



**Franklin City Council Agenda
October 25, 2021
Council Chambers
207 West Second Avenue
Franklin, Virginia 23851**

**6:00 P.M.
Closed Session**

1. 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-A-1, 1. discussion of appointments to boards and commissions, and discussion of performance of employees of the public body to discuss the following subject or subjects: Franklin Redevelopment and Housing Authority Board of Commissioners, and Historic Preservation Commission; SPSA, Senior Services Transportation Committee, Franklin Regional Airport Advisory Board, Board of Zoning Appeals, and

2.2-3711-A-2 and 4 Discussion or consideration of matters that would involve the disclosure of information contained in a scholastic record concerning any student of any state school system, and information that may be personal in nature that is not related to public business, all specifically relating to scholastic records and academic resources provided to one or more named students through the local CSA program.

2.2-3711-A-3, Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body specifically regarding property on Langston Court, and on Banks Street; and

2.2-3711-A-5, Discussion concerning 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 in the community specifically along Pretlow Industrial Park, Armory Drive, and Franklin Regional Airport; and

2.2-3711-A-7, Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body specifically regarding Sanford vs. City of Franklin, and cash flow related to an entity that the City serves as the fiscal agent for, and a retiree health insurance issue.

Motion Upon Returning to Open Session- I move that the City of Franklin, Virginia City Council 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 October 25, 2021; (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.

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

2. CONSENT AGENDA:

- A. Approval of September 27, 2021 minutes
- B. STAR Performer Award- Patrick Wilson
- C. 40 Under 40 Award Recognition- Chief Vernie Francis
- D. September 2021 Departmental Reports

3. FINANCIAL MATTERS

- A. Budget Amendment 2022-6
- B. Public Hearing Franklin City Public Schools Funding
- C. Budget Amendment 2022-7

4. OLD/ NEW BUSINESS:

- A. Public Hearing Franklin Redevelopment and Housing Authority Deed Correction
- B. Public Hearing R-O Residential Zoning District Lot Size
- C. Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding
- D. Personnel Policy Update- Virginia Retirement System Benefits Policy303
- E. Consideration of Section 19.72 of the Franklin City Code
- F. Consideration of Section 2.3 of the Franklin City Code
- G. City Manager's Report

5. COUNCIL/STAFF REPORTS ON BOARDS/COMMISSIONS

6. ADJOURNMENT

MINUTES FROM THE SEPTEMBER 27, 2021 REGULAR CITY COUNCIL MEETING

The Franklin City Council held a Regular City Council Meeting on September 27, 2021 at 7:00 p.m. in the City Council Chambers located at 207 West Second Avenue, Franklin, Virginia 23851.

Council Members in Attendance: Frank Rabil, Mayor; Robert (Bobby) Cutchins, Vice-Mayor; Councilman Linwood Johnson; Councilman Mark R. Kitchen; Councilwoman Wynndolyn Copeland; Councilman Ray Smith and Councilman Gregory McLemore

Staff in Attendance: Amanda Jarratt, City Manager and Leesa Barnes, Executive Assistant, recording minutes

Other Staff in Attendance: Steve Patterson, Chief of Franklin City Police Department; Sarah Rexrode, Director of Social Services; Vernie Francis, III, Chief of Emergency Services; Tracy Spence, Director of Finance; Chad Edwards, Interim Director of Public Works; Sammara Green-Bailey, Director of Parks & Recreations and Zachary Wright Director of Power & Light; Dinah Babb, Treasurer; Brenda Rickman, Commissioner of the Revenue and Natalie Rountree

Call to Order

Mayor Frank Rabil called the September 27, 2021 regular City Council meeting to order at 7:00 p.m.

Citizen's Time

1st Speaker

Eric Magette resides at 1101 Johnson's Circle, Franklin, Virginia 23851; Mr. Magette is the pastor of New Life Church Global. Pastor Magette thanked Mayor Rabil, members of City Council, Chief Patterson, Public Works and the Parks and Recreation Department for all of their participation and support in assisting with the Soul Festival.

Amendments to Agenda

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

There were no amendments to the agenda.

Consent Agenda

Approval of September 13, 2021 minutes

Mayor Frank Rabil asked if there were any additions or corrections to the minutes from the September 13, 2021 regular City Council meeting.

Being there were no additions or corrections, Mayor Frank Rabil entertained a motion of approval as presented.

Councilman Linwood Johnson made a motion to approve the minutes from the September 13, 2021 regular City Council meeting. The motion was seconded by Councilman Mark R. Kitchen.

The motion carried the vote by 5-2.

The vote was as follows:

Mayor Frank Rabil	AYE
Vice-Mayor Robert (Bobby Cutchins)	AYE
Councilman Linwood Johnson	AYE
Councilman Mark R. Kitchen	AYE
Councilwoman Wynndolyn Copeland	AYE
Councilman Ray Smith	ABSTAINED
Councilman Gregory McLemore	ABSTAINED

Mayor Frank Rabil stated that the motion passed unanimously.

Introduction of New Employees

Parks & Recreation Department

City Manager called Sammara Green-Bailey to come forward and introduce the following new employee:

Andrew Lowe – Athletic Program Specialist

Community Development

City Manager Amanda Jarratt introduced the following new employee:

Natalie Rountree – Community Development Director

Financial Matters

FY 21 Financial Overview

City Manager Amanda Jarratt called Tracy Spence to come forward and give the following FY 21 Financial Overview:

**Highlights – General Fund
For the period ending June 30, 2021**

Basis of Reporting

The information enclosed is the City’s Financial Report for the General Fund for the period ending June 30, 2021.

The report contains provisions for revenue and expenditure accruals.

- Reflects twelve months of revenues & expenditures in cases – modified accrual basis of accounting.

Financial Report presentation is consistent with the department’s objectives to:

- Report timely, relevant, understandable and accurate financial data.
- Promote accountability through monitoring, assessment and reporting.

**General Property Taxes – Overall
Budget Comparison – Modified Accrual Basis**

Current	\$7,962,857.00
Prior Year	\$7,835,278.00
Net Change \$	\$ 127,578
Net Change %	1.63%

Director Spence stated the City of Franklin is at 104.0% of its budget.

**Local Tax Revenue
Budget to Actual Comparison**

At the end of the fiscal year, all local tax revenue sources above exceeded budget by \$817,443.00.

Mayor Frank Rabil thanked the City of Franklin citizens for their support.

Positive Variances for FY21

General Fund FY21 Positive Variances:

Revenue:

Personal Property Revenue	\$ 345,000.00
Local Tax Revenue	\$ 817,000.00
Business License Revenue	\$ 214,000.00
Total	\$1,376,000.00

Vacancy Savings:

Vacancy Savings	\$1,372,000.00
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Savings Due to Supply Chain Issues:

Open Purchase Orders at June 30, 2021 – Carryover to FY22	\$ 245,000.00
Department Head Carryover Requests to FY22	\$ 345,000.00
Council Approved Projects not Completed at June 30, 2021- Carryover to FY22	\$ 271,000.00
Total	\$ 861,000.00

Savings Due to EMS Billing Contract:

Requested to be restricted for future Fire & Rescue CIP	\$ 349,000.00
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**FY21 Net Appropriated Fund Balance Approved by Council
(net of \$430k DSS Building Allocation not transferred to
Capital Fund)**

\$ 986,774.00

Total	\$2,971,226.00
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Revenue & Expenditure Summary – Modified Accrual Basis

General Fund – FY21 Net Change in Unassigned Fund Balance

Revenue	\$27,017,956.00
Expenditures	\$(23,931,696.00)
Excess of Revenues over Expenditures	\$ 3,086,260.00
Recommended Restricted Fund Balance:	
Fire & Rescue – CIP	\$ (349,000.00)
Committed Fund Balance:	
Purchase Orders – Outstanding contracts at June 30, 2021	\$ (244,349.00)
Current Assigned Fund Balance:	
Budget Amendment 2022-1 Council Approved Projects	\$ (270,810.00)
Recommended Additional Assigned Fund Balance:	
Budget Amendment 2022-5: Department Head Carryover Requests from FY21	\$ (344,450.00)

Increased in Unassigned Fund Balance, FY21 **\$ 1,877,651.00**

General Fund Balance Policy Evaluation	
FY 21-22 Revised Budget	\$ 27,045,298.00
Percentage of General Fund Balance	32.68%
Minimum Balance Needed for 15% Policy Compliance	\$ 4,056,795.00
Amount in Excess of Policy Minimum	\$ 4,782,653.00

**City of Franklin, Virginia
Taxable Sales by Category**

2018	2019	2020	2021	Increase from Prior Year
\$167,553,368.00	\$161,579,765.00	\$163,612,452.00	\$183,432,226.00	\$19,819,774.00

**Highlights – Enterprise Fund
For the Period Ending June 30, 2021**

Basis of Reporting

The information enclosed is the City's Financial Report for the Enterprise Funds for the period ending June 30, 2021.

The Report contains provisions for revenue and expenditure accruals.

- Reflects twelve months of revenue & expenditures – full accrual basis of accounting.

Financial Report presentation is consistent with the department's objectives:

- Report timely, relevant, understandable and accurate financial data.
- Promote accountability through monitoring, assessment and reporting.

Airport Operating & Capital Fund

Revenue Analysis

Total revenues for the fund of \$158k are at below target with 39% of budget realized.

Fuel Sales and airport rental fees of \$91k are below target with 25% of budgeted realized.

Expense Analysis

Expenses in the fund are \$513k and are below target at 41% of budget expended.

Expenses includes transfers of \$21k and depreciation expense of \$348k.

Cash Balance

Cash balance in the Airport Operating & Capital Fund is \$(74,556.00).

FY21 Change in Net Position

The Airport Fund is anticipated to show a negative change in net position of \$355k which is primarily attributable to depreciation.

Water & Sewer Operating & Capital Fund

Revenue Analysis

- Revenue from the sale of water and sewer service charges of \$3.3m at the end of the period is above target at 101.7% of budget and is more than prior year period collections by \$42k.

Expense Analysis

- Expenses in the fund are \$2.9m and are below target at 78% of budget expended. Expenses includes transfers of \$628k, debt service of \$83k and depreciation expense of \$499k. Expenses are \$27k higher than prior year in the water division due to well operation maintenance; \$13k lower than prior year in the sewer division due to reduced sewer clean out expenses; and comparable to prior year in the wastewater division.

FY21 Change in Net Position

- The Water & Sewer Fund is anticipated to show a positive change in net position of \$439k.

Water & Sewer Fund – Operating & Capital Cash Balance

Cash balance - \$1,850,771.00

Solid Waste Operating & Capital Fund

Revenue Analysis

Revenue for the Solid Waste Fund is on target with revenue at \$1.3m and is comparable with prior year period collections.

Expense Analysis

Expenses in the fund are \$1.1m and are below target at 81% of budget expended. This includes transfers of \$287k, debt service of \$24k and depreciation expense of \$109k.

FY21 Change in Net Position

The Solid Waste Fund is anticipated to show a positive change in net position of \$151k.

Solid Waste Fund – Operating & Capital Cash Balance

Cash Balance - \$831,433.00

Electric Operating Fund

Revenue Analysis

- Revenue from total sales was \$14.6m. Revenue from energy sales was \$14m is slightly below target at 93.9% of budget.

Expense Analysis

- Expenses associated with the sale of energy for the fiscal year \$12.9m and are below target at 77% of budget expended. This includes transfers of \$2.4m, debt service of \$90k and depreciation expense of \$320k.

FY21 Change in Net Position

- The Electric Fund is anticipated to show a positive change in net position of \$1.7m.

Electric Fund – Operating & Capital Cash Analysis

Cash in the Electric Fund at \$6,944,125.00 decreased by \$18,202.00 from the prior month period.

Policy Evaluation: Cash is above minimum policy guideline of \$1.494 million by \$5.5 million.

Budget Amendment 2022-4 and 2022-5

Budget Amendment 2022-4

City Manager Amanda Jarratt asked Director Tracy Spence to review the following budget amendments:

1. Director Spence explained that the 2021 -2022 City Budget will be amended to appropriate unassigned fund balance to fund:

Expenditures

○ Human Resources Council Approved Project	\$10,435.00
○ Police Department Council Approved Projects	\$88,306.00
○ Fire Department Council Approved Projects	\$34,602.00
○ Vehicle	\$61,341.00
○ Recreational Programs & Supplies	\$14,350.00
○ Reserve – General Fund	\$35,315.00
Total	\$244,349.00

220 Foundation Grant Fund Revenue

2. The 2021 – 2022 City Budget will be amended to appropriate unassigned fund balance to fund:

○ Camp Foundation Grant Fire	\$ 15,896.00
○ Parks & Rec Learning Center Grant	\$ 16,600.00
Total	\$ 32,496.00

501 Water & Sewer Fund Revenue

3. The 2021 – 2022 City Budget will be amended to appropriate unassigned fund balance to fund:

○ Contractual Services	\$ 9,000.00
Total	\$ 9,000.00

505 Electric Fund Revenue

4. The 2021 – 2022 City Budget will be amended to appropriate unassigned fund balance to fund:

○ Contractual Services	\$45,143.00
Total	\$45,143.00

Note: These fund obligations are related to open purchase orders that existed at June 30, 2021.

Councilman Linwood Johnson made a motion to adopt Budget Amendment 2022-4. The motion was seconded by Councilman Mark R. Kitchen.

The motion carried the vote by 6-1.

The vote was as follows:

Mayor Frank Rabil	AYE
Vice-Mayor Bobby Cutchins	AYE
Councilman Linwood Johnson	AYE
Councilman Mark R. Kitchen	AYE
Councilwoman Wynndolyn Copeland	AYE
Councilman Gregory McLemore	ABSTAINED
Councilman Ray Smith	AYE

Mayor Frank Rabil stated that the motion passed unanimously.

Budget Amendment 2022-5

Director Spence explained that the 2021 – 2022 City Budget will be amended:

1. To appropriate General Fund's unassigned fund balance in the amount of \$344,450.00 for FY21 unspent funds for goods and services primarily related to delay in performance due to pandemic.
2. To appropriate Foundation Grant Fund's restricted funds in the amount of \$23,146.00 for FY21 unspent funds for goods and services primarily related to delay in performance due to pandemic.
3. To recognize revenues in the amount of \$58,566.00 from the State of Street Maintenance and to appropriate such revenue for use.
4. To reallocate FY22 debt service allocations in the amount of \$3431.00 to align with refinancing that took place June 30, 2021.

Councilman Mark R. Kitchen made a motion to adopt Budget Amendment 2022-5. The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

Resolution #2021-19

Transfer of Funds for Fire and Emergency Medical Services

City Manager Jarratt stated that staff created a Restricted Fund Balance for the Fire and Emergency Medical Services Department. This Restricted Fund Balance allows the City to purchase fire trucks and EMS vehicles or pay for their debt service. This resolution would allow the City to transfer \$349,000.00 from the General Fund to the Capital Projects Fund for the purpose of funding fire and emergency medical services projects and expenditures for the City of Franklin, Virginia.

Councilman Ray Smith made a motion to adopt Resolution #2021-19. The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

See Attached Resolution:

Old / New Business

Police Academy Transition Resolution

Resolution #2021-20; Requesting Withdrawal from Hampton Roads Criminal Justice Training Academy

City Manager Amanda Jarratt explained that Resolution 2021-20 would allow the City of Franklin's Police Department to withdraw from the Hampton Roads Criminal Justice Training Academy and wishes to start participating in the Crater Criminal Justice Training Academy. Resolution #2021-20 is based off of Virginia State Code 15.2-1747.

Councilwoman Wynndolyn Copeland asked the benefits of withdrawing from the Hampton Roads Criminal Justice Training Academy.

City Manager Jarratt answered that Crater Criminal Justice Training Academy is closer and based on feedback the City of Franklin feels it would be in their best interest to become a part of the Crater Criminal Justice Training Academy.

Councilman Gregory McLemore asked Chief Steve Patterson for more information regarding why the City of Franklin was joining the Crater Criminal Justice Training Academy.

Chief Patterson answered there is a lack of updated material in the lesson plans that are provided and in addition there is a lack of communication.

Councilman Linwood Johnson made a motion to adopt Resolution #2021-20 which is to withdraw from the Hampton Roads Criminal Justice Training Academy. The motion was seconded by Councilwoman Wynndolyn Copeland.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

Resolution #2021 – 21 Requesting Participation in Crater Criminal Justice Training Academy

Resolution #2021-21 will allow the City of Franklin’s Police Department to participate in the Crater Criminal Justice Training Academy.

Councilman Mark R. Kitchen made a motion to adopt Resolution #2021-21 which is to participate in the Crater Criminal Justice Training Academy. The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

See Attached Resolution:

Children's Services Act Agreement with Sussex County

City Manager Amanda Jarratt stated the City of Franklin left the Children Services Act (CSA) Consortium with Isle of Wight County and the City of Suffolk earlier in 2021 and hired a Case Manager to represent the City of Franklin. In recent weeks the City has been approached by Sussex County who is interested in sharing our CSA Coordinator. Staff has reviewed the case load and feel like this is an excellent opportunity. The Sussex County Board of Supervisors has discussed this arrangement at their meeting on September 16, 2021 and vote to move forward with the partnership between the two localities.

Councilman Linwood Johnson asked what were the terms of the agreement.

City Manager Jarratt answered the agreement can be terminated at any time with thirty days-notice. The term of the agreement is October 1, 2021 to June 30, 2022 and can be year to year roll-over but cannot exceed two years.

