

AGENDA

FRANKLIN CITY COUNCIL

MONDAY, MARCH 24, 2014 – CITY HALL COUNCIL CHAMBERS – 207 W. SECOND AVENUE

7:00 P.M.

REGULAR MEETING

CALL TO ORDER. . . . MAYOR RAYSTINE D. JOHNSON-ASHBURN

PLEASE TURN OFF CELL PHONES . . . MAYOR RAYSTINE D. JOHNSON-ASHBURN

PLEDGE OF ALLEGIANCE

CITIZENS' TIME

AMENDMENTS TO AGENDA

1. CONSENT AGENDA

- A. Minutes of the March 10, 2014 City Council Meeting
- B. February 2014 Departmental Reports (Separate File)

2. FINANCE

- A. February 2014 Monthly Financial Report
- B. Budget Amendment #2014 – 21: Community Development Department City/County Shared Services

3. OLD/NEW BUSINESS

- A. City Stormwater Management Ordinance Adoption
- B. City Manager's Report

4. COUNCIL/STAFF REPORTS ON BOARDS AND COMMISSIONS

5. CLOSED SESSION – I move that the Franklin City Council meet in closed session to consider appointments to boards and commissions and discuss personnel as permitted by Virginia Code Section 2.2-3711 (A) (1).

Motion Upon Returning to Open Session: I move that the only matters discussed during the session were those lawfully exempted from open meeting requirements and identified in the motion by which the closed session was convened.

6. **WORK SESSION:** Discuss Poverty Initiative Next Steps

7. ADJOURNMENT

UPCOMING ITEMS TO BE SCHEDULED...

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

SUBJECT**TENTATIVE TIME LINE****Public Meeting Schedule for School Board Vacancies:**

- **Ward 1 Vacancy Meeting**
- **Ward 3 Vacancy Meeting**
- **1st Public Hearing to receive nominations**
- **2nd Public Hearing to receive nominations**

April 23, 2014**TBA****April 28, 2014****May 12, 2014****FY 2014-2015 Budget Council Work Sessions****May 5th, 7th & 13th****Personnel Policies Review Including PTO,
Health & Disability Insurance****TBA****2014 Council Retreat****TBA**

CONSENT AGENDA

- A. Minutes of the March 10, 2014 City Council Meeting**
- B. February 2014 Departmental Reports (Separate File)**

The Franklin City Council held a regular meeting on Monday, March 10, 2014 at 7:00 p.m. in the Council Chambers at City Hall.

Council Members in Attendance: Raystine D. Johnson-Ashburn, Mayor; Barry Cheatham, Vice-Mayor; Greg McLemore, Benny Burgess, Mary Hilliard and Mona Murphy (Councilman Don Blythe absent).

Staff in Attendance: Randy Martin, City Manager; Taylor Williams, City Attorney; Alan Hogge, Director Social Services; Bob Porti, Deputy Chief of Police; Brenda Rickman, Commissioner of Revenue; Dinah Babb, Treasurer; Melissa Rollins, Director of Finance; Russ Pace, Director of Public Works; Carolyn Joyner, Director of Human Resources; Beth Lewis, Deputy Director of Community Development; Vince Holt, Director of Emergency Services; Jennifer Maynard, Voter Registrar; and Dan Howe, Executive Director of Downtown Franklin Association

Other Staff in Attendance: Quentin Livingston, Police Officer; Amanda Jarrett, President and CEO Franklin Southampton Economic Development Inc.; and Teresa Rose-McQuay, Administrative Assistant and Acting Secretary, Recording Minutes.

CALL TO ORDER

Mayor Raystine Johnson-Ashburn called the regular City Council Meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by everyone in attendance.

SPECIAL PRESENTATIONS: Retiree Recognition

Mayor Johnson-Ashburn and the City Council recognized recent retirees Mr. Frank A. Davis, Director of Parks and Recreation; Mr. Waverly Lawrence, Athletic Program Specialist for Parks and Recreation; Ms. Evelyn Blick, Administrative Secretary for Parks and Recreation; and Mrs. Mirinda Turner, Communications Officer for the Franklin Police Department. The resolution to Mr. Davis was read aloud by Vice-Mayor Barry Cheatham. The motion was made to adopt each of the resolutions honoring the retirees by Councilwoman Murphy; seconded by Councilman McLemore and passed with a 6 – 0 vote.(Councilman Don Blythe absent). The Mayor and Vice-Mayor presented a plaque to Mr. Davis who was present at the meeting.

Citizen's Time

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

AMENDMENTS TO AGENDA

Vice-Mayor Cheatham made a motion to amend the agenda to include a closed session discussion to consult with the City Attorney on a specific legal matter requiring legal advice by the City Attorney pursuant to Virginia Code Section 2.2-3711(A)(7). Councilwoman Hilliard seconded and the motion was approved by a 6 – 0 vote (Councilman Blythe absent).

CONSENT AGENDA**Minutes of the February 24, 2014 Regular Meeting**

A motion was made by Vice-Mayor Cheatham to adopt the minutes as presented from the City Council Meeting held on February 24, 2014. The motion was seconded by Councilwoman Hilliard (Councilman Blythe absent).

The motion was approved with the vote as follows:

Mayor Johnson-Ashburn, AYE; Vice-Mayor Barry Cheatham, AYE; Councilman McLemore, ABSTAIN; Councilman Burgess, AYE; Councilwoman Hilliard, AYE; and Councilwoman Murphy, AYE; (Councilman Blythe absent).

FINANCE**Franklin Public Schools Budget Amendment #2014 – 20**

Finance Director Rollins presented a request from the Franklin City Public School System to amend their FY 2013 – 2014 Budget to reflect the award of the following grants:

A. Lego Team State Competition Trip	\$2,600
B. Professional Development Seminar	\$1,300
C. FHS Robotics Team	<u>\$1,200</u>
Total	\$5,100

Councilwoman Murphy made a motion to approve Budget Amendment #2014-20. The motion was seconded by Vice-Mayor Cheatham. The motion was approved as follows:

Mayor Johnson-Ashburn, AYE; Vice-Mayor Barry Cheatham, AYE; Councilman McLemore, AYE; Councilman Burgess, ABSTAIN; Councilwoman Hilliard, AYE; and Councilwoman Murphy, AYE; (Councilman Blythe absent).

PUBLIC HEARING**Madison Street Area Community Development Block Grant (CDBG) Project – Resolution #2014 – 03**

Conducting a Public Hearing is a required action by City Council prior to submitting a Comprehensive Community Improvement Grant application to the Virginia Department of Housing and Community Development. The purpose of the hearing is to review the project area designation, project budget, the proposed grant activities using CBDG funds and to solicit public input and comments on the proposed application.

The City anticipates submitting an application on March 26, 2014 for up to \$1,400,000 in grant funds for the Madison Street Neighborhood Revitalization Project.

Manager Martin recognized Beth Lewis, Deputy Director of Community Development to introduce Kelly Hall, Planner with Community Planning Partners, Inc. to speak concerning the plans, the grant process and the positive impacts this project will have on this community.

Deputy Director Lewis said that it is important to remember that 30 resident families made up of 69 people have voluntarily invited Mr. LeBlanc, the housing specialist into their homes representing the City to evaluate their needs. These 30 families have worked with Mr. LeBlanc to determine what changes and repairs will make their homes safer, more energy efficient, and more appropriate for the people who live there. Regardless of what individual views may be; these 30 families need the City's help to improve their everyday lives. The City cannot be assured to win this grant but these 30 families are counting on the City to try. Mrs. Lewis turned the podium over to Ms. Hall who has assisted the City in pursuing the grant.

Ms. Hall stated the Madison Street area was chosen after the completion of the housing needs assessment. The management team for the City unanimously recommended at their final meeting to pursue the Madison Street area for further study. We took a larger area and extensively surveyed it before narrowing the focus down to the smaller area. That is where we had the highest number of interested and eligible households. There was enough interest to move forward with the CDBG application for funding. In that proposed area there are 30 families desiring to participate: 20 are owner occupied and 10 are renter occupied. The total budget including local match for the CDBG project is \$1,593,579.

Mayor Johnson-Ashburn asked if anyone on Council had any questions for Ms. Hall.

Councilman McLemore asked how many participants were involved.

Ms. Hall stated that there were 30 families containing 69 people who expressed interest and completed surveys reflecting they will qualify for assistance based upon income information submitted.

Councilman McLemore asked how many homes are in the target area in total.

Ms. Hall replied that there are 54 homes in the area with 2 duplexes which makes it 52 housing structures.

Prior to the Public Hearing, Manager Martin stated the purpose of the meeting is to solicit public input on the proposed CDBG application to be submitted to the Virginia Department of Housing and Community Development for the Madison Street Neighborhood Revitalization Project. The Manager then reviewed highlights of the public hearing notice.

Mayor Johnson-Ashburn opened the public hearing for questions or comments.

There were no questions or comments offered by the public, so the Mayor closed the public hearing.

Mayor Johnson-Ashburn opened the floor to Council for further questions and comments before considering action.

Councilman McLemore asked why the Madison Street area was selected.

Ms. Hall restated that it was unanimously selected by the Management team to pursue the Madison Street area as a portion of the larger Cobb town community.

In addition to housing needs, Manager Martin said that public health was one very important factor in the determination process. He described issues with sewer connections and service lines in the area and other identified infrastructure issues.

Councilman Burgess asked for clarification on the difference between relocation and displacement.

Ms. Hall answered that displacement is permanent but relocation is temporary. Only temporary relocation during housing rehabilitation would be necessary in this project. No residents will be permanently displaced.

Councilman Cheatham asked how long the project would take.

Ms. Hall estimated up to four years from submission of the grant application until the completion of the project.

Councilman Cheatham asked if the storm water improvements in the project will help us meet the mandates of the state and City stormwater ordinances.

Manager Martin replied yes and this will also help with a stormwater runoff issue in the target area.

Manager Martin asked Mr. Pace, Director of Public Works, to address utility needs and conflicts identified in the target area.

Director Pace explained that due to the construction methodology used 30 years ago there are areas that have the wrong type of pipe that need to be corrected. The pipes that are there now are clay and this poses the risk of something hitting the pipe and creating leaks. Installation of new more substantial material will eliminate this issue.

Mayor Johnson-Ashburn asked if the new waterlines for fire flows would help with water pressure or is it just to supply the hydrants for fire protection.

Director Pace answered yes it will help the entire system. The flows that exist now are not bad but making this loop at the end of Madison Street will circulate more water and give us longer flow if you have to pull from a hydrant to suppress a fire. The water will also be fresher without dead end lines.

Mayor Johnson-Ashburn asked if the current waterline is 6 inch in diameter or are some lines smaller.

Director Pace said they are 6 inches now but it is currently a dead end line at the end of Madison Street. The proposed improvements will loop the lines by joining the pipes together.

Councilwoman Murphy asked if the 20 owners and 10 renters have already given permission and agreed to have this done.

Ms. Hall answered that currently they were surveyed; it is not an official application because the grant has not been approved yet. There is a signed survey that says they would like to participate if the funding becomes available.

