

**HENRY COUNTY BOARD OF SUPERVISORS  
MINUTES**

**May 27, 2014 – 3:00 p.m.**

The Henry County Board of Supervisors held its regular meeting on May 27, 2014, at 3:00 p.m. in the Summerlin Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman H.G. Vaughn, Vice-Chairman Tommy Slaughter, Debra Buchanan, Jim Adams, 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; George Lyle, County Attorney; Michelle Via, Administrative Assistant; Susan Reynolds, Director of Human Resources.

Lt. Troy Easter and Deputy John Accord of the Sheriff's Office were present. Also present was Ben Williams of the Martinsville Bulletin, Ron Morris of B99 and Charles Roark of Cable 18.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

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

**CALL TO ORDER:**

Chairman Vaughn 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 p.m. 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 p.m. may do so under Agenda Item - Matters Presented by the Public without contacting the County Administrator's Office.

Mr. Vaughn recognized and welcomed Legislative Assistant Gayle Barts with Congressman Robert Hurt's office.

**ITEMS OF CONSENT:**

**Confirmation of Minutes of Meetings**

Copy included in Board's File

- April 22, 2014

**Approval of Accounts Payable**

Copy included in Board's File

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

## **CONSIDERATION OF A RESOLUTION HONORING THE 75<sup>TH</sup> ANNIVERSARY OF COLONIAL DISTRICT EXCHANGE CLUBS**

Mr. Hall said the Martinsville Exchange Club will host the annual meeting and 75<sup>th</sup> anniversary celebration of the Colonial District Exchange Clubs on the weekend of June 6-8, 2014 at the Quality Inn-Dutch Inn in Collinsville. This will bring hundreds of Exchange Club members and their families from Virginia, Maryland and Delaware to our community.

Ms. Buchanan read aloud a resolution recognizing this milestone and to welcome Exchange Club members to our community. On a motion by Ms. Buchanan and seconded by Mr. Slaughter, the Board unanimously adopted the resolution. Ralph Lawson of the Martinsville Exchange Club was present to accept the honor.

## **APPROPRIATION OF THE FY 2014-15 COUNTY BUDGET**

Mr. Hall said the Board adopted the FY 2014-15 Total County Budget at its April meeting; however, no County funds can be expended or obligated until an appropriation has been made.

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

## **CONSIDERATION OF RESOLUTIONS RE: VIRGINIA RETIREMENT SYSTEM REQUIREMENTS**

Mr. Hall said the 2012 General Assembly mandated localities to require employees to contribute five percent toward their retirement. The mandate also requires localities to provide an offsetting salary increase to the employees. As permitted by the legislation, the County chose to phase in the five percent over five years. Mr. Hall said the Board must elect to increase the member contribution by at least one percent for FY 2015 and provide an offsetting salary increase effective July 1, 2014. The Board must certify compliance with this legislation by adopting the attached resolution.

Additionally, the Board must approve the employer contribution rates for the defined benefit retirement plan for the biennium beginning July 1, 2014. The VRS Board certified rate is 12.58%.

On a motion by Mr. Adams and seconded by Mr. Bryant, the Board unanimously approved the member contribution resolution as presented. On a motion by Mr. Bryant and seconded by Mr. Kendall, the Board unanimously adopted the employer contribution resolution as outlined.

## **CONSIDERATION OF MEMORANDUM OF UNDERSTANDING WITH THE HENRY COUNTY SCHOOL BOARD REGARDING SELF-INSURANCE**

Mr. Hall said as part of the process of drafting and adopting a budget for FY 2015, staff briefed the Board on a plan to implement "self insurance" for FY '15. Essentially that would mean that the school system and all the associated entities on

the health insurance plan, including Henry County, would assume direct responsibility for providing benefits to employees while also managing assets of the plan. As part of those discussions staff recommended that the Board earmark some funds to get the initiative started, since the paying of premiums and the payout for claims often do not happen concurrently. Mr. Hall said a Memorandum of Understanding (MOU) was crafted by County and School Board staff to memorialize this joint effort and the payback requirements.

On a motion by Mr. Slaughter and seconded by Ms. Buchanan, the Board unanimously approved the MOU contingent on similar action by the School Board.

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

Mr. Scott Grindstaff reviewed the monthly reports on delinquent tax collection efforts. Mr. Grindstaff noted that 96.07% of 2013 personal property taxes have been collected; 91.71% of 2013 real estate taxes; and since January 1, TACS collected approximately \$141,859. In addition, Mr. Grindstaff said three VRW stops have been collected in May.

Ms. Buchanan thanked Mr. Grindstaff for providing the delinquent tax reports as requested. Ms. Buchanan asked Mr. Grindstaff to review the collection process. Mr. Grindstaff said his office works personal property for one year and real estate, two years before turning over to TACS. Ms. Buchanan said based on her calculations it appears the County is losing money from decal sales. Mr. Grindstaff said overall sales are down over the past several years but in part due to the loss of fleet vehicles. Ms. Buchanan asked staff to see if there is a correlation between food services listed on the health department's website versus those who hold business licenses and file meals tax returns with the County. Mr. Lyle said it is also important to note that the County cannot collect on individuals or businesses who have filed bankruptcy.

### **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).

### **AWARD OF CONTRACT RE: REPLACEMENT VEHICLE – FIRE MARSHAL**

Mr. Hall said Rodney Howell is requesting that the Board award a purchase contract for a Ford F250 truck to Colonial Ford and Truck Sales of Richmond, VA in the amount of \$28,056.46. Funding for this vehicle was appropriated by the Board in April.

On a motion by Mr. Kendall and seconded by Ms. Buchanan, the Board unanimously approved the award of contract as outlined.

### **ADDITIONAL APPROPRIATION RE: DONATED FUNDS – DEPARTMENT OF PUBLIC SAFETY**

Mr. Hall said Public Safety has received three donations designated for volunteer fire and EMS recognition and Rodney Howell is asking the Board to appropriate the

donations totaling \$1,000 to offset the costs of the annual fire and rescue volunteer appreciation banquet.

On a motion by Mr. Slaughter and seconded by Mr. Kendall, the Board unanimously approved the additional appropriation as presented.

#### **ADDITIONAL APPROPRIATION RE: DUAL ENROLLMENT FUNDS – SCHOOL BOARD**

Mr. Hall said the School Board is requesting approval of an additional appropriation of \$429,013.86 received as part of the dual enrollment program with Patrick Henry Community College.

On a motion by Mr. Kendall and seconded by Mr. Bryant, the Board unanimously approved an additional appropriation for the dual enrollment program.

#### **AWARD OF CONTRACT RE: ROOFING DESIGN SERVICES – BUILDING AND GROUND DEPARTMENT**

Mr. Hall said staff is asking the Board to award a contract to Cornett & Cundiff, Inc. of Roanoke, Virginia in the amount of \$35,130 for professional architecture and engineering design, bid assistance and construction administration services for replacement of the roof on the Administration building. Preliminary tests indicate the presence of asbestos-containing materials in the existing roof and the additional expertise is needed to assure the roof is designed and managed appropriately.

On a motion by Mr. Bryant and seconded by Ms. Buchanan, the Board unanimously approved the award of contract to Cornett & Cundiff as outlined.

#### **CHANGE ORDER RE: GRADING PROJECT – COMMONWEALTH CROSSING BUSINESS CENTRE**

Mr. Hall said the original contract for grading lots #1 and #2 at Commonwealth Crossing Business Centre was awarded to Blythe Development, Inc. of Charlotte, NC for \$13,737,000. As part of the final negotiation with the U.S. Army Corps of Engineers, the scope of the project was changed to include lots #1 and #4 for initial development. Mr. Hall said staff is asking the Board to approve change order #1 to Blythe Development for \$3,060,350 to cover the additional costs associated with developing lot #4. The total cost of grading lot #4 is \$6.5 million which will be paid for with funds from the Virginia Tobacco Commission. The requested change order meets the requirements under the Code of Virginia for such transactions.

On a motion by Mr. Adams and seconded by Mr. Bryant, the Board unanimously approved the change order in the amount of \$3,060,350 as outlined, contingent on the outcome of the public hearing at 6 p.m. for the budget adjustment regarding the Tobacco Commission funding.

#### **CONSIDERATION OF REQUIRED COMMENT PERIOD FOR 2014 JAG GRANT – SHERIFF'S OFFICE**

Mr. Hall said the Sheriff's Office has been designated to receive \$24,139 for the 2014 JAG grant cycle to pay for overtime for increased enforcement. One requirement of this grant is that the governing body provides a public comment period of 30 days.

Mr. Hall said all comments should be directed to the attention of Lt. Col. Steve Eanes of the Sheriff's Office. After the completion of the 30-day comment period, the item would be placed on a future Board agenda for action regarding acceptance and appropriation of the grant.

On a motion by Mr. Slaughter and seconded by Mr. Kendall, the Board unanimously recommended formally establishing a 30-day comment period, beginning today and ending July 22, 2014.

## **INFORMATIONAL ITEMS**

### **Comments from the Board**

Mr. Kendall raised the issue of excessive noise from barking dogs and recommended the Board consider an ordinance to address the issue. At Mr. Kendall's request, Mr. Lyle drafted suggested language for an ordinance. Mr. Vaughn said he too has received complaints from constituents and agrees the matter needs to be addressed. Mr. Bryant concurred but said he did feel the ordinance should limit the hours of enforcement, for instance, from 10 p.m. to 7 a.m. Mr. Adams asked if the Sheriff's Office would be responsible for enforcement of the ordinance. Mr. Lyle said you have to regulate noise by volume or frequency and distance by which you can hear it. Mr. Lyle said it could be enforced by the Sheriff's Office or by citizen initiation through civil action. Mr. Adams said the ordinance needs to be crafted so as to not be a burden on the Sheriff's Office or 9-1-1. Mr. Slaughter said the hours of enforcement are still a problem for those who work night shift and must sleep during the day. Ms. Buchanan agreed with Mr. Slaughter but said the Board must be reasonable, a dog by nature is going to bark. Mr. Kendall moved the Board set a public hearing for the June 24 meeting to consider the ordinance, seconded by Mr. Slaughter and unanimously carried.

Mr. Bryant discussed the issue of unkempt abandoned houses and how the County could facilitate mowing overgrown lawns, possibly using inmate labor. Mr. Lyle said the Courts would view this as a liability to have inmates perform manual labor on private property and this would be an ongoing cost at the County's expense. Mr. Hall said staff can look at the issue and try to come up with a solution.

Mr. Slaughter thanked everyone for their calls, cards and prayers during his illness.

Mr. Hall said the National Guard is scheduled to arrive this week to begin the grading work at the Patriot Centre. He said the first unit will work a two-week 24/7 stint and then a second unit will follow. Mr. Hall said they will be staying onsite and arrangements have been made with Patrick Henry Community College for them to use shower facilities.

Mr. Hall said "Henry County Night" at the Mustangs is June 5, if you would like to attend let staff know. Also, on Saturday, May 31, Senator Mark Warner's office will be at Martinsville Speedway for a campaign kick-off. Please let staff know if wish to attend. Lastly, Mr. Hall addressed the state budget impasse. Mr. Hall said staff really does not know how it will affect the County if the budget is not passed by July 1. Internally, staff will have to begin preparation as to what needs to be done.

## **CLOSED MEETING**

Ms. Buchanan moved that the Board go into a closed meeting at 4:31 p.m., seconded by Mr. Bryant and unanimously carried to discuss the following.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Parks and Recreation Board, Patrick Henry Community College Board, Piedmont Regional Community Services Board and Southern Area Agency on Aging 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 5:20 p.m. on a motion by Mr. Adams, seconded by Ms. Buchanan 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. Adams, Ms. Buchanan, Mr. Slaughter and Mr. Vaughn.

Parks and Recreation Board – On a motion by Mr. Kendall and seconded by Mr. Slaughter, the Board unanimously reappointed Scott Prillaman, Reed Creek District and Mervin Brown, Jr., Iriswood District, to three-year terms ending June 30, 2017.

Patrick Henry Community College Board – On a motion by Ms. Buchanan and seconded by Mr. Adams, the Board unanimously reappointed Barry Helmstutler and Elaine Ryder to four-year terms ending June 30, 2018; appointed Paul Geib, Jr. to a four-year term ending June 30, 2018.

Piedmont Regional Community Services Board – On a motion by Mr. Bryant and seconded by Mr. Adams, the Board unanimously reappointed Steve Eanes to a three-year term ending June 30, 2017.

Southern Area Agency on Aging Board – On a motion by Mr. Bryant and seconded by Ms. Buchanan, the Board unanimously reappoint Mark Ivey to a three-year term ending June 1, 2017.

Access Easement – Mr. Adams moved the Board approve an access easement with Curtis Hairston, seconded by Ms. Buchanan and unanimously carried. (Copy included in Board's File).

There being no further business, Mr. Vaughn recessed at 5:24 p.m. until the 6:00 p.m. evening meeting.

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

## **MATTERS PRESENTED BY THE PUBLIC**

Mr. Chad Martin of the Give Back Foundation requested time to discuss an upcoming community event to celebrate and encourage responsible fatherhood. Mr. Martin said the Men of Standard celebration will begin at 8 a.m. June 7 with a breakfast and panel discussion at 704 E. Church Street, followed by a march to the Martinsville Municipal Building, and concluding with a fatherhood pledge ceremony. The event will end with a family fun day at Bridge Street parking lot from noon to 5 p.m. Others also spoke in favor of the event, including Martinsville Assistant City Manager/Director of Community Development Wayne Knox.

## **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 noted the bridge replacement on Route 779 is scheduled to begin Monday and the road will be closed in that area for about three weeks.

Mr. Kendall said he has received several complaints about mowing on Route 58 East. Mr. Kiser said crews are in the process of mowing primary roads and should be in that area soon. Mr. Kiser said any time there is a safety concern in a particular location they will send crews to spot mow.

Ms. Buchanan said Inheritance Church on Grassy Creek is making a concerted effort to keep that area mowed but there is a bank that will require long-arm mowing equipment. Mr. Kiser said he would look at the area in question.

## **ADOPTION OF 2014-2020 SIX-YEAR SECONDARY ROAD PLAN**

On a motion by Mr. Kendall and seconded by Ms. Buchanan, the Board unanimously adopted the proposed Six-Year Secondary Road Plan for Henry County for 2014-2020.

## **PUBLIC HEARING – ECONOMIC IMPACT GRANT, UNITED STATES DEPARTMENT OF AGRICULTURE/RURAL DEVELOPMENT PROGRAM**

Mr. Hall said staff has been working with the Rural Development division of the United States Department of Agriculture to secure an Economic Impact Grant of \$50,700 that would be used toward the purchase of replacement vehicles for the Henry County Sheriff's Office. Mr. Hall said a local match of \$323,300 has been included in the grant proposal, which is the amount the Board spent in FY '14 on replacement vehicles minus this new \$50,700; therefore no "new" money is required for the match.

Mr. Vaughn opened the public hearing at 6:21 p.m. There being no one present who wished to speak, Mr. Vaughn closed the public hearing at 6:21 p.m. On a motion by Mr. Adams and seconded by Mr. Bryant, the Board voted unanimously to accept and appropriate the grant as outlined and authorize the County Administrator to execute all necessary paperwork.

## **PUBLIC HEARING – PROPOSED BUDGET AMENDMENT CONCERNING TOBACCO COMMISSION FUNDING FOR COMMONWEALTH CROSSING BUSINESS CENTRE**

Mr. Hall said Henry County has been awarded \$6.5 million from the Virginia Tobacco Commission to assist with the development of Commonwealth Crossing Business Centre. The Board will need to appropriate the funds. Since the requested appropriation is greater than 1% of the total County budget, a public hearing is required before the Board can take action on the request.

Mr. Vaughn opened the public hearing at 6:22 p.m. There was no one present who wished to speak so Mr. Vaughn closed the public hearing at 6:22 p.m. On a motion by Mr. Bryant and seconded by Mr. Slaughter, the Board voted unanimously to appropriate the \$6.5 million as outlined.

### **PUBLIC HEARING – REZONING APPLICATION R-14-02 – PAR 3 DEVELOPMENT GROUP, L.L.C.**

Mr. Lee Clark said the property is located at 3874 Stones Dairy Road in the Blackberry District. The applicant is requesting the rezoning of approximately 2.7-acres from Suburban Residential District S-R to Neighborhood Commercial District B-2. Mr. Clark said the applicant is also requesting a Special Use Permit from the Board of Zoning Appeals (BZA) in order to increase the allowed square footage of the building from 2,000 sq. ft. to 9,100 sq. ft. Mr. Clark said a BZA meeting is scheduled for May 28 pending the Board's decision this evening.

Mr. Clark said there were several issues discussed at the Planning Commission meeting. Mr. Clark said the Neighborhood Commercial B-2 zoning was created for situations similar to this and there are other commercial businesses in each direction from this location. In addition, the recently re-constructed Stones Dairy Road is well designed to allow for safe creation of a commercial entrance and the property is located in the West Bassett Growth Area, in the County's Comprehensive Plan. Mr. Clark said two older buildings (an apartment and garage) would be removed as part of this project and enhanced screening/buffering would be required on both sides of the property.

Following a public hearing, both the Planning Commission and staff recommended approval of the rezoning request. The Commission asked staff to relay their concern to the BZA relative to the increase in square footage, specifically whether this increase would defeat the character and intent of the Neighborhood Commercial District.

Mr. Vaughn opened the public hearing at 6:25 p.m.

Speaking on behalf of PAR 3 was Michael Lynch with Engineering Concepts and Attorney Ward Armstrong, counsel for the applicant.

Mr. Hal Dee West, Blackberry District representative on the Planning Commission, said the commission, regardless of members' opinions on the matter, could consider the issue only from the perspective of appropriate land use which is why he moved to recommend the rezoning request.

Others individuals speaking in opposition to the proposed Dollar General included Virginia Hoyt, Ron Howard and Wendy Campbell, all of the Blackberry District. Ms. Hoyt created a petition against the project which she said had been signed by 66 people. Each speaker shared similar concerns, the economic hardship it would cause on family-owned stores, increased traffic and safety issues, close proximity to Sanville Elementary School, and whether the store would carry alcohol.

There being no one else who wished to speak, Mr. Vaughn closed the public hearing at 6:37 p.m.

Mr. Adams asked Mr. Clark if all adjoining property owners' concerns have been addressed. Mr. Clark said traffic safety concerns are not an issue, the re-design of the road and site distance are more than adequate and considered safe. Mr. Clark said regarding concerns that the entrances to Dollar General and the school directly oppose each other, from a traffic engineering standpoint, it is much safer to line up entrances directly across from each other. It makes the left-turn movements much safer for both parties as they can see what the intent of the person across from them at the intersection is.

Mr. Clark said the square footage of the building has not been addressed, the BZA will have to consider whether it is an appropriate request. Mr. Clark said the Planning Commission made a decision based on the intended guidelines of the Neighborhood Commercial District, not the size of the proposed structure. Mr. Adams stressed the Board's decision should be based only on whether it is appropriate to rezone the property from Suburban Residential to Neighborhood Commercial. Mr. Adams asked Mr. Clark if he foresees any issues going forward if the BZA does grant the special use permit. Mr. Clark said if the variance is granted, certainly it would be difficult to deny a similar request if another retail operation wanted to expand in size.

Mr. Bryant said ultimately, the Board must consider the progress of the county and retail business not only creates jobs, it also builds the County's tax base. Ms. Buchanan said she certainly understood the concerns of those who had spoken against the Dollar General, but denying zoning might set a bad precedent; the Board's decision should only be based on appropriate land use. Mr. Vaughn added that in his experience, Dollar General has a good reputation and he sees it as a complement to the community.

On a motion by Ms. Buchanan and seconded by Mr. Slaughter, the Board voted 5-1 to follow the recommendation of the Planning Commission and approve the rezoning request. Mr. Adams voted in opposition.

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