

Henry County Board of Supervisors

Agenda

April 28, 2009

3:00 p.m.

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- 1) Invocation
 - 2) Pledge of Allegiance
 - 3) Call to Order
 - 4) Welcome of Visitors and Advise Role of County Administrator as Contact Person for the Board
 - 5) Items of Consent
 - A) Confirmation of Minutes of Meetings
 - March 24, 2009
 - April 2, 2009
 - April 7, 2009
 - April 8, 2009
 - April 20, 2009
 - B) Approval of Accounts Payable
 - C) Consideration of Resolution Recognizing Linda Conner's Service to the Henry County Sheriff's Office
 - D) Consideration of Resolution Establishing May 1, 2009 as "Fire and Rescue Volunteer Appreciation Day" in Henry County
 - 6) Matters Presented by the Public
 - A) Dorothy Clark
 - 7) Consideration of Resolution Establishing May 2009 as "Bike Month" in Henry County
 - 8) Presentation by Mitone Griffith, Regional Director for VECTEC, Christopher Newport University

- 9) Consideration of Proposal to Establish “Military Veteran of the Year” Community Award
- 10) Consideration of Request to Increase Membership on the Piedmont Regional Community Services Board
- 11) Discussion of Matters Concerning the Martinsville-Henry County Economic Development Corporation
- 12) Approval of FY 2009-2010 Henry County Budget
- 13) Consideration of Letter of Intent with the Corps of Engineers for Extension of Public Sewer
- 14) Financial Matters
 - A) Department of Homeland Security Grant for Pet-Sheltering Supplies – Public Safety
 - B) Additional Appropriation re: EMS Training – Public Safety
 - C) Additional Appropriation re: Four-4-Life Funds – Public Safety
 - D) Award of Contract re: Maintenance of CPE Equipment – 911 Center
 - E) Award of Contract re: Citizens Alerting System – 911 Center
- 15) Informational Items
 - A) Comments from the Board
- 16) Closed Meeting
 - A) §2.2-3711(A)1 for Discussion of Appointees to the Parks and Recreation Board, Anchor Commission, Blue Ridge Regional Library Board, Community Policy and Management Team, Economic Development Corporation, Piedmont Regional Community Services Board, Southside Community Action Board, and West Piedmont Planning District Commission.
 - B) §2.2-3711(A)7 for Consultation with the County Attorney re: Pending Legal Matters.

- C) §2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate.
- D) §2.2-3711(A)5 for Consultation with the County Attorney re: Discussion of As-Yet Unannounced Industries.

- 6:00 pm
- 17) Presentation to Charlie Redd, Retiring Member of the West Piedmont Planning District Commission
 - 18) Matters Presented by the Public
 - 19) Public Hearing – Rezoning Application R-09-04 – Marianna L.B. Davenport
 - 20) Presentation by the EMS Task Force
 - 21) Public Hearing – Sheriff’s Office Application for Justice Assistance Grant
 - 22) Public Hearing – Proposed Amendments to the County Road Naming Ordinance
 - 23) Public Hearing – Adjustments to the Henry County Noise Ordinance
 - 24) General Highway Matters
 - A) Consideration of 6-Year Secondary Road Plan
 - 25) Adjournment

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

March 24, 2009 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on March 24, 2009, at 3:00 pm in the Board Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Debra Buchanan, Vice Chairman H. G. Vaughn, Jim Adams, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Susan Reynolds, Director of Human Resources and Public Information; Jimmie Wright, Director of Finance; and Darrell Jones, Deputy Director of Finance.

Sheriff Lane Perry, Major Steve Eanes and Sergeant Eric Hairston were present from the Sheriff's Office. Mickey Powell of the Martinsville Bulletin and Ron Morris of B99 Radio Station were present.

INVOCATION AND PLEDGE OF ALLEGIANCE:

H. G. Vaughn gave the invocation and Paula Burnette led in the Pledge of Allegiance.

CALL TO ORDER:

Chairman Buchanan called the meeting to order and welcomed everyone present. She stated that anyone who wishes to be on the Agenda for the Board's regular business meeting held at 3:00 pm must contact the County Administrator's Office seven days prior to a scheduled meeting. Those wishing to speak at the Board's public meeting starting at 6:00 pm may do so under Agenda Item - Matters Presented by the Public without contacting the County Administrator's Office.

ITEMS OF CONSENT:

Confirmation of Minutes of Meetings

(Copy included in Board's File).

February 24, 2009 - 3:00 pm

Approval of Accounts Payable

(Copy included in Board's File).

Consideration of Resolution Establishing April 19-25 as "Henry County History Week"

The Colonel George Waller Chapter of the Sons of the American Revolution has requested the Board to adopt a resolution declaring April 19-25 as "Henry County History Week." (Copy of Resolution included in Board's File).

Resolution Establishing April as "Fair Housing Month"

The County's grant contract with the Virginia Department of Housing & Community Development (VDHCD) requires that for each grant year that a CDBG is active, the County must conduct one activity that promotes fair housing. Staff recommends adopting a resolution declaring April as "Fair Housing Month" and distributing the resolution through the local media. (Copy of Resolution included in Board's File).

Mrs. Burnette moved to approve Items of Consent as presented, second by Mr. Adams and unanimously carried.

MATTERS PRESENTED BY THE PUBLIC:

Mrs. Buchanan read the following statement regarding public comments: "The Board is here to listen to public comments and not to engage in a question and answer period or a debate. If anyone wishes to address the Board please come to the podium, state your name, subject matter and the district in which you live. By coming to the podium you have agreed to exhibit respect to the Board and its members. Each one will conduct themselves with dignity and will receive the same level of respect from the Board. Those who wish to speak please keep your comments between three to five minutes.

Mr. Thomas Davis of the Blackberry District was present to discuss the enforcement of the Zoning Ordinance. He stated he would like to confirm with the Board if 75 Beechdale Road is zoned suburban residential and if Lee Clark has the authority to change the Zoning Ordinance. He stated a plumbing business is being operated at 75 Beechdale Road located beside his residence. Mr. Davis presented several photos of the property. He stated he was concerned if the Zoning Ordinance is properly being enforced. (Copy of photos included in Board's File).

Mrs. Buchanan thanked Mr. Davis for his comments and noted the Planning Office would look into the matter.

Mr. Ronald A. "Skip" Ressel, Jr. of the Iriswood District stated he represents the I-73 Committee for Martinsville-Henry County. Mr. Ressel discussed the need for Martinsville-Henry County to make a concerted effort to join together as one voice to push for any stimulus money to help get the Patriot Centre connected to Route 58 at Laurel Park. The Board thanked Mr. Ressel for his comments.

Mr. Barry Cox stated he and his wife own a farm in the Horsepasture District with horses, cattle, etc. with his wife also being a very successful breeder of dogs on a national level. He asked the Board to strongly consider the economic impact of what the County's amended noise ordinance would do to the community. He stated by placing restrictions on noises made by animals could hurt businesses that serve pets and their owners, such as breeders, kennels and veterinarians who board animals. The Board thanked Mr. Cox for his comments.

CONSIDERATION OF RESOLUTION REGARDING INTER-BASIN WATER TRANSFER ISSUES:

Mr. Vaughn discussed a proposed resolution to oppose the transfer of ground or surface water from the Dan/Roanoke River basin to support uses outside the watershed of the Dan/Roanoke River and any of its tributary streams and rivers. Mr. Vaughn stated the communities of the Dan/Roanoke River basin must preserve existing water resources of the basin to meet their current demands and to ensure availability to support future economic growth within the basin. It was noted that Dan River Basin Association and the Henry County

Public Service Authority also passed similar resolutions. (A copy of Resolution included in Board's File).

After reading of the resolution and some discussion Mr. Adams moved that the Board adopt the resolution, second by Mr. Vaughn and unanimously carried. Mrs. Burnette requested that staff contact other localities affected regarding their support or send a copy to VACo and request it be distributed to other areas affected.

DISCUSSION OF PROPOSED AMENDMENTS TO THE COUNTY ROAD NAMING ORDINANCE:

Mr. Summerlin stated the Board previously requested staff to examine the County's ordinance regarding road name changes. Specifically, the Board was concerned that only residents, and not land owners along these roads, were involved in the process. Since the early 1990's the County has invested substantial sums in its Enhanced 911 (E-911) service, mapping software, road name database, street sign program, and Geographic Information System. Each time a road name is changed, all of these sources of information are affected that could create confusion in the event of an emergency. Online mapping and GPS devices are also affected and the County has no control over how often their information is updated. To help address the concerns, staff drafted an ordinance amendment for the Board's review and discussion. (Copy of draft Ordinance Amendment included in Board's File).

Following some discussion Mr. Vaughn moved that the Board schedule a public hearing at the April 28th meeting at 6:00 pm, second by Mrs. Burnette and unanimously carried. Mr. Vaughn requested staff to include this item on next month's agenda regarding whether the Board wants to impose a moratorium to stop road name changes.

CONSIDERATION OF ADJUSTMENTS TO HENRY COUNTY NOISE ORDINANCE:

County Attorney George Lyle gave an overview of a recent re-draft of the Excessive Noise Ordinance. Following some discussion he noted a public hearing will be required before any changes to the ordinance can be made. (Copy of Proposed Ordinance changes included in Board's File).

Mr. Vaughn moved that the Board schedule a public hearing at its April 28th meeting at 6:00 pm, second by Mrs. Burnette. The motion carried 4 to 2. Mrs. Buchanan and Mr. McMillian voted in opposition.

CONSIDERATION OF REQUEST FOR INFORMATION FROM THE MARTINSVILLE-HENRY COUNTY ECONOMIC DEVELOPMENT CORPORATION;

Mr. McMillian stated he recently requested that the Martinsville-Henry County Economic Development Corporation provide information regarding salaries and job descriptions of its employees. Mr. McMillian stated Mr. Summerlin received a letter from Martinsville-Henry County Economic Development Corporation Chairman Joe Roach declining to divulge the salaries and job descriptions of the people who work for the EDC on the advice of their attorney. He stated Henry County contributes \$500,000 of taxpayer money each year to EDC. He said he wasn't an attorney and did not know all the legalities of the Freedom of Information Act; however, the people who pay the \$500,000 want more transparency on the operations of EDC.

Mr. McMillian asked who prints the checks for EDC.

Mr. Summerlin stated that Henry County is the payroll agent for EDC. Following was some discussion regarding Mr. McMillian obtaining a copy of EDC's payroll of its nine employees from the Henry County Finance Department.

Mr. Summerlin noted the payroll for Henry County is public information and staff could provide that information to him on Wednesday.

Mr. Vaughn stated even though the legal opinion may be exempt from the Freedom of Information Act; the fact is the County and City are stockholders in the EDC using taxpayer dollars to fund EDC. He stated as a courtesy to the citizens once a year the EDC should publish a report showing the stockholders the salaries of the principles in that business and give a summary of how the money was expended over the year.

Mr. McMillian stated he would also like to obtain a copy of Mark Heath's contract. Mr. Summerlin stated he wasn't sure if the County

has a copy, and if so, that would be a personnel matter and those records are retained with the EDC Office.

Mrs. Buchanan stated she would like to add to the request a copy of salaries as of one year ago. Mr. McMillian asked that this matter be placed on next month's agenda.

FINANCIAL MATTERS:

Request for Carryover FY '07-'08 County Funds

Mr. Summerlin stated each year the Board of Supervisors considers a request for carryover funds from the prior budget year to the current budget year. County staff has prepared a list for carryover items by cost center. The items on the carryover list are items encumbered from the prior budget year but not expected to be received by June 30, and unexpended grant funds awarded in the prior fiscal year. This year's carryover request totals \$13,691,639.28, including interfund transfers of \$3,475,773.62. (A copy of carryover list is included in Board's File).

Mr. Adams moved that the Board approve the request for carryover funds from FY '07-'08, second by Mr. Slaughter and unanimously carried.

Additional Appropriation re: OPEB Benefits for FY 2009 and FY 2010

Mr. Summerlin stated the Board at its January planning session approved the participation in and funding of the Other Post-Employment Benefits (OPEB), also known as GASB 45, with an estimated funding amount of \$141,000 per year. Based on actuarial calculations and the school division funding their liability for three years, the final funding amount needed is \$380,175, net transfer. Therefore, the Board will need to approve the additional amount of \$125,474. Of this amount, \$98,176 is the school's share for three year funding, \$14,854 is the County share, and \$12,434 is Social Services share. The County's share is from the uncommitted balance.

Mr. Adams moved that the Board approve the additional appropriation, second by Mrs. Burnette and unanimously carried.

Acceptance of Grant, Additional Appropriation, and Award of Contract re: In-Car Camera Systems – Sheriff’s Office

Mr. Summerlin stated Sheriff Perry is requesting the Board to accept a grant from the Department of Justice in the amount of \$29,850 to go toward the purchase of in-car camera systems, and to award a contract in the amount of \$33,390 to WatchGuard Digital In-Car Video of Plano, TX for the purchases. This would be a sole-source contract and has been approved by the Purchasing Department as such. According to Sheriff Perry, the balance of the amount needed, or \$3,540, would come from the Sheriff’s Office’s current budget.

Mr. McMillian moved that the Board approve acceptance of the grant, approval of the additional appropriation, and award of the contract as outlined, second by Mr. Adams and unanimously carried.

Additional Appropriation re: Asset Forfeiture Funds – Sheriff’s Office

Mr. Summerlin stated Sheriff Perry is requesting the Board’s permission to use \$12,423 in asset forfeiture funds to purchase undercover surveillance equipment and video recording equipment for the interview rooms. The amount for the undercover purchase is \$5,423 and would be placed in the law enforcement equipment line item. The amount for the video recording equipment is \$7,000 and would be placed in the equipment line item.

Mrs. Burnette moved that the Board approve the additional appropriation in the amount of \$12,423, second by Mr. McMillian and unanimously carried.

Request to Apply for American Recovery and Reinvestment Act of 2009 Funds – Sheriff’s Office

Mr. Summerlin stated Sheriff Perry is requesting permission to apply for funding from the American Recovery and Reinvestment Act of 2009, also known as the federal stimulus package. According to Sheriff Perry the money would fund three full-time officers for the Community-Oriented Policing Services (COPS). The grant would provide funding for three positions for three years, predicated on Henry County funding the

positions for an additional one year after the three-year grant expires. The County also would be obligated to pay any salary increases for the positions during the four years. The County is required by the grant to maintain all County funded sworn positions for the four-year period. If the County is unable to do so, repayment of the grant or request of a waiver would be necessary.

Mr. McMillian moved that the Board approve the grant application for the American Recovery and Reinvestment Act of 2009 Funds, second by Mr. Vaughn and unanimously carried.

Request to Apply for Department of Justice Recovery Act JAG Grant – Sheriff's Office

Mr. Summerlin stated Sheriff Perry is requesting permission to apply for a Department of Justice Recovery Act JAG Grant. The grant, in the amount of \$126,329, would be used for the purchase of the following equipment:

- locking racks for patrol rifles (\$20,000)
- helmets for tactical operations (\$20,000)
- night vision equipment (\$38,000)
- miscellaneous SWAT equipment (\$25,000)
- miscellaneous patrol equipment (\$23,329)

It was noted that no local match is required; however, a public hearing is required.

Mr. McMillian moved that the Board give the Sheriff's Office permission to apply for the grant, and the setting of a public hearing for the Board's next regular meeting, April 28, 2009 at 6 pm to receive the required public input on the application, second by Mrs. Burnette and unanimously carried.

INFORMATIONAL ITEMS:

Comments From the Board

Mr. Slaughter stated that South Street has been graded and rocked and is moving along. He stated there are plans of getting a large

roll-off on April 10-17 for the folks to clean up and they are talking to the Ruritans in helping out with moving things to the roll-off. Mr. Slaughter stated the Fieldale Trail Phase II Grand Opening is scheduled on Saturday, March 28 at 12:00 at 3125 South River Road, Fieldale.

Mr. McMillian stated he would like to publicly thank those citizens in the Collinsville District who have made an attempt to clean up their yards. He also encouraged everyone to be in prayer for our country during these trying economic times.

Mrs. Burnette stated she and other members of the Board and staff attended a press conference at the Martinsville Speedway earlier today regarding the economic impact of the Martinsville Speedway. She noted Clean Community will be holding its cleanup on the weekend of April 17 for businesses and April 18 for the general community. She encouraged everyone's participation and to be sure and welcome race fans.

Mr. Adams stated as a member of the Board of Review for the Starting Place he recently attended a counsel session at Liberty Fair Mall. He stated this is a great program for parents or grandparents raising pre-kindergartens who may have special needs. Mr. Adams stated he also drove up to South Street and encouraged the Board to visit because the project is well deserved in that community.

Mr. Vaughn stated he attended the 55th Anniversary of Fontaine Ruritan Club on Saturday. Sunday he attended the Church of Mercy Crossing's Annual Government Day.

Mrs. Buchanan stated she will be holding a community meeting on Tuesday, April 14 at 7:00 pm at Victory International Ministries in the former Fieldale Elementary School. She encouraged everyone to participate in clean ups in the community prior to the upcoming race.

Mr. Summerlin stated the County received a check in the amount of \$33,000 from 5B's for the month of March. He stated the County also received the deed on Monday from Norfolk and Southern Railway on a 4.5 mile abandoned right-of-way for a rails/trails project and is in the process of being recorded. Mr. Summerlin briefly discussed the projects that the County has recently applied for or in the process of applying for through the federal stimulus package. Mr. Summerlin also

discussed with the Board a need for a master plan for a comprehensive broadband deployment strategy for the business sector in an effort to apply for broadband stimulus funds. He stated if the Board has no objections he would like for the County to participate with the City and the Economic Development Corporation to inventory all its assets and develop a comprehensive strategy. He stated funding is available in the budget and would cost no more than \$7,500.

