

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON MONDAY, JANUARY 18, 2011, 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
 Russell Johnson, Vice-Chairman
 Ronnie Thompson
 David Cundiff
 Wayne Angell
 Leland Mitchell
 Bobby Thompson

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

Richard E. Huff, II, County Administrator, called the meeting to order.

Invocation was given by Supervisor Bobby Thompson.

Pledge of Allegiance was led by Supervisor Bobby Thompson.

PUBLIC COMMENT:

Reed Hodges, a Snow Creek District Citizen, presented a petition of individuals opposing the proposed Transitional Home on St. Rt. 619.

Mr. Chairman and other board members, my name is Reed Hodges and I live in the Sontag community. I grew up there and plan on spending the rest of my life there. I have 3 small children, married and own a new home in the area. I wanted to spend the next few minutes to explain what STEP, Inc. has plans to do in the Sontag area. My ultimate goal today is to pass on these signatures to the board, so therefore these signatures will not be just signatures, but voices in their own right. I also want to clarify, for those of you who don't know, what has happened and is happening now and what the future of Sontag holds if the proposed "Homeless Housing Project" does come to this neighborhood. When the rumor mill first started about this project nobody knew anything, we didn't know if this was serious or not. The following week Jon Morris, Executive Director for STEP, placed an article in the Franklin News Post stating that there was to be a "transitional" home placed in Sontag on Sontag Road. I and some of the neighbors had some deep concerns, so I called Jon Morris and talked to him about it and told him some of my concerns which were:

1. Property values decreased
2. How well STEP will keep up the property
3. What kind of residents will be living there
4. Safety for the neighbors
5. How will this affect our Recreation Park and the elementary school
6. Why were the Dent Street residents opposed to this project so strongly

I also explained to him that I understand that without STEP in the county that certain programs, such as hot meals for seniors and head start, would not have the funding it needs to succeed. But on the other hand some of those people that these organizations have helped in the past don't need help and is this going to be for someone that truly needs assistance or will it be for someone that is "working the system"? I explained to him that a lot of the residents here don't like shucking our tax dollars out to people that just stand around to collect all those free handouts. We talked for about an hour and I came to the conclusion that the story was being "sugarcoated" a whole lot, that he didn't have the answers for the tough questions. I knew there was more to it than this simple plan he had laid out. Since that conversation I have learned that the land, so far, has not actually been sold. That this land was put under contract for the purpose of another project then under handily got turned into this, I think to trick the residents. When I found out all this alarming information I then started to contact the board members for STEP I called them all, left messages with some, some weren't on the board any longer, and some I got to talk to. Out of all the STEP board members I talked to they all had one thing in common, nobody knew what was going on. They didn't know any details, they couldn't tell me whether this would be an overflow for shelters

from Roanoke and Martinsville, or was this something to help the people in our community that truly needed help. I went and talked to 3 people that live on Dent Street and they explained to me that those apartments there that STEP owns are not well run; they have drug activity after hours along with people walking the streets after dark, "very scary" as one resident quoted.

In conclusion, I want to thank you for your time today and letting me to have a voice for all those concerned citizens in our community. I want to stress to you all the strong opposition I get from every person I talked to, there responses ranged from are they using my tax dollars to fund this project, and is this safe and thought out, or is this going to be another "handout" program. I want you all to think would you want this in your neighborhood and can we trust that this project won't turn into most of the other good projects that turn bad for the people living nearby. Jon Morris has gone back and forth from this is a transitional house to the next week that this is not a transitional house. Most of the residents knew nothing of this project until I came to tell them the details, at no time has STEP tried to explain anything to anybody, no community meeting and no information whatsoever. We are tired of these organizations "stepping on our toes" to supposedly help the community. If the residents truly think that they are helping our community then we wouldn't be getting a petition up and I wouldn't be going door to door to explain this situation. If an organization wants to do good for our community then don't treat us like dummies, simply explain to us what you will be doing, don't buy land underhanded, lie to the people, and just be all around sneaky about it. I really want to stress that these signatures are from neighbors, we didn't travel out of the community to get any signatures, these petitions seem small but when you think of the area, these petitions are actually quite large in numbers. Thank you again for you time.

CONSENT AGENDA

APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – DECEMBER 21, 2010 & JANUARY 3, 2011

APPROPRIATIONS

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Public Safety	RSAF Grant	3505- 7003	67,184.00
Utility	Wirtz Road DEQ Reimbursement	50- 0186	120,946.01
Public Safety	Training Grant from Office of Emergency Services	3505- 5540	510.00
Economic Development	Tobacco Commission Funds	8105- 5905	150,000.00
Tourism	Arts Commission Grant	8110- 5810	5,000.00
E911	Wireless Board Grant for E911 Phone System Replacement	30- 0160	300,000.00
	Total		\$643,640.01

Transfers Between Funds or Departments

None

PUBLIC HEARING FOR THE MOVE OF ROCKY MOUNT EAST PRECINCT

The Rocky Mount East Precinct is currently located in the National Guard Armory Building, located at 280 Tanyard Road, Rocky Mount, VA 24151.

The Franklin County Electoral Board request to change the address of the Rocky Mount East polling place from 280 Tanyard Road, Rocky Mount, to the Rocky Mount First Church of the Brethren located at 405 Tanyard Road, Rocky Mount. The Electoral Board and Registrar feel that the location, parking, and traffic flow would make for a much safer and handicap accessible environment for voters. If approved the Department of Justice would require pre-clearance under Section 5 of the Voting Rights Act of 1965. Section 5 applies to any change affecting voting, such as a move or change of the polling place. Virginia Election Law 24.2-306 and 24.2-307 requires notice to be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. Notice of any adopted change shall be mailed to all registered voters at least 15 days prior to the next general election, special or primary in which the voters will be voting.

The cost estimate for the mailing of voter card notices to each voter (1364) totals \$795.00 for postage and envelopes.

RECOMMENDATION:

The Franklin County Electoral Board and Voter Registrar respectfully request the Board of Supervisors to authorize staff to advertise and hold a public meeting for the purpose of notifying the public of the address change of the Rocky Mount East polling place and to authorize the appropriation of said funds from the County's Contingency Fund.

