

**HENRY COUNTY BOARD OF SUPERVISORS  
MINUTES**

**June 28, 2011 – 3:00 pm**

The Henry County Board of Supervisors held its regular meeting on June 28, 2011, 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; Darrell Jones, Director of Finance; Richard Stanfield, Deputy Director of Finance; and Susan Reynolds, Director of Human Resources.

Sheriff Lane Perry, Sgt. Ronnie Minter, and Deputy Jamison from the Sheriff's Office were present. Debbie Hall of the Martinsville Bulletin and Ron Morris of B-99 were also present.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Mr. Slaughter gave the invocation and Mr. Adams 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.

Mr. Summerlin noted a couple of additions to the agenda as well as a change in order of current agenda items. The Board was in agreement to the changes.

**RECOGNITION OF EMPLOYEES – SHERIFF'S OFFICE**

Sgt. Ronnie Minter recognized several officers who were present as part of their field training: Richard Martin, Giles Parnell, Darrell Foley, and John Cartmell. Sgt. Minter said they are part of the last basic training graduating class.

**ITEMS OF CONSENT:**

**Confirmation of Minutes of Meetings**

(Copy included in Board's File).

- May 24, 2011

### **Approval of Accounts Payable**

(Copy included in Board's File).

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

### **CONSIDERATION OF REQUEST FOR VARIANCE OF EMT CERTIFICATION PERIOD – SETH HELMS**

Mr. Dale Wagoner, Director of Public Safety, asked the Board to consider a request for variance for Seth Helms' EMT certification period. Mr. Helms was present at the meeting. Mr. Wagoner stated that Mr. Helms is a long-time volunteer for the Fieldale-Collinsville Rescue Squad and has served in the US Army for the past five years, including a tour of duty in Iraq. During that time, Mr. Helms fell behind on his EMT certification. Mr. Wagoner explained that the Virginia Office of EMS allows variances for an extension of time. Mr. Helms is requesting a 30-day extension from June 30 to July 30 to complete the necessary requirements so he can continue to provide services to the squad and community once he finishes his active tour of duty July 18. Mr. Wagoner said the Virginia Office of EMS requires approval by the local governing body before it can grant the request.

Mr. Adams made a motion to approve the variance and extension request, seconded by Mr. Slaughter and unanimously carried. The Board thanked Mr. Helms for his service to our country.

### **CONSIDERATION OF RESOLUTION REGARDING "LINE OF DUTY" INSURANCE COVERAGE**

Mr. Summerlin stated that last month the Board discussed action by the 2011 Virginia General Assembly that shifted the obligation for paying "Line of Duty" benefits for sheriff's deputies, paid public safety personnel and volunteers from the Commonwealth to the locality. This change is effective July 1, 2011. The Board approved a resolution for Henry County to join the Virginia Association of Counties' Group Self-Insurance Risk Pool for coverage of these benefits for the next 12 months. Since that meeting staff has learned that the Board also needs to approve a resolution opting out of the Virginia Retirement System Line of Duty Program. Mr. Summerlin explained that although the County decided to opt out of the VRS LOD Program, it is still liable for any pending liability claims to VRS.

Mr. Bryant made a motion to adopt the resolution, seconded by Mr. Kendall and carried 5 to 0. Mr. Vaughn was absent.

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

Mr. Scott Grindstaff reviewed the monthly reports on delinquent tax collection efforts. Mr. Grindstaff said Mr. Rife reported that 20% of the 250 VRW stops placed since April 1 have been collected.

Ms. Buchanan asked about the referrals to TACS in May and June. Mr. Grindstaff said the 23 referrals on his report were as of the end of April and the number has not been updated due to decal sales. Ms. Buchanan asked if personal property and real estate tax collections were in line with last year's numbers. Mr. Grindstaff said collections are probably a little ahead on both due to TACS collection efforts but he will give an update next month.

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

Rev. Tyler Millner requested time on the Board's agenda to discuss several issues. Rev. Millner first asked the Board for an explanation of why it did not support an updated study on a consolidated school system. Also, Rev. Millner asked the Board if it feels a consolidated school system would be an economic benefit to the community. Rev. Millner suggested that the Board create a community summit group to study job creation and other ways to support economic development. Rev. Millner also asked the Board to assist in the creation of a summer jobs program for students. Lastly, Rev. Millner proposed that the Board utilize the resources of the 200 African-American churches in the Martinsville-Henry County area and explore ways the faith-based community can help address economic development.

The Board thanked Rev. Millner but did not respond to his comments.

### **MONTHLY UPDATE FROM THE MARTINSVILLE-HENRY COUNTY ECONOMIC DEVELOPMENT CORPORATION**

Mr. Mark Heath, President of the Martinsville-Henry County Economic Development Corporation, was present to make the monthly update to the Board. Mr. Heath reviewed a summary of activities by division (Copy included in Board's File). Mr. Heath said the EDC is working with a total of 21 projects, including 7 active projects.

Mr. Heath reported that the EDC plans to submit an application to the Tobacco Commission in July for a \$700,000 grant to be used for a grading project. Mr. Heath said Lot 2, a more than 25-acre tract and the largest non-rail pad remaining in the Patriot Centre, is the next potential lot that needs to be graded. Mr. Heath said the estimated cost of grading is \$950,000. Mr. Heath said the grant requires a local match of \$250,000 and the EDC and County have agreed to split the match equally if the grant is approved. Mr. Heath said the application requires a letter of support from the local governing body. Mr. Summerlin stated if the Board approves the request, there are sufficient funds in the IDA budget to cover the County's half of the match. Ms. Buchanan asked if this was a revenue-sharing lot. Mr. Summerlin replied that it is a revenue-shared lot with the County receiving two-thirds and the City one-third, but the County would be reimbursed for its expenses before any revenue is shared. Mr. Heath said there is no guarantee the grant will be approved but he thinks the project meets all of the criteria set forth by the Tobacco Commission. Mr. Adams moved that the Board approve a letter in support of an application to the Tobacco Commission for a \$700,000 grant and authorize a \$125,000 local match with the EDC also contributing \$125,000 if the grant is approved, seconded by Mr. Slaughter and carried 5 to 0. Mr. Vaughn was absent.

### **AWARD OF CONTRACT RE: REPLACEMENT LIGHTS AT JAYCEE PARK TENNIS COURTS – PARKS AND RECREATION**

Mr. Summerlin said funding for this project was previously approved by the Board from unexpended funds in the current budget. Five bids were received for replacing the tennis court lights at Jaycee Park and the low bid was \$21,400 from Shively Electric. Mr. Summerlin said the existing budget contains \$20,000 for this project; however, there are remaining funds in the capital budget left over from a Parks and Recreation truck purchase to cover the remaining \$1,400. Mr. Summerlin said in addition to the award of contract, staff recommends a transfer of \$1,400 from the capital budget to cover the cost of the project.

Mr. Slaughter made a motion to award the contract to Shively Electric in the amount of \$21,400 and transfer \$1,400 from the capital budget as requested, seconded by Mr. Kendall and unanimously carried. Mr. Vaughn was absent.

### **TRANSFER APPROPRIATION RE: RECOVERY ZONE ECONOMIC DEVELOPMENT BOND FUNDS – SCHOOL BOARD**

Mr. Summerlin said the School Board is requesting a transfer appropriation of \$121,081 from the facility category to the debt service category. The money is what remains from the Magna Vista roof project, which was funded by Recovery Zone Economic Development Bond funds. The School Board has received permission from Steve Mulroy with VML/VACo's financial arm, which issued the bond, to use the remaining funds for the next bond payment.

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

### **TRANSFER APPROPRIATION RE: ASSORTED PROJECTS – SCHOOL BOARD**

Mr. Summerlin said the School Board is requesting multiple transfer appropriations totaling \$1,105,000 to help finish several projects as outlined in a memo from Dr. Jackson. The transfers would come from the instruction, administrative/attendance and health, operations and maintenance, and contingency categories to the transportation and facility categories. A complete list of the affected projects is included on the Transfer Appropriation sheet.

Mr. Kendall made a motion to approve the transfer request contingent on the School Board also approving the action, seconded by Mr. Slaughter and unanimously carried. Mr. Vaughn was absent.

### **TRANSFER APPROPRIATION RE: STREET SIGN SUPPLIES – PLANNING, ZONING AND INSPECTION**

Mr. Summerlin said Mr. Lee Clark is requesting Board approval for a transfer of \$4,000 from the Building Inspection salary and wages cost center of his budget to the street signs and expenses cost center. The money would be used to purchase

additional supplies for making street signs. Mr. Summerlin said since the request crosses cost centers, Board approval is required. Also, the transfer needs to be carried over to FY '12 to allow purchase of the materials.

Mr. Slaughter made a motion to approve the transfer appropriation as requested and authorize that the transfer be carried over to FY '12, seconded by Mr. Kendall and carried 5 to 0. Mr. Vaughn was absent.

Ms. Buchanan questioned if the Sheriff's Office is notified when street signs are damaged. Mr. Summerlin said Lee Clark oversees replacement of street signs but he thinks most incidents are a matter of missing signs. Sheriff Perry said he feels scrap dealers would notify the Sheriff's Office if people brought in street signs.

#### **ADDITIONAL APPROPRIATION RE: INSURANCE PAYMENT FOR VEHICLES – SHERIFF'S OFFICE**

Mr. Summerlin said Sheriff Perry is asking the Board to make an additional appropriation of \$8,000 coming from insurance payments for repair work on some of the department's patrol cars. The money would be placed in the repairs and maintenance vehicles line item.

Mr. Slaughter made a motion to approve the additional appropriation in the amount of \$8,000, seconded by Mr. Bryant and unanimously carried. Mr. Vaughn was absent.

#### **ADDITIONAL APPROPRIATION RE: EXPENSE REIMBURSEMENTS – SHERIFF'S OFFICE**

Mr. Summerlin said Sheriff Perry is requesting the Board to make an additional appropriation of \$650 into the police supplies line item. The money is coming from reimbursements of towing expenses incurred by the Sheriff's Office during the processing of evidence.

Mr. Kendall made a motion to approve the additional appropriation as outlined, seconded by Mr. Slaughter and carried 5 to 0. Mr. Vaughn was absent.

#### **AWARD OF CONTRACT – SOUTH STREET NEIGHBORHOOD IMPROVEMENT PROJECT**

Mr. Summerlin said Rodney Wood Construction was the low bidder for the rehabilitation of Gertrude Law's residence at 2550 Fairy Stone Park Highway in the amount of \$31,075. Mr. Summerlin said the house is located within the South Street Neighborhood Project and was approved by the South Street Housing Rehab Board at its June 23, 2011 meeting. Mr. Summerlin said the project will be paid for with CDBG funds.

Mr. Slaughter made a motion to award the contract to Rodney Wood Construction in the amount of \$31,075 for the rehabilitation of 2550 Fairy Stone Park Highway, seconded by Mr. Bryant and unanimously carried. Mr. Vaughn was absent.

## **PRESENTATION BY REPRESENTATIVES OF THE BOYS AND GIRLS CLUB OF THE BLUE RIDGE**

Dr. James Beckner, a recent retiree from the school system and volunteer with the club, was present to thank the Board for its support of the Boys and Girls Club of the Blue Ridge. Dr. Beckner said participants in the club have better behavior, improved grades, and improved school attendance.

Also present was Michael Waddell, Development Officer for the Boys and Girls Club of the Blue Ridge. Mr. Waddell thanked the Board for its generous support, not only for its monetary donation, but for its public support through attendance at various events and volunteerism.

Mr. Waddell introduced Alexis Adams, a student who was involved in the program at Laurel Park and is a rising freshman at Magna Vista. Ms. Adams said she has been attending the Boys and Girls Club since the third grade and currently attends the Teen Center and Camp Excel. Ms. Adams said it has opened the door to numerous opportunities. Ms. Adams said staff encourages you to do your best in school and your community. Ms. Adams said the tutoring she received enabled her to pass all four SOL's and she was voted "Most Improved" in her eighth grade class. Ms. Adams said she hopes to continue to be a member of the Teen Center and one day a staff member.

## **INFORMATIONAL ITEMS**

### **Comments from the Board**

Mr. Slaughter remembered Mr. John Staples, who recently passed away and offered the Board's condolences to his family. Mr. Slaughter said he had the opportunity to do an interview with Channel 10 on litter about a month ago and also received a call from Channel 7 last week. Mr. Slaughter said he hopes to keep this issue in the forefront and maybe people will begin to listen. In addition, Mr. Slaughter said he has received emails from several areas around the state and apparently Henry County is not the only place with litter problems. Mr. Slaughter also discussed the "Cruise In" that was recently hosted in the City and its economic impact on the community.

Mr. Kendall was involved in the "Cruise In" and said it is a good family event and draws business to local establishments. Mr. Kendall said organizers hope for more participation in the future.

Mr. Adams thanked Mr. Summerlin for his diligence on the I-73 project.

Ms. Buchanan encouraged everyone to attend the July 4<sup>th</sup> celebration at Martinsville Speedway.

Mr. Summerlin reminded the Board to review the draft regional water supply plan that he emailed prior to the July meeting. Mr. Summerlin said this is a mandatory requirement by the state and it will require an ordinance amendment and public hearing. Mr. Summerlin reported they are beginning to receive information from the consultant on the marina feasibility study. Mr. Summerlin said the Board discussed two issues during the budget work sessions that you wanted to review at the end of the fiscal year, an operating contribution to the rescue squads and clean-up of unsafe structures. Mr. Summerlin referred Board members to the distributed handouts (Copies included in

Board's File). Mr. Summerlin said there is \$81,587 remaining in the Contingency Fund and it is his understanding that the Board wishes to allocate \$7,000 to each rescue squad as an operating contribution, plus \$7,000 to the EMS supplemental services, leaving \$39,587 for unsafe structure demolition. Mr. Summerlin said Mr. Jones prepared a spreadsheet by district that shows the beginning unsafe structure balance plus the additional allocated funds, \$6,597.83, and a revised balance if approved today. Mr. Summerlin said a motion would be required to approve the appropriation from the Contingency Fund and allow the funds to be carried over to FY '12.

Mr. Kendall made a motion to approve the appropriation from the Contingency Fund as requested, seconded by Mr. Bryant and carried 5 to 0. Mr. Vaughn was absent.

Lastly, Mr. Summerlin reported that Henry County closed on the South Martinsville School and the Board no longer owns that facility.

### **CLOSED MEETING**

Mr. Adams moved that the Board go into a closed meeting at 3:57 p.m., seconded by Mr. Slaughter and unanimously carried to discuss the following.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Park and Recreation Board, Roanoke River Basin Association, and Southern Area Agency on Aging 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 5:07 p.m. on a motion by Mr. Bryant, seconded by Mr. 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.

**Parks and Recreation Board** – Mr. Kendall moved to reappoint Mervin Brown, Iriswood District, to a three-year term beginning July 1, 2011, seconded by Mr. Bryant and carried 5 to 0. Mr. Vaughn was absent.

**Southern Area Agency on Aging Board** – Mr. Slaughter moved to appoint Mark Ivey, Jr. to a three-year term beginning June 1, 2011, seconded by Mr. Adams and unanimously carried.

The Board recessed its meeting at 5:08 p.m. until the 6:00 evening session.

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

### **MATTERS PRESENTED BY THE PUBLIC**

Mr. Doug Jackson, Ridgeway District, expressed concerns about traffic hazards on Kings Mill Road and request that the Board look into a remedy. Mr. Jackson said the road is narrow and access roads branching off it are wider than the road itself. In addition, Mr. Jackson said there is one section of the road in a curve with a 10-foot drop into a creek that has no guardrail.

Ms. Buchanan thanked Mr. Jackson for coming and noted that Ms. Hughes with VDOT was present and heard Mr. Jackson's concerns.

### **PUBLIC HEARING – PROPOSED AMENDMENTS TO ZONING ORDINANCE**

Mr. Lee Clark said this public hearing is to consider possible changes to the Henry County Zoning Ordinance that would define homeless shelters, transitional living facilities, halfway houses, community correctional facilities, assisted living facilities, and group homes. Also, the amendment would determine which zoning classifications to consider these uses, all of which would require the issuance of a Special Use Permit by the Henry County Board of Zoning Appeals prior to the use being established. Mr. Clark said a summary of the changes and a copy of the complete amendments as they would appear in the ordinance was included in the Board's working papers.

Mr. Clark said the Planning Commission discussed these amendments in detail on May 11 and a public hearing was held on June 15. Following the public hearing and consideration of public comments, the Planning Commission recommended approval of the proposed amendments.

Ms. Buchanan opened the public hearing at 6:05 p.m. There being no one present who wished to speak, the public hearing was closed at 6:06 p.m. Mr. Adams moved that the Board follow the recommendation of the Planning Commission and adopt the proposed amendments to the Zoning Ordinance, seconded by Mr. Slaughter and carried 5 to 0. Mr. Vaughn was absent.

### **PUBLIC HEARING – REZONING APPLICATION R-11-07 - NOEL K. AND BLANCHE H. CAMPBELL**

Mr. Clark said the property is located at 900 Wagon Trail Road, at the corner of Tara Drive and Wagon Trail Road in the Horsepasture District and is shown on Tax Map 59.6(8)/3-8 and 59.3/72C. The applicant is requesting the rezoning of approximately 3-

acres from Suburban Residential District S-R and Mixed Residential District M-R to Neighborhood Commercial District B-2. The applicant wishes to build a home at 60 Tara Drive that will be used as their residence and as a bed and breakfast, and to convert the existing residence at 900 Wagon Trail Road into a winery and tasting room. Following a public hearing, both the Planning Commission and staff recommended approval of the rezoning request.

Ms. Buchanan opened the public hearing at 6:08 p.m.

Ms. Yvonne Anderson, Horsepasture District, said that although she did not want to prevent anyone from starting a business, she has concerns about increased traffic, the possibility of the property later being used for another type of business without another public hearing, and the possibility of festivals or similar events disrupting the neighborhood.

Ms. Demetrie Edwards, Horsepasture District, said that she, her mother, and aunt all live nearby and she is concerned about residents' safety. Ms. Edwards said there are a lot of elderly people who live on this road, the area is quiet and people are happy with the way things are.

Mr. Andrew Anderson, Horsepasture District, questioned the size of the winery and any future plans for expansion. Mr. Anderson said residents encountered problems in the past when property was rezoned for a transmission shop.

Mr. Warren Hodges, Horsepasture District, who lives right beside of the vineyard, spoke in favor of the winery. Mr. Hodges said Mr. Campbell takes a lot of pride in what he does and is a man of his word. Mr. Hodges said he knows there are not going to be any problems and he thinks we need all the business in Henry County we can get.

Ms. Blanche Campbell, the applicant, addressed resident's concerns and said that she and her husband see the winery as more of a "mom and pop" endeavor, a hobby turned into a business after they retired. Ms. Campbell said they have no plans for expansion; it may get to the point where someone wants to have a wedding or anniversary there, but they do not foresee any festivals. Ms. Campbell said she and her husband are originally from the area and they want a place everybody can be proud of.

There being no one else who wished to speak, the public hearing was closed at 6:16 p.m.

Mr. Adams asked if the Planning Commission felt there were any additional restrictions or proffers necessary. Mr. Clark said there was no one present at the Planning Commission meeting but it did discuss in detail and did not see a need for proffers or other restrictions. Mr. Clark said the applicants are in the process of obtaining the building permit for the primary residence which will be used in part for a bed and breakfast if the rezoning request is approved. Mr. Clark said under Neighborhood Commercial District B-2, the property could be used for other functions such as an antique shop, small retail business, etc. Mr. Clark said the Planning Commission was opposed to the rezoning request for the transmission shop several years ago and wanted to see the property rezoned to B-2 at that time but the Board of Supervisors chose to approve it. Mr. Clark said the Planning Commission sees this as an appropriate zoning for the area in question.

Ms. Buchanan said she understands the resident's concerns but does not see the winery as a detriment to the community. Mr. Adams asked Ms. Buchanan if she had

heard any negative feedback concerning the Preston Ridge Winery which opened within the last couple of years and Ms. Buchanan said none that she is aware of.

Mr. Bryant asked if any future expansion of the business would require approval from the Planning Commission. Mr. Clark said if the owners wanted to change the use of the property, it could require rezoning, but if they simply wanted to add on to the winery or the house, they would not have to come before the Planning Commission.

Ms. Edwards and Ms. Anderson again expressed their initial concerns with the rezoning request.

Mr. Slaughter made a motion to approve the recommendation of the Planning Commission and grant the rezoning request, seconded by Mr. Bryant and unanimously carried. Mr. Vaughn was absent.

### **GENERAL HIGHWAY MATTERS**

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

- Safety project on 220 South (lower end of Ridgeway) scheduled to begin after July 4; work will include enclosing a ditch and storm sewer and widening/paving the shoulder to prevent accidents
- Upgrading signs on bypass
- Mowing continues
- Surface treating/paving beginning after July 4

Mr. Slaughter asked who is responsible for mowing behind the guardrail at Nautica Way. Mr. Summerlin said the County is responsible for anything behind the guardrail and has a contractor come in twice a year.

Mr. Kendall asked if any progress had been made on Stoney Mountain Road across from Morning Star Church. Ms. Hughes said they do plan to fill in some and widen the inside of the curve.

Ms. Buchanan noted that Soapstone and Horsepasture Price Roads have a number of bad areas that need to be patched.

Mr. Slaughter requested that Ms. Hughes look into a creek near Fred Martin's property that is approaching the edge of the road. Mr. Slaughter said he had spoken to Mr. Joyce about it but was not sure if he understood where he was talking about.

There being no further business to discuss, Mr. Adams moved to adjourn at 6:36 p.m., seconded by Mr. Slaughter and carried 5 to 0. Mr. Vaughn was absent.