



**Franklin City Council Agenda
January 27, 2020
Franklin City Hall Council Chambers
207 West 2nd Avenue**

6:00 P.M.

Agencies & Organizations Budget Presentations

7:00 P.M.

Regular Meeting

CALL TO ORDER. MAYOR FRANK M. RABIL

PLEASE TURN OFF CELL PHONES. MAYOR FRANK M. RABIL

PLEDGE OF ALLEGIANCE

CITIZEN'S TIME

AMENDMENTS TO AGENDA

1. CONSENT AGENDA:

A. Approval of January 13, 2020 regular meeting minutes

2. FINANCIAL MATTERS

A. Davenport Update

3. OLD/ NEW BUSINESS:

A. IOW Memorandum of Understanding Revenue Sharing Area

B. Adult Protective Services Overview

C. Courthouse Update

D. City Manager's Report

a. Hurricane Floyd 25th Anniversary Committee

4. COUNCIL/STAFF REPORTS ON BOARDS/COMMISSIONS

5. CLOSED SESSION

I move that the City of Franklin, Virginia City Council adjourn into a closed meeting pursuant to Virginia Code Section 2.2-3711-1, to discuss appointments to boards and commissions, to discuss the following subject or subjects: Franklin Redevelopment and Housing Authority and Hurricane Floyd 25th Anniversary Committee

And pursuant to Virginia Code Section 2.2-3711-7 briefing by staff members on actual or probable litigation where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body.

Motion Upon Returning to Open Session- I move that the City of Franklin, Virginia City Council adopt the attached closed meeting resolution to certify 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 held on January 27, 2020; (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City of Franklin, Virginia City Council; and (iii) no action was taken in closed meeting regarding the items discussed.

6. ADJOURNMENT

UPCOMING ITEMS TO BE SCHEDULED

The items below are intended to be reflective, and not inclusive of all subjects staff is working on to bring forward to City Council in the next two months. Both the time lines and subject matter are subject to change and should not be considered final.

<u>SUBJECT</u>	<u>TENTATIVE TIMELINE</u>
Planning Commission Items	February 10, 2020
2 nd Quarter Financial Projections	February 10, 2020

MINUTES FROM THE JANUARY 13, 2020 REGULAR CITY COUNCIL MEETING

The Franklin City Council held a regular meeting on Monday, January 13, 2020 at 7:00 p.m. in the Council Chambers at City Hall.

Council Members in Attendance: Frank Rabil, Mayor; Barry Cheatham, Vice-Mayor; Councilman Linwood Johnson; Councilman Bobby Cutchins; Councilwoman Wynndolyn Copeland; Councilman Gregory McLemore; and Councilman Benny Burgess

Staff in Attendance: Amanda Jarratt, City Manager and Vivian Seay-Giles, Sands Anderson Attorney; Leesa Barnes, Executive Assistant, Recording Minutes

Other Staff in Attendance: Russ Pace, Director of Public Works; Dan Howe, Director of Downtown Franklin Association; Dinah Babb, Treasurer; Samara Green-Bailey, Interim Director of Parks & Recreation; Brenda Rickman, Commissioner of the Revenue; Mark Bly, Director of Power & Light; Vernie Francis, Director of Emergency Services; Steve Patterson, Chief of Franklin City Police Department; Sarah Rexrode, Director of Social Services; Michele Dandridge, Director of Human Resources and Tracy Spence, Director of Finance

Call to Order

Frank Rabil, Mayor called the January 13, 2020 Regular City Council Meeting to order.

Citizen's Time

No one signed up to speak at Citizen's Time.

Amendments to Agenda

Mayor Frank Rabil asked if there were any amendments to the agenda.

Vice-Mayor Barry Cheatham made a motion to amend the agenda by adding the minutes from the December 4, 2019 meeting with the General Assembly Delegates. The motion was seconded by Councilwoman Wynndolyn Copeland.

The motion carried the vote by 7-0.

Approval of November 18, 2019 Minutes

Mayor Frank Rabil asked if there were any additions or corrections to the minutes from the November 18, 2019 Joint Courthouse Meeting with the Southampton County Board of Supervisors.

There being none Mayor Frank Rabil asked for a motion of approval.

Councilman Linwood Johnson made a motion to approve the minutes from the November 18, 2019 Joint Courthouse Meeting with the Southampton County Board of Supervisors. Vice-Mayor Barry Cheatham seconded the motion.

The motion carried the vote by 7-0.

Approval of November 25, 2019 Minutes

Mayor Frank Rabil asked if there were any additions or corrections to the minutes from the November 25, 2019 Regular City Council Meeting.

There being none Mayor Frank Rabil asked for a motion of approval.

Vice-Mayor Barry Cheatham made a motion to approve the minutes from the November 25, 2019 Regular City Council Meeting. The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Approval of December 4, 2019

Mayor Frank Rabil asked if there were any additions or corrections to the minutes from the December 4, 2019 Meeting with the General Assembly Delegates.