AWARD OF LANDFILL COMPACTOR

At the May 18, 2010 Board meeting, the Board approved to seek bids for a Landfill Compactor. All bids were received on December 1, 2010 at 3:00 pm. Funds were approved in the FY 09-10 CIP budget to purchase the landfill compactor in the amount of \$109,340.00 with the difference being financed over 5 years.

We received only one bid from Carter Machinery for total bid price of 569,653.00. However, the County's consultants from Joyce Engineering recommended that we replace the factory CAT plus wheels with Terra 7" Twist-Torque Cleats as they provide better compaction and a screen guard which prevents downtime and cleaning resulting in saved operator time, compaction and service to the wheels. The landfill will keep the old 826 Compactor to use as a backup for when the new one is being serviced or it is down. We asked the bidders to give the County a trade-in bid on the 615C Pan that the County Landfill has but doesn't use anymore because it takes 3 operators to haul dirt when it is wet and during the winter months when freezing and thawing occurs. Carter Machinery offered the County \$20,000.00 on trade for the 615C Pan which brings the bid down to \$549,653.00. Carter Machinery said that the County can sell the Pan out-right to try to get more money out of the Pan before the new compactor is delivered to the Landfill. Carter Machinery will finance the remaining balance for 3.5%. Mr. Copenhaver with the finance department will check with the local banks to see if a better interest rate can be obtained.

RECOMMENDATION:

Subsequent to receiving only one bid, we again contacted Joyce Engineering, our consultant to verify that specifications were not overly restrictive as presented and that the equipment being solicited was the most appropriate for our landfill. Tom Flannagan of Joyce has advised us in writing that there are only four (4) manufacturers of landfill compactors; Caterpillar, Bomag, Terex and Aljon. It is his opinion that based on our landfill needs, Caterpillar is the most qualified to provide service and maintenance in a timely manner. He also felt the bid was reflective of the market and is very competitive. Our consultant has also suggested we seriously consider the purchase of the Terra wheels which will result in significant savings in a short period of time but at a frontend cost of \$35,000.

Staff recommends that the Board of Supervisors award the Landfill Compactor bid to Carter Machinery for the purchase price of \$569,653.00 plus the purchase of Terra wheels at the amount of \$35,000 which represents a total of \$604,653.00. The financial arrangements for the funding of the purchase of the compactor are included in the Landfill CIP budget. Staff will continue to solicit bids for the 615C Pan until such time as the new compactor is shipped to the landfill.

DECLARATION OF SURPLUS VEHICLES

On September 1, 1996, the County of Franklin adopted a "Vehicle Policy". Section IV of this policy governs vehicle replacement and the reallocation and/or sale of vehicles which are taken from regular service.

DEPT.	TRACKING #	MODEL	MILEAGE
SHERIFF	02F0997	CROWN VIC	139,084
	02D8401	INTREPID	120,000+
	04F7656	CROWN VIC	122,958
	04F7658	CROWN VIC	139,548
	05F6955	CROWN VIC	155,990
PUBLIC SAFETY	02F2071	PICKUP 4X4	190,700
	00F7796	AMBULANCE	40,000
AGING SERVICES	00D3142	VAN	135,997
	98F4554	VAN	244,216
	93GMC6112	VAN	286,112

Recently the Franklin County Sheriff's Department, the department of Public Safety and the department of Aging Services have made available vehicles which are requested to be declared "surplus". These vehicles are made available due to normal replacement and/or after determining the said vehicles have become too costly to maintain.

RECOMMENDATION:

Staff recommends that the Board of Supervisors declare the submitted listed vehicles "surplus". It is further requested that the Board grant the vehicle committee authority to reallocate, sell and/or otherwise dispose of these vehicles in keeping with the said policy and in the best interest of the County.

TAX ASSESSMENT & COLLECTION SOFTWARE SOLUTION

The County has replaced most of the legacy (25-30 year old in-house written programs) applications with commercial software solutions with the exception of the few that support our largest revenue stream business processes – personal property and real estate assessment and collection. These legacy applications are vulnerable to failure, require a tremendous amount of support to complete monthly / annual activities and provide no mechanism for adding additional features such as online payment services. The legacy applications are also running on a platform that is no longer supported by the vendor, which means if that application server fails we have no recourse or support to fix the problem. The County has evaluated available tax solutions for the past few years and issued a Request for Proposals in early December 2009.

The County Treasurer, Commissioner of Revenue and Information Technology staff members have spent many hours of in-depth sessions with the two leading vendor solutions and carefully reviewed all proposals. The submitted Business Case document outlines the comprehensive evaluation of potential solutions, all gap analysis results including the source (requestor) of the customizations, costs, benefits and risks. The total cost of PCI's solution for Franklin County – including customizations – is \$415,000. There is an additional cost of \$24,000 for equipment for the Commissioner and Treasurer's office. This equipment includes document scanners, check scanners, barcode scanners and receipt printers. The County has set aside funding for this project for the past few years that will cover the equipment costs and provide \$73,249 towards the cost of the software. The Director of Finance recommends the remaining amount would be financed and there is an annual support cost of \$55,000 that is due the first month the County is in production on the new software. This annual support amount would have to be added to the IT budget beginning with FY12. The staff would begin data conversion, business process review, system configuration and customizations, testing and training immediately in phases by tax type with a target date to implement everything by January 2012. The submitted Business Case details everything about this project and recommendation.

RECOMMENDATION:

The staff respectfully recommends and requests that the Board of Supervisors authorize the staff to execute a contract for purchase of the tax solution software package by PCI, LLC.

(RESOLUTION #01-01-2011)

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

MOTION BY: David Cundiff

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

CLEMENTS MILL BRIDGE UPDATE

Tony Handy, Resident Administrator, VDOT, stated the project is still on schedule for a June 2012 advertisement and late summer 2013 completion. The Willingness is scheduled to be posted in the *Roanoke Times* on 1-24-2011 and 2-1-2011 and in the *Franklin News Post* on 1-24-2011 and 2-2-2011.

