

**HENRY COUNTY BOARD OF SUPERVISORS  
MINUTES**

**June 22, 2010 – 3:00 pm**

The Henry County Board of Supervisors held its regular meeting on June 22, 2010, 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, Milton Kendall, Tommy Slaughter, and Joe Bryant. Vice-Chairman H.G. Vaughn was absent.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Michelle Via, Administrative Assistant; Susan Reynolds, Director of Human Resources; Darrell Jones, Director of Finance; and Richard Stanfield, Deputy Director of Finance.

Sheriff Lane Perry, Major Steve Eanes, and Sgt. Ronnie Minter from the Sheriff's office were present. Debbie Hall and Paul Collins of the Martinsville Bulletin and Ron Morris of B-99 were present.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Tommy Slaughter gave the invocation and Milton Kendall 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).

- May 25, 2010

**Approval of Accounts Payable**

(Copy included in Board's File).

Jim Adams moved that the Items of Consent be adopted as presented, seconded by Tommy Slaughter. The motion carried 5 to 0. Mr. Vaughn was absent.

### **MATTERS PRESENTED BY THE PUBLIC – REV. TYLER MILLNER**

Mr. Millner encouraged the Board to continue to monitor the EDC and its progress. Mr. Millner requested that the Board consider a resolution to rename Axton Elementary School to reflect the consolidation of Irisburg Elementary and Axton. Mr. Millner recommended that the school be named Axton Irisburg Elementary School and requested the School Board Chairman and Superintendent to reconsider its decision. Mr. Millner stated that Irisburg School contributed greatly to the school system's overall academic success and the new consolidated school should be named to reflect the diversity and preserve the identity of the community it represents.

Mr. Millner requested that the Board designate Friday, June 25 as Higher Education Day in Martinsville and Henry County. He stated his church and outreach committee want to recognize the successes of New College Institute and Patrick Henry Community College in terms of their contributions to the community. Mr. Millner also requested that City Council pass a similar resolution.

Mr. Millner invited the Board to attend an Iriswood District Meeting on June 29.

Lastly, Mr. Millner requested that the Board waive his outstanding charge from 2006. Mr. Millner said it is a matter of principle and the public should not be charged for information. The Board took no action on Mr. Millner's request.

### **CONSIDERATION OF RESOLUTION REGARDING VIRGINIA RETIREMENT SYSTEM**

Mr. Summerlin stated that the Virginia General Assembly, in its 2010 session, passed legislation creating a separate retirement plan (Plan 2) for employees hired on or after July 1, 2010. The legislation stipulates that these employees will pay their member contribution, but it also allows the employer to pay all or a portion of the member contributions. Henry County currently pays the 5% employee contribution, and funding for this action is included in the FY 2011 Budget that the Supervisors have approved and appropriated. Mr. Summerlin explained that Plan 2 is not irrevocable and that the Board may reverse its decision each July 1 should they choose to do so; however, all employees in Plan 1 who were hired prior to July 1, 2010 are grandfathered.

Mr. Adams moved to adopt the resolution as presented, seconded by Mr. Slaughter, and carried 5 to 0. Mr. Vaughn was absent.

### **CONSIDERATION OF NEW FEES FOR COURTHOUSE FILINGS**

Mr. Lyle stated that effective July 1, 2010 the Virginia General Assembly authorizes local governments to charge new fees on certain courthouse filings, specifically for the filing of a real estate affidavit or list of heirs. These documents are filed in connection with the administration of an estate for a decedent who dies without a will.

The current fees for recording real estate affidavits and list of heirs is \$17 and \$16 respectively and it is not local revenue; as of July 1, these Virginia imposed fees will increase to \$41 and \$42. In addition, the locality may adopt an ordinance charging \$25 for these filings. If the Board elects to impose the new fee, the total charge for someone filing such documents would be \$66 and \$67 and in rare cases could be \$133 if filing both.

Based on recent filings, annual revenue in the range of \$3,200 could be expected. If the Board desires to impose this fee, a public hearing would be required.

After some general discussion, Mr. Kendall moved not to increase the fees. There being no second, the motion died. Mr. Bryant moved to advertise a public hearing for the July meeting, seconded by Mr. Adams and approved 4 to 1. Mr. Kendall voted in opposition and Mr. Vaughn was absent.

#### **FINANCIAL MATTERS:**

#### **AWARD OF CONTRACT RE: CALL PROCESSING EQUIPMENT – MARTINSVILLE-HENRY COUNTY 911 COMMUNICATIONS CENTER**

Mr. Summerlin stated that Wes Ashley, Director of the Martinsville-Henry County 911 Communications Center, is asking the Board to award a contract in the amount of \$484,285 to CenturyLink for the purchase of next-generation Call Processing Equipment.

The 911 Center was awarded grants totaling \$502,000 for the purchase of this equipment, which will replace outdated hardware in the 911 Center. These grants came from the Virginia E-911 Wireless Services Board and require no local matching funds. The Board of Supervisors appropriated the money when it appropriated the FY 2011 Budget. Henry County is the fiscal agent for the 911 Communications Center, which means the Board must approve the contract.

Mr. Adams moved to award the contract as requested, seconded by Mr. Bryant and approved 5 to 0. Mr. Vaughn was absent.

#### **ADDITIONAL APPROPRIATION RE: SHERIFF'S OFFICE**

Sheriff Perry is requesting an additional appropriation in the amount of \$652.00 for proceeds received from the sale of found property and restitution for time spent on a case ordered by the court. The Sheriff's Office plans to use the funds to replace cameras in the patrol division.

Mr. Bryant moved to approve the appropriation as requested, seconded by Mr. Slaughter and carried 5 to 0. Mr. Vaughn was absent.

**AWARD OF CONTRACTS RE: ENERGY PARTNER SERVICE CONTRACTS FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) GRANT PROJECTS**

Mr. Summerlin stated that the County, through a competitive Request for Proposal (RFP) process, has selected Trane as its energy partner. In an effort to begin an energy sustainability program, the County applied for and received three ARRA grants:

1) Henry County Energy Awareness Educational Project - \$49,000 which includes a \$5,000 match

2) Henry County Energy Savings Lighting Retrofits - \$325,998 which includes a \$50,000 match

3) Henry County Solar Thermal Hot Water Retrofits - \$510,000 which includes a \$50,000 match.

These three grants will be serviced by Trane thus requiring contract awards as listed above. The County's match funding for the Energy Awareness Education Project was approved at the Board of Supervisor's March 23, 2010 meeting. The County's match funding for the Energy Savings Lighting Retrofits and the Solar Thermal Hot Water Retrofits were approved at the Board of Supervisor's May 25, 2010 meeting.

Mr. Slaughter moved to approve the award of contracts to Trane as requested, seconded by Mr. Bryant and approved 5 to 0. Mr. Vaughn was absent.

**TRANSFER APPROPRIATION RE: SCHOOL BOARD**

Ms. Buchanan stated there was an additional transfer request from the School Board that was not on the agenda to consider. (Copy included in Board's File) Mr. Summerlin said the School Board is requesting a transfer from the current year's budget from the Contingency and Facilities categories to the Operations and Maintenance category in order to complete several projects at various schools. Mr. Summerlin said there was a list attached identifying 16 projects where expenditures would be made.

Mr. Adams moved to approve the transfer appropriation from the Contingency and Facilities categories to the Operations and Maintenance category as requested, seconded by Mr. Slaughter and carried 5 to 0. Mr. Vaughn was absent.

**INFORMATIONAL ITEMS:**

**Comments from the Board**

Mr. Slaughter stated that after reading several letters to the editor concerning the EDC and after hearing Mr. Millner's comments, he is concerned there is a

misconception that the Board is against the EDC which is not the case. Mr. Slaughter stated that the information presented by the EDC at last month's meeting was basically the same information that the Board receives each month in closed session, but the presentation allowed the public insight as to what the EDC is doing. Mr. Slaughter said he realizes the EDC has a large budget, but the EDC Board is responsible for overseeing that budget. Mr. Slaughter said he personally hated to have to cut the EDC this year because their job is more difficult now than ever before; however, cuts were made across the board.

Mr. Bryant said that he also agreed with Mr. Slaughter that it was not the intent of the Board to impose on the EDC or jeopardize possible prospects. The purpose was to inform the citizens and make them aware of what exactly the EDC is doing. Mr. Bryant said it is more than just bringing jobs to the area. For example, Mr. Bryant said he recently had a conversation with Jennifer Doss concerning the Smith River Sports Complex and the need to get sports teams into the area because we are missing out on a lot of potential revenue.

