

**HENRY COUNTY BOARD OF SUPERVISORS  
MINUTES**

**September 27, 2011 – 3:00 pm**

The Henry County Board of Supervisors held its regular meeting on September 27, 2011, at 3:00 pm in Courtroom B of the Henry County Courthouse, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Debra Buchanan, Vice-Chairman H.G. Vaughn, Milton Kendall, Tommy Slaughter, and Joe Bryant. Jim Adams 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, Major Steve Eanes, Sgt. Ronnie Minter, and Deputy Mike Hooper from the Sheriff's Office were present. Debbie Hall of the Martinsville Bulletin and Ron Morris of B99 were also present.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Mr. Vaughn gave the invocation and Mr. Bryant 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 thanked everyone in attendance for their understanding in the change of venue for today's meeting. Mr. Summerlin explained there was a power outage at the Administration Building and staff had contacted all those individuals on the agenda, as well as posted notices on the doors at the Administration Building informing the public of the change in location.

Ms. Buchanan noted a couple of additions to the agenda of which the Board was in agreement.

**ITEMS OF CONSENT:**

**Confirmation of Minutes of Meetings**

(Copy included in Board's File).

- August 23, 2011

### **Approval of Accounts Payable**

(Copy included in Board's File).

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

### **CONSIDERATION OF PROCLAMATION ESTABLISHING OCTOBER 2011 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN HENRY COUNTY**

Ms. Melissa Gravely and Ms. Deborah Menefee with Citizens Against Family Violence were present to request the Board declare October 2011 as "Domestic Violence Awareness Month" in Henry County.

Mr. Slaughter read the proclamation aloud and made a motion that the Board adopt as presented, seconded by Mr. Bryant and unanimously carried.

### **MATTERS PRESENTED BY THE PUBLIC - GLENDA STONE**

Ms. Glenda Stone, Blackberry District, was present to express her concerns about the Blue Ridge Regional Library System and its Board, including the treatment of library employees and the manner in which an audit of the Bassett Historical Center was conducted. Ms. Stone encouraged the Board to meet with their counterparts in Martinsville, Patrick County, the Library Board, and Friends of the Blue Ridge Library to address concerns related to the library system.

### **MATTERS PRESENTED BY THE PUBLIC – MARTINSVILLE-HENRY COUNTY TAXPAYERS ASSOCIATION**

Mr. Randy Scott of the Martinsville-Henry County Taxpayers Association requested time on the Board's agenda but emailed staff today and said he would not be attending.

### **UPDATE ON PHILPOTT MARINA FEASIBILITY STUDY**

Mr. Summerlin said in December 2010 the Board authorized staff to pursue an update of the Philpott Marina Feasibility Study that was done in 2004. Mr. Summerlin said staff had been working with the Corps of Engineers and Parks and Recreation and engaged the Lane Group to do that update. Mr. Doug Covington of the Lane Group was present to brief the Board on the progress. Mr. Covington summarized the revised study as follows (Copy included in Board's File):

- Proposed marina would cost an estimated \$700,000 with 10% added for administrative fees, for a total of \$771,375.
- Marina would include gas sales, bait and tackle shop, fueling slip and gangway access.
- Marina would include 40 new wet boat slips; paved parking areas for 30 vehicular spaces, and 12 extended spaces to accommodate trucks and trailers.

- Annual operational costs projected at \$75,011; annual income projected at \$100,620.

Mr. Summerlin said there is an additional option not included in the study that could potentially reduce construction costs by approximately \$100,000. Mr. Summerlin said the Corps has offered the use of the No. 1 boat launch area, the main launch area near the dam, if that would be more feasible to develop.

There was some general discussion amongst the Board. Mr. Summerlin recommended that the Board review the updated study for discussion at a future meeting. Mr. Vaughn asked that the revised study be placed on the County's website for review by citizens.

### **DESIGNATION OF VOTING REPRESENTATIVE FOR THE 2011 VIRGINIA ASSOCIATION OF COUNTIES (VACO) ANNUAL MEETING**

Mr. Summerlin said the 2011 VACo Annual Meeting is scheduled for November 13-15 and each County is asked to designate a member of its elected Board and an alternate to vote on the County's behalf on any issues that may arise. Supervisors Adams, Slaughter, Vaughn, and Bryant plan to attend this year's session.