The Board stated they had no objections.

CLOSED MEETING:

Mr. McMillian moved that the Board enter into a closed meeting at 4:20 pm to discuss the following, second by Mrs. Burnette and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Appointees to Fieldale Sanitary District Board, West Piedmont Planning District Commission and Patrick Henry Community College Board.
- 2) §2.2-3711(A)7 for Consultation with the County Attorney re: Pending Legal Matters.
- 3) §2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate.
- 4) §2.2-3711(A)5 for Consultation with the County Attorney re: Discussion of As-Yet Unannounced Industries.
- 5) §2.2-3711(A)1 for Discussion of Personnel Matters.

OPEN MEETING:

The Board returned to an open meeting at 5:55 pm on a motion by Mr. McMillian, second by Mr. Slaughter and unanimously carried.

CERTIFICATION OF CLOSED MEETING:

Mr. Hall read the Certification of the Closed Meeting and took a roll call vote affirming that the Board only discussed public business matters lawfully exempted and identified in the motion to enter closed

session. Those voting in the affirmative were Mr. Slaughter, Mr. McMillian, Mrs. Burnette, Mrs. Buchanan, Mr. Vaughn and Mr. Adams.

APPOINTMENTS:

Fieldale Sanitary District

Mrs. Burnette moved that the Board appoint Jason Collins to the Fieldale Sanitary District, second by Mr. McMillian and unanimously carried.

Patrick Henry Community College

Mr. Slaughter moved that the Board appoint Bonnie Favero to the Patrick Henry Community College to fill an unexpired term of Dale Wagoner ending 2012, second by Mrs. Burnette and unanimously carried.

Greenway Trail

Mrs. Burnette moved that the Board approve the Greenway Trail Agreement between Henry County and Univar USA for an easement, second by Mr. Adams and unanimously carried.

The Board recessed its meeting at 5:56 pm and reconvened at 6:00 pm. Mrs. Buchanan welcomed everyone present.

MATTERS PRESENTED BY THE PUBLIC:

There was no one present who wished to address the Board.

RECOMMENDATION BY THE FIREFIGHTERS ASSOCIATION FOR FY '09-'10 FUNDING:

Mr. Summerlin stated in FY '90 the Board of Supervisors established a Fire Equipment Capital Improvements Program funded by a \$100,000 contribution from the Board of Supervisors. In FY '96 the contribution was increased to \$150,000 per year. In FY '05-'06 the contribution was increased to \$175,000. The purpose of the fund is to assist the eight volunteer fire departments in purchasing pumpers. The

Board agreed to appropriate these funds each year based on the recommendation of the Henry County Firefighters Association.

Randy Smith, President of the Firefighter's Association, came forward and requested that the County award the Capital Improvement Funds of \$175,000 to Axton Fire Department. He stated he would also request 5% increase in the annual operations funding, which was \$283,185 for all squads last year. He asked that the high school firefighter program be continued.

Mr. Adams moved that the Board consider the Firefighters Association request during budget deliberations, second by Mr. Vaughn and unanimously carried.

PUBLIC HEARING – REZONING APPLICATION R-09-03 – MICHAEL MCPEAK:

Mr. Lee Clark reviewed Application R-09-03 for Michael McPeak. (Copy of Application included in Board's File). Mr. Clark stated that following a public hearing both the Planning Commission and staff recommend approval of the request.

The public hearing was open at 6:09 pm.

Following some discussion by Mr. McPeak, applicant, the public hearing was closed at 6:10 pm.

Mr. Adams moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. McMillian and unanimously carried.

RECOMMENDATION BY THE RESCUE SQUAD ASSOCIATION FOR FY '09-'10 CAPITAL FUNDING:

Mr. Summerlin stated in FY '92, the Board of Supervisors established a Rescue Squad Capital Improvements Program for the purpose of providing contributions to the County-based rescue squads to purchase vehicles. Initially, the Board of Supervisors agreed to contribute \$50,000 a year and in FY '94-'95 the contribution was increased to \$75,000 annually. In FY '05-'06 the contribution was increased to \$95,000. Funding policy for this program was later

amended to include the purchase of portable equipment and new facilities/additions in some instances. The Board agreed to appropriate these funds each year, based on the recommendation of the Henry County-Martinsville Rescue Squad Association.

Marcus Stone, Rescue Squad Association President, stated he would like to request an increase from \$95,000 to \$115,000 in the capital contribution. Mr. Stone stated the Rescue Squad Association also wants to retain the EMS program in the local high schools.

The Board recognized EMS and Firefighter members in attendance.

Mr. Summerlin stated the Firefighter and EMS programs are funded by the School Board and the County furnishes supplies, vehicles, etc. He noted the School Board Budget has not been received.

Mr. Adams moved that the Board consider the budget request along with all other requests for the FY '09-'10 Budget, second by Mrs. Burnette and unanimously carried.

PUBLIC HEARING AND RESOLUTION OF SUPPORT FOR SUBMITTAL OF COMMUNITY IMPROVEMENT GRANT REQUEST TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (VDHCD) FOR THE SOUTH STREET NEIGHBORHOOD IMPROVEMENT PROJECT:

Mr. Summerlin stated through the utilization of a Community Development Block Grant (CDBG) Planning Grant, Henry County has undertaken a study of community improvement needs for the South Street neighborhood in the Bassett community. Through this planning grant process, the County has developed plans for submittal of a Community Improvement Grant (CIG) application to the Virginia Department of Housing & Community Development (VDHCD) to make improvements identified by a needs assessment and public input. VDHCD requires that two public hearings be held during this process – the first public hearing was held on March 2, 2009 and the second public hearing is to be held at this meeting - March 24, 2009.

In conjunction with the second public hearing, the Board is also being presented with a resolution of support to approve the submittal of the Community Improvement Grant application. The grant application

has been designed to accomplish the following project activities: Rehabilitation of twenty-one (21) low-to-moderate (LMI) income residential units to include: seven (7) owner-occupied single-family units; ten (10) tenant-occupied single-family units; and one (1) multi-family unit containing four (4) apartments. One (1) vacant housing structure and utility building will be demolished and cleared. One (1) garage structure will be demolished and cleared for the ROW on South Street.

Additional project activities include road improvements that will bring South Street and portions of Pleasant Ridge up to VDOT standards; replacement of water and sewer lines disturbed by road construction; and stormwater drainage infrastructure improvements. The projected cost of this project is \$2,169,852. Included in this total will be \$1,400,000 in CDBG funds, \$118,959 in leverage provided by the County, and \$650,893 in additional funding sources and grant funds. (A copy of proposed resolution and budget is included in Board's File).

Mr. McMillian asked how much rural addition funds are being used for this project.

Mr. Summerlin stated \$103,000. He stated all Board members agreed to use the remaining balance of their revenue sharing funds to go towards the project with the exception of the Collinsville District representative.

Mr. McMillian stated he would like to go on record stating that the people in the Collinsville District would like to have the \$60,000 in rural addition funds back that was loaned by his predecessor to the Reed Creek District.

The public hearing was open at 6:18 pm.

Ms. Mary Ann Mason, Grants Administrator, read an appreciation note from the residents of South Street to the Board thanking the County for helping to fix the road. It was noted that approximately 20 citizens of South Street were in attendance.

Mr. Eldon Moore, a property owner on South Street who lives in North Carolina, stated anything the County can do to help the people on

South Street would be greatly appreciated and is a very worthwhile project.

There being no one else who wished to speak the public hearing was closed at 6:27 pm.

Following some discussion Mr. Adams moved that the Board adopt the resolution of support authorizing the submittal of the Community Improvement Grant application, second by Mr. Slaughter. The motion carried 5 to 1 with Mr. McMillian voting in opposition. (Copy of Resolution included in Board's File).

GENERAL HIGHWAY MATTERS:

Ms. Lisa Price-Hughes, VDOT Residency Administrator, was present to discuss general highway matters.

Six-Year Secondary Road Construction Plan

Ms. Hughes reviewed the proposed Six-Year Plan and following some discussion Mr. Adams moved that the Board accept the proposed Six-Year Plan as presented by VDOT, second by Mrs. Burnette. (Copy of Six-Year Plan included in Board's File).

Following some further comments Mrs. Burnette offered a substitute motion to delay action on the Six-Year Plan until the April meeting, seconded by Mr. Vaughn and unanimously carried.

Consideration of Resolution Regarding Section of Route 220 South (Greensboro Road)

Mr. Vaughn requested that the Board consider a resolution concerning a section of Route 220 (Greensboro Road) which has seen a number of accidents and two fatalities in the past four years. (Copy of Resolution included in Board's File).

Mr. Vaughn moved to adopt the proposed resolution, second by Mr. McMillian and unanimously carried. (Copy of Resolution included in Board's File).

There being no further business to discuss Mr. McMillian moved to continue the meeting to April 2, 2009 at 5:00 pm, second by Mrs. Burnette and unanimously carried.

Bos.Minutes.March 24.2009.3pm.sb

HENRY COUNTY BOARD OF SUPERVISORS MINUTES

April 7, 2009 – 5:00 pm

The Henry County Board of Supervisors held a meeting on April 7, 2009, at 5:00 pm in the Fourth Floor Conference Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The purpose of the meeting was to hold a work session on the FY '09-'10 School Budget and Total County Budget. The following Board members were present: Chairman Debra Buchanan; Vice Chairman H. G. Vaughn; Jim Adams; Paula Burnette, Tommy Slaughter and Jim McMillian.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Susan Reynolds, Director of Human Resources/Public Information; Jimmie Wright, Director of Finance; and Darrell Jones, Deputy Director of Finance.

Mickey Powell of the Martinsville Bulletin and Dawn Lawson of the School Board were present.

Chairman Buchanan called the meeting to order and welcomed everyone present. She stated the meeting is a continuation of its April 2, 2009 meeting. Mrs. Buchanan turned the meeting over to Mr. Summerlin.

Mr. Summerlin stated the Board would proceed reviewing the budget by category and if the Board has any questions he would respond.

Mr. Summerlin noted that the action by the Board at its meeting on April 2 approving the \$25,000 contribution to the Social Services Emergency Fund will be used for County residents only.

The following categories of the FY '09-'10 Budget were reviewed and discussed:

REVENUE

EXPENDITURE

- **General Government Administration**
- **Judicial Administration**
- **Public Safety**
- **Public Works**
- **Health and Welfare**
- **Education**
- **Recreation/Culture**
- **Community Development**
- **Non-Departmental**
- **Special Funds**
- **Capital Improvements**

The Board thanked Mr. Summerlin and staff for a good job on the budget.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 5:31 pm to discuss §2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate, second by Mr. Slaughter and unanimously carried.

OPEN MEETING:

The Board returned to an open meeting at 5:55 pm on a motion by Mr. Adams, second by Mr. Slaughter and unanimously carried.

CERTIFICATION OF CLOSED MEETING:

Mr. Hall read the Certification of the Closed Meeting and took a roll call vote affirming that the Board only discussed public business matters lawfully exempted and identified in the motion to enter closed session. Those voting in the affirmative were Mr. Slaughter, Mr.

McMillian, Mrs. Burnette, Mrs. Buchanan, Mr. Vaughn and Mr. Adams.

There being no further business to discuss Mrs. Burnette moved at 6:00 pm to continue its meeting to April 20, 2009, at 7:00 pm, second by Mr. Slaughter and unanimously carried.

Bos.Minutes.April 7.2009.5pm.sb

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

**Special Called Meeting
April 8, 2009 – 7:00 am**

The Henry County Board of Supervisors held a special called meeting on April 8, 2009 at 7:00 am in the Fourth Floor Conference Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Debra Buchanan; Vice Chairman H. G. Vaughn; Jim Adams, Paula Burnette, Tommy Slaughter and Jim McMillian.

County Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Darrell Jones, Deputy Director of Finance; and Susan Reynolds, Director of Human Resources/Public Information.

Members of City Council present were: Mayor Kathy Lawson; Vice Mayor Kimble Reynolds; Danny Turner, Mark Stroud, and Gene Teague. Members of City staff present were: Clarence Monday, City Manager; Brenda Prillaman, Assistant to City Manager and City Attorney Eric Monday.

Members of the Social Services Board present were: Chairman Ben Meador; Joan Blankenship, Carolyn Byrd, Narda Dixon, Kathy Rogers, Dr. James Rountree, John C. Matthews and Don Thomas. Ms. Amy Tuttle, Executive Director of Social Services was also present.

Debbie Hall and Mike Wray of the Martinsville Bulletin, and Charles Roark with Roark Media were present.

The purpose of the joint meeting was to discuss a Memorandum of Understanding regarding space needs for the

Department of Social Services. (Copy of Memorandum of Understanding included in Board's File).

CALL TO ORDER:

Chairman Buchanan called the Board of Supervisors meeting to order. Mayor Lawson, called City Council in session and Chairman Meador called the Social Services Board to order.

Mr. Summerlin stated everyone has received a copy of the proposed Memorandum of Understanding and reviewed by legal counsel for all three entities.

Mr. Clarence Monday, City Manager stated City Council and staff have also reviewed the proposed Memorandum of Understanding as well as legal council.

Following comments expressed by City Councilman, Danny Turner, Mark Stroud and Kimble Reynolds, they stated the citizens of Martinsville deserve a chance to voice their opinion in an open forum on the matter. They also requested this issue be placed on City Council's Agenda for its Tuesday night meeting. Councilman Turner noted he received the document late Monday night and did not have any part in the discussions prior to today's meeting.

Mr. McMillian left the meeting at approximately 7:07 am.

Board of Supervisors members Buchanan, Vaughn and Burnette made similar comments, agreeing that this has been an ongoing discussion since approximately 2004, when the City and County received a study on possible site locations for the Social Services facility. The Board discussed the status of the Athena Building which they noted has been empty for a long time and that it was never taken off the market for economic development needs; however, there has been no traffic to this location. The use of the building is governed by the Social Services Board and basically lies in the hands of the

State agency, of which they have an urgent situation and the proposal presented is the most economical plan for Social Services and the community.

Mr. Rountree, a member of the Social Services Board, stated it is time to stop the foot dragging on this particular project and make a decision in the best interests of all concerned. He said the surveys have been done and the architects have determined that if they do anything other than what they are doing right now a lot of unnecessary money would be spent. Something needs to be done and the time is now not later.

It was noted by Mayor Lawson and Councilman Teague that they both agreed the loss of City revenue from the Athena Building would be made up in the future with the joint Revenue Sharing Agreement between the City and County.

Following some further discussion Mrs. Burnette moved that the Board approve the Memorandum of Understanding, second by Mr. Slaughter. The motion carried 5 to 0. Mr. McMillian was absent.

Mr. Don Thomas moved that the Social Services Board approve the Memorandum of Understanding, second by Mr. John Matthews. The motion carried unanimously with the exception of Ron Ferrill who was absent.

Mayor Lawson stated she respects the wishes of other members of City Council to place this item on City Council's Agenda for Tuesday night's meeting. However, she agreed that this agreement will provide a swift and comprehensive solution to the needs of the Department of Social Services, fulfilling their need for additional operating space and a more modern facility. The agreement will also satisfy the concerns of the City of Martinsville and Henry County, who share a vested interest in the former Athena Building and will do so without placing unnecessary hardship on any of the parties concerned or the community as a whole. She stated the agreement is a

substantial leap forward in cooperation and teamwork between the City and Henry County and is a continuation of the joint revenue-sharing projects in the Patriot Centre.

Chairman Buchanan thanked everyone for coming and stated the Board of Supervisors looks forward to the City's response.

There being no further business to discuss Mr. Adams moved to adjourn its meeting at 7:30 am.

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**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

April 20, 2009 – 7:00 pm

The Henry County Board of Supervisors held a meeting on April 20, 2009, at 7:00 pm in the Board Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The purpose of the meeting was to hold public hearings on the FY '09-'10 School Budget and Total County Budget. The following Board members were present: Chairman Debra Buchanan, Vice Chairman H. G. Vaughn, Jim Adams, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Finance; Darrell Jones, Deputy Director of Finance; and Susan Reynolds, Human Resources/Public Information Director.

Mickey Powell of the Martinsville Bulletin was present.

Tommy Slaughter gave the invocation and Jim Adams led in the Pledge of Allegiance.

Chairman Buchanan welcomed everyone present and stated there are two public hearings scheduled. The first public hearing is on the FY '09-'10 School Budget and following is the public hearing on the FY '09-'10 Total County Budget. She stated if anyone wishes to address the Board to come to the podium, state your name and the district in which you live. She stated those who wish to speak will agree to exhibit respect to the Board and they would receive the same level of respect and to keep comments three to five minutes.

PUBLIC HEARING ON PROPOSED FY '09 SCHOOL BUDGET:

Mrs. Buchanan opened the public hearing at 7:02 pm. The following persons spoke:

- Dorothy Carter, President of the Education Association, thanked the Board for its past funding to the School Board and requested full funding for FY '09-'10.
- Kathy Rogers, Chairman, School Board-Collinsville District, thanked the Board for its funding to the School Board. She stated it's a fair budget and the School Board looks forward to working with the Board of Supervisors to make the schools the best they can be.

There being no one else who wished to speak the public hearing was closed at 7:04 pm. Mrs. Buchanan recognized five members of the School Board in attendance and congratulated the School Board on the hiring of its new School Superintendent.

PUBLIC HEARING ON PROPOSED FY '09-'10 TOTAL COUNTY BUDGET:

The public hearing was opened at 7:05 pm.

The following persons spoke:

- Mr. Michael Mason of the Horsepasture District stated there are very few young farmers who are farming anymore and when they're gone he didn't know how people are going to get food. He stated with the recent drought and farming expenses going up and the price of cattle going down, holding the land use rates will help the few young farmers remaining.
- Mr. Barry Cox of the Horsepasture District stated the proposed land use rate is just another nail in a farmer's coffin. He stated he also leases farm land and most owners base their leases on property taxes. He stated farmers could not afford higher assessments due to higher expenses for cattle feed, fertilizer, fuel and other farming supplies while the costs of cattle is down. Young people can hardly afford to live in Henry County, let alone farm.
- Mr. Curtis Nolan of Anchor Residential and Family Services came before the Board to request the five percent reduction (\$3,667) in Anchor's funding contribution from Henry County be restored. He stated to compensate for the cut Anchor would have to raise its cost for electronic monitoring of

juvenile offenders from \$10 a day to \$13. He stated Anchor has not asked the County for an increase in over 10 years and feels the funding should be restored.

- Kathy Byrd, a first grade teacher at Carver Elementary also thanked the Board for its continued support of the schools and requested full funding to the School Board.
- Darryl Holland of the Horsepasture District and an agricultural teacher at Magna Vista stated the average age of farmers is approximately 58 years and many owners of farmland is approaching retirement age or older and on fixed incomes.
- Chris Cousins on behalf of Southside Business Technology Center thanked the Board for its continued funding to the agency.

There being no further comments the public hearing was closed at 7:20 pm.

CONSIDERATION OF ANY PROPOSED BUDGET CHANGES BEFORE EXHIBITS ARE FINALIZED FOR BUDGET ADOPTION:

Mr. Slaughter stated there has not been a change on the land use values since 1981, and doubling the taxes bothers him because there are people making a living at farming. He stated he would like to see the proposal adjusted or done away with.

Mr. Vaughn stated the Commissioner of Revenue controls this and he also agreed with Mr. Slaughter that the rates stay the same. He stated the economy has been hitting farmers hard long before everyone else.

Mrs. Burnette stated she agreed with Mr. Slaughter; however, maybe staff could take one line item on each page of the budget and reduce it to make up that difference.

Mrs. Buchanan stated that growing up in a rural area she fully understood what farmers are going through.

Mr. Summerlin noted that land use values can only be changed during the year of property assessments which would be every four years.

Mr. Adams moved that the Board keep the current land use values as they are and take the \$24,867 out of this year's Contingency Fund, second by Mr. Vaughn. The motion carried 5 to 1. Mrs. Burnette voted in opposition.

Mrs. Burnette expressed her concern on how the County would replace the extra revenue that higher assessments would generate over the next three years.

CLOSED MEETING:

On a motion by Mrs. Burnette at 7:30 pm the Board entered into a closed meeting to discuss the following, second by Mr. Slaughter and unanimously carried.

- 1) Section 2.2-3711(A)3 Acquisition/Disposal/Use of Real Estate.
- 2) Section 2.2-3711(A)5 Discussion of As-Yet Unannounced Industry.

The Board returned to an open meeting at 7:55 pm on a motion by Mr. Adams, second by Mr. Slaughter and unanimously carried.

CERTIFICATION OF CLOSED MEETING:

Mr. Hall read the Certification of the Closed Meeting and took a roll call vote affirming that the Board only discussed public business matters lawfully exempted and identified in the motion to enter closed session. Those voting in the affirmative were Mr. Slaughter, Mr. McMillian, Mrs. Burnette, Mrs. Buchanan, Mr. Vaughn and Mr. Adams.

There being no further business to discuss Mr. Adams moved at 7:57 pm to continue its meeting to April 22, 2009, at 3:30 pm, second by Mr. Slaughter and unanimously carried.

HENRY COUNTY BOARD OF SUPERVISORS MINUTES

April 2, 2009 – 5:00 pm

The Henry County Board of Supervisors held a meeting on April 2, 2009, at 5:00 pm in the Fourth Floor Conference Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The purpose of the meeting was to present the FY '09-'10 County Budget. The following Board members were present: Chairman Debra Buchanan, Vice Chairman H. G. Vaughn; Jim Adams, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Finance; Mr. Darrell Jones, Deputy Director of Finance; and Mrs. Susan Reynolds, Human Resources/Public Information Director.

Mickey Powell of the Martinsville Bulletin and Ron Morris of B-99 Radio Station were present.

Chairman Buchanan called the meeting to order and stated the meeting is a continuation of the Board's March 24, 2009 meeting. The meeting was then turned over to Mr. Summerlin for presentation of the FY '09-'10 Proposed County Budget.

Mr. Hall stated on Thursday, April 9, 2009, Governor Kaine with his Cabinet Secretary will be in town and the Board is invited to a luncheon with the Governor on April 9th at 11:30 am at the Virginia Museum of Natural History.

Mr. Summerlin then gave an overview of the Discussion and Analysis for Fiscal Year -2009-2010 Proposed Operating Budget for the County of Henry and Capital Improvements Plan.

“There is no law of progress. Our future is in our own hands, to make or to mar. It will be an uphill fight to the end, and would we have it otherwise? Let no one suppose that evolution will ever exempt us from struggles. ‘You forget,’ said the Devil, with a chuckle, ‘that I have been evolving too.’ ”

William Ralph Inge

“The future ain’t what it used to be.”

Yogi Berra

Were there a “Pick the Philosophers” bracket for March Madness, one could assume that William Ralph Inge would be a No.1 seed and Yogi Berra would be a No. 16 seed. Yet each of them has captured this moment in time for Henry County, in his own inimitable style.

We are where we are, for better or worse, and we are there as a community through no fault of our own. The phrase “world economy” has been part of Henry County’s vocabulary since the mid-1990s; the rest of the country is finding out what we’ve known for years.

Yet it is really up to us to deal with our present and plan our next steps, isn’t it? Mr. Inge tells us that we are not entitled to progress, yet its possibilities are ours to craft. Mr. Berra tells us that the view of the future isn’t a particularly enticing one. Maybe it isn’t, but we still have one to plan for and to embrace. We can make it better than it looks, and we have the responsibility to do so.

The cover of this proposed 2009-2010 Henry County Budget captures our past, present and future in one snapshot.

In the foreground you see the work on the new shell building in the Patriot Centre. The \$3.5 million, 100,000-square foot building is targeted for completion later this year and already has sparked interest from several industries. This effort reflects what our future may hold, and we are optimistic that it will be a positive future.

In the middle you can see the steel going up at the RTI site. The company is building its new facility at full speed these days, with

production expected to begin sometime in 2010. This part of the picture shows what our present is – a cutting-edge company that produces titanium primarily for the aerospace industry. RTI is closer than ever to fulfilling the promise it made to hire 150 employees and provide more than \$100 million in capital expenditures.

At the top of the picture in the distance, you can see the VF facility, which we commonly refer to as Nautica. This project came to Henry County nine years ago and the company has been one of our best corporate citizens since then. The company and this facility are weathering all that the economy is throwing their way, and they continue to produce quality items and employ quality people.

VF/Nautica stands as an example of what can be accomplished with determination, stubbornness, and hard work. The cover image captures that same attitude in our present, symbolized by the RTI building, and the future, symbolized by the new shell building. Regardless of what we face, we must prevail. There is no option.

FY 2009 had many noteworthy items and events. Among them:

- The Smith River Sports Complex is scheduled to open in June. This \$8.9 million sports facility has two synthetic fields, four natural grass fields, picnic areas, walking trails, and playgrounds. This generous gift from the Harvest Foundation will be a tremendous attraction for our residents and for our visitors. Henry County provided the 91-acre site and \$140,000 in funding for an access road to the site, to go along with recreational access funding from the Commonwealth of Virginia for the road.
- We are partnering with the Economic Development Corporation to secure master plans for the 1,200-acre Bryant property and the 620-acre ROMA property. Staff anticipates those plans will be unveiled soon at a joint meeting among the Board of Supervisors and the boards of the Henry County Industrial Development Authority, the Henry County Public Service Authority, the Martinsville City Council, and the Martinsville-Henry County Economic Development Corporation. We also received a Congressional earmark of \$800,000 for water/sewer extensions to the ROMA site.
- The County also purchased an additional 110 acres adjacent to the ROMA property, increasing the size of the park to 730 acres and providing better highway access.

- The County's new emergency services radio system, a \$7.2 million project more than 10 years in the planning stage, is being rolled out as we speak and should be fully implemented by June 30. Staff would like to give a nod to Public Safety Director Dale Wagoner, who smoothly managed this incredibly complicated project.
- Mr. Wagoner also was appointed by Governor Tim Kaine to the Governor's Emergency Medical Services (EMS) Advisory Board. The Advisory Board develops, reviews, and recommends policies and practices related to the delivery of pre-hospital care in the Commonwealth, including training standards, ambulance standards, equipment recommendations, grant funding, medical helicopter usage, workforce development, and medical direction.
- Two major public water projects were completed this year. The Chestnut Knob Water Project provides public water to Magna Vista High School and many residents along the corridor, and the line is the first leg of getting public water to the ROMA site. The Pittsylvania County/58 East water sends Henry County water to the Brosville Industrial Park in Pittsylvania County, along with PSA customers along the line, and provides water service to the Bryant property.
- The County worked with the City of Martinsville to institute a fixed-loop public transit system. Piedmont Area Regional Transit, or PART, is seeing a slight increase in ridership over its debut in January.
- We manned two more Convenience Center sites during 2009, and this program continues to draw rave reviews from our citizens. We have staffed five of our seven Convenience Center sites, and each one is cleaner and more customer friendly than ever before.
- The Board and staff worked diligently to recoup the 5B's debt. The company provided a payment of \$275,333 to Henry County in FY '09, including money derived from the settlement of legal action against the company. We are receiving about \$33,000 a month from that legal action, and we received a secured interest in their manufacturing headquarters in Zanesville, Ohio.

- Work continues on the 4.5 mile rail-to-trail project and four associated trail-heads, with right-of-way recently received from Norfolk Southern and Univar. We anticipate this project will be under construction by early fall.
- The second phase of the Fieldale Trail opened March 28, extending the trail by 1.5 miles. A grant from Dominion Resources and project management by the Dan River Basin Association were key components of this project.
- The County's new mapping project, with updated aerial photos, is nearing completion.
- The Board increased the household income threshold for real estate tax relief for the elderly and disabled.
- A contract for architectural and engineering services was awarded for the Virginia Avenue Enhancement Project. Grant funds total \$192,000 to this point, with emphasis on Phase I from Reed Creek Drive to Kings Mountain Road.
- The ongoing drought and subsequent farm losses prompted Governor Kaine to declare Henry County a drought disaster area to help receive federal assistance for farmers.
- We partnered with Franklin County, Patrick County, and Martinsville in a \$1,248,000 Department of Homeland Security interoperability grant. The funds were used for tactical-level communications.
- We received a CDBG grant for the Riverside Drive Neighborhood Improvement Project, which includes rehabilitation of 23 homes and pedestrian safety improvements.
- The Board approved applications to the Literary Fund for \$9.7 million for roof improvements at Fieldale-Collinsville Middle School and Magna Vista High School, and HVAC replacement at Magna Vista.
- Public Safety received \$18,972 from a Health Department grant to purchase 800 smoke alarms and provide installation as part of its fire prevention program.
- The Collinsville Jaycees donated \$46,228 for new playground equipment at Jack Dalton Park. The playground equipment currently at Jack Dalton will be relocated by our Parks and Recreation staff to the Fieldale Ballpark.

- The School Board declared the former Ridgeway Elementary School surplus property and turned it over to the County. The Board is in the process of reviewing proposals to convert the site to private use that best fits the community.
- The County received a planning grant for the South Street Community Development project. An application will be submitted in April for CDBG funds for housing rehab, road improvements, storm drainage, and water and sewer rehabilitation.
- The County partnered with the Commonwealth in a feasibility study of a potential state park along the Mayo River in Virginia to complement the 2,000-acre state park now open just across the North Carolina line.
- We agreed to transfer the historic Henry County Courthouse to the Martinsville-Henry County Historical Society upon completion of work to stabilize the building. This project is being funded by two grants.
- The County and the PSA purchased and renovated the former Bassett Motor Pool for a County Service Center. The facility will be operational by July 1 and refuse collection, parks maintenance, radio shop, Sheriff's impound lot, and other local government functions will be relocated to it. The facility will also be the site of the surplus County auctions, Household Hazardous Waste Day, and other functions.
- The County agreed to extend public sewer to the Corps of Engineers property line near Philpott Lake, contingent on the Corps hooking up its facilities to the system and issuing a Request for Proposals (RFP) for a private marina concessionaire. Final design of the sewer line is under way.
- We took advantage of the mobilization for the RTI Industries project by working with the grading contractor for excess dirt graded from the site. Not only did we use the material on other sites in the Patriot Centre, we also wound up with an additional 15 acres of graded land.
- Public Safety received a grant in partnership with the SPCA for a Pet Emergency Trailer and supplies for statewide mutual aid for large-scale emergencies.

- We received a \$50,000 emergency citizens alerting system grant for the 9-1-1 Center to allow mass notification of citizens by phone of certain emergencies.
- The County's General Fund Balance increased from \$20,570,700 on June 30, 2007 to \$20,873,824 on June 30, 2008. The Undesignated Fund Balance dropped slightly from \$10,406,486 on June 30, 2007 to \$9,948,254 on June 30, 2008. Charts of these funds are included later in this presentation.

Reassessment

A big part of 2009 was the reassessment of Henry County properties. We reassess every four years. Our assessors evaluated 54,255 parcels in Henry County and property values increased an average of 16.5%.

Taxpayers who felt they were treated unfairly appealed their assessment to the Board of Equalization. The Board of Equalization has completed its work and further appeals can be made to the Henry County Circuit Court.

If the budget provides for an increase of greater than 1%, excluding new construction, the Board must hold a public hearing and consider a property tax increase. The Board has indicated it wants to roll the rate back to offset the increased values. The rollback rate is 46.3 cents per \$100 of value. A 1-cent increase on the real estate tax raises \$294,989.

Virginia law allows a fractional tax rate; however, the County Administrator recommends setting the rate at 46 cents and adjusting the special assessment for agricultural and horticultural real estate, to partially offset the revenue loss from not adopting a fractional rate. The Commissioner of the Revenue has the authority to adjust these special assessment rates and agrees with staff that the adjustments should be made, effective July 1, 2009. This would generate an additional \$24,867 in revenue.

Localities are authorized to reduce values on agricultural, horticultural, forest, and open space to discourage development. In 1981, Henry County authorized agricultural and horticultural land for reduced values. Values were set at \$300 an acre for agricultural land and \$425 an acre for horticultural land and those rates have not increased since then. It is staff's opinion that the land in these categories has been undervalued for quite some time.

As defined by code, agricultural use is for land that is either devoted to the bona fide production, for sale, of plants and animals useful to man, or land that meets the requirements for payments or other compensation pursuant to a soil conservation program. Horticultural use is for land that is either devoted to bona fide production, for sale, of fruits, vegetables, and nursery and floral products, or land that meets the requirements for payments or other compensation pursuant to a soil conservation program. A minimum of five acres is required for any parcel to be eligible for either classification outlined above.

The County has 27,029 acres in land use categories. This results in a reduction of \$99,429 in property tax; at the 46-cent rate, taxes are reduced by \$84,698. It is recommended that the value for agricultural property in land use be increased from \$300 per acre to \$500 per acre, and horticultural property in land use be increased from \$425 an acre to \$625 an acre. These adjustments would create the increased tax revenue of \$24,867 mentioned earlier. Land use values can only be adjusted during years of reassessment.

Without increasing the land use value, property owners enrolled in land use see a property tax decrease every time the tax rate is reduced. The rate went from 60 cents in FY 2002 to 54 cents and now to 46 cents. Land use values can be set at the same time as other tax rates in the budget adoption process.

Where Do We Go From Here?

Even with the many positive events outlined earlier, the losses outnumbered the gains in FY 2009. Job layoffs at many prominent employers and many smaller businesses had a huge impact on the unemployment rate and the psyche of our citizens. Our unemployment rate in January 2008 was 7.5%, with 24,534 people employed out of a workforce of 26,528. In January 2009 our rate was 13%, with 23,169 people employed out of a workforce of 26,627. The real difference now is that this problem is a global one, unlike the old days when it seemed only Henry County and Southern Virginia was dealing with these issues.

As we proceed down this path, it is painfully obvious that none of this will be easy. As Mr. Inge states above, this is an uphill fight – but what other kind of fight is there for the citizens and the companies of Henry County? We have trekked uphill for more than 10 years, and we are accustomed to the demands of such a journey.

These demands will not lessen in FY 2010, and probably not in FY 2011 either. FY 2010 shapes up as the most difficult year facing Henry County since your County Administrator took over his assignment in 2002. There is no easy path forward, and whatever road we choose will be a bumpy ride.

Before jumping into the details of this proposed budget, staff would like to acknowledge the impact that our retiring Director of Finance, Jimmie Wright, has had on this community and this County since joining our staff in 1976. Jimmie worked diligently on this budget proposal, just as he has on countless budgets in years past. His dedication and diligence to the task at hand is unmatched. We wish Jimmie well in his retirement, and we welcome Darrell Jones as the new Director of Finance.

Proposed FY 2009-10 County Budget

There are no easy answers and no simple solutions to the quagmire in which we find ourselves. The global economy is a mess, the Commonwealth's economy is stagnant, and the locality is following along too. Staff could at least be somewhat optimistic if we knew when the bottom was coming, but we do not. As we look 12 months into the future, and put ourselves in the position of drafting a budget for FY 2011, we can't see any significant improvement either.

The majority of the County's revenue comes from property taxes and aid from the Commonwealth. With no increases in real estate, a reduction in personal property values, and significantly less aid from the Commonwealth, significant reductions must be made to align expenses with revenue. For the first six months of FY 2009 we thought we were doing relatively well, as revenues remained fairly steady. However, we began to see a decline around January 1, and it continues today.

As you know, the County made mid-year budget adjustments in February for FY 2009 that totaled \$912,000. In crafting this budget proposal, staff worked on the premise that a deficit of \$1,102,323 had to be absorbed for FY 2010. We worked from that number and added a little more so we could provide some cushion should the downturn worsen. However, should the decline be steeper than what we've considered, another round of mid-year budget cuts could be needed.

Staff is presenting a budget for FY '10 that totals \$117,516,572. When compared to the FY 2009 Proposed Budget of \$127,756,265, this year's budget represents a reduction of \$10,239,693, or 8%, from the FY 2009 budget. Staff recommends no tax increase for FY '10, for the same reason as expressed in years past – our residents simply cannot afford it.

We have not included pay raises for employees. Staff recommends that the County continue to cover the single-subscriber health insurance costs, which will rise 4.7% in FY '10. Staff also recommends that County employees be given a one-time gift of an additional vacation day, to be taken with the approval of their supervisor, to thank them for their hard work in such trying times.

Staff recommends a local contribution to the school system of \$17,077,895 for FY '10. That is a decrease of \$374,063 from FY 2009 and is a proportional cut of the \$1,102,323 anticipated shortfall. This is the same amount of funding requested by the School Board in its budget dated March 23, 2009; staff appreciates the School Board's consideration of these trying times and its willingness to work together on these issues.

The School Board's budget shows a decrease in revenue of \$3,416,285, or 4.3%, for FY 2010. Also included in the School Board's budget is \$2,922,495 in stimulus package money to be received over a two-year period. County staff understands that most school divisions are budgeting the entire stimulus package amount in FY 2010 and plan to carry over the unspent portion in FY 2011. Our local school division is projecting spending \$1,000,000 of the stimulus funding in FY 2010; if that is the case, its revenue shortfall for FY 2010 will actually worsen by \$1,922,495, to \$5,338,780.

With the School Board's absorption of part of the deficit, the County was left with the rest - \$381,753. The Constitutional Offices were originally projected to receive \$346,507 less in Commonwealth of Virginia funding, but the federal stimulus package to the Commonwealth eliminated that cut. Still, this is just a temporary fix for the Constitutional Offices. Next year they could see the full impact.

Staff has not included any stimulus package funding in this proposed budget except for Constitutional Offices and funding determined by formula to schools for specific programs. It appears the school division has little latitude on how that money can be spent. The County and the Public Service Authority have applied for stimulus funds for specific capital projects, but there isn't enough

information at this time to determine whether those projects will be funded. If they are, the budget can be amended during the year to reflect those projects.

Some other items of note as proposed for FY 2010:

- To improve energy efficiency in public buildings, we have appointed the PSA's new safety manager, Tim Byrd, as the County and PSA Energy Manager. Mr. Byrd will continue his safety manager duties except for the processing of insurance claims, which will now be done by Administrative Assistant Michelle Via.
- Due to declining enrollments in the high school firefighter and EMT programs, the School Board has committed to fund only two half-time instructors in lieu of the two full-time instructors now funded. It is recommended the Board petition the Martinsville Circuit Court for a portion of the assets of the former Martinsville-Henry County Rescue Squad and use that funding to continue the high school programs for FY 2010. The County contributed more funding to the former squad than any other organization other than the United Way over the years.
- Due to the economic conditions it is recommended that the Board appropriate \$25,000 from this year's contingency fund for the Social Services emergency fund. The contingency fund has \$86,710 in unencumbered funds as of the March 24 Board meeting.
- The Assign-A-Highway Coordinator will begin supervising the inmate work crew two days a week at the Service Center to assist in renovations, custodial duties, and cleaning of County vehicles.

Details about our revenue and expenditure projections are outlined below.

Projected Revenues

- General property taxes assumes a collection rate of 95%
- Sales tax is down 13.4% based on year-to-date collections
- Utility tax is down 6.6% based on year-to-date collections
- Business license tax is down 3.4%
- Motor vehicle decals are down 3.2%
- Tax on wills is down 21.8%

- Transient occupancy tax is down 4.3%
- Food and beverage tax is down 3.3%
- Animal licenses are up 53.4% due to new notification requirements
- Building permits are down 47.5%
- County fines are down 22.1%
- Courthouse maintenance fees are up 3.8%
- Courthouse security fees are up 7.9%
- Bank interest is down 70% due to lower interest rates on our deposits
- Rent of property is up 25.6% due to additional lease agreements
- Sales of recyclables is up 73.9% based on year-to-date collections
- Jail reimbursement is up 16.7% due to an under-projection of revenue in FY '09
- Cooperative Extension is up 100% to reflect the City's contribution that increased after the budget was adopted last year
- Miscellaneous refunds are up 12.4% due to increased payments for shared programs or contracted services
- Mobile home titling taxes are down 37.9% to reflect state reductions
- Auto rental tax is down 24.2% to reflect state reductions
- Para-mutual tax is down 14.9% based on year-to-date collections
- Constitutional Offices were level funded by the Compensation Board, but state adjustments during the year and higher than budgeted projections resulted in the following:
 - Commonwealth's Attorney, up 3.6%
 - Sheriff, up 3.5%
 - Commissioner of the Revenue, down .1%
 - Treasurer, up .1%
 - Registrar, down 24.3%
 - Clerk of Court, down 5.4%

Projected Expenditures

All County departments were asked to submit two budgets. One was to reflect their current needs, cognizant of the economic

conditions, and the other was to show a 5% decrease from the current year appropriation. Each budget and line item was carefully scrutinized in developing this budget proposal.

Expense reductions were made in most cost centers. These reductions will impact the County's ability to deliver services. The reductions and impact are too numerous to list here, but examples include reduced mowing in our parks, less employee training, less preventative maintenance of our facilities, replacing worn-out equipment and vehicles less often, etc.

Specific items are as follows:

- Assessor's Office is down 29.8% since the four-year general assessment is complete
- Sheriff's Office salary line items are up in some cost centers and down in others to reflect budgeting the positions in the proper cost centers
- Sheriff's Office is replacing 10 vehicles instead of 14 as in recent years. It purchased an additional vehicle during the current budget year
- Level funding is proposed for the annual operating contribution to fire departments and rescue squads
- \$175,000 is proposed for fire truck replacement for the Axton Fire Department and \$95,000 to Bassett Rescue Squad, based on recommendations of the respective associations
- Electrical rate increases are based on the APCo rate increase that began in late 2008
- Fuel costs are generally budgeted at the same level as current year
- Minimum wage increases for part-time positions are set at \$7.25 an hour for July 2009
- A new maintenance position is proposed, to be funded 50/50 with the City, to perform maintenance at the Social Services and Health Department buildings
- Compensation for members of the Planning Commission and the Board of Zoning Appeals reduced by 50% due to fewer cases being heard
- An additional \$10,000 for a litter education grant from the Commonwealth

- \$119,000 in interest on the new shell building, to be reimbursed by the Economic Development Corporation
- The Contingency Fund is projected at \$117,000

Capital Improvement Projects

A very meager capital improvements plan is recommended for FY 2010. This is something that should not become a habit. Continually deferring capital expenditures will have negative long-term consequences.

The following Capital Improvement Projects are recommended for funding:

- \$55,583 for Clerk of Court's imaging equipment, to be paid for with Commonwealth of Virginia funds
- \$34,000 to replace a tractor in Parks and Recreation
- \$30,000 to dredge a pond at the former Henry County landfill
- \$39,000 for computer and file server upgrades
- \$175,000 for a new fire truck for Axton Volunteer Fire Department
- \$95,000 for a new ambulance for the Bassett Volunteer Rescue Squad
- \$294,000 for replacement vehicles for the Sheriff's Office

Outside Agencies

Funding to outside agencies generally was reduced by 5% with a couple of exceptions where reduction of local funds would have resulted in a significant decrease in state and federal funds. Outside agency funding was not reduced last year, nor was it reduced in the mid-year adjustments made in the current fiscal year.

In addition, several community agencies asked to be added to the County budget for funding in FY 2010. Staff has no doubt as to their good work, but budget constraints do not provide opportunity for new partners. The agencies not proposed for funding include:

- Southeast Rural Community Assistance Project
- Virginia Legal Aid Society
- Roanoke River Basin Association
- Smith Mountain Lake 4-H Center
- West Piedmont Better Housing Coalition

Goals and Objectives

Listed below are the Goals and Objectives the Board created at its 2009 Planning Session. It should be noted that this proposed FY '10 Budget does little to implement many of these items, compensate employees fairly, or deliver services desired by the public.

Short-Term Goals

- Strategy for development for ROMA and Bryant properties
- Develop strategy for broadband implementation and funding options
- Position the County to deal with the FY 2011 Budget
- Preserve the County's fund balance
- Secure a new facility for the Social Services department
- Decrease unemployment and increase the number of available jobs
- Continue to pursue the 58 West water project
- Continue to pursue accreditation for the Sheriff's Office
- Continue to address response issues for rescue squads
- Work on stormwater issues and other issues with the South Street Community Development project

Long-Term/Continuing Goals

- Emphasize energy efficiency/green initiatives
- Promote community health care resources
- Address jail needs
- Seek federal money for the completion of Route 58 to Interstate 77
- Work with the Corps of Engineers to improve the flow of water through the Smith River
- Initiate a Comprehensive Plan update
- Work to improve "community pride"
- Work to improve our educational facilities
- Support the Martinsville-Henry County EDC and continue to fund its efforts, and support its tourism initiatives
- Push for Interstate 73 corridor as outlined by the Board in 2008
- Continue to pursue delinquent taxes
- Endorse and participate in regional cooperation
- Endorse and participate in cooperative efforts with City of Martinsville

- Continue to support the New College Institute and Patrick Henry Community College
- Continue to support Blue Ridge Airport

Looking to the Future

As we look into the near future with the proposed FY 2010 Budget, we also need to cast a longer eye toward needs on the horizon. Some particularly important items to keep in mind:

1. A resolution is desperately needed in the never-ending saga of the facilities needs of the Henry-Martinsville Department of Social Services. Space issues for the Martinsville-Henry County Health Department also should be a part of a comprehensive plan to meet the human services needs of this community. The County has offered the former Athena building and has offered to fund the upfit required at no cost to the City of Martinsville. The Social Services Board is pursuing a zoning change for the building in order to allow for its use as a human services facility. Staff believes that if this matter is not resolved by the end of the fiscal year, the Board of Supervisors should seriously consider taking appropriate action to ensure the citizens of Henry County receive the help they need in a building that is safe, functional, and adequate.
2. It is recommended that the Board adopt the Martinsville-Henry County Rivers and Trails Recreational Use Plan as the trail and river plan for the County. This will provide a guide for deployment of County resources in this area.
3. Little progress has been made in improving our emergency medical services system. The system continues to deteriorate and our backup service is showing signs of stress. This problem has been studied off and on since the late 1980s. The County is not in a financial position to invest significant resources in much-needed service improvements. The only feasible alternative is for the agencies to bill for services. Research shows that billing by all agencies could generate up to \$1.3 million in annual revenue to support the system. Currently three of the five agencies bill or are planning to bill for services.
4. We need to begin the planning process to address our jail needs. The jail consistently ranks among the most cost-

effective operations in the Commonwealth but it is consistently overcrowded. As of March 31 the jail contained 167 inmates and has 103 beds. The County also has 19 inmates in other facilities.

Following Mr. Summerlin's presentation of the FY '09-'10 Budget the Board took the following actions:

Social Services Emergency Fund

Mr. Adams moved that the Board contribute \$25,000 from this years' Contingency Fund for the Social Services Emergency Fund, second by Mrs. Burnette and unanimously carried.

EMT Resolution

Mr. Adams moved that the Board adopt an EMT Resolution regarding the use of residual assets of the Martinsville-Henry County Rescue Squad to Support Emergency Services Education, second by Mr. Slaughter and unanimously carried.

Advertise FY '09-'10 Budget

Mrs. Burnette moved that the Board advertise the FY '09-'10 Budget on April 12, 2009, second by Mr. Adams and unanimously carried.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into closed session at 5:50 pm pursuant to Section 2.2-3711A(3) re: Acquisition/Disposal of Real Estate, second by Mr. Vaughn and unanimously carried.

OPEN MEETING:

The Board returned to an open meeting at 5:53 pm on a motion by Mr. McMillian, second by Mrs. Burnette and unanimously carried.

CERTIFICATION OF CLOSED MEETING:

Mr. Hall read the Certification of the Closed Meeting and took a roll call vote affirming that the Board only discussed public business matters lawfully exempted and identified in the motion to enter closed session. Those voting in the affirmative were Mr. Slaughter, Mr. McMillian, Mrs. Burnette, Mrs. Buchanan, Mr. Vaughn and Mr. Adams.

Mr. Vaughn moved that the Board enter into a real estate sales contract with Victory International Ministries pertaining to land, buildings and fixtures formerly known as Ridgeway Elementary School in the Town of Ridgeway, second by Mrs. Burnette and unanimously carried.

There being no further business to discuss Mr. McMillian moved at 6:00 pm that the Board continue the meeting to April 7, 2009 at 5:00 pm, second by Mr. Slaughter and unanimously carried.

Bos.Minutes.April 2, 2009.5pm.sb

**SUMMARY OF ACCOUNTS PAYABLE
APRIL 28, 2009**

	<u>APRIL 2009</u>	<u>MARCH 2009</u>
ALL FUNDS PAYABLES:		
REGULAR PAYABLES:		
MARCH 23 & 31, 2009	CHECK # 20067601 THROUGH 20067872	
APRIL 15, 2009	CHECK # 20067873 THROUGH 20068075	
GENERAL FUND	\$ 776,600.10	\$ 984,676.24
LAW LIBRARY FUND	2,728.18	-
ECON DEV OPPORTUNITY FUND	-	-
INDUSTRIAL PARK FUND	-	-
CENTRAL DISPATCH FUND	10,346.89	25,143.51
REGIONAL INDUSTRIAL SITE PROJECT	-	-
SPECIAL CONSTRUCTION GRANT	7,510.40	1,689.38
HCO/MTSV INDUSTRIAL SITE	-	-
SOUTHERN VIRGINIA RECREATION FACILITY	-	117,036.74
COMPREHENSIVE SERVICE ACT FUND	65,071.13	889.41
PAYROLL:		
MARCH 31, 2009	DIRECT DEPOSIT ADVICES # 0257079 THROUGH 0257430	
MARCH 31, 2009 (Service Awards)	DIRECT DEPOSIT ADVICES # 0257054 THROUGH 0257078	
APRIL 15, 2009	DIRECT DEPOSIT ADVICES # 0257431 THROUGH 0257595	
GENERAL FUND	115,348.30	426,839.68
E911 CENTRAL DISPATCH FUND	159.03	46,223.91
SOUTHERN VIRGINIA RECREATION FACILITY	908.79	1,627.56
COMPREHENSIVE SERVICE ACT FUND	-	2,179.76
TOTAL ALL FUND PAYABLES	\$ 978,672.82	\$ 1,606,306.19

I HEREBY CERTIFY THAT THE ABOVE ACCOUNTS PAYABLE SUMMARY, A RECAP OF THE BILL LIST AS PRESENTED, HAS BEEN DRAWN IN PAYMENT OF LEGAL OBLIGATIONS OF HENRY COUNTY.

RALPH B. SUMMERLIN, JR
COUNTY ADMINISTRATOR

I HEREBY CERTIFY THAT THE LISTED ITEMS, AS REPRESENTED BY THE ABOVE ACCOUNTS PAYABLE SUMMARY, WERE APPROVED BY THE HENRY COUNTY BOARD OF SUPERVISORS AT THEIR REGULAR MONTHLY MEETING ON APRIL 28, 2009.

DEBRA P. BUCHANAN, CHAIRMAN
HENRY COUNTY BOARD OF SUPERVISORS



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 5C

Issue

Consideration of Resolution Recognizing Linda Conner's Service to the Henry County Sheriff's Office

Background

Linda Conner retired from the Henry County Sheriff's Office on March 1 with 28 years' service. Staff has prepared a resolution for the Board in recognition of Ms. Conner's service to the Sheriff's Office and to the community. Ms. Conner will be unable to attend today's meeting.

Attachments

Proposed Resolution

Staff Recommendation

Staff recommends approval of the resolution.



RESOLUTION OF THE HENRY COUNTY BOARD OF SUPERVISORS

WHEREAS, the Henry County Board of Supervisors believes that public safety and law enforcement are basic building blocks that all citizens expect and deserve; and

WHEREAS, those citizens who devote themselves to public service make a greater impact on their communities than they could ever know; and

WHEREAS, many hard-working public servants are behind the scenes, working diligently to ensure that systems run, calls are answered, and the process works; and

WHEREAS, one such behind-the-scenes employee was Linda S. Conner, who served the Henry County Sheriff's Office for 28 years before her retirement March 1, 2009; and

WHEREAS, during her 28 years, Linda S. Conner served admirably in the purchasing, administrative assistant, and inmate accounting areas; and

WHEREAS, Linda Conner served the citizens and the Sheriff's Office well during her tenure:

NOW, THEREFORE, BE IT RESOLVED, on this 28th day of April 2009 that the Henry County Board of Supervisors congratulates Linda S. Conner on her 28-year career of public service, and thanks her for her devotion to the people of Henry County.

Debra Parsons Buchanan, Chairman
Henry County Board of Supervisors



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 5D

Issue

Consideration of Resolution Establishing May 1, 2009 as “Fire and Rescue Volunteer Appreciation Day” in Henry County

Background

The Board is being asked to consider adopting the attached resolution which establishes May 1, 2009 as “Fire and Rescue Volunteer Appreciation Day” in Henry County. May 1 is the day of this year’s Volunteer Appreciation Banquet, which will be held at Victory Baptist Church.

Attachments

1. Proposed Resolution

Staff Recommendation

Staff recommends approval of the resolution.

PROCLAMATION
OF THE
HENRY COUNTY BOARD OF SUPERVISORS

WHEREAS, the citizens of Henry County receive professional fire and rescue services each day without charge from the volunteer fire and EMS agencies of the county; and

WHEREAS, approximately 600 citizens unselfishly risk their lives and donate many hours of personal time to meet the needs of our community by membership in rescue squads and fire departments serving the County; and

WHEREAS, there are approximately 1,500 calls for service for a fire department response and approximately 6,000 calls for service for an EMS response; and

WHEREAS, these members of the Axton, Bassett, Collinsville, Dyers Store, Fieldale, Horsepasture, Patrick Henry and Ridgeway volunteer fire departments and the Axton, Bassett, Fieldale-Collinsville, Horsepasture, and Ridgeway rescue squads continue to set the example of community spirit, pride, interest in their community and love for their fellow man.

WHEREAS, the Henry County Board of Supervisors is cognizant of the tremendous value of the services performed by these volunteers, not only in terms of human needs met, but also in consideration of the financial asset which their volunteer services provide to the County during our economic revival; and

WHEREAS, the Henry County Board of Supervisors desire to recognize these dedicated public servants who contribute so much to the health and safety of their community;

NOW, THEREFORE, BE IT RESOLVED by the Henry County Board of Supervisors that, on the 28th day of April, 2009, it does hereby proclaim May 1, 2009, as **FIRE/RESCUE VOLUNTEER APPRECIATION DAY** in Henry County, and does express its gratitude to the men and women who serve as members of the Volunteer Fire Departments and Rescue Squads serving Henry County and encourage all other organizations and media to express appreciation to our volunteers.

Debra Buchanan, Chairman



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 6A

Issue

Matters Presented by the Public – Dorothy Clark

Background

Ms. Clark requested time on the Board's agenda to discuss the County's noise ordinance.

Attachments

None

Staff Recommendation

None



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 7

Issue

Consideration of Resolution Establishing May 2009 as “Bike Month” in Henry County

Background

Activate Martinsville-Henry County is asking the Board of Supervisors to approve a resolution establishing May 2009 as “Bike Week” in Henry County. This is part of a national effort to bring attention to the many benefits of bicycling. Roger Adams of our Parks and Recreation staff will address the Board regarding this resolution.

Attachments

1. Proposed Resolution

Staff Recommendation

Staff recommends approval of the resolution.

RESOLUTION

Establishing

May 2009 as “Bike Month” in Henry County

WHEREAS, for more than a century, the bicycle has been an important part of the lives of many Americans, and today residents of all ages throughout our great Commonwealth engage in bicycling for transportation, recreation, fitness, and fun; and

WHEREAS, bicycling is the most efficient form of transportation and offers independent mobility for many Virginians traveling between work, school, and home, and the use of bicycles for transportation benefits all residents of Henry County by easing traffic congestion, reducing air pollution, and saving highway construction dollars; and

WHEREAS, bicycling is recognized as an activity that can reduce the onset of chronic disease and reduce childhood obesity, and consideration of bicycling in transportation and land use planning, and in programs such as Safe Routes to School will help create a healthier and more active community in Henry County; and

WHEREAS, the Commonwealth contains more miles of the U.S. Numbered Bicycle Route System than any other state, and is the only place where two routes intersect, and Virginia is fortunate to play host to many organized recreational, charitable, and competitive bicycling events, each of which contributes much to the economy; and

WHEREAS, National Bike Month provides an opportunity to increase public awareness of the many benefits of bicycling, to promote bicycle safety, and to encourage bike riding through organized activities including but not limited to physical education program Bike Smart Basics, Bike Basics 101 graduation, club rides, family rides and bike rodeos for children;

NOW, THEREFORE BE IT RESOLVED that on the 28th day of April 2009, that the Henry County Board of Supervisors hereby recognizes May 2009 as “Bike Month” in Henry County, and calls this observance to the attention of all our citizens.

Debra Parsons Buchanan, Chairman
Henry County Board of Supervisors



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 8

Issue

Presentation by Mitone Griffith, Regional Director for VECTEC, Christopher Newport University

Background

Mitone Griffith, Regional Director for Virginia's Electronic Commerce Technology Center (VECTEC) based out of Christopher Newport University, asked for time on the Board's agenda.

Attachments

None

Staff Recommendation

None



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 9

Issue

Consideration of Proposal to Establish “Military Veteran of the Year” Community Award

Background

In March, Board chairman Debra Buchanan asked staff to come up with some suggestions on how to recognize the veterans of Henry County. Staff endorses a plan to create a “Military Veteran of the Year” award patterned after our successful “Jack Dalton Community Service Award.” As with the Jack Dalton award, staff would compile the nominations and the Board of Supervisors would select the winner.

With Veteran’s Day always scheduled for November 11, as proclaimed by President Woodrow Wilson in 1919, staff suggests that the Board recognize the recipient at the Board’s November monthly meeting, as the County does with the Jack Dalton Award at each December meeting.

Attachments

Proposed Nomination Form

Staff Recommendation

Staff recommends approval of the process to honor a “Military Veteran of the Year” each November.



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 10

Issue

Consideration of Request to Increase Membership on the Piedmont Regional Community Services Board

Background

The Piedmont Regional Community Services Board was established in 1972 to serve Henry, Patrick and Franklin counties and the city of Martinsville. At the time the Board of Directors was established, with five members appointed from Henry County, three from Franklin County, and two each from Patrick County and the City of Martinsville. This ratio was based on the localities' population. Given the population growth in Franklin County, PCS Board chairman Diane Ruth-Lovell is asking each locality to authorize an increase in Franklin County appointees from three to five. All other localities would keep their current allotment of members.

Attachments

1. Memo from Diane Ruth-Lovell
2. Population Growth Chart
3. Proposed Resolution

Staff Recommendation

Staff recommends approval of the request and of the attached resolution.

MEMORANDUM

TO: Benny Summerlin, Administrator
Henry County

FROM: Diane Ruth-Lovell, Chairperson *DL*
Board of Directors

DATE: March 24, 2009

RE: REVISION TO BYLAWS REGARDING BOARD REPRESENTATION

On February 23, 2009, the Piedmont Regional Community Services Board unanimously endorsed a revision to our Bylaws. One element of the revision increases the number of Board members from 12 to 14, with the two additional members being appointed by Franklin County. The Board of Supervisors' approval of this change is sought by passage of the enclosed draft resolution.

The proposed Bylaws would continue two members being appointed by Martinsville City Council, two from Patrick County, and five from Henry County. Franklin County would then appoint five instead of the current three.

The current number and distribution of board members was established in 1972. Enclosed is census information detailing population changes since Piedmont's inception and which prompt this recommendation.

Since Piedmont Regional Community Services Board is created by joint resolution of Martinsville, Henry County, Franklin County, and Patrick County, any change in the number or distribution of board members requires the approval of all four governments. Similar letters and draft resolutions are being sent to the other government administrators.

Thank you for your consideration. Please raise with me or with the individuals copied below, any questions or concerns you or the Board of Supervisors may have. The enclosed resolution is a draft for your consideration. Please modify in any manner you think best.

JMT/kwh

c: Council appointed members
Steve Eanes
Lisa Lyle
Vicki Gilley
Tony Millner
Fred Spencer
James Tobin, Executive Director

Franklin County
30 Technology Drive
Rocky Mount, VA 24151
540-483-0582
Martinsville: 540-489-4612
Fax: 540-483-0583

Patrick County
100 Dobyons Road
P.O. Box 1211
Stuart, VA 24171
276-694-4361
Fax: 276-694-3445

**DRAFT
PIEDMONT COMMUNITY SERVICES**

	<u>Population*</u>	<u>%</u>	<u>Current Board Members</u>	<u>%</u>	<u>Proposed Board Members</u>	<u>%</u>
Henry County	55,279	39	5	41	5	35
Franklin County	52,202	37	3	25	5	35
Patrick County	19,424	14	2	17	2	15
Martinsville	14,611	10	2	17	2	15
TOTAL	141,516	100%	12	100%	14	100%

**Weldon Cooper 2007 Estimates*

RESOLUTION

Regarding

Piedmont Community Services Board

WHEREAS, Chapter 37.2-501 of the Code of Virginia directs that “when any combination of counties and cities establishes a Community Services Board, the Board of Supervisors in each county or the Council of each city shall mutually agree on the size of the board and shall appoint the members of the community services board;” and

WHEREAS, Piedmont Regional Community Services Board was established in 1972 by resolution of the City Council of Martinsville, and the boards of supervisors from Henry, Patrick and Franklin counties, pursuant to Chapter 37.2-501 of the Code of Virginia; and

WHEREAS, twelve Board of Directors members for Piedmont Regional Community Services Board were authorized – two from Martinsville, two from Patrick County, three from Franklin County, and five from Henry County; and

WHEREAS, population changes since 1972 indicate that an increase of Board of Directors members should be made to maintain the purpose that “appointment to the community services board shall be broadly representative of the community:”

NOW, THEREFORE BE IT RESOLVED on the 28th day of April 2009, that the Henry County Board of Supervisors, in conjunction with the boards of supervisors in Patrick and Franklin counties and the city council of Martinsville, establishes that the Piedmont Regional Community Services Board be increased from 12 members to 14 members, with five members appointed from Henry County, five from Franklin County, two from Patrick County, and two from the City of Martinsville, effective July 1, 2009.

Debra Parsons Buchanan, Chairman
Henry County Board of Supervisors



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 11

Issue

Discussion of Matters Concerning the Martinsville-Henry County Economic Development Corporation

Background

Mr. McMillian had this item placed on the March 2009 agenda, and asked that it be placed on the April agenda as well.

Attachments

None

Staff Recommendation

None



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 12

Issue

Adoption of the FY 2009-2010 County Budget

Background

The County Administrator has projected this meeting for adoption of the FY '10 Budget. Numerous actions are necessary to complete the budget process: setting of tax rates, adoption of budget, and appropriation of budget. The Board of Supervisors is scheduled to set the tax rates and adopt the budget today; appropriation of the budget is scheduled for May 26, 2009.

Setting of tax rates: Pursuant to section 58.2-3001 of the Code, the Board must fix the total amount of tax levies for the coming year. The rates projected in the proposed budget are reflected in the following motion:

"I move that the Board adopt the following tax rates for FY '10:

Real Estate: \$.46 per \$100 assessed value

Personal Property and Machinery and Tools: **\$1.48 per \$100 of assessed value for personal property, including motor vehicles, and \$1.19 per \$100 of assessed value for machinery and tools/business equipment.**"

As you know, the above rate on machinery and tools/business equipment is the nominal rate. The effective rate is the nominal rate times the assessment ratio, which results in the following effective rates:

Personal Property (motor vehicles)	\$1.48 per \$100
Machinery and Tools	\$0.84 per \$100
Business Equipment	\$0.84 per \$100

Also, mobile homes are considered personal property but are taxed at the real estate rate; therefore, their rate would be \$0.46 per \$100.

The **School Budget** and **Total Budget** are listed separately for approval.

School Budget: The “*Summary of Revenues and Expenditures*” is listed as Exhibits A and B. The staff is unaware of any pending issues that may alter the proposed budget; therefore, the following motion is in order for this purpose:

“I move that the Board adopt the proposed budget for school expenditures for FY ’10 by category as summarized in Exhibits A and B, subject to the state, federal, and local funds becoming available as estimated.”

Total Budget: The “*Summary of Revenues and Expenditures*” is listed as Exhibits A and B.

Adoption of Budget for Fiscal Planning Purposes: Pursuant to section 15.2-2503 of the Code, the Board must approve the total budget, including Interfund transfers, for fiscal planning purposes, prior to June 30. The appropriate motion would be:

“I move that the Board adopt the proposed FY ’10 Budget for fiscal planning purposes as summarized in Exhibits A and B.”

Appropriation of Budget: No County funds can be expended or obligated until an appropriation of the budget is made. The Board of Supervisors is scheduled to appropriate the budget May 26, 2009.

Attachments

1. Exhibit A, Expenditures by Cost Centers
2. Exhibit B, Revenues by Funds

Staff Recommendation

Staff recommends adoption of the items as indicated by the motions above.

APPROPRIATIONS RESOLUTION EXHIBIT A

EXPENDITURES BY COSTS CENTERS

FOR FY 2009-2010

	<u>COSTS CENTERS</u>	
	<u>ADOPTED BUDGET</u>	<u>TOTAL ADOPTED BUDGET</u>
<u>GENERAL FUND:</u>		
<u>GENERAL GOVERNMENT ADMINISTRATION:</u>		
BOARD OF SUPERVISORS	\$ 134,870	\$
COUNTY ADMINISTRATOR	326,734	
INDEPENDENT AUDITOR	61,000	
HUMAN RESOURCES / TRAINING	48,559	
COUNTY ATTORNEY	146,766	
COMMISSIONER OF REVENUE	535,987	
ASSESSORS	123,199	
COUNTY TREASURER'S OFFICE	577,553	
ACCOUNTING	332,461	
COUNTY INFORMATION SERVICES	320,877	
CENTRAL PURCHASING	185,573	
REGISTRAR	<u>212,582</u>	
TOTAL GENERAL GOVERNMENT ADMINISTRATION		3,006,161
<u>JUDICIAL ADMINISTRATION:</u>		
CIRCUIT COURT	84,306	
GENERAL DISTRICT COURT	16,686	
SPECIAL MAGISTRATES	4,100	
JUVENILE & DOMESTIC RELATIONS	10,790	
CLERK OF THE CIRCUIT COURT	645,769	
SHERIFF CIVIL & COURT SECURITY	946,781	
VICTIM / WITNESS ASSIST	130,673	
COMMONWEALTH ATTORNEY	<u>753,768</u>	
TOTAL JUDICIAL ADMINISTRATION		2,592,873
<u>PUBLIC SAFETY:</u>		
CRIME PREVENTION SPEC POLICE	4,938	
SHERIFF LAW ENFORCEMENT	4,968,116	
RADIO COMMUNICATION SYSTEM	711,518	
SCHOOL RESOURCE OFFICER PRG #SCH	165,316	
OTHER FIRE AND RESCUE SERVICES	1,132,469	
EMERGENCY MEDICAL SERVICES	176,775	
HARVEST RESCUE TRAIN / EQUIP GRANT	36,366	
HARVEST FIREFIGHTER TRAINING	49,847	
SHERIFF CORRECTION & DETENTION	2,384,792	
SHERIFF ELECTRONIC MONITORING	7,880	
JUVENILE PROBATION OFFICE	347,083	
CODE ENFORCEMENT	330,956	
FIRE MARSHAL	271,534	
ANIMAL CONTROL	133,333	
PUBLIC SAFETY	118,281	
MTSV- HENRY COUNTY SPCA	<u>7,649</u>	
TOTAL PUBLIC SAFETY		10,846,853
<u>PUBLIC WORKS:</u>		
RURAL ADDITIONS / STREET SIGNS	10,500	

APPROPRIATIONS RESOLUTION EXHIBIT A

EXPENDITURES BY COSTS CENTERS

FOR FY 2009-2010

	COSTS CENTERS	
	ADOPTED BUDGET	TOTAL ADOPTED BUDGET
REFUSE COLLECTION	1,547,015	
REFUSE MAN COLLECTION SITES	153,723	
ASSIGN-A-HIGHWAY CLEANUP	45,055	
REFUSE DISPOSAL- CLOSURE MAINT	39,500	
GENERAL ENGINEERING / ADMINISTRATION	245,597	
COMMUNICATION EQUIP MAINTENANCE	61,293	
MAINT ADMINISTRATION BUILDING	353,914	
MAINT COURT HOUSE	306,247	
MAINT SHERIFF'S OFFICE	45,550	
MAINTENANCE JAIL	229,050	
MAINT DOG POUND	17,375	
MAINT SHERIFF'S FIRING RANGE	2,142	
MAINT COMMUNICATIONS SITES	35,550	
MAINT STORAGE BUILDING	5,875	
MAINT OTHER CO BUILDINGS	61,800	
MAINT SHARE HEALTH DEPT BUILD	50,300	
MAINT OLD COURT HOUSE	1,180	
MAINT PATRIOT CTE F/R BUILDING	9,635	
MAINT OF PATRIOT CTE PROPERTY	40,000	
MAINT CERT BUILDING	46,760	
MAINT BURN BUILDING	7,020	
MAINT DUPONT PROPERTY	149,035	
	<hr/>	
TOTAL PUBLIC WORKS		3,464,116
 <u>HEALTH AND WELFARE:</u>		
LOCAL HEALTH DEPARTMENT	308,873	
MENTAL HEALTH AND RETARDATION	123,755	
AREA AGENCY ON AGING	12,248	
TRANSPOR GRANT TPORT VAR ELEM EYE	139,598	
GROUP HOME SERVICES	69,676	
OTHER SOCIAL SERVICES	60,135	
PROPERTY TAX RELIEF	100,000	
	<hr/>	
TOTAL HEALTH AND WELFARE		814,285
 <u>EDUCATION:</u>		
COMMUNITY COLLEGES	55,229	
	<hr/>	
TOTAL EDUCATION		55,229
 <u>PARKS, RECREATION & CULTURAL:</u>		
PARKS AND RECREATION	869,213	
MUSEUMS	28,500	
ART GALLERIES	8,550	
OTHER CULTURAL ENRICHMENT	18,050	
LIBRARY	827,973	
	<hr/>	
TOTAL PARKS, RECREATION & CULTURAL		1,752,286
 <u>COMMUNITY DEVELOPMENT:</u>		
PLANNING, COMMUNITY DEV & BZA	261,929	