Councilwoman Murphy asked if the application is approved, how long it would take before the funding will become available.

Ms. Hall responded the funding will be announced sometime in June or July but the project will not be released until sometime between next January and March.

Councilwoman Murphy asked what happens next if the City is approved for the funding.

Ms. Hall answered that the City must go through the neighborhood again and knock on all the doors but instead of doing a survey the residents will be asked to do an application.

Councilman Burgess asked if it is true that a family on Section 8 assistance is not eligible to participate in the program.

Ms. Hall responded yes. This is a federal regulation. Currently there is only one house identified in the project area where this is the case.

Councilman Burgess asked if there were other funding streams that a resident on Section 8 could be served other than CDBG.

Ms. Hall said there is not another funding stream that she is aware of that could provide significant funding for Section 8 renter occupied. She also said that when an Investor/Owner participates in this program they are required to rent their property to a low to moderate income household at a certain rent for the next 10 years. This results in affordable, descent and safe housing in the City of Franklin.

Councilman McLemore asked who determines the contractor to complete the work on the homes.

Ms. Hall replied the City.

Councilman McLemore asked Mr. Martin what was the procedure for picking the contractor to do the work.

Manager Martin responded that the current City procurement process is used unless the State's requirements are more stringent but it would be competitively bid. Of course whoever is chosen would have to be licensed and fulfill all the requirements of the grant.

Councilwoman Hilliard said that she was also on the Management Team and that she had heard most of the same questions in the meetings and they were answered. She thanked Ms. Hall for her patience.

Mayor Johnson-Ashburn asked Councilman McLemore if he had any closing comments.

Councilman McLemore said because of other CBDG concerns from previous projects that people in the Madison Street area would like assurances in writing that no one would be displaced. He said he lived in the area and was on the management team. He then said they would like a commitment from the City that nothing would change and that no one at any time will lose their home. Based on the lack of participation from 100% of the area, he feels that there are other areas and houses in the City that are more worthy and would want to have this opportunity and they should be given the money.

Councilman Burgess commented that since no one was present to oppose this grant then he would support the project.

Vice- Mayor Cheatham said that if there was opposition to the project that people would have come to express their opinions and since they had not that he would support the project.

In response to comments from the Council, Manager Martin stated that he had attended all but one of the ten public meetings concerning this project all the way back to 2012. He has not seen a majority of people present at any of the meetings express negative comments concerning this project. There were a couple of negative comments concerning past projects related to condemnation and relocation. He stated he will

gladly have a sit down meeting with anyone outside this meeting who disagrees. The letter of assurance that was requested went much further than just CDBG project assurances; it wanted the comprehensive plan to be changed as well. Only the City Council can alter the comprehensive plan. At no time with this grant will there be any redevelopment activities concerning this project if it is approved. It is not legal and it is not possible. At no time will any property be taken from its owner. Worst case scenario is that if a property is so far gone in its condition and they voluntarily are participating in the program; the home will be completely rebuilt on its current property. Secondly, every unit indicated has completed a survey and expressed a willingness to participate in this program. This is completely voluntary. This program does not allow a scattered site treatment throughout the city for every individual home that needs addressing. They have to qualify, they have to desire to participate and they have to be in a defined target area or otherwise we do not get the money. There are 30 families who have agreed to participate and we anticipate there will be others interested once the program is implemented and they see how it works if there is sufficient funding to do additional units. This will improve energy costs with weatherization, make their homes safer, and will give those beneficiaries decades more life for their home at minimal costs to them.

Mayor Johnson-Ashburn commented that she hoped people would check the program out for themselves and do whatever it takes to make an informed decision concerning this grant. There is no line item for acquisition in this grant. She expressed that her hope was that because of a few people they would not penalize those who want and need to participate in the program that could not afford to have work done on their homes. The people who are in the most need should participate.

Vice-Mayor Cheatham read the proposed resolution aloud and made the motion to submit the Madison Street Neighborhood Comprehensive Community Improvement Application. Councilman Burgess seconded the motion.

Mayor Johnson-Ashburn asked if there were any more discussion concerning this matter before the Council acts on the motion.

Councilman McLemore asked if this is grant money then why are the citizen's required to pay a portion of it back or is it part of the money they are paying back referring to the grant money itself.

Ms. Hall stated that this was recently enacted by the Legislature. It is a new state mandate that exists with all CDBG grants. She stated the minimum contribution is based upon income and is no less than \$25.00 per month for up to ten years.

Councilwoman Murphy expressed that she understood Councilman McLemore's concern but she wants people to understand that this is something that will truly help them and it would be a minimal cost to them.

Councilman McLemore commented while Councilwoman Murphy had the floor, so the Mayor ruled him out of order. She asked the police representative attending the meeting to come forward. Councilman McLemore left the meeting at 8:17 P.M.

Mayor Johnson-Ashburn recognized Mrs. Hall to further comment on the resident participation requirements. Ms. Hall clarified that the repayment would be based upon ability to pay calculations and that would be done before the application is filled out.

Councilman Burgess asked what happens to the repayment portion if the owner desired to sell their home 3 years later and they had not paid their share.

Ms. Hall responded that it would be paid at their closing as it would constitute a lien. In the case that the homeowner passes, the heirs would assume repayment based on their low to moderate income, however if their income surpasses the range they would have the option to rent it out to a low to moderate income family.

There being no further discussion, the motion was approved by a vote of 5 – 0 (Councilman Blythe and Councilman McLemore absent.)

OLD/NEW BUSINESS

Mayor Johnson-Ashburn excused herself from the meeting during the next agenda item discussion. Vice-Mayor Cheatham assumed the role of the Mayor during her absence.

Incubator Naming Policy

Manager Martin reminded Council that at the last meeting a proposed policy was distributed to Council for naming rooms in the incubator for individuals which had been drafted for consideration by the Incubator Advisory Board. The Board desired Council consideration of the policy before they proceeded to further consider it.

Manager Martin clarified the Incubator Naming Policy is not to name the building. The Advisory Board of the Incubator would like to honor and recognize key participation and people who have contributed significantly to the Incubator's development, creation and operations over a period of time.

Councilman Burgess who serves on the Advisory Board, commented that the draft policy contains the guidelines the Advisory Board desires to establish. This is to give it some formal process that they can go through to make sure things are carefully considered.

Manager Martin said that this is being presented for the Council's consideration and blessing if desired.

Councilman Burgess then made a motion to accept the Incubator Naming Policy as presented. The motion was seconded by Councilwoman Murphy. The motion was passed by a vote of 4 – 0 (Councilman Blythe, Councilman McLemore and Mayor Johnson-Ashburn absent).

Mayor Johnson-Ashburn returned to the meeting and resumed her role as Mayor.

CITY MANAGER'S REPORT

City Manager's Summary Report on Electric Utility Analysis

The winter season of 2014 has been the coldest on record in years. In January 2014, Franklin Power & Light recorded the highest electric usage peak on record at 37 megawatts. The typical winter peak for Franklin is approximately 32 megawatts. The entire winter has been colder but January saw the biggest drop in temperatures. February is showing some improvement.

To illustrate the impact on customer billings in recent months, Franklin's energy purchases in January 2014 were 27.2% higher than December 2013 and 50.2% higher than November 2013.

Compared to the prior year, Franklin's January 2014 energy purchases were 17.3% higher than January 2013. [February data is not available as of this report.]

December 2013 energy purchases were 7.2% higher than December 2012. November 2013 reflects a decrease from November 2012.

Franklin's status as a winter peaking utility with a lower electric rate in the winter months (October – May) has a significantly negative impact on City cash balances during a colder than normal winter.

The Council was given handouts that are a collaboration of information compiled by Melissa Rollins, Director of Finance and Mark Bly, Director of Power and Light.

Handout #1: February 2014 projected Cash Balance: VEMA Expense; Demand of Energy Usage Comparison

Director Rollins reviewed the handouts and gave the Council an estimate of where the City numbers are expected to be at the end of February 2014. Cash is \$448,000 and we are hopeful that the City will not see a decline from January 2014 to February 2014. There has been an increase of 13.1% from the previous year in VEMA expense. Energy kilowatts purchased shows an increase of 6.8% over the prior year.

Handout #2: The 7 Month History of Collections Aging Comparison is intended to gauge the variance in the City Aging of Utility accounts that are 30, 60, or 90 days old. The collection numbers are generally showing improvement.

Handout #3: The 12 Month History of Billing versus Payments Comparison is a report that was requested by Vice-Mayor Cheatham. This data does not show a major shift in the City's collections over the prior year.

Alan Hogge, Director of Social Services then commented on a report of Direct Assistance Provided to Utility Customers by DSS. The first page of the handout is about the Energy Assistance Program. There are three programs that are available in the DSS office. The programs are the fuel program, the heating program and the cooling program. All of these block grants are affected by sequestration. There is expected to be a cut in funds next year in the amount of \$300 million nationally if it is not hit again by sequestration. There was a cut last year of \$5.2 million dollars to the Virginia share of the energy program but because of the severity of the weather the state of Virginia has been given \$10 million by the Federal government in additional funds this year.

Mayor Johnson-Ashburn asked if we knew the breakdown of the funds and how much the City of Franklin would get. Director Hogge advised that Franklin has not been notified what to expect from these additional funds yet.

Manager Martin asked Director Hogge to comment on program limits. Mr. Hogge advised that the limit for the crisis programs is \$347. The number of people, whether elderly or children and the amount of income are all factors that determine the amount of eligibility. The cooling program has a maximum benefit of \$100.00 over the last two years. The block grant is based on a fixed amount of money so the more approved applicants there are the less money individuals will receive. From 2009 through present the funding has been decreased by 41% and approved applicants are up by 85%.

Councilwoman Murphy asked how many times a year does household get assistance.

Director Hogge answered potentially three times. As long as there is a bill they definitely qualify for heating and cooling assistance. With the crisis program there has to be a cutoff notice for the utilities.

Mayor Johnson-Ashburn asked if Social Services only accepted applications for the fuel program for one month from October 1 to November 8.

Director Hogge answered yes.

Mayor Johnson-Ashburn observed that assistance from the Energy Assistance Program totalled \$247,035.81 from June to March 10, 2014.

Director Hogge stated there could be some minor issues with the crisis program that could alter the total because they are still receiving and processing applications. However, there will not be a significant change in the total amount of assistance.

Manager Martin said that if you take into account the Family Services Intake Program, the total assistance is \$258,599.48 that Franklin citizens have received. He asked Director Hogge how that compared to the amount of assistance from last year.

Director Hogge advised the amount was significantly less than last year because the funds that are available are down and the total number of applications for this category of assistance have decreased. From 2008 – 2012 there was an overall increase in applications for all three programs of 65% and over the last two years there has been a decrease of 11% and we do not know why.

