



**Franklin City Council Agenda  
June 8, 2020  
Franklin City Hall Council Chambers  
207 West 2<sup>nd</sup> Avenue**

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

**CALL TO ORDER. . . . . MAYOR FRANK M. RABIL  
PLEASE TURN OFF CELL PHONES. . . . . MAYOR FRANK M. RABIL  
PLEDGE OF ALLEGIANCE  
CITIZEN'S TIME  
AMENDMENTS TO AGENDA**

**1. CONSENT AGENDA:**  
A. Approval of May 26, 2020 regular meeting minutes

**2. FINANCIAL MATTERS**  
A. Financial Update Related to COVID-19

**3. OLD/ NEW BUSINESS:**  
A. School Board Nomination Public Hearing Ward 1 and 3  
B. Cover 3 Personal Property Tax Exempt Status  
C. Race Relations in the City of Franklin  
D. Confederate Monuments on City Property  
E. Courthouse Update  
F. City Manager's Report

**4. COUNCIL/STAFF REPORTS ON BOARDS/COMMISSIONS**

**5. CLOSED SESSION**

I move that the City of Franklin, Virginia City Council adjourn into a closed meeting pursuant to Virginia Code Section 2.2-3711-A-1, to discuss appointments to boards and commissions, to discuss the following subject or subjects: Franklin Redevelopment and Housing Authority, Social Services Advisory Board, Eastern Virginia Regional Industrial Facility Authority, Industrial Development Authority, Blackwater Regional Library Board, Camp Community College Local Board, and the Hurricane Floyd 25<sup>th</sup> Anniversary Committee

And 2.2-3711A-3. Discussion or consideration of the acquisition of real property of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body specifically regarding property on Fairview Drive and electrical infrastructure located throughout the City of Franklin.

And 2.2-3711-A-7 Briefing by staff on actual or probable litigation regarding the following subject: a lawsuit filed in Southampton County Circuit Court.

Motion Upon Returning to Open Session- I move that the City of Franklin, Virginia City Council adopt the attached closed meeting resolution to certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting held on June 8, 2020; (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City of Franklin, Virginia City Council; and (iii) no action was taken in closed meeting regarding the items discussed.

**6. ADJOURNMENT**

The Franklin City Council held a Regular City Council Meeting on May 26, 2020 at 7:00 p.m. in the City Council Chambers.

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

**Council Members Not in Attendance:** Councilman Gregory McLemore

**Staff in Attendance:** Amanda Jarratt, City Manager and Leesa Barnes, Executive Assistant, Recording Minutes

**Other Staff in Attendance:** Steve Patterson, Franklin City Police Chief, Steve Newsome, Information Technology Specialist and Brenda Rickman, Commissioner of the Revenue

#### **Call to Order**

Mayor Frank Rabil called the May 26, 2020 regular City Council meeting to order at 7:00 p.m.

#### **Citizen's Time**

City Manager Amanda Jarratt shared that due to social distancing requirements public comment was received via email in advance of the meeting. There were no emails concerning public comment.

#### **Amendments to Agenda**

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

There were no amendments to the agenda.

#### **Consent Agenda**

##### **Approval of May 11, 2020 Regular Meeting Minutes**

Mayor Frank Rabil asked if there were any additions or corrections to the minutes from the May 11, 2020 regular City Council meeting.

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

A motion was made by Councilman Linwood Johnson to approve the minutes from the May 11, 2020 regular City Council meeting. The motion was seconded by Vice-Mayor Barry Cheatham.

The motion carried the vote by 6-0.

The vote was as follows:

<b>Mayor Frank Rabil</b>	<b>AYE</b>
<b>Vice-Mayor Barry Cheatham</b>	<b>AYE</b>
<b>Councilman Linwood Johnson</b>	<b>AYE</b>
<b>Councilman Bobby Cutchins</b>	<b>AYE</b>
<b>Councilwoman Wynndolyn Copeland</b>	<b>AYE</b>
<b>Councilman Gregory McLemore</b>	<b>ABSENT</b>
<b>Councilman Benny Burgess</b>	<b>AYE</b>

**National Public Works Week Proclamation #2020-10**

Mayor Frank Rabil asked Vice-Mayor Barry Cheatham to read the National Public Works Week Proclamation #2020-10.

Vice-Mayor Barry Cheatham read and motioned to approve the National Public Works Week Proclamation #2020-10. The motion was seconded by Councilman Linwood Johnson.

Mayor Frank Rabil opened the floor for discussion.

City Manager Amanda Jarratt announced that Public Works management served lunch to the Public Works employees to show their appreciation and the Administrative Department provided them with an afternoon snack. City Manager Jarratt also thanked the Public Works Department personally for their service.

The motion carried the vote by 6-0.