Councilman Bobby Cutchins stated he was shown as being present at the December 5, 2019 meeting and he was not in attendance.

Vice-Mayor Barry Cheatham was also not present at the December 5, 2019 meeting and he was shown as present.

Councilman Linwood Johnson made a motion to approve the minutes from the December 4, 2019 meeting with the General Assembly Delegates with corrections made The motion was seconded by Councilwoman Wynndolyn Copeland.

The motion carried the vote 4-3.

The vote was as follows:

Mayor Frank Rabil	AYE
Vice-Mayor Barry Cheatham	ABSTAIN
Councilman Linwood Johnson	AYE
Councilman Bobby Cutchins	ABSTAIN
Councilwoman Wynndolyn Copeland	AYE
Councilman Gregory McLemore	ABSTAIN
Councilman Benny Burgess	AYE

Approval of December 5, 2019

Mayor Frank Rabil asked if there were any additions or corrections to the minutes from the December 5, 2019 Joint Budget Meeting with City Council and Franklin City School Board.

There being none Mayor Frank Rabil asked for a motion of approval.

Vice Mayor Barry Cheatham made a motion to approve the minutes from the December 5, 2019 Joint Budget Meeting with City Council and Franklin City School Board. The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Approval of December 9, 2019

Mayor Frank Rabil asked if there were any additions or corrections to the minutes from the December 9, 2019 Regular City Council Meeting.

There being none Mayor Frank Rabil asked for a motion of approval.

Vice Mayor Barry Cheatham made a motion to approve the minutes from the December 9, 2019 Regular City Council Meeting. The motion was seconded by Councilwoman Wynndolyn Copeland.

The motion carried the vote by 7-0.

Introduction of New Employees

Amanda Jarratt, City Manager introduced Sarah Rexrode, who is the new Social Services Director that was hired on January 2, 2020 to come forward and introduce the following new employees:

- Marshall Cutler joined the Social Services Department on June 24, 2019 as a Benefit Programs Specialist, II.
- Erica Ricks joined the Social Services Department on December 6, 2019 as a Benefit Programs Specialist, II.
- Elizabeth Burgess joined the Social Services Department on May 7, 2019 as a Benefit Programs Specialist, I.
- Rebecca Rose joined the Social Services Department on January 11, 2019 as a Family Services Specialist, I.

City Manager Jarratt recognized Russ Pace, Director of Public Works to come forward and introduce the following new employees:

- Octavious Kindred joined the Public Works Department on December 6, 2019 as a custodian in the Building Maintenance Division.
- Joe Smith joined the Public Works Department on December 20, 2019 as a Construction Maintenance Worker, II in the Streets Division.
- Dustin Futrell joined the Public Works Department on January 3, 2020 as a Construction Maintenance Worker, II in the Streets Division.

Financial Matters

Budget Amendment 2020-9

City Manager Amanda Jarratt stated that the Franklin City School Division requested that the following carryover funds be added to the current FY2019 – 2020 Budget. The funds will be used for:

• New financial management software	\$ 86,803.00
• 1:1 Chrome Book initiative grades 3 – 5	\$135,000.00
• Purchase replacement van for Maintenance Department	\$ 25,390.00
• Replace transmission on Bus #24	\$ 4,400.00
• Install air condition on existing busses #25 and #27	\$ 18,000.00
• Replace teacher laptops	\$ 65,737.00
Total Carryover requested	\$335,330.00

Councilman Gregory McLemore made a motion to approve Budget Amendment 2020-9. The motion was seconded by Councilwoman Wynndolyn Copeland.

Mayor Frank Rabil asked for clarification that these requested items were included in last year’s budget.

Tamara Sterling, Superintendent of Franklin City Schools replied yes, all of the requested items were in last year’s budget except for the financial management software.

The motion carried the vote by 7-0.

Old / New Business

Village Bond Refinancing Resolution 2020-01

City Manager Amanda Jarratt gave an overview of the Village Bond Refinancing Resolution 2020-01. She informed Council that in the fall of 2019, The Village at Woods Edge began communicating with the City of Franklin regarding the possibility of refinancing the existing bond debt held by the facility. The Code of Virginia Section 15.2 – 4901 allows the Village to utilize a portion of the City of Franklin’s ability to obtain up to an annual \$10M in tax free bond borrowing power. To quote the act in part, “It is the intent of the legislature to authorize the creation of industrial development authorities by the localities in the Commonwealth so that such authorities may make loans to the end that such authorities may be able to promote industry and develop trade ... with respect to medical facilities and facilities for the residence or care of the aged to inhabitants of the Commonwealth by assisting in the construction of facilities in order to provide modern and efficient medical services and care of the aged of the Commonwealth in accordance with their special needs...”

As was done previously the City will allocate a portion of its tax free lending power to the Franklin Industrial Development Authority on behalf of the Village allowing them to take advantage of favorable interest rates currently available. This transaction does not negatively impact the City’s ability to borrow funds for this

calendar year. The bonds are to be repaid by the Village and are collateralized by the revenues pledged from the Village operation. The debt is further supported by a deed of trust on the property owned by the Village. The City of Franklin is incurring no liability by allowing this transaction to occur.

