

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, AUGUST 16, 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

Charles Wagner, Chairman, called the meeting to order.

Invocation was given by Supervisor Bobby Thompson.

Pledge of Allegiance was led by Supervisor Russ Johnson.

PUBLIC COMMENT:

CONSENT AGENDA

APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – JULY 19, 2011

APPROPRIATIONS

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Sheriff	Insurance Proceeds	30- 0017	\$16,875
Sheriff	Insurance Proceeds	3102- 5408	\$1,597
Public Safety	Fourth Quarter Fire Programs	30- 0147	\$14,140
Public Safety	Billing Revenue Carryover	3601- 9121	\$29,351
Public Safety	Billing Revenue Carryover	3602- 9121	\$62,379
Clerk of Court	Part-time funds	2106- 1003	\$1,190
June 2011 Appropriation:			
Public Safety	Additional Billing Revenue Received	3601- 7004	\$157,622
		Total	\$283,154

APPROPRIATE CAPITAL PROJECTS ALREADY BUDGETED:

<u>PROJECT</u>	<u>AMOUNT</u>
PC Replacement	\$45,000
Disaster Recovery and Prevention Server/Desktop	\$10,000
Virtualization	\$32,080
Document Imaging	\$67,235
Wireless Broadband Infrastructure	\$25,000
Employee Self-Service Portal Upgrade	\$14,500
Upgrade Base Map Imagery	\$24,957
Public Safety Vehicle Refurbishment	\$15,000
Fire/EMS Equipment	\$51,626
General Properties Contingency	\$25,000
Central Maintenance	\$10,000

Facility	
Waid Park Development	\$25,000
Smith Mountain Lake	
Park	\$20,000
Recreation Park Tennis	
Courts	\$25,000
Community Park	
Development	\$20,000
Bowman Farm Cleanup	\$5,000
Smith Farm Park Project	\$110,000
Economic Development	
Funds	\$250,000
Business Park Set Aside	\$100,000
Job Creation Fund	\$200,000
Tom's Knob Radio Site Improvements	\$14,000
Radio System Receiver Sites	
Generator	\$19,000
Landfill Engineering	\$90,000
Landfill Compliance	\$70,000
Landfill Equipment	\$216,402
Landfill Development	\$50,000
Landfill Gas Control	\$25,000
	\$1,559,800

TRANSFERS BETWEEN FUNDS, DEPARTMENTS, CAPITAL ACCOUNTS

Public Safety	Billing Revenue Carryover	3601- 9121	(\$29,351)
Public Safety	Billing Revenue Carryover	3602- 9121	(\$62,379)
Public Safety	Capital - Station Construction	30- 0042	\$91,730

RESOLUTION IN SUPPORT OF RESTORATION OF STATE FUNDING FOR AID TO LOCALITIES

The Commonwealth of Virginia has imposed across the board cuts to cities and counties for the last four fiscal years. These reductions could be made by sending a check back to the State, reducing the various revenue categories impacted by the cuts or a combination of both methods. The state-wide reduction total for FY08-09 and FY09-10 was \$50 million for each year and for FY10-11 and FY11-12, the total has been \$60 million for each year. The local impact of the reductions to Franklin County has been as follows:

FY08-09: \$336,867
 FY09-10: \$340,567
 FY10-11: \$376,524
 FY11-12: \$390,993

Revenue expectations continue to be positive for the State and have exceeded budgetary projections. The State ended last fiscal year with a \$311 million surplus and also had a \$228 million surplus in FY09-10. Because of these encouraging results at the State level, there has been renewed interest in asking the Governor to submit a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million a year reduction for the current fiscal year and to eliminate the aid to localities reduction in the budget submitted for FY12-13 and FY13-14.

RECOMMENDATION:

Staff respectfully requests the Board's adoption of the submitted resolution.

RESOLUTION IN SUPPORT OF RESTORATION OF STATE FUNDING FOR AID TO LOCALITIES

WHEREAS, state financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, is \$800 million less in FY12 than in FY09; and

WHEREAS, cities and counties must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are dwindling, and real estate assessments are declining; and

WHEREAS, the Appropriation Act contains \$60 million in across-the-board cuts to cities and counties for both FY11 and FY12, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Department of Planning and Budget (“Local Aid to the State”); and

WHEREAS, the reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

WHEREAS, the County of Franklin does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for State prisoners in local and regional jails; and

WHEREAS, the state budget cuts are not accompanied by any reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

WHEREAS, the County of Franklin remitted \$376,524 in FY11 and will be required to remit another \$390,993 in FY12; and

WHEREAS, cities and counties will have provided the State with \$220 million by the close of FY12 for this “Local Aid to the State” program; and

WHEREAS, these reductions shift State costs to local taxpayers and artificially increases the amount of state surplus revenue; and

WHEREAS, State revenues have begun to recover and the State is expecting to have a revenue surplus for the second year in a row; and

WHEREAS, revenue collections for the County of Franklin continue to reflect the struggling housing market; and

WHEREAS, the State should not shift its share of the costs for mandates and responsibilities to local governments;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Franklin County asks Governor Bob McDonnell to submit a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY12, and to eliminate the aid to localities reduction in the budget submitted for FY13 and FY14; and

FURTHER, BE IT RESOLVED, that the members of the General Assembly support a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY12, and to eliminate the aid to localities reduction in the budget submitted for FY13 and FY14.

PUBLIC SAFETY RSAF GRANT ACCEPTANCE

The Rescue Squad Assistance Fund (RSAF) Grant Program is a multi-million dollar grant program for Virginia non-profit EMS agencies and organizations. Items eligible for funding include EMS equipment and vehicles, computers, EMS management programs, courses/classes and projects benefiting the recruitment and retention of EMS members. The RSAF program does not provide 100% funding for any grant awarded. Grants are awarded based on need as determined by the state review committee. Approved grants require either 20% or 50% matching funds. Historically each year, the County applies and receives RSAF grants for various projects. Such grant funding supports various Public Safety capital purchases (i.e. vehicles, equipment, etc.).

In March of 2011, Franklin County applied for an RSAF Grant in the amount of \$56,000 for three separate EMS projects. The projects in which funding was requested were to replace an EMS response vehicle, purchase a bariatric stretcher system, and to replace the extrication equipment at the Fork Mountain Rescue Squad. On July 10, Public Safety received notice that the grant was approved by the Office of EMS for funding in the following amounts:

EMS Response Vehicle: \$28,000.00 (80% grant funding/20% match)
 Bariatric Stretcher project \$6,194.00 (50% grant funding/50% local match)
 Extrication equipment project \$22,102.50 (50% grant funding/50% local match)
 Total Grant funds: \$56,296.50

Matching funds to complete the response vehicle and bariatric stretcher projects have already been allocated in the 2011- 2012 CIP budget. The CIP account number for the bariatric stretcher is 3000-023-0039-7001 and for the response vehicle the account number is 3000-023-0145-7005. The 50% matching funds for the extrication equipment will be provided by the Fork Mountain Rescue Squad.

RECOMMENDATION: Staff respectfully recommends that the Board accept the grant funds awarded to Franklin County from the Rescue Squad Assistance Fund.

RESTRUCTURE OF VARIOUS DEBT ISSUANCES

The County has two different debt issuances with BB & T. The table below gives additional information about these borrowings:

Purpose	Original Amount	Current Balance Owed	Maturity Date	Current Interest Rate
Franklin Center and E911 Radio System	\$6,500,000	\$1,708,609	July 15, 2020	3.71%
Government Center and Windy Gap Elementary School	\$9,150,000	\$7,748,300	February 1, 2023	3.91%

The County’s financial advisors, Davenport and Company, have discussed with BB & T the possibility of restructuring the debt issuances listed above to obtain a more favorable interest rate. Preliminary negotiations indicate that an annual interest rate of approximately 2.91% can be obtained for these two issuances saving the County and Schools roughly \$30,000 per year. This amount is after attorney and financial advisor fees are deducted. This restructuring would not extend the maturity date of the debt

RECOMMENDATION:

Staff respectfully requests the Board’s adoption of the submitted resolution authorizing the restructuring of these two debt issuances with BB & T. Staff also requests authorization for the County Administrator and Director of Finance to sign any additional documents required by this transaction.

**BOARD OF SUPERVISORS OF
FRANKLIN COUNTY, VIRGINIA**

RESOLUTION AUTHORIZING THE REFINANCING AND REFUNDING OF THE FRANKLIN COUNTY \$6,500,000 PROMISSORY NOTE (WORKFORCE CENTER AND E-911 PROJECT), THE \$4,897,000 PUBLIC FACILITY LEASE REVENUE OBLIGATION (WINDY GAP PROJECT), SERIES 2007A, AND THE \$4,253,000 PUBLIC FACILITY LEASE REVENUE OBLIGATION (GOVERNMENT CENTER PROJECT), SERIES 2007B

WHEREAS, the Board of Supervisors (the “Board”) of Franklin County, Virginia (the “County”) has received a written proposal (the “Proposal”) from Branch Banking and Trust Company (“BB&T”) dated August 5, 2011, a copy of which is submitted hereto, to refinance at lower interest rates the outstanding principal balance of the County’s (i) \$6,500,000 Promissory Note (Workforce Center and E-911 Project) (the “2005 Obligation”), (ii) \$4,897,000 Public Facility Lease Revenue Obligation (Windy Gap Project), Series 2007A (the “Series 2007A Obligation”), and (iii) \$4,253,000 Public Facility Lease Revenue Obligation (Government Center Project), Series 2007B (the “Series 2007B Obligation”) (the 2005 Obligation, 2007A Obligation and the 2007B Obligation shall collectively be referred to as the “Existing Obligations”); and

WHEREAS, the 2005 Obligation has a current outstanding principal balance of [\$1,710,849], and the 2007A Obligation and the 2007B Obligation collectively have a combined current outstanding principal balance of [\$7,748,281]; and

WHEREAS, the Board has determined that it is in the best interest of the County to refinance and refund the Existing Obligations in accordance with the terms and conditions contained in the Proposal and thereby reduce interest costs without extending the maturity of the indebtedness; and

WHEREAS, the County now intends to refinance and refund the Existing Obligations in accordance with the terms and conditions contained in the Proposal by amending, as necessary and applicable, the outstanding contracts, leases, note instruments and lease revenue bonds associated with the Existing Obligations, including but not limited to, the following documents (the “Existing Basic Financing Documents”);

Existing Basic Financing Documents for the 2005 Obligation

- (a) Deed of Trust (the “2005 Deed of Trust”) dated July 1, 2005 among the County, BB&T and BB&T-VA Collateral Service Corporation (“BB&T-VA”);
- (b) County of Franklin, Virginia Promissory Note dated July 13, 2005 in favor of BB&T evidencing the 2005 Obligation (the “2005 Note”); and
- (c) Project Fund Agreement dated July 1, 2005 between the County and BB&T.

