



Franklin City Council Agenda

August 24, 2020

Camp Community College Workforce Development Center

100 North College Drive

Franklin, Virginia 23851

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 August 10, 2020 regular meeting minutes and August 17, 2020 School Board interview
- B. June Departmental Reports (Separate File)

2. **OLD/ NEW BUSINESS:**

- A. Ward 3 & Ward 6 School Board Appointments
- B. Memorial Park Monument Removal Public Hearing
- C. City Manager's Report

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

4. **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: Planning Commission, Board of Equalization, Beautification Commission, Industrial Development Authority, and Social Services Advisory Board, as well as conduct an evaluation of the performance of the City Manager.

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 August 24, 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.

5. **ADJOURNMENT**

The Franklin City Council held a Regular City Council Meeting on August 10, 2020 at 7:00 p.m. in the City Council Chambers.

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

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

Other Staff in Attendance: Steve Patterson, Chief of City of Franklin Police Department; Gerald Griffith, Deputy Chief of Emergency Services Department; Tracy Spence, Director of Finance Department; Sammara Green-Bailey, Director of Parks & Recreation Department; Sarah Rexrode, Director of Social Services; Steve Newsome, Information Technology Specialist; Dan Howe Director of Downtown Franklin Association and Beth Lewis, Deputy Director of Community Development

School Board Members in Attendance: Amy Phillips, School Board Chairwoman and Tamara Sterling, Franklin City Schools Superintendent

Call to Order

Mayor Frank Rabil called the August 10, 2020 regular City Council meeting to order at 7:00 p.m.

Citizen's Time

There was no one that signed up for Citizen's Time.

Amendments to Agenda

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

Councilman Bobby Cutchins made a motion to amend the agenda to include a briefing from the Franklin City Public Schools concerning the reopening plan as a result of the impacts from the COVID-19 pandemic and to amend the closed session agenda to include Virginia Code Section 2.2-3711-A-1, to discuss appointments to Boards and Commissions, to discuss the following subject or subjects: Board of Equalization, Franklin City School Board and Race Relations Committee.

The motion was seconded by Councilman Mark R. Kitchen.

The motion carried the vote by 7-0.

Mayor Frank Rabil stated Council would address Consent Agenda first and then address the Franklin City Public School update.

Consent Agenda

Approval of July 13, 2020 and July 27, 2020 Regular Meeting Minutes

July 13, 2020

Mayor Frank Rabil asked if there were any additions or corrections to the minutes from the July 13, 2020 regular City Council meeting.

City Manager Jarratt reviewed the following corrections that were made upon distributing the minutes.

Mayor Frank Rabil asked for a motion of approval for the minutes from the July 13, 2020 regular City Council meeting with corrections made.

Councilman Linwood Johnson made a motion to approve the minutes from the July 13, 2020 regular City Council meeting. The motion was seconded by Councilwoman Wynndolyn Copeland.

The motion carried the vote by 7-0.

July 27, 2020

Mayor Frank Rabil asked if there were any additions or corrections to the minutes from the July 27, 2020 regular City Council meeting.

Councilman Mark R. Kitchen stated there was a correction that needed to be made on page 12, paragraph 10, line 2. The line reads:

He added the committee still needs a representative from Ward 1 and Ward 6.

The minutes from the July 27, 2020 regular City Council meeting need to be corrected with the following statements:

Mayor Rabil informed Councilman Greg McLemore that the Race Relations did have representation from Ward 6.

Mayor Rabil asked for a motion of approval with the corrections made to the minutes from the July 27, 2020 regular City Council meeting.

Councilman Ray Smith made a motion to approve the minutes from the July 27, 2020 regular City Council meeting with the corrections made. The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Declaration of Emergency

City Manager Amanda Jarratt informed City Council that the City had to declare a State of Emergency due the City of Franklin sustained significant damage from Hurricane Isais.

Mayor Frank Rabil asked for a motion of approval for the Declaration of a Local Emergency on August 3, 2020 by the City of Franklin, Virginia Director of Emergency Services.

Councilman Greg McLemore made a motion to approve the Declaration of a Local Emergency on August 3, 2020 by the City of Franklin, Virginia Director of Emergency Services. The motion was seconded by Councilwoman Wynndolyn Copeland.

The motion carried the vote by 7-0.

June Departmental Reports

Mayor Frank Rabil deferred the June Departmental Reports until the next meeting in order that City Council could review them.