The proposed resolution and transaction have been reviewed by Sands Anderson and Davenport on behalf of the City of Franklin.

The City of Franklin Industrial Development Authority met on January 7, 2020 to consider this matter and approved the resolution unanimously.

Vice-Mayor Barry Cheatham stated the last resolution that was done like this included Southampton County and asked if this would be the same.

Megan Martz Gilliland of Kaufman and Canoles answered no, this is strictly for the City of Franklin.

A motion was made by Vice-Mayor Barry Cheatham to approve the Village Bond Refinancing Resolution 2020-01. The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

City Manager Amanda Jarratt asked Mayor Frank Rabil to abstain his vote due to he serves on the Village at Woods Edge Board.

The vote was 6-1.

The vote was as follows:

Mayor Frank Rabil	ABSTAIN
Vice-Mayor Barry Cheatham	AYE
Councilman Linwood Johnson	AYE
Councilman Bobby Cutchins	AYE
Councilwoman Wynndolyn Copeland	AYE
Councilman Gregory McLemore	AYE
Councilman Benny Burgess	AYE

Consideration of Eastern Virginia Regional Industrial Facility Authority Resolution 2020-2

City Manager Amanda Jarratt gave a brief overview of the consideration of Eastern Virginia Regional Industrial Facility Authority Resolution 2020-2. She explained that in the fall of 2017, the City of Newport

News was part of a team that submitted a GO Virginia application to establish the Hampton Roads Unmanned Systems Facility (HRUSF) in York County where companies can safely test and develop unmanned systems technology for commercial applications Gloucester County, Hampton, James City County, Poquoson, Williamsburg and York County were the other localities that participated in the application. In early 2018, the GO Virginia application was approved, along with initial funding in the amount of \$150,000 to support two preliminary activities: the creation of a regional industrial facility authority (RIFA) and the development of architecture and engineering plans for HRUSF.

Staff from Newport News and the other participating localities have worked to advance the first task of creating a RIFA as allowed by the Code of Virginia, and, with the support of outside legal counsel and the respective City and County Attorney offices of the participating localities, have developed the documents necessary to create the RIFA, which is called the Eastern Virginia Regional Industrial Facility Authority (EVRIFA). This issue has been discussed at length at regional meetings over the last few months and the other Hampton Roads localities have been invited to join. Isle of Wight County is the most recent locality to join.

Joining the EVRIFA was discussed at the recent City Council retreat and labeled as an item to prioritize. In order for the City of Franklin to join EVRIFA, participating localities will each need to adopt ordinances authorizing the creation of EVRIFA and execution of the Agreement Creating the Eastern Virginia Regional Industrial Facility Authority.

Once the City of Franklin completes the process which is adopt the ordinance, the enacting agreement and send the formal communication correspondence to the RIFA Board. Once the City has been approved the By-laws state the City would then choose two representatives and two alternates.

Councilman Benny Burgess asked if the initial joining fee would be \$2,750.00 and the annual fee is \$1,500.00.

City Manager Jarratt confirmed that was correct.

Vice-Mayor Barry Cheatham made a motion to adopt the resolution as presented and authorize execution of the agreement, creating the EVRIFA, and allocate funding for the first year of dues. The motion was seconded by Councilman Linwood Johnson.

Councilman Gregory McLemore asked what was the maintenance fee for.

City Manager Jarratt answered the maintenance fee was for the City of Hampton is staffing this agreement so the maintenance fee is for staffing, meeting materials and legal counsel.

Councilman Gregory McLemore asked how many cities had joined.

City Manager Jarratt answered City of Newport News, City of Hampton, Gloucester County, James City County, Poquoson, Williamsburg, York County and most recently Isle of Wight County. The fee schedule is based on population.

The motion carried the vote by 7-0.

Courthouse Update

Southampton County Courthouse

Mike Johnson, Administrator for Southampton County is waiting on score sheets from the newly seated Board of Supervisors scoring the three architect firms bidding for the Southampton County Courthouse project prior to scheduling a meeting with the negotiating team consisting of Councilman Bobby Cutchins; Dr. Alan Edwards, Chairman of the Southampton County Board of Supervisors, representing Jerusalem District; Mike Johnson, Southampton County Administrator and Amanda Jarratt, City Manager for City of Franklin.

Mayor Frank Rabil asked if County Administrator Johnson had given any indication when the County will convene the meeting with the Southampton County Board of Supervisors.

City Manager Jarratt replied that County Administrator Johnson was hoping to receive all score sheets by the end of the week.

She added the Southampton County Board of Supervisors had decided to move their meeting to fourth Tuesday of the month instead of the fourth Monday of the month.

City of Franklin Courthouse

City Manager Amanda Jarratt informed City Council that she was in the process of scheduling an interview date with Enteros which was the first ranked architect firm that was bidding on the City of Franklin Courthouse renovation.