Mr. Kendall said citizens are looking to the Board to bring jobs to the area and he feels the Board should be working closely with the EDC to accomplish that goal. Mr. Kendall stated the information presented last month was something the public wanted to see and deserves to know since most of the EDC's funding comes from Harvest, the County and City. Mr. Kendall said he hopes the EDC will pick up the pace and bring more jobs and if they cannot, maybe we should reconsider funding since the Board is also accountable for its spending.

Mr. Adams said working together as a team is the key to creating and bringing in jobs. Mr. Adams stated that we have a great County staff that does their part and making the information available is a plus to let people know we are working towards that goal.

Ms. Buchanan said she agrees with a number of comments made by the Board. The general consensus of the Board was it wanted more information, specific in the fact that it did not want any information that would hinder or jeopardize any project. Ms. Buchanan said she has heard a number of positive comments from citizens since the last meeting that they really appreciated the information provided by Mark Heath. Ms. Buchanan said she understands the EDC Board has not met since the last Board meeting but is scheduled to meet on June 29 and will consider the Board's requests. Ms. Buchanan agrees with Mr. Adams that the Board's position is to work with the EDC to assist with job creation. Ms. Buchanan said she attended three Memorial Day services.

Mr. Summerlin requested the Board to let him know if they plan to attend the VACo conference. Mr. Summerlin said County and School staff met yesterday to discuss the Qualified School Construction Bonds to see if we feel it would be a beneficial program to fund some school renovation projects. Mr. Summerlin said the School Board will continue to investigate and determine if it is a viable option to

proceed forward. Mr. Summerlin stated that after tonight's evening session concludes, the Board needs to continue the meeting to Friday, June 25 at 12:45 p.m. in the fourth floor conference room for a joint meeting with the Henry County Industrial Development Authority followed by an economic development announcement at 1:30, location to be announced.

Mr. Bryant commended Deputy Hooper for his diligence in enforcing litter control. Mr. Summerlin said the inmate work program is working very well and he will try to give a written report of trash pick-up and work at the Service Center. He stated that the inmates picked up 50 bags in one day recently which is more than the Assign-a-Highway program collected in an entire month.

### **CLOSED MEETING:**

Joe Bryant moved that the Board go into a closed meeting at 3:45 pm, seconded by Jim Adams and unanimously carried to discuss the following.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Parks and Recreation Board, Henry-Martinsville Social Services Board, and Roanoke River Basin Association.
- 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 4:37 pm on a motion by Jim Adams, second by Milton Kendall and unanimously carried.

### **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. Slaughter, Mr. Bryant, Mr. Kendall, Mr. Adams, and Ms. Buchanan.

### **APPOINTMENTS:**

**Parks and Recreation Board** – Joe Bryant moved to appoint Shirley Horton to a three-year term representing the Collinsville District beginning July 1, 2010, seconded by Tommy Slaughter and carried 5 to 0. Mr. Vaughn was absent.

Mr. Adams moved to carryover \$10,000 from the Contingency Fund to Professional Services for the next fiscal year budget, seconded by Tommy Slaughter and carried 5 to 0. Mr. Vaughn was absent.

The Board recessed its meeting at 4:39 pm until the 6:00 evening session. Mr. Slaughter left at recess.

Ms. Buchanan called the meeting back to order at 6:00 pm and welcomed everyone present.

### **REPORT ON DELINQUENT TAX COLLECTION EFFORTS**

John Rife, with the law firm Taxing Authority Consulting Services, reported to the Board on delinquent tax collection efforts being pursued by his office and by the County Treasurer's Office (Copy included in Board's File). Mr. Rife said approximately 2,560 parcels of real estate were referred to his office and they are just shy of two months into the collection process. Of the first notices sent out, they had about an 11% return rate and roughly 200 payment plans set up which have commenced with individuals making scheduled payments; roughly 100 payment plans have defaulted which we will attempt to have the taxpayer bring current, sign a promissory note and get on an active payment plan. The goal of course is collection of real estate taxes, but we may be forced to file suit and sell the property later down the road. Mr. Rife said we have approximately 2,200 accounts that are still current and to date, we have collected around \$170,000 for the County. The second notices went out last week and we are hopeful it will be equally successful. Mr. Rife said he was open for any questions.

Mr. Adams pointed out that the collection services are of no cost to the County. Mr. Rife said the delinquent taxpayer actually pays for the services based upon the amount owed on their account.

Mr. Summerlin said he had mentioned to the Board about possibly referring some unsafe properties to Mr. Rife for judicial sale in hopes of expediting the process to recoup the County's clean-up costs. Mr. Rife said they would be happy to work with the County to assist with these properties as needed.

Mr. Lyle asked Mr. Rife about the timeline and procedure for real estate referrals. Mr. Rife said they try to have the taxes paid before they ever bring it to the litigation process and the sale of an individual's property is the absolute last resort. Mr. Rife said typically, it is about three months before it is referred out for title and then another month after they receive the title work back. In cases where it is clear that the County has attempted collection efforts with no results, it can be expedited, but you are still looking at a minimum six months to go through the court process. Mr. Rife said the process is usually about a year, three months in the collection process and another four to six months from the time a suit is filed to the decree of sale.

Mr. Rife stated that on a tip from Mr. Summerlin, they have found some unclaimed property owned by Cerxon which is now defunct. They have filed a lien against those proceeds and the County should be receiving \$2,000. Mr. Rife said they also filed suit on the lease that was personally signed by Craig Rogers and the County should expect to receive that money from the State in about six weeks.

Mr. Adams asked how many localities the Taxing Authority currently collects for on both real estate and personal property taxes. Mr. Rife said only about three. Mr. Rife said the County's delinquency on personal property taxes is relatively low compared to other localities of similar size, but he feels there is some additional assistance they can provide in the collection process. Mr. Rife said they would need the Board's consent to work on personal property accounts, and it would be handled the same as real estate in that it would be no cost to the County. Mr. Adams asked about the timeline for personal property vs. real estate. Mr. Rife said you would have a different collection method for personal property; you would be looking for lien sources like levies, either from wages or bank accounts, or the property can be seized.

Mr. Adams moved that the Board authorize Taxing Authority Consulting Services, at the discretion of the County Treasurer, to collect delinquent personal property taxes, seconded by Mr. Bryant and approved 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

Mr. Summerlin asked Mr. Rife if he could email this report monthly to be included in the Board's package as part of the Treasurer's report. Mr. Rife said that would not be a problem and if the Board needs additional information, he will be happy to accommodate any requests.

Ms. Buchanan thanked Mr. Rife for his report.

## **MATTERS PRESENTED BY THE PUBLIC**

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

## **GENERAL HIGHWAY MATTERS**

Ms. Lisa Hughes, Residency Administrator for the Virginia Department of Transportation, was present to discuss General Highway Matters with the Board.

- Safety project on Route 220 at Bassett Forks is complete.
- Turn lanes on Route 174 will be complete next week.
- Box culvert on Route 657 should be completed by mid-July.
- First mowing cycle is complete; will mow primaries and bypasses two more times, secondaries only once more
- Surface treatments (tar and gravel) scheduled to begin in next couple of weeks; only doing four roads, Routes 610, 636, 683 and 707.

- Carver Road safety improvement project plan is to do a two-stage application process, first phase being measures that can be taken rather quickly such as additional signing, submit application for grading work and sight distance improvement work, proposing to lower grade to provide better sight distance; waiting on funds so cannot give time schedule
- Mr. Bryant requested a sweeper for the Collinsville District and Ms. Hughes said she would follow-up.
- Ms. Hughes reported that the safety project in front of the Historical Center has been approved to install handicap ramps and flashing pedestrian signals; estimated completion contingent on when federal funds are actually received, work itself will not take long.
- Ms. Buchanan asked if the Fieldale Bridge was on schedule. Ms. Hughes said the Fieldale Bridge should be complete around the first of August and is on schedule, if not ahead. Mr. Summerlin asked if the contractors will clean up the work platforms in the river. Ms. Hughes said anything pertaining to their work will be cleaned up.
- Ms. Buchanan requested to know the time schedule for Route 684 when it becomes available.

There being no further business to discuss Jim Adams moved at 6:20 pm to continue the meeting to Friday, June 25 at 12:45, seconded by Milton Kendall and carried 4 to 0. Mr. Vaughn and Mr. Slaughter were absent.

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