

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

May 28, 2013 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on May 28, 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; Darrell Jones, Director of Finance; Richard Stanfield, Deputy Director of Finance; Michelle Via, Administrative Assistant; Susan Reynolds, Director of Human Resources; and George Lyle, County Attorney.

Deputy Mike Hooper and Lt. Eric Hairston of the Sheriff's Office were present. Also present were Debbie Hall of the Martinsville Bulletin, Ron Morris of B99, Kip Wallace of WBTW, and Charles Roark of Cable 18.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Rev. Thurman Echols 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).

- April 23, 2013

Approval of Accounts Payable

(Copy included in Board's File).

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

MATTERS PRESENTED BY THE PUBLIC – THURMAN ECHOLS, JR.

Rev. Thurman Echols, pastor of Moral Hill Baptist Church, requested time on the agenda to discuss the issue of skateboarders. Rev. Echols said his congregation spent between \$150,000 and \$200,000 to replace an exterior wall and rails, only to have them damaged by skateboarders. Rev. Echols said the church property was used on two different occasions but most of the damage was sustained during the first incident. Rev. Echols said the second time, he was alerted that the activity was happening so he went to the church and confronted the skater. Rev. Echols said he had to call the Henry County Sheriff's Office to make the skater leave and the church now has a warning sign posted.

MATTERS PRESENTED BY THE PUBLIC – TYLER MILLNER

Rev. Tyler Millner of the Iriswood District addressed the Board on a number of issues. Rev. Millner made several requests including making it easier for citizens to address the Board and allowing citizens to speak even if they do not ask to be placed on the agenda a minimum of seven days before the meeting. Rev. Millner said he thinks it is time for the community to move ahead past a controversy that arose when Martinsville City Council member Sharon Brooks-Hodge said she was offended by a square on a quilt made by students from the Piedmont Governor's School. Rev. Millner asked the county, the city, the Harvest Foundation, Chamber of Commerce and Ministerial Association to serve as the conveners of a community roundtable to talk about issues such as race relations and diversity training. Rev. Millner also suggested reading a common book and then having discussion in the community as a way to work on solving problems. In addition, Rev. Millner called on governmental groups, such as the Board, to do a social audit that uses gauges such as budget priorities to determine how residents are being represented. Lastly, Rev. Millner said getting the media involved in race discussions and diversity training also is important.

DISCUSSION OF ISSUES RELATED TO SKATEBOARDERS

Mr. Kendall requested this item be placed on the agenda to allow for discussion of issues related to skateboarders trespassing on private property and damaging property.

Mr. Lyle said he researched the legal aspects of creating an ordinance related to skateboarders and included a letter containing the recommended language for an ordinance in the Board's working papers. Mr. Lyle explained that anyone can post signs on their property as the church did, but the only charge that can be filed is for trespassing; however, the state code gives counties the ability to make it illegal "for any person to skate or ride a skateboard on any paved private or public sidewalk, stairs, driveway or parking lot where such activity is prohibited by signs conspicuously posted," and it would carry a \$50 civil fine. There was some general discussion including the need for a skate park similar to the one in Martinsville.

Mr. Kendall made a motion the Board set a public hearing for June 25, 2013 on the proposed ordinance, seconded by Mr. Slaughter and carried 6 to 0.

APPROPRIATION OF THE FY 2013-14 COUNTY BUDGET

Mr. Hall said the Board adopted the FY 2013-14 Total County Budget at its April 23, 2013 meeting, including setting of tax rates and adoption of the School Budget. However, no County funds can be expended or obligated until an appropriation has been made.

Mr. Vaughn moved the Board approve the Appropriations Resolution as outlined, seconded by Mr. Bryant and unanimously carried. Mr. Hall took a roll call vote. Those voting in the affirmative were Mr. Bryant, Mr. Kendall, Mr. Vaughn, Ms. Buchanan, Mr. Slaughter, and Mr. Adams.

CONSIDERATION OF SPECIAL ELECTION FOR HENRY COUNTY COMMONWEALTH'S ATTORNEY

Commonwealth's Attorney Bob Bushnell addressed the Board to formally tender his resignation effective July 1, 2013 and to thank the Board personally for their support over the past 23 years.

Mr. Adams said a special election is required for a replacement to serve out the remainder of Mr. Bushnell's term which is due to expire December 31, 2015. The special election would be held as part of the regular election scheduled for November 5, 2013.

Mr. Kendall made a motion to approve a request to the Circuit Court that a special election be held November 5, 2013 to fill the unexpired term ending December 31, 2015, seconded by Ms. Buchanan and carried 6 to 0.

REPORT ON DELINQUENT TAX COLLECTION EFFORTS

Mr. Scott Grindstaff reviewed the monthly reports on delinquent tax collection efforts. Mr. Grindstaff noted that 96.14% of 2012 personal property taxes have been collected; 92.35% of 2012 real estate taxes; and since January 1, TACS has collected approximately \$214,775. In addition, Mr. Grindstaff said there are 237 in-house accounts and 25 VRW stops collected in May.

Ms. Buchanan inquired about delinquent meals tax accounts. Mr. Grindstaff said meals tax collections are up to date with the exception of two accounts. Mr. Lyle said he would follow-up on two delinquent accounts that have been referred to the commonwealth's attorney.

MONTHLY UPDATE FROM THE MARTINSVILLE-HENRY COUNTY ECONOMIC DEVELOPMENT CORPORATION

Ms. Lisa Lyle, Director of Recruiting and Marketing for the Martinsville-Henry County Economic Development Corporation, was present to make the monthly update to the Board. Ms. Lyle reviewed a summary of activities by division (Copy included in Board's File). Ms. Lyle said the EDC is working with a total of 12 projects, including 5 active projects.

Ms. Lyle also addressed the recent resignation of Lisa Fultz and assured the Board that Mr. Heath and staff is aware of the importance of the small business division and filling the position is a top priority for the EDC.

CONSIDERATION OF RESOLUTION IN SUPPORT OF ISSUANCE OF BONDS BY CITY OF HARRISONBURG, VA INDUSTRIAL DEVELOPMENT AUTHORITY RE: SUNNYSIDE PRESBYTERIAN HOME/KING'S GRANT RETIREMENT COMMUNITY

Mr. Hall said when Sunnyside Presbyterian Home/King's Grant located in Henry County, the Industrial Development Authority was part of the bond issuance process. Sunnyside/King's Grant now wants to refinance the project's current bonds to make improvements to facilities here as well as in Harrisonburg and Waynesboro.

Mr. Hall said a public hearing of the Henry County Industrial Development Authority was required for the refinancing to move forward, since the IDA played a role in the original financing process. Mr. Hall said the public hearing was held May 22 and the IDA approved a resolution in support of the refinancing. Mr. Hall said that resolution also requires action by the Board. Mr. Hall said there is no financial implication or expectation of either the Board of Supervisors or the IDA as part of this refinancing; the bonds will once again flow through the City of Harrisonburg IDA.

Mr. Bryant made a motion the Board approve the resolution as presented, seconded by Mr. Slaughter and carried 6 to 0. Mr. Hall took a roll call vote. Those voting in the affirmative were Mr. Bryant, Mr. Kendall, Mr. Vaughn, Ms. Buchanan, Mr. Slaughter, and Mr. Adams.

CATEGORICAL TRANSFER APPROPRIATION REQUEST - SCHOOL BOARD

Mr. Hall said Dr. Cotton is asking the Board to approve a categorical transfer appropriation of \$850,000 from various unspent funds in the FY '13 budget. According to Dr. Cotton, the transferred funds will be used to purchase furniture for the New Tech program at Magna Vista High School (\$100,000), replace outdated laptop computers (\$250,000), perform building improvements at Bassett High School (\$423,000), and purchase SmartBoards for use in the classrooms (\$77,000).

Mr. Slaughter made a motion the Board approve the transfer as outlined contingent on the School Board doing the same at its June 6 meeting, seconded by Mr. Vaughn and unanimously carried.

AWARD OF CONTRACT RE: REPLACEMENT VEHICLES – BUILDING INSPECTION DEPARTMENT AND ASSESSOR'S OFFICE

Mr. Hall said funds were included in the FY '13 budget for a new vehicle for the Building Inspection department and additional funds were appropriated last month for a new vehicle for the Assessor's Office. Both of these vehicles were purchased from Sheehy Ford using State Contract #E194-1350. Even though the vehicles were purchased from the State contract, the Board must authorize the purchase order to Sheehy Ford in the amount of \$24,440.60 for each vehicle.

Mr. Bryant made a motion to award the contract as outlined, seconded by Ms. Buchanan and carried 6 to 0.

INFORMATIONAL ITEMS

Comments from the Board

Mr. Hall said the Commonwealth Transportation Board's district meeting for our region is June 4 at 6 pm at Northside High School in Roanoke. Mr. Hall said our consultant for I73 recommends having representation at the meeting. Mr. Adams added that Aaron Burdick with the West Piedmont Planning District Commission indicated he would be glad to attend on behalf of the Board if needed.

Mr. Hall noted June 11 will be Henry County night at the Martinsville Mustangs game. Lastly, Mr. Hall said the Chamber/EDC Business Appreciation Luncheon is scheduled for June 18 at noon. Mr. Hall asked the Board to inform Mr. Wagoner if they plan to attend.