City Manager's Report

City Manager Amanda Jarratt updated City Council on the following:

- There is continuing communication with Verizon about the status of the cell tower and when it will become operational.
- Hayden Village Center received a temporary Certificate of Occupancy allowing them to begin to utilize the facility.
- The Charles Street Gym in Franklin has been recognized for its lasting value by the Department of Historic Resources and included as one of sixteen places to merit listing on the Virginia Landmark Register in 2019.

Mayor Frank Rabil stated we needed to give a huge thanks to Clyde Parker for the work he put forth into making that project a reality.

- As a result, to the City Council Retreat and the Town Hall meetings in 2020 there will be four Amnesty Weeks.
 - First Quarter: February 3, 2020 – February 7, 2020
 - Second Quarter: April 6, 2020 – April 10, 2020
 - Third Quarter: August 10, 2020 – August 14, 2020
 - Fourth Quarter: November 2, 2020 – November 6, 2020

City Manager Jarratt stated she had received questions concerning when taxes are due and the dates when due are as follows:

- Business Personal Property: February 15, 2020

MINUTES FROM THE JANUARY 13, 2020 REGULAR CITY COUNCIL MEETING

- Business License: March 1, 2020
- State Income Taxes: May 1, 2020
- Tax relief for the Elderly: August 1, 2020
- Real Estate Taxes: December 5, 2019 & June 5, 2020
- Personal Property Taxes: December 5, 2019
- Meals and Lodging Taxes: 20th of every month
- Cigarette Tax: When Stamps are purchased

City Manager Jarratt reminded everyone that City operations will be closed Friday, January 17, 2020 and Monday January 20, 2020 in observation of Lee Jackson Day and Martin Luther King Day. Friday's trash route will be picked up on Tuesday, January 21, 2020 with Tuesday's route. Monday's route will be picked up on Wednesday, January 22, 2020 with Wednesday's route. She asked that City Council to please remind their constituents of this change.

City Manager Jarratt informed Council that the City of Franklin made the regional news. The Franklin City Police Department's canine, Officer Aries received a bullet proof vest from the non-profit organization Vested Interest in Canines, Inc.

Community Events

City Manager Amanda Jarratt informed Council of the following community events:

- The Tidewater News in conjunction with Franklin Southampton Economic Development, Inc. are hosting a Job Fair on January 22, 2020 from 3:00 p.m. – 7:00 p.m. at the Workforce Development Center.
- Partners in Progress is scheduled for March 17, 2020 7:30 a.m. – 9:00 a.m. at the Main Event. Please call 757 562-1958 to RSVP.
- The Franklin Experience has planned a Lumber Jack Festival scheduled for May 9, 2020.
- National Night Out is scheduled for August 4, 2020 at Armory Field. If anyone is interested in participating or being a part of the planning committee, please e-mail nno@franklinpolice.org.

Mayor Frank Rabil asked if there were any questions.

Councilman Benny Burgess asked if there was any recourse in forcing Verizon to get the cell tower operating being that it is almost ninety days behind schedule. He added can something be put in writing about Verizon assuming some liability for not having the tower operational.

City Manager Jarratt stated she would send Verizon a letter concerning the cell tower.

Council / Staff Reports on Boards / Commissions

Vice-Mayor Barry Cheatham informed Council that Western Tidewater Regional Jail Board met, everything is going well with operations and they are right on budget. The fed levels are maintaining above what was budgeted for. The Western Tidewater Regional Jail has the lowest cost jail, the daily cost per person in the jail is the second lowest in the region and seventh lowest in the state. The Western Tidewater Regional Jail is also ranked as one of the top three jails in the state.

City Manager Amanda Jarratt added that she asked the City of Franklin's Chamber of Commerce to add the Federal Overhead Cost Recovery to their Legislative Agenda.

Councilman Gregory McLemore stated he has received questions regarding the Franklin Redevelopment and Housing Authority Board and the fact that Council members are no longer serving on the board. Councilman McLemore took the liberty to talk with Mr. Parham who is a member of the Franklin Redevelopment and Housing Authority Board and invited him to come into closed session at the desire of Council so that he can keep Council informed as to what is taking place within the board.

Mayor Frank Rabil stated he appreciates the fact that Councilman McLemore invited Mr. Parham to come into closed session but it is at the discretion of Council. He cautioned Council to be careful because this is just one board member giving his perspective versus the whole board giving their perspective.

Councilman McLemore stated he agreed with Mayor Rabil's statement but Council has made two attempts to meet with the Board tonight being the second. The Board has refused with reasons why they will not meet with Council. I think a board member can give Council perspective as to why they keep refusing to meet with Council.

Councilman Gregory McLemore made a motion to invite Mr. Parham who serves on the Franklin Redevelopment and Housing Authority Board to come into closed session and meet with Council.

Councilman Benny Burgess asked if there any problem legally that would prevent Council from inviting Mr. Parham into closed session.

Vivian Seay-Giles, the City of Franklin's legal counsel replied legally that could be done.

Councilman Benny Burgess seconded the motion with the statement that the whole board had the opportunity to attend the City Council meeting and only one board member did and he thinks that Council should listen to what Mr. Parham has to say.

