

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, AUGUST 19, 2014, 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: David Cundiff, Chairman
 Cline Brubaker, Vice-Chairman
 Bob Camicia
 Ronnie Thompson
 Charles Wagner
 Leland Mitchell
 Bobby Thompson

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

David Cundiff, Chairman, called the meeting to order.

Invocation was given by Supervisor Bobby Thompson.

Pledge of Allegiance was led by Supervisor Bob Camicia.

PUBLIC COMMENT:



CONSENT AGENDA

APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – JULY 15, 2014

APPROPRIATIONS

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT</u>		<u>AMOUNT</u>
Economic Development	Incentive Grant Reimbursement	30-	0007	\$1,000
Clerk of Court	Part Time Reimbursement	2106-	1003	\$410
Commissioner of Revenue	Additional Comp Board Funds for	1209-	1001	\$12,011
	Certifications			
Library	Reimburse for Lost Items, Book	7301-	5411	\$1,118
	Sales, Donations			
Tourism	Ag Fair Registration Fees	8110-	5903	\$2,600
Tourism	Civil War Days	8110-	5902	\$55
Commonwealth Attorney	Additional Comp Board Funds	2201-	1001	\$5,851
Public Safety	Sale of Fire Truck	30-	0147	\$3,000
Public Safety	Fire Programs Grant	30-	0147	\$24,275
				\$50,320
Transfers Between Funds or Capital Accounts (June 30, 2014)				
Regional Jail Per Diem		3302-	3009	\$250,047
Regional Jail Capital Reserve		30-		(\$250,047)
To transfer funds from Capital Reserve to the General Fund				

PAYROLL PROCEDURE CHANGE

The County pays approximately 400 employees on a monthly basis. 75% of these payments are processed electronically by direct deposit into a personal checking or savings account. Approximately 80 - 90 pay checks are printed each month. The County also prints a direct deposit notice for those employees that have direct deposit.

At the July Board of Supervisor's meeting Staff was directed to survey County employees about direct deposit. Survey results are shown below:

Total Surveys Sent to Employees	83	
Number of Surveys Returned	41	
Number of Employees indicating they will participate in Direct Deposit	30	73%
Number of Employees desiring to not participate in Direct Deposit	11	27%

Approximately 10 employees have enrolled in direct deposit as a result of receiving the survey.

RECOMMENDATION:

Staff respectfully requests the Board to consider allowing those employees that do not wish to participate in direct deposit to be "grandfathered in" and not forced to participate. All new employees would have to participate in mandatory direct deposit after August 19, 2014. The County will continue to print a direct deposit notice for all employees until we become familiar with the employee self-service portal that is included with the new HR/Payroll system (early 2015).

TOURISM MICROGRANT AWARDS - ROUND 2

Annually, the Franklin County Board of Supervisors awards small grants to organizations within the community to assist with promotional and operational expenses of local tourism-related projects and events. These funds help with the marketing of those events and/or programs, while at the same time further allowing the county tourism office to promote Franklin County to potential visitors. For the 2014-2015 fiscal year, \$20,000 has been set aside within the Franklin County Tourism budget for these awards.

After \$13,600 in grant funding was awarded in May, the remaining funds available for second round applications totaled \$6,400. Eight (8) applications were received from five (5) different organizations during the second round of applications, which had a deadline of June 4, reflecting more than \$10,000 in total requested funds.

Funding for the Tourism MicroGrant Program is generated by the transient occupancy, or lodging tax, applied to the motels, hotels and bed & breakfast properties in the County. The purpose of this MicroGrant program is to increase the local tourism industry thus creating new jobs, attracting new tourists, spawning new hospitality-related investments and improving the quality of life for Franklin County residents. It is recognized that the County cannot, and should not, be the only provider of tourism events for our community. We should instead assist other organizations in the creation of events and marketing campaigns that can leverage the community's limited resources. We must leverage our limited dollars to support interesting, dynamic and creative special events and marketing campaigns that set Franklin County apart from competitors throughout the mid-Atlantic region.

Tourism MicroGrants exist to support events and activities that a) encourage tourists from outside the region to enjoy our community and make use of our hospitality industry, and b) provide an opportunity to expand the awareness and visibility of the community throughout the region. In reviewing the seven (7) submitted applications, staff evaluated each applicant on a number of different factors, including, but not limited to, the amount of funds leveraging involved; marketing plan and scope; perceived economic impact; financial need; partnership opportunities; and past performance. Based on all criteria and available data, staff has made the following recommendations for this year's Tourism MicroGrant Program awards:

APPLICANT	PURPOSE	AMOUNT SOUGHT	STAFF RECOMMENDATIONS
Community Partnership for Revitalization	History in Bloom	\$2,400.00	\$1,440.00
Warren Street Society	Warren Street Festival	\$4,000.00	\$2,400.00
Southwest Virginia Antique Power Festival, Inc.	Fall Swap Meet	\$250.00	\$140.00
	Spring Swap Meet	\$250.00	\$140.00
	Southwest Virginia Antique Farm Days	\$2,000.00	\$1,200.00

Franklin County Historical Society	Ghost and More Tours	\$900.00	\$540.00
	Moonshine Express Tours	\$900.00	\$540.00
Rocky Mount Center for the Arts	5-Mile Run	\$4,000.00	\$0.00
		TOTAL SOUGHT \$14,700.00	TOTAL RECOMMENDED \$6,400.00

As in the first round, applications included a number of high-caliber projects, but limited funding. As such, not all applications received funding from the Tourism MicroGrant Program.

RECOMMENDATION:

It is recommended that the board approve the staff recommendations for the second round Tourism MicroGrant Program awards from the Franklin County Tourism budget.

FERRUM VOLUNTEER FIRE DEPARTMENT FIRE TANKER PURCHASE

Ferrum Volunteer Fire Department does not currently have a large tanker assigned to the department that is capable of supplying more than 1500 gallons of water to a fire scene. The station is assigned a fire engine and a 1500 gallon tanker that can only supply a total of 2500 gallons of water to a fire. The Insurance Services Organization (ISO) uses available water supply to determine a fire departments ISO fire suppression rating. The ISO rating is used by the majority of insurance companies to determine fire insurance coverage rates for homeowner and commercial fire insurance policies. The proposed fire tanker purchase will be equipped to transport and supply 2500 gallons of water to a fire scene which will improve the fire insurance classifications for the Ferrum area in locations that are in excess of 1000 feet from a fire hydrant. Ferrum Fire Department currently has a 9 ISO rating in these areas.

Representatives from Ferrum Fire Department and Public Safety have met to review the specifications for the proposed fire tanker to be purchased. The specifications submitted meet NFPA guidelines as well as the county specifications for a fire tanker apparatus. The tanker to be purchased will allow the Ferrum Fire Department to remove a 1993 International KME fire engine from service that has been reliable but has recently began to experience leaks from the fire pump and other minor problems that is associated with 21 years of front line fire service. The 1993 International is equipped with a 1000 gallon water tank and a 1250 gallon-per-minute pump (gpm). The department plans to reclassify a 2001 International tanker as its front line fire engine. The 2001 International is capable of being reclassified as it does meet the county specifications as a fire engine. That vehicle is equipped with a 1500 gpm fire pump and transports 1500 gallons of water and has enough storage capacity to carry the equipment and gear needed to be classified as a fire engine. The proposed tanker will have a 2500 gallon water capacity and will be equipped with a 1500 gpm pump on a Kenwood T800 commercial dual rear axle chassis. The plan proposed by Ferrum Fire Department allows them to transport 4000 gallons of water to a fire scene using two vehicles which meets the ISO requirements for a Class 8B fire insurance rating.

The purchase will be made using the existing fire apparatus purchase contract between the City of Suffolk Virginia and Atlantic Emergency Solutions which is contract #2011-00109. Atlantic Emergency Solutions is an authorized dealer for Pierce Manufacturing Incorporated who will manufacture the tanker in accordance with the agreed to specifications that meet Franklin County's fire tanker specifications that were developed in 2007 during a meeting with the county volunteer fire chiefs. The cost of the tanker is \$388,734.00 which is within the budgeted amount. Funds to purchase the tanker have been allocated and are available in the FY 14 – 15 CIP budget in line item 3000-023-0147-7005. For comparison, the last county tanker purchased was in June 2011 and was assigned to the Fork Mountain Fire Department. That vehicle was purchased for \$376,337.00 which is \$12,397 which reflects a 3% increased cost in 3 years. The 1993 International fire engine that is being replaced will be sent to surplus to be sold at auction by the county.

RECOMMENDATION:

Staff respectfully recommends that the Board of Supervisors approve the purchase of the fire tanker apparatus from Atlantic Emergency Solutions.

SHERIFF'S DEPARTMENT TO PURCHASE VEHICLES

The Office of the Sheriff, County of Franklin is a law enforcement agency with local jail and law enforcement responsibilities. It maintains a fleet of police vehicles necessary to carry out all functions and responsibilities. Field law enforcement vehicles are normally replaced with approximately 125,000 miles and these vehicles are reissued 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 becomes cost prohibitive.

The Office of the Sheriff requests to order nine new marked police service vehicles as replacement vehicles for cars currently in service. The listed vehicles for replacement are well above the 125,000 mile replacement threshold and or have serious mechanical issues. The vehicles needing to be replaced are:

1. 2008 Chevrolet Impala with over 132,000 miles.
2. 2008 Ford Crown Victoria with over 132,000 miles.
3. 2009 Ford Crown Victoria with over 133,000 miles.
4. 2009 Ford Crown Victoria with over 135,000 miles
5. 2009 Ford Crown Victoria with over 135,000 miles.
6. 2008 Ford Crown Victoria with over 144,000 miles
7. 2008 Chevrolet Impala with over 144,000 miles.
8. 2005 Ford Crown Victoria with over 146,000 miles.
9. 2008 Ford Crown Victoria with over 145,000 miles.

The nine marked police service vehicles requested are Full-Size Police Dodge Chargers through state contract #E194-1336 at a cost of \$23,176.00 per car. The cost of these vehicles will be covered by our existing vehicle budget 3000-021-0017-7005 with a balance of \$219,381.56.

RECOMMENDATION:

The Office of the Sheriff respectfully requests the Board of Supervisors approve the purchase of 9 full-size police vehicle Dodge Chargers.

AUTHORIZATION TO SOLICIT AMBULANCE REMOUNT

In June of this year a report that outlined the condition of the EMS fleet was delivered to the Board of Supervisors. Several ambulances with modular bodies that were purchased between 2008 and 2010 are experiencing significant mechanical issues and are capable of being remounted onto a new chassis instead of purchasing an entirely new vehicle. No existing contract is in place from any remount vendor that is open for Franklin County to contract with a vendor for these services.

In 2012 the ambulance assigned to the Westlake station that was purchased in 2009 suffered a catastrophic chassis failure that forced it to be removed from service. Repair of the existing Ford F450, 4-wheel drive chassis were estimated to exceed \$15,000. The 6.4 liter diesel chassis had been plagued by numerous mechanical breakdowns in 2010 and 2011 that regularly removed it from service for repairs. The vehicle was removed from service and a grant was obtained to purchase a new ambulance. Staff did not send the former vehicle to surplus as the module or box of the vehicle is still serviceable and is less than 10 years old. That modular body is capable of being remounted onto a new chassis and be returned to service. A new ambulance constructed to meet county specifications costs approximately \$170,000 to construct. A remount of an existing modular body onto a new chassis typically costs significantly less than the purchase of a new ambulance and offers the same warranties of a new vehicle. Staff has searched for an existing remount contract that is available for Franklin County to use but no such contract exists. A remount specification has been written and is ready to be advertised for bids from interested vendors to provide remount services. The specifications require that the new chassis be a 2015 Dodge 4500, 4-wheel drive, 6.7 liter diesel chassis. There are funds available in the FY 14-15 CIP budget for the remount project and it is anticipated that the bids received will be less than the budgeted amount. The project will be advertised for bids beginning August 20, 2014 with a deadline for submissions being September 18, 2014. Upon receipt a recommendation will be brought to the Board of Supervisors for consideration for approval in the October meeting. Plans are to place the remounted vehicle into service to replace an ambulance that was identified as being a critical need in the June report to the Board of Supervisors.

RECOMMENDATION: Staff respectfully recommends that the Board of Supervisors approve the request to advertise for remounting of the former Westlake ambulance to vendors.

REVENUE SHARING

The Board of Supervisors has an adopted policy in place on the use of VDOT Revenue Sharing Funds. The Board's policy/procedure has been to advertise and receive proposals before the application deadline of November 1, 2014 for FY 2016 funding. Therefore, it is once again time to solicit public interest in the program and set a deadline for submission of project applications by the public.

The County will receive any interest of the public and VDOT will work with planning staff on the cost to be anticipated, and what public share will be needed. It is explained to the citizens that the program is contingent on Board approval and VDOT approval and availability of VDOT funds. Applicants must submit their request along with a check for \$2,500 payable to the County Treasurer and a guarantee to provide the right-of-way to the County. The funds are held in escrow until it is determined whether the project will go forward. If it goes forward, the \$2,500 is applied to the project, and the applicants pay one-half the construction cost and any other costs that arise. Their funds must be deposited with the County prior to advertisement of the project.

Projects are prioritized to consider the number of homes served, the number of homes served per road mile, the age of the development, the unit cost of the road, whether there is a need for school bus and/or mail service, whether the project will open land to development. Staff and VDOT will provide the Board with a summary of the projects proposed by the public for its consideration, before the application deadline.