DIAMOND AVENUE UPDATE

Tony Handy, Resident Administrator, VDOT, stated the project is on schedule to be completed this upcoming summer (2011). The initial environmental assessment indicated endangered log-perch, so it appears that in-stream construction cannot begin until after July 1st. The environmental division is going to inquire about a waiver to the time restrictions, but the division does not think the project timeline will get any relief.

LAND DEVELOPMENT ORDINANCE PROJECT UPDATE

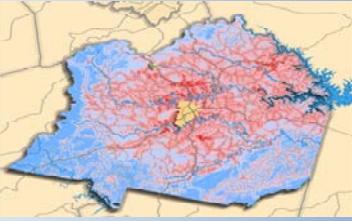
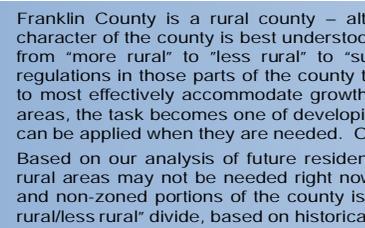
Neil Holthouser, Director of Planning and Community Development, stated on December 21, 2010, Planning staff and consultants from Clarion Associates presented the Board of Supervisors with a summary of observations, analysis, conclusions, and recommendations related to the update of Franklin County’s zoning and subdivision ordinances. This completed the Diagnosis and Recommendation tasks as outlined in the project work program. The consultants’ recommended approach is based on the identification of unique character areas throughout the county, with regulations tailored to address specific needs in each area and calibrated according to real-world market demand for growth and development.

Key recommendations include:

1. Consolidate the various chapters of the County Code related to land development into a unified development ordinance.
2. Maintain the existing boundary between zoned and non-zoned areas, until further directed. Create placeholders for rural-agricultural zoning districts, villages, corridors and overlays for future use, if warranted.
3. Maintain (but rename) A-1 zoning in areas identified as rural-transitional. Incorporate residential clustering provisions for larger-scale subdivisions.
4. Develop new limited agricultural zone for use in suburban area. Comprehensively rezone farmland, larger undeveloped tracts to this new limited agricultural designation.
5. Develop new suburban residential zones, with enhanced schedules for site development standards. Comprehensively rezone existing suburban residential uses accordingly.
6. Develop a program of small-area planning for Villages and Corridors. Develop and adopt zoning for these areas as warranted areas, warranted.

Submitted is a condensed “flyer” summarizing the analysis, approach, recommendations and next steps for the project.

Based on the consultants’ recommendations, staff has developed a series of “next steps” needed in order to implement the recommended approach. Some of these next steps are dependent on the completion of prior steps, while others can be accomplished independently of the rest.

			<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Summary</p>	<p style="text-align: right;">Analysis & Conclusions</p>
<p>Comprehensive Plan</p>  <p>Franklin County's Comprehensive Plan recognizes the fact that most of the county is rural in character. The Plan calls for most of the land area of the county to develop with agricultural uses and rural residential densities. More suburban residential densities are anticipated near Smith Mountain lake and in areas close to Rocky Mount.</p> <p>The Plan encourages commercial development along well-planned primary corridors and in compact, pedestrian-friendly village centers.</p>	<p>Citizen Input</p> <p>From the outset, the Land Development Ordinance Update has faced a unique challenge: How do we strengthen regulations in areas where citizens want greater protection, while limiting the regulatory burden on citizens in rural and agricultural areas?</p>  <p>The Planning Department held a series of community meetings in various areas of the County to assess the public's desire for regulatory control. We found that citizens' "appetite" for control varies by geographic location, and is closely related to historical and projected growth patterns. In general, citizens in higher-growth areas want more protections, while people in lower-growth areas want fewer restrictions.</p>	<p>Future Growth</p> <p>Franklin County is expected to continue to grow, although at a more moderate pace than in previous decades. Annual population growth will average a little less than 1% over the next 20 years - an increase of about 10,000 new residents by 2030. We'll need about 150 to 300 new housing units per year to accommodate this growth. The County has more than enough suitable land to satisfy future housing demand. Areas around Boones Mill, Rocky Mount, and Smith Mountain Lake will likely receive the majority of future growth.</p> 		
<p>Rural</p> 	<p>Suburban</p> 	<p>Conclusions:</p> <p>Franklin County is a rural county – although it is far from homogenous. The character of the county is best understood as a spectrum of rural qualities, ranging from “more rural” to “less rural” to “suburban.” The task is to adjust zoning regulations in those parts of the county that are developed or developing, in order to most effectively accommodate growth while minimizing impacts. In more rural areas, the task becomes one of developing techniques – zoning or otherwise - that can be applied when they are needed. One size does not fit all.</p> <p>Based on our analysis of future residential growth, new techniques for the most rural areas may not be needed right now. The existing boundary between zoned and non-zoned portions of the county is a fairly good approximation of the “more rural/less rural” divide, based on historical and projected growth trends.</p>		
<p>1255 Franklin Street, Suite 103, Rocky Mount, VA 24151 • (540) 483-3027</p>			<p>www.franklincountyplanning.org</p>	



Franklin County's
LAND DEVELOPMENT
ORDINANCE UPDATE



Summary

Recommendations

Guiding Principles

Based on input from community leaders and stakeholders, the following principles have emerged to guide the code update:

1. Regulations should be tailored to unique areas of the county, based on local character and growth potential.
2. Regulations should be the minimum necessary to address specific concerns or achieve agreed-upon goals.
3. It is important to protect farmland and farming as a viable economic activity.
4. Scenic resources should be protected from incompatible development.
5. A range of tools are needed to protect the county's rural character; they should be proportional to the degree of threat.
6. Better standards are needed to protect natural resources during and after development.
7. Villages and neighborhoods should be well-connected and pedestrian-friendly.
8. Villages and commercial centers should be compact, supporting a mixture of uses.
9. Ordinances should be user-friendly, predictable, and easy to understand.
10. The code should include incentives and flexibility for preferred development types.
11. The code should be enforceable in a fair and impartial way.

Recommended Actions



The County's regulatory approach should be tailored to each of the following character areas, which have their basis in the Comprehensive Plan, citizen preferences, and projections of future growth. (Note: Prefixes help link regulatory tools to character areas.)