Mayor Frank Rabil opened the floor for discussion.

Councilman Linwood Johnson stated that proper protocol would be to invite the entire board, only inviting one board member would put a lot of undo pressure on a single individual.

Councilman Burgess stated the FHRA Board has refused Council invitation to meet with them.

Councilman Johnson stated the FHRA Board did not refuse to meet they gave a later date to meet with Council which was March 9, 2020; let's make that correction.

Mayor Rabil stated the FRHA Board did give an alternative date but Council has been trying to meet with them since November.

Councilman McLemore stated perhaps Mr. Parham can give Council a reason why the Board has been so reluctant to meet with Council.

Vice-Mayor Barry Cheatham stated that he thought he understood in the letter that it was a unanimous choice of their board not to meet with Council.

Councilman McLemore stated that if Mr. Parham did not vote to meet with Council, then that is something that we need to be aware of. He added that at the last meeting two board members were not informed that Council had requested to meet with them so what does it hurt for us to hear from another board member.

Councilman Johnson stated this is not proper protocol, if it was a unanimous vote not to meet with Council then why bring in one board member to meet that does not make sense. He added we will get more information if we meet with the full board at the proper time.

Councilman McLemore stated we will get more information if we meet with a board member who is willing to meet with us and then we will meet with the others, we will have all the information as opposed to silencing or refusing to hear from a board member who has taken his time to serve on the board, to serve the City has not missed meetings and has come at our request.

Councilman Bobby Cutchins stated he really does not know how he feels about it to be honest, when you hear from one individual, you get one side of the story, when you have multiple people in front of you, you can get a feel of what is going on. I have mixed emotions about the situation, we have mixed emotions amongst ourselves.

Vice-Mayor Cheatham stated he thinks Mr. Parham is straight up and he likes Mr. Parham. He has questions about hearing from one board member when the board consists of eight members.

Councilman Cutchins stated if anybody should be reporting to Council it should be HUD themselves, they should be reporting to us about what is going on.

Councilman Johnson stated that is correct.

Councilman McLemore stated HUD does not report to Council, the only authority that the City has over the FHRA is the appointment of the board members so what we are talking about I don't see how Mr. Parham can give a different side he is just giving us some information to help us prepare for the meeting on March 9, 2020. I don't know what information he has but if he would like to be our guest, and speak to Council, I don't see what the problem is.

Councilman Johnson said he does not have a problem with Mr. Parham but Council is putting him in a precarious situation and he is not for that.

Councilman McLemore directed to Councilman Johnson that he did not want information coming forth to Council.

Mayor Rabil stated he appreciates the fact that we as Council invited the FRHA Board to meet, only one member of Council has invited one board member to closed session. I think we all want to get to the bottom of this as quickly as we possibly can. I am not impugning Mr. Parham in any way but I am of the opinion we need to have the whole board and let's get the whole story and not put Mr. Parham or the board in a situation that they have to defend themselves.

Councilman McLemore stated with all due respect Mr. Mayor call for the question.

Councilman Burgess stated the only thing he has to say is that it shows the FRHA Board that Council is willing to wait two more months before we take any action.

Mayor Rabil stated we are going into closed session to have a discussion about what our plans are what we are going to do and under the circumstances that is the appropriate place for it.

Motion failed, 5-2 against

The vote was as follows:

Mayor Frank Rabil	NAY
Vice-Mayor Barry Cheatham	NAY
Councilman Linwood Johnson	NAY
Councilman Bobby Cutchins	NAY
Councilwoman Wynndolyn Copeland	NAY
Councilman Gregory McLemore	AYE
Councilman Benny Burgess	AYE

Councilman Linwood Johnson gave the following highlights on Governor Northum’s proposed budget for 2020:

- National Resources 4%
- Commerce and Trade 5%
- Finance 13%
- Health and Human Resources 25%
- Central Appropriations 10%
- 1/3 Targeted for Education 38%

Councilman Benny Burgess stated that his wife decided to plant grass seed which requires a lot of water usage and he received a letter from the Utilities Department stating he had huge increase in his water usage and please check into it make sure he did not have a leak. He stated he was glad to see the City being proactive and trying to notify the citizens that there could possibly be a problem.

Councilman Burgess announced that the Business Center is coming up on their fifteenth anniversary and there will be a celebration scheduled for May 19, 2020 sometime around 4:00 pm or 5:00 pm in conjunction with Business After Hours.

Councilman Burgess stated he would like to propose a twenty-fifth year anniversary celebration in honor of the 1999 flood recovery. He asked that a committee be formed for this celebration and asked that it be put on the agenda for January 27, 2020

Closed Session

There being nothing further to discuss Mayor Frank Rabil asked for a motion to go into Closed Session.

Councilwoman Wynndolyn Copeland motioned that the City of Franklin, Virginia City Council adjourn into closed meeting pursuant to Virginia Code 2.2-3711-1, to discuss a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its' facilities to in the community to discuss the following subject or subjects: potential industrial investment in Pretlow Industrial Park.

And pursuant to Virginia Code Section 2.2-3711-1 to discuss appointments to boards and commission to discuss the following subject or subjects: Franklin Redevelopment and Housing Authority

And pursuant to Virginia Code Section 2.2-3711-3 to discuss the acquisition of real property for a public purpose and the following subject or subjects: acquisition of property in the Downtown Franklin area.

Vice-Mayor Barry Cheatham seconded the motion.

Mayor Frank Rabil asked if there was any discussion.

Councilman Gregory McLemore asked the Vivian Seay-Giles, Sands and Anderson Attorney to explain the provision that allows City Council to discuss the Franklin Redevelopment and Housing Authority in Closed Session.

Attorney Seay-Giles replied Council can discuss appointments to the Board.

City Manager Amanda Jarratt stated there were two outstanding appointments that needed to be made to the Franklin Housing Redevelopment Authority Board.

Councilman McLemore stated so all that Council will discuss is appointments, which is contrary to what Mayor Rabil said we would be discussing about the Franklin Redevelopment Housing Authority Board in Closed Session therefore; when we will we be discussing the disposition of what is going in order for Council to make decisions about what we are going to do about appointments.

Councilman Benny Burgess asked under this motion can Council discuss the performance of the Franklin Redevelopment Housing Authority Board.

Attorney Seay-Giles replied yes.

Councilman McLemore stated the reason I say this there is a certain subject that are not approved to discuss in Closed Session everything else is supposed to be discussed in public.

Attorney Seay-Giles confirmed that performance could be discussed.

City Manager interjected that the first paragraph statement needed to be amended and there a motion would be needed to amend the statement.

Councilman Benny Burgess made a motion to amend the first paragraph in the previous Closed Session statement to be amended to read Virginia Code Section 2.2-3711-5. The motion was seconded by Vice – Mayor Barry Cheatham.

The motion carried the vote by 7-0.

Motion Upon Returning to Open Session

MINUTES FROM THE JANUARY 13, 2020 REGULAR CITY COUNCIL MEETING

Motioned that the City of Franklin, Virginia City Council adopt the attached closed meeting resolution to certify 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 held on January 13, 2020; (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City of Franklin, Virginia City Council; and (iii) no action was taken in closed meeting regarding the items discussed.

Adjournment

The January 13, 2020 Regular City Council Meeting adjourned at 7:53 p.m.

Mayor

Clerk to City Council



*Office of the City Manager
Amanda C. Jarratt*

January 22, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Davenport Follow Up

Background

David Rose with Davenport will be present to give a presentation summarizing all of the actions that have occurred over the last year with regards to the financing of capital projects and debt restructuring.

Needed Action

None at this time.



*Office of the City Manager
Amanda C. Jarratt*

January 22, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Memorandum of Understanding with Isle of Wight County

Background

As you all are aware the City of Franklin has an existing Revenue Sharing Agreement between the City and Isle of Wight County which provides for the sharing of revenue from business and industry located within a specific geographic area. The revenue sharing agreement did not account for incentives that may be offered to a business or industry that was new to or expanding within the geographic area. The attached Memorandum of Understanding (MOU) outlines how the extension of economic development incentives would be handled. A MOU of a similar nature was adopted to accommodate the expansion of S.T. Tissue in 2016. This blanket agreement will cover all future projects rather than having to adopt an MOU for each new expansion.

The proposed agreement provides that notwithstanding the terms and conditions of the Revenue Sharing Agreement, the Parties hereby acknowledge and agree, that for calculation purposes, “local tax revenues”, as defined by the Revenue Sharing Agreement, shall be reduced by such sums which are refunded, rebated, credited or otherwise returned to a qualifying business within the designated area pursuant to an economic development incentive agreement and which are tied to or otherwise associated with any taxes paid by said qualifying business, which would otherwise be included in local tax revenues.

The Isle of Wight Board of Supervisors considered this MOU at their meeting on January 16, 2020 and was adopted unanimously.

Needed Action

Adopt the Memorandum of Understanding as presented.

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT (hereinafter the “MOA”) is made and entered into this ____ day of _____, 2019 by and between **ISLE OF WIGHT COUNTY**, a political subdivision of the Commonwealth of Virginia (hereinafter the “County”) and the **CITY OF FRANKLIN**, a Virginia municipal corporation (hereinafter the “City”). The County and City may hereinafter be referred to jointly as the “Parties” or individually as a “Party”.