Councilman Linwood Johnson made a motion to authorize the execution of the Children's Service Act Agreement with Sussex County. The motion was seconded by Councilman Mark R. Kitchen.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

Barrett's Landing Bathroom Deed

City Manager Amanda Jarratt stated the City of Franklin has been negotiating with the Downtown Franklin Association to purchase the bathrooms located at Barrett's Landing built on City property several years ago. The agreement would allow for the purchase of the facility and for the Downtown Franklin Association (DFA) to utilize the facility as long as they are in operation. Once this transaction is completed the facility will be managed by the Department of Parks and Recreation. The funds for this purchase were obtained through the recent borrowing package.

Councilman Linwood Johnson asked if this was a Quitclaim Deed.

Vivian Seay-Giles, Legal Representative for Sands Anderson, answered yes, this was a Quitclaim deed.

City Manager Jarratt added there is a Quitclaim Deed and Resolution 2021-22 which allows City Council to accept the deed and an Amended and Restated Lease Agreement.

Vice-Mayor Robert (Bobby) Cutchins asked if DFA still use the facility for storage.

City Manager Jarratt answered yes DFA uses the rear portion for storage but the City will have access to the facility.

Legal Representative Seay-Giles stated just to clarify the current lease is still in effect, so this was structured as amendment to the lease.

Councilwoman Wynndolyn Copeland made a motion to authorize Mayor Frank Rabil and City Manager Amanda Jarratt to execute the necessary documents to finalize the purchase of the bathrooms located at Barrett's Landing. The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

See Attached Resolution:

City Manager Jarratt informed City Council that they need to make a second motion to approve the Amended and Restated Lease Agreement.

Mayor Frank Rabil entertained a motion to approve the Amended and Restated Lease Agreement.

Councilman Linwood Johnson made a motion to approve the Amended and Restated Lease Agreement. The motion was seconded by Councilwoman Wynndolyn Copeland.

Mayor Rabil opened the floor for discussion.

Councilman Gregory McLemore asked why the City of Franklin have to reenter into a new agreement with DFA.

Legal Representative Seay-Giles answered there was a 4-year term on the old agreement.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

Global Concentrate Contracts

City Manager Amanda Jarratt introduced Karl T. Heck, President and CEO of Franklin / Southampton Economic Development, Inc. to come forward and give the following overview of Global Concentrate Contracts. President Heck stated Global Concentrate, a New Jersey based supplier for traditional and organic fruit and vegetable juice concentrates, purees, puree concentrates, NFC (not-from-concentrate) juices and IQF (individual quick freezing) products, has announced that it will be purchasing approximately 170 acres of industrial Land in the Pretlow Industrial Park in Franklin to establish their largest processing operation in the United States.

Global Concentrate currently operates in Turkey, Europe, Far East Asia, China, South America and Canada as well as the United States. Global Concentrate looks forward to strong growth in Franklin, as it has experienced in other countries throughout the world. The company currently makes and sells private-label juices sold at retailers such as Aldi's, Dollar General, and Trader Joe's. Global Concentrate also sells juice concentrate to companies including Tropicana, Campbell Juice, and Kirkland.

Global Concentrate will invest a minimum of \$121 million in tangible business property, real estate and construction, and machinery and tools in Franklin. A total of fifty new full-time jobs will be created in franklin within 36 months. Attached are necessary contract documents to facilitate the closing of the property at a price of \$2 million.

It is anticipated that Global Concentrate will close on the property in November, and that construction will begin in 2022. The job creation will occur over a 36-month period as build-out is completed at the Pretlow site. Anticipated build-out for Global Concentrate will be approximately 2,000,000 square feet of new building space.

City Manager Jarratt stated the plan was to close at the November 22, 2021 City Council meeting.

Mayor Frank Rabil opened the floor for questions.

Councilman Gregory McLemore asked if there was any type of training set-up for the future jobs.

President Heck answered that Global Concentrate would be sending thirty-five individuals to come and assist in training future employees.

Mayor Frank Rabil entertained a motion to approve the execution of the Global Concentrate contract.

Councilman Linwood Johnson made a motion to approve the authorization and execution of the Global Concentrate contract and associated documents. The motion was seconded Councilwoman Wynndolyn Copeland.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

Purchase and Sale Agreement

Mayor Frank Rabil entertained a motion to approve the Purchase and Sale Agreement between Voorhees Warehousing Corporation and the City of Franklin.

Councilman Ray Smith made a motion to approve the Purchase and Sale Agreement between Voorhees Warehousing Corporation and the City of Franklin. The motion was seconded by Councilwoman Wynndolyn Copeland.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

City Manager's Report

City Manager Amanda Jarratt gave the following updates:

General Updates

- The COVID-19 cases in the City of Franklin are now increasing, and the City of Franklin has been moved to a high risk of spread locality by the Center for Disease control. Vaccinations continue to be administered through various avenues within the Western Tidewater Health District and other venues. The Franklin Health Department is offering free testing at the satellite lab located at Bon Secours hospital on Wednesday's from 10:00 a.m. to 1:00 p.m.
- SPSA was awarded the Virginia Environmental Excellence Award at an E3 level.
- City Code Article Section 2.3 means that your City Council meetings start at 7:00 p.m. Some of City Council have expressed their desire to start the meetings at 6:00 p.m. If City Council wishes to do this the code would need to be amended.

Sands Anderson Legal Representative Vivian Seay-Giles added there is no requirements that state that time has to be designated in the City's code.

Councilman Gregory McLemore stated that he thought the time was designated in the City Charter.

City Manager Jarratt stated she would double check the City Charter.

Community Events

- Fall athletic leagues and community wide events are posted on the City of Franklin website.
- The Franklin Cruise In is held every Wednesday evening in Downtown Franklin.
- The Franklin Farmers Market is open on Wednesdays and Saturdays into the fall season.
- Franklin Fall's Festival will be held on October 1st and 2nd. Friday will be a concert sponsored by the Downtown Franklin Association and Saturday will be typical street scene organized by Tourism, FSEDI, and several local business owners. Those interested in serving as vendors and sponsors should reach out to the Director of Tourism or refer to the City's website.
- The Downtown Trick or Treat is scheduled for Thursday, October 28, 2021.
- The City of Franklin Christmas parade is scheduled for Friday, December 3rd with the theme of "Christmas Movies".

Council / Staff Reports on Boards / Commissions

Mayor Frank Rabil asked if City Council had anything to report on Council / Staff Reports on Boards / Commissions.

Councilman Linwood Johnson reported on the meeting with the Hampton Roads Workforce Council.

Closed Session

There being no other items to discuss Mayor Frank Rabil entertained a motion to go into Closed Session.

Councilman Mark R. Kitchen moved that the City of Franklin, Virginia City Council adjourn into a closed meeting pursuant to Virginia Code Section 2.2-3711-A-1, 1. Discussion of appointments to boards and commissions, and discussion of performance of employees of the public body to discuss the following subject or subjects: Franklin Redevelopment and Housing Authority Board of Commissioners, and Historic Preservation Commission; Community Services Board, and

2.2-3711-A-3, Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body specifically regarding property on Langston Court, and on Banks Street.

2.2-3711-A-5, Discussion concerning 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 in the community specifically along Pretlow Industrial park, Armory Drive, and Franklin Regional Airport.

2.2-3711-A-7, Consultation with legal counsel and briefings by staff members or consultation pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body specifically regarding Sanford vs. City of Franklin.

The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

City Council went into closed session at 8:12 p.m.

Motion Upon Returning to Open Session

Councilman Mark R. Kitchen moved that the City of Franklin, Virginia City Council certify that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting held on September 27, 2021; (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.

Other Action Items of Council

Councilman Gregory McLemore made a motion to appoint Sarah Rexrode, Director of Social Services to the Western Tidewater Community Services Board. The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated that the motion passed unanimously.

Adjournment

There being no further items to discuss Mayor Frank Rabil entertained a motion to adjourn.

Councilwoman Wynndolyn Copeland made a motion to adjourn the September 27, 2021 regular City Council. The motion was seconded by Councilman Mark R. Kitchen.

The September 27, 2021 regular City Council meeting adjourned at 8:30 p.m.

Mayor

Clerk to City Council

BUDGET AMENDMENT 2022-6

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA that the 2021-2022 City Budget is hereby amended to:

1. appropriate \$250,000 of 2019B Debt Proceeds and \$615,000 DSS Unappropriated Surplus for the DSS Building and Improvements at 100 E. 4th Street;
2. appropriate revenues related to donations to the Police Department earmarked for the National Night Out event;
3. recognize revenues for an Arbor Foundation grant and to appropriate such revenue for new use;
4. appropriate General Fund's unassigned fund balance for FY21 unspent Litter Control Grant funds;
5. reduce revenue budget for Isle of Wight Revenue Sharing to match projected actual receipt;
6. appropriate General Fund's unassigned fund balance for projected costs related to mandated services;
7. reduce Use of Restricted Fund Balance to match FY21 Parks & Rec Learning Center Grant carryover
8. recognize revenues related to the Western Tidewater Home Consortium Fund and appropriate such revenue for use; and
9. recognize revenues related to the Madison Street Neighborhood Revitalization CDBG Grant #16-07 (MY-2) and appropriate such revenue for use.

		2021-2022 BUDGET	AMENDED BUDGET	INCREASE (DECREASE)
	#1			
	100 GENERAL FUND			
	REVENUE			
100-3-41050-0013	Transfer from Social Services	\$ -	\$ 411,355	<u>\$ 411,355</u>
				<u>\$ 411,355</u>
	EXPENDITURES			
100-4-93100-9253	Transfers to Social Services	\$ 203,645	\$ -	\$ (203,645)
100-4-93100-9380	Transfers to Capital Projects	-	615,000	<u>615,000</u>
				<u>\$ 411,355</u>
	201 SOCIAL SERVICES FUND			
	REVENUE			
201-3-41050-0001	From Unappropriated Surplus	\$ 399,732	\$ 1,014,732	\$ 615,000
201-3-41050-0100	Transfers From General Fund	203,645	-	<u>(203,645)</u>
				<u>\$ 411,355</u>
	EXPENDITURES			
201-4-53110-9999	Transfer to General Fund PY Surplus	\$ -	\$ 411,355	<u>\$ 411,355</u>
				<u>\$ 411,355</u>
	200 CAPITAL FUND			
	REVENUE			
200-3-41050-9480	Transfer from General Fund	\$ -	\$ 615,000	<u>\$ 615,000</u>
				<u>\$ 615,000</u>
	EXPENDITURES			
200-4-94000-8252	E911 Radio Equipment	\$ 450,000	\$ 200,000	\$ (250,000)
200-4-94000-8259	DSS Building & Improvements-100 E 4th	\$ -	865,000	<u>865,000</u>
				<u>\$ 615,000</u>

#2

100 GENERAL FUND					
REVENUE					
100-3-18990-3041	Donations Police	\$ -	\$ 1,500	\$ 1,500	
				<u>\$ 1,500</u>	
EXPENDITURES					
100-4-31100-7300	National Night Out	\$ -	\$ 1,500	\$ 1,500	
				<u>\$ 1,500</u>	

#3

100 GENERAL FUND					
REVENUE					
100-3-24040-1810	Arbor Foundation - Tree Planting Grant	\$ -	\$ 31,500	\$ 31,500	
				<u>\$ 31,500</u>	
EXPENDITURES					
100-4-71300-5859	Parks & Rec. - Arbor Tree Planting Grant	\$ -	\$ 31,500	\$ 31,500	
				<u>\$ 31,500</u>	

#4

100 GENERAL FUND					
REVENUE					
100-3-41050-0150	Use of Unassigned Fund Balance	\$ 849,018	\$ 854,626	\$ 5,608	
				<u>\$ 5,608</u>	
EXPENDITURES					
100-4-81300-5855	Litter Control Grant	\$ -	\$ 5,608	\$ 5,608	
				<u>\$ 5,608</u>	

#5

100 GENERAL FUND					
REVENUE					
100-3-18990-0201	Revenue Sharing - Isle of Wight	\$ 1,071,000	\$ 996,147	\$ (74,853)	
100-3-41050-0150	Use of Unassigned Fund Balance	854,626	929,479	74,853	
				<u>\$ -</u>	

#6

100 GENERAL FUND					
REVENUE					
100-3-41050-0150	Use of Unassigned Fund Balance	\$ 929,479	\$ 1,114,479	\$ 185,000	
				<u>\$ 185,000</u>	
EXPENDITURES					
100-4-93100-9254	Transfers to Children Services Act	\$ 131,659	\$ 316,659	\$ 185,000	
				<u>\$ 185,000</u>	
202 CHILDREN SERVICES ACT					
REVENUE					
202-3-41050-0100	Transfers from General Fund	\$ 131,659	\$ 316,659	\$ 185,000	
				<u>\$ 185,000</u>	

#7

220 FOUNDATION GRANT					
REVENUE					
220-3-41050-0150	Use of Restricted Fund Balance	\$ 106,868	\$ 90,268	\$ (16,600)	
				<u>\$ (16,600)</u>	
EXPENDITURES					
220-4-71300-8110	Parks & Rec Learning Center Grant	\$ 38,930	\$ 22,330	\$ (16,600)	
				<u>\$ (16,600)</u>	

#8

289 WESTERN TIDEWATER HOME CONSORTIUM FUND

REVENUE

289-3-24002-8700	Home Funds - WTHC	\$	-	\$	78,156	\$	78,156
						<u>\$</u>	<u>78,156</u>

EXPENDITURES

289-4-99999-3600	Administration	\$	-	\$	4,008	\$	4,008
289-4-99999-7600	Construction		-		67,865		67,865
289-4-99999-7819	206 Cobb Street		-		6,283		6,283
						<u>\$</u>	<u>4,008</u>

#9

296 MADISON STREET NEIGHBORHOOD

REVENUE

296-3-33000-0200	Federal Aid - MY2	\$	-	\$	10,480	\$	10,480
						<u>\$</u>	<u>10,480</u>

EXPENDITURES

296-4-86000-4301	Owner Construction	\$	-	\$	10,341	\$	10,341
296-4-86000-4303	Rehabilitation Specialist		-		70		70
296-4-86000-4307	Home Maintenance Training		-		69		69
						<u>\$</u>	<u>10,341</u>

Certified copy of resolution adopted by Franklin City Council.

Clerk to the City Council



*Office of the City Manager
Amanda C. Jarratt*

October 18, 2021

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Public Hearing Franklin City Public Schools Funding

Background Information

As you may recall when funds are received in excess of one percent of the City of Franklin's operating budget a new budget public hearing must be held. The same is applicable to Franklin City Public Schools. Following is the outlay of funds that were received by Franklin City Public Schools and the recommended uses. The budget amendment was adopted at the September 16, 2021 School Board meeting.

Needed Action

Conduct the public hearing regarding the increased funding for the Franklin City Public School system.



Franklin City Public Schools

207 West Second Avenue
Franklin, Virginia 23851-1713
(757) 569-8111 • Fax (757)516-1015

MEMORANDUM

TO: Amanda Jarratt
Franklin City Manager

FROM: Dr. Tamara Sterling
Division Superintendent

DATE: September 16, 2021

RE: Notice of Budget Adjustments

The Franklin City School Division requests that the following budget funds be adjusted to balance with grants for FY 2022 that have been recently approved.

