

**AGENDA**

## FRANKLIN CITY COUNCIL

MONDAY, July 23, 2018 – CITY HALL COUNCIL CHAMBERS – 207 W. SECOND AVE.

**7:00 P.M.****Regular Meeting**

Call To Order . . . . . MAYOR FRANK M. RABIL

PLEASE TURN OFF CELL PHONES . . . . . MAYOR FRANK M. RABIL

PLEDGE OF ALLEGIANCE

CITIZENS' TIME

AMENDMENTS TO AGENDA

1. CONSENT AGENDA

- A. Minutes: July 9, 2018 Regular Meeting and July 10, 2018 Called Meeting
- B. Departmental Reports: June, 2018 (Separate File)

2. OLD/NEW BUSINESS

- A. Zoning Ordinance Amendment Initiating Resolution # 2018 – 03
- B. City Council Rules of Procedure Discussion
- C. City Manager's Report

3. COUNCIL/STAFF REPORTS ON BOARDS/COMMISSIONS4. CLOSED SESSION

Closed Session - I move that the Franklin City Council meet in Closed Session to discuss appointments to boards and commissions and to discuss the performance and evaluation of employees pursuant to 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.

- 5. ADJOURNMENT – I move that the July 23, 2018 Regular meeting of the Franklin City Council be adjourned.

**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.

<b><u>SUBJECT</u></b>	<b><u>TENTATIVE TIME LINE</u></b>
<b>Electric Utility Meter Reading &amp; Billing Assessment Report</b>	<b>August, 2018</b>
<b>Planning Commission/Council Joint Meeting</b>	<b>TBD</b>

**CONSENT AGENDA**

**A. Minutes: July 9, 2018 Regular Meeting and July 10, 2018 Called Meeting**

**B. Departmental Reports: June, 2018 (Separate File)**

The Franklin City Council convened its Regular meeting on Monday, July 9, 2018 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Rabil called the meeting to order.

**Council Members in Attendance:** Mayor Frank Rabil, Barry Cheatham, Vice-Mayor; Linwood Johnson, Bobby Cutchins, Mary Hilliard, and Benny Burgess (Councilman McLemore arrived at 7:16 p.m.).

**Staff in Attendance:** Randy Martin, City Manager; Taylor Williams, City Attorney; Mark Bly; Chief Phil Hardison, Franklin Police Department; Chief Vince Holt, Director of Emergency Services; Donald Goodwin, Community Development Director; Dinah Babb, Treasurer; Brenda Rickman, Commissioner of Revenue; and Jennifer Maynard, Voter Registrar.

**Others in Attendance:** Officer Brian Snow, Franklin Police Department and Teresa Rose-McQuay; Administrative Assistant and Acting Secretary, Recording Minutes.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited by everyone in attendance.

### **CITIZENS' TIME**

Mrs. Raystine Johnson-Ashburn of 1200 South Street addressed Council and recognized Councilwoman Hilliard for her service on Council. Mrs. Johnson-Ashburn, former Franklin City Mayor and Councilwoman, thanked Councilwoman Hilliard for mentoring her during her service on Council. Mrs. Johnson-Ashburn and her husband presented Mrs. Hilliard with a dozen pink roses.

### **AMENDMENTS TO AGENDA**

Councilman Burgess asked to amend the agenda to add a discussion on consideration of a zoning ordinance amendment to add two family dwelling back as a permitted use in the R2 zoning district and Councilman Johnson seconded it.

The motion was approved by a vote of 6 – 0 (Councilman McLemore absent).

Mayor Rabil added the topic as Item A in the Old/New Business section of the agenda.

### **Consent Agenda**

#### **Minutes: April 9, 2018 Regular Meeting**

Mayor Rabil asked if there were any corrections to the minutes of the July 9, 2018 Regular meeting. Hearing none, Vice-Mayor Cheatham made the motion to adopt the minutes as presented and Councilman Johnson seconded the motion.

