

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, JUNE 21, 2016 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: Cline Brubaker, Chairman  
Charles Wagner, Vice-Chairman  
Bob Camicia  
Ronnie Thompson  
Leland Mitchell  
Tommy Cundiff In at 4:45 P.M.  
Tim Tatum

OTHERS PRESENT: Brent Robertson, County Administrator  
Christopher Whitlow, Deputy Co. Administrator  
B. J. Jefferson, County Attorney  
Sharon K. Tudor, MMC, Clerk

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Cline Brubaker, Chairman, called the meeting to order.

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Invocation was given by Supervisor Charles Wagner.

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Pledge of Allegiance was led by Supervisor Ronnie Thompson.

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Vice Chairman Charles Wagner introduced **GREG PRESTON as the incoming EXECUTIVE DIRECTOR of the PIEDMONT COMMUNITY SERVICES BOARD.** Mr. Preston thanked the Board and noted he was looking forward to working with Franklin County in his new position.

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Timothy Tatum, Blue Ridge District Supervisor, presented Dr. Jennifer Braaten the following resolution:

**RESOLUTION OF APPRECIATION/DR. JENNIFER BRAATEN, PRESIDENT, FERRUM COLLEGE  
RESOLUTION OF APPRECIATION**

**WHEREAS**, *Jennifer L. Braaten. Ed.D.*, became the 10th President of Ferrum College and Ferrum's first woman President, in July 2002, whereby she is now widely recognized for her commitment to the betterment of the students, faculty, and staff of Ferrum College and the Franklin County Community, and

**WHEREAS**, Dr. Braaten has provided **14 years** of loyal service to Ferrum College, often working from early morning to late evening to assure that her work was completed in a timely fashion, irrespective of the status of any individual, and

**WHEREAS**, Dr. Braaten has faithfully, unselfishly, and steadfastly given of her time and talents to advance Ferrum College , thereby significantly increasing enrollment by 76 percent , growing the endowment to over \$50 million, and investing over \$30 million in campus renovations and upgrades, while remaining committed to Ferrum's mission of accessibility and affordability, and

**WHEREAS**, Dr. Braaten, has earned innumerable awards and accolades for her exceptional leadership, whereby she is widely sought as a speaker and lecturer and was named the top female leader in Southwest Virginia; and

**WHEREAS**, Dr. Braaten, is deeply respected in the field of higher education and has held leadership roles in the state and national Council of Independent Colleges, Appalachian College Association, National Association of Schools and Colleges of the United Methodist Church, National Association of Independent Colleges and Universities and the Southern Association of Colleges and Schools Commission on Colleges;

**WHEREAS**, Dr. Braaten, has fostered community partnerships resulting in numerous human service accomplishments such as the establishment and growth of Ferrum's Tri-Area Community Health Center, the Ferrum branch of the Franklin County YMCA, the Ferrum Express Regional Transportation Shuttle, Ferrum Mercantile, as well as the facilitation to

secure a \$1 million gift from Guy and Betty Beatty resulting in the construction of the new, Bernard Healthcare Free Clinic of Franklin County; and  
**NOW, BE IT THEREFORE RESOLVED**, by the Franklin County Board of Supervisors to honor and recognize Dr. Jennifer L. Braaten, President, Ferrum College for her remarkable example of servant leadership and the invaluable contributions to Ferrum College and the citizens of Franklin County and to extend their very best collective wishes to her at this time.

Cline Brubaker, Chairman  
 Duly Adopted by this Board on the 21<sup>st</sup>, day of June, 2016.

**PUBLIC COMMENT:**

- ❖ Dave Werner, Preserve Franklin Treasurer - presented the Board with the following information concerning the proposed Mountain Valley Pipeline:

## Preserve Franklin

### A chapter of the Blue Ridge Environmental Defense League

[www.preservefranklin.org](http://www.preservefranklin.org) 513 Parkview Drive, Rocky Mount, VA 24151

Franklin County Board of Supervisors  
 1255 Franklin Street  
 Suite 112  
 Rocky Mount, VA 24151

June 16, 2016

**RE: Economic Costs of the Proposed Mountain Valley Pipeline**

Dear Board of Supervisors:

On behalf of the board of directors of Preserve Franklin, I am asking you to consider the economic consequences (costs) of the Proposed Mountain Valley Pipeline project.

MVP hired FTI Consulting to estimate the economic benefits to Franklin County and this document was published October 2, 2015. We do not agree with their assumptions and have already communicated that to you in the public hearing of January 19<sup>th</sup> of this year. Beyond that, we believe the damage to Franklin County's economy and tax base could be far more reaching.

The attached report prepared by Key-Log Economics show that the loss of property value, ecosystem services, and economic development is far greater than any economic benefits:

- Property value at risk:
  - In the Right-of-Way (ROW): \$50.9 million
  - In the Evacuation Zone: \$390.0 million
  - In the Viewshed: \$3.7 Billion
- Total property value lost (a one-time cost): \$17.0 to \$21.5 million
- Resulting loss in *annual* property tax revenue: \$79,900 to \$100,900
- Lost Ecosystem Service Value: \$5.1 to \$18.4 million during construction; recurring annually thereafter for the life of the pipeline: \$929,000 to \$3.4 million
- Lost economic development opportunities due to the erosion of Franklin County's comparative advantages as an attractive place to visit, reside, and do business:
  - Annual loss of recreation tourism expenditures of \$8.7 million supporting \$118 jobs, \$1.9 million in payroll, and \$344,500 in state and \$264,00 in local taxes;
  - Annual loss of personal income of \$3.9 million due to slower growth in the number of retirees;
  - Annual loss of \$125,000 in personal income due to slower growth in sole proprietorships.

The total estimated costs, therefore, include:

- One time loss of property and ecosystem service value during construction: \$22.1 to \$39.8 million.
- Annual costs after construction would range from \$13.8 to \$16.3 million

- One-time costs plus discounted value of all future annual costs: \$0.9 to \$1.1 billion.

Whose economic reports will you believe? Do you really think there are no economic consequences arising out of this huge gouging of our farms, homes, forests, and other privately-held lands in Franklin County?

If you must have natural gas for economic development reasons, we strongly recommend that you have it brought to the proposed business park from Clearbrook and do everything in your power to oppose the proposed Mountain Valley Pipeline. If you truly are “neutral”, you can start by taking their website link off of the County’s web site.

Sincerely,  


David J. Werner, treasurer  
 Preserve Franklin

## Community Costs of the proposed Mountain Valley Pipeline

{ Preserve Franklin  
 By: David Werner  
 dave@fourcornersfarm.com



## Franklin County Attributes

- ⌘ Clean and Healthy Environment
- ⌘ Outdoor Recreation
- ⌘ Pristine Views: mountains, water bodies, farms
- ⌘ Close to Healthcare, Shopping, Restaurants, Night life, Arts, etc. (Roanoke)
- ⌘ Gateway to the Crooked Road
- ⌘ Premier Vacation Spots: SML and Philpott Lakes
- ⌘ Low Unemployment (5.3%) vs. non-metro state (6.9%)
- ⌘ 5,879 Sole Proprietors provide 1 out of 3 jobs
- ⌘ Tourism provides 13% of employment
- ⌘ Revenue from tourism and travel up \$7.6 million (2010-2014)



↳ Concepts and Data taken  
from Key-Log Economics

} Keylogeconomics.com

## How is Franklin County at Risk?

Impact to Property Values

Impact to Ecosystems

Impact to Economic Development

### By the numbers: the proposed MVP

- ↳ 36.1 Miles cut through the heart of Franklin County
- ↳ 230 affected parcels
  - ⌘ Construction Corridor = 634 acres
  - ⌘ Permanent R.O.W. = 217 acres (147 forest, 60 pasture)
  - ⌘ Surface infrastructure (access roads, equipment storage, etc.) = 10 acres
- ↳ 2,767 Affected Parcels in 1.4 mile Evacuation Zone
- ↳ 7,231 People living in 1.4 mile Evacuation Zone
- ↳ 307 Homes in 1.4 mile Evacuation Zone
- ↳ 19, 273 Visibility Parcels (those who can see the scar)

### MVP Effects on Property Values

- ↳ Property Values affected in 3 ways:
  - ⌘ Loss of use and enjoyment of property
  - ⌘ Safety risks
  - ⌘ Diminished aesthetic quality of views
- ↳ The effects would be most prominent in three zones:
  - ⌘ The right-of-way ("ROW")
  - ⌘ The Evacuation Zone
  - ⌘ Within sight or, in the viewshed, of the proposed pipeline

## Property Values: In 50' ROW

⊗ Greatest Loss of Use would be felt by the parcel owners of the proposed 50 foot wide ROW:

**Ranges from \$792,100 to \$2.5 Million**  
**One time loss of value**

## Property Values: Viewshed

- An estimated 19,273 parcels would have a view of the proposed MVP, or 42% of parcels in Franklin County.

- While Key-Log Economics did not estimate the loss of property value for those parcels that would have to see the “MVP scar”, realtors clearly tell us that properties with this view would be less valuable.

## Ecosystem Services

⊗ “Ecosystem Services” is defined as the benefits people receive from clean water for drinking and for industrial processes, food grown on cropland, raw materials, and the aesthetic value of beautiful views from residential and commercial properties as well as from areas used for recreation.

⊗ Ecosystems also protect people and property from extreme events like floods and wildfires, regulate local and global climate, clean the air, support food production through natural pest control and pollination, provide wildlife to hunt, fish to catch, and spaces for other forms of recreation.

## Ecosystem Costs

- ⌘ Ecosystem service value lost during construction is estimated to be \$2.6-\$9.2 Million
- ⌘ Thereafter, value lost is estimated between \$929,100-\$3.4 Million annually.

## Economic Development

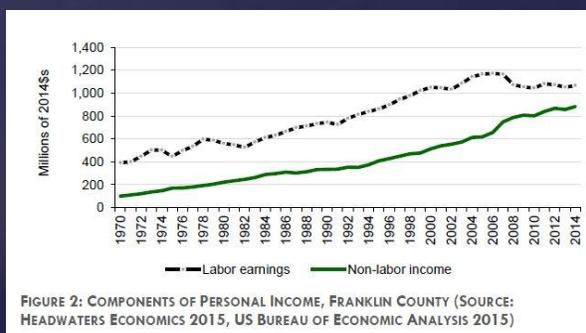
- ⌘ Franklin County’s 2025 Comprehensive Plan states that the county *“wishes to maintain its rural character and scenic views, as well as to provide new job opportunities for its citizens.”*
- ⌘ The Virginia State Tourism Plan offers a policy statement and strategy to *“Uphold policies and programs which promote sustainability and preservation of historical, cultural, and environmental assets.”*
- ⌘ *“The MVP would undermine progress toward this goal if the loss of scenic and recreational amenities, the perception or reality of physical danger, and environmental and property damage were to discourage people from visiting, relocating to, or staying in the county. Workers, businesses, and retirees who might otherwise choose to locate along the MVP’s proposed route will instead pick locations retaining their rural character, productive and healthy landscapes, and the promise of a higher quality of life.”*

## Components of Personal Income — Franklin County

Retirees are an important part of personal income in Franklin County



Franklin County has experienced a steady rise in personal income.



Green line = transfer pmts. (retirees)  
Dotted line = wages

FIGURE 2: COMPONENTS OF PERSONAL INCOME, FRANKLIN COUNTY (SOURCE: HEADWATERS ECONOMICS 2015, US BUREAU OF ECONOMIC ANALYSIS 2015)

## Economic Development

- ⌘ Will having access to natural gas attract industry here? "Johnson and Rasker (1995) found that quality of life is important to business owners deciding where to locate a new facility or enterprise and whether to staying a location already chosen....Business owners value safety, scenery, recreational opportunities, and quality of life factors as much as residents, vacationers, and retirees."

## Economic Development

- ⌘ Loss of recreation tourism expenditures of \$8.7 Million
- ⌘ Annual loss of personal income of \$3.9 Million due to slower growth in the number of retirees
- ⌘ Annual loss of \$125,000 in personal income due to slower growth in sole proprietorships

## Bottom line:

- One time loss of property and ecosystem service value during construction: \$22.1 to \$39.8 million.
- Annual costs after construction would range from \$13.8 to \$16.3 million
- One-time costs plus discounted value of all future annual costs: \$0.9 to \$1.1 billion.

**\$1.0 Billion**



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❖ Reverend Vandal Muse - Diamond Avenue Extension Update

Reverend Muse, stated he was on a mission to have a secondary entrance into the Diamond Avenue Extension neighborhood, in case of an emergency. Reverend Muse stated he had four letters from businesses to endorse the effort for the emergency exit on Diamond Avenue.

Steven Sandy, Director of Planning & Community Development, stated staff has examined this matter, whereby previous efforts included a possible connection into the Town of Rocky Mount from Sycamore Street. In addition, 20' emergency access easement through the Lilly's Leisure townhome development was obtained prior to its development. Finally, Mr. Sandy noted that staff has been in contact with Norfolk Southern Railroad in recent weeks to get data regarding the blocking of traffic along the railroad tracks and the parameters surrounding such blockages. The Board requested Mr. Sandy to continue and explore possibilities with the citizens in this area.

❖ Ron Hamlin - Caution Children's Sign

Mr. Ron Hamlin, VP, Baywood, Property Owners' Association requested the Board to endorse their efforts for a CAUTION CHILDREN sign on Baywood Drive, (Baywood Subdivision). Mr. Hamlin submitted to the Board a petition of property owners in support of the request. The Board stated they would have the Planning and Community Development Department to forward such information to VDOT and review the request as to possible next steps.

❖ Mark Joyner, Archeologist - Concerns in Franklin County

My name is Mark Joyner and I reside in Chatham Virginia. I am the Founder and Project Director for the Association for the Study of Archaeological Properties. I will also be speaking for the President and CEO, Buddy Hearn of Preserving Our Indian National Treasure's. (so, I will need more than 3 minutes)

I want to speak to you about our archaeological resources here in Franklin County. Our organization has spent the last year conducting an inventory and survey of Native American archaeological resources, in the fields, in the mountains and along the rivers.

During our work we have been to over 22 sites and found multiple archaeological sites containing evidence of Native American camps, hunting sites and permanent villages dating back as far as 13,000 years ago.

These archaeological sites contain important irreplaceable information about the past. Unfortunately, these sites are being threatened and destroyed at an alarming rate due to construction and development.

One such site in danger is along the Black Water River located on Dale Angles property, a resident of Franklin County. This is a village site of multiple generations and century after century of occupation by the Native American Indians during the pealeo, Archaic and Woodland period. The evidence lies here before you on this table.

This one site turned up numerous points, (arrowheads), pottery pieces, polished axes and stone tools that we identified during a survey last December. Every piece tells us a story of how this site was used during its occupation.

**(STONE BOWL)**

Just to mention a few, We know what kind of cooking utensils they were using, we know that each family was making and using their own clay bowls and pot's by the patterns each family used which also gives us an idea of where each family was stationed in the village. We are able to determine where their crop fields were located by the litchi scattering of debris. We know the types of arrowheads that were being made. We even found evidence of atlatl projectile points which was used thousands of years before the invention of the bow and arrow.

This site and others are currently being assigned archaeological site numbers with the Department of Historical Resources to further their protection. Another threatened Archaic site, (8,000 years old), is on the property of Steve and Ann Bernard, here two Native American sites have already been registered with the Department of Historic Resources and are still being threatened.

There are hundreds of these sites that fall in the path of the proposed Mountain Valley Pipeline and each one is telling a new and different story of the lives of these first inhabitants on this continent.

To allow these sites to fall under the destruction of this proposed development would be like trying to interpret the bible after multiple books had been torn out and burned. We would never be able to make a clear sense of what really happened.

These Archaeological resources are an essential part of our shared cultural heritage. They help us to understand the history of a people who had no written language and yet these precious sites are in danger of being lost forever.

Once you let this unneeded and unwanted mega pipeline come through and set the bulldozer blade down to the ground you can never get these sites back. The information these sites hold will be gone forever.

The past belongs to everyone and it's everyone's responsibility to protect these sites for the future of history.

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**CONSENT AGENDA**

**APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – MAY 17, 2016**

**APPROPRIATIONS**

<b><u>DEPARTMENT</u></b>	<b><u>PURPOSE</u></b>	<b><u>ACCOUNT</u></b>	<b><u>AMOUNT</u></b>
Clerk of Court	Library of Virginia Grant	2106- 57003	\$7,884
Clerk of Court	Part Time Reimbursement	2106- 51003	\$3,215
Library	Book Sales and Donations	7301- 55411	\$2,936
Franklin Center	Additional User Fee Revenue	8108- 53007	\$1,897
Treasurer	Budget DMV Stop Fees	1213- 53002	\$5,980
Sheriff	Boat Patrol Donation	3102- 55204	\$3,000
Sheriff	Additional Off-Duty Revenue	3301- 51010	\$7,050
Public Safety	Auction Proceeds	30230147-57005	\$22,010
Public Safety	Four For Life Grant	3505- 55540	\$57,198
Parks and Rec	Ramble and Chug Sponsorships/Fees	7102- 55412	\$17,806

Parks and Rec	Additional Fees Collected above Budget	7102-	53004	\$16,738
				\$145,714
<b>Transfers Between Funds, Departments or Capital Accounts</b>		<b>(Decrease)</b>	<b>(Increase)</b>	
Landfill Operating		4204-	53002	(25,000)
Landfill Operating		4204-	51003	(50,000)
Landfill Operating		4203-	55408	(25,000)
Cell 2 Construction		CIP		100,000
Board of Supervisors		1101-	53002	(10,000)
County Administrator		1201-	52005	(15,000)
Non-Departmental		9103-	52800	(100,000)
Non-Departmental		9103-	53002	(15,000)
Non-Departmental		9103-	55803	(15,000)
Non-Departmental		9103-	55907	(40,000)
Risk Management		1215-	52018	(5,000)
Regional Jail		3302-	53009	(200,000)
Economic Development		8105-	55901	(100,000)
New Business Park		CIP		500,000
Detention Operating		2109-	53003	(75,000)
Detention Reserve		CIP		75,000
To move funds from general fund departments to capital accounts				
	Total Transfers			\$0

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#### **AUTHORIZATION TO SOLICIT BIDS FOR LANDFILL #2 CELL**

Franklin County operates a solid waste collection service and landfill for the residents and businesses of Franklin County. Currently, the Landfill continues to utilize the remaining cell in the old landfill (permit #72) which will be capped in the next couple of years. Staff has graded and reshaped the back side (east side) of the old landfill (Permit #72) to gain more airspace. It should take until approximately January 2017 to fill this airspace and at that time all of the old Permit #72 waste volume will have been filled. This will have extended its life several years past earlier projections.

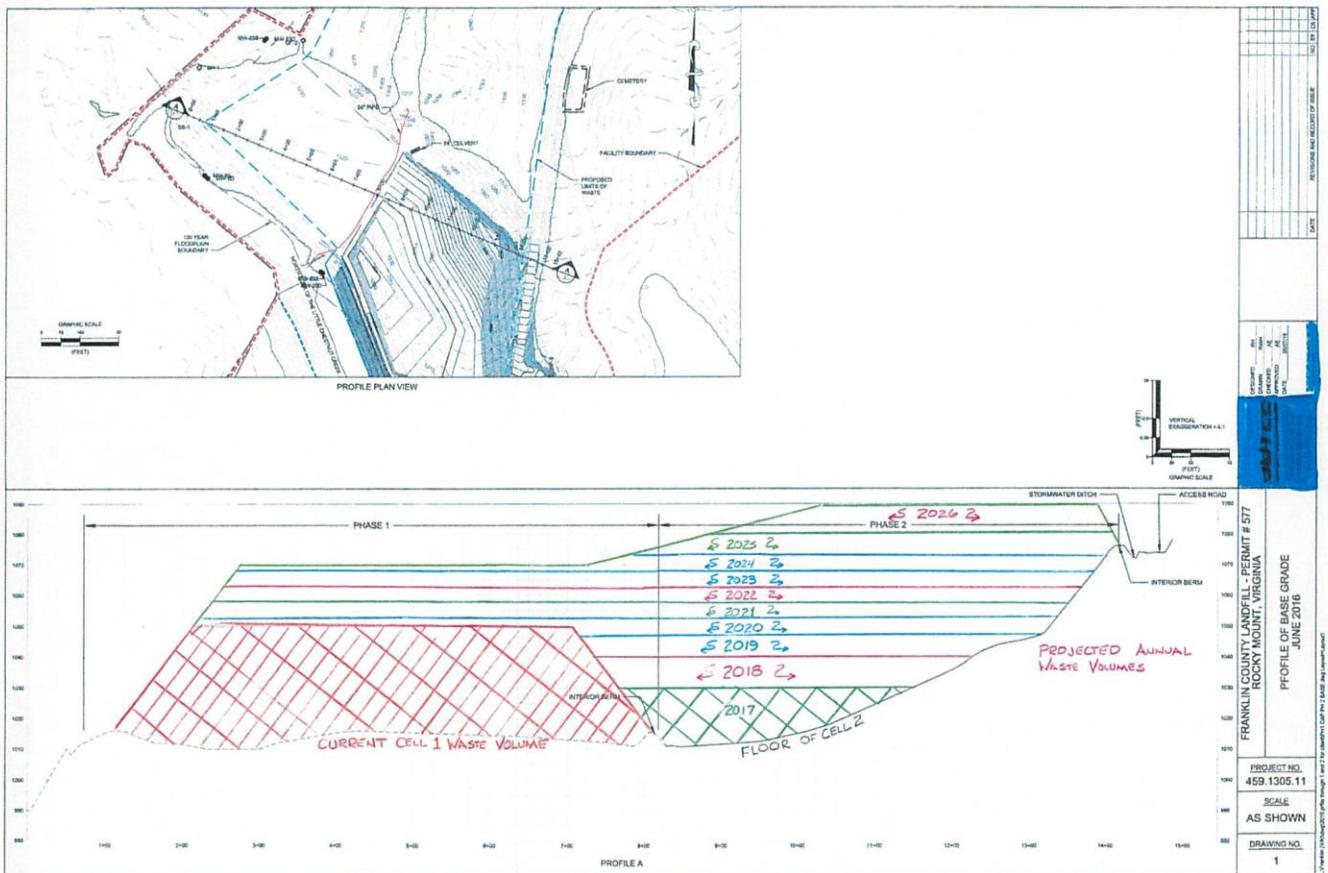
In addition to the old landfill, the County now utilizes the new landfill (permit #577) for waste disposal. In 2012, the County constructed the first of six new approved landfill cells (permit #577). These cells will handle the solid waste demands of Franklin Country for many years. This first new cell is approximately half filled as a standalone cell.

Staff recently moved out of new Cell #1 after it reached a plateau where all traffic was entering on a level plane as shown in the submitted drawing. To continue placing waste in Cell #1 will require all traffic and landfill equipment to be moving and working in an inefficient, difficult uphill direction. With the construction of a new cell (Cell #2), work can continue in a downhill manner until Cell #2 is at the same height as Cell #1 which then allow for long level lifts, thereby producing much less wear and tear on equipment and requiring less manpower to maintain. The submitted drawing shows a potential volume capacity timeline, whereby once the new Cell #2 is constructed there should be 8 to 9 years of volume capacity without any new cell construction required.

Utilizing existing County staff, the work has already begun to prepare the new Cell #2 for its synthetic liner system. An estimated 180,000 cubic yards of the approximate 250,000 yards of excess soil has already been moved. The 5 manholes for the electrical conduit have been installed and approximately 20,000 tons of the required 32,000 tons of #57 stone have been stockpiled. As a result of last year's Board approval to move forward with stockpiling stone, this allowed the quarry to crush and haul the #57 stone at their convenience, thereby saving almost \$5 per ton (\$160,000) when compared to the 2012 bid.

The next step in moving forward with the development of Cell #2 is the final grading and liner system installation. The County's landfill consultant, Joyce Engineering, has submitted a bid preparation and quality control estimate of **\$142,000** for the Cell #2 project. County staff will perform the quality control on the synthetic liner system portion which should save the county approximately \$30,000 in contractor fees. Construction will need to be completed this fall so Cell #2 would be ready for use next spring. Project funding of \$1,250,000 has been budgeted in the County's Solid Waste Capital account for FY 16-17, whereby such funds will be borrowed this fall. In the interim, sufficient bridge funding within other various landfill capital accounts will cover any initial project expenditures. Project bids will be advertised and submitted in June-July, whereby a project award request would likely come back to the Board for their consideration at the August 16th meeting upon which construction would likely beginning in September.

**RECOMMENDATION:** Staff respectfully requests permission for staff to advertise for bids to complete the construction of New Landfill Cell #2. Such bids would then be presented to the Board for their consideration at a meeting in late summer.



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**MOVING THE FERRUM PRECINCT**

The Ferrum Rescue Squad is currently the polling place for the Ferrum Precinct located at 9285 Franklin Street, Ferrum.

The Electoral Board requests at this time to change the polling place of the Ferrum Precinct from the Ferrum Rescue Squad to the Ferrum Elementary School located at 660 Ferrum School Road, Ferrum. The Board feels that the location, parking and traffic flow would make for a much safer environment for the voters in this precinct. Submitted is the letter of approval for the use of the school by Dr. Mark Church, School Superintendent, for Franklin County Schools. If approved the Electoral Board plans to implement by the 2016 November General Election. (Virginia Election Law 24.2-306 requires the locality to advertise prior to enactment so that the public can be heard).

**RECOMMENDATION:** The Franklin County Electoral Board respectfully requests the Board of Supervisors to authorize staff to advertise and hold a public meeting.

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**2016 DON PALMER OUTDOOR OCCASION PERMIT**

Don Palmer, Promoter, is requesting approval for his 2016 Annual Outdoor Occasion Permit for **Saturday & Sunday, August 20-21, 2016**. The submitted Outdoor Occasion Permit is enclosed for your review and consideration.

All pertinent agencies per County Code Section 13-29.2 have signed off on the 2016 Outdoor Occasion Permit scheduled for **Saturday & Sunday, August 20-21, 2016**.

Per County Code Section 13-29.4 the fee of \$100.00 has been paid (**Tuesday, May 24, 2016**) and deposited with the County Treasurer's Office.

**RECOMMENDATION:**

Staff recommends approval of the application as submitted per County Code Section 13-29.1 as presented.

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**SHERIFF'S VEHICLES PURCHASE**

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. Per Franklin County Vehicle Policy (amended 2/15/2005) law enforcement vehicles are normally replaced with 125,000 miles and these vehicles may be reissued to support services such as prisoner transport or spare fleet vehicles or they may be surplused. 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 four new police service vehicles as replacement vehicles for vehicles currently in service. The listed vehicles for replacement are well above the 125,000 mile replacement threshold and/or have serious mechanical issues. Among the vehicles needing to be replaced are:

1. 1996 Chevy Lumina with over 112,000+ miles VIN#: 2G1WL52M4T1188229, numerous mechanical issues
2. 2002 Ford Taurus with 94,000+ miles (exact mileage unknown due to inoperable instrument panel), numerous mechanical issues VIN #: 1FAFP55292G21011
3. 2008 Ford Crown Victoria with 159,000+ miles VIN#: 2FABP7BV3BX105891
4. 2000 Jeep Cherokee with over 151,000+ miles VIN#: 1J4FF4851YL243665

All four of these vehicles will be surplused and no longer maintained in the Sheriff's Office fleet.

Two of the police service vehicles requested are Full-Size Ford Interceptors (Taurus) through State contract #E194-75223 at a cost of \$22,665.00 per vehicle. The Office of the Sheriff also requests to purchase two pursuit rated Dodge Chargers through State contract E194-73015 at a cost of \$24,160.00 per vehicle. The cost of these vehicles will be covered by our existing vehicle budget 3000-021-0017-7005 with a balance of \$130,452.

**RECOMMENDATION:**

**The Office of the Sheriff respectfully requests the Board of Supervisors approve the purchase of two full-size Ford Police Interceptor vehicles, and two Police Pursuit rated Dodge Chargers.**

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**RATIFY GLADE HILL PROPERTY PURCHASE**

In 2011, the County first began planning for a new fire station to meet the growing Fire-EMS needs in the Glade Hill area. The fire department has always had strong support within the community. Following a 2011 facilities report, it was noted that the current Glade Hill Fire Department building has structural issues that render it unsuitable for a renovation- expansion, whereby the station does not have an adequate office and storage space and the well that serves the property has a capacity of less than 1 gallon per minute. Constructing a new or expanded facility at this site would be impractical. As such, the Board of Supervisors committed to the construction of a new station once a suitable site was properly secured. Since 2011, various sites have been evaluated and considered, however a suitable site was never identified.

Recently, the County identified an appropriate site for a new fire station, whereby the Board authorized staff to purchase two adjoining pieces of property in the Glade Hill area. Such properties are located along Virginia 40 East (Old Franklin Turnpike) and Route 869 (Turtle Hill Road) and are identified as tax map parcel #0660003702 containing approximately 2.966 acres and tax map parcel #0660004201 containing approximately 2.52 acres respectively. The first parcel purchase (tax map parcel #0660003702) was secured at a price of \$10,000, while the second parcel purchase (tax map parcel #0660004201) was secured for \$16,250 for a total of \$26,250 for both parcels (approximately 5.49 acres). Funds for these purchases have been budgeted and are available in the Public Safety Construction Capital Account. Such account was established several years ago, whereby excess EMS insurance billing is annually set aside to assist with future station planning and construction. Following the

ratification of the Glade Hill property purchases, staff will return to the Board in the coming months to begin the construction plans discussion with the Board.

**RECOMMENDATION:**

Staff respectfully requests the Board of Supervisors to ratify the recent property purchases of (tax map parcel #0660003702) for \$10,000 and (tax map parcel #0660004201) for \$16,250, thereby authorizing the County Administrator and County Attorney to execute such purchase contracts accordingly.

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**ANIMAL CONTROL GRANT REQUEST**

Animal Control has previously applied for and received grant funds to improve animal welfare in Franklin County. In 2008 the county applied for and received grant funding from a private foundation to assist with the creation of a spay/neuter program that would be offered to county residents. The spay/neuter program was successfully developed to encourage county residents to have their companion animals spayed or neutered in an effort to decrease the number of unwanted animals in the county. Animal control staff frequently encounters situations in areas of the county where residents are unable to provide basic care for their companion animals due to financial constraints or due to the number of animals found that are the result of indiscriminate breeding practices. Staff has an opportunity to apply for a grant to assist residents in these situations through the Petco Foundation. The Petco Foundation encourages governments and non-profits to work together to help save the animals in the community.

The purpose the grant application is to assist residents in providing routine medical care for the animals in their community. Animal Control staff will focus these efforts in high complaint areas that they have identified while responding to companion animal related complaints. Often these investigations reveal situations where the owner cannot afford to provide basic medical care for their companion animal due to the expense of the procedures needed. The process used by Animal Control Staff will be a "No Questions Asked" approach. The goal will be to use grant funds to provide the needed medical services to restore the animal to a healthy state so it can stay with the owner and will be healthy enough to be spayed or neutered. The goal is to reduce the number of sick/injured animals being brought to the shelter because the owner could not afford to pay for a needed medical procedure. Shortly after the medical needs of the animal are met, a spay/neuter clinic will be sponsored in the area in conjunction with Angels of Assisi where Angels of Assisi would pick up the animals to have them spayed/neutered and returned to the owner. Transportation and spay/neuter services will be provided by Angels of Assisi. Grant funds may also be used to cover the additional costs of the spay/neuter procedure which average approximately \$20.00 per animal. The overall goal of the program will be to reduce the number of animals being surrendered at the shelter due to health care needs or their inability to provide for spay/neuter services.

Staff plans to request up to the maximum amount of \$25,000 from Petco Foundation for this program. There is no match required to be provided by the county for any funds awarded. The county is not required to maintain these services when the grant funds have been expended and staff plans to provide this as a "one-time" service to the citizens as long as grant funds exist.

**RECOMMENDATION:**

**Staff respectfully requests the Board of Supervisors approves the grant application to Petco Foundation to be considered for funding.**

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**VRA WESTLAKE SEWER DEBT REFUNDING**

The County issued debt of \$2,905,000 from the Virginia Resources Authority in 2009 to finance the purchase of the Westlake Sewer System. The County agreed to make principal and interest payments of approximately \$200,000 per year for five years to help encourage economic development in this part of the County. In 2014 the Western Virginia Water Authority agreed to totally reimburse the County for principal and interest payments on this debt.

The Westlake Sewer System is operated and maintained by the Western Virginia Water Authority.

The County's financial advisors, Davenport and Company, have evaluated this refunding opportunity and recommend the County proceed with the approval of the submitted resolution. Annual savings will be approximately \$15,000 through 2035. This refunding would not extend the maturity date of the debt

**RECOMMENDATION:**

Staff respectfully requests the Board's adoption of the submitted resolution authorizing the refunding of the Virginia Resources Authority Westlake Sewer Debt. Staff also requests authorization for the County Administrator and Director of Finance to sign any additional documents required by this transaction.

**RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF A  
WASTEWATER SYSTEM REVENUE REFUNDING BOND, SERIES 2016, OF THE  
COUNTY OF FRANKLIN, VIRGINIA AND PROVIDING FOR THE FORM, DETAILS  
AND PAYMENT THEREOF**

**WHEREAS**, the Board of Supervisors (**the "Board"**) of the County of Franklin, Virginia (**the "County"**) has previously issued its \$2,905,000 Wastewater System Revenue Refunding Bonds (Westlake Project), Series 2009 (**the "2009 Bond"**), which was issued to finance and refinance the acquisition of a wastewater treatment system located in the Westlake Overlay area of the County (**the "Wastewater System"**) and related costs (**together, the "Project"**);

**WHEREAS**, the Board has been advised that the Virginia Resources Authority (**"VRA"**), a public body corporate and political subdivision of the Commonwealth of Virginia, is willing to refinance and restructure all or a portion of the 2009 Bond at favorable rates resulting in debt service savings to the County;

**WHEREAS**, the County desires to issue its wastewater system revenue refunding bond to prepay, redeem and refund a portion of the 2009 Bond, subject to the terms and conditions herein; and

**WHEREAS**, VRA has indicated its willingness to purchase such Bond from a portion of the proceeds of its Series 2016 VRA Summer Pool Bonds (**as more particularly defined in the below defined Local Bond Sale and Financing Agreement, the "VRA Bonds"**), and to provide a portion of the proceeds thereof to the County to refund the 2009 Bond in accordance with the terms of a Local Bond Sale and Financing Agreement to be dated as of a date specified by VRA, between VRA and the County (**the "Local Bond Sale and Financing Agreement"**), the form of which has been presented to this meeting;

**WHEREAS**, the County has submitted its application to VRA to refund all or a portion of the 2009 Bond and to sell the Bond (as defined below) to VRA;

**WHEREAS**, VRA has informed the County that the sale date of the VRA Bonds is tentatively scheduled for July 27, 2016 but may occur, subject to market conditions, at any time between July 15 and August 15, 2016 (**the "VRA Sale Date"**), and that VRA's objective is to pay the County an amount which, in VRA's judgment, reflects the market value of the Bond (**the "Purchase Price Objective"**), taking into consideration such factors as the purchase price received by VRA for the VRA Bonds, the underwriters' discount and other issuance costs of the VRA Bonds, and other market conditions relating to the sale of the VRA Bonds;

**WHEREAS**, the Local Bond Sale and Financing Agreement shall provide that the refunding of the 2009 Bond achieves an aggregate net present value debt service savings of not less than 3% of the refunded par amount of the 2009 Bond (**the "Targeted Savings"**); and

**WHEREAS**, the Local Bond Sale and Financing Agreement shall provide that the terms of the Bond will not exceed the parameters set forth herein.

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

**1. Issuance of Bond.** Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 (**the "Act"**), the Board hereby authorizes the issuance and sale of wastewater system revenue refunding bond of the County to provide funds to refund all or a portion of the 2009 Bond and to pay related issuance and financing costs incurred in connection with issuing such Bond (as defined below).

**2. Authorization of Local Bond Sale and Financing Agreement.** The form of the Local Bond Sale and Financing Agreement submitted to this meeting is hereby approved. The Chairman of the Board, Vice Chairman of the Board, and County Administrator, any of whom may act, are authorized to execute the Local Bond Sale and Financing Agreement in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing the Local Bond Sale and Financing Agreement, whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the Bond to VRA shall be upon the terms and conditions of the Local Bond Sale and Financing Agreement. The proceeds of such Bond shall be applied in the manner set forth in the Local Bond Sale and Financing Agreement. All capitalized terms used but not defined herein shall have the same meaning as set forth in the Local Bond Sale and Financing Agreement.

**3. Bond Details.** The Bond shall be issued in an aggregate principal amount not to exceed \$2,900,000 consisting of a single, registered bond designated "Wastewater System Revenue Refunding Bond (Westlake Project), Series 2016" (**the "Bond"**), shall be numbered R-1, shall be dated on or within 31 days prior to the closing date of the VRA Bonds, and shall mature no later than December 31, 2035. The Board authorizes the issuance and sale of the Bond to VRA on terms as shall be satisfactory to the County Administrator; provided, however, that the Bond shall have a "true" interest cost not to exceed 4.50% (exclusive of "supplemental interest" as provided in the Local Bond Sale and Financing Agreement), the Bond shall be sold to VRA at a price not less than 95% of the aggregate principal amount of the Bond, the aggregate net present value debt service savings resulting from refunding of the 2009 Bond shall not be less than the Targeted Savings and the Bond shall be subject to optional redemption upon the terms set forth in the Local Bond Sale and Financing Agreement. Subject to the preceding terms, the Board further authorizes the VRA to determine the aggregate total of principal and interest payments on the Bond, establish an amortization schedule for the Bond including the dates and amounts and the optional and extraordinary prepayment provisions, if any, of the Bond, all in accordance with the provisions hereof.

As set forth in the Local Bond Sale and Financing Agreement, the County agrees to pay such "supplemental interest" and other charges as provided therein. The principal of and premium, if any, and interest on the Bond shall be payable in lawful money of the United States of America.

**4. Payment and Redemption Provisions.** The principal of and premium, if any, and interest on the Bond shall be payable as set forth in the Bond and the Local Bond Sale and Financing Agreement. The County may, at its option, redeem, prepay or refund the Bond upon the terms determined in accordance with Section 3 above and set forth in the Local Bond Sale and Financing Agreement.

**5. Execution and Form of Bond.** The Bond shall be signed by the Chairman or Vice Chairman of the Board and the County's seal shall be affixed thereon and attested by the Clerk of the Board. The Bond shall be issued as a typewritten bond in substantially the form of Exhibit A attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by such officers, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

**6. Pledge of Revenues; Moral Obligation Pledge.** (a) Principal of and premium, if any, and interest on the Bond and all other amounts due under the Local Bond Sale and Financing Agreement shall be payable from the revenues of the Wastewater System (**as more specifically defined in the Local Bond Sale and Financing Agreement, the "Revenues"**) and other sources pledged thereto in the Local Bond Sale and Financing Agreement. The Revenues are to be pledged upon the terms and conditions set forth in the Local Bond Sale and Financing Agreement. Nothing in the Bond, the Local Bond Sale and Financing Agreement or this Resolution shall be deemed to constitute a pledge of the faith and credit of the Commonwealth of Virginia or any of its political subdivisions, including the County. The issuance of the Bond shall not directly, indirectly or contingently obligate the Commonwealth of Virginia or any of its political subdivisions, including the County, to pledge its faith and credit or levy any taxes for the payment of the principal of or premium, if any, or interest on the Bond or other costs incident to it or make any appropriation for its payment except from the revenues and other funds pledged for such purpose. The Bond will be secured on parity with any outstanding bonds secured by the Revenues, including the unrefunded portion of the 2009 Bond.

(b) The Board hereby undertakes a non-binding obligation to appropriate such amounts as may be requested by the County Administrator from time to time to cure deficiencies in payments due on the Bond, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of the County do likewise while the Bond remains outstanding.

**7. Preparation of Printed Bond.** The County shall initially issue the Bond in typewritten form. Upon request of the registered owner and upon presentation of the Bond at the office of the Registrar (as hereinafter defined), the County shall arrange to have prepared, executed and delivered in exchange as soon as practicable the Bond in printed form in an aggregate principal amount equal to the unpaid principal of the Bond in typewritten form, in denominations of \$5,000 and multiples thereof (except that one Bond may be issued in an odd denomination of not less than \$5,000), of the same form and maturity and registered in such names as requested by the registered owners or their duly authorized attorneys or legal

representatives. The printed Bond may be executed by manual or facsimile signature of the Chairman or Vice Chairman of the Board, the County's seal affixed thereto and attested by the Clerk of the Board; provided, however, that if both such signatures are facsimiles, no Bond shall be valid until it has been authenticated by the manual signature of the Registrar and the date of authentication noted thereon. The typewritten Bond surrendered in any such exchange shall be canceled.

**8. Registration and Transfer of the Bond.** The County appoints the County Administrator as paying agent and registrar (**the "Registrar"**) for the Bond. If deemed to be in its best interest, the County may at any time appoint a qualified bank or trust company as successor Registrar. Upon surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rates and registered in such name as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal, premium, if any, and interest, and the exercise of all other rights and powers of the owner, except that installments shall be paid to the person or entity shown as owner on the registration books on the 15th day of the month preceding each interest payment date.

**9. Mutilated, Lost or Destroyed Bond.** If the Bond has been mutilated, lost or destroyed, the County shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Bond or in lieu of and in substitution for such lost or destroyed Bond; provided, however, that the County shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost or destroyed Bond, (a) has filed with the County evidence satisfactory to the County that such Bond was lost or destroyed and (b) has furnished to the County satisfactory indemnity.

**10. Arbitrage Covenants.** The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the VRA Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (**the "Code"**), or otherwise cause interest on the VRA Bonds to be includable in the gross income for Federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of the Tax Compliance Agreement (as defined below) that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the VRA Bonds from being included in the gross income for federal income tax

purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

**11. Tax Compliance Agreement.** Such officers of the County as may be requested are authorized and directed to execute and deliver a tax compliance agreement in relation to the Bond (**the "Tax Compliance Agreement"**) in the form approved by the Chairman or Vice Chairman of the Board or the County Administrator, or any of them, in collaboration with the County's bond counsel, with such completions, omissions, insertions and changes as may be approved by the officers of the County executing such Tax Compliance Agreement, whose approval shall be evidenced conclusively by the execution and delivery thereof.

**12. Private Activity Bond Covenant.** The County covenants that it shall not permit the proceeds of the Bond or the Related Financed Property (as defined in the Local Bond Sale and Financing Agreement) to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the VRA Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

**13. Redemption of 2009 Bond.** The County Administrator and County Finance Director are each authorized and directed to select the portion of the 2009 Bond to be redeemed and to take all proper steps to call for redemption all or the portion of the 2009 Bond designated for redemption and cause such portion or all of the 2009 Bond to be prepaid and refunded in full. The Chairman or Vice Chairman of the Board or the County Administrator, any of whom may act, are authorized to approve changes to the 2009 Bond and related financing documents, including the execution and delivery of an allonge or allonges to the 2009 Bond, as may be necessary to provide for the unrefunded portion, if any, of the 2009 Bond. Additionally, the Chairman or Vice Chairman of the Board or the County Administrator, any of whom may act, are authorized to approve any amendments to the service agreement or any other compensation agreements between the County and Western Virginia Water Authority ("**WVWA**") relating to the Wastewater System to provide for the contribution to the payment of debt service on the Bond by WVWA under terms identical to those provided for the 2009 Bond. The Secretary is authorized to affix the County's seal on any such documents and attest the same.

**14. Official Statement.** The County authorizes and consents to the inclusion of information with respect to the County contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds. The Chairman of the Board, the Vice Chairman of the Board or the County Administrator, each of whom is authorized to act, are authorized and directed to take whatever

actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12, including execution and delivery of a continuing disclosure agreement as deemed necessary by VRA.

**15. SNAP Investment Authorization.** The Board has determined to authorize the County Treasurer, if and as necessary, to utilize SNAP in connection with the investment of the proceeds of the Bond.

**16. Qualified Tax-Exempt Obligation.** To the extent the County intends to satisfy the requirements set forth in Section 265(b)(3) of the Code, and if requested by VRA, the County Administrator is hereby authorized to designate the Bond for purposes of such Section.

**17. Other Actions.** All other actions of County officials in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond and the prepayment, redemption and refunding of the portion of the 2009 Bond to be refunded are ratified, approved and confirmed. The County officials are authorized and directed to execute and deliver all agreements, certificates and other instruments considered necessary or desirable in connection with the issuance, sale and delivery of the Bond pursuant to this Resolution and the Local Bond Sale and Financing Agreement and the refunding of the portion of the 2009 Bond to be refunded.

**18. Effectiveness and Filing of Resolution.** This Resolution shall become effective immediately upon its passage. After such passage, a certified copy of this Resolution shall be filed by the Clerk with the Clerk of the Circuit Court of Franklin County, Virginia. The filing of this Resolution with the Clerk of the Circuit Court of Franklin County, Virginia shall be deemed to be the filing of an initial resolution or ordinance with such Court for all purposes of the Act. Any ordinances or resolutions inconsistent herewith previously adopted by the Board are amended to be consistent with this Resolution.

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On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was adopted at a regular meeting of Board of Supervisors on June \_\_, 2016. A summary of the members present or absent at such meeting, and the recorded vote with respect to the foregoing Resolution, is set forth below:

YES

NO

ABSTAINED

ABSENT

Adopted this \_\_ day of June, 2016.

The undersigned Clerk of the Board of Supervisors of the County of Franklin, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a Resolution adopted at a meeting of the Board of Supervisors of the County of Franklin, held on June \_\_, 2016. I hereby further certify that such a meeting was a regular meeting, duly called and held, and that during the consideration of the foregoing Resolution, a quorum was present.

\_\_\_\_\_  
Clerk, Board of Supervisors of the  
County of Franklin, Virginia

## Exhibit A - Form of Bond

*[Interest on this bond is intended by the issuer thereof to be included in gross income for federal income tax purposes.]*

REGISTERED

REGISTERED

R-\_\_

\_\_\_\_\_, 2016

UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
FRANKLIN COUNTY

Wastewater System Revenue Refunding Bond  
Series 2016

Franklin County, Virginia (**the "County"**), a political subdivision of the Commonwealth of Virginia, for value received, acknowledges itself in debt and promises to pay to the Virginia Resources Authority, or its registered assigns or legal representative (**"VRA"**), solely from the sources hereinafter described and pledged to the payment of this bond the principal sum of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_). Principal of this bond shall be payable in annual installments in the amounts and on the dates set forth in Schedule I attached hereto. Interest on this bond shall be payable on each April 1 and October 1, commencing \_\_\_\_\_, \_\_\_\_\_, computed on the basis of a 360-day year of twelve 30-day months at the rates set forth in Schedule I.

If any installment of principal of and interest on this bond is not paid to the registered owner of this bond within ten days after its due date, the County shall pay to VRA a late payment charge in an amount equal to five percent (5%) of the overdue installment.

Subject to the provisions of the Local Bond Sale and Financing Agreement dated as of \_\_\_\_\_, 2016 (**the "Local Bond Sale and Financing Agreement"**), between VRA and the County, so long as this bond is held by VRA or its registered assigns or legal representative, interest is payable by check or draft mailed to the registered owner of this bond at the address that appears on the 15th day of the month preceding each interest payment date on the registration books kept by the County Administrator, who has been appointed registrar and paying agent, or any successor bank or trust company (**the "Registrar"**). Principal of and premium, if any, and interest on this bond shall be payable in lawful money of the United States of America. In case any payment date on this bond shall not be a Business Day (as defined below), then payment of principal, premium, if any, and interest need not be made on such date, but may be made on the next succeeding Business Day, and, if made on such next succeeding Business Day, no additional interest shall accrue for the period after such payment date. "Business Day" means any Monday, Tuesday, Wednesday, Thursday or Friday on which commercial banking institutions generally are open for business in New York and Virginia.

This bond has been authorized by a resolution adopted by the County Board of Supervisors on \_\_\_\_\_, 2016 (the "**Resolution**"), and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 and the Local Bond Sale and Financing Agreement. Proceeds of this bond will be used to provide funds to (a) refinance all or a portion of the outstanding principal amount of the County's \$2,905,000 Wastewater System Revenue Refunding Bond (Westlake Project), Series 2009 (the "**2009 Bond**") and (b) pay the issuance and financing costs incurred in issuing this bond and refunding such bonds.

This bond is a limited obligation of the County and is payable from the Revenues (as defined in the Local Bond Sale and Financing Agreement) derived by the County from the ownership of the Wastewater System and other amounts pledged or provided by the County as authorized in accordance with the Resolution. The Wastewater System will be operated and managed on behalf of Franklin County by the Western Virginia Water Authority (the "Authority") pursuant to the terms of the Westlake Wastewater System Operating Agreement dated as of December 15, 2008 between the County and the Authority, as amended (the "Operating Agreement"). The Authority will maintain and administer the Revenues pledged by the County as security for this Bond for the benefit of the holder of this Bond. Pursuant to the terms and conditions of the Local Bond Sale and Financing Agreement, the County has also undertaken a non-binding obligation to appropriate such amounts as may be requested by the County Administrator from time to time to cure deficiencies between the amount of Revenues available from the Wastewater System and payments due on this Bond, as described in the Local Bond Sale and Financing Agreement, to the fullest degree and in such manner as is consistent with the Constitution and the laws of the Commonwealth of Virginia. This Bond is secured on a parity with the unrefunded portion of the 2009 Bond.

Nothing in this bond, the Local Bond Sale and Financing Agreement or the Resolution shall be deemed to constitute a pledge of the faith and credit of the Commonwealth of Virginia or any of its political subdivisions, including the County. This bond does not directly, indirectly or contingently obligate the Commonwealth of Virginia or any of its political subdivisions, including the County, to pledge its faith and credit or levy any taxes for the payment of the principal of or premium, if any, or interest on this bond or other costs incident to them or make any appropriation for their payment except from the revenues and other funds pledged for such purpose.

If any failure of the County to pay all or any portion of any required payment of the principal of or premium, if any, or interest on this bond results in a withdrawal from or a drawing on any VRA Reserve, the interest rates applicable to this bond shall be increased to interest rates sufficient to reimburse the VRA Reserve for any foregone investment earnings on the funds withdrawn therefrom and/or pay any interest, fees or penalties assessed as a result of the withdrawal from or drawing on the VRA Reserve. The increment of interest payable pursuant to the increase in rates shall be referred to as "Supplemental Interest." The term "interest" as used in this bond shall include Supplemental Interest, when and if payable. The County's obligation to pay Supplemental Interest shall commence on the date of the withdrawal or drawing of funds from the VRA Reserve occasioned by the County's failure to pay a required payment or portion thereof as described above (the "**Supplemental Interest Commencement Date**"). The

County's obligation to pay Supplemental Interest shall terminate on the date on which the County makes all payments required but outstanding since the date of the initial failure to pay (the "**Supplemental Interest Termination Date**"). From the Supplemental Interest Commencement Date to the Supplemental Interest Termination Date, Supplemental Interest shall be due and payable on the regularly scheduled interest payment dates provided for in this bond. As soon as reasonably possible after the Supplemental Interest Commencement Date, VRA shall deliver to the County a certificate as to the increase in interest rates and the amount of Supplemental Interest. The certificate shall set forth in reasonable detail the basis for the increase in interest rates and the manner of calculation of the increase and the amount of Supplemental Interest. Such certificate shall be conclusive (absent manifest error) as to the interest rate increase and amount of Supplemental Interest set forth therein. In determining the interest rate increase and the amount of Supplemental Interest, VRA may use any reasonable averaging and attribution methods.