<i>Accounting Use Only</i>	<i>School Account</i>	<i>Amount</i>	<i>City Account</i>
Title I – Revenue Decrease	Fund 13	(\$ 54,335.94)	250-3-33010-0271
Title I – Expense Decrease	Fund 13	(\$ 54,335.94)	250-4-60000-0071
Title II – Revenue Increase	Fund 21	\$ 22,221.83	250-3-33010-0272
Title II – Expense Increase	Fund 21	\$ 22,221.83	250-4-60000-0072
Title III – Revenue Decrease	Fund 26	(\$ 637.03)	250-3-33010-0273
Title III – Expense Decrease	Fund 26	(\$ 637.03)	250-4-60000-0073
Title IV – Revenue Increase	Fund 43	\$ 1,659.83	250-3-33010-0277
Title IV – Expense Increase	Fund 43	\$ 1,659.83	250-4-60000-0077
Title V – Revenue Decrease	Fund 60	(\$ 2,322.82)	250-3-33010-0276
Title V – Expense Decrease	Fund 60	(\$ 2,322.82)	250-4-60000-0076
CARES Stream 1 – Revenue Increase	Fund 17	\$ 313,375.43	250-3-33010-0400
CARES Stream 1 – Expense Increase	Fund 17	\$ 313,375.43	250-4-60000-0031
CARES Stream 2 – Revenue Decrease	Fund 14	(\$ 42,989.45)	250-3-33010-0402
CARES Stream 2 – Expense Decrease	Fund 14	(\$ 42,989.45)	250-4-60000-0032
CARES Stream 4 – Revenue Increase	Fund 16	\$ 802,350.49	250-3-33010-0404
CARES Stream 4 – Expense Increase	Fund 16	\$ 802,350.49	250-4-60000-0035
OBICI Grant – Revenue Increase	Fund 53	\$ 4,580.61	250-3-18990-1901
OBICI Grant – Expense Increase	Fund 53	\$ 4,580.61	250-4-60000-0235

HRWC Opportunity – Rev Decrease	Fund 70	(\$ 9,400.00)	250-3-33010-0282
HRWC Opportunity – Exp Decrease	Fund 70	(\$ 9,400.00)	250-4-60000-0034
SPED IDEA 611 – Rev Decrease	Fund 90	(\$ 91,363.91)	250-3-33010-0225
SPED IDEA 611 – Exp Decrease	Fund 90	(\$ 91,363.91)	250-4-60000-0008
SPED CEIS – Rev Increase	Fund 89	\$ 56,053.35	250-3-33010-0225
SPED CEIS – Exp Increase	Fund 89	\$ 56,053.35	250-4-60000-0008
PRE School – Revenue Decrease	Fund 95	(\$ 3,021.20)	250-3-33010-0224
PRE School – Expense Decrease	Fund 95	(\$ 3,021.20)	250-4-60000-0015
Carl Perkins grant – Rev Increase	Fund 30	\$ 4,042.96	250-3-33010-0230
Carl Perkins grant – Exp Increase	Fund 30	\$ 4,042.96	250-4-60000-0009
ARP SPED IDEA 611 – Rev Increase	Fund 85	\$ 67,795.30	250-3-33010-0225
ARP SPED IDEA 611 – Exp Increase	Fund 85	\$ 67,795.30	250-4-60000-0008
ARP SPED CEIS – Rev Increase	Fund 86	\$ 13,006.48	250-3-33010-0225
APR SPED CEIS – Exp Increase	Fund 86	\$ 13,006.48	250-4-60000-0008
APR PRE School – Revenue Increase	Fund 87	\$ 5,908.00	250-3-33010-0224
APR PRE School – Expense Increase	Fund 87	\$ 5,908.00	250-4-60000-0015

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965
TITLE I, PART A AND TITLE I, PART D, SUBPART 2 GRANT ALLOCATIONS
2021-2022 GRANT AWARD
JULY 2021

Division Number	School Division/LEA	Formula Count	Amount that Title I, Part A Allocation is Reduced for Bypass Provision	Title I, Part A Basic, Targeted, EFIG, and Concentration Grant Allocation	35.78% Portion of Title I, Part A Allocation Available on July 1, 2021	64.22% Portion of Title I, Part A Allocation Available on October 1, 2021	Title I, Part D, Subpart 2 Grant Allocation	Total Title I, Part A and Title I, Part D, Subpart 2 2021-2022 Grant Allocation
115	LYNCHBURG	2,164	-	3,784,895.96	1,354,237.82	2,430,658.14	37,670.76	3,822,566.72
116	MARTINSVILLE	689	-	1,241,063.77	444,053.29	797,010.48	-	1,241,063.77
117	NEWPORT NEWS	6,411	71,623.00	11,344,271.44	4,058,986.44	7,285,285.00	130,135.38	11,474,406.82
118	NORFOLK	8,979	866,138.00	15,411,204.34	5,514,137.23	9,897,067.11	-	15,411,204.34
119	NORTON	172	-	262,870.44	94,055.19	168,815.25	-	262,870.44
120	PETERSBURG	1,721	-	3,447,492.72	1,233,514.76	2,213,977.96	-	3,447,492.72
121	PORTSMOUTH	4,300	52,087.00	6,437,981.56	2,303,513.28	4,134,468.28	208,901.53	6,646,883.09
122	RADFORD	286	-	354,594.67	126,874.16	227,720.51	-	354,594.67
123	RICHMOND CITY	6,913	674,364.00	14,699,002.34	5,259,310.97	9,439,691.37	-	14,699,002.34
124	ROANOKE CITY	4,612	-	7,836,100.08	2,803,760.84	5,032,339.24	-	7,836,100.08
126	STAUNTON	585	-	858,873.00	307,305.22	551,567.78	56,506.15	915,379.15
127	SUFFOLK	2,215	-	3,506,785.89	1,254,729.88	2,252,056.01	-	3,506,785.89
128	VIRGINIA BEACH	6,949	204,158.00	11,304,435.30	4,044,733.05	7,259,702.25	142,121.53	11,446,556.83
130	WAYNESBORO	700	-	1,184,824.97	423,931.01	760,893.96	-	1,184,824.97
131	WILLIAMSBURG	241	-	438,193.22	156,785.77	281,407.45	-	438,193.22
132	WINCHESTER	872	-	1,294,527.20	463,182.53	831,344.67	-	1,294,527.20
134	FAIRFAX CITY	260	-	322,736.01	115,475.12	207,260.89	-	322,736.01
135	FRANKLIN CITY	487	-	797,204.95	285,240.36	511,964.59	-	797,204.95
136	CHESAPEAKE	4,787	148,871.00	6,988,317.71	2,500,423.85	4,487,893.86	-	6,988,317.71
137	LEXINGTON	75	-	67,892.78	24,292.07	43,600.71	-	67,892.78
138	EMPORIA	312	-	522,495.99	186,949.35	335,546.64	-	522,495.99
139	SALEM	463	-	522,920.52	187,101.24	335,819.28	-	522,920.52
142	POQUOSON	116	-	105,007.50	37,571.74	67,435.76	-	105,007.50
143	MANASSAS	980	-	1,372,210.50	490,977.66	881,232.84	-	1,372,210.50
144	MANASSAS PARK	294	-	359,072.09	128,476.19	230,595.90	-	359,072.09
202	COLONIAL BEACH	178	-	319,775.12	114,415.71	205,359.41	-	319,775.12
207	WEST POINT	42	-	44,684.11	15,988.00	28,696.11	-	44,684.11

**Virginia Department of Education
 Elementary and Secondary Education Act of 1965
 Title II, Part A, Supporting Effective Instruction
 2021-2022 Grant Allocations**

Div Num	Division/LEA	Age 5-17 Population from 2019 U.S. Census Data or Estimate	20% of Allocation Based on Age 5-17 Population	Age 5-17 in Families in Poverty from 2019 U.S. Census Data or Estimate	80% of Allocation Based on Age 5-17 in Families in Poverty	Total 2021-2022 Allocation	20.35% of Allocation as of July 1, 2021	79.65% of Allocation as of Oct. 1, 2021
112	HAMPTON	19,931	114,287.78	3,960	741,092.70	855,380.48	174,071.18	681,309.30
113	HARRISONBURG	6,007	34,445.17	1,102	206,299.05	240,744.22	48,991.80	191,752.42
114	HOPEWELL	4,166	23,888.56	1,202	225,012.00	248,900.56	50,651.63	198,248.93
115	LYNCHBURG	10,727	61,510.46	2,058	385,119.99	446,630.45	90,889.95	355,740.50
116	MARTINSVILLE	2,273	13,033.77	683	127,757.05	140,790.82	28,651.14	112,139.68
117	NEWPORT NEWS	28,355	162,592.45	6,353	1,188,916.05	1,351,508.50	275,033.96	1,076,474.54
118	NORFOLK	31,440	180,282.37	8,833	1,652,974.75	1,833,257.12	373,070.51	1,460,186.61
119	NORTON	621	3,560.92	174	32,513.75	36,074.67	7,341.25	28,733.42
120	PETERSBURG	4,428	25,390.91	1,618	302,857.87	328,248.78	66,799.11	261,449.67
121	PORTSMOUTH	14,934	85,634.12	4,289	802,680.76	888,314.88	180,773.38	707,541.50
122	RADFORD	1,648	9,449.92	274	51,273.48	60,723.40	12,357.30	48,366.10
123	RICHMOND CITY	26,342	151,049.56	6,796	1,271,791.96	1,422,841.52	289,550.34	1,133,291.18
124	ROANOKE CITY	15,602	89,464.55	4,526	846,948.11	936,412.66	190,561.35	745,851.31
126	STAUNTON	3,244	18,601.65	560	104,874.86	123,476.51	25,127.65	98,348.86
127	SUFFOLK	15,978	91,620.60	2,197	411,183.39	502,803.99	102,321.35	400,482.64
128	VIRGINIA BEACH	71,060	407,470.26	6,867	1,285,108.09	1,692,578.35	344,442.18	1,348,136.17
130	WAYNESBORO	3,744	21,468.74	686	128,370.84	149,839.58	30,492.57	119,347.01
131	WILLIAMSBURG/JAMES CITY CO.	12,573	72,095.74	1,082	202,421.72	274,517.46	55,864.71	218,652.75
132	WINCHESTER	4,550	26,090.48	844	157,884.90	183,975.38	37,439.26	146,536.12
134	FAIRFAX CITY							
135	FRANKLIN CITY	1,416	8,119.59	487	91,079.67	99,199.26	20,187.19	79,012.07
136	CHESAPEAKE CITY	43,761	250,933.10	4,769	892,345.73	1,143,278.83	232,658.92	910,619.91
137	LEXINGTON	596	3,417.57	75	14,034.71	17,452.28	3,551.56	13,900.72
138	EMPORIA							
139	SALEM	3,637	20,855.18	448	83,781.62	104,636.80	21,293.74	83,343.06
142	POQUOSON	2,166	12,420.22	116	21,707.02	34,127.24	6,944.94	27,182.30
143	MANASSAS CITY	7,540	43,235.66	975	182,398.87	225,634.53	45,916.96	179,717.57
144	MANASSAS PARK	3,162	18,131.45	292	54,641.81	72,773.26	14,809.47	57,963.79
202	COLONIAL BEACH	480	2,752.40	178	33,309.05	36,061.45	7,338.56	28,722.89
207	WEST POINT	632	3,624.00	42	7,859.44	11,483.44	2,336.90	9,146.54
218	VSDB-STAUNTON	51	292.44	14	2,672.21	2,964.65	603.31	2,361.34
917	DEPT. OF JUVENILE JUSTICE	75	430.06	21	3,931.59	4,361.65	887.60	3,474.05
	TOTALS	1,354,323	7,765,921.00	166,001	31,063,684.00	38,829,605.00	7,901,881.58	30,927,723.42

VIRGINIA DEPARTMENT OF EDUCATION
 DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES
 2021-2022 PART B, Section 611, Flow-Through Subgrant Awards (CFDA #84.027A)
 GRANT AWARD NOTIFICATION FINAL ALLOCATIONS
 Grant Award Start Date: July 1, 2021
 Grant Award Expiration Date: September 30, 2023
 Federal Award Number: H027A210107

(Note: Subgrants are uniquely identified in OMEGA via combined use of payee code, project code, and fed. award #)

SCHOOL DIVISION/SOP	2021-2022 AWARD	26.69% July 1 ³	73.31% October 1 ³	CCEIS/CEIS SET-ASIDE AMOUNTS	NET OF CCEIS/CEIS ALLOCATION	PAYEE CODE NUMBER	PROJECT CODE NUMBER
CITIES							
ALEXANDRIA	\$ 3,619,628.00	\$ 965,907.47	\$ 2,653,720.53	\$ 557,330.25	\$ 3,062,297.75	101	APE43071
BRISTOL	\$ 627,334.00	\$ 167,405.77	\$ 459,928.23		\$ 627,334.00	102	APE43071
BUENA VISTA	\$ 231,619.00	\$ 61,808.15	\$ 169,810.85		\$ 231,619.00	103	APE43071
CHARLOTTESVILLE	\$ 1,170,042.00	\$ 312,228.86	\$ 857,813.14		\$ 1,170,042.00	104	APE43071
CHESAPEAKE	\$ 8,946,388.00	\$ 2,387,367.71	\$ 6,559,020.29		\$ 8,946,388.00	136	APE43071
COLONIAL HEIGHTS	\$ 649,325.00	\$ 173,274.12	\$ 476,050.88		\$ 649,325.00	106	APE43071
COVINGTON	\$ 234,622.00	\$ 62,609.51	\$ 172,012.49		\$ 234,622.00	107	APE43071
DANVILLE	\$ 1,504,390.00	\$ 401,450.52	\$ 1,102,939.48	\$ 232,238.85	\$ 1,272,151.15	108	APE43071
FALLS CHURCH	\$ 475,039.00	\$ 126,765.44	\$ 348,273.56		\$ 475,039.00	109	APE43071
FRANKLIN CITY	\$ 373,689.00	\$ 99,719.92	\$ 273,969.08	\$ 56,053.35	\$ 317,635.65	135	APE43071
FREDERICKSBURG	\$ 786,347.00	\$ 209,838.81	\$ 576,508.19	\$ 58,398.30	\$ 786,347.00	110	APE43071
GALAX	\$ 262,538.00	\$ 70,058.97	\$ 192,479.03		\$ 262,538.00	111	APE43071
HAMPTON	\$ 4,382,363.00	\$ 1,169,445.36	\$ 3,212,917.64	\$ 669,184.65	\$ 3,713,178.35	112	APE43071
HARRISONBURG	\$ 1,286,372.00	\$ 343,271.83	\$ 943,100.17		\$ 1,286,372.00	113	APE43071
HOPEWELL	\$ 1,042,183.00	\$ 278,109.34	\$ 764,073.66		\$ 1,042,183.00	114	APE43071
LEXINGTON	\$ 138,450.00	\$ 36,945.76	\$ 101,504.24		\$ 138,450.00	137	APE43071
LYNCHBURG	\$ 2,444,769.00	\$ 652,393.19	\$ 1,792,375.81		\$ 2,444,769.00	115	APE43071
MANASSAS	\$ 1,581,236.00	\$ 421,957.08	\$ 1,159,278.92	\$ 240,902.25	\$ 1,340,333.75	143	APE43071
MANASSAS PARK	\$ 659,936.00	\$ 176,105.70	\$ 483,830.30	\$ 96,413.55	\$ 563,522.45	144	APE43071
MARTINSVILLE	\$ 592,427.00	\$ 158,090.74	\$ 434,336.26		\$ 592,427.00	116	APE43071
NEWPORT NEWS	\$ 6,511,996.00	\$ 1,737,743.66	\$ 4,774,252.34		\$ 6,511,996.00	117	APE43071
NORFOLK	\$ 7,347,251.00	\$ 1,960,633.70	\$ 5,386,617.30	\$ 1,140,977.55	\$ 6,206,273.45	118	APE43071
NORTON	\$ 189,846.00	\$ 50,660.92	\$ 139,185.08		\$ 189,846.00	119	APE43071
PETERSBURG	\$ 1,167,333.00	\$ 311,505.95	\$ 855,827.05	\$ 179,742.30	\$ 987,590.70	120	APE43071
POQUOSON	\$ 408,365.00	\$ 108,973.30	\$ 299,391.70		\$ 408,365.00	142	APE43071
PORTSMOUTH	\$ 3,663,584.00	\$ 977,637.25	\$ 2,685,946.75		\$ 3,663,584.00	121	APE43071
RADFORD	\$ 382,409.00	\$ 102,046.87	\$ 280,362.13		\$ 382,409.00	122	APE43071
ROANOK CITY	\$ 6,143,215.00	\$ 1,639,333.45	\$ 4,503,881.55	\$ 940,953.90	\$ 5,202,261.10	123	APE43071
ROANOKE CITY	\$ 3,819,960.00	\$ 1,019,366.60	\$ 2,800,593.40	\$ 592,589.25	\$ 3,227,370.75	124	APE43071
SALEM	\$ 797,253.00	\$ 212,749.11	\$ 584,503.89		\$ 797,253.00	139	APE43071
STAUNTON	\$ 735,821.00	\$ 196,355.81	\$ 539,465.19		\$ 735,821.00	126	APE43071
SUFFOLK	\$ 3,134,963.00	\$ 836,573.31	\$ 2,298,389.69		\$ 3,134,963.00	127	APE43071
VIRGINIA BEACH	\$ 15,241,466.00	\$ 4,067,226.21	\$ 11,174,239.79		\$ 15,241,466.00	128	APE43071
WAYNESBORO	\$ 707,856.00	\$ 188,893.28	\$ 518,962.72		\$ 707,856.00	130	APE43071
WILLIAMSBURG/JAMES CIT	\$ 2,200,246.00	\$ 587,141.57	\$ 1,613,104.43		\$ 2,200,246.00	131	APE43071
WINCHESTER	\$ 1,035,231.00	\$ 276,254.18	\$ 758,976.82	\$ 160,060.50	\$ 875,170.50	132	APE43071
TOWNS							
COLONIAL BEACH	\$ 141,138.00	\$ 37,663.06	\$ 103,474.94	\$ 20,200.65	\$ 120,937.35	202	APE43071
WEST POINT	\$ 162,335.00	\$ 43,319.53	\$ 119,015.47		\$ 162,335.00	207	APE43071
SOP							
KINGS DAUGHTERS	\$ 519.00	\$ 138.50	\$ 380.50		\$ 519.00	564	APE43071
MCV	\$ 6,690.00	\$ 1,785.24	\$ 4,904.76		\$ 6,690.00	123	APE43075

This spreadsheet solely reflects the adjusted reallocation for members of the Title III Statewide Consortium as referenced in Supt's Memo #204-21

August 6, 2021

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965
TITLE III, PART A, CONSORTIUM ALLOCATIONS
2021-2022 GRANT ALLOCATIONS
AS OF JULY 2021

DIVISION NO	SCHOOL DIVISION	EL ENROLLMENT SY 20-21	ACTUAL FY21 AWARD	BASE AWARD	ADJUSTED PPE @ \$88.51	FINAL ALLOCATION w/ ADJUSTED PPE
086	Smyth County Public Schools	25	\$ 3,027.72	\$ 1,000.00	\$ 2,212.65	\$ 3,212.65
087	Southampton County Public Schools	15	\$ 1,816.63	\$ 1,000.00	\$ 1,327.59	\$ 2,327.59
091	Sussex County Public Schools	11	\$ 1,332.20	\$ 1,000.00	\$ 973.56	\$ 1,973.56
092	Tazewell County Public Schools	9	\$ 1,089.98	\$ 1,000.00	\$ 796.55	\$ 1,796.55
095	Westmoreland County Public Schools	83	\$ 10,052.05	\$ 1,000.00	\$ 7,345.98	\$ 8,345.98
096	Wise County Public Schools	7	\$ 847.76	\$ 1,000.00	\$ 619.54	\$ 1,619.54
102	Bristol City Public Schools	26	\$ 3,148.83	\$ 1,000.00	\$ 2,301.15	\$ 3,301.15
103	Buena Vista City Public Schools	3	\$ 363.33	\$ 1,000.00	\$ 265.52	\$ 1,265.52
107	Covington City Public Schools	4	\$ 484.44	\$ 1,000.00	\$ 354.02	\$ 1,354.02
119	Norton City Public Schools	5	\$ 605.54	\$ 1,000.00	\$ 442.53	\$ 1,442.53
122	Radford City Public Schools	22	\$ 2,664.40	\$ 1,000.00	\$ 1,947.13	\$ 2,947.13
126	Staunton City Public Schools	62	\$ 7,508.76	\$ 1,000.00	\$ 5,487.36	\$ 6,487.36
135	Franklin City Public Schools	20	\$ 2,422.18	\$ 1,000.00	\$ 1,770.12	\$ 2,770.12
137	Lexington City Public Schools	14	\$ 1,695.53	\$ 1,000.00	\$ 1,239.08	\$ 2,239.08
202	Colonial Beach Public Schools	8	\$ 968.87	\$ 1,000.00	\$ 708.05	\$ 1,708.05
207	West Point Public Schools	7	\$ 847.76	\$ 1,000.00	\$ 619.54	\$ 1,619.54
218	Virginia School for the Deaf and Blind-Staunton	8	\$ 968.87	\$ 1,000.00	\$ 708.05	\$ 1,708.05
917	Dept. of Juvenile Justice	4	\$ 484.44	\$ 1,000.00	\$ 354.02	\$ 1,354.02
	Total	1,963	\$ 237,736.94	\$ 64,000.00	\$ 173,736.92	\$ 237,736.94

**STRENGTHENING CAREER AND TECHNICAL EDUCATION
 FOR THE 21ST CENTURY ACT
 PUBLIC LAW 115-224
 U. S. CENSUS BUREAU INCOME YEAR 2019 - POVERTY DATA
 NATIONAL CENTER FOR EDUCATION STATISTICS (NCES) COMMON CORE
 DATA SY 2018-2019 STUDENTS AGES 5 - 17
 SCHOOL YEAR 2021-2022 PERKINS SECONDARY PROGRAMS ALLOCATIONS
 GRANT FUNDS ALLOCATION - July 1, 2021 through June 30, 2022**

EA NO.	SCHOOL DIVISION	Age 5 - 17 Children in Poverty	70% of Entitlement Allocated Based on Poverty	Age 5 - 17 Enrollment	30% of Entitlement Allocated Based on Enrollment	SY 2021 - 2022 Total Entitlements
115	LYNCHBURG CITY	2060	\$183,248.92	10,734	\$50,158.84	\$233,407.76
116	MARTINSVILLE CITY	683	\$60,756.80	2,274	\$10,626.16	\$71,382.96
117	NEWPORT NEWS CITY	6354	\$565,225.08	28,357	\$132,509.24	\$697,734.32
118	NORFOLK CITY	8835	\$785,924.38	31,446	\$146,943.81	\$932,868.19
119	NORTON CITY	176	\$15,656.22	629	\$2,939.25	\$18,595.47
120	PETERSBURG CITY	1619	\$144,019.42	4,430	\$20,700.92	\$164,720.34
121	PORTSMOUTH CITY	4290	\$381,620.33	14,936	\$69,794.34	\$451,414.67
122	RADFORD CITY	274	\$24,373.89	1,648	\$7,700.93	\$32,074.82
123	RICHMOND CITY	6798	\$604,721.45	26,348	\$123,121.40	\$727,842.85
124	ROANOKE CITY	4526	\$402,613.90	15,602	\$72,906.48	\$475,520.38
126	STAUNTON CITY	561	\$49,904.20	3,246	\$15,168.21	\$65,072.41
127	SUFFOLK CITY	2199	\$195,613.78	15,984	\$74,691.53	\$270,305.31
128	VIRGINIA BEACH CITY	6870	\$611,126.26	71,069	\$332,097.86	\$943,224.12
130	WAYNESBORO CITY	686	\$61,023.67	3,744	\$17,495.31	\$78,518.98
131	WILLIAMSBURG CITY	1082	\$96,250.16	12,574	\$58,756.96	\$155,007.12
132	WINCHESTER CITY	844	\$75,078.68	4,551	\$21,266.34	\$96,345.02
135	FRANKLIN CITY	487	\$43,321.47	1,417	\$6,621.49	\$49,942.96
136	CHESAPEAKE CITY	4770	\$424,319.11	43,766	\$204,513.85	\$628,832.96
139	SALEM CITY	448	\$39,852.19	3,638	\$16,999.99	\$56,852.18
142	POQUOSON CITY	116	\$10,318.87	2,166	\$10,121.49	\$20,440.36
143	MANASSAS CITY	975	\$86,731.89	7,541	\$35,238.29	\$121,970.18
144	MANASSAS PARK CITY	292	\$25,975.09	3,162	\$14,775.69	\$40,750.78
202	COLONIAL BEACH	178	\$15,834.13	480	\$2,242.99	\$18,077.12
207	WEST POINT	42	\$3,736.14	632	\$2,953.27	\$6,689.41
	TOTALS	166,001	\$14,766,749.66	1,354,323	\$6,328,607.03	\$21,095,356.74

VIRGINIA DEPARTMENT OF EDUCATION ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 TITLE IV, PART A, STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS 2021-2022 GRANT ALLOCATIONS		
DIVISION NO	SCHOOL DIVISION/LEA	2021-2022 TOTAL ALLOCATION
118	NORFOLK	\$ 1,144,866.68
119	NORTON	* \$ 19,099.12
120	PETERSBURG	\$ 228,447.50
121	PORTSMOUTH	\$ 471,969.04
122	RADFORD	* \$ 24,039.78
123	RICHMOND CITY	\$ 1,240,955.85
124	ROANOKE CITY	\$ 522,854.63
126	STAUNTON	\$ 63,239.63
127	SUFFOLK	\$ 276,416.86
128	VIRGINIA BEACH	\$ 833,059.75
130	WAYNESBORO	\$ 73,841.66
131	WILLIAMSBURG	* \$ 27,317.66
132	WINCHESTER	\$ 82,744.13
134	FAIRFAX CITY	* \$ 22,855.26
135	FRANKLIN CITY	\$ 57,921.74
136	CHESAPEAKE	\$ 516,321.97
137	LEXINGTON	* \$ 10,000.00
138	EMPORIA	\$ 37,962.48
139	SALEM	\$ 37,993.32
142	POQUOSON	* \$ 10,000.00
143	MANASSAS	\$ 98,695.87
144	MANASSAS PARK	* \$ 25,530.08
202	COLONIAL BEACH	* \$ 23,233.59
207	WEST POINT	* \$ 10,000.00
218	STAUNTON D/B	* \$ 10,000.00
917	DEPARTMENT OF JUVENILE JUSTICE	* \$ 12,250.39
TOTALS		\$ 19,221,969.00

* School divisions that receive less than \$30,000 are not required to conduct a comprehensive needs assessment and may use funds for any one or more of the three content areas in the Title IV, Part A, program. These divisions are indicated by an asterisk next to the award.

**VIRGINIA DEPARTMENT OF EDUCATION
 ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965
 TITLE V, PART B, SUBPART 2 - RURAL AND LOW INCOME
 2021-2022 ALLOCATIONS**

DIVISION NO	SCHOOL DIVISION/LEA	AVERAGE DAILY ATTENDANCE/ADA	2021-2022 TOTAL ALLOCATION
O01	ACCOMACK CO PBLC SCHS	4,666	119,436.57
O13	BRUNSWICK CO PBLC SCHS	1,397	35,759.30
O14	BUCHANAN CO PBLC SCHS	2,389	61,151.73
O15	BUCKINGHAM CO PBLC SCHS	1,868	47,815.58
O20	CHARLOTTE CO PBLC SCHS	1,596	40,853.14
202	COLONIAL BEACH PBLC SCHS	581	14,871.98
O25	CUMBERLAND CO PBLC SCHS	1,137	29,104.03
108	DANVILLE CITY PBLC SCHS	5,096	130,443.37
O26	DICKENSON CO PBLC SCHS	1,818	46,535.72
O28	ESSEX CO PBLC SCHS	1,213	31,049.41
135	FRANKLIN CITY PBLC SCHS	948	24,266.15
O33	FRANKLIN CO PBLC SCHS	6,305	161,390.39
111	GALAX CITY PBLC SCHS	1,217	31,151.80
O38	GRAYSON CO PBLC SCHS	1,561	39,957.24
O40	GREENSVILLE CO PBLC SCHS	1,977	50,605.68
O41	HALIFAX CO PBLC SCHS	4,319	110,554.34
O44	HENRY CO PBLC SCHS	6,685	171,117.33
O51	LANCASTER CO PBLC SCHS	944	24,163.76
O52	LEE CO PBLC SCHS	2,764	70,750.68
O55	LUNENBURG CO PBLC SCHS	1,453	37,192.74
116	MARTINSVILLE CITY PBLC SCHS	1,691	43,284.88
O58	MECKLENBURG CO PBLC SCHS	3,756	96,143.11
O59	MIDDLESEX CO PBLC SCHS	1,084	27,747.37
O65	NORTHAMPTON CO PBLC SCHS	1,339	34,274.66
O66	NORTHUMBERLAND CO PBLC SCHS	1,161	29,718.36
119	NORTON CITY PBLC SCHS	731	18,711.56
O67	NOTTOWAY CO PBLC SCHS	1,790	45,819.00
O70	PATRICK CO PBLC SCHS	2,326	59,539.11
O71	PITTSYLVANIA CO PBLC SCHS	7,949	203,472.24
O73	PRINCE EDWARD CO PBLC SCHS	1,800	46,074.97
O79	RICHMOND CO PBLC SCHS	1,193	30,537.47
O86	SMYTH CO PBLC SCHS	3,856	98,702.83
O91	SUSSEX CO PBLC SCHS	983	25,162.06
O92	TAZEWELL CO PBLC SCHS	5,095	130,417.77
O95	WESTMORELAND CO PBLC SCHS	1,427	36,527.22
O96	WISE CO PBLC SCHS	5,084	130,136.20
	TOTAL	91,199	\$ 2,334,439.75

**VIRGINIA DEPARTMENT OF EDUCATION
 DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES
 2021-2022 PART B, Section 619, Preschool Subgrant Awards (CFDA #84.173A)**

Final Allocations

Beginning Date: July 1, 2021

Expiration Date: September 30, 2023

Federal Award Number: H173A210112

(Note: Subgrants are uniquely identified in OMEGA via combined use of payee code, project code, and fed. award #)

SCHOOL DIVISION/SOP	TOTAL CALCULATED ALLOCATION	ADJUSTMENTS	2021-2022 AWARD	PAYEE CODE NUMBER	PROJECT CODE NUMBER
CITIES					
ALEXANDRIA	\$ 95,907.00	\$ -	\$ 95,907.00	101	APE62521
BRISTOL	\$ 17,040.00	\$ -	\$ 17,040.00	102	APE62521
BUENA VISTA	\$ 11,034.00	\$ -	\$ 11,034.00	103	APE62521
CHARLOTTESVILLE	\$ 46,090.00	\$ -	\$ 46,090.00	104	APE62521
CHESAPEAKE	\$ 208,577.00	\$ -	\$ 208,577.00	136	APE62521
COLONIAL HEIGHTS	\$ 15,148.00	\$ -	\$ 15,148.00	106	APE62521
COVINGTON	\$ 10,552.00	\$ -	\$ 10,552.00	107	APE62521
DANVILLE	\$ 43,869.00	\$ -	\$ 43,869.00	108	APE62521
FALLS CHURCH	\$ 11,015.00	\$ -	\$ 11,015.00	109	APE62521
FRANKLIN CITY	\$ 15,633.00	\$ -	\$ 15,633.00	135	APE62521
FREDERICKSBURG	\$ 20,963.00	\$ -	\$ 20,963.00	110	APE62521
GALAX	\$ 13,577.00	\$ -	\$ 13,577.00	111	APE62521
HAMPTON	\$ 78,868.00	\$ -	\$ 78,868.00	112	APE62521
HARRISONBURG	\$ 29,609.00	\$ -	\$ 29,609.00	113	APE62521
HOPEWELL	\$ 24,098.00	\$ -	\$ 24,098.00	114	APE62521
LEXINGTON	\$ 3,122.00	\$ -	\$ 3,122.00	137	APE62521
LYNCHBURG	\$ 65,302.00	\$ -	\$ 65,302.00	115	APE62521
MANASSAS	\$ 34,417.00	\$ -	\$ 34,417.00	143	APE62521
MANASSAS PARK	\$ 11,941.00	\$ -	\$ 11,941.00	144	APE62521
MARTINSVILLE	\$ 7,234.00	\$ -	\$ 7,234.00	116	APE62521

BUDGET AMENDMENT 2022-7

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA that the 2021-2022 City Budget is hereby amended to recognize the School's supplemental appropriations of Federal and grant revenues and to appropriate for use.

250 SCHOOL OPERATING FUND					
REVENUE					
250-3-33010-0272	NCLB Grant - Title II A	\$	-	\$ 22,222	\$ 22,222
250-3-33010-0277	Title IV Part A LEA		-	1,660	1,660
250-3-33010-0400	CARES ACT		-	313,375	313,375
250-3-33010-0404	CARES Stream 4		-	754,020	754,020
250-3-18990-1901	Obici Healthcare Grant		-	5,810	5,810
250-3-33010-0225	Title VIB Special Education		-	56,053	56,053
250-3-33010-0230	Carl Perkins Grant		-	4,043	4,043
					<u>\$ 1,157,183</u>
EXPENDITURES					
250-4-60000-0072	NCLB Grant - Title II A Tchr Qualit	\$	-	\$ 22,222	\$ 22,222
250-4-60000-0077	Title IV Part A LEA		-	1,660	1,660
250-4-60000-0031	CARES Act Grant		-	313,375	313,375
250-4-60000-0035	CARES Stream 4		-	754,020	754,020
250-4-60000-0235	Obici Healthcare Grant		-	5,810	5,810
250-4-60000-0008	Title VIB Special Education		-	56,053	56,053
250-4-60000-0009	Carl Perkins Act		-	4,043	4,043
					<u>\$ 1,157,183</u>

Certified copy of resolution adopted by Franklin City Council.

Clerk to the City Council



FRANKLIN CITY PUBLIC SCHOOLS

OFFICE OF THE
SUPERINTENDENT

207 West Second Avenue
Franklin, Virginia 23851-1713
(757) 569-8111 • Fax (757) 516-1015

MEMORANDUM

TO: Amanda Jarratt
Franklin City Manager

FROM: Dr. Tamara Sterling
Division Superintendent

DATE: September 24, 2021

RE: Notice of Budget Adjustments - Revised

The Franklin City School Division requests that the following budget funds be adjusted to balance with grants for FY 2022 that have been recently approved.

<i>Accounting Use Only</i>	<i>School Account</i>	<i>Amount</i>	<i>City Account</i>
Title I – Revenue Decrease	Fund 13	(\$ 54,335.94)	250-3-33010-0271
Title I – Expense Decrease	Fund 13	(\$ 54,335.94)	250-4-60000-0071
Title II – Revenue Increase	Fund 21	\$ 22,221.83	250-3-33010-0272
Title II – Expense Increase	Fund 21	\$ 22,221.83	250-4-60000-0072
Title III – Revenue Decrease	Fund 26	(\$ 637.03)	250-3-33010-0273
Title III – Expense Decrease	Fund 26	(\$ 637.03)	250-4-60000-0073
Title IV – Revenue Increase	Fund 43	\$ 1,659.83	250-3-33010-0277
Title IV – Expense Increase	Fund 43	\$ 1,659.83	250-4-60000-0077
Title V – Revenue Decrease	Fund 60	(\$ 2,322.82)	250-3-33010-0276
Title V – Expense Decrease	Fund 60	(\$ 2,322.82)	250-4-60000-0076
CARES Stream 1 – Revenue Increase	Fund 17	\$ 313,375.43	250-3-33010-0400
CARES Stream 1 – Expense Increase	Fund 17	\$ 313,375.43	250-4-60000-0031

“We are TEAM FCPS: Dedicated to Delivering Excellence.”

Franklin City Public Schools is an equal educational opportunity school system. The School Board of the City of Franklin also adheres to the principles of equal opportunity in employment, and therefore, prohibits discrimination in terms and conditions of employment on the basis of race, sex, national origin, color, religion or disability.

CARES Stream 2 – Revenue Decrease	Fund 14	(\$ 42,989.45)	250-3-33010-0402
CARES Stream 2 – Expense Decrease	Fund 14	(\$ 42,989.45)	250-4-60000-0032
CARES Stream 4 – Revenue Increase	Fund 16	\$ 754,020.49	250-3-33010-0404
CARES Stream 4 – Expense Increase	Fund 16	\$ 754,020.49	250-4-60000-0035
OBICI Grant – Revenue Increase	Fund 53	\$ 5,809.61	250-3-18990-1901
OBICI Grant – Expense Increase	Fund 53	\$ 5,809.61	250-4-60000-0235
HRWC Opportunity – Rev Decrease	Fund 70	(\$ 9,400.00)	250-3-33010-0282
HRWC Opportunity – Exp Decrease	Fund 70	(\$ 9,400.00)	250-4-60000-0034
SPED IDEA 611 – Rev Decrease	Fund 90	(\$ 91,363.91)	250-3-33010-0225
SPED IDEA 611 – Exp Decrease	Fund 90	(\$ 91,363.91)	250-4-60000-0008
SPED CEIS – Rev Increase	Fund 89	\$ 56,053.35	250-3-33010-0225
SPED CEIS – Exp Increase	Fund 89	\$ 56,053.35	250-4-60000-0008
PRE School – Revenue Decrease	Fund 95	(\$ 3,021.20)	250-3-33010-0224
PRE School – Expense Decrease	Fund 95	(\$ 3,021.20)	250-4-60000-0015
Carl Perkins grant – Rev Increase	Fund 30	\$ 4,042.96	250-3-33010-0230
Carl Perkins grant – Exp Increase	Fund 30	\$ 4,042.96	250-4-60000-0009



*Office of the City Manager
Amanda C. Jarratt*

October 18, 2021

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: FRHA Property Transfer Public Hearing

Background Information

As FRHA was preparing to sell the lots adjacent to their former building in downtown to Highground Services , the title abstractor discovered that those lots were inadvertently included in the deed to the City. The description was prepared by Southeast Virginia Title, and these lots were included in error however, a public hearing is required for us to be able to transfer the property back to Franklin Redevelopment and Housing Authority.