The vote was as follows:

<b>Mayor Frank Rabil</b>	<b>AYE</b>
<b>Vice-Mayor Barry Cheatham</b>	<b>AYE</b>
<b>Councilman Linwood Johnson</b>	<b>AYE</b>
<b>Councilman Bobby Cutchins</b>	<b>AYE</b>
<b>Councilwoman Wynndolyn Copeland</b>	<b>AYE</b>
<b>Councilman Gregory McLemore</b>	<b>ABSENT</b>
<b>Councilman Benny Burgess</b>	<b>AYE</b>

**Financial Matters**

**Budget Amendment 2020-14**

City Manager Amanda Jarratt informed Council that the Franklin City School Division requests that the following funds in the amount of \$344,244.24 be added or deducted to the following accounts due to Local grants received after the start of the year, re-allocations of state funds based on the Virginia Department of Education (VDOE) funding template and final approved grants.

Tracy Spence, Director of Finance had confirmed the above amount with Jeff Ryder, Assistant Superintendent.

City Manager Jarratt requested the corresponding expense adjustments be made on the cities books so that all revenue and expense lines be exactly equal between the school division records and the City's.

A motion was made by Vice-Mayor Barry Cheatham to approve Budget Amendment #2020-14. The motion was seconded by Councilman Linwood Johnson.

**The motion carried the vote by 6-0.**

**The vote was as follows:**

<b>Mayor Frank Rabil</b>	<b>AYE</b>
<b>Vice-Mayor Barry Cheatham</b>	<b>AYE</b>
<b>Councilman Linwood Johnson</b>	<b>AYE</b>
<b>Councilman Bobby Cutchins</b>	<b>AYE</b>
<b>Councilwoman Wynndolyn Copeland</b>	<b>AYE</b>
<b>Councilman Gregory McLemore</b>	<b>ABSENT</b>
<b>Councilman Benny Burgess</b>	<b>AYE</b>

**Adoption of the FY 20-21 Budget**

City Manager Amanda Jarratt stated that City Council has extensively reviewed and vetted the proposed FY 20-21 fiscal year budget. Due to this year being a general reassessment year the net neutral tax rate would be \$1.07. The proposed budget before you was built around \$1.03 which is the current tax rate. This equates to a four cent tax reduction. City Council voted to advertise a tax rate of \$1.07. As was discussed previously City Administration revised the budget down by just over one million dollars as a result of anticipated negative impacts from the COVID-19 pandemic. The full impact of the COVID-19 pandemic is still unknown at this time.

Although the City is faced with an 11.9% increase from Dominion in our cost of power due to the delay in projects and hiring, the City is able for the fourth year in a row to hold the retail rate at the same level for Franklin Power and Light customers. There was an 82% reduction in the fuel adjustment charge which went into effect in April of 2020. A residential customer using 1000kWh will see a bill reduction of \$4.71 per month with the retail rate as proposed.

City Manager Jarratt stated that three actions were required from City Council and those actions were to set the tax rate for the FY 20-21 fiscal year, adopt the Budget Resolution and the Electric Rate Ordinance.

Vice-Mayor Barry Cheatham asked City Manager Jarratt is she felt comfortable with this budget presentation.

City Manager Jarratt replied that this is a very tight budget and there is no wiggle room. If an emergency should occur or if the pandemic lasts longer than projected, then significant additional cuts would have to be made or the City would have to go into the undistributed Fund Balance.

Mayor Frank Rabil stated that Council appreciated the efforts that City Manager Jarratt and staff put forth on the FY 20-21 Budget.

#### **Tax Rate**

Vice-Mayor Cheatham made a motion for the tax rate request to stay at \$1.07. He added if the tax rate was \$1.07 there would be \$225,000.00 to be put into a reserve fund if needed and if the funds were not used in April then you could give it back as a rebate on taxes.

**The motion failed due to the lack of a second.**

Mayor Frank Rabil made a motion to accept the tax rate for the FY 20-21 at \$1.03. The motion was seconded by Councilman Linwood Johnson.

Mayor Frank Rabil opened the floor for discussion.

Councilman Benny Burgess stated that \$1.03 was all that the City could stand at the moment.

**The motion carried the vote by 5-1.**

The vote was as follows:

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

**Budget Resolution**

Mayor Frank Rabil asked for a motion to adopt the FY 20-21 Budget Resolution.

Councilman Benny Burgess made a motion to adopt the FY 20-21 Budget Resolution. The motion was seconded by Councilwoman Wynndolyn Copeland.

The motion carried the vote by 5-1

The vote was as follows:

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

**Electric Rate Ordinance**

Mayor Frank Rabil asked for a motion to adopt the Electric Rate Ordinance.

Councilwoman Wynndolyn Copeland made a motion to adopt the Electric Rate Ordinance. The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 6-0.