RECOMMENDATION:

Staff respectfully requests the Board of Supervisors authorize staff to proceed with advertisements during the month of September regarding the VDOT revenue sharing program with applications to be submitted to the County Planning and Community Development Office by 4:00 p.m., Friday, October 3, 2014.

TOWN OF BEDFORD'S REQUEST FOR RESOLUTION OF SUPPORT FOR RAIL DEPOT

In October of 2009, City of Lynchburg resumed passenger rail (Amtrak) service at the Kemper Street Station. As you are aware, passenger rail service is scheduled to return to the City of Roanoke in 2017. In January of 2014 an agreement was signed between the State of Virginia and Norfolk Southern Corporation to make infrastructure improvements necessary to extend Amtrak passenger rail service from Lynchburg to Roanoke. Over the last two years, Roanoke has been operating a bus connection to Lynchburg's Kemper Street Station to assist travelers in the Roanoke Valley. The planned expansion of passenger rail service to Roanoke will pass through the Town of Bedford, but such current plans do not include a Bedford stop.

On July 25, 2014 Franklin County Administration received a letter from the Town Manager of Bedford requesting support by resolution from the Board of Supervisors to re-establish passenger rail service to the Town of Bedford, thereby noting the Town would need support from the surrounding localities to be successful in this venture. Bedford County and the Smith Mountain Lake Regional Chamber of Commerce have also indicated their support.

RECOMMENDATION:

Respectfully, staff requests the Board of Supervisors to consider a resolution of support for the Town of Bedford's efforts to obtain a passenger rail service station.

WHEREAS, the Virginia Department of Rail and Public Transportation (DRPT) has announced that on or before the year 2017 rail passenger service will be extended to Roanoke, passing through but not stopping in the Town of Bedford; and

WHEREAS, citizens and citizen organizations of the Town of Bedford and surrounding areas have expressed support for a rail passenger station stop in the Town of Bedford; and

WHEREAS, the need for a passenger rail station in the Town of Bedford is included in the Town's (then a city) 2012 Comprehensive Plan; and

WHEREAS, the Town of Bedford views the placement of a Bedford passenger rail station stop as a vital element in supporting the area's plans for growth and economic development, while better

servicing the passenger rail transportation needs of the surrounding Smith Mountain Lake region of Bedford and Franklin Counties.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors of the County of Franklin supports the Town of Bedford in their application for the creation of a regional passenger rail station stop in the Town of Bedford.



215 East Main Street
Bedford, VA 24523
Phone (540) 587-6001
Fax (540) 587-6143

Town of Bedford, Virginia

Office of the Town Manager

July 25, 2014

Mr. Richard E. Huff, II
Franklin County Administrator
1255 Franklin Street, Suite 112
Rocky Mount, VA 24151

Dear Mr. Huff:

During the regularly scheduled Town Council meeting on July 22, 2014, Council adopted a Resolution supporting a rail passenger station stop in the Town of Bedford.

Enclosed is a copy of the Resolution. An effort such as this will require the support of the entire area for it to be successful. We will be setting up a working group to focus the resources and activities. If your organization wants to be involved in these initial efforts, please contact us. Any support you can offer would be greatly appreciated.

Sincerely,

Charles P. Kolakowski
Town Manager

CPK:dba

Enclosure

HR 4976/SUPPORTING HOME OWNERS RIGHTS ENFORCEMENT ACT (SHORE)

At their July 8, 2014 meeting, the Tri-County Lakes Administration's (TLAC) Board of Directors recommended to the individual Counties that they support HR 4976, the Supporting Home Owners Rights Enforcement Act (SHORE) introduced by Congressman Robert Hurt and cosponsored by Congressman G.K. Butterfield. A copy of this bill is submitted.

Congressman Hurt has indicated the HR 4976 is in direct response to FERC's current disregard of private landownership rights as it issues and enforces licenses for hydro-power projects. This lack of property rights protections has led to increased costs and complications for landowners when attempting to build docks or other structures on their land and also impacts property values.

The Shore Act, which will amend the Federal Power Act, addresses this problem by requiring that FERC consider the private property ownership rights when exercising its authority to license the use of federally regulated hydro-power projects, such as the Smith Mountain Project. The adoption of the SHORE Act will benefit residents of both Smith Mountain and Leesville Lakes.

RECOMMENDATION:

Staff respectfully requests the Board's approval to adopt a resolution endorsing HR 4976 amending the Federal Power Act pertaining to the Federal Energy Regulatory Commission

TRI-COUNTY LAKES ADMINISTRATIVE COMMISSION



Leesville Lake

Smith Mountain Lake

Memo

To: Mr. Rick Huff, Franklin County Administrator
 Mr. David Laurrell, Campbell County Administrator
 Mr. Clarence Monday, Pittsylvania County Administrator
 Mr. Mark Reeter, Bedford County Administrator

From: Pam Collins, Executive Director

Date: July 17, 2014

Re: Recommendation of Support for HR 4976

The Tri-County Lakes Administrative Commission's (TLAC) Board of Directors, at their July 8, 2014 meeting, moved to recommend to the individual Counties that they support HR 4976, the Supporting Home Owners Rights Enforcement (SHORE) Act, recently introduced by Congressman Robert Hurt and cosponsored by Congressman G.K. Butterfield. A copy of HR 4976 and the associated Federal Power Act Language (for your convenience, the proposed changes are added in italics).

As you know, TLAC's responsibilities include the duty "to study and advise the Boards of Supervisors on issues related to the overall well being of the lakes". This responsibility includes recommendations for support of legislative items to the member counties, but TLAC's charter does not provide for us to independently support legislative items.

Congressman Hurt indicates that HR 4976 is in direct response to the Federal Energy Regulatory Commission's (FERC) current disregard of private landownership rights, a core foundation of our Constitution, as it issues and enforces licenses for hydro-power projects. The lack of property rights protections has led to increased costs and complications for landowners when attempting to build docks or other structures on their land. This also impacts property values. The SHORE Act, which will amend the Federal Power Act, addresses this problem by requiring that FERC consider the private property ownership rights when exercising its authority to license the use of federally regulated hydro-power projects, such as the Smith Mountain Project.

TLAC requests that each County provide written support of HR 4976 to their Congressional representatives. Adoption of the SHORE Act will benefit residents at both Smith Mountain and Leesville Lakes.

Please let me know if you have any questions or if you need additional information. Thank you for your consideration of this request for support.

113TH CONGRESS
2D SESSION

H. R. 4976

To amend the Federal Power Act to require the Federal Energy Regulatory Commission to minimize infringement on the exercise and enjoyment of property rights in issuing hydropower licenses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2014

Mr. HURT (for himself, Mr. BUTTERFIELD, Mr. GOODLATTE, Mr. LUTKEMEYER, Mr. LANKFORD, and Mrs. HARTZLER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Power Act to require the Federal Energy Regulatory Commission to minimize infringement on the exercise and enjoyment of property rights in issuing hydropower licenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Supporting Home
5 Owner Rights Enforcement Act”.

6 **SEC. 2. HYDROPOWER LICENSES.**

7 (a) Section 4(e) of the Federal Power Act (16 U.S.C.
8 797(c)) is amended—

1 (1) by designating the first, second, and third
2 sentences as paragraphs (1) through (3) respec-
3 tively; and

4 (2) in paragraph (3) (as so designated)—

5 (A) by striking “and” after “recreational
6 opportunities,”; and

7 (B) by inserting “, and minimizing in-
8 fringement on the useful exercise and enjoy-
9 ment of property rights held by nonlicensees”
10 after “aspects of environmental quality”.

11 (b) Section 10 of the Federal Power Act (16 U.S.C.
12 803) is amended—

13 (1) in subsection (a)(1), by inserting “, includ-
14 ing minimizing infringement on the useful exercise
15 and enjoyment of property rights held by non-
16 licensees” after “section 4(e)”; and

17 (2) by adding at the end the following:

18 “(k) PRIVATE LANDOWNERSHIP.—In developing any
19 recreational resource within the project boundary, the li-
20 censee shall consider private landownership as a means to
21 encourage and facilitate—

22 “(1) private investment; and

23 “(2) increased tourism and recreational use.”.

Federal Power Act
Sections 10 (A) (1) and 4 (e)

Section 4. (e)

1) To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from, or in any of the streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam, except as herein provided: Provided, That licenses shall be issued within any reservation only after a finding by the Commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservations: Provided further, That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting the navigation have been approved by the Chief of Engineers and the Secretary of the Army.

2) Whenever the contemplated improvement is, in the judgment of the Commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, a finding to that effect shall be made by the Commission and shall become a part of the records of the Commission: Provided further, That in case the Commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefore shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to June 10, 1920: And provided further, That upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (f) of this section, notice shall be given and published as required by the proviso of said subsection.

3) In deciding whether to issue any license under this Part for any project, the Commission, in addition to the power and development purposes for which licenses are issued, shall give equal consideration to the purposes of energy conservation, the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality, and *minimizing infringement on the useful exercise and enjoyment of property rights held by nonlicensees.*

Section 10. (a) (1)

That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, for the adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat), and for other beneficial public uses, including irrigation, flood control, water supply, and recreational and other purposes referred to in section 4(e); *including minimizing infringement on the useful exercise and enjoyment of property rights held by nonlicensees* and if necessary in order to secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

(k) PRIVATE LANDOWNERSHIP – In developing any recreational resource within the project boundary, the licensee shall consider private landownership as a means to encourage and facilitate –

- 1) *private investment; and*
- 2) *increased tourism and recreational use*



Resolution # R072814-01

At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Bedford County Administration Building on the 14th day of July 2014 beginning at 7:30 p.m.

<u>MEMBERS:</u>	<u>VOTE:</u>
John Sharp, Chairman	Yes
Tammy Parker, Vice-Chairman	Yes
Bill Thomasson	Yes
Curry Martin	Yes
Steve Wilkerson	Yes
Steve Arrington	Yes
Annie S. Pollard	Yes

On motion of Supervisor Arrington, which carried by a vote of 7-0, the following was adopted:

**A RESOLUTION
ENDORING HOUSE RESOLUTION 4976 AMENDING THE FEDERAL POWER ACT
PERTAINING TO THE FEDERAL ENERGY REGULATORY COMMISSION**

WHEREAS, a Bill known as House Resolution 4976 (hereinafter H.R. 4976) was introduced in the United States Congress in June of this year to require the Federal Energy Regulatory Commission (hereinafter FERC) to minimize infringement on the exercise and enjoyment of private property rights when issuing hydro-electric power licenses, and for other purposes, and

WHEREAS, the Tri-Counties Lakes Administrative Commission (hereinafter TLAC), of which Bedford County is a part, is calling upon its member jurisdictions to endorse passage of H.R. 4976 as an important measure to safeguard against the overreach of FERC in regulating shoreline development on hydro-electric power projects such as Smith Mountain and Leesville Lakes across the nation;

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that the Board does hereby endorse the provisions of H.R. 4976 as being essential for the protection of private property rights for owners of shoreline property along the nation's hydro-electric power projects and calls for the Bill's adoption by Congress without delay.

A Copy-Teste:



 Mark K. Reeter
 County Administrator

**RESOLUTION ENDORSING HOUSE RESOLUTION 4976 AMENDING THE FEDERAL POWER
ACT PERTAINING TO THE FEDERAL ENERGY REGULATORY COMMISSION
August 19, 2014**

WHEREAS, a Bill known as House Resolution 4976 (hereafter H.R. 4976) was introduced in the United States Congress in June of this year to require the Federal Energy Regulatory Commission (hereafter FERC) to minimize infringement on the exercise and enjoyment of private property rights when issuing hydro-power licenses, and for other purposes, and

WHEREAS, the Tri-Counties Lakes Administrative Commission (hereafter TLAC), of which Franklin County is a part, is calling upon its member jurisdictions to endorse passage of H.R. 4976 as an important measure to safeguard against the overreach of FERC in regulating shoreline development on hydro-electric power projects such as Smith Mountain and Leesville Lakes across the nation;

NOW, THEREFORE, BE IT RESOLVED, by the Franklin County Board of Supervisors that the Board does hereby endorse the provisions of H.R. 4976 as being essential for the protection of

private property rights for owners of shoreline property along the nation's hydro-electric power projects and calls for the Bill's adoption by Congress without delay.

RED TRUCK CENTER SPECIAL ENTERTAINMENT FESTIVAL APPLICATION

Franklin County has received a request by the Red Truck Events Center, represented by Mr. Adam Ritchie, to hold a series of outdoor events on a 68-acre property located at the intersection of Hopkins Road and Coles Creek Road, further identified as Franklin County Tax Map/Parcel #62-16, #62-24.4, and #62-25.1. The property is owned by W&H Enterprises, Inc. of Roanoke. Mr. Ritchie has an agreement to lease the property. The property is located in a non-zoned area in the Blackwater District of Franklin County.

Mr. Ritchie is requesting approval from the Board of Supervisors to hold outdoor events consisting of games (Haunted Trails, Hay Rides & Pumpkin Picking) on the following dates:

- Friday & Saturday, October 3 & 4, 2014
- Friday & Saturday, October 10 & 11, 2014
- Friday & Saturday, October 17 & 18, 2014
- Friday & Saturday, October 24 & 25, 2014
- Friday & Saturday, October 31 & November 1, 2014

Chapter 3, Article III of the Franklin County Code sets forth the requirements for "Outdoor Musical or Entertainment Festivals." Outdoor music or entertainment festivals are defined as:

...any gathering or group of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces and not within an enclosed structure and either admission is charged or refreshments or other concessions are sold.