Notwithstanding anything in this bond to the contrary, in addition to the payments of debt service provided for by this bond, the County shall pay, but only from its legally available funds, such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Local Bond Sale and Financing Agreement.

This bond may be redeemed, prepaid or refunded at the option of the County upon the terms set forth in the Local Bond Sale and Financing Agreement.

The County may issue additional bonds ranking on a parity with this bond with respect to the pledge of the Revenues under, and pursuant to the terms of the Local Bond Sale and Financing Agreement.

This bond is issuable as a fully registered bond. Upon surrender of this bond at the Registrar's office, together with an assignment duly executed by the registered owner or such owner's duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate and deliver in exchange, a new bond or bonds in the manner and subject to the limitations and conditions provided in the Resolution, having an equal aggregate principal amount, in authorized denominations, of the same series, form and maturity, bearing interest at the same rates and in the same manner, and registered in such names as requested by the then registered owner of this bond or such owner's duly authorized attorney or legal representative. Any such exchange shall be at the County's expense, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect to it.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the 15th day of the month preceding each interest payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and this bond, together with all other indebtedness of the County, is within every debt and other limitation prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of Franklin County, Virginia, has caused this bond to be signed by its Chairman and the County's seal to be affixed hereto and attested by the Clerk of the Board, and this bond to be dated the date first above written.

(SEAL)

\_\_\_\_\_  
Chairman, Board of Supervisors of  
Franklin County, Virginia

**ATTEST:**

\_\_\_\_\_  
Clerk, Board of Supervisors of  
Franklin County, Virginia

**ASSIGNMENT**

FOR VALUE RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto

\_\_\_\_\_  
(please print or typewrite name and address including postal zip code of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER  
IDENTIFYING NUMBER OF TRANSFEREE

\_\_\_\_\_  
:  
:  
:  
:  
:  
:

the within bond and all rights thereunder, hereby irrevocably constituting and appointing \_\_\_\_\_, Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by an Eligible Guarantor Institution such as a Commercial Bank, Trust Company, Securities Broker/Dealer, Credit Union or Savings Association who is a member of a medallion program approved by The Securities Transfer Association, Inc.

\_\_\_\_\_  
(Signature of Registered Owner)

NOTICE: The signature above must correspond with the name of the registered owner as it appears on the front of this bond in every particular, without alteration or enlargement or any change whatsoever.

**SCHEDULE I TO  
FRANKLIN COUNTY, VIRGINIA  
WASTEWATER SYSTEM REVENUE REFUNDING BOND  
SERIES 2016**

<b><u>Principal Installment Number</u></b>	<b><u>Principal Installment Amount</u></b>	<b><u>Principal Installment Due Date</u></b>	<b><u>Interest Rate</u></b>
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**(RESOLUTION #01-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items pulling the Accounts Payable listing and the purchase of Sheriff's Vehicles, for further discussion, as presented above.

MOTION BY: Charles Wagner  
 SECONDED BY: Bob Camicia  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Thompson, Wagner, Camicia, Tatum & Brubaker  
 ABSENT: Cundiff

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**SHERIFF'S VEHICLES PURCHASE**

Discussion was held on the type of vehicles being purchased for the Sheriff's Department:

**(RESOLUTION #02-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Sheriff's Vehicles, as presented for Board approval.

MOTION BY: Ronnie Thompson  
 SECONDED BY: Tim Tatum  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Thompson, Wagner, Camicia, Tatum & Brubaker  
 ABSENT: Cundiff

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**HOLD ACCOUNTS PAYABLE LISTING UNTIL WORKSESSION**  
**MONTHLY FINANCE REPORT**

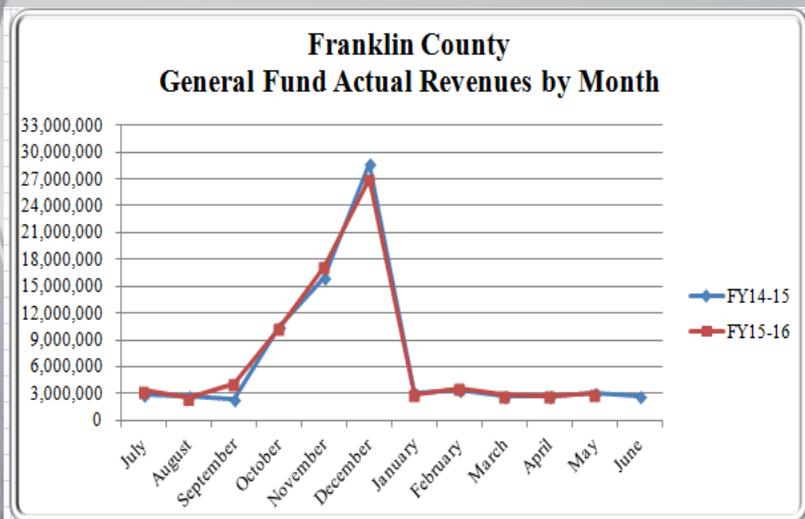
Vincent K. Copenhaver, Director of Finance, presented the monthly financial report as follows:



Monthly Finance Report

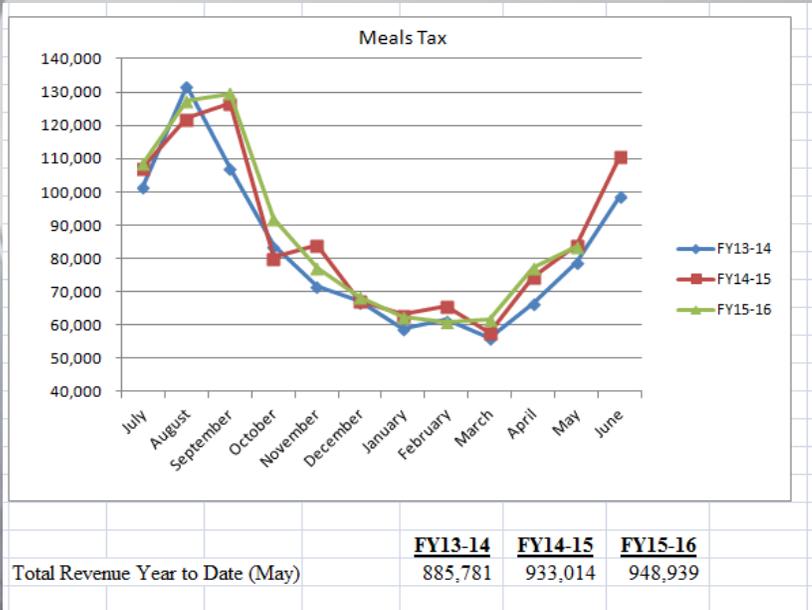
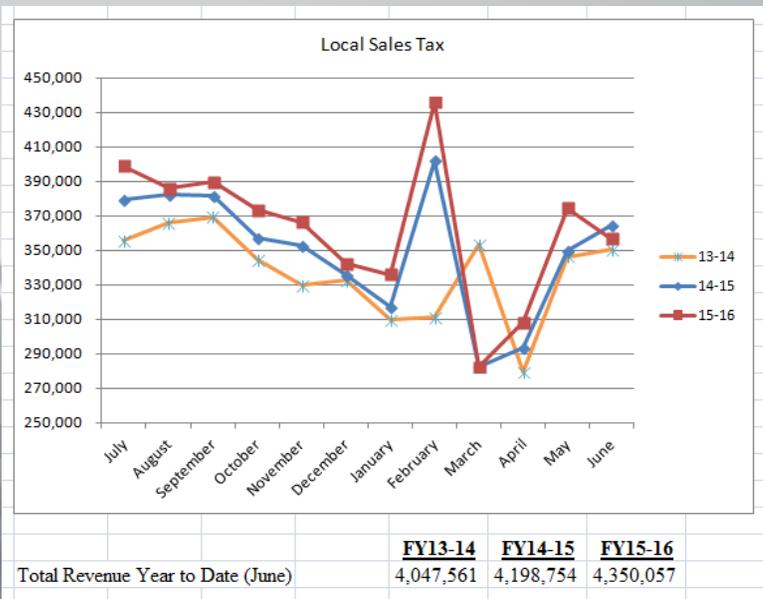
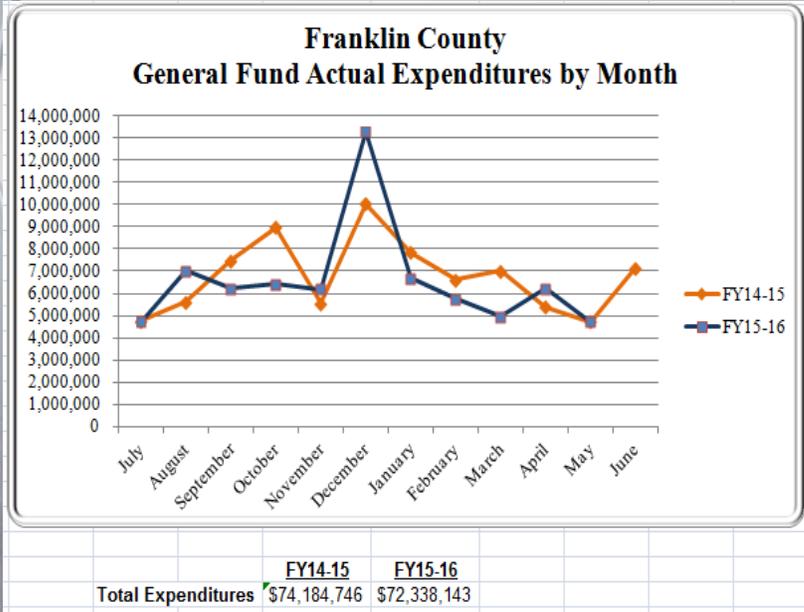
June 21, 2016

fnpt.com



	FY14-15	FY15-16
Total Revenues	\$78,197,691	\$79,588,621

fnpt.com



## Transient Occupancy Tax

	<u>13-14</u>	<u>14-15</u>	<u>15-16</u>
July	11,148	13,552	11,013
August	21,369	20,487	26,061
September	15,719	17,725	23,079
October	8,535	6,370	10,019
November	5,140	4,687	5,046
December	2,404	2,129	4,560
January	1,424	3,322	2,210
February	1,225	3,432	2,007
March	1,453	1,518	3,107
April	2,942	3,103	3,347
May	5,317	4,551	5,795
June			
	76,676	80,876	96,244

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### **TRI-AREA COMMUNITY HEALTH EXPANSION GRANT**

Larry Meadows, representing Ferrum's Tri-Area Community Health Clinic Board of Directors, shared with the Board how Tri-Area Community Health has received a \$1M grant and how valuable this agency is to the community.

Mr. Meadows introduced Debra Shelor, Executive Director, Tri-Area Community Health, whereby Ms. Shelor advised the Board of the Tri-Area Community Health Facility Expansion Project in Ferrum, Virginia. Mrs. Shelor gave the following background information to the Board:

**Background:** Tri-Area Community Health is a not for profit community health center serving portions of Franklin, Carroll, Patrick, and Floyd Counties for over 30 years. Tri-Area Community Health Center and Pharmacy at Ferrum opened to the general public January 2007 after renovating 5,000 square feet in the lower level of Vaughn Chapel on the Ferrum College Campus. The current facility has 8 exam rooms, x-ray, lab, counseling space and a pharmacy and is open five days a week. Additionally, Tri-Area Community Health and Pharmacy contributes to the local economy by employing 22 individuals with a payroll of \$1,034,000.

During the past year Tri-Area Community Health Center at Ferrum served 3,205 individuals having 8,405 medical and behavioral health visits. Seventeen percent of the patients were uninsured and 33% of the patients fell under 200% of the Federal Poverty Guidelines qualifying them to receive sliding fee discounts in the health center and pharmacy.

**Expansion Project:** Tri-Area Community Health at Ferrum purchased a 7 acre lot on Ferrum Mountain Road in 2011 to expand pharmacy and health services from 5,000 square feet to over 15,000 square feet. The new facility will also add space for future dental services. Tri-Area Community Health received a grant in May 2016 from the Department of Health and Human Services for \$1,000,000 towards construction of the new facility in Ferrum with a completion date of April, 2019. This grant is approximately 25% of the estimated \$4,000,000 expansion. Tri-Area continues to raise funds and make application for grants and loans to secure the remainder of the financing for the building project.

**Request:** Tri-Area Community Health requests that the Franklin County Board of Supervisors consider this project to expand health services in the Ferrum Community as a priority project to apply for funding with the Virginia Department of Housing and Community Development's Community Development Block Grant (CDBG) program. Planning grants are due by September 2016 with full project proposals due in March of 2017. Dave Hoback, Executive Director, of the West Piedmont Planning District is aware of the project and his team is ready to assist with the process.

Patients	3,205
Male	1,429
Female	1,776
Visits	8,405

Patient Age	
Ages 0-18	23%
Ages 19-24	16%
Ages 25-39	16%
Ages 40-59	28%
Ages 60-69	10%
Ages 70+	6%

Patient Insurance Status		
Uninsured	548	17.10%
Medicaid	615	19.19%
Medicare	497	15.51%
Private Insurance	1,545	48.21%
	3,205	

Patient Income Level		
0-100% of the Federal Poverty Level	716	22%
101-150% of the Federal Poverty Level	277	8%
151-200% of the Federal Poverty Level	79	3%
Unknown income	2,133	67%

Employment Ferrum Health Center and Pharmacy
22 Employees at the Ferrum Site = \$1,034,000 Payroll
Provider Staff Include:
1 Physician
3 Physician Assistants
1 Nurse Practitioner
1 Psychologist
2 Pharmacists

Pharmacy Prescriptions	24,799	
Medication Assistance Program Free Prescriptions	2,223	valued at over \$1,000,000
Sliding Fee Medical Adjustments	\$125,232	

The Board requested staff to follow-up with MS. Shelor on her request, thereby examining the CDBG process and parameters.

\*\*\*\*\*

**REMOVAL OF POWER DAM/PIGG RIVER**

Bill Tanger, Chairman, Friends of the Rivers of Virginia, stated the Power Dam is located east of the Town of Rocky Mount on Power Dam Road. Constructed for power generation, the dam is 25 feet high and 200 feet long. It was built in 1915 to provide power for the Light and Power Company of Rocky Mount and later for the Appalachian Electric Power Company. The dam has been inoperable since the late 1950s and is currently in poor condition which threatens endangered and game species, structures downstream, and public recreational use.

Friends of the Rivers of Virginia (FORVA) which owns the Power Dam is working with the U.S. Fish and Wildlife Service, the County of Franklin, Town of Rocky Mount, Fish America Foundation, and others to restore the Pigg River through partial removal of Power Dam.

Breaching Power Dam will have the following benefits: 1) It will assist in the recovery of the Roanoke Logperch (*Percina rex*) and will benefit game fish such as Roanoke and largemouth

bass. 2) This project will eliminate a threat to the State Route 713 bridge and the Rocky Mount Wastewater Treatment Plant. 3) Demolition of most of the dam will eliminate a safety hazard for recreational boaters and anglers. 4) Breaching Power Dam will provide additional resiliency to the Pigg River from hurricanes and other large storm events.

To ensure that this project is completed as safely as possible, FORVA has completed sediment analysis for contaminants, flood and sediment transport studies, water quality, biological monitoring, historic resources review and has informed land owners. FORVA is completing this project at their expense and discretion, whereby the organization is presenting their plans to various boards and groups in an effort to inform the public and answer any questions.

## **PIGG RIVER RESTORATION AT POWER DAM PROJECT**

### **Frequently Asked Questions**

#### **1. When is work on the dam scheduled?**

If the project is fully funded, work is scheduled to begin after January 2016. No work will occur between March 15 and June 30 of any year to minimize disturbance to fish spawning and the federally listed endangered Roanoke logperch.

#### **2. Why is the dam being altered?**

Power Dam was built in 1915 to provide power for the Light and Power Company of Rocky Mount and later for the Appalachian Electric Power Company. The dam has been inoperable since the late 1950s. The project will remove a public safety hazard, restore flood control, protect infrastructure downstream, provide recreational boat passage, and improve native fish passage and habitat.

#### **3. Who is involved and funding the project?**

The Friends of the Rivers of Virginia owns the dam. The U.S. Fish and Wildlife Service funded contaminant, hydraulic, and flood studies; biological surveys; and design and permitting services. Other partners include Franklin County, Virginia Department of Game and Inland Fisheries, Appalachian Electric Power, and the Town of Rocky Mount.

#### **4. Will the dam be partially or completely removed?**

The dam will be partially removed.

#### **5. What will be done with the sediment behind the dam?**

The dam will be removed in one or two phases. Supported by a sediment fate study, this approach will minimize sediment impacts to downstream resources.

#### **6. What will be done with the woody debris behind the dam?**

The material will be removed, allowed to dry on site, chipped, and hauled away. The woody material may be used as biomass fuel for electricity generation.

#### **7. Is the dam historic?**

Review by an architectural historian determined the dam was potentially eligible for listing on the national register of historic places. Section 106 of the National Historic Resources Act coordination has been initiated with the Virginia Department of Historic Resources and will be completed prior to the start of construction. Portions of the dam and power house are proposed to be left undisturbed for historic interpretation.

#### **8. Will public use be permitted?**

A public park providing boating and fishing access is proposed for the area.

#### **9. What studies have been completed as part of the planning process?**

The following studies have been completed: (1) sediment contaminant and quantity surveys, which did not detect any contaminants, (2) pre-removal water quality and fish biomonitoring, (3) Hydrologic Engineering Centers River Analysis System (HEC RAS) modeling, (4) sediment fate and transport modeling, and (5) wetlands assessment.

**10. Will the public be provided an opportunity to review and comment on the project prior to construction?**

The Friends of the Rivers of Virginia and the project partners welcome public involvement. Please contact one of the project managers listed below if you wish to be involved or kept informed about the project. If sufficient interest exists one or more informal meetings may be scheduled and public comments solicited as a part of the permit process.

**11. I own property upstream of the dam. How will this project affect my property?**

Water levels upstream of the dam within the reservoir pool will lower to historic (pre-dam) levels. A channel will form as sediment is transported out of the former pool area. Bedrock may be exposed during the channel forming process. Natural vegetation will reestablish upon the newly exposed riverbanks.

**12. I own property downstream of the dam. How will this project affect my property?**

There are no anticipated effects to property downstream. As floods occur there will be pulses of sediment released that will temporarily affect water clarity. Released sediment is expected to increase the diversity and complexity of instream habitat and channel morphology downstream. A sediment fate study documents these effects and is available upon request.

**13. Will Power Dam Road (Route 713) be closed during project construction?**

It is anticipated that the road and/or individual lanes may be closed for brief periods of time to allow heavy equipment ingress and egress. Those closures, if necessary, will be coordinated with the Virginia Department of Transportation and Franklin County and will be accompanied by appropriate signage and flagging personnel, as will the construction activities.

**14. Will the project affect Power Dam Road (Route 713)?**

Protection of downstream infrastructure, such as Power Dam Road, from potential damage due to dam failure is one of the benefits of this project. The dam owner and other project proponents have been coordinating with representatives from the Virginia Department of Transportation to ensure Power Dam Road is not negatively impacted by the project. The selected contractors will be required to ensure that the Power Dam Road bridge crossing is protected during the demolition process.

**15. Will the project affect the Rocky Mount Wastewater Treatment plant immediately downstream of Power Dam?**

Partial removal of the dam will eliminate the threat to the plant posed by a potential dam failure.

For more information visit <http://www.forva.org/> or <http://www.fws.gov/northeast/virginiafield/partners/powerdam.html>.

Contact:

Bill Tanger  
Friends of the Rivers of Virginia  
PO Box 1750  
Roanoke, VA 24008-1750  
540-266-0237  
[bill.tanger@verizon.net](mailto:bill.tanger@verizon.net)

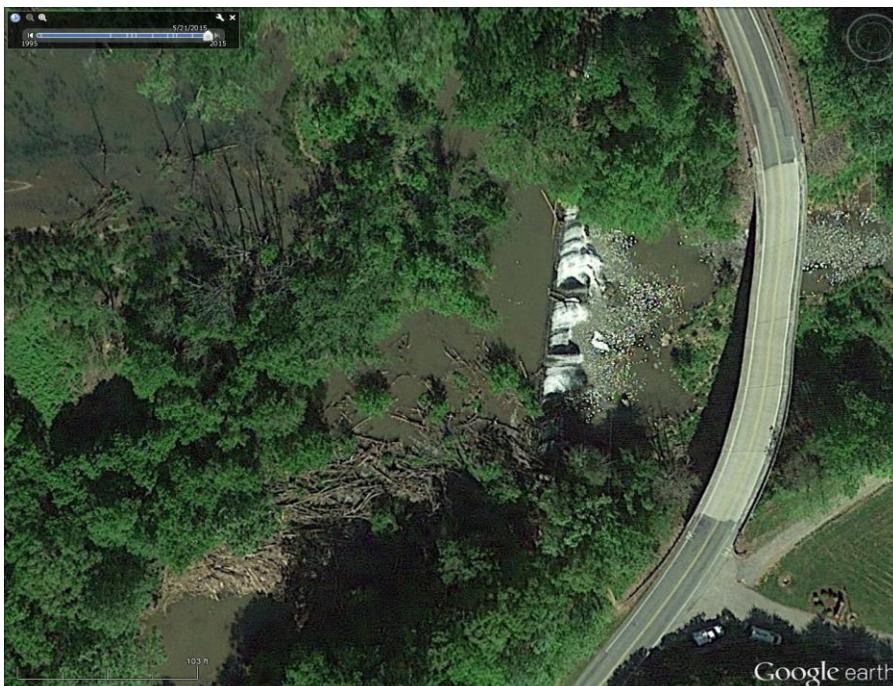
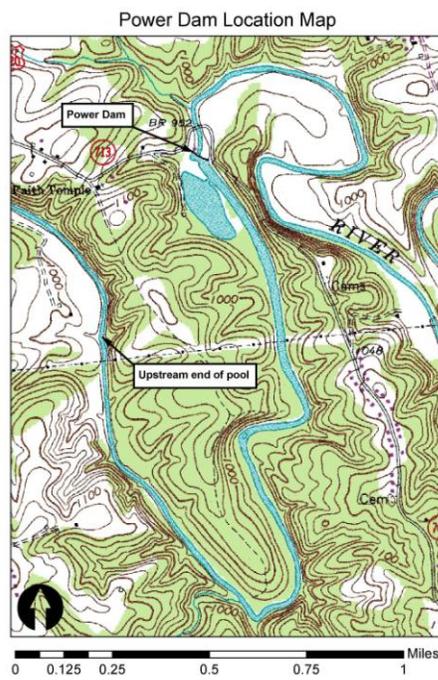
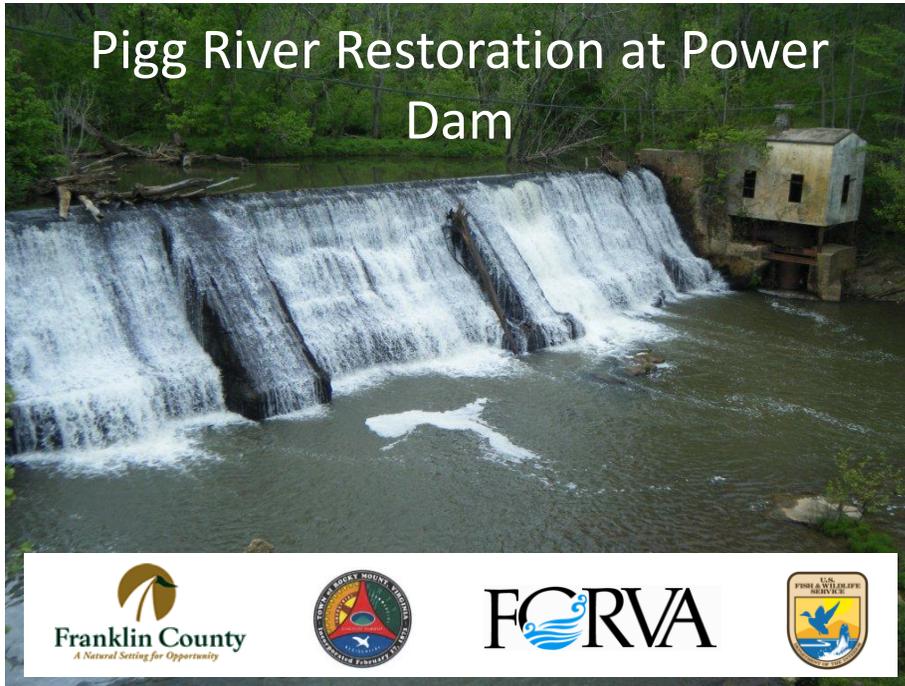
Will Smith  
Partners for Fish and Wildlife Program  
U.S. Fish and Wildlife Service  
6669 Short Lane  
Gloucester, VA 23061

804-824-2409

[willard\\_smith@fws.gov](mailto:willard_smith@fws.gov)

**RECOMMENDATION:**

Bill Tanger, Chairman of FORVA will present to the Board the progress made on this project and will answer any questions that the Board may have.



### Project Goals

- Remove a public safety hazard
- Restore native fish habitat
- Reduce fragmentation of habitat for endangered Roanoke logperch
- Provide resiliency to the Pigg River ecosystem and surrounding communities
- Protect downstream state and county infrastructure
- Improve existing blueway
- Reduce flooding



### Modification Plan

Figure 1. Existing Impoundment/River Channel Restoration Area  
Pigg River Restoration at Power Dam  
JPA #15-1551



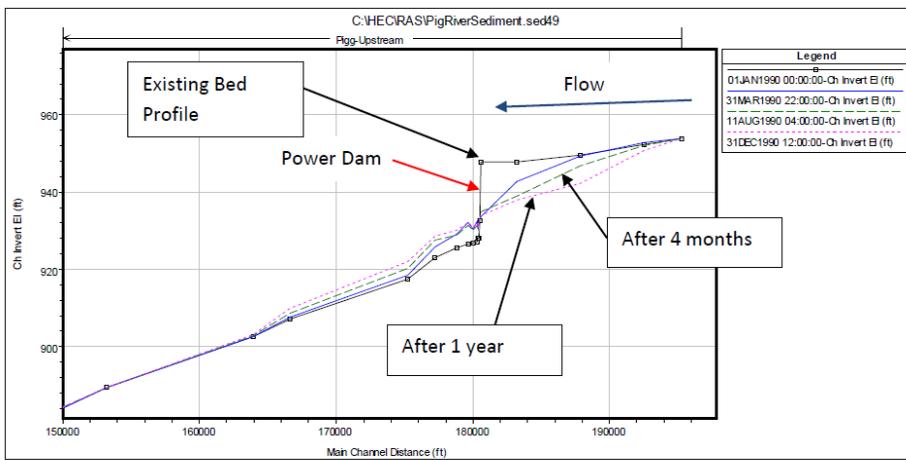
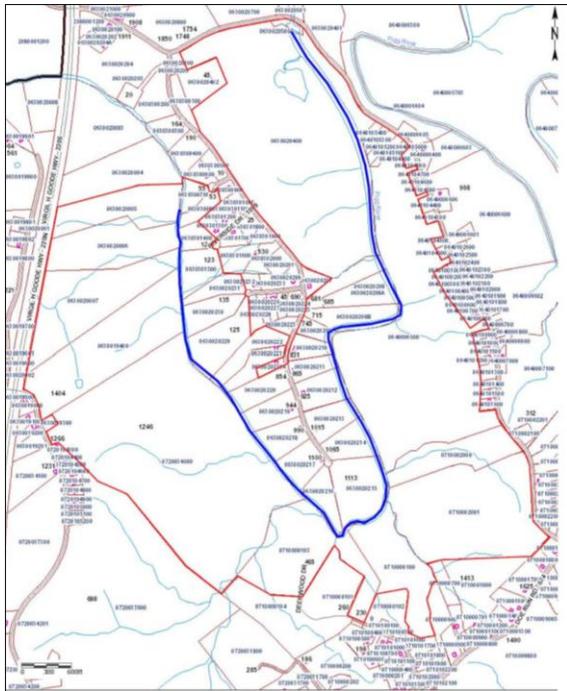


Figure 7. River bed changes upstream and downstream of Power Dam after 100% dam removal, Pigg River, Franklin County, Va.

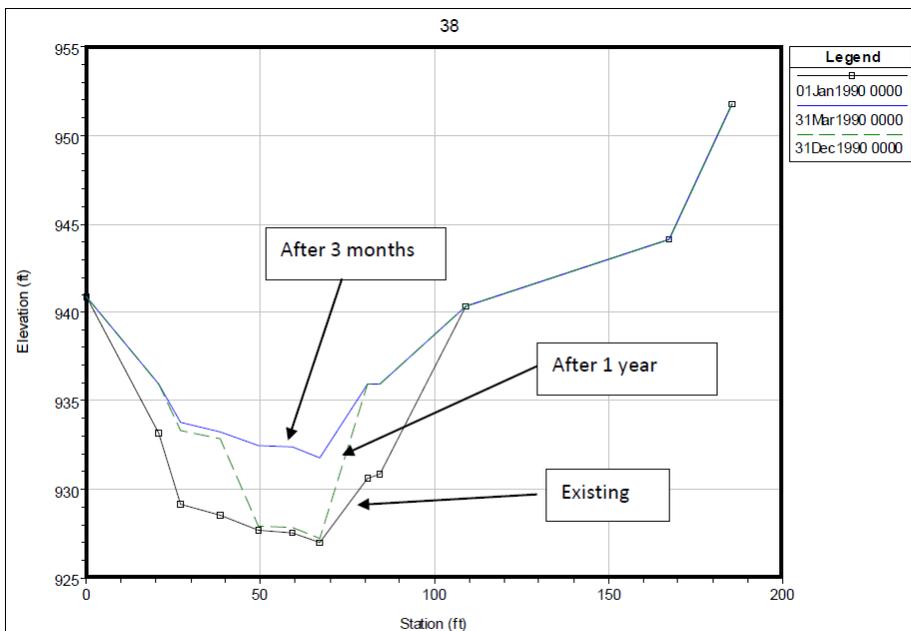


Figure 8. New channel formation inside initial deposits 200 feet downstream of Power Dam after complete dam removal (XS 38). Pigg River, Franklin County, Va.

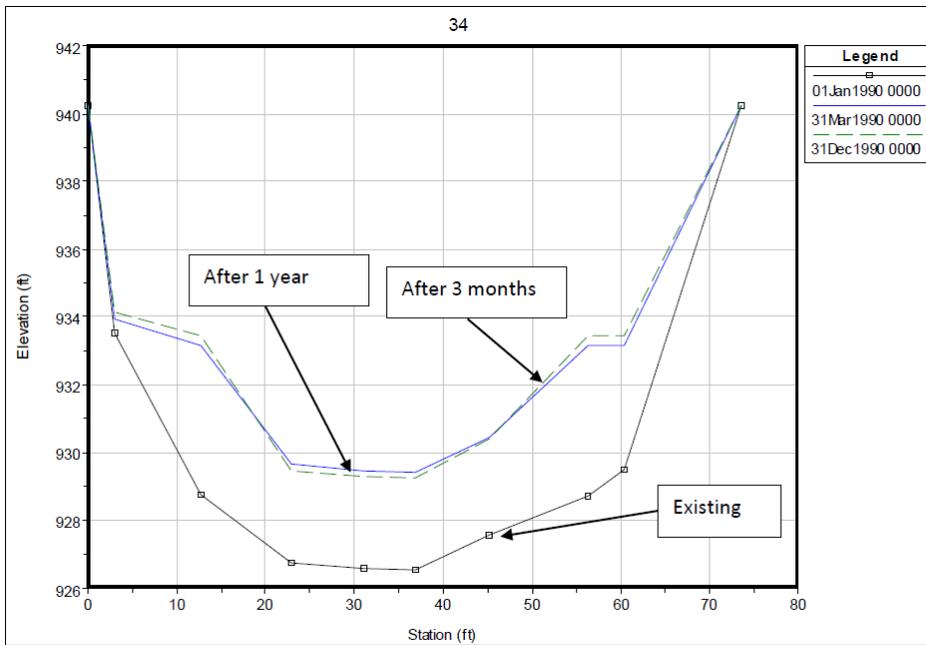
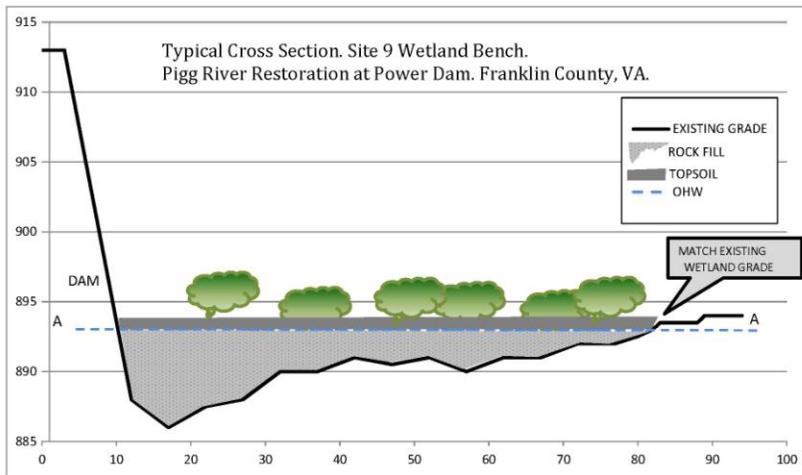


Figure 9. New channel formation inside initial deposits 0.3 miles downstream of Power Dam after complete dam removal (XS 34). Pigg River, Franklin County, Va.



General discussion ensued.

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**YMCA/BOARD OF SUPERVISOR'S MEMBER APPOINTMENT**

Brent Robertson, County Administrator, shared with the Board a letter he had received requesting Charles Wagner to become a member on the YMCA Board for a one year term beginning June 2016.

General discussion ensued.

The Board chose to table request for 30 days asking Mr. Jim Currie, Executive Director, YMCA to address the Board during their July meeting for a Q & A Session.

\*\*\*\*\*

**AUTHORIZATION TO HOLD PUBLIC HEARING IN AUGUST 16, 2016**

The Board of Supervisors authorized staff to fast track any application / petition for possible zoning amendments concerning Lakewatch Plantation and hold the Board public hearing during the August 16, 2016 regarding a possible request to modify trails..

\*\*\*\*\*

**WORKSESSION**Mike Burnette, Director of Economic Development , discussed the recent progress with the proposed business park along U.S. 220 South with the following slides as follows:

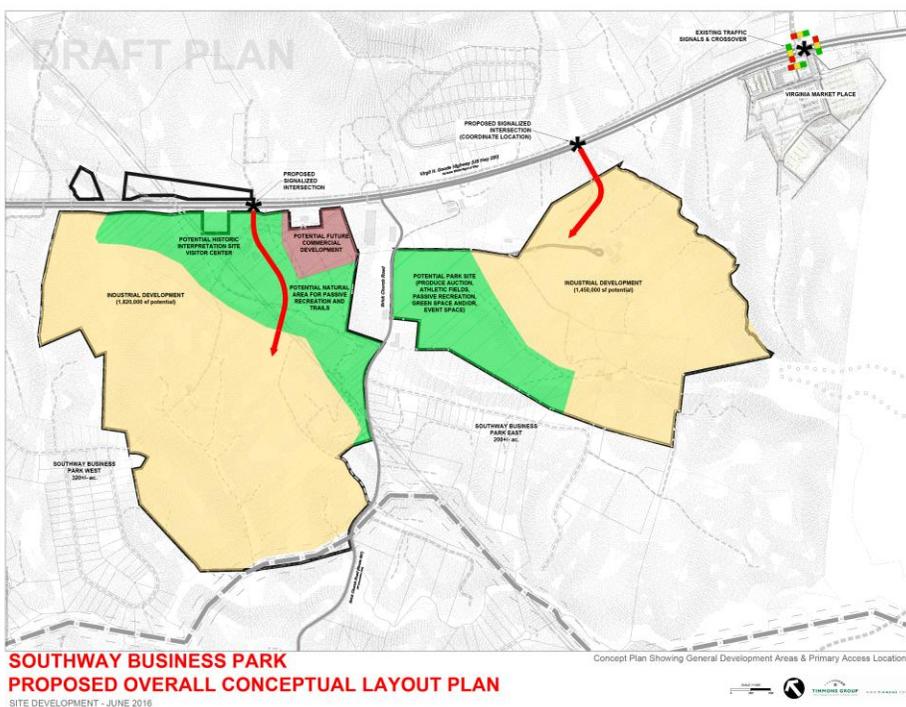
# Franklin County Board of Supervisors Worksession



June 21, 2016

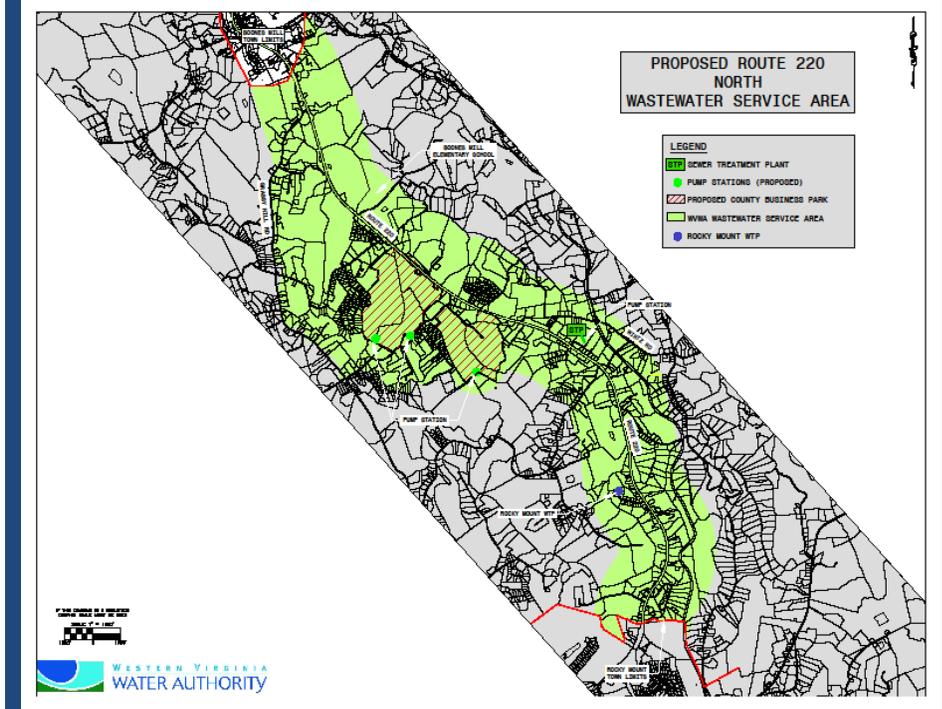
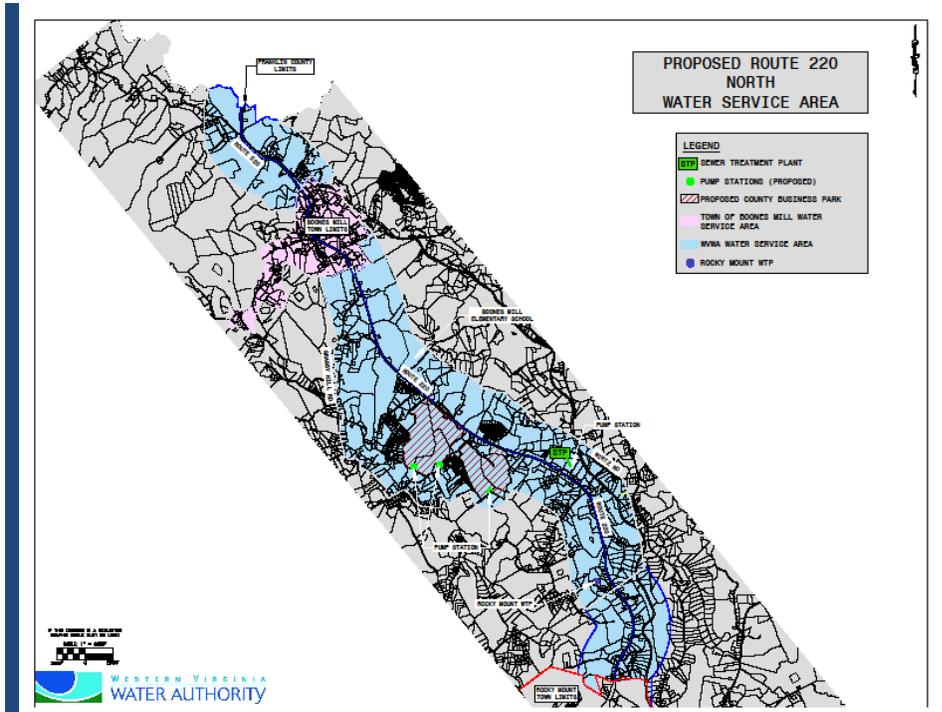
## Southway Business Park

- Timmons Group continuing to work on Park Master Plan
- June 7<sup>th</sup> Town Hall meeting held in area to discuss park
- Approximately 60 people attended
- Staff was present to answer questions and discuss project
- Comments will be received until June 30<sup>th</sup>



### U. S. 220 CORRIDOR OVERLAY & BUSINESS PARK PLANNING/WVAWA

Mike McEvoy & Gary Robertson, Executive Directors for the Western Virginia Water Authority shared with the Board the following PowerPoint slides concerning the U. S. 220 Corridor Overlay & Business Park Planning Utilities Area (Water & Sewer Service Area).



**(RESOLUTION #03-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the Western Virginia Water Authority water and sewer service areas, as presented.

MOTION BY: Ronnie Thompson

SECONDED BY: Bob Camicia

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ABSENT: Cundiff

\*\*\*\*\*

**220 NORTH CORRIDOR DRAFT PLAN, REGIONAL ENTERPRISE PARK DRAFT ZONING CLASSIFICATION & AMENDMENTS**

Steve Sandy, Director of Planning and Zoning, presented the following PowerPoint presentation to the Board regarding the 220 North Corridor Draft Plan, Regional Enterprise Park Draft Zoning Classification & Amendments.

# Franklin County Board of Supervisors Worksession



June 21, 2016

## **Route 220 N Corridor Plan**

- Plan initially adopted in 2009 when WVWA water line proposed
- Plan addresses development along Route 220 from Rocky Mount to Roanoke Co line
- Current update proposed to include new business park, new water/sewer service areas
- Designate area as Growth Area

## **Regional Enterprise Park Zoning**

- New zoning district called Regional Enterprise Park (REP) Zoning District is being proposed
- District will allow business/industrial parks over 200 acres in size
- District will allow a mix of light industrial, business, office, retail and civic/recreation uses

## Southway Business Park Zoning

- Southway Business Park proposed to be rezoned to new zoning district called Regional Enterprise Park (REP) Zoning District
- Zoning of park allows for master planning and transportation funding

## Tentative Schedule

- **July** - Planning Commission public hearings on Route 220 Corridor Plan, REP zoning and rezoning of Southway Business Park property
- **Aug** - Board of Supervisors public hearings on Route 220 Corridor Plan, REP zoning and rezoning of Southway Business Park property
- **Sept** - HB#2 transportation funding applications due to VDOT (Sept. 30<sup>th</sup>)

## Next Steps

- Approve new water and sewer service areas
- Adopt update to Route 220 North Corridor Plan and Designated Growth Area - August
- Adopt new zoning district Regional Enterprise Park (REP) - August
- Rezone Southway Business Park property - August
- Apply for transportation funding through HB#2 - September

General discussion ensued.

\*\*\*\*\*

### **LIMITED RESIDENTIAL LODGING ACT/SB416**

Steve Sandy, Director of Planning & Zoning, shared with the Board that Virginia General Assembly passed the Limited Residential Lodging Act (SB 416) this past spring. . The bill initially requires the Virginia House Commission to convene a work group to consider issues

related to short-term rentals of bed and breakfast establishments, vacation rentals, and other transient occupancy venues. The working group would need to complete its work by December 1, 2016 with developing legislation for the 2017 General Assembly session. The Act is intended to provide procedures for the regulation and taxation of temporary rental transactions in which residents or tenants rent out all or a portion of their private residences for a temporary period. The Act also intends to preclude localities from enacting ordinances that prohibit or restrict the use of a residential dwelling as limited residential lodging or that work impose additional regulations on their operators regarding these operations. See submitted copy of legislation and Department of Taxation 2016 Fiscal Impact Statement.

The proposed legislation if adopted as currently written would preempt Franklin County's current regulations regarding short-term rentals. Franklin County currently regulates short-term rentals through the zoning ordinance. Short-term rentals are currently allowed as a by-right use in the Residential Planned Development (RPD) and Planned Commercial Development (PCD) Districts. They require a special use permit in Agricultural (A-1) zoning District. Short-term rentals are currently not permitted in other zoning districts in Franklin County.

In 2015, the Board requested that the Planning Commission review the issue of short-term rentals and whether such use should be allowed to a greater or lesser degree and whether additional regulations were needed in the zoning ordinance. The Planning Commission considered four (4) different policy options and ultimately did not reach consensus on any one policy approach (other than the fact that the Planning Commission agreed that the use of short-term rentals should NOT be expanded). See submitted Planning Commission memo dated August 11, 2015. The Board of Supervisors received this memorandum on August 18, 2015 but also decided not to make any policy changes related to short-term rentals at that time.

Planning Staff has concerns that the new state legislation, if approved, will preclude the County from regulating short-term rentals at Smith Mountain Lake and throughout the County. It is Staff's opinion that the choice to regulate this use/activity should be a local decision not a decision dictated by the State. Franklin County decided in 1995 that regulations were needed for short-term rentals. The use of short-term rentals has the potential to create problems for neighborhoods such as noise, parking, trash, etc. A number of neighbors and property owners attended public hearings for special use permits to allow short-term rentals and expressed opposition to approval of short-term rentals. The ability to have this use freely as a "use by right" in any portion of the County also creates an enforcement concern for both zoning staff and the Sheriff's office.

The Virginia Housing Commission has convened a working group per the legislation. Planning Staff has found that the Virginia Association of Counties (VACO) and the Virginia Municipal League (VML) are represented on this working group to represent localities. There is also one Commissioner of Revenue on the working group to provide guidance on taxing concerns at the local level. See submitted list of working group members. Several localities such as Blacksburg, Harrisonburg, Charlottesville, Hanover and Prince William County have expressed concerns over the proposed legislation and its impact on local zoning control. Some localities and Commissioners of Revenue are also concerned about the tax collection aspect of this legislation.

**RECOMMENDATION:**

Staff respectfully requests that the Board review the information regarding SB 416 and determine if the Board wants Staff to provide a written position or resolution to oppose this legislation outlining points of such opposition. Such a resolution could then be submitted to VA Delegates and Senators representing Franklin County as well as VACO and VML.

If a resolution is desired, Staff can prepare for consideration and approval by the Board at their July 19th meeting.

Mr. Sandy also shared with the Board the following memo from last summer concerning the issue of short term rentals.

To: Franklin County Board of Supervisors  
 From: Franklin County Planning Commission  
 Date: August 11, 2015  
 RE: Short-term tourist rental of a dwelling

In recent months, at the Board's request, the Planning Commission has held a series of discussions about the use of "short-term tourist rental of a dwelling," specifically, whether such use should be allowed to a greater or lesser degree, and whether additional regulations are needed in the Zoning Ordinance to clarify the County's expectations regarding short-term rentals. The Planning Commission considered several policy options, but did not reach consensus on any single policy approach for recommendation to the Board. This memorandum is meant to outline the policy options considered by the Planning Commission, so that the Board might clarify its direction and intent.

## **BACKGROUND**

Short-term rentals have been the subject of policy debate in Franklin County for many years. At one time, the use of "detached tourist dwelling" was allowed as a permitted or "by-right" use in the A-1, Agricultural zoning category. Other zoning categories allowed for the use of "dwelling," without specifically addressing whether such dwelling could be used for short-term rental. In 1995, the Board of Supervisors amended the Zoning Ordinance to delete the use of "detached tourist dwelling," add a new definition for "short-term tourist rental of dwelling," and to require a Special Use Permit for such use in the A-1 zoning category. In 1998, the Board further amended the Zoning Ordinance to clarify that the use of "short-term tourist rental of dwelling" is a separate use from "dwelling," generally, and to clarify that short-term rentals are not allowed in the RE, R-1, R-2, RC-1 and RMF zoning categories.

The Zoning Ordinance currently defines short-term rental as rental of a residential dwelling for a period of 30 days or less. This use is currently allowed as a permitted or "by-right" use in the RPD, Residential Planned Unit Development, and PCD, Planned Commercial Development, zoning categories; and by Special Use Permit in the A-1, Agricultural, zoning category. The use is not allowed in any other zoning category.

In the Spring of 2015, the Planning Commission considered three petitions for zoning action involving the use of "short-term tourist rental of a dwelling." The zoning petitions included:

- a request for Rezoning, to amend previously-approved proffers which specifically prohibited short-term rentals for a residential subdivision known as The Coves, zoned RPD, Residential Planned Unit Development. The RPD zoning category allows for the use of short-term rentals as a permitted or "by right" use. In the case of The Coves, the use was originally prohibited by voluntary proffer; the petitioner sought to amend the proffers to allow the use of short-term rental. This petition was ultimately withdrawn by the petitioner, due in part to strong objections raised by a property owner within the development.
- a request for Special Use Permit to allow short-term rental for a one-acre residential property located in the Shore Side subdivision, in the Gills Creek district, at Smith Mountain Lake, zoned A-1, Agricultural. The Planning Commission recommended denial, and the Board ultimately denied the request for Special Use Permit.
- a request for Special Use Permit to allow short-term rental for an 8-acre parcel in the Union Hall district at Smith Mountain Lake, zoned A-1, Agricultural. This parcel was not part of a residential subdivision. The Planning Commission recommended denial, and the Board ultimately denied the request for Special Use Permit.

A number of neighbors and property owners attended the public hearings for the above-mentioned zoning cases and expressed opposition to the use of short-term rental. Based on the intensity of opposition, the Board requested that the Planning Commission study the issue further and return with a policy recommendation.

## **ANALYSIS:**

The Planning Commission considered the following policy options regarding short-term rentals:

1. **Maintain the status quo.**

This option assumes that the current regulatory configuration is correct and functioning properly. Short-term rentals are currently allowed as a permitted use in RPD and PCD. These are "planned-unit developments" which require a detailed concept plan, and most often include voluntary proffers. It is assumed that the Planning Commission and Board are able to adequately judge the impact of any proposed short-term rentals within context of the larger development plan, and negotiate any necessary conditions through the process of voluntary proffers. It is further assumed that, in the case of newly-created planned-unit developments, all property owners will come to the project with the understanding that short-term rentals are allowed within their developments.

Short-term rentals are currently allowed by Special Use Permit in the A-1, Agricultural, zoning category. This category is the most geographically pervasive zoning category, particularly in rural areas. It is also found at Smith Mountain Lake in the form of large undeveloped tracts, individual residential parcels, and residential subdivisions with >35,000-square-foot lots. The Special Use Permit requirement assumes that the potential impact of short-term rental in A-1 can be judged on a case-by-case basis, with the opportunity for neighbors to voice their opinions and concerns through the public hearing process. It is further assumed that the Board can impose any necessary conditions restricting or regulating the use of short-term rental through issuance of a Special Use Permit.

A minority of Planning Commission members believe that the status quo regulatory framework is sufficient to address the issue of short-term rentals. However, there was no majority consensus for the status quo option.

2. **(a) Expand the use of short-term rentals as a permitted use.**

This policy option would expand the use of short-term rental by allowing it as a permitted use, or by Special Use Permit, in other zoning categories. Options considered included:

- allowing short-term rental as a permitted use in A-1, as opposed to requiring a Special Use Permit.
- allowing short-term rental in other residential zoning categories, including R-1, R-2, RC-1, RE and RMF, by Special Use Permit.
- allowing short-term rental as a permitted use in commercial zoning districts, including B-1 and B-2.

The Planning Commission unanimously agreed that none of the options for expanding the use of short-term rental should be pursued. The Planning Commission unanimously agreed that the use of short-term rental should not be allowed in the R-1, R-2, RC-1, RE or RMF zoning categories.

**(b) Contract the use of short-term rentals by eliminating it from A-1.**

This policy option would remove the use of short-term rental from the list of Special Use Permit uses in the A-1 zoning category. This option would leave short-term rentals as an allowed use only within planned-unit developments.

A minority of Planning Commission members supported this option of eliminating the use of short-term rentals from A-1. However, a majority of Planning Commission members felt that the use of short-term rentals could be compatible in certain settings zoned A-1, and were therefore not willing to recommend its removal altogether.

3. **Codify the expectations for short-term rentals, through supplemental zoning regulations.**

This policy option would involve an amendment to the zoning ordinance to incorporate new supplemental regulations related to short-term rentals. Sec. 25-138 already contains some supplemental regulations, which focus primarily on the behavior of short-term rentals. For example, Sec. 25-138 limits the number of occupants; regulates

parking; regulates boat storage; requires certain fire safety measures; and requires the property owner to give written consent to the County for inspection purposes.

The Planning Commission considered whether Sec. 25-138 should be expanded to include locational criteria, including:

- a minimum acreage standard for short-term rentals. Properties that do not meet the minimum area requirement would not be allowed the use of short-term rental, and would not have standing to apply for a Special Use Permit.
- a minimum separation requirement from the short-term rental dwelling unit to property lines, or to neighboring residences. Properties that do not meet the minimum separation requirement would not be allowed the use of short-term rental, and would not have standing to apply for a Special Use Permit.
- a provision which would prohibit the use of short-term rentals in residential subdivisions with an established homeowners association and/or restrictive covenants, unless such homeowners association or covenants specifically allowed for the use of short-term rental.
- a minimum shoreline requirement for properties at Smith Mountain Lake, to ensure adequate separation from neighboring docks and boathouses. Properties that do not meet the minimum shoreline requirement would not be allowed the use of short-term rental, and would not have standing to apply for a Special Use Permit.
- a minimum buffer requirement, which would require the planting of new vegetation or the preservation of existing vegetation, for a specified width/depth, between the short-term rental unit and neighboring properties.

The Planning Commission rejected this policy approach for several reasons. Having rejected the notion of expanding the use of short-term rental as outlined in options 2 (a) and 2 (b) above, a majority of Planning Commission members believed that the use of short-term rental should remain as a Special Use Permit option in the A-1 zoning category. By codifying any locational criteria, the Planning Commission agreed that it would be more difficult to deny a Special Use Permit for any property that met such codified criteria, even if other extenuating circumstances arose to justify denial. Some Planning Commission members felt that a codified set of locational criteria could be too confining, eliminating the option for Special Use Permit in some settings where short-term rental might not be objectionable.

#### 4. **Incorporate policy guidance into the Comprehensive Plan.**

This policy option would follow similar logic to option #3 above, except that the locational criteria would be included as "guidance" through the Comprehensive Plan rather than as a regulatory requirement contained in the zoning ordinance. Such locational guidance might include:

- a recommended minimum acreage for short-term rentals.
- a recommended minimum separation from the short-term rental dwelling unit to property lines, or to neighboring residences.
- a recommendation that the use of short-term rentals be discouraged in residential subdivisions with an established homeowners association and/or restrictive covenants, unless such homeowners association or covenants specifically allowed for the use of short-term rental.
- a recommended minimum shoreline length for properties at Smith Mountain Lake, to ensure adequate separation from neighboring docks and boathouses.
- a recommendation encouraging a vegetative buffer between the short-term rental unit and neighboring properties.

The Planning Commission is currently drafting an update to the County's Comprehensive Plan, with a revised Future Land Use Map that distinguishes between rural, suburban, and urban place-types. The Planning Commission considered the inclusion of policy language in the Plan which would discourage the use of short-term rentals in any area shown on the Future Land Use Map as appropriate for "suburban" uses, where the anticipated development pattern consists primarily of residential neighborhoods.

A minority of Planning Commission members supported this policy option. However, a separate minority of Planning Commission members felt that the policy guidance would not go far enough to protect neighboring properties, while others on the Planning

Commission felt that such policy guidance was not necessary in order to evaluate the appropriateness of short-term rentals on a case-by-case basis.

**CONCLUSION:**

After careful consideration of multiple policy options, the Planning Commission did not reach consensus on any one policy approach for recommendation to the Board of Supervisors (other than the fact that the Planning Commission agreed that the use of short-term rentals should NOT be expanded.)

The Planning Commission agreed that it would be beneficial for the Board to review all of the Planning Commissions policy considerations. The Planning Commission respectfully requests that the Board consider the options contained herein (or any other options the Board deems appropriate), and clarify its direction and intent.

<b>Short-Term Rental Workgroup March 2016</b>	
<b>Name</b>	<b>Affiliation</b>
Delegate Christopher Peace	Chair
Edward Mullen	Air B and B Corporation
David Skiles	Travel Technology Association
Erica Gordon	Hilton Worldwide
Eric Terry	Virginia Restaurant & Travel Association
Amy Hagar	The Bed & Breakfast Association of Virginia
Sterling Rives	Virginia Association of Counties
Ron Rordam, Mayor of Blacksburg	Virginia Municipal League
Mark Haskins	Virginia Department of Taxation
Chip Dicks	Virginia Association of Realtors
Robert Bradshaw	Independent Insurance Agents of Virginia
Maggie Ragon, Commissioner of The Revenue	City of Staunton
Brian Gordon	Northern Virginia Apartment Building Association

\*Additionally any VHC member who wishes to take part

**DEPARTMENT OF TAXATION  
2016 Fiscal Impact Statement**

- |  |   |
|--|---|
| <p>1. <b>Patron</b> Jill Holtzman Vogel</p> <p>3. <b>Committee</b> Passed House and Senate</p> <p>4. <b>Title</b> Procedures for the Taxation and Regulation of Limited Residential Lodging Transactions</p> | <p>2. <b>Bill Number</b> <u>SB 416</u></p> <p><b>House of Origin:</b><br/> <input type="checkbox"/> Introduced<br/> <input type="checkbox"/> Substitute<br/> <input type="checkbox"/> Engrossed</p> <p><b>Second House:</b><br/> <input type="checkbox"/> In Committee<br/> <input type="checkbox"/> Substitute<br/> <input checked="" type="checkbox"/> Enrolled</p> |
|--|---|

**5. Summary/Purpose:**

This bill would require the Virginia Housing Commission to convene a working group consisting of representatives from the hotel and hosting platform industries, state and local government (including tax officials), property owners, and other interested parties to consider issues related to the short-term rental of bed and breakfast establishments, vacation rentals, and other transient occupancy venues. The working group would need to complete its work by December 1, 2016 with the goal of developing legislation for the 2017 General Assembly session.

The bill would also create a statutory mechanism for the regulation and taxation of qualifying short-term rental transactions. The Limited Residential Lodging Act (“the Act”) would require reenactment by the 2017 General Assembly before its provisions would take effect. Under the Act’s terms, qualifying residents and tenants of a private residence would be authorized to rent out all or a portion of the residence on a temporary basis. The Act would establish rules and procedures for online facilitators (“hosting platforms”) to collect and remit state and local retail sales and use taxes and transient occupancy taxes on behalf of the residents who engage in these transactions (“lodging operators”), as well as penalty structures for registered hosting platforms that fail to file the required returns or remit the full amount of tax due on these transactions.

The effective date of this bill is not specified. The provisions of the Act would only take effect if reenacted by the 2017 Session of the General Assembly.

**6. Budget amendment necessary:** No.

**7. No Fiscal Impact:** (See Line 8.)

**8. Fiscal implications:**

Based on similar studies, the Department estimates that its participation in this study would require some diversion of efforts from other functions, and would have no additional administrative impact. This bill would have no direct impact on state or local revenues.

**9. Specific agency or political subdivisions affected:**

Virginia Housing Commission  
Department of Taxation

**10. Technical amendment necessary: No.****11. Other comments:**Retail Sales and Use Tax on Transient Accommodations

The Retail Sales and Use Tax applies to the sale or charge for any room or rooms, lodging, or accommodations furnished to transients by any hotel, motel, inn, tourist cabin, camping grounds, club or other similar place in which rooms, lodging, space or accommodations are regularly furnished to transients for a consideration. This statutory language imposes an obligation upon renters of residences to collect the sales and use tax on transactions in which the rental accommodations are furnished to transients for fewer than 90 continuous days, and the transient has not obtained an interest in the property. The Department's longstanding policy is that the temporary rental of a private residence for fewer than 90 continuous days is subject to the sales and use tax in the same manner as charges for hotel or motel accommodations, since they both represent charges for lodging, space or accommodations regularly furnished to transients for a consideration. It is not necessary that the accommodations offered by a taxpayer be provided on a continuous basis in order for them to be considered furnished "regularly" within the meaning of the statute. Rather, the accommodations need only be offered with some frequency, such as on a weekly, monthly, seasonal or some other recurring basis to be considered furnished regularly.

Transient Occupancy Taxes

Under current law, any county may impose a transient occupancy tax at a maximum rate of two percent, upon the adoption of an ordinance, on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. The Department of Taxation has interpreted this provision to apply to the rental of cottages, duplexes, apartments, townhouses, condominiums, and other private residences. Several counties are authorized by statute to impose the tax at higher rates. Cities and towns are not limited in the rate of the transient occupancy tax they may impose. The tax, however, does not apply to rooms rented on a continuous basis by the same individual or group for 30 or more continuous days. The tax applies to rooms intended or suitable for dwelling and sleeping. Therefore, the tax does not apply to such rooms used for alternative purposes, such as banquet rooms and meeting rooms.

In addition to the transient occupancy taxes that may be imposed in counties, cities, and towns, legislation enacted in 2013 imposes a new two percent regional transient occupancy tax in the Northern Virginia Planning District. The Northern Virginia region consists of the Counties of Arlington, Fairfax, Loudoun and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. Revenues from this tax are deposited by the local treasurer into the state treasury and transferred by the Comptroller into special funds. Although the regional tax is a state tax, it is administered

and collected by the locality in which the room or space is located in the same manner as its current local transient occupancy tax.

### Proposal

Property owners who wish to offer all or a portion of their homes for temporary rental for a charge, generally for fewer than 30 consecutive days, frequently utilize website platforms that enable the property owner to list and describe the property being offered for rental, and allow tourists and other transients to arrange for the rental of the property and payment of the booking.

This bill would require the Housing Commission to convene a working group consisting of representatives from the hotel and hosting platform industries, state and local government (including tax officials), property owners, and other interested parties to consider issues related to these and other short-term rentals of bed and breakfast establishments, vacation rentals, and other transient occupancy venues. The bill would require that the working group complete its work by December 1, 2016. Presumably, the Housing Commission study would provide the 2017 General Assembly additional information to inform its decision as to whether to support the Limited Residential Lodging Act or similar legislation, should either be introduced in 2017.

### Specific Provisions of the Limited Residential Lodging Act

The Act would provide procedures for the regulation and taxation of temporary rental transactions in which residents or tenants rent out all or a portion of their private residences for a temporary period, generally, fewer than 30 days. The provisions of the Act would apply only if: 1) the property continues to be used primarily as a residence; 2) sales and use and occupancy taxes are collected and remitted by the lodging operator or hosting platform; and 3) the rental does not include simultaneous occupancy by more than one party under separate contracts.

### **Regulatory Provisions**

Under the Act, localities would be precluded from enacting ordinances that prohibit or restrict the use of a residential dwelling as limited residential lodging or that would impose additional regulations on their operators regarding these operations. The only exception would apply to those residential units for which applicable taxes are not timely paid by the registered hosting platform or lodging operator. Localities would remain authorized to adopt ordinances and regulations generally applicable to residential use and zoning, to require limited residential lodging operators to maintain liability insurance, and to require lodging operators to register their names and addresses through that locality's online portal.

### **Imposition and Collection of Applicable Taxes**

The Act would expressly impose "applicable taxes," which include only the state and local retail sales and use tax, the regional transient occupancy tax, and any local transient occupancy tax imposed by a county, city, or town, on the temporary rental of all or a portion of a primary residence. Under the Act, the sales and use tax would apply for any

such rentals for a period of fewer than 90 days. The local and regional transient occupancy taxes would apply to those residences rented for the time period subject to the transient occupancy tax in the applicable locality under current law. The Act would exempt lodging operators from the BPOL tax, provided their limited residential lodging activities take place on fewer than 45 days in a calendar year. Additionally, hosting platforms would be exempt from the BPOL tax under the Act.

The Act would require hosting platforms to register with the Department to collect and remit the applicable taxes associated with the booking, and to notify the lodging operator of the platform's registration. The hosting platform would not provide the Department with any identifying information of the lodging operator, such as the operator's name or address.

In addition, the Act would allow the Department to recover its administrative costs incurred in collecting the transient occupancy taxes remitted by the hosting platform. The remaining tax revenues would be distributed according to the provisions under current law for the distribution of the sales and use tax, regional transient occupancy tax, and local transient occupancy tax.

### **Audit and Confidentiality Provisions**

Under the Act, the Department would be the only entity authorized to conduct sales and use and transient occupancy tax audits for transactions for which the hosting platform has agreed to collect and remit the taxes on behalf of the lodging operator. Localities would be prohibited expressly from conducting any such audits. The Department would need to conduct audits of the hosting platform on an anonymous, numbered account basis, would not have access to any personally identifiable information regarding the lodging operator or the occupants, and would be precluded from auditing the lodging operator or the occupant. The Act would deem any information the Department obtains from a registered hosting platform as confidential, and regardless of the exclusions from the confidentiality provisions under current law, would prohibit the Department from disclosing to any other agency any such confidential information. Any agreement entered into between the Department and the hosting platform would not be considered confidential tax information. Currently, the Department may divulge otherwise confidential taxpayer information to another agency or subdivision of the Commonwealth in the line of duty under state law.

### **Penalties**

Additionally, the Act would impose the following penalties on hosting platforms that registered with the Department and failed to file a required return or pay the tax due:

- *Failure to file a return:* Regardless of whether any tax is due for the period in question, the hosting platform would owe a \$500 penalty if it fails to file a required return within one month of the due date, with an additional penalty of \$1,000 for each additional month. After the first month, an additional penalty would be imposed, capped at the lesser of 5 percent of the tax due for that return or \$10,000 in the aggregate. The Department would have the discretion to waive the penalty for good cause.

- *Underpayment:* The hosting platform would owe three percent of the underpayment if the failure to pay the full amount is not for more than one month, and an additional three percent would be added each month the failure continues, capped at 15 percent of the underpayment;
- *False or fraudulent return:* The hosting platform would be subject to a specific penalty of 50 percent of the difference between the amount reported and the amount of the proper tax.

Under the Act, the Department would collect and distribute the penalties as if they were part of the tax imposed.

#### **Additional Provisions**

Additionally, the Act would require the Department of Taxation to develop regulations in order to implement its provisions. The initial regulations would be exempt from the Administrative Process Act.

The provisions of the Act would take effect only upon reenactment by the 2017 General Assembly.

## VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

## CHAPTER 674

An Act to amend the Code of Virginia by adding in Title 55 a chapter numbered 13.4, consisting of sections numbered 55-248.53 through 55-248.56, relating to establishing the Limited Residential Lodging Act; penalty.

[S 416]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 55 a chapter numbered 13.4, consisting of sections numbered 55-248.53 through 55-248.56, as follows:

## CHAPTER 13.4.

## LIMITED RESIDENTIAL LODGING ACT.

**§ 55-248.53. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Applicable taxes" means any state or local tax imposed on a booking transaction pursuant to § 15.2-1104, Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, § 58.1-1742, Article 6 (§ 58.1-3819 et seq.) of Chapter 38 of Title 58.1, § 58.1-3840, or any other transaction tax imposed by a city or town charter.

"Booking transaction" means any transaction in which there is a charge to an occupant by an operator for the occupancy of any dwelling, sleeping, or lodging accommodations.

"Department" means the Department of Taxation.

"Hosting platform" means any person or entity that is not an operator and that facilitates reservations or collects payments for any booking transaction on behalf of an operator through an online digital platform.

"Limited lodger" means a person who occupies a residential dwelling unit for the purpose of limited residential lodging.

"Limited residential lodging" means the accessory or secondary use of a residential dwelling unit or a portion thereof by a limited residential lodging operator to provide room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy, provided only that (i) the primary use of the residential dwelling unit shall remain residential, (ii) any applicable taxes required to be collected and remitted by state and local law for each booking transaction are collected and remitted by a registered hosting platform pursuant to the provisions of this chapter or directly by the limited residential lodging operator, and (iii) such accessory or secondary use does not regularly include simultaneous occupancy by more than one party under separate contracts.

"Limited residential lodging operator" means an operator who is the primary resident of a residential dwelling unit offered for limited residential lodging purposes.

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered for a charge to occupants, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity, and includes a limited residential lodging operator.

"Primary resident" means either (i) the owner of the residential dwelling unit who occupies the dwelling unit as his principal place of residence and domicile or (ii) a tenant who has lived in the residential dwelling unit for at least 60 days and who treats the residential dwelling unit as his principal place of residence and domicile.

"Registered hosting platform" means a hosting platform that has registered with the Department for the collection and remittance of applicable taxes pursuant to this chapter.

"Residential dwelling unit" means a residence where one or more persons maintain a household, including a manufactured home. "Residential dwelling unit" does not include:

1. Residence at a public or private institution, if incidental to detention or the provisions of medical, geriatric, educational, counseling, religious, or similar services;
2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
3. Occupancy in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging where the occupant does not reside in such lodging as a primary resident;
4. Occupancy under a rental agreement covering premises used by the occupancy primarily in connection with business, commercial, or agricultural purposes; or
5. Occupancy in a campground as defined in § 35.1-1.

**§ 55-248.54. Preemption of certain laws; authorized local ordinances.**

A. Notwithstanding any other law, general or special, and except as expressly provided in this chapter, no local ordinance or other law shall:

1. Prohibit or restrict any residential dwelling unit from being used for limited residential lodging. Any such limited residential lodging shall (i) be deemed to be consistent with residential use; (ii) be authorized in any zoning district established pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 allowing residential use; and (iii) not require the residential dwelling unit or the owner or primary resident of the residential dwelling unit to adhere to any zoning or licensing requirements applicable to hotels, motels, bed and breakfast inns, lodging houses, or other commercial enterprises;

2. Impose or purport to impose any additional regulation or obligation on a limited residential lodging operator based on the use of such operator's residential dwelling unit for limited residential lodging purposes; or

3. Prohibit, impose additional regulations or obligations on, or otherwise restrict the operation of a hosting platform that collects and remits any taxes pursuant to this chapter.

B. Any local tax or fee authorized by law to be imposed upon (i) operators or (ii) occupants of any dwelling, lodging, or sleeping accommodations offered for a charge shall be applied in a uniform manner upon all operators, including a limited residential lodging operator, or occupants, including a limited lodger.

C. For purposes of the imposition of any local tax imposed pursuant to the provisions of Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1, neither the conduct of limited residential lodging by a limited residential lodging operator for fewer than 45 days in a calendar year, nor the conduct of a hosting platform pursuant to this chapter, shall constitute a business or be subject to taxes or fees pursuant to Chapter 37 of Title 58.1.

D. Nothing in this section shall be construed to prohibit a locality from:

1. Adopting and enforcing ordinances and regulations generally applicable to residential use and zoning including those related to noise, health and safety, the quiet enjoyment of property, parking, litter, yard signs, and other related issues, so long as such ordinances shall not be drawn or applied in such a manner as to create burdens or restrictions on limited residential lodging not placed on other authorized uses of residential property; or

2. Adopting and enforcing an ordinance requiring that any limited residential lodging operator maintain a minimum of \$500,000 of liability insurance specifically covering the limited residential lodging use of property held out for such use. Such requirement by an ordinance shall be deemed to have been met by an operator that conducts the limited residential lodging through a hosting platform that provides a minimum of \$500,000 of liability insurance for such use. The penalty for the violation of such ordinance shall not exceed \$200 per violation; or

3. Adopting and enforcing an ordinance that (i) prohibits or restricts any residential dwelling unit from being used for limited residential lodging due to a failure to make timely payment of applicable taxes by either a registered hosting platform or directly by the limited residential lodging operator, (ii) provides that any limited residential lodging operator not utilizing a registered hosting platform may be subject to audit by the commissioner of the revenue, director of finance, or other similar local tax official to demonstrate the payment of any applicable taxes, or (iii) requires any limited residential lodging operator operating within the locality to register his name and address through an online portal maintained by the locality.

**§ 55-248.55. Inapplicability of chapter to contracts.**

Nothing in this chapter shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Virginia Property Owners' Association Act (§ 55-508 et seq.).

**§ 55-248.56. Registration of hosting platform; collection and remittance of certain taxes; audit.**

A. A hosting platform shall register with the Department for the collection and remission of applicable taxes on any booking transactions facilitated by the hosting platform on behalf of operators within any one or more localities within the Commonwealth, and shall enter into any agreement with the Department related to such collection and remission. Such agreement shall not constitute confidential tax information pursuant to § 58.1-3 and shall be subject to disclosure pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. A registered hosting platform shall, with respect to each booking transaction facilitated by the hosting platform on behalf of an operator within any locality for which such hosting platform has registered to collect and remit applicable taxes, collect any applicable taxes and remit the total amount so collected to the Department on a monthly basis along with a schedule, on an aggregate basis, listing the total amounts owed to the Commonwealth and to each applicable locality for the relevant period. After the direct costs of administering this section are recovered by the Department, the remaining revenues shall be distributed by the Tax Commissioner in the same manner as the applicable taxes are distributed pursuant to Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, § 58.1-1742, and Articles 6 (§ 58.1-3819 et seq.) and 8 (§ 58.1-3840 et seq.) of Chapter 38 of Title 58.1, *mutatis mutandis*.

C. Any registered hosting platform shall provide notice to any operator utilizing the hosting platform of such registration and advising the operator that such operator should review any applicable state and local laws prior to listing a limited residential lodging unit for occupancy.

D. No operator utilizing a registered hosting platform shall be responsible for collecting or remitting any applicable taxes on any booking transaction when it has received notice pursuant to subsection C that such hosting platform will be collecting and remitting such applicable taxes. Any such notice shall itself be proof sufficient regarding the absence of any operator liability for such applicable taxes for the time period covered by the notice, and the hosting platform shall be liable for any such taxes.

E. Information provided to or obtained by the Department by a registered hosting platform shall be confidential pursuant to § 58.1-3. However, notwithstanding any provisions of § 58.1-3 to the contrary, such information shall not be provided to any other agency of the Commonwealth or political subdivision or officer thereof.

F. Applicable taxes payable by a registered hosting platform in accordance with this section shall be subject to audit only by the Department or its authorized agent. Any such audit shall be conducted on the basis of returns and supporting documents filed by the registered hosting platform with the Department and shall not be conducted directly or indirectly on any individual operator or occupant to whom rooms, lodgings, dwellings, or accommodations were furnished in exchange for a charge for occupancy. Audits of a registered hosting platform for applicable taxes shall be conducted on an anonymous numbered account basis and shall not require the production of any personally identifiable information relating to any booking transaction or individual operator or occupant. No commissioner of the revenue, director of finance, or other similar local tax official may conduct any audit of applicable taxes paid by a registered hosting platform.

G. Notwithstanding any other provision of law, general or special, any registered hosting platform that fails to file a required return or pay the full amount of the applicable taxes due shall be subject to:

1. A penalty in the amount of \$500 for failure to file a return within one month of the due date, with an additional penalty of \$1,000 for each additional month, or fraction thereof; thereafter during the period in which the failure continues, a penalty not to exceed the lesser of five percent of the taxes due on such return or \$10,000 in the aggregate. Such penalty shall apply whether or not any tax is due for the period for which such return was required. If such failure is due to providential or other good cause shown to the satisfaction of the Department, such return with or without remittance may be accepted exclusive of penalties;

2. A penalty in the amount of three percent of the underpayment if the failure to pay the full amount of applicable tax due is for not more than one month, with an additional three percent of the underpayment for each additional month, or fraction thereof, during which the failure continues, not to exceed 15 percent of the underpayment in the aggregate; and

3. In the case of a false or fraudulent return where willful intent exists to defraud the Commonwealth of any applicable tax due pursuant to this section, or in the case of a willful failure to file a return with the intent to defraud the Commonwealth of any such tax, a specific penalty of 50 percent of the difference between the amount reported and the amount of the tax actually due.

H. All penalties and interest imposed by this section shall be payable by the hosting platform and collectible and distributable by the Department in the same manner as if they were part of the tax imposed. Interest at a rate determined in accordance with § 58.1-15 shall accrue on the tax until the same is paid.

I. The Department shall develop regulations for the implementation of this chapter. Initial regulations shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but any updates or amendments to the regulations shall be subject thereto.

2. That nothing in this act shall be construed to subject any taxpayer to any additional taxes not currently imposed by law, nor shall this act be construed to relieve any taxpayer from any tax liability except as expressly set forth therein.

3. That the provisions of the first and second enactment clause of this act shall not become effective unless reenacted by the 2017 Session of the General Assembly.

4. That the Housing Commission shall convene a work group with representation from the hotel industry, hosting platform providers, local government, state and local tax officials, property owners, and other interested parties to explore issues related to expansion of the framework set forth in this act related to the registration, land use, tax, and other issues of public interest associated with the short-term rental of dwelling and other units. The work group shall take into consideration existing structures governing the activities of bed and breakfast inns, vacation rentals, and other transient occupancy venues. The work group shall complete its work by December 1, 2016, with the goal of developing recommendations and draft legislation for consideration by the 2017 Session of the General Assembly.

General discussion ensued.

**(RESOLUTION #04-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to bring back to the Board a draft resolution opposing SB416/Limited Residential Lodging Act/SB416 whereby such Act as written precludes localities from enacting ordinances that prohibit or restrict the use of a residential dwellings and to place on the July Board agenda.

MOTION BY: Bob Camicia

SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ABSENT: Cundiff

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**CREDIT CARD AUDIT, ACCOUNTS PAYABLE LISTING, APPROPRIATIONS AND MINUTES FOR MAY 17, 2016**

Discussion was held on the Accounts Payable Listing regarding the credit card statements within the Sheriff's Office and the possible need to more closely monitor such purchases across the entire County staff.

Bob Camicia, Gills Creek District Supervisor, stated he felt a full audit or review of receipts / records of purchasing cards (as within compliance with County guidelines) should be held on all Credit Cards issued to County employees. General discussion ensued, whereby it was noted meal reimbursements should not necessarily be allowed for normal travel to regional meetings / activities (i.e. within a close mile radius of Rocky Mount, such as Roanoke). Ronnie Thompson, Boone District Supervisor, noted such review should be brought back to the Board as an agenda item.

\*\*\*\*\*

**(RESOLUTION #05-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the accounts payable listing, appropriations and minutes for May 17, 2016 and requested the Board.

MOTION BY: Ronnie Thompson

SECONDED BY: Bob Camicia

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ABSENT: Cundiff

\*\*\*\*\*

**OTHER MATTERS**

Ronnie Thompson, Boone District Supervisor, requested answers to be presented in open session as a July Agenda item and not a Friday packet regarding the Police/Sheriff's Department conversion procedures analysis. . The Board concurred with the request.

Mr. Thompson requested the Board to explore the infrastructure needs for cell/mobile phone service, cable tv, internet service throughout the County. Staff will gather information regarding the request and report back to the Board during their August/September meeting. The Board concurred with the request.

Leland Mitchell, Snow Creek Supervisor, requested that the Coyote Bounty funds be replenished. The Board concurred with the request.

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**CLOSED MEETING**

**(RESOLUTION #06-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-1, Personnel & a-3, Acquisition of Land, a-5, Discussion of a Prospective New Business or Industry, or of Expansion or Retention of an Existing One, of the Code of Virginia, as amended.

MOTION BY: Ronnie Thompson

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

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

ABSENT: Cundiff

\*\*\*\*\*

Mr. Tommy Cundiff, Union Hall Supervisor, joined the meeting at 4:45 p.m.

MOTION: Tim Tatum

SECOND: Tommy Cundiff

**RESOLUTION: #07-06-2016**

MEETING DATE JUNE 21, 2016

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, Cundiff, Camicia, Tatum & Brubaker

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

\*\*\*\*\*

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

**PETITION for REZONE** – Petition of JMB Investment, LLC a TN LLC/Petitioner and Donald Maddy, David Maddy, Dan Maddy, Dennis Maddy, and Douglas Maddy/Owners, requesting to rezone from A-1, Agricultural District, to B-2, Business District, General, for a total of 1.19 acres for the purpose of a Dollar General Convenience Store to be located at 3416 Iron Ridge Road, in the Boone District of Franklin County, and further identified as the following Franklin County Tax Map/Parcel # 0440017400. The Future Land Use Map of the Comprehensive Plan of Franklin County identifies this area as designated as Highway Corridor. (Case # [REZO-4-16-15313](#))

Mr. Steve Sandy, Director of Planning & Community Development, presented the following staff report and presentation regarding the rezoning request:

## Franklin County Board of Supervisors

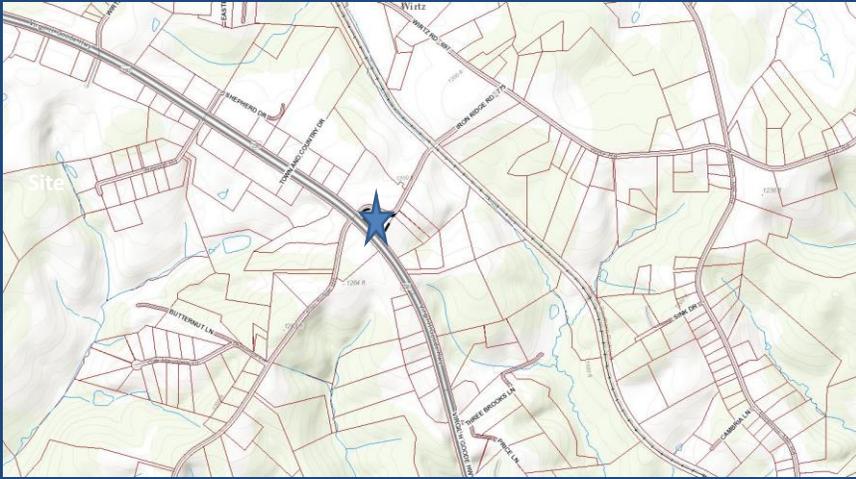


June 21, 2016

**CASE # REZO-4-16-15313**  
REQUEST:

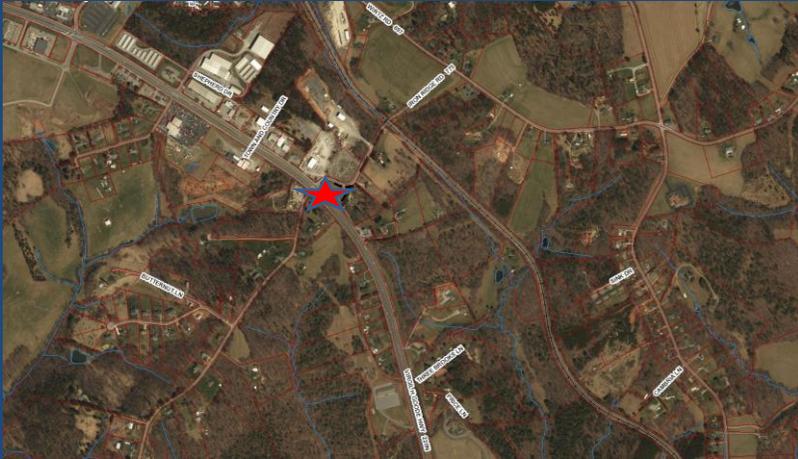
**PETITION for REZONE** – Petition of **JMB Investment, LLC a TN LLC/Petitioner** and **Donald Maddy, David Maddy, Dan Maddy, Dennis Maddy, and Douglas Maddy/Owners**, requesting to rezone from A-1, Agricultural District, to B-2, Business District, General, for a total of 1.19 acres for the purpose of a Dollar General Convenience Store to be located at 3416 Iron Ridge Road, in the Boone District of Franklin County, and further identified as Franklin County Tax Map/Parcel # 0440017400. The petitioner has submitted a concept plan that will require a parking waiver from the Board of Supervisors pursuant to Section 25-401 of the zoning ordinance and variances granted by the Board of Zoning appeals for primary building setbacks, landscaping and underground utilities. (Case # [REZO-4-16-15313](#))

Vicinity Map- Case # 15313 –JMB Investment Rezoning  
Dollar General Rt. 220 and Iron Ridge Rd.



 = Site

Aerial View Case # 15313 –JMB Investment Rezoning  
Dollar General Rt. 220 and Iron Ridge Rd.



 = Site

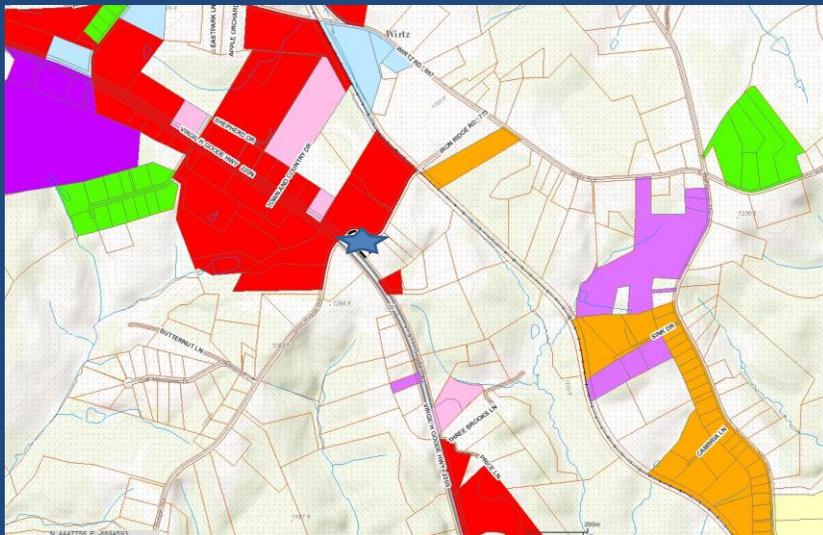
Site Photograph Case # 15313 –JMB Investment Rezoning  
Dollar General Rt. 220 and Iron Ridge Rd.



Site Photograph Case # 15313 –JMB Investment Rezoning  
Dollar General Rt. 220 and Iron Ridge Rd.

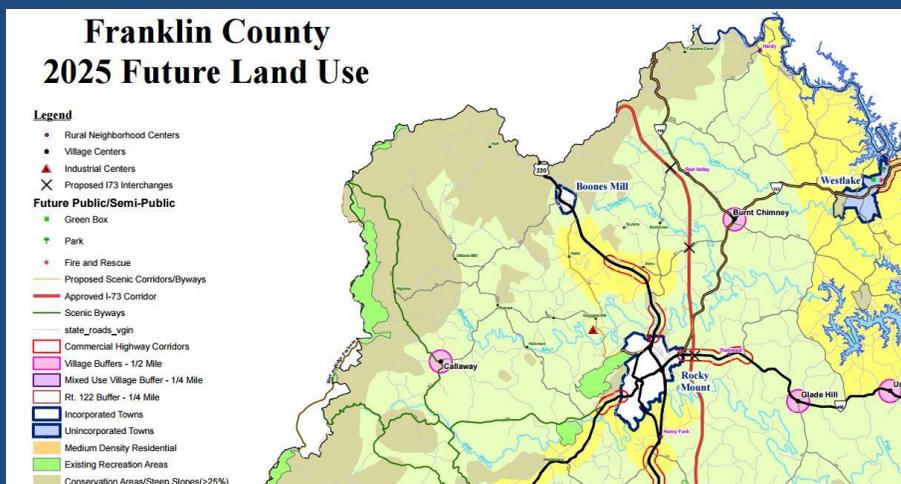


Zoning Map- Case # 15313–JMB Investment Rezoning  
Dollar General Rt. 220 and Iron Ridge Rd.



★ = Site

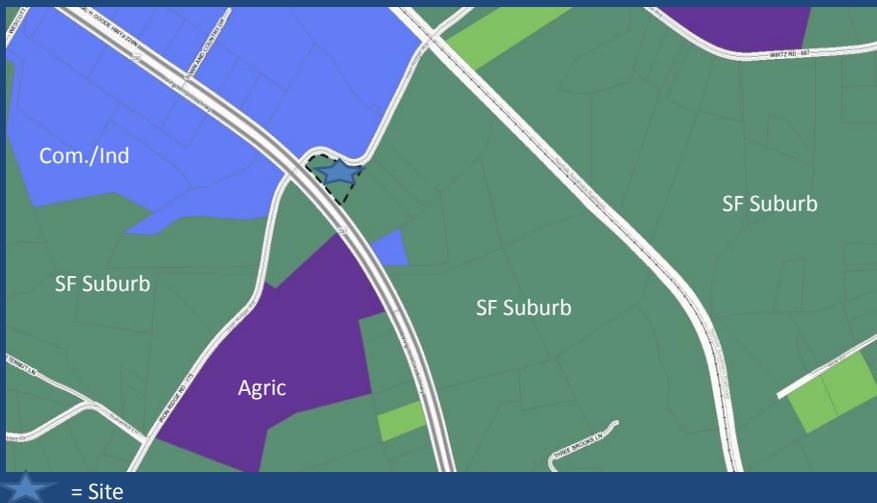
Future Land Use - Case # 15313–JMB Investment Rezoning  
Dollar General Rt. 220 and Iron Ridge Rd.



## Policies for Commercial Highway Corridors: 2025 Comprehensive Plan

1. County will explore and implement effective ways to manage and improve the negative impacts of strip development on important arterial roads including frequent curb cuts, proliferation of signs & visual clutter, poor aesthetics and poor traffic flow.
3. County will encourage & 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 standards.

Land Use Map- Case # 15313–JMB Investment Rezoning  
Dollar General Rt. 220 and Iron Ridge Rd.



### Recommendation:

The Planning Commission held a public hearing on May 10, 2016 and recommended that the Board of Supervisors deny the rezoning petition as submitted by the applicant for the following reasons:

- Site design proposal will not aid in the creation of a convenient, attractive or harmonious community because it cannot comply with County development standards without the need for setback, landscaping, and overhead utility variances granted by BZA and a parking waiver from Board of Supervisors.
- Proximity of Route 220 entrance to Iron Ridge Road violates Route 220 Corridor Plan Policy of 400 feet.
- Safety of Route 220 entrance - No Deceleration/Acceleration Lanes for Southbound traffic; visibility for vehicles leaving the site

Public Hearing was opened.

Eric Ferguson, Attorney, presented the rezone request for JMB Investment, LLC., Clyde Spencer, Engineer, Stone Engineering, presented the layout of the property and the proposed project.

Bonnie Cooper-Law, stated she lives three quarters of a mile from the site and expressed her concern on the traffic flow at this site and the need for the installation of a traffic light and sidewalks. Ms. Cooper-Law also expressed her thoughts regarding the Norfolk Southern Bridge underpass.

\*\*\*\*\*

Public Hearing was closed.

\*\*\*\*\*

**(RESOLUTION #08-06-2016)**

BE IT THEREFORE ORDAINED, by the Board of Supervisors to approve the aforementioned rezoning with proffers, 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 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended with the following proffers and deviations:

Approved Proffers and Deviations:

By the Board of Supervisors of Franklin County, Virginia that it hereby **approves** the rezoning of tax parcel # 0440017400 from A-1, Agricultural District to B-2, Business District, General; and

That the Board of Supervisors granted the requested parking waiver allowing the site to be developed with a maximum of 30 parking spaces, as opposed to the 37 parking spaces required by the Franklin County zoning ordinance, and

MOTION BY: Ronnie Thompson

SECONDED BY: Tim Tatum

VOTING ON THE MOTION WAS AS FOLLOWS:

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

NAYS: Camicia

\*\*\*\*\*

***ANNOUNCEMENT OF PUBLIC HEARING  
TO CONSIDER SALE/TRADE OF COUNTY PROPERTY***

In accordance with the provisions of Section 15.2-1800 of the Code of Virginia, as amended, notice is hereby given to all interested parties that the Board of Supervisors of the County of Franklin, Virginia will conduct a public hearing for the purpose of considering the disposition by sale or trade of **0.036** acres on the south side of and adjoining State Route 40 near Turtle Hill Road in the Union Hall Voting District, having been conveyed to the County in Deed Book 1077, Page 554 and reflected on that plat in Deed Book 1075, Page 1769, Tax Map #0660003702.

BK 1077PG0554

2016 MAY 20 PM 1:01

160002874

Document prepared by: Law Office of Steven R. Grant without the benefit of a title search

Consideration: \$10,000.00  
Address of Grantee: 1255 Franklin Street  
Rocky Mount, VA 24151

Tax Map # 66-37.2

THIS DEED, which is exempt from recordation fees pursuant to Section 58.1-811(3) of the 1950 Code of Virginia, as amended, made and entered into this the 17<sup>TH</sup> day of May, 2016, by and between PATRICIA MYERS SINK and DOROTHY MYERS NANCE, party of the first part, hereinafter referred to as Grantors, and the COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia, party of the second part, hereinafter referred to as Grantee, and W. BRENT ROBERTSON, County Administrator, party of the third part, and B. JAMES JEFFERSON, County Attorney, party of the fourth part.

WITNESSETH :

THAT FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, and for other good and valuable consideration, the said Grantors do hereby bargain, sell, grant, deed, and convey with General Warranty and Modern English Covenants of Title unto the said COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia, Grantee, the following described real estate, to-wit:

All those certain tracts or parcels of land, together with the buildings and improvement thereon and the privileges, appurtenances, and easements thereunto belonging, situate, lying and being in Union Hall District, Franklin County, Virginia designated as Tract 1, containing a total of 2.966 Acres 2.930 being on the North side of Route 40 and 0.036 being on the South side of Route 40 as more particularly shown on a plat of survey entitled, "Plat Showing Re-Survey of Property Being Conveyed By: The Estate of Ray Pagans.....," dated March 17, 2016, made by Roderick F. Pierson, L.S., a copy of which is recorded in the Clerk's Office, Circuit Court, Franklin County, Virginia in Deed Book 1075, Page 1768 and 1769.

Being the same property conveyed unto Charlotte A. Pagans and Ray Pagans by deed dated May 20, 1999 of record in the Clerk's Office, Circuit Court, Franklin County Virginia in Deed Book 650, Page 1481;

STEVEN R. GRANT  
ATTORNEY AT LAW  
P.O. BOX 391  
BEDFORD, VIRGINIA 24523  
BAR # 27178

BK1077PG0555

That the said Charlotte Pagans died on or about July 7, 2013 leaving her husband vested with fee simple title; and

That the said Ray Pagans died on or about June 30, 2015 and by his Last Will and Testament devised the herein described property unto Patricia Myers Sink and Dorothy Myers Nance a copy of which is recorded in the aforementioned Clerk's Office as Will File Number 16066023.

THIS conveyance is made subject to any and all easements, reservations, restrictions, covenant, and conditions validly of record affecting the property herein conveyed.

AS EVIDENCED by the signature of its Administrator hereto and pursuant to resolution of the Franklin County Board of Supervisors, the County of Franklin, a political subdivision of the Commonwealth of Virginia, accepts this conveyance.

AS EVIDENCED by his signature hereto and as required by Section 15.2-1803 of the 1950 Code of Virginia, as amended, B. James Jefferson, County Attorney, approves this deed as to form.

TO HAVE AND TO HOLD unto the said COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia, Grantee, its successors or assigns, forever in fee simple

BK1077PG0556

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

Patricia Myers Sink (SEAL)  
PATRICIA MYERS SINK

STATE OF VIRGINIA

CITY/COUNTY OF BEDFORD

The foregoing instrument was acknowledged before me on this the 18 day of May, 2016, by PATRICIA MYERS SINK.

My commission expires: 10-31-17

Pamela M. Bowden  
Notary Public

PAMELA M. BOWDEN  
NOTARY PUBLIC  
REGISTRATION # 303710  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES

Dorothy Myers Nance (SEAL)  
DOROTHY MYERS NANCE

STATE OF VIRGINIA

CITY/COUNTY OF BEDFORD

The foregoing instrument was acknowledged before me on this the 18 day of May, 2016, by DOROTHY MYERS NANCE.

My commission expires: 10-31-17

Pamela M. Bowden  
Notary Public

R. GRANT  
NEY AT LAW  
I. BOX 381  
I. VIRGINIA 24523  
R # 27178

PAMELA M. BOWDEN  
NOTARY PUBLIC  
REGISTRATION #303710  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES

BK 1077PG0557

COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia

BY: W. Brent Robertson (SEAL)  
W. Brent Robertson, its Administrator

COMMONWEALTH OF VIRGINIA  
COUNTY OF FRANKLIN, to-wit:

The foregoing deed was acknowledged before me on this the 17 day of May, 2016, by W. Brent Robertson, Administrator of the County of Franklin, a political subdivision of the Commonwealth of Virginia.

My commission expires: 1-31-2020 Notary Reg. # 137915

: Sharon K. Tudor  
NOTARY PUBLIC

Embossed Hereon is My Commonwealth of Virginia Notary Public Seal My Commission Expires January 31, 2020 SHARON K. TUDOR

COUNTY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia

BY: B. James Jefferson (SEAL)  
B. James Jefferson, its Attorney

COMMONWEALTH OF VIRGINIA  
COUNTY OF FRANKLIN, to-wit:

The foregoing deed was acknowledged before me on this the 17<sup>th</sup> day of MAY, 2016, by B. James Jefferson, Attorney for the County of Franklin, a political subdivision of the Commonwealth of Virginia.

My commission expires: 5/31/17 Notary Reg. # 137965

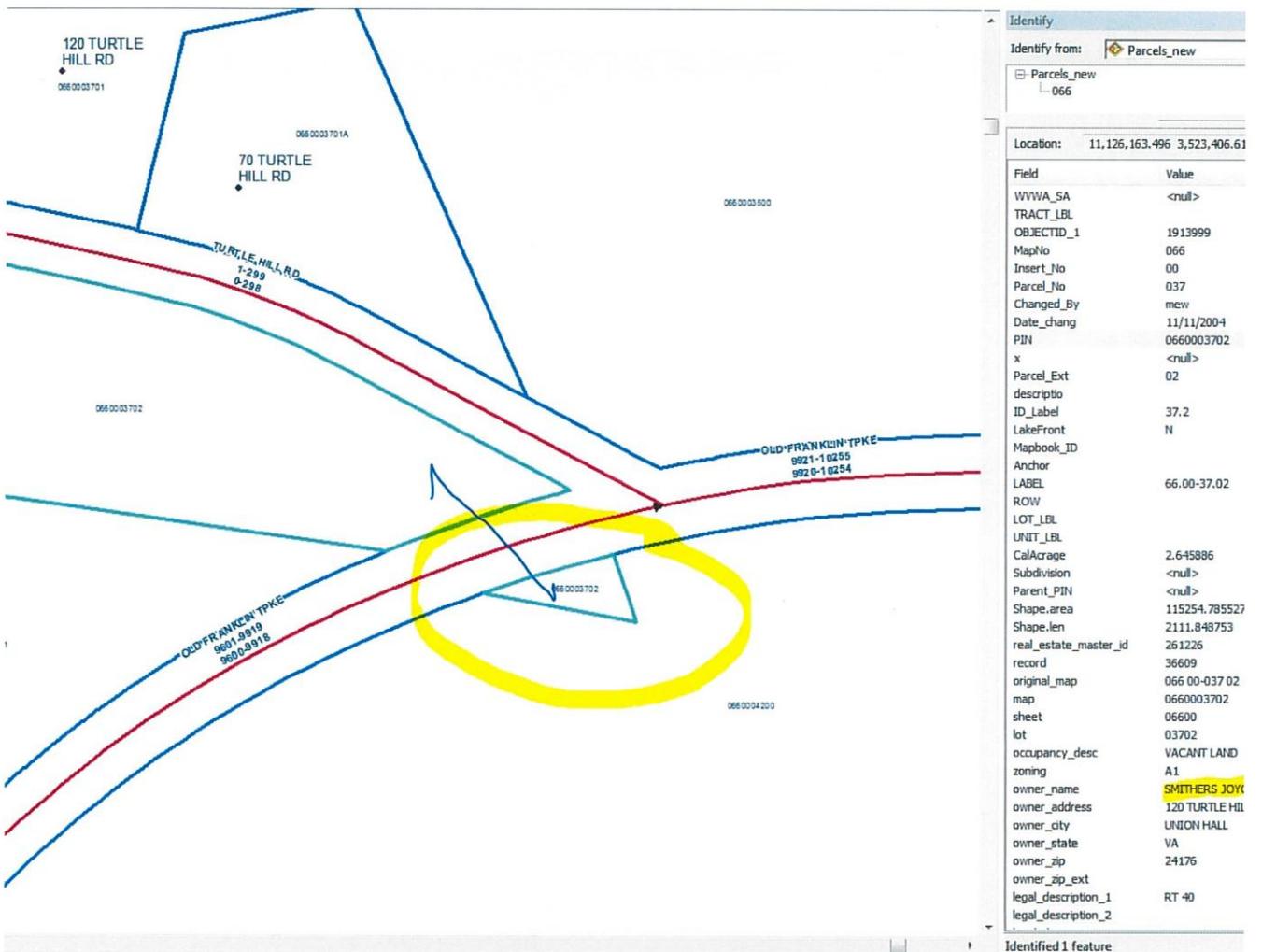
: Donna E. Jefferson  
NOTARY PUBLIC

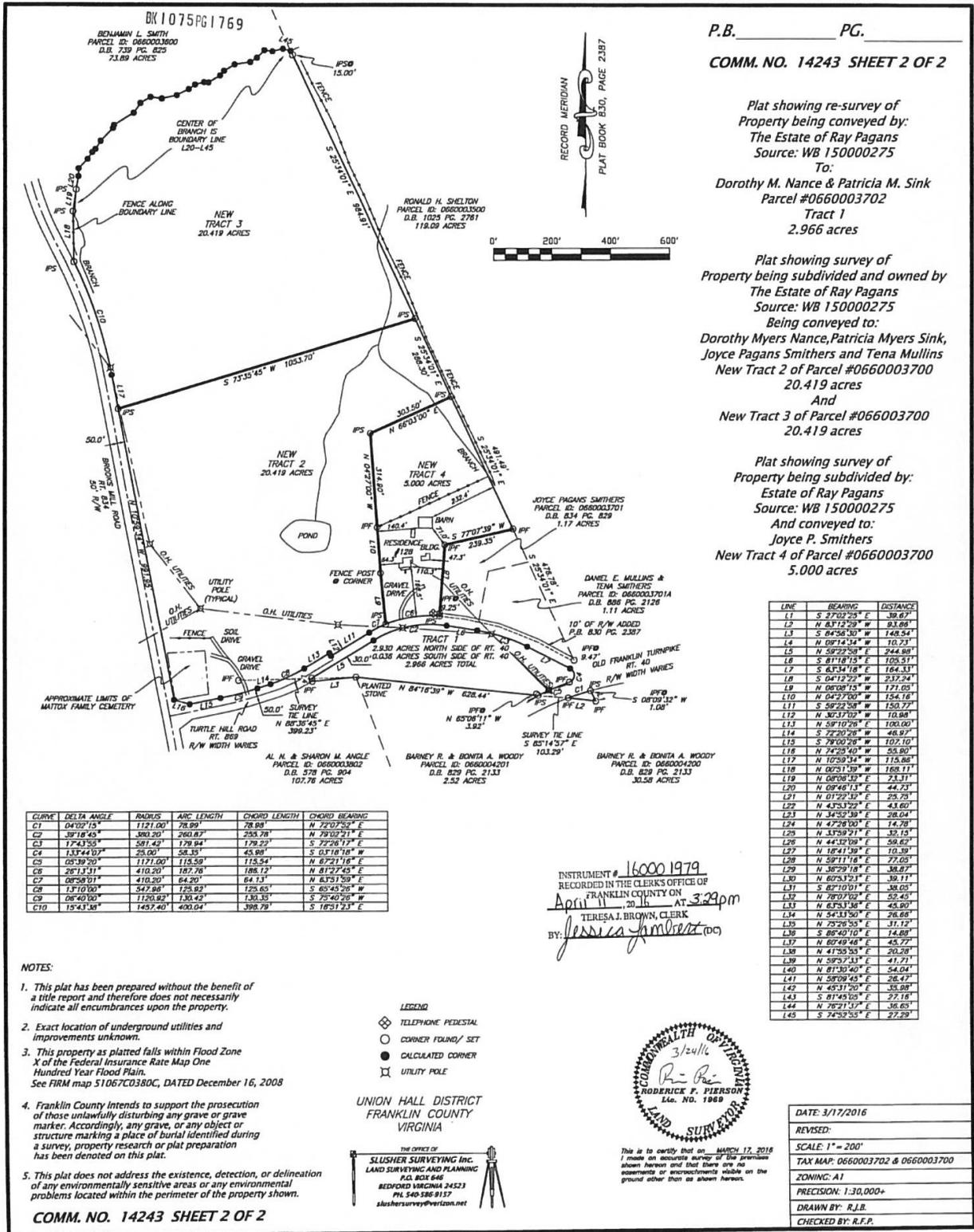
 Donna E. Jefferson  
Commonwealth of Virginia  
Notary Public  
Commission No. 137965  
My Commission Expires 5/31/2017

BK1077PG0558

INSTRUMENT #160002874  
 RECORDED IN THE CLERK'S OFFICE OF  
 FRANKLIN COUNTY ON  
 MAY 20, 2016 AT 01:01PM  
 \$10.00 GRANTOR TAX WAS PAID AS  
 REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
 STATE: \$5.00 LOCAL: \$5.00

TERESA J. BROWN, CLERK  
 RECORDED BY: SMP





P.B. \_\_\_\_\_ PG. \_\_\_\_\_  
**COMM. NO. 14243 SHEET 2 OF 2**

Plat showing re-survey of  
 Property being conveyed by:  
 The Estate of Ray Pagans  
 Source: WB 150000275  
 To:  
 Dorothy M. Nance & Patricia M. Sink  
 Parcel #0660003702  
 Tract 1  
 2.966 acres

Plat showing survey of  
 Property being subdivided and owned by  
 The Estate of Ray Pagans  
 Source: WB 150000275  
 Being conveyed to:  
 Dorothy Myers Nance, Patricia Myers Sink,  
 Joyce Pagans Smithers and Tena Mullins  
 New Tract 2 of Parcel #0660003700  
 20.419 acres  
 And  
 New Tract 3 of Parcel #0660003700  
 20.419 acres

Plat showing survey of  
 Property being subdivided by:  
 Estate of Ray Pagans  
 Source: WB 150000275  
 And conveyed to:  
 Joyce P. Smithers  
 New Tract 4 of Parcel #0660003700  
 5.000 acres

LINE	BEARING	DISTANCE
L1	S 27°02'25" E	38.67'
L2	N 81°17'29" W	81.88'
L3	S 84°56'30" W	148.54'
L4	N 09°14'34" W	10.23'
L5	N 59°22'58" E	244.88'
L6	S 81°18'13" E	105.51'
L7	S 63°41'18" E	164.33'
L8	S 04°12'22" E	237.24'
L9	N 08°08'15" W	171.05'
L10	N 04°27'00" W	154.16'
L11	S 56°22'28" W	150.77'
L12	N 30°31'02" E	10.84'
L13	N 58°10'26" E	100.00'
L14	S 72°20'26" W	48.97'
L15	S 79°00'28" W	107.10'
L16	N 74°25'40" W	85.90'
L17	N 10°59'34" W	115.86'
L18	N 07°51'39" W	168.11'
L19	N 08°05'10" E	72.31'
L20	N 09°48'13" E	44.73'
L21	N 01°22'32" E	25.75'
L22	N 42°31'22" E	43.60'
L23	N 34°52'38" E	26.04'
L24	N 47°26'00" E	14.78'
L25	N 33°59'21" E	32.15'
L26	N 44°15'08" E	58.62'
L27	N 18°41'39" E	10.39'
L28	N 59°11'16" E	77.65'
L29	N 36°27'18" E	38.87'
L30	N 60°51'21" E	39.11'
L31	S 67°10'01" E	36.05'
L32	N 78°07'02" E	52.45'
L33	N 63°11'56" E	45.90'
L34	N 54°31'50" E	26.86'
L35	N 75°26'50" E	31.12'
L36	S 86°40'10" E	14.88'
L37	N 60°49'46" E	45.77'
L38	N 41°55'53" E	20.28'
L39	N 58°27'33" E	41.71'
L40	N 81°35'40" E	54.04'
L41	N 58°08'45" E	26.47'
L42	N 45°31'20" E	35.88'
L43	S 81°45'50" E	27.18'
L44	N 78°21'57" E	36.65'
L45	S 74°52'55" E	27.28'

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	04°02'15"	1121.00'	78.89'	78.89'	N 72°07'52" E
C2	39°18'45"	380.20'	260.87'	295.78'	N 79°02'21" E
C3	174°35'	581.42'	179.94'	179.22'	S 72°28'11" E
C4	133°44'07"	25.00'	54.35'	45.89'	S 05°18'18" W
C5	05°39'20"	1171.00'	115.59'	115.54'	N 67°21'16" E
C6	26°12'31"	410.20'	187.78'	186.12'	N 81°27'45" E
C7	08°58'01"	410.20'	64.20'	64.13'	N 63°13'59" E
C8	137°10'00"	547.86'	125.82'	125.85'	S 65°45'26" W
C9	06°40'00"	1120.92'	130.42'	130.35'	S 75°40'26" W
C10	154°33'30"	1457.40'	400.04'	398.79'	S 16°51'23" E

- NOTES:
- This plat has been prepared without the benefit of a title report and therefore does not necessarily indicate all encumbrances upon the property.
  - Exact location of underground utilities and improvements unknown.
  - This property as platted falls within Flood Zone X of the Federal Insurance Rate Map One Hundred Year Flood Plain. See FIRM map 51067C0380C, DATED December 16, 2008
  - Franklin County intends to support the prosecution of those unlawfully disturbing any grave or grave marker. Accordingly, any grave, or any object or structure marking a place of burial identified during a survey, property research or plat preparation has been denoted on this plat.
  - This plat does not address the existence, detection, or delineation of any environmentally sensitive areas or any environmental problems located within the perimeter of the property shown.

LEGEND

- TELEPHONE PEDESTAL
- ◇ CORNER FOUND/SET
- CALCULATED CORNER
- ⊠ UTILITY POLE

UNION HALL DISTRICT  
 FRANKLIN COUNTY  
 VIRGINIA

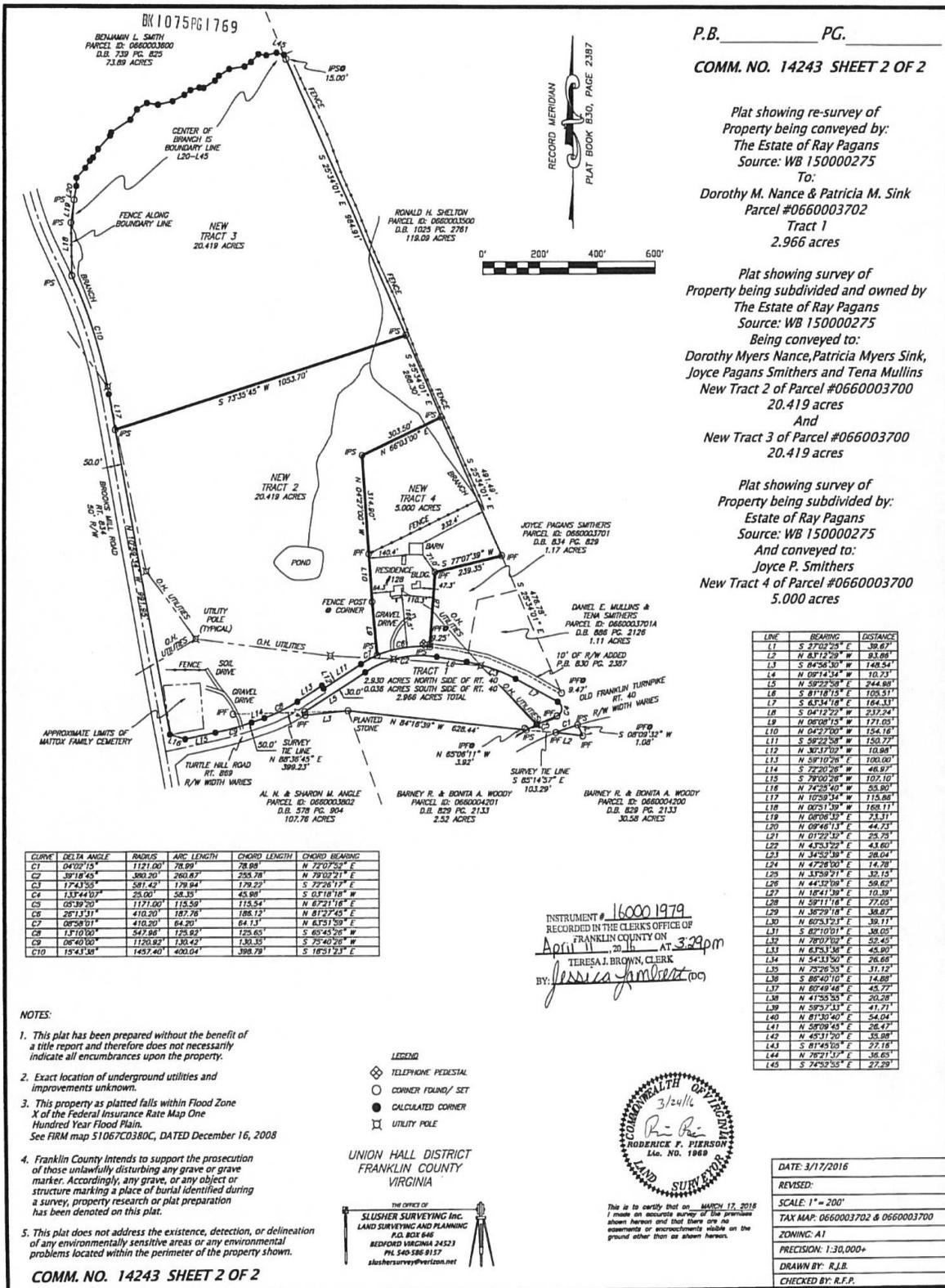
THE OFFICE OF  
 SLUSHER SURVEYING INC.  
 LAND SURVEYING AND PLANNING  
 P.O. BOX 646  
 REDFORD VIRGINIA 24523  
 PH. 540.586.9157  
 slushersurvey@verizon.net

INSTRUMENT # 160001979  
 RECORDED IN THE CLERK'S OFFICE OF  
 FRANKLIN COUNTY ON  
 April 11, 2016 AT 3:29pm  
 BY: JESSICA J. BROWN, CLERK



This is to certify that on MARCH 17, 2016 I made an accurate survey of the premises shown hereon and that there are no encumbrances or attachments visible on the ground other than as shown hereon.

DATE: 3/17/2016
REVISED:
SCALE: 1" = 200'
TAX MAP: 0660003702 & 0660003700
ZONING: A1
PRECISION: 1:30,000+
DRAWN BY: R.J.B.
CHECKED BY: R.F.P.



Public Hearing was opened and no one spoke for or against the proposed disposition by sale or trade of 0.036 acres on the south side of and adjoining State Route 40 near Turtle Hill Road in the Union Hall Voting District.

No speakers.

Public Hearing was closed.

**(RESOLUTION #09-06-2016)**  
 BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the sale or trade of 0.036 acres on the south side of and adjoining State Route 40 near Turtle Hill Road in the Union Hall Voting District.

MOTION BY: Bob Camicia  
 SECONDED BY: Charles Wagner  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Thompson, Wagner, Cundiff, Camicia, Tatum & Brubaker

\*\*\*\*\*  
**PUBLIC NOTICE**  
 The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M.**, on **Tuesday, May 17, 2016**, at the Government Center, Board of Supervisors Meeting

Room located at 1255 Franklin Street, Suite 104, Rocky Mount, Virginia to consider the repeal of **Chapter 3: Sections 16-55, and to readopt proposed amendments to Chapter 3: Section 16-55** of the Franklin County Code. The reason for the proposed amendments to Chapter 3 is to coincide with the State Code of Virginia.

Steve Sandy, Director of Planning & Community Development, presented the following report concerning the proposed amendments:

During the Board meeting held on Tuesday, March 15, 2016, the Board directed staff to review County Code Chapter 3: Public Dance Halls adopted December 1977. While staff consisting, of the (**Commissioner of Revenue, Treasurer, Sheriff's Department, VDOT, Building Inspection's Official, Planning & Community Development, Public Safety and Board Clerk**) have met, discussed and offered comments from the eyes of each department's as to the role in this process.

In reviewing surrounding county codes there are varying degrees of amendments and penalties as several of the counties have utilized. Submitted you will see a complete overhaul on Chapter 3 to align verbiage with the State Code of the Commonwealth of Virginia and the applicant's application for the Board's review.

Staff has shared and discussed with B. J. Jefferson, County Attorney, the proposed amendments to Chapter 3 and Mr. Jefferson states the amendments are ready for public hearing.

Staff brings the submitted proposed amendments to Chapter 3: Public Dance Halls and application to the Board of Supervisors during their April 19, 2016 meeting requesting the Board to grant approval for staff to authorize for advertising for a public hearing on the proposed amendments to Chapter 3 of the Franklin County Code (see submitted).

The Board directed staff to advertise for public hearing the proposed amendments to Chapter 3: Public Dance Halls in the County Code for the Tuesday, May 17, 2016. The Public Hearing was held and the matter tabled, whereby another public hearing was advertised for June 21, 2016.

**RECOMMENDATION:**

Staff respectfully request Board authorization to repeal and then adopt the submitted amendments to Chapter 3: Public Dance Halls as submitted

**ARTICLE II. - PUBLIC DANCE HALLS**

**FOOTNOTE(S):**

--- (2) ---

**State Law reference**— Authority of county to regulate public dance halls, Code of Virginia, § 15.2-912.3.

**DIVISION 1. - GENERALLY**

Sec. 3-16. - Defined.

For the purposes of this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where context indicates a different meaning:

County Administrator means the County Administrator, or another County employee or officer as the County Administrator may designate.

Manager means any person charged with conducting the business affairs or daily operations of a public dance hall.

Permit holder means the person(s) who hold(s) a permit issued pursuant to this article.

Person means any individual, group of individuals, corporation, partnership, association or other entity formed for the purpose of conducting business, or any combination thereof, unless context indicates that a natural person is the intended meaning.

Public dance hall means any place not owned by the county open to the general public where dancing by the general public is permitted; however, a restaurant located in the county licensed under Code of Virginia, § 4.1-210 to serve food and beverages having a dance floor with an area not exceeding ten percent of the total floor area of the establishment shall not be considered a public dance hall.

(Ord. of 12-19-77 Code of Virginia, § 15.2-912.3)

Sec. 3-17. - Violations of article generally.

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a Class 3 misdemeanor.

(Ord. of 12-19-77)

**Cross reference**— Penalty for Class 3 misdemeanor, § 1-11.

Sec. 3-18. - Exemptions.

This article shall not apply to any single dance:

- (1) Held for benevolent or charitable purposes; or
- (2) Conducted under the auspices of a governmental, religious, educational, civic or military organization.

(Ord. of 12-19-77:Code 2016)

**State Law reference**— Authority for above exemptions, Code of Virginia, § 15.2-912.3.

Sec. 3-19. - Security requirements.

Whenever the number of patrons in a public dance hall is less than 50, then the public dance hall shall have at least one security worker. Whenever the number of patrons in a public dance hall is at least 100, then the public dance hall shall have at least three security personnel, no less than one of whom shall be a law-enforcement officer patrolling the establishment. For every 200 patrons, the public dance hall shall have at least four security personnel, no less than two of whom shall be law-enforcement officers dedicated to maintaining order in and around the public dance hall. For purposes of this section, the term "law-enforcement officer" has the meaning ascribed to that term by Code of Virginia, § 9.1-101. All other security personnel shall be "unarmed security officers" or "armed security officers" as defined by Code of Virginia, § 9.1-138 validly registered with the State Department of Criminal Justice Services as required by Code of Virginia, § 9.1-139. The permit holder for the public dance hall shall be responsible for all costs associated with fulfilling the security requirements of this section. The permit holder for the public dance hall shall be responsible for ensuring full compliance with this section.

(Code 2016)

Sec. 3-20. - Right of entry of police; enforcement.

Sheriff's Office personnel may enter any public dance hall for which a permit has been granted under this article during all hours of operation.

(Code 2016)

Sec. 3-21. - Entry prohibited to certain persons.

(a) No person under the age of 18 years shall remain on the public dance hall premises after 9:00 p.m. unless lawfully employed therein or unless accompanied by a parent or legal guardian.

(b) The manager of any public dance hall shall conduct, or cause to be conducted, a positive identification and age check of each person seeking admittance to ensure compliance with this section.

(c) It shall be unlawful for any person to falsely represent his or her age in order to gain admittance to a public dance hall or for any person to aid, abet or assist in making such false representation.

(Code 2016)

Sec. 3-22. - Manager to be present during operation; events with promoters.

(a) Each permit holder, except an individual who is a permit holder and on the premises, shall have a designated manager, as defined in Section 3-16, present and in actual charge of the business being conducted under the permit at any time the public dance hall is in operation. The name of the designated manager of every public dance hall shall be kept posted in a conspicuous place in the public dance hall, legible in print and size, during the time such manager is in charge. Designated managers must be at least 21 years of age and have passed a criminal background check to show that he or she has not been convicted of:

- (1) Any violent felony involving a crime against a person;

- (2) Any other felony within five years preceding the date of the event;
  - (3) Any misdemeanor involving contributing to the delinquency of a minor within five years preceding the date of the event;
  - (4) Any other criminal offense against a juvenile; or
  - (5) Any crime within five years preceding the date of the event involving:
    - a. The possession, sale or distribution of, attempted possession, sale or distribution of, or conspiracy to possess, sell or distribute a controlled substance, alcohol or firearms; or
    - b. The sale or distribution of, attempted sale or distribution of, or conspiracy to sell or distribute marijuana.
- (b) No permit holder shall allow a promoter to sponsor any event within a public dance hall unless all persons with a controlling interest in that promoter have completed a criminal background check through the County Administrator within the three months preceding the date of such event and the criminal background check has shown that no such person has been convicted of:
- (1) Any violent felony involving a crime against a person;
  - (2) Any other felony within five years preceding the date of the event;
  - (3) Any misdemeanor involving contributing to the delinquency of a minor within five years preceding the date of the event;
  - (4) Any other criminal offense against a juvenile; or
  - (5) Any crime within five years preceding the date of the event involving:
    - a. The possession, sale or distribution of, attempted possession, sale or distribution of, or conspiracy to possess, sell or distribute a controlled substance, alcohol or firearms; or
    - b. The sale or distribution of, attempted sale or distribution of, or conspiracy to sell or distribute marijuana.
- (c) The permit holder shall ensure that the promoter possesses a business license issued by the county, and the permit holder shall produce on demand by any county officer or employee a copy of such business license.
- (Code 2016)

Sec. 3-23. - Required permit; application and fee.

- (a) It shall be unlawful for any person to own, operate or maintain a public dance hall within the county, unless he has a permit so to do, approved by the Board of Supervisors pursuant to this section. Upon receipt of an approved dance hall permit from the Board of Supervisors, it shall be displayed next to the existing ABC License and Certificate of Occupancy within the establishment.
- (b) Application for a permit under this article shall be made in writing on forms provided for this purpose and filed with the County Administrator. Applicants shall provide the following:
  - (1) The name, street address and telephone number of the proposed public dance hall.
  - (2) The name, residential address, telephone number, date of birth, gender, race, hair and eye color, height and weight of the individual applicant or the individual applying on behalf of an entity.
  - (3) The name, address and telephone number of each individual who is an officer, director, partner, principal or manager of the proposed public dance hall, as well as any promoter involved in conducting dances at the proposed public dance hall.
  - (4) Whether the applicant or any of the persons listed in subsection (b)(3) of this section has been convicted of any felony or misdemeanor and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed.
  - (5) Whether the applicant or any of the persons listed in subsection (b)(3) of this section has had a public dance hall permit denied or revoked by any jurisdiction and, if so, when and where the denial or revocation occurred.
  - (6) The name, residential address and telephone number of two references who are neither minors nor relatives of the applicant or of any person listed in subsection (b)(3) of this section.
  - (7) If the applicant does not own the premises of the proposed public dance hall, a signed statement from the owner(s) authorizing use of the premises for a public dance hall.
  - (8) Written declaration, dated and signed by the applicant, certifying that the information contained in the application is true and correct and authorizing the County Administrator to commence a criminal background and reference check.

- (c) Each such application for a permit shall be accompanied by a fee in the amount of \$600.00.
- (d) In addition to submitting the information required by subsection (b) of this section, applicants shall make the premises of the proposed public dance hall available for inspection pursuant to this article by representatives of the Sheriff's Office, Department of Public Safety, the Building Inspections Office, and the Department of Planning & Community Development.

(Ord. of 12-19-77; Res. No. 24-12-91, 12-17-91; Code 2016)

**State Law reference**— Authority of county to require dance hall permit, Code of Virginia, § 18.2-433.

Sec. 3-24. - Issuance or denial of permit.

(a) Within 45 days of the application filing, the Board of Supervisors shall approve a permit or provide a written decision of denial to the applicant.

(b) Upon receipt of a completed application, the County Administrator shall provide the application to the Sheriff, the Department of Public Safety Director, the Building Official for the Building Inspections Office, and the Director of Planning and Community Development, Va. Department of Highways and Transportation (VDOT), Treasurer and Commissioner of Revenue for their review. Within 21 days of receipt:

(1) The Sheriff and VDOT shall inform the County Administrator in writing whether the structure in which the proposed dance hall is located meets all security and traffic concerns;

(2) The Department of Public Safety Director shall inform the County Administrator in writing whether the structure in which the proposed dance hall is located meets all the provisions in the county's fire prevention code, including the Virginia Statewide Fire Prevention Code, and whether the parking facilities impede the approach of fire apparatus;

(3) The Building Official shall inform the County Administrator in writing whether the structure in which the proposed dance hall is located meets all the applicable provisions in the Virginia Uniform Statewide Building Code; and

(4) The Director of Planning and Community Development shall inform the County Administrator in writing whether the proposed property use and vehicular parking provided on premises meets zoning requirements for the proposed dance hall.

(5) VDOT shall inform the County Administrator in writing whether a commercial entrance is required.

(6) Treasurer shall inform the County Administrator in writing that the real estate and personal property taxes are not delinquent.

(7) Commissioner of Revenue shall inform the County Administrator in writing that the meals tax is paid to date.

(c) The County Administrator shall recommend that the Board of Supervisors approve a permit if:

(1) The Sheriff has determined that the structure in which the proposed dance hall is located meets all security and traffic concerns;

(2) The Department of Public Safety Director has determined that the structure in which the proposed dance hall is located meets all the provisions in the county's fire prevention code, including the Virginia Statewide Fire Prevention Code, and the parking facilities do not impede the approach of fire apparatus;

(3) The Building Official has determined that the structure in which the proposed dance hall is located meets all applicable provisions in the Virginia Uniform Statewide Building Code;

(4) The Director of Planning and Community Development has determined that all property use and vehicular parking meets zoning requirements for the proposed dance hall.

(5) VDOT has determined a commercial entrance is not required.

(6) Treasurer has determined the real estate and personal property taxes are not delinquent.

(7) Commissioner of Revenue has determined the meals tax is paid to date.

(d) The County Administrator may recommend attaching conditions to a permit that are reasonably related to the preservation of domestic tranquility.

(Code 1995, § 4-64; Ord. No. 1093, § 3, 3-13-2007; Code 2016)

Sec. 3-25. - To be closed during certain hours.

It shall be unlawful for the owner, manager or other person in control of any public dance hall to permit such establishment to remain open for business or to allow dancing therein between 1:00 a.m. and 7:00 a.m. on Monday through Saturday. Dancing shall only be allowed between the hours of 1:00 p.m. and 11:00 p.m. on Sunday.

