

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

January 27, 2009 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on January 27, 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 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:

Jim Adams gave the invocation and Tommy Slaughter 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

- 1) December 16, 2008 – 3:00 pm
- 2) January 5, 2009 – 3pm

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

Mr. Adams moved to Approve Items of Consent as presented, second by Mr. Vaughn and unanimously carried.

REPORT ON AUDIT OF COUNTY ACCOUNTS FY '07-'08:

Mr. Summerlin stated the firm of Creedle, Jones and Alga, P.C., completed its audit of County accounts for fiscal year ending June 30, 2008. The Board was provided a copy of the Audit Report and Management Letter in its working papers. Mr. Summerlin introduced Ms. Robin Jones who will address the audit report and answer questions.

Robin Jones from Creedle, Jones, and Alga P.C., stated Henry County received an unqualified opinion for the Audit of County Accounts for FY 2008, which means Creedle, Jones, and Alga found no material errors and according to auditing standards this is a clean opinion. She briefly reviewed the audit which is categorized into three sections, (Financial, Other Information, and Compliance). She stated Henry County is very well run and thanked County staff for its cooperation during the audit process. (Copy of Audit Report and Other Supporting Documents included in Board's File).

Following a brief discussion Mr. Adams moved that the Board accept the Audit of County Accounts for the fiscal year that ended June 30, 2008, second by Mr. McMillian 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 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. Joe Prater

Mr. Prater briefly discussed his support for the promotion of Smith River. He stated he would like to thank Lois Christensen and Gateway Streetscape on a good job in its work involving the Smith River. He also encouraged more community participation in the clean-up of Smith River scheduled on February 7, 2009.

Mr. Paul Farrar, II

Mr. Farrar came forward and briefly discussed the Southside Virginia Tobacco Loan Forgiveness Program. He stated its mission is designed to provide a stimulus for economic revitalization in communities within Southside Virginia by encouraging native Southside Virginians to complete a degree and then return to and settle in a locality within Southside Virginia, the region that nurtured and developed them during their formative years. Current residents of Southside Virginia localities can receive up to \$3,000 for tuition and academic fees per year. He stated for those interested in more information on the program can visit [**http://www.tic.virginia.gov**](http://www.tic.virginia.gov).

CONSIDERATION OF RESOLUTION REGARDING COMMONWEALTH OF VIRGINIA’S FY 2009-2010 BUDGET:

Mrs. Burnette stated the Virginia Association of Counties (VACo) has created a resolution for localities to use to address the Commonwealth of Virginia’s budget crisis and how it affects localities. A Resolution has been crafted to fit Henry County’s needs. (Copy of Proposed Resolution included in Board’s File).

Mrs. Burnette moved that the Board approve the resolution and authorization to send it to the Governor's office and to the offices of Henry County's delegation in Richmond, and VACO staff office, second by Mr. Adams and unanimously carried.

CONSIDERATION OF PROJECTS FOR REGIONAL COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS):

Mr. Summerlin stated the West Piedmont Regional Economic Development District, serving Henry, Patrick, Franklin and Pittsylvania counties, the cities of Martinsville and Danville and the town of Rocky Mount, compiles an updated Comprehensive Economic Development Strategy (CEDS) each year. This plan is forwarded to the U.S. Economic Development Administration (EDA) to maintain the eligibility of participating localities in order to receive EDA funding. The plan must contain a list of future prioritized projects and it is essential that all projects considered by the Board within the next year be included in the CEDS. Only projects on the list are eligible for EDA funding. The CEDS list may be used to identify projects for Appalachian Regional Commission Funding. It also is recommended that projects may be funded from other sources be included in order to give the County maximum flexibility in the management of its resources. Potential funding sources include:

ARC – Appalachian Regional Commission

EDA – Economic Development Administration

CDBG – Community Development Block Grant

DWSRF – Drinking Water State Revolving Loan Funds

Mr. Summerlin noted that County and PSA staffs have developed a proposed list of Comprehensive Economic Development Strategy Priority Projects, which was previously provided to the Board. (Copy included in Board's File).

There was brief discussion regarding three items on the CEDS list, (Patrick Henry Retirement Center, Patriot Centre Day Care and Philpott Lake Sewer Line).

Mrs. Burnette moved that the Board approve the list of projects for submission in the regional CEDS and to include an approximate number of jobs with Patriot Centre Day Care, second by Mr. Slaughter and unanimously carried.