The vote was as follows:

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

**Old / New Business**

**Cover 3 Personal Property Tax Exempt Status Public Hearing**

City Manager Amanda Jarratt provided the following background information on the Cover 3 Foundation which was founded in 2009. Cover 3 Foundation works to reduce the 10.1% of Virginia's households who report the inability to access adequate food for their children due to a lack of money and other resources. C3's Kids' Meals acts as a tool to feed at-risk children, teach nutrition education, and offers a platform to educate children on portion control and nutrition. This effort combats food insecurity, childhood obesity, and reduces health problems caused by poor nutrition. Their services are offered to after school care programs in areas where at least 50% of the children are eligible for free and reduced price meals based upon school data, and they currently have more than 12,400 children in Southeastern Virginia enrolled in their after-school feeding program. To date, they have served more than two million meals and snacks since 2010.

Currently, Cover 3 has five vehicles that have previously been granted tax exempt status by the Franklin City Council. They are requesting tax exempt status for two additional vehicles. A public hearing is required and proper public notice was posted in the Tidewater News.

City Manager Jarratt informed Council that Brenda Rickman, Commissioner of the Revenue brought to her attention that there are past taxes due on the two vehicles that are requested to be tax exempt and that amount totals just over \$3,000.00. Per City Ordinance, it is a requirement that vehicles are brought up to tax exempt status be up to date.

Mayor Frank Rabil opened the public hearing for public comment.

City Manager Amanda Jarratt shared that due to social distancing requirements public comment was received via email in advance of the meeting. There were no emails concerning public comment.

Mayor Frank Rabil closed the public hearing.

Mayor Rabil asked if there was any desired action from City Council.

Vice-Mayor Barry Cheatham stated no action should be made until the past due taxes are paid.

Councilman Benny Burgess stated he agreed with the above statement.

Councilman Linwood Johnson asked Commissioner Rickman is she had reached out to the Cover 3 Foundation to come up with a payment plan.

Commissioner Rickman replied her Department does not handle the payment plans. She added she thought it was an oversight that the taxes have not been paid.

Vice-Mayor Cheatham suggested tabling the decision until the taxes are paid.

Mayor Rabil stated he thought that was the appropriate action to take until the taxes are paid. He asked Commissioner Rickman to contact Mr. Scott of the Cover 3 Foundation and advise him of the situation.

City Manager Jarratt stated the action on this item can be added to the June 8, 2020 agenda.



### Law Enforcement Mutual Aide Agreement

City Manager Amanda Jarratt gave a brief overview of the Law Enforcement Mutual Aide Agreement. The Mutual Aid Agreement was previously authorized by the previous City Council and executed by the previous City Manager in 2013. The agreement provides for localities including Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Gloucester County, Accomack County, Northampton County, Surry County, York County, the Town of Smithfield, and the Town of Windsor to assist each other from a law enforcement perspective as necessary. The City of Franklin has greatly benefited from this agreement over the last few months and years.

Mayor Frank Rabil asked if it was typical for the Agreement to go this long without being renewed or is this something we should be doing on a more frequent basis.

Steve Patterson, Chief of the Franklin City Police Department replied that it took time to get all of the Chiefs in the above list to agree on the different tasks of the Mutual Aide Agreement.

Councilman Benny Burgess stated he noticed that Southampton County was not listed as being on the Law Enforcement Mutual Aide Agreement.

City Manager Jarratt replied she was not sure why Southampton County was not on the agreement, but hoped with Southampton County having a new sheriff on the force, the county would be added to the agreement. She added Southampton County certainly provides the City with assistance when needed.

Vice-Mayor Cheatham asked if anyone had reached out to Southampton County to see if they wanted to be a part of the agreement.

Chief Patterson responded that yes he has reached out to Sheriff Wyche concerning the agreement.

Vice-Mayor Barry Cheatham made a motion to authorize City Manager Amanda Jarratt to execute the Law Enforcement Mutual Aide Agreement. The motion was seconded by Councilwoman Wynndolyn Copeland.

**The motion carried the vote by 6-0.**

**The vote was as follows:**

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

### **Courthouse Update**

City Manager Amanda Jarratt updated City Council that a conference call was held on Friday, May 15, 2020 for Glave and Holmes to present their initial conceptual design. The conceptual design followed the direction of the subcommittee and maintained the existing footprint of the current Southampton County Courthouse. The plan is to schedule a presentation to the judges for their review the week of May 26, 2020. Once that presentation has occurred we will schedule presentations of the conceptual plan for Franklin City Council and the Southampton Board of Supervisors. The consultants looked at case volume and the existing footprint of the building and felt like a hearing room could satisfy the requirements and provide relief to the issues that are currently being experienced. It is critical that the judges agree to this concept. City Manager deferred to Councilman Bobby Cutchins and Councilwoman Wynndolyn Copeland for additional comment.

Councilman Cutchins stated that Glave and Holmes have done a great job so far and is looking forward to the meeting with the judges.