Mr. Bryant made a motion to designate Mr. Slaughter as the Board's representative and Mr. Vaughn as an alternate, seconded by Mr. Kendall and carried 3 to 2. Mr. Vaughn and Mr. Slaughter abstained.

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

Mr. Scott Grindstaff reviewed the monthly reports on delinquent tax collection efforts.

Mr. John Rife with Taxing Authority Consulting Services (TACS) was also present to update the Board on collection efforts. Mr. Rife reported that a hearing has been set for October 11 on 16 real estate parcels. Mr. Rife said he is hopeful that they can collect on many of these beforehand, but once the pre-sale hearing is held, an auction will be scheduled for the sale of these properties within 30 days. Mr. Rife said TACS has another 46 properties that title work has been completed on and should be scheduled for sale the first quarter of 2012. Mr. Rife said personal property collections are continuing to progress as staff works with the IS department to obtain a better electronic file for the DMV stops.

Mr. Rife said he has also met with Mr. Lee Clark concerning possible non-judicial sales. Mr. Rife explained that non-judicial sales involve very small parcels. Statute allows localities to sell properties valued under \$10,000 that are unimproved and less than one-tenth of an acre or considered to be unbuildable. In addition, the taxes must be delinquent five years.

### **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 26 projects, including 9 active projects.

**ADDITIONAL APPROPRIATION RE: FIRE PROGRAMS AID TO LOCALITIES – PUBLIC SAFETY**

Mr. Summerlin said Dale Wagoner, Director of Public Safety, is asking the Board to accept and appropriate \$122,599 from the Virginia Department of Fire Programs Aid to Localities Fund. Mr. Wagoner indicates the money must be used to pay for training, construction of training centers, firefighting equipment and protective clothing. In the past Henry County has allocated its appropriation equally among the eight volunteer fire departments. That would result in a per-department allocation of \$15,324.87 this year.

Mr. Kendall made a motion to accept and appropriate the \$122,599 as requested, seconded by Mr. Bryant and carried 5 to 0. Mr. Adams was absent.

**ADDITIONAL APPROPRIATION RE: SCHOOL NUTRITION PROGRAM – SCHOOL BOARD**

Mr. Summerlin said Dr. David Martin is asking the Board to approve an additional appropriation of \$131,583 from the Virginia Department of Education for Axton, Campbell Court, Carver, Rich Acres, and Sanville elementary schools. The money would be used for the Fresh Fruit and Vegetable Program.

Mr. Bryant made a motion to approve the additional appropriation as requested, seconded by Mr. Slaughter and unanimously carried.

**ACCEPTANCE OF AND ADDITIONAL APPROPRIATION RE: 21<sup>ST</sup> CENTURY COMMUNITY LEARNING CENTERS GRANT – SCHOOL BOARD**

Mr. Summerlin said Dr. David Martin is asking for Board approval of a 21<sup>st</sup> Century Community Learning Centers Grant. According to Dr. Martin the grant would allow the School Board continue a partnership with the Boys and Girls Club of the Blue Ridge that's resulted in an after-school program at Laurel Park Middle School. The grant is for \$200,000 for an additional year of the program.

Mr. Vaughn moved that the Board accept the grant and approve the appropriation as requested, seconded by Mr. Slaughter and carried 5 to 0. Mr. Adams was absent.

**ADDITIONAL APPROPRIATION RE: VIDEO VISITATION SYSTEM – SHERIFF'S OFFICE**

Mr. Summerlin said Sheriff Perry is asking the Board to appropriate \$21,753.23 to help pay for the inmate video visitation project in the County Jail. According to Sheriff Perry, the money was realized from charging each inmate \$1.50 per day, as allowed by state code. Sheriff Perry is requesting the money be combined with \$50,000 set aside by Henry County to purchase the video system.

Mr. Kendall made a motion to approve the additional appropriation as requested, seconded by Mr. Bryant and unanimously carried.

### **ADDITIONAL APPROPRIATION RE: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT – SHERIFF’S OFFICE**

Mr. Summerlin said Sheriff Perry is asking the Board to appropriate and Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$22,996. According to Sheriff Perry, the money would be used to provide continued support to Neighborhood Watch programs and the Citizen/Teen Academy, and to provide overtime pay to sheriff’s deputies to provide extra law enforcement in parts of Henry County.

Mr. Slaughter made a motion to appropriate the \$22,996 grant, seconded by Mr. Bryant and carried 5 to 0. Mr. Adams was absent.

### **AWARD OF CONTRACT – RIVERSIDE DRIVE NEIGHBORHOOD IMPROVEMENT PROJECT**

Mr. Summerlin said at its meeting on September 26, 2011 the Riverside Drive Housing Rehab Board approved the low bid to Kenneth Robertson Construction in the amount of \$56,500 for the new construction of the Garland and Mozelle Stone property located at 3190 Riverside Drive, Bassett, Virginia.

Mr. Slaughter made a motion to award the contract in the amount of \$56,500 to Kenneth Robertson Construction for the new construction at 3190 Riverside Drive, seconded by Mr. Vaughn and unanimously carried.

### **INFORMATIONAL ITEMS**

#### **Comments from the Board**

Mr. Bryant said he received a letter from Friends of the Library that he would like to discuss later (Copy included in Board’s File).

Ms. Buchanan stated that the annual community-wide coat drive for children is now underway.

Mr. Summerlin recognized the Parks and Recreation Department for receiving two awards for outstanding service related to the Dick and Willie Trail.

Mr. Summerlin reported that staff continues to work with the City of Martinsville and Ridgeway on updating our solid waste management plan which must be done periodically to comply with state law.

Mr. Summerlin reminded the Board of the RTI tour tomorrow at 9:00 a.m. at the RTI site.

### **CLOSED MEETING**

Mr. Slaughter moved that the Board go into a closed meeting at 3:59 p.m., seconded by Mr. Vaughn and unanimously carried to discuss the following.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Blue Ridge Regional Library 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 5:32 p.m. on a motion by Mr. Slaughter, seconded by Mr. Bryant 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. Vaughn, and Ms. Buchanan.

**Blue Ridge Regional Library Board** – Mr. Slaughter made a motion to appoint Mary Louise Deel to an unexpired term ending June 30, 2013, seconded by Mr. Bryant and carried 5 to 0. Mr. Adams was absent.

Ms. Buchanan said the Board has decided to move to district appointments for the Library Board so as to offer fairer representation county-wide. Ms. Buchanan said the current members will be assigned a district to represent regardless of which district they reside in and as vacancies open, the Board will attempt to appoint members from each of the districts.

Mr. Lyle commented that it would not be appropriate for all of the boards to meet in closed session as requested by an anonymous citizen via a letter to Mr. Bryant. Mr. Lyle said the library is considered a state entity and is overseen by the Library Board; any concerns about its policies or other issues should be addressed to the Library Board.

**Henry-Martinsville Department of Social Services Facility Cost Agreement -**  
Mr. Vaughn moved that the Board approve a new facility cost agreement between the County, City, and Henry-Martinsville Department of Social Services, seconded by Mr. Slaughter and carried 5 to 0. Mr. Adams was absent.

The Board recessed its meeting at 5:37 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 – REID YOUNG**

Mr. Reid Young was present to address the Board concerning the area's litter problem. Mr. Young said our area is one of the worst in terms of litter and it is hurting our economic development efforts. Mr. Young said education is the key and encouraged the Board to work with the school system to start anti-litter programs in the classroom and possibly sponsor contests between schools. Mr. Young also suggested the creation of a hotline to report those who litter. Mr. Young cited examples of fines imposed in other states and the use of signage. Mr. Young thanked the Board for its time.

## **PUBLIC HEARING - REZONING APPLICATION - R-11-09 – SAMMY J. HANDY**

Mr. Lee Clark said the property is located at 8962 Fairy Stone Park Highway, just west of Cobler Road in the Blackberry District and is shown on Tax Map 13.7/11J. The applicant is requesting the rezoning of approximately 2.2-acres from Suburban Residential District S-R to Rural Residential District R-R. The applicant wishes to place a single wide manufactured home on this property. Following a public hearing, both the Planning Commission and staff recommended approval of the request.