Needed Action

Authorize the Mayor and City Manager to execute all necessary documents to transfer the property included in the Deed by error back to the Franklin Redevelopment and Housing Authority.



Franklin Redevelopment and Housing Authority

RESOLUTION 2021:09

WHEREAS the Franklin Redevelopment and Housing Authority (the "FRHA") previously conveyed unto the City of Franklin certain real property located at 100 East Fourth Avenue in the City of Franklin, Virginia (the "City") in which the FRHA offices previously were located (the "Property"); and

WHEREAS the Deed from the FRHA to the City of Franklin dated June 28, 2021 and recorded July 13, 2021, as Instrument Number 210002074 in the Southampton County Circuit Court Clerk's office included in error a parcel of real property that was not a part of the real property purchased by the City of Franklin from the FRHA; and

WHEREAS the Franklin Redevelopment and Housing Authority and the City of Franklin wish to correct the said deed dated June 28, 2021, by approving, executing, delivering, and recording the Deed of Correction and Quitclaim attached hereto as Exhibit A (the "Deed"); and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Franklin Redevelopment and Housing Authority approves the Deed of Correction and Quitclaim attached hereto as Exhibit A; authorizes Executive Director Gwendolyn V. Blue to execute and deliver the Deed to the City of Franklin; and authorizes Executive Director Gwendolyn V. Blue to execute and deliver, as appropriate, any other documentation necessary to affect the purposes of this Resolution. This Resolution passed, approved, and adopted this 22nd day of September, 2021.

A handwritten signature in black ink, appearing to read "A. Page", written over a horizontal line.

By: Andrew Page, Chairperson

Prepared by: Vivian Seay Giles, Esq. (VSB #32951), Sands Anderson PC
1111 East Main Street, Suite 2400, Richmond, VA 2321
804-783-7225 (telephone) |804-783-7291 (facsimile)

Tax Map Numbers
107-55 5-1, 107-55-5-2,
107-55-5-3, 107-55-5-4,
107-55-5-5, 107-55-5-6,
107-55-5-7, 107-55-5-8,
107-55-5-9

Exempt from grantor's tax pursuant
to Virginia Code § 58.1-811(C)(4).

Exempt from the payment of
Clerk's Fees pursuant to Virginia
Code § 17.1-266 and Virginia
Code § 17.1-279(E).

Consideration: \$386,000.00
Assessed value: \$508,200.00

Tax Map Number
107-55-6-6

Return to:

Consideration: None
Assessed value: \$65,800

THIS DEED OF CORRECTION AND QUITCLAIM is made this ____ day of _____, 2021, by and between the **FRANKLIN REDEVELOPMENT AND HOUSING AUTHORITY**, a political subdivision of the Commonwealth of Virginia, **GRANTOR** and **GRANTEE**, hereinafter the party of the first part, whose address is _____; and **THE CITY OF FRANKLIN, VIRGINIA**, a body politic and political subdivision of the Commonwealth of Virginia, **GRANTOR** and **GRANTEE**, hereinafter the party of the second part, whose address is 207 West 2nd Avenue, Franklin, Virginia 23851.

WHEREAS, by deed dated the 28th day of June, 2021 and recorded in the Circuit Court Clerk's Office of the County of Southampton, Virginia, on July 13, 2021 as Instrument Number 210002074, certain real property located in the City of Franklin, Virginia was conveyed by the party of the first part unto the party of the second part; and

WHEREAS, erroneously included among the parcels conveyed in the said deed of June 28, 2021 was PARCEL THREE, which was not a part of the real property purchased by the party of the second part from the party of the first part; and

WHEREAS, the parties now wish to correct the prior error, to remove from the conveyance by the party of the first part to the party of the second part the real property previously identified as PARCEL THREE, and to confirm that the party of the second party claims no ownership interest in and to the real property previously identified as PARCEL THREE.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the party of the first part does hereby grant, bargain, sell and convey with **SPECIAL WARRANTY**, in fee simple, unto the party of the second part, the following described real property, to-wit:

PARCEL ONE:

(1) All that certain lot or parcel of land lying, situate and being in the Town of Franklin, Southampton County, Virginia, beginning at the intersection of Fourth Avenue and Middle Street, north side of Fourth Avenue and west side of Middle Street, running thence in a westerly direction along said Fourth Avenue, 53 feet 9 inches; thence in a northerly direction parallel with Middle Street 105 feet to a corner; thence in an easterly direction parallel with Fourth Avenue 53 feet 9 inches to Middle Street; thence in a southerly direction along Middle Street 105 feet to Fourth Avenue, the point of beginning."

(2) All that certain lot or parcel of land lying, situate and being in the Town of Franklin, Southampton County, Virginia beginning at a point on the north side of Fourth Avenue, 53 feet 9 inches west from the intersection of said Fourth Avenue and Middle Street, running thence in a westerly direction along the said north side of Fourth Avenue, a distance of 53 feet 9 inches to the line of the lot known as the "Miss Freddie Parker home place"; thence in a northerly direction parallel with Middle Street 105 feet; thence in an easterly direction parallel with Fourth Avenue about 53 feet 9 inches to a corner; thence on a southerly direction parallel with Middle Street to Fourth Avenue, the point of beginning."

PARCEL TWO:

(1) All that certain lot or parcel of land with all buildings thereon and appurtenances thereto belonging, lying and situate in the Town of Franklin, County of Southampton, State of Virginia, and bounded as follows: Beginning at a point on the North side of Fourth Avenue 55 1/2 feet easterly from Main Street; thence in a northerly direction along the line of Mary D. Brownley's lot a distance of about 110 feet (though this distance may not be but 105 feet) to T. A. Eure's lot; thence in an easterly direction 54 feet to J. T. Duck's lot; thence in a southerly direction along the line of said J. T. Duck lot a distance of about 110 feet (though this distance may not be but 105 feet) to Fourth Avenue; thence in a westerly direction along Fourth Avenue a distance of 54 feet to Mary D. Brownley's lot, the point of beginning."

(2) All that certain lot, tract or parcel of land lying situate and being in the Town of Franklin, Southampton County, Virginia, as shown on 'Plat Showing Property on 5th Ave. & Main Street, in Town of Franklin, Virginia, Formerly J. Sifen, Now Hal J. Lyon, Scale 1" = 25', October 28, 1961, J. E. Henry, C.L.S.' more particularly bounded and described by reference to said plat as follows: Beginning at a point at the intersection of the eastern boundary of Main Street with the southern boundary of Fifth Avenue, at a point, an iron pin, running from thence North 59° 37' East 111.7 feet to a point, iron pin, corner for the within described property and other property of Joe Sifen and Mamie Sifen; thence along the dividing line between the within described property and said Sifen property, South 30° 23' East 52.5 feet to a point; thence continuing South 30° 23' East and along the dividing line between the within described property and other property understood to belong to R. Ellsworth Jones 52.5 feet to a point, iron pin, corner for the within described property and other property understood to belong to Hal J. Lyon; thence South 59° 37' West 56.2 feet to a point, iron pin; thence North 30° 23' West 2.5 feet to a point, iron pin; thence South 59° 37' West 55.5 feet to a point, iron pin; in the eastern boundary of Main Street; thence along Main Street North 30° 23' West 102.5 feet to the point of beginning." The above mentioned plat is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Plat Book 8, page 25.

(3) All that certain lot or parcel of land lying, situate and being in the City of Franklin, Southampton County, Virginia on the east side of Main Street and north side of Fourth Avenue in said City, and more particularly described as follows:

Beginning at the corner of Main Street and Fourth Avenue, thence along Fourth Avenue in an easterly direction fifty-five and one-half (55-1/2) feet to the lot of C. W. Gary; thence at a right angle and along the said Gary lot in a northerly direction one hundred seven and one-half (107-1/2) feet to the lot of J. W. H. Darden; thence at a right angle and along the said Darden lot fifty-five and one-half (55-1/2) feet in a westerly direction to Main Street; thence at a right angle along Main Street in a southerly direction one hundred seven and one-half (107-1/2) feet to the point of beginning.'

PARCEL THREE:

(1) All that certain lot, tract or parcel of land lying situate and being in the City of Franklin, Southampton County, Virginia, more particularly bounded and described as follows: Beginning at a point, iron pin, in the western boundary of Middle Street, which point is South 35 feet from the intersection of the South side of Fifth Avenue with the West side of Middle Street, and is in the dividing line between the within described property and property of Mamie and Joe Sifen, running thence in a southerly direction along the west side of Middle Street 35 feet to a point, iron pin, corner for the lot hereby conveyed and other property of R. Ellsworth Jones; thence in a westerly direction and along the line of said Jones property, which said line is established by this deed, 109-1/2 feet, more or less, to a point, iron pin; thence in a northerly direction and parallel with Middle Street 35 feet to a point, iron pin, corner for the width described property and property of Mamie and Joe Sifen; thence in an easterly direction along the said Sifen lot 109-1/2 feet, more or less, to an iron pin, the point of beginning.

(2) All that certain lot, tract or parcel of land lying, situate and being in the Town of Franklin (now City of Franklin), Southampton County, Virginia, more particularly bounded and described as follows: Beginning at a point where the South side of Fifth Avenue intersects the West side of Middle Street, thence in a southerly direction along the West side of Middle Street 35 feet to a point, where an iron stake is driven in the ground, a corner for the lot hereby conveyed and other real estate of L. R. Jones; thence in a westerly direction and along the line of said Jones property, which said line is established by this deed, 109 1/2 feet, more or less, to a point, an iron stake driven in the ground; thence in a northerly direction and parallel with Middle Street 35 feet to Fifth Avenue, an iron stake driven in the ground; thence in an easterly direction and along the South side of Fifth Avenue about 109 1/2 feet, more or less, to the point of beginning. The exact depth of said lot is not known accurately, nor is the same guaranteed to be 109 1/2 feet, but the said grantors intend to convey to the said grantee the entire depth of said lot, which has been seen by the said grantee, irrespective of the measurement thereof.

PARCEL FOUR:

All that certain lot, tract or parcel of land lying situate and being in the City of Franklin, Southampton County, Virginia, more particularly bounded and described as follows: Beginning at a point, iron pin, in the western boundary of Middle Street, which point is South 70 feet from the intersection of the South side of Fifth Avenue with the West side of Middle Street, and is in the dividing line between the within described property and property of W. Delbroe Johnson and Virgie P. Johnson, running thence in a southerly direction along the West side of Middle Street 35 feet to an iron pin, corner for the lot hereby conveyed and property understood to belong to J. T. Duck, Jr.; thence in a westerly direction and along the line of said Duck property 109.1/2 feet, more or less, to a point, iron pin; thence in a northerly direction

and parallel with Middle Street, 35 feet to a point, iron stake, corner for the within described lot and the aforesaid property of W. Delbroe Johnson and Virgie P. Johnson; thence in an easterly direction along said Johnson lot 109-1/2 feet, more or less, to an iron pin, the point of beginning."

Less that portion of the property for the widening of Middle Street and Fifth Avenue to the City of Franklin dated October 16, 1979, and recorded May 5, 1980, in Deed Book 249 at page 53.

Less that portion of the property for the widening of Middle Street to the City of Franklin dated September 27, 1967, and recorded October 2, 1967, in Deed Book 67, at page 1031.

The Bank of Franklin was renamed to United Community Bank on August 27, 1990. On October 21, 2000 the bank was acquired by F&M Bank-Atlantic. On March 16, 2002 the bank was acquired by Branch Banking and Trust Company of Virginia merged into Branch Banking and Trust Company December 31, 2006.

It being a portion of the same property conveyed to Franklin Redevelopment and Housing Authority, a Political Subdivision of the Commonwealth of Virginia by Deed from Branch Banking and Trust Company, a North Carolina Banking Corporation dated March 10, 2014, recorded March 13, 2014 in the Clerk's Office of the Circuit Court of Southampton County, Virginia as Instrument No. 140000510.

AND FURTHER, for no consideration but in order to correct the erroneous prior conveyance of real property and to relinquish any interest in the real property described below to which the party of the second part is not entitled, the party of the second part does hereby quitclaim, grant, and release unto the party of the first part, any right, title, and interest it may have in and to the following described real property, to-wit:

All that certain lot or parcel of land in the Town of Franklin (now City of Franklin), County and State aforesaid, bounded and described as follows: Starting at a point on the North side of Fourth Avenue at the intersection of Middle Street, thence along the North Side of Fourth Avenue for a distance of fifty (50) feet, thence at right angles in a northerly direction two hundred ten feet (210) to Fifth Avenue, thence along the southern side of Fifth Avenue fifty (50) feet to Middle Street, thence along the East side of Middle Street two hundred ten (210) feet, to the point of beginning, being lot No. 1 on map recorded in the Clerk's Office of Southampton County, Virginia, Plat Book No. 2, page 72.

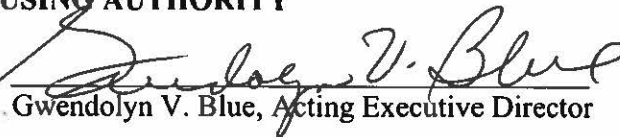
The above conveyances are made subject to all easements, covenants, restrictions, agreements, and conditions of record and legally applicable to the Property. This conveyance is made without benefit of survey.

The execution and delivery of this Deed by the party of the first part is made pursuant to authority granted by resolution of the Board of Commissioners of the Franklin Redevelopment and Housing Authority adopted on the ___ day of _____, 2021, a copy of which resolution is attached hereto as **Exhibit A**.

The execution and delivery of this Deed by the party of the second part as required by Va. Code § 15.2-1800, and the acceptance of this Deed by the City Council of the City of Franklin, Virginia as required by Va. Code § 15.2-1803, are made pursuant to a Resolution duly adopted by the City Council of the City of Franklin, Virginia and attached hereto as **Exhibit B**.

WITNESS the following signatures and seals:

**FRANKLIN REDEVELOPMENT AND
HOUSING AUTHORITY**


By: 
Gwendolyn V. Blue, Acting Executive Director

CITY OF FRANKLIN, VIRGINIA

By: _____
Frankl M. Rabil, Mayor

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Franklin, to-wit:

The foregoing Deed of Correction and Quitclaim, was acknowledged before the undersigned notary public in and for the jurisdiction aforesaid by **Gwendolyn V. Blue** in her capacity as Acting Executive Director of the Franklin Redevelopment and Housing Authority on behalf of the Franklin Redevelopment and Housing Authority, on this 30th day of September, 2021.


Notary Public

Notary identification number.: 7380122
My commission expires: 11/30/2022



COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF _____, to-wit:

The foregoing Deed of Correction and Quitclaim, was acknowledged before the undersigned notary public in and for the jurisdiction aforesaid by **Frank M. Rabil** in his capacity as Mayor of the City of Franklin, Virginia on behalf of the City of Franklin, Virginia, on this _____ day of October, 2021.

Notary Public

Notary identification number: _____
My commission expires: _____

APPROVED AS TO FORM:

Sands Anderson PC
Vivian Seay Giles, Esquire
City Attorney

STAFF REPORT

ISSUE:

An Ordinance to Amend and Reenact Article III. R-O One-Family Residence District Use to revise the minimum lot area, frontage, width and rear yard setback requirements.

BACKGROUND:

The Planning Commission considered amendments to the R-O zoning district in 2019; however, the revisions were never presented and/or approved by the City Council.

The Commission revitalized this effort in July 2021, conducting worksessions and regular meeting discussions and directed staff to advertise the proposed amendment for public hearing.

DESCRIPTION:

The proposed revision will reduce the minimum lot size from 40,000 to 20,000 square feet consistent with existing development patterns. As part of this effort, staff recommended that the Commission review the bulk regulations for the district to complement the reduced lot size, as follows:

Minimum Lot Size: Reduce from 40,000 to 20,000 square feet

Minimum Frontage: Reduce from 150 to 100 feet; Reduce frontage on the cul-de-sac from 100 feet to 50% of the required minimum lot frontage

Minimum Width: Reduce from 150 to 100 feet

Minimum Front Setback: 50 feet on collector streets and 40 feet on all other streets (reflecting no change)

Minimum Yard Requirements:

Side: 10 feet one side, 20 feet for both (reflecting no change)

Rear: Reduce from 50 to 40 feet

STAFF RECOMMENDATION:

Staff recommends approval of the amendment consistent with Planning Commission discussions and feedback that the proposed changes to the R-O district match existing development patterns.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing at its meeting on October 14, 2021. The Planning Commission voted unanimously to recommend approval of the ordinance amendment to the City Council (7-0).

ATTACHMENTS:

- Notice of Public Hearing
- R-O Ordinance Revision.redlined
- R-O Ordinance Revision.final



NOTICE OF PUBLIC HEARING

Pursuant to Virginia Code Section 15.2-2204, the City Council of the City of Franklin, Virginia will conduct a Public Hearing at its regular meeting to be held on Thursday, October 25, 2021 at 6:00 p.m. in the Franklin City Council Chamber at, 207 West Second Avenue, Franklin, Virginia 23851 to consider the following:

Amending and Reenacting the Franklin City Code by Amending and Reenacting Appendix D, Zoning Ordinance, Article III. R-O One Family Residence District Use to revise the minimum lot area, frontage, width and rear yard setback requirements.