Franklin City Public Schools Reopening Plan / COVID-19 Pandemic

City Manager Amanda Jarratt introduced Amy Phillips, Chairwoman and Ward 1 Representative for the Franklin City School Board and Tamara Sterling, Superintendent for the Franklin City School Board to give the following update on the reopening plan for the Franklin City Public Schools:

Chairwoman Phillips began her presentation by thanking City Council and City Manager Jarratt for the tremendous job they have done in navigating through the challenges of the COVID-19 pandemic. Chairwoman Phillips informed Council that Dr. Sterling and her staff have dedicated many hours to developing a plan that offers the best possible opportunity to educate the students of Franklin City while doing all they can to offer the safest solution possible for not just the students, but their families, staff and staff's families as well. We know most students learn best in the classroom environment, and that the school setting is extremely important for the social-emotional well-being of a child, but we have to be cognizant of the risk associated with this. While we feel we can offer a safe environment for instruction, we are realistic that children are children, and assuring something as simple as a child wearing a mask all day is something we cannot fully control. The Board is continuously having informed discussions about and make decisions regarding plans and policy-related changes. Some of these discussions and decisions have been in regards to items that impact instruction, staffing, technology, staff leave of absence, risk management, emergency response, transportation, nutrition, and even childcare, most of which requires the Board to take votes that we realize have far-reaching impacts within our mutual community. Our commitment to the children of this community doesn't end when they are outside our buildings. She added that while the Board does carry the burden of ultimately being the decision-maker, we believe the community and their school division, and we want all community stakeholders and Franklin City Public Schools' families to know we truly have the best interest of the entire community at heart. To quote my fellow Board member Carrie Johnson, "I applaud Franklin City Public Schools for reaching out to their stakeholders and asking for their input in the decision-making process instead of just issuing a decree, and we encourage the parents of any Franklin City Public School student to contact central office if they have any questions about the upcoming year."

Franklin City Public Schools 2020-2021 Reopening Plan Snapshot

- Beginning September 1st, students will begin the school year with 100% virtual instruction. This is out of an abundance of caution for the safety of not only the students, but their families, Franklin City Public Schools staff, and the families of Franklin City Public Schools staff.
- Beginning November 5th (beginning of the 2nd 9-week grading period): PreK-3rd grade, Special Education, and English Language Learners will return to in-class instruction 4 days per week; 4th-12th grade will have the choice of either 100% virtual instruction OR Hybrid instruction with an A/B schedule. Franklin City Public Schools will closely monitor COVID data as the first 9-weeks progresses to determine if changes need to be made to the plan for the second 9-weeks and beyond.

Councilman Ray Smith asked how would the schools monitor the students and make sure the students have connectivity.

Superintendent Sterling replied that they have done surveys and 74% of the families have connectivity. Through the Cares Act seventy-five hotspots have been purchased to be distributed to families in need. She added they have applied for additional funding in order to get hotspots for the teachers as well.

Councilman Mark R. Kitchen asked if it was possible to do physical education virtually.

Superintendent Sterling answered they are in the process of purchasing Fitbit for the students to monitor their physical education.

Councilman Ray Smith asked if the COVID-19 pandemic has caused a decrease or an increase in financial obligations.

Superintendent replied there is always going to be an increase in financial obligations however; there are grants available from the Cares Act that will assist with these obligations.

Councilman Kitchen asked how does the teacher confirm that the actual student is performing his or her assignments.

Chairwoman Phillips answered unfortunately some will learn to work the system, but all students have a dedicated sign-in.

Superintendent Sterling added each student will have an assessment to do, so if they are not doing the assignments it will become obvious.

Councilman Smith asked if there was a follow-up done if a student does not sign on for several days.

Chairwoman Phillips replied absolutely, each student is monitored and required to have periodic check-ins with their counselors and staff.

Councilman Linwood Johnson thanked the school division and school board for their tremendous efforts in developing this process.

Councilman Gregory McLemore asked if teachers would be teaching from the schools or their residences.

Superintendent Sterling answered that depends on the teacher's productivity, but there is only a maximum of ten teachers allowed in the schools at a time. She added 90% of the teachers will be teaching from their residences.

Councilman McLemore asked what prevents a teacher from coming in one day a week and recording all of her or his assignments and then they are done for the rest of the week.

Superintendent Sterling answered the administrators visit with teacher's and evaluate their performance and accountability.

Councilman Smith asked what were the responsibilities of the bus drivers and cafeteria staff.

Chairwoman Phillips replied they did not have a final plan on the bus drivers yet. Some students may have to walk to school but there will be safety guidelines to follow. The cafeteria staff will have to prepare two meals and a snack that will have to be delivered every day.

Councilman Kitchen asked if the bus drivers would be getting paid even if they were not working.

Chairwoman Phillips replied they will be working because they will have to deliver the meals that will be prepared.

Mayor Frank Rabil thanked the School Board and staff for all of their hard work that they put in organizing this plan.

