

Henry County Board of Supervisors

Agenda

January 27, 2009

3:00 p.m.

- 1) Invocation
- 2) Pledge of Allegiance
- 3) Call to Order
- 4) Welcome of Visitors and Advise Role of County Administrator as Contact Person for the Board
- 5) Items of Consent
 - A) Confirmation of Minutes of Meetings
 - December 16, 2008
 - January 5, 2009
 - B) Approval of Accounts Payable
- 6) Report on Audit of County Accounts FY '07-'08
- 7) Matters Presented by the Public
 - A) Joe Prater
 - B) Paul Farrar II
- 8) Consideration of Resolution Regarding Commonwealth of Virginia's FY 2009-2010 Budget
- 9) Consideration of Projects for Regional Comprehensive Economic Development Strategy (CEDs)
- 10) Discussion of County Noise Ordinance
- 11) Consideration of Issues With Taxation of Antique Cars In Henry County
- 12) Discussion of FY 2009-2010 Henry County Budget

- 13) Discussion of Issues Regarding County-Owned Property
- 14) Introduction of Debbie Robinson, Director of Tourism, Martinsville-Henry County Economic Development Corporation
- 15) Financial Matters
 - A) Award of Contract - Engineering for Rail-Trail Project
 - B) Award of Contract re: Playground Equipment for Park Site at old Bassett High School – Parks and Recreation Department
 - C) Additional Appropriation of Asset Forfeiture Funds – Commonwealth’s Attorney’s Office
 - D) Acceptance of Grant and Additional Appropriation re: Department of Justice Grant – Sheriff’s Office
 - E) Acceptance of Grant and Additional Appropriation re: Division of Motor Vehicles Traffic Enforcement, and Transfer Appropriation re: Grant Contingency Funds – Sheriff’s Office
 - F) Consideration of Authorizing Resolution Regarding FY 2009-10 Funding for Piedmont Area Regional Transit (PART)
- 16) Informational Items
 - A) Comments From the Board
- 17) Closed Meeting
 - A) 2.2-3711(A)1 for Discussion of Appointees to Industrial Development Authority, Planning Commission, and Fieldale Sanitary District Board.
 - B) §2.2-3711(A)7 for Consultation with the County Attorney re: Pending Legal Matters.
 - C) §2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate.
 - D) §2.2-3711(A)5 for Consultation with the County Attorney re: Discussion of As-Yet Unannounced Industries.

- 6:00 pm
- 18) Consideration of Resolution in Honor of Lt. Joe Louis Hairston, Henry County Sheriff's Office
 - 19) Matters Presented by the Public
 - 20) Public Hearing – Boundary Adjustment on Fairystone Park Highway and Mary Hunter Drive, Blackberry District
 - 21) Public Hearing – Rezoning Applications
 - A) R-09-01 – Frank O. Cauley
 - B) R-09-02 – Adam Troy Hodge
 - 22) General Highway Matters
 - A) Request for “Watch for Children” Sign on Moores Mill Road, Horsepasture
 - B) Consideration of Resolution to Add Section of Nautica Drive to the Secondary Road System
 - 23) Continuation of Meeting until January 29, 2009 at 3 p.m. for Board's annual Planning Session



Henry County Board of Supervisors

Meeting Date January 27, 2009

Item Number 6

Issue

Report on Audit of County Accounts FY '07-'08

Background

The firm of Creedle, Jones and Alga, P.C., has completed its audit of County accounts for the fiscal year that ended June 30, 2008. Attached is a copy of the Audit Report (under separate cover) and the Management Letter (under separate cover). Robin Jones from Creedle, Jones, and Alga will be present to address the report and answer questions.

Attachments

1. Audit Report (provided under separate cover)
2. Management Letter (provided under separate cover)
3. Letter to Sheriff Perry Regarding Audit Findings (provided under separate cover)
4. Letter of Response from Sheriff Perry (provided under separate cover)

Staff Recommendation

Staff recommends that the Board accepts the Audit of County Accounts for the fiscal year that ended June 30, 2008.



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 7A

Issue

Matters Presented by the Public – Joe Prater

Background

Mr. Prater requested time on the Board's agenda to discuss the Smith River.

Attachments

None

Staff Recommendation

None



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 7B

Issue

Matters Presented by the Public – Paul Farrar II

Background

Mr. Farrar, who is with the Southern Virginia Higher Education Center, requested time on the Board's agenda to give a brief overview of the Southside Virginia Tobacco Loan Forgiveness Program.

Attachments

None

Staff Recommendation

None



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 8

Issue

Consideration of Resolution Regarding Commonwealth of Virginia's FY 2009-2010 Budget

Background

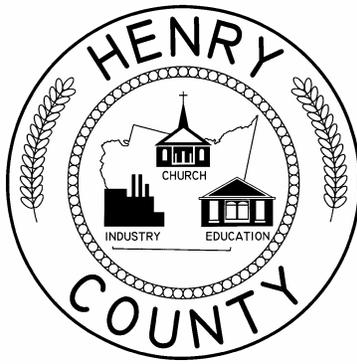
Mrs. Burnette asked that this item be placed on the agenda. The Virginia Association of Counties (VACo) created a resolution for localities to use to address the Commonwealth of Virginia's budget crisis and how it affects localities. Staff has crafted the resolution to fit Henry County's needs.

Attachments

[Proposed resolution](#)

Staff Recommendation

Staff recommends approval of the resolution and authorization to send it to the Governor's office and to the offices of Henry County's delegation in Richmond.



Henry County Board of Supervisors Resolution Regarding Commonwealth's FY 2009-2010 Budget Shortfall

WHEREAS, Henry County is committed to ensuring fiscal sustainability at the local and state levels of government because fiscal sustainability enables the Commonwealth and its local governments to provide high quality, cost effective, core public services that benefit Virginians today and for generations to come; and

WHEREAS, the current difficult economic and financial times require government, at all levels, to evaluate service delivery responsibilities and to determine the continued importance of programs meeting critical needs; and

WHEREAS, the Commonwealth must resolve an estimated 2009 and 2010 biennial revenue shortfall approaching \$3 billion that may in fact continue to escalate in the near term; and

WHEREAS, Henry County must resolve significant local revenue shortfalls for these periods as well; and

WHEREAS, the Commonwealth's General Fund supports most critical core government services including public education, health and human resources, including the Comprehensive Services Act, public safety, natural resources and environmental services by dedicating almost 50 percent of the state's General Fund to local governments (with 74 percent of this funding supporting K-12 public education); and

WHEREAS, if one level of government establishes and ensures a priority, it is then incumbent upon that level of government to adequately fund the services necessary to meet that priority; and

WHEREAS, the current economic environment threatens the sustainability of these critical core public services if the Commonwealth is required to reduce its contribution to the financial partnership between the state and its local governments including name of county; and

WHEREAS, specific and necessary state budget reductions may impact a wide array of core public services, including but not limited to public education, the Comprehensive Service Act, and public safety, and many local governments, including Henry County, will absorb significant state reductions

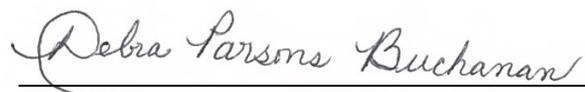
in 2009 and may be compelled to increase real property taxes to help ensure the continuation of vital core public services; and

WHEREAS, Henry County stands ready to partner with the Commonwealth to make the difficult budgetary decisions required, including thoroughly evaluating programs and working together to maintain a structural balance between revenues and expenditures that promotes the long-term viability of our Commonwealth:

NOW, THEREFORE, BE IT RESOLVED, on the 27th day of January 2009, that the Henry County Board of Supervisors respectfully offers the following budget and revenue recommendations for the 2009 legislative session to the Governor and Virginia General Assembly including Henry County's Delegates and Senators:

- Budget and appropriate sufficient withdrawals from the state's Revenue Stabilization Fund ("Rainy Day Fund") to help offset necessary state budget reductions. Global and national financial markets are imbalanced; consequently, Virginia is one of many states facing a significant state revenue shortfall. The Commonwealth is required to replenish the Fund when economic conditions improve, and Henry County supports recapitalizing the Fund in better economic times.
- Before budgeting and appropriating necessary state budget reductions, revisit recent state tax exemptions. Since the late 1990s the state has enacted more than \$1.8 billion in net biennial tax reductions and specific General Fund transfers.
- Oppose the enactment of new unfunded and under-funded state mandates that will impose new costs on local governments. Additionally, consider repealing specific, unfunded and under-funded state mandates.
- In the area of public education, the Governor and Virginia General Assembly should consider providing localities and school districts maximum flexibility to suspend specific mandates and manage specific public education reductions.
- Enact a law authorizing equal taxing authority for counties. Counties should be enabled, like cities and towns, to institute specific taxes, including a meals tax without a referendum. The new sources of revenue would be tailored to the needs of a jurisdiction and could help local governments protect adequate funding for the core government services including K-12 public education, and reduce county dependence on property taxes.
- Consider additional possibilities for mitigating the impact of state cuts on local governments. Local governments will have to make significant cuts in services because of flat or decreasing real estate revenues.
- Permit local governments, at their option, to implement a one-half percent increase in the sales tax as a way to minimize the potential burden passed on to homeowners through increased real property taxes.

Furthermore, Henry County offers these recommendations in the spirit of compromise and partnership to the Governor and Virginia General Assembly including Henry County's Delegates and Senators.



Debra Parsons Buchanan, Chairman
Henry County Board of Supervisors



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 9

Issue

Consideration of Projects for Regional Comprehensive Economic Development Strategy (CEDS)

Background

Each year the West Piedmont Regional Economic Development District, which serves Henry, Patrick, Franklin and Pittsylvania counties, the cities of Martinsville and Danville and the town of Rocky Mount, compiles an updated *Comprehensive Economic Development Strategy (CEDS)*. The plan will be forwarded to the U.S. Economic Development Administration (EDA) to maintain the eligibility of the participating localities to receive EDA funding. The document must contain a list of prioritized projects and the WPPDC annually requests that each locality submit its proposed future projects in priority order. It is essential that all projects the Board will consider within the next year be included in the CEDS because only projects on the list are eligible for EDA funding. Also, the CEDS list may be used to identify projects for Appalachian Regional Commission Funding. It also is recommended that projects may be funded from other sources be included in order to give the County maximum flexibility in the management of its resources. Potential funding sources include:

ARC – Appalachian Regional Commission

EDA – Economic Development Administration

CDBG – Community Development Block Grant

DWSRF – Drinking Water State Revolving Loan Funds

County projects must be prioritized into three categories:

Priority 1: Construction or implementation projects that are in the advanced stages of planning. This requires that all preliminary engineering and environmental reports have begun or are complete.

Priority 2: Projects that are still in the planning stages and are not yet ready for implementation.

Priority 3: Non-construction and non-implementation projects of a special economic development purpose which may include special issue studies, basic data collection and analysis, feasibility studies, and technical assistance projects.

County and PSA staff developed the attached proposed list of projects. Including a project in the CEDS does not commit the County to undertake the project. It is simply a listing of potential projects from which EDA representatives choose for investment of federal funds in this district. If EDA invites the County to submit an application for a specific project from the list, the Board would then be required to commit the local funds necessary for implementation.

Attachments

[Proposed CEDS list for 2009](#)

Staff Recommendation

Staff recommends approval of a list of projects for submission in the regional CEDS.

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

PRIORITY PROJECTS

July 1, 2009 - June 30, 2010 Henry County

<i>PROJECT</i>	<i>PRIORITY</i>	<i>DESCRIPTION</i>	<i>FUNDING SOURCE</i>	<i>AMOUNT</i>	<i>TOTAL</i>
Regional Industrial Park--City of Martinsville-Henry County	1	Establishment of new 740-acre regional industrial park and Enterprise Zone in the Route 220 South corridor on the ROMA property. Park to be developed by City of Martinsville and Henry County.	EPA	\$2,000,000	\$13,000,000
			EDA	\$2,000,000	
			Local	\$2,000,000	
			Other	\$7,000,000	
Grassy Creek Sewer Improvements Project--Henry County	1	Provide PSA sewer service to three wastewater lagoons along Grassy Creek and sewer to Route 58.	Local	\$1,800,000	\$1,800,000
Monta Vista Water Line--Henry County	1	Ties Monta Vista System to Oak Level System. Eliminate wells	Local	\$800,000	\$800,000
Patriot Centre Day Care - Henry County	1	Development of a day care center for organizations in the Patriot Centre	Local	\$1,000,000	\$4,000,000
			DHCD	\$700,000	
			Other	\$2,300,000	
County River Access Points/ Trails Project--Henry County	1	Various river access and trails projects	TEA-LU	\$700,000	\$830,000
			State	\$100,000	
			Other	\$30,000	
Dupont Building Upfit - Henry County	1	Build-out of a 70,000 SF county-owned shell building at the former Dupont Site	Local	\$610,000	\$700,000
			Federal	\$90,000	
Shell Airport Hangar Project--Henry County	1	Development of a speculative hangar for aviation-related business at Blue Ridge Regional Airport	Local	\$800,000	\$1,200,000
			State	\$150,000	
			EDA	\$250,000	
Patriot Centre at Beaver Creek Expansion	1	Grading of Lot 2; utilities already in place	EDA	\$1,000,000	\$1,000,000
Extension of Public Water Service on Route 58 West	1	Extension of water service along Route 58 West corridor to Mayo River and adjacent residential areas and to Blue Ridge Airport.	RD	\$7,900,000	\$7,900,000
Philpott Lake Sewer Line - Henry County	1	Sewer line to serve Philpott Lake Corps of Engineers facility.	Corps	\$1,000,000	\$1,400,000
			Local	\$400,000	
Community Development Project, South Street	2	Housing rehab, utility upgrades, road improvements, and stormwater management	DHCD	\$1,400,000	\$1,600,000
			VDOT	\$100,000	
			ARC	\$100,000	
Patrick Henry Retirement Center	2	Retirement center elderly citizens of the area	TBA	\$50,000,000	\$50,000,000

Patriot Centre at Beaver Creek- Phase III - Henry County	2	Complete Phase III infrastructure improvements	EDA	\$500,000	\$500,000
Shell Building--Henry County	2	Construction of a 100,000 square foot speculative shell building on Lot 10 to be marketed	Local	\$3,500,000	\$3,500,000
Route 58 East Water Storage Tank	3	Construction of 1-million gallon water tank to serve eastern Henry County and northwestern Pittsylvania Co.	Local	\$1,250,000	\$1,250,000
Master Plan for Entrepreneurial Program	3	Study and implement plan to encourage entrepreneurial activities.	ARC Tobacco Comm.	\$25,000 \$25,000	\$50,000
Upper Smith to Lower Smith Force Main	3	Force main to connect PSA sewer lines to allow Lower Smith to treat all of County's sewer	Local	\$3,500,000	\$3,500,000
Philpott Water Plant Upgrade	3	Upgrade water treatment plant from 4 MGD to 8 MGD and increase source water capacity	Local	\$8,000,000	\$8,000,000
Philpott Water Storage Tank	3	Construction of 750,000 gallon water tank to improve water distribution.	Local	\$1,000,000	\$1,000,000

ABBREVIATIONS:

CDBG = Community Development Block Grant
CIT = Center for Innovative Technology
CORD = Center on Rural Development
EDA = Economic Development Administration
EPA STAG = Environmental Protection Agency State
& Tribal Assistance Grant
DCR = Dept of Conservation & Recreation
FAA = Federal Aviation Administration
GO Bonds = General Obligation Bonds
RBEG = Rural Business Enterprise Grant
RD = Rural Development
TBD = to be determined

TEA-21 = VDOT Transportation Enhancement Act Program
for the 21st Century
VDBA = VA Department of Business Assistance
WIA = Workforce Investment Act
Tobacco Commission = Virginia Tobacco Indemnification
and Community Revitalization Commission
SERCAP = Southeast Rural Community Assistance Project, Inc.
VHD = Virginia Health Department
ISDF = Industrial Site Development Fund (VDHCD)
LWCF = Land and Water Conservation Fund
ARC = Appalachian Regional Commission

SWCB = State Water Control Board
USDA-RD = U.S. Dept of Agriculture, Rural Development
USCAIP = US Community Adjustment & Investment Program
VASBI = Virginia Shell Building Initiative
VA-DOA = Virginia Dept of Aviation
VDOT = VA Department of Transportation
VHDA = Virginia Housing Development Authority
VHPF = Virginia Housing Partnership Fund
VRA = Virginia Resources Authority
VDOT = Virginia Department of Transportation
VWP = Virginia Water Projects
WQIF = Water Quality Improvement Funds (VA)



Henry County Board of Supervisors

Meeting Date January 27, 2009

Item Number 10

Issue

Discussion of County Noise Ordinance

Background

The Board and Staff have discussed the Henry County Noise Ordinance for several months. Attached is a proposed updated ordinance prepared by County Attorney George Lyle. A public hearing must be held on any ordinance changes before the Board could vote on the changes.

Attachments

1. [Proposed Ordinance](#)

Staff Recommendation

None

Excessive and Disturbing Sound.

Sec. 13-200. Control of excessive noise and sound; findings by Board of Supervisors.

The Board of Supervisors for the County of Henry, Virginia, hereby finds and declares that excessive noise and sound is a serious hazard to the public health, welfare, peace and safety, and the quality of life of the citizens of Henry County, particularly on and proximate to the public roads and highways, upon public property, and within the residential areas of the County; that use of sound producing or receiving device(s) or sound amplification device(s), loudspeaker(s), or the like on or in a motor vehicle on and proximate to the public roads and highways or on any private way or property in the County such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen twenty-five (25) feet or more from the source of the sound is deemed to be injurious to public health and safety; that the use of sound producing or receiving device(s) or sound amplification device(s), loud speaker(s), or the like on or proximate to public property in the County such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen one hundred (100) feet or more from the source of the sound is deemed to be injurious to public health and safety; that a substantial body of science and technology exists by which excessive sound may be substantially monitored, controlled, and abated; that the people of the County of Henry have a right to and should be ensured an environment free from excessive sound and noise pollution that may jeopardize the public health, welfare, peace and safety or degrade the quality of life; and that it is the policy of the County of Henry to prevent such excessive noise and sound.

Va. Code section 15.2-1200 (Vol. 2008).

Sec. 13-200.1 Definitions.

The following terms, when used in this Division, shall have the meaning hereinafter ascribed to them, unless otherwise clearly indicated by the context:

- (a) Reserved.
- (b) Reserved.
- (c) Emergency. An occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (d) Emergency work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (e) Gross vehicle weight rating (GVWR). The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.
- (e-1) Moped. Every vehicle that travels on not more than three (3) wheels in contact with the ground that has (i) a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground and (ii) a gasoline, electric, or hybrid motor that displaces less than 50 cubic centimeters.
- (f) Motor carrier vehicle engaged in interstate commerce. Any vehicle for which regulations apply pursuant to §18 of the Federal Noise Control Act of 1979 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

(g) Motorcycle. Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. The term "motorcycle" does not include any "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle" or "wheelchair or wheelchair conveyance" as defined in VA. CODE ANN. §46.2-100 (Cum. Supp. 2008).

(h) Motor vehicle. Every vehicle which is self-propelled or designed for self-propulsion. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle. A bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall not be deemed to be a motor vehicle for purposes of this Division.

(i) Noise or noise disturbance. Any sound which annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities, for that time of day, or for that area of the County. Unless otherwise specified, the test applied to determining what constitutes "noise" violating the provisions of this Division shall be the effect of such sound or noise upon a normal person of ordinary habits and sensibilities.

(j) Property boundary or property line. An imaginary, or measured, line along the ground surface, and its vertical extension, which separates the real property owned, leased or otherwise controlled by one person from that owned leased or otherwise controlled by another person, but not including intra-building real property divisions.

(k) Sound. Any oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(l) Reserved.

(m) Reserved.

(n) Vehicle. Every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

For related state law, see VA. CODE ANN. §15.2-919 (Repl. Vol. 2008). For additional definitions, see VA. CODE ANN. §46.2-100 (Cum. Supp. 2008).

Sec. 13-200.2. Administration and enforcement.

The noise control program established by this Division shall be enforced and administered by the Henry County Sheriff, who is hereby designated the Noise Control Officer for the County of Henry. The Sheriff may, in his discretion, ask for the assistance of other law-enforcement officers within the County in administering the provisions of §13-200 et seq. of this Code.

Sec. 13-200.3 Point of evaluation of sound or noise.

(a) The Sheriff or other law-enforcement officer may evaluate the level of the sound or noise using the standard set forth in the definition of "noise or noise disturbance" at subsection (i) of §13-200.1 of this Code. Measurement or evaluation of the level of a sound or noise shall be in accordance with specifications as to minimum distances from source, time of day limitations, etc., as prescribed in this Division.

(b) When the provisions of this Division require evaluation or measurement of a sound or noise at a minimum prescribed distance from its source, then that evaluation or measurement may be taken at a point or points in any direction from the source as long as that point or points is/are located at least the minimum prescribed distance from the source; however,

when the source of the sound or noise is pointed in a definite direction, then the evaluation or measurement shall be taken at a point at least the minimum prescribed distance in that direction from the source.

(c) When the provisions of this Division require evaluation or measurement of a sound or noise at the property boundary of the receiving property, then that evaluation or measurement shall be taken at the point nearest the source of the sound or noise along the property boundary of the receiving land.

(d) In a structure used as a multi-family dwelling the Sheriff or other law-enforcement officer may make an evaluation of the sound from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession and control thereof. Such evaluation shall be made at a point at least four (4) feet from the wall, ceiling, or floor nearest the noise source, with doors to the receiving area closed and windows in the normal position for the season.

Sec. 13-200.4. Maximum sound levels - In General.

Unless a different standard of maximum sound level generation for a prescribed activity is set forth in this Division, the following maximum sound levels shall apply:

(a) No person shall operate or cause to be operated or participate in the operation of any source of sound or noise in any portion of Henry County such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen when measured at the property boundary of the receiving land between the hours of 10 p.m. and 6 a.m.

(b) Reserved.

(c) (1) No person shall keep or permit the keeping of any animal which, by causing frequent, loud or long-continued noise, (including, but not limited to, frequent, loud or long-continued barking, whining, howling, caterwauling or crying), annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary sensibilities, regardless of the time of day. The determination of a probable violation of this subsection shall be made by the Sheriff or other law-enforcement officer based on the frequency and duration of the noise and evidence of its injurious effect upon the complaining party or parties. (2) Any person complaining of a violation of the noise control ordinance regarding any animal may enter a complaint by warrant returnable to the general district court, where the complaint shall be heard as all other complaints under criminal warrants are heard. The same standards set forth in paragraph (1) above as to determination of an animal noise control violation shall apply to an adjudication of such complaint under this paragraph.

(3) Upon a finding by the judge hearing the noise control violation or complaint that the animal involved, by causing frequent, loud or long-continued noise, (including, but not limited to, frequent, loud or long-continued barking, whining, howling, caterwauling or crying), has annoyed, disturbed, injured, or endangered the comfort, health, peace or safety of any reasonable person of ordinary sensibilities in violation of this subsection, regardless of the time of day such noise is emitted, the owner or custodian shall be deemed guilty of a Class 4 misdemeanor. Upon a third conviction within one (1) year of any offense under this subsection involving the same animal, in addition to imposing a fine for the violation, the judge shall order the owner or custodian of the animal to remove it permanently from the County within two (2) weeks.

(d) The limitations set forth in the foregoing subsections shall not be deemed to apply to sound generation from any bona fide agricultural activity, including noise caused by livestock, or from construction equipment or from a bona fide industrial procedure.

Sec. 13-200.5 Same--Other prohibited sounds or noises on or proximate to public sidewalk or right-of-way, or other publicly-owned land.

(a) No person shall operate or permit the use or operation of any radio, phonograph, television set, music sound system, tape or compact disc player, radio receiving set or similar device which produces, reproduces, or amplifies sound on any public sidewalk or right-of-way or on or proximate to any other publicly owned property or public park in such a manner that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen one hundred (100) feet or more from the source of the sound, regardless of the time of day.

(b) The provisions of this section do not regulate excessive noise from radios and music systems in motor vehicles, which provisions are found at §13-200.6 of this Code.

Sec. 13-200.6. Same--Operation of Motor Vehicle.

No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on or proximate to a public right of way or on any private way or property between the hours of 10 p.m. and 6 a.m. such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen at a distance of 50 feet or more from the source of the sound or noise.

For state law authority, see VA. CODE ANN., §15.2-1200 (Repl. Vol. 2008) and VA. CODE ANN., §15.2-919 (Repl. Vol. 2008).

Sec. 13-200.7. Same--Other prohibited sounds or noise from sound systems, amplifiers, etc. in motor vehicles.

(a) No person shall operate or permit the use or operation of any radio receiving set, tape or compact disc player, loudspeaker, or any other device on or in a motor vehicle which produces, reproduces or amplifies sound in a motor vehicle on or proximate to a public right of way or on any private way or property in such a manner as the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen twenty-five (25) feet or more from the motor vehicle, regardless of the time of day.

(b) No person shall sound repeatedly or continuously, or permit the sounding repeatedly or continuously, of any horn, whistle or other device on or in any vehicle at any time, except as a warning of danger.

Sec. 13-200.8. Exemptions from Division.

The provisions of this Division shall not apply to:

(a) Sound created by the operation of domestic power tools such as power lawn mowers, chain saws, weed eaters, etc., provided the operation of said equipment is limited to between the hours of 6:00 a.m. to 10:00 p.m. and such equipment is operated with a standard muffler or sound dissipating devices;

(b) Sound generated by the construction, repair, maintenance, remodeling, demolition, alteration, grading or other improvement of real property, streets, sewers or utility lines, provided such sound is limited to between the hours of 6:00 a.m. to 10:00 p.m.;

(c) Sound generated by the operation of any governmental function or pursuant to any public construction contract;

- (d) Radios, sirens, horns or bells on police, fire or other emergency response vehicles;
- (e) Parades, fireworks or other special events or activities for which the appropriate permits have been issued by the County within such hours as may be imposed as a condition for the issuance of any permit;
- (f) Religious services, religious events or religious activities, including, but not limited to, music, bells, chimes and organs which are part of such religious activity;
- (g) Non-commercial public speaking and public assembly activities conducted on any public right-of-way or public property for which any required permits have been issued by the County, within such conditions as may be imposed as a condition for the issuance of such permit(s);
- (h) Band performances or practices, athletic contests or practices or other school-sponsored activities on the grounds of public or private schools, provided that such activities have been authorized by school officials;
- (i) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm;
- (j) Sound generated for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work;
- (k) Activities for which the regulation of noise has been pre-empted by federal law;
- (l) Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution;
- (m) The movement of aircraft or trains which is conducted in accordance with or pursuant to applicable federal laws and regulations.

Sec. 13-200.9. Exceptions by permit. The Sheriff of Henry County is hereby authorized to issue special events exception permits pursuant to this section which will exempt any person, firm, corporation, organization, partnership, joint venture or other entity of any kind of nature from the provisions of §13-200 et seq. of this Code under the following conditions:

- (a) Prior to the issuance of such permit the Sheriff shall fully investigate the proposed activity to determine whether in his opinion the same would constitute a threat to the public health, safety and welfare.
- (b) Should the Sheriff determine that the proposed activity will not constitute a threat to the public health, safety or welfare he may issue a permit for the event proposed and such permit may be limited to the conduct of activities exceeding the sound level set forth in this ordinance only at such reasonable times and at such reasonable places as may be specified in said permit.
- (c) The Sheriff shall collect from the person to whom such permit is issued a fee, reasonably calculated to defray the expenses of investigation and administration of the provision hereof, in accordance with a schedule which may from time to time be adopted by the Board of Supervisors.

Sec. 13-200.10. Limited applicability to certain sport shooting ranges.

- (a) This Division shall not be construed so as to subject a sport shooting range to noise control standards more stringent than those in effect at its effective date.
- (b) The operation or use of a sport shooting range shall not be enjoined on the basis of noise, nor shall any person be subject to action for nuisance or criminal prosecution in any matter relating to noise resulting from the operation of the range, if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved, or at the time any application was submitted for the construction or operation of the range.

(c) Any sport shooting range operating or approved for construction within the Commonwealth, which has been condemned through an eminent domain proceeding by any condemning entity, and which relocates to another site within the same locality within two (2) years of the final condemnation order, shall not be subjected to any noise control standard more stringent than those in effect at the effective date of such sport shooting range.

(d) For purposes of this section, "sport shooting range" means an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar sport shooting. For purposes of this section, "effective date" means the time the construction or operation of the sport shooting range initially was approved, or at the time any application was submitted for the construction or operation of the sport shooting range, whichever is earliest.

For state law basis, see VA. CODE ANN. §15.2-917 (Repl. Vol. 2008)

Sec. 13-200.11. Penalties.

(a) Any person who violates any provision of this Division shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imposition of a fine of not more than \$100.00.

(b) Each day of violation of any provision of this Division shall constitute a separate offense.

Sec. 13-200.12. Severability.

Should any section or portion thereof of this Division of the Henry County Code be held by final order of any court of competent jurisdiction to be unconstitutional or unenforceable, all other sections and portions thereof of this Division shall remain in full force and effect.

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2008).



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 11

Issue

Consideration of Issues with Taxation of Antique Cars in Henry County

Background

Supervisor McMillian requested that this item be placed on the agenda. County Attorney George Lyle was directed to research this topic and present a report on that research to the Board of Supervisors.

Attachments

[Memo from Mr. Lyle](#)

Staff Recommendation

None

MEMO

TO: Board of Supervisors

FROM: George Lyle

DATE: January 13, 2009

RE: Taxation of antique cars

At the last meeting of the Board of Supervisors I was asked to investigate how Henry County taxes “antique vehicles” and, if they are exempt, our authority to tax the vehicles.

The Code of Virginia defines antique vehicles as those at least 25 years old. If their owner applies, the Department of Motor Vehicles will issue special license plates. Henry County does not tax vehicles registered as antiques. The vehicles are exempted by a local ordinance. However, Virginia law allows local governments to tax antique motor vehicles if they chose.

The data for January 1, 2009, is not yet available, but in 2008 Henry County had 4,102 antique vehicles registered in the county (there were a total of 62,472 cars, trucks, boats, and trailers registered in Henry County for that same time period.) Unlike real property where county assessors value the property even if it is exempt from taxation, there is no established value for the vehicles exempted from taxation so the amount of potential revenue we are exempting is unknown.

If the Board desires to remove the exemption for antique cars (in other words, to begin taxing them) an ordinance amendment would be required and a public hearing would have to be held. Because we tax vehicles garaged in Henry County as of January 1 each year and collect the tax the following December, if the board were to act this year on such a change, no tax could be collected until December 2010.



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 13

Issue

Discussion of Issues Regarding County-Owned Property

Background

Supervisor McMillian asked that this item be placed on the agenda.

Attachments

None

Staff Recommendation

None



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 14

Issue

Introduction of Debbie Robinson, Director of Tourism, Martinsville-Henry County Economic Development Corporation

Background

Debbie Robinson, the new Director of Tourism for the Martinsville-Henry County Economic Development Corporation, will be introduced to the Board.

Attachments

None

Staff Recommendation

None



Henry County Board of Supervisors

Meeting Date January 27, 2009

Item Number 15A

Issue

Award of Contract – Engineering for Rail-Trail Project

Background

Anderson & Associates was procured through a Request for Proposals process for preliminary trail design of approximately 4.5 miles of paved trail along the abandoned Norfolk Southern Railroad line that runs generally from El Parral Restaurant to Mulberry Creek. Four trailheads are planned along the trail.

The contract amendment in the amount of \$70,240 is proposed for engineering design and construction administration for the project. Federal and state funding will be used to pay for the contract. The contract amendment should be approved subject to final review and approval by VDOT.

Attachments

None

Staff Recommendation

Staff recommends that the Board approve the contract amendment with Anderson & Associates in the amount of \$70,240 for engineering design and construction administration of the rail-trail project contingent upon approval by VDOT.



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 15B

Issue

Award of Contract re: Playground Equipment for Park Site at old Bassett High School – Parks and Recreation Department

Background

In May 2008 the Board of Supervisors approved several transfer appropriations with funds from the FY 2008 budget. One such transfer was \$30,000 for the purchase of playground equipment and site improvements to the former Bassett High School baseball field near what is now EMI Imaging. The work on the park is part of the Bassett redevelopment project. The US Communities RFP# 269-2003-077 was used as the bid process for this project, and was reviewed and approved by the County Purchasing Department. The low bid was in the amount of \$26,115.89 from Cunningham Associates / GameTime of Charlotte, NC.

Attachments

None

Staff Recommendation

Staff recommends awarding of the contract to Cunningham Associates/GameTime in the amount of \$26,115.89.



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 15C

Issue

Additional Appropriation re: Asset Forfeiture Funds –
Commonwealth’s Attorney’s Office

Background

Commonwealth’s Attorney Bob Bushnell is asking the Board to make an additional appropriation in the amount of \$314.74 from the Asset Forfeiture line item to his Travel Expenses line item. This is in response to budget cuts in the travel category.

Attachments

1. [Letter from Mr. Bushnell](#)
2. [Additional Appropriation Sheet](#)

Staff Recommendation

Staff recommends approval of the additional appropriation as requested.



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 15D

Issue

Acceptance of Grant and Additional Appropriation re: Department of Justice Grant – Sheriff's Office

Background

Sheriff Lane Perry is asking the Board to accept and appropriate a grant from the Department of Justice in the amount of \$11,413. According to information from Sheriff Perry, the grant would be used to provide enhanced security and monitoring within the Jail and to help encourage appropriate behavior from the inmates. This grant does not require a local match.

Attachments

1. [Memo from Sheriff Perry](#)
2. [Additional Appropriation Sheet](#)

Staff Recommendation

Staff recommends acceptance of the grant and the additional appropriation as proposed.



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 15E

Issue

Acceptance of Grant and Additional Appropriation re: Division of Motor Vehicles Traffic Enforcement, and Transfer Appropriation re: Grant Contingency Funds – Sheriff’s Office

Background

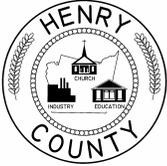
Sheriff Lane Perry is asking the Board to accept and appropriate a grant from the Division of Motor Vehicles 402 Grant program in the amount of \$25,000. According to information from Sheriff Perry, the grant would be used to provide \$18,947 in overtime funds for roadside traffic checks, \$5,553 for replacement radar units and Alco-sensors, and \$500 for a required class for the grant. Sheriff Perry also is asking the Board to approve the transfer of \$5,000 from his grant contingency line item to purchase additional Alco-sensors.

Attachments

1. [Memo from Sheriff Perry](#)
2. [Additional Appropriation Sheet](#)

Staff Recommendation

Staff recommends acceptance of the grant; the additional appropriation; and the transfer appropriation as requested.



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 15F

Issue

Consideration of Authorizing Resolution Regarding FY 2009-10 Funding for Piedmont Area Regional Transit (PART)

Background

The Piedmont Area Regional Transit (PART) began offering public bus transportation in Martinsville and Henry County on January 5, 2009. In Henry County, the service provides transportation to major commercial centers in Collinsville, to Patrick Henry Community College, and employers in the Bowles and Patriot Centre industrial parks. The service operates Monday through Friday, from 6 am to 6 pm, and currently employs 3 part-time drivers. Through January 20, the transit system provided rides for 57 citizens. In comparison, the Covington-Clifton Forge system had 37 riders for its entire first month and then 254 its second month.

In order to meet grant submission deadlines for the Virginia Department of Rail and Public Transportation, the Board is being asked to consider an Authorizing Resolution which will be included with the grant application requesting continued funding. RADAR, the operator of our system, will be submitting this grant application on our behalf. In FY09-10, the County's share of the local match will be approximately \$22,800. The County's share of the first-year costs was \$4,000.

Attachments

1. [Proposed Operating Budget for Next Funding Cycle](#)
2. [Proposed Authorizing Resolution](#)

Staff Recommendation

Staff recommends endorsement of the Authorizing Resolution at this time in order to meet the needs of the Virginia Department of Rail and Public Transportation, with the caveat that more data on number of riders is needed to make a final decision and that the decision to proceed with the system could be re-visited before final

commitment. Staff also recommends that the Board set aside \$22,800 from its current Contingency Fund to avoid having to place this expense in the FY 2009-10 County Budget. The Contingency Fund currently has \$117,010 in uncommitted money.

Resolution Authorizing the Application for State Aid to Public Transportation

BE IT RESOLVED by the Henry County Board of Supervisors that USHTS, Inc. is authorized, for and on behalf of the Henry County Board of Supervisors, hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$68,400 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize the County Administrator to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Henry County Board of Supervisors certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$22,800, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting County Administrator of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Henry County Board of Supervisors held on the 27 day of January, 2009.

(Signature of Recording Officer)

(Title of Recording Officer)

(Date)



Henry County
Board of Supervisors

Meeting Date January 27, 2009

Item Number 18

Issue

Consideration of Resolution in Honor of Lt. Joe Louis Hairston, Henry County Sheriff's Office

Background

Lieutenant Joe Louis Hairston is retiring from the Henry County Sheriff's Office, effective February 1, 2009, after 39 years of service. Staff has prepared a resolution for Lt. Hairston to thank him for the many years of service.

Attachments

[Proposed Resolution](#)

Staff Recommendation

Staff recommends approval of the resolution and presentation of it to Lt. Hairston.



RESOLUTION OF THE HENRY COUNTY BOARD OF SUPERVISORS

WHEREAS, the Henry County Board of Supervisors believes that public safety and law enforcement are basic building blocks that all citizens expect and deserve; and

WHEREAS, those citizens who devote themselves to public service make a greater impact on their communities than they could ever know; and

WHEREAS, one such devoted public servant is Lieutenant Joe Louis Hairston, who has served the Henry County Sheriff's Office in many roles for the past 39 years; and

WHEREAS, during those 39 years Lt. Hairston served as a road deputy, an investigator, and lieutenant, and served each day with dedication and determination; and

WHEREAS, Lt. Hairston's retirement, effective February 1, will leave a void in the Henry County Sheriff's Office that will be difficult to fill; and

WHEREAS, Lt. Hairston will forever be missed by all who worked him on a daily basis:

NOW, THEREFORE, BE IT RESOLVED, on this 27th day of January 2009 that the Henry County Board of Supervisors congratulates Joe Louis Hairston on his 39-year career of public service; furthermore, the Board wishes the best to those who follow Lt. Hairston's footsteps, for they will forever be compared to one of the best public servants Henry County has ever seen.



Debra Parsons Buchanan, Chairman
Henry County Board of Supervisors



Henry County Board of Supervisors

Meeting Date January 27, 2009

Item Number 19

Issue

Matters Presented by the Public

Background

No one has contacted the County Administrator's Office and requested time on the Board's agenda.

Attachments

None

Staff Recommendation

None



Henry County Board of Supervisors

Meeting Date January 27, 2009

Item Number 20

Issue

Public Hearing – Boundary Adjustment on Fairystone Park Highway and Mary Hunter Drive, Blackberry District

Background

At its December 2008 meeting the Board discussed a boundary adjustment between some County-owned property on Mary Hunter Drive and property owned by EMI Imaging on Fairystone Park Highway. A public hearing on the matter is required before any action could take place.

Attachments

[Public Hearing Notice](#)

Staff Recommendation

Staff recommends approval of the boundary adjustment after the conclusion of the public hearing.



Henry County Board of Supervisors

Meeting Date January 27, 2009

Item Number 22A

Issue

Request for "Watch for Children" Sign on Moores Mill Road, Horsepasture

Background

Supervisors' Chairman Buchanan is requesting a "Watch for Children" sign on Rt. 629, Moores Mill Road in Horsepasture.

Attachments

None

Staff Recommendation

Staff recommends approval of the request.



Henry County Board of Supervisors

Meeting Date January 27, 2009

Item Number 22B

Issue

Consideration of Resolution to Add Section of Nautica Drive to the Secondary Road System

Background

The Virginia Department of Transportation is asking the Board to endorse a resolution for the addition of less than a half-mile of State Route 1188, also known as Nautica Drive, to the Commonwealth's Secondary Road System.

Attachments

[Proposed Resolution](#)

Staff Recommendation

Staff recommends approval of the request.

	<u>NOV</u>		<u>DEC</u>
	<u>26, 2008</u>		<u>31, 2008</u>
GENERAL FUND			
Branch Banking & Trust - Public Special MRC-MM	\$ 6,094,691.43	\$	11,770,080.49
Branch Banking & Trust - CD - Matures - 12/28/08	5,022,956.15		5,022,956.15
Branch Banking & Trust - CD - Matures - 1/24/09	<u>5,034,643.84</u>		<u>5,034,643.84</u>
Total	\$ 16,152,291.42	\$	21,827,680.48
 HENRY COUNTY SCHOOL CAFETERIA FUND			
Branch Banking & Trust - Public Fund MRS	<u>14,063.01</u>		<u>81,640.26</u>
Total	\$ 14,063.01	\$	81,640.26
 HENRY COUNTY SCHOOL TEXTBOOK FUND			
Branch Banking & Trust - Public Fund MRS	<u>1,406,028.93</u>		<u>1,461,158.41</u>
Total	\$ 1,406,028.93	\$	1,461,158.41

**HENRY COUNTY, VIRGINIA
CONTINGENCY RESERVE BALANCE F/Y 2008-2009
JANUARY 27, 2009**

G/L Account No. 31391610 599010

CONTINGENCY RESERVE BEGINNING OF FISCAL YEAR	\$ 167,010
Reserve for Sheriff's Criminal Apprehension Fund approved on August 11, 2008	(50,000)
Appropriations Approved by the Board and Shown on Previous Monthly Reports	0

CONTINGENCY RESERVE PRIOR TO DECEMBER 16, 2008 BOARD MEETING	\$ 117,010
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Appropriations Previously Approved and Finalized Since Last Meeting:

Board Meeting	Department	Purpose	Amount
None	None	None	0
Total Appropriations			0

CONTINGENCY RESERVE AVAILABLE - JANUARY 27, 2009	117,010
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Request Pending at January 27, 2009 Meeting:

None	None	0
Total Pending		0

PROJECTED CONTINGENCY RESERVE AVAILABLE	\$ 117,010
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