

**HENRY COUNTY BOARD OF SUPERVISORS  
MINUTES**

**May 26, 2009 – 3:00 pm**

The Henry County Board of Supervisors held its regular meeting on May 26, 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; Darrell Jones, Deputy Director of Finance; and Richard Stanfield, Assistant Director of Finance.

Sheriff Perry, Mickey Powell of the Martinsville Bulletin, and Ron Morris of B-99 were present.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Jim Adams gave the invocation and H. G. Vaughn 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 of Minutes included in Board's File).

- April 28, 2009 – Joint IDA/BOS
- April 28, 2009 – Regular Meeting

## **Approval of Accounts Payable**

(Copy included in Board's File).

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

## **PRESENTATION BY REPRESENTATIVES OF THE COMMUNITY STOREHOUSE:**

Mr. Travis Adkins, Assistant Executive Director of the Community Storehouse, and Mr. Payne Gravely, Backpack Program Coordinator, were present to discuss the Community Storehouse. The Storehouse was founded in 2001 and has served 22,000 people in the community in need of food, clothing and basic necessities. Approximately 120,000 boxes of food have been distributed since 2001. Mr. Adkins distributed brochures regarding a "Food for Kids Backpack Program," which addresses childhood hunger. Mr. Adkins stated to feed one child through this program would cost \$200 per year. (A Copy of Brochure in Board's File). Mr. Adkins stated the Community Storehouse would like to request a letter of support from the Board to include in its portfolio to send out with grant proposals.

Following was some discussion regarding the backpack program. Mr. McMillian moved that the Board adopt a letter of support for the Community Storehouse, second by Mr. Slaughter and unanimously carried.

## **APPROPRIATION OF FY 2009-2010 HENRY COUNTY BUDGET:**

Mr. Summerlin stated the Board of Supervisors, at its April 29, 2008 meeting, adopted the FY 2009 Total County Budget, which included setting of tax codes and adoption of the School Budget. He stated no County funds can be expended or obligated until an

appropriation has been made. A draft Appropriations Resolution is included in the Board's working papers, which reflects categorical appropriation, based on the Board's previous decisions regarding the appropriations. He stated the Board also must adopt the effective reimbursement rate for the Personal Property Tax Relief Act on a qualifying vehicle at 44 percent.

Mr. Adams moved that the Board adopt the effective reimbursement rate for the Personal Property Tax Relief Act on a qualifying vehicle be set at 44 percent, second by Mrs. Burnette and unanimously carried.

Mr. Adams moved that the Board adopt the Appropriations Resolution and attachments as presented, second by Mrs. Burnette. The motion carried 5 to 1. Mr. McMillian voted in opposition.

#### **CONSIDERATION OF MORATORIUM ON ROAD NAME CHANGES:**

Mr. Vaughn stated he asked that this item be placed on the agenda after discussing the matter at the April meeting. He stated he would like the Board to consider imposing a moratorium on road-name changes in Henry County and the County Attorney has noted that no additional public hearings would be required.

There being no discussion Mr. Vaughn moved that the Board adopt the moratorium prohibiting road/street name changes indefinitely, second by Mr. Adams and unanimously carried.

#### **ADOPTION OF THE ENVIRONMENTAL REVIEW RECORD FOR THE RIVERSIDE DRIVE NEIGHBORHOOD IMPROVEMENT PROJECT:**

Mr. Summerlin stated as part of the Riverside Drive Neighborhood Improvement Project, the Department of Housing & Community Development (DHCD) requires the formal adoption of the Environmental Review Record (ERR) that was prepared during the pre-contract phase of this project. The ERR is a record showing that the Grantee will act to comply with all of the appropriate provisions of applicable environmental regulations and legislation relative to project activities. The ERR is a public document that is compiled and maintained as part of the official grant files. (Copy of Environmental Review Record is included in Board's File).

Mr. Adams moved that the Board adopt the Riverside Drive Neighborhood Improvement Project Environmental Review Record, second by Mr. Vaughn and unanimously carried.