Under the provisions of Chapter 3, Article III, such events require a permit to be issued by the Board of Supervisors. In addition, the event(s) must be planned and conducted in accordance with a series of regulations and standards related to traffic, safety, sanitation, crowd control, etc. Mr. Ritchie has submitted an application which has been routed to various County agencies to review for compliance.

RECOMMENDATION:

As of this writing, staff is satisfied that the events have been planned in accordance with ordinance standards. Staff will continue to monitor the site and events for compliance. A \$10,000 insurance bond will be secured on August 25, 2014, which is prior to the event. Staff recommends approval of the events as listed.

VDOT 2015-2016 CULVERT/STRUCTURE REPLACEMENT SCHEDULE

VDOT supplies information regarding the proposed culvert/structure replacements that are planned to begin in the summer 2015 and be completed by December 2015 or 2016. Prior to finalizing the priority listing and contractor schedule, VDOT requests comments or concerns to be provided by the locality and other agencies on each project.

Please find below a list of projects for the proposed 2015/2016 culvert/structure replacements. Please note each project has the following information supplied: location of the project, vehicles per day, proposed detour length, and proposed duration of road closure.

The following structure replacement planned to begin in summer, 2015 and construction completion December, 2015.

STR#6177 Superstructure Replacement – Maggodee Creek – Route 1602 – Boon Street

- Located 0.01 miles south of Route 220 (Virgil Goode Highway) and at the intersection of Route 1603 (Main Street)
- 2094 vehicles per day
- Proposed Detour Length – 1 mile (detour route submitted)
- Proposed road closure duration – 90 (ninety) days

The following culvert replacements are planned to begin in Summer, 2015 and construction completion December, 2016.

STR#6458 Culvert Replacement – Branch of Pigg River – Route 640 – Six Mile Post Road

- Located at the intersection of Route 821 (Calico Rock Road)
- 2003 vehicles per day

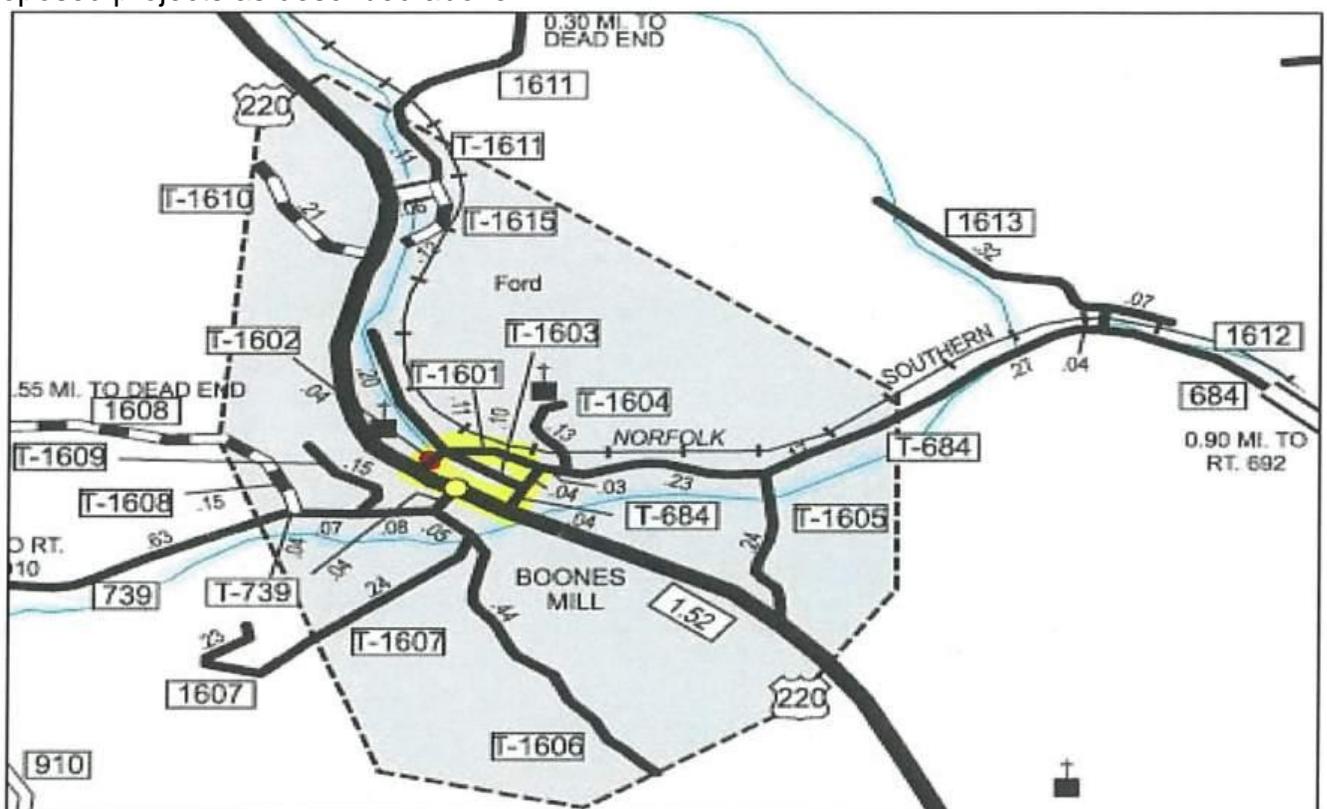
- No proposed detour – Phase construction/minimum of one lane traffic
- Proposed construction duration – 60 (sixty) days

STR#6480 Culvert Replacement – Ward Branch – Route 629 – Finney Road

- Located 0.70 miles east of Route 890 (Snow Creek Road) and 0.60 miles west of Route 646 (Truevine Road)
- 114 vehicles per day
- Proposed Detour Length around – 4.6 miles (12 minutes) (detour route submitted)
- Proposed road closure duration – 30 (thirty) days

Reviews are currently underway for the projects listed above to identify potential environmental impacts and considerations. The reviews and coordination with environmental resource agencies may result in specific conditions. Any of the projects that require instream construction activities, may be affected by time of year restrictions on instream work included in the conditions of the permits issued.

RECOMMENDATION: Staff respectfully recommends the Board of Supervisors to authorize the County Administrator or his designee to proceed with a letter to VDOT concurring with the proposed projects as described above.



Western Virginia Water Authority to complete the Burnt Chimney Waterline Tank Project accordingly.

FREE CLINIC PUBLIC HEARING FOR REAL ESTATE & PERSONAL PROPERTY TAX EXEMPTION STATUS

Alise Culbertson, Executive Director, Free Clinic of Franklin County, Inc., is requesting the Board to authorize staff to advertise for a public hearing to received real estate tax exempt status. Mrs. Culbertson has submitted a letter dated August 11, 2014, (submitted hereto) requesting the Board of Supervisors' approval for real estate tax exemption status on the following:

TAX YEAR	REAL ESTATE/PERSONAL PROPERTY ASSESSED VALUE	TAX DUE
2014 AND FORWARD	\$997,300.00 @ \$.55/\$100	\$5,485.15
2014 AND FORWARD	\$10,617.50	\$250.57
TOTAL:		\$5,735.72

In this request Mrs. Culbertson has answered the eight (8) items as outlined in Section 58.1-3651 of the State Code (submitted hereto).

RECOMMENDATION:

Staff respectfully request Board authorization to advertise for Public Hearing, during the September 16, 2014, Board meeting, for the requested real estate and personal property tax exemption and adoption of said real estate and personal property tax exemption after the legally advertised public hearing is held.

(RESOLUTION #01-08-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented pulling the Tourism MicroGrant Awards - Round 2 for further discussion.

MOTION BY: Bob Camicia

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

TOURISM MICROGRANT AWARDS - ROUND 2

Annually, the Franklin County Board of Supervisors awards small grants to organizations within the community to assist with promotional and operational expenses of local tourism-related projects and events. These funds help with the marketing of those events and/or programs, while at the same time further allowing the county tourism office to promote Franklin County to potential visitors. For the 2014-2015 fiscal year, \$20,000 has been set aside within the Franklin County Tourism budget for these awards.

After \$13,600 in grant funding was awarded in May, the remaining funds available for second round applications totaled \$6,400. Eight (8) applications were received from five (5) different organizations during the second round of applications, which had a deadline of June 4, reflecting more than \$10,000 in total requested funds.

Funding for the Tourism MicroGrant Program is generated by the transient occupancy, or lodging tax, applied to the motels, hotels and bed & breakfast properties in the County. The purpose of this MicroGrant program is to increase the local tourism industry thus creating new jobs, attracting new tourists, spawning new hospitality-related investments and improving the quality of life for Franklin County residents. It is recognized that the County cannot, and should not, be the only provider of tourism events for our community. We should instead assist other organizations in the creation of events and marketing campaigns that can leverage the community's limited resources. We must leverage our limited dollars to support interesting, dynamic and creative special events and marketing campaigns that set Franklin County apart from competitors throughout the mid-Atlantic region.

Tourism MicroGrants exist to support events and activities that a) encourage tourists from outside the region to enjoy our community and make use of our hospitality industry, and b) provide an opportunity to expand the awareness and visibility of the community throughout the region. In reviewing the seven (7) submitted applications, staff evaluated each applicant on a number of different factors, including, but not limited to, the amount of funds leveraging involved; marketing plan and scope; perceived economic impact; financial need; partnership

opportunities; and past performance. Based on all criteria and available data, staff has made the following recommendations for this year’s Tourism MicroGrant Program awards:

APPLICANT	PURPOSE	AMOUNT SOUGHT	STAFF RECOMMENDATIONS
Community Partnership for Revitalization	History in Bloom	\$2,400.00	\$1,440.00
Warren Street Society	Warren Street Festival	\$4,000.00	\$2,400.00
Southwest Virginia Antique Power Festival, Inc.	Fall Swap Meet	\$250.00	\$140.00
	Spring Swap Meet	\$250.00	\$140.00
	Southwest Virginia Antique Farm Days	\$2,000.00	\$1,200.00
Franklin County Historical Society	Ghost and More Tours	\$900.00	\$540.00
	Moonshine Express Tours	\$900.00	\$540.00
Rocky Mount Center for the Arts	5-Mile Run	\$4,000.00	\$0.00
		TOTAL SOUGHT \$14,700.00	TOTAL RECOMMENDED \$6,400.00

As in the first round, applications included a number of high-caliber projects, but limited funding. As such, not all applications received funding from the Tourism MicroGrant Program.

RECOMMENDATION:

It is recommended that the board approve the staff recommendations for the second round Tourism MicroGrant Program awards from the Franklin County Tourism budget.

(RESOLUTION #02-08-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to table the Tourism MicroGrant Awards Round 2 until September Board meeting.

MOTION BY: Leland Mitchell

SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Thompson & Cundiff

ABSTAINED: Camicia

MONTHLY FINANCIAL REPORT

Vincent Copenhaver, Director of Finance, presented the monthly County Financial Report as follows:

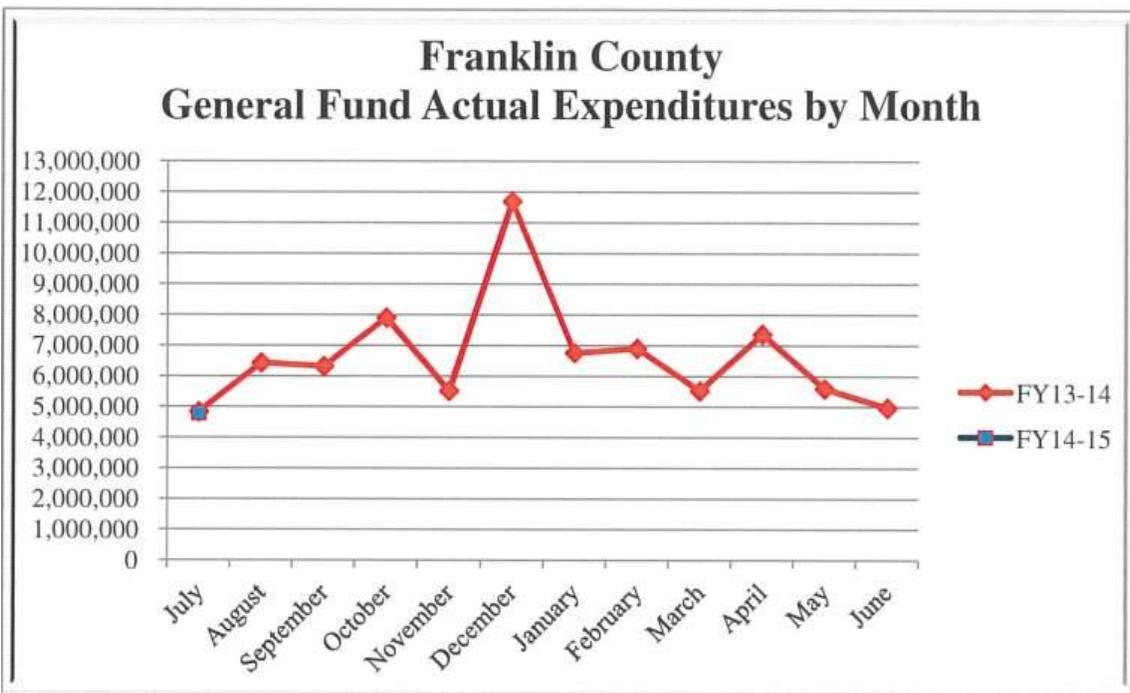
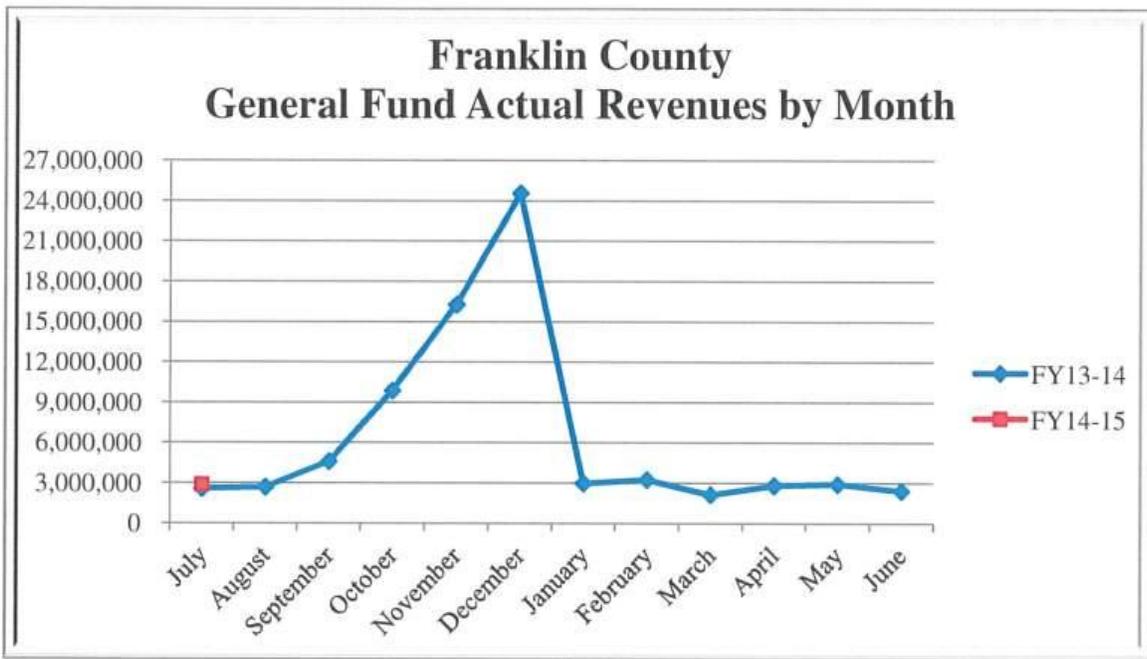
Franklin County
Cash Basis Revenue and Expenditure Summaries (Unaudited)
General Fund and School Fund Only
For The Month Ending July 31, 2014 and 2013