DISCUSSION OF COUNTY NOISE ORDINANCE:

Mr. Lyle stated at the Board's last meeting he was directed by the Board to redraft the proposed noise ordinance using Campbell County's ordinance as a model. He stated a public hearing must be held on any proposed ordinance prior to the Board voting on any changes. (Copy of Proposed Ordinance included in Board's File).

Following a lengthy discussion the Board came up with a list of recommendations for the County Attorney to consider in redrafting the noise ordinance:

- Consider simplifying definitions and length of ordinance
- Consider removing Sports Shooting Ranges
- Consider prohibition time from 10:00 pm until 6:00 am with the exception of boom boxes and amplified sounds which should be regulated 24 hours per day
- Consider a uniform distance in measuring amplified sounds such as 100 feet
- Consider sound to be "collectively" when there is more than one animal involved
- Consider recommendations in Albemarle County brochure regarding steps that citizens can first take to address a noise problem (Copy Included in Board's File)
- Consider uniformity in repeated phrases: 1) "serious hazard to the public health, welfare, peace, and safety and the quality of life of the citizens of Henry County" 2) "sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) or ordinary habits and sensibilities" 3) "excessive sound and noise pollution that may jeopardize" 4) "normal auditory acumen"
- Review prohibition of noise within the residential areas of the County and noise being more than 25 feet and how that would relate to setbacks of side property lines in SR zoning

- Clarify maximum vs. minimum sound levels
- Consider frequent noise of animals as “chronic” rather than “long-continued”
- Consider an alternative measure rather than permanently removing an animal from the County such as until the animal can be shown to be a non-issue
- Consider including mufflers and jake brakes
- Clarify exemptions regarding a business whose operations consist of a lot of loud noise
- Clarify the wording of Sheriff or someone in his/her place
- Review measuring frequency such as how frequent is too frequent or how loud is too loud and what is chronic, and what will be enforceable and suggest that a person making the complaint record the noise for evidence
- Consider the fact that the Sheriff’s Office has limited resources
- Consider the fact that in rural areas other animals make continuous noises especially during certain seasons
- Consider not having an ordinance and let people sue under the civil process in extreme cases
- Consider exempting agricultural property of 5 acres or more

Mrs. Burnette moved that the Board direct the County Attorney to take all comments and recommendations and consider them in redrafting and simplifying the noise ordinance; and consult with the Commonwealth Attorney, Sheriff, Planning Director and others as needed for guidance, second by Mr. McMillian. The motion carried 5 to 1. Mrs. Buchanan voted against the motion.

Mrs. Buchanan stated earlier in discussion she had concerns of having an existing half page ordinance and creating such an exclusive ordinance. She stated it would not be doing Henry County justice.

CONSIDERATION OF ISSUES WITH TAXATION OF ANTIQUE CARS IN HENRY COUNTY:

Supervisor McMillian requested this item be placed on the agenda. After briefly reviewing statistics of other localities that tax antique cars,

Mr. McMillian stated he would like to postpone this issue until the Planning Session on January 29.

Mr. Lyle reviewed background information regarding taxing antique vehicles. The Code of Virginia defines antique vehicles as those at least 25 years old. If an owner applies, DMV will issue special license plates. Henry County does not tax vehicles registered as antiques. The vehicles are exempted by a local ordinance; however, Virginia law allows local governments to tax antique motor vehicles if they chose. Data for January 1, 2009, is not yet available, but in 2008, Henry County had 4,102 antique vehicles registered in the County (there were a total of 62,472 cars, trucks, boats, and trailers registered in Henry County for that same time period.) Unlike real property where county assessors value the property even if it is exempt from taxation, there is no established value for the vehicles exempted from taxation so the amount of potential revenue is unknown. If the Board desires to remove the exemption for antique cars and begin taxing them an ordinance amendment would be required and a public hearing held. Because the County taxes vehicles garaged in Henry County as of January 1 each year and collects the taxes the following December, if the Board were to act this year on such a change no taxes could be collected until December 2010.

Mr. Adams noted that he had heard from a number of people who are antique car owners who feel they would be singled out as opposed to a person who collects antique guns, dolls, etc. To single out one group would not be any benefit to the County.

Following some further comments the Board agreed to postpone the matter as requested by Mr. McMillian.

DISCUSSION OF FY 2009-2010 HENRY COUNTY BUDGET:

Supervisor McMillian stated he asked that this item be placed on the Board's Agenda; however, he would like to postpone this item until the Planning Session. The Board agreed to postpone this item.