**CONSIDERATION OF CHANGES REGARDING VETERAN RECOGNITION PROGRAM:**

Mr. Summerlin stated last month the Board approved a program to recognize the veterans of Henry County. Since the April Board meeting, he and Chairman Buchanan met with some local veterans groups and received ideas on tweaking the name of the award and its presentation. A suggestion was made that the Board present the award on the first Saturday in November, which is the same day as the Veteran of the Year is recognized. He stated the group also requested that the award not be called "Veteran of the Year." Mr. Summerlin stated Mr. Lyle suggested presenting a Veteran Medal of some type. Mrs. Burnette stated she would like to have a plaque in the Board Room similar to the Jack Dalton recipients.

Mrs. Burnette moved that the Board approve the changes as suggested for the veteran's recognition, second by Mr. Slaughter. The motion carried 5 to 1. Mr. McMillian voted in opposition and stated he was opposed and felt this was a slap in the face to those veteran's who have served their country and lost limbs, legs, eyesight, etc.

Mrs. Buchanan stated Mr. McMillian's concerns were expressed at the veterans meeting and they understand the Board cannot adequately recognize every veteran. However, it is an attempt to show veterans that the Board is concerned and it is a way to recognize and thank them for what they have contributed to their community as well as heighten the awareness of local veterans.

**CONSIDERATION OF RESOLUTION REGARDING APCO ELECTRIC RATES FOR PUBLIC ENTITIES:**

Mr. Summerlin stated The Virginia Municipal League (VML) and the Virginia Association of Counties (VACo) have a steering committee charged with negotiating Appalachian Power Company (APCO) rates for public authorities such as Henry County. He stated public entities have been paying the same rates as commercial customers. The

Steering Committee has negotiated a new 3-year contract effective July 1, 2009, and each locality under that contract is being asked to adopt a resolution indicating its acceptance of that contract. (A Copy of the proposed Resolution is included in Board's File).

Mr. Adams moved that the Board adopt the proposed resolution regarding APCo's electric rates for public entities, second by Mrs. Burnette and unanimously carried.

**CONSIDERATION OF SCHOOL BOARD'S REQUEST REGARDING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS:**

Mr. Summerlin stated the School Board is asking the Board of Supervisors to accept and appropriate additional monies the School Board is receiving through the American Recovery and Reinvestment Act (ARRA), commonly referred to as the federal stimulus package. According to information from the School Board, it will receive approximately \$3,750,598 in additional revenue through the ARRA. Of this amount, \$1,983,088 is through the Individuals' with Disabilities Education Act (IDEA) grant, while \$1,767,510.10 is through a Title I grant. The School Board also requests that it be allowed to carryover to FY 2010 whatever money is not spent in the current fiscal year. Because of the size of the budget adjustment request, a public hearing is required before the Board can act on this request.

Mr. McMillian moved that the Board set a public hearing on the budget adjustment on June 23, 2009 at 6pm, second by Mr. Slaughter and unanimously carried.

**FINANCIAL MATTERS:**

**Additional Appropriation re: Citizens Alerting System-911 Center**

Mr. Summerlin stated last month the Board voted to award a contract in the amount of \$50,000 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. This month the Board is being asked to appropriate the money for the purchase.

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

**Acceptance of and Additional Appropriation re: EMS Respiratory Treatment Grant – Public Safety**

Mr. Summerlin stated Public Safety Director Dale Wagoner is asking the Board to accept and appropriate a grant in the amount of \$8,000 from the Martinsville Area Community Foundation. The grant would be used to purchase respiratory treatment supplies and requires no local match.

Mr. McMillian moved that the Board accept the grant and approve the additional appropriation as outlined, second by Mr. Adams and unanimously carried.

**Award of Contract – Worker’s Compensation Insurance Issues**

Mr. Summerlin stated staff has evaluated worker’s compensation insurance plans offered by the County’s current provider, Virginia Municipal League, with a plan offered by the Virginia Association of Counties (VACo). Under the VML plan for FY 2010, the annual premium would be \$156,007.83. Under the VACo proposal for FY 2010, the annual premium would be \$120,681, a savings of \$35,326.83

Mrs. Burnette moved that the Board award a contract for worker’s compensation insurance to the Virginia Association of Counties (VACo) for FY 2010 in the amount of \$120,681, second by Mr. McMillian and unanimously carried.

**PRESENTATION OF “AMBASSADOR OF THE YEAR” AWARD TO TIM PACE, COUNTY ENGINEER:**

Mr. Mark Heath of the Martinsville-Henry County Economic Development Corporation was present to present the “Ambassador of the Year Award.” Mr. Heath stated EDC teams with the Martinsville-Henry County Chamber of Commerce to give annual business recognition awards in various categories. This year’s awards were presented May 12 at the annual Business Appreciation Awards

luncheon. He stated this year's recipient is County Engineer Tim Pace, who could not attend the May 12 event. Mr. Heath stated Mr. Pace has gone above and beyond the call of duty in hosting new economic development prospects for Martinsville-Henry County. Mr. Pace as Director of Engineering for Henry County has been an exceptional advocate of the Martinsville-Henry County community over the past several years. He has made himself available at any time of day to meet with and discuss the area with potential prospects especially regarding the shell buildings and industrial parks. Mr. Pace has met with various prospects and was instrumental in the RTI Project and the new shell building. Mr. Heath presented Mr. Pace with the award and stated it is a great honor to recognize Mr. Pace as "Ambassador of the Year."

Mr. Pace thanked Mr. Heath and stated he truly appreciated the award and felt it was a great honor. He stated as a citizen and an employee of Henry County, he felt it was his duty to promote business and provide an excellent educational system for our children. He thanked the Board of Supervisors, Public Service Authority Board of Directors and the current administration for its continued support of the Engineering Department. He thanked his staff for their hard work and dedication and also to his wife and children for their continued support and understanding.

## **INFORMATIONAL ITEMS:**

### **Comments from the Board**

Mrs. Burnette stated the first weekend of the month she attended the VACo Board Meeting at the Eastern Shore. She stated after observing other counties and topography, it brings a whole new set of ordinances that our Board may be unaware of.

Mrs. Buchanan stated she had a gentleman to approach her and asked if she was aware that there is a county in Georgia that recycles old oil. She asked Mr. Summerlin and Mr. Hall if they could get with Mike Amos to see if it would be advantageous for the County to pursue.

Mr. Summerlin stated staff would look into the request to see if oil can be taken out of convenience centers and at what costs, which would involve environmental containment, etc. He stated the County's new service center has two oil heaters that use motor oil and transmission

fluid. He stated they are trying to calculate how much oil the heaters will use and if oil can be taken out of the convenience centers and reuse in another County operation it will save in disposal costs. Mr. Summerlin stated staff will look into this and noted that it would be a worthwhile project to pursue.

Mrs. Buchanan and Mrs. Burnette commented on the Community Tour and both agreed it was one of the best tours the Board has had.

Mr. Lyle stated last month he discussed with the Board the Supreme Court's decision regarding several options in the Noise Ordinance. He stated the two options include several localities using decimal meters and the per se violations such as (types of noise and time of day) violations that would be prohibited. Mr. Lyle stated he discussed this with the Sheriff and he prefers the per se violations, and would like to get the Board's opinion on this issue.

Mr. Slaughter, Mr. Vaughn and Mrs. Burnette stated they liked the per se violation. Mr. McMillian stated he prefers a civil process.

### **CONSIDERATION OF RESOLUTION REGARDING APPALACHIAN POWER'S RECENT REQUEST FOR A RATE INCREASE:**

Ms. Buchanan stated she requested this item be placed on the Board's Agenda. Appalachian Power Company recently asked the State Corporation Commission for permission to implement a rate increase of nearly 13% on residential customers. APCo officials have stated this rate increase would cover its increased fuel costs and implement new environmental and reliability surcharges. A draft resolution has been prepared to express the Board's opposition to the rate increase. (Copy of Resolution included in Board's File).

Following some discussion Mr. Vaughn read the resolution and moved that the Board approve the Resolution, second by Mr. Slaughter and unanimously carried.

### **CLOSED MEETING:**

Mrs. Burnette moved that the Board enter into a closed meeting at 3:45 pm to discuss the following, second by Mr. Slaughter and unanimously carried.

- 1) §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.
- 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.

### **OPEN MEETING:**

The Board returned to an open meeting at 5:05 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.

### **APPOINTMENTS:**

#### **Parks and Recreation Advisory Board**

Mr. Vaughn moved that the Board reappoint Mike Smith of the Ridgeway District and Sandra Adams of the Blackberry District to the Parks and Recreation Advisory Board for terms to end June 30, 2012, second by Mrs. Burnette and unanimously carried.

#### **Community Policy and Management Team**

Mr. McMillian moved that the Board appoint Lucy T. Moore as a Parent Representative, and Darrell Jones to the Community Policy and Management Team for terms to end June 30, 2011, second by Mr. Slaughter and unanimously carried.

### **Economic Development Corporation**

Mr. Adams moved that the Board reappoint Butch Hamlet to the Economic Development Corporation for a term ending June 2012, second by Mr. Vaughn and unanimously carried.

### **Southside Community Action Board**

Mrs. Burnette moved that the Board reappoint Thurman Echols to the Southside Community Action Board for a term ending June 30, 2011, second by Mr. Slaughter and unanimously carried.

### **West Piedmont Planning District Commission**

Mr. Vaughn moved that the Board appoint Wesley E. George, III to the West Piedmont Planning District Commission for a term ending April 2013, second by Mr. Slaughter and unanimously carried.

The Board recessed its meeting at 5:10 pm until 6:00 pm. Chairman Buchanan reconvened the meeting at 6:00 pm and welcomed everyone present.

### **MATTERS PRESENTED BY THE PUBLIC:**

Mrs. Buchanan recognized Boy Scout Troop 167 with eight members in attendance along with two of its troop leaders. Attending a Board meeting is one of the requirements of earning a Citizenship in the Community Merit Badge.

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 and 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. Richard Spencer**

Mr. Richard Spencer, a resident of the Horsepasture District for the past 13 years, stated next to his house is property that is an eyesore that the owner will not keep up. He distributed pictures of the unkempt property to the Board for its review. Mr. Spencer stated the property is infested with snakes, rats, possums, mosquitoes, fallen trees, unmowed grass, which was bush-hogged last year, etc. Mr. Spencer introduced his daughter and grandchild to the Board and said they are afraid to go outside and play. He stated he had contacted the Sheriff's Office and cannot get anything done about the problem. He stated he also contacted the Building Inspector several years ago, as well as the Assessor to come out recently to look at the property since the recent assessment would affect his property. Mr. Spencer stated he is now asking for the Board's help in finding a solution to the problem.

Mr. Lee Clark, Zoning Administrator, stated the structure cannot be declared an unsafe structure because the dwelling is not open. He stated the Building Inspector looked at the property last week and the property is zoned agricultural and is not in a platted subdivision.

Mr. Summerlin stated the standard is a dwelling has to be open or an imminent threat to structural collapse. Mr. Summerlin stated the zoning of the property could be changed and the ordinance could be changed. He stated in an agricultural zone the County's Grass Mowing Ordinance requires that property be in a platted subdivision, which this particular property is not.

Mr. Spencer stated that is why he is coming to the Board because the Board has the authority to change an ordinance. The Board thanked Mr. Spencer for his comments.

**PUBLIC HEARINGS – PLANNING:**

**Rezoning Application R-09-05 – Frances A. Rieson**

Mr. Lee Clark reviewed Application R-09-05 for Frances A. Rieson. (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 6:13 pm. Ms. Rieson stated she would ask the Board to support the rezoning of her property. There being no one else who wished to speak the public hearing was closed at 6:14 pm.

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

**Proposed Abandonment, Portion of 30' Right-of-Way Known as Lake View Drive**

Mr. Clark reviewed information regarding a request from Chad E. and Tammy G. Bowles requesting the abandonment of a portion of a 30' right-of-way that leads off the east side of Mountain View Road. The paper-street is recorded as Lake View Drive, and is located in the Ridgeway District. Once the right-of-way is abandoned, all lots that will not have access will be vacated and combined with adjoining lots. VDOT has advised that they have no objection to this abandonment.

The public hearing was open at 6:15 pm. It was noted that the applicants were present. There being no one present who wished to speak the public hearing was closed at 6:15 pm.