REVENUES:

	Budget and Appropriations Current Year	Actual Year to Date Revenues	Balance To Be Realized	Percent of Budget
General Property Taxes	47,349,410	316,021	(47,033,389)	0.7%
Other Local Taxes	11,040,728	821,534	(10,219,194)	7.4%
Permits, Fees and Licenses	372,000	33,812	(338,188)	9.1%
Fines and Forfeitures	98,000	11,010	(86,990)	11.2%
Revenue from the use of Money and Property	1,193,283	55,011	(1,138,272)	4.6%
Charges for Services	2,670,621	319,222	(2,351,399)	12.0%
Miscellaneous Revenue	230,300	40,354	(189,946)	17.5%
Recovered Costs	415,390	25,241	(390,149)	6.1%
Revenue from the Commonwealth	15,584,767	1,247,579	(14,337,188)	8.0%
Federal Government	135,151	19,984	(115,167)	14.8%
Subtotal	<u>79,089,650</u>	<u>2,889,768</u>	<u>(76,199,882)</u>	3.7%
Carryover Funds	693,670			
Total General Fund	<u>79,783,320</u>			
Schools				
Cafeteria, Misc, State, Federal	49,717,136	3,353,403	(46,363,733)	6.7%
Local Funding from County	32,393,476	1,061,081	(31,332,395)	3.3%
Total School Fund	<u>82,110,612</u>	<u>4,414,484</u>	<u>(77,696,128)</u>	5.4%

EXPENDITURES:

	Budget and Appropriations Current Year	Actual Year to Date Expenditures	Balance To Be Expended	Percent of Budget
General and Financial Administration	4,195,798	634,132	3,561,666	15.1%
Judicial Administration	2,244,094	197,855	2,046,239	8.8%
Public Safety (Sheriff, Corrections, EMS)	13,200,214	1,309,594	11,890,620	9.9%
Public Works	3,533,150	237,428	3,295,722	6.7%
Health and Welfare	11,677,165	837,903	10,839,262	7.2%
Parks, Recreation, Libraries, Cmty Colleges	1,945,495	162,634	1,782,861	8.4%
Community Development	2,367,082	347,213	2,019,869	14.7%
Transfers to Schools, Capital, Debt	40,620,322	1,062,705	39,557,617	2.6%
Total General Fund	<u>79,783,320</u>	<u>4,789,464</u>	<u>74,993,856</u>	6.0%
School Fund	<u>82,110,612</u>	<u>3,810,453</u>	<u>78,300,159</u>	4.6%



**Franklin County Public Schools
Monthly Statement of Revenues and Expenditures - Cash Basis
Month July 31, 2014**

REVENUES:

Description	Original Budget	Additional Appropriations	Net Category Transfers	Revenues for Month	Revenues Year-to-Date	Unrealized Revenues Year-to-Date
State Funds	\$30,682,197	\$0	\$0	\$2,174,372	\$2,174,372	\$28,507,825
State Sales Tax	8,025,338	0	0	651,379	651,379	7,373,959
Federal Funds	8,010,170	0	0	497,020	497,020	7,513,150
Other Funds	2,983,009	0	0	32,419	32,419	2,950,590
County Funds	32,358,730	0	0	456,508	456,508	31,902,222
Canneries	51,168	0	0	7,128	7,128	44,040
Total Revenues	\$82,110,612	\$0	\$0	\$3,818,826	\$3,818,826	\$78,291,786

EXPENDITURES:

Description	Original Budget	Additional Appropriations	Net Category Transfers	Expenditures for Month	Expenditures Year-to-Date	Remaining Unspent Budget
Instruction	\$53,826,810	\$0	\$0	\$1,271,855	\$1,271,855	\$52,554,955
Title I - Instruction	1,780,452	0	0	22,904	22,904	1,757,548
Title VI-B-Instruction	2,099,607	0	0	10,587	10,587	2,089,020
Administration, Attendance & Health	2,685,952	0	0	117,655	117,655	2,568,297
Pupil Transportation	5,647,255	0	0	212,668	212,668	5,434,587
Operation and Maintenance	6,926,054	0	0	625,308	625,308	6,300,746
School Food Services	3,972,897	0	0	50,297	50,297	3,922,600
Facilities	0	0	0	11	11	(11)
Contingency Reserve	0	0	0	0	0	0
Debt Service	2,650,459	0	0	1,420,016	1,420,016	1,230,443
Technology	2,469,958	0	0	80,397	80,397	2,389,561
Canneries	51,168	0	0	7,128	7,128	44,040
Total Expenditures	\$82,110,612	\$0	\$0	\$3,818,826	\$3,818,826	\$78,291,786

5-Year Capital Plan	\$784,576	\$0	\$0	\$131,141	\$131,141	\$653,435
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TAX RELIEF FOR THE ELDERLY REVIEW

Vincent Copenhaver, Director of Finance, shared with the Board the County's ordinance (Sec.

20-18) pertaining to Tax Relief for the Elderly and the Totally and Permanently Disabled was last updated on February 21, 2008. The current percentages of relief are shown in the table below (Net Worth excludes the qualifying dwelling and land not exceeding five (5) acres):

	Net Worth				
	\$0 - \$12,000	\$12,001 - \$25,000	\$25,001 - \$35,000	\$35,001 - \$50,000	\$50,001 - \$80,000
Income	Relief Percentage (%)				
\$0 - \$9,000	90%	80%	70%	50%	35%
\$9,001 - \$12,000	75%	65%	50%	30%	20%
\$12,001 - \$15,000	65%	55%	40%	20%	10%
\$15,001 - \$18,000	55%	45%	30%	10%	10%
\$18,001 - \$25,000	45%	35%	20%	10%	10%

State code allows the County to establish their own income and financial net worth limitations. Comparative information from other localities is presented below:

Locality	Combined Gross Income	Combined Net Worth	Net Worth Notes
Franklin County	\$25,000	\$80,000	Excludes the qualifying dwelling and land not exceeding 5 acres
Bedford County	\$37,500	\$100,000	Excludes 1 acre
Pittsylvania County	\$18,000	\$60,000	Excludes 1 acre
Roanoke County	\$56,566	\$200,000	Excludes 1 acre, Value of home frozen at prior years assessment
Henry County	\$17,000	\$50,000	Excludes 1 acre
Montgomery County	\$51,000	\$150,000	Excludes 1 acre
Botetourt County	\$40,000	\$175,000	Excludes 1.25 acres
Rockingham County	\$35,000	\$75,000	Excludes 1 acre
Campbell County	\$34,500	\$80,900	Excludes 1 acre

Approximately 500 tax relief applications are filed with the Commissioner of Revenue every year. Last year, 392 applicants received relief. 108 did not qualify because their income exceeded the \$25,000 limitation. Total cost to the County to offer this program was \$78,344 last year.

The Commissioner of Revenue begins accepting applications in early February with the final deadline being May 1.

RECOMMENDATION:

This information is presented for the Board’s consideration and review. Should the Board consider a change to the current County ordinance, this change would need to be advertised and a public hearing held at the September 2014 Board meeting for an effective date of January 1, 2015.

General discussion ensued.

(RESOLUTION #03-08-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to request staff to bring back to the Board in September synopsis examples for \$30,000 & \$35,000 total income limits including a 1 acre lot limitation for possible changes to the Tax Relief for the Elderly Review Ordinance.

MOTION BY: Ronnie Thompson

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

CARRYOVERS

Vincent Copenhagen, Director of Finance, reviewed with the Board carryovers as follows:

**Franklin County
Local Sales Tax**

	<u>13-14</u>	<u>14-15</u>
July	355,909	379,126
August	365,725	382,264
September	369,414	
October	344,238	
November	329,522	
December	332,745	
January	309,473	
February	311,356	
March	353,121	
April	279,457	
May	346,367	
June	350,234	
	4,047,561	761,390
Budget	4,001,050	4,003,534
July, August Totals	721,634	761,390
Percent Variance		5.51%

**Franklin County
General Fund Cash Balance Analysis
June 30, 2014**

Estimated Cash Balance on June 30, 2014 (Includes Remaining Local School Funds of \$607,192)	\$15,840,210
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Subtractions:	
School Carryover Funds Budgeted for FY14-15	\$524,670
Additional School Remaining Funds FY14-15	\$82,522
	\$607,192
County Carryover Funds Budgeted for FY14-15	\$169,000
County Carryover Requests/Designated Funds	\$879,434
Total Subtractions	\$1,655,626

Total Remaining After Subtractions	\$14,184,584
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GFOA Recommended Level at June 30, 2014	\$13,180,769
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Remaining Balance	\$1,003,815
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How to spend:	
\$1,000 One Time Payment for the County	\$385,925
Remainder to Schools	\$617,890

To Schools:	
Remainder from above	\$617,890
Remaining Local Funds	\$607,192
	<u>\$1,225,082</u>
Schools would need to find:	\$1,363,122
	<u>(\$1,225,082)</u>
	<u>\$138,040</u>

\$1,000 One Time Payment for County only (\$500 for PT)	\$385,925
\$1,000 One Time Payment for Schools (\$500 for PT)	\$1,363,122

Part Time Definition:

Those employees working an average of 20 hours or more per week during the last fiscal year (FY13-14) but not classified as full time for VRS purposes

An employee is eligible for the COLP if he/she was employed by March 1, 2014

Summary of Amounts Requiring Appropriation at Today's Meeting:	
Additional School 13-14 Savings	\$82,522
County One Time Cost of Living Payment	\$385,925
Additional Local Funds for School One	<u>\$617,890</u>
Time Cost of Living Payment	
Total	<u>\$1,086,337</u>

Funds Requiring Public Hearing:	
County Carryovers	\$565,226

Line Item Transfer Request to move Projected School Savings to Local School Funds (Already Budgeted & Appropriated in 14-15):	
Non-departmental	(\$524,670)
Transfer to School Operations	\$524,670

General discussion was held with the Board stating funds to be allocated on an as needed basis for the disbursement of school funds for school personnel and funds could only be used for said bonus given in the same manner as for county personnel.

Summary of Amounts Requiring Appropriation at Today's Meeting:	
Additional School 13-14 Savings	\$82,522
County One Time Cost of Living Payment	\$385,925
Additional Local Funds for School One	<u>\$617,890</u>

Time Cost of Living Payment	
Total	\$1,086,337

Funds Requiring Public Hearing:	
County Carryovers	\$565,226

Line Item Transfer Request to move Projected School Savings to Local School Funds (Already Budgeted & Appropriated in 14-15):	
Nondepartmental	(\$524,670)
Transfer to School Operations	\$524,670

(RESOLUTION #04-08-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appropriate the aforementioned \$1,000 cost of living payment (COLP) for full time employees and \$500.00 for part-time employees from County/School undesignated funds remaining at June 30, 2014.

MOTION BY: Bob Camicia

SUBSTITUTE MOTION:

BE IT THEREFORE RESOLVED, to approve the proposed County/School Appropriated Funds to be designated for a one-time cost of living payment, (COLP) as presented and to hold said school funds until such time of disbursement, as presented AND FURTHER BE IT RESOLVED, to authorize staff to advertise for public hearing during the September Board meeting for additional appropriations to the existing FY'14-15 budget.

SUBSTITUTE MOTION BY: Ronnie Thompson

SUBSTITUTE SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

NAYS: Mitchell

PHILPOTT FLOW-OVER BRIDGE CONSTRUCTION

Craig "Rocky" Rockwell, Operations Manager, Philpott Lake, addressed the Board to discuss the current situation of a flow-over bridge replacement and to describe possible ways that the County can partner with the Corps to make this project a reality. Mr. Rockwell shared with the Board a proposed project is to replace the current flow-over bridge at the entrance to Jamison Mill Park with a box-culvert bridge that will allow all stormwater to flow under, instead of over, Jamison Mill Road. Currently, during moderate to severe rain events, the bridge is covered by Nicholas Creek making the park inaccessible and trapping anyone inside the park. Flows during these events are strong enough to sweep a car off of the bridge and into the creek. Corps of Engineers officials at Philpott has noted that this is an unsustainable safety concern that must be addressed. If not remedied, the Corps may close Jamison Mill Park to the public.

The anticipated cost of replacing the bridge is estimated at \$300,000. The Corps currently has \$140,000 allocated to the project, specifically for the purchase of materials. These funds, while just awarded, must be expended by September 30, 2014. Philpott officials are currently working with a number of partners, including Branch Highways and the Dan River Basin Association, to close the gap in needed funding. Additionally, it may be possible to get National Guard assistance with this project as a training exercise.

RECOMMENDATION:

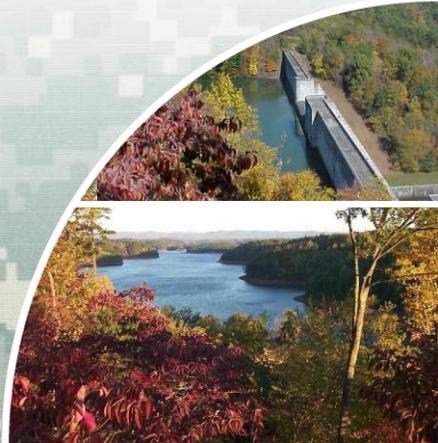
County staff respectfully asks the Board to hear the presentation from Mr. Rockwell and consider the Corps' request for assistance.

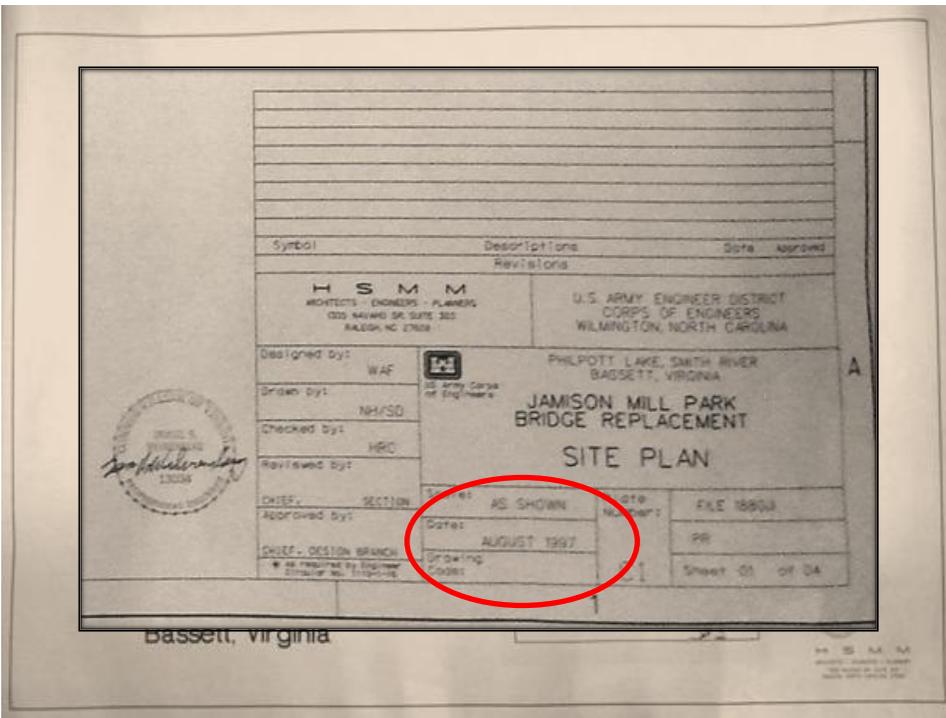
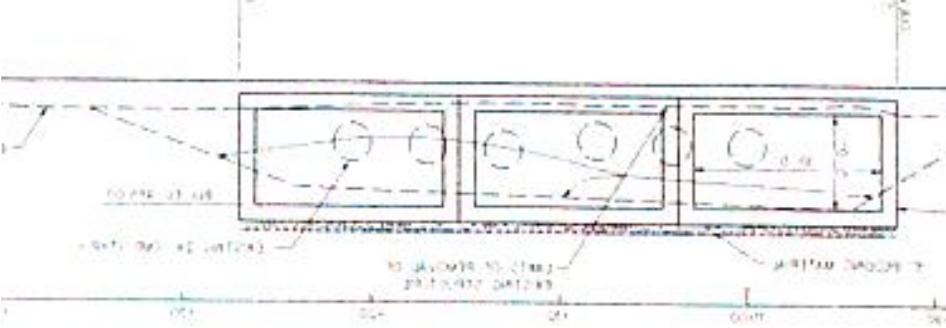
Partnership to Replace Jamison Mill Park Bridge

Rocky Craig Rockwell
Operations Project Manager
Philpott Lake, Wilmington District



US Army Corps of Engineers
BUILDING STRONG





Current Effort to Build Bridge

- Rough Estimate of \$300,000 Project
- NRAP FY 15 – Convolved Effort
- Philpott Lake's Partnership Reputation
- NRAP Gave Us \$140,000
 - To Leverage with Local Partners
- Supposed To Get As of October 2014
 - Beginning of FY 2015
- Jumped it Up to June 2014
 - To Be Spent BY September 30, 2014



BUILDING STRONG®

In Pretty Deep...



Impact of Jamison Mill Park

- Historical Significance
 - ▶ Jamison Mill Owned/Operated by Carter Family
 - ▶ Carter Family Still in Southern Franklin County

Barbour	Adams	Cannaday	Lusk
Smith	Young	Frith	Powell
Adkins	Bowles	Hurd	Ware
Jones	Peters	Dudley	Dehart
 - ▶ Still have annual family reunions at Jamison Mill



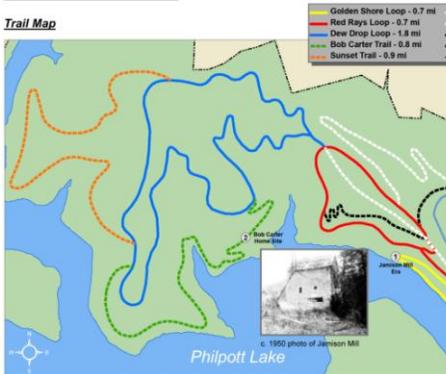
BUILDING STRONG®



Recreation Impact

- Most Natural of the Parks – least developed
- 6 Miles of Trail – Caters to Hikers & Bikers

Trail Map



- Boat Ramp Lends to Kayaks & Canoes



BUILDING STRONG®

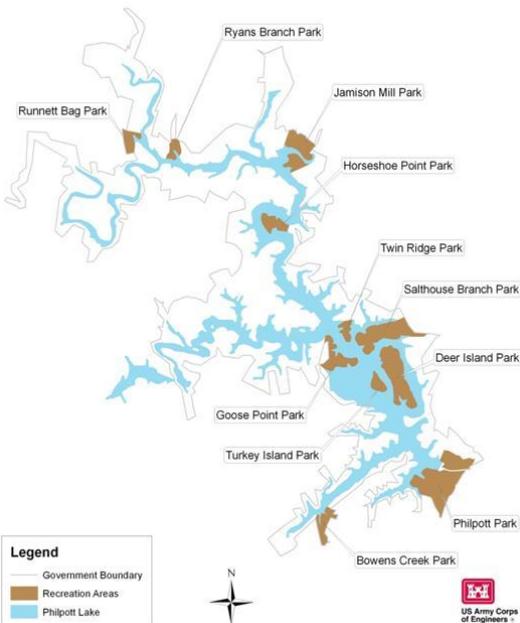
Recreation Impact

- Three Distinct Types of Campground
 - ▶ 5 Developed Back-In Sites
 - ▶ Large Open Area for Tents
 - ▶ Upper Campground with Individual Sites
- Boy Scouts Use Upper Campground
- Economic Impact for Franklin County
 - ▶ First Need to Understand Current Situation



BUILDING STRONG®

Philpott Lake

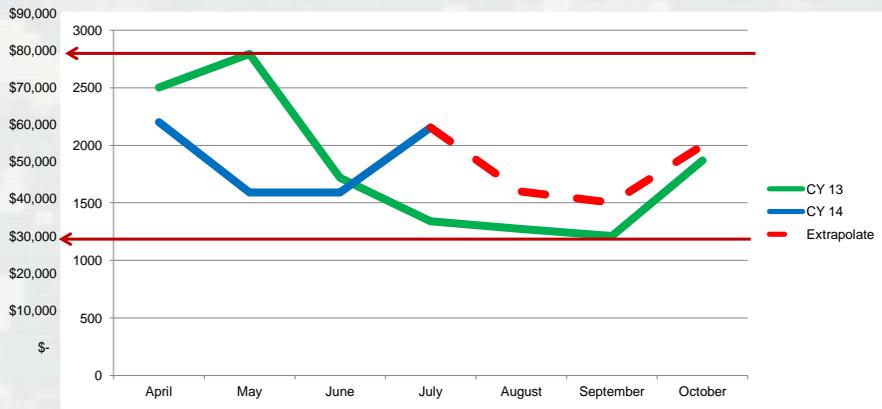


Position of Jamison Mill Park



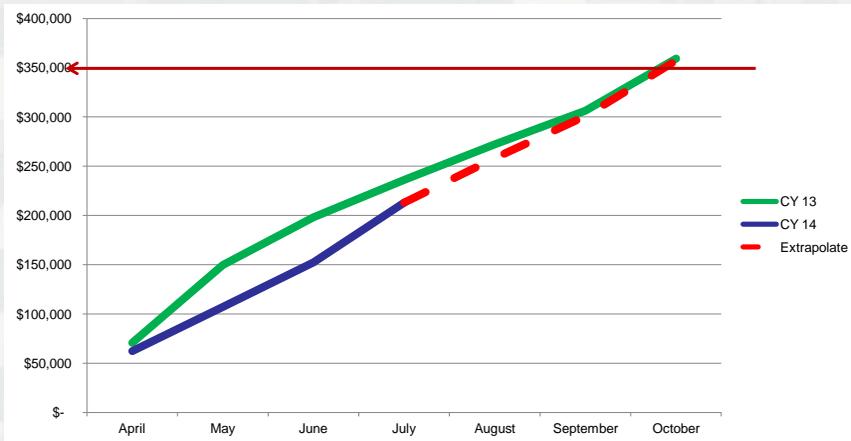
BUILDING STRONG®

Jamison Mill Park Visitation and Economic Benefit



BUILDING STRONG®

Cumulative Annual Benefit



BUILDING STRONG®

What We Need to Build Bridge

- With NRAP – Supply Contract for Materials before September 30
- Construction Phase in FY 15
 - ▶ after park closure
- DRBA Coordinating with US
- Bringing Partners to the Table
- Need to Find Way to Construct without Federally Appropriate Resources



BUILDING STRONG®

What Are We Asking?

- Permission to Bring County of Franklin to the Table
 - ▶ We Need to Find A Way to Bring Non-Corps Resources
 - ▶ to Accomplish What Would Cost US \$150,000
 - ▶ We Are Convinced It Can Be Done More Cost-Effectively through Local Partnership



BUILDING STRONG®



Thank you!



US Army Corps of Engineers®
Wilmington District

General discussion ensued.

(RESOLUTION #05-08-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to forward a letter of support for the Jamison Mill Bridge Replacement with Franklin County being present at the table for project discussion, as presented.

MOTION BY: Bobby Thompson

SECONDED BY: Bob Camicia

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

DEER CONTROL/FRANKLIN COUNTY

Richard E. Huff, II, County Administrator, shared with the Board the following letter of request to be forwarded to the Virginia Game & Inland Fisheries for deer control in Franklin County.

Ask anyone, and the deer population in Franklin County, VA, and especially Union Hall has become a monstrous problem. The safety aspect has become more mindful with Trooper Hardee's accident this week. The financial drain on farmer's crops and home owners ornamentals is enormous.

There is interest in the area in influencing the VA Commission of Game and Inland Fisheries to consider revision of hunting policy to increase the doe limit and/or extend the season. Ben Davenport (Davenport Energy of Chatham) who lives in Penhook is a member of this Commission. He indicates that their Board meets every winter to set future policy, and new policy will be considered soon. He is well aware of the issue, and has told us that a resolution from Franklin County government to VDGIF would be helpful.

With this in mind, do you think the FC Board of Supervisors would consider such a resolution, perhaps of a broad nature such as "request a revision/expansion of hunting policies that would be positive to reduce the deer population in Franklin County"? I believe some effort may be directed in surrounding counties also. I propose considering a broad-worded resolution only because we all understand the anti-hunting faction that can be vocal and politically unsettling.

