

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

February 26, 2013 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on February 26, 2013, at 3:00 pm in the Summerlin Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Jim Adams, Vice-Chairman Tommy Slaughter, Debra Buchanan, H.G. Vaughn, Milton Kendall, and Joe Bryant.

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

Deputies Mike Hooper and Mark Jamison, Inv. Brian Lawson, and Lt. Col. Steve Eanes of the Sheriff's Office were present. Also present were Debbie Hall and Paul Collins of the Martinsville Bulletin, Ron Morris of B99, Kip Wallace of WBTW, and a staff member of Cable 18.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Slaughter gave the invocation and Ms. Buchanan led in the Pledge of Allegiance.

CALL TO ORDER:

Chairman Adams 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.

ITEMS OF CONSENT:

Confirmation of Minutes of Meetings

(Copy included in Board's File).

- January 22, 2013
- January 28, 2013
- February 5, 2013

Approval of Accounts Payable

(Copy included in Board's File).

Mr. Bryant moved the Items of Consent be adopted, seconded by Mr. Vaughn. The motion carried 6 to 0.

CONSIDERATION OF PROCLAMATION ESTABLISHING MARCH 2013 AS "AMERICAN RED CROSS MONTH" IN HENRY COUNTY

Mr. Hall said officials with the local chapter of the American Red Cross requested the Board declare March 2013 as "American Red Cross Month" in Henry County.

Mr. Bryant read the proclamation aloud and made a motion the Board adopt it as presented, seconded by Mr. Slaughter and unanimously carried. Ralph Lawson and Chris Brenner with the American Red Cross were present to accept the honor.

CONSIDERATION OF PROCLAMATION ESTABLISHING FEBRUARY 25-MARCH 2, 2013 AS "HENRY COUNTY SAVES WEEK" IN HENRY COUNTY

Mr. Hall said officials with the United Way of Henry County & Martinsville have requested the Board declare February 25 through March 2, 2013 as "Henry County Saves Week." Mr. Hall said America Saves Week is a national initiative to promote long-term financial stability and raise awareness of the importance of a sound savings plan for families and individuals.

Ms. Buchanan read the proclamation aloud and moved the Board adopt it as presented, seconded by Mr. Kendall and carried 6 to 0. Lynn Ward with United Way was present to receive the proclamation.

MATTERS PRESENTED BY THE PUBLIC – SKIP RESSEL AND MAX KENDALL

Mr. Skip Ressel and Mr. Max Kendall requested time on the agenda to ask for the Board's support of a resolution requesting the Commonwealth Transportation Board to consider making a section of the proposed I-73 from the Patriot Centre Business Park to the 58 bypass as its first priority for construction. Mr. Ressel presented the Board with a petition signed by 440 businesses in Henry County and Martinsville requesting the same. (Copy included in Board's File)

Mr. Milton Kendall read the resolution aloud and made a motion the Board adopt it and forward it along with the petition to the CTB, VDOT, and our legislators, seconded by Mr. Bryant and carried 6 to 0.

MATTERS PRESENTED BY THE PUBLIC – NAOMI HODGE-MUSE

Ms. Naomi Hodge-Muse, President of the local unit of NAACP, was present to request that the Board join efforts of surrounding localities to officially oppose lifting a ban on uranium mining in Virginia.

MATTERS PRESENTED BY THE PUBLIC – BARBARA MCCRAW

Ms. Barbara McCraw, a resident of the Ridgeway District, was present to address the Board concerning her property reassessment. Ms. McCraw said the real estate taxes on her home are more than the assessed value of the property and she asked the Board to consider lowering the assessment.

CONSIDERATION OF A COUNTY ORDINANCE REGARDING REPORTING / RECORDATION PROCEDURES FOR SCRAP METAL RECYCLERS

Mr. Lyle said in December the Board approved an ordinance regarding reporting and recordation procedures of pawn dealers and precious metal dealers. At the time, scrap metal recyclers were contextually included as part of the public hearing and related discussion, but were not part of the final version of the ordinance. Mr. Lyle said he is now recommending that the Board proceed with adoption of the ordinance as it relates to scrap metal dealers. In addition, Mr. Lyle distributed a supplemental revision for the Board's consideration which pertained to precious metals dealers whose principal place of business is outside of Henry County but receives or purchases articles in Henry County. (Copy included in Board's File)

Mr. Vaughn moved the Board adopt the ordinance changes as outlined by Mr. Lyle including the additional change pertaining to precious metals dealers, seconded by Mr. Kendall and carried 6 to 0.

