

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

February 26, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on February 26, 2008, at 3:00 pm in the Board Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Jim Adams, Vice Chairman H. G. Vaughn, Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Accounting; Darrell Jones, Assistant Director of Accounting; and Susan Reynolds, Director of Human Resources.

Deputy Mike Hooper was present from the Sheriff's Office.

Debbie Hall of the Martinsville Bulletin was present.

Tim Hall gave the invocation and Paula Burnette 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

- 1) January 29, 2008
- 2) January 31, 2008

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

Mrs. Burnette moved that the Board approve Items of Consent as presented, second by Mrs. Buchanan and unanimously carried.

CONSIDERATION OF REQUEST FROM PITTSYLVANIA COUNTY FARM BUREAU FOR SUPPORTING RESOLUTION REGARDING MULTI-PURPOSE AGRICULTURE COMPLEX:

Mr. Summerlin stated that the Pittsylvania County Farm Bureau Federation, a non-profit private 501(c) 5 organization, is proposing to construct a multi-million dollar, multi-purpose agriculture complex. The regional facility will be centralized within the County on Route 29 offering agricultural training and related events and clinics. The complex will provide a centralized space for regional product sales including a farmers market, livestock center, educational programming and meeting space, equine arenas, and areas for viticulture and other agricultural activities. The project has the support of the Henry County Farm Bureau, and no Henry County funds would be required for the project.

Mrs. Burnette moved that the Board approve the resolution in support of a multi-purpose agriculture complex, second by Mr. McMillian and unanimously carried.

Mr. Adams noted that discussion of storm water issues had been withdrawn.

FINANCIAL MATTERS:

Additional Appropriation re: Chestnut Knob Water Project

Mr. Summerlin stated in 2007, the Board of Supervisors authorized the purchase of approximately 600 acres of potential industrial land, called the ROMA property. The site is near the North Carolina line and does not have public utilities at this time. County staff has worked with Prillaman and Pace, the contractor for the Chestnut Knob water project, on a plan to upsize a water line that is part of the Chestnut Knob project from 8 inches to 12 inches. This change would make the line large enough to handle the flow needed when utilities are extended to the ROMA site. The new aspect of this project would involve upsizing the line along Magna Vista School Road to eventually handle the appropriate flow once the line is extended to the ROMA site. Prillaman and Pace is allowing Henry County to make this change under the same unit costs it is charging for the Chestnut Knob project. The total cost of the upsizing is \$23,952, and would provide adequate fire protection to the ROMA parcel when that site eventually is served. Staff suggests that the money be spent from the Contingency Fund, which currently has \$116,946 in it.

Mr. Vaughn moved that the Board approve the additional appropriation of \$23,952 to pay for the upsizing of the waterline along Magna Vista School Road from eight inches to 12 inches, with the expenditure to come out of the Contingency Fund, second by Mrs. Buchanan and unanimously carried.

**Acceptance of Grant and Additional Appropriation re:
Virginia Triad Crime Prevention for Seniors Grant –
Sheriff's Office**

Mr. Summerlin stated Sheriff Lane Perry is requesting the Board to accept a grant from the Virginia Triad Crime Prevention for Seniors program in the amount of \$2,475. Sheriff Perry indicates that the grant would be used for travel safety first aid kits, “file of life” packets, and incidental expenses. The grant would require a local match of \$275, which would come from the current Sheriff's Office budget.

Mrs. Buchanan moved that the Board approve acceptance of the grant and authorization of the additional appropriation of \$275, second by Mr. McMillian and unanimously carried.

INFORMATIONAL ITEMS:

Mr. Summerlin informed the Board of a ribbon cutting ceremony scheduled on Friday, February 29th at 11:00 am at Darrell Cox Racing on Route 87 in the Ridgeway District.

Mr. Lyle briefly reviewed a letter addressed to him from outside counsel regarding the status of delinquent real estate tax collections. It was noted that since the County has referred accounts to outside counsel, the County has collected \$407,770 in delinquent taxes, penalty and interest. (Copy included in Board's File).