Existing Basic Financing Documents for the 2007A Obligation

- (a) School Lease dated December 1, 2007 between the County, as lessor, and the Franklin County School Board (the “School Board”), as lessee;
- (b) Lease Agreement dated December 1, 2007 between the School Board, as lessor, and the County, as lessee (the “School Financing Lease”);
- (c) \$4,897,000 Public Facility Lease Revenue Obligation (Windy Gap Project), Series 2007A evidencing the 2007A Obligation (the “School Obligation”);
- (d) Public Facility Project Financing Agreement dated as of December 1, 2007 between the County and BB&T; and
- (e) Assignment Agreement dated as of December 1, 2007 between the School Board and BB&T.

Existing Basic Financing Documents for the 2007B Obligation

- (a) Library Lease dated December 1, 2007 between the County, as lessor, and BB&T, as lessee;
- (b) Library Lease Agreement dated December 1, 2007 between BB&T, as lessor, and the County, as lessee (the “Library Financing Lease”);
- (c) \$4,253,000 Public Facility Lease Revenue Obligation (Government Center Project), Series 2007B evidencing the 2007B Obligation (the “Library Obligation”); and
- (d) Leasehold Deed of Trust, Security Agreement and Assignment of Leases and Rents dated as of December 1, 2007 between the County and BB&T-VA.

WHEREAS, the form of certain amendments and modifications to the Existing Basic Financing Documents (the “Amendments”) have been presented at this meeting to the Board in substantially final form:

- [(a) First Amendment to Deed of Trust among the County, BB&T and BB&T-VA modifying the 2005 Deed of Trust to properly structure the refinancing and refunding of the 2005 Obligation];
- (b) First Amendment to County of Franklin, Virginia Promissory Note between the County and BB&T to adjust the interest rate on the 2005 Note;
- (c) First Amendment to Lease Agreement between the School Board and the County to adjust the rental obligations due and payable under the School Financing Lease and to otherwise properly structure the refinancing and refunding of the 2007A Obligation;

(d) First Amendment to \$4,897,000 Public Facility Lease Revenue Obligation (Windy Gap Project), Series 2007A between the County and BB&T to adjust the interest rate on the School Obligation;

(e) First Amendment to Library Lease Agreement between the County and BB&T to adjust the rental obligations due and payable under the Library Financing Lease and to otherwise properly structure the refinancing and refunding of the 2007B Obligation; and

(f) First Amendment to 4,253,000 Public Facility Lease Revenue Obligation (Government Center Project), Series 2007B between the County and BB&T to adjust the interest rate on the School Obligation and to otherwise properly structure the refinancing and refunding of the 2007B Obligation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, VIRGINIA:

1. The Board hereby accepts the Proposal on behalf of the County and the Amendments to the Existing Financing Documents prepared in connection therewith (the Amendments creating the "Refunding Obligations") to refinance the Existing Obligations, together with such amendments, modifications, supplements and extensions thereto as may be acceptable to the County Administrator, the Chairman of the Board or the County Finance Director, with such acceptance to be conclusively evidenced by the execution and delivery of such Amendments; provided, however, that (i) the aggregate principal amount refinanced and refunded shall not exceed [\$9,500,000], (ii) the interest rate on the Amendments to the Series 2005 Obligation shall not exceed 2.60% per annum, (iii) the interest rate on each of the Amendments to the Series 2007A Obligation and the Series 2007B Obligation shall not exceed 2.91% per annum, (iv) the final payment date on the Series 2005 Obligation shall not be extended, (v) the final payment date on each of the Series 2007A Obligation and the Series 2007B Obligation shall not be extended, and (iv) the rental payments due with respect to the lease financing obligations in the Financing Documents, as amended, shall consist of semi-annual payments (together with any other costs and expenses payable in accordance with the Existing Financing Documents, as amended) until the maturity date thereof, with established principal reduction payments as agreed upon with BB&T.

2. The Refunding Obligations are being structured to accomplish the refinancing and refunding of the Existing Obligations for the benefit of the County and are hereby approved, together with the execution and delivery or approval of such Amendments along with any other forms, instruments, certificates and related documents.

3. THE REFUNDING OBLIGATIONS, AND THE EXECUTION, DELIVERY, PERFORMANCE AND/OR APPROVAL BY THE COUNTY OF THE AMENDMENTS, ARE HEREBY APPROVED, ALONG WITH SUCH COMPLETIONS, OMISSIONS, INSERTIONS AND CHANGES NOT INCONSISTENT WITH THIS RESOLUTION AS APPROVED BY THE COUNTY ADMINISTRATOR, CHAIRMAN OF THE BOARD OR THE FINANCE DIRECTOR OF THE COUNTY, SUCH APPROVAL TO BE EVIDENCED BY THE EXECUTION AND DELIVERY OF SUCH AMENDMENTS. THE COUNTY ADMINISTRATOR, THE CHAIRMAN OF THE BOARD OR THE FINANCE DIRECTOR OF THE COUNTY ARE EACH HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER THE AMENDMENTS TO WHICH THE COUNTY IS A PARTY, AND THE COUNTY ADMINISTRATOR, THE CHAIRMAN OF THE BOARD, THE FINANCE DIRECTOR AND ALL OTHER AUTHORIZED REPRESENTATIVES OF THE COUNTY ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER ON BEHALF OF THE COUNTY SUCH OTHER INSTRUMENTS, DOCUMENTS OR CERTIFICATES, INCLUDING BUT NOT LIMITED TO, A GENERAL CERTIFICATE OF THE COUNTY, AND ONE OR MORE FORM 8038-G REPORTS TO THE INTERNAL REVENUE SERVICE AND TO DO AND PERFORM SUCH THINGS AND ACTS AS THEY SHALL DEEM NECESSARY OR APPROPRIATE TO CARRY OUT THE TRANSACTIONS AUTHORIZED BY THIS RESOLUTION OR CONTEMPLATED BY THE AMENDMENTS, ALL IN FORM AND SUBSTANCE AS SHALL BE APPROVED BY THE COUNTY ADMINISTRATOR, THE CHAIRMAN OF THE BOARD OR THE FINANCE DIRECTOR OF THE COUNTY, SUCH APPROVAL BEING EVIDENCED BY THE EXECUTION AND DELIVERY OF THE AMENDMENTS. ANY AUTHORIZATION HEREIN TO EXECUTE A DOCUMENT SHALL INCLUDE AUTHORIZATION TO DELIVER IT TO THE OTHER PARTIES THERETO AND TO RECORD SUCH DOCUMENT WHERE APPROPRIATE.

4. The County Administrator and such officers, employees and agents of the County as he may designate, are authorized and directed to take such further actions and to execute and deliver any and all other instruments, certificates and other documents required to carry out the purposes of this Resolution. All prior acts of the County Administrator or the Chairman of the Board and other officers, agents or representatives of the County that are in conformity with the

purposes and intent of this Resolution and in furtherance of the completion of the issuance of the Refunding Obligations are hereby approved and ratified.

5. The County hereby acknowledges that the Existing Obligations were previously designated as “qualified tax-exempt obligations” for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code) for the calendar years 2005 and 2007, respectively, and the County did not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code during such calendar years and that the Refunding Obligations therefore remain “qualified tax exempt obligations.”

6. The Board, while recognizing that it is not empowered to make any binding commitment beyond the current fiscal year with respect to its payment obligations under the Financing Documents, as amended, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to pay the rental obligations and any other amounts payable by the County under the Financing Documents, as amended, and hereby recommends that future Boards do likewise.

7. All costs and expenses in connection with the undertaking and financing of the Refunding Obligations shall be paid from the proceeds of the Refunding Obligations or legally available funds of the County.

8. The Board hereby appoints LeClairRyan, A Professional Corporation, as bond counsel in connection with the financing of the Project.