Communications Center Grant Update

City Manager Martin stated that the City Staff have received preliminary approval through the efforts of the Communications Manager and the Police Department that the City has been recommended to receive a \$91,922 to upgrade our communication equipment. The City has an additional need of \$65,578 and have asked for that to be funded as well but have not heard anything on that additional request. The City previously received \$35,000 in grant funds from the Franklin-Southampton Charities for upgrading equipment. If the City receives all the funding requested it will pay for 100% of the upgrade for City communications equipment estimated to cost up to \$200,000.

FSEDI Event

Manager Martin invited all to attend the One Economy, One Future event that is being sponsored by Franklin-Southampton Development Inc. and the Chamber of Commerce on Tuesday, March 11, 2014 at 7:30 A.M. at the Paul D. Community College Work Force Development Center. They will have a guest speaker there to review progress on the past decade in the Franklin/Southampton Community.

COUNCIL/STAFF REPORTS ON BOARDS AND COMMISSIONS

Councilman Burgess reported on the meeting of the City/County Utility Grant Management Team Committee to review the RFP for engineering and professional assistance that is going out. It was published in the newspaper and it is hoped that there will be a lot of interest. Hopefully by May, the Team will be able to select a firm to do the study. Everything is moving forward as planned.

Vice-Mayor Cheatham thanked Councilwoman Hilliard for inviting him to Piney Grove Baptist Church to celebrate the 10th anniversary of Reverend Brown.

Mayor Johnson-Ashburn recognized Officer Quentin Livingston and Sgt. Todd Lyons of the Police Department for their heroic efforts in saving a woman from a burning house. She asked all in attendance to rise and give them a round of applause and noted that they will be further honored and recognized at a later time.

CLOSED SESSION

A motion was made by Vice-Mayor Cheatham for the Franklin City Council to meet in Closed Session to discuss and consider appointments to boards and commissions, and to discuss prospective businesses or industries where no previous announcements have been made and consider the investment of public funds where bargaining is involved and the financial interest of the City would be adversely affected if made public and to consult with the City Attorney on a legal matter requiring legal advice by the City Attorney pursuant to Virginia Code Section 2.2-3711 (A) (1), (5), (6) and (7).

The Council went into Closed Session at 8:59 P.M.

Mayor Johnson-Ashburn asked for a motion concerning the Closed Session just ended.

Vice-Mayor Cheatham made a motion that the only matters discussed during the Closed Session were those lawfully exempted from open meeting requirements and identified in the motion by which the Closed Session was convened. Councilwoman Murphy seconded the motion, and it was approved by a 5-0 vote (Councilman Blythe and McLemore absent).

ADJOURNMENT

Vice-Mayor Cheatham made a motion to adjourn the meeting. The motion was seconded by Councilwoman Hilliard and approved by a 5-0 vote (Councilmen Blythe and McLemore absent).

The Mayor declared the meeting adjourned at 9:52 P.M.

FINANCE

- A. February 2014 Monthly Financial Report**
- B. Budget Amendment #2014 – 21: Community Development Department City/County Shared Services**



**Monthly Financial Report Summary (Unaudited)
for the Period Ending February, 2014**

General Fund Revenue Assumptions

Accruals: Local Sales & Use Taxes, Meals Taxes, and Lodging Taxes. The Financial Report has been modified to adjust for these revenue sources on an accrual basis.

General Fund Revenue Summary

The General Fund is the City’s primary operating fund and is used to account for all resources except those that are required to be accounted for in another fund. With eight months of the fiscal year complete, General Fund Revenues continue to track slightly higher than revenue from the prior year period. Overall, General Fund revenue of \$12.4 million at the end of the month is 65.2% of budget compared to \$12.12 million or 63.2% of budget at February 28 2013. An overview of the various local, state and federal sources is as follows:

Property Tax Revenue

- Property tax revenue in Fiscal Year 2013-2014 reflects a favorable increase in general property tax collections over the prior year period. Current real estate taxes is consistent to the prior year at \$2.48 mil or 48% of the budgeted collected in both periods; delinquent real estate, current personal property taxes and penalties & interest on taxes continue to reflect gains from the prior year period. Collectively, the taxes as shown below reflect a 2.4% gain from the prior year period.

REVENUE SOURCE	ACTUAL		Prior Year Change	
	2/28/2014	2/28/2013	Dollar and %	
Real Estate Taxes-Current	\$ 2,484,301	\$ 2,481,642	\$ 2,659	0%
Real Estate Taxes-Delinquent	241,664	\$ 170,580	\$ 71,084	42%
Personal Property Taxes-Current	1,207,277	\$ 1,177,375	\$ 29,902	3%
Personal Property Taxes-Delinquent	29,532	\$ 48,144	\$ (18,612)	-39%
Penalties & Interest Taxes	100,260	\$ 90,006	\$ 10,254	11%
GENERAL PROPERTY TAXES	\$ 4,063,034	\$ 3,967,747	\$ 95,287	2.4%

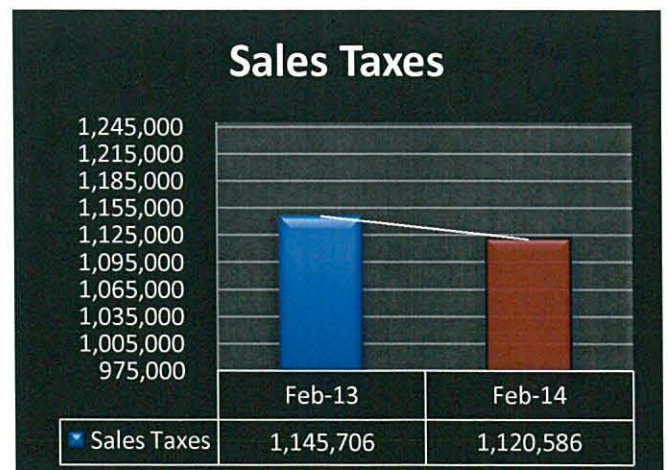
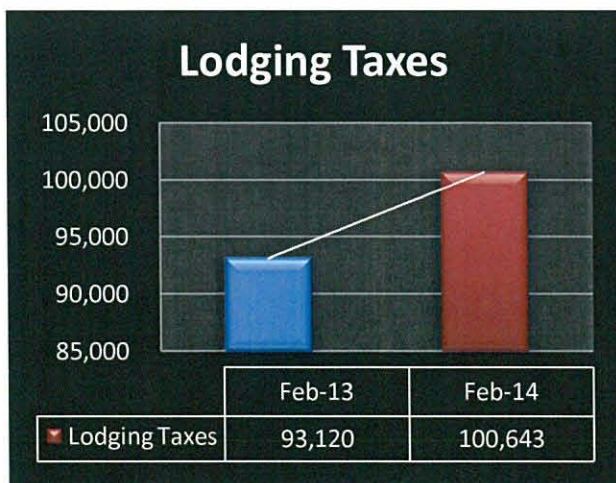
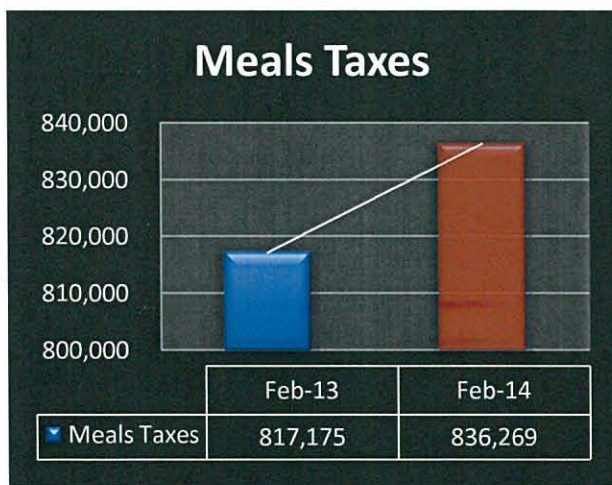
Local Taxes

- Taxes indicative of the City’s local economy collectively are tracking close to the prior year period. Estimated meals and lodging taxes yield positive gains of 2.3% and 8.0% respectively, while revenue from cigarette and projected sales taxes reflect less favorable trends decreasing from the

prior year period by 4.1% and 2.1% respectively as shown in table 1 and the accompanying charts. However, all sources are on target with budgeted projections ranging from 65% to 77% of the budget realized at the end of the month.

Table 1.

Fiscal Period	Meals Taxes	Lodging Taxes	Cigarette Taxes	Sales Taxes	Total
Feb-13	817,175	93,120	241,500	1,145,706	2,297,501
Feb-14	836,269	100,643	231,547	1,120,586	2,289,045
Change \$	19,094	7,523	(9,953)	(25,120)	(8,456)
Change %	2.34%	8.08%	-4.12%	-2.19%	-0.37%
FY14 % of Budget Realized	66.9%	67.1%	77.0%	65.0%	





Other Local Revenue

- Revenue from permits, fees and fines reflect an increase in the current accounting period from \$72,000 in February 2013 to over \$125,000 in February 2014 due to the consolidation of planning and inspection services with Southampton County. Fees collected year to date have reached 81% of budget.
- Charges for services reflect the budgeted reduction in the general fund associated with the transitioning to the separate Solid Waste Fund effective July 1, 2013. One month of revenue for June 2013 billed services (collected in July) is reflected in the General Fund. Effective August 1st, all revenue collected for solid waste services was reported in the Solid Waste Fund.
- Charges for services also include the administrative transfer from the City’s Enterprise Funds to the General Fund; the budget and expenditures for FY13-14 increased as a result of accurate cost allocation and service charges for the newly established Solid Waste Fund. Other charges for services include ambulance billing charges (which reflect significant gains due to timely billing of Medicaid claims) and parks & recreation fees which also reflect gains over the prior year period. Collectively, receipts for charges for services are 71% of budget at February 28th.
- State and Federal Revenue – For state aid, revenue is higher than the prior year period as a result of fire program grant funds and additional funds for street and highway maintenance; federal aid in the current year increased as a result of the SAFER grant federal reimbursement

General Fund Expenditure Summary

General Fund expenditures increased overall by \$1.69 million or 20% from the prior year period. This is largely due to budgetary changes made in the current fiscal year for public safety and capital outlay expenditures associated with loan proceeds; year to date expenditures at 65% of budget are higher when compared overall to the prior fiscal year. This is largely due to the expenditure of capital outlay in the current year, budgeted personnel expenditures, and service consolidation in Community Development. Primary decreases and increases in the current fiscal year versus expenditures from the prior year period are as follows:

<u>Category of Expenditure</u>	<u>2/28/2014</u>	<u>2/28/2013</u>	<u>Variance</u>
Legislative, General & Financial	1,294,723	1,191,540	103,183
Law Enforcement	2,448,169	2,116,418	331,751
Refuse Collection & Disposal	212,709	608,787	(396,078)
Planning & Beautification	112,859	33,948	78,911
Streets	1,628,029	811,685	816,344
Buildings and Grounds	905,400	596,857	308,543
Fire and Rescue	1,464,238	1,013,249	450,989
	8,066,127	6,372,484	1,693,643



Explanation for Above Variances

Legislative, General and Financial Administration: budgeted personnel increases, real estate reassessment, cost for retirees health insurance, full time IT staff and other IT operating costs.