Rural, Mountainous	R
Rural, Agricultural	R
Rural, Transitioning	R
Suburban, Developing	S
Town & Village Centers	V
Primary Corridors	C

1. Consolidate various chapters of the County Code related to land development into a unified development ordinance. Use consistent terms, definitions, measurements, and procedures.
2. Maintain existing boundary between zoned and non-zoned areas, until further directed. Create zoning district placeholders for rural-agricultural areas, villages, corridors, etc.
3. Maintain A-1 zoning in areas identified as rural-transitioning. Rename to RA-1. Incorporate residential clustering and open space provisions for larger-scale subdivisions.
4. Develop new limited agricultural zone (SA-1) for agricultural uses in suburban-developing areas. Comprehensively rezone farmland and large undeveloped tracts to SA-1.
5. Develop new suburban residential zones (SR-1, SR-2) with enhanced site development requirements. Comprehensively rezone existing suburban residential uses accordingly.
6. Develop a program of small-area planning for Villages and Corridors. Develop and adopt zoning tools for these areas (V-x, C-x) as warranted. Amend zoning map accordingly.

Project Schedule:

Task #	2009				2010				2011				Task Status
	3	4	1	2	3	4	1	2	3	4			
1. Project Initiation													Completed
2. Growth Analysis													Completed
3. Public Outreach													Completed
4. Diagnosis													Completed
5. Recommendations													Completed
6. Draft Ordinance													Ongoing

Next Steps:

1. Develop comprehensive annotated outline for new Land Development Ordinance. Compile all county ordinances related to land development; organize per outline.
2. Develop comprehensive list of new zoning districts; build use matrix to compare and evaluate permitted uses.
3. Revise A-1 zoning district to include clustering and open space for larger residential subdivisions. Rename to RA-1.
4. Identify active farms, forestal land, and large undeveloped tracts in Suburban-Developing area around Smith Mountain Lake. Develop SA-1 zoning district.
5. Identify existing residential subdivisions in the Suburban-Developing area. Develop SR-1 and SR-2 zoning districts.
6. Identify and prioritize villages and corridors for future small-area planning efforts.

1255 Franklin Street, Suite 103, Rocky Mount, VA 24151 • (540) 483-3027



www.franklincountyplanning.org

Recommended Action & Next Step	Timeline for development by staff	Review by Technical Advisory Committee	Review by Planning Commission	Consideration by Board of Supervisors
<p>Consolidate various chapters of County Code related to land development into a unified development ordinance. Use consistent terms, definitions, measurements, and procedures.</p> <p><i>Develop comprehensive annotated outline. Compile all ordinances related to land development; sort and organize according to annotated outline</i></p>	<p>Consultants have already prepared a skeleton outline. Staff to expand outline, re-organize existing ordinance language per outline.</p> <p>January – March 2011</p>	<p>Distribute outline to TAC by email; solicit individual feedback.</p> <p>April 2011</p>	<p>Present to PC</p> <p>May 2011</p>	<p>Present to BOS</p> <p>May 2011</p>
<p>Maintain existing boundary between zoned and non-zoned areas, until further directed. Create zoning district placeholders for rural-agricultural areas, villages, corridors, etc.</p> <p><i>Develop comprehensive list of new zoning districts; build matrix of uses and key provisions for each zoning district.</i></p>	<p>Staff has already begun outlining potential districts. Will develop detailed matrix of uses and key provisions for each district.</p> <p>January – February 2011</p>	<p>Distribute to TAC by email; solicit individual feedback.</p> <p>March 2011</p>	<p>Present to PC</p> <p>April 2011</p>	<p>Present to BOS</p> <p>May 2011</p>

<p>Maintain A-1 zoning in areas identified as Rural-Transitioning. Rename to RA-1 (Rural Agricultural.) Incorporate clustering and open space provisions for larger-scale subdivisions.</p>	<p>Staff recommends developing amendments to existing A-1 district and implementing prior to overall code update.</p>			
<p><i>Revise A-1 zoning district to include clustering and open space provisions for larger residential subdivisions. Rename to RA-1</i></p>	<p>Staff to develop A-1 clustering & open space provisions. January – March 2011</p>	<p>Distribute to TAC by email; solicit individual feedback. April 2011</p>	<p>Present to PC May 2011 PC public hearing June 2011</p>	<p>Present to BOS June 2011 BOS public hearing July 2011</p>
<p>Develop new limited agricultural zone (SA-1) for agricultural uses in Suburban-Developing areas. Comprehensively rezone farmland and large undeveloped tracts to SA-1</p>	<p>Staff has already begun mapping of farmland and large undeveloped tracts. Additional fieldwork and ongoing consultation with BOS members needed.</p>	<p>?</p>	<p>?</p>	<p>?</p>
<p><i>Identify active farms, forestall land, and large undeveloped tracts in Suburban-Developing area around Smith Mountain Lake. Develop SA-1 zoning district.</i></p>	<p>ongoing consultation with BOS members needed. February – June 2011</p>			
<p>Develop new residential zones (SR-1, SR-2) with enhanced site development requirements in Suburban-Developing areas. Comprehensively rezone existing suburban residential uses accordingly.</p>	<p>Staff has already begun mapping of existing residential areas. Additional fieldwork and ongoing consultation with BOS members needed.</p>	<p>?</p>	<p>?</p>	<p>?</p>
<p><i>Identify existing residential subdivisions in the Suburban-Developing area. Develop SR-1 and SR-2 zoning districts.</i></p>	<p>with BOS members needed. February – June 2011</p>			
<p>Develop a program of small-area planning for Villages and Corridors. Develop and adopt zoning tools for these areas (V-x, C-x) as warranted. Amend zoning map accordingly.</p>	<p>Villages and Corridors are identified by Comprehensive Plan. Staff to summarize Plan concepts.</p>	<p>N/A</p>	<p>N/A</p>	<p>Staff to present recommendations to BOS; planning efforts tied to next Comp Plan update.</p>
<p><i>Identify and prioritize villages and corridors for future small-area planning efforts (in conjunction with next Comprehensive Plan update.)</i></p>	<p>February 2011</p>			<p>March 2011</p>

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors consider the proposed approach, recommendations, and next steps, as presented, and authorize staff to proceed with the drafting of code language per recommendations.