APPROPRIATIONS RESOLUTION EXHIBIT A

EXPENDITURES BY COSTS CENTERS

FOR FY 2009-2010

	<u>COSTS CENTERS</u>	
	<u>ADOPTED BUDGET</u>	<u>TOTAL ADOPTED BUDGET</u>
ENGINEERING & MAPPING	251,812	
OFFICE OF COMMERCE	748,533	
ECONOMIC DEVELOPMENT AGENCIES	484,500	
ENTERPRISE ZONE INCENTIVES	35,293	
OTH PLANNING / COMM DEV AGENCY	68,269	
SOIL & WATER CONSERVATION DISTRICT	1,425	
LITTER GRANT	37,435	
VPI COOPERATIVE EXTENSION PROG	<u>52,942</u>	
 TOTAL COMMUNITY DEVELOPMENT		 1,942,138
 <u>NONDEPARTMENTAL:</u>		
EMPLOYEE BENEFITS	95,674	
CENTRAL STORES	0	
POOL VEHICLES	6,600	
MOBILE COMMAND VEHICLE	10,150	
CONTINGENCY RESERVE	117,000	
TRANSFERS TO OTHER FUNDS	19,253,316	
CIP CAPITAL OUTLAYS	158,583	
DEBT SERVICE COURTHOUSE	777,713	
DEBT SERVICE OTHER DEBTS	<u>365,000</u>	
 TOTAL NONDEPARTMENTAL		 <u>20,784,036</u>
 TOTAL GENERAL FUND		 45,257,977
 <u>SPECIAL FUNDS:</u>		
LAW LIBRARY		28,000
CENTRAL DISPATCH FUND		1,727,791
SPECIAL CONSTRUCTION GRANTS		0
SO VIRGINIA RECREATION AUTHORITY		0
INDUSTRIAL DEVELOPMENT AUTHORITY		2,260,191
COMPREHENSIVE SERVICE ACT FUND		1,023,008
HENRY - MARTINSVILLE SOCIAL SERVICES		7,008,079
SCHOOL FUND:		
INSTRUCTION	44,053,360	
ADMINISTRATION/ATTENDANCE & HEALTH	3,009,386	
TRANSPORTATION	5,983,935	
OPERATION & MAINTENANCE	7,149,338	
FACILITIES	1,297,495	
DEBT SERVICE / TRANSFERS	2,490,524	
FEDERAL / STATE GRANT PROGRAMS	8,800,000	
TECHNOLOGY	2,634,734	
CONTINGENCY RESERVE	<u>150,224</u>	
TOTAL SCHOOL FUND		75,568,996
SCHOOL TEXTBOOK FUND		645,934
SCHOOL CAFETERIA FUND		<u>3,895,846</u>
 TOTAL ALL EXPENDITURES		 137,415,822
 DEDUCT INTERFUND TRANSFERS		 <u>19,899,250</u>
 NET TOTAL ALL EXPENDITURES	 \$	 \$ <u>117,516,572</u>

APPROPRIATIONS RESOLUTION EXHIBIT B

REVENUES BY FUND

FOR FY 2009-2010

		TOTAL ADOPTED BUDGET
		<hr/>
<u>GENERAL FUND:</u>		
GENERAL PROPERTY TAXES	\$	21,624,118
OTHER LOCAL TAXES		10,936,018
PERMITS, FEES & LICENSES		85,045
FINES AND FORFEITURES		193,286
REVENUE FROM USE OF PROPERTY		400,150
CHARGES FOR SERVICES		242,254
MISCELLANEOUS REVENUE		40,000
RECOVERED COST		1,791,970
NON-CATEGORICAL AID STATE		3,709,774
SHARED EXPENSES (CATEGORICAL)		5,707,922
CATEGORICAL AID STATE		79,778
FED PAYMENTS IN LIEU OF TAXES		1,143
CATEGORICAL AID FEDERAL		151,652
NON-REVENUE RECEIPTS		20,000
RESERVE FUNDS		274,867
		<hr/>
TOTAL GENERAL FUND		45,257,977
 <u>SPECIAL FUNDS:</u>		
LAW LIBRARY FUND		28,000
CENTRAL DISPATCH FUND		1,727,791
SPECIAL CONSTRUCTION GRANTS		0
SO VIRGINIA RECREATION FACILITY		0
INDUSTRIAL DEVELOPMENT AUTHORITY		2,260,191
COMPREHENSIVE SERVICE ACT FUND		1,023,008
HENRY - MARTINSVILLE SOCIAL SERVICES		7,008,079
SCHOOL FUND		
STATE	\$	46,167,606.00
FEDERAL/STATE GRANT PROGRAMS		8,500,000.00
AMERICAN RECOVERY AND REINVESTMENT		
ACT STIMULUS FUNDS		2,922,495.00
OTHER FUNDS		901,000.00
COUNTY		17,077,895.00
TOTAL SCHOOL FUND		<hr/> 75,568,996
SCHOOL TEXTBOOK FUND		645,934
SCHOOL CAFETERIA FUND		3,895,846
		<hr/>
TOTAL ALL REVENUES		137,415,822
 DEDUCT INTERFUND TRANSFERS		 <hr/> 19,899,250
 NET TOTAL ALL REVENUES	\$	 117,516,572
		<hr/> <hr/>



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 13

Issue

Consideration of Letter of Intent with the Corps of Engineers for Extension of Public Sewer

Background

The Board of Supervisors previously agreed to fund extension of public sewer from Route 57 to the Corps of Engineers' property line to serve Corps facilities. The Corps has agreed to issue a Request for Proposal for development of a marina in the Philpott Park area after completion of the sewer line. The cost of sewer line will be approximately \$500,000 and a \$27,000 contract has been issued to Adams Heath Engineering to develop plans and specifications for bidding. The project costs will be reimbursed by the County. The Corps of Engineers will construct sewer lines and necessary facilities on Corps property to make connection to the PSA and will sign up for PSA sewer services. The Corps is already a PSA water customer. The Corps is asking the Board to approve the attached Letter of Intent regarding this effort so it can move forward with its process. The PSA Board of Directors approved this item at its April 20 meeting.

Attachments

Letter of Intent

Staff Recommendation

Staff recommends approval of the Letter of Intent as requested and reimbursement of \$27,000 in design fees to the PSA.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

REPLY TO
ATTENTION OF:

03 April 2009

Operations Division

Benny Summerlin
County Administrator
PSA General Manager
County of Henry
Administration Bldg
PO Box 7, 3300 Kings Mountain Road
Collinsville, VA 24078

Dear Mr. Summerlin,

The purpose of this letter is to confirm the intent of the US Army Corps of Engineers, Wilmington District (the Corps) as it relates to the building of a sewer connection to serve the current and future needs of Philpott Powerhouse, the Philpott Visitor Assistance Center, and facilities in the group campground within Philpott Park, and to seek your confirmation that Henry County of Virginia (the County) and the Henry County Public Service Authority (PSA) will connect the Corps' sewer line outfall to a municipal sewage system adequate to accommodate existing and future facilities at Philpott Dam and Visitor Assistance Center and the Philpott Park area.

This proposed project is in keeping with Army Regulation (AR) 200-1, 2-2, j, which states that Army facilities will "use regional or municipal water supply and wastewater collection and treatment systems, when economically feasible." Because the County and the Corps have determined that such a sewer connection is mutually beneficial, and because both entities work within different authorities, it is within everyone's best interest to build this sewer connection jointly. To that end, it is my understanding that each entity has agreed to be responsible for the construction and funding of its respective part of the project.

Specifically, the Corps agrees to:

- a. construct sewer lines and collection facilities within the boundaries of the Philpott Lake Project, contingent upon funding, to convey sewage from Philpott Powerhouse, the Philpott Visitor Assistance Center, and facilities in the group campground within Philpott Park to the County sewer system at the Corps boundary adjacent to Philpott Dam Road in Henry County. The intent is to award a sewer line construction contract by 30 July 2009.

- 4-26
- b. upon connection to the Henry County Sewer System, enter into a reasonable service contract with Henry County Public Service Authority for treating sewage generated by Corps operated facilities.
 - c. operate and maintain sewer lines located on Corps property, servicing Corps-operated facilities.
 - d. and, upon execution of the Corps' sewer construction contract, and as funds and authorities allow, begin pursuing marina development in the Philpott Park area. The Corps' intent is to begin executing this process within 8 months of awarding the construction contract.

I ask that, in return correspondence, the County and PSA agree to:

- a. Install sewage lines, contingent upon available funding, to connect to the Corps' sewer line outfall to a municipal sewage system adequate to accommodate existing and future facilities at Philpott Dam and Visitor Assistance Center and the Philpott Park area. It is my understanding that the County intends to complete construction of the sewer line roughly concurrently with Corps construction of the lines within the Philpott Lake property boundary, and no later than one year following Corps completion of its sewer line construction.
- b. to operate and maintain sewer lines off of Corps property and treat the sewage in accordance with an agreement to be signed between the PSA and the Corps.

I trust that each entity will continue working in good faith to facilitate development of public marina facilities within Philpott Park and the connection of the Corps-owned sewer system to the County's system. If you have any questions about this matter, please do not hesitate to contact the Operations Manager, Philpott Lake, Mr. Craig Rockwell, at 692-4512 ext. 224. I thank you for your cooperation thus far in this matter, and await your favorable response.



Robert E. Sattin, P.E.
Chief, Operations Division



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 14A

Issue

Department of Homeland Security Grant For Pet-Sheltering Supplies – Public Safety

Background

Henry County has been awarded a \$20,000 grant from the Department of Homeland Security to address pet-sheltering needs during a disaster. The Department of Public Safety and the Martinsville-Henry County SPCA worked together to secure this competitive grant, which requires no local match. Public Safety Director Dale Wagoner is asking the Board to accept the grant, appropriate the \$20,000, and sign the attached resolution authorizing the Director of Public Safety, County Administrator, or Finance Director to act on the County's behalf regarding this grant. Mr. Wagoner also is asking the Board to award a contract in the amount of \$17,500 to NC SART, a North Carolina non-profit organization authorized by the Commonwealth of Virginia to manage this project. Mr. Wagoner said the remaining \$2,500 would be used to purchase miscellaneous supplies.

Attachments

Memo from Mr. Wagoner

Staff Recommendation

Staff recommends acceptance of the grant; appropriation of the funds; approval of the resolution; and the award of a contract in the amount of \$17,500 to NC SART as outlined.



County of Henry

Department of Public Safety

1024 DuPont Road
Martinsville, VA 24112
Voice: 276.634.4660
fax: 276.634.4770

To: Benny Summerlin
County Administrator

From: Dale Wagoner
Public Safety Director

Date: March 25, 2009

Subject: Grant Award – Pet Sheltering Supplies

I am pleased to report that Henry County has been awarded \$20,000.00 from the United States Department Homeland Security, 2007 State Grant Program to address pet sheltering needs during a disaster. The Department of Public Safety worked collaboratively with the SPCA of Martinsville-Henry County to prepare the grant application. Additionally, Henry County has entered a Memorandum of Understanding (MOU) with the local SPCA to provide assistance during disasters for the management and care of animals. Henry County is one of eight localities in the Commonwealth chosen to receive funds through this competitive grant.

The grant will be used to purchase pet sheltering supplies and a trailer for storing and transporting the supplies. There is no local match.

I am requesting that the Board of Supervisors accept the grant, appropriate the funds of \$20,000.00 and approve the attached resolution designating the Public Safety Director and others as the authorized agents. Additionally, I am requesting authorization to issue a purchase order in the amount of \$17,500.00 to NC SART, a North Carolina non-profit organization currently holding Virginia's contract for the pet sheltering trailer and supplies. The remaining \$2,500.00 will be spent locally for project-related miscellaneous supplies.

Please contact me should you have any questions and/or comments.

**RESOLUTION
OF THE
HENRY COUNTY BOARD OF SUPERVISORS**

Be it resolved by the Board of Supervisors of the County of Henry that the Public Safety Director, or the County Administrator, or the Finance Director is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia. Passed and approved this 28th Day of April, 2009

Ms. Debra Buchanan, Chairman
County of Henry, Board of Supervisors



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 14B

Issue

Additional Appropriation re: EMS Training – Public Safety

Background

Henry County Public Safety has received \$1,428.00 from the Virginia Office of EMS to be used for the training of EMS providers. Public Safety intends to use these funds to cover costs associated with compensating E.M.T. instructors and lab assistants who help with programs taught at the Emergency Services Training Center. Director of Public Safety Dale Wagoner is requesting that the Board of Supervisors appropriate the \$1,428.00 for this purpose.

Attachments

1. Memo from Mr. Wagoner
2. Additional Appropriation Sheet

Staff Recommendation

Staff recommends approval of the additional appropriation as outlined.



County of Henry
Department of Public Safety

1024 DuPont Road
Martinsville, VA 24112
Voice: 276.634.4660
fax: 276.634.4770

Date: April 22, 2009

To: Benny Summerlin
County Administrator

From: Dale Wagoner
Director

RE: Allocation of EMS Training Funds

I am pleased to report that Henry County Public Safety has received \$1,428.00 from the Virginia Office of EMS to be used for the training of EMS Providers. Public Safety intends to use these funds to cover costs associated with compensating E.M.T. instructors and lab assistants that assists with programs taught at the Emergency Services Training Center.

I am asking that Board of Supervisors appropriate the \$1,428.00 for this purpose. Should you have any questions or require additional information, please advise.



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 14C

Issue

Additional Appropriation re: Four-4-Life Funds – Public Safety

Background

Henry County was recently notified that it will receive \$54,516.80 from the Commonwealth's Four-for-Life, return-to-localities fund. This fund is derived from a fee charged on each vehicle registered in Henry County. The funds must be used for emergency medical services training, supplies, and/or equipment. In previous years, the funds were distributed equally between the five county rescue squads with Martinsville-Henry County receiving a half-share. It is my recommendation that each rescue squad continue to receive an equal share in the amount of \$9,912.15 and the remaining half-share of \$4,956.06 be allocated to Department of Public Safety for the purchase of training supplies and equipment.

Attachments

1. Memo from Mr. Wagoner
2. Additional Appropriation Sheet

Staff Recommendation

Staff recommends approval of the additional appropriation as outlined.



County of Henry

Department of Public Safety

1024 DuPont Road
Martinsville, VA 24112
Voice: 276.634.4660
fax: 276.634.4770

TO: Benny Summerlin
County Administrator

FROM: Dale Wagoner
Director

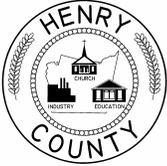
SUBJECT: Additional Four-For-Life Funds

DATE: April 22, 2009

Henry County was recently notified that it will receive \$54,516.80 from the Commonwealth's Four-for-Life, return-to-localities fund. This fund is derived from a fee charged on each vehicle registered in Henry County. The funds must be used for emergency medical services training, supplies and/or equipment. In previous years, the funds were distributed equally between the five county rescue squads with Martinsville-Henry County receiving a half-share.

It is my recommendation that each rescue squad continue to receive an equal share in the amount of \$9,912.15 and the remaining half-share of \$4,956.06 be allocated to Department of Public Safety for the purchase of training supplies and equipment.

I am requesting the Board appropriate the funds in the above stated manner. Should you have any questions or require additional information, please advise.



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 14D

Issue

Award of Contract re: Maintenance of CPE Equipment – 911 Center

Background

Wes Ashley with the 911 Center is asking the Board to award a contract in the amount of \$15,741 to Embarq for the maintenance of the Center's call processing equipment (CPE). Embarq has maintained the equipment since 2000, and the company is raising its maintenance fee. According to Mr. Ashley, there are no other local technicians skilled to maintain the equipment. The Purchasing Department has authorized this transaction as a sole-source award of contract.

Attachments

Letter from Mr. Ashley

Staff Recommendation

Staff recommends awarding of a contract in the amount of \$15,741 to Embarq to provide maintenance on the 911 Center's CPE as outlined above.