9. This resolution shall take effect immediately.

CERTIFICATE

The undersigned Clerk of the Board of Supervisors of Franklin County, Virginia hereby certifies that the foregoing is a true, correct and complete copy of a resolution duly adopted by a majority of the members of the Board of Supervisors of Franklin County, Virginia present and voting during the meeting duly called and held on August 16, 2011, and that such resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof. A summary of the members present or absent at such meeting, and the recorded vote with respect to the foregoing resolution, is set forth below:

<u>Member Name</u>	<u>Voting</u>				
	<u>Present</u>	<u>Absent</u>	<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
W. Wayne Angell	_____	_____	_____	_____	_____
Bobby W. Thompson	_____	_____	_____	_____	_____
Ronnie Thompson	_____	_____	_____	_____	_____
Russell P. Johnson	_____	_____	_____	_____	_____
Charles Wagner	_____	_____	_____	_____	_____
Leland Mitchell	_____	_____	_____	_____	_____
David R. Cundiff	_____	_____	_____	_____	_____

WITNESS my hand and the seal of the County this 16 day of August, 2011.

Clerk, Board of Supervisors of Franklin County, Virginia

(SEAL)

LEASE EXTENSION FOR FAMILY PRESERVATION SERVICES, INC.

On October 21, 2008, the Board of Supervisors approved the lease of office space for Family Preservation Services, Inc. This approximate 2, 760 square feet is located in the front section of a building (owned by the County) at 40 West Church Street in Rocky Mount. The original lease was for a two year period (through November 2010) and last July the Board agreed to a one year extension which expires November 2011.

Family Preservation Services, Inc. has expressed interest that the Board consider a lease extension for their offices at 40 West Church Street. This regional office currently employees 39 full time people. The agency has been a good tenant and the nature of their program does not place an undue burden on parking, etc. in the area.

The current lease is for \$1,550 per month or \$6.96 per square foot. The original lease agreement allows for rate negotiations after the original two years. While electrical rate (utilities are provided) have no doubt increased since the original lease agreement, the fact that we have two other occupants in the building (Re-assessment Program and General Properties) and served from the same electrical meter, makes it a little more difficult to say "who uses how much". A square foot calculation may be used but in this case may not be totally accurate. The Board may desire for staff to negotiate a "modest" increase in the rental amount to account for this.

A 30% increase in electricity would equate to approximately \$50-\$60 per month increase based on current usage.

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors consider the approval of yet another lease extension of one year for approximately 2,760 square feet of office space to Family Preservation Services, Inc. at a lease rate of \$1,600/month.

SHERIFF'S FLEET REPLACEMENT

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

The Sheriff's Office request to replace two marked vehicles that were considered to be a total loss and have received compensation from VACORP for these vehicles as previously reported to County Administration.

The Sheriff's Office requests to order two new marked police vehicles. The two new marked vehicles would replace vehicles that were total loss vehicles and that have been compensated by our insurance program. These two new requested marked vehicles would be new 2011 Dodge Charger Police vehicles purchased through County of Franklin contract awarded on April 13, 2011 for 2011 Dodge Chargers at a cost of **\$23,000.00** each for a **Total cost of \$ 46,000.00**. These vehicles would replace the following marked vehicles:

1. 2008 Ford Police Interceptor, Total loss mileage 90,200.
2. 2005 Ford Police Interceptor, Total loss mileage 112,600.

The requested vehicles are available for immediate delivery by the dealer awarded the Franklin County contract in April 2011, for the 2011 Dodge Chargers.

RECOMMENDATION:

Staff respectfully recommends you grant this budgeted fund request.

SML COMMUNITY PARK SHELTER DONATION & DEDICATION

The Smith Mountain Lake Lions Club has generously donated a new shelter to the County Recreation Department. This shelter has been constructed at the Smith Mountain Lake Community Park near the beach area. The club replaced an existing metal structure with a new timber frame shelter for public use. The existing metal roof was used in the new construction with all remaining materials and all labor donated by the club. The shelter was placed on the existing concrete pad. This shelter was a part of the overall master plan for the park and its donation saved the County significant future expense.

As has been customary in the past, staff suggests naming the new shelter after the Smith Mountain Lake Lions club in appreciation of their efforts and support of the County's recreational development agenda. Items such as parks and shelters have previously been dedicated and named for the donor individual or group.

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors approve naming of the new shelter at the Smith Mountain Lake Community Park after the Smith Mountain Lake Lions Club in appreciation of their donation.



PROPOSED RECREATION FACILITY USE CONTRACT WITH CHRISTIAN HERITAGE

The Franklin County Recreation Department has historically offered adult volleyball to the citizens of the area. Previously, this activity was offered in the National Guard Armory due to the County’s prior lease arrangement for the facility. The County recently ended its relationship with the Armory which has left the volleyball program without a home. Numerous gymnasium locations were researched, including Franklin Heights Baptist Church and Ramsey Hall at FCHS, but only two were found to be available for the proposed volleyball seasons. The two available spaces were the local YMCA and the Christian Heritage Academy. Each participating team pays a \$100.00 entry fee. There are expected to be twelve teams each season with approximately ten players each.

Discussions were held with both the YMCA and Christian Heritage Academy. A proposed rate was negotiated based on usage two nights per week during two sixteen-week seasons for four hours per night. The best rate offered at the YMCA was \$50.00 per hour while Christian Heritage Academy agreed to a \$25.00 per hour rate. Both facilities were centrally located in the County and offered all required amenities. Therefore, a proposed contract was negotiated with Christian Heritage Academy and submitted to the Board of Supervisors for a decision. The total estimated rental cost will be \$6,400 annually and will be covered by entry fees and the existing recreation budget.

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors approve the proposed contract with Christian Heritage Academy for the use of their gymnasium space.

Franklin County Parks & Recreation Department
Negotiable Contract Agreement

THIS AGREEMENT made and entered into this _____ day of _____, 2011 and between the County of Franklin, Virginia, a political subdivision of the Commonwealth of Virginia (hereafter referred to as the County), acting by and through its Director of Parks and Recreation, or his/her designee, and Christian Heritage Academy, (hereafter referred to as CHA).

WITNESSETH:

THAT, the parties hereto, in consideration of the covenants and agreements herein contained do hereby agree as follows:

- 1. The County and **Christian Heritage Academy** will cooperate in making available to the Public a service described below:

This service has been set forth as use of **Christian Heritage Academy Gymnasium**. The contract is from **August 1, 2011** until either party deems necessary to terminate the contract. The contract may be terminated by one of the parties giving written notice to the other with a minimum 30-day notice.

- 2. In providing this facility to the public, the **County** will provide the following:

- Administrative direction through the Director of Parks and Recreation or his/her designees.
- Provide game schedules promptly so as to provide the staff of CHA ample time to facilitate gym scheduling.
- Provide a site supervisor while activities are in session.
- Open and lock facility at the end of each session.
- Ensure participants are only within the designated areas allowed.
- Ensure no food or drinks are taken into the main gym.
- Make sure all participants have signed a liability waiver form prior to participation.
- Monitor restroom areas for cleanliness.
- Provide own equipment for volleyball leagues (nets, balls, scoring system, etc).
- Pay a rental fee of \$25.00 per hour for use of facility on a quarterly basis.

- 3. In providing this facility to the public, **Christian Heritage Academy** will:

- Maintain effective communication lines with the Director of Parks and Recreation with frequent contact through the Recreation Programs Manager.
- Allow Franklin County Parks & Recreation a minimum of two nights per week, August 1 through November 30 and January 1 through April 30, to schedule the Adult Volleyball Leagues and other programs.
- Provide a key for site supervisor to use.
- Provide appropriate lighting, heating, cooling and a safe playing atmosphere for participants.
- Maintain the sweeping, mopping and removal of trash from the facility.
- Notify the Recreation Programs Manager of any issues or concerns involving rental of this facility.
- Notify the Recreation Programs Manager within two business days of an issue necessitating cancellation of County's use of the facility.
- Provide tax id number and complete W-9 Form for payments.

Christian Heritage Headmaster Information

Name _____

Address _____

Phone (day) _____ (night) _____

(Cell phone) _____ (Email) _____

Franklin County Information

Name _____

Address _____

Phone (day) _____ (night) _____

(Cell phone) _____ (Email) _____

WITNESS the following signatures:

Date Christian Heritage Academy Headmaster

Date Department of Parks and Recreation Representative

(RESOLUTION #01-08-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items 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

NEW COUNTY EMPLOYEES INTRODUCTION

Richard E. Huff, II, County Administrator, introduced Susannah Smith, as the Senior Planner/Current Planning Manager and Peter Ahrens, Building Official.

VDOT PROECT UPDATES

Lisa Gibson, Engineer, VDOT, presented the Board with the following update on VDOT projects:

Fork Mountain Emergency Crossover: PROJECT COMPLETE

Route 919 Grassy Hill Road Right/Left Turn Lane: PROJECT COMPLETE

Route 635 Bonbrook Mill Road Right/Left Turn Lane Work started around Aug 1st, should be done around Aug 19th (depending on weather).

Diamond Avenue Drainage Project: We plan to start the work sometime mid/late August and have the work completed prior to Nov 1, 2011.

Route 220 Bridge Deck Overlay Blackwater River – PROJECT COMPLETED

Route 643 bridge superstructure replacement (Hickman) – PROJECT COMPLETED

Wades Gap Road – All roadway work is completed and road is surfaced (Project Complete).

Valley View Road – All roadway work is completed and road is surfaced (Project Completed).

Blue Bend Road (From Grassy Hill to 0.7 miles East) – All roadway work is completed and road is surfaced (Project Completed).

Blankenship Road - All roadway work is completed and road is surfaced (Project Completed).

Leaning Oak (from Bethlehem Road to Honeybee Trail) – Work on grading roadway started Aug 2nd and should end around mid August, with the road being surface-treated around early Sept.

Rural Rustic Projects –Endicott Hill Road, Wright Road and Adney Gap Road. Our plan is to have these roads graded and surfaced-treated prior to Nov 1, 2011.