Your thoughts and consideration will be appreciated.

Wayne Dudley

Mr. Huff stated the deer population in Franklin County has become a big problem not only as a safety issue but also with farmer's crops and homeowners' ornamentals. This especially became more mindful with State Trooper Jessee's accident on July 31, 2014. The current firearms hunting season for Franklin County runs from November 15th through December 13th, 2014 and the deer limits are two a day and six in a license year which runs between July 1 and June 30 of the following year. Of the six deer limit, no more than three may be antlered deer and at least three must be antlerless deer. Deer hunters may take more than the license-year bag limit of antlerless deer by purchasing bonus deer permits, however they do not allow the daily bag limit to be exceeded.

There is interest in the County to influence the Virginia Commission of Game and Inland Fisheries to consider revision of the hunting policy to increase the doe limit and/or extend the season. The Commission meets every winter to set future policies and the new policy will be considered soon.

RECOMMENDATION:

This information is provided for the Board's consideration of adopting a resolution of support for policy changes that would help limit the deer population in Franklin County to be sent to the Virginia Commission of Game and Inland Fisheries. Such support letter would request consideration for either extending the hunting season or increasing the doe limit.

Bob Camicia, Gills Creek District Supervisor, stated he also had received additional letters/calls regarding the over population of deer.

(RESOLUTION #06-08-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt a resolution of support for policy changes that would help limit the deer population in Franklin County to be sent to the Virginia Commission of Game and Inland Fisheries, **AND BE IT FURTHER RESOLVED**, said support letter would request consideration for either extending the hunting season or increasing the doe limit.

MOTION BY: Bob Camicia

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

DRAFT BOARD RETREAT ITEMS & DATES

Richard E. Huff, II, County Administrator, shared with the Board possible dates and agenda items for the Board's review and consideration.

Monday, September 29, 2014 9:00 A.M. to 1:00 P.M. in B-75

Possible topics for discussion for the Planned Board Retreat.

- **Solid Waste Convenience Centers/Compactor Sites**
- **Tax Increment Financing of Projects (TIF)-Davenport & Co.**
- **FY 2015-16 Budget Priorities –Compensation and Other Priorities**
- **Radio System Committee Recommendations on Responses Received/
Qualifications**
- **Process for Conversion to County Police Department**
- **Animal Shelter Improvements**

COUNTY CANNERIES

David Cundiff and Mike Burnette, discussed with the Board the possibilities of the canneries coming back under the County and have a certified cannery for students/county residents to be a more efficient process with possible grant funding towards the project. The County Agriculture Committee will be reviewing options for development of the canneries and will bring back a recommendation to the Board in the near future.

SHORT TERM RENTALS

Ronnie Thompson, Boone District Supervisor, requested staff to report back to the Board the history behind the county not allowing short term rentals.

APPOINTMENTS

- ✓ Library Board - Blue Ridge District - Unexpired Term/Felicia Woods (Term Expires 6/30/2015)

(RESOLUTION #07-08-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Bethany Worley to fill the unexpired term of Felicia Woods as the Blue Ridge District Library Board Representative with said term to expire 6/30/2015.

MOTION BY: Bobby Thompson

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

CLOSED MEETING**(RESOLUTION #08-08-2014)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-3, Acquisition or Disposition of Land and a-5, Discussion of a Prospective New Business or Industry, or of Expansion of An Existing One, of the Code of Virginia, as amended.

MOTION BY: Charles Wagner

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

MOTION: Cline Brubaker

SECOND: Ronnie Thompson

RESOLUTION: #09-08-2014

MEETING DATE August 19, 2014

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, Wagner, Brubaker, Camicia, Thompson & Cundiff

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

AUTHORIZATION TO ADVERTISE PUBLIC HEARING FOR COUNTY CODE SECTION 20-64/PERSONAL PROPERTY TAXES PENALTY**(RESOLUTION #10-08-2014)**

BE IT THEREFORE RESOLVED, by the Board to authorize staff to advertise for Public Hearing, during the September 16, 2014, Board meeting, for the proposed amendments to County Code Section 20-64 to consider the adoption of Section 20-64 generally referencing all personal property taxes are due on December 5 of each year and clarifying the penalty for failure to pay the full amount of the tax to be ten dollars (\$10.00) or ten percent (10%), whichever is greater as follows

Sec. 20-64 – Penalty on unpaid personal property taxes.

There is hereby imposed on all personal property taxes due and payable to Franklin County a penalty of \$10.00 or 10% of the tax past due, whichever amount shall be greater, if such tax is not paid by the due date; provided, however, that the penalty shall in no case exceed the amount of the tax that is due. The penalty shall be added to the amount of the tax assessed against the personal property and shall be collected by the Treasurer with the past due tax, interest, and penalty.

Authority: Sec. 58.1-3916 of the Code of Virginia

MOTION BY: Bob Camicia

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

Chairman Cundiff recessed the meeting for the previously advertised public hearings as follows:

PETITION FOR REZONE – Petition of **Marilyn Dillon/Petitioner and Robert V. St. Jacques II/Owner** requesting a rezone for a +/- 9.776 acre parcel from RC1, Residential Combined Subdivision District to A-1, Agricultural. The subject property is located at 1838 Wirtz Road (SR 697) in the Rocky Mount District of Franklin County; and is further identified as Tax Map # 36.2 Parcel # 5. The petitioner is now seeking to rezone to allow agriculture, farming. This petitioner's application for rezoning states for agriculture, farming. This petition would not result in any additional residences nor increase the site's density. (Case # REZO-4-14-12838)

Neil Holthouser, Director of Planning & Community Development, presented the staff report for the rezone petition, as follows:

Site Statistics	
Location:	1838 Wirtz Road (SR 697); Rocky Mount District
Size:	9.776 acres
Existing Zoning:	RC-1, Residential Combined Subdivision District
Existing Land Use:	Agricultural/Forestry, Rural residential
Proposed Zoning:	A-1, Agricultural
Proposed Land Use:	No change
Adjacent Zoning:	A-1; RC-1 (Residential Combined Subdivision)
Adjacent Land Uses:	Agriculture/forestal uses; single-family residential uses
Utilities:	This area relies on private well and private septic
Soils	Clifford fine sandy loam, 15 to 25 percent slopes
Topography	Rolling

SITE / AREA PHOTOGRAPHS

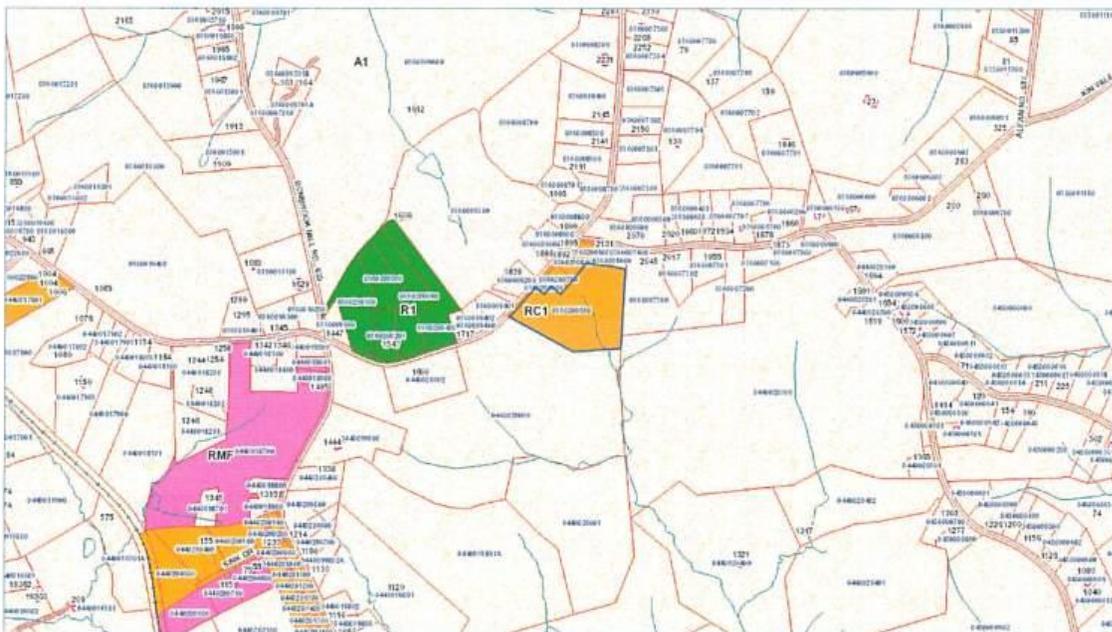


SITE / AREA MAPS

The location of the parcel where the rezoning is proposed is shown outlined in blue.



The surrounding zoning categories include A1 (Agricultural) and RC-1 (Residential Combined Subdivision), with some R-1 and RMF within a few thousand feet of the parcel



8. Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.

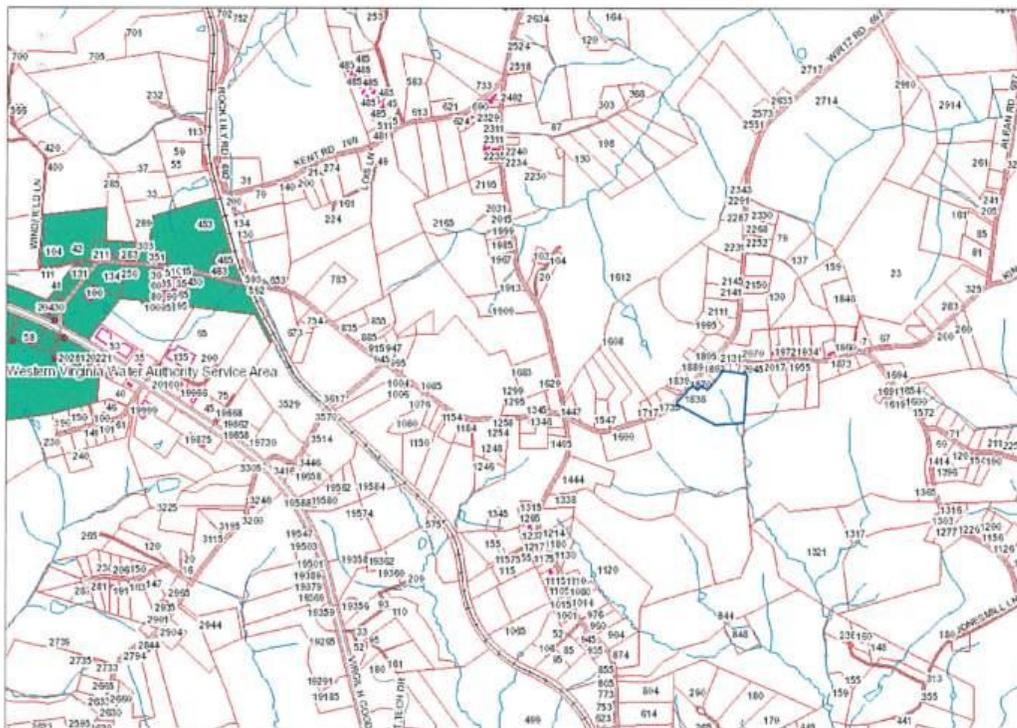
CONSIDERATIONS:

The Zoning Ordinance states that areas zoned A-1 may “logically develop residentially at low density.” Franklin County’s Comprehensive Plan defines low density as 1 to 2 dwelling units per acre.

The A-1 zoning district allows for a maximum density of 1.25 dwelling units per acre, with a density bonus up to a maximum of 1.5 dwelling units per acre available for residential cluster developments. Residential clustering is required in the A-1 district if the number of residential lots exceeds the following formula:

$$L \geq (A/2) + 10; \text{ where } L = \text{the number of residential lots and } A = \text{the total acreage of the tract being subdivided.}$$

The planning department received no inquiries regarding this application from surrounding property owners or the public. Some concerns regarding the possibility of future uses that are not allowed in the RC-1 District, but are allowed in A-1 that could impact surrounding neighbors might be raised; however the same could be said of much of the surrounding properties that are currently zoned A-1.



The Western Virginia Water service area as shown in green shading on this parcel map is over 1.25 miles from the property under review.

BACKGROUND:

The applicant is a realtor who represents the current owner, Robert St Jacques, and the previous owners, the Mizaks, who lived on the property at the time of the rezoning application submittal. The Mizaks sold the property as of July 3, 2014 to Mr St. Jacques. He would like to use the property the same way it had been used by the Mizaks, keeping agricultural animals and activities. In addition to the existing house, the 9.776-acre tract contains a detached garage and several outbuildings, with pasture in the center of the property. The rear of the property mostly wooded and contains some steep slopes.

The property was the subject of a subdivision plat recorded at PB 5 P 86 in February 1974, which was known as Mabar Subdivision and established several residential lots along Wirtz Road and Angle Plantation Road. The remainder of the parent tract shown on that plat is this parcel. The property was originally zoned RC-1 at the time of the County's adoption of zoning but according to the applicants has always been rural and agricultural in use, and contains the vernacular late-nineteenth century Folk Victorian farm house, a large barn, a garage/workshop, and several small farm outbuildings of the original homestead from which Mabar Subdivision was created. The property may have been originally zoned RC-1 was to preserve the right of the property owner to continue to subdivide new lots in the way that the Mabar Subdivision was established. However, the Mizaks, who purchased the property in 1976, had no such intention and continued to use the property as a farm.

The overall surrounding area is characterized by a mix of residential and rural uses, with neighboring properties zoned RC-1 and A-1. Several properties with similar uses and environmental/topographic characteristics as this property are included in the areas zoned A-1. The adjacent properties zoned RC-1 are all comprised of small lots with homes on them; the largest of these lots is about 3/4-acre in size.

ZONING ORDINANCE:

Sec. 25-177 of the Zoning Ordinance sets forth the following intent for the A-1 district:

- (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 to those who would dwell in this district. Special use permits will be employed to seek improved level of compatibility between uses.

COMPREHENSIVE PLAN:

Franklin County's Comprehensive Plan identifies this area as appropriate for Low Density Residential Development. The Comprehensive Plan sets forth the following for this category:

Low Density Residential

Low Density Residential Areas are intended to allow gross densities of one to two dwellings units per acre and minimum lot sizes of 20,000 - 30,000 square feet in general proximity to residential support



services such as schools, playgrounds, and churches. These areas should either be located in or near existing Towns, Villages, or Rural Neighborhood Centers. It is envisioned that public water and/or sewer will someday serve these areas, meeting all local and state standards and requirements. They should be served by new public roads built by the developer to State standards and dedicated to the State. Recreational facilities and other amenities should be provided.

While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

Policies for Low Density Residential

1. All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.
2. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.
3. On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.
4. The density of all new subdivisions to be served by wells and/or septic systems should be determined by the long term carrying capacity of the land. All new lots should have adequate reserve areas in the event of septic system failures.
5. Centralized water systems should be required to provide water to all new subdivisions.
6. All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.
7. Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.

8. Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.

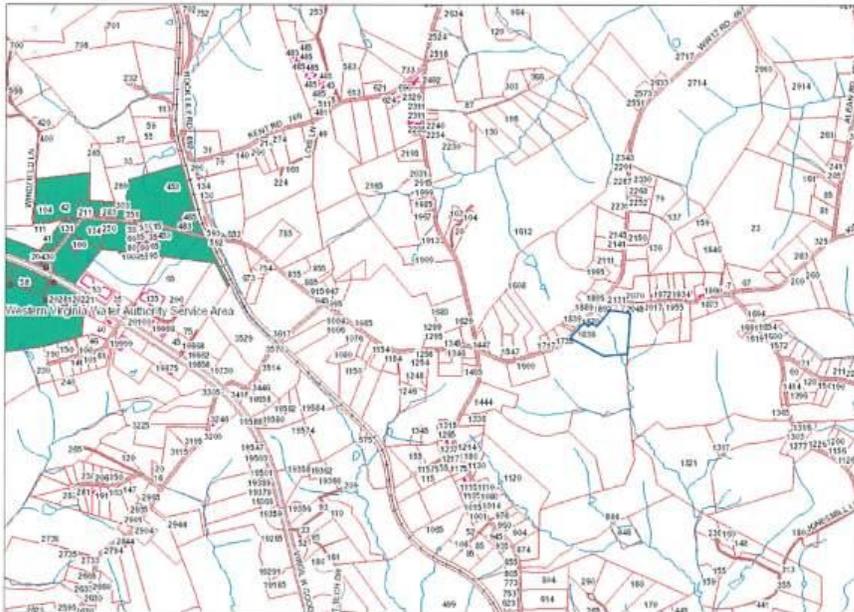
CONSIDERATIONS:

The Zoning Ordinance states that areas zoned A-1 may “logically develop residentially at low density.” Franklin County’s Comprehensive Plan defines low density as 1 to 2 dwelling units per acre.

The A-1 zoning district allows for a maximum density of 1.25 dwelling units per acre, with a density bonus up to a maximum of 1.5 dwelling units per acre available for residential cluster developments. Residential clustering is required in the A-1 district if the number of residential lots exceeds the following formula:

$$L \geq (A/2) + 10; \text{ where } L = \text{the number of residential lots and } A = \text{the total acreage of the tract being subdivided.}$$

The planning department received no inquiries regarding this application from surrounding property owners or the public. Some concerns regarding the possibility of future uses that are not allowed in the RC-1 District, but are allowed in A-1 that could impact surrounding neighbors might be raised; however the same could be said of much of the surrounding properties that are currently zoned A-1.



The Western Virginia Water service area as shown in green shading on this parcel map is over 1.25 miles from the property under review.

The Comprehensive Plan conflicts somewhat with the application in that gross densities are envisioned to be slightly higher in this area; however the Long-Range Planner noted that the proposal is “very close to the Agricultural/Forestry/Rural Residential category,” and that it is identical in nature to the surrounding properties both in proposed use and proposed zoning. Additionally, the parcel is over 1.25 miles away from the present WWA public water service area, which is on the other side of the railroad track and runs along the US Hwy 220 corridor [see Map above]. Although Wirtz Road is a well-traveled thoroughway between US Hwy 220 and the Burnt Chimney area, no specific subdivision or development proposals have been submitted or approved in this area in quite some time, and none are foreseen. The Long-Range planner states no objections to the proposal and all of the members of the Development Review Team who expressed opinions were in support of the application or had no comments.

If approved, this rezoning request would allow all uses permitted by right in the A-1 District, including further subdivision and residences, bed and breakfasts, antique shops, cemeteries, conservation areas, manufacture homes, bona fide farming activities, and other uses associated with animals or agriculture including kennels, greenhouses, and commercial stables. More intense uses such as campgrounds, higher-traffic retail (convenience stores, grocery stores), processing mills, flea markets, lumber yards, milk stations, meat processing, mining, tourist and resort facilities, chipping mills, recreational facilities, shooting ranges, and feed lots would require the issuance of a Special Use Permit by the Board of Supervisors after advertisement, notification and public hearings.

RECOMMENDATION:

The Planning Commission held a public hearing in consideration of this request on July 8, 2014. By vote of 7-0, the Planning Commission approved the following:

The Planning Commission recommends that the Board of Supervisors approve the request for rezoning from RC-1, Residential Combined Subdivision District, to A-1, Agricultural District, as submitted.

Public Hearing was opened.

No one spoke for or against the proposed rezone.

Public Hearing was closed.

(RESOLUTION #11-08-2014)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the aforementioned rezoning, whereby the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-729 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

MOTION BY: Charles Wagner

SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

PETITION FOR SPECIAL USE – Petition of Don Smith, Petitioner/County of Franklin, Owner requesting a special use permit for a +/- 0.835 & 0.57 acre parcels located at 50 Burnt Chimney Road (SR 670) in the Union Hall District of Franklin County for the purpose of “public utilities-towers, structures, and “public facilities” for property further identified as Tax Map/Parcel # 0280013100, 0280013101A, 02800131.02 in the Franklin County Real Estate Records. (Case # SPEC-7-14-13142)

Neil Holthouser, Director of Planning & Community Development, shared with the Board, the Petition of **Franklin County Public Works, Petitioner/County of Franklin, Owner** requesting a Special Use Permit for “public utilities-towers, structures” and “public facilities” for a +/-1.405-acre site located at 50 Burnt Chimney Road (SR 670) in the Union Hall District of Franklin County, on

property further identified by Franklin County Real Estate records as Tax Map/Parcels # 0280013100, 0280013101A, 0280013102. The purpose of this request is to allow for the location of a public water tower, telecommunications facilities, and a greenbox site. The subject property is zoned B-2, Business District General, with proffers, which does not prescribe a specific residential density. The Future Land Use Map of the Franklin County Comprehensive Plan identifies this area a Village; the Comprehensive Plan does not prescribe a specific residential density for villages. This petition for Special Use Permit would not result in any residential development, nor any increase of residential density for this property.

BACKGROUND:

The property was the subject of rezoning to B-2 in 1989 that resulted in the following proffers being placed on the property:

PROFFERS OF CONDITION: The following proffers of condition were offered:

1. Screening on the rear property line adjoining Burnt Chimney Elementary School, along State Route 670, and along the property line adjoining the rear of the Spradlin property. Screening will consist of evergreen trees, 3 to 4 feet in height at time of planting and spaced 8 to 10 feet apart.

2. No billboards will be erected on the property.

Since that time, the business that was located on the property has moved, and the County has acquired the property and developed a solid waste collection facility with greenboxes that are screened via landscaping and privacy fencing from view from the surrounding properties and the public right-of-way.

The Western Virginia Water Authority (WVWA) and the County are in the process of installing water lines from the service area at Westlake southward along Hwy 122 to serve commercial and residential properties in the Burnt Chimney area as well as the Burnt Chimney Elementary School. There have been issues with water service from private wells in the area, and there is also an increased need for fire protection associated with new and existing residential and commercial development in the vicinity.

The petitioner requests a Special Use Permit under the requirements for "*Public Utilities – towers, structures*" in order to erect a water tank for expanded water storage capacity with the capability of housing telecommunications antennae for use by the county's Public Safety department. The application also seeks to bring the grandfathered solid waste collection site on the property into compliance with the county ordinance under the requirements for "*Public facilities.*" The property is zoned B-2, Business District General with proffers. Under the provisions of Sec. 25-179 of the Franklin County Zoning Ordinance, these public uses require a Special Use Permit for properties within the B-2 District.

The subject site consists of three parcels totaling +/- 1.405 acres, and the existing site is addressed as 50 Burnt Chimney Road [SR 670]. The property is located approximately 275 feet east of the Hwy. 122/Burnt Chimney Road intersection, is adjacent to the Burnt Chimney Elementary School parking lot, and is surrounded by a mix of commercial, agricultural, public, institutional, and residential uses.

According to the applicant and as set forth in the application documents, the facility will consist of the current greenbox/solid waste collection site, an extension of the existing drive toward the center of the property, a new fenced compound with four accessory buildings and the elevated water tank with the capability to house telecommunications antennae. The existing entrance on Burnt Chimney Road may need to be widened slightly in order to address current vehicular access requirements. Finally, three of the four accessory buildings shown on the Concept Plan will be utilized for storage and Burnt Chimney Road may need to be widened slightly in order to address current vehicular access requirements. Finally, three of the four accessory buildings shown on the Concept Plan will be utilized for storage and equipment associated with the water tank and communications facilities, and one is shown for the purpose of a future possible operating office for the solid waste collection facility. This operating office will require a septic system to be installed on the site, which will be accommodated on one of the parcels that is included in this application.

TECHNICAL REVIEW COMMITTEE:

Public Safety stated that there had been a need for increased communications facilities for the countywide public safety communications system for some time and that they had looked at

several options. With the proposed water tank, it seemed a good fit to combine these public facilities in order to increase efficiencies of scale and decrease costs.

VDH confirmed that should the site ever be manned, that requirements for well and septic service to the property would apply. The representative from the County Building Department had no comments. The new county stormwater regulations will apply to the project.

VDOT provided the following comments:

1. A VDOT Land Use Permit will need to be established for the existing entrance. Sight distance will need to be determined for this entrance by the County's engineer/surveyor. The sight distance must meet or exceed the minimum required distance as per Appendix F of the Road Design Manual based upon the speed limit of the roadway.
2. Improvements to the existing entrance may be required in order to comply with the current Commercial Entrance Standard as per Appendix F of the Road Design Manual, page F-102.
3. Please determine if the entrance is in compliance with the Access Management Spacing Standards. An Access Management Exception request, form AME, will be required if the entrance does not meet the current minimum required spacing.

SITE STATISTICS:

<i>Location:</i>	Approx. 275 feet east of the US Hwy. 122/Burnt Chimney Road intersection in the Union Hall District.
<i>Size:</i>	+/- 1.405 acres in three (3) parcels
<i>Site access:</i>	One shared driveway entrance on a public, two-lane road
<i>Existing Land Use:</i>	Public
<i>Adjoining Zoning:</i>	A-1, B-2
<i>Adjoining Land Uses:</i>	Agricultural, Commercial, Public/Institutional
<i>Adj. Future Land Uses:</i>	Burnt Chimney Village
<i>Utilities:</i>	Private well, septic (public water will be available)
<i>Geography:</i>	Level to rolling, cleared land with some established trees and low-growing vegetation. Soils are 7B, 7C Clifford fine sandy loam, 2 to 15 percent slopes

SITE MAPS

The 2025 Comprehensive Land Use Plan shows the project is located within the Burnt Chimney Village Buffer.



The location of the parcel where the greenbox site is located, and where the water tank is proposed, is shown outlined in blue. The two other parcels lie just west of that parcel.



The surrounding zoning categories include A1 (Agricultural), and B2 (Business District General). There is B1 (Business District Limited) in the area shown on the map.



2014 aerial view of the site from Google



Looking southward into the greenbox site from the entrance at Burnt Chimney Road.

COMPREHENSIVE PLAN:

Village

A village is the primary focus for local services, social activities, and community life as well as providing opportunities for employment. The commercial services include convenience shopping, general business, and professional services that serve the needs of the surrounding rural community. Community facilities include elementary schools, recreation areas, fire and rescue sites, post offices, and churches. Residential uses include farmhouses, rural dwellings, small subdivisions and apartments located on the upper floors of commercial development. Villages provide many of the daily needs of the area residents, but some services will still be provided outside of the village area. Villages maintain a “pedestrian radius” of one quarter to one half mile from the village where commerce and community facilities are located.

Based on recent development trends the plan projects that the Villages of Union Hall, Penhook, and Hales Ford will develop with a higher concentration of commercial use than other villages. These areas will grow at a faster rate than other villages. They will therefore require expedited implementation of planning tools such as overlay districts, architectural guidelines, and design standards.