Law Enforcement: Personnel cost - \$121,000 (budgeted and mid-year adjustments, overtime, leave-payouts) capital outlay - police vehicles - \$215,000

Planning – Personnel & operating cost for shared services (Storm water Management) - \$72,000

Streets – Personnel cost to include filling vacancies - \$50,000, street paving & drainage- \$535,000, capital equipment purchase - \$185,000, snow removal - \$5,000

Building & Grounds – capital outlay roof replacements - \$260,000

Fire & Rescue – personnel cost for SAFER grant positions - \$400,000, other cost - \$50,000 (grant expenses and vehicle repairs)

Anticipated Additional Appropriations Needed in General Fund for FY13-14

Southampton County Revenue Sharing payment Retiree Health Insurance
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- The Water & Sewer Fund continues to perform according to budget with 65% or \$2.02 million of \$3.12 million of budgeted revenue realized at February 28.
- Operating expenses show a decrease of about \$134,000 due to the timing of projects completed primarily in the water division (i.e. waterline rehabilitation).
- After factoring in transfers to the General Fund and debt service, the variance between revenue and expenditures is \$368,000. Cash in the Fund increased from the prior month by nearly \$100,000 to \$1.94 million.

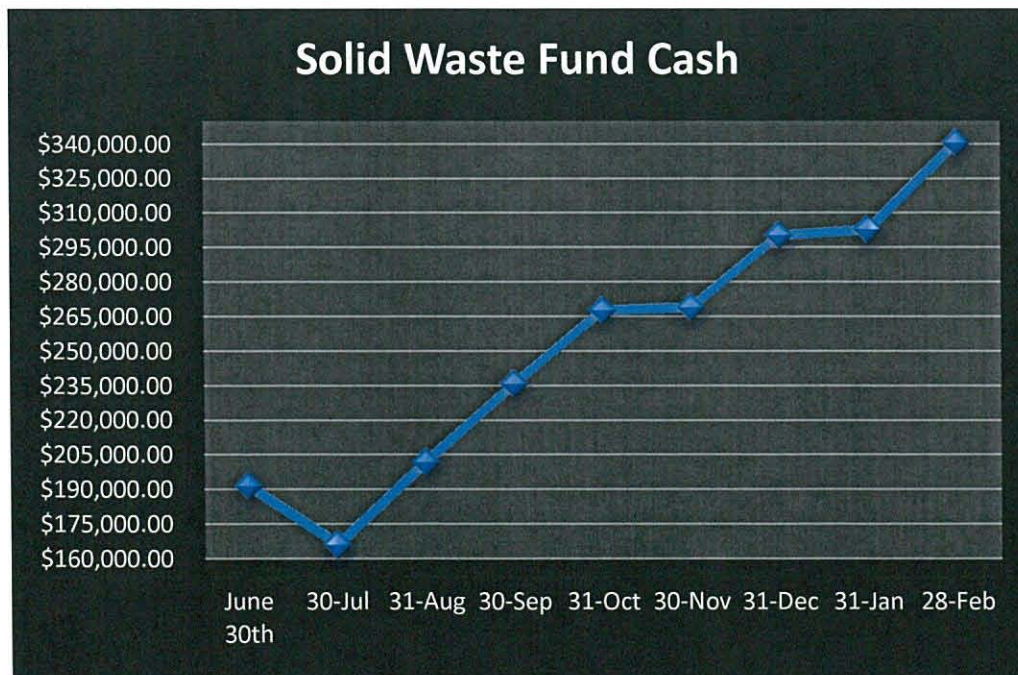
Solid Waste Fund Summary

- Revenue for the Solid Waste Fund of \$808,000 is recorded for seven months beginning with the August 2013 financial report. (Revenue for solid waste services received in July 2013 was for the prior year service period (June 2013) and therefore credited to the City's General Fund). Consequently, revenue will track behind budget until the end of the fiscal year.
- Expenditures are 56% of budget for operating cost and 45% of the total budget when factoring in capital outlay.



- After factoring in transfers to the General Fund and debt service, total expenditures of \$666,000 represent 47% of the Fund’s total budget;
- As a result of year to date revenue earned and expenditures made, net income for the month is \$142,000; Cash in the Solid Waste Fund at the end of February was \$340,434 for an overall increase of nearly \$149,000 in the fund’s cash position since July 1.

	<u>Month</u>	<u>Cash Balance</u>	<u>Variance</u>
	June 30th	\$191,478	
	July 30th	\$166,060	(\$25,418)
	Aug 30th	\$201,680	\$35,620
	Sept 30th	\$235,700	\$34,020
	October 31st	\$267,523	\$31,823
	Nov 30th	\$268,902	\$1,379
	December 31st	\$300,148	\$31,245
	January 31st	\$302,728	\$2,580
	February 28th	\$340,434	\$37,706
	Net Change Since July 1, 2013		\$148,956





Airport Fund Summary

- Fuel sales reported at February 28th was \$77,000; minimum sales activity occurred in February. This is just slightly higher than sales revenue in the prior year period of \$74,000. While revenue collected for fuel sales is 43% of budget, about 44% of the budget or \$61,000 has been spent on fuel purchases.
- Other local revenue of nearly \$45,000 consists primarily of airport rental fees are slightly less than the prior period revenues of \$48,000; however, on target with budget at nearly 70% of the budget realized at the end of the period.
- While state and federal grant revenue is currently less than \$9,000, the City does expect a federal/state reimbursement for land acquisition costs and other airport projects.

Electric Fund Summary

- Revenue in the Electric Fund is at roughly 68% of budget and represents eight months of billed revenue at \$8.93 million (sale of energy). This is slightly higher than the same period in FY 2012-2013 in which billed revenue of \$8.56 million was 65% of budget.
- Revenue from other sources of \$150,000 is performing well with 64% of the budget realized as of February 28.
- On the expense side, operating expenses of \$772,000 are comparable to the prior year period at 52.5% of the total budget. Funds set aside for reserves should remain unspent for the purposes of cash replenishment and future capital outlay. Expenditure for the sale of energy is \$6.26 million at the end of the period, or 70% of budget and is comparable to the prior year.

CASH BALANCE

The Electric Fund experienced improvement in its cash position from January 2014 to February 2014. Cash in the Fund at the end of January was \$438,344. The balance at the end of February is \$559,511 for an increase of \$121,167. This balance is \$271,747 higher than the cash balance reported in the Fund at the end of February 2013 (\$287,764). *See tables 1 and 2 and 3 (graph).* February was expected to show some improvement as (1) debt service payments adversely impacted January's cash position and was not applicable in February and (2) outstanding fuel assistance payments were credited to the Fund's cash in February.



Colder temperatures continue to impact the cost incurred by the City in February for payment made to VMEA which was \$1.3 million, or roughly \$300,000 more than the City paid in January (see table 4). Tables 5 and 6 provide additional analysis on billed revenue versus payments collected for the current and prior year period.

Prior Year (Table 1)

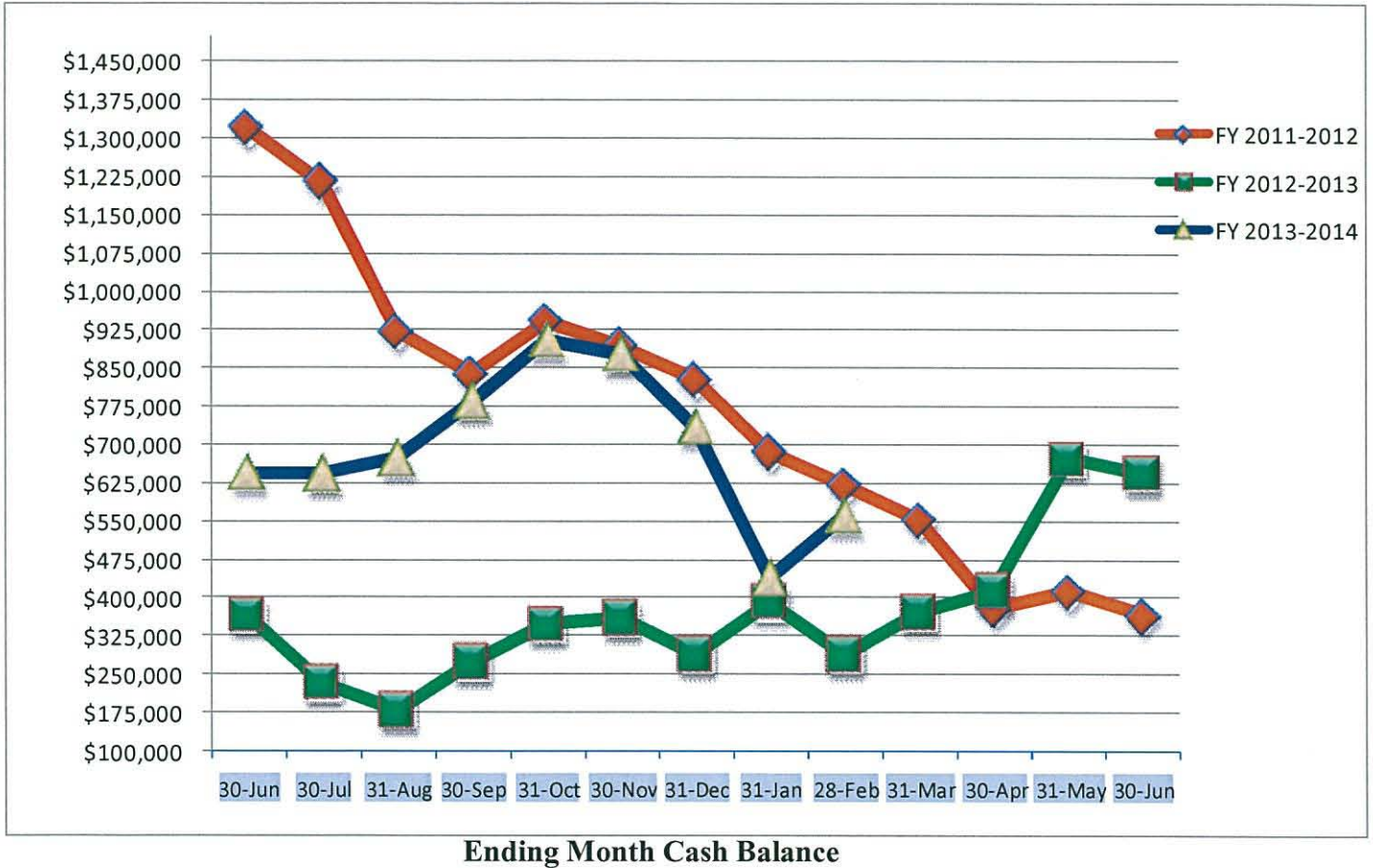
Month	FY12-13	Revenue	Expenses	Month to Month Variance	Cash Balance	VMEA PAYMENTS
					\$ 365,374	
July		\$ 1,010,040	\$ (1,143,237)	\$ (133,197)	\$ 232,177	\$ (887,569)
August		\$ 1,281,182	\$ (1,333,420)	\$ (52,238)	\$ 179,939	\$ (1,015,441)
September		\$ 1,289,437	\$ (1,197,113)	\$ 92,324	\$ 272,263	\$ (928,938)
October		\$ 1,170,681	\$ (1,096,168)	\$ 74,513	\$ 346,776	\$ (818,226)
November		\$ 972,947	\$ (960,696)	\$ 12,251	\$ 359,027	\$ (663,847)
December		\$ 1,084,084	\$ (1,155,921)	\$ (71,837)	\$ 287,190	\$ (882,269)
January		\$ 1,276,135	\$ (1,173,339)	\$ 102,796	\$ 389,986	\$ (871,815)
February		\$ 1,268,293	\$ (1,370,515)	\$ (102,222)	\$ 287,764	\$ (1,091,529)