Mayor Frank Rabil thanked Councilman Cutchins and Councilwoman Copeland for being a vital part of the Courthouse Project Committee.

### **City of Franklin Courthouse Update**

City Manager Amanda Jarratt updated City Council that the secure parking project is proceeding nicely and should be completed within the next two weeks.

### **City Manager's Report**

City Manager Amanda Jarratt updated City Council on the following topics:

- City staff is continuing to closely monitor and respond to the COVID-19 pandemic and Governor Northam's Executive Orders. There are currently 39 cases of the COVID-19 virus in the City.
- The City of Franklin is currently working with the Foodbank of Southeastern Virginia to extend the food distribution through June 20, 2020.
- Three citizens and no businesses are enrolled in the payment plan permitted by City Council. Residents and businesses that are in need of the payment plan should request to enroll prior to June 10, 2020. They may do so by calling utility billing at 757 562-8518 or 757 516-1001.
- The City of Franklin is scheduled to receive \$695,000.00 in CARES Act money to assist with costs associated with COVID-19. There remains a significant number of questions of what these funds can and can't be used for. All Virginia localities are working closely with Secretary Layne to fully understand the limitations of the funding. The City is working on a plan for how to utilize the funds once it is understood what is allowed.

Councilman Benny Burgess asked if the CARES Act money can be used to support businesses.

City Manager Jarratt answered there are multiple legal interpretations and that is one of the options that the City is looking into. Some communities are indicating that they are using their CARES Act funding for grant programs, but there are varying legal opinions concerning this. She added there will be a meeting concerning this topic on Thursday morning. If there is any misuse of the funds, the City would be responsible for repayment.

- The Farmers Market will be open Wednesday, May 27, 2020 from 4:00 p.m. to 7:00 p.m.
- There will be a SPSA electronic board meeting on Wednesday, May 27, 2020 at 9:00 a.m. There are a number of issues that need to be considered
- City Manager Jarratt thanked Christine Hill and staff of Caldwell Bankers for their investments of the banners acknowledging the Franklin High School graduates of 2020. She also thanked the Parks and Recreation Department and the Public Works Department for their participation in getting the banners up throughout the downtown area.

### **Community Events**

City Manager Amanda Jarratt updated City Council on the following community events:

- City of Franklin Independence Day Celebration July 1 2020 – We are closely monitoring the phased reopening of the Commonwealth per Governor Northam’s Execution Order.
- National Night Out has been rescheduled for October 6, 2020, as a result of COVID-19. The planning process will continue throughout the summer into the fall.

### **Council / Staff Reports on Boards / Commissions**

Vice-Mayor Barry Cheatham informed City Council that he attended a Western Tidewater Regional Jail meeting where everyone was brought up to date and there is currently one case of the COVID-19 virus.

He attended an electronic meeting with the Paul D. Camp Community College Workforce Center. The City of Franklin is getting \$84,000.00 to assist with the In-School Training Program.

He attended a Hampton Roads Planning District Committee (HRPDC) meeting where the budget was adopted.

Councilman Benny Burgess informed City Council that he attended a Business Center meeting via Zoom and one of the new developments of the Business Center was a real estate company was admitted into the Franklin Business Center.

Councilman Linwood Johnson informed City Council that the Foodbank at YMCA hosted their last event on Friday, May 22, 2020 unless they are given an extension.

Mayor Frank Rabil informed City Council that he attended military alliance meeting via zoom and he has A Hampton Roads Transportation Accountability Commission meeting on Thursday, May 28, 2020.

He congratulated Councilman Linwood Johnson on winning his reelection and he congratulated Ray Smith and Mark Kitchen on winning the election for their Wards.

Councilman Linwood Johnson congratulated Mayor Frank Rabil on his win for Mayor.

Councilman Benny Burgess announced that the Franklin Business Center celebrated its fifteenth birthday and he publicly congratulated them on their success.

**Closed Session**

Mayor Frank Rabil asked for a motion to go into closed session.

Councilwoman Wynndolyn Copeland moved that the City of Franklin, Virginia City Council adjourn into a closed meeting pursuant to Virginia Code Section 2.2-3711-A-1, to discuss appointments to boards and commissions, to discuss the following subject or subjects: Franklin Redevelopment and Housing Authority, Social Services Advisory Board, Eastern Virginia Regional Industrial Facility Authority, Industrial Development Authority, and the Hurricane Floyd 25<sup>th</sup> Anniversary Committee.

And 2.2-3711A-3. Discussion or consideration of the acquisition of real property or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body specifically regarding property on Fairview Drive and electrical infrastructure located throughout the City of Franklin.

The motion was seconded by Vice-Mayor Barry Cheatham.

**The motion carried the vote by 6-0.**

The vote was as follows:

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

**Motion Upon Returning to Open Session**

Councilman Wynndolyn Copeland moved that the City of Franklin, Virginia City Council adopt the attached closed meeting resolution to certify that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting held on May 26,2020; (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City of Franklin, Virginia City Council; and (iii) no action was taken in closed meeting regarding the items discussed.

