

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

June 23, 2009 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on June 23, 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, Jim Adams, Paula Burnette and Jim McMillian. Vice Chairman H. G. Vaughn and Tommy Slaughter were absent.

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 and Major Steve Eanes were present from the Sheriff's Office. 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 Jim McMillian 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).

- May 26, 2009
- June 11, 2009

Approval of Accounts Payable (Copy included in Board's File).

Mr. Adams moved to approve Items of Consent as presented, second by Mrs. Burnette. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

REMARKS FROM DONALD L. HART, JR., PRESIDENT OF THE VIRGINIA ASSOCIATION OF COUNTIES (VACo) BOARD OF DIRECTORS:

Mrs. Burnette stated it is a pleasure to introduce and welcome Mr. Donald L. Hart, Jr., President of the Virginia Association of Counties (VACo) Board of Directors for 2009, of which she also is a member. Mrs. Burnette stated Mr. Hart is a member of the Accomack County Board of Supervisors and recently retired from the school system. Mrs. Burnette stated Mr. Hart has made a major effort so far to visit 66 out of Virginia's 95 counties during his term as VACo's President.

Mr. Hart stated he was honored to be in Henry County to meet with the Board today. He stated VACo is a nine member Board of which he has been a member for 29 years. He stated he has visited 66 counties in the State and his plans are to visit all 95 counties. Mr. Hart stated Henry County is very important to the State of Virginia and also to VACo. He stated as VACo's President, Henry County would never stand alone. Some of VACo's goals are to develop a close relationship and be accessible to every county in the State. VACo has been focusing on unfunded mandates and there were none this year. He stated VACo is also trying to work on the equalization of rights, privileges and powers between counties, cities and towns. He stated cities and towns have more rights and privileges than counties; therefore, citizens of counties are discriminated against just because they live in a County. He stated VACo is working with the General Assembly to gain support to grant the same rights, privileges and powers to counties. Mr. Hart encouraged the Board to stay abreast of VACo's benefit services and offerings and to participate in legislative committees so Henry County will have a voice at the table. He encouraged the Board to contact him or VACo if the Board has any suggestions, concerns, solutions or criticisms.

Mr. Hart stated in closing he is saddened by Mrs. Burnette's recent announcement that she will not run for a fifth term as supervisor. He stated Henry County should be very proud of Supervisor Burnette. He said he had watched Mrs. Burnette's actions closely at VACo meetings and admires her.

She wears Henry County's flag around her and she stands up for Henry County with a very strong voice wherever she goes and she truly will be missed.

Mrs. Burnette thanked Mr. Hart for his comments and his visit to Henry County. On behalf of the Board, Mrs. Burnette and Mrs. Buchanan presented Mr. Hart with a historical book of Henry County.

CONSIDERATION OF "BUY AMERICAN" RESOLUTION REGARDING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS:

Mr. Summerlin stated the Virginia Association of Counties (VACo) is asking the County to adopt a resolution emphasizing the importance of using American Recovery and Reinvestment Act (ARRA) funds to buy American goods and services.

Mr. Adams read a copy of the Resolution. (Copy is included in Board's File).

Mr. Adams moved that the Board approve the Resolution as presented, second by Mr. McMillian. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

CONSIDERATION OF REVENUE-SHARING PROGRAM FOR FY 2010:

Mr. Summerlin stated VDOT annually funds a Revenue Sharing Program for the construction, maintenance, or improvement of primary and secondary roads in counties. The Commonwealth provides funds to match local funds. Henry County participated in the program for many years, but the County discontinued participation in FY 2001-02 due to fiscal constraints. The Board was provided a letter from Michael Estes, Director of VDOT's Local Assistance Division; outlining changes to the program and how localities can participate.

Mr. Adams moved that the Board not participate in the Revenue Sharing program in FY 2010, second by Mrs. Burnette. The motion carried 3 to 1. Mr. McMillian voted in opposition. Mr. Vaughn and Mr. Slaughter were absent.

Mrs. Buchanan stated she felt this may still be a good program in the future.

CONSIDERATION OF EXTENSION OF TRANSITIONAL DAY PROGRAM CONTRACT AND PROPOSED FY 2010 BUDGET:

Mr. Summerlin stated that Henry County, the County's Community Policy and Management Team (CPMT) and Henry County Schools are charged with providing an educational program specifically designed to address the needs of certain special education students. It is recommended that ANCHOR continue to run the program for the 2009-10 academic year under the name ANCHOR Transitional Day Program and would again be on site at ANCHOR. The proposed budget for FY 2010 is \$105,893, and is the same amount budgeted for the FY '09. Henry County is a party to the annual contract and must approve its extension with ANCHOR. The extension has already been approved by the CPMT and will be addressed by the School Board at its July meeting. (A Copy of the Proposed Budget and Contract for FY 2010 is Included in Board's File).

Mrs. Burnette moved that the Board extend the contract with ANCHOR in the amount of \$105,893 to run the Transitional Day Program for the 2009-10 academic year, contingent on similar approval by the Henry County School Board, second by Mr. Adams. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

APPROVAL OF PRE-CONTRACT ACTIVITY ITEMS REGARDING VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT/COMMUNITY IMPROVEMENT GRANT FOR THE SOUTH STREET NEIGHBORHOOD IMPROVEMENT PROJECT:

Mr. Summerlin stated through the utilization of a Community Development Block Grant (CDBG) Planning Grant, Henry County is undertaking a study of community improvement needs for the South Street Neighborhood Improvement Project in Bassett. Through this planning grant process, the County has developed and submitted plans for a Community Improvement Grant (CIG) application to the Department of Housing and Community Development (DHCD). The project would make improvements identified by needs assessment for this Neighborhood Improvement Project.

Mr. Summerlin stated a number of pre-contract activities are required by DHCD for the South Street Project, including several that require approval by the Board:

1. Local Business and Employment Plan: Both the locality and its contractors will try to use businesses located in Henry County and Martinsville.

2. Non-Discrimination Policy: Neither the County nor its employees will discriminate against an employee or applicant for employment because of race, age, handicap, creed, religion, color, sex or national origin.
3. Residential Anti-Displacement and Relocation Assistance Plan: Henry County commits to minimizing project-related displacement and hardships. As needed, Henry County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing, or by the direct result of assisted activities. Such assistance shall be provided under Section 104(d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
4. Fair Housing Certification: Henry County will take at least one action each year during the course of the grant to further fair housing. The action taken will be selected from a list provided by DHCD.
5. Section 504 Grievance Procedure: Henry County will adopt an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD), implementing Section 504 of the Rehabilitation Act of 1973, as amended.

Mr. Adams moved that the Board adopt the five documents as required by Department of Housing and Community Development (DHCD) for the South Street Neighborhood Improvement Project, second by Mrs. Burnette. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

FINANCIAL MATTERS:

Consideration of Appropriation Transfers – Sheriff's Office

Mr. Summerlin stated the Sheriff's Office is requesting permission to make two Appropriation Transfers within its FY 2009 Budget. The first is to transfer \$37,000 into the Police Equipment cost center to purchase dive team dry suits, masks, and underwater communications and weapons. The money would be shifted from the Vehicles and Powered Fuels line item (\$22,000) and the Undercover Operations line item (\$15,000). The second transfer request is for \$12,500 to the Repair and Maintenance cost center to pay for interior design modifications to the SWAT Team van. The funds would come from the Vehicles and Powered Fuels line item (\$12,500).