Route 641 Bridge (Callaway) – Road opened Thursday Aug 4th, will still have lane closures to install guardrail. Project is to replace superstructure (ARRA – stimulus project)

RESIDENTIAL CLUSTER DEVELOPMENT AMENDMENT

Neil Holthouser, Director of Planning and Community Development, stated at the direction of the Franklin County Board of Supervisors, Planning staff is currently working on various measures to update the County’s ordinances related to land development (i.e. zoning, subdivision, etc.) As part of this update, the Board has requested Planning staff to study and make recommendations related to residential clustering for larger-scale residential subdivisions.

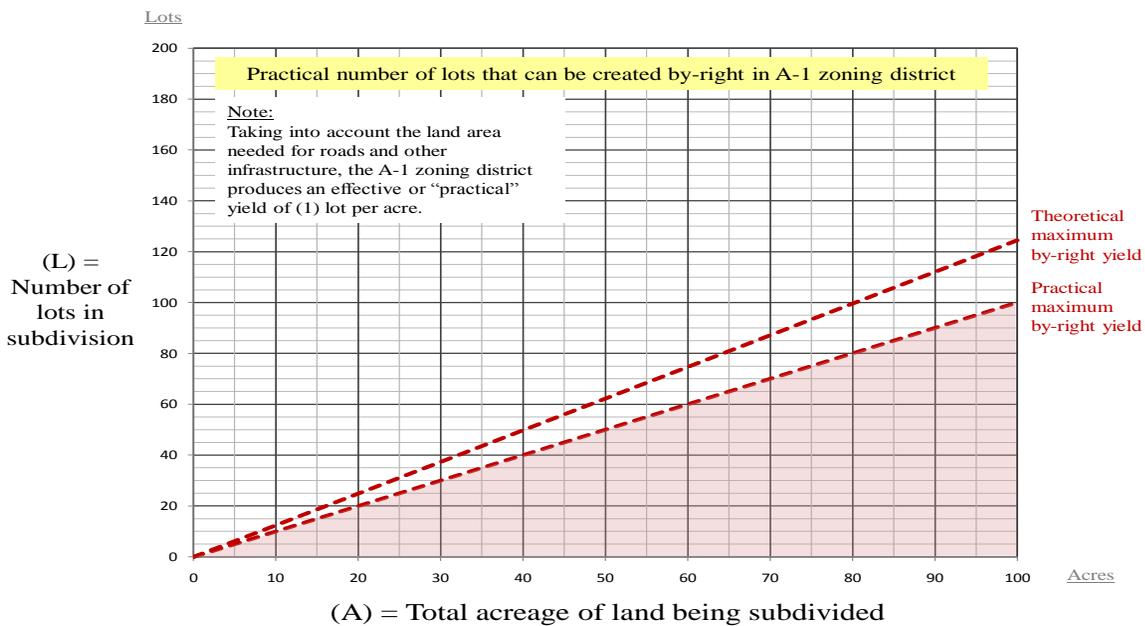
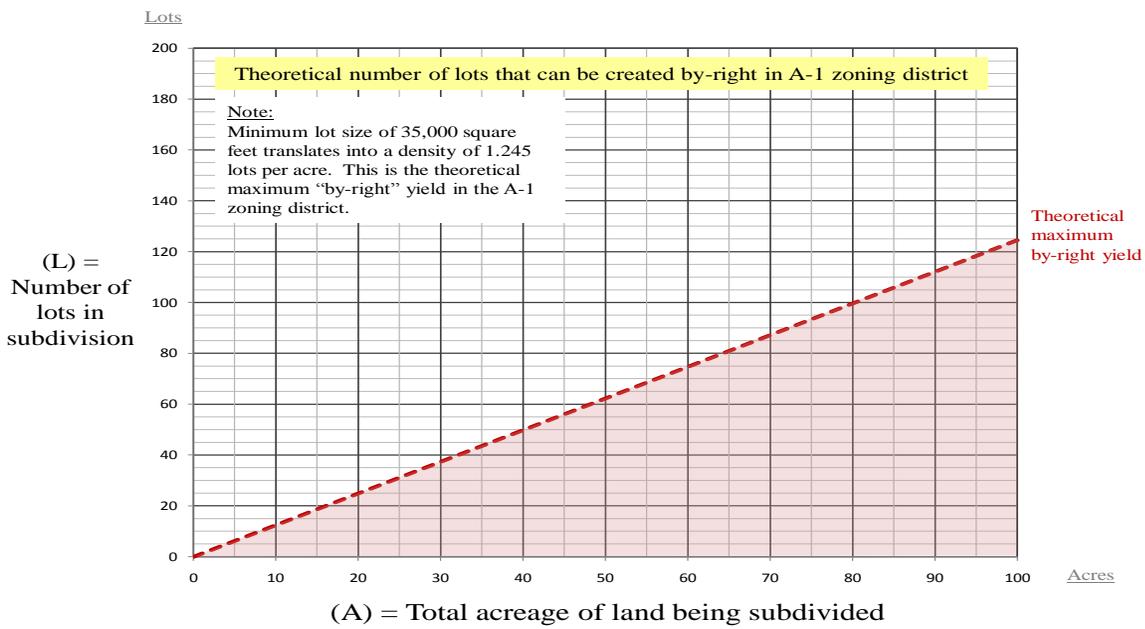
Staff has subsequently developed a series of proposed zoning ordinance amendments to incorporate residential clustering within the A-1, Agricultural zoning district. The Franklin County Planning Commission held work sessions in June and July of this year to review and review the draft ordinance language related to residential clustering. The Planning Commission is scheduled to hold a public hearing on the draft amendments on Tuesday, August 9, 2001.

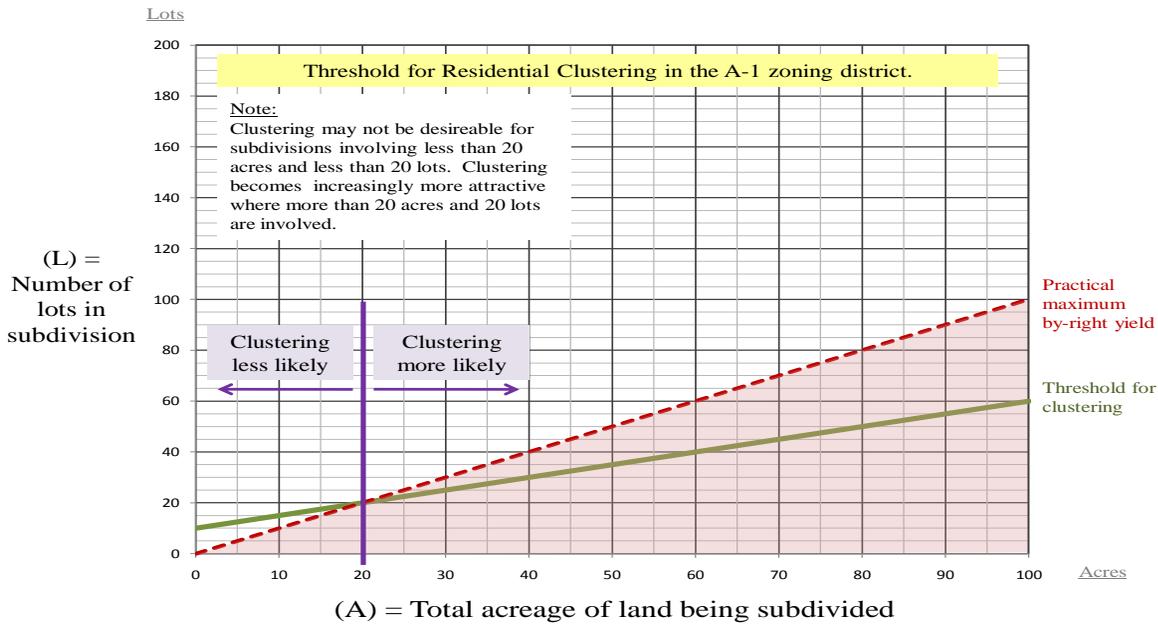
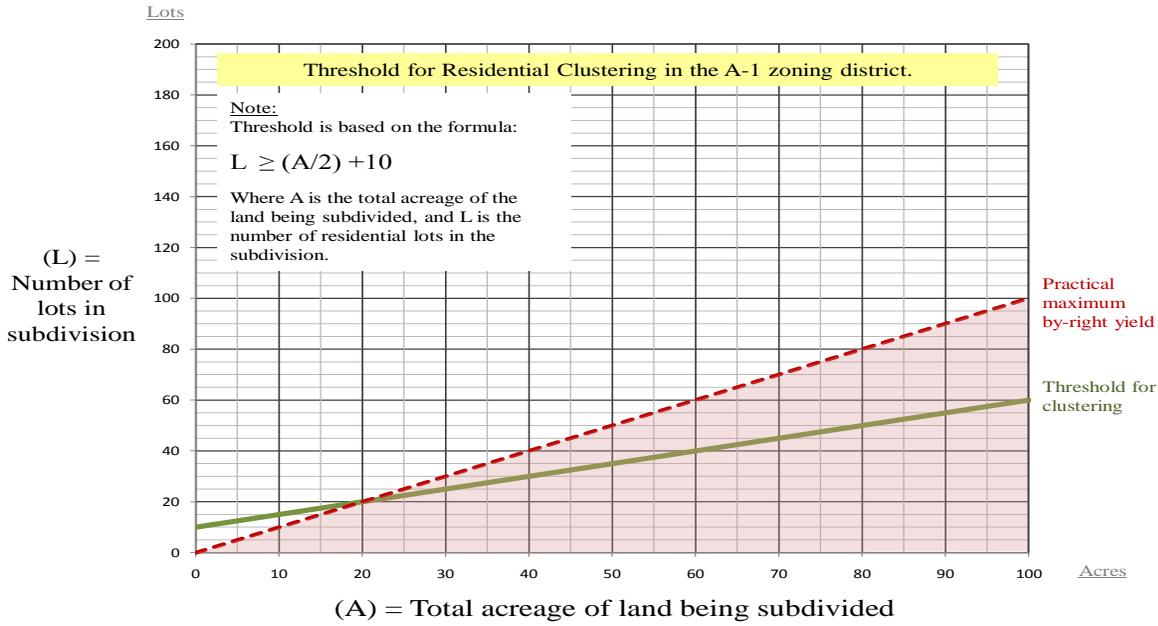
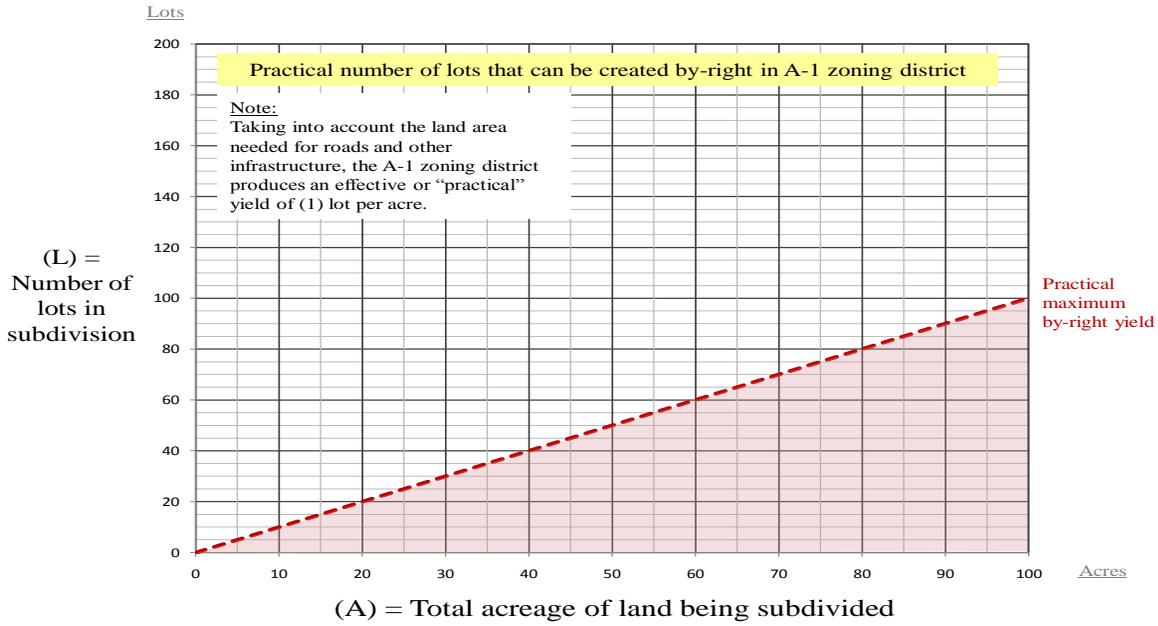
A copy of the draft amendments is submitted.