Current Year (Table 2)

Month	FY13-14	Revenue	Expenses	Month to Month Variance	Cash Balance	VMEA PAYMENTS
					\$643,257.00	
July		\$ 1,124,201	\$ (1,125,373)	\$ (1,172)	\$ 642,085	\$ (816,474)
August		\$ 1,273,234	\$ (1,242,781)	\$ 30,453	\$ 672,538	\$ (908,442)
September		\$ 1,245,217	\$ (1,133,186)	\$ 112,031	\$ 784,569	\$ (870,736)
October		\$ 1,159,090	\$ (1,038,735)	\$ 120,355	\$ 904,924	\$ (744,689)
November		\$ 963,168	\$ (991,325)	\$ (28,157)	\$ 876,767	\$ (689,136)
December		\$ 1,036,073	\$ (1,178,982)	\$ (142,909)	\$ 733,858	\$ (950,909)
January		\$ 1,229,938	\$ (1,525,452)	\$ (295,514)	\$ 438,344	\$ (1,012,802)
February		\$ 1,579,828	\$ (1,458,783)	\$ 121,045	\$ 559,389	\$ (1,318,546)

February VMEA increase over January = \$305,744

Table (3) – Graph of Three Fiscal Year History – Electric Fund Cash Position



	FY11-12	FY12-13	FY13-14
30-Jun	\$ 1,320,285	\$ 365,374	\$ 643,257
30-Jul	\$ 1,215,100	\$ 232,177	\$ 642,085
31-Aug	\$ 922,039	\$ 179,939	\$ 672,538
30-Sep	\$ 839,265	\$ 272,263	\$ 784,569
31-Oct	\$ 941,608	\$ 346,776	\$ 904,924
30-Nov	\$ 893,591	\$ 359,027	\$ 876,767
31-Dec	\$ 827,204	\$ 287,190	\$ 733,859
31-Jan	\$ 686,342	\$ 389,986	\$ 438,344
28-Feb	\$ 620,337	\$ 287,764	\$ 559,511



Table 4.

VEMA EXPENSE

November through February for Current and Last Two Fiscal Years

Month	FY 11-12	FY12-13	FY13-14
November	764,435	663,847	689,136
December	841,637	882,269	950,909
January	1,010,288	871,815	1,012,802
February	1,153,580	1,091,529	1,318,546
Total 4 Months	3,769,940	3,509,460	3,971,393
Percent Change		-6.9% from FY11-12	13.2% from FY12-13

Table 5.

FY 2013-2014 REVENUE BILLED VERSUS PAYMENTS COLLECTED ANALYSIS

	July	August	September	October	November	December	January	February	TOTAL
BILLING	\$ 1,313,838	\$ 1,230,838	\$ 1,065,393	\$ 912,746	\$ 1,058,860	\$ 1,356,659	\$ 1,605,050	\$ 1,491,255	\$ 10,034,639
TOTAL PAYMENTS*	\$ 1,065,604	\$ 1,233,896	\$ 1,215,170	\$ 1,123,384	\$ 937,101	\$ 1,094,581	\$ 1,221,909	\$ 1,551,735	\$ 9,443,380
VARIANCE	\$ (248,234)	\$ 3,058	\$ 149,777	\$ 210,638	\$ (121,759)	\$ (262,078)	\$ (383,141)	\$ 60,480	\$ (591,259)

Table 6.

FY 2012-2013 REVENUE BILLED VERSUS PAYMENTS COLLECTED ANALYSIS

	July	August	September	October	November	December	January	February	TOTAL
BILLING	\$ 1,326,194	\$ 1,311,511	\$ 1,031,082	\$ 878,274	\$ 1,187,308	\$ 1,148,471	\$ 1,294,486	\$ 1,414,622	\$ 9,591,948
TOTAL PAYMENTS*	\$ 980,728	\$ 1,259,910	\$ 1,253,148	\$ 1,129,249	\$ 935,060	\$ 1,060,843	\$ 1,214,002	\$ 1,225,110	\$ 9,058,050
VARIANCE	\$ (345,466)	\$ (51,601)	\$ 222,066	\$ 250,975	\$ (252,248)	\$ (87,628)	\$ (80,484)	\$ (189,512)	\$ (533,898)

*Payments applied are for any month, current or past due.

Cash Balance Policy Evaluation

FY 2013-14 Cash Balance as a Percentage of Annual Revenues (excluding fuel adjustment) at **2/28/14** = \$559,000 or 4.8%.

FY 2014 TOTAL REVENUE	15,051,745
Less Fuel Adjustment	(1,667,809)
Budget Basis for Policy	13,383,936
10% of Annual Revenue	\$ 1,338,394

FY 2012-13 Cash Balance as a Percentage of Annual Revenues (excluding fuel adjustment) at FYE **2/28/13** = \$288,000 or 2.16%.

Policy Evaluation: At the end of February, cash is below minimum policy level by \$779,000; however, this is an improvement from the prior month where cash was \$900,000 below guideline. FY 13-14 reflects a gain in the Fund's cash position also from the prior year period (February 2013). In comparison, cash in the Fund was below minimum policy level (\$1.330 million) by over \$1.0 million at the end of February 2013.

Monthly Financial Report
Period Ending February 2014

(Unaudited)						
CITY OF FRANKLIN						
FISCAL YEAR 2013-14						
LOCAL TAX REVENUES						
	2013-2014	ACTUAL	BUDGET	2012-2013	ACTUAL	BUDGET
REVENUE SOURCE	BUDGET	2/28/2014	%	BUDGET	2/28/2013	%
Real Estate Taxes-Current	\$ 5,150,432	\$ 2,484,301	48.2%	\$ 5,141,289	\$ 2,481,642	48.3%
Real Estate Taxes-Delinquent	175,000	241,664	138.1%	175,000	170,580	97.5%
Personal Property Taxes-Current	1,325,000	1,207,277	91.1%	1,314,394	1,177,375	89.6%
Personal Property Taxes-Delinquent	70,000	29,532	42.2%	95,000	48,144	50.7%
Machinery & Tools	60,000	62,322	103.9%	60,000	59,871	99.8%
Penalties & Interest Taxes	120,000	100,260	83.6%	120,000	90,006	75.0%
Public Service Corporation Taxes	66,000	62,750	95.1%	61,000	62,973	103.2%
GENERAL PROPERTY TAX	\$ 6,966,432	\$ 4,188,106	60.1%	\$ 6,966,683	\$ 4,090,591	58.7%
Local Sales & Use Tax	\$ 1,725,000	\$ 1,120,586	65.0%	\$ 1,670,000	\$ 1,145,706	68.6%
Consumer Utility Tax- Elec. & Water	543,000	370,482	68.2%	645,000	276,618	42.9%
Business License Tax	930,500	713,318	76.7%	940,000	655,346	69.7%
Motor Vehicle Licenses	172,000	132,984	77.3%	167,000	136,776	81.9%
Cigarette Tax	300,000	231,547	77.2%	262,900	241,500	91.9%
Restaurant Meals Tax	1,250,000	836,269	66.9%	1,250,000	817,175	65.4%
Lodging Taxes	150,000	100,643	67.1%	140,000	83,327	59.5%
Bank Stock	55,000	-	0.0%	62,000	-	0.0%
Tax on Recordation & Wills	30,000	31,545	105.2%	30,000	14,356	47.9%
Right of Way Use Fees	28,000	13,495	48.2%	30,000	12,703	42.3%
Additional Taxes	-	2,198	0.0%	-	224	0.0%
OTHER LOCAL TAXES	\$ 5,183,500	\$ 3,553,067	68.5%	\$ 5,196,900	\$ 3,383,731	65.1%
TOTAL TAXES & LICENSES	\$ 12,149,932	\$ 7,741,173	63.7%	\$ 12,163,583	\$ 7,474,322	61.4%
			1			

FINANCIAL REPORT AS OF FEBRUARY, 2014 - 8 Months = 66%						
	2013-2014	ACTUAL	BUDGET	2012-2013	ACTUAL	BUDGET
REVENUE:	BUDGET	2/28/2014	%	BUDGET	2/28/2013	%
Taxes; Licenses	\$ 12,149,932	\$ 7,741,173	63.71%	\$ 12,163,583	\$ 7,474,322	61.45%
Permits, Fees, Fines	155,190	125,943	81.15%	125,225	72,611	57.98%
Use of Money & Property	247,757	197,586	79.75%	251,026	193,062	76.91%
Charges for Services:						
Total Charges for Services	1,316,464	944,907	71.78%	2,625,187	1,654,259	63.01%
Misc & Recovered Costs	248,812	160,443	64.48%	185,500	104,411	56.29%
Isle of Wight Rev. Sharing	530,000	530,000	100.00%	-	238,835	0.00%
State Aid:						
Non Categorical Aid	1,670,397	1,314,147	78.67%	1,679,397	1,317,238	78.44%
Shared Expenses	174,989	80,359	45.92%	167,412	75,061	44.84%
Categorical Aid	2,006,013	1,054,283	52.56%	1,961,595	993,103	50.63%
Total State Aid	3,851,399	2,448,789	63.58%	3,808,404	2,385,402	62.64%
Federal Aid	538,295	271,342	50.41%	22,966	6,365	27.71%
Total Current Revenue	\$ 19,037,849	\$ 12,420,183	65.24%	\$ 19,181,891	\$ 12,129,267	63.23%
EXPENDITURES:						
Operating Expense:						
Legislative, General & Financial	\$ 2,464,769	\$ 1,294,723	52.53%	\$ 2,134,834	\$ 1,191,540	55.81%
Elections, Courts, Sheriff	1,089,322	924,029	84.83%	1,069,122	944,996	88.39%
Law Enforcement	3,608,534	2,448,169	67.84%	3,531,339	2,116,418	59.93%
Fire and Rescue	2,136,870	1,464,238	68.52%	1,608,758	1,013,249	62.98%
Community Development	371,842	280,323	75.39%	371,387	227,010	61.12%
Streets	2,626,315	1,628,029	61.99%	1,983,665	811,685	40.92%
Garage	226,527	130,376	57.55%	195,169	116,130	59.50%
Refuse Collection & Disposal	185,000	212,709	0.00%	1,401,916	608,787	43.43%
Buildings and Grounds	1,353,939	905,400	66.87%	967,715	596,857	61.68%
Health	167,198	27,500	16.45%	166,173	82,500	49.65%
Parks and Recreation	600,458	368,101	61.30%	585,077	363,459	62.12%
Library	290,300	210,129	72.38%	283,723	207,716	73.21%
Planning & Beautification	252,876	112,859	44.63%	82,451	33,948	41.17%
Downtown Development	108,707	68,684	63.18%	105,516	64,955	61.56%
Subtotal- Operating Expenses	15,482,657	10,075,269	65.07%	14,486,845	8,379,250	57.84%