Mr. McMillian moved that the Board approve the appropriation transfers, second by Mr. Adams. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

Award of Contract re: Food for Inmates at County Jail – Sheriff's Office

Mr. Summerlin stated Sheriff Perry is requesting the Board to award a contract to Dan Valley Food Service of Danville, VA to supply food for the Henry County Jail. According to Sheriff Perry, purchase orders are issued monthly for food, with the amounts needed and the overall price dependent on the number of inmates at a particular time. This contract does not stipulate a total expenditure amount because of the fluctuation in numbers of inmates; however Sheriff Perry indicates that the overall contract would exceed \$100,000. Mr. Summerlin stated even though there is no set amount to be spent in the contract it is a good practice for the Board to award the contract because of the size of the potential expenditure. The Purchasing Department concurs with this process.

Mrs. Burnette moved that the Board award the contract regarding food for inmates to Dan Valley Food Service of Danville, VA, second by Mr. McMillian. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

Award of Contract re: Architectural/Engineering Services for the Virginia Avenue Transportation Enhancement Project

Mr. Summerlin stated the County has received a second grant award from the Virginia Department of Transportation (VDOT) Enhancement funding for the Virginia Avenue Transportation Enhancement project. The award, in the amount of \$112,000, will be utilized to fund the Phase 1 engineering work valued at \$42,056. The remaining grant funds, plus a local match of \$28,000, will be used toward construction of Phase 1 Improvements. Earth Environmental Consultants, LLC (EEC) was hired by the County to complete the architectural/engineering work for this project. On August 26, 2008, the Board of Supervisors approved Part A of EEC's contract in the amount of \$63,336 for the conceptual design of the entire project corridor. Part A is being paid for with the first grant award received from VDOT. Part B of EEC's contract in the amount of \$42,056 is now being presented for award and will be paid for with the second grant award received from VDOT. Part B will cover the engineering work for Phase 1 construction. (Mr. Wright distributed a revised appropriation sheet. (Copy is included in Board's File).

Mr. McMillian moved that the Board award Part B of Earth Environmental Consultants' contract in the amount of \$42,056 to complete the engineering work for Phase 1 construction, and approval of the additional appropriation as outlined, with \$28,000 coming from the County's Contingency Fund for the required match and \$112,000 from the VDOT grant award, second by Mrs. Burnette. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

Award of Contract re: Office Supplies – Purchasing Department

Purchasing Director David Moore is requesting the Board to award a contract to Bassett Office Supply to provide supplies to County offices, beginning in FY 2010. The contract is for one year with an option of four one-year extensions. The contract does not include a set amount of expenditure, because it will be based on how many office supplies are needed, but Mr. Moore indicates that it most likely would exceed the \$15,000 threshold that requires Board approval. A committee of County and School employees issued and screened a Request for Proposals (RFP), and three companies responded. Bassett Office Supply was recommended by that committee to receive the contract.

Mr. Adams moved that the Board award the contract to Bassett Office Supply, second by Mrs. Burnette. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

Acceptance of an Additional Appropriation of American Recovery and Reinvestment Act (ARRA) Funds – School Board

Mr. Summerlin stated that Henry County Schools' Nutrition Programs received notification that it will receive grant funds in FY 2010 from the American Recovery and Reinvestment Act (ARRA) in the amount of \$277,624. The money must be encumbered no later than September 30, 2009. The funds will be used for capital improvements in seven school cafeterias – Axton, Campbell Court, Carver, Collinsville Primary, Irisburg, Mount Olivet, and Rich Acres. The Board of Supervisors is being asked to accept and appropriate the money for FY 2010, on the condition that the School Board does the same at its June 30 meeting.

Mrs. Burnette moved that the Board approve the request to accept and appropriate the ARRA funds in the amount of \$277,624 to purchase capital items for seven Henry County schools, contingent on the School Board's similar action at its meeting June 30, second by Mr. Adams. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

INFORMATIONAL ITEMS:

Comments from the Board

Mr. Lyle stated that on Wednesday, July 15, at 11:00 am, Special Counsel, representing the County in special delinquent tax collections will hold a sell of eight delinquent tax properties. Mr. Lyle stated that number could change if someone were to pay their taxes before July 15. Mr. Lyle provided the Board with a summary of delinquent real estate taxes collected by Linebarger of \$500,000 through April 2009. He stated there was no cost to the County to collect the taxes since the attorney is strictly on a contingency basis.