The motion was seconded by Councilman Benny Burgess.

The motion carried the vote by 6-0.

The vote was as follows:

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

**Other Actions Taken**

A motion was made by Vice-Mayor Barry Cheatham to remove Ricky Sykes from the Industrial Development Authority. The motion was seconded by Councilman Benny Burgess.

The vote was as follows:

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

**Adjournment**

There being nothing further to discuss Mayor Frank Rabil asked for a motion of adjournment.

Vice-Mayor Barry Cheatham made a motion to adjourn the May 26, 2020 regular City Council meeting. The motion was seconded by Councilwoman Wynndolyn Copeland.

The vote was as follows:

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

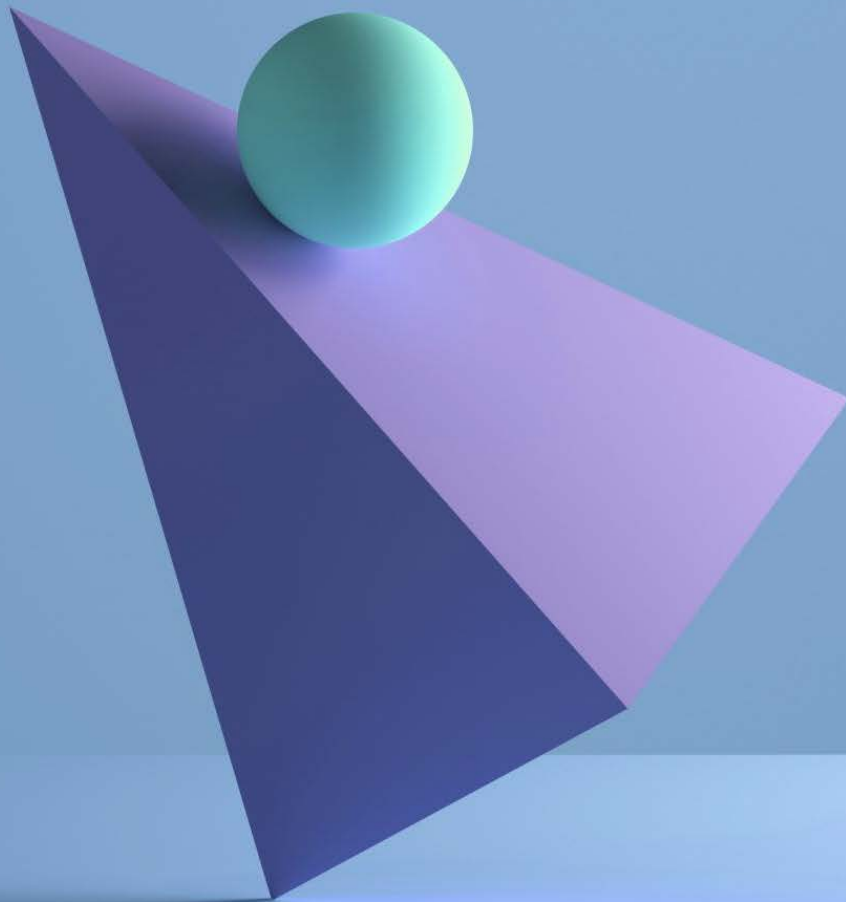
The May 26, 2020 regular City Council meeting adjourned at 8:18 p.m.

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Clerk to City Council

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Mayor



FY20 BUDGET  
CHALLENGES  
DUE TO  
COVID 19

LOCAL "VULNERABLE"  
TAXES

UPDATE:  
JUNE 8, 2020

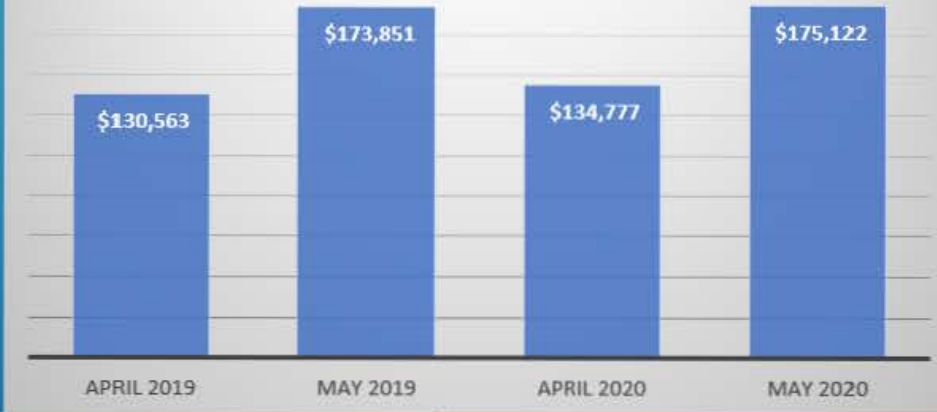
### Meals Taxes



### Lodging Taxes



### Sales Taxes





PROJECTIONS FOR  
VULNERABLE TAXES YIELD A  
\$430,000 SHORTFALL IN  
REVENUE COLLECTIONS.