CLOSED MEETING

Mr. Slaughter moved that the Board go into a closed meeting at 3:58 p.m., seconded by Ms. Buchanan and unanimously carried to discuss the following.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Blue Ridge Regional Library Board, Parks and Recreation Board, Community Policy and Management Team, Piedmont Regional Community Services Board, and Southside Community Action 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.

OPEN MEETING

The Board returned to an open meeting at 5:14 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.

Parks and Recreation Board – Mr. Bryant moved to reappoint Shirley Horton, Collinsville District, Scott Gauldin, Horsepasture, and DeWitt House, At-large member,

to three-year terms ending June 30, 2016, seconded by Ms. Buchanan and unanimously carried.

Community Policy & Management Team – Mr. Kendall made a motion to appoint Henry Daniels and Erin Jenkins to two-year terms ending June 30, 2015, seconded by Mr. Bryant and carried 6 to 0.

Piedmont Regional Community Services Board – Mr. Slaughter moved to reappoint Dr. Paulette Simington to a three-year term ending June 30, 2016, seconded by Ms. Buchanan and unanimously carried.

Southside Community Action Board – Mr. Vaughn made a motion to reappoint Rev. Thurman Echols to a two-year term ending June 30, 2016, seconded by Mr. Slaughter and carried 6 to 0.

Mr. Adams recessed at 5:17 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.

CONSIDERATION OF RESOLUTION REGARDING PIEDMONT GOVERNOR'S SCHOOL STAG ROBOTICS TEAM

Mr. Adams said members of the robotics team from the Piedmont Governor's School recently captured first place in the 2013 FIRST Robotics Competition Virginia Regional in Richmond, Virginia and went on to the national championships in St. Louis, Missouri.

Ms. Buchanan read the resolution aloud and moved the Board adopt it as presented, seconded by Mr. Slaughter and unanimously carried. Members of the robotics team were present to accept the resolution along with David Davis. Mr. Davis thanked the Board for its support.

MATTERS PRESENTED BY THE PUBLIC

Mr. Ethan Harr, Ridgeway District, addressed the Board concerning a skate park and offered his assistance if the Board chooses to move forward. Mr. Harr said he was instrumental in building the skate park in the city and is getting ready to open a skate shop in Martinsville-Henry County.

CONSIDERATION OF RESOLUTION IN HONOR OF THE MARTINSVILLE ELKS LODGE #1752 ON ITS 65TH ANNIVERSARY

Mr. Kendall read the resolution aloud and moved the Board adopt it as presented, seconded by Mr. Bryant and carried unanimously. Members of the Lodge were present to accept the honor.

PUBLIC HEARING – REZONING APPLICATION R-13-02 – LAWRENCE DEVELOPMENT, L.L.C.

Mr. Lee Clark said the property is located on the south side of A.L. Philpott Highway, between the intersections of Old Liberty Drive and Walsh Park Drive in the Iriswood District and is shown on Tax Map 45.7/9N. The applicant is requesting the rezoning of approximately 1.465-acres from Rural Residential District R-R to Commercial District B-1. The applicant wishes to combine this lot with adjoining Commercial B-1 property to establish a free standing retail use. Mr. Clark said following a public hearing, both the Planning Commission and staff recommended approval of the rezoning request.

Mr. Adams opened the public hearing at 6:16 pm. There being no one present who wished to speak, the public hearing was closed at 6:16 pm. Mr. Kendall moved the Board approve the rezoning request as outlined, seconded by Mr. Slaughter and carried 6 to 0.

CONSIDERATION OF REQUEST FROM VOLUNTEER RESCUE SQUADS FOR EXEMPTION TO STATE REGULATIONS RELATED TO STAFFING

Mr. Hall said Rodney Howell on behalf of Bassett Rescue Squad, Fieldale-Collinsville Rescue Squad, and Ridgeway District Rescue Squad is asking for the Board's endorsement of an exemption request of Virginia's Rules and Regulations governing EMS agencies as it relates to volunteer staffing. The Department of Public Safety, including Axton Lifesaving Crew and Horsepasture Rescue Squad, was granted this exemption 13 years ago; thus, are not part of this request. EMS regulations require that all exemption requests be endorsed by the Board and/or County Administrator.

Mr. Bryant made a motion the Board approve the request, seconded by Mr. Vaughn and unanimously carried.

GENERAL HIGHWAY MATTERS

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

Ms. Hughes said the public hearing for the Secondary Roads Six-Year Plan and Construction Budget is scheduled for the June 25 meeting at 6 pm.

Ms. Hughes said the CTB will hold a public hearing to solicit public comments about bicycle, pedestrian and highway projects in the six-year program on June 4 at Northside High School. Ms. Hughes said the draft included a new safety project for US 220 South from Route 687 to the North Carolina line.

There being no further business to discuss, Mr. Slaughter moved to adjourn at 6:21 pm, seconded by Ms. Buchanan and carried 6 to 0.