CONSIDERATION OF ISSUES RELATED TO "WATCH FOR CHILDREN" SIGNS

Mr. Hall said the Board discussed this topic at its January meeting and asked that it be placed on the agenda this month for further discussion. Mr. Hall said VDOT will no longer install "Watch For Children" signs and it will cost the County approximately \$300 per sign installation.

Mr. Vaughn made a motion the Board postpone any further discussion on "Watch For Children" signs indefinitely, seconded by Mr. Slaughter and unanimously carried.

REPORT ON DELINQUENT TAX COLLECTION EFFORTS

Mr. Scott Grindstaff reviewed the monthly reports on delinquent tax collection efforts. Mr. Grindstaff noted that 89.95% of 2012 personal property taxes have been collected; 88.62% of 2012 real estate taxes; and in 2013, TACS collected approximately \$39,499. In addition, Mr. Grindstaff said there are 285 in-house accounts and 25 VRW stops collected in February. Mr. Rife with TACS was also present and reported they are actively pursuing the personal property delinquent accounts through the VRW stops.

CONSIDERATION OF HENRY COUNTY TECHNOLOGY ZONE EXTENSION

Mr. Hall said in January 2003 the Board created a Technology Zone in Henry County with the intent to provide a locally-managed option for possible incentives for technology-based companies. The Code of Virginia allows the creation of such zones by the locality on a 10-year cycle, with the locality having the option to continue the Technology Zone for additional 10-year periods. Mr. Hall said Henry County's initial 10-year period expired in January 2013, so the Board has the option to extend the program for an additional 10 years.

Mr. Hall said although Henry County has not used the Technology Zone option yet, it does give us another option for recruiting companies; therefore staff recommends the extension of the Technology Zone program for another 10-year period.

Ms. Buchanan moved the Board extend the Technology Zone program retroactive to January 2013, seconded by Mr. Slaughter and carried 6 to 0.

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 11 projects, including 4 active projects. Mr. Heath reminded the Board of the Northwest True Value Hardware grand opening on March 23.

Mr. Heath also reported on the EDC's plans to expand its role in retail recruitment. Mr. Heath said he feels the EDC can work within its current budget to achieve this goal by assigning additional duties to current staff and doing a better job branding and marketing our small business and tourism divisions. Mr. Heath said they would immediately create a retail portal on the YesMartinsville.com website to direct clients to local developers and brokers, as well as the EDC's Small Business Division. Mr. Heath also said the tourism and small business divisions will step up efforts on promotions and services to increase the number of visitors to the area, noting this was an issue identified by local commercial developers as one needing attention. Mr. Heath added that the EDC will work with Phoenix Community Development and the Harvest Foundation to identify niche market opportunities. Lastly, Mr. Heath said Lisa Fultz will be the point of contact for all retail initiatives including pursuing and following up on contacts and taking calls from those interested in locating in Henry County and Martinsville. Mr. Heath said Ms. Fultz will attend the monthly Board meetings to report on the retail sector.

ADDITIONAL APPROPRIATION RE: HARVEST GRANT – DEPARTMENT OF PUBLIC SAFETY

Mr. Hall said Rodney Howell is asking the Board to accept and appropriate a grant from the Harvest Foundation in the amount of \$10,000 to be used to develop a public relations campaign directed at preparing residents for a disaster. The program has been titled, "Get through 72," which will encourage residents to plan to be self-sufficient for the first 72 hours following a disaster.

Mr. Slaughter made a motion the Board accept and appropriate the grants funds as outlined, seconded by Ms. Buchanan and unanimously carried.