The motion was approved with the vote as follows:

Councilman Johnson, AYE; Councilman Cutchins, AYE; Councilwoman Hilliard, AYE; Vice-Mayor Cheatham, AYE; Councilman Burgess, AYE; and Mayor Rabil, AYE (Councilman McLemore absent).

**Special Recognition: Resolution Honoring Councilwoman Mary E. Hilliard**

Mayor Rabil asked Vice-Mayor Cheatham to read the resolution aloud. After the reading, Councilman Johnson made a motion to adopt the resolution as presented and Vice-Mayor Cheatham seconded it.

Mayor Rabil asked the members of Council, who were present, to join him in the front of the Dias as he presented Councilwoman Hilliard with the resolution and a plaque honoring her for 30 years of service on the Franklin City Council and her dedication to the citizens in Ward 5 which she represented.

When the members of Council returned to the Dias; all the members of Council present gave personal remarks to Councilwoman Hilliard, thanking her for being willing to work with the members of Council and her encouragement while on Council.

Councilwoman Hilliard thanked everyone for all their kind words and gave her farewell remarks. She had announced that she would not run for re-election in early 2018. Everyone in attendance gave Councilwoman Hilliard a standing ovation and she took a seat in the audience.

**Certification of Election Results**

Mayor Rabil recognized Manager Martin to introduce Voter Registrar Jennifer Maynard to present the Certification of Election Results.

Voter Registrar Maynard read the results from the May 1, 2018 election aloud and had a certificate for each representative elected. The results were as follows:

Ward	Name	Total Votes	Write-Ins	Terms
3	Gregory McLemore	187	1	July 1, 2018 – June 30, 2022
	Andrea Hall-Leonard	98		
5	Wynndolyn H. Copeland	131	3	July 1, 2018 – June 30, 2022
	Ricky L. Sykes	125		
6	Robert L. “Bobby” Cutchins	177	3	July 1, 2018 – June 30, 2022
Mayor	Frank M. Rabil	821	251	July 1, 2018 – June 30, 2020

**Oaths of Office**

The oaths of office to elected Council members were administered by the Honorable Judge Westbrook J. Parker. Each elected and re-elected member of Council recited the oath for the upcoming terms for which they were elected.

The Honorable Judge Westbrook J. Parker administered Oaths of Office to Councilwoman elect Wynndolyn H. Copeland, Councilman Robert L. “Bobby” Cutchins and Mayor Frank M. Rabil. Councilwoman Copeland took her place on the dais after she was administered the Oath of Office.

On his own initiative, Councilman McLemore chose to have his Oath of Office administered on July 5, 2018 by Richard L. Francis, Clerk of Court, Southampton County Circuit Court.

### **Biennial Council Organizational Remarks**

#### **Mayor's Organizational Remarks**

Mayor Rabil reminded Council of the Council Meeting Procedures adopted July 11, 2011 that are currently in place. He stated that the Franklin City Council observes and adheres to Robert's Rules of Order. He also asked for members of Council to think about restricting Council members from speaking during Citizens' Time due to the fact that Council has plenty of time to discuss matters on the agenda and any related comments during the meeting. He also stated that members of Council should: be present, be prepared, and work together for what is best for the citizens, as well as, the City of Franklin. Mayor Rabil also asked that if Council members are present when matters are discussed to not abstain from voting on the item. He asked that all Council members vote either aye or nay unless it is a conflict or the Council member was absent during the discussion on the topic.

#### **Selection of the Vice-Mayor**

Mayor Rabil asked for nominations from Council for the purpose of selecting the Vice-Mayor. Councilman Burgess nominated Councilman Cheatham for Vice-Mayor and Councilman Johnson seconded it.

The motion was approved with the vote as follows:

Councilman Johnson, AYE; Councilman Cutchins, AYE; Councilwoman Copeland, AYE; Councilman Cheatham, ABSTAIN; Councilman Burgess, AYE; Councilman McLemore, NAY; and Mayor Rabil, AYE.

#### **Board & Commission Council Assignments**

Mayor Rabil asked members of Council to review the Board & Commission Council Assignments that were included in the agenda. Mayor Rabil asked that if they had input to notify him before the next meeting at which time the Council will discuss and finalize the assignments.

#### **FY 2018 – 2019 Regular Meeting Calendar**

Mayor Rabil asked Council for a motion to adopt the FY 2018 – 2019 Regular Meeting Calendar. Councilman Johnson made the motion to adopt the FY 2018 – 2019 Regular Meeting Calendar as presented and Vice-Mayor Cheatham seconded it.

The motion was approved with the vote as follows:

Councilman Johnson, AYE; Councilman Cutchins, AYE; Councilwoman Copeland, AYE; Councilman Cheatham, AYE; Councilman Burgess, AYE; Councilman McLemore, ABSTAIN; and Mayor Rabil, AYE.

**OLD/NEW BUSINESS****Discussion to Restore Two Family Dwellings in the R2 Zoning District**

Mayor Rabil recognized Councilman Burgess to begin the discussion to restore two family dwellings in the R2 Zoning District. Councilman Burgess stated that amending the text to allow two-Family detached dwelling units would help with the economic growth in this area considering that some existing duplexes are vacant and there is a demand for this housing. Director Goodwin provided the history of zoning regulations regarding this matter. He advised that the process to address the matter could begin with an initiating resolution from Council to the Planning Commission. After discussion about the request to consider two-family dwellings in the R2 zoning district among the council members, it was the consensus to bring this item back in the form of an initiating resolution for consideration on the agenda at the July 23, 2018 meeting.

**City Manager's Report**

Manager Martin reported on the following items:

- 1) As requested by Council members, a copy of the top priorities for 2018 was included in the agenda and the next update will be in August, 2018.
- 2) Staff is currently working to apply for a Recreational Trails Program state grant for the first phase of the Riverwalk park project. Updates on the status and details on the effort will be reported on as staff receives them.

This was the City Manager's report and Manager Martin stated that he would be glad to answer any questions or hear any comments that Council may have.

**COUNCIL/STAFF REPORTS ON BOARDS & COMMISSIONS**

Vice-Mayor Cheatham stated there were no regional meetings in June, 2018. He did report on an Opportunity, Inc. meeting that he had attended.

Mayor Rabil encouraged everyone to come out for the events in support of Downtown Franklin. He reminded everyone of the Cruise In and the Farmers' Market on Wednesdays and We be Jammin on Thursday weather permitting.

**Council Comments**

Mayor Rabil then recognized each elected and re-elected Council member for any desired comments. Council members Copeland, Cutchins and McLemore thanked their friends, family and voters for their support during the recent election.

**Closed Session**

Councilman Burgess made the motion that the Franklin City Council meet in Closed Session to discuss appointments to boards and commissions pursuant to Virginia Code Section 2.2 – 3711 (A) (1). Councilwoman Copeland seconded the motion.

The motion was approved by a 7 – 0 vote.

**The Council entered into closed session at 7:50 p.m.**

Mayor Rabil reconvened the open session at 8:02 p.m. and asked for a motion certifying the closed session.

Vice-Mayor Cheatham made a motion certifying 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. The motion was seconded by Councilman Johnson.

The motion was approved by a 7 – 0 vote.

**Action # 1**

Vice-Mayor Cheatham made a motion to also nominate Marshall Rabil, Michael Foreman and Sion Carr for appointment to the Board of Directors of Franklin/Southampton Economic Development, Inc. as the city resident member. These nominees would be in addition to Felicia Blow who was nominated at the June 25, 2018 Regular Council meeting. If FSEDI will only accept three nominees, Vice-Mayor Cheatham recommended Sion Carr's name be deleted from the list. Councilwoman Copeland seconded the motion.