DUE TO:  
OVER REALIZED REVENUE AT  
MAY 31<sup>ST</sup>, THE COUNCIL'S  
RESERVE, AND VACANCY  
SAVINGS, THE CITY WILL STILL  
BE ABLE TO MEET ITS  
OBLIGATIONS AT JUNE 30<sup>TH</sup>.

<b>Projection for 6.30.20</b>	<b>Budget</b>	<b>Projected Actual @ 6.30.20</b>	<b>Projected Excess (Deficit)</b>
<i>Meals Taxes</i>	\$ 1,522,500	\$ 1,331,050	\$ (191,450)
<i>Lodging Taxes</i>	160,000	140,739	(19,261)
<i>Cigarette Taxes</i>	356,263	346,901	(9,362)
<i>Sales Taxes</i>	1,983,000	1,772,567	(210,433)
	<u>\$ 4,021,763</u>	<u>\$ 3,591,257</u>	<u>\$ (430,506)</u>

Overrealized  
revenue @ 5.31.20 70,000

Reserved by Council 345,000

Vacancy savings 500,000

\$ 484,494

**Conclusion** Funds are available to  
cover projected  
shortfall.



*Office of the City Manager  
Amanda C. Jarratt*

June 4, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Ward 1 and Ward 3 School Board Nominations

**Background Information**

The terms for the Ward 1 and Ward 3 seats on the City of Franklin School Board will end on June 30, 2020. All individuals wishing to serve on the City of Franklin School Board must be nominated at a public hearing. The public hearing was properly advertised in the Tidewater News and an e-mail address was established to receive nominations.

**Needed Action**

Conduct the public hearing for the Ward 1 and Ward 3 School Board seats and determine next steps. It has been the past practice of City Council to set up interviews of those individuals nominated to serve on the School Board.

# Publisher's Certificate of Publication

## STATE OF VIRGINIA COUNTY OF RICHMOND

Ann Potter, being duly sworn, on oath says she is and during all times herein stated has been an employee of Tidewater Publications, Inc. publisher and printer of the The Tidewater News (the "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

05/27/20, 06/03/20

2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney



### **NOTICE OF PUBLIC HEARING FOR APPOINTMENT TO FRANKLIN CITY SCHOOL BOARD**

The Franklin City Council will conduct a Public Hearing at its regular meeting to be held on Monday, June 8, 2020 at 7:00 p.m. in the Franklin City Council Chambers at 207 West Second Avenue, Franklin, Virginia 23851 pursuant to Virginia Code Section 22.1-29.1 for the purpose of receiving nominations of individuals for appointment to the Franklin City School Board. Nomination of persons to represent Ward 1 and Ward 3 can be made to serve a term for 3 years. Nominees must be a qualified voter and a bona fide resident of the ward for which they are nominated to represent. Appointments for Ward 1 and Ward 3 will begin immediately upon appointment and will expire June 30, 2023. Due to social distancing any persons desiring to nominate individuals to serve or apply to serve on the Franklin City School Board must send their public comment to [publichearing@franklinva.com](mailto:publichearing@franklinva.com). A resume may be emailed to Council at the time of nomination. No person or applicant whose name has not been considered at a Public Hearing shall be appointed as a member of the Franklin City School Board.

Franklin City Council  
Amanda C. Jarratt, Council Clerk

Ann Potter, Employee

Subscribed and sworn to before me this  
3rd Day of June, 2020



Amy M. Whitaker, Notary Public  
Beaufort County, NC  
My commission expires 08-25-2023

Account #  
Ad # 1046133

CITY OF FRANKLIN CITY COUNCIL  
207 W SECOND AVE  
FRANKLIN VA 23851



*Office of the City Manager  
Amanda C. Jarratt*

June 4, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Cover 3 Personal Property Tax Exemption

**Background Information**

Founded in 2009, Cover 3 Foundation works to reduce the 10.1% of Virginia's households who report the inability to access adequate food for their children due to a lack of money and other resources. C3's Kids' Meals acts as a tool to feed at-risk children, teach nutrition education, and offers a platform to educate children on portion control and nutrition. This effort combats food insecurity, childhood obesity, and reduces health problems caused by poor nutrition. Their services are offered to after school care programs in areas where at least 50% of the children are eligible for free and reduced price meals based upon school data, and they currently have more than 12,400 children in southeastern Virginia enrolled in their after-school feeding program. To date, they have served more than 2 million meals and snacks since 2010.