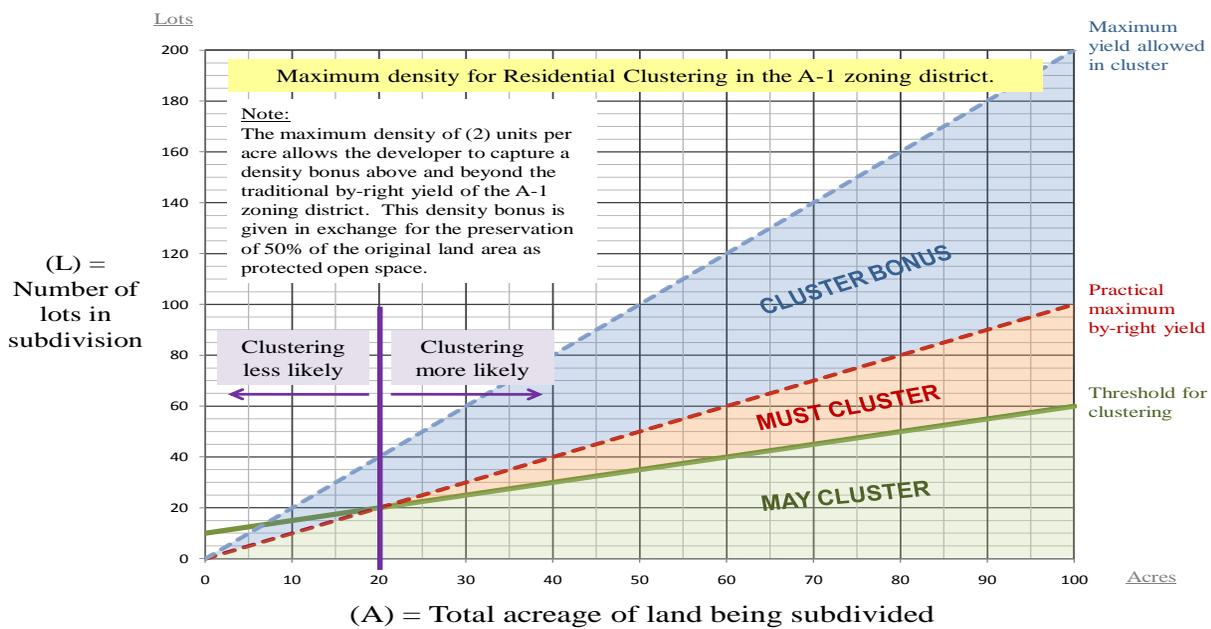
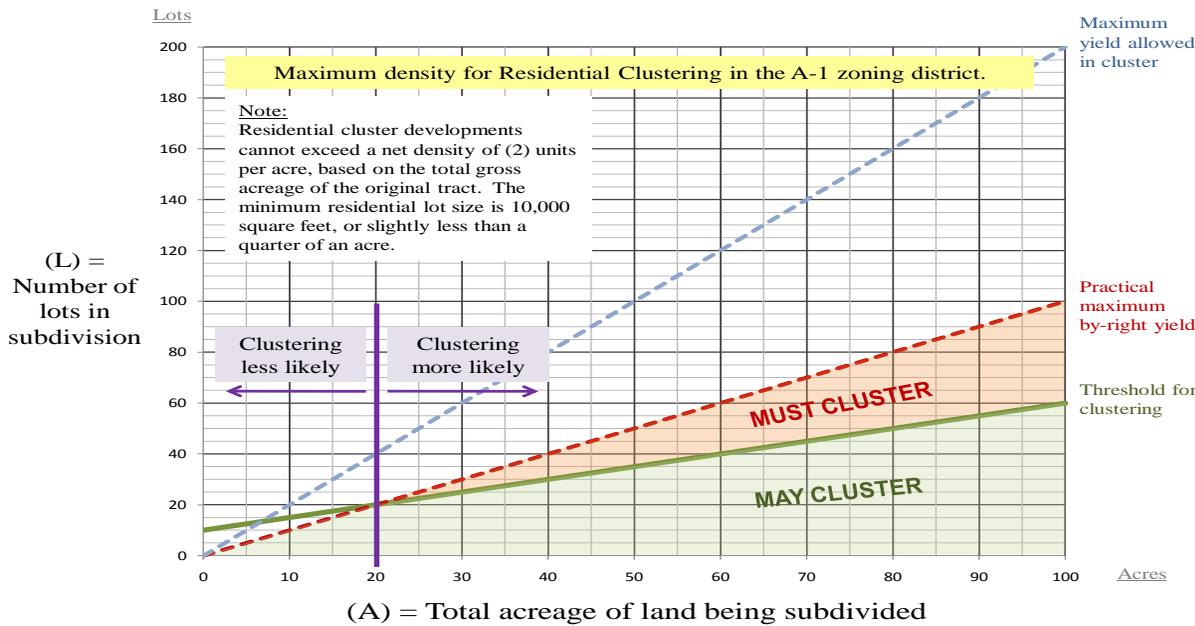
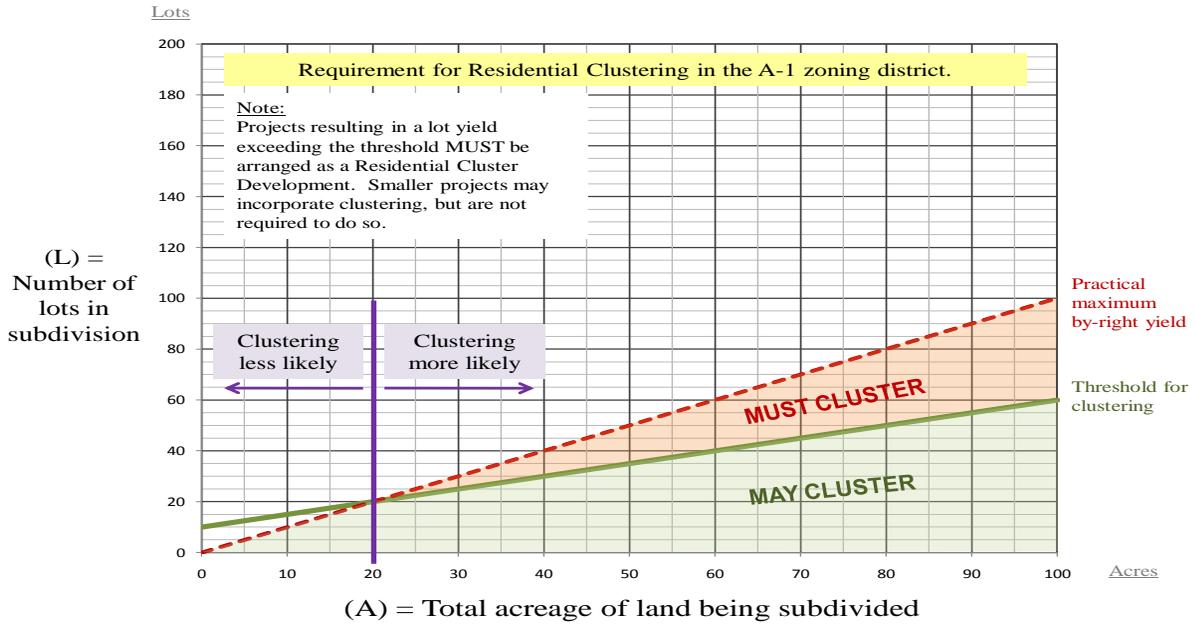
RECOMMENDATION:

Planning staff respectfully requests that the Board of Supervisors review the draft zoning ordinance amendments related to residential clustering in the A-1 zoning district.