The motion was approved with the vote as follows:

Councilman Johnson, AYE; Councilman Cutchins, AYE; Councilwoman Copeland, AYE; Councilman Cheatham, AYE; Councilman Burgess, AYE; Councilman McLemore, AYE; and Mayor Rabil, ABSTAIN.

**Adjournment**

Vice-Mayor Cheatham made a motion to adjourn the meeting which was seconded by Councilman Johnson.

The motion was approved by a 7 – 0 vote.

**Mayor Rabil declared the meeting adjourned at 8:03 p.m.**

**These Minutes for the July 9, 2018 City Council Regular Meeting were adopted on the 23<sup>th</sup> day of July, 2018.**

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Mayor

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Clerk to City Council



**Franklin City Council  
Called Meeting  
July 10, 2018 – 6:00 p.m.**

The Franklin City Council met in a Called Meeting on Monday, July 10, 2018 at 6 p.m. in the Council Chambers at City Hall. The purpose of the Called meeting was for County Administrator Mike Johnson to give City Council an update on the County Courthouse site options.

**Council Members in Attendance:** Frank Rabil, Mayor; Barry Cheatham, Vice-Mayor; Benny Burgess, Linwood Johnson, and Wynndolyn Copeland (Greg McLemore and Bobby Cutchins absent).

**Others in Attendance:** Randy Martin, City Manager; and Taylor Williams, City Attorney and Stephen Cowles, Tidewater News Reporter.

Mayor Rabil recognized Manager Martin to state the purpose of the called meeting. Manager Martin stated that the purpose of the Called meeting was for County Administrator Mike Johnson to give City Council an update on the County Courthouse site options. Manager Martin noted the Council had previously received copies of all the site options considered for the courthouse and at this meeting received updated copies on the potential options. Manager Martin introduced County Administrator Johnson to make his presentation to Council.

**Presentation**

Administrator Johnson reviewed a PowerPoint presentation also provided to Council. Administrator Johnson explained that since the City of Franklin is an independent City with less than 10,000 residents they do not have a Circuit Court and share the cost of that court with the adjacent county, which is Southampton County. The City of Franklin shares the cost of operating and maintaining the Courthouse, and the cost of operations for the 3 constitutional officers (Sheriff, Commonwealth Attorney and Clerk) on a proportional basis. The City of Franklin's cost share currently equates to 32%. Administrator Johnson reviewed the process taken thus far by the County to address identified courthouse facility needs. He noted that the County is limited at this point to considering qualifying sites in Courtland on or contiguous to the existing courthouse. He then gave an overview of potential sites under consideration. All the proposed concepts include space for joint General District and Juvenile & Domestic Relations Courts, putting all the Courts in the same facility for the first time since 1961.

Administrator Johnson reported that the Board of Supervisors began with 9 conceptual options with the list being narrowed down to 3 after their last meeting. There is a Public Hearing scheduled for July 23, 2018 and a decision by the Board of Supervisors on the final concept could come as early as August 27, 2018.

Administrator Johnson reviewed the three options currently under County consideration with the City Council members. He pointed out all the deficiencies with the existing court facility, as well

**Franklin City Council  
Called Meeting  
July 10, 2018 – 6:00 p.m.**

as, reiterating that the existing courthouse according to state guidelines does not meet required security and safety guidelines, is not deemed to be in good repair and does not meet future space needs.

During the presentation and at its conclusion, Council members asked Administrator Johnson questions. After the questions, Council members discussed the remaining options and the merits of each including preliminary cost estimates. It was the consensus opinion of Council members present that option 5C was the preferred option based upon information currently available. Council members expressed reservations about option 7 and its location adjacent to the river and other considerations. Administrator Johnson agreed to convey the Council's feedback to the Board of Supervisors.

Members of Council then discussed with the City Manager and City Attorney the funding formula and the statutory requirements which establish and regulate the relationship between the County and City. The schedule of the project was also discussed and when the fiscal impact would be recognized by the County and City to fund the project. The County would incur the debt and the City would be billed in like manner to the current system in arrears for its share of operating costs including debt service costs.

**ADJOURNMENT**

Mayor Rabil then asked for a motion to adjourn. Vice-Mayor Cheatham made the motion to adjourn and Councilman Johnson seconded it. The motion was approved by a 5 – 0 vote (Councilman McLemore and Councilman Cutchins absent).

Mayor Rabil and members of Council thanked Administrator Johnson for his presentation. The Mayor then declared the meeting adjourned at 6:58 p.m.

**These Minutes for July 10, 2018 City Council Called Meeting were adopted on the 23<sup>rd</sup> day of July, 2018.**

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**Mayor**

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**Clerk to City Council**

**OLD/NEW BUSINESS**

- A. Zoning Ordinance Amendment Initiating Resolution # 2018 – 03**
- B. City Council Rules of Procedure Discussion**
- C. City Manager’s Report**



DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING - BUILDING INSPECTIONS - ZONING

To: R. Randy Martin, City Manager

From: Donald E. Goodwin,  CFM, Director of Community Development

Date: July 16, 2018

CC: City Council Members

RE: Initiating Resolution to the Planning Commission for Zoning Ordinance Amendment

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As requested by City Council during their regular meeting on July 9, 2018 I have prepared an Initiating Resolution for Council's consideration. This change to the zoning ordinance is being initiated in accordance with Section 28.2 (1) of ARTICLE XXVII Changes and Amendments of the Zoning Ordinance. The resolution is to initiate an amendment to Section 8.2 Permitted principal uses of Article VIII R-2 GENERAL RESIDENCE DISTRICT USE REGULATIONS of the Zoning Ordinance to include two-family dwellings as a permitted use. Upon approval of the attached resolution the planning commission will review this request and provide Council with a recommendation.

RECOMMENDED ACTION: Per discussion



**RESOLUTION # 2018 - 03**

**A RESOLUTION INITIATING TEXT AMENDMENTS  
TO THE ZONING ORDINANCE REGARDING THE CONSIDERATION OF  
ALLOWING TWO FAMILY DWELLINGS IN THE R-2 GENERAL RESIDENCE  
ZONING DISTRICT**

WHEREAS, the City Council finds that the public necessity, convenience, general welfare require that the text of Article XI of the Zoning Ordinance be amended; and

WHEREAS, the City Council wishes to refer these proposed amendments to the text of the Zoning Ordinance to the City of Franklin Planning Commission for public hearing, consideration by the Commission and recommendations of the Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby initiate the following amendments to the text of the Zoning Ordinance:

That Section 8.2 Permitted principal uses of Article VIII R-2 GENERAL RESIDENCE DISTRICT USE REGULATIONS of the City of Franklin Zoning Ordinance is hereby amended by the amendment of Subsection (a) to read as follows:

- (a) One and Two-Family detached dwelling units

Certified copy of a resolution adopted by the City Council at its regular meeting held on the 23<sup>rd</sup> day of July, 2018.

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Clerk to City Council



*Office Of The City Attorney*  
*H. Taylor Williams, IV*  
July 18, 2018

From: H. Taylor Williams, IV  
City Attorney

To: Members of City Council

Re: Proposed Rules of Procedure

At the council organization meeting on July 9, 2018 the Mayor proposed several new rules of procedure for consideration under the authority of Council to adopt rules of procedure pursuant to City Charter Section 3.04. The intent is to add these additional rules to the rules previously adopted by Council on July 11, 2011. The proposed rules are:

1. Unless a Council member is absent from a meeting or has a declared conflict of interest, she or he should vote “yea” or “nay” on motions when the question is called.

Explanation: Franklin Charter Section 3.05 requires 4 yea votes for any motion to pass. Roberts Rules, 9<sup>th</sup> Edition, says when voting is based on the number of members present an abstention has the same effect as a negative vote. It is the duty of every member who has an opinion on a question to express it by his/her vote. No member should vote on a question in which she/he has a direct personal or pecuniary interest not common to other members.