Mr. McMillian stated the Collinsville District has two new businesses. Dr. Kieselbach has opened a Chiropractic Office and ERI Automotive Shop, which is factory certified in Ford, Chrysler and Nissan products has opened beside Best Western.

Mrs. Burnette stated a Neighborhood Watch Meeting is scheduled tomorrow at Piedmont Estates.

Mrs. Buchanan reminded everyone of the July 4th Celebration coming up on July 3rd at the Martinsville Speedway.

Mr. Summerlin stated a couple of months ago Mrs. Buchanan requested staff to look into the feasibility of collecting used motor oil at the convenience centers. Mr. Summerlin stated Mike Amos has done quite a bit of research and by the end of July a pilot program will be in place to collect used motor oil and batteries at the convenience center behind the County Administration Building. He stated if this proves to be successful staff will look into the program's expansion.

Mr. Summerlin stated as mentioned during the budget process, Mr. Tim Byrd was assigned the position of Energy Manager for the County and PSA. Mr. Summerlin stated staff has looked at several initiatives, one being a "Back of the Envelope Study." He stated energy companies specializing in energy efficiency applications will come in and conduct an informal walk-through to see where any improvements can be made. The Administration Building, Sheriff's Office, Jail and Courthouse have been identified for a walk-through being that they are the largest facilities and consume the most energy. Staff is working with a representative from the State through the Department of Mines, Minerals and Energy to assist localities in this process. On July 20th, energy companies will conduct a walk-through and determine if a particular project needs more detailed analysis in addressing efficiency.

Mr. Summerlin stated he received a copy from the school division of an unsolicited PPEA Proposal (Public Private Partnership) where companies can propose to do certain things for government relating to renovation of school buildings. He stated at some point the Board of Supervisors will be involved in these discussions; therefore, he advised the School Board when they get to a position of making the request to the Board to let him know.

Mrs. Burnette stated that Mr. Hart recommended to the Board to be more involved in VACo's legislative committees. She stated over the years Henry County has not had many representatives participating on these committees. The committees meet in February on Legislative Day, a summer meeting in August and the VACo Conference. She stated participation in these meetings is worth a lot in terms of bringing perspective to rural areas as far as having a voice. She stated with her going off the Board Henry County will lose its representation on VACo's Board, which would allow another Board member to participate and become more involved with VACo.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 3:45 pm to discuss the following, second by Mr. Adams. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Anchor Commission, Blue Ridge Regional Library Board, Community Policy and Management Team, Piedmont Regional Community Services 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.

OPEN MEETING:

The Board returned to an open meeting at 4:08 pm on a motion by Mr. McMillian, second by Mrs. Burnette. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

CERTIFICATION OF CLOSED MEETING:

Mr. Hall read the Certification of the Closed Meeting and took a roll call vote. Those voting in the affirmative were Mr. McMillian, Mrs. Burnette, Mr. Adams and Mrs. Buchanan. Mr. Vaughn and Mr. Slaughter were absent.

APPOINTMENTS:

Community Policy and Management Team

Mrs. Burnette moved that the Board appoint Mr. Reginald Hayes to the Community Policy and Management Team for a term to expire June 30, 2011, second by Mr. Adams. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

Piedmont Regional Community Services Board

Mr. Adams moved that the Board appoint Tony Millner and Carol Nelson to the Piedmont Regional Community Services Board for terms expiring June 30, 2012, second by Mr. McMillian. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

The Board recessed its meeting at 4:11 pm until the 6:00 pm session. Chairman Buchanan called the meeting back to order at 6:00 pm and welcomed everyone present.