Ronnie Thompson stated he would like to hold a work session and slow up the process so he could understand the guiding principles and recommendations.

General discussion ensued.

The Board directed staff to continue to move forward.

CHAPTER 22 WATER REGULATION PROPOSALS

Larry Moore, Assistant County Administrator, advised the Board that Mr. Mark Wilkenson addressed the Board under public comment at its December 16, 2010 meeting regarding amendments to the County's water ordinances and requested a variance under certain provisions of the code. Subsequent to that request staff has researched the issue and offer the following: WVWA was contacted and requested to provide service to the Key Lakewood subdivision located on Key Lakewood Drive, an extension off of Scruggs Road to provide fire protection and improvement of water quality. Agreements were obtained with fourteen (14) residents, representing seventeen (17) paid connections of the thirty-three (33) homes in the subdivision.

Key Lakewood is currently regulated by Virginia Department of Health (VDH) since there are more than 14 equivalent residential connections (ERC) being served. Since half of the ERC's are going to connect to WVWA, representatives of the remaining residents requested that they be permitted to split their "community system" into two (2) "private systems" serving approximately eight (8) residences each. VDH has approved the splitting of their system which would then not subject the subdivision to VDH testing and reporting, resulting in savings to the remaining residents.

Key Lakewood residents have made three requests:

1. Can they have the right to continue to operate, maintain and update their systems with three available wells?
2. Should one of the wells fail, can they be permitted to drill a new well and not be subject to connection to the WVWA system under the current ordinance?
3. Can they receive a permanent exemption for any potential non-user fees while the system remains operative?

To address the questions posed by the Key Lakewood residents, amendments to the County Chapter 22 ordinances will be required and need to be discussed for possible amendment.

RECOMMENDATION:

Staff is seeking Board's direction on possible ordinance amendments to Chapter 22.

WVWA was contacted and requested to provide service to the Key Lakewood subdivision located on Key Lakewood Drive, an extension off of Scruggs Road to provide fire protection and improvement of water quality. Agreements were obtained with fourteen (14) residents, representing seventeen (17) paid connections of the thirty-three (33) homes in the subdivision.

Key Lakewood is currently regulated by Virginia Department of Health (VDH) since there are more than 14 equivalent residential connections (ERC) being served. Since half of the ERC's are going to connect to WVWA, representatives of the remaining residents requested that they be permitted to split their "community system" into two (2) "private systems" serving approximately eight (8) residences each. VDH has approved the splitting of their system which would then not subject the subdivision to VDH testing and reporting, resulting in savings to the remaining residents.

Key Lakewood residents have made three requests:

1. Can they have the right to continue to operate, maintain and update their systems with three available wells?
2. Should one of the wells fail, can they be permitted to drill a new well and not be subject to connection to the WVWA system under the current ordinance?
3. Can they receive a permanent exemption for any potential non-user fees while the system remains operative?

Response:

Section 22-36 of the Franklin County code would currently require a connection to the County system pursuant to the provisions of paragraph (c)(7) addressing a privately owned well on water system failure. An option is that the third well could serve as a back up to either private system but should two (2) wells fail then the question is would they be required to connect to the available WVWA system? To permit them not to connect would require an amendment to the County ordinance in the event of system failure. Currently, our ordinance references “as determined by VDH” which is a combination of definitions including quantity and quality analysis. Non-user fees may currently be imposed. There is no provision authorizing waiving without an amendment to the ordinance.

An appropriate amendment may be as follows:

A system failure shall be defined as one whereby the system is unable to provide an adequate supply of safe drinking water and is unable to be repaired in a reasonable amount of time to meet VDH quantity and quality standards.

(Existing) Failed Water Systems required to connect:

PROS	CONS
Meets VDH Standards	
Compliance with proposed VDH emergency regulations for onsite systems (minimum well yield requirement)	Requirement that residents pay connection/availability fees
Improved fire flow protection to residents	Monthly user rates
Continuity of water in the future (no re-drilling of wells/saved expense)	Cost to upgrade system if standards are unacceptable
No potential contamination as the result of septage	Large land parcels not currently permitted to replace failed wells with existing ordinance.
No further VDH testing requirements	

Question:

Who defines system failures?

Response:

System failures are as regulated by VDH. Currently a community system (meaning more than 15 ERC’s/connections) is regulated by VDH. If less than 15 connections, failures are determined by Franklin County in conjunction with VDH quantity and quality standards. Franklin County does not currently have a definition of a failure and relies on VDH to make that determination.

Question:

Can this be changed?

Response:

Yes, this can be changed and VDH has comprehensive regulations to protect the health and welfare of citizens. Research indicates that all localities reference applicable standards established by VDH. This would require the drafting of a definition of “failure” working in conjunction with VDH Waterwork’s Regulations. Considerations would include water capacity per ERC, pump capacity, storage requirements, fire flow protection, safety of water and time required to repair.

Question:

Under what conditions can an existing structure/facility be required to connect to our system?

Response:

Section 22-36 (c) (7) states that “structures and/or facilities, subdivisions, and developments existing at the time of the passage of this ordinance (section 22-36(c)) are exempt from the requirement to connect to the county public water system so long as the well or water system serving the property with potable water meets the requirements of the Virginia Department of Health. The county may impose a connection fee, a front footage fee, and/or a monthly nonuser service charge that shall not be more than that proportion of a minimum monthly user charge as debt service compares to the total operating and debt service costs. In the event of a privately owned well or water system failure as determined by the Virginia Department of Health, existing structures and facilities which were served by the failed well or water system shall be required to connect to the county public water system if they meet the aforementioned vicinity and distance requirements for new structures and/or facilities, subdivisions, and developments”.

Question:

Can existing systems be grandfathered so that they are not required to connect?

Response:

Yes, but this would require an amendment to Chapter 22-36 (c).

Question:

Under what conditions are new structures and/or facilities required to connect to the County system?

Response:

Section 22-36 (c)(2) defines new structures and/or facilities as those which obtain a building permit following the passage of section 22-36 (c) by the Board of Supervisors. New subdivisions and developments are those reviewed, approved or permitted by the Planning Commission, Board of Supervisors, Planning and Community Development department or Building Official following the passage of Section 22-36 (c) by the Board of Supervisors. All are required to connect if they meet the vicinity, distance and ERC requirements of Chapter 22.

Mandatory Connections

PROS	CONS
Viability of water systems for future growth	Requirement for connection/availability fees
SUP building distance from sewer	Monthly user rates
Sewer contamination offset (E-coli) drain field issues	Review and acceptance of existing systems
Avoidance of dealing with troublesome soils	
Not holding neighborhood "hostage" on sewer/water distance set back requirements (separation setbacks)	
VDH well regulations	
Our County situation is much different due to proximity to the lake and lake issues	
Debt repayment is directly related to ability to develop repayment of loan funds for general benefit of locality and citizen needs	
Support of subdivision considerations regarding density and buildout	

Question:

What does our ordinance say regarding connection fees, frontage fees and non-user fees?

Response:

Section 22-36 (c) (7): The County "may" impose a connection fee, a frontage fee and/or a monthly non-user service charge that shall not be more than that proportion of a minimum monthly user charge as debt service compares to the total operating and debt service costs.

Question:

What is the reason for this language?

Response:

Often times, lending practices require that fees and rates be established to sufficiently cover debt service on a loan or for bonding purposes. Also, this provision is used to permit a locality to charge a minimal fee to those who benefit but do not connect to cover costs of waterline extensions since fire protection is provided and insurance premiums may be reduced due to proximity of hydrants.

Clarification of Non-User Fees:

PROS	CONS
Provides a vehicle to assist in funding the acceptance addition of failed wells/systems	Other localities do not have written policies regarding non-user fees
Can be a very useful tool in rural areas to provide the benefit of water availability (debt repayment)	WVWA does not have non-user fee language under their policies

Question:

Can the County grandfather existing structures/facilities from the fees?

Response:

Yes, if the County were to amend Chapter 22. However, County may be limited in its ability to recoup costs of expanding systems in need of fire protection or water quality improvement particularly over for extensions over a long distance.

Question:

What if a person owns a large parcel of property should they be exempted from mandatory connection due to a well failure? What would be required?

Response:

It would be necessary for the Board to consider defining property based on acreage/size. Example: If a person has five (5) acres they certainly may have the ability to meet health and safety standards. They could be exempted from the requirement to connect for any reason other than development density and desire. This would require an amendment to Chapter 22 and possibly the subdivision ordinances.

Summation:

It was requested by the Board that the pro's and con's be researched as it relates to the Key Lakewood request and Chapter 22. Staff's research indicated that since to the adoption of Chapter 22 on November 19, 1996, non-user fees have not been utilized. While unlikely that they will be in the future, staff recommends that the non-user fee language be modified when Chapter 22 is recommended for revision in the next few months. Staff would recommend that non-user fees only apply to "new systems" but with a caveat that language be added whereby the County is not responsible for failed wells or systems and thereby indemnified against accepting existing systems unless they are determined to be of an acceptable standard to the County as indicated in Chapter 22 and that an appropriate contribution would be necessary to offset the cost of connectivity and upgrades necessary for acceptance. All existing parcels served by a water system as of the date of this ordinance amendment shall be exempt.

Staff recommends that the language regarding failed systems and mandatory connections remain as is and subject to the appropriate VDH and County approvals and requirements. Existing individuals/systems would not be subject to County/WVWA connection until a system fails. If the property exceeds a certain size and does not affect an adjoining lot, they may have the option to re-drill. Recommendation to consider developing a definition of a failed system.

It should also be noted that VDH has proposed regulations regarding quality of water and appropriate well yields to be addressed by the General Assembly. VDH regulations state that no private well shall be constructed within 50 feet of a sewer main and must be set upgrade from the sewer. This may be difficult on small parcels or in developments that are built out in the event of a failed well.

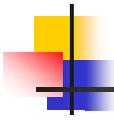
It is staff's recommendation that proposed changes be presented to the Board in March 2011 when Chapter 22 is presented for a re-write implementing WVWA requirements.

General discussion ensued.

The Board directed staff to work with WVWA to develop a re-write incorporating any WVWA requirements as discussed.

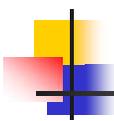
FINANCIAL FEASIBILITY STUDY

Russ Johnson, Gills Creek District Supervisor, presented the following PowerPoint presentation:



Center At The Lake

- A step in converting a seasonal economy to a full-time economy
 - Retain existing tourists longer
 - Attract new tourists
 - Convince prospects to move here
 - Strengthen existing businesses
 - Encourage new businesses to form



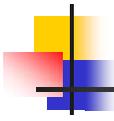
Description of the Facility

- ... to demonstrate that there are no comparable facilities or resources currently within the region



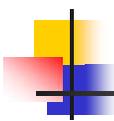
Economic Profile

- Need to re-balance its industry profile
- To annualize current seasonal employment
- ... poised for future growth
- ... more heavily dependent than the state as a whole



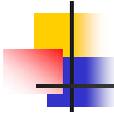
Demographic Profile

- To demonstrate the extent to which current regional geographic trends support the intended use of the facility



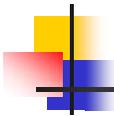
Consistent with and supportive of regional economic development

- will serve as a catalyst for regional economic development



Comparable Facilities

- Compare a profile of similar To provide data on the market feasibility of the proposed center



Economic Impact

- Use the IMPLAN regional simulation model to quantify the proposed Center At The Lake



Attend the Tobacco Commission Meeting

- Project timeline ... to be delivered by March 1, 2010

Steve Dorr, President, Moneta Arts, Education & Community Center, briefly summarized the steps taken thus far in the proposed scope of work for the Center at the Lake. Mr. Dorr requested the Board's financial support of \$6,000 to match funds previously raised for a total \$12,000 for a feasibility study.

Vickie Gardner, Executive Director, Smith Mountain Lake Chamber, encouraged the Board to support the funding request of \$6,000 for the Feasibility Study.

