

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

April 29, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on April 29, 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.

Captain Nelson Thomas, Sergeant Ronnie Minter and Deputy Mike Hooper were present from the Sheriff's Office.

Debbie Hall of the Martinsville Bulletin was present.

Tim Hall gave the invocation and Debra Buchanan led in the Pledge of Allegiance.

CALL TO ORDER

Chairman Adams called the meeting to order and welcomed everyone present. He stated that anyone who wishes to be on the Agenda for the Board's regular business meeting held at 3:00 pm must contact the County Administrator's Office seven days prior to a scheduled meeting. Those wishing to speak at the Board's public meeting starting at 6:00 pm may do so under Agenda Item -

Matters Presented by the Public without contacting the County Administrator's Office.

ITEMS OF CONSENT:

Confirmation of Minutes of Meetings

- 1) March 25, 2008
- 2) April 3, 2008
- 3) April 10, 2008
- 4) April 14, 2008

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

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

REMARKS BY DELEGATE DANNY MARSHALL, 14TH DISTRICT, CONCERNING VIRGINIA TOBACCO COMMISSION:

Delegate Danny Marshall, who represents part of Henry County in the 14th District, came forward to discuss the role of the Virginia Tobacco Commission and his role as a member and the first area legislator to serve on the Tobacco Commission. Delegate Marshall stated as Henry County's representative he wanted to discuss with the Board how they could work together to make sure Henry County has a seat and fair representation on the Tobacco Commission Board. Delegate Marshall stated the committees he presently serves on are the Education Committee, South Side Economic Development Committee, and Special Projects Committee. He stated the two committees that make a difference to Southside Virginia are the Southside Economic Development Committee

and the Special Projects Committee. He stated in the past the Southside Economic Development Committee has used a formula to allocate money to Southside Virginia based on how much tobacco is grown in a community. He stated as a new member on the committee and in talking with former Senator Charles Hawkins, Chairman of the Tobacco Commission, discussions have taken place in doing away with the allocation formula. He stated what this would mean for Henry County would be to suspend the formula for two years and to see how it works for all of Southside Virginia and revisit the issue after two years. Delegate Marshall stated the Tobacco Commission has to look at projects that will be significant for many years to come making sure the money is spent correctly and creating jobs to help all communities across Southside. Delegate Marshall stated his goal is to help the Board of Supervisors be on the front end of an economic development proposal and see them through the whole process without knowing any of the confidential specifics of a project.

There was some general discussion regarding the Tobacco Commission's funding to qualifying localities in Virginia based on a 2003 formula.

On behalf of the Board Mr. Adams thanked Delegate Marshall for the Tobacco Commission's past support and funding to help bring new jobs to the community and also the support of the local legislators. Mr. Adams acknowledged the support received from the Governor's Opportunity Fund and the Virginia Economic Development Partnership.

Mr. Summerlin also thanked Delegate Marshall for his help with RTI International Metals.

ADOPTION OF THE FY '09 COUNTY BUDGET:

Mr. Summerlin reviewed the process of adoption of the FY '09 Budget. He stated numerous actions are necessary to complete the budget process: setting of tax rates, adoption of budget, and appropriation of budget. He stated the Board is

scheduled to set the tax rates and adopt the budget today; and appropriation of the budget is scheduled for May 27, 2008.

Setting of tax rates:

Mr. Vaughn moved that the Board adopt the following tax rates for FY '09, second by Mrs. Burnette and unanimously carried.

Real Estate:

\$.54 per \$100 assessed value

Personal Property and Machinery and Tools:

\$1.48 per \$100 of assessed value for personal property, including motor vehicles, and \$1.19 per \$100 of assessed value for machinery and tools/business equipment.

School Budget:

Mrs. Buchanan moved that the Board adopt the proposed budget for school expenditures for FY '09 by category as summarized in Exhibits A and B, subject to the state, federal, and local funds becoming available as estimated, second by Mr. Vaughn.

Mr. McMillian stated the School system had at one time over 20 schools and operated off of a \$62 million budget. The School System now has 15 schools and the budget is almost \$79 million; therefore he could not support the school budget.

The motion carried 5 to 1. Mr. McMillian opposed.

Total Budget:

Mrs. Burnette moved that the Board adopt the proposed FY '09 Budget for fiscal planning purposes as summarized in Exhibits A and B, second by Mrs. Buchanan. The motion carried unanimously.

Mr. Summerlin noted that regarding the Appropriation of the Budget that no County funds can be expended or obligated until an appropriation of the budget is made. The Board of Supervisors is scheduled to appropriate the budget May 27, 2008.

CONSIDERATION OF RESOLUTION ESTABLISHING MAY 2, 2008 AS “FIRE AND RESCUE VOLUNTEER APPRECIATION DAY” IN HENRY COUNTY:

Mr. Summerlin stated the Board is being asked to consider adopting a proposed resolution which establishes May 2, 2008, as “Fire and Rescue Volunteer Appreciation Day” in Henry County. The Volunteer Appreciation Banquet will be held at Victory Baptist Church on May 2, 2008. Mr. Summerlin noted it is recommended to remove language in the resolution that states “without charge.”

Mrs. Buchanan moved that the Board approve the resolution with the noted changes, second by Mrs. Burnette and unanimously carried.

FINANCIAL MATTERS:

There were no financial matters to be discussed.

INFORMATIONAL ITEMS:

Comments from the Board

Mr. Summerlin stated there was a publication called **Virginia Commerce Quarterly**, by the Virginia Economic Development Partnership, featuring RTI International Metals as the main story. He stated the Industrial Development Authority will meet Thursday, April 30 to approve the plat for the property transfer to RTI and tentatively the closing on the shell building is scheduled sometime next week. Bids were taken on the site grading and he was not sure of the low bidder; however, the project is moving along.

Mr. Summerlin stated he received information from the Commonwealth Transportation Board concerning the next round of Transportation Enhancement Grant Awards. Henry County applied for two projects, one being a second phase of the Collinsville Enhancement Project. The County received an additional \$112,000 along with the first grant of \$80,000, and the County will have a 20% match. Mr. Summerlin stated the second project is the Rail Trail Project, which the County received an additional \$86,000. Mr. Summerlin stated it was his understanding the Pilot Transit Program is included in the recommended funding through the State and will go to the Commonwealth Transportation Board for final approval.

Mr. Adams recognized Mr. Summerlin regarding an article in the **Martinsville Bulletin**, Sunday, April 27 featuring "Summerlin as part of LEAD Virginia. Mr. Summerlin was among 44 senior level executives in business, education, non-profit and governmental agencies in Virginia to be named a 2008 class member of LEAD VIRGINIA. Mr. Adams asked Mr. Summerlin to explain the role of the organization.

Mr. Summerlin stated LEAD VIRGINIA started in March 2005, and is basically a networking group throughout the State centering on themes such as economy, education and health and examines the technology, economic development, demographics, transportation/growth management and quality-of-life issues impacting Virginia in seven months of two-day regional sessions.

Mr. Lyle stated he recently attended a Local Government Attorneys Summary of the Legislative Session. Three leading lobbyists who protect the interest of local government, Virginia Municipal League, VACo and a private firm, prepared a summary of the bills that effect local government. He stated he would provide the Board with copies. (A Copy is Included in Board's File).

Mr. McMillian stated he would like to note how the look of Collinsville is changing on 220 Business with several new businesses being built and replacing older buildings. He stated he was hopeful that Collinsville would have a fairly new look in the near future. He stated the County needs to do something along the lines of getting Route 220 through Collinsville washed and cleaned.

Mrs. Burnette stated she attended a Neighborhood Watch Meeting last night and after the meeting she was approached by several people who had concerns about the appearance of the entrance into Henry County from the city limit to the turn at Route 57 going out 58 East. She stated there have been no improvements made to the tree line from the city limits down to the stop light and the trees are not being trimmed, no mulching replaced and weeds growing up. Mrs. Burnette requested Mr. Hall to bring this matter to the attention of the Gateway/Streetscape Board of Directors.

Mrs. Burnette stated she also attended a Secure Commonwealth Panel meeting in Richmond this past Wednesday, and a PR Campaign will be implemented in the next couple of weeks to announce that the last week in May will be a tax free holiday for Virginia citizens to purchase items everyone should have for an emergency kit in preparation of any type of storm, disaster, etc. She stated there is a website available for further information at readyvirginia.org.

Mrs. Buchanan noted that the Fieldale Heritage Festival is scheduled for Saturday, May 17 with food, arts, crafts, music, etc.

Mr. Vaughn stated this coming Saturday morning the Fontaine Ruritan Club will be holding its Annual Fishing Tournament for children at 9:00 am at the Sportsman's Lake off Lee Ford Camp Road.

Mr. Adams stated he and Vice Chairman Vaughn participated in the Gravely Park opening this past Saturday.

He encouraged everyone to visit the park and thanked everyone involved in the project.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 3:37 pm to discuss the following, second by Mrs. Buchanan and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Parks and Recreation Board, Focus on Youth, Henry-Martinsville Social Services Board, Patrick Henry Community College Board, Piedmont Regional Community Services Board, Southern Area Agency on Aging Board, West Piedmont Business Development Center and West Piedmont Disability Services Board.
- 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 open session at 5:34 pm on a motion by Mr. McMillian, second by Mr. Slaughter and unanimously carried.

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, Mr. McMillian, Mrs. Burnette, Mrs. Buchanan, Mr. Vaughn and Mr. Adams.

APPOINTMENTS:

Henry-Martinsville Department of Social Services

Mr. Slaughter moved that the Board appoint Carolyn Byrd to the Henry-Martinsville Department of Social Services to a four-year term ending May 2012, second by Mrs. Buchanan and unanimously carried.

Southern Area Agency on Aging

Mr. Vaughn moved that the Board reappoint Mary Jo Vipperman to the Southern Area Agency on Aging Board to a three-year term ending June 2011, second by Mrs. Burnette and unanimously carried.

West Piedmont Disability Services Board

Mr. Vaughn moved that the Board reappoint Olaf Hurd to the West Piedmont Disability Services Board to a three-year term ending May 2011, second by Mr. Slaughter and unanimously carried.

Deed of Easement from Public Service Authority

Mrs. Buchanan moved that the Board accept an easement from the Public Service Authority to extend the Fieldale Walking Trail, second by Mr. McMillian and unanimously carried.

5B's

Mrs. Burnette moved that the Board authorize the County Administrator to enter into a forbearance agreement with 5 B's and other associated entities for a total of \$3.652

million pending final approval of legal counsels, second by Mr. McMillian and unanimously carried.

The Board recessed its meeting at 5:37 pm until 6:00 pm.

Mr. Adams called the meeting to order at 6:00 pm and welcomed everyone present.

MATTERS PRESENTED BY THE PUBLIC:

Mr. Adams read a brief statement that the Board is here to listen to public comments and not to engage in a question and answer period or a debate. He stated if anyone wishes to address the Board to come to the podium and state your name, subject matter and the district in which you live. He stated by coming to the podium you have agreed to exhibit respect to the Board and its members and each one will conduct themselves with dignity. He stated everyone would receive the same level of respect from the Board. He asked that those who wish to speak to keep his or her comments between three to five minutes.

Ms. Sherry Vestal

Ms. Sherry Vestal of the Blackberry District, stated on January 15, 2008, a Henry County deputy was in pursuit of a vehicle on Route 57 East. She stated her father is deceased; however, her family owns some property in the area. During the pursuit the deputy had an accident in which the deputy's vehicle went out of control and plowed into her beauty shop and it was completely demolished.

Ms. Vestal stated she had already talked with the County's insurance carrier, VACo and it was determined that sovereign immunity takes over and the County is not responsible for the damages to the building. She stated while her father was ill and prior to his death the family had numerous medical bills trying to take care of her father at home. She stated to offset the costs of her father's care some

things had to go and insurance on this particular building was cancelled.

Ms. Vestal stated she sought legal advice from several attorneys and was told that the only way to get VACo to pay for the damage to the building would be to claim gross negligence on the deputy's action. She stated according to sovereign immunity if you're in pursuit of a vehicle as part of your job and there is an accident then sovereign immunity takes over. Ms. Vestal stated she understands the law; however, there were a few discrepancies in the State Trooper's report; for instance, the report said the deputy was going 55 mph in a 35 mph zone and according to the report there were no skid marks. She stated that is incorrect; there were 104 feet of skid marks. She stated she received estimates ranging from \$11,000 to \$26,000 to repair the damaged building.

Ms. Vestal stated her purpose for being here tonight is to request the Board of Supervisors to write a letter to VACo and see if they will reopen the case, reconsider its decision, look into all options and look over the estimates and see if they would consider meeting the low estimate of \$11,000. Ms. Vestal distributed copies of pictures to each Board member showing property damage, skid marks in question, police crash report and estimates. She thanked the Board for their time and appreciated consideration of her request. (A Copy of Report included in Board's File).

The Board thanked Ms. Vestal for her comments.

Mr. John Staples of the Ridgeway District stated over the past several months he requested the Board to enforce action against illegal immigrants; however, the Board has done nothing but pass a resolution. Mr. Staples stated he would ask the Board to make cuts in several County departments. He stated that the Sheriff's Office needs to slowdown its patrol cars and start setting at intersections to conserve gas. He stated off duty officers working at the racetrack should start driving their own personal vehicles and he would request that

all personnel stop driving County vehicles to and from home. He stated the PSA should look at being more conservative with its water to other localities. Mr. Staples also commented that the County doesn't need I-73 it just needs the road that has already been discussed from Route 58 to the industrial park and extend it to Lowe's and Wal-Mart.

PUBLIC HEARING – REZONING APPLICATION R-08-05 – JOHN L. HAIRSTON:

Mr. Clark reviewed Application R-08-05 for John L. Hairston. (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.

The public hearing was open at 6:18 pm. The applicant was present.

There being no one wishing to speak the public hearing was closed at 6:18 pm.

Mrs. Buchanan moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. Vaughn and unanimously carried.

PUBLIC HEARING – CONSIDERATION OF CODE CHANGES TO THE RESIDENTIAL PROPERTY ORDINANCE:

Mr. Lyle reviewed proposed amendments to Section 10-306 regarding the County's Residential Property Ordinance. Mr. Lyle stated it has previously been discussed that the ordