

**HENRY COUNTY BOARD OF SUPERVISORS  
MINUTES**

**January 26, 2010 – 3:00 pm**

The Henry County Board of Supervisors held its regular meeting on January 26, 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: Vice Chairman H. G. Vaughn, Jim Adams, Milton Kendall, Joe Bryant and Tommy Slaughter. Chairman Debra Buchanan was 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; Darrell Jones, Director of Finance; and Richard Stanfield, Assistant Director of Finance.

Sergeant Eric Hairston was present from the Sheriff's Office. Also present were Debbie Hall of the Martinsville Bulletin and Ron Morris of B-99.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Jim Adams gave the invocation and Milton Kendall led in the Pledge of Allegiance.

**CALL TO ORDER:**

Vice Chairman Vaughn called the meeting to order and welcomed everyone present. He 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.

Vice Chairman Vaughn read a statement from Chairman Buchanan regarding her absence due to medical issues.

**ITEMS OF CONSENT:**

**Confirmation of Minutes of Meetings**

(Copy included in Board's File).

- December 15, 2009 – 3:00 pm
- January 7, 2010 – 3:00 pm

**Approval of Accounts Payable**

(Copy included in Board's File).

**Consideration of Resolution for Dr. Thomas Shields, Operations Medical Director for Henry County Department of Public Safety**

Dr. Thomas Shields is leaving his post as Operations Medical Director for the Henry County Department of Public Safety. Staff prepared a resolution in his honor. Dr. Shields could not attend today's meeting; however, staff will ensure that he receives the resolution. (Copy of Resolution Included in Board's File).

Mr. Adams moved that the Board approve Items of Consent as presented, second by Mr. Slaughter. The motion carried 5 to 0. Ms. Buchanan was absent.

**REPORT ON AUDIT OF COUNTY ACCOUNTS FY '08-'09**

Mr. Summerlin stated the firm of Creedle, Jones and Alga, P.C., has completed its audit of County accounts for the fiscal year that ended June 30, 2009. Robin Jones a member of the firm was present to address the report and answer any questions of the Board.

Ms. Jones briefly reviewed highlights of the FY '08-'09 Audit. She stated there were three opinions issued on the following reports Financial Statements, Internal Control, ONB Circular A133 (Federal Funds) and each were given a clean opinion. Ms. Jones stated the only new addition to the audit this year is the GASB 45 Post Employment Benefits, which is health care benefits offered to retiring employees. She stated there is also a new statement called GASB 54, which are changes in terminology to titles in the fund balance section. (A Copy of the Audit Report and Management Letter are on File in County Administrator's Office.)

The Board thanked Ms. Jones for the audit presentation.

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

Mr. Summerlin stated each year the West Piedmont Regional Economic Development District, which serves 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 (CEDSD). The plan will then be forwarded to the U.S. Economic Development Administration (EDA) to maintain the eligibility of participating localities to receive EDA funding. The document must contain a list of prioritized projects and the WPPDC annually requests that each locality submit its proposed future projects in priority order. It is essential that all projects the Board will consider within the next year be included in the CEDSD because only projects on the list are eligible for EDA 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:

- EDA – Economic Development Administration
- CDBG – Community Development Block Grant

## DWSRF – Drinking Water State Revolving Loan Funds

County projects must be prioritized into three categories:

- Priority 1: Construction or implementation projects that are in the advanced stages of planning. This requires that all preliminary engineering and environmental reports have begun or are complete.
- Priority 2: Projects that are still in the planning stages and are not yet ready for implementation.
- Priority 3: Non-construction and non-implementation projects of a special economic development purpose which may include special issue studies, basic data collection and analysis, feasibility studies, and technical assistance projects.

Mr. Summerlin stated the County and PSA staff developed a proposed list of projects. A project that is included in the CEDS does not commit the County to undertake the project. It is simply a listing of potential projects from which EDA representatives choose for investment of federal funds in this district. If EDA invites the County to submit an application for a specific project from the list, the Board would then be required to commit the local funds necessary for implementation. (Copy of the Proposed CEDS list for 2010 is included in Board's File).