WITNESSETH:

WHEREAS, the Parties entered into a local tax revenue sharing agreement, dated January 15, 1987, which sets forth the terms and conditions by which local tax revenues paid within a “designated area”, as defined in said agreement, located in the County would be distributed among the Parties over time (hereinafter the “Revenue Sharing Agreement”); and

WHEREAS, there are ongoing business operations within the designated area which have been extended certain economic incentives by the County involving the investment in new machinery, equipment, site and building improvements; and

WHEREAS, the Parties have previously entered into a Memorandum of Agreement as to their respective economic responsibilities in such incentives; and

WHEREAS, it is anticipated that in the future additional businesses, within the designated area, will qualify for and enter into economic incentive agreements under the County’s economic incentive policy; and

WHEREAS, the Parties agree that it is in the best interests of the County and the City to continue to offer economic incentives to such qualifying businesses to have the same relocate to or expand their current operations in County and that the incentive of reduced machinery and tool tax revenue should be shared on the same pro rata basis revenue is shared in the Revenue Sharing Agreement as a means of inducing continued economic development and growth within the designated area; and

WHEREAS, in order to share in the responsibility of providing such incentives for the betterment of their respective jurisdictions, the City has agreed to assist the County in providing the economic incentives of reduced machinery and tool taxes under the terms of this MOA;

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and sufficiency are hereby acknowledged, the Parties covenant and agree as follows:

1. Notwithstanding the terms and conditions of the Revenue Sharing Agreement, the Parties hereby acknowledge and agree, that for calculation purposes, “local tax revenues”, as defined by the Revenue Sharing Agreement, shall be reduced by such sums which are refunded, rebated, credited or otherwise returned to a qualifying business within the designated area pursuant to an

economic development incentive agreement and which are tied to or otherwise associated with any taxes paid by said qualifying business, which would otherwise be included in local tax revenues.

2. This Agreement forms the entire agreement among the Parties and supersedes any and all understandings, agreements, letters of intent and negotiations between the Parties relative to the subject matter. This Agreement may not be modified or amended except in writing signed by all Parties.

3. Unless modified as referenced above, the term of this Agreement shall be for so long as the Revenue Sharing Agreement, dated January 15, 1987 remains in full force and effect. In the event that the Revenue Sharing Agreement is terminated, this Agreement shall automatically terminate.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Agreement as of the date first written above.

ISLE OF WIGHT COUNTY, VIRGINIA

CITY OF FRANKLIN, VIRGINIA

Chairman, Board of Supervisors

Mayor, City Council

Attest:

Attest:

Clerk

Clerk

Approved as to Form:

Approved as to Form:

County Attorney

City Attorney



*Office of the City Manager
Amanda C. Jarratt*

January 22, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Adult Protective Services Program Overview

Background

Sarah Rexrode, Director of Social Services has put together an overview of the Adult Protective Services program and criteria to share with City Council as well as to educate the community at large about the program.

Needed Action

None at this time.

Adult Protective Services- Basic Information

LEGAL BASIS for Adult Protective Services (APS)

- §63.2-1603
- §63.2-1605 – 1606
- §63.2-1608 – 1610
- 22 VAC 30-100

(§ 63.2-1605 of the Code of Virginia). Each local board, to the extent that federal or state matching funds are made available to each locality, shall provide, pursuant to regulations and subject to supervision of the Commissioner for Aging and Rehabilitative Services, adult protective services for adults who are found to be abused, neglected or exploited and who meet one of the following criteria: (i) the adult is 60 years of age or older or (ii) the adult is 18 years of age or older and is incapacitated. The requirement to provide such services shall not limit the right of any individual to refuse to accept any of the services so offered, except as provided in § 63.2-1608.

APS PHILOSOPHY

- Advocate for the right of capable adult to make his/her own choices even when the community or family may oppose these choices
- Provide the least restrictive and intrusive intervention necessary to protect the adult and stabilize the situation
- The adult has the right to make decisions on his/her own behalf until he/she delegates that responsibility voluntarily or the court grants that responsibility to another individual
- Adult abuse, neglect and exploitation are social problems and their resolution should be sought through the provision of social and medical services

WHO DOES APS SERVE?

- **Adults 18 years and older who are incapacitated**
 - Mental illness, Intellectual Disability, Physical illness or disability, Advanced age, or other causes to determine that they lack the understanding or capacity to make, communicate, or carry out responsible decisions about their well-being
- **Adults 60 years and older**

TYPES OF ABUSE, NEGLECT, EXPLOITATION

- **ABUSE:** (i) Knowing and willful conduct that causes physical injury or pain or (ii) knowing and willful use of physical restraint, including confinement, as punishment, for convenience or as a substitute for treatment, except where such conduct or physical

restraint, including confinement, is a part of care or treatment and is in furtherance of the health and safety of the incapacitated person (§ 18.2-369 of the Code of Virginia).

Note: this definition appears in the criminal section of the Code of Virginia.

- **ADULT EXPLOITATION:** The illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or perform such services (§ 63.2-100 of the Code of Virginia).

This includes: acquiring a person's resources through the use of that person's mental/physical incapacity; the disposition of incapacitated person's property by second party to the advantage of the second party and to the detriment of the incapacitated person; misuse of funds; acquiring advantage through threats to withhold needed support/care unless certain conditions are met; persuading an incapacitated adult to perform services including sexual acts to which the adult lacks the capacity to consent.

- **ADULT NEGLECT:** An adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult (§ 63.2-100 of the Code of Virginia).