Mr. Vaughn moved that the Board adopt the following motion, second by Mr. Adams and unanimously carried.

**“Be it ordained and resolved that a portion of the 30' right-of-way located off the east side of Mountain View Road, and recorded as Lake View Drive in the Ridgeway District, shown on a plat for H.O. Bryant, prepared by J.A. Trent, dated November 4, 1954, recorded in the Henry County Circuit Court Clerk's Office in M.B. 7, P.G. 120, be vacated and abandoned, subject to the rights of owners of any utilities previously installed.”**

**Proposed Abandonment, Portion of 40' Right-of-Way Known as Burbank Drive**

Mr. Clark reviewed a request by Chester Harlowe Bowling to abandon a portion of a 40' right-of-way that leads off the northwest side of Madison Road. The road is commonly known as Burbank Drive, and is located in the Horsepasture District. Once the right-of-way is abandoned, the adjoining lots will be vacated, and the entire tract will be combined into one parcel. Mr. Bowling is the only property owner that will be affected by this abandonment. VDOT has advised that they have no objection to its abandonment.

The public hearing was open at 6:16 pm. With no one wishing to speak the public hearing was closed at 6:16 pm.

Mr. Vaughn moved that the Board adopt the following motion, second by Mr. Slaughter and unanimously carried.

**“Be it ordained and resolved that a portion of the 40’ right-of-way located off the northwest side of Madison Road, and commonly known as Burbank Drive in the Horsepasture District, shown on a plat for Leonard F. and Evelyn W. Smith, prepared by C.M. Wyatt, dated October 14, 1966, recorded in the Henry County Circuit Court Clerk’s Office in M.B. 34, P.G. 57, be vacated and abandoned, subject to the rights of owners of any utilities previously installed.”**

**GENERAL HIGHWAY MATTERS:**

Ms. Lisa Price-Hughes, VDOT’s local Residency Administrator was present to discuss highway matters. Ms. Hughes stated budget funding has continued to go down; however, Henry County received funding for two safety improvement projects (Route 220 South and Oak Level.)

**Consideration of Priority List for Commonwealth Transportation Board and Selection of Representative to Attend June 3, 2009 Meeting**

Following is the list of Priorities as approved by the Henry County Board of Supervisors beginning with FY 2010. The first five items are listed in order of priority:

1. Support for the funding and construction of the U.S. Route 58 Improvement Program between Stuart and Hillsville.
2. Support for a connection from Route 58 to the Patriot Centre, a business and industrial park which houses nearly 4,000 of the County's workforce.
3. Support for the design, engineering, funding, and construction of Interstate 73 through Henry County that follows a corridor east of the City of Martinsville and west of the Henry-Pittsylvania County border in an alignment that avoids large subdivisions.
4. Improvements to the Lee Ford Camp Road/Greensboro Road (US Route 220)/Church Street intersection in Ridgeway, near Mountain View Cemetery, to include signals.
5. Support for the City of Martinsville's request for Phase II of the Liberty Street improvement plan.

The Board of Supervisors also requests attention for the following items:

- Realignment and improvements on U.S. Route 220 from the intersection of Route 87/Route 220 South to the North Carolina line, including the alleviation of hazardous curves on southbound Route 220. This project is essential to tie into the four-laning of U.S. Route 220 in North Carolina.
- Support for the four-laning of Route 87 from Route 220 to the Virginia/North Carolina line to connect with planned improvements of the road in North Carolina. The road becomes Highway 14 in North Carolina.
- Support for the inclusion of an extension of Commonwealth Boulevard to the west to connect with Route 220 Bypass in the current Long-Range Plan studies.

Mr. Adams moved that the Board adopt the Priority List as presented for the Commonwealth Transportation Board, second by Mrs. Burnette and unanimously carried.

Mrs. Burnette agreed to represent the County at the June 3, 2009 Commonwealth Transportation Board Meeting at Northside Middle School in Roanoke.

Following was some general discussion with Ms. Hughes regarding particular projects in several of the Board's districts.

There being no further business to discuss Mr. McMillian moved to adjourn at 6:23 pm, second by Mrs. Burnette and unanimously carried.

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