			2			
GENERAL FUND CONT'D						
	2013-2014	ACTUAL	BUDGET	2012-2013	ACTUAL	BUDGET
EXPENDITURES:	BUDGET	2/28/2014	%	BUDGET	2/28/2013	%
Payments to Southampton Co.	\$ 650,000	\$ 500,000	76.92%	\$ 650,000	\$ 500,000	76.92%
Non-Departmental Miscellaneous	40,000	22,797	56.99%	10,322	25,153	243.68%
Non-Departmental Debt Reserve	-	-	0.00%	242,151	-	0.00%
Total Operating Expense	\$ 16,172,657	\$ 10,598,066	65.53%	\$ 15,389,318	\$ 8,904,403	57.86%
Net Operating Income	\$ 2,865,192	\$ 1,822,117	63.59%	\$ 3,792,573	\$ 3,224,864	85.03%
TRANSFERS - IN:						
Transfer from Unappr Surplus	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%
Transfer from Electric Fund	1,409,891	939,927	66.67%	1,409,891	939,927	66.67%
Use of Prior Year Fund Balance	1,201,049	-	0.00%	469,858	-	0.00%
Use of Fund Bal Reserve for Debt	689,386	-	0.00%	876,222	-	0.00%
Transfer W/S Debt Reserve	-	-	0.00%	157,915	105,277	66.67%
Use of Restricted Fund Balance	1,006,675	-	0.00%	132,213	-	0.00%
Transfer Electric Debt Reserve	-	-	0.00%	80,175	53,450	66.67%
Total Transfers In	\$ 4,307,001	\$ 939,927	21.82%	\$ 3,126,274	\$ 1,098,654	35.14%
To General Debt	\$ 498,604	\$ 449,411	90.13%	\$ 543,689	\$ 483,439	88.92%
To School Debt	424,162	-	0.00%	727,579	-	0.00%
To Water Fund	-	-	0.00%	-	-	0.00%
To Electric Fund	-	-	0.00%	-	-	0.00%
To Airport Fund	95,231	95,231	100.00%	86,897	86,897	100.00%
To Education Fund	4,847,395	3,234,130	66.72%	4,980,153	3,320,102	66.67%
To Education Fund-Carryover	643,174	-	0.00%	-	-	0.00%
To Social Services Fund	397,338	-	0.00%	454,057	168,011	37.00%
To Comprehensive Services Act	92,750	-	0.00%	151,584	38,727	25.55%
To Economic Dev Incubator	78,539	78,539	100.00%	63,038	63,038	100.00%
To Economic Dev Joint Fund	125,000	125,000	100.00%	100,000	\$ 100,000	100.00%
Total Transfers Out	\$ 7,202,193	\$ 3,982,311	55.29%	\$ 7,106,997	\$ 4,260,214	59.94%
Variance (Revenue vs. Expense)	\$ -	\$ (1,220,267)	3	\$ -	\$ 63,304	

WATER AND SEWER FUND						
	2013-2014	ACTUAL	BUDGET	2012-2013	ACTUAL	BUDGET
REVENUES:	BUDGET	2/28/2014	%	BUDGET	2/28/2013	%
Sale of Water	\$ 1,300,000	\$ 851,582	65.51%	\$ 1,300,000	\$ 832,335	64.03%
Sewer Service Charges	1,750,000	1,108,438	63.34%	1,750,000	1,104,050	63.09%
Treatment Fees - Counties	70,000	63,260	90.37%	70,000	58,254	83.22%
Other Revenues	250	1,853	741.20%	500	(717)	-143.40%
Administrative Connection Fee	-	800	10.00%	-	-	0.00%
Total Current Revenue	\$ 3,120,250	\$ 2,025,933	64.93%	\$ 3,120,500	\$ 1,993,922	63.90%
EXPENDITURES:						
Operating Expense:						
Water System	\$ 1,361,348	\$ 495,809	36.42%	\$ 1,254,500	\$ 649,252	51.75%
Sewer System	1,093,027	166,629	15.24%	890,955	163,892	18.40%
Treatment Plant	743,603	440,421	59.23%	729,232	424,276	58.18%
Total Operating Expenditures	3,197,978	1,102,859	34.49%	2,874,687	1,237,420	43.05%
TRANSFERS:						
GF Transfer - Administrative Services	257,305	171,537	66.67%	346,361	230,907	66.67%
GF Transfer - Payment in Lieu of Taxes	26,460	17,640	66.67%	26,460	17,640	66.67%
GF Transfer - Debt Restructuring	-	-	0.00%	157,915	105,277	66.67%
Total Transfers Out	\$ 283,765	\$ 189,177	66.67%	\$ 530,736	\$ 353,824	66.67%
<i>Net Operating Income</i>	<i>\$ 2,836,485</i>	<i>\$ 733,897</i>	<i>25.87%</i>	<i>\$ 2,589,764</i>	<i>\$ 402,678</i>	<i>15.55%</i>
OTHER FINANCING SOURCES						
Use of Prior Year Fund Balance	\$ 727,617	\$ -	0.00%	\$ -	\$ -	0.00%
Transfer from General Fund	-	-	0.00%	-	-	0.00%
Total Other Financing Sources	727,617	-	-	-	-	-
Total Revenue & Other Sources	3,847,867	2,025,933	52.65%	3,120,500	1,993,922	63.90%
Debt Service	\$ 366,124	\$ 366,123	100.00%	\$ 138,061	\$ 99,906	72.36%
Total Expenditures	\$ 3,847,867	\$ 1,658,159	43.09%	\$ 3,543,484	\$ 1,691,150	47.73%
Variance - Revenue vs. Expenses	\$ -	\$ 367,774		\$ -	\$ 302,772	
			4			

ELECTRIC FUND						
	2013-2014	ACTUAL	BUDGET	2012-2013	ACTUAL	BUDGET
REVENUES:	BUDGET	2/28/2014	%	BUDGET	2/28/2013	%
Sale of Energy	\$ 13,126,639	\$ 8,931,438	68.04%	\$ 13,080,084	\$ 8,564,734	65.48%
Sale of Energy Fuel Adj	1,667,809	1,166,306	69.93%	1,346,515	918,330	68.20%
Other Revenue	232,297	150,763	64.90%	236,000	148,080	62.75%
Administrative Connection Fee	25,000	17,220	68.88%			
Proceeds Loan/Bonds	-		0.00%	-	-	0.00%
Total Current Revenue	\$ 15,051,745	\$ 10,265,727	68.20%	\$ 14,662,599	\$ 9,631,144	65.69%
EXPENDITURES:						
Energy for Resale	\$ 8,891,025	\$ 6,264,124	70.45%	\$ 9,095,800	\$ 6,393,521	70.29%
Energy for Resale Fuel Adj	1,683,110	1,326,780	78.83%	1,359,260	957,856	70.47%
Other Expenses	1,471,551	772,700	52.51%	1,490,553	776,084	52.07%
Capital Outlay	297,000	73,007	24.58%	377,304	100,095	26.53%
Reserve for Capital Expenditures	250,000	-	0.00%	154,675		0.00%
Reserve for Cash Replenishment	323,908	-	0.00%	266,667	-	0.00%
Total Operating Expenses	\$ 12,916,594	\$ 8,436,611	65.32%	\$ 12,744,259	\$ 8,227,556	64.56%
<i>Net Operating Income</i>	<i>\$ 2,135,151</i>	<i>\$ 1,829,116</i>	<i>85.67%</i>	<i>\$ 1,918,340</i>	<i>\$ 1,403,588</i>	<i>73.17%</i>
OTHER FINANCING SOURCES:						
Use of Prior Year Fund Balance	\$ -	\$ -	0.00%	\$ 59,059	\$ -	0.00%
TRANSFERS:						
GF Transfer-Council Approved	\$ 1,409,891	\$ 939,927	66.67%	\$ 1,409,891	\$ 939,927	66.67%
GF Transfer - Administrative Services	388,960	259,307	66.67%	325,945	217,297	66.67%
GF Transfer - Payment in Lieu of Taxes	59,282	39,521	66.67%	59,282	39,521	66.67%
GF Transfer - Debt Restructuring	-	-		80,175	53,450	
Total Transfers (Out)	\$ 1,858,133	\$ 1,238,755	66.67%	\$ 1,875,293	\$ 1,250,195	66.67%
Debt Service	\$ 277,018	\$ 268,778	97.03%	\$ 102,106	\$ 41,844	40.98%
Total Expenses	\$ 15,051,745	\$ 9,944,144		\$ 14,721,658	\$ 9,519,595	
Variance - Revenue versus Expenses	\$ -	\$ 321,583		\$ -	\$ 111,549	
			5			

AIRPORT FUND						
	2013-2014	ACTUAL	BUDGET	2012-13	ACTUAL	BUDGET
REVENUE:	BUDGET	2/28/2014	%	BUDGET	2/28/2013	%
Fuel Sales	\$ 177,232	\$ 76,629	43.24%	\$ 177,232	\$ 74,411	41.99%
Other Revenue	64,700	44,685	69.06%	64,700	48,384	74.78%
State Grants	14,142	2,036	14.40%	35,043	9,373	26.75%
Federal Grants	352,828	6,671	0.00%	511,359	111,459	0.00%
Total Current Revenue	\$ 608,902	\$ 130,021	21.35%	\$ 788,334	\$ 243,627	30.90%
EXPENDITURES:						
Operating Expenses	\$ 308,710	\$ 163,090	52.83%	\$ 308,832	\$ 149,818	48.51%
Capital Outlay	\$ 391,398	\$ 97,563	0.00%	\$ 571,431	\$ 115,006	20.13%
Total Operating Expenses	\$ 700,108	\$ 260,653	37.23%	\$ 880,263	\$ 264,824	30.08%
Net Operating Income	\$ (91,206)	\$ (130,632)	143.23%	\$ (91,929)	\$ (21,197)	23.06%
TRANSFERS:						
Use of Prior Year Funds	\$ 13,808	\$ -	0.00%	\$ 6,029	\$ -	0.00%
Transfer from Other Funds	\$ 95,231	\$ 95,231	100.00%	\$ 86,897	\$ 86,897	100.00%
Total Revenue	\$ 717,941	\$ 225,252		\$ 881,260	\$ 330,524	
Transfer to Other Funds	\$ 17,833	\$ 11,888	66.66%	\$ 2,222	\$ 1,481	66.65%
Net Transfers To/From						
Debt Service	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%
Total Expenses	\$ 717,941	\$ 272,541		\$ 882,485	\$ 266,305	
NET INCOME(LOSS)		\$ (47,289)			\$ 64,219	
6						

CITY OF FRANKLIN
 FISCAL YEAR 2013-14
 CASH BALANCES - JANUARY 2014

FUND	CURRENT YEAR	PRIOR YEAR
General Fund	\$ 5,512,392	\$ 5,500,100
Fund SNAP Proceeds	\$ 234,076	\$ -
Total General Fund	\$ 5,746,468	\$ 5,500,100
Water & Sewer Fund	\$ 1,940,589	1,407,870
Fund SNAP Proceeds	\$ 234,894	\$ -
Total Water & Sewer Fund	\$ 2,175,483	\$ 1,407,870
Electric Fund	\$ 559,511	287,764
Fund SNAP Proceeds	\$ 532,551	\$ -
Total Electric Fund	\$ 1,092,062	\$ 287,764
Solid Waste Fund	\$ 340,434	\$ -
Airport Fund	\$ (127,924)	4,277
TOTAL CASH FOR OPERATIONS	\$ 8,225,002	\$ 7,200,011
TOTAL CASH FOR CAPITAL PROJECTS	\$ 1,001,521	\$ -
TOTAL CASH	\$ 9,226,523	\$ 7,200,011



March 19, 2014

To: Randy Martin
City Manager

From: Melissa D. Rollins *Melissa D. Rollins*
Director of Finance

Re: FY 2013-2014 Budget Amendment – Inspections & Planning

Budget Amendment Request #2014-21

The attached is a request to amend the FY 2013-14 Building Inspections budget by \$75,529 and the FY 2013-14 Planning Budget by \$26,875 to cover the cost of shared services that was not fully included in the adopted budget (the personnel cost for the shared services positions were not budgeted. One position was allocated to Building Inspections and the other position was allocated to Planning). The amendment does not cover the full cost of these services, but reflects what is anticipated to cover these costs for the remaining of the fiscal year.

The request is to amend revenue (recovered costs from Southampton County) to cover the costs.

REQUIRED ACTION FROM CITY COUNCIL

Authorize the amendment to the FY 2013-14 Budget in the amount of \$75,529 (Building Inspections) and \$26,875 (Planning Department) to cover the cost associated with shared services in Community Development.

BUDGET AMENDMENT 2014-21

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA that the 2013-2014 City Budget is hereby amended to recognize revenues and to appropriate such revenue for expenditure.

REVENUE		BUILDING INSPECTIONS		2013-2014	Amended	Increase
				Budget	Budget	(Decrease)
100	19020	7	Recovered Cost - Southampton County	\$ 66,970	\$ 169,374	\$ 102,404
			TOTAL REVENUE	\$ 66,970	\$ 169,374	\$ 102,404
EXPENSES		BUILDING INSPECTIONS				
100	34100	1101	Salaries & Wages-Regular	\$ 234,088	\$ 280,000	\$ 45,912
100	34100	2100	FICA	\$ 17,962	\$ 22,000	\$ 4,038
100	34100	2210	Retirement -VRS	\$ 32,826	\$ 38,000	\$ 5,174
100	34100	2300	Hospitalization	\$ 42,264	\$ 53,800	\$ 11,536
100	34100	2400	Group Life Insurance - VRS	\$ 2,793	\$ 3,600	\$ 807
100	34100	3310	Repairs - Motor Vehicles	\$ 988	\$ 4,800	\$ 3,812
100	34100	5530	Travel-Subsidy-Lodging	\$ 1,250	\$ 3,500	\$ 2,250
204	34100	6008	Vehicle Supplies	\$ 1,500	\$ 3,500	\$ 2,000
			TOTAL EXPENSES	\$ 333,671	\$ 409,200	\$ 75,529

EXPENSES		PLANNING				
100	81100	1101	Salaries & Wages-Regular	\$ 90,000	\$ 110,000	\$ 20,000
100	81100	2100	FICA	\$ 6,885	\$ 10,000	\$ 3,115
100	81100	2210	Retirement -VRS	\$ 9,882	\$ 13,000	\$ 3,118
100	81100	2300	Hospitalization	\$ 11,616	\$ 11,616	\$ -
100	81100	2400	Group Life Insurance - VRS	\$ 1,072	\$ 1,400	\$ 328
100	81100	2720	Worker's Comp	\$ 1,486	\$ 1,800	\$ 314
			TOTAL EXPENSES	\$ 120,941	\$ 147,816	\$ 26,875

Total Requested Amendment **\$ 102,404**

To cover the cost of building inspections and planning services for FY 13-14 due to cost associated with Shared Services which were not included in the FY13-14 budget.

*Certified copy of resolution adopted by
Franklin City Council*

Clerk to the City Council

OLD/NEW BUSINESS

- A. City Stormwater Management Ordinance Adoption**
- B. City Manager's Report**



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING - BUILDING INSPECTIONS – ZONING**

MEMORANDUM

TO: R. Randy Martin, City Manager

FROM: Donald E. Goodwin, CBO, CFM
Community Development Director

DATE: March 18, 2014

RE: Revised Stormwater Management Ordinance

Please find attached the newly revised Stormwater Management ordinance for Council's consideration and adoption to become effective beginning July 1, 2014. As we have discussed on numerous occasions, the Virginia Stormwater Management Program (VSMP) legislation has been amended to include the requirement that all Virginia localities adopt and put into practice stormwater management ordinances that meet the legislative requirements of Title 62.1-44.15:27 of the Code of Virginia.

The most significant changes from the current ordinance are as follows:

1. It places the administration of the Stormwater Management chapter of the City ordinance with the Franklin-Southampton Community Development Department.
2. Requires training and certification of the administrator, plan reviewers and inspectors,
3. Requires the establishment of an appeals board to conduct hearings and appeals.
4. It includes additional requirements that prescribe methods or (BMPS) for reducing the amount of nutrients and sediment that can leave a site.
5. Requires annual inspections to be conducted for all new stormwater improvements along with an annual fee.

As for the effect on residential construction, for the most part the infill residential development in the City will be exempt from stormwater fees and permits under the

new regulations, just as they are now. Residential development on scattered sites, not part of a subdivision, that disturb less than one (1) acre are exempt from the regulations. However, residential development on individual lots within a newly developed subdivision that disturb less than one (1) acre would pay a stormwater fee of \$290, with the City retaining 72% or \$208.80 and returning the rest (28%) or \$81.20 to the state regulatory agency.

RECOMMENDATION: Adopt the new Stormwater Management ordinance to become effective beginning July 1, 2014.

Should you have any questions or need additional information please do not hesitate to ask.

THE CITY COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA DOES ORDAIN AS FOLLOWS:

That Chapter 25.7 of the City of Franklin Code, known as the “Stormwater Management Ordinance”, is repealed effective June 30, 2014.

That Chapter 25.8, to be known as “STORMWATER MANAGEMENT” of the City of Franklin Code is hereby adopted effective July 1, 2014, to read as follows:

25.8-1. PURPOSE AND AUTHORITY. (Section 9VAC25-870-20, 62.1-44.15:27)

- (a) The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of the City of Franklin and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.
- (b) This ordinance is adopted pursuant to Title 62.1-44.15:27 of the Code of Virginia.

25.8-2. DEFINITIONS. (9VAC25-870-10)

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this Ordinance have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

"Administrator" means the VSMP authority including the Franklin Southampton Community Development Director. “Administrator” also includes any duly authorized agent of the Administrator.

"Applicant" means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

"Best management practice" or "BMP" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"Common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on difference schedules.

"Control measure" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

"Clean Water Act" or *"CWA"* means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution

Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

"Department" means the Department of Environmental Quality.

"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

"General permit" means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (9VAC25-880 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

"Land disturbance" or *"land-disturbing activity"* means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 1-3 (b) of this Ordinance.

"Layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

"Minor modification" means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

"Operator" means the owner or operator of any facility or activity subject to regulation under this Ordinance.

"Permit" or *"VSMP Authority Permit"* means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department.

"Permittee" means the person to whom the VSMP Authority Permit is issued.

"Person" means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

"*Regulations*" means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870 of the Code of Virginia, as amended.

"*Site*" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

"*State*" means the Commonwealth of Virginia.

"*State Board*" means the Virginia State Water Control Board.

"*State permit*" means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

"*State Water Control Law*" means Chapter 3.1(Section 62.1-44.2 et seq) of Title 62.1 of the Code of Virginia.

"*State waters*" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"*Stormwater*" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"*Stormwater management plan*" means a document(s) containing material describing methods for complying with the requirements of Section 1-6 of this Ordinance.

"*Stormwater Pollution Prevention Plan*" or "*SWPPP*" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"*Subdivision*" means the same as defined in Appendix C of the City of Franklin Municipal Code.

"*Total maximum daily load*" or "*TMDL*" means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or

other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Virginia Stormwater Management Act" or "Act" means Article 2.3 (Section 62.1-44.15:24 et seq) of Chapter 3.1 of the Code of Virginia.

"Virginia Stormwater BMP Clearinghouse website" means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program.

Sec. 25.8-3. - STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.

- (a) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP authority permit has been issued by the Administrator in accordance with the provisions of this Ordinance, per 62.1-44.15:34A of the Code of Virginia.
- (b) Notwithstanding any other provisions of this Ordinance, the following activities are exempt per 62.1-44.15:34C of the Code of Virginia, unless otherwise required by federal law:
 - (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
 - (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163;

- (3) Single-family residences separately built and disturbing less than one (1) acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
- (4) Land disturbing activities that disturb less than one (1) acre of land area except for activities that are part of a larger common plan of development or sale that is one (1) acre or greater of disturbance ;
- (5) Discharges to a sanitary sewer or a combined sewer system;
- (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
- (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and
- (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

**Sec. 25.8-4. - STORMWATER MANAGEMENT PROGRAM ESTABLISHED;
SUBMISSION AND APPROVAL OF PLANS; PROHIBITIONS.**

- (a) Pursuant to § 62.1-44.15:34, 9VAC25-870-54.A-C, and 9VAC25-870-59 of the Code of Virginia, the City of Franklin hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMP's promulgated by the State Board for the purposes set out in Section 1-1 of this Ordinance. The City Council hereby designates the Franklin Southampton Director of Community Development as the Administrator of the Virginia stormwater management program.
- (b) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:
 - (1) A permit application that includes a general permit registration statement;
 - (2) An erosion and sediment control plan approved in accordance with the City of Franklin Erosion and Sediment Control Ordinance, Municipal Code Chapter 9; and
 - (3) A stormwater management plan that meets the requirements of Section 1-6 of this Ordinance.

- (c) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained, per 62.1-44.15:34 of the Code of Virginia.
- (d) No VSMP authority permit shall be issued until the fees required to be paid pursuant to Section 1-15, are received, and a reasonable performance bond required pursuant to Section 1-16 of this Ordinance has been submitted, per 9VAC25-870-700 et seq. of the Code of Virginia.
- (e) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit, per 62.1-44.15:34A of the Code of Virginia.
- (f) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator, per 62.1-44.15:34A.

Sec. 25.8-5. - STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

- (a) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II [stormwater pollution prevention plan] of the general permit.
- (b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP, per 9VAC25-870-54.G of the Code of Virginia.
- (c) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site, per 9VAC25-870-54.G of the Code of Virginia. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

Sec. 25.8-6. - STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN.

- (a) A stormwater management plan shall be developed and submitted to the VSMP authority. The stormwater management plan shall be implemented as approved or modified by the VSMP authority and shall be developed in accordance with the following, per 9VAC25-870-55A of the Code of Virginia. A stormwater management plan for a land disturbing activity shall apply the stormwater management technical criteria set forth in this part to the entire land disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities. A stormwater management plan shall consider all sources of groundwater flows converted to surface runoff and all sources of subsurface and groundwater flows converted to surface runoff. A stormwater management plan shall include the following information:

- (1) Information on the type and location of stormwater discharges, information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and postdevelopment drainage areas;
- (2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
- (3) A narrative that includes a description of current site conditions and final site conditions, or if allowed by the VSMP authority, the information provided and documented during the review process that addresses the current and final site conditions;
- (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
- (5) Information on the proposed stormwater management facilities, including:
 - (i) The type of facilities;
 - (ii) Location, including geographic coordinates;
 - (iii) Acres treated; and
 - (iv) The surface waters or karst features, if present, into which the facility will discharge.
- (6) Hydrologic and hydraulic computations, including runoff characteristics;
- (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of the regulations.
- (8) A map or maps of the site that depicts the topography of the site and includes:
 - (i) All contributing drainage areas;
 - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - (iv) Current land use including existing structures, roads, and locations of known utilities and easements;
 - (v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - (vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
 - (vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - (viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.

- (b) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 1-9 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included, per 9VAC25-870-55.B9 of the Code of Virginia. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia.
- (c) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia, per 9VAC25-870-55.C of the Code of Virginia.
- (d) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator, per 9VAC25-870-55.D of the Code of Virginia. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

Sec. 25.8-7. – POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

- (a) Pollution Prevention Plan, required by 9VAC25-870-56 of the Code of Virginia, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, per 9VAC25-870-56.A 1-3, B 1-4 and 9VAC25-870-55 C of the Code of Virginia, such measures must be designed, installed, implemented, and maintained to:
 - (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
 - (1) Wastewater from washout of concrete, unless managed by an appropriate control;
 - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

- (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - (4) Soaps or solvents used in vehicle and equipment washing.
- (c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

Sec. 25.8-8. - REVIEW OF STORMWATER MANAGEMENT PLAN.

- (a) Per 9VAC25-870-108.A of the Code of Virginia, the Administrator or any duly authorized agent of the Administrator, shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following, per 9VAC25-870-108.B:
- (1) The Administrator shall determine the completeness of a plan in accordance with Section 1-6 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
 - (2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made and communicated within 15 calendar days of receipt, then the plan shall be deemed complete as of the date of submission and the Administrator shall have 60 calendar days from the date of submission to review the plan.
 - (3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
 - (4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.
 - (5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.
- (b) Approved stormwater plans may be modified as follows, per 9VAC25-870-108.C of the Code of Virginia:
- (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.

- (2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.

- (c) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to 9VAC25-870-108.E.

Sec. 25.8-9 - TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.

To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the City of Franklin hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include 9VAC25-870-62 through 99 of the Regulations, which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (b) of this Section.

- (a) Per 9VAC25-870-48 of the Code of Virginia, until June 30, 2019, any land-disturbing activity shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria of the VSMP Regulation provided
 - 1. A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with Part II C technical criteria of the VSMP Regulation, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
 - 2. A state permit has not been issued prior to July 1, 2014; and
 - 3. Land disturbance did not commence prior to July 1, 2014.

- (b) Locality, state and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria of the VSMP Regulation provided:
 - 1. There has been an obligation of locality, state or federal funding, in whole or in part, prior to July 1, 2012, or the department has an approved stormwater management plan prior to July 1, 2012;
 - 2. A state permit has not been issued prior to July 1, 2014; and
 - 3. Land disturbance did not commence prior to July 1, 2014.

- (c) Land disturbing activities grandfathered under subsections grandfathered under subsections A and B of this section shall remain subject to the Part II C technical criteria of the VSMP Regulation for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

- (d) In cases where government bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Part II C.
- (e) Noting in this section shall preclude an operator from constructing to a more stringent standard at his discretion.
- (f) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.
 - (1) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-122 have been considered and found not available.

Sec. 25.8-10 - LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES

- (a) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff, per 9VAC25-870-58 of the Code of Virginia. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator per 9VAC25-870-112.A and shall at a minimum:
 - (1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
 - (2) Be stated to run with the land;
 - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
 - (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
 - (5) Be enforceable by all appropriate governmental parties.
- (b) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator, per 9VAC25-870-112.B of the Code of Virginia.
- (c) Per 9VAC25-870-114.D of the Code of Virginia, if a recorded instrument is not required pursuant to Subsection 1-10 (b), the Administrator shall develop a strategy for addressing

maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator.

Sec. 25.8-11. - MONITORING AND INSPECTIONS.

- (a) The Administrator shall inspect the land-disturbing activity during construction for, per 9VAC25-870-114.A of the Code of Virginia:
 - (1) Compliance with the approved erosion and sediment control plan;
 - (2) Compliance with the approved stormwater management plan;
 - (3) Development, updating, and implementation of a pollution prevention plan; and
 - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (b) The Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance, per 62.1-44.15:39 of the Code of Virginia.
- (c) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (d) Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.
- (e) Per 9VAC25-870-114.B.2, post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator pursuant to the City of Franklin's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 1-10.

Sec. 25.8-12. – HEARINGS

- (a) Any permit applicant or permittee, or person subject to Ordinance requirements, aggrieved by any action of the City of Franklin taken without a formal hearing, or by inaction of the City of Franklin, may demand in writing a formal hearing by the City of Franklin Stormwater Management Appeals Board as appointed by the Franklin City Council, provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator, per 62.1-44.15:44 and 9VAC25-870-118 of the Code of Virginia.
- (b) The hearings held under this Section shall be conducted by the City of Franklin Stormwater Management Appeals Board at a regular or special meeting of the City of Franklin Stormwater Management Appeals Board at any other time and place authorized by the City of Franklin Stormwater Management Appeals Board, per 62.1-44.15:45 and 62.1-44.26 of the Code of Virginia.
- (c) A verbatim record of the proceedings of such hearings shall be taken and filed with the City of Franklin Stormwater Management Appeals Board. Depositions may be taken and read as in actions at law.
- (d) The City of Franklin Stormwater Management Appeals Board shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

Sec. 25.8-13. - APPEALS.

- (a) Any person jointly or severally aggrieved by any decision of the Stormwater Management Appeals Board, or any taxpayer or any officer, department, board, or bureau of the city may present to the circuit court of Southampton County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board, per 62.1-44.15:46 of the Code of Virginia.
- (b) Upon presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Stormwater Management Appeals Board and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and due cause shown, grant a restraining order.
- (c) The Stormwater Management Appeals Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or such portions thereof as may be called for by such writ. The return shall

concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(d) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(e) Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

Sec. 25.8-14. - ENFORCEMENT

(a) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply, per 62.1-44.15:37 A and 9VAC25-870-116.A of the Code of Virginia. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

(1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed, per 62.1-44.15:37A of the Code of Virginia. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.

(2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed, per 62.1-44.15:37 A of the Code of Virginia.

Such orders shall be issued in accordance with the Franklin - Southampton Community Development Policies and Procedures Manual for Stormwater Management. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or

sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 1-14 (c).

- (b) In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with Sec. 26-3 of the City of Franklin Municipal Code, per 62.1-44.15:49 and 9VAC25-870-116.A.1 of the Code of Virginia.
- (c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in Circuit Court of Southampton County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- (d) Per 62.1-44.15:49 and 9VAC25-870-116 of the Code of Virginia, any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
 - (1) Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:
 - (i) No state permit registration;
 - (ii) No SWPPP;
 - (iii) Incomplete SWPPP;
 - (iv) SWPPP not available for review;
 - (v) No approved erosion and sediment control plan;
 - (vi) Failure to install stormwater BMPs or erosion and sediment controls;
 - (vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
 - (viii) Operational deficiencies;
 - (ix) Failure to conduct required inspections;
 - (x) Incomplete, improper, or missed inspections; and
 - (xi) Discharges not in compliance with the requirements of Section 4VAC 50-60-1170 of the general permit.
 - (2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

- (3) In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
- (4) Any civil penalties assessed by a court as a result of a summons issued by the City of Franklin shall be paid into the treasury of the City of Franklin to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.
- (e) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

Sec. 25.8-15. - FEES

- (a) Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with Table 1, per 62.1-44.15:28 of the Code of Virginia. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the Applicant shall be subject to fees (“total fee to be paid by applicant” column) in accordance with the disturbed acreage of their site or sites according to Table 1.

Table 1: Fees for permit issuance, per 9VAC25-870-820 of the Code of Virginia

Fee type	Total fee to be paid by Applicant (includes both VSMP authority and Department portions where applicable)	Department portion of “total fee to be paid by Applicant” (based on 28% of total fee paid*)
General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$290	\$81
General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$2,700	\$756
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$952
General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500	\$1,260
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$1,708
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$2,688

* If the project is completely administered by the Department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the Department.

(b) Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with Table 2, per 9VAC25-870-825 of the Code of Virginia. If the general permit modifications result in changes to stormwater management plans that require additional review by the City of Franklin,

such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1.

Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities, per 9VAC25-870-825 of the Code of Virginia

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

- (c) The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated.

Table 3: Permit Maintenance Fees, per 9VAC25-870-830 of the Code of Virginia

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400

General permit coverage maintenance fees shall be paid annually to the City of Franklin, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

(d) The fees set forth in Subsections (a) through (c) above, shall apply to:

- (1) All persons seeking coverage under the general permit.
- (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
- (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater From Construction Activities.
- (4) Permit and permit coverage maintenance fees outlined under Section 1-15 (c) may apply to each general permit holder.

(e) No general permit application fees will be assessed to:

- (1) Permittees who request minor modifications to general permits as defined in Section 1-2 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.
 - (2) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.
- (f) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in 9VAC25-870-770 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The City of Franklin shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

Sec. 25.8-16. Performance Bond (9VAC25-870-104.D and Code 62.1-44.15:34A)

Prior to issuance of any permit, the Applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the City of Franklin Attorney, to ensure that measures could be taken by the City of Franklin at the Applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the City of Franklin takes such action upon such failure by the Applicant, the City of Franklin may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

Sec. 25.8-17 Adoption, Amendments, and Repeal:

This chapter shall remain in effect until rescinded, amended or superseded.

This ordinance is to become effective on July 1, 2014.

Clerk to the City Council

Date

COUNCIL/STAFF REPORTS ON BOARDS AND COMMISSIONS