Neglect includes the failure of a caregiver or another responsible person to provide for basic needs to maintain the adult's physical and mental health and well-being, and it includes the adult's neglect of self. Neglect includes, but is not limited to:

1. The lack of clothing considered necessary to protect a person's health;
2. The lack of food necessary to prevent physical injury or to maintain life, including failure to receive appropriate food for adults with conditions requiring special diets;

3. Shelter that is not structurally safe; has rodents or other infestations which may result in serious health problems; or does not have a safe and accessible water supply, safe heat source or sewage disposal. Adequate shelter for an adult will depend on the impairments of an adult; however, the adult must be protected from the elements that would seriously endanger his health (e.g., rain, cold or heat) and could result in serious illness or debilitating conditions;

4. Inadequate supervision by a caregiver (paid or unpaid) who has been designated to provide the supervision necessary to protect the safety and well-being of an adult in his care;

5. The failure of persons who are responsible for caregiving to seek needed medical care or to follow medically prescribed treatment for an adult, or the adult has failed to obtain such care for himself. The needed medical care is believed to be of such a nature as to result in physical and/or mental injury or illness if it is not provided;

6. Medical neglect includes, but is not limited to, the withholding of medication or aids needed by the adult such as dentures, eye glasses, hearing aids, walker, etc. It also includes the unauthorized administration of prescription drugs, over-medicating or under-medicating, and the administration of drugs for other than bona fide medical reasons, as determined by a licensed health care professional; and

7. Self-neglect by an adult who is not meeting his own basic needs due to mental and/or physical impairments. Basic needs refer to such things as food, clothing, shelter, health or medical care. (22 VAC 30-100-10).

- **SEXUAL ABUSE:** An act committed with the intent to sexually molest, arouse, or gratify any person, where:
 - The accused intentionally touches the complaining witness's intimate parts or material directly covering such intimate parts;
 - The accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; or
 - The accused forces another person to touch the complaining witness's intimate parts or material directly covering such intimate parts (§ 18.2-67.10 of the Code of Virginia).
- **DOMESTIC VIOLENCE:** when a family or household member is the alleged perpetrator, the local department of social services shall take the report if the alleged victim is 60 years or older or is a 18 year of age or older and incapacitated.

Once APS RECEIVES A REPORT:

24 hours to initiate a response

(§ 63.2-1605 of the Code of Virginia). The local department or the adult protective services hotline shall immediately refer the matter and all relevant documentation to the local law-enforcement agency where the adult resides or where the alleged abuse, neglect, or exploitation took place or, if these places are unknown, where the alleged abuse, neglect, or exploitation was discovered for investigation, upon receipt of an initial report pursuant to § 63.2-1606 involving any of the following or upon determining, during the course of an investigation pursuant to this article, the occurrence of any of the following:

1. Sexual abuse as defined in § 18.2-67.10;
2. Death that is believed to be the result of abuse or neglect;
3. Serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect;
4. Suspected financial exploitation of an adult; or
5. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm.

Local law-enforcement agencies shall provide local departments and the adult protective services hotline with a preferred point of contact for referrals.

Franklin City DSS Information:

Office: 757-562-8520

Family Services Specialists handle all Adult Services and Adult Protective Services inquiries, referrals, and cases

Office hours are Monday – Friday 8:30am – 5:00pm
24-hour on-call response scheduled monthly

APS Hotline: 1-888-832-3858



*Office of the City Manager
Amanda C. Jarratt*

January 22, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Courthouse Update

Background

Southampton County Courthouse

Mr. Johnson is still waiting on the return of two score sheets from the newly seated Board of Supervisors. Once received and the scores tabulated a meeting of the negotiation team will be scheduled.

City of Franklin Courthouse

An interview of Enteros has been scheduled for February 6, 2020 at 7:00 p.m. in Council Chambers.

Needed Action

None at this time.



*Office of the City Manager
Amanda C. Jarratt*

January 22, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: City Manager's Report

General Updates

- The Verizon Tower became operational on January 17, 2020.
- Franklin Parks and Recreation has a series of new programming and activities. Be sure to visit the Franklin Department of Parks and Recreation Facebook page for a calendar of events.
- Staff is scheduled to meet with Bon Secours leadership on January 31, 2020 to discuss the transition and future impacts to the City of Franklin.
- Councilman Burgess brought up at the January 13th City Council meeting the appointment of a Hurricane Floyd 25th Anniversary Committee. City staff is in the process of gathering old pictures and videos from the Hurricane. Appointments can be made at this time or following a discussion based on the pleasure of Council.

Community Events

- Partners in Progress is scheduled for March 17, 2020 7:30 a.m. – 9:00 a.m. at the Main Event. Please call 757-562-1958 to RSVP.
- Franklin Cruise In Kick Off Saturday April 25, 2020.
- The Franklin Experience has planned a Lumber Jack Festival scheduled for May 9, 2020.
- National Night Out is scheduled for August 4, 2020 at Armory Field. If you are interested in participating or being a part of the planning committee please e-mail nno@franklinpolice.org.