(RESOLUTION #02-01-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appropriate \$6,000.00 for the Financial Feasibility Study as requested with funds to come from the Tourism/Transient Occupancy Lodging Tax funds.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

LEGISLATIVE ISSUES

❖ PROPOSED PLASTIC BAG TAX

Mr. Huff advised the Board House Bill 2341 has been introduced by Joseph D. Morrissey. Mr. Huff stated the tax would impose a tax of \$0.20 on plastic bags used by purchasers to carry tangible personal property from the place of purchase. Durable, reusable plastic bags and bags used for ice cream, meat, fish, poultry, leftover restaurant food, newspapers, dry cleaning, and prescription drugs are exempt from the tax. Retailers are allowed to retain \$0.05 of the \$0.20 tax or \$0.07 if the retailer has a customer bag credit program. Failure to collect and remit the tax will

result in fines of \$250, \$500, and \$1,000 for the first, second, and third and subsequent offenses, respectively.

(RESOLUTION #03-01-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize the County Administrator to forward a letter of opposition to the local legislators regarding H. B. 2341/Plastic Bag Tax.

MOTION BY: David Cundiff

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

❖ VACO SPECIAL ASSESSMENT REQUEST

Mr. Huff shared with the Board a letter from VACO requesting Franklin County's support in opposing Delegate Laquinto (Virginia Beach) 2010's House Bill 570. Mr. Huff stated that the proposed legislation will put the burden of proof in assessment appeals on the locality. Mr. Huff stated under current law, assessments of real and personal property by the local government are presumed to be correct. Currently, when a taxpayer challenges or appeals his assessment, the burden of proof is upon the taxpayer to prove the assessment is erroneous. The proposed legislation will shift the burden of proof to the locality to prove the assessment is correct. Should this bill pass many localities may be hit with an onslaught of appeals. VACO and VML have pooled resource to fight this proposed legislation that will significantly alter the assessment and appeals process. VACO and VML are requesting the County to consider a special appropriation of a least \$3,000 to help protect the current standard of proof in real estate and property assessment.

General discussion ensued.

The Board directed staff to continue to monitor the house bill and staff will report back to the Board.

BUDGET UPDATE

Richard E. Huff, II, County Administrator, briefly highlighted the revenue projections for the county budget. Mr. Huff stated the local revenues were not declining, which is a good thing. Mr. Huff stated he feels the proposed budget will include flat revenue for next fiscal year. Or the current fiscal year, it appears the collection of real estate taxes were right on target and personal property taxes were a tad bit up, as projected.

Christopher Whitlow, Assistant County Administrator, shared with the Board possible funding shortages based on the Governor's proposed budget amendments which could be challenging for the Board during the budget process. Possible state revenue decreases in CSA and public safety were highlighted.

General discussion ensued.

Capital Improvements Program will be addressed during the regular February meeting.

The Board stated they would like to see discussion between the School Board and the Board of Supervisors regarding school buses.

OTHER MATTERS BY SUPERVISORS

APPOINTMENTS:

- ❖ Ferrum Water & Sewer Authority (Term Expires 2/1/2011)
- ❖ Aging Services Board (Terms Expires 1/31/2011)
 - Blue Ridge & Snow Creek Districts
- ❖ Conservation Advisory Committee (Terms Expires 1/1/2011)
- TLAC Board – Citizen Appointment (Term Expires 1/31/2011)

FERRUM WATER & SEWER AUTHORITY

(RESOLUTION #04-01-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Roger Houchins to serve on the Ferrum Water & Sewer with said term to expire February 1, 2015.

MOTION BY: Bobby Thompson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

AGING SERVICES BOARD
(RESOLUTION #05-01-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Dorothy Kreyenbuhl, Blue Ridge District to serve on the Aging Services Board with said term to expire January 31, 2015.

MOTION BY: Bobby Thompson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

CONSERVATION ADVISORY COMMITTEE
(RESOLUTION #06-01-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint the following members to the Conservation Advisory Committee with said terms to expire January 1, 2014.

Mr. Rob Lamar

Mr. Thad Montgomery

Mrs. Jeanne Martin

Mr. Jack O'Connell

Mr. E. Cline Brubaker

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

TLAC & TCRC BOARD – CITIZEN APPOINTMENT
(RESOLUTION #07-01-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Bob Camicia to the TLAC Board with said term to expire 1/31/2012 and to appoint Charles Wagner to serve as one of the Board of Supervisors members on the TCRC Board.

MOTION BY: Russ Johnson

SECONDED BY: Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

LOCAL GOVERNING BODY MAY REGULATE CERTAIN TOWING

Russ Johnson, Gills Creek District, requested Board support to have staff research Code Section 46.2-1717 regarding towing/vehicle storage.. A report will be presented to the Board during their February meeting.

SPEEDWAYS TO OPERATE

Leland Mitchell, Snow Creek District, requested the Board to review the rules of operation prior to the FY 2011 year for speedways.

CLOSED MEETING
(RESOLUTION #08-01-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, 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, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

MOTION: Russ Johnson

RESOLUTION: #09-01-2011

SECOND: David Cundiff

MEETING DATE January 18, 2011

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully

exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

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

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

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

**PUBLIC NOTICE
PROPOSED LEASE OF BUILDING**

NOTICE IS HEREBY GIVEN pursuant to the requirements of Section 15.2-1800 of the Code of Virginia that the Franklin County Board of Supervisors will hold a public hearing to consider a proposal for leasing that real property owned by Franklin County being the Department of Family Resources located at 75 East Court Street and containing approximately 1,728 square feet. The proposed use is for a transitional housing facility.

Jon Morris, Executive Director, STEP, Inc., presented the request and stated Step, Inc. will manage the project and the unit will be a transitional home for men.

Mr. Morris stated he had a letter from David Furrow, Attorney, supporting the project.

General discussion ensued.

The Public Hearing was opened.

The following individuals spoke in opposition of the proposed lease:

Dwayne Benzeldine
John Caudi
Matt Schward
Greg Harmon

The Public Hearing was closed.

(RESOLUTION #10-01-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to table the lease as advertised and to ask staff to study a more feasible use for the shelter.

MOTION BY: David Cundiff

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

NAYS:

**PUBLIC NOTICE
PROPOSED LEASE OF REAL PROPERTY**

NOTICE IS HEREBY GIVEN pursuant to the requirements of Section 15.2-1800 of the Code of Virginia that the Franklin County Board of Supervisors will hold a public hearing to consider a proposal for leasing that real property owned by Franklin County being the Smith Farm (Tax Map Number 0470006000) located at 733 Crafts Ford Road, Wirtz, Virginia and containing approximately 307.65 acres. The proposed use of the property is for farming.

Mike Thurman, Director of General Properties, stated recently, the County of Franklin acquired the 307 +/- acre "Smith Farm". This acreage is identified as tax/map/parcel 47-60 and is situated in the Union Hall Magisterial District of Franklin County. The property was originally bequeathed to Virginia Western Community College at the request of Mr. James T. Smith upon his death.

Shortly after Mr. Smith's death in 1979, Dale and son Monty Brown began farming the acreage and through an ongoing agreement with Virginia Western Community College, have continued to

do so over the years. Monty Dale Brown has expressed interest in the continued opportunity to lease and oversee this property.

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors authorize County Administration to proceed with the execution of the advertised lease agreement with the conditions as set forth in said lease.

Public Hearing was opened.

No one spoke for or against the proposed public hearing.

Public Hearing was closed.

(RESOLUTION #11-01-2011)

BE IT THEREFORE RESOLVED, to authorize the County Administrator to proceed with the execution of the advertised lease agreement with the conditions as set forth in said lease to include a minimum of \$1,000 scholarship for a Franklin County student.

MOTION BY: David Cundiff

SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

COUNTY OF FRANKLIN, VIRGINIA
ANNOUNCEMENT OF PUBLIC HEARING
TO CONSIDER CONVEYANCE OF COUNTY PROPERTY

In accordance with the provisions of Section 15.2-1800 of the Code of Virginia, as amended, notice is hereby given to all interested parties that the Board of Supervisors of the County of Franklin, Virginia will conduct a public hearing to consider conveying to Solution Matrix, Inc. a parcel of land containing up to 5.238 acres as depicted on that plat titled "Preliminary Plat for the County of Franklin, Franklin County Commerce Center, Proposed Site 2 Lot", dated December 9, 2010 available for viewing in the Office of the County Administrator of Franklin County, 1255 Franklin Street, Rocky Mount, Virginia 24151, being a portion of that land conveyed to Franklin County by Deeds of Record in Deed Book 739, Page 1218 and Deed Book 638, Page 778, and to consider granting to Solution Matrix, Inc. easements for sewage pump station access and stormwater management facility access and maintenance in portions of the above parcel that are not conveyed to solution Matrix, Inc. in fee simple.

The Board of Supervisors recently announced the relocation of Solution Matrix, Inc. to a new facility to be built in the Franklin County Commerce Center. The new 25,000 square foot building is proposed to be constructed on an approximately 4.2 acre site within the park. For the construction of this new facility to begin, the County must transfer ownership of the site to the Company. The site is currently nearing completion of preparation work for Solution Matrix's use.

The Code of Virginia requires public bodies to hold advertised public hearings when disposing of property. This allows citizens to express any support or opposition to such disposition prior to final Board action. The public hearing in regards to the land transfer to Solution Matrix, Inc. has been properly advertised and will be held on Tuesday, January 18, 2011.

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors hear public comment on the proposed land transfer and authorize staff to execute the necessary documents to transfer the land to Solution Matrix subject to the performance agreement being signed.

Public Hearing was closed.

Mike Burnette, Director of Commerce & Leisure Services, presented the following PowerPoint presentation:

KEY POINTS

- Transfer of 4.096 acres of property at Commerce Center to Solution Matrix as "LOT 4B"
- Retain 20 foot access easement to serve sewer pump station
- Retain easement across property to access stormwater pond
- Grant Solution Matrix a stormwater management easement over 0.302 acre portion of Lot 4C and 0.188 acre portion of Tax Map 82-138.08
- Request Board to authorize staff to finalize and execute land transfer, stormwater easements, and stormwater maintenance agreement
- All subject to Solution Matrix fulfilling requirements for land transfer found in Performance Agreement

PERFORMANCE AGREEMENT LANGUAGE

In exchange for Company selecting the Franklin County Commerce Center for the site of its initial production facility, the County will convey to Company approximately 4.287 acres (fee simple title) at no cost to the Company in the Franklin County Commerce Center subject to the restrictive covenants attached to this property. The subdivision of this site will be completed by the County and Company upon **signing of this agreement and approval of a site development plan** that meets all Federal, State, and local land use ordinances and legal requirements. The site will be conveyed to Company upon County receipt and approval of Company's **construction loan financing, approved site development plan, and building contract**. Failure by Company to secure and the County to review these documents for this site within 180 days of signing this agreement will be just cause for the County to withdraw the offer of said property.

SUGGESTED MOTION

Motion to approve transfer of 4.096 acres, designated as Lot 4B, in the Franklin County Commerce Center to Solution Matrix, Inc., subject to the Company meeting requirements as set forth in the Performance Agreement dated December 9, 2010 as to the transfer of said property. Also to grant a stormwater management easement over a 0.302 acre portion of Lot 4C and a 0.188 acre portion of Tax Parcel 82-138.08 as depicted on the presented site plan. Finally, to authorize the County Administrator to have prepared and execute all required documents to carry out this motion, including a Stormwater Management Maintenance Agreement with the Company.

Public Hearing was opened.

No one spoke for or against the proposed conveyance.

Public Hearing was closed.

(RESOLUTION #12-01-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned land transfer of 4.096 acres, designated as Lot 4B, in the Franklin County Commerce Center to Solution Matrix, Inc., subject to the Company meeting requirements as set forth in the Performance Agreement dated December 9, 2010, as to the transfer of said property. BE IT FURTHER RESOLVED, to grant a stormwater management easement over a 0.302 acre portion of Lot 4C and a 0.188 acre portion of Tax Parcel 82-138.08 as depicted on the presented site plan, and BE IT LASTLY RESOLVED, to authorize the County Administrator to have prepared and execute all required documents to carry out this motion, including a Stormwater Management Maintenance Agreement with the Company..

MOTION BY: David Cundiff

SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

Chairman Wagner adjourned the meeting.

CHARLES WAGNER
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR