

**HENRY COUNTY BOARD OF SUPERVISORS  
MINUTES**

**August 27, 2013 – 3:00 pm**

The Henry County Board of Supervisors held its regular meeting on August 27, 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, Milton Kendall, Joe Bryant and H.G. Vaughn.

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.

Lt. Eric Hairston and Deputy Mike Hooper of the Sheriff's Office were present. Also present were Paul Collins of the Martinsville Bulletin, Ron Morris of B99, Charles Roark of Cable 18, and BTW.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Mr. Lyle gave the invocation and Mr. Bryant 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).

- July 23, 2013

**Approval of Accounts Payable**

(Copy included in Board's File).

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

## **CONSIDERATION OF RESOLUTION ESTABLISHING “A DAY TO SERVE” IN HENRY COUNTY**

Mr. Hall said Aaron Burdick, Executive Director of the West Piedmont Planning District Commission is asking the Board for its support of the 2013 “Day to Serve” initiative. Mr. Hall said organizations and individuals are asked to commit to a day of service during September 15-29, 2013 and as part of this effort, County employees will be participating in the United Way’s Day of Caring on September 27.

Mr. Kendall moved the Board adopt the resolution as presented, seconded by Ms. Buchanan and unanimously carried.

## **CONSIDERATION OF PROCLAMATION ESTABLISHING SEPTEMBER 2013 AS “BABY SAFETY MONTH” IN HENRY COUNTY**

Mr. Hall said the Martinsville Exchange Club is asking the Board to adopt a resolution establishing September 2013 as “Baby Safety Month” in Henry County. The Exchange Club’s national project is child abuse prevention.

Mr. Vaughn read the proclamation aloud and made a motion the Board accept it as presented, seconded by Mr. Bryant and carried 6 to 0. Ms. Teresa Prillaman with the Exchange Club was present to accept the proclamation.

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

Mr. Scott Grindstaff reviewed the monthly reports on delinquent tax collection efforts. Mr. Grindstaff noted that 96.73% of 2012 personal property taxes have been collected; 93.17% of 2012 real estate taxes; and since January 1, TACS collected approximately \$411,757. In addition, Mr. Grindstaff said there are 205 in-house accounts and 6 VRW stops collected in August. Mr. Grindstaff also noted the 2013 real estate tax bills should be mailed out next week.

## **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 12 active projects. Mr. Heath also reported on the continued growth of the Smith River Fest which drew an estimated 2,400 people this year from 14 states. In addition, Mr. Heath provided an update on retail development including several new businesses such as Bojangles in Ridgeway, Uptown Sweets, and Marshalls is scheduled to open in October.

**APPROVAL OF PRE-CONTRACT DOCUMENTS RE: SOUTH STREET NEIGHBORHOOD IMPROVEMENT PROJECT**

Mr. Hall said in order to complete housing rehabilitation in the South Street neighborhood of Bassett, the county applied for and received \$993,020 in Community Development Block Grant funds from the Department of Housing and Community Development. As part of the pre-contract activities required for this grant, the Board is asked to approve several documents that were included in the Board's working papers: Section 3 Business and Employment Plan; Non-Discrimination Policy; Residential Anti-Displacement and Relocation Assistance Plan Certification; Fair Housing Certification; and Section 504 Grievance Procedure.

Mr. Slaughter moved the Board approve all documents as required by the Virginia Department of Housing and Community Development (DHCD) for the South Street Neighborhood Improvement Project Phase 2, seconded by Mr. Vaughn and carried 6 to 0.

**ADDITIONAL APPROPRIATION RE: ADDITIONAL STATE FUNDS – SCHOOL BOARD**

Mr. Hall said the School Board is requesting approval of an additional appropriation of \$541,164 from the Commonwealth of Virginia. The funds will be used to provide a two percent raise to school employees as of January 1, 2014.

Dr. Cotton explained that by waiting until January 1, the School Board is not required to make any match of state funds, it will not cost any additional money in the current year, and all employees will be eligible to receive the two percent raise. Dr. Cotton said he is aware that additional funding will need to be included in next year's fiscal budget in order to cover the raise.

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

**AWARD OF CONTRACT RE: REPLACEMENT VEHICLES - SHERIFF'S OFFICE**

Mr. Hall said Sheriff Perry is requesting the Board award a contract for two Chevrolet Tahoe Police SUV's to R.K. Chevrolet in Virginia Beach in the amount of \$61,152. Funding for these vehicles is included the FY 2013-14 County budget.

Mr. Bryant moved the Board award a contract to R.K. Chevrolet in the amount of \$61,152, seconded by Mr. Slaughter and carried 6 to 0.

**ADDITIONAL APPROPRIATION RE: SOCIAL SERVICES EMERGENCY FUNDS**

Mr. Hall said the Henry-Martinsville Department of Social Services manages an Emergency Fund to help clients throughout the year, and traditionally this fund is exhausted well before the end of the fiscal year. This year that fund actually has a balance remaining, and the County's share of that balance is \$1,871. Mr. Hall said Social Services Director Tanya Verlik is asking the Board to make an additional appropriation of that amount into the FY '14 Emergency Fund.

Mr. Slaughter made a motion the Board approve the additional appropriation as requested, seconded by Ms. Buchanan and unanimously carried.

## **INFORMATIONAL ITEMS**

### **Comments from the Board**

Ms. Buchanan noted she will be having a Horsepasture Community Meeting on September 17 at 7 pm at the Horsepasture Ruritan Club.

Mr. Hall reported on several issues: the grand opening of the new Commonwealth Laminating facility on August 29 at 10 am; Annual State of the City/County on September 18; shell building construction/finance bid process under way which will require a special meeting in September; and an update on the Philpott Marina.

## **CLOSED MEETING**

Mr. Slaughter moved that the Board go into a closed meeting at 3:35 p.m., seconded by Ms. Buchanan and unanimously carried to discuss the following.

- 1) §2.2-3711(A)7 for Discussion of Pending Legal Matters.
- 2) §2.2-3711(A)3 for Discussion of the Acquisition/Disposal of Real Estate.
- 3) §2.2-3711(A)5 for Discussion of As-Yet Unannounced Industries.

## **OPEN MEETING**

The Board returned to an open meeting at 4:36 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. Vaughn, Mr. Bryant, Mr. Kendall, Ms. Buchanan, Mr. Slaughter, and Mr. Adams.

The Board took no action out of closed session.

Mr. Adams recessed at 4:37 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.

## **MATTERS PRESENTED BY THE PUBLIC**

Mr. Chad Martin was present to inform the Board about an upcoming community softball game between the citizens and local law enforcement. Mr. Martin distributed a flyer to the Board and invited everyone to attend for an evening of fun and community fellowship. Sheriff Perry commended Mr. Martin for his efforts on what has become an annual event.

## **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 that contractors should be addressing the pavement dip near Nautica Way soon. Also, Mr. Kiser said traffic signal work is scheduled at four locations.

Ms. Buchanan asked if Ms. Hughes had received any update on the Route 609 intersection in Rangeley. Mr. Kiser said another study was done but it still does not warrant a traffic signal. Mr. Kiser said they are scheduled to do a field study to see if there are any other safety measures that can be taken.

Mr. Vaughan commented that he had noticed a couple of signs that had been knocked down by mowing crews and asked if they report that to VDOT for repair. Mr. Kiser said the mowing crews should report those incidents.

## **PROPOSED ORDINANCE PUBLIC HEARING - EXPENSES RELATED TO ILLICIT METHAMPHETAMINE OPERATIONS**

Mr. Lyle said in response to Sheriff Perry's concern about recovering costs for the clean-up of illicit methamphetamine operations, the Code of Virginia offers some limited remedy to recover clean-up expenses. Mr. Lyle prepared a local ordinance for the Board's consideration which requires a public hearing.

Mr. Adams opened the public hearing at 6:11 pm. There was no one present who wished to speak. Mr. Adams closed the public hearing at 6:11 pm. Ms. Buchanan moved the Board adopt the ordinance as presented, seconded by Mr. Slaughter and carried 6 to 0.

## **PROPOSED ORDINANCE PUBLIC HEARING - EXPENSES RELATED TO HOAX TERRORISM THREATS**

Mr. Lyle said while researching reimbursement for methamphetamine lab clean-up costs, it was discovered that costs for responding to hoax terrorism threats can also be recovered as part of the criminal proceeding. Mr. Lyle said a public hearing was scheduled to consider the ordinance.

Mr. Adams opened the public hearing at 6:13 pm. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:13 pm. Mr. Vaughan made a motion the Board adopt the proposed ordinance as outlined, seconded by Mr. Bryant and unanimously carried.

## **PROPOSED ORDINANCE PUBLIC HEARING - EXPENSES RELATED TO DRUNKEN DRIVING ACCIDENTS**

Mr. Lyle said the Commonwealth Attorney's Office recently requested adoption of an ordinance that will allow for some of the costs associated with responding to drunken driving accidents to be recovered from those convicted of driving under the influence or related offenses. The proposed ordinance was included in the Board's working papers.

Mr. Adams opened the public hearing at 6:15 pm. There was no one present who wished to speak. Mr. Adams closed the public hearing at 6:15. Mr. Bryant moved the Board adopt the ordinance as presented, seconded by Mr. Kendall and carried 6 to 0.

## **PUBLIC HEARING – REZONING APPLICATION R-13-05 – JOSHUA M. AND MONTANA D. MEEKS**

Mr. Lee Clark said the property is located at 1810 Hodges Farm Road, just west of Aspend Drive in the Blackberry District and is shown as Tax Map 39.4/82. The applicant is requesting the rezoning of approximately 1.417-acres from Suburban Residential District S-R to Rural Residential District R-R. The applicant is removing the damaged residence from the property and wishes to replace it with a single-wide manufactured home. Mr. Clark said following a public hearing, the Planning Commission and staff recommended the rezoning request.

Mr. Adams opened the public hearing at 6:17 pm. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:17. Ms. Buchanan made a motion the Board approve the rezoning request as outlined, seconded by Mr. Slaughter and unanimously carried.

## **PUBLIC HEARING – REZONING APPLICATION R-13-03 – D.H. GRIFFIN WRECKING COMPANY, INC.**

Mr. Clark said the property is located at 1131 Mica Road in the Ridgeway District and is shown on Tax Map 62.8(14)/1A,7-14 & 62.7(15)/1-3. The applicant is requesting the rezoning of approximately 18.4-acres from Industrial District I-1 to Limited Industrial District I-2 to operate a scrap metals recycling facility and automobile junkyard. Mr. Clark said this rezoning is the first of a two step process to establish this use on the property. The required Special Use Permit has been applied for and, pending approval of the rezoning request, will be heard by the Board of Zoning Appeals on August 28, 2013. Mr. Clark said following a public hearing, the Planning Commission and staff recommended approval of the rezoning request.

Mr. Clark said in addition to the original application request, D.H. Griffin has offered to plant trees along the East, South, and North sides of the proposed development; limit hours of operation to Monday through Friday, 7 am – 5:30 pm and Saturday 7 am – 1 pm (closed Sunday); not advertise the facility as a "U-Pull-It"; and paint the tall water tank/tower in company colors and maintain in good condition.

Mr. Adams opened the public hearing at 6:20 pm. There were a number of individuals who spoke both in opposition and in favor of the rezoning request. Those opposed cited a number of reasons including that the business would be noisy, be an

eyesore, lower property values, increase truck traffic, be unsafe for pedestrians, be incompatible with the largely residential area, disrupt the peace of the neighborhood, might cause environmental problems, wouldn't create a lot of jobs and should be located in an industrial park. Those speaking in opposition included Linda Pulliam, Ridgeway District; John Wyatt, Ridgeway District; Gary Hughes, Ridgeway District; David Laufenberg, Ridgeway District; Wayland Pulliam, Ridgeway District; and Gary Comfort, Ridgeway District.

Supporters of the rezoning said the business would bring needed jobs; that D.H. Griffin is a reputable company with well-run facilities and is a good corporate citizen; that the business would not create a lot of truck traffic nor excessive noise; would be a supplier for other companies; is environmentally friendly; and that some opponents who had learned the facts are no longer opposed to the plan. Individuals speaking in support of the rezoning included Doug Jackson, Ridgeway District; Jay Frith of Frith Construction; Samuel Pearman; Allen Pearman; and Larry Gillen, Counsel for D.H. Griffin. Sue Wyatt, Ridgeway District, also spoke and said some of her concerns had been addressed and that if the company will be a good neighbor, she would be supportive; but the company should be mindful of residents' concerns.

There being no one else who wished to speak, Mr. Adams closed the public hearing at 7:20 pm.

Mr. Vaughn said he had had many discussions with citizens, Lee Clark, and D.H. Griffin. Mr. Vaughn pointed out that Limited Industrial District I-2 is more restrictive than the Industrial District I-1, which he said allows more than 50 types of industries and manufacturing. Mr. Vaughn said D.H. Griffin had offered to address some of his concerns about the operation, such as offering to shorten hours of business and plant Leland Cypress or similar trees along several sides of the proposed development. Mr. Vaughn said the company also assured him that it would not transfer junk cars from its other operations to the proposed development. Mr. Vaughn said while he was concerned about sales of parts, the company said such sales are needed for profitability. Mr. Vaughn further asked that the BZA set conditions to limit noise and the number of vehicles allowed on the property.

On a motion by Mr. Vaughn and second by Mr. Slaughter, the Board voted unanimously to approve the rezoning request by D.H. Griffin.

There being no further business to discuss, Mr. Slaughter moved to adjourn at 7:30 pm, seconded by Ms. Buchanan and carried 6 to 0.