A copy of the proposed changes is available for review in the Department of Community Development during regular business hours Monday thru Friday from 8:30 a.m. to 5:00 p.m.

Due to the ongoing COVID health crisis, if attending in person face coverings will be required and social distancing measures will be followed. Comments may also be submitted in writing to bwalkup@franklinva.com or via mail to the Department of Community Development, 207 W. Second Avenue, Franklin, VA 23851, no later than noon on Thursday, October 25, 2021. Any persons needing assistance or accommodations under the provisions of the American Disabilities Act should contact Beverly Walkup at 757-562-1003 at least seven (7) days in advance of the hearing.

Submitted by: Beverly Walkup,
Interim Director of Community Development

Advertise in the Tidewater News legal ads on October 13, 2021 and October 20, 2021

Please send certificate of publication to:

Joy Dawson, Administrative Assistant

757 562-8682

jdawson@franklinva.com

An Ordinance to Amend and Reenact the Franklin City Code by Amending and Reenacting Appendix D, Zoning Ordinance, Article III, R-O One-Family Residence District Use Regulations

WHEREAS, the City Council of Franklin, Virginia, has the legislative authority to make reasonable changes to the ordinances that govern the orderly growth and development of the City of Franklin; and

WHEREAS, the Franklin City Council recognizes the City's existing residential development patterns and desires to protect these development patterns for the continued enjoyment of existing and future residents as initially envisioned, and without making existing residential development patterns non-conforming.

NOW, THEREFORE, BE IT ORDAINED by the Franklin City Council that Appendix D, Zoning Ordinance, Article III, R-O One-Family Residence District Use be amended and reenacted as follows:

Appendix D. Zoning Ordinance

ARTICLE III. R-O One-Family Residence District Use Regulations

§ 3.1. Purpose of the district.

The purpose of residential district, R-O, is to provide for lower density, single-family, detached residential development and related uses, including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

§ 3.2. Permitted principal uses.

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[Amended by Ord. No. 6-12-2000(2); Ord. of ~~4-28-2004~~4-28-2002(3); Ord. of 10-11-2021??

- (a) One-family detached dwellings.
- (b) Public parks.
- (c) Public playgrounds.
- (d) Truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sale of products raised on the premises and gardening and general farming not including commercial chicken farms, hog farms, fur farms or the raising of other creatures to such an extent as to be objectionable to surrounding residents. No retail or wholesale business office or store may be operated in this district.
- (e) Existing railroad lines, not including switching or storage yard, or other station facilities.

- (f) Public water and sanitary facilities, except sewage treatment or disposal plants.
- (g) Cluster zoning in accordance with the provisions of article VII of this zoning ordinance.
- (h) Family day homes caring for no more than eight children including children residing in the home.

~~(h)~~ **§ 3.3. Permitted conditional uses.**

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[Amended by Ord. No. 6-12-2000(2); Ord. of 2-25-2002(5); Ord. of ~~4-28-2002(3); Ord. of 10-11-2021??~~ 4-8-2002

Certain uses shall be conditionally permitted in the R-O district, when authorized as a special exception by the board of appeals.

- (1) Public utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.
- (2) Country clubs, golf courses and similar recreational uses of a noncommercial nature.
- (3) Hospitals, nursing homes, funeral homes and cemeteries.

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- ~~(5)~~(4) Child day centers.
- ~~(6)~~(5) Satellite television antennas or ground-mounted conventional television or radio antennas, as accessory uses to a permitted principal use. Article XXIII of this zoning ordinance.
- ~~(7)~~(6) Bed and breakfast inn.
- ~~(8)~~(7) Churches, public and private schools, public libraries and museums and community centers not operated for commercial purposes.
- ~~(9)~~(8) Dog kennels other than boarding or other commercial kennels on a tract of five or more acres.
- ~~(10)~~(9) Adult day care centers.
- ~~(11)~~(10) Adult day treatment facilities.
- ~~(12)~~(11) Assisted living facilities.
- ~~(13)~~(12) Family day homes caring for nine or more children.

§ 3.4. Permitted accessory uses.

[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005}]

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:

- (1) ~~(1)~~ Private garages or carports.
- (2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) Guest homes.
- (4) Workshops.
- (5) Living quarters within a one-family dwelling for persons employed therein.
- (6) Home occupations.

- (7) Signs, as permitted by article XXII of this ordinance.
- (8) Fences and walls as permitted in § 2.9 of this ordinance.
- (9) Foster homes.
[Added 5-22-2006¹¹¹]
- [1] Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).
- (10) Additional provisions dealing with the location, size and height of accessory structures are found in ~~§~~ § 19.2(11) of this ordinance.

§ 3.5. Minimum lot area.

[Amended 8-28-2006]¹¹

The minimum lot area shall be ~~twenty (20,000)~~40,000 square feet. Refer to article XIX for exceptions to the minimum lot area.

§ 3.6. Setback regulations.

[Amended by Ord. of 11-24-1997(3)]

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All structures shall be set back at least fifty (50) feet from the right-of-way of the following streets: Clay Street, South Street, Armory Drive, College Drive and Hunterdale Road. All structures shall be set back at least forty (40) feet from the right-of-way of all other public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than fifty (50) feet Wide.

§ 3.7. Minimum lot frontage and width.

[Amended 8-28-2006]¹¹

- (1) The minimum lot frontage and width shall be one hundred (100)150 feet at the front setback line.
 - a. Frontage shall be measured along the front property line abutting a public street.
 - b. Width shall be measured at the setback line.
- (2) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets one hundred (100) feet of width.
- (3) In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots shall be required, provided that in no case shall the front yard be reduced to less than fifteen (15) feet.

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§ 3.8. Yard regulations.

[Amended by Ord. of 11-24-1997(4)]11-24-19

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

- (1) Side yards. The minimum width of a side yard for single family residences shall be ten 10 feet for one yard and twenty (20) feet for both yards. The minimum width of a side yard for other uses shall be twenty (20) feet for one yard and forty (40) feet for both yards.
- (2) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.
- (3) Rear yard. The minimum depth of the rear yard shall be at least forty (40)~~50~~ feet from the principal permitted structure.
- (4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 3.6 of this article.

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§ 3.9. Height regulations.

The maximum height of all structures shall not exceed fifty (50) feet and may not exceed three 3 stories.

§ 3.10. Special provisions for corner lots.

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Are as set forth in § 19.2(7).

§ 3.11. Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

§ 3.12. Parking regulations.

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All provisions for the regulation of parking in this district are found in article XVIII.

§ 3.13. Floodplain regulations.

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Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

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§ 3.14. Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

An Ordinance to Amend and Reenact the Franklin City Code by Amending and Reenacting Appendix D, Zoning Ordinance, Article III, R-O One-Family Residence District Use Regulations

WHEREAS, the City Council of Franklin, Virginia, has the legislative authority to make reasonable changes to the ordinances that govern the orderly growth and development of the City of Franklin; and

WHEREAS, the Franklin City Council recognizes the City's existing residential development patterns and desires to protect these development patterns for the continued enjoyment of existing and future residents as initially envisioned, and without making existing residential development patterns non-conforming.

NOW, THEREFORE, BE IT ORDAINED by the Franklin City Council that Appendix D, Zoning Ordinance, Article III, R-O One-Family Residence District Use be amended and reenacted as follows:

Appendix D. Zoning Ordinance

ARTICLE III. R-O One-Family Residence District Use Regulations

§ 3.1. Purpose of the district.

The purpose of residential district, R-O, is to provide for lower density, single-family, detached residential development and related uses, including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

§ 3.2. Permitted principal uses.

[Amended by Ord. No. 6-12-2000(2); Ord. of 4-28-2002(3); Ord. of 10-11-2021??

- (a) One-family detached dwellings.
- (b) Public parks.
- (c) Public playgrounds.
- (d) Truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sale of products raised on the premises and gardening and general farming not including commercial chicken farms, hog farms, fur farms or the raising of other creatures to such an extent as to be objectionable to surrounding residents. No retail or wholesale business office or store may be operated in this district.
- (e) Existing railroad lines, not including switching or storage yard, or other station facilities.

- (f) Public water and sanitary facilities, except sewage treatment or disposal plants.
- (g) Cluster zoning in accordance with the provisions of article VII of this zoning ordinance.
- (h) Family day homes caring for no more than eight children including children residing in the home.

§ 3.3. Permitted conditional uses.

[Amended by Ord. No. 6-12-2000(2); Ord. of 2-25-2002(5); Ord. of 4-28-2002(3); Ord. of 10-11-2021??]
Certain uses shall be conditionally permitted in the R-O district, when authorized as a special exception by the board of appeals.

- (1) Public utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.
- (2) Country clubs, golf courses and similar recreational uses of a noncommercial nature.
- (3) Hospitals, nursing homes, funeral homes and cemeteries.
- (4) Child day centers.
- (5) Satellite television antennas or ground-mounted conventional television or radio antennas, as accessory uses to a permitted principal use. Article XXIII of this zoning ordinance.
- (6) Bed and breakfast inn.
- (7) Churches, public and private schools, public libraries and museums and community centers not operated for commercial purposes.
- (8) Dog kennels other than boarding or other commercial kennels on a tract of five or more acres.
- (9) Adult day care centers.
- (10) Adult day treatment facilities.
- (11) Assisted living facilities.
- (12) Family day homes caring for nine or more children.

§ 3.4. Permitted accessory uses.

[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]
Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:

- (1) Private garages or carports.
- (2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) Guest homes.
- (4) Workshops.
- (5) Living quarters within a one-family dwelling for persons employed therein.
- (6) Home occupations.
- (7) Signs, as permitted by article XXII of this ordinance.

(8) Fences and walls as permitted in § 2.9 of this ordinance.

(9) Foster homes.

[Added 5-22-2006¹]

[1] Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).

(10) Additional provisions dealing with the location, size and height of accessory structures are found in § 19.2(11) of this ordinance.

§ 3.5. Minimum lot area.

[Amended 8-28-2006]

The minimum lot area shall be twenty (20,000) square feet. Refer to article XIX for exceptions to the minimum lot area.

§ 3.6. Setback regulations.

[Amended by Ord. of 11-24-1997(3)]

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All structures shall be set back at least fifty (50) feet from the right-of-way of the following streets: Clay Street, South Street, Armory Drive, College Drive and Hunterdale Road. All structures shall be set back at least forty (40) feet from the right-of-way of all other public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than fifty (50) feet Wide.

§ 3.7. Minimum lot frontage and width.

[Amended 8-28-2006]

(1) The minimum lot frontage and width shall be one hundred (100) feet.

a. Frontage shall be measured along the front property line abutting a public street.

b. Width shall be measured at the setback line.

(2) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets one hundred (100) feet of width.

(3) In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots shall be required, provided that in no case shall the front yard be reduced to less than fifteen (15) feet.

§ 3.8. Yard regulations.

[Amended by Ord. of 11-24-1997(4)]

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

- (1) Side yards. The minimum width of a side yard for single family residences shall be ten (10) feet for one yard and twenty (20) feet for both yards. The minimum width of a side yard for other uses shall be twenty (20) feet for one yard and forty (40) feet for both yards.
- (2) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.
- (3) Rear yard. The minimum depth of the rear yard shall be at least forty (40) feet from the principal permitted structure.
- (4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 3.6 of this article.

§ 3.9. Height regulations.

The maximum height of all structures shall not exceed fifty (50) feet and may not exceed three (3) stories.

§ 3.10. Special provisions for corner lots.

Are as set forth in § 19.2(7).

§ 3.11. Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

§ 3.12. Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

§ 3.13. Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

§ 3.14. Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

A certified copy of this Ordinance shall be recorded in the Office of the Circuit Court of Southampton County, Virginia as deeds are recorded and indexed in the name of the City of Franklin.

This Ordinance is effective immediately.

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the City Council of the City of Franklin, Virginia hereby certifies that the Ordinance set forth above was adopted during an open meeting on October 25, 2021, by the City Council with the following votes:

City Council Member	Aye	Nay
Mayor Rabil		
Councilman Kitchen		
Councilman Smith		
Councilman McLemore		
Councilman Johnson		
Councilwoman Copeland		
Councilman Cutchins		

Signed this 25th day of October, 2021.

By: _____
Amanda C. Jarratt, City Manager
Clerk, City Council of the City of Franklin, Virginia



*Office of the City Manager
Amanda C. Jarratt*

October 18, 2021

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding

Background Information

After years of negotiation there are been two nationwide settlement agreements that would resolve all opioid litigation brought by various states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen, Janssen Pharmaceuticals, Inc., and its parent company Johnson and Johnson.

The Commonwealth of Virginia is a participating state, and all settlement funding will flow to localities through direct appropriations and through the Opioid Abatement Authority. Both litigating and non-litigating localities can receive distribution if they enter into an MOU and the Settlement Agreement.

Needed Action

Authorize the City Manager to execute the documents to participate in the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding.

**VIRGINIA OPIOID ABATEMENT FUND AND
SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING**

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

4. **“Counsel” shall mean the undersigned private attorneys representing the Political Subdivisions.**
5. **“The Parties” shall mean the Commonwealth of Virginia, the Political Subdivisions, and Counsel.**
6. **“Negotiating Committee” shall mean a three-member representative group of the Parties. The Commonwealth shall be represented by the Virginia Attorney General or his designees. The Political Subdivisions and Counsel shall be represented by W. Edgar Spivey of Kaufman & Canoles, P.C. or his designee, and J. Burton LeBlanc of Baron & Budd, P.C. or his designee.**
7. **“Settlement” shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant named in Complaints filed by all the Political Subdivisions in court on or before April 30, 2020 when that resolution has been jointly entered into by the Commonwealth, the Political Subdivisions, and Counsel. “Settlement” also shall include the approval by a United States Bankruptcy Court of a plan of reorganization or liquidation of a Pharmaceutical Supply Chain Participant, or any other determination, ruling, or decision by a United States Bankruptcy Court, in which legal or equitable claims against the Pharmaceutical Supply Chain Participant by the Commonwealth and the Political Subdivisions are settled, adjudicated, released, or otherwise resolved.**
8. **“Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this MOU.**
9. **“Approved Abatement Purposes” shall mean efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the**

opioid epidemic, including but not limited to those efforts described in Section C(4)(a) through (j) of this MOU. In addition, "Approved Abatement Purposes" shall include the types of efforts approved for funding by the Authority that is defined in Section C(1). "Approved Abatement Purposes" also shall include any other abatement or remediation purposes to the extent such purposes are described in a Settlement.

10. "Pharmaceutical Supply Chain" shall mean the process and channels through which opioids or opioid products are manufactured, marketed, promoted, distributed or dispensed.

11. "Pharmaceutical Supply Chain Participant" shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

B. Allocation of Settlement Proceeds

1. All Opioid Funds shall be initially divided with fifteen percent (15%) going to the Participating Political Subdivisions ("Subdivision Share"), seventy percent (70%) going to the Virginia Opioid Abatement Fund and to other Approved Abatement Purposes as further described herein ("Opioid Abatement Share"), and fifteen percent (15%) going to the Commonwealth of Virginia ("Commonwealth Share").

2. The Subdivision Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

3. In the event a Participating Political Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Participating Political Subdivision shall be redistributed equitably based on the composition of the successor subdivision.
4. The Commonwealth Share shall be deposited to the Attorney General's Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund with moneys transferred to the Commonwealth's General Fund as provided by law. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Commonwealth Share shall be deposited and distributed accordingly.
5. The Opioid Abatement Share of 70% of the Opioid Funds shall be allocated and paid as follows:
 - a. Fifty-five percent (55%) of the Opioid Funds shall be allocated and paid to the Virginia Opioid Abatement Fund ("Fund").
 - b. Fifteen percent (15%) of the Opioid Funds shall be allocated and paid to the Participating Political Subdivisions and shall be used for Approved Abatement Purposes ("Direct Subdivision Abatement Share"). Upon request, a Participating Political Subdivision shall make publicly available information showing the purposes for which the Participating Political Subdivision used Direct Subdivision Abatement Share funds. The Direct Subdivision Abatement Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who

elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

6. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Subdivision Share and the Commonwealth Share shall be used for Approved Abatement Purposes.
7. To receive funds allocated under this MOU from any Settlement, the Commonwealth and the Participating Political Subdivisions will comply with the terms of any such Settlement, including, among other things, any reporting requirements or restrictions on the use of funds for administrative purposes.

C. Virginia Opioid Abatement Fund and Virginia Opioid Abatement Authority

1. The Parties have sought creation of a Virginia Opioid Abatement Authority (“Authority”) through legislation submitted to the Virginia General Assembly, which passed in the form attached hereto as Exhibit B. The Authority shall administer the Fund, which also shall be created through the legislation. The Authority shall seek to abate and remediate the opioid epidemic in Virginia through financial support from the Fund in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in Virginia.
2. The Authority shall be governed by a Board of Directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources, or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a Participating Political Subdivision, to

be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority of an urban or suburban region containing Participating Political Subdivisions and one representative of a community services board or behavioral health authority of a rural region containing Participating Political Subdivisions, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a Participating Political Subdivision, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing City or County Attorney of a Participating Political Subdivision, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

- a. The members appointed pursuant to clause (i) shall serve *ex officio*, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor.
- b. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. *Ex officio* members shall serve terms coincident with their terms of office.

- c. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.
3. The Authority shall establish specific criteria and procedures for awards from the Fund; establish requirements for the submission of funding requests; evaluate funding requests in accordance with the criteria established by the Authority; make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of minimum percentages of funds that must be awarded to each Participating Political Subdivision; and evaluate the implementation and results of all efforts receiving support from the Authority.
4. The Authority may make grants and disbursements from the Fund that support efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic. Such efforts may include but shall not be limited to the following:
 - a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies.
 - b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

- c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
- d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved, or are at risk of becoming involved, in the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;
- e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;
- f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;
- g. Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;
- h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

- i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and
 - j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services.
5. The Authority shall provide financial support only for efforts that satisfy the following conditions:
- a. The efforts shall be conducted or managed by a Virginia state agency or Participating Political Subdivision;
 - b. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;
 - c. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and
 - d. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.
6. The Authority shall give priority to applications for financial support for efforts that:

- a. Collaborate with an existing program or organization that has an established record of success treating, preventing or reducing opioid use disorder or the misuse of opioids;
 - b. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate relative to population;
 - c. Treat, prevent or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community, as that term is defined in Va. Code § 56-576; or
 - d. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.
7. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:
- a. Fifteen percent (15%) shall be restricted for use by state agencies;
 - b. Fifteen percent (15%) shall be restricted for use by Participating Political Subdivisions with these funds distributed in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.
 - c. Thirty-five percent (35%) shall be restricted for use for regional efforts (a partnership of at least two Participating Political Subdivisions within a community services board region); and

- d. Thirty-five percent (35%) shall be unrestricted and may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by the Participating Political Subdivisions, or for regional efforts in addition to the amounts set forth in subparagraphs 7(a)-(c), provided that the Authority shall ensure that such funds are used to accomplish the purposes described above or invested as described immediately below.
8. In distributing money from the Fund, the Authority shall balance immediate and anticipated needs with projected receipts of funds in order to best accomplish the purposes for which the Authority is established.
9. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System.

D. Payment of Counsel and Litigation Expenses

1. The Parties anticipate that any national Settlement will provide for payment of all or a portion of the attorneys' fees and litigation expenses of named plaintiff Participating Political Subdivisions. Counsel for any named plaintiff Participating Political Subdivision that seeks to recover attorneys' fees and litigation expenses from Settlement funds shall first seek to recover such fees and expenses from any national Settlement fund established to pay such fees and expenses. For such purposes, the Parties agree that the monetary recoveries obtained via Settlement are attributable to the Commonwealth and the Political Subdivisions 50% each.
2. In addition, the Parties agree that a supplemental attorneys' fees and costs fund (the "Deficiency Fund") will be created; provided, however, that such Deficiency Fund may not violate the terms of any national Settlement. In such event, the Parties

agree to exert diligent efforts to accomplish an alternate arrangement that preserves the payment of counsel and litigation expenses outlined hereunder. Administration of the Deficiency Fund shall be the responsibility of the Political Subdivisions, and the costs of administration may be paid out of the Deficiency Fund.

3. The Deficiency Fund is to be used to compensate counsel for the Participating Political Subdivisions that filed suit on or prior to April 30, 2020. Eligible contingent fee contracts shall have been executed on or before April 30, 2020.
4. The Deficiency Fund shall be funded as follows: from any national Settlement, the funds deposited in the Deficiency Fund shall be 25% of the Subdivision Share and 25% of the Direct Subdivision Abatement Share of each payment (annual or otherwise) that is allocated to the Commonwealth of Virginia (including its political subdivisions) for that Settlement. These funds shall be deposited to the Deficiency Fund prior to distribution to the Participating Political Subdivisions. No portion of the Deficiency Fund shall be drawn from the Commonwealth Share or the Fund.
5. The maximum percentage of any contingency fee agreement permitted for compensation shall be 25% of the portion of the Subdivision Share and the Direct Subdivision Abatement Share attributable to the named plaintiff Participating Political Subdivision that is a party to the contingency fee agreement, plus expenses attributable to that named plaintiff Participating Political Subdivision. Under no circumstances may counsel collect more for its work on behalf of a named plaintiff Participating Political Subdivision than it would under its contingency agreement with that named plaintiff Participating Political Subdivision.

6. To the extent that funds available in the designated amounts or percentages set forth in this Section D are inadequate to fully pay amounts due under contingent fee contracts, funds shall be distributed to private counsel for named plaintiff Participating Political Subdivisions who filed suit and entered into contingent fee contracts prior to April 30, 2020 on a pro rata basis based on the percentage of the total population of named plaintiff Participating Political Subdivisions contained in the named plaintiff Participating Political Subdivision that private counsel represents.
7. Any funds remaining in the Deficiency Fund in excess of the amounts needed to cover private counsel's representation agreements shall revert to the Participating Political Subdivisions and be allocated to the sources from which they derived.
8. Any attorneys' fees related to representation of the Commonwealth of Virginia shall not be paid from the Subdivision Share, the Direct Subdivision Abatement Share, or the Fund but shall be drawn directly from the Commonwealth Share or through other sources. Any payments of attorneys' fees related to representation of the Commonwealth of Virginia from such other sources shall not be deemed Opioid Funds subject to allocation under this MOU.

E. Settlement Negotiations

1. The Negotiating Committee members agree to inform each other in advance of any negotiations relating to any Virginia-only Settlement with a Pharmaceutical Supply Chain Participant that includes both the Commonwealth and its Political Subdivisions and shall provide each other the opportunity to participate in such negotiations.

2. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants. Neither this provision, nor any other, shall be construed to state or imply that the Commonwealth or the Political Subdivisions are unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the Commonwealth's and the Political Subdivisions' efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.
3. As this is a Virginia-specific effort, the Negotiating Committee shall be chaired by the Attorney General or his designee.
4. The Commonwealth of Virginia, the Political Subdivisions, or Counsel may withdraw from coordinated Settlement discussions detailed in this Section upon 5 days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section E.
5. The obligations in this Section E shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case-specific resolution with that particular Pharmaceutical Supply Chain Participant.

6. Nothing in this MOU alters or changes the right of the Commonwealth or any Political Subdivision to pursue its own claim. The intent of this MOU is to join the Parties to reach a Settlement or Settlements.

Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above MOU, including comments solicited from client Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the Commonwealth and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require acceptance by the Commonwealth of Virginia and the Participating Political Subdivisions.

We, the undersigned, hereby accept the VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING. We understand that the purpose of this MOU is to permit collaboration between the Commonwealth of Virginia and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential Settlement funds obtained under this MOU between the Commonwealth of Virginia and the Participating Political Subdivisions in a manner that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Virginia.

Executed this _____ day of _____, 2021.

FOR THE COMMONWEALTH OF VIRGINIA:

MARK R. HERRING
ATTORNEY GENERAL

FOR POLITICAL SUBDIVISIONS AND COUNSEL (list firms)

EXHIBIT A

Table 1: Opioid Settlement Allocations to Counties and Independent Cities

Location	%	Location	%	Location	%
Accomack	0.348%	Franklin City	0.079%	Norton City	0.110%
Albemarle	0.863%	Frederick	1.277%	Nottoway	0.133%
Alexandria City	1.162%	Fredericksburg City	0.524%	Orange	0.638%
Alleghany	0.213%	Galax City	0.139%	Page	0.410%
Amelia	0.100%	Giles	0.409%	Patrick	0.329%
Amherst	0.299%	Gloucester	0.424%	Petersburg City	0.395%
Appomattox	0.133%	Goochland	0.225%	Pittsylvania	0.750%
Arlington	1.378%	Grayson	0.224%	Poquoson City	0.186%
Augusta	0.835%	Greene	0.178%	Portsmouth City	1.937%
Bath	0.037%	Greensville	0.124%	Powhatan	0.262%
Bedford	0.777%	Halifax	0.353%	Prince Edward	0.190%
Bland	0.147%	Hampton City	1.538%	Prince George	0.351%
Botetourt	0.362%	Hanover	1.079%	Prince William	3.566%
Bristol City	0.434%	Harrisonburg City	0.523%	Pulaski	1.061%
Brunswick	0.107%	Henrico	4.473%	Radford City	0.247%
Buchanan	0.929%	Henry	1.220%	Rappahannock	0.091%
Buckingham	0.127%	Highland	0.023%	Richmond	0.084%
Buena Vista City	0.078%	Hopewell City	0.344%	Richmond City	4.225%
Campbell	0.456%	Isle of Wight	0.356%	Roanoke	1.498%
Caroline	0.318%	James City	0.612%	Roanoke City	1.859%
Carroll	0.440%	King George	0.306%	Rockbridge	0.235%
Charles City	0.073%	King William	0.178%	Rockingham	0.614%
Charlotte	0.138%	King and Queen	0.072%	Russell	1.064%
Charlottesville City	0.463%	Lancaster	0.135%	Salem City	0.786%
Chesapeake City	2.912%	Lee	0.556%	Scott	0.421%
Chesterfield	4.088%	Lexington City	0.093%	Shenandoah	0.660%
Clarke	0.125%	Loudoun	2.567%	Smyth	0.592%
Colonial Heights City	0.283%	Louisa	0.449%	Southampton	0.137%
Covington City	0.100%	Lunenburg	0.088%	Spotsylvania	1.417%
Craig	0.070%	Lynchburg City	0.816%	Stafford	1.443%
Culpeper	0.790%	Madison	0.163%	Staunton City	0.440%
Cumberland	0.100%	Manassas City	0.452%	Suffolk City	0.710%
Danville City	0.637%	Manassas Park City	0.095%	Surry	0.058%
Dickenson	0.948%	Martinsville City	0.494%	Sussex	0.081%
Dinwiddie	0.196%	Mathews	0.088%	Tazewell	1.606%
Emporia City	0.050%	Mecklenburg	0.344%	Virginia Beach City	4.859%
Essex	0.101%	Middlesex	0.108%	Warren	0.766%
Fairfax	8.672%	Montgomery	1.205%	Washington	0.996%

Fairfax City	0.269%	Nelson	0.147%	Waynesboro City	0.363%
Falls Church City	0.102%	New Kent	0.156%	Westmoreland	0.223%
Fauquier	1.210%	Newport News City	2.047%	Williamsburg City	0.086%
Floyd	0.182%	Norfolk City	3.388%	Winchester City	0.649%
Fluvanna	0.194%	Northampton	0.122%	Wise	1.756%
Franklin	0.954%	Northumberland	0.129%	Wythe	0.642%
				York	0.561%

EXHIBIT B

Va. Code Ann. § 2.2-2365

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2365. Definitions

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

"Authority" means the Opioid Abatement Authority.

"Board" means the board of directors of the Authority.

"Community services board region" means a region as determined by the Department of Behavioral Health and Developmental Services for purposes of administering Chapter 5 (§ 37.2-500 et seq.) of Title 37.2.

"Fund" means the Opioid Abatement Fund.

"Historically economically disadvantaged community" means the same as such term is defined in § 56-576.

"Local apportionment formula" means any formula submitted to the Attorney General by participating localities pursuant to the provisions of subsection B of § 2.2-507.3.

"Participating locality" means any county or independent city that agrees to be bound by the terms of a settlement agreement entered into by the Attorney General relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and that releases its own such claims.

"Regional effort" means any effort involving a partnership of at least two participating localities within a community services board region.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2366

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2366. Opioid Abatement Authority established

The Opioid Abatement Authority is established as an independent body. The purpose of the Authority is to abate and remediate the opioid epidemic in the Commonwealth through financial support from the Fund, in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth. The Authority's exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

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End of Document

Va. Code Ann. § 2.2-2367

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2367. Board of directors; members

A. The Authority shall be governed by a board of directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a participating locality, to be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority serving an urban or suburban region containing participating localities and one representative of a community services board or behavioral health authority serving a rural region containing participating localities, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a participating locality, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing county or city attorney of a participating locality, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

The member appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (vii) shall be appointed by the Governor. If the term of the office to which a member appointed pursuant to clause (iii) or (v) was elected expires prior to the expiration of his term as a member of the board, the Governor may authorize such member to complete the remainder of his term as a member or may appoint a new member who satisfies the criteria of clause (iii) or (v), as applicable, to complete the remainder of the term.

B.1. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms.

2. Ex officio members shall serve terms coincident with their terms of office.

C. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board.

D. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business.

E. The Board shall meet annually or more frequently at the call of the chairman.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EDITOR'S NOTE. --

Acts 2021, Sp. Sess. I, cc. 306 and 307, cl. 2 provides: "That the initial appointments of nonlegislative citizen members to the board of directors of the Opioid Abatement Authority shall be staggered as follows: (i) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of one year, (ii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of two years, (iii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of three years, and (iv) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. For purposes of this enactment, "nonlegislative citizen member" means any member identified in clauses (iii) through (viii) of § 2.2-2367 of the Code of Virginia, as created by this act. Any nonlegislative citizen member appointed to an initial term of less than four years shall be eligible to serve two additional full four-year terms."

EFFECTIVE DATE. --

This section is effective July 1, 2021.

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End of Document

Va. Code Ann. § 2.2-2368

Current through the 2021 Regular Session and Special Session I of the General Assembly

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§ 2.2-2368. Duties of the Authority

The Authority shall:

1. Establish specific criteria and procedures for awards from the Fund;
2. Establish requirements for the submission of funding requests;
3. Evaluate funding requests in accordance with the criteria established by the Authority and the provisions of this article;
4. Make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of mandatory minimum percentages of funds to be awarded from the Commonwealth to each participating locality;
5. Evaluate the implementation and results of all efforts receiving support from the Authority; and
6. Administer the Fund in accordance with the provisions of this article.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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§ 2.2-2369. Powers of the Authority

In order to carry out its purposes, the Authority may:

1. Make grants and disbursements from the Fund that support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids or otherwise abate or remediate the opioid epidemic;
2. Pay expenditures from the Fund that are necessary to carry out the purposes of this article;
3. Contract for the services of consultants to assist in the evaluation of the efforts funded by the Authority;
4. Contract for other professional services to assist the Authority in the performance of its duties and responsibilities;
5. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other assistance from federal agencies, the Commonwealth, or any other public or private source to carry out the purposes of this article;
6. Enter into any agreement or contract relating to the acceptance or use of any grant, assistance, or support provided by or to the Authority or otherwise in furtherance of the purposes of this article;
7. Perform any lawful acts necessary or appropriate to carry out the purposes of the Authority; and
8. Employ such staff as is necessary to perform the Authority's duties. The Authority may determine the duties of such staff and fix the salaries and compensation of such staff, which shall be paid from the Fund. Staff of the Authority shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees. Staff of the Authority shall not be subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2369

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Va. Code Ann. § 2.2-2370

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§ 2.2-2370. Conditions and restrictions on financial assistance

A. The Authority shall provide financial support only for efforts that satisfy the following conditions:

1. The efforts shall be designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic, which may include efforts to:

a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved in, or are at risk of becoming involved in, the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;

e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;

f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions and the needs of their families, including infants with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;

g. Support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;

h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and

j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services;

2. The efforts shall be conducted or managed by any agency of the Commonwealth or participating locality;

3. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;

4. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and

Va. Code Ann. § 2.2-2370

5. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.

B. The Authority shall give priority to applications for financial support for efforts that:

1. Collaborate with an existing program or organization that has an established record of success treating, preventing, or reducing opioid use disorder or the misuse of opioids;
2. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate, relative to population;
3. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community; or
4. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. —

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Va. Code Ann. § 2.2-2371

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§ 2.2-2371. Cooperation with other agencies

All agencies of the Commonwealth shall cooperate with the Authority and, upon request, assist the Authority in the performance of its duties and responsibilities.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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§ 2.2-2372. Form and audit of accounts and records

A. The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B. The accounts and records of the Authority are subject to an annual audit by the Auditor of Public Accounts or his legal representative.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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§ 2.2-2373. Annual report

The Authority shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Authority no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. The executive summary shall include information regarding efforts supported by the Authority and expenditures from the Fund.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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Va. Code Ann. § 2.2-2374

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§ 2.2-2374. Opioid Abatement Fund

A. There is hereby created in the state treasury a special, nonreverting fund to be known as the Opioid Abatement Fund, referred to in this section as "the Fund," to be administered by the Authority. All funds appropriated to the Fund, all funds designated by the Attorney General under [§ 2.2-507.3](#) from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and any gifts, donations, grants, bequests, and other funds received on the Fund's behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be authorized by majority vote of the Board.

B. Moneys in the Fund shall be used to provide grants and loans to any agency of the Commonwealth or participating locality for the purposes determined by the Authority in accordance with this article and in consultation with the Office of the Attorney General. The Authority shall develop guidelines, procedures, and criteria for the application for and award of grants or loans in consultation with the Office of the Attorney General. Such guidelines, procedures, and criteria shall comply with the terms of any applicable settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities.

C. The Authority shall fund all staffing and administrative costs from the Fund. Its expenditures for staffing and administration shall be limited to those that are reasonable for carrying out the purposes of this article.

D. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:

1. Fifteen percent shall be restricted for use by state agencies;
2. Fifteen percent shall be restricted for use by participating localities, provided that if the terms of a settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities, require this portion to be distributed according to a local apportionment formula, this portion shall be distributed in accordance with such formula;
3. Thirty-five percent shall be restricted for use for regional efforts; and
4. Thirty-five percent shall be unrestricted. Unrestricted funds may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by participating localities, or for regional efforts in addition to the amounts set forth in subdivisions 1, 2, and 3, provided that the Authority shall ensure that such funds are used to accomplish the purposes of this article or invested under subsection F.

E. In distributing money from the Fund under subsection D, the Authority shall balance immediate and anticipated needs with projected receipts of funds to best accomplish the purposes for which the Authority is established.

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F. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.40. The State Treasurer is not liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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§ 2.2-2375. Exemption from taxes or assessments

The exercise of the powers granted by this article shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and shall at all times be free from state and local taxation. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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§ 2.2-2376. Exemption of Authority from personnel and procurement procedures

The provisions of the Virginia Personnel Act ([§ 2.2-2900](#) et seq.) and the Virginia Public Procurement Act ([§ 2.2-4300](#) et seq.) shall not apply to the Authority in the exercise of any power conferred under this article.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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*Office of the City Manager
Amanda C. Jarratt*

October 18, 2021

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Virginia Retirement System Benefit Policy Section 303

Background Information

City staff continues to update the City of Franklin Personnel Policy. Section 303 discusses the Virginia Retirement System Benefit provided to City of Franklin employees. The previous chapter had not been updated in over ten years.

Needed Action

Adopt the updated Virginia Retirement System Benefit policy as presented.

CITY OF FRANKLIN

Effective Date: 7/1/97

Revision Date: 10/29/01; 10/25/10; TBD

303 VIRGINIA RETIREMENT SYSTEM BENEFITS

I. PURPOSE

To provide information related to the Virginia Retirement System (VRS) benefits for City employees.

II. GENERAL PROVISIONS

The Virginia Retirement System provides a supplemental program to Social Security benefits. Participation is mandatory for full-time salaried employees. VRS exists to provide its members with benefits at retirement, or upon disability or death.

The City shall provide membership in the Virginia Retirement System (VRS) in the appropriate state retirement plan for all employees who are eligible under the rules and regulations of the system. Employees are required to contribute to the applicable VRS plan in which they are enrolled. The City pays the employer contribution based on the payroll of all covered employees, which varies based on the applicable plan.

VRS offers alternative types of retirement plans (VRS Plan 1, VRS Plan 2, or the Hybrid Plan) based on hire date and position, and there are various methods of receiving retirement benefit payments. Detailed information about each plan are outlined in the VRS Handbook for Members. The handbook is located on the VRS website at www.varetire.org.

III. SERVICE RETIREMENT

The amount of the unreduced or reduced retirement benefit is calculated per VRS rules about years of service, age, average final compensation, and the type of plan for which an employee qualifies. VRS may be contacted directly for additional information and/or retirement counseling. Employees may also go online to the VRS website at www.varetire.org to learn more about retirement planning, to gain individualized pension benefit information and to learn more about other VRS requirements and information.

A. Qualifying for Retirement

The number of years of service under the system has an effect on the amount of retirement benefit. Credit is received for each month that a contribution is made.

B. Vesting

1. Defined benefit vesting is the minimum length of service that an employee needs to be eligible for a future monthly retirement benefit. An employee becomes vested in the defined benefit plan when he/she reaches 5 years (60 months) of service credit.
2. Defined contribution vesting is the minimum length of service an employee needs to be eligible to withdraw employer contributions from the defined component of the plan. Upon retirement or leaving covered employment, the Hybrid Plan member is eligible to withdraw a percentage of employer contributions. After two years, you are 50% vested and may withdraw 50% of employer contributions. After three years, you are 75% vested and may withdraw 75% of employer contributions. After four or more years, you are 100% vested and may withdraw 100% of employer contributions.
3. Employees are always 100% vested in the contributions that they made in the plan.

C. Purchase of Prior Service Credit

1. Employees are eligible to purchase your prior service at any point while an active VRS member. However, employees have a two-year window of time to purchase most types of service at approximate normal cost before the cost changes to an actuarial equivalent cost.
2. An active employee may be able to purchase service from previous public employment, active duty military service, an eligible period of leave or VRS refunded service as service credit in your plan. Eligibility for purchasing service is individually evaluated by VRS based on an employee's work history. Prior service credit generally counts toward the number of years required for vesting except in various circumstances described in VRS regulations.
3. Employees can register for or log into their myVRS account for access to a variety of resources to help with making a purchase decision including exploring purchase options, evaluating the impact of purchasing service on their future retirement benefit, as well as the time it will take to recover your purchase cost in retirement. Employees can also initiate purchase of prior service through their myVRS account and select a payment option.

D. Notice of Retirement

1. To begin receiving retirement payments in a timely manner, VRS recommends that service retirement applications be submitted at least 60 days, but not more than four months (120 days), before the retirement date. The effective date of a service retirement application rendered by an

employee will be considered notice of the date of termination of employment with the City.

2. Most employees can apply for service retirement online by logging into your myVRS account. Paper applications can also be submitted directly to VRS. Human resources can assist employees with applying for retirement. If preferred, employees can also contact VRS directly.

IV. VRS DISABILITY RETIREMENT

A. Employees are eligible to apply for VRS disability retirement on the first day of employment (or within 90 days of their last day of employment), provided the disability did not exist at the time of employment. This program is administered through the Virginia Retirement System, and the City pays the full cost on behalf of its employees.

B. Employees in VRS Plan 1 or VRS Plan 2 are eligible for disability retirement. Employees in the VRS Hybrid Retirement Plan and covered under the Virginia Local Disability Program (VLDP) are not eligible for disability retirement.

Regular disability retirement (for conditions that are not work-related) may be granted if medical conditions warrant and all other qualifications established under the retirement program are met.

C. A work-related disability results from a cause compensable under the Virginia Worker's Compensation Act. In the case of either regular disability or a work-related disability, employees must also apply for Social Security disability benefits, even if you qualify for an early Social Security retirement benefit. The amount of the VRS disability retirement benefit is coordinated with any benefits received under Social Security disability benefits and Workers' Compensation (if work-related).

D. Employees with at least 20 years of eligible hazardous duty service credit, you may qualify for the hazardous duty supplement as part of their service retirement benefit. An eligible hazardous duty employee who takes disability retirement is not eligible for the hazardous duty supplement. Hazardous duty employees are encouraged to compare the estimated disability retirement benefit with the service retirement benefit, including the hazardous duty supplement before applying for disability retirement to determine which type of retirement is best for them.

E. Notice of Retirement

1. The effective date of a disability retirement application rendered by an employee will be considered notice of date of termination of employment with the City. Most employees can apply for disability retirement online by logging into your myVRS account. Paper applications can also be submitted directly to VRS.

2. Human resources can assist employees with applying for disability retirement. If preferred, employees can also contact VRS directly.

V. VIRGINIA LOCAL DISABILITY PLAN (VLDP) – VRS HYBRID PLAN MEMBERS

A. VLDP provides income protection if an employee is unable to work because of a non-work-related or work-related illness, injury or other condition, such as surgery, pregnancy, complications from pregnancy or a catastrophic or major chronic condition. A work-related disability is the result of an occupational illness or injury that occurs on the job and the cause is determined to be compensable under the Virginia Workers' Compensation Act. Only employees covered under the VRS Hybrid Retirement Plan are eligible for disability benefits under VLDP.

B. Employees covered under VRS Plan 1 and Plan 2 are not eligible for disability benefits under VLDP. (Disability benefits for VRS Plan 1 and Plan 2 members are defined in the City's Short-term Disability Policy, #403.

C. VLDP Short-term disability is a component of the VLDP that provides, in most cases, income replacement when an employee is unable to work due to a non-work-related or work-related illness, injury, or disability.

1. All full-time employees in the Hybrid plan are eligible and required to participate in the short-term disability program at no cost.
2. An employee becomes eligible for non-work-related short-term disability coverage after one year of continuous participation in VLDP with the current employer.
3. The maximum short-term disability period is 125 workdays. The 125-workday period is based on a Monday–Friday workweek and includes paid holidays. If an employee is still disabled after 125 workdays, the employee may qualify for long-term disability.

D. VLDP Long-term Disability is a non-work-related or work-related condition that prevents an employee from performing the full duties of their job for an extended period of time.

1. VLDP long-term disability benefits begin after 125 workdays of short-term disability.
2. The third party administrator will be responsible for determination of eligibility and payment to the employee directly for any long-term disability benefits that they are eligible for. If approved, the employee will receive income replacement at 60% of the employee's pre-disability income.

3. Additional VLDP information is available on the VRS website at www.varetire.org.

VI. HAZARDOUS DUTY BENEFITS

A. The Code of Virginia designates the positions eligible for hazardous duty benefits. The City offers enhanced hazardous duty benefits to full-time law enforcement officers, firefighters, and emergency medical technicians. These employees may be eligible for an increased multiplier and/or the hazardous duty supplement upon retirement. For retirees who meet retirement eligibility requirements, the hazardous duty supplement is a dollar amount added to the monthly retirement benefit.

Employees in hazardous duty positions are members of Plan 1 or Plan 2 based on their membership date and are not eligible to participate in the Hybrid Retirement Plan.

B. An employee must have at least five years of service credit in VRS with enhanced hazardous duty benefits to retire with hazardous duty benefits. If an employee does not have five years of hazardous duty service credit, the employee must meet the retirement eligibility requirements under VRS Plan 1 in order to retire.

C. Hazardous duty employees are encouraged to consult VRS regarding eligibility for and administration of this benefit.

VII. LONG-TERM CARE INURANCE

A. The Commonwealth of Virginia (COV) Voluntary Group Long-Term Care Insurance Program provides a monthly benefit allowance to help cover the cost of long-term care services, such as nursing home care or at-home care to assist with bathing, eating or other activities of daily living. Coverage is participant-paid. VRS has contracted with a third party insurer for the program.

B. Employees who average at least 20 hours a week (VRS members or non-members), retirees, and family members are eligible to apply.

C. Evidence of insurability is reduced if the applicant is age 65 and under and applies within 60 days of employment. Full evidence of insurability will be required after 60 days or if the applicant is over age 65. Full evidence of insurability is required for any family members who apply, or if the applicant is a VRS deferred member or retiree.

D. Premiums are paid directly to the third-party insurer by the participant.

E. To enroll in the program and for other information, applicants should visit the third-party insurer's website (link available on the VRS website).

VIII. HEALTH INSURANCE CREDIT

A. Employees in the offices of the Commissioner of Review, Treasurer, Registrar, and in the Department of Social Services are eligible for a health insurance credit upon retirement to assist with the cost of the retiree health insurance premiums. The credit ends upon the employee's death and cannot exceed the amount of the individual health insurance premium.

B. In addition to being an eligible City employee as described above, the employee must meet the following VRS eligibility requirements: (1) retiring with 15 or more years of service credit from an eligible employer; (2) retiring on disability; (3) or receiving a long-term disability benefit through the VLDP.

C. Employees can register or log into their myVRS account to manage your health insurance credit online, or complete and send the Request for Health Insurance Credit VRS-45 form to VRS. The credit will be added to the monthly retirement benefit.

D. Detailed information regarding the benefits administered by the Virginia Retirement System are available in the VRS Handbook for Members, which can be obtained from the VRS website at ww.varetire.org.

IX. VIRGINIA LINE OF DUTY ACT

A. Established in Title 9.1 of the Code of Virginia, the Virginia Line of Duty Act (LODA) provides benefits to eligible family members of eligible employees and volunteers killed in the line of duty and to those eligible employees and volunteers disabled in the line of duty and their eligible family members.

B. To be eligible for LODA benefits:

1. the employee or volunteer must serve in an eligible position for state or local government in Virginia
2. the death or disability must occur in the line of duty as the direct or proximate result of performance of duty, including presumptions as applicable (respiratory diseases, hypertension, infectious diseases, certain cancers and heart disease).

C. VRS makes all eligibility determinations for LODA benefits and also issues benefit payments on behalf of LODA Fund participating employers. The Virginia Department of Human Resource Management (DHRM) administers the LODA Health Benefits Plans.

X. GROUP LIFE INSURANCE

A. All regular full-time employees are eligible for basic life insurance coverage through Minnesota Life Insurance, an affiliate of Securian Financial, and are administered by VRS. Temporary or part-time employees are not eligible. Eligible employees are covered from the first day of employment. A medical examination is not required to receive this coverage, and the City pays the full cost. This group term program provides a death benefit equal to the employee's annual salary rounded up to the next higher thousand and then doubled. If the group life insurance coverage exceeds \$50,000 for natural death, an employee may be required to report premiums paid by the City as income for federal, state, and FICA tax purposes.

B. Upon leaving VRS-covered employment, an employee may convert basic life to an individual policy. Conversion to an individual policy is guaranteed. The employee must convert basic life coverage within 31 days of termination.

C. An employee who terminates employment and meets age and service requirements for retirement remains eligible for the natural death benefit and accelerated benefit under basic life. However, accidental death and dismemberment benefits cease upon retirement.

D. Some basic life benefits will continue into retirement. A retiring member or terminating member who meets eligibility for retirement upon separation of employment, but who chooses to defer retirement, retains Basic life at no cost. A disability retiree retains basic life coverage at no cost and may accelerate the death benefit if eligibility requirements are met. However, accidental death and dismemberment benefits cease upon retirement. The amount of the basic life insurance is reduced dependent upon the type of retirement for the retiree or terminating member.

XI. OPTIONAL LIFE INSURANCE

A. Employees may, at their own expense, purchase additional life insurance for themselves as well as coverage for their spouses and children through the VRS-sponsored program. Employees can purchase the optional life insurance up to four times their salary, not to exceed \$800,000. A spouse can purchase up to 50% of the maximum amount of the employee's optional life insurance, depending on the level of coverage the employee selects.

B. If an employee applies for benefits up to \$400,000 within the first 31 days of employment, additional evidence of insurability is not required. If an employee applies for benefits in excess of \$400,000 an Evidence of Insurability form is required. Application for optional life received after the first 31 days of employment

may require evidence of insurability. Premiums are payroll deducted.

XII. SOCIAL SECURITY

The City participates in the Social Security System which provides retirement, disability and survivor benefits. Information on Social Security benefits and administrative procedures may be obtained from the Social Security Administration.

APPLICABLE POLICIES

- 301. Employee Benefits
- 304. Workers' Compensation Insurance
- 306. Deferred Compensation Supplemental Retirement Program
- 403. Short-Term Disability

Approved:

Amanda Jarratt
City Manager for the City of Franklin

Signed: _____

Date: _____



*Office of the City Manager
Amanda C. Jarratt*

October 20, 2021

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Section 19-72 of the Franklin City Code

Background Information

Currently Section 19-72 of the Franklin City Code reads as shown below. Numerous requests have been made to the administrative offices regarding the celebration of Halloween this year because it falls on a Sunday. Most localities have shifted to allowing trick or treating on a Sunday. Staff has presented you with an option to amend the City Code to not delegate a specific date for the celebration of Halloween. City Council can also choose to leave the Code in its current state.

§ 19-72 Halloween; prohibited trick or treat activities.

[Ord. of 10-28-1996(2); amended by Ord. No. 2004-25, 10-25-2004]

(a) Halloween shall be celebrated on October 31 of each year, except that if October 31 falls on a Sunday, then Halloween shall be celebrated on the preceding Saturday.

(b) If any person over the age of 12 years shall go upon the property of another, without prior invitation, and engage in the activity commonly known as "trick or treat" or any other activity of similar character or nature under any name whatsoever, he shall be guilty of a Class 4 misdemeanor. Nothing herein shall be construed as prohibiting any parent, guardian or other responsible person, having lawfully in his custody a child 12 years old or younger, from accompanying such child who is playing "trick or treat" for the purpose of caring for, looking after or protecting such child.

(c) If any person shall go upon the property of another, without prior invitation, and engage in such activity after 8:00 p.m., he shall be guilty of a Class 4 misdemeanor

Needed Action

Provide a staff recommendation on Section 19-72 of the Franklin City Code.



§ 19-72

Halloween; prohibited trick or treat activities.

[Ord. of 10-28-1996(2); amended by Ord. No. 2004-25, 10-25-2004]

(a) If any person over the age of 12 years shall go upon the property of another, without prior invitation, and engage in the activity commonly known as "trick or treat" or any other activity of similar character or nature under any name whatsoever, he shall be guilty of a Class 4 misdemeanor. Nothing herein shall be construed as prohibiting any parent, guardian or other responsible person, having lawfully in his custody a child 12 years old or younger, from accompanying such child who is playing "trick or treat" for the purpose of caring for, looking after or protecting such child.

(b) If any person shall go upon the property of another, without prior invitation, and engage in such activity after 8:00 p.m., he shall be guilty of a Class 4 misdemeanor.

Ordinance adopted October 25, 2021.



*Office of the City Manager
Amanda C. Jarratt*

October 18, 2021

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Regular Start Time of City Council Meetings

Background Information

Currently the Franklin City Code dictates a start time of 7:00 p.m. for Franklin City Council meetings. The Code is not required to have a start time listed. Staff has drafted an amendment to change the start time to 6:00 p.m. should Council

Needed Action

Consider action on Section 2.3 of the Franklin City Code.



§ 2.3 Time of Regular Council Meetings

[Code 1962, § 2-12; Ord. of 7-2-1998; Ord. No. 2004-20, 7-12-2004]

The regular meetings of the City Council shall be at 6:00 p.m. on the second and fourth Mondays of each month, except for the fourth Monday in December and any Monday which falls on a legal holiday.

Ordinance adopted October 25, 2021.



*Office of the City Manager
Amanda C. Jarratt*

October 19, 2021

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: City Manager's Report

General Updates

- The City of Franklin staff continues to work with local, regional, and state partners to battle the impacts of COVID-19 and provide testing and vaccinations throughout the City.
- The Notice of Intent for the Southampton County Courthouse was issued by the Southampton County Administrator. I will keep you informed as we receive additional updates.

Community Events

- The Downtown Trick or Treat is scheduled for Thursday October 28th with an outdoor movie night to follow at Barrett's Landing.
- The City of Franklin Christmas parade is scheduled for Friday December 3rd with the theme of "Christmas Movies".