Pending review and recommendation by the Planning Commission at its August 9, 2011, meeting, staff recommends that the Board of Supervisors hold a public hearing on the proposed zoning ordinance amendments at its September 2011 meeting.







ARTICLE III. DISTRICT REGULATIONS

DIVISION 1. AGRICULTURAL DISTRICT (A-1)

***Editor's note:** The Franklin County Comprehensive Plan includes a section to guide the county on zoning applications for agricultural areas. This section, entitled "Environmental, Land Use Considerations and Standards," is on pages 9-27 through 9-28 of the originally adopted plan of 1985.

Sec. 25-177. Purpose.

(a) This district includes unincorporated portions of the county that are occupied by various open uses such as farms, forests, lakes, reservoirs, streams and park lands. This district is established for the purpose of facilitating existing and future farming operations, preserving farm and forest lands, conserving water and other natural resources, reducing soil erosion, preventing water pollution, and protecting watersheds and reducing hazards from flood and fire.

(b) It is expected that certain desirable rural areas of this rural district may logically develop residentially at low density. It is the intent, however, to discourage the random scattering of residential, commercial or industrial uses in this district. It should also be presumed that the agricultural and forestry activities may produce some noise, odors and other effects and a certain level of tolerance for these effects must be expected of those who would dwell in this district. Special use permits will be employed to seek improved level of compatibility between uses. (Ord. of 5-25-88)

Sec. 25-178. Permitted uses.

Within the Agricultural District (A-1) the following uses are permitted:

Accessory uses.
Additions to existing schools.
Agricultural warehouses.
Agriculture, farming.
Antique shop.
Assembly halls.
Bed and breakfast establishments.
Cemeteries, community and commercial.
Cemeteries for animals.
Cemeteries on joint church property.
Churches.
Colleges.
Community center and building.
Conservation areas (public and private).
Day care center, day nursery.
Dormitories.
Expansion of existing parks owned by local, state or federal governments.
Forestral operations and management.
Garage, principle
Garages, storage of personal vehicles.
Gardens, private.
Greenhouses, nurseries.
Home occupations, Class A.
Home occupations, Class B.
Homes, single-family detached dwelling.
Homes, single-family detached dwelling with apartments on premises--(See

section 25-188).
Kennels.
Landing strip (temporary use)--(See section 25-112)
Libraries.
Lodge halls.
Lodges
Manses, church-owned dwelling unit.
Manufactured homes.
Mobile homes, individual, placed in 20,000 square foot or greater lot.
Off-street parking.
Private dock, pier or boat house.
Playgrounds.
Portable and temporary sawmill.
Preserves, wildlife refuge (public).
Primitive campground.
Residential cluster development (See section 25-189.)
Roads, streets, rights-of-way, easements.
Sales, service and repairs of farm, garden or logging equipment.
Signs.
Stable, commercial (riding).
Stables, private.
Subdivisions meeting county subdivision ordinance and the regulations of section 25-180.
Temporary construction facilities, subject to the requirements of section 25-129.
Temporary events, subject to the requirements of section 25-134.
Tenant farmer.
Water systems.
Wayside stands.
Wind energy facilities; small system (See section 25-128(c)).
Veterinary hospitals and clinics.

(Ord. of 5-25-88; Res. No. 13-05-90, 5-21-90; Res. No. 17-09-90, 9-17-90; Res. No. 43-01-93, 1-19-93; Res. No. 19-10-94, § 2, 10-18-94; Res. No. 38-11-95, 11-21-95; Amend of 9-16-97; Ord. of 6-16-98; Res. No. 13-02-2002, 2-19-02; Ord. of 2-15-05(4); Amend. of 3-25-08(5); Res. No. 26-05-2008, 5-20-08; Res. No. 5-05-2009, 5-19-09)

Sec. 25-179. Special use permits.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

Apartments in combination with business.
Archery ranges.
Automobile graveyard.
Boat club.
Campground (private)--(See section 25-155).
Campground (public)--(See section 25-155).

Carnivals, circuses, fairs and other events lasting more than ninety-six (96) hours but less than four (4) months.
Clubs (private).
Clubs (public).
Community docks, piers, and boat houses.
Convenience store.
Country club.
Country store.
Custom meat cutting operation.
Emergency service facilities--Fire, rescue.
Feed and seed processing mill.
Feed lots.
Feed mill operations.
Fish hatchery.
Flea market.
Food and groceries.
Funeral homes and mortuaries.
Garages, commercial, for automobiles, recreation vehicles, motorcycles.
General store.
Greenboxes.
Golf clubs, clubhouses.
Golf courses.
Golf driving range.
Grain mill operations.
Heliports, airports, landing strip (intensive use), landing strip (recreational use)--(See section 25-112).
[Home, single-family--(See section 25-188).]
Landfills, approved by State Health Department--Nonhazardous, nonradioactive.
Livestock market.
Lumber concentration yard.
Milk stations.
Mining--Conforming to state regulations.
Meat processing--Not a slaughterhouse.
Manufactured home parks (See section 25-137).
Motels, hotels, tourist and resort facilities.
Off-site mass drainfields (See section 25-144).
Off-site wells, water tanks and/or water systems (See section 25-145).
Parks.
Permanent chipping mill.
Permanent planing mill.
Permanent sawmill.
Public facilities.
Public garages.
Public offices.
Public power generation.
Public storage yards.
Public substations.
Public utilities.
Public utilities--Structures, towers, public water and sewer treatment plants.
Pulpwood storage and processing.
Quarrying--Conforming to state regulations.
Raceway.

Radio and television stations.
Radio and television towers.
Radio and television transmission/transmitters.
Recreational facilities (private).
Recreational facilities (public).
Restaurants.
Rifle range, gun clubs, shooting ranges.
Sales, service and repair of automobiles, trucks, recreational vehicles, motorcycles.
Schools (public and private).
Self-service storage facility.
Short-term tourist rental of dwelling.
Slaughterhouse.
Storage--Boat, recreational vehicle, and recreational trailer as a use allowed by special use permit.
Storage yard.
Summer camp.
Swim club.
Turkey shoot.
Wind energy facilities; large system (See section 25-128(c)).
Wind energy facilities, utility scale system (See section 25-128(c)).
Wood preserving.
Wood storage.

(Ord. of 5-25-88; Res. No. 30-08-89, 8-21-89; Res. No. 16-03-90, 3-19-90; Res. No. 18-07-90, 7-16-90; Res. No. 22-12-93, § 2, 12-21-93; Res. of 8-17-94; Amend. of 6-20-95; Res. No. 38-11-95, 11-21-95; Amend. of 12-19-95; Amend. of 9-16-97; Res. No. 26-09-99, 9-21-99; Res. No. 13-02-2002, 2-19-02; Ord. of 2-15-05(4); Res. No. 26-05-2008, 5-20-08; Res. No. 5-05-2009, 5-19-09; Res. No. 12-07-2010, 7-20-10)

Sec. 25-180. Area regulations.

Except as otherwise provided in Sec. 25-189, Residential cluster developments, the following lot area and lot coverage requirements shall apply to all lots within the A-1 zoning district.

(a) Minimum lot size:

- (1) Lots in this district shall have a minimum area of thirty-five thousand (35,000) square feet.
- (2) The minimum road frontage for lots of five (5) acres or less is equal to one hundred fifty (150) feet on a state-maintained primary road, one hundred twenty-five (125) feet on state-maintained secondary roads and not less than thirty (30) feet for lots fronting on a cul-de-sac. The minimum road frontage for lots of greater than five (5) acres shall be as required by the Subdivision Ordinance.

- (b) Maximum percentage of lot coverage.* Not regulated.
(Ord. of 5-25-88; Ord. of 6-16-98; Res. No. 11-04-2001, 4-17-01)

Sec. 25-181. Maximum height of buildings.

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennas, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.
(Ord. of 5-25-88)

Cross references: Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

Sec. 25-182. Minimum dimensions.

Except as otherwise provided in Sec. 25-189, Residential cluster developments, the following dimensional requirements shall apply to all lots and structures within the A-1 zoning district.

(a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches or stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.

(b) *Side setback.* The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be ten (10) percent of the road frontage distance, with a minimum of ten (10) feet and a maximum of twelve (12) feet.

(c) *Rear yard.* The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building) shall be a minimum of thirty (30) feet. Rear yard requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet. For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. Accessory structures up to five hundred seventy-six (576) square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line. In no case shall any structure be located on or below the eight-hundred-foot contour. Walkways and steps are exempt from rear yard requirements.