Ms. Buchanan opened the public hearing at 6:12 p.m. There being no one present who wished to speak, the hearing was closed at 6:12 p.m. Mr. Bryant made a motion to approve the rezoning request, seconded by Mr. Slaughter and carried 5 to 0. Mr. Adams was absent.

## **PUBLIC HEARING - REZONING APPLICATION - R-11-08 – 1219 ENTERPRISES, L.L.C./JERRY HARPER, JR.**

Mr. Lee Clark said the property is located 0.2 mile south of the end of Frank Wilson Avenue in the Horsepasture District and is shown on Tax Map 40.1/7C. The applicant is requesting the rezoning of approximately 15-acres from Industrial District I-1 to Agricultural District A-1. The applicant wishes to build a home on this property. Following a public hearing, both the Planning Commission and staff recommended approval of the request.

Ms. Buchanan opened the public hearing at 6:14 p.m. There was no one present to speak and the public hearing was closed at 6:14 p.m. Mr. Vaughn moved that the Board approve the rezoning request, seconded by Mr. Bryant and unanimously carried.

## **PUBLIC HEARING – PROPOSED ABANDONMENT, 30' R/W OFF ORCHARD DRIVE**

Mr. Lee Clark said Ms. Avie Peak is requesting the abandonment of a 30' right-of-way located at 1500 Orchard Drive in the Blackberry District. This section of road was never constructed but does have the potential to be used as access by other properties that currently use a connecting right-of-way off County Line Road. Staff is of the opinion that there is no public necessity for the continuance of this section of right-of-way as a public road. VDOT has advised that they have no objection to this abandonment. Staff recommends approval of the request.

Ms. Buchanan opened the public hearing at 6:15 p.m. There being no one present who wished to speak, the hearing was closed at 6:15 p.m. Mr. Bryant made the following motion, seconded by Mr. Kendall and carried 5 to 0. Mr. Adams was absent.

**“Be it ordained and resolved that a section of a 30’ right-of-way identified as running from its intersection with Orchard Drive (SR 677), north approximately 421’, to the rear of Tracts D and E. This right of way is located in the Blackberry District, shown on a map for Avie C. Peak, dated July 17, 2011, prepared by Terry A. Waller, L.L.S., and recorded in the Henry County Circuit Court Clerk’s Office in MB 94, PG 244., be vacated and abandoned, subject to the rights of owners of any utilities previously installed.”**

### **GENERAL HIGHWAY MATTERS**

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

- Two safety projects progressing, Route 58 at the intersection of Carver Road and Route 220 South in Oak Level.
- Beginning shoulder widening on Stoney Mountain Road.
- Reminded the Board of the design public hearing for the Preston Road project scheduled for September 29, 5-7 p.m., at the Horsepasture Volunteer Fire Department.
- Continue to work on painting and paving projects.

Mr. Slaughter expressed concerns about Route 220 Business in the Reed Creek area and the difficulty in crossing traffic.

Mr. Kendall again asked that a guardrail be placed on Stoney Mountain Road.

Ms. Buchanan asked Ms. Hughes about the options of installing “No Littering” signs. Ms. Hughes said VDOT would just need to verify the County ordinance on fines for littering. Ms. Buchanan asked Mr. Lyle to review the matter and report back next month. Mr. Vaughn made a motion to install “No Littering” signs, seconded by Mr. Bryant and carried 5 to 0. Mr. Adams was absent. Ms. Buchanan also requested that Ms. Hughes report next month on the number and location of signs already installed.

### **REQUEST FOR “WATCH FOR CHILDREN” SIGN ON PHOSPHO SPRINGS ROAD IN THE RIDGEWAY DISTRICT**

Mr. Vaughn made a motion to install a “Watch for Children” sign on Phospho Springs Road in the Ridgeway District, seconded by Mr. Slaughter and unanimously carried. Mr. Vaughn also inquired about the speed limit on this road. Ms. Hughes said some areas of the road are posted at 25 mph, but unposted areas are 55 mph. Ms. Hughes said she would look into the matter.

There being no further business to discuss, Mr. Slaughter moved to adjourn at 6:26 p.m., seconded by Mr. Bryant and carried 5 to 0.