Mr. Adams moved that the Board approve the list of projects for submission in the regional CEDS, second by Mr. Kendall. The motion carried 5 to 0. Ms. Buchanan was absent.

### **CONSIDERATION OF AUTHORIZING RESOLUTION REGARDING FY 2010-2011 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. He stated that Henry County's contribution for FY 2010-11 is half of that local match, or \$10,556 and he would recommend that it be taken from the Contingency Fund.

Tim Hall gave an update of several modifications that were subsequently made to the route and to the operational model. He stated as a result, participation has dramatically increased. In the most recent 30-day report, released December 28, ridership for the month was 892 people. He stated that's the sixth straight period that ridership increased over the previous month, even though the most recent 30-day period had three holidays with no service. In order to meet grant submission deadlines for FY 2010-11 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 the system, will submit the grant application on behalf of the County and City. The tentative FY '11 budget for the system is \$240,000. (A copy of the proposed Authorizing Resolution is included in Board's File). Revenue is projected as follows:

▪ Fares	\$10,000
▪ Federal Aid	\$115,000
▪ State Aid Life Line	\$55,000
▪ State Operating Aid	\$38,888
▪ Local Match	\$21,112

Mr. Bryant moved that the Board approve endorsement of the Authorizing Resolution and the setting aside of \$10,556 for the County's obligation from its current Contingency Fund contingent on City Council's approval, second by Mr. Slaughter. The motion carried 5 to 0. Ms. Buchanan was absent.

**CONTINUATION OF DISCUSSION OF RESCUE SQUAD ISSUES:**

Mr. Summerlin stated the Board has held numerous discussions regarding rescue squad issues and operational options. The rescue squads most recently requested that the County provide oversight of EMS services. This discussion took place during a special meeting on November 30, 2009, when the Board heard presentations on operational models from Franklin County, Amherst County, and Pulaski County. At the conclusion of that meeting, the Board directed staff to place the item on the January 26, 2010 agenda for further discussion.

Mr. Bryant stated being a new member of the Board he did not feel he had enough information on the subject, and therefore would like to see more details before voting on the issue. He stated he had concerns with this being under the direction of Public Safety and also concerned how soft billing issues will be handled.

Mr. Summerlin stated regardless whatever route the County chooses to pursue this is still going to be expensive; however, staff will try to figure out a more comprehensive approach if the Board gives him guidance on what to pursue. He stated there will be plenty of opportunity to change direction if the Board is not satisfied with the direction its going.

Mr. Vaughn stated the first thing should be to put this under a central organization such as Public Safety in order to work full time with all the squads to be more standardized so all areas can have the same level of emergency care. He stated the soft billing issues can be worked out further down the road with the input from all the squads and Public Safety.

Mr. Slaughter stated he would like to see this put under Public Safety as was discussed in order to hire career personnel to help volunteers and supplement areas that do not have volunteers.

Mr. Adams stated as a group the Board needs to look beyond the soft billing issues and look at how all the resources can best be managed to better serve all the citizens. He stated he was in favor of this being in a centralized area and handled with expertise.

Mr. Kendall stated he had concerns with the dwindling volunteers especially during the day. He stated he did not want to tell the rescue squads what to do but to give them some help.

Mr. Kendall moved that the Board assign oversight of the EMS System to the Department of Public Safety and request staff to develop a comprehensive EMS Plan to include but not limited to the following: preserving volunteer rescue squads is an essential part of the EMS system, utilizes paid personnel or contracted services to cover service gaps, operates in a way that does not expect new revenue but redirects current revenue and utilizes existing revenue options, second by Mr. Adams. The motion carried 4-1-0. Mr. Bryant voted in opposition and Ms. Buchanan was absent.

Mr. Summerlin summarized the path forward and stated staff would try and give the Board an interim report between now and early April. He stated he would also prepare recommendations to be included as part of the upcoming budget process.

Mr. Vaughn welcomed former Board member Paula Burnette to the meeting.