Award of Contract and Additional Appropriation re: Firearms – Sheriff's Office

Mr. Hall said Sheriff Perry is asking the Board to award two contracts and appropriate funds necessary to change from .40 caliber to .45 caliber weapons, one to Town Police Supply in Collinsville, VA in the amount of \$51,062.78 and the other to Atlantic Tactical of New Cumberland, PA in the amount of \$29,601.78. Mr. Hall said of the cost of the change, \$52,913.00 will come from Federal Asset Forfeiture funds and

the remaining balance will come from internal transfer of funds in the existing law enforcement budget and from the sale of .40 caliber ammunition to another local jurisdiction.

Mr. Kendall moved the Board award both contracts and appropriate the funds as requested, seconded by Mr. Bryant and carried 6 to 0.

REQUEST TO RETAIN FY 2012 CARRY-OVER FUNDS – SCHOOL BOARD

Mr. Hall said Dr. Cotton is asking the Board for permission for the School Board to retain \$1,935,261 in carry-over funds from the FY 2012 budget. Dr. Cotton indicates that the School Board would use the funds primarily for maintenance and operational projects. Mr. Hall said staff recommends that the request be tabled until work on the FY 2014 County Budget is farther along.

Ms. Buchanan made a motion the Board defer a decision on the School Board's request to March once staff is farther along in the budget process, seconded by Mr. Slaughter and unanimously carried.

INFORMATIONAL ITEMS

Comments from the Board

There were no comments from the Board or staff.

CLOSED MEETING

Ms. Buchanan moved that the Board go into a closed meeting at 4:06 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 Industrial Development Authority, Planning Commission, Patrick Henry Community College Board, Building Code Board of Appeals, and the Dan River Alcohol Safety Action Program Board.
- 2) §2.2-3711(A)7 for Discussion of Pending Legal Matters.
- 3) §2.2-3711(A)3 for Discussion of the Acquisition/Disposal of Real Estate.
- 4) §2.2-3711(A)5 for Discussion of As-Yet Unannounced Industries.
- 5) §2.2-3711(A)29 for Discussion of the Award of a Public Contract

OPEN MEETING

The Board returned to an open meeting at 5:08 p.m. on a motion by Ms. Buchanan, seconded by Mr. Slaughter and unanimously carried.

CERTIFICATION OF CLOSED MEETING:

Mr. Wagoner read the Certification of the Closed Meeting and took a roll call vote. Those voting in the affirmative were Mr. Bryant, Mr. Kendall, Mr. Vaughn, Ms. Buchanan, Mr. Slaughter, and Mr. Adams.

JOINT MEETING WITH HENRY COUNTY SCHOOL BOARD – 4TH FLOOR CONFERENCE ROOM

The School Board convened for a joint budget work session with the Board of Supervisors. Chairman Joseph DeVault called the meeting of the School Board to order at 5:15 pm. Members of the School Board present were: Chairman Joseph DeVault, Kathy Rogers, Francis Zehr, and Curtis Millner; absent were Vice Chairman Betsy Mattox, Rudy Law, and Terri Flanagan. Superintendent Jared Cotton and Chief Financial Officer Dawn Lawson were also present as well as other staff members of the School Board.

Dr. Cotton made a presentation and reviewed the FY 2014 Budget with members of the Board and staff (Copy of Presentation included in Board's File). There were no questions from the Board.

Mr. Millner made a motion the School Board adjourn at 5:40 p.m., seconded by Ms. Rogers and carried unanimously.

CLOSED MEETING

Ms. Buchanan moved that the Board go into a closed meeting at 5:37 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 Industrial Development Authority, Planning Commission, Patrick Henry Community College Board, Building Code Board of Appeals, and the Dan River Alcohol Safety Action Program Board.
- 2) §2.2-3711(A)29 for Discussion of the Award of a Public Contract

OPEN MEETING

The Board returned to an open meeting at 5:56 p.m. on a motion by Ms. Buchanan, seconded by Mr. Slaughter and unanimously carried.

CERTIFICATION OF CLOSED MEETING:

Mr. Wagoner read the Certification of the Closed Meeting and took a roll call vote. Those voting in the affirmative were Mr. Bryant, Mr. Kendall, Mr. Vaughn, Ms. Buchanan, Mr. Slaughter, and Mr. Adams.