DISCUSSION OF ISSUES REGARDING COUNTY-OWNED PROPERTY:

Mr. McMillian stated he asked that this item be placed on the Board's Agenda. He stated there is a pine tree on the Administration

Building lawn that has a crooked trunk and needs to be removed. He stated there are also two trees on both sides of the building that bear fruit which falls on the sidewalks, and there are birds roosting in the trees. He stated he feels it is a health hazard and the three trees need to be removed and replanted elsewhere.

Mr. McMillian moved that the Board direct the County Administrator to look at the vegetation surrounding the Administration Building to see if there are any health hazards and any unsightly areas.

Mr. Summerlin stated the County is fortunate to have the trees and if the Board wants to make a motion he would have them cut down tomorrow.

The motion died for lack of a second.

INTRODUCTION OF DEBBIE ROBINSON, DIRECTOR OF TOURISM, MARTINSVILLE-HENRY COUNTY ECONOMIC DEVELOPMENT CORPORATION:

Ms. Debbie Robinson newly hired Director of Tourism for Martinsville-Henry County Economic Development Corporation came before the Board and introduced herself. She stated in the short time that she has been in the area she has seen a gem of a community with tremendous assets. She stated the people are wonderful with quality educational opportunities, great outdoor recreation and beautiful scenery. She stated she looked forward to working with Henry County to market the Martinsville-Henry County area as a premier destination.

The Board welcomed Ms. Robinson.

FINANCIAL MATTERS:

Award of Contract – Engineering for Rail Trail Project

Mr. Summerlin stated that Anderson & Associates was procured through a Request for Proposals process for preliminary trail design of approximately 4.5 miles of paved trail along the abandoned Norfolk Southern Railroad line that runs generally from El Parral Restaurant to Mulberry Creek. Four trailheads are planned along the trail. He stated the contract amendment in the amount of \$70,240 is proposed for

engineering design and construction administration for the project. Federal and state funding will be used to pay for the contract. The contract amendment should be approved subject to final review and approval by VDOT.

Mr. Slaughter moved that the Board approve the contract amendment with Anderson & Associates in the amount of \$70,240 for engineering design and construction administration of the rail-trail project contingent upon approval by VDOT, second by Mrs. Burnette. The motion carried 5 to 1. Mr. McMillian voted in opposition.

Award of Contract re: Playground Equipment for Park Site at Old Bassett High School – Parks and Recreation Department

Mr. Summerlin stated in May 2008, the Board of Supervisors approved several transfer appropriations with funds from the FY 2008 budget. One such transfer was \$30,000 for the purchase of playground equipment and site improvements to the former Bassett High School baseball field near what is now EMI Imaging. The work on the park is part of the Bassett redevelopment project. The US Communities RFP# 269-2003-077 was used as the bid process for this project, and was reviewed and approved by the County Purchasing Department. The low bid was in the amount of \$26,115.89 from Cunningham Associates/ Game Time of Charlotte, NC.

Mr. Adams moved that the Board award the contract to Cunningham Associates/Game Time in the amount of \$26,115.89, second by Mr. McMillian and unanimously carried. It was noted that the land was donated to Henry County by Bassett Furniture.

Additional Appropriation of Asset Forfeiture Funds – Commonwealth’s Attorney’s Office

Mr. Summerlin stated Commonwealth’s Attorney Bob Bushnell is requesting the Board to make an additional appropriation in the amount of \$314.74 from the Asset Forfeiture line item to his Travel Expense line item. This is in response to budget cuts in the travel category.

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

Acceptance of Grant and Additional Appropriation re: Department of Justice Grant – Sheriff’s Office

Mr. Summerlin stated Sheriff Lane Perry is requesting the Board to accept and appropriate a grant from the Department of Justice in the amount of \$11,413. According to information received from Sheriff Perry, the grant would be used to provide enhanced security and monitoring within the Jail and to help encourage appropriate behavior from the inmates. This grant does not require a local match.

Mr. McMillian moved that the Board approve acceptance of the grant and the additional appropriation as proposed, second by Mr. Slaughter and unanimously carried.

Acceptance of Grant and Additional Appropriation re: Division of Motor Vehicles Traffic Enforcement, and Transfer Appropriation re: Grant Contingency Funds – Sheriff’s Office

Mr. Summerlin stated Sheriff Lane Perry is requesting the Board to accept and appropriate a grant from the Division of Motor Vehicles 402 Grant program in the amount of \$25,000. According to information received from Sheriff Perry, the grant would be used to provide \$18,947 in overtime funds for roadside traffic checks, \$5,553 for replacement radar units and Alco-sensors, and \$500 for a required class for the grant. Sheriff Perry also is requesting the Board to approve the transfer of \$5,000 from his grant contingency line item to purchase additional Alco-sensors.

Mr. McMillian moved that the Board approve acceptance of the grant; the additional appropriation; and the transfer appropriation as requested, second by Mrs. Burnette and unanimously carried.

Consideration of Authorizing Resolution Regarding FY 2009-2010 Funding for Piedmont Area Regional Transit (PART)

Mr. Summerlin stated the Piedmont Area Regional Transit (PART) began offering public bus transportation in Martinsville and Henry County on January 5, 2009. In Henry County, the service provides transportation to major commercial centers in Collinsville, to Patrick Henry Community College, and employers in the Bowles and Patriot Centre industrial parks. The service operates Monday through Friday, from 6 am to 6 pm, and currently employs 3 part-time drivers. Through January 20, the transit system provided rides for 57 citizens. In order to meet grant submission deadlines for the Virginia Department of Rail and Public Transportation, the Board is being asked to consider an Authorizing Resolution which will be included with the grant application requesting continued funding. RADAR, the operator of our system, will be submitting this grant application on the County's behalf. In FY 2009-2010, the County's share of the local match will be approximately \$22,800. The County's share of the first-year costs was \$4,000. (A Copy of Proposed Operating Budget and Resolution is Included in Board's File).

Mr. McMillian moved that the Board approve endorsement of the Authorizing Resolution at this time in order to meet the needs of the Virginia Department of Rail and Public Transportation, with a stipulation that more data on the number of riders is needed to make a final decision and the decision to proceed with the system could be re-visited before final commitment, second by Mr. Slaughter and unanimously carried.

Mrs. Burnette moved that the Board set aside \$22,800 from its current Contingency Fund to avoid having to place the expense in the FY 2009-2010 County Budget regarding the Transit Program, second by Mr. McMillian and unanimously carried.

APPROPRIATION OF PLANNING GRANT FUNDING AND AWARD OF CONTRACT RE: DHCD PLANNING GRANT FOR THE SOUTH STREET NEIGHBORHOOD IN BASSETT:

Mr. Summerlin stated after conducting initial pre-planning grant activities as required by the Virginia Department of Housing and Community Development (DHCD), the County is now eligible to receive up to \$25,000 in Community Development Block Grant (CDBG) planning grant funding to complete the study of the proposed

improvements to the South Street neighborhood. The total planning grant project cost is estimated at \$32,000 which will include \$25,000 in CDBG funds and a local contribution of \$7,000. Sufficient funds are in the County budget for the local contribution. Of this total, a contract in the amount of \$23,000 is requested for approval to retain professional assistance from K. W. Poore and Associates. The remaining funds would be utilized to cover the expenses related to housing inspections, work write-ups, and changes to the preliminary engineering report.

Mr. Slaughter moved that the Board appropriate DHCD funds in the amount of \$25,000 and award of contract to K. W. Poore and Associates in the amount of \$23,000, all of which are contingent upon planning grant award from DHCD, second by Mr. Adams and unanimously carried.

INFORMATIONAL ITEMS:

Comments from the Board

Mr. Slaughter stated the abandoned vehicle ordinance does not address problems with junk and dilapidated semi-trailer trucks being used for storage within view of a public road, etc. He stated he would like to have the County Attorney review this issue.

Mr. Vaughn stated there should be some provisions made for storage trailers used for agricultural purposes such as storing hay that are off the road and out of sight. The Board was in agreement to have the County Attorney review the County's ordinance to see how this problem can be addressed and bring back to the Board for review.

Mrs. Burnette briefly discussed HB2016 regarding Human Trafficking.

Mr. Summerlin stated that Philpott Lake has a new Operations Manager, Craig "Rocky" Rockwell, who recently transferred to the area from Washington State.

Mr. Summerlin stated staff has been following funding of the Federal Stimulus Package. He stated he read a very good article from the National Association of Counties Newsletter highlighting the proposal and a breakdown by various divisions such as housing, water,

sewer, schools, law enforcement, etc. Tim Hall will forward the Board with a copy of the article so the Board will have some insight of things that may be under consideration.

Mr. Summerlin stated in reference to Riverside Drive, the Bassett Library and the playground, he would like to thank Mr. Lyle in obtaining a written agreement from Bassett Library allowing the County to use the library parking lot for the playground parking.

Mr. Summerlin stated 5B's lawsuit has been settled and as part of the agreement, 5B's will be required to pay Henry County \$25,000 per month starting in January with interest. He stated the County also has recorded a deed of trust against the manufacturing facility in Zanesville, Ohio. The County received its first check in early January.

Mr. Summerlin stated a staff meeting was held earlier this morning in which preliminary review of the County's first six months of local and state revenue collections was discussed. He stated the first six months looks fairly good with the exception of interest incomes from bank deposits. He stated he has directed County departments and Constitutional Officers to submit within the next week a 2% budget reduction to take them between now and June 30th.

Mr. Summerlin stated he has been notified that Jimmie Wright plans to retire on June 30th with 33 years of service. He stated he would like to wish Mr. Wright well upon his retirement.

Mr. Slaughter stated he attended VDOT's public hearing on the Bassett Forks project at Food Lion and Red Birch. He stated VDOT has extended the project past Hillcrest Drive approximately 175 feet near Dodge's Store.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 5:00 pm to discuss the following, second by Mr. Slaughter and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Appointees to Industrial Development Authority, Planning Commission, and Fieldale Sanitary District Board.

- 2) §2.2-3711(A)7 for Consultation with the County Attorney re: Pending 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 5:50 pm on a motion by Mr. Adams, 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.

The Board took a short break at 5:51 pm and reconvened at 6:00 pm.

CONSIDERATION OF RESOLUTION IN HONOR OF LT. JOE LOUIS HAIRSTON, HENRY COUNTY SHERIFF'S OFFICE:

Mr. Summerlin stated that Lieutenant Joe Louis Hairston is retiring from the Henry County Sheriff's Office effective February 1, 2009, after 39 years of service. Mrs. Burnette read a proposed resolution on behalf of the Board to thank Lt. Hairston for his many years of service. (Copy of Resolution included in Board's File).

Mrs. Burnette moved that the Board approve the resolution and present to Lt. Hairston, second by Mr. Adams and unanimously carried.

Sheriff Perry stated Lieutenant Hairston has always cared about his job and the community and he has served with pride and integrity. Lieutenant Hairston's service to Henry County will truly be missed.

Mrs. Buchanan and Mrs. Burnette presented a copy of the Resolution to Lieutenant Hairston while he received a standing ovation.

Lieutenant Hairston thanked the Board and stated he accepted the Resolution with great honor and he admired the Board for the good job they are doing.

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 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. Mike Seidle of the Reed Creek District stated he was an antique car collector and he as well as a number of others are against the taxing of antique cars. He stated being an antique car collector is a hobby just as collecting antique furniture, antique dolls, hunting guns, expensive coon dogs, horses, etc. He asked if the Board was going to tax those hobbies as well.

Mr. Brian Williams, Education, Outreach and Conservation Coordinator for the Dan River Basin Association, came forward to discuss the recreation use and increased interest in trout fishery on the Smith River. Mr. Williams discussed the need to protect these resources and encouraged the Board to enact an ordinance to protect a component of the water resources to promote a sustainable fishery. Mr. Williams stated specifically an ordinance declaring a section of water not currently protected by the Special Regulations of the Virginia Department of Game and Inland Fisheries. This section would be

delineated by State Route 666 Trenthill Bridge, upstream which is the limit of the special regulations, to the point downstream where the river passes under the next State Route 666 bridge and its intersection with Highway 57. This section would be designated as "Catch and Release Only." Protection of this section of river would help reduce some of the current problems associated with illegal fishing practices, increase the number of trout available to all fishermen and allow further promotion of the river as a destination worth fishing once again. This would increase the value of the resource as a tourism destination by attracting additional users from outside the local area, bringing much needed dollars to Henry County and once again restore this resource to its full potential as an economic engine for the County. Mr. Williams encouraged the Board to write the Virginia Game and Inland Fisheries expressing its concerns and what would be appropriate steps in cooperation with VDGIF, on whether an extension of the special regulations area is deemed sufficient or a county ordinance would in fact be the best solution. Mr. Williams distributed brochures to the Board regarding Catch and Proper Release which is part of a public awareness campaign. (Copy included in Board's Files).

Dr. David Jones stated Mr. Williams' comments were very well spoken and this is an improvement in the economy rather than improvement of the river. You can improve the economy if you use the river in the right ways. He thanked the Board for their time serving Henry County citizens.

Following some discussion Mr. Vaughn moved that the Board direct the County Administrator to draw up a Resolution to ask the Virginia Department of Game and Inland Fisheries' assistance for a Special Regulations Area from State Route 666 Trenthill Bridge, upstream which is the limit of the special regulations, to the point downstream where the river passes under the next State Route 666 bridge and its intersection with Highway 57. This section would be designated as "Catch and Release Only," second by Mr. Adams and unanimously carried.