(Code 1974, § 13-9; Ord. of 12-19-77; Amend. of 1-21-03(1); Code 2016)

**Sec. 3-26. - Revocation of permit or license.**

The Board of Supervisors may revoke any permit issued pursuant to this article for any of the following reasons:

- (1) The dance hall does not conform to the requirements of the fire prevention code of the county, the Virginia Statewide Fire Prevention Code, or any other law concerning fire prevention or safety.
- (2) The dance hall does not conform to the requirements of the Virginia Uniform Statewide Building Code.
- (3) The dance hall does not conform to the county's zoning requirements.
- (4) The application or any statement made in support of the application has been discovered to contain a material misrepresentation or omission of fact.
- (5) The permit holder has allowed, or failed to take, reasonable measures to prevent repeated occurrences of disorderly, violent, obscene or other unlawful conduct on its premises.
- (6) The permit holder has violated any permit terms or conditions.
- (7) The permit holder has violated any provision of this article.
- (8) The permit holder has assigned or otherwise transferred the dance hall permit to another person or entity.
- (9) The permit holder is in violation of a local, state or federal law, and such violation prohibits continued operation of the dance hall.

(Code 2016)

**Sec. 3-27. - Procedure upon denial of an application or revocation of a permit.**

(a) If the Board of Supervisors denies an application or revokes a permit, the applicant or permit holder shall be notified in writing of such action, the reasons therefore, and the right to request a hearing. To receive a hearing, the applicant or permit holder is required to make a written hearing request which must be received by the County Administrator within thirty (30) days of the denial or revocation notice issuance. If a timely hearing request is not received by the County Administrator, the denial or revocation decision shall be final. If a hearing is properly requested, it shall be held within fourteen (14) days from receipt of the hearing request. The hearing shall be presided over by the County Attorney. The applicant or permit holder shall have the right to present evidence and argument or to have counsel do so. Within five (5) days of the hearing, the County Attorney shall render a decision, which shall be final. If a permit revocation decision becomes final, the permit holder must discontinue all dance hall operations, effective no later than 11:59PM that same day.

(b) Any person operating such a public dance hall whose permit has been revoked shall have the right of appeal to the circuit court of the county in accordance with law.

**Sec. 3-28. - Consumption, etc., of alcoholic beverages on premises.**

It shall be unlawful and a Class 4 misdemeanor for any person to consume any alcoholic beverage or tender a drink thereof to another, whether accepted or not, on the premises of any public dance hall, unless the establishment is licensed by the state alcoholic beverage control commission for "on the premises" alcoholic beverages sales.

(Ord. of 12-19-77)

**State Law reference—** Authority for above section, Code of Virginia, § 4-96.

**Sec. 3-29. - Intoxicated, etc., persons to leave premises on order so to do.**

Any person within a public dance hall who is found to be intoxicated or under the influence of alcohol, or any illegal narcotic shall, upon order of the proprietor or management personnel or any police officer, leave such dance hall forthwith and not return until sober.

(Code 1974, § 13-9; Ord. of 12-19-77)

**Sec. 3-30. - Responsibility for control of patrons; revocation of permit and license.**

The owner(s) of a public dance hall shall be responsible for maintaining control of the patrons of such establishment. Lack of effort to control the patrons or repeated requests for

police assistance may initiate action by the Board of Supervisors to review the establishment's permit and license. Revocation of the permit and license may occur if, in the judgment of the Board of Supervisors, such action is in the best interest of the county.

(Ord. of 12-19-77)

Sec. 3-31. - Illumination of exterior signs.

Any person operating or conducting a public dance hall shall not allow exterior signs to be illuminated after 1:00 a.m., or to be illuminated during any hours prohibited for the operation of such dance hall.

(Code 2016)

Secs. 3-32—3-35. - Reserved.

## DIVISION 2. - LICENSE

Sec. 3-36. - Required.

It shall be unlawful for any person to operate a public dance hall within the county, unless he has a current license issued by the Commissioner of Revenue, upon approval by the Board of Supervisors pursuant to this division.

(Ord. of 12-19-77; Res. No. 39-01-91, 1-22-91)

Sec. 3-37. - License year.

The license year for public dance halls shall be from January first to December thirty-first.

(Ord. of 12-19-77)

Sec. 3-38. - Fee.

The annual fee for a license required by this division shall be six hundred dollars (\$600.00); provided, however, that such fee shall be prorated as follows, if the initial license is obtained after the beginning of the license year:

- (1) If obtained during the first quarter of the year, the fee shall be six hundred dollars (\$600.00).
- (2) If obtained during the second quarter of the year, the fee shall be four hundred and fifty dollars (\$450.00).
- (3) If obtained during the third quarter of the year, the fee shall be three hundred dollars (\$300.00).
- (4) If obtained during the last quarter of the year, the fee shall be one hundred and fifty dollars (\$150.00).

The fee prescribed by this section shall be paid to the County Treasurer.

(Ord. of 12-19-77)

**Cross reference**— License taxes, § 20-151 et seq.

**State Law reference**— Authority of county to impose license tax on dance halls, Code of Virginia, § 18.2-433.

Sec. 3-39. - Issuance.

Upon proper application, payment of the fee prescribed by section 3-38 and compliance with all applicable provisions of this article, the County Administrator shall issue the license for a public dance hall; provided, however, that no such license shall be issued until such time as the Board of Supervisors has approved such application.

(Ord. of 12-19-79; Res. No. 39-01-91, 1-22-91)

Sec. 3-40. - Expiration and renewal.

A license issued under this division shall expire on December thirty-first next following its issuance and shall be renewed no later than the following January thirty-first. There shall be a penalty of ten (10) percent of the license fee, if the license is not so renewed, in addition to the annual license fee.

(Ord. of 12-19-77)

Sec. 3-41. - Revocation.

The County Administrator shall have the authority to suspend for a period of not more than thirty (30) days a license issued under this division for failure to comply with any of its provisions and conditions with the suspension being subject to review by the Board of Supervisors at their next regular meeting.

(Amend of 1-21-03(1))

Sec. 3-42. - Changes in ownership, management or location.

Any change in the ownership of a controlling interest in a license holder of a public dance hall shall invalidate the license for such public dance hall. The license holder of a public dance hall shall furnish the county with written notice of any change in the ownership of less than a controlling interest in the license holder, containing all of the information required by Section 3-23(b) and (c), within thirty (30) days of such change. Upon any change in the management of a public dance hall, the license holder shall report the change to the County Administrator within fourteen (14) days by submitting information sufficient for the County Administrator to determine whether the license holder remains in compliance with this article. Any change in the location of a public dance hall shall invalidate the license for such public dance hall.

Secs. 3-43—3-55. - Reserved.

Public Hearing was opened.

No one spoke for or against the proposed budget.

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Public Hearing was closed.

**(RESOLUTION #10-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to repeal and adopt the aforementioned advertised Chapter 3: Public Dance Hall Ordinance.

MOTION BY: Bob Camicia

SECONDED BY: Tim Tatum

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**ADOPTION OF FY'2016-2017 ADVERTISED & PROPOSED BUDGET**

Vincent Copenhaver, Director of Finance, and Brent Robertson, County Administrator, shared with the Board the following Budget PowerPoint presentation:



## Total Proposed Budget

**\$134,409,866**

- \$576,645 increase from the County Administrator’s budget presented on April 4, 2016.
- The Board approved \$576,645 in additional local school funds on May 17, 2016.
- Revised School Budget is now \$85,197,513 and is included in the \$134.4 million total County budget.

## Summary of Changes

Department	Description	Amount
Sheriff	Operating Accounts	(\$131,000)
Sheriff	Capital – Vehicle Replacement	(\$100,000)
Sheriff	Capital – Vehicle Up-fit	(\$40,000)
Non-Departmental	Board Contingency	\$56,000
Non-Departmental	Fuel Reserve	\$75,000
Capital Fund	Capital Reserve	\$140,000
County Administrator	Part-Time	(\$30,000)
Non-Departmental	Board Contingency	\$30,000

The Board stated the \$30,000 Part-Time Funds were in proposed FY'2016-2017 is still in the proposed budget.

General discussion ensued.

**(RESOLUTION #11-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the proposed FY'2016-2017 budget in the amount \$134,409,866 (including the \$30,000 PT funding within the County Administrator's Budget.

MOTION BY: Bob Camicia  
 SECONDED BY: Tommy Cundiff  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Cundiff, Camicia, Tatum & Brubaker  
 NAYS: Mitchell, Thompson & Wagner

THE MOTION PASSED WITH A 4-3 VOTE

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**ADOPTION OF APPROPRIATION RESOLUTION/FY'2016-2017**

Vincent Copenhaver, Director of Finance, shared with the Board the Appropriation Resolution for FY'2016-2017, as follows:

APPROPRIATIONS  
 RESOLUTION  
 EXHIBIT A

Real Estate	\$ 35,936,923	Shared Expenses Sheriff	\$ 3,067,937
Public Service Corp	996,113	Shared Expenses Comm of Revenue	168,503
Personal Property	9,773,620	Shared Expenses Treasurer	154,782
Machinery and Tools	832,741	Shared Expenses Registrar	44,000
Merchants Capital	724,567	Shared Expenses Clerk of Court	367,002
Penalties and Interest	700,000		
		Public Assistance Grants	4,641,665
Sales Tax	4,266,691	VJCCCA Grant	20,040
Communications Tax	2,175,654	Family Resources Grants	176,974
Consumer Utility Taxes	980,000	Comprehensive Services Grant	3,200,042
County Business License	4,000	Franklin Center Grants	47,000
Franchise License Tax	237,000		
Motor Vehicle License Fees	1,970,318	Personal Property Tax Relief	2,626,618
Bank Stock Taxes	180,000		
Tax on Deeds	455,000	Library Grants	153,449
Hotel/Motel Trans Occupancy Tax 2%	35,000	Recordation Taxes - State	160,000
Hotel/Motel Trans Occupancy Tax 3%	52,000	Aging Services Grants	127,322
Meals Tax	1,058,151	Grantor Tax on Deeds	125,000
		Drug Enforcement Grants	12,000
Licenses and Fees	368,778	Park Land - Pymt in Lieu of Tax	18,200
Court Fines and Costs	50,000	Fund Balance	<u>0</u>
Interest on Bank Deposits	620,000	Total General Fund	<u>80,931,080</u>
Rent, Miscellaneous	494,527	Capital Fund	3,235,501
		Asset Forfeiture Fund	10,000
Clerk of Court Fees	138,379	E911 Fund	977,663
Commonwealth Attorney Fees	5,000	School Capital Fund	975,062
Off Duty Pay for Sheriff Deputies	55,300	Law Library	10,000
		Debt Service Fund	3,975,988
Animal Control Fees	5,651	Utilities	24,000
Landfill Fees	818,170	Courthouse Maintenance Fund	<u>44,000</u>
Aging Services Local Revenue	10,000	Total - Other Funds	<u>9,252,214</u>
Family Resource Center Donations	27,463		
Recreation Fees	140,000	Schools:	
EMS Billing Revenue	1,294,564	Local (Cafeteria, Miscellaneous)	3,281,797
Library Fines and Fees	35,000	State	40,934,763
Franklin Center Fees	9,500	Federal	8,082,801
Sale of Maps and Code	540	County	32,860,733
		Canneries	<u>37,419</u>
		Total School Funds	<u>85,197,513</u>
Recovered Costs	630,587		
		Total Budget	<u>175,380,807</u>
Motor Vehicle Carriers Tax	40,000		
Mobile Home Titling Tax	76,000	Less Transfers Between Funds	<u>(40,970,941)</u>
Motor Vehicle Rental Tax	38,000		
Shared Expenses Comm Attorney	585,309	Total Net Budget	<u>\$ 134,409,866</u>

APPROPRIATIONS RESOLUTION  
EXHIBIT B

County of Franklin  
Adopted Expenditures  
Fiscal Year 2016-2017

General Government Administration

Board of Supervisors	\$ 363,317	Family Resource Center	\$ 258,483
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		Aging Services	222,777
<b>General and Financial Administration</b>			<u>11,786,911</u>
County Administrator	402,698		
Commissioner of Revenue	616,285	<b>Parks, Recreation and Cultural</b>	
Reassessment	150,000	Parks and Recreation	1,046,040
Treasurer	509,287	Library Administration	<u>930,094</u>
Finance	256,904		<u>1,976,134</u>
Risk Management	400,111	<b>Community Development</b>	
Human Resources	125,554	Planning Agencies	594,529
		Planning & Community Development	541,050
Information Technology	1,177,637	Economic Development	1,015,102
Registrar	292,121	GIS and Mapping	151,813
	<u>4,293,914</u>	Franklin Center	196,192
		Tourism Development	258,221
<b>Judicial Administration</b>		Virginia Cooperative Extension	109,641
Circuit Court	105,437		<u>2,866,548</u>
General District Court	7,080	<b>Nondepartmental</b>	667,645
Magistrate	2,000	<b>Transfers to Other Funds</b>	
Juvenile and Domestic Rel Court	17,750	Schools - Operations	30,504,781
Clerk of the Circuit Court	638,890	Schools - Debt Service	2,355,952
Sheriff - Courts	725,303	Schools - Canneries	37,419
Juvenile Court Services	430,901	County Capital	3,235,501
		Utilities	15,000
Commonwealth Attorney	787,092	Debt Service	2,929,563
	<u>2,714,453</u>	E911	917,663
			<u>39,995,879</u>
<b>Public Safety</b>		Subtotal	
Sheriff - Law Enforcement	4,134,070	<b>Total General Fund</b>	<u>80,931,080</u>
Correction and Detention	3,959,342	<b>Other Funds:</b>	
Building Inspections	499,094	<b>E911</b>	977,663
Animal Control	276,413	<b>Debt Service</b>	3,975,988
Public Safety	4,216,594	<b>Capital Fund</b>	3,235,501
	<u>13,085,513</u>	<b>Law Library Courthouse Maintenance</b>	10,000
<b>Public Works</b>		<b>Utilities</b>	24,000
Road Viewers	0	<b>School Capital</b>	975,062
Public Works	214,436	<b>Forfeited Assets</b>	10,000
Solid Waste and Recycling	2,066,006	<b>Schools</b>	<u>85,197,513</u>
			<u>175,380,807</u>
General Buildings and Grounds	1,263,641		
	<u>3,544,083</u>	Less Transfers Between Funds	<u>(40,970,941)</u>
<b>Health and Welfare</b>		Total Net Budget	\$ <u>134,409,866</u>
Health Department	370,000		
Community Services	109,511		
Social Services	6,028,136		
CSA	4,798,004		

**ANNUAL RESOLUTION OF APPROPRIATION OF THE COUNTY OF FRANKLIN FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017**

*A resolution to appropriate designated funds and accounts from specified estimated revenues for FY 16-17 for the operating budget and the Capital Improvements Program for the County of Franklin and to authorize and empower County officers to expend funds and manage cash assets; and to establish policies under which funds will be expended and managed.*

The Franklin County Board of Supervisors does hereby resolve on this 21<sup>st</sup> day of June, 2016 that, for the fiscal year beginning on July 1, 2016, and ending on June 30, 2017, the following sections are hereby adopted.

- Section 1. The cost centers shown on the submitted table labeled Appropriations Resolution, Exhibit B, are hereby appropriated from the designated estimated revenues as shown on the submitted table labeled Appropriations Resolution, Exhibit A.
- Section 2. Appropriations, in addition to those contained in this general Appropriations Resolution, may be made by the Board of Supervisors only if deemed appropriate and there is available in the fund unencumbered or unappropriated sums sufficient to meet such appropriations.
- Section 3. The School Board and the Social Services Board are separately granted authority for implementation of the appropriated funds for their respective operations. By this resolution the School Board and the Social Services Board are authorized to approve the transfer of any unencumbered balance or portion thereof from one classification of expenditure to another within their respective funds in any amount.
- Section 4. The County Administrator is expressly authorized to approve transfers of any unencumbered balance or portion thereof from one classification of expenditure to another within the same fund for the efficient operation of government.
- Section 5. All outstanding encumbrances, both operating and capital, at June 30, 2016 shall be reappropriated to the FY 2016-2017 fiscal year to the same cost center and account for which they are encumbered in the previous year.
- Section 6. At the close of the fiscal year, all unencumbered appropriations lapse for budget items other than those involving ongoing operational projects, or programs supported by grants or County funds, which must be preapproved by the County Administrator or his designee. Such funds must be applied to the purpose for which they were originally approved.
- Section 7. Appropriations previously designated for capital projects will not lapse at the end of the fiscal year but shall remain appropriated until the completion of the project if funding is available from all planned sources, or until the Board of Supervisors, by appropriate ordinance or resolution, changes or eliminates the appropriation. Upon completion of a capital project, the County Administrator is hereby authorized to close out the project and return to the funding source any remaining balances. This section applies to all existing appropriations for capital projects at June 30, 2016 and appropriations as they are made in the FY16-17 Budget. The County Administrator is hereby authorized to approve construction change orders to contracts up to an increase not to exceed the budgeted project contingency and approve all change orders for reduction of contracts.
- Section 8. The approval of the Board of Supervisors of any grant of funds to the County shall constitute the appropriation of both the revenue to be received from the grant and the County's expenditure required by the terms of the grant, if any. The appropriation of grant funds will not lapse at the end of the fiscal year but shall remain appropriated until completion of the project or until the Board of Supervisors, by appropriate resolution, changes or eliminates the appropriation. The County Administrator may increase or reduce any grant appropriation to the level approved by the granting agency during the fiscal year. The County Administrator may approve necessary accounting transfers between cost centers and funds to enable the grant to be accounted for in the correct manner. Upon completion of a grant project, the County Administrator is authorized to close out the grant and return to the funding source any remaining balance. This section applies to appropriations for grants outstanding at June 30, 2016 and appropriations in the FY 16-17 Budget.
- Section 9. The County Administrator may reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the Federal Government to the level approved by the responsible state or federal agency.
- Section 10. The County Administrator is authorized to make transfers to the various funds for which there are transfers budgeted. The County Administrator shall transfer funds only as needed up to amounts budgeted or in accordance with any existing bond resolutions that specify the matter in which transfers are to be made.

- Section 11. Appropriations are hereby authorized for the Courthouse Maintenance Fund, the Forfeited Assets Program Fund, the Law Library Fund, the E911 Fund, the Debt Service Fund, the Utility Fund and EMS Billing Revenue equal to the total cash balance on hand at July 1, 2016, plus the total amount of receipts for the fiscal year 2016-2017. The County Administrator is also authorized to appropriate carryover funds from any designated revenues or donated funds.
  
- Section 12. The Treasurer may advance monies to and from the various funds of the County to allow maximum cash flow efficiency. The advances must not violate County bond covenants or other legal restrictions that would prohibit an advance.
  
- Section 13. All procurement activities with funds appropriated herein shall be made in accordance with the County purchasing ordinance and applicable state statutes.
  
- Section 14. It is the intent of this resolution that funds be expended for the purpose indicated in the budget; therefore, budgeted funds may not be transferred from operating expenditures to capital projects or from capital projects to operating expenses without the prior approval from the Board of Supervisors. Also, funds may not be transferred from one capital project to another without the prior approval of the Board of Supervisors.
  
- Section 15. The County Administrator is authorized, pursuant to State statute, to issue orders and checks for payments where funds have been budgeted, appropriated, and where sufficient funds are available. A listing of vendor payments shall be presented to the Board of Supervisors not less frequently than monthly.
  
- Section 16. Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional and proportionate appropriations – the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all the appropriations in full. Otherwise, the said appropriations shall be deemed to be payable in such proportions as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.
  
- Section 17. All revenues received by an agency under the control of the Board of Supervisors or by the School Board or by the Social Services Board not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by said agency under the control of the Board of Supervisors or by the School Board or by the Social Services Board without the consent of the Board of Supervisors being first obtained, and those sums appropriated to the budget. Any grant approved by the Board for application shall not be expended until the grant is approved by the funding agency for drawdown. Nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.
  
- Section 18. Allowances out of any of the appropriations made in this resolution by any or all County departments, commissions, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the same rate as that established by the State of Virginia for its employees and shall be subject to change from time to time to maintain like rates.
  
- Section 19. All previous appropriation ordinances or resolutions to the extent that they are inconsistent with the provisions of this resolution shall be and the same are hereby repealed.
  
- Section 20. This resolution shall become effective on July 1, 2016.

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**(RESOLUTION #12-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the aforementioned Appropriation Ordinance for FY'16-17, as submitted with the revised total from the previous budget adoption approval (\$30K added back to the County Administrator's budget).

MOTION BY: Bob Camicia

SECONDED BY: Tim Tatum

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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**CLOSED MEETING**  
**(RESOLUTION #13-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-1, Personnel, of the Code of Virginia, as amended.

MOTION BY: Tim Tatum

SECONDED BY: Bob Camicia

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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MOTION: Ronnie Thompson

**RESOLUTION: #14-06-2016**

SECOND: Tim Tatum

MEETING DATE JUNE 21, 2016

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, Cundiff, Camicia, Tatum & Brubaker

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

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**APPOINTMENTS:"**

**THE FOLLOWING TERMS ARE UP FOR RE/APPOINTMENT  
(NOTIFICATION IS GIVEN ACCORDING TO THE BOARD'S POLICY/60 DAYS PRIOR TO EXPIRATION)**

COMMITTEE	NAME	ADDRESS	AREA	YEAR	TERM EXPIRES
AG BOARD <b>See Attachment A</b>	Daniel Austin	5688 Old Forge Road Rocky Mount, VA 24151	Crops	OPEN	12/15/2015
	Lynn Satalino	220 Mallard Point Road Wirtz, Va 24184	Equine	OPEN	12/15/2015
AGING SERVICES BOARD <b>See Attachment B.</b>		<b>VACANCY</b>	Blackwater	4 - Year	7/1/2016
		<b>VACANCY</b>	Blue Ridge	4 - Year	7/1/2016
		<b>VACANCY</b>	Union Hall	4 - Year	7/1/2016
DAN RIVER ASAP <b>See Attachment C</b>	Brandt Gawor	245 Farmington Road Hardy, VA 24101	Open District	3 - Year	6/30/2016
FERRUM WATER & SEWER AUTHORITY <b>See Attachment D</b>	Charlton "Brad" Bishop	289 Fairmont Drive Bassett, VA 24055		4 - Year	2/1/2019
LIBRARY <b>See Attachment E</b>	Nora Bowman	266 Sunflower Lane	Blackwater	4 - Year	6/30/2018 Unexpired Term
	Rebecca Mushko	8 Listening Hill Road Penhook, Virginia 24137	Union Hall	4 - Year	6/30/2017 Unexpired Term
PLANNING COMMISSION <b>See Attachment F</b>	Deborah Crawford	328 Brooks Point Lane Union Hall, VA 24176	Union Hall	4 - Year	6/30/2020
RECREATION COMMISSION <b>See Attachment G</b>	Jessica Gawor	245 Farmington Road Hardy, VA 24101	At Large Member	3 - Year	6/30/2015
RO. VALLEY ALLEGHANY REGIONAL COMMISSION <b>See Attachment H</b>	Chris Whitlow	1255 Franklin Street Rocky Mount, VA 24151	Citizen/Staff Rep	3 - Year	6/30/2016
	Ronnie Thompson	1629 Deepwoods Road Hardy, VA 24101	BOS Rep	3 - Year	6/30/2016
	Bob Camicia	143 Charlotte Lane Hardy, VA 24101	BOS Rep	3 - Year	6/30/2016
	Charles Wagner	330 Riverview Street Rocky Mount, VA 24151	BOS Rep	3 - Year	6/30/2016
SOCIAL SERVICES BOARD <b>See Attachment I</b>	John Lipscomb	346 Quail Valley Lane Boones Mill, VA 24065 <b>VACANCY</b>	Boone	4 - Year	6/30/2016
			Snow Creek	4 - Year	6/30/2016
TLAC <b>See Attachment J</b>	Brent Robertson	1255 Franklin Street Rocky Mount, VA 24151	Co. Adm.	1 Year	1/31/2017
VA. WESTERN COMMUNITY COLLEGE <b>See Attachment K</b>	Dr. Karen Hiltz	327 Mariners Cove Drive Moneta, VA 24121	Citizen Rep	4 - Year	6/30/2020
WP BUSINESS DEVELOPMENT <b>See Attachment L</b>	Barry Bridges	125 Woodlake Drive Moneta, VA 24121	Open District	3 - Year	6/30/2016
WEST PIEDMONT PLANNING COMMISSION BOARD <b>See Attachment M</b>	Bobby Thompson	Post Office Box 40 Ferrum, VA 24088	BOS Rep	1-Year	12/31/2015

**(RESOLUTION #15-06-2016)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint/re-appoint the following:

Ferrum Water & Sewer Authority	Brad Bishop	4 Yr. Term	2/1/2019
Ro. Valley Alleghany Regional	Chris Whitlow	3 Yr. Term	6/30/2019
Ro. Valley Alleghany Regional	Ronnie Thompson	3 Yr. Term	6/30/2019
Ro. Valley Alleghany Regional	Bob Camicia	3 Yr. Term	6/30/2019
Ro. Valley Alleghany Regional	Charles Wagner	3 Yr. Term	6/30/2019
Planning Commission	Deborah Crawford	4 Yr. Term	6/20/2020
Social Services	John Lipscomb	4 Yr. Term	6/30/2020
TLAC	Brent Robertson	1 Yr. Term	1/31/2017
Va. Western Comm. College	Dr. Karen Hiltz	4 Yr. Term	6/30/2020

MOTION BY: Tim Tatum

SECONDED BY: Bob Camicia

VOTING ON THE MOTION WAS AS FOLLOWS:

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

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Chairman Brubaker adjourned the meeting.

CLINE BRUBAKER  
CHAIRMAN

SHARON K. TUDOR, MMC  
COUNTY CLERK

