

**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.

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