MARTINSVILLE – HENRY COUNTY 9-1-1 COMMUNICATIONS CENTER

Henry County Administration Building
3300 Kings Mountain Road
P. O. Box 7
Collinsville, VA 24078-0007
Wes Ashley, Director
(276)-638-8751

April 7, 2009

**Mr. Benny Summerlin, County Administrator
Henry County Administration Building
3300 Kings Mountain Road
Collinsville, Virginia 24078**

Re: Award of Contract for Maintenance of CPE Equipment

Dear Mr. Summerlin,

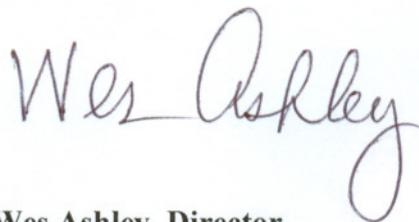
The Martinsville-Henry County 911 Center has had a maintenance service agreement, with Sprint/Embarq, on our 911 call processing equipment (CPE) since year 2000.

In a letter dated November 26, 2008, Embarq notified our 911 Center that they are exercising their right not to renew our maintenance service agreement citing their long term support of our mission critical system, without a price increase. They are also citing increased support costs passed onto them from the manufacturer of the equipment. Note: It is my understanding that other 911 Centers in Virginia, served by Embarq, are also facing similar annual increases. The maintenance cost on our CPE equipment will rise to \$15,740.40 an increase of \$6,867.96 annually. I have included the necessary funds in our proposed FY '10 budget.

The equipment, that is to be maintained under the contract, was installed by Embarq technicians, who are trained by the manufacturer in the installation and maintenance of this specialized equipment. There are no other locally qualified or authorized technicians who can work on this equipment. Based on the information in this paragraph, Purchasing Director David Moore has concluded that this would be a “sole source” procurement. In addition, County Attorney George Lyle has reviewed the contract.

I respectfully request the Henry County Board of Supervisors award Maintenance Contract # M09KBCD7QA4PW to Embarq, effective July 1, 2009, in the amount of \$15,740.40.

Sincerely,

A handwritten signature in black ink that reads "Wes Ashley". The signature is written in a cursive style with a long horizontal line extending from the end of the word "Ashley".

Wes Ashley, Director



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 14E

Issue

Award of Contract re: Citizens Alerting System – 911 Center

Background

Wes Ashley with the 911 Center is asking the Board to award a contract in the amount of \$49,999.86 to Twenty First Century Communications of Columbus, Ohio to purchase a Citizens Alerting System. The money to purchase the system is coming through Homeland Security and does not require a local match. Mr. Ashley, in the attached memo, outlines the benefits of the system scheduled to be purchased. The Purchasing Department has authorized this purchase as a “sole-source” purchase.

Attachments

Letter from Mr. Ashley

Staff Recommendation

Staff recommends awarding of a contract in the amount of \$49,999.86 to Twenty First Century Communications in Columbus, Ohio for the purchase a Citizens Alerting System.

MARTINSVILLE – HENRY COUNTY 9-1-1 COMMUNICATIONS CENTER

Henry County Administration Building
3300 Kings Mountain Road
P. O. Box 7
Collinsville, VA 24078-0007
Wes Ashley, Director
(276)-638-8751

April 10, 2009

**Mr. Benny Summerlin
County Administrator
Henry County Administration Building
P. O. Box 7
Collinsville, VA 24078**

Re: Request Award of Contract to Purchase Citizens Alerting System

Dear Mr. Summerlin,

The Virginia Department of Emergency Management has awarded funds in the amount of \$50,000 to the Martinsville-Henry County 911 Center to purchase a citizens alerting system. These are federal funds from the State Homeland Security Grant Program, the National Preparedness Directorate, United States Department of Homeland Security, and are administered by the Commonwealth for the Martinsville-Henry County 911 Center. Notification of approval of the grant was received in October, 2008, and does not require any local matching funds.

The Martinsville-Henry County 911 Center has been seeking an alerting system, through the County's Capital Improvement Project (CIP), for four years. These grant funds will now allow us to proceed with the procurement of a citizen's alerting system.

After several months of research, and with input from the key users of the system, the Martinsville-Henry County 911 Center Board of Directors, on April 2, 2009, voted to proceed with the procurement of the Universal Communications System, from Twenty-First Century Communications Company, using the General Services Administration (GSA) Cooperative Purchasing provisions: Section 211 of the federal E-Government Act of 2002.

The selection of this system was based on several factors:

- A fully hosted notification system (no equipment required on site)

- **Public sign up page (cell phones, e-mail, TTY/TDD available through links to be posted on the city and county web sites)**
- **Versatile user access by City and County public safety, emergency management and law enforcement.**
- **ESRI-Based mapping that will use our localities current maps**
- **On-site training**
- **GSA contract pricing**

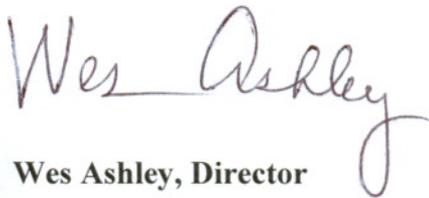
The proposed purchase has been reviewed by Purchasing Director David Moore, and the contract has been reviewed by County Attorney George Lyle.

I respectfully request that the Henry County Board of Supervisors award the contract in the amount of \$49,999.86, through the United States General Services Administration (GSA), contract number GS-35F-0110P, to:

**Twenty First Century Communications
750 Communications PKWY
Columbus, Ohio 43214-1948**

Thank you for your consideration of this matter.

Sincerely,


Wes Ashley, Director



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 17

Issue

Consideration of Resolution Recognizing Charlie Redd's Service on the West Piedmont Planning District Commission Board

Background

Charlie Redd has served as a Henry County appointee to the West Piedmont Planning District Commission Board since 1986. He is retiring effective April 30. Staff has prepared a resolution recognizing Mr. Redd's service to the people of Henry County. Staff members with the WPPDC also plan to attend and thank Mr. Redd for his service.

Attachments

Proposed Resolution

Staff Recommendation

Staff recommends approval of the resolution.



RESOLUTION OF THE HENRY COUNTY BOARD OF SUPERVISORS

WHEREAS, the Henry County Board of Supervisors believes that public service is one of the most vital responsibilities and obligations our citizens can meet; and

WHEREAS, many organizations rely on citizens to serve for the betterment of the community; and

WHEREAS, one such organization, the West Piedmont Planning District Commission, relies on public servants to help accomplish its goal of encouraging and facilitating local government cooperation and local government-state government cooperation; and

WHEREAS, one such public servant is Charlie Redd, who has served on the WPPDC Board as a Henry County appointee since 1986; and

WHEREAS, during the past 23 years, Mr. Redd has served with diligence and dignity on the WPPDC Board, and he has been a tremendous asset to the Board and to his community:

NOW, THEREFORE, BE IT RESOLVED, on this 28th day of April 2009 that the Henry County Board of Supervisors thanks Charlie Redd for his 23 years of service on the West Piedmont Planning District Commission Board, and we wish him well in his retirement.

Debra Parsons Buchanan, Chairman
Henry County Board of Supervisors



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 18

Issue

Matters Presented by the Public

Background

No one has contacted the County Administrator's Office and requested time on the Board's agenda.

Attachments

None

Staff Recommendation

None



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 19

Issue

Public Hearing – Rezoning Application R-09-04 – Marianna L.B. Davenport

Background

The property is located at 162 Hobson Road in the Iriswood District and shown on Tax Map 55.2/7A. The applicant is requesting the rezoning of approximately 2.22-acres from Suburban Residential District S-R to Rural Residential District R-R. The applicant intends to subdivide this property, creating an additional lot for the placement of a manufactured home.

Attachments

1. [Application for Rezoning](#)
2. [Letter from Applicant](#)
3. [Sketch of the Property](#)
4. [Excerpt from Tax Map Showing the Location of the Property](#)

Staff Recommendation

Following a public hearing, the Planning Commission recommended that the rezoning request be approved. Staff also recommends approval of the request.



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 20

Issue

Consideration of Report from EMS Task Force

Background

An Emergency Services Task Force was formed in 2008 to evaluate the process of how our volunteer squads deliver services. The committee is prepared to present its recommendations to the Board of Supervisors.

Attachments

1. Letter from EMS Task Force
2. List of Recommendations

Staff Recommendation

None

Henry County-Martinsville Rescue Squad Association

*Post Office Box 464
Collinsville, Virginia 24078*

April 21, 2009

**Henry County Board of Supervisors
C/O Mr. Tim Hall
PO Box 7
Collinsville, VA 24078**

Dear Sir:

The EMS Task Force of the Rescue Squad Association would like to make a presentation to the Board of Supervisors on April 28th at 6:00PM, highlighting their recommendations to improve the current EMS system. A list of these recommendations has been attached in order for the members to have adequate time to prepare questions.

Due to the discussion that would be needed on several of these recommendations, it would probably require approximately fifteen minutes to review the plan in its entirety. However, we understand that we will have to expedite the process and are willing to acclimate to any time constraints that may be given.

It is our belief that the current EMS system continues to work hard for the citizens of Henry County and with small improvements in various places, it will continue to grow and expand to meet the needs for the future.

Thank you for your time.
Sincerely,

**Marcus Stone
Association President**

**Joshua Tucker
EMS Task Force Chairman**

Enclosures: Recommendations List

EMS Task Force Recommendations for April 21 Meeting

- 1) The task force identifies the need for more public input in regards to enhancing the EMS system of Henry County.
- 2) A Henry County EMS Commission should be established to centralize efforts to administer the emergency medical services of Henry County.
- 3) Change EMS funds dispersal to a performance based system.
- 4) Revise the service districts of the rescue squads in order to improve response times.
- 5) Encourage all EMS agencies to implement revenue recovery by 2011.
- 6) Henry County should apply for a Rescue Squad Assistance Fund (RSAF) grant during the next grant cycle to seek funding for volunteer recruitment and public education regarding the appropriate use of the 911 EMS system.
- 7) It is strongly recommended that the 911 Commission adopt and oversee the implementation of Emergency Medical Dispatching within Henry County.
- 8) All county EMS agencies will work toward standardizing membership and standard operations policies.
- 9) The rescue squads will become more aggressive in recruiting participants of the High School EMT programs.



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 21

Issue

Public Hearing – Sheriff’s Office Application for Justice Assistance Grant

Background

Last month the Board set a public hearing for this meeting on a request from Sheriff Perry to apply for a grant of \$126,329 under the Justice Assistance Grant (JAG) through the Recovery Act of 2009. The grant would be used to purchase locking racks for patrol rifles (\$20,000); ballistic helmets for tactical operations (\$20,000); night vision equipment (\$38,000); other SWAT equipment (\$25,000); and miscellaneous police equipment (\$23,329).

Attachments

1. Public Hearing Notice

Staff Recommendation

Staff recommends approval of the application.



L. A. PERRY, SHERIFF

HENRY COUNTY SHERIFF'S OFFICE

3250 KINGS MOUNTAIN ROAD MARTINSVILLE, VA 24112

(276) 656-4200
RECORDS FAX (276) 638-2124
INVESTIGATION FAX (276) 656-4260

To: Debra P. Buchanan, Chairperson
H. G. Vaughn, Vice-Chairman
Jim Adams
Paula M. Burnette
Jim McMillan
Tommy Slaughter

From: Sheriff L. A. Perry *LAP*

Subject: Department of Justice Recovery Act JAG Grant application

Date: March 16, 2009

Henry County has been declared eligible for a Justice Assistance Grant (JAG) through the Recovery Act of 2009. We are eligible for a \$126,329.00 grant. The grant application deadline is May 18, 2009 and requires this prior notice to the Board plus a public comment opportunity. The funds must be used for the JAG purpose areas and cannot supplant state or local funds.

The grant application will have the following requested areas of equipment. \$20,000 to purchase locking racks to better secure the patrol rifles; \$20,000 for ballistic helmets for tactical operations, \$38,000 for night vision equipment, \$25,000 for miscellaneous SWAT equipment, and \$23,329 for miscellaneous patrol equipment.

I am requesting permission to apply for this non-competitive grant. Should you have any questions, please do not hesitate to contact me.

LAP:emp



PUBLIC HEARING NOTICE

The Henry County Board of Supervisors will hold a public hearing on Tuesday, April 28, 2009, at 6:00 p.m., or as soon thereafter as can be heard, in the Board Meeting Room on the first floor of the Henry County Administration Building at 3300 Kings Mountain Road in Collinsville, Virginia.

The purpose of the public hearing is to receive citizens' input on the Henry County Sheriff's Office application for a \$126,329 grant from the Department of Justice Recovery Act JAG grant. The grant, if received, would be used to purchase locking racks for patrol rifles, helmets for tactical operations, night vision equipment, and miscellaneous SWAT and patrol equipment.

A copy of the full text of the proposed grant application may be viewed in the County Administrator's Office in the County Administration Building on Kings Mountain Road, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Benny Summerlin
County Administrator



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 22

Issue

Public Hearing - Proposed Amendments to the County Road Naming Ordinance

Background

Last month the Board discussed some proposed changes to the County's ordinance regarding road name changes. Staff drafted a new ordinance reflecting those discussions. A public hearing is set for today to hear input on these changes.

Attachments

1. Proposed Ordinance
2. Public Hearing Notice

Staff Recommendation

Staff recommends approval of the new ordinance as proposed.

Sec. 16-222. Renaming roads.

A. The authority to name, rename, and remove the name of roads inside Henry County, except for those inside the Town of Ridgeway and the City of Martinsville, is held by the Henry County Board of Supervisors.

Deleted: dename

B. As a general rule, the renaming of any established road, public or private, is discouraged in order to maintain the accuracy of the County's E-911 database. Only in extenuating circumstances, as defined by the Board of Supervisors, will the Board consider renaming an existing road.

C. The following procedure shall be followed for renaming a road after the effective date of this article. All items must be met prior to the initiation of this process.

Deleted: B

1. Only citizens of Henry County may initiate a petition to have a road renamed.
2. Prior to initiating the renaming process, the petitioner shall consult the administrator of this ordinance to ensure that the road name contemplated is unique.
3. That petitioner, using forms supplied by the administrator, shall canvass all residents and owners of land along the road in question. He shall submit, along with his application to change the name of the subject road, signatures of (100) percent of the residences and owners of land along the road.
4. The petitioner shall supply the occupant name and address of all residences along the subject road.
5. The petitioner shall also supply four hundred dollars (\$400.00) to defray the cost of advertising the required public hearings and manufacture and erection of the needed sign(s).
6. The administrator shall arrange a public hearing at the earliest possible regular meeting of the Henry County Board of Supervisors. Such public hearings will be advertised according to the procedure described in section 15.2-1427 of the Code of Virginia, as amended, and by first class mail to all residences and owners of land along the street.

Deleted: Any

Deleted: who resides along a road

Deleted: that

Deleted: at least one occupant of at least seventy-five

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C. A road may be relieved of its name, or denamed, after public hearing and abandonment or other resolution by the Board of Supervisors. Such a finding shall not be made merely for the convenience of an aggrieved person.
(Ord. of 5-26-92)



Henry County Board of Supervisors

Meeting Date April 28, 2009

Item Number 23

Issue

Public Hearing - Adjustments to Henry County Noise Ordinance

Background

As part of the ongoing work to tweak Henry County's Noise Ordinance, County Attorney George Lyle presented proposed ordinance changes to the Board last month. A public hearing is scheduled for today on those proposed changes. However, a decision by the Virginia Supreme Court in mid-April may impact how the County moves forward; Mr. Lyle suggests that the Board move forward with the public hearing, but not take action until the repercussions regarding the Supreme Court's decision are fully understood.

Attachments

1. Memo from Mr. Lyle
2. Proposed Ordinance Changes
3. Public Hearing Notice
4. Text of Supreme Court Decision

Staff Recommendation

Staff recommends holding the public hearing as scheduled, and then delaying action until the Supreme Court's decision can be studied.

MEMO

TO: Board of Supervisors

FROM: George Lyle

DATE: April 20, 2009

RE: Noise ordinance

The Supreme Court of Virginia issued an opinion last week that directly impacts on the draft noise ordinance you are considering. In considering a case from Virginia Beach the Supreme Court declared unconstitutionally vague noise ordinance language similar to the language in the draft ordinance. This decision impacts a number of Virginia localities who have language the same or similar to that which the board is considering. I recommend conducting the public hearing as scheduled. However, I think the Board should delay action on any noise ordinance until a later date, after more options are explored and the full impact of the Supreme Court decision is clear.



PUBLIC HEARING NOTICE

The Henry County Board of Supervisors will hold a public hearing on Tuesday, April 28, 2009 at 6:00 p.m., or as soon thereafter as can be heard, in the Board Meeting Room on the first floor of the Henry County Administration Building at 3300 Kings Mountain Road in Collinsville, Virginia.

The purpose of the public hearing is to receive citizen input on proposed amendments to the Henry County Code regarding the Excessive and Disturbing Sounds Ordinance and the County Road Naming Ordinance.

A copy of the full text of both ordinances may be viewed in the County Administrator's Office in the County Administration Building on Kings Mountain Road, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Benny Summerlin
County Administrator

PRESENT: All the Justices

BRADLEY S. TANNER, ET AL.

v. Record No. 080998

OPINION BY
JUSTICE BARBARA MILANO KEENAN
April 17, 2009

CITY OF VIRGINIA BEACH

FROM THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH
A. Joseph Canada, Jr., Judge

In this appeal, we consider whether the circuit court erred in rejecting a constitutional challenge to a municipal noise control ordinance.

Bradley S. Tanner and Eric A. Williams (collectively, the owners) own and operate BAE Ventures, Inc., t/a The Peppermint Beach Club (the club), a licensed restaurant and entertainment venue located in the 1800 block of Atlantic Avenue in the City of Virginia Beach (City). The club is located in a part of the City commonly referred to as the "oceanfront," which includes restaurants, bars, hotels, and outdoor entertainment venues.

The club, which is on the ground floor of the Howard Johnson Hotel, hosts disc jockeys and occasional "live" entertainment groups that play various types of music including "hip-hop," "punk rock," "emo," and "indie" music. The owners repeatedly have been warned by City police officers about music sound levels, and have received citations for violations of

Virginia Beach City Code § 23-47 (the ordinance). The ordinance states:

It shall be unlawful for any person to create, or allow to be created any unreasonably loud, disturbing and unnecessary noise in the city or any noise of such character, intensity and duration as to be detrimental to the life or health of persons of reasonable sensitivity or to disturb or annoy the quiet, comfort or repose of reasonable persons. The following acts, among others, are declared to be loud, disturbing and unnecessary noise in violation of this section, but such enumeration shall not be deemed to be exclusive:

(1) The playing of any television set, radio, tape player, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of reasonable persons.

(2) The keeping of any animal which, by causing frequent or long-continued noise, shall disturb the quiet, comfort or repose of the neighborhood to such an extent as to constitute a nuisance.

(3) The creation of any excessive noise on any street adjacent to any school, institution of learning or court, while the same is in session, or adjacent to any building used as a place of public worship, while being so used or adjacent to any hospital, which unreasonably interferes with the workings of such school, institution or court or the services being conducted in such place of public worship or which disturbs or unduly annoys patients in such hospital.

(4) The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(5) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale or display of merchandise.

Virginia Beach City Code § 23-47. Any violation of the ordinance constitutes a class 4 misdemeanor. Id.

In June 2007, the owners filed a complaint seeking a declaratory judgment that the ordinance is unconstitutional on its face because it is vague, and that it is unconstitutional as applied to the club. The owners alleged that the ordinance is vague because it fails to provide citizens with "fair notice" regarding what conduct is unlawful, and because the ordinance language invites selective prosecution by granting law enforcement officials the "unfettered individual discretion" to make enforcement decisions. The owners separately alleged that City police officers have applied and enforced the ordinance against the owners "in a subjective and selective manner."

In response to the owners' complaint, the City filed a demurrer, which the circuit court sustained in part based on its previous determination that the ordinance was constitutional on its face. Relying on that prior decision, the circuit court held, among other things, that the ordinance is not vague, and dismissed the owners' facial constitutional challenge with prejudice.

The case proceeded to trial on the issue of the City's application of the ordinance to the sound levels generated by the club's music. Certain City police officers testified that the City used two enforcement standards in evaluating noise

emanating from oceanfront business establishments. The first standard used was the "reasonable person" standard provided for by the ordinance. The second standard employed was an "across the street" assessment established by Police Captain Anthony F. Zucaro.

Addressing the "reasonable person" standard, Captain Zucaro testified that police officers determine whether noise is "unreasonably loud, disturbing and unnecessary" by employing the officers' "[b]ackground, experience, knowledge of the dynamics of the moment, listening, [and] witnessing." Officers Albert L. Mills, Christopher D. D'Orio, and Steven J. Kennedy testified that officers usually exercise their discretion whether to issue a citation for violation of the ordinance. These officers generally conceded that "reasonableness" is a standard that depends on an individual officer's assessment and on environmental factors such as the weather, the volume of ambient noise, and the time of day.

In 2007, Zucaro issued a letter that was distributed to oceanfront business owners in an effort to achieve voluntary compliance with the ordinance. The letter informed the business owners that police officers would take enforcement action if "[t]he intensity of the noise emanating from an establishment is at such a level it can be definitively linked to that particular

establishment from across the street or a distance equal to that measurement despite the presence of other ambient noise levels.”

Several police officers testified regarding incidents in which noise emanating from the club resulted in the issuance of citations to the owners. Relying on this and other evidence, the circuit court determined that the evidence “unequivocally establishe[d] that the enforcement of the noise ordinance is selective and uneven.” However, the circuit court held that because the owners failed to prove that this selective enforcement was motivated by a discriminatory purpose, the club’s constitutional challenge to the City’s application of the ordinance failed. The owners appealed from the circuit court’s judgment.

On appeal, the owners first argue that the circuit court erred in rejecting their facial constitutional challenge to the ordinance. They contend that the ordinance is vague and, thus, is unconstitutional on its face because business owners must engage in guesswork to determine whether certain sound levels violate the ordinance. The owners further assert that several terms in the ordinance, including the terms “unnecessary,” “loud,” “disturbing,” “character,” and “intensity,” are purely subjective and do not establish clear standards that permit uniform enforcement.

In response, the City argues that the ordinance clearly articulates an objective, "reasonable person" standard that is well established and is sufficiently definite to permit persons to conform their conduct to the law. The City concedes that the terms of the ordinance are not quantitatively precise, but argues that such a level of precision is not required to survive a vagueness challenge. The City contends that only a flexible standard such as the one prescribed by the ordinance can fairly define criminal conduct related to the "wide swath of settings and circumstances" involved when assessing noise levels.

The City further argues that the term "unnecessary" does not render the ordinance vague because the ordinance requires that noise be unreasonably loud, disturbing, and unnecessary before a criminal citation can issue. The City contends that instead of rendering the ordinance vague, the term "unnecessary" narrows the category of noise that constitutes a criminal violation and provides added protection to potential offenders. However, the City further maintains that if this Court disagrees, it should sever any offending language rather than invalidate the entire ordinance. We disagree with the City's arguments.

Our review of the ordinance begins with the principle that that duly enacted laws are presumed to be constitutional.

Marshall v. Northern Virginia Transp. Auth., 275 Va. 419, 427,

657 S.E.2d 71, 75 (2008); In re Phillips, 265 Va. 81, 85, 574 S.E.2d 270, 272 (2003); Yamaha Motor Corp., U.S.A. v. Quillian, 264 Va. 656, 665, 571 S.E.2d 122, 126 (2002); Finn v. Virginia Retirement System, 259 Va. 144, 153, 524 S.E.2d 125, 130 (2000). We are required to resolve any reasonable doubt concerning the constitutionality of a law in favor of its validity. In re Phillips, 256 Va. at 85-86, 574 S.E.2d at 272; Finn, 259 Va. at 153, 524 S.E.2d at 130; Walton v. Commonwealth, 255 Va. 422, 427, 497 S.E.2d 869, 872 (1998). Thus, if a statute or ordinance can be construed reasonably in a manner that will render its terms definite and sufficient, such an interpretation is required. See INS v. St. Cyr, 533 U.S. 289, 299-300 (2001); United States v. Harriss, 347 U.S. 612, 618 (1954); Pedersen v. City of Richmond, 219 Va. 1061, 1065, 254 S.E.2d 95, 98 (1979).

In this context, we consider the constitutional principles applicable to a vagueness challenge involving a penal statute or ordinance. The constitutional prohibition against vagueness derives from the requirement of fair notice embodied in the Due Process Clause. See United States v. Williams, 553 U.S. ___, ___, 128 S.Ct. 1830, 1845 (2008); City of Chicago v. Morales, 527 U.S. 41, 56 (1999); Grayned v. City of Rockford, 408 U.S. 104, 108 (1972). The doctrine requires that a statute or ordinance be sufficiently precise and definite to give fair warning to an actor that contemplated conduct is criminal. See

Kolender v. Lawson, 461 U.S. 352, 357 (1983); Grayned, 408 U.S. at 108. Thus, the language of a law is unconstitutionally vague if persons of "common intelligence must necessarily guess at [the] meaning [of the language] and differ as to its application." Connally v. General Construction Co., 269 U.S. 385, 391 (1926); accord Coates v. City of Cincinnati, 402 U.S. 611, 614 (1971); Cameron v. Johnson, 390 U.S. 611, 616 (1968).

The constitutional prohibition against vagueness also protects citizens from the arbitrary and discriminatory enforcement of laws. A vague law invites such disparate treatment by impermissibly delegating policy considerations "to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application." Grayned, 408 U.S. at 108-09; see Kolender, 461 U.S. at 357-61.

Because legislative bodies are "[c]ondemned to the use of words," courts cannot require "mathematical certainty" in the drafting of legislation. Grayned, 408 U.S. at 110. For this reason, an ordinance that lacks meticulous specificity nevertheless may survive a vagueness challenge if the ordinance as a whole makes clear what is prohibited. See id.; Esteban v. Central Missouri State College, 415 F.2d 1077, 1088 (8th Cir. 1969).

A different concern arises, however, when a vague statute implicates citizens' rights under the First Amendment. In such circumstances, vague language in a statute or ordinance may cause citizens to avoid constitutionally permissible conduct based on a fear that they may be violating an unclear law. Thus, a vague statute may inhibit the exercise of constitutionally protected activities. Grayned, 408 U.S. at 108-09.

In applying these principles, we first acknowledge that the regulation of noise by a locality creates special problems regarding the drafting and enforcement of legislation. See Nichols v. City of Gulfport, 589 So. 2d 1280, 1283 (Miss. 1991); People v. New York Trap Rock Corp., 442 N.E.2d 1222, 1226 (N.Y. 1982). These problems arise from the nature of sound, which invites the use of broadly stated definitions and prohibitions. Nichols, 589 So. 2d at 1283; Trap Rock, 442 N.E.2d at 1226.

The ordinance before us prohibits any "unreasonably loud, disturbing and unnecessary noise," noise of "such character, intensity and duration as to be detrimental to the life or health of persons of reasonable sensitivity," or noise that "disturb[s] or annoy[s] the quiet, comfort or repose of reasonable persons." The ordinance also describes various acts that constitute per se violations.

We conclude that these provisions fail to give "fair notice" to citizens as required by the Due Process Clause, because the provisions do not contain ascertainable standards. See Thelen v. State, 526 S.E.2d 60, 62 (Ga. 2000); Nichols, 589 So. 2d at 1284. Instead, the reach of these general descriptive terms depends in each case on the subjective tolerances, perceptions, and sensibilities of the listener.

Noise that one person may consider "loud, disturbing and unnecessary" may not disturb the sensibilities of another listener. As employed in this context, such adjectives are inherently vague because they require persons of average intelligence to guess at the meaning of those words. See Thelen, 526 S.E.2d at 62; Lutz v. City of Indianapolis, 820 N.E.2d 766, 769 (Ind. Ct. App. 2005); Nichols, 589 So. 2d at 1283.

The references in the ordinance to "reasonable persons," and to persons of "reasonable sensitivity," do not provide a degree of definiteness sufficient to save the ordinance from the present vagueness challenge. Such terms, considered in their context, delegate to a police officer the subjective determination whether persons whom the police officer considers to be of reasonable sensitivity would find the noise detrimental to their life or health. Likewise, these terms leave to a police officer the determination whether persons the police

officer considers to be reasonable would be disturbed or annoyed in their comfort or repose by the particular noise at issue.

Determinations of this nature invite arbitrary enforcement. Police officers likely will have differing perceptions regarding what levels of sound exceed the described tolerance levels and sensitivities of reasonable persons. Because these determinations required by the ordinance can only be made by police officers on a subjective basis, we hold that the language of the ordinance is impermissibly vague. See Grayned, 408 U.S. at 108-09; U.S. Labor Party v. Pomerleau, 557 F.2d 410, 412 (4th Cir. 1977); Thelen, 526 S.E.2d at 62. The imposition of criminal penalties for the violation of an ordinance cannot rest on the use of subjective standards, nor may an ordinance consign a person to penal consequences without first providing sufficiently definite notice of prohibited activities. See Thelen, 526 S.E.2d at 62; Nichols, 589 So. 2d at 1284.

We find no merit in the City's argument that its use of the term "reasonable persons" nevertheless rescues the ordinance from the present vagueness challenge because the criminal law employs a "reasonable person" standard in various other types of determinations. Such comparisons are inapposite. Here, the City attempts to satisfy the notice requirement of the Due Process Clause by using a standard that does not notify or warn citizens in clear and definite terms what noise levels are

prohibited. In contrast, the use of a "reasonable person" standard elsewhere in the criminal law does not attempt to provide notice to citizens regarding the reach of a criminal statute or ordinance, but sets a standard for a court to use in determining police compliance with certain constitutional and other legal requirements. See, e.g., Brendlin v. California, 551 U.S. 249, ___, 127 S.Ct. 2400, 2405-06 (2007) ("seizure" within meaning of Fourth Amendment occurs when reasonable person would not feel free to leave); Buhrman v. Commonwealth, 275 Va. 501, 505, 659 S.E.2d 325, 327 (2008) (probable cause exists when facts and circumstances of which police officer has "reasonably trustworthy information . . . warrant a person of reasonable caution to believe that an offense has been or is being committed") (quoting Taylor v. Commonwealth, 222 Va. 816, 820, 284 S.E.2d 833, 836 (1981)).

In concluding that the ordinance is vague, we do not directly address the list of per se violations contained in the ordinance. Each of these per se violations is defined as constituting "loud, disturbing and unnecessary noise" and, thus, cannot be evaluated separately from those vague terms.

Finally, we hold that we are unable to sever from the ordinance the unconstitutional language that we have identified and give its remaining language a definite and permissible construction. Instead, the vague language adjudged

unconstitutional in this opinion affects the content of the entire ordinance.*

For these reasons, we will reverse the circuit court's judgment and will enter final judgment for the owners declaring that the entire ordinance is unconstitutional because it is vague.

Reversed and final judgment.

* In view of our holding that the ordinance is vague, we do not reach the owners' remaining contentions alleging that the ordinance is overbroad and has been enforced selectively by City police.



Henry County
Board of Supervisors

Meeting Date April 28, 2009

Item Number 24A

Issue

Adoption of 2009-2015 Six-Year Secondary Road Plan and 2009-2010 Construction Budget

Background

Attached is the proposed Six-Year Secondary Road Plan for Henry County for 2009-2015 and the 2009-2010 Construction Budget. The Board previously held a public input session with the Virginia Department of Transportation on these items, and heard input from VDOT Residency Engineer Lisa Hughes regarding the funding challenges VDOT is facing.

Attachments

Proposed 2009-2015 Six-Year Secondary Road Plan and 2009-2010 Construction Budget

Staff Recommendation

Staff recommends approval of these items.

**PROPOSED 2009-15 SECONDARY ROADS 6-YEAR PLAN AND
2009-10 CONSTRUCTION BUDGET
HENRY COUNTY
FINAL**

ADT = AVERAGE DAILY TRAFFIC COUNT

ROUTE PRIORITY	DESCRIPTION LENGTH	ESTIMATED COST	PREVIOUS FUNDING	PROPOSED 2009-10	REMARKS
ROUTE 680 (COLUMBUS DRIVE) 0	0680-044-944,N501 FR: 1.45 MI S RTE 57A TO: 0.45 MI N RTE 981 LENGTH: 0.1 MILES RECONSTRUCTION	\$60,000	\$60,000		ADT 230
ROUTE 698 (AIRPORT RD) 0	0698-044-421,C501 FR: 0.9 MI W RTE 695 TO: RTE 695 LENGTH: 0.90 MILES RELOCATION	\$52,000	\$52,000		ADT 480 VDOT FUNDING - \$ 52,000 OTHER FUNDING-\$598,000
ROUTE 687 (PRESTON ROAD) 1	0687-044-436,P101, P, R201, R FR: 0.12 MI N RTE 58 TO: 0.27 MI S RTE 787 LENGTH: 2.3 MILES RECONSTRUCTION	\$6,699,543	\$2,079,829	\$1,138,062	ADT 2700
ROUTE 701 (FIELD AVE) 2	0701-044-297,P101, R201, C501, B636 AT RTE 57 AND RTE 682 LENGTH: 0.1 MILES ADD THIRD LANE	\$1,875,246	\$494,705		ADT 7500

**PROPOSED 2009-15 SECONDARY ROADS 6-YEAR PLAN AND
2009-10 CONSTRUCTION BUDGET
HENRY COUNTY**

FINAL

ADT = AVERAGE DAILY TRAFFIC COUNT

ROUTE PRIORITY	DESCRIPTION LENGTH	ESTIMATED COST	PREVIOUS FUNDING	PROPOSED 2009-10	REMARKS
ROUTE 688 (LEE FORD CAMP RD) 3	0688-044-315,P101, R201, M501 FR: RTE 220 TO: RTE 1060 LENGTH: 2.6 MILES RECONSTRUCTION	\$5,859,544	\$198,500		ADT 520
ROUTE 650 (IRISBURG ROAD) 4	0650-044-933,C501, D644 FR: 0.06 MI W RTE 1063 TO: 0.08 MI W RTE 697 LENGTH: 1.4 MILES RECONSTRUCTION	\$3,796,508			ADT 1700 R/W ACQUISITION COMPLETE

**PROPOSED 2009-15 SECONDARY ROADS 6-YEAR PLAN AND
2009-10 CONSTRUCTION BUDGET
HENRY COUNTY
FINAL**

ROUTE PRIORITY	DESCRIPTION LENGTH	ESTIMATED COST	PROPOSED 2009-10
TRAFFIC SERVICE	TRAFFIC SERVICES	\$64,000	\$16,000
INSTALL ENTRANCE PIPE	FERTILIZATION AND SEEDING		
PRELIMINARY ENGINEERING FOR FUTURE PROJECTS	ENGINEERING AND SURVEY	\$56,000	\$14,000
FERTILIZER AND SEED	PIPE AND ENTRANCE	\$64,000	\$16,000