(d) *Minimum distance between main buildings.* For fire protection in low-density, agricultural areas, it is required that principal structures be no less than twenty (20) feet apart.

(e) *Corner lots.* The minimum setback distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.

(Ord. of 5-25-88; Res. No. 22-11-92, 11-17-92)

Sec. 25-183. Floor area requirements.

Conventional lots are not regulated.

(Ord. of 5-25-88)

Sec. 25-184. Minimum off-street parking space.

Two (2) off-street parking spaces shall be required on each building lot. Parking space shall be rectangular with one dimension at least ten (10) feet in length and the other dimension at least twenty (20) feet length and/or a total of 200 square feet.

(Ord. of 5-25-88)

Sec. 25-185. Open space requirements. ~~Reserved.~~

~~See the sections providing for the application of regulations and general regulations, sections 25-15 through 25-22 and 25-60 through 25-66.~~

Sec. 25-186. Reserved.

Sec. 25-187. Maximum number of units allowed per gross acre. ~~Reserved.~~

~~a) One (1) dwelling unit is allowed per one half (1/2) acre or two (2) units per acre.~~

~~b) No more than two (2) detached dwelling units may be erected on a building lot.~~

~~(Ord. of 5-25-88)~~

Sec. 25-188. Special requirements.

(a) **Except as provided below, only** one (1) dwelling may be erected or placed on a single building lot as a permitted use.

~~(b) No more than two (2) dwellings may be erected or placed on a single building lot under the following circumstances:~~

- ~~1. The second dwelling is occupied by members of the immediate family of the occupants of the principal dwelling on the lot, including parents, grandparents, children, and grandchildren; or,~~
- ~~2. The second dwelling is occupied by persons who derive their principal means of livelihood from work on the farm on which the dwelling is situated; or,~~
- ~~3. The parcel is one hundred (100) acres or more in size.~~

(b) A second dwelling may be erected or placed on a single building lot as a permitted use, under the following circumstances:

1. The building lot is at least one (1) acre in area; and
2. The second dwelling is occupied by:
 - a. members of the immediate family of the occupants of the principal dwelling on the lot, including parents, grandparents, children, and grandchildren; or
 - b. persons who derive their principal means of livelihood from work on the farm on which the dwelling is situated.
3. Regardless of occupancy, a second dwelling shall be permitted on a single building lot if the subject parcel is one hundred (100) acres or more in area.

(c) No more than two (2) dwellings shall be erected or placed on a single building lot.

(Res. No. 30-08-89, § 1, 8-21-89; Res. No. 27-06-95, 6-20-95)

Sec. 25-189. Residential cluster developments.

(a) Definition. For the purposes of this division, a residential cluster development shall be defined as a development consisting of single-family residential uses, where residential lots and associated infrastructure are concentrated on a portion of the subject land, with the balance of the subject land reserved as permanently undeveloped required open space.

(b) Requirement for residential clustering. The requirement for residential clustering is a function of the number of residential lots proposed and the total acreage of the proposed residential development.

1. Residential clustering is required based on the following formula: $L \geq (A / 2) + 10$, where L is the number of residential lots proposed, and A is the total acreage of the proposed residential development.
2. Residential cluster developments shall have a minimum of fifty (50) percent of the development's gross area reserved as permanently undeveloped required open space. Residential lots shall be clustered and arranged in accordance with the residential lot standards set forth in this division. Required open space shall be provided and arranged in accordance with the required open space standards set forth in this division.
3. The maximum residential density for residential cluster developments shall be two (2) units per acre, based on the gross area of the development including required open space.
4. Subdivisions that meet the requirements for "family division," as defined by the Franklin County Subdivision Ordinance, are exempt from the requirements of section 25-189; however, subdivisions that meet the requirements for "family division" may develop as residential cluster developments, provided that they meet the residential lot and required open space standards set forth in this division.
5. Any residential development that does not meet the clustering requirement set forth above, may nonetheless develop as a residential cluster development in accordance with the residential lot and required open space standards set forth in this division. Such residential cluster developments shall be required to reserve a minimum of fifty (50) percent of the development's gross area as permanently undeveloped required open space.
6. All new streets or roads serving residential lots within a residential cluster development shall be constructed to VDOT standards and dedicated into the state maintenance system.

(c) Standards for residential lots within residential cluster developments. The following standards shall apply to the design and arrangement of residential lots within residential cluster developments:

1. Where residential lots within residential cluster developments have frontage on a road classified by VDOT as a primary road, the following residential lot standards shall apply:
 - a. The minimum lot size shall be 20,000 square feet.
 - b. The minimum road frontage shall be 150 feet.
 - c. For lots fronting onto a cul-de-sac, the minimum road frontage shall be 30 feet, provided that the lot is at least 75 feet wide as measured at the required front setback line.
2. Where residential lots within residential cluster developments have frontage on an existing road classified by VDOT as a secondary road, the following residential lot standards shall apply:
 - a. The minimum lot size shall be 15,000 square feet.
 - b. The minimum road frontage shall be 125 feet.
 - c. For lots fronting onto a cul-de-sac, the minimum road frontage shall be 30 feet, provided that the lot is at least 75 feet wide as measured at the required front setback line.
3. Where residential lots within residential cluster developments have their frontage solely along new secondary streets or roads, ~~or on private roads~~, the following residential lot standards shall apply:
 - a. The minimum lot size shall be 10,000 square feet.
 - b. The minimum road frontage shall be 75 feet.
 - c. For lots fronting onto a cul-de-sac, the minimum road frontage shall be 30 feet, provided that the lot is at least 75 feet wide as measured at the required front setback line.

(d) Front setback requirements for structures on residential lots within residential cluster developments. The following standards shall apply to the placement of all buildings and structures on residential lots within residential cluster developments:

1. Where residential lots within residential cluster developments have frontage on a road classified by VDOT as a primary road, the minimum front setback shall be thirty-five (35) feet from the edge of right-of-way or sixty (60) feet as measured from the centerline of the right-of-way, whichever is greater.
2. Where residential lots within residential cluster developments have frontage on an existing road classified by VDOT as a secondary road, the minimum front setback shall be thirty (30) feet from the edge of right-of-way or fifty-five (55) feet as measured from the centerline of the right-of-way, whichever is greater.
3. Where residential lots within residential cluster developments have frontage solely on new secondary streets or roads, ~~or on private roads~~, the minimum front setback shall be twenty (20) feet from the edge of right-of-way or forty-five (45) feet as measured from the centerline of the right-of-way, whichever is greater.

(e) Other setback requirements for structures on residential lots within residential cluster developments. The following standards shall apply to the placement of buildings and structures with respect to residential lot lines:

1. Principal structures shall meet the following required setbacks:
 - a. The minimum side setback shall be ten (10) feet.
 - b. The minimum rear setback shall be twenty (20) feet.
2. Accessory structures shall meet the following required setbacks:
 - a. The minimum side setback shall be five (5) feet.
 - b. The minimum rear setback shall be five (5) feet.
3. Corner lots shall be deemed to have a primary front, defined as the lesser of the two road frontages; and a secondary front, defined as the greater of the two road

frontages. The property line opposite the primary front shall be considered a rear property line; the property line opposite the secondary front shall be considered a side property line.

For corner lots, the following required setbacks shall apply to all principal structures:

- a. Primary front: see Sec. 25-189 (d).
- b. Secondary front: a minimum of twenty (20) feet, as measured from the edge of the right-of-way, or forty-five (45) feet, as measured from the centerline of the right-of-way, whichever is greater.
- c. Side: a minimum of ten (10) feet.
- d. Rear: a minimum of twenty (20) feet.

For corner lots, the following required setbacks shall apply to all accessory structures:

- e. Primary front: see Sec. 25-189 (d)
- f. Secondary front: a minimum of twenty (20) feet, as measured from the edge of the right-of-way, or forty-five (45) feet, as measured from the centerline of the right-of-way, whichever is greater.
- g. Side: a minimum of five (5) feet.
- h. Rear: a minimum of five (5) feet.

(f) Standards for required open space within residential cluster developments. The following standards shall apply to the design and arrangement of required open space within residential cluster developments:

1. Areas of required open space shall be platted as required open space lots distinct from residential lots. Required open space lots are not required to have road frontage; however, required open space lots must be accessible either by means of direct road frontage, or by private access easement with a minimum width of fifteen (15) feet.
2. Required open space lots shall have a minimum lot area of two thousand (2,000) square feet.
3. Required open space lots shall measure at least fifty (50) feet in width, as measured at the narrowest dimension.
4. A maximum of seventy-five (75) percent of the required open space for a residential cluster development may consist of steep slopes, defined as having a slope greater than twenty-five (25) percent.
5. All structures located on required open space lots must be set back a minimum of twenty (20) feet from any property line.

(g) Ownership and management of required open space within residential cluster developments. Areas of required open space shall be platted as required open space lots distinct from residential lots, with such required open space lots subject to the following ownership and management requirements:

Required open space lots shall be owned and managed by a common owner, which may include a nonprofit association, a nonstock or membership corporation, trust, or foundation, provided that such common owner include all owners of residential property within the residential cluster development. Such arrangement shall conform to the following:

1. The developer must establish the common ownership entity prior to the sale of any residential lots within the residential cluster development.
2. Membership in the common ownership entity shall be mandatory for all residential property owners, present or future, within the residential cluster development.
3. The entity shall manage all required open space and recreational and cultural facilities; shall provide for the maintenance, administration and operation of said land and improvements, and any other land within the residential development; and shall secure liability insurance on the land.
4. The entity shall conform to the Condominium Act, Code of Virginia, 1950, §§ 55-79.39 through 55-79.103, as amended to date.