Industrial Development Authority – Ms. Buchanan moved the Board reappoint Wade Nelson to a four-year term ending March 31, 2017, seconded by Mr. Kendall and carried 6 to 0.

Planning Commission - Mr. Slaughter made a motion the Board reappoint Fred Spencer, Collinsville District, Glenwood Vaughn, Iriswood District, and Hal West, Blackberry District, to four-year terms ending March 31, 2017, seconded by Ms. Buchanan and unanimously carried.

Dan River Alcohol Safety Action Program Board – Mr. Bryant moved the Board reappoint J.R. Powell to a three-year term ending March 31, 2016, seconded by Mr. Vaughn and unanimously carried.

Patrick Henry Community College Board – Mr. Vaughn made a motion the Board appoint Barry Helmstutler to an unexpired term ending June 30, 2014, seconded by Ms. Buchanan and carried 6 to 0.

Mr. Adams recessed at 5:58 p.m. until the 6:00 evening meeting.

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

Mr. Adams recognized members of Boy Scout Troop 167 of Bassett and requested they open the meeting by leading in the Pledge of Allegiance. Andrew Nolin of Troop 167 was among those present and honored for his recent achievement of Eagle Scout. Mr. Adams presented Mr. Nolin with a commendation letter from the Board.

RECOMMENDATION BY THE FIREFIGHTERS ASSOCIATION FOR FY '13-'14 FUNDING

Mr. Jerry Adams, President of the Martinsville-Henry County Firefighter's Association, requested time on the agenda to discuss the Association's FY '13-'14 budget requests. Mr. Adams said the Association is recommending that the capital improvement contribution of \$175,000 from the County be granted to Patrick Henry Volunteer Fire Department for the purchase of a custom top-mount pumper/tanker which will replace a 1986 pumper.

Mr. Kendall moved the Board consider the request along with all other requests for the FY '13-'14 Budget, seconded by Mr. Bryant and carried 6 to 0.

RECOMMENDATION BY THE RESCUE SQUAD ASSOCIATION FOR FY '13-'14 FUNDING

Mr. Darren Lockridge, President of the Henry County-Martinsville Rescue Squad Association, requested time to discuss the Association's FY '13-'14 budget requests.

Mr. Lockridge said the Association decided at their January meeting there was no immediate need for an ambulance and is requesting that they be allowed to use the \$95,000 for building repairs to the Ridgeway Rescue Squad. Mr. Lockridge said the Ridgeway Rescue Squad has an extreme contamination of mold and is in urgent need of remediation. Mr. Lockridge said he is aware the capital improvement program funds are earmarked for the purchase of an ambulance; so if the Board chooses not to allow the \$95,000 to be used for repairs to Ridgeway Rescue Squad, the Association recommends the money go to Horsepasture Rescue Squad for the purchase of a new ambulance to replace one that is 10 years old and beginning to have maintenance issues.

Mr. Lockridge further requested the Board continue to allocate the Four-For-Life funds received each year to each of the rescue squads and public safety; \$37,000 for upgrade of computers in ambulances county-wide; \$4,000 appropriated to public safety for annual training of volunteers in Norfolk; and reinstatement of \$7,500 to each squad for upgrade of new radios.

Ms. Buchanan asked if the Horsepasture Rescue Squad was agreeable to the capital improvement funds being used at Ridgeway Rescue Squad. Mr. Lockridge said he was not present at the meeting but it is his understanding the captain of Horsepasture Rescue Squad said if the money was needed elsewhere, then the squad was okay with that decision.

Mr. Bryant said the Board was faced with a similar issue last year when the Fieldale-Collinsville Rescue Squad wanted to purchase a vehicle other than an ambulance. Mr. Bryant said he would like to see the Board address current policy in the very near future on how funding is used.

Mr. Vaughn moved the Board consider the request along with all other requests for the FY '13-'14 Budget, seconded by Mr. Slaughter and unanimously carried.

PUBLIC HEARING – PROPOSED ABANDONMENT, SECTION OF A 40' RIGHT-OF-WAY OFF ORCHARD DRIVE IN THE BLACKBERRY DISTRICT

Mr. Lee Clark said Brandon and Ashley Martin are requesting the abandonment of a portion of a 40' right-of-way off Orchard Drive in the Blackberry District. The Martins are aware that new surveys will be required to combine several lots to prevent "landlocking" parcels. Mr. Clark said staff is of the opinion that there is no public necessity for the continued existence of this section of right-of-way and VDOT has advised that they have no objection to this abandonment.

Mr. Adams opened the public hearing at 6:23 pm. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:23 pm. Mr. Kendall made the following motion, seconded by Mr. Slaughter and carried 6 to 0:

"Be it ordained and resolved, that a section of 40' right-of-way in the Blackberry District (See Exhibit A) be vacated and abandoned. The section is described as beginning approximately 208' off the north side of Orchard Drive and extending approximately 181.59' on the east side of said right-of-way to a previously abandoned section. On the west side of said right-of-way, the proposed abandonment begins 180' from Orchard Drive and

extends approximately 120' to the same previously abandoned section. The current right-of-way is shown on a map for R.H. Koger heirs, prepared by C.M. Wyatt, dated July 1959, and recorded in MB 14, PG 71; and a map for Brandon L. and Ashley T. Martin, prepared by Terry A. Waller, dated October 3, 2012, and recorded in MB 94, PG 432. This abandonment is subject to the rights of owners of any utilities previously installed.”

PUBLIC HEARING – COUNTY CODE CHANGES REGARDING ORGANIZATIONAL STRUCTURE AND AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY

Mr. Hall said in December, the Virginia Fire Services Board presented the Board with the results of the Fire and EMS Study for Henry County. During the Board's recent planning session, Public Safety Director Rodney Howell offered several recommendations for moving forward with improvements in fire and emergency medical services delivery, including the recommendation to amend the County code to create the fire division within the Department of Public Safety and to recognize the authority of the Public Safety Director. A public hearing is required before any code changes can be approved.

Mr. Adams opened the public hearing at 6:30 pm. There was no one present who wished to speak so Mr. Adams closed the public hearing at 6:31 pm. Ms. Buchanan noted the creation of a fire division will not require additional staff. Mr. Kendall moved the Board adopt the recommended code changes as outlined, seconded by Mr. Slaughter and carried 6 to 0.

MATTERS PRESENTED BY THE PUBLIC

There was no one present who wished to speak.

GENERAL HIGHWAY MATTERS

Mr. David Kiser, Assistant Resident Engineer for the Virginia Department of Transportation, was present to update the Board on General Highway Matters.

Mr. Kiser reported on the safety project at the intersection of Route 58 and Carver Road. He said today was the end of the willingness period and so far no requests for a public hearing have been received. Mr. Kiser said the advertising date for the project is still November 2014.

Mr. Kiser said the Public Service Authority has done some temporary repairs to a section of Colonial Drive in Collinsville where the PSA did some water line work; permanent repairs will be done once the asphalt plant reopens.

PRESENTATION BY CRAIG “ROCKY” ROCKWELL, OPERATIONS MANAGER AT PHILPOTT LAKE

Mr. Craig Rockwell requested time to provide an update on Philpott Lake. Also in attendance was Greg Williams with the U.S. Army Corps' engineering branch of the Wilmington Office. Mr. Rockwell and Mr. Williams presented information on Philpott

Dam's safety rating after it was lowered last year from DSAC (Dam Safety Action Class) IV to DSAC III on a scale of 1 to 5, with one being the worst and five being the best. Mr. Williams said no Corps dams have a DSAC V class rating. Mr. Rockwell said the rating more accurately reflects the dam's 60-year age and corresponding cracks and there is no danger to the public. The rating system helps determine priority for federal funding for improvements to Corps dams with almost all funding going to dams rated Class I.

Mr. Rockwell said Philpott Dam was completed in 1952 and the first cracks were documented in 1966. Inspections and assessments take place annually, every five years, every 10 years, and other special inspections such as after an earthquake. Mr. Rockwell also reported that Philpott Dam provides about \$12 million a year in property flood protection.

There being no further business to discuss, Ms. Buchanan moved at 7:05 pm to continue the meeting until March 12, 2013 at 3 pm for a special meeting at Patrick Henry Community College, seconded by Mr. Bryant and carried 6 to 0.