2. Because members of Council have the opportunity to speak on various subjects in their capacity as a member of Council and from the dais, members of Council should not speak at the Citizens’ podium during Citizens’ Time.

Explanation: There is no federal Constitutional right, no state Constitutional right and no City Charter right for Citizens to speak at a Council meeting. The ability of Citizens to speak at Citizens' Time is wholly the creation of the opportunity by City Council. Pursuant to established case law, Citizens' Time is classified as a limited forum as opposed to a public forum. In a limited forum the citizen's ability to express himself during a meeting can be limited by the legislative body as far as time, place and content of the speech is concerned. In a public forum such as the Courthouse steps, a citizen does enjoy the right of free speech. In a legislative body like the Council, members of council have the ability to raise topics for discussion and debate of motions, subject to rules of procedure.

To adopt these proposed rules as additional rules of procedure for the Council, a motion will be necessary. A proposed motion would be the following:

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I move that the Council adopt the following two rules of procedure for Council meetings:

Unless a Council member is absent from a meeting or has a declared conflict of interest, she or he should vote "yea" or "nay" on motions when the question is called.

And:

Because members of Council have the opportunity to speak on various subjects in their capacity as a member of Council and from the dais, members of Council should not speak at the Citizens' podium during Citizens' Time.

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H. Taylor Williams, IV  
City Attorney



*Office Of The City Manager  
R. Randy Martin*

July 18, 2018

To: Mayor & Council Members  
From: R. Randy Martin, City Manager  
Subject: City Manager's Report – July 23<sup>rd</sup> Council Meeting

The following items are to be included in the City Manager's report at the July 23<sup>rd</sup> regular Council meeting:

- 1) Enclosed is a draft of the Mayor and Council member Board & Commission Assignments listing for Council consideration in closed session at Monday's meeting. I will also have a paper copy for each member of Council.
- 2) The Riverwalk state grant application has been compiled for submission to the state for Phase 1 of the previously reviewed site plan. Matching funds are committed from the Garden Club as discussed and from the approved CIP as discussed during the budget process. The application will be delivered on July 19<sup>th</sup> which is the deadline.
- 3) The Electric Utility Meter Reading & Billing Assessment consultant will be on site next week to complete final steps in preparation for completing the report which is planned to be complete and available in August.

Enclosure



## **Boards & Commissions Council Assignments**

**Effective: July, 2018**

### **Boards/Commissions:**

### **Designees**

**HRTPO:**

(Hampton Roads Transportation Planning Organization)

Vice-Mayor Barry Cheatham

**HRPDC:**

(Hampton Roads Planning District Commission)

Vice-Mayor Barry Cheatham

**HREDA:**

(Hampton Roads Economic Development Alliance)

Mayor Frank Rabil

**HRTAC:**

(Hampton Roads Transportation Accountability Commission)

Mayor Frank Rabil

**HRMFFA:**

(Hampton Roads Military and Federal Facilities Alliance)

Mayor Frank Rabil

**Hampton Roads Mayors and Chairs:**

Mayor Frank Rabil

**WTRJ:**

(Western Tidewater Regional Jail Authority)

Vice-Mayor Barry Cheatham  
Councilman Linwood Johnson

**Franklin Business Center Advisory Board:**

Councilman Benny Burgess

**Franklin/Southampton Shared Services Committee**

Mayor Frank Rabil  
Vice-Mayor Barry Cheatham

**Franklin/Southampton Utility Study Committee**

Councilman Benny Burgess  
Councilman Bobby Cutchins

**DFA:**

(Downtown Franklin Association)

Mayor Frank Rabil

**Housing Advisory Board**

Vacant  
Councilman McLemore

**CDBG Madison Street Area Management Team**

Vacant  
Councilman Greg McLemore

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**COUNCIL/STAFF REPORTS ON BOARDS & COMMISSIONS**