MATTERS PRESENTED BY THE PUBLIC:

There was no one present from the public who wished to address the Board. Mrs. Buchanan recognized Jason Ussery a member of Boy Scout Troop 166 of Collinsville, who is working towards his Citizenship in the Community Merit Badge.

PUBLIC HEARING - SCHOOL BOARD'S REQUEST REGARDING ARRA FUNDS:

Last month the School Board asked the Board of Supervisors to accept and appropriate additional monies that the School Board is receiving through the American Recovery and Reinvestment Act (ARRA), commonly referred to as the federal stimulus package. The School Board provided information that it will receive approximately \$3,750,598 in additional revenue through the ARRA. Of this amount, \$1,983,088 is through an 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. Due to the size of the budget adjustment request, a public hearing is required and has been scheduled for tonight's meeting.

The public hearing was open at 6:01 pm. There being no one present who wished to speak the hearing was closed at 6:01 pm.

Mrs. Burnette moved that the Board approve the request to accept and appropriate the additional funds through the ARRA, second by Mr. Adams. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

Rezoning Application R-09-06 – Lawrence A. Penn, Jr.

Mr. Lee Clark reviewed Application R-09-06 for Lawrence A. Penn, Jr. (Copy of Application included in Board's File). Mr. Clark stated the special use permit for this request will be heard by the Board of Zoning Appeals tomorrow at 1:00 pm. 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 6:03 pm. Mr. Lawrence Penn discussed his rezoning request of approximately 1.86-acres from Suburban Residential to Agricultural A-1 to construct a building on his property and establish a winery and retail use. There being no one else who wished to speak the public hearing was closed at 6:04 pm.

Mrs. Burnette moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. Adams. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

Proposed Abandonment – 40' Right-of-Way off Stultz Road

Mr. Clark reviewed information regarding a request from Marie B. Seay to abandon a 40' right-of-way that leads off the east side of Stultz Road. The paper-street is located between 1603 and 1583 Stultz Road in the Collinsville District. VDOT advised they have no objection to the abandonment.

The public hearing was open at 6:05 pm. There being no one present who wished to speak the hearing was closed at 6:05 pm.

Mr. McMillian moved that the Board adopt the following motion, second by Mr. Adams. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

“Be it ordained and resolved that a 40’ right-of-way located off the east side of Stultz Road, between 1603 and 1583 Stultz Road, in the Collinsville District, shown on a plat for Marie B. Seay, prepared by J.A. Gustin, dated July 27, 1990, recorded in the Henry County Circuit Court Clerk’s Office in D.B. 527, P.G. 69., be vacated and abandoned, subject to the rights of owners of any utilities previously installed.”

CONSIDERATION OF “WATCH FOR CHILDREN” SIGNS ON WILLIE CRAIG ROAD AND WOODBERRY ROAD IN THE BLACKBERRY DISTRICT:

Mr. Adams moved that the Board request VDOT to install Children Playing Signs on Willie Craig Road and Woodberry Road in the Blackberry District, second by Mr. McMillian. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

Mr. Summerlin stated Ms. Lisa Price-Hughes, VDOT Residency Administrator, advised she would be unable to attend today’s meeting. Ms. Hughes sent a note stating that VDOT received stimulus funds for paving. She stated contracts were advertised on June 9 with one section beginning on Route 220 Business from the Cloverleaf to the Bypass (both directions.) The other section is on Route 58 East (east bound lane only from the City Limits to the Bypass.)

Mr. Summerlin stated he read in recent news reports regarding potential stimulus projects in the Commonwealth, one of which is the Liberty Street widening. Ms. Hughes indicated it was her understanding they were contingency projects and some of the projects approved in the Six Year Plan for stimulus funding state-wide are coming back lower than engineers’ estimates and if VDOT has funds left over other projects may be added back in.

There being no further business to discuss Mr. Adams moved that the Board adjourn its meeting at 6:07 pm, second by Mr. McMillian. The motion carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.