Financial Matters

Budget Amendment 2020-17

City Manager Amanda Jarratt deferred Budget Amendment 2020-17 to Tracy Spence, Finance Director for a brief overview.

Director Spence informed City Council that Budget Amendment #2020-17 is to amend the 2019-2020 City Budget by appropriating revenue in the amount of \$7,000.00 from the General Fund to the Comprehensive Services Act fund to cover additional costs in the FY20 fourth quarter. The expense to the General Fund was amended in Budget Amendment 2020-15.

Councilman Ray Smith made a motion to approve Budget Amendment #2020-17. The motion was seconded by Councilman Mark R. Kitchen.

The motion carried the vote by 7-0.

Old / New Business

Ward 6 School Board Public Hearing

City Manager Amanda Jarratt informed City Council that Ms. Jessica Grant who previously served in the Ward 6 seat resigned leaving a three-year term remaining. 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. Nominations will be accepted in person and also via e-mail due to COVID-19 concerns.

Mayor Frank Rabil opened the Public Hearing. He asked if there were any nominations from the floor for the Ward 6 School Board seat. Hearing none, he then asked if there were any nomination received via email.

City Manager Jarratt replied yes and read the following email:

Jerry McCreary
508 N High Street
Franklin, VA
757 641-1523

Born 1966

Residence:
Suffolk, Virginia 1970-1984
Gwinnett County, Georgia: 1984-2004
Buenos Aires, Argentina: 1990
Franklin, Virginia: 2005 – present

Education:
Holland Primary School
Southwestern Middle School
Booker T. Washington Middle School
Suffolk High School (graduated 1984)
The Art Institute of Atlanta (1986, A.A. Visual Communications)
Continuing education: Spanish; database programming

Career:
The Art Works / MLT Creative, 1990 -1998, Art Director
Clear Tunes, LLC, 2003 – 2006, Partner
SureFire Studios, Inc. 1999 – present, Owner

Language:
English, Spanish

Community:
Assistant team leader for various short term trips to other countries
Advisor board member, Iglesias Cristo Vive (Christ Lives Church), Lilburn, Georgia

Reason for accepting nomination to City of Franklin School Board:

Despite my resenting school as a child for having my freedom to play outdoors taken away, there were several teachers through the years who managed to break through the boredom which boys experience. They were the teachers who could both capture the imagination through storytelling and relate dry concepts to real world, practical applications. Those two elements are the essence of play in a child's life. My 5th grade teacher introduced me to a love for reading. I discovered that reading could also inspire and teach in the same way as those gifted teachers.

In high school, I had a few other teachers who were gifted in an additional way. They had the compassion to see potential and ability in a young man, even though he didn't recognize it himself. They were the math teacher who would actually sit beside you to explain quadratic equation, the chemistry teacher who would come look you in the eye and challenge you to do your best, and the art teacher who would help you decide on a potential career.

I was not a big fan of school growing up, but always a big fan of learning. As a school board member, my desire would be to engage the families in Ward 6, and learn the challenges facing our teachers, and to help free them to focus on their students learning.

Thank you for the consideration.
Jerry McCreary

Mayor Rabil asked if there any more nominations for the Ward 6 School Board seat. Hearing none, he closed the public hearing.

Mayor Rabil asked City Manager Jarratt to schedule an interview with Mr. McCreary.

Southeastern Public Service Authority (SPSA) Update

City Manager Amanda Jarratt introduced Liesl DeVary who has served as Executive Director and Chief Executive Officer of SPSA since December 2017. She is responsible for the planning, development and implementation of policies and objectives established by the Board of Directors with the goal of providing a long-term cost-effective waste disposal system for SPSA Member Communities. She also serves as Chief Financial Officer and is responsible for the preparation and administration of operating and capital budgets. Previously, Liesl served as SPSA's Deputy Executive Director and Chief Financial Officer for eight years.

Liesl is a native of Virginia Beach. She has a Bachelor's Degree in Business Administration from Old Dominion University with a minor in accounting. Prior to joining the SPSA team, she worked for the County of Isle of Wight as budget and finance director. She also served in various governmental capacities in Pennsylvania for eleven years.

In her role as executive director, Liesl's top priorities are fiscal responsibility, maintaining a culture where employees are motivated and productive, enhancing trust and confidence in the organization, and being accountable to SPSA member communities.

Ms. DeVary will be providing City Council with a general overview of SPSA, explain the landfill expansion process currently under way and the contract between the Navy and Wheelabrator and how it will affect SPSA.