- (h) Use of required open space within residential cluster developments. Areas of required open space may be used as follows:
1. Permitted uses.
 Agriculture, farming.
 Conservations areas (public and private).
 Forestal operations and management.
 Playgrounds.
 Preserves, wildlife refuge (public).
 Stable, commercial (riding).
 Stables, private.
 2. Special use permits.
 Country club.
 Golf clubs, clubhouses.
 Golf courses.
 Parks.
 Recreational facilities (private).
 Recreational facilities (public).
 Swim Club.
 3. The land area (footprint) of any structure located within required open space shall not count toward the fulfillment of the required open space acreage requirement.

Sec. 25-190. Reserved.

General discussion ensued regarding marketability and cluster bonus densities. The Board directed staff to reconsider and further research the overall bonus densities as listed in the draft ordinance. . The board directed staff to research and bring forth additional information in September for discussion prior to advertising for public hearing.

LOWERING SPEED LIMIT IN FERRUM

Lisa Cooper, Director of Planning and Community Development, stated Mr. Bobby Thompson, Blue Ridge District Supervisor, requested a speed reduction study to be performed by VDOT on Route 40 West (Franklin Street) in the Ferrum area of the County. The speed reduction study was requested for the safety of Ferrum College students and pedestrians that walk along Route 40 (Franklin Street) to access commercial business (Minute Mart, Dairy Queen, and Dollar General, to name a few) along this major corridor.

The Board of Supervisors requested County staff to work with VDOT to accomplish the speed reduction study along Route 40 West (Franklin Street).

Planning staff contacted VDOT staff on the possibility of performing a speed reduction study along Route 40 West (Franklin Street) in the Ferrum area. The study area would be along Route 40 West (Franklin Street) beginning at or near the horizontal curve prior to the First National Bank traveling west on Route 40 (Franklin Street) just past Ferrum Elementary School and Route 748 (Ferrum School Road). On July 26, 2011, Lisa Gibson, VDOT engineer, informed staff that she had submitted a traffic engineering work order to the Salem District Traffic Engineering Department requesting the study. Ms. Gibson stated to staff a resolution from the Board of Supervisors would be beneficial in securing the speed reduction study approval.

RECOMMENDATION:

Staff respectfully requests the Board of Supervisors consideration of adopting a resolution to request a speed reduction study by VDOT along Route 40 West (Franklin Street).

(RESOLUTION #02-08-2011)

BE IT THEREFORE ORDAINED, by the Board of Supervisors to adopt the following resolution regarding a speed reduction study along Route 40 West (Franklin Street) in the Ferrum area of the County:

**REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A SPEED
 REDUCTION STUDY ALONG ROUTE 40 WEST (FRANKLIN STREET) IN THE FERRUM
 AREA, BLUE RIDGE MAGISTERIAL DISTRICT.**

WHEREAS, the Franklin County Board of Supervisors has concerns the speed limit in this area is not suited for the high volume of pedestrian traffic; and,

WHEREAS, the Franklin County Board of Supervisors request the study area to be along Route 40 West (Franklin Street) beginning at or near the horizontal curve prior to the Carter Bank & Trust traveling west on Route 40 (Franklin Street) just past Ferrum Elementary School and Route 748 (Ferrum School Road); and

NOW, THEREFORE BE IT RESOLVED, that the Franklin County Board of Supervisors requests that the Virginia Department of Transportation conduct a speed reduction study along Route 40 West (Franklin Street) beginning at or near the horizontal curve prior to the Carter Bank & Trust traveling west on Route 40 (Franklin Street) just past Ferrum Elementary School and Route 748 (Ferrum School Road); and,

BE IT FURTHER RESOLVED that Franklin County Board of Supervisors supports the speed reduction study.

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

HEALTH INSURANCE DEPENDENT COVERAGE

Richard E. Huff, II, County Administrator, shared with the Board the County of Franklin health insurance plan (Anthem) has continued to have the same benefit plan offered to our employees for several years. Because of this, the County was able to have their plan “grandfathered” this past renewal with adjustments only for enhanced benefits as required by state or federal law. The Patient Protection and Affordable Care Act (PPACA) the dependent age has been raised to age 26 regardless of student status, marriage, or insurance availability at the dependent’s place of employment. The limit formerly was 19 unless the dependent was a student in which case the age was raised until 23.

Due to the ability of the County’s plan to remain “grandfathered”, the county is allowed to make the decision as to whether the County should continue to cover dependent children to age 26 if they are employed and have insurance available to them at their place of employment. The County would not lose the “grandfather status” if we change our plan to not cover dependents that have insurance available elsewhere. Should we make this change now it would only be for 3 years. Effective July 1, 2014 all policies, including those with grandfather status, will cover dependents to age 26 regardless if insurance is available at their place of employment or not. The Town of Rocky Mount, a partner in our health plan will need to be included in our decision as we must treat employees the same way. Town staff concurs with this staff recommendation.

RECOMMENDATION:

Staff recommends that the County decide not to allow dependent children to remain should they have insurance available to them at their place of employment. The effect of the decision is that the County’s claim experience will not be impacted by dependents that can be covered at their place of employment.

(RESOLUTION #03-08-2011)

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

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

FY’11-12 BOARD PRIORITIES

Richard E. Huff, II, County Administrator, stated at the Board’s retreat on July 8, 2011, the submitted draft priorities were articulated by various members of the Board and compiled into this comprehensive document. The next step is to gain a consensus from the entire Board that this is in fact the direction to give staff to work on in FY11-12.

Using the submitted draft list of priorities, the Board will be asked to adopt, modify, or otherwise change the listing and finalize as staff direction for the FY11-12 year.

**FY2011-12
Franklin County Board of Supervisors' Priorities**

Draft

- 1) Create a mechanism to effectively involve the broader community in major issues, especially land use.
- 2) Enhance County Fire and EMS (Public Safety) by increased support of volunteers, expansion of paid staff where it is needed, strategic placement of new and refurbished facilities, and emergency medical dispatch.
- 3) Develop and implement a comprehensive agriculture support plan. Consider hiring an Agriculture Director.
- 4) Develop a specific strategy to more fully realize the potential of Philpott Lake, including protection of it and its use as an economic catalyst. Work to establish a Multi-County (Regional) group to develop plans (i.e. marketing, tourism)
- 5) Continue the process of rewriting the Zoning and Subdivision Ordinance with a focus on strengthening the village concept and using flexible standards to meet needs of all areas of the County. Keep the public engaged.
- 6) Develop a strategy and timeline for job growth and economic development that raises the County's median income to include site development, funding set-asides, and a marketing plan. (Include the role/growth of Ferrum College as part of the strategy). Establish proactive steps.
- 7) Achieve exemplary customer service throughout County government (including measures and attention to problem areas).
 - i. Transparency In Local Government
 - a. Update County Website (i.e. Q & A's to recent contractor issues)
 - b. Posting – publishing of Friday Packets
 - c. Budget Information
- 8) Continue the program to purchase development rights to preserve land for conservation.
- 9) Establish a 5 year Financial Plan to include but not limited to the following items: Future Operational and Capital Revenues – Expenditures, Debt Service Schedules, Projected Needs (i.e. compensation, other), 5-10 year Schools Capital Plan, etc.).
- 10) Examine current Building Department Code Official departmental structure within Development Services.
- 11) Continue work to develop a natural gas line in Franklin County.
- 12) Review process for School Carry Over and Budget Requests to possibly include County staff analysis and recommendations.

The Board suggested another strategic work session following the November elections to discuss Board – School Board roles, responsibilities, and define any guiding principles.

RECOMMENDATION:

Staff recommends that the Board modify if needed and endorse a final revision of priorities for FY11-12.

(RESOLUTION #04-08-2011)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the presented FY'11-12 Board priorities as presented.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

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

OTHER MATTERS BY BOARD MEMBERS:

PUBLIC SAFETY RESPONSE TIMES:

Charles Wagner, Rocky Mount District Supervisor, requested the County Administrator, to forward a letter of commendation and appreciation from the Board to the volunteers/paid personnel for their positive response time to calls in such a rural area, as Franklin County.

ECONOMIC DEVELOPMENT STUDY

Russ Johnson, Gills Creek District Supervisor, shared with the Board the possibility of a group of citizens to conduct an economic development study for Franklin County. Mr. Johnson stated Botetourt County had just paid \$60,000 for this type of study. Mr. Johnson will be placing additional information in a Friday Board packet.

RESOLUTION TO WITHHOLD \$3 MILLION FROM THE SCHOOL SYSTEM FY'2011-2012

Russ Johnson, Gills Creek District Supervisor, advised the Board he would be making a motion at the September board meeting to withhold \$3 million from the schools in next year's funding. Mr. Johnson expressed concerns regarding the spending spree which had taken place since the last BOS meeting and was concerned with the amount of expenditures taking place last month.

The Board directed the County Administrator to invite the School Board to the September Board meeting to address any specific spending questions/answers regarding the expenditures.

**CLOSED MEETING
(RESOLUTION #05-08-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-5, Economic Development and a-7, Consult with Legal Counsel of the Code of Virginia, as amended.

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

MOTION: Bobby Thompson RESOLUTION: #06-08-2011
SECOND: Ronnie Thompson MEETING DATE August 16, 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, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner
NAYS: NONE
ABSENT DURING VOTE: NONE
ABSENT DURING MEETING: NONE

Chairman Wagner adjourned the meeting.

CHARLES WAGNER
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR