTRACTION UNIT BID

The Department of Environmental Quality (DEQ) requires the Franklin County Landfill to perform quarterly methane gas monitoring in probes along the property boundary and at all on-site structures. When any readings exceed 4% methane the County is mandated to submit a Landfill Gas Remediation Plan to DEQ. If the methane gas reading rises above 5% methane in any probe, then remediation has to be implemented. The County Landfill has been doing monthly methane gas monitoring since June 2007 because methane gas readings rose to 7% and higher. DEQ has required that a gas mitigation plan be designed and preparation made since the gas readings have not declined.

In April 2009, the methane gas readings regularly exceeded 4%. Joyce Engineering prepared a Remediation Plan and sent it to DEQ for review and approval. In May 2009, the methane gas readings in probe 1A went up to 7% methane. The Landfill had to start the implementation of the LFG Remediation. The first action of the plan is the installation of a gas extraction unit (GEU) or alternative mitigation on the gas vents nearest probe 1A. The County has obtained the bids (attached) and will be accepting the low bid of $12,649 from EnviroEquipment.

The County solicited bids in 2009 for gas mitigation and the bids received were substantially higher than anticipated due to the necessity to hook up an additional 9 vents not previously required to be monitored by DEQ. However, due to the location of the exceedances and the continuous gas reading DEQ is requiring that all vents be added to the mitigation plan. Subsequent to receiving these bids, staff met with Joyce Engineering and held discussions with DEQ. It was determined and approved by DEQ that the County would be provided additional time to gather further data. Subsequent data collection revealed that exceedances of methane gas are located in a concentrated area at the western edge of the Landfill near Route 220. It is our engineering firm's opinion the methane gas may be controlled through a GEU mitigation system.

"There is no guarantee that the gas extraction system (GEU) will be successful". Since the methane gas dissipates into the atmosphere and our exceedances are relatively low, we are in a position to try this option. The County had originally budgeted $60,000 for a gas extraction unit plus drilling additional vent holes. Preliminary cost estimates for the GEU mitigation system installation is $100,000 to $140,000 and CIP funds are available.

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

LANDFILL GAS COLLECTION SYSTEM EXPANSION/GEU BID TABULATION

COMPANY NAME		BID AMOUNT		AWARDED/DECLINED
Mid-Atlantic Environmental Equipment, Inc.		$25, 976.00		Declined
EnviroEquipment		*$12,649.00*		*Award pending*
Master Electrical Services, LLC		0		Declined to bid

RECOMMENDATION:

County staff and Joyce Engineering respectfully recommend that the Board of Supervisors authorize the County Administration to accept the low bid of $12,649 for the GEU and to bid for the gas mitigation extraction system. Funds are currently available within the Landfill CIP budget for payment.

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DISPOSAL OF USED ELECTRONIC EQUIPMENT

The County adopted an equipment replacement plan for all desktop and laptop computers several years ago. Machines are typically replaced based on warranty period but we have worked to extend the life of many machines in the past fiscal year in light of the economy and budget challenges. Equipment replacement results in a number of used machines that are typically added to the spring or fall surplus sale. These machines may be anywhere from 4 to 5 years old and may include monitors, printers and accessories – some functioning and some not. The County salvages some parts from these machines and then spends a considerable amount of tech support time to clear the hard drives of all county data prior to a surplus sale. In the past few years this process has required quite a bit of time to ready the machines for sale. Unfortunately, the last few sales have seen very little interest in this equipment resulting in very little return on the investment of county staff to handle, store, move and prepare this hardware for sale. In addition, when this equipment is sold we have no way to ensure that it is properly disposed of according to state laws.

Many localities rely on recycling companies to pickup and dispose of their used electronic equipment to reduce impact on staff time, as many parts as possible are recycled and avoid disposal in any landfill. Most of these services do not pay the locality any money for the hardware and some charge a minimal fee to cover pickup and disposal. We polled Virginia localities for vendors and available services and found Creative Recycling, founded in 1994 and serving the eastern United States to be one of the few that do pay for the hardware. The 'rebate' is minimal and typically results in 15-20 cents per pound or $3-10 per machine depending on age and specifications. Creative Recycling is used by the school system as well as a few neighboring localities and will pick up the hardware once we have accumulated 150-200 machines. They also perform wiping of the data from the hard drives based on the National Institute of Standards and Technology's Sanitation Methods. We have provided Creative Recycling with a partial list of our current surplus inventory and based on this limited information they are estimating the rebate on this load to be between $500 and $750. Their service does not require a contract, although they can provide one if necessary and typically just involves a phone call for pickup once we have accumulated 150 to 200 machines.

RECOMMENDATION: The staff respectfully recommends and requests that the Board of Supervisors authorize the staff to begin utilizing Creative Recycling to dispose of all decommissioned electronic equipment.

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AUTHORIZATION TO SOLICIT 2012 GENERAL REASSESSMENT FIRMS

All real estate located in Franklin County is reassessed every four years. In order to meet the December 31, 2011, deadline for the creation of the Reassessment Book, fieldwork needs to begin July 6, 2010.

A draft of the general reassessment work schedule is attached showing the necessary tasks that must be accomplished by those dates in order to complete the entire reassessment process by February 21, 2012. The total cost of the reassessment is estimated to be $700,000.

The County has been budgeting $175,000 per year for the past two years towards the total cost. $175,000 is proposed in the FY'10-11 budget and the same amount will be proposed in FY'11-12 in order for the amount of $700,000 will be available to pay for the reassessment.

RECOMMENDATION:

Staff respectfully requests authorization to advertise and solicit proposals for the general reassessment of all real estate located in Franklin County.

(RESOLUTION #02-04-2010)

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

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

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GREENHOUSE ROAD – WATCH FOR CHILDREN SIGNS

Tony Handy, Resident Administrator, VDOT, shared with the Board a request made from several residents of Greenhouse Road (Route 839/936) in Franklin County. One of the items residents requested was "Watch for Children" signs. As per the Code of Virginia Section 33.1-210.02, the County by resolution may request the department to install such signs. Mr. Handy stated the Board would need to adopt a resolution supporting the request for VDOT to pursue the request further.

Mr. Handy stated the traffic count for Greenhouse Road was 400 vehicles per day. General discussion ensued.

David Cundiff, Union Hall District Supervisor, requested the Board to wait until after a May 4 meeting with Greenhouse Road residents before taking action.
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SECONDARY SIX-YEAR PLAN UPDATE TO MARCH 16, 2020

Tony Handy, Resident Administrator, VDOT, presented the Board with the draft plan for the Secondary Six-Year Plan as follows:

Virginia Department of Transportation

Rocky Mount Residency

April 20, 2010

TO : Richard E. Huff II; Franklin County Administrator

FROM : Tony Handy, PE, LS; Rocky Mount Residency Administrator

SUBJECT: **Franklin County Board of Supervisor's – Secondary Six Year Plan *Update to March 16th, 2010 BOS Meeting***

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 attached the following for your use:

1) Surplus funding from previous allocations and available funding in FY 11-16.
2) Unpaved Road 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) A listing of all Federal Eligible Routes.
4) List compiled in 2007 of projects that had previously been removed from the SSYP. This is not necessarily a complete listing of projects removed.
5) A copy of the FY 11-16 SSYP with projects that are currently on the plan.

I would recommend the following:

- Fund $250,000 the 1204007 Cost Center (County Wide Traffic Services) with available State. This will allow for small, site specific, spot improvements.
- Add unpaved roadway projects to fully allocate available and future unpaved road funds. Consider using available regular State funds to supplement unpaved road projects as needed.
- The Board use remaining State funding to overlay non-federal eligible secondary routes. We would work with the BOS to select the appropriate Routes to be paved each year. A good estimate to use is $90,000 / mile.
- Allocate the majority of available previous and future federal funds remaining to paving federally eligible secondary routes. Please refer to the list of Federal Eligible Routes that qualify. We would work with the BOS to select the appropriate Routes to be paved each year. A good estimate to use is $90,000 / mile.

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

Roads Eligible for Unpaved Road Funds (Previously Requested to be added to the SSYP)

District	Project	Route	From	To	Length (m)	Estimate	Est. - Rural Rustic	TC-04	TC-06	TC-08
UH	Greenhouse Road	839 / 936	671	ESM	0.91	$1,300,000	$400,000	80	80	390
UH	Edward	981	920	ESM	0.45	$800,000	$200,000	20	20	230
SC	Briar Mountain	929	756	ESM	1.60	$2,000,000	$600,000	90	90	230
SC	Franklin	931	715	ESM	0.50	$725,000	$225,000	50	46	150
SC	Campbell	620	611	969	0.30	$70,000		100	100	120
SC	Fawndale	719	609	715	0.52	$800,000		50	50	60
BR	Natures Own	712	748	ESM	0.20	$275,000	$80,000	30	30	50
BR	Raven	895	789	ESM	0.41	$750,000	$225,000	20	20	20
SC	Belcher	611	652	651	1.55	$2,000,000		50	50	10
BR	Ferrum School Road	748	40	40	0.65	$900,000	$300,000	60	40	30

Projects previously removed from the plan

BR	Griffith Hill	637	Removed from the plan in 2002 due to R/W issues
BW	Flanders	741	Removed from the plan in 2002 due to Budget
BR	Riverbrook	727	Removed from the plan in 2002 due to Budget/Environmental
BR	Walnut Knob	638	Removed from the plan in 2004 due to R/W issues
SC	Fawndale	719	Removed from the plan in 2005 due to Budget
SC	Belcher	611	Removed from the plan in 2007 due to Budget
Boone	Crowell's Gap	657	Removed from the plan in 2007 due to Budget
SC	Briar Mountain	929	Removed from the plan in 2007 due to Budget

Available Funding	
Previous Funding	$683,924
2012-2013	$52,407
2013-2014	$165,217
Total in plan	$901,548

Regular State Funds can also be used for Unpaved Roads (Total of $928,168)

Estimates were included for those projects which we had estimates from 2008 reviews
Project Estimates are very rough and will need to better refined prior to adoption of SSYP. They are provided here for planning purposes only.

Major Collector Roads Eligible for STP Federal Funding

Route	Name	From	To	Miles	VPD (2008)	District
602	Ferrum Mountain	40	641	8.67	1080	Blue Ridge / Blackwater
605	Henry	220	40W	12.76	1,100	Blue Ridge
606	Towne Creek/Henry Fork	605	Henry CL	1.51	980	Blue Ridge
613	Naff	220	Roanoke CL	4.95	1,400	Blackwater
616	Scruggs	122	834	0.77	8,300	Gills Creek
619	Sontag	220	890 W	11.77	2,500	Snow Creek
623	Fairy Stone Park/Union/Ingramville	805	Patrick CL	8.09	1,900	Blue Ridge
634	Harmony School	122	678 W	2.02	1,600	Gills Creek
634*	Hardy	Bedford CL	676	2.10	4,100	Boone
635	Bonbrook Mill	220	116	7.28	1,400	Boone / Gills Creek
636	Lost Mountain	122	676 N	2.87	2,500	Gills Creek
640	Six Mile Post	40 W	602	7.50	2,100	Blackwater
640	Scuffling Hill	40 W	WCL - Rocky Mount	0.68	1,900	Rocky Mount
641	Callaway	919	602	8.99	1,700	Boone
643	Coles Creek	641 W	739 S	1.76	1,200	Blackwater
646	Truevine	718 N	890	5.64	1,100	Union Hall / Snow Creek
655	Webster	40 E	834	3.57	1,100	Union Hall
670	Burnt Chimney	122	834	4.42	3,500	Gills Creek
676	Hardy	636 N	634	3.80	2,500	Gills Creek
678	Truman Hill	116	679E	3.23	980	Gills Creek
678	Edwardsville	680	634W	0.85	1,300	Gills Creek
679	Truman Hill	680	678 E	1.13	920	Boone
680	Edwardsville	678	679	1.21	1,200	Boone
684	Boones Mill	116	ECL - Boones Mill	6.16	1,500	Boone
697	Wirtz	220	122	5.19	3,400	Boone / Gills Creek
718*	Colonial	40	619 N	7.51	2,100	Union Hall / Snow Creek
739	Bethlehem	742 W	WCL - Boones Mill	8.78	2,000	Boone / Blackwater
767	Prillaman Switch	805	606	6.18	510	Blue Ridge
775	Iron Ridge	220	919	4.02	610	Boone / Blackwater
775	Iron Ridge	220	697	0.43	690	Boone
805	Fieldcrest	40	623	0.18	2,200	Blue Ridge
834	Brooks Mill	40 E	616	10.69	4,200	Union Hall / Gills Creek
860	Shooting Creek	40	Floyd CL	2.85	170	Blue Ridge
890	Snow Creek	40 E	619 W	20.53	1,500	Snow Creek
919	Grassy Hill	220	NCL - Rocky Mount	8.69	3,200	Boone / Blackwater
			Total Roadway Miles	186.78		

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
TeleFee	$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
Total	$166,519	$165,217	$165,217	$165,217	$165,217	$165,217	$992,604

Board Approval Date:

Residency Administrator Date

County Administrator Date

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

District: Salem
County: Franklin County
Board Approval Date:

2011-12 through 2015-16

Route PPMS ID Accomplishment Type of Funds Type of Project Priority #	Road Name Project # Description FROM TO Length	Estimated Cost Ad Date	Previous Funding SSYP Funding Other Funding Total	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS 2010-011	2011-12	2012-13	2013-14	2014-15	2015-16	Balance to complete	Traffic Count Scope of Work FHWA # Comments
Rt.0718	COLONIAL TURNPKE	PE $352,847										601
55471	0718033334	RW $80,816	$1,725,032		$0	$0	$0	$0	$0	$0		BRIDGE REPLACEMENT
CONTRACT	RTE 718 - BRIDGE REPLACEMENT	CON $2,309,994	$0		$0	$0	$847,705	$170,919	$0	$0		14009
BR/STP,STP	APPROACHES & BRIDGE OVER PIGG RIVER	Total $2,743,656	$1,725,032	$1,018,624	$0	$0	$847,705	$170,919	$0	$0	$0	State funds - AC for future federal conversion.
MIN PLAN,FED-AID,SECONDARY		11/12/2013										
0001.00	0.4											
Rt.0709	BLUE BEND ROAD	PE $20,680										50
67233	0709033P42	RW $0	$120,029		$1,739	$0	$0	$0	$0	$0		RESURFACING
SAAP CONTRACT	RTE 709 - RURAL RUSTIC ROAD (SURFACE TREAT NON-HARDSURFACE)	CON $203,243	$0		$0	$0	$0	$0	$0	$0		16007
S	ROUTE 919	Total $223,923	$120,029	$103,894	$1,739	$0	$0	$0	$0	$0	$102,155	
NO PLAN,SECONDARY	1.0 MILE WEST OF ROUTE 919	7/27/2010										
0002.00	1.0											
Rt.0783	ENDICOTT HILL RD	PE $15,674										50
72506	0783033P47	RW $0	$130,835		$75,905	$0	$0	$0	$0	$0		RESURFACING
SAAP CONTRACT	RTE 783 - RURAL RUSTIC ROAD (SURFACE TREAT NON-HARDSURFACE)	CON $102,568	$0		$0	$0	$0	$0	$0	$0		16007
S	ROUTE 40	Total $118,242	$130,835	($12,593)	$75,905	$0	$0	$0	$0	$0	($88,498)	
NO PLAN,SECONDARY	END OF MAINTENANCE	7/27/2010										
0003.00	1.2											
Rt.0728	LEANING OAK RD	PE $15,517										50
726	0728033P13	RW $0	$132,989		$60,672	$0	$0	$0	$0	$0		RESURFACING
SAAP CONTRACT	RTE 728 - RURAL RUSTIC RD (SURFACE TREAT NON-HARDSURFACE RD)	CON $101,784	$0		$0	$0	$0	$0	$0	$0		16007
S	ROUTE 739	Total $117,301	$132,989	($15,688)	$60,672	$0	$0	$0	$0	$0	($76,360)	
NO PLAN,SECONDARY	0.50 MILE SOUTH ROUTE 739	7/27/2010										
0004.00	0.5											
Rt.0970	WRIGHT ROAD	PE $12,696										50
72502	0970033P43	RW $0	$80,987		$0	$17,998	$0	$0	$0	$0		RESURFACING
SAAP CONTRACT	RTE 970 - RURAL RUSTIC ROAD (SURFACE TREAT NON-HARDSURFACE)	CON $67,784	$0		$0	$0	$0	$0	$0	$0		16007
S	ROUTE 613	Total $80,480	$80,987	($507)	$0	$17,998	$0	$0	$0	$0	($18,505)	
NO PLAN,SECONDARY	END OF MAINTENANCE	7/27/2010										
0005.00	0.5											

District: Salem

County: Franklin County

Board Approval Date:

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2011-12 through 2015-16

Route PPMS ID Accomplishment Type of Funds Type of Project Priority #	Road Name Project # Description FROM TO Length	Estimated Cost Ad Date	Previous Funding *SSYP Funding* *Other Funding* *Total*	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS 2010-011	2011-12	2012-13	2013-14	2014-15	2015-16	Balance to complete	Traffic Count Scope of Work FHWA # Comments
Rt.0643	ADNEY GAP ROAD	*PE* $14,717										50
72504	0643033P44	*RW* $0	**$137,195**		**$0**	**$0**	**$0**	**$0**	**$0**	**$0**		RESURFACING
SAAP CONTRACT	RTE 643 - RURAL RUSTIC ROAD (SURFACE TREAT NON-HARDSURFACE)	*CON* $102,784	**$0**		**$0**	**$0**	**$0**	**$0**	**$0**	**$0**		16007
S		*Total* **$117,501**	**$137,195**	**($19,694)**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**($19,694)**	
NO PLAN,SECONDARY	ROUTE 602											
0006.00	0.50 MILE EAST ROUTE 602	7/27/2010										
	0.5											
Rt.0732	BLANKENSHIP ROAD	*PE* $15,923										90
72505	0732033P45	*RW* $0	**$148,194**		**$0**	**$0**	**$0**	**$0**	**$0**	**$0**		RESURFACING
SAAP CONTRACT	RTE 732 - RURAL RUSTIC ROAD (SURFACE TREAT NON-HARDSURFACE)	*CON* $103,811	**$0**		**$0**	**$0**	**$0**	**$0**	**$0**	**$0**		16007
S		*Total* **$119,734**	**$148,194**	**($28,460)**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**($28,460)**	
NO PLAN,SECONDARY	ROUTE 641											
0007.00	END OF STATE MAINTENANCE	7/27/2010										
	0.9											
Rt.0634	HARDY FORD BRDG	*PE* $198,059										4100
58890	0634033349	*RW* $26,500	**$76,165**		**$0**	**$0**	**$0**	**$0**	**$0**	**$0**		BRIDGE REPLACEMENT
CONTRACT	RTE 634 - FRANKLIN CO. APPROACH TO HARDY FORD BRIDGE	*CON* $1,348,666	**$0**		**$125,822**	**$0**	**$0**	**$0**	**$0**	**$125,822**		14009
STP		*Total* **$1,573,225**	**$76,165**	**$1,497,060**	**$125,822**	**$0**	**$0**	**$0**	**$0**	**$0**	**$1,371,238**	Bridge and approach allocations are funded 50 / 50 % with Bedford County. PE funded in REDUX.
SECONDARY - ONE HEARING DESIGN	AT SMITH MOUNTAIN LAKE											
0008.00	(GOES W/ID 58885 & 62650; ACTIVITIES ON 62650)	1/8/2014										
	0.1											
Rt.0658	LISTENING HILL	*PE* $6,144										70
72576	0658033P46	*RW* $0	**$145,266**		**$0**	**$0**	**$0**	**$0**	**$0**	**$0**		RESURFACING
SAAP CONTRACT	RTE 658 - RURAL RUSTIC ROAD (SURFACE TREAT NON-HARDSURFACE)	*CON* $109,919	**$0**		**$0**	**$0**	**$0**	**$0**	**$0**	**$0**		16007
S		*Total* **$116,063**	**$145,266**	**($29,203)**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**($29,203)**	
NO PLAN,SECONDARY	0.49 MILE SOUTH ROUTE 912											
0009.00	END OF STATE MAINTENANCE	7/27/2010										
	0.6											
Rt.0687	ALEAN ROAD	*PE* $248,512										270
84934	0687033701	*RW* $25,751	**$275,210**		**$0**	**$0**	**$0**	**$0**	**$0**	**$0**		BRIDGE REPLACEMENT
CONTRACT	RTE 687 - REPLACE EXISTING ONE-LANE BRIDGE	*CON* $833,951	**$468,968**		**$300,000**	**$16,039**	**$58,478**	**$71,311**	**$96,461**	**$300,000**		16009
BROS		*Total* **$1,108,214**	**$744,178**	**$364,036**	**$300,000**	**$16,039**	**$58,478**	**$71,311**	**$96,461**	**$0**	**($178,253)**	
Minimum Plan	0.01 MI. NORTH ROUTE 691											
0010.00	0.70 MI. SOUTH ROUTE 689	10/8/2013										
	0.1											

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

District: Salem
County: Franklin County
Board Approval Date:

2011-12 through 2015-16

Route / PPMS ID / Accomplishment / Type of Funds / Type of Project / Priority #	Road Name / Project # / Description / FROM / TO / Length	Estimated Cost / Ad Date	Previous Funding / SSYP Funding / Other Funding / Total	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS 2010-011	2011-12	2012-13	2013-14	2014-15	2015-16	Balance to complete	Traffic Count / Scope of Work / FHWA # / Comments
Rt.0616	Scruggs Road	PE $72,837										8800
93277	0616033727	RW $48,100	$0		$1,302	$0	$0	$0	$0	$0		RECONSTR. WITH ADDED CAPACITY
CONTRACT	RTE. 616 - CONSTRUCT RIGHT TURN LANE AT INT. RTE. 122	CON $214,184	$0		$0	$0	$0	$0	$0	$0		
STP		Total $335,121	$0	$335,121	$1,302	$0	$0	$0	$0	$0	$333,819	24119
Minimum Plan	Intersection of Route 122											
0018.00	0.12 miles south of intersection of Route 122	7/7/2015										
	0.1											
Rt.8888		PE $0										0
-2585		RW $0	$0		$26,901	$147,219	$112,810	$0	$165,217	$165,217		
	FUTURE BUDGET ITEMS & PLANT MIX	CON $0	$0		$0	$0	$0	$0	$0	$0		
	VARIOUS LOCATIONS IN COUNTY	Total $0	$0	$0	$26,901	$147,219	$112,810	$0	$165,217	$165,217	($617,364)	State funds - AC for future federal conversion. FUNDS PLANNED FOR INCIDENTAL CONSTRUCTION WORK IN YR3-YR6.
9999.99												
Rt.8888		PE $0										50
-2584	8888888P88	RW $0	$0		$0	$0	$52,407	$165,217	$0	$0		
	FUTURE UNPAVED FUNDS: YR4-YR6	CON $0	$0		$0	$0	$0	$0	$0	$0		
	VARIOUS LOCATIONS IN COUNTY	Total $0	$0	$0	$0	$0	$52,407	$165,217	$0	$0	($217,624)	FUNDS PLANNED FOR UNPAVED ROADS IN YR5-YR6
9999.99												
Rt.4007		PE $0										0
-2581	1204007	RW $0	$156,153		$0	$0	$0	$0	$0	$0		
	COUNTYWIDE TRAFFIC SERVICES	CON $0	$0		$0	$0	$0	$0	$0	$0		
	VARIOUS LOCATIONS IN COUNTY	Total $0	$156,153	($156,153)	$0	$0	$0	$0	$0	$0	($156,153)	TRAFFIC SERVICES INCLUDE SECONDARY SPEED ZONES, SPEED STUDIES, OTHER NEW SECONDARY SIGNS
9999.99												
Rt.4005		PE $0										0
-2579	1204005	RW $0	$44,604		$0	$0	$0	$0	$0	$0		
	COUNTYWIDE ENGINEERING & SURVEY	CON $0	$0		$0	$0	$0	$0	$0	$0		
	VARIOUS LOCATIONS IN COUNTY	Total $0	$44,604	($44,604)	$0	$0	$0	$0	$0	$0	($44,604)	MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK.
9999.99												

District: Salem
County: Franklin County
Board Approval Date:

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2011-12 through 2015-16

Route	Road Name		Estimated Cost		Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS					Balance to complete	Traffic Count
PPMS ID	Project #												Scope of Work
Accomplishment	Description												FHWA #
Type of Funds	FROM				SSYP Funding		2010-011	2011-12	2012-13	2013-14	2014-15	2015-16	Comments
Type of Project	TO				Other Funding								
Priority #	Length			Ad Date	Total								
Rt.4003		PE	$0										0
-2577	1204003	RW	$0		$268,873		$0	$0	$0	$0	$0	$0	
	COUNTYWIDE RURAL	CON	$0		$0		$0	$0	$0	$0	$0	$0	
	ADDITIONS	Total	$0		$268,873	($268,873)	$0	$0	$0	$0	$0	$0	($268,873)
	VARIOUS LOCATIONS IN COUNTY												RURAL ADDITIONS - SECTION 33.1 -72.1. ROLLOVER OF FUNDS CAN BE FOR FIVE YEARS.
9999.99													
Rt.4002		PE	$0										0
-2576	1204002	RW	$0		$68,675		$0	$0	$0	$0	$0	$0	
	COUNTYWIDE PIPE &	CON	$0		$0		$0	$0	$0	$0	$0	$0	
	ENTRANCE	Total	$0		$68,675	($68,675)	$0	$0	$0	$0	$0	$0	($68,675)
	VARIOUS LOCATIONS IN COUNTY												INSTALLATION CHARGE FOR PIPES AT PRIVATE ENTRANCES AND OTHER MINOR DRAINAGE IMPROVEMENTS.
9999.99													

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CROWELL GAP

Ronnie Thompson requested an update from VDOT regarding Crowell Gap. Mr. Handy stated he would get the report back to the Board.

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DIAMOND AVENUE PROJECT

Tony Handy, Resident Administrator, VDOT, advised the Board VDOT's direction would be to incorporate a double box on Diamond Avenue Extension covering a 10 year flooding period. Mr. Handy requested the Board to replace $150,000 from within the 6-Year Secondary Road Plan and to replace these monies with State funds for this project.

The County, Town and VDOT have been working with the residents of Diamond Avenue and Highland Hills Road to address safety concerns due to flooding. There is an existing low water structure (4 lines of 24" corrugated metal pipe) that floods routinely. Heavy rainfalls in the past

have flooded the road and prevent residents from crossing the structure. There is an alternate access, which is private, that a citizen has been kind enough to allow use of during emergencies. We have been working to try and find a more permanent solution to the problem. We are proposing that a double 4'x6' box culvert be constructed, to include raising the roadway grades and installing new ditches along Diamond Avenue. The proposed plan would protect the roadway for the 10 year storm event.

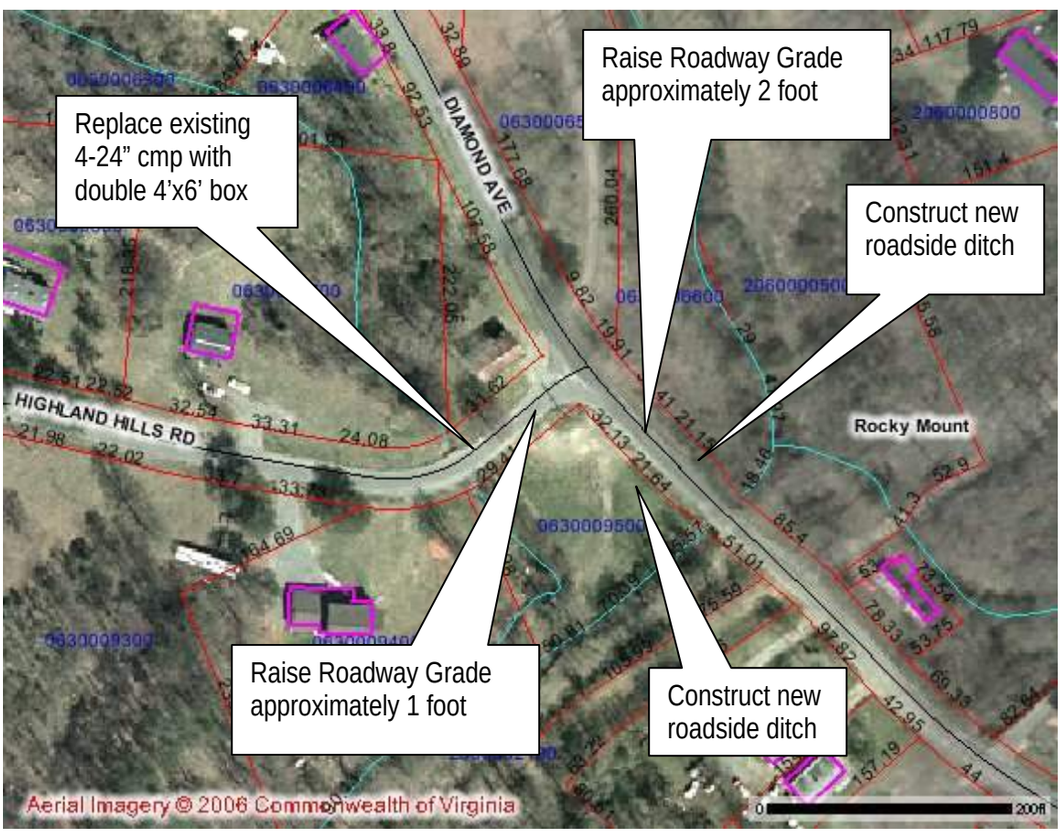
We estimate that our recommended improvements will cost approximately $150,000. We feel that these improvements will tremendously help alleviate the flooding issues on Diamond Avenue and Highland Hills Road.

The Franklin County Secondary Six-Year Plan currently has approximately $150,000 of funding available in "Countywide Traffic Services". These funds can be used for safety improvements on secondary routes in Franklin County.

REQUEST:

VDOT request BOS concurrence to fund approximately $150,000 for construction of the necessary drainage and safety improvements with existing funding from Franklin County's Secondary Six-Year Plan "Countywide Traffic Services".

Arial Photo of Proposed Work
Route 906 (Highland Hills Road) / 820 (Diamond Avenue)



(RESOLUTION #03-04-2010)
BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize VDOT to place the existing funding of $150,000 from the 6-Year Secondary Road Plan to be replaced with State Funds for the Diamond Avenue Project.

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

****

PRESCRIPTION DRUG AWARENESS PROGRAM
Sue Rogers, Assistant School Superintendent, presented the following PowerPoint presentation for the Board's consideration:

Prescription Drug Abuse on the Rise

A National Epidemic

Sue Rogers April 20, 2010

Prescription Drug Abuse

- Nearly **15.1** million Americans reported abusing prescriptions in 2005. This number is up from 7.8 million in 1992 revealing that prescription drug abuse has nearly doubled in 13 years

- Young adults ages **18-25 had the highest rates** of nonmedical use of prescription drugs in the past year, followed by adolescents 12 to 17 (2.5 percent at age 12, 13.9 percent at age 19, 8.1 by age 25)

Prescription Drug Abuse

- In 2005, the **most prevalent source** from which prescription drugs were obtained was from **a friend or relative for free.**
- There are as **many new abusers, ages 12 to 17**, of prescription drugs as there are of marijuana.
- Overall, males and females have roughly similar rates of nonmedical use of prescription drugs. **An exception is found among 12 to 17 year olds.** In this age group, females are more likely to use prescription drugs non-medically.
- **60% of teens** who have abused prescription painkillers did so **before age 15**

Factors Fueling the Epidemic

- Increase in the legitimate commercial production and disbursal of pharmaceutical drugs
- Increase in marketing to both the medical profession and the public
- Prescriptions written for controlled drugs increased more than 150% from 1992 to 2002 – almost 12 times the rate of increase in population and almost three times the rate of increase in prescriptions written for all other drugs

Two key factors driving prescription drug abuse among teenagers:

- An alarming number of teens have a **false sense of security** about the safety of abusing prescription medicine
  - 40% believe that prescription medicines are safer to use than street drugs
  - 29% believe prescription pain relievers are not addictive
  - "pharming" and/or mixing drugs and alcohol - unaware of the potentially severe drug interaction
- The **ease of access** to these drugs at home, a friend's house, or the Internet

Every day, 2,500 teenagers use a prescription drug to get high for the first time. They're accessing these drugs in the comfort of home; it can be as easy as opening a cupboard, drawer, or medicine cabinet. The good news – there are steps we can take to help protect our kids from prescription drug abuse: educate the community to monitor, secure and dispose their prescription drugs.

www.drugfree.org

+

What can we do as a community?

A collaborative public service education campaign

http://www.drugfree.org/NotInMyHouse/

+ Franklin County Prescription Drug Committee

- Franklin County C.S.A.
- Piedmont Community Service
- Carillion
- Department of Health
- Department of Social Service
- Franklin County Sheriff's Department
- Franklin County Public Schools
  - Student Members from
    - HOSA- Health Occupations Student of America
    - FCCLA- Family Career and Community Leaders of America

+ What is in the Works?

- Drug Collection Day
- Community Forums
- Drug Free Mentoring Grant

+ Resources

The Partnership for a Drug-Free America

www.drugfree.org

National Institute on Drug Abuse

Medscape Today

cme.medscape.com/viewarticle/562578

Addiction Technology Transfer Center Network

*www.**drug**rehabtreatment.com/prescription-abuse.html*

The Board was advised a Drug Give Back Day would be held for the disposal of expired date drugs, etc .
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EROISION & SEDIMENT CONTROL ORDINANCE DRAFT AMENDMENTS

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.

Additionally, concerns have been expressed about the requirement of a performance bond in association with the construction of a single family home. What staff has heard, is that many people have been borrowing the maximum amount that they are able to for his or her home and when faced with the requirement of a performance bond, are in a bind.

Staff has subsequently reviewed these matters and has prepared some analysis for the Board's consideration below.

CONSIDERATIONS:

Under the Code of Virginia localities have the ability to treat land disturbing activities associated with the construction of a single family home different from other land disturbing activities (ie. commercial activities, land preparation for future sites). Land disturbing activities associated with the construction of a single family home are eligible to obtain an erosion and sediment agreement in lieu of an engineered plan and are eligible to have the requirement of a performance bond waived. The items below address how the revised ordinance addresses this distinction:

Three questions need to be addressed with any land disturbance:

1) Does it require a permit?
2) Does it require a plan?
3) Does it require a performance bond?

When is a permit required?

1. Except as otherwise provided in this chapter, no land-disturbing activity shall commence prior to the issuance of a land-disturbing permit by the program authority.

2. A land-disturbing permit is required if:
(a) The area of land disturbance is 10,000 square feet or greater; or
(b) The area of land disturbance is 3,000 square feet or greater, and the area of land disturbance is located within 200 feet of any surface water.

3. A land-disturbing permit is not required if:
(a) The area of land disturbance is less than 10,000 square feet, and such area is located more than 200 feet from any surface water; or
(b) The area of land disturbance is less than 3,000 square feet, and such area is located within 200 feet of any surface water.

When is a plan required?

1. Except as otherwise provided in this chapter, no permit for land disturbing activity shall be issued without an approved erosion and sediment control plan.

2. An erosion and sediment control agreement may be substituted for an erosion and sediment control plan, under the following conditions:
a) The land disturbing activity is associated with the construction or location of a single-family residence; and
b) The area of land disturbance is less than one (1) acre; and
c) The area of land disturbance is located more than 200 feet from the shoreline of Smith Mountain Lake.

When is a bond required?

1. Except as otherwise provided in this chapter, no permit for land disturbing activity shall be issued without the submittal and acceptance of reasonable performance bond to secure the required erosion and sediment control measures. Such bond may take the form of surety, cash escrow, letter of credit, any combination thereof, or such legal arrangement acceptable to the program administrator.

2. For land disturbing activities that are associated with the construction or location of a single-family residence, an erosion and sediment control agreement may be substituted for a performance bond to secure the required erosion and sediment control measures. In cases where an erosion and sediment control plan is required, the erosion and sediment control agreement shall include the following:

a) The title of the erosion and sediment control plan;
b) The name of the plan preparer;

c) The date the plan was prepared;
d) The name and license number of the responsible land disturber; and
e) The signature of the property owner.

Staff has also had many conversations with the development community regarding existing policies that have been enacted when land disturbing activities occur without a permit or an approved plan. The current ordinance does not clearly state what processes/procedures are available to the county in such instances. Additionally, the current ordinance does not clearly state what processes/procedures are available to the county when land disturbing activities have not commenced for a long period of time following plan approval, or when land disturbing activities have begun, but for one reason or another have ceased prior to project completion. Staff has included revisions outlining steps to be taken when land disturbance has occurred without a permit, and language that allows staff to review the existing approved plan after such instances to determine whether or not the plan is still adequate/valid under the current local or state ordinances.

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, made a presentation before the Board of Supervisors in March, and now offers the accompanying draft erosion and sediment control ordinance revisions. Specifically, the changes to single family dwelling units relate to land disturbing activities which require a permit, which do not require a permit, which require an engineered erosion and sediment control plan, which do not require an erosion and sediment control plan, and when an erosion and sediment control agreement may be issued in association with the construction of a single family home.

Staff has also included other administrative changes to the ordinance that will better help staff and the development community understand the processes available to the county when land disturbing activities occur without a permit, as well as the processes available to the county when a developer does not begin land disturbance after a plan has been approved, or when land disturbing activities cease for a period of time.

In summary, please be advised staff has been made aware of increasing concerns from contractors and home owners regarding the requirement for engineered plans and performance bonds 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 single family dwelling would not require a performance bond, and whereby most single family dwellings would not be required to submit an engineered plan, but rather obtain an Erosion & Sediment Control Agreement. Should the Board so request, staff will offer any further analysis or recommendations regarding proposed changes.

Chapter 7

EROSION AND SEDIMENT CONTROL

Article I. In General

Sec. 7-1. Title of Chapter
Sec. 7-2. Local control program established.
Sec. 7-3. Definitions.
Sec. 7-4. Purpose of the chapter.
Sec. 7-5. Authority of the chapter.
Sec. 7-6. Applicability to Boones Mill ~~and Rocky Mount.~~
Sec. 7-7. Appeals from decisions under chapter.
Sec. 7-8. Violations of chapter—Penalty, injunctive relief, civil relief.
Sec. 7-9. Enforcement of chapter by legal action.
Sec. 7-10. Effect of compliance with chapter in proceedings for damages.
Sec. 7-11. Permit required for land-disturbing activities.
Sec. 7-12. Erosion impact areas.
Sec. 7-13. Shoreline protection required.
Sec. 7-14. Inspection of land-disturbing activities.
Sec. 7-15. Severability.
Sec. 7-16. Reserved.

Article II. Erosion and Sediment Control Plan for A Land-Disturbing Activity
Sec. 7-17. Erosion and sediment control plan required.
Sec. 7-18. Performance bond for land disturbing activities
Sec. 7-19. Submission and approval requirements.
Sec. 7-20. Standards to be used in preparation and consideration.
Sec. 7-21. Responsibility of property owner when work to be done by a contractor.
Sec. 7-22. Approval or disapproval.
Sec. 7-23. Changing an approved erosion and sediment control plan.
Sec. 7-24. Review Fee.

Article III. Alternative Inspection Program

ARTICLE I. IN GENERAL

Sec. 7-1. Title of chapter.

This chapter shall be known as the "Erosion and Sediment Control Ordinance of Franklin County, Virginia."
(Ord. of 5-19-1998)

Sec. 7-2. Local control program established.

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

Sec. 7-3. Definitions.

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

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

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

Board. The Virginia Soil and Water Conservation Board.

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

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

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

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

County. The County of Franklin.

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

Department. The department of conservation and recreation.

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

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

Erosion and sediment control agreement. A contract between the program administrator and the owner which specifies conservation measures which must be implemented in the construction or location of a single-family residence. (See Sec. 7-17 and Sec. 7-18)

Erosion impact area. An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to shorelines where the erosion results from wave action or other coastal processes.
Excavating. Any digging, scooping or other method of removing earth materials.

Filling. Any depositing or stockpiling of earth materials.

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

Land-disturbing activity. Any disturbance of land which may result in soil erosion from water or wind and the movement or sediment into water or onto land, including, but not limited to, clearing, grading, excavating, transporting and filling of land other than federal land, except that the term shall not include the following:

(1) Minor activities such as home gardens and individual home landscaping, repairs and maintenance work.

(2) Individual utility service connections.

(3) Installation, repair and maintenance of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced.

(4) Septic tank lines or drain fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.

(5) Surface or deep mining.

(6) Exploration or drilling for oil and gas including the well site, roads, feeder lines and off site disposal areas.

(7) Tilling, planting, or harvesting of agricultural horticultural, or forest crops, or livestock feedlot operations; including agricultural engineering operations as follows; construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (section 10.1-604 et seq.) of

Chapter 6 of this title, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally, or is converted to bona fide agricultural or improved pasture use.

(8) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.

(9) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles.

(10) Emergency work to protect life, limb or property and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

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

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

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

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

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

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

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

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

Program authority. Franklin County, Virginia.

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

Single-family residence. A noncommercial dwelling unit that is occupied exclusively by one family.

Stabilized. An area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

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

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

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

Town. An incorporated town.

Transporting. Any movement of earth material from one place to another, when such movement results in destroying the vegetative cover, either by tracking or the buildup of earth materials, to the extent that erosion and sedimentation will result from the area over which such transporting occurs.
(Ord. of 5-19-1998; Ord. of 9-26-2006)

Sec. 7-4. Purpose of chapter.

The purpose of this chapter is to conserve the land, water, air and other natural resources of Franklin County and the State of Virginia and to promote the health, welfare and convenience of county residents by establishing requirements for the control of erosion and sedimentation and by establishing procedures by which these requirements can be administered and enforced.
(Ord. of 5-19-1998)

Sec. 7-5. Authority for chapter.

This chapter is authorized by the 1950 Code of Virginia, as amended, title 10.1, chapter 5, article 4 (section 10.1-560 et seq.), known as the "Erosion and Sediment Control Law." Such law provides for a comprehensive statewide program, with standards and guidelines to control erosion and sedimentation, which is implemented on a local level.
(Ord. of 5-19-1998)

Sec. 7-6. Applicability to Boones Mill.

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

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

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

(b) Final decisions of the board of supervisors under this chapter shall be subject to review by Circuit Court of Franklin County, provided an appeal is filed within thirty (30) days from the date of any written decision by the Franklin County Board of Supervisors which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.
(Ord. of 9-26-2006)

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

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

(b) The county, district, or board may apply to the Circuit Court of Franklin County for injunctive relief to enjoin a violation or a threatened violation of the chapter, without the necessity

of showing that there does not exist an adequate remedy at law. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars ($2,000.00) for each violation.

(c) Civil penalties:

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

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

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

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

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

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

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

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

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

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

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

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

(4) Issue a stop work order by certified mail, return receipt required, requiring that all work on the site should be stopped until the corrective measures noted in the notice to comply are implemented. A maximum period of seven (7) days after the receipt of the order shall be allowed to correct the violations. In addition, the land-disturbing permit may be revoked

during this period until the corrective actions are taken. Should this permit be revoked, all construction work on the site shall be stopped. Upon the completion of the corrective actions, the stop work order is rescinded and the permit is reinstated.

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

(6) (Ord. of 5-19-1998)

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

The county attorney and/or commonwealth's attorney shall, upon request of the program authority, take legal actions to enforce the provisions of this chapter.
(Ord. of 5-19-1998)

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

Compliance with the provisions of this chapter shall be prima facie evidence, in any legal or equitable proceeding for damages caused by erosion, or sedimentation, that all requirements of law have been met and the complainant must show negligence in order to recover any damages.
(Ord. of 5-19-1998)

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

1. Except as otherwise provided in this chapter, no land-disturbing activity shall commence prior to the issuance of a land-disturbing permit by the program authority.

2. A land-disturbing permit is required if:
   (a) The area of land disturbance is 10,000 square feet or greater; or
   (b) The area of land disturbance is 3,000 square feet or greater, and the area of land disturbance is located within 200 feet of any surface water.

3. A land-disturbing permit is not required if:
   (a) The area of land disturbance is less than 10,000 square feet, and such area is located more than 200 feet from any surface water; or
   (b) The area of land disturbance is less than 3,000 square feet, and such area is located within 200 feet of any surface water.

(Ord. of 5-19-1998, Ord. of ???? 2010)

Sec. 7-12. Erosion impact areas.

In order to prevent further erosion, the program administrator may identify any land, whether or not disturbed by the building process, as an erosion impact area and require an approved erosion and sediment control plan.
(Ord. of 5-19-1998)

Sec. 7-13. Shoreline protection required.

Notwithstanding any other provision of this chapter, any person who conducts land-disturbing activities, any part of which is within two hundred (200) feet of frontage along state waters must obtain a land-disturbing permit and must, as a requirement of the land-disturbing permit, install and maintain appropriate shoreline protective measures which, as a minimum, shall protect the land area from erosion caused by wave action, water level fluctuation or other water movement, and shall also protect the water from siltation resulting from erosion of the shoreline, subject to the approval of American Electric Power and the U.S. Army Corps of Engineers.
A method of shoreline protection shall be proposed by the property owner or agent of the owner and shall be approved by the county based upon factors such as location of the property (i.e., main channel vs. cove), topography, existing natural protection such as rock, stable vegetation,

etc., and other factors as deemed pertinent. Installation of riprap shall be according to standards set out in this chapter in subsection 7-19(b) below.
It shall be the responsibility of the owner to consult with the U.S. Army Corps of Engineers for any requirements of that agency.
(Ord. of 5-19-1998)

Sec. 7-14. Inspection of land-disturbing activities.

(a) The program administrator shall provide for periodic inspections of land-disturbing activity either through the district or through county personnel. The district may inspect, monitor and make reports to the county, but enforcement shall be the responsibility of the program administrator. The program administrator may require monitoring and reports from the person responsible for carrying out the erosion and sediment control plan or erosion and sediment control agreement to insure compliance with the approved erosion and sediment control plan or erosion and sediment control agreement, and to determine whether the measures required in the erosion and sediment control plan or erosion and sediment control agreement are effective in controlling erosion and sediment. The owner, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors. Inspections shall be performed in accordance with the Virginia Soil and Water Conservation Board's approved Alternative Inspection Program (AIP) for Franklin County, approved February 1, 2008.

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

(c) Upon receipt of a sworn complaint of a substantial violation of this chapter from a designated inspector of the county or the district, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in subsection (b) above, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken, or, if land-disturbing activities have commenced without an approved erosion and sediment control plan or erosion and sediment control agreement, requiring that all of the land-disturbing activities be stopped until an approved erosion and sediment control plan, erosion and sediment control agreement, or any required permits are obtained. Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved erosion and sediment control plan, or any required permits, such an order may be issued whether or not the alleged violator has been issued a notice to comply order. The order shall be served in the same manner as a notice to comply and shall remain in effect for seven (7) days from the date of service, pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court of Franklin County. 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 erosion and sediment control 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 erosion and sediment control 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 erosion and sediment control 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 erosion and sediment control 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 erosion and sediment control 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 erosion and sediment control 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)

Sec. 7-15. Severability.

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

(Ord. of 5-19-1998)

Sec. 7-16. Reserved

ARTICLE II. EROSION AND SEDIMENT CONTROL PLAN FOR A LAND-DISTURBING ACTIVITY

Sec. 7-17 Erosion and sediment control plan required.

1. Except as otherwise provided in this chapter, no permit for land disturbing activity shall be issued without an approved erosion and sediment control plan.

2. An erosion and sediment control agreement may be substituted for an erosion and sediment control plan, under the following conditions:
   a) The land disturbing activity is associated with the construction or location of a single-family residence; and
   b) The area of land disturbance is less than one (1) acre; and
   c) The area of land disturbance is located more than 200 feet from the shoreline of Smith Mountain Lake.

Sec. 7-18 Performance bond for land disturbing activities.

1.

   Except as otherwise provided in this chapter, no permit for land disturbing activity shall be issued without the submittal and acceptance of reasonable performance bond to secure the required erosion and sediment control measures. Such bond may take the form of surety, cash escrow, letter of credit, any combination thereof, or such legal arrangement acceptable to the program administrator. Such bond shall be held by the program authority. In the event that the applicant fails to initiate or maintain appropriate conservation actions which may be

required of him by the approved erosion and sediment control plan, the county may utilize said bond to implement the appropriate conservation actions.
If the county takes such conservation action upon failure by the applicant or owner, the county may collect from the applicant or owner for the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within sixty (60) days of the achievement of adequate stabilization of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement or the unexpended or unobligated portion thereof, shall be refunded to the applicant or owner or terminated. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

2. For land disturbing activities that are associated with the construction or location of a single-family residence, an erosion and sediment control agreement may be substituted for a performance bond to secure the required erosion and sediment control measures. In cases where an erosion and sediment control plan is required, the erosion and sediment control agreement shall include the following:
   a) The title of the erosion and sediment control plan;
   b) The name of the plan preparer;
   c) The date the plan was prepared;
   d) The name and license number of the responsible land disturber; and
   e) The signature of the property owner.

Sec. 7-19. Submission and approval requirements.

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

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

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

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

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

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

(1) Construction, installation or maintenance of electric, natural gas and telephone utility lines and pipelines; and;
(2) Construction of the tracks, rights of way, bridges, communication facilities and other related structures and facilities of the railroad company.

(g) State agency projects are exempt from the provisions of this chapter.
(Ord. of 5-19-1998; Ord. of 7-18-2006)

Sec. 7-20. Standards to be used in preparation and consideration.

(a) The Virginia Erosion and Sediment Control Handbook and Virginia Erosion and Sediment Control Regulations shall be available at the program administrators office

and shall be used in preparing the erosion and sediment control plan required by this article. The county, in considering the adequacy of such erosion and sediment control plan, shall be guided by the standards set out in the handbook and regulations.

(b) Shoreline rip-rap shall be installed according to the following specifications, subject to approval under American Electric Power's Smith Mountain Lake Shoreline Management Plan:

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

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

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

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

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

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

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

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

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

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

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

(Ord. of 5-19-1998)

Sec. 7-21. Responsibility of property owner when work to be done by a contractor.

Whenever a land-disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of the required erosion and sediment control plan shall be the responsibility of the owner of the land.

(Ord. of 5-19-1998)

Sec. 7-22. Approval or disapproval.

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

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

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

(d) If action is taken by the plan approving authority within the time specified in subsection (a) above, and the erosion and sediment control plan is deemed disapproved, the applicant must resubmit within six (6) months following the date of disapproval, or the erosion and sediment control plan shall be deemed abandoned. If an erosion and sediment control plan is deemed abandoned, the applicant may resubmit the erosion and sediment control plan after the six (6) month period, however, the following shall apply:

(1) The erosion and sediment control plan will be subject to a new review and all applicable fees must be paid.
(2) The erosion and sediment control plan will be reviewed under the current Department of Conservation and Recreation regulations in place at the time of resubmittal.

(e) Should a land disturbing activity not begin within eighteen (18) months following erosion and sediment control plan approval, or after the erosion and sediment control plan is ready for approval but the plan approval authority has not received the required performance bond, the plan approval authority may evaluate the existing approved erosion and sediment control plan to determine whether the erosion and sediment control plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. Should the plan approval authority determine the erosion and sediment control plan is no longer valid, the erosion and sediment control plan shall be deemed abandoned. If an erosion and sediment control plan is deemed abandoned, the following shall apply:

(1) The erosion and sediment control plan will be subject to a new review and all applicable fees must be paid.
(2) The erosion and sediment control plan will be reviewed under the current Department of Conservation and Recreation regulations in place at the time of resubmittal.

(f) Should a land disturbing activity cease for more than 180 days, the plan approval authority may evaluate the existing approved erosion and sediment control plan to determine whether the erosion and sediment control plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. Should the plan approval authority determine the erosion and sediment control plan is no longer valid, the erosion and sediment control plan shall be deemed abandoned. If an erosion and sediment control plan is deemed abandoned, the following shall apply:

(1) The erosion and sediment control plan will be subject to a new review and all applicable fees must be paid.
(2) The erosion and sediment control plan will be reviewed under the current Department of Conservation and Recreation regulations in place at the time of resubmittal.

(Ord. of 5-19-1998)

Sec. 7-23. Changing an approved erosion and sediment control plan.

An erosion and sediment control plan that has been approved under this article may be changed by the program administrator in the following cases:

(1) Where inspection has revealed that the erosion and sediment control plan is inadequate to satisfy applicable regulations.

(2) Where the person responsible for carrying out the approved erosion and sediment control plan finds that because of changed circumstances or for other reasons the erosion and sediment control plan cannot be effectively carried out, and proposed amendments, consistent with the requirements of this chapter, are agreed to by the program administrator and the person responsible for carrying out the plan.

(Ord. of 5-19-1998)

Sec. 7-24. Review fee.

A plan review fee shall be paid to the county at the time of filing a erosion and sediment control plan under this article and prior to issuance of a land-disturbing permit or erosion and sediment control agreement. The maximum fee for any land-disturbing permit, regardless of

acreage, shall be three thousand dollars ($3,000.00). The fee shall be payable to the Treasurer of Franklin County in the amount required by a fee schedule adopted by the board of supervisors. (Ord. of 5-19-1998; Ord. of 7-18-2006)**Cross references:** Section 27-1, Fee Schedule.

ARTICLE III. ALTERNATIVE INSPECTION PROGRAM

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

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

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

IMPLEMENTATION:

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

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

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

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

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

BASIS FOR CLASSIFICATION: Project classifications shall be assigned to projects based on a preliminary site visit, plan review, and utilizing the Tabular Rating System:

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

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

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

FREQUENCY OF INSPECTIONS:

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

CLASS 1	At the beginning and completion of the project and every eight weeks.
CLASS 2	At the beginning and completion of the project and at least every five weeks.
CLASS 3	At the beginning and completion of the project and at least every two weeks.

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

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

(Ord. of ?-??-2010)

TABULAR RATING SYSTEM – EROSION AND SEDIMENT CONTROL

FRANKLIN COUNTY, VIRGINIA

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

OVERALL RATING **INSPECTION RETURN FREQUENCY**
(TOTAL OF THE ABOVE CATEGORIES)

If _____ is 26-33 then ____Once every two (2) weeks

If _____ is 20-26 then ____Once every five (5) weeks
If _____ is 13-19 then ____Once every eight (8) weeks
If _____ is 12 or less then ____Frequency based on criteria below

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

ProjectName:_____ApprovedBy:_____Date:_____

<u>(RESOLUTION #04-04-2010)</u>
BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing during the May 18, 2010 meeting.

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

****

<u>CHAPTER 25 – ZONING ORDINANCE R-1 (SUP) BOAT STORAGE DRAFT AMENDMENT</u>
Neil Holthouser, Director of Planning & Community Development Services, in March 2010, Bob Jeans, representing the Baywood Homeowners Association, requested the Board of Supervisors to consider amending the Franklin County Zoning Ordinance to permit common storage areas for boats, recreational vehicles, and trailers in the R-1 Zoning District. The Baywood Subdivision is located adjacent to Smith Mountain Lake in the Gills Creek Magisterial District.

Staff has reviewed this request and recommends the following amendments to Chapter 25, Zoning Ordinance:

<u>1)</u> Section 25-40. Principle definitions of the Zoning Ordinance

Storage- Boat, Recreational Vehicle, and Recreational Trailer: An area dedicated for the storage of boats, recreational vehicles, and recreational trailers; provided however that no storage shall be allowed within yards or setback areas required by other sections of this Zoning Ordinance.

<u>2)</u> Section 25-179. Special use permits (Agricultural District – A-1)
- Insert ***Storage-Boat, Recreational Vehicle, and Recreational Trailer*** as a use allowed by Special Use Permit

<u>3)</u> Section 25-223. Special use permits (Residential Suburban Subdivision District – R-1)
- Insert ***Storage-Boat, Recreational Vehicle, and Recreational Trailer*** as a use allowed by Special Use Permit

Staff suggests that ***Storage-Boat, Recreational Vehicle, and Recreational Trail*** be allowed by Special Use Permit in the A-1 and R-1 District because there are several areas, including single family subdivisions zoned A-1 and R-1, adjacent to and in close proximity to Smith Mountain Lake which may be appropriate for such storage areas if the appropriate conditions are attached to their approvals. Additionally, there are areas of Franklin County, where it may not be appropriate for such storage areas, or where the dynamics of the request dictate different conditions.

<u>RECOMMENDATION:</u> Staff requests the Board of Supervisors to review and consider the proposed amendments and provide direction. If the Board determines that the proposed amendments are in appropriate form, staff respectfully requests the Board to authorize staff to schedule a discussion with the Planning Commission in May. This would then allow a public hearing in front of the Planning Commission in June, and Board of Supervisors in July.

<u>(RESOLUTION #05-04-2010)</u>
BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve staff's recommendation as presented.

MOTION BY: Russ Johnson
SECONDED BY: Wayne Angell
VOTING ON THE MOTION WAS AS FOLLOWS:

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

OTHER MATTERS BY SUPERVISORS

APPOINTMENTS:

- *Southern Area Agency on Aging (Term Expires 5/31/2010) 3-Yr. Term*
- *Dan River ASAP (Term Expires 6/30/2010)*
- *Library Board – Blackwater District*
- *STEP, Inc. (Term Expires 6/30/2010)*
  - *1 – 2-Yr. Term*
  - *1 – 1 Yr. Term*
- *Patrick Henry Community College 4-Yr. Term (Term Expires 6/30/2010)* ***(See Attachment #2)***
- *Planning Commission*
  - *Snow Creek District*
- *Recreation Commission 3-Yr. Term (Term Expires 6/30/2010)*
  - *Blackwater District*
  - *At large Member*
- *Roanoke Valley Alleghany Regional Commission 3-Yr. Term (Term Expires 6/30/2010) 3 – Positions*
  - *2 Board Members*
  - *1 Staff Member*
- *Va. Roanoke River Basin Advisory (VRRBAC) 2-Yr. Term (Term Expires 6/30/2010)*
- *Social Services Board 4-Yr. Term (Term Expires 6/30/2010)*
  - *Union Hall District*
  - *Gills Creek District*
- *West Piedmont Business Development Center Board 3-Yr. Term (Term Expires 6/30/2010)*

(RESOLUTION #06-04-2010)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Michael Carter, to serve on the Patrick Henry Community College with said term to expire 6/30/2014.

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

(RESOLUTION #07-04-2010)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to reappoint Johnny Greer to serve on the Southern Area Agency on Aging with said term to expire Johnny Greer with said term to expire 5/31/2013.

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

(RESOLUTION #08-04-2010)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to reappoint Brandt Gawor to serve on the Dan River ASAP with said term to expire 6/30/2013.

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

(RESOLUTION #09-04-2010)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to reappoint Joey Cornwell, said term to expire 6/30/2012 and Florella Johnson with said term to expire 6/30/2011 on the Step Board.

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

(RESOLUTION #10-04-2010)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to reappoint Sherri Mitchell, Snow Creek District to serve on the Planning Commission with said term to expire 6/30/2014.

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

****

(RESOLUTION #11-04-2010)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to reappoint Russ Johnson, Ronnie Thompson, Charles Wagner (Board members) and Christopher Whitlow, (Staff member) to serve on the Roanoke Valley Alleghany Regional Commission with said terms to expire 6/30/2013.

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

****

(RESOLUTION #12-04-2010)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to reappoint Russ Johnson to serve on the Virginia Roanoke River Basin Advisory (VRRBAC) with said term to expire 6/30/2012.

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

****

(RESOLUTION #13-04-2010)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to reappoint Wendie Dungan, Union Hall District Representative to serve on the Social Services Board with said term to expire 6/30/2014.

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

****

LELAND MITCHELL, SUPERVISOR, SNOW CREEK DISTRICT

Chapter 13: Outdoor Occasion Ordinance Governing Racetracks/Requirement of Public Safety Squad

Mr. Mitchell stated he had been contacted last week by a citizen who expressed concern due to the lack of a rescue squad unit being present during the Callaway racing events. Mr. Mitchell requested the Board to consider the request. Staff will bring back to the Board a full report for further discussion.

****

BUDGET WORKSESSION

Richard E. Huff, II, County Administrator, presented an overview of budget working documents. Genera discussion ensued.

****

CLOSED MEETING

(RESOLUTION #14-04-2010)

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

MOTION BY: Russ Johnson
SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner
****

MOTION: Russ Johnson **RESOLUTION: #15-04-2010**
SECOND: Leland Mitchell MEETING DATE April 20, 2010

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;

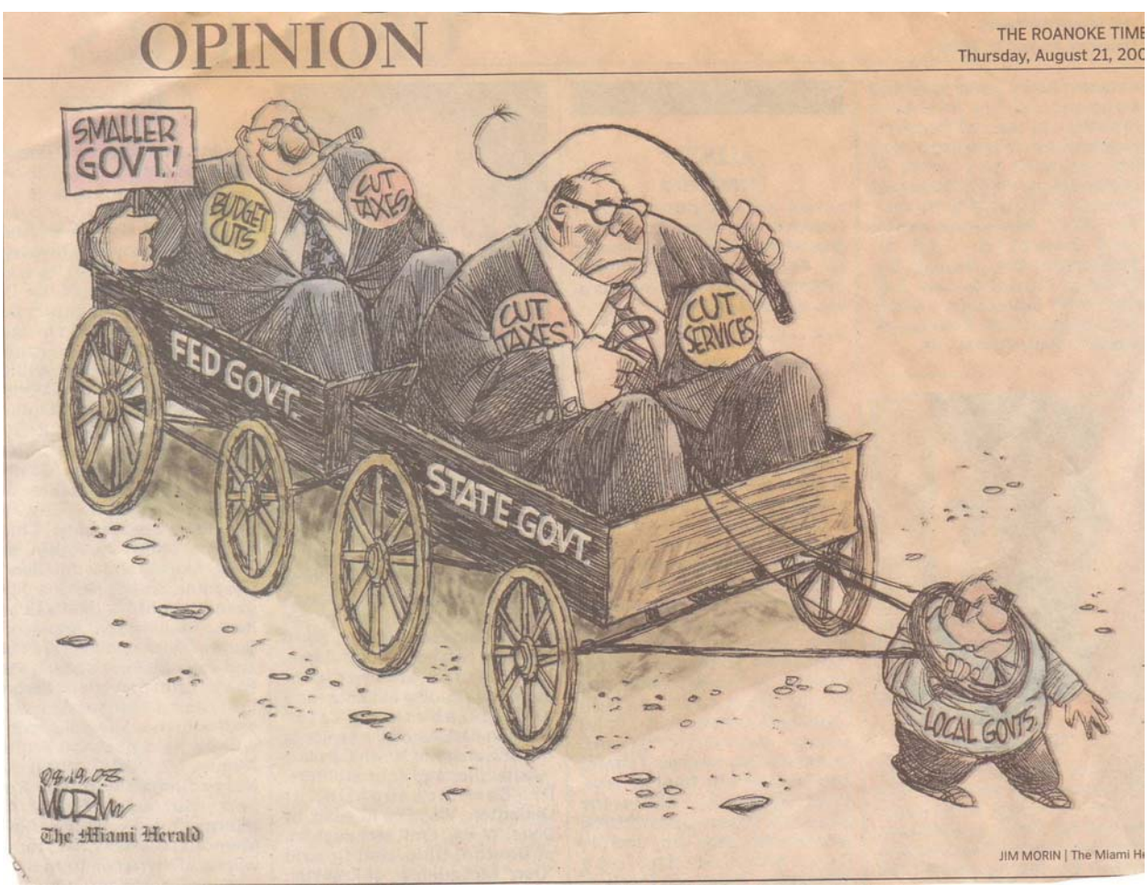
NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification 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, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner
NAYS: NONE
ABSENT DURING VOTE: NONE
ABSENT DURING MEETING: NONE
****

Chairman Wagner recessed the meeting.
****

Chairman Wagner called the meeting to order and recessed thereafter, for the previously advertised public hearing on the proposed FY'2010-2011 County Budget and Tax Levies held at the Franklin County High School Auditorium.
****

Richard E. Huff, II, County Administrator, presented the following PowerPoint Presentation regarding the proposed FY'2010-2011 County Budget and Tax Levies:



Franklin County
A Natural Setting for Opportunity

Proposed
Franklin County Fiscal Plan
2010-2011

April 20, 2010 Public Hearing
7:00 p.m.
Franklin County High School

Three Year Look Ahead

- **FY10-11** Budget Being Deliberated Now
  - Local Composite Index (LCI) Has Hold Harmless Clause
  - $2.3 million in Stimulus Funds Goes Away
  - Free & Reduced Lunches Increases to 48.9% of Students
  - Community Unemployment -9.5%
- **FY11-12** Reassessment Notices Go Out October, 2011, Effective January, 2012
  - LCI Hold Harmless Loses $296,167
  - Title I Stimulus is Eliminated $511,277
  - Title VI-B Stimulus is Eliminated $928,908
- **FY12-13** Tax Rate Set in April, 2012, to be Collected at Adjusted Rate in December, 2012 Due to Reassessment
  - LCI Hold Harmless Loses Another $296,167

What Have We Done?

- Combination of Sluggish Economy and State Cuts Necessitated the Following, Before We Look at Next Year:
  - $1,369,605 in reductions to absorb 4 rounds of state cuts on General Gov't Side.
  - Froze or Eliminated 19 Positions = $880,000 (7% of workforce)
  - Landfill Hours Reduced to Cut Overtime Expenditures (not staffed sufficiently for hours the landfill was open)
  - Work Schedule for Paramedic/Firefighters Adjusted to Reduce Overtime and More Part Time Made Available to Avoid Holiday and Compensatory Time Build Up
  - Reduction of non-essential transports at Aging Services
  - Reduction of some athletic teams and specialty events within the Parks and Recreation Department

What Have We Done?

- Eliminated all Non-Essential Out of Town Travel/Training
- Salaries Frozen since July, 2008 and Insurance Increases Passed on to Employees on General Gov't Side
- Reduced/Eliminated Uniform Allowances
- Reduced Operating Expenses in Local Jail Due to Regional Jail Opening
- Jointly Reduced Staffing at the Regional Jail and Juvenile Detention Center by 9% & 20% Respectively
- Schools Eliminated 18 positions, Made Cuts to Programs
- Schools Absorbed $648,000 in State Reductions in Current Year ($122,000 in Basic Aid/Sales Tax and $526,000 in Textbook Cuts)
- Expanded Use of Inmates (Work Release) to Assist With County Responsibilities

Proposed Revenues – FY11

REVENUES	FY 2009-2010 ADOPTED	FY 2010-11 PROPOSED	FY 2009-2010 / FY 2010-11 DIFFERENCE	% CHANGE
COUNTY FUNDS	55,715,668	58,304,332	2,588,664	4.65%
STATE FUNDS - COUNTY	15,234,738	15,174,041	-60,697	-0.40%
STATE SCHOOL FUNDS	40,918,853	34,809,638	-6,109,215	-14.93%
FEDERAL SCHOOL FUNDS	7,684,747	8,128,770	444,023	5.78%
LOCAL SCHOOL FUNDS	3,504,324	3,476,122	-28,202	-0.80%
FUND BALANCE, UTILITIES, COUNTY	813,155	205,123	-608,032	-74.77%
TOTALS	**123,871,485**	**120,098,026**	**-3,773,459**	**-3.05%**

Proposed Expenditures – FY11

EXPENDITURES	FY 2009-2010 ADOPTED	FY 2010-2011 PROPOSED	FY 2009-2010/2010-2011 DIFFERENCE	%	PERCENT OF TOTAL
SCHOOLS	81,424,672	78,008,602	-3,416,070	-4.20%	64.95%
JUDICIAL	2,611,872	2,378,970	-232,902	-8.92%	1.98%
PUBLIC SAFETY	12,673,336	12,601,465	-71,871	-0.57%	10.49%
PARKS, RECREATION & CULTURAL	1,816,886	1,742,623	-74,263	-4.09%	1.45%
HEALTH & WELFARE	10,871,595	11,065,318	193,723	1.78%	9.21%
PUBLIC WORKS	2,794,228	2,880,683	86,455	3.09%	2.40%
CAPITAL OUTLAY, UTILITIES, DEBT	5,560,721	5,653,461	92,740	1.67%	4.71%
GENERAL ADMINISTRATION	3,823,114	3,715,408	-107,706	-2.82%	3.09%
COMMUNITY DEVELOPMENT	2,295,061	2,051,496	-243,565	-10.61%	1.71%
TOTALS	**123,871,485**	**120,098,026**	**-3,773,459**	**-3.05%**	**100.00%**

What are The Challenges?

- Fuel Costs Increasing $400,000
- State Revenues Decreasing $6.1 million
- Local Revenues Decreasing $ 900,000
- Mandatory Local Government VRS Rates Increased $175,000 (12.41% to 14.15%) State set the rate for state employees at 7.13% to save money and cap reimbursement on Constitutional Officers
- Regional Jail Costs Increasing $130,000
- Loss of Federal Stimulus Funds $2.3 million
- Local Jail Reimbursement Down $135,000

9

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.

10

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.

11

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.

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School Board's Recommendation

County Funds				
9.52	Funds for Operations	25,678,551	28,000,506	2,321,955
9.53	Funds for Facilities	0	0	0
9.54	Funds for Debt Service	3,107,459	3,047,459	(60,000)
9.55	Funds for Future Debt Service	0	60,000	60,000
9.56	Funds for Windy Gap Capital Items	497,752	0	(497,752)
9.57	School Capital Funds to Operations	0	220,000	220,000
9.58	Funds Reserved for Future School Capital Projects to Operations	0	615,076	615,076
9.59	Energy Fund Carryover to Operations for Electricity	0	199,874	199,874
9.60	Less Requested Local Effort Credit to be Paid by Franklin County	0	0	0

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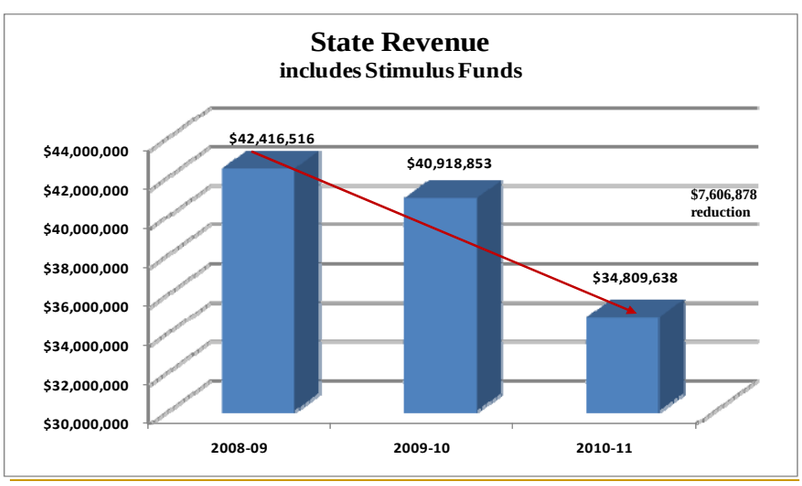
School Funding History



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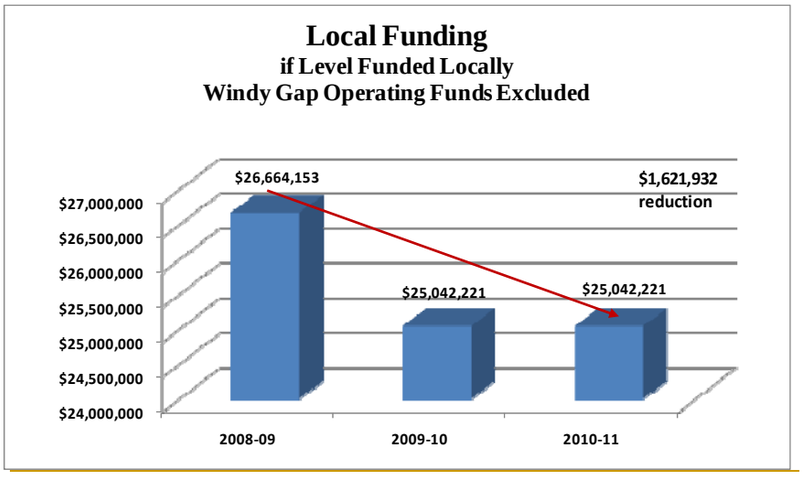
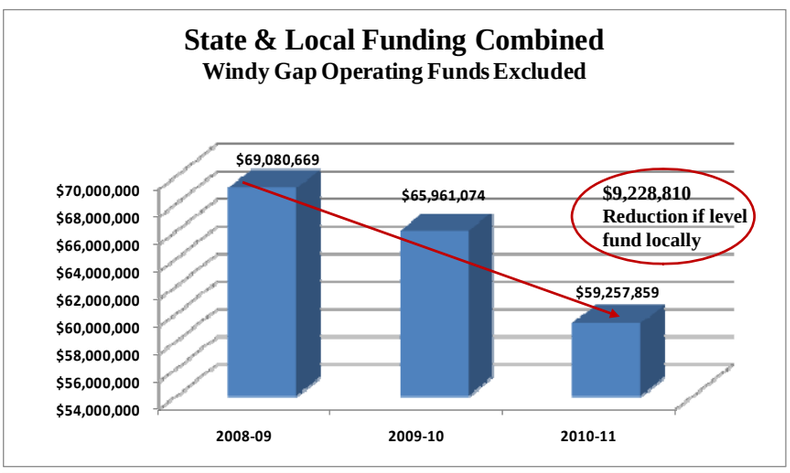
School Funding History



School Funding History



If the County Does Nothing to Assist Schools…

Fiscal Year	State Funds*	Local Funds**	State & Local Funding	Difference
2008-09	$42,416,516	$ 26,664,153	$ 69,080,669	
2009-10	$40,918,853	$ 25,042,221	$ 65,961,074	$(3,119,595)
2010-11	$34,809,638	$ 25,042,221	$ 59,851,859	$(6,109,215)
				$(9,228,810)

*includes stimulus

** assumes level local funding and & separates out Windy Gap Elem.

Assumes Windy Gap Elem School Operating Funds are excluded from analysis of operating funds left for all other operations

With Recommended Increase

Fiscal Year	State Funds*	Local Funds	State & Local Funding	Difference
2008-09	$42,416,516	$ 26,664,153	$ 69,080,669	
2009-10	$40,918,853	$ 25,042,221	$ 65,961,074	$(3,119,595)
2010-11	$34,809,638	$ 27,877,297	$ 62,686,935	$(3,274,139)
*includes stimulus				**$(6,393,734)**
Without Windy Gap				

Budget Development Priorities

- Hold core services (Law Enforcement, Public Safety, Education, Aid to Children) intact as much as possible
- **Eliminate the use of one time funds** to support on-going expenses – This is exactly what has gotten the state into the problem they are in by back filling cuts with one time Stimulus Dollars
- The recommended budget needs to address two budget years in terms of structural changes and anticipating the economy not rebounding significantly in the next 24 months
- Everyone needs to share in the solution
- Do not jeopardize the County's AA3 Bond Rating

Budget Recommendations- General Gov't

- Operating (non personnel) Budgets Were Significantly Reduced
  - County Admin. – 16.62%
  - Commissioner of Revenue – 11.25%
  - Finance – 11.44%
  - Human Resources – 25.77%
  - Building Inspections – 12.4%
  - Parks & Rec – 15.23%
  - Planning & Comm Dev – 29.05%
  - Franklin Center - 14.11%
  - GIS - 17.62%
  - Outside/External Agencies – 5% overall

Budget Recommendations – General Gov't

- Eliminate 10 positions in FY 11 Budget
- Reinstate 2 vacant Deputy Sheriff positions to bring law enforcement back closer to full staffing
- Fully fund the Department of Social Services' request to cover the costs of expanding demands on services in spite of withdrawal of support from state funding sources
- Cover an anticipated surge in Comprehensive Services Act (CSA) requests for local dollars due to state expanded eligible population and a shifting to the localities of a greater share of the costs associated with severe cases that require residential treatment

Budget Recommendations – General Gov't

Economic Development

- Establish a Board of Supervisors' **Job Creation Fund** to improve the County's competitiveness in aggressively pursuing new jobs for our community. These funds will be directed by the BOS to match Governor's Opportunity Fund and Tobacco Fund Incentives, marketing, and private sector interest generation in product development
- Increase the Funding Support for **Infrastructure Development and Business Creation Fund**
  - Could piggyback Congressional request that has been submitted for additional Public Safety tower sites for private sector partnership for broadband deployment
  - Could use to enhance Congressional request that has been submitted to get the gas line project "shovel ready" through engineering plans completion

Budget Recommendations - Schools

- Fund $2,000,000 in additional local dollars for operations
- Reserve the $615,076 in remaining FY10 capital dollars in the School Capital Fund
- Fund $615,076 request in school operating with recurring local dollars, **not one time dollars**
- Retain the $199,874 in energy reserve in the School Capital Fund as an emergency reserve. *The anticipated 17% increase in AEP rates should be closer to 3% per the SCC recommendation and can be absorbed, especially with E (Environmental) Charge coming off in January, 2011*

Budget Recommendations - Schools

- Allow $220,000 of CIP money ($1.1 million) to be permanently moved to operations and reduce CIP Allocation in future years to $880,000 until funds are available to increase. *This fund needs more financial support in the future in light of aging buildings and infrastructure it must cover*
- Buses - Recommend $160,000 of recurring money to be added to $615,076 Capital carryover to be held for buses and recurring stream be increased in future years as funds are available. *Not buying buses will create a backlog at some point that will be difficult to deal with. Carryover should also be prioritized here as well*

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Budget Recommendations - Schools

- These recommendations will fund within $300,000 of the School Board's recommended budget which is $2,835,076 more than level funding
- Preliminary indications are, unless a program is being eliminated and the employee is not certified or qualified to fill another position, no employees should lose an existing job except for poor performance
- School Employees Must Be Required to Contribute 2% of Salary for VRS Pension Benefits, the Same as General Gov't Employees

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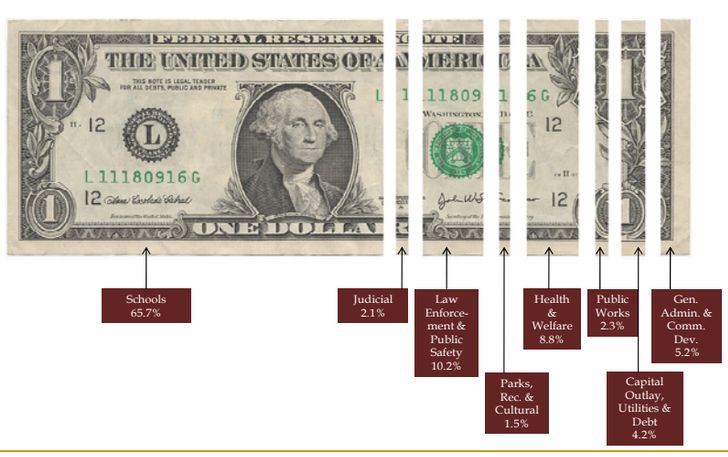
Franklin County FY 10-11 Proposed Budget Expenditures



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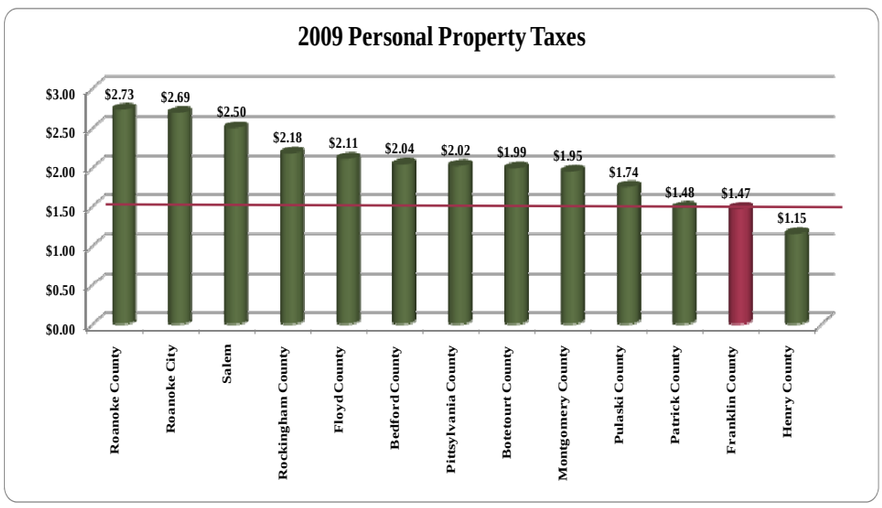
How Do We Get to a Fair & Equitable Budget Balancing Strategy?

- In spite of expenditure line item cuts made, positions eliminated, take home pay reductions, and reduced services, additional revenues will be required to fund this recommended budget
- The first proposal is to increase Personal Property Tax by 25 cents per $100 value



Personal Property – 25 cent increase in Rate

Franklin County
Personal Property Increase Scenario

Current Calculations	Cost	Loan Value	Adjusted Value	Current Tax $1.89	Current PPTRA	Net Tax Due
Vehicle 1	10,000.00	0.78	7,800.00	147.42	87.73	59.69
Vehicle 2	10,000.00	0.78	7,800.00	147.42	87.73	59.69
Total Tax Due for Two Vehicles						119.38

Proposed Increase Scenario	Cost	Loan Value	Adjusted Value	Proposed Tax $2.14	Current PPTRA	Net Tax Due
Vehicle 1	10,000.00	0.78	7,800.00	166.92	87.73	79.19
Vehicle 2	10,000.00	0.78	7,800.00	166.92	87.73	79.19
Total Proposed Tax Due for Two Vehicles						158.38
Yearly Increase for two Vehicles						39.00
Monthly						3.25

Personal Property – 25 cent increase in Rate

- $1.89 to $2.14 for everything except - - -
- Holds the rate at $1.89 (current) for personal property, classified as heavy construction machinery, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers owned by businesses pursuant to the authority of 58.1-3508.2 of the Code of Virginia, as amended.

How Do We Get to a Fair & Equitable Budget Balancing Strategy?

- In spite of expenditure line item cuts made, positions eliminated, take home pay reductions, and reduced services, additional revenues will be required to fund this recommended budget
- The second proposal is to increase the Real Estate Tax Rate by 3 cents per $100 value.

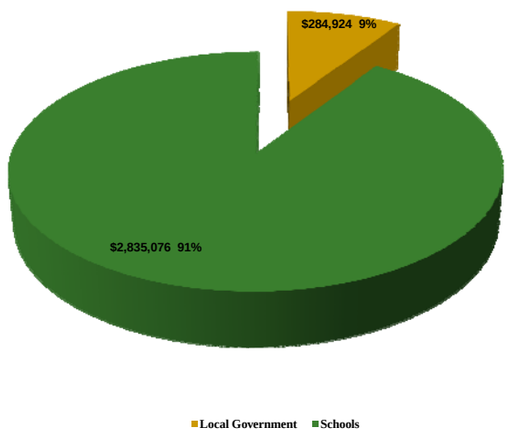
Real Estate – 3 cents increase in Rate

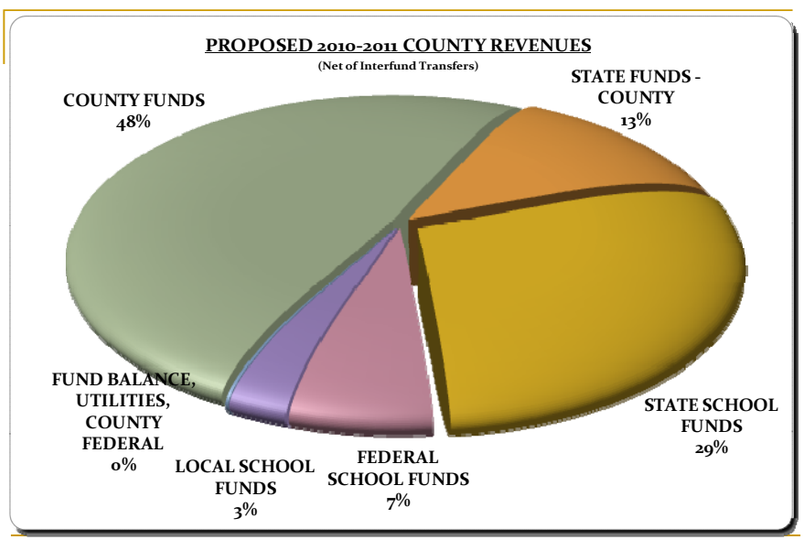
Real Estate Assesment	Real Estate Tax -Current $.46/$100 value	3 penny increase $.49/$100 value Generates $2,160,000	Difference Annually	Difference Monthly
$ 175,000	$ 805.00	$ 857.50	$52.50	$4.38
$ 200,000	$ 920.00	$ 980.00	$60.00	$5.00
$ 225,000	$ 1,035.00	$ 1,102.50	$67.50	$5.63
$ 250,000	$ 1,150.00	$ 1,225.00	$75.00	$6.25
$ 275,000	$ 1,265.00	$ 1,347.50	$82.50	$6.88
$ 300,000	$ 1,380.00	$ 1,470.00	$90.00	$7.50

Real Estate – 3 cents increase in Rate - Agricultural Example

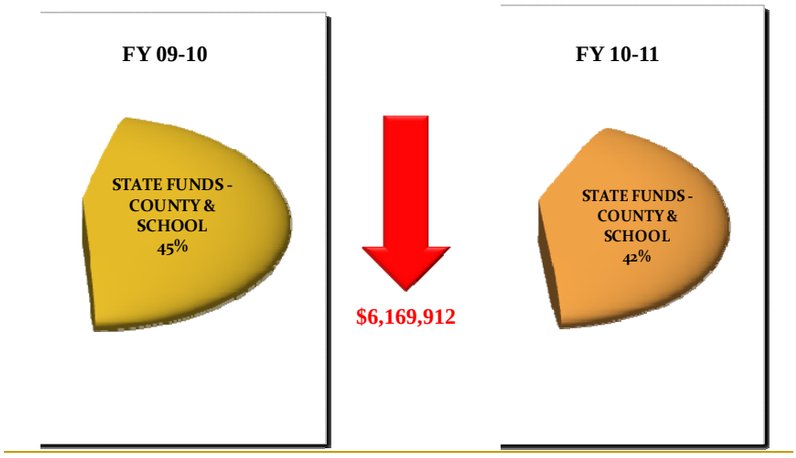
Agricultural Example	Real Estate Assessment	Current Tax Paid @ $.46	Proposed Tax @ $.49	Annual Difference	Monthly Difference
150 acres x $550/acre crop land use value =	$ 82,500.00	$ 379.50	$ 404.25	$ 24.75	$ 2.06
150 acres x $300/acre pasture land use value =	$ 45,000.00	$ 207.00	$ 220.50	$ 13.50	$ 1.13

Where Did the Tax Increase Go?





State Support Drops Significantly…



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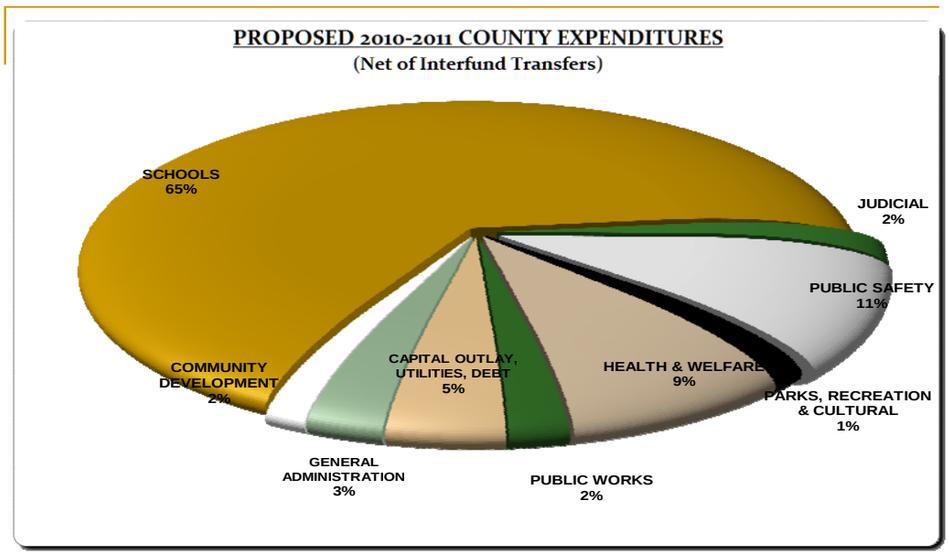

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Franklin County
A Natural Setting for Opportunity

Comments from the Public…

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PUBLIC NOTICE
FRANKLIN COUNTY, VIRGINIA
A HEARING ON THE PROPOSED COUNTY BUDGET FOR FY' 2010-11 BUDGET

In Accordance with Sections 15.2-2503 and 15.2-2506 of the Code of Virginia, as amended, on ***Tuesday, April 20, 2010, at approximately 7:00 P.M.*** or soon thereafter the Franklin County

Board of Supervisors will conduct a hearing on the proposed 2010-2011 County budget at the Franklin County High School Auditorium in Rocky Mount, Virginia.

On ***Tuesday, April 27, 2010, at approximately 6:00 P. M***., the Board will meet in the Franklin County Board of Supervisors Meeting Room in the Franklin County Government Center to consider the adoption of the FY' 2010-2011 budget and to set the appropriate levies subject to local taxation. The following synopsis of the budget is provided for fiscal planning purposes only. No entry in the budget constitutes an obligation on the part of the County until such funds are appropriated by the Franklin County Board of Supervisors.

SYNOPSIS OF THE PROPOSED BUDGET FOR FISCAL YEAR 2010-2011

Expenditure Function	Proposed Expenditures	Percent of Budget
General and Financial Administration	$3,715,408	3.1%
Judicial System	2,378,970	2.0%
Public Safety	12,601,465	10.5%
Public Works	2,880,683	2.4%
Health and Welfare	11,065,318	9.2%
Schools	78,008,602	65.0%
Recreation and Cultural	1,742,623	1.5%
Community Development	2,051,496	1.7%
Debt Service	1,636,833	1.4%
Non-Departmental	260,000	0.2%
Capital Outlay	3,295,501	2.7%
Utilities	461,127	0.3%
Sub-Total	$120,098,026	100.0%
Transfers Between Funds	38,013,101	
Total	$158,111,127	

Revenue Function	Proposed Revenues	Percent Of Budget
County Funds	$58,304,332	48.5%
State Funds – County	15,174,041	12.6%
State School Funds	34,809,638	29.0%
Federal School Funds	8,128,770	6.8%
Local School Funds	3,476,122	2.9%
Capital Fund and Utilities	5,500	0.0%
Federal Revenues - County	199,623	0.2%
Sub-Total	$120,098,026	100.0%
Transfers Between Funds	38,013,101	
Total	$158,111,127	

COUNTY OF FRANKLIN
PUBLIC NOTICE
HEARING ON SETTING OF TAX LEVIES

In accordance with Sections 15.2-1427 and 15.2-2507 of the Code of Virginia, as amended, notice is hereby given that the Franklin County Board of Supervisors will conduct a public hearing on ***Tuesday, April 20, 2010***, at approximately ***7:00 P. M.*** in the Franklin County High School Auditorium, Rocky Mount, Virginia.

A HEARING TO SET TAX LEVIES FOR THE FOLLOWING CLASSES OF PROPERTY:

1. Setting a tax levy of $.49/$100 of assessed value on real estate, public service corporation property, and mobile homes; pursuant to the authority of 58.1-3200, 58.1-3201, 58.1-3202, 58.1-3203, 58.1-3204, 58.1-3205 of the Code of Virginia, as amended.

2. Setting a tax levy of $2.14/$100 of assessed value on personal property, pursuant to the

authority of 58.1-3500, 58.1-3501, 58.1-3502, 58.1-3503, 58.1-3506 of the Code of Virginia, as amended.

3. Setting a tax levy of $1.89/$100 of assessed value on personal property, classified as heavy construction machinery, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers owned by businesses pursuant to the authority of 58.1-3508.2 of the Code of Virginia, as amended.

4. Setting a tax levy of $0.60/$100 assessed value on machinery and tools based on original cost and declining depreciation over a 7-year period. By the seventh year of depreciation, the effective rate is $0.27 per $100 assessed value. This rate is levied pursuant to the authority of 58.1-3507(B) of the Code of Virginia, as amended.

5. Setting a tax levy of $1.08/$100 of assessed value on merchants' capital, pursuant to the authority of 58.1-3507, 58.1-3508, 58.1-3509, and 58.1-3510 of the Code of Virginia, as amended.

6. Interest at an annual rate of ten percent (10%) per annum shall be charged on any unpaid taxes commencing the first day of the first month following the due date of the unpaid taxes.

Chairman Wagner opened both public hearings as advertised.
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THE FOLLOWING PEOPLE ADDRESSED THE BOARD, WITH THEIR COMMENTS OF SUPPORT/OPPOSITION REGARDING THE PROPOSED FY' 2010-2011 COUNTY BUDGET AND PROPOSED TAX LEVIES FOR THE CLASSES OF PROPERTY, AS ADVERTISED:

Darrell Reynolds	Opposed
Steve Angel	Support
Mary Edwards	Support
Kathleen Conway	Support
Emma Webb	Support
Michelle Skeen, Brain Injury Services	Support
Leanne Worley	Support
Eric Ferguson	Support
Reed Hodges	Opposed
Charles Lackey	Support
Ray Board	Support
Guy Buford	Support
Deb Decker	Support
Oscar Pagans	Opposed
Patrick Arentz	Opposed
Dr. Holly Hartman	Support
Carl Simpson	Support
Tom Joyce	Support
Delia Heck	Support
Heather Owen	Support
David Campbell	Support
Brian Luckett	Support
Carlton Wilkes	Support

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The Public Hearings were closed.
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Chairman Wagner recessed the Board of Supervisors meeting until Tuesday, April 27, 2010 @ 6:00 P.M. at the Franklin County Government Center.

CHARLES WAGNER	RICHARD E. HUFF, II
CHAIRMAN	COUNTY ADMINISTRATOR