Mr. Chris Koumparakis came before the Board to discuss a recent article in the **Martinsville Bulletin** regarding a request by the NAACP to ban the use of tasers since the recent death of a City teenager. Mr. Koumparakis stated law enforcement is the first line of defense and when approached with aggressive behavior they too need protection.

Mr. Koumparakis expressed his sympathy for the death of the teenager and thanked the Board for hearing his comments.

PUBLIC HEARING – BOUNDARY ADJUSTMENT ON FAIRYSTONE PARK HIGHWAY AND MARY HUNTER DRIVE, BLACKBERRY DISTRICT:

Mr. Lyle stated the Board at its December 2008 meeting discussed a boundary adjustment between some County-owned property on Mary Hunter Drive and property owned by EMI Imaging on Fairystone Park Highway. A public hearing on the matter is required before any action could take place.

The public hearing was open at 6:40 pm. There being no comments the public hearing was closed at 6:40 pm.

Mr. Adams moved that the Board approve the boundary adjustment, second by Mr. Vaughn and unanimously carried.

PUBLIC HEARING – REZONING APPLICATIONS:

R-09-01 – Frank O. Cauley

Mr. Lee Clark reviewed Application R-09-01 for Frank O. Cauley. (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 6:41 pm and the applicant was present.

Mr. Cauley came forward and discussed his rezoning request.

The public hearing was closed at 6:43 pm.

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

R-09-02 – Adam Troy Hodge

Mr. Lee Clark reviewed Application R-09-02 for Adam Troy Hodge. (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 6:44 pm and the applicant was present.

Ms. Adonte Hodge came forward and discussed her husband's rezoning request.

The public hearing was closed at 6:44 pm.

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

GENERAL HIGHWAY MATTERS:

Consideration of Resolution to Add Section of Nautica Drive to the Secondary Road System

Ms. Lisa Price-Hughes reviewed a request by the Virginia Department of Transportation asking the Board to endorse a resolution for the addition of less than a half-mile of State Route 1188, also known as Nautica Drive, to the Commonwealth's Secondary Road System. (Copy of Resolution included in Board's File).

Mr. Adams moved that the Board approve the Resolution, second by Mr. McMillian and unanimously carried.

Ms. Hughes discussed a plan deck overlay on the bridge over the Smith River on Trenthill Drive and would like the Board's concurrence to close the bridge for thru-traffic during the overlay. VDOT plans to start on the overlay this summer and should take approximately 60 days.

Mr. Adams moved that the Board concur with VDOT's request to close the bridge over Trenthill Drive during the deck overlay, second by Mr. Vaughn and unanimously carried.

Request for “Watch for Children” Sign on Moores Mill Road, Horsepasture

Chairman Buchanan requested a “Watch for Children” sign on Route 629, Moores Mill Road in the Horsepasture District.

Mr. Vaughn moved that the Board request VDOT to install a “Watch for Children” signs on Route 629, Moores Mill Road in the Horsepasture District, second by Mr. Adams and unanimously carried.

Ms. Hughes briefly discussed a letter from the Highway Commissioner sent out last Friday to all localities regarding recent revenue forecasts, which indicates the need for additional reductions in VDOT’s construction funds. This will leave no state and federal funds to flow through the allocation formula for primary, urban and secondary construction in Fiscal Years 2010-2014. Ms. Hughes stated funds for the current fiscal year will remain intact and the primary focus will be on funding projects currently under construction, which will be the Ridgeway Bridge, and funding projects scheduled to be advertised in this current federal fiscal year ending in October, will be the Fieldale Bridge. Ms. Hughes stated that due to such significant changes an additional public hearing is scheduled for February 5th at 6:30 pm in the VDOT Central Office in Richmond on primary, urban and interstate systems.

Ms. Hughes stated \$125,000 is left in the Rural Addition Account. She stated the Board will need to decide what to do with those funds.

Following was some miscellaneous highway matters discussed.

CONTINUATION OF MEETING UNTIL JANUARY 29, 2009 AT 3PM FOR BOARD’S ANNUAL PLANNING SESSION:

There being no further business to discuss Mr. Adams moved at 6:57 pm that the Board continue its meeting to January 29, 2009 at 3:00 pm at the DuPont Public Safety Office for the Board’s Annual Planning Session, second by Mrs. Burnette and unanimously carried.