Currently, Cover 3 has five vehicles that have previously been granted tax exempt status by the Franklin City Council. They are requesting tax exempt status for two additional vehicles as outlined at the May 26, 2020 meeting. The public hearing was properly conducted and the delinquent taxes have been paid.

**Needed Action**

Consider action on the request by Cover 3 on the personal property exemption request for the two additional vehicles.

# C3F

C3's *Kid's Meals*

## Cover 3 Foundation

P.O. Box 456  
125 S. College Drive  
Franklin, VA 23851

Main: 757-562-2252

Fax: 757-562-2287

[www.cover3foundation.org](http://www.cover3foundation.org)

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June 4, 2020

Brenda Rickman  
City of Franklin  
207 West Second Avenue  
Franklin, VA 23851

RE: 2018 Chevrolet Tahoe

Please be advised that the 2018 Chevrolet Tahoe is used for Cover 3 Foundation business purposes. The vehicle is used to complete site reviews, make deliveries and donation pick ups.

Thank you,



Greg Scott  
Cover 3 Foundation  
CEO / Founder

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Office of the City Manager  
Amanda C. Jarratt

June 4, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Confederate Moment Memorial Park

### **Background Information**

Earlier this year Governor Ralph Northam, signed a law allowing individual localities to remove, relocate or contextualize Confederate statues and monuments within their communities. Localities can begin using these powers starting July 1, 2020. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial.

A locality may, prior to initiating the provisions of subsection B, petition the judge of a circuit court having jurisdiction over the locality for an advisory referendum to be held on the question of the proposal to remove, relocate, contextualize, or cover any monument or memorial located on the locality's public property. Upon the receipt of such petition, the circuit court shall order an election to be held thereon at a time that is in conformity with § 24.2-682. The ballots shall be prepared, distributed, and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684.

The governing body may appropriate a sufficient sum of money out of its funds to complete or aid in the erection, removal, relocation, contextualizing, or covering of monuments or memorials to the veterans of such wars or conflicts, or any engagement of such wars or conflicts.

### **Needed Action**

Determine whether or not the City Council would like to schedule a public hearing to receive input on moving the monument currently located in Memorial Park.

# 2020 SESSION

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## CHAPTER 1100

An Act to amend and reenact §§ [15.2-1812](#), [15.2-1812.1](#), and [18.2-137](#) of the Code of Virginia and to repeal Chapter 119 of the Acts of Assembly of 1890, relating to war memorials for veterans.

[S 183]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ [15.2-1812](#), [15.2-1812.1](#), and [18.2-137](#) of the Code of Virginia are amended and reenacted as follows:

§ [15.2-1812](#). Memorials for war veterans.

A. A locality may, within the geographical limits of the locality, authorize and permit the erection of monuments or memorials for *the veterans* of any war or conflict, or for any engagement of such war or conflict, to include the following monuments or memorials: Algonquin (1622), French and Indian ([1754-1763](#)), Revolutionary ([1775-1783](#)), War of 1812 ([1812-1815](#)), Mexican ([1846-1848](#)), ~~Confederate or Union monuments or memorials of the Civil War Between the States~~ ([1861-1865](#)), Spanish-American (1898), World War I ([1917-1918](#)), World War II ([1941-1945](#)), Korean ([1950-1953](#)), Vietnam ([1965-1973](#)), Operation Desert Shield-Desert Storm ([1990-1991](#)), Global War on Terrorism ([2000-](#)), Operation Enduring Freedom ([2001-](#)), and Operation Iraqi Freedom ([2003-](#)). ~~If such are erected, it shall be unlawful for the authorities of the locality, or any other person or persons, to disturb or interfere with any monuments or memorials so erected, or to prevent its citizens from taking proper measures and exercising proper means for the protection, preservation and care of same. For purposes of this section, "disturb or interfere with" includes removal of, damaging or defacing monuments or memorials, or, in the case of the War Between the States, the placement of Union markings or monuments on previously designated Confederate memorials or the placement of Confederate markings or monuments on previously designated Union memorials. Notwithstanding any other provision of law, general or special, a locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, after complying with the provisions of subsection B.~~

B. ~~Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial.~~

C. A locality may, prior to initiating the provisions of subsection B, petition the judge of a circuit court having jurisdiction over the locality for an advisory referendum to be held on the question of the proposal to remove, relocate, contextualize, or cover any monument or memorial located on the locality's public property. Upon the receipt of such petition, the circuit court shall order an election to be held thereon at a time that is in conformity with § [24.2-682](#). The ballots shall be prepared, distributed, and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § [24.2-684](#).

D. The governing body may appropriate a sufficient sum of money out of its funds to complete or aid in the erection, removal, relocation, contextualizing, or covering of monuments or memorials to the veterans of such wars or conflicts, or any engagement of such wars or conflicts. The governing body may also make a special levy to raise the money necessary for the erection or completion of any such monuments or memorials, or to supplement the funds already raised or that may be raised by private persons, Veterans of Foreign Wars, the American Legion, or other organizations. It may also appropriate, out of any funds of such locality, a sufficient sum of money to permanently care for, protect, and preserve such monuments or memorials and may expend the same thereafter as other funds are expended.