Village: The Villages identified in the Franklin County Comprehensive Plan with their geographic center are considered to the following:

Burnt Chimney – (Intersection of Route 122 and Route 116)
Callaway – (Intersection of Route 602 and Route 641)
Glade Hill – (Intersection of Route 40 and Route 718)
Hales Ford – (On Route 122, ¼ of a mile from the shoreline of Smith Mountain Lake at the Hales Ford Bridge)
Penhook – (Intersection of Route 40 and Route 626)
Snow Creek – (Intersection of Route 619 and Route 890)
Union Hall – (Intersection of Route 40 and Route 945)

Policies for Villages

1. Encourage small-scale residential subdivision, townhouses, garden apartments and apartments above commercial uses in locations that complement and support established or new villages with supporting services such as convenience shopping, general business, elementary schools, recreational areas, fire and rescue sites, and churches.
2. Make future decisions about the location of community facilities so as to strengthen the identity and improve the quality of life of the village.
3. New development in villages should preserve open space and viewsheds; take into consideration existing vegetation; and incorporate these concepts into site planning to preserve the rural character.
4. Development in the village should be based on adopted community plans that include architectural and site development guidelines.
5. In conjunction with community plans, identify villages where small-scale County public water and sewer systems are feasible.
6. Design standards for the villages for interconnected rectilinear street patterns.
7. Develop the villages in such a way that residents are in walking distance to services and public spaces.
8. Development of villages should include village squares and public spaces.
9. Work to establish, identify, and plan the enhancement of key gateways and entry points to the villages and to establish guidelines for landscaping, setback, and coordination of access so as to enhance the quality of these points.
10. Encourage development of small scale commercial and light industrial in villages for residents to work and provide services to the surrounding rural community.
11. The County will encourage and monitor site plans for new development along key commercial corridors to coordinate entrances according to good engineering practices to reduce safety hazards and congestion and to meet or exceed VDOT commercial highway entrance standards.

The Long Range Planner provided the following comments for this proposal:

“The property is located in the Village of Burnt Chimney according to our future land use map in the comprehensive plan. This site is used as a county greenbox site and the addition of a water tank to supply fire protection capabilities to the existing WVWA waterline serving the Village of Burnt Chimney would be appropriate in the Village; therefore granting the SUP would be supported. The Comprehensive Plan encourages utilities in the villages; which would include collocation of antennas on the water tank constructed for the existing waterline serving the area.”

ZONING ORDINANCE:

Pursuant to Sec 25-336 of the Franklin County Zoning Ordinance, a Special Use Permit is required for approval of the use of “public utilities-towers, structures” and “public facilities” in the B2 Zoning District.

Sec. 25-123. Public utility structures/uses.

- (a) Public utility buildings and structures in any residential zone shall, wherever practical, have the exterior appearance of residential buildings and shall have landscaping, screen planting and/or fencing, whenever these are deemed necessary by county officials.
- (b) Trespass fencing and other safety measures may be required as deemed necessary to reasonably protect the public welfare.

- (c) Towers, transmission lines and transformers which are abandoned, damaged or in a state of disrepair, which in the opinion of the zoning administrator pose a hazard to public safety, shall be repaired/removed to the satisfaction of the zoning administrator within a reasonable time prescribed by the zoning administrator.

Special Use Permits are governed by the procedures and requirements set forth in Sec. 25-110, 25-111, and Sec 25-638 – 25-645 of the Franklin County Zoning Ordinance.

Sec. 25-638 of the Zoning Ordinance sets forth the County's authority to issue special use permits for certain uses. The ordinance states that, in order to issue a special use permit, the Board of Supervisors must find that *"such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by-right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplemental regulations, and amendments, of this chapter, and with the public health, safety, and general welfare."*

Sec. 25-640 of the Zoning Ordinance sets forth the County's authority to impose conditions for the issuance of special use permits. The ordinance states that the Board of Supervisors *"may impose upon any such permit such conditions relating to the use for which such permit is granted as it may deem necessary in the public interest..."* Conditions associated with a special use permit must be related to the particular land use which required the permit, and must be related to some impact generated by or associated with such land use.

Sec. 25-641 of the Zoning Ordinance states that a special use permit shall expire eighteen (18) months from the date of issuance if *"no commencement of use, structure or activity has taken place."* The ordinance states that "commencement" shall consist of "extensive obligations or substantial expenditures in relation to the project," including engineering, architectural design, land clearing, and/or construction.

ANALYSIS:

It is the opinion of the Planning Commission that the application for Special Use Permit for the use of "public utilities-towers, structures" and for the use of "public facilities" can meet all of the stated criteria for the use in the ordinance under Sec. 25-123 as applicable to this particular site, and is in accordance with the Comprehensive Plan.

The site is within a growing area with a vital commercial center that lies along a busy commuter route between residences and employment centers in the Town of Rocky Mount, the Westlake area, and the City of Roanoke. There has been increased commercial and residential development activity in the County over the past two years, and the County Public Safety Department has stated there is additional need for antennae for the public communication system in Burnt Chimney, to assist police, fire and rescue personnel in responding to calls. Along with this development activity has arisen increased consumer demand for water and fire protection. The site is already a county solid waste collection site that experiences heavy use by the public. Co-locating these public utility structures and uses together will make the best use of limited space and public investment in this infrastructure.

Screening and visibility of public uses and service areas is encouraged in order for the site to contribute to an attractive addition to the Burnt Chimney Village Center. In addition, the property contains proffers that address screening. Section 25-121 sets forth standards for "Fencing, screening," and states:

- a) Natural screening may be required as conditions for the issuance of zoning permits and special use permits.
- b) Unless otherwise required by the approving authority, screening required of applicants for zoning permit shall mean an approved screening which prevents viewing from one (1) side to the other, which is of uniform, and which is not less than eight (8) feet in height.

Outdoor storage of vehicles, equipment, and supplies should not become an issue on county-owned property; however the nature of the proposed use has some potential, over time, for issues to arise. In addition, it is important to note that the use of a "Storage yard" is not permitted

in the B2 District. Therefore the Planning Commission believes it is advisable for the Board to consider some conditions that address outdoor storage and the parking of vehicles on the property.

Finally, any use or development of this property will require a Site Plan in accordance with the provisions of Article V, Division 4 of the Zoning Ordinance, in addition to Stormwater, Erosion and Sediment Control, the posting of one or more construction security bonds, and a building permit.

RECOMMENDATION:

The Planning Commission held a public hearing in consideration of this request at its August 12, 2014, meeting. By vote of 6-0 (Mitchell absent), the Planning Commission approved the following:

The Planning Commission recommends that the Board of Supervisors approve the request for Special Use Permit for “public utilities-towers, structures” and “public facilities” with the following conditions:

1. *Substantial conformity. The site shall be developed in substantial conformity with the applicant's concept plan, prepared by the applicant and submitted along with the application for Special Use Permit dated June 26, 2014.*
2. *Outdoor storage limited. No tools, equipment, parts or supplies shall be stored outside of the proposed buildings or fenced compound as shown on the Concept Plan. Vehicles shall be parked within the fenced compound.*
3. *Site Plan required. This Special Use permit is subject to the review and approval of a Site Plan by the Department of Community Development, including any necessary reviews or approvals by the Virginia Department of Transportation and/or the Virginia Department of Health.*
4. *Screening. Landscaping and buffer yards shall be installed during the Site Plan process as required by the zoning ordinance and maintained in accordance with the existing proffers on the property.*

Public Hearing was opened.

No one spoke for or against the proposed special use permit.

Public Hearing was closed.

(RESOLUTION #12-08-2014)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the special use permit with the conditions as discussed for uses as provided in this chapter finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base. Approval with the following conditions:

Conditions for Case # SPEC-7-14-13142, Don W. Smith/Petitioner

1. ***Substantial conformity.*** *The site shall be developed in substantial conformity with the applicant's concept plan, prepared by the applicant and submitted along with the application for Special Use Permit dated June 26, 2014.*
2. ***Outdoor storage limited.*** *No tools, equipment, parts or supplies shall be stored outside of the proposed buildings or fenced compound as shown on the Concept Plan. Vehicles shall be parked within the fenced compound.*
3. ***Site Plan required.*** *This Special Use permit is subject to the review and approval of a Site Plan by the Department of Community Development, including any necessary reviews or approvals by the Virginia Department of Transportation and/or the Virginia Department of Health.*
4. ***Screening.*** *Landscaping and buffer yards shall be installed during the Site Plan process as required by the zoning ordinance and maintained in accordance with the existing proffers on the property.*

MOTION BY:

Bob Camicia

SECONDED BY: Cline Brubaker

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M., on Tuesday, August 19, 2014**, in the Board of Supervisors Meeting Room in the Franklin County Government Center, 1255 Franklin Street, Suite 104, Rocky Mount, Virginia to consider the following proposed amendments to Section 18-18 through Section 18-20 as follows:

Section 18-18. Unlawful disposal of out-of county waste.

- (b) The penalty for a violation of this section shall be a fine of ~~thirty-five dollars (\$35.00)~~ **not exceeding five hundred dollars (\$500.00) plus court costs.**

Sec. 18-19. *Civil penalties for unauthorized use.*

Any person or business entity found to be in violation of any of the prohibitions set forth in Chapter 18 which controls the disposition of solid waste in Franklin County shall be subject to the following civil penalties:

- (a) **Household waste not originating in Franklin County disposed of by a private citizen.**

First Offense: Civil Penalty - \$250.00

- (b) **Any violation of Chapter 18 of the Franklin County code not described in (a) or (c) of this code section:**

First Offense: Civil Penalty - \$500.00

- (c) **Disposal of commercial waste, industrial waste, construction debris, or any other objects or material containing rigid wooden or metal parts, which parts exceed two (2') feet in length.**

First Offense: Civil Penalty - \$1,000.00

The civil penalty imposed pursuant to Sections (a), (b), or (c) of this section shall not be suspended in whole or in part. A proceeding against a person or entity to impose a civil penalty as above set out shall preclude criminal prosecution for that specific offense.

Any subsequent offense of any prohibition set forth in Chapter 18 of the county code shall be prosecuted as a criminal offense as set out in Chapter 18 of the county code.

A person found violating any provision of this ordinance on behalf of a business entity may be prosecuted for such violation and the business entity may also be prosecuted for that same violation.

Sec. 18-20. Payment of penalties.

Any civil penalty levied hereunder shall be paid within thirty (30) days of imposition of the civil penalty to the Franklin County Treasurer. Any civil penalties herein imposed by any court shall be collected in the same manner that civil judgments may be collected and may be docketed by abstract filed in the circuit court clerk's office if levied in the general district court, in which case such judgment will become a lien on real estate owned by that person. A violation of Section 18-19 shall be prosecuted as a civil proceeding and may be appealed by either party as civil cases are appealed from the general district court. (See Attachment #1)

ITALICS/BOLD (AMENDED VERBIAGE)

PROPOSED-DELETED VERBIAGE

Don Smith, Director, Public Works, stated Franklin County provides a free green box residential trash collection system for the County citizens. This system currently consists of 68 green box sites with 283 green boxes. 95 of these boxes are dumped twice a day. Penalties for illegal

disposal of waste in Franklin County were last adopted on May 18, 1995. Despite having a daily cleanup crew, the County has had a number of complaints from citizens about site conditions. The daily cleanup of material deposited on the ground, as well as oversized material in the boxes cost approximately \$91,348 last year. The County is receiving 20-25 illegally dumped tires at the landfill per day, whereby the County must pay \$100 per ton to have removed. The staff is cleaning up large brush piles dumped at these sites weekly. Boxes are filled with contractors' debris from both this county and neighboring counties. These items go from being revenues at the landfill gate to major expenses for county personnel to clean up and dispose. In addition to cleanup fees, contractor waste in the boxes (lumber) can be very damaging to the County's \$240,000 front load trucks. Chargeable landfill tons have decreased by 3535 tons (\$152,000) in the last fiscal year, while green box tons have increased by 118 tons for the same period.

In reviewing adjoining county codes there are varying degrees of penalties as several of the counties no longer have unmanned green box sites. Henry County addresses out of county waste with a \$250 fine and prohibited waste with a \$1000 fine. Bedford County states that violations may result in up to a \$25,000 civil penalty but then shows a \$50 fine for improper use of a site. With Bedford's sites being manned, uncontrolled dumping does not generally occur. Pittsylvania County's sites are also monitored to prevent uncontrolled dumping, but violators there can be charged with a Class III misdemeanor. County legal staff has proposed several changes to Section 18 of the County Code (see submitted) increasing fines for out of county waste and proposing Civil Penalties for other green box violations. During the Board of Supervisors July 15, 2014 meeting, the Board voted to advertise a public hearing on the proposed amendments to Chapter 18 of the Franklin County Code (see submitted).

RECOMMENDATION:

Following the duly advertised public hearing, staff respectfully requests the Board of Supervisors consider approving the proposed amendments to Chapter 18, Solid Waste of the Franklin County Code as advertised and submitted.

Public Hearing was opened.

No one spoke for or against the proposed amendments to Chapter 18.

Public Hearing was closed.

(RESOLUTION #13-08-2014)

BE IT THEREFORE RESOLVED, by the Board to table action until September as advertised.

MOTION BY: Ronnie Thompson

SECONDED BY: Cline Brubaker

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

David Cundiff, Chairman, requested the Board's thoughts in hiring a part time person for 6 months to monitor the dumpsters for illegal dumping.

(RESOLUTION #14-08-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to hire a part-time person for 6 months to monitor the dumpster for illegal dumping.

MOTION BY: Bob Camicia

SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

Chairman Cundiff adjourned the meeting.

DAVID CUNDIFF
CHAIRMAN

SHARON K. TUDOR, MMC
COUNTY CLERK