SPSA Stats

- SPSA was created in the early 70's and is a public body incorporated in the state of Virginia.
- SPSA's purpose as defined in the code of Virginia, is the management of the safe and environmentally sound disposal of regional waste.
- Or members include the Cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk, Virginia Beach and the counties of Isle of Wight and Southampton.
- SPSA is governed by a sixteen-member Board of Directors of which eight members are appointed by the Governor and eight members are employees of each member locality.
- SPSA operates and manages the regional landfill in Suffolk, nine transfer stations, a transportation division, two fleet maintenance shops, a tire processing facility and a household hazardous waste collection program.
- SPSA employees 140 employees
- SPSA'S annual budget is \$43.7 million.
- The municipal waste tip fee is \$57.00 per ton.
- Nine transfer stations handle over 600,000 tons per year
- The transportation division:
 - Hauls over 500,00 tons per year
 - Drives over 750,000 miles per year
- Fleet maintenance manages approximately 245 pieces of rolling stock, ranging from pickup trucks, dozers, excavators to tractors and trailers.
- Tire shredder processes over 500,000 tires per year. SPSA uses the shredded tires at the landfill for alternate daily cover, drainage projects and road base.
- The Regional landfill accepts over 350,000 tons per year.
- SPSA's service area covers approximately 2,000 square miles and services 1.2 million residents.

Contract with Wheelabrator

- Wheelerbrator Portsmouth (WPI) operates a waste-to-energy facility in Portsmouth
- They burn the municipal waste creating which is then sold to the Norfolk Naval Shipyard to fuel its facilities. Any excess steam is converted to energy and sold to the grid.
- SPSA has a contract with WPI to process municipal waste until June 30, 2027.
- The Navy is not extending its contract with WPI which ends in January 2023.
- The Navy has entered into an Energy Savings Performance Contract (ESPC) to build its own power plant fueled by natural gas.
- The revenue WPI receives from the steam contract is approximately \$10 million a year. WPI has stated they cannot operate absent this revenue.
- A local stakeholders group was formed with representatives from SPSA, City of Portsmouth, Suffolk, Hampton Roads Military and Federal Facilities Alliance (HRMFFA) and WPI.
- Following correspondence and multiple conference calls the navy is willing to extend its agreement with WPI for eighteen months or until June 2024.
- SPSA will continue to discuss these implications with WPI and the SPSA Board in the days to come.

Projected Life of Landfill

- Per SPSA agreements with their member communities, SPSA must provide trash disposal capacity for at least twenty years.
- At the current rate of trash disposed at the regional landfill, the current cells (V & VI) will be filled by 2029, but could be as early as 2027 dependent on volume, compaction ratio and achieving the planned slopes.
- Cell VII could be filled as early as 2035 if all the municipal trash is disposed in this cell.
- SPSA has begun a landfill expansion process with an application for a wetlands permit through the Army Corp of Engineers.

Conditional Use Permit (CUP) with Suffolk

- SPSA's conditional use permit with the City of Suffolk requires a new grade separated entrance into the landfill before any waste goes into Cell VII.
- A flyover for traffic coming from the West would meet this requirement.
- Current estimates are approximately \$24 million.
- The flyover was originally to be funded with Hampton Roads Transportation Accountability Commission (HRTAC) funds
- SPSA has applied for a federal BUILD and a RSTP grant.
- SPSA should know by the end of the calendar year if they were successful with obtaining grant funding.

Mayor Frank Rabil opened the floor for questions from Council.

Councilman Linwood Johnson asked what happens to the waste that is put into the cells once they are closed.

Director DeVary replied there is a formal procedure that is done. A liner is in the cell and a cap is put over the cell that secures it from leakage and once closed they are monitored for twenty years.

Councilman Gregory McLemore asked how the City's rate would be affected by the Navy not renewing their contract in 2024.

Director DeVary replied that SPSA has a standing contract until 2027.

Councilman Johnson asked if the contract stated that the tipping fee would not go up.

Director DeVary answered the contract with the Wheelerbrator just deals with the disposal not the tipping fees, but we do not anticipate the tipping fee increasing.

Electoral School Board Discussion

City Manager Amanda Jarratt informed City Council about the procedure to transition from an appointed school board to an elected school board. Below is the legal interpretation provided by Sands Anderson.

Currently, members of the School Board of the City of Franklin are appointed pursuant to Chapter 12 of the City of Franklin, Virginia Charter. Virginia Code § 22.1-57.2, however, provides a process for transitioning to an elected school board should the citizens of the City of Franklin wish to do so. That Code provision, a copy of which is attached for your reference, would allow the City of Franklin to transition to an elected school board upon completion of the following steps:

1. The registered voters of the City of Franklin must file with the Circuit Court of Southampton County a petition asking that a referendum be held on the question of whether the members of the School Board of the City of Franklin should be elected. The petition must contain the signatures of at least 10 percent of the number of registered voters in the City who were registered as of the previous January 1.
2. In order to appear on the ballot of the next general election, the petition must be filed within 111 days preceding the general election.
3. Upon receipt of a petition containing a sufficient number of signatures of qualified registered voters, the Circuit Court of Southampton County must order and require the election officials to place the matter on the ballot.
4. The Clerk will publish notice of the referendum by posting the notice at the courthouse and by causing the notice to be published in a newspaper of general circulation in the City of Franklin, both for three successive weeks prior to the referendum.
5. The question on the ballot will be "[s]hall the method of selecting the school board be changed from appointment by the governing body to direct election by the voters?" [] YES [] NO

6. NOTE: No amendment of the Charter of the City of Franklin is required in order to change to an elected school board. Va. Code § 22.1-57.1 expressly provides that the procedure to transition to an elected school board described above is applicable notwithstanding any other provision of a locality charter.

Shawn Hudson, legal representative from SandsAnderson explained to City Council that General Assembly has provided an option to amend the Charter. That is provided under 15.2-201 which states:

15.2-201. Charter elections; subsequent procedure; procedure when bill not introduced or fails to pass in General Assembly.

A locality may provide for holding an election to be conducted as provided in 24.2-681 et seq. of Title 24.2 to determine if the voters of the locality desire that it request the General Assembly to grant to the locality a new charter or to amend its existing charter. At least ten days prior to the holding of such election, the text or an informative summary of the new charter or amendment desired shall be published in a newspaper of general circulation in the locality.

If a majority of the voters voting in such election vote in favor of such request, the locality shall transmit two certified copies of the results of such election together with the publisher's affidavit and the new charter or the amendments to the existing charter, to one or more members of the General Assembly representing such locality for introduction as a bill in the succeeding session of the General Assembly.

to a public hearing pursuant to § [15.2-202](#) before reintroduction in the General Assembly.

If a bill incorporating such charter or amendments is not introduced at the succeeding session of the General Assembly, the approval of the voters for such charter or amendments shall be void. If, at such session, members of the General Assembly fail to enact or pass by indefinitely and do not carry over such a bill incorporating such charter or amendments, the charter or amendments shall again be presented to the voters for their approval or submitted to a public hearing pursuant to 15.2-202 before reintroduction in the General Assembly.

City Manager Jarratt added that Council could chose to do a referendum or they could choose to amend the City's Charter.

Councilman Ray Smith stated there are a 133 communities in the state of Virginia that have separate school districts which are decided by election. There are 11 communities in the state of Virginia that are decided by appointment. He added he has been a resident in the City of Franklin for thirty-three years and it has always been difficult in finding individuals to serve on the school board. He added his contention was that if someone wanted to serve on the school board, the electoral process gives them the procedures to do so. He added that 133 versus 11 seems to be some advantage to doing it through the election process.

Councilman Linwood Johnson stated if the school board was done through the election process it would alleviate City Council from having to find someone to serve on the school board.

Mayor Rabil clarified that he wanted the School Board to understand that City Council does not mean anything derogatory in any way. The reason behind looking into this is because the City is having difficulty in finding individuals to serve on the School Board.

Councilman Gregory McLemore stated he has always been interested in having an elected School Board however there are advantages and disadvantages. One advantage of an elected School Board is this takes the responsibility off of City Council. The disadvantage is City Council has less responsibility when it comes to how the School Board handles issues that arise. He then asked in an elected School Board, what if no one runs for a particular seat, will that go unfilled for two years or will Council have the option to appoint and individual.

Legal Representative Hudson replied that would depend on how the City Charter was written.

Mayor Rabil stated that he thought a referendum would better suit the City than changing the City Charter.

City Manager Jarratt reminded City Council that they would have more time if they chose the referendum versus amended the City Charter.

Councilman Bobby Cutchins asked has it always been this difficult to find individuals to fill School Board seats.

Mayor Rabil replied there has been difficulty in some Wards versus other Wards. He added it is a difficult job.

Legal Representative Mr. Hudson informed Council that if they were to pursue the Charter change under 15.2-201 there would still be an election, the fundamental difference would be Charter change under 15.2-202 would be initiated by the citizens of the City.

City Manager clarified the three options for City Council by giving the following options:

1. Voter referendum
2. Pursue a Charter change with a vote from the public
3. Rapidly pursue a Charter change with the General Assembly

Mayor Rabil asked what Council what option did they want to look into.

Councilman Cutchins stated he would like to gather more information on the pros and cons before choosing an option.

Mayor Rabil asked City Manager Jarratt to research the subject for a comparison analysis before the next meeting.

Mayor Rabil reminded Council that the at the next meeting there was a public hearing schedule so that might not be possible.

Councilman McLemore stated that the next meeting might be the best time to get a consensus from the citizens to get their opinions to get an idea on how to move forward.

The consensus of City Council was to wait and schedule a public hearing at a future meeting.

Planning Commission Discussion

City Manager Amanda Jarratt informed that City Council had expressed interest and concern about the interaction and relationship with the City of Franklin Planning Commission. A work session between the two bodies will be scheduled in the near future however a general discussion amongst all of City Council in advance of this meeting seemed a prudent first step.

Attached are the relevant code sections regarding the establishment and relationship between the City Council and the Planning Commission. These cover appointments to the Planning Commission and certain basic organizational or operational matters. It is important to note that once appointed, Commissioners may be removed only for malfeasance – a very high bar – and for not attending their own meetings. Otherwise, their appointments are for four year terms with little authority to terminate the appointment sooner. Notwithstanding those rules governing appointment of City residents to the Planning Commission, local government staff and officials (one each) also may serve on the planning commission, and those individuals may be replaced annually.

Mayor Frank Rabil opened the floor for discussion.

Councilman Ray Smith stated he had served on the City of Franklin's Planning Commission for twelve years. In the state of Virginia, the Planning Commission is mandated by law, and a body that is appointed by City Council to do the initial planning and development of a community. He added he does not think the City of Franklin has actively used their Planning Commission properly. The City has not been given the Planning Commission the opportunity to participate in a number of things. A member of the Planning Commission needs to be serving on City Council so that they can get an understanding of what City Council is thinking and doing in regards to the growth of the City. There have been various zoning issues that have been brought before City Council and the zoning codes and comprehensive plan needs some work.

Councilman Gregory McLemore stated he wanted to talk to Bobby Tyler about coming out of retirement. Mr.

Tyler served as the former chairman on the Planning Commission. He added that the City of Franklin needs his experience. **He added the reason why Mr. Tyler left was because at the Town Hall meetings that were held where Mr. Tyler and Councilman Smith made recommendations concerning zoning and at a meeting with the Planning Commission, City Council refused to pass the recommendations.**

Councilman Bobby Cutchins stated the reason why City Council did not approve the recommendations from the Planning Commission was because they were presented in a manner that Council did not understand.

Mayor Rabil stated the recommendations were tabled until a future City Council meeting, but unfortunately The COVID-19 pandemic occurred and City Council and the Planning Commission never got a chance to revisit the recommendations. He added that he thought City Council needs to meet with the Planning Commission at least twice a year.

Councilman Smith stated that the Planning Commission needs to get more organized and bring their recommendations to City Council one at a time for discussion not four recommendations at a time. There should be procedures to follow during these joint meetings and these meetings have not been done correctly for some time.

Councilman Linwood Johnson stated the methodology that has been used in handling the meetings between City Council and the Planning Commission has been complex in the past. At the moment the City of Franklin does not have a director for the Community Development Department, to work with the Planning Commission. The City of Franklin needs to hire a director first before we can begin to work on current issues.

Mayor Rabil stated he thinks that City Council can work with the Planning Commission without a Director.

Councilman Johnson stated he would rather make sure everyone is on board until decisions are made.

Mayor Rabil stated City Council needs to appoint a board that is willing and able to take the suggestions of Council in a coherent way so that we can move forward.

Courthouse Update

Southampton County Courthouse

City Manager Amanda Jarratt gave City Council the following update on the Southampton County Courthouse project. The Franklin City Council and the Southampton County Board of Supervisors unanimously approved the conceptual plan for the Southampton County Courthouse renovations. Glave and Holmes are now proceeding with the Schematic Design and will provide us regular updates as they reach project milestones.

City of Franklin Courthouse

City Manager Amanda Jarratt informed City Council there were no new updates.

City Manager's Report

City Manager Amanda Jarratt gave the following updates:

General Updates

- The COVID-19 cases in the City of Franklin continue to slowly increase, we are currently at 182 cases and these numbers are accumulative since March. The Blackwater Regional Library had to close today due to a positive case of COVID-19. Curbside service will be available and WIFI will be available in the parking lot. Precautions remain in place and we ask that all citizens continue to follow the recommendations of the Virginia Department of Health and Center for Disease Control. We are working with the Virginia Department of Health to provide additional testing opportunities in the City on August 17th at the Workforce Development Center from 9:00 a.m. – 11:00 a.m. and 1:00 p.m. – 3:00 p.m.
- The City of Franklin felt impacts from Tropical Storm Isaias. A huge thank you is extended to all of the Departments and personnel that worked throughout the night and the following day dealing with power outages, storm debris, emergency response, and damage assessments. There were 713 customers out of power and the power was restored by 5:00 p.m.
- We should have the final closing documents for the Armory property by the middle of August. The documents are currently being routed through the Attorney General's Office. We are working with PMA on a feasibility study.
- The public hearing regarding the removal of the statue in Memorial Park is scheduled for August 24th at the Camp Community College Workforce Development Center. Comments may be made in person or submitted via mail, or e-mailed to publichearing@franklinva.com.

Community Events

- Franklin Cruise In has restarted on Wednesday afternoons with social distancing being strongly encouraged.
- National Night Out has been rescheduled for October 6, 2020 as a result of COVID-19. Due to the ongoing pandemic and uncertainty associated with crowd sizes the event will have a virtual component and include smaller gatherings. Chief Patterson will provide a briefing at a later meeting.

Council / Staff Reports on Boards / Commissions

Councilman Greg McLemore announced the Race Relations Committee meeting was scheduled to take place on Tuesday, August 11, 2020.

Closed Session

Mayor Frank Rabil entertained a motion to go into closed session.

Councilwoman Wynndolyn Copeland moved that Franklin City Council go into closed session pursuant to Code Section 2.2-3711-A-1, to discuss appointments to boards and commissions, to discuss the following subject or subjects: Board of Equalization, Race Relations Committee and Franklin City Public School Board.

The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Franklin City Council went into closed session at 9:01 p.m.

Motion Upon Returning to Open Session

Councilwoman 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 July 27, 2020, (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City of Franklin, Virginia City Council, and (iii) no action was taken in closed meeting regarding the items discussed.

The motion was seconded by Councilman Bobby Cutchins.

The motion carried the vote by 6-1.

The vote was as follows:

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

Other Actions of Council

Councilwoman Wynndolyn Copeland made a motion to appoint Peggy Scott to serve on the Board of Equalization.

The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0.

Councilwoman Wynndolyn Copeland made a motion to appoint Dr. Alvin Harris to serve on the Race Relations Committee.

The motion was seconded by Councilman Linwood Johnson.

The motion carried the vote by 7-0

Adjournment

There being no further topics to discuss. Mayor Frank Rabil asked for a motion to adjourn the August 10, 2020 regular City Council meeting.

Councilwoman Wynndolyn Copeland made a motion to adjourn the August 10, 2020 regular City Council meeting.

The motion was seconded by Councilman Linwood Johnson.

The August 10, 2020 regular City Council meeting adjourned at 9:25 p.m.

Mayor

Clerk to City Council

AUGUST 17, 2020 CALLED MEETING TO INTERVIEW WARD 6 SCHOOL BOARD NOMINEE

The Franklin City Council held a Regular City Council Meeting on August 17, 2020 at 6:00 p.m. in the City Council Chambers.

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

City Council Members not in Attendance: Councilman Gregory McLemore

Staff in Attendance: Amanda Jarratt, City Manager

Call to Order

Mayor Frank Rabil called the August 17, 2020 regular City Council meeting to order at 6:00 p.m.

Closed Session

Councilwoman Wynndolyn Copeland moved that the Franklin City Council meet in closed session to interview prospective candidates for School Board appointment pursuant to Virginia Code Section 2.2-3711 (A) (1).

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 Bobby Cutchins	AYE
Councilman Linwood Johnson	AYE
Councilman Wynndolyn Copealand	AYE
Councilman Gregory McLemore	ABSENT FROM MEETING
Councilman Ray Smith	AYE
Councilman Mark R. Kitchen	AYE

Interview for Ward 6 School Board Member

City Council conducted an interview with Ward 6 School Board nominee, Jerry McCreary.

Motion Upon Returning to Open Session

AUGUST 17, 2020 CALLED MEETING TO INTERVIEW WARD 6 SCHOOL BOARD NOMINEE

Councilwoman Wynndolyn Copeland moved that the only matters discussed during 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 Ray Smith.

The motion carried the vote by 6-0.

The vote was as follows:

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

Adjourn

There being no further topics to discuss Mayor Frank Rabi asked for a motion to adjourn the August 17, 2020 called meeting to interview a Ward 6 School Board nominee.

Councilwoman Wynndolyn Copeland made a motion to adjourn the August 17, 2020 called meeting to interview a Ward 6 School Board nominee.

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 Bobby Cutchins	AYE
Councilman Linwood Johnson	AYE
Councilman Wynndolyn Copeland	AYE
Councilman Gregory McLemore	ABSENT FROM MEETING
Councilman Ray Smith	AYE
Councilman Mark R. Kitchen	AYE

The August 17, 2020 called meeting to interview a Ward 6 School Board nominee adjourned at 6:30 p.m.

Mayor

Clerk to City Council



*Office of the City Manager
Amanda C. Jarratt*

August 18, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Ward 3 School Board Appointment

Background Information

The term for the Ward 3 seat on the City of Franklin School Board ended on June 30, 2020. The first public hearing for this seat was conducted at the Franklin City Council meeting on June 8, 2020. Interviews of those nominated were conducted on June 15th and June 22nd. An additional public hearing was conducted on July 13th and interviews were held on July 20th and July 27th.

In addition, the Ward 6 seat became vacant due to the resignation of Ms. Banks leaving a three-year term remaining. The latest public hearing for this seat was held on August 10th with an interview being conducted on August 17th.

Needed Action

Consider appointment of an individual for the Ward 3 and Ward 6 School Board seats based on the nominations received at the respective public hearings.



*Office of the City Manager
Amanda C. Jarratt*

August 18, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Confederate Monument 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 public notice ran on July 29, 2020 in the Tidewater News. 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

Conduct the public hearing and provide direction to City staff.

**CITY OF FRANKLIN
CITY COUNCIL**

**NOTICE OF
PUBLIC HEARING
PROPOSED REMOVAL,
RELOCATION,
CONTEXTUALIZATION, OR
COVERING OF MONUMENT
OR MEMORIAL FOR WAR
VETERANS LOCATED AT
100 North College Drive
Franklin, Virginia 23851**

Notice is hereby given that the City Council of the City of Franklin, Virginia, pursuant to Va. Code § 15.2-1812, will hold a public hearing on August 24, 2020 at 7:00 p.m. in the Workforce Development Center located at 100 N. College Drive, Franklin, Virginia, 23851 on whether to remove, relocate, contextualize, or cover the statue, monument, or memorial for the veterans of the Civil War currently located on the Memorial Park on Clay Street in the City of Franklin, Virginia. Interested persons may appear and present their views at the above time and place.

Due to the public health threat posed by the COVID-19 pandemic, the in-person gathering size in the meeting room is limited to approximately 150 people based on guidance and executive orders from the Governor of Virginia and the Virginia Department of Health on social distancing and public gatherings. Accordingly, public comment will also be accepted in writing prior to the meeting to be entered into the official minutes of the City of Franklin City Council and read by the Chair or designee at the City Council meeting.

Those wishing to submit written comments may do so by emailing comments to publichearing@franklinva.com at the City Manager's Office or by placing written comments in the drop box located outside of City Hall located at 207 W. Second Avenue. Comments submitted in writing should be in a sealed envelope clearly marked "Comments for Public Hearing to Consider Removal of Confederate Statue from Memorial Park on Clay Street. Written comments also may be mailed to the attention of Amanda C. Jarratt, City Manager's Office, 207 West Second Avenue Franklin, Virginia 23851 All comments **MUST BE RECEIVED BY CLOSE OF BUSINESS ON AUGUST 24, 2020** in order to be read into the public record at the hearing.

Submissions of written comments must include the citizen's name and voting district. Please draft your comments at such length so that they may be read into the record in no more than (3) minutes at a typical oral reading pace. For comments provided in representation of a group or organization, the

time limit is five (5) minutes. The reading of any comments that exceed these time limits will stop when the time limit is reached.

Citizens choosing to attend in person to address the City Council at the public hearing will be required to maintain recommended social distancing at all times.

The meeting will be streamed live on the Internet via the City of Franklin YouTube Channel. Those citizens requiring special assistance are asked to contact Leesa Barnes at (757) 757-562-8503 at least 5 days prior to the hearing.

**Amanda C. Jarratt
City Manager**



*Office of the City Manager
Amanda C. Jarratt*

August 19, 2020

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: City Manager's Report

General Updates

- The COVID-19 cases in the City of Franklin continue to increase. Precautions remain in place and we ask that all citizens continue to follow the recommendations of the Virginia Department of Health and Center for Disease Control. We are working with the Virginia Department of Health to provide additional testing opportunities in the City on September 8th and September 21st.
- The final closing documents for the Armory were received the week of August 17th and were recorded on August 19, 2020. PMA has started the work on the feasibility study.
- Franklin Department of Parks and Recreation completed a successful Summer Jam program on August 21, 2020 with 30 children enrolled throughout the duration of the program.
- Basketball court renovations are underway at the City parks.

Community Events

- Franklin Cruise In has restarted on Wednesday afternoons with social distancing being strongly encouraged.
- National Night Out has been rescheduled for October 6, 2020 as a result of COVID-19. Due to the ongoing pandemic and increasing case numbers all activities associated with the evening will be virtual and prerecorded.