§ [15.2-1812.1](#). Action for damage to memorials for war veterans.

A. If any monument, marker or memorial for war veterans as designated in §§ [15.2-1812](#) and [18.2-137](#) is violated or encroached upon damaged or defaced, an action for the recovery of damages may be commenced by the following as follows:

1. For a publicly owned monument, marker or memorial, such action may be commenced against a person other than a locality or its duly authorized officers, employees, or agents by the attorney for the locality in which it is located; or, if no such action has commenced within sixty days following any such violation or encroachment, by any person having an interest in the matter with the consent of the governing body or public officer having control of the monument or memorial; and

2. For a privately owned monument, marker or memorial on a locality's public property, such action may be commenced by the private organization, society or museum that owns it or any member of such organization, society or museum owner of such monument or memorial. No locality or its officers, employees, or agents shall be liable for damages pursuant to this section when taking action pursuant to § [15.2-1812](#) except for gross negligence by a duly authorized officer, employee, or agent of the locality.

Damages may be awarded in such amounts as necessary for the purposes of rebuilding, repairing, preserving, and restoring such memorials or monuments to pre-encroachment condition. Damages other than those litigation costs recovered from any such action shall be used exclusively for said purposes.

B. Punitive damages may be recovered for reckless, willful, or wanton conduct resulting in the defacement of, malicious destruction of, unlawful removal of, or placement of improper markings, monuments, or statues on memorials for war veterans.

C. The party who initiates and prevails in an action authorized by this section shall be entitled to an award of the cost of the litigation, including reasonable attorney's attorney fees. The provisions of this section shall not be construed to limit the rights of any person, organization, society, or museum to pursue any additional civil remedy otherwise allowed by law.



§ 18.2-137. Injuring, etc., any property, monument, etc.

A. If any person unlawfully destroys, defaces, damages, or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages, or removes without the intent to steal, any monument or memorial for war veterans, *not his own*, described in § 15.2-1812; any monument erected ~~for the purpose of marking to mark~~ the site of any engagement fought during the *Civil War* ~~between the States~~, or ~~for the purpose of designating any memorial to designate~~ the boundaries of any city, town, tract of land, or any tree marked for that purpose, he shall be guilty of a Class 3 misdemeanor; provided that the court may, in its discretion, dismiss the charge if the locality or organization *that owns or is* responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.

B. If any person *who is not the owner of such property* intentionally causes such injury, he ~~shall be~~ is guilty of (i) a Class 1 misdemeanor if the value of or damage to the property, memorial, or monument is less than \$1,000 or (ii) a Class 6 felony if the value of or damage to the property, memorial, or monument is \$1,000 or more. The amount of loss caused by the destruction, defacing, damage, or removal of such property, memorial, or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

2. That Chapter 119 of the Acts of Assembly of 1890 is repealed.

3. That nothing in this act shall apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington.

4. That the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized pursuant to the provisions of this act.



*Office of the City Manager  
Amanda C. Jarratt*

June 3, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Courthouse Update

**Background**

**Southampton County Courthouse**

A Zoom meeting was held with the Courthouse subcommittee on Thursday May 28, 2020. The intent of this meeting was to provide the judges with an overview of the Glave and Holmes conceptual design. The judges noted a number of items with the concept plan that they found unacceptable. A copy of the presentation and minutes from the meeting are provided for your review and information.

**City of Franklin Courthouse**

No new update at this time.

**Needed Action**

None at this time.



*Office of the City Manager  
Amanda C. Jarratt*

June 3, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: City Manager's Report

### **General Updates**

- The COVID-19 response accompanied with budget preparation and day to day operations process have been all consuming. There a number of community partners that have been of tremendous assistance to the City of Franklin during these trying times. City buildings will reopen to the public on Wednesday June 10, 2020. Masking is encouraged and social distancing is required to remain in compliance with Governor Northam's Executive Order.
- As of this writing only ten individuals and one business have requested the COVID-19 related payment plan. Individuals needing this assistance should request the payment plan no later than June 10, 2020.
- We continue to work with the National Guard and the Attorney General's Office on the Armory property.
- City Administration and the City of Franklin Police Department continue to assist with the peaceful protests associated with the tragic death of George Floyd. We appreciate the organizers of the peaceful protests and continue to work together to bring the community together.

### **Community Events**

- City of Franklin Independence Day Celebration July 1, 2020. – Still on schedule pending COVID-19.
- National Night Out is scheduled has been rescheduled for October 6, 2020 as a result of COVID-19. The planning process will continue throughout the summer into the fall.