**UPDATE BY MARK HEATH, PRESIDENT AND CEO, MARTINSVILLE-HENRY COUNTY ECONOMIC DEVELOPMENT CORPORATION:**

Mr. Mark Heath, President and CEO of the Martinsville-Henry County Economic Development Corporation, was present to make a quarterly update to the Board of Supervisors. Mr. Heath distributed information listing accomplishments over the first five years which includes total jobs and tax base from the M-HC Economic Development Corporation.

Ms. Lisa Fultz Wilson distributed information regarding small business, minority and entrepreneurial “one stop shop” programs offered by EDC. She gave the Board an update offered by EDC to assist small business start ups or expansions, assist with licensing and permitting process, project management, assistance with financing aspects, incentives, government procurement, etc.

Following the presentation the Board thanked Mr. Heath and Ms. Wilson for their update.

**FINANCIAL MATTERS:**

**Acceptance of Grant and Additional Appropriation re: Virginia Department of Fire Programs Grant – Public Safety**

Mr. Summerlin stated the Director of Public Safety Dale Wagoner is requesting the Board to accept and appropriate a grant in the amount of \$2,063

from the Virginia Department of Fire Programs. The grant would be used to purchase a laptop computer and media projector for the Public Safety office and requires no local match.

Mr. Adams moved that the Board approve acceptance of the grant and the additional appropriation as requested, second by Mr. Slaughter. The motion carried 5 to 0. Ms. Buchanan was absent.

**Additional Appropriation re: Fire Programs Fund Money – Department of Public Safety**

Mr. Summerlin stated the Virginia General Assembly established the Fire Programs Fund in 1985. Its purpose is to provide financial assistance for the improvement of fire service operations. Henry County was allocated \$157,547, which is \$2,146 more than last year. In the past the Board has divided the money evenly among the eight local volunteer fire departments. Director of Public Safety Dale Wagoner is recommending that each department receive \$19,693.37 from the most recent allocation. The money would be available to each department upon its request of a purchase order being issued for equipment needed, or the submission of receipts for reimbursement up to the amount appropriated.

Mr. Kendall moved that the Board approve the additional appropriation of \$157,547, with each of the eight volunteer fire departments serving Henry County receiving \$19,693.37, second by Mr. Adams. The motion carried 5 to 0. Ms. Buchanan was absent.

**Award of Contract re: Pet Sheltering Equipment – Department of Public Safety**

Mr. Summerlin stated in April 2009, the Board awarded a contract in the amount of \$19,775 to NC SART, Inc., for the purchase of a pet sheltering trailer. This item was to be paid for by a grant from the Department of Homeland Security and required no local match. The Board approved the grant and made the additional appropriation in April 2009, along with the awarding of the contract. Just before that contract was executed, the Commonwealth of Virginia removed NC SART, Inc., from a list of recommended vendors and asked the Department of Public Safety to delay the purchase until a new recommended vendor could be located. Henry County worked with the Virginia Department of Emergency Management and seven other localities to secure a new vendor, and the City of Hopewell solicited bids on behalf of the eight localities. It is therefore recommended that the bid be awarded to Missouri Great Dane of St. Louis, MO. for the same price of \$19,775.

Mr. Slaughter moved that the Board award the contract to Missouri Great Dane of St. Louis, MO in the amount of \$19,775 as outlined, second by Mr. Bryant. The motion carried 5 to 0. Ms. Buchanan was absent.

**Acceptance of Grant and Additional Appropriation re: Department of Forestry American Reinvestment & Recovery Act (ARRA) Stimulus Grant:**

Mr. Summerlin stated on January 5, 2010, the Virginia Department of Forestry announced the award of five (5) American Recovery and Reinvestment (ARRA) stimulus grants totaling \$101,264 to Gateway Streetscape. The stimulus funds will be used to accomplish the following:

- Tree plantings along Fairy Stone Park Highway and additional trees for the Henry County Service Center property
- A tree planting project for the City of Martinsville along Commonwealth Boulevard and also to add trees to the Cherry Street CDBG Block Grant area
- Pruning assistance and hazard tree removal for Henry County and the City of Martinsville
- Funding to Gateway for employee retention for the next year
- Development of a tree inventory for the City of Martinsville

Mr. Summerlin stated to help satisfy Federal reporting requirements and to streamline the grant process, the County has agreed to act as the fiscal agent for these projects. Therefore, the County now needs to accept the grant and approve the additional appropriation.

Mr. Slaughter moved that the Board approve acceptance of the grant and the additional appropriation as outlined, second by Mr. Kendall. The motion carried 5 to 0. Ms. Buchanan was absent.

**INFORMATIONAL ITEMS:**

**Comments from the Board**

Mr. Summerlin stated the Board at its organizational meeting awarded a contract for the rail trail. He stated the County has now received a grant from the Tobacco Commission in the amount of \$111,386.00 and is pleased to say that the County has no funds invested in the construction.

Mr. Summerlin stated he received an email today regarding I-73 route. He stated once the record of decision was issued by the Federal Highway Administration there was a lawsuit filed challenging that decision. VDOT and the Federal Highway Administration prevailed in the lawsuit. He stated that ruling was appealed to the Fourth Circuit Court of Appeals of the United States and yesterday an opinion was issued that the suit was dismissed. He stated VDOT is prepared to move forward in the Board's request for an alternate study.

Mr. Summerlin stated the Board received a draft copy of a letter on City/County letterhead and a copy of a letter he received today from the U.S. Economic Development Administration. He stated the County started last summer submitting grant information for a \$4.2 million water and sewer grant to extend

lines to the Commonwealth Crossing. He stated the County received an \$800,000 federal earmark through the U.S. Small Business Administration leaving \$3.4 million to raise. The Tobacco Commission offered a special program where if you could get federal funding the Tobacco Commission would match those funds. He stated the County received a commitment from the Tobacco Commission for \$1,720,000 contingent upon getting the federal funds. He stated the formal grant application was submitted to the US EDA in October. Mr. Summerlin stated he received a letter today stating that the US EDA could not process the County's grant application because it does not have a Memorandum of Understanding with the U.S. Small Business Administration. He stated basically you've got two federal agencies that don't have a memo; therefore, they cannot process a \$1,720,000 grant application. Mr. Summerlin staff has prepared a draft letter from the Chairman of the Board of Supervisors and Martinsville City Mayor to its two U.S. Senators and Congressional delegation expressing great concern and request assistance to see that the two agencies work together in order to obtain the grant funds.

Mr. Adams moved that the Board approve the proposed letter and forward to appropriate representatives, second by Mr. Slaughter. The motion carried 5 to 0. Ms. Buchanan was absent.

Mr. Bryant stated it was an honor to be attending his first meeting and he looked forward to working with the Board and he would try and do a good job.

Mr. Kendall echoed Mr. Bryant's comments and stated he hoped that the Board gets a lot accomplished during these hard times.

Mr. Adams stated he would like to yield his time to Lois Christensen of Gateway/Streetscape to give the Board an update on the Smith River Clean-up. Ms. Christensen stated the clean-up is scheduled for February 6 from 1-5pm and will meet at the Fisher Farm Park. She encouraged everyone to participate.

Mr. Vaughn thanked the Board for the cards, prayers and telephone calls during his recent recovery from surgery.

### **CLOSED MEETING:**

Mr. Adams moved to enter into a closed meeting at 4:10 pm to discuss the following, second by Mr. Slaughter. The motion carried 5 to 0. Ms. Buchanan was absent.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Community Policy and Management Team, Industrial Development Authority, and Dan River Alcohol Safety Action Program.
- 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 open session at 5:16 pm on a motion by Mr. Adams, second by Mr. Slaughter. The motion carried 5 to 0. Ms. Buchanan was 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. Slaughter, Mr. Bryant, Mr. Kendall, Mr. Adams and Mr. Vaughn. Ms. Buchanan was absent.

**Acceptance of Audit Report**

Mr. Slaughter moved that the Board approve the Audit of County Accounts for the fiscal year that ended June 30, 2009, second by Mr. Bryant. The motion carried 5 to 0. Ms. Buchanan was absent.

The Board recessed its meeting at 5:18 pm until 6:00 pm.

Vice Chairman Vaughn called the meeting back to order at 6:00 pm and welcomed everyone present.

**MATTERS PRESENTED BY THE PUBLIC:**

There was no one present who wished to address the Board under Matters Presented by the Public.

**CONSIDERATION OF REQUEST FROM THE AXTON VOLUNTEER FIRE DEPARTMENT:**

Mr. Summerlin stated since 1991 the Board of Supervisors has made an annual capital appropriation to one of the local volunteer fire departments for the purchase of a pumper each year. The designated recipient for 2009-10, the Axton Volunteer Fire Department, is requesting the Board for permission to use the allocation for a multi-purpose utility fire truck instead. Mr. Jerry Thacker, chief of the Axton Volunteer Fire Department, was present to discuss the request and answer questions.

Mr. Kendall moved to approve the request as presented, second by Mr. Adams. The motion carried 5 to 0. Ms. Buchanan was absent.

**PUBLIC HEARING - AMENDMENT TO COUNTY CODE REGARDING STORAGE OF UNOCCUPIED MOBILE HOMES AND MANUFACTURED HOMES:**

Mr. Lyle, County Attorney, stated in order to address issues that were identified through earlier prosecutions, staff and the Commonwealth's Attorney's office have reviewed the ordinance and suggested several modifications to the current language. The proposed amendments remove the civil process from the ordinance, clarify the language, and change the time period for removal of the violation to 90 days. (Copy of Current Ordinance and Proposed Ordinance Included in Board's File).

The public hearing was open at 6:07 pm. There being no one present who wished to speak the hearing was closed at 6:07 pm.

Mr. Kendall moved that the Board approve the changes to the storage of unoccupied mobile homes and manufactured homes, second by Mr. Adams. The motion carried 5 to 0. Ms. Buchanan was absent.

#### **PUBLIC HEARING – REZONING APPLICATION R-10-01 – TIMOTHY R. NUNLEY:**

Mr. Lee Clark reviewed Application R-10-01 for Timothy R. Nunley. (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 6:08 pm. It was noted that Mr. Nunley, the applicant, was present. There being no one present who wished to speak the hearing was closed at 6:08 pm.

Mr. Adams moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. Slaughter. The motion carried 5 to 0. Ms. Buchanan was absent.

#### **GENERAL HIGHWAY MATTERS:**

Mr. Jim Keene, VDOT Land Development Specialist, was present on behalf of Ms. Lisa Price-Hughes, Residency Administrator, who was unable to attend the meeting. Mr. Keene discussed the safety study at the Intersection of Routes 58 and 684 (Carver Road). He stated VDOT's regional traffic engineering office continues to work on the operation analysis of the intersection and is in the process of finalizing and making a decision on the study within the next several weeks. Mr. Keene stated they have an interchange lighting and signage project on Route 58 and U.S. Route 220 bypass. He stated AEP expects to install the polls for the lights on Route 58 that will light up the ramps for southbound U.S. 220 and the west bound ramp coming off of the bypass. He stated the sign panels for the additional signage to be used in conjunction with the lighting have been made and should be installed within the next month. He stated Ms. Hughes met with a property owner on Stultz Road and some additional signage would be installed. Mr. Keene briefly discussed various road and bridge conditions affected during the recent flooding and also some that were washed out. Mr. Keene stated VDOT is in the process of

determining pipe sizes and cost estimates in order to get those repaired. He stated the Route 220 Bridge project in Ridgeway is approximately 80% complete and ahead of schedule. He stated a pre-construction meeting is scheduled on January 28 on the Route 220 concrete median installation project in the Bassett Forks area. VDOT anticipates construction to begin on or before April 6, 2010. Also a pre-construction meeting is scheduled on Route 174 turn-lane project at Colonial Drive with construction to begin on or before April 6, 2010.

Following was some general comments from several Board members regarding miscellaneous highway issues. Mr. Vaughn thanked Mr. Keene for his update on highway matters.

There being no further business to discuss Mr. Slaughter moved at 7:18 pm to continue the meeting to February 1, 2010 at 3:00 pm at the Public Safety Building, second by Mr. Kendall. The motion carried 5 to 0. Ms. Buchanan was absent.

**Bos.Minutes.January 26.2010.3pm.sb**