Mrs. Burnette stated the West Piedmont Planning District held a Regional Water Supply Planning Session. She stated after reviewing several of the maps, one map did not indicate there was any growth anticipated along the waterline that has recently been installed in the Axton and Sandy Level areas. She stated she brought the matter to West Piedmont's attention and asked them to look at this area because this is where you would expect to see growth.

Mrs. Buchanan informed the Board that she would be holding a Community District Meeting on April 8th.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 3:15 pm to discuss the following, second by Mrs. Buchanan and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Industrial Development Authority, Planning Commission, Parks and Recreation Board, Patriot Centre Advisory Board and Dan River Alcohol Safety Action Program.
- 2) §2.2-3711(A)7 for consultation with the County Attorney re: Pending Legal Matters.
- 3) §2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate.
- 4) §2.2-3711(A)5 for Consultation with the County Attorney re: Discussion of as-Yet Unannounced Industries.

OPEN MEETING:

The Board returned to an open meeting at 5:45 pm on a motion by Mrs. Buchanan, second by Mrs. Burnette. The motion carried 5 to 0. It was noted that Mr. McMillian left the meeting during closed session.

CERTIFICATION OF CLOSED MEETING:

Mr. Hall read the Certification of the Closed Meeting and took a roll call vote affirming that the Board only discussed public business matters lawfully exempted and identified in the motion to enter closed session. Those voting in the

affirmative were Mr. Slaughter, Mrs. Burnette, Mr. Adams, Mrs. Buchanan and Mr. Vaughn. Mr. McMillian was absent.

APPOINTMENTS:

Industrial Development Authority

Mrs. Buchanan moved that the Board reappoint Len Dillon and Steve Isley to the Industrial Development Authority Board for a four-year term expiring March 31, 2012, second by Mrs. Burnette. The motion carried 5 to 0. Mr. McMillian was absent.

Planning Commission

Mr. Slaughter moved that the Board reappoint Herman Haley and Lawrence Penn to the Planning Commission for a four-year term expiring March 31, 2012, second by Mrs. Burnette. The motion carried 5 to 0. Mr. McMillian was absent.

Patriot Centre Advisory Board

Mr. Vaughn moved that the Board reappoint Hal Prillaman, George Lester, Ted Eanes, W. E. Giesler, and Nubby Coleman to two-year terms on the Patriot Centre Advisory Board, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. McMillian was absent.

Dan River Alcohol Safety Action Program

Mrs. Burnette moved that the Board appoint David White to a three-year term on the Dan River Alcohol Safety Action Program, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. McMillian was absent.

The Board recessed its meeting at 5:51 pm.

Chairman Adams reconvened the meeting at 6:00 pm and welcomed everyone present.

MATTERS PRESENTED BY THE PUBLIC:

There was no one present from the public who wished to speak.

GENERAL HIGHWAY MATTERS:

Ms. Lisa Price-Hughes, Residency Administrator of VDOT, discussed several projects with the Board. She stated VDOT started on signal installation on Route 87 and 220. Route 650 is closed and Blue Knob Road will be closed in several weeks for repairs. Irisburg Road and the Ridgeway Bridge repair work is coming up. VDOT has contracted paving work on the Route 58 Bypass from Route 650 to 58 and Laurel Park as well as guardrail upgrades.

Ms. Hughes stated VDOT received a copy of a letter from Pierce Homer, Secretary of Transportation, regarding the revised transportation revenue forecast. Federal revenues should remain steady; however, it is anticipated a 44% cut in primary, urban and secondary funds, which would total approximately \$1 million for Henry County per year. Ms. Hughes noted that funding is in place for the projects she previously discussed.

Mr. Summerlin discussed an article he read in today's **Martinsville Bulletin** quoting someone from the General Assembly, which said "if transportation revenues are not increased, in seven years the maintenance costs would eat up all the transportation revenues and there would be no new roads built."

Children at Play Signs

Mrs. Burnette moved that the Board request VDOT to install Children at Play Signs at two entrances into Piedmont Estates on the south end and Cardinal Road, second by Mr. Vaughn. The motion carried 5 to 0. Mr. McMillian was absent.

Mrs. Burnette moved that the Board transfer \$50,000 from the Rural Addition funds from the Iriswood District and apply the funds to preliminary engineering on Project 12 for the four-laning of Spruce Street, second by Mr. Vaughn. The motion carried 5 to 0. Mr. McMillian was absent.

Mr. Adams recognized and welcomed Joseph Battle, member of Boy Scout Troop #326 who was in attendance as a requirement in earning his merit badge.

PUBLIC HEARING - COMMUNITY IMPROVEMENT GRANT REQUEST TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE RIVERSIDE DRIVE NEIGHBORHOOD IMPROVEMENT PROJECT:

Ms. Mary Ann Mason, Grant Coordinator, stated through the utilization of a Community Development Block Grant (CDBG) Planning Grant, Henry County is undertaking a study of community improvement needs for Riverside Drive in the Bassett community. Through this planning grant process, the County is developing plans to submit a Community Improvement Grant (CIG) application to the Virginia Department of Housing & Community Development (VDHCD) to make improvements identified by a needs assessment and public input. VDHCD requires that two public hearings be held during this process with the first public hearing held on January 28, 2008. The application is due by March 26, 2008.

Ms. Mason presented the Board with a revised resolution in support of submitting the Community Improvement Grant application. (Copy of Resolution included in Board's File). The

grant application has been designed to accomplish the following project activities: Rehabilitation of twenty-three (23) low-to-moderate income residential units to include: fourteen owner-occupied single-family units, four tenant-occupied single-family units, two temporarily vacant units, one multi-family unit containing two apartments, and one tenant-occupied mobile home. The project will also provide an opportunity to create homeownership for two qualified low-to-moderate households through the acquisition, rehabilitation and re-sale of two currently vacant units. Additional project activities include pedestrian safety improvements through spot repair of sidewalks as well as the installation of a crosswalk and signage between the Bassett Public Library and the Bassett Historical Center. Park improvements, potentially including the installation of bleachers, fencing, picnic facilities, and landscaping, are also part of the proposed project.

The projected cost is \$1,002,272. Included in the total would be \$128,650 in leverage provided by the County and \$61,640 in private funds.

The public hearing was open at 6:18 pm. There being no one present who wished to speak the public hearing was closed at 6:18 pm.

Mrs. Burnette moved that the Board adopt the resolution of support authorizing the submittal of the Community Improvement Grant application, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. McMillian was absent.

Mr. Adams thanked Ms. Mason, Mr. Clark, Mr. Summerlin and other county staff members for their work on this project.

PUBLIC HEARINGS – ZONING:

Proposed Amendment to Zoning Ordinance

Mr. Clark reviewed the proposed amendment to the Zoning Ordinance as it pertains to the Massage Ordinance. Mr. Clark stated the Board, at its meeting on January 2, 2008, referred the proposed amendment to the Planning Commission for its consideration and recommendation. The amendment, in conjunction with other proposed amendments to the County Code, deal with how massage businesses are handled by Henry County. All massage businesses referred to in the Code as massage parlors are required by the Zoning Ordinance to acquire a Special Use Permit from the Board of Zoning Appeals. Under the proposed Zoning Ordinance amendment, if the proposed business is required to be licensed under the amended section of the County Code, Chapter 13, Article III, then it shall not be considered a permissible Home Occupation as defined in the Zoning Ordinance.

The public hearing was open at 6:21 pm. There being no one present who wished to speak the public hearing was closed at 6:21 pm.

Mrs. Buchanan moved that the Board approve the recommendation of the Planning Commission and approve the amendment to the Zoning Ordinance, second by Mr. Vaughn. The motion carried 5 to 0. Mr. McMillian was absent.

Rezoning Application R-08-02 – Allen R. and Cindy Donovan

Mr. Clark reviewed Application R-08-02 for Allen R. and Cindy Donovan. (Copy of Application included in Board's File). Mr. Clark stated that following a public hearing both the Planning Commission and staff recommend approval of the request and acceptance of written proffers.

The public hearing was open at 6:23 pm. It was noted that the applicants were present.

Mr. Allen Jones, resident on Sunset Drive, came forward and stated he was spokesperson for the Sunset Drive Community Awareness Committee. He presented a petition to the Board with signatures stating concerns of keeping the community clean and safe. The petition states that the committee is against the rezoning that will permit single-wide manufactured homes or similar structures to be placed in the currently classified suburban residential. (Copy of Petition included in Board's File).

Mr. Clark readdressed the Board regarding the zoning classification. He stated at the Planning Commission public hearing the original request was to rural residential which would allow for a single-wide manufactured home on the property. He stated there were some concerns from the community at that time and the Planning Commission had the same concerns as the residents. He stated during the public hearing the applicants decided to amend their request to mixed residential which would not allow for a single-wide mobile home on the property and would only allow for either a double-wide manufactured home on a permanent masonry foundation or higher, such as a modular home or site-built home. He stated with the amendment, the Planning Commission recommended approval of the request.

Ms. Debra Ward asked why would you go back from suburban residential to mixed residential. Ms. Ward stated she has a problem going back in rezoning.

Mr. Clark stated there are different zoning classifications up and down Sunset Drive, such as rural residential, agricultural, and suburban residential. The Planning Commission's consensus was that mixed residential would be somewhere in between all the other zoned areas, which would be the most appropriate zoning for that property. Mr. Clark stated the only difference in suburban residential and mixed residential is that mixed residential being proposed will allow for someone to put a double-wide manufactured home on the

property and require it to be on a permanent brick or masonry foundation.

Ms. Dorothy Turner, a member of the Community Awareness Group, stated she didn't think the property was big enough for a double-wide. She stated the residents on Sunset Drive are trying to clean up the community. She stated she is concerned about someone moving in right beside of you and keeping you up all night.

Mr. Herman Moore, a resident on Sunset Drive, stated he is opposed to the rezoning and most of the problems are coming from the people who live in the mobile homes.

There being no one else who wished to speak the public hearing was closed at 6:34 pm.

Mr. Slaughter stated he understood the residents concerns; however a double-wide with a foundation should not be a problem.

Mr. Slaughter moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request and acceptance of the written proffers, second by Mrs. Burnette. The motion carried 5 to 0. Mr. McMillian was absent.

PUBLIC HEARING - PROPOSED AMENDMENT TO INOPERATIVE MOTOR VEHICLE ORDINANCE, SECTION 12-201(d):

Mr. Lyle stated the County is proposing to amend Section 12-201(d), of the Inoperative Motor Vehicle Ordinance to clarify the intent of this section. The intent was to allow licensed motor vehicle dealers to be exempt from the requirements of the Inoperative Motor Vehicle Ordinance, but only on the property where they have their licensed business. This amendment will clarify the intent and assist in the

effective prosecution of future violations. (Copy of Amendment included in Board's File).

The public hearing was open at 6:38 pm.

Mr. Danny Foley, owner of Foley's Used Cars, stated small businesses are struggling and they do not need to be singled out making it harder to operate. He stated this type of business contributes thousands of dollars in state and county taxes; therefore he was opposed to the amendment of the Inoperative Motor Vehicle Ordinance.

Mr. Wayne Withers, Assistant Commonwealth Attorney, stated the proposed change is not directed at businesses. It is directed at people who are taking advantage of their license and dropping inoperative vehicles off in areas that are prohibited such as a residential community.

Mr. Doug Jackson, resident of the Ridgeway District, asked why a vehicle would be inoperative just because it does not have a tag or decal on it. Mr. Jackson stated there are people that for financial reasons have had to park their vehicles.

Mr. Sammy Wright stated he runs a licensed business in the City of Martinsville and he agreed with Mr. Jackson that there are a lot of points that need to be looked at. Mr. White stated the definition of inoperative needs to be further defined. He stated he owned antique vehicles and as a dealer whatever he puts his dealer plate on and if it is in his inventory it doesn't make any difference where it's at in the Commonwealth of Virginia, it is a tagged vehicle. He asked the Board to give this matter serious consideration.

Mr. Lyle stated the proposed amendment is to further define an "exception." He stated right now there seems to be a broad exception for licensed motor vehicle dealers and this will narrow that exception.

Mr. George Craig, a resident on Oliver Drive in the Blackberry District, stated he lives in a residential area and people are dumping junk cars and trash on property that adjoins his property.

Mr. James Cannaday stated he runs Nelson's Auto Salvage and during the last ten years they have probably brought in over \$200,000 into the community. He stated furniture and textile manufacturers are gone and next it would be the car lots.

Mr. James E. Craig, a resident of Oliver Drive, stated his land adjoins suburban residential property and junk cars are being dumped near his property and this should not be allowed.

There being no further comments the public hearing was closed at 6:51 pm.

Mr. Vaughn stated that it appears from information from the Commonwealth Attorney's Office that what is happening is dealers who have license are using that license to create illegal salvage yards and junk yards in other areas.

Mr. Withers, Assistant Commonwealth Attorney, stated that is correct; some people are taking advantage of the loop hole in the ordinance.

Following was some further general discussion by the Board regarding illegal salvage yards.

Mrs. Burnette moved that the Board approve the amendment to the Inoperative Motor Vehicle Ordinance, Section 12-201(d), second by Mr. Vaughn. The motion carried 5 to 0. Mr. McMillian was absent.

**PUBLIC HEARING - CONSIDERATION OF COUNTY
ORDINANCE CHANGES REGARDING CONCEALED
HANDGUN PERMIT APPLICATIONS:**

Mr. Lyle stated at the Board's last meeting, Commonwealth's Attorney Bob Bushnell asked the Board to consider a change to the County Code regarding the application process for concealed handgun permits. Mr. Bushnell wrote in a letter that he and Sheriff Lane Perry would like for the Board to change the County Code and begin requiring fingerprint-based checks in addition to the current requirements. Mr. Bushnell said this new step would allow Henry County to more accurately determine the criminal background of a potential applicant.

The public hearing was open at 7:04 pm. There being no one present who wished to speak the public hearing was closed at 7:04 pm.

Mrs. Burnette stated in Mr. Bushnell's letter it states that an applicant whose finger prints are taken has the right within 21 days to request return of the finger print card file and that it is specifically used for the purpose of obtaining a concealed handgun permit.

Mrs. Burnette moved that the Board approve the change to the Concealed Handgun Permit Applications, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. McMillian was absent.

PUBLIC HEARING - ADJUSTMENTS TO THE FY 2007-08 HENRY COUNTY BUDGET:

Mr. Summerlin stated budget adjustments over \$500,000 require a public hearing before consideration by the Board. He stated as part of the development agreement with RTI International Metals, Henry County offered and had accepted several fiscal proposals that were not included in the FY 2008 County Budget. The public hearing is to receive citizen input on the budget amendment to curtail the Lease Revenue Bonds on the shell building in the Patriot Centre in the amount of \$2,850,000, and the economic incentive package to RTI not to

exceed \$1,000,000 for additional grading at their site. The budget amendment totals \$3,850,000. The sources of funding are cash earmarked from proceeds received on the 2008 Tax Revenue Anticipation Note; the Henry County Industrial Development Authority; and the Martinsville-Henry County Economic Development Corporation.

The public hearing was open at 7:07 pm. There being no one present who wished to speak the public hearing was closed at 7:07 pm.

Mrs. Buchanan moved that the Board approve the budget adjustment, second by Mr. Vaughn. The motion carried 5 to 0. Mr. McMillian was absent.

There being no further business to discuss Mrs. Burnette moved to adjourn at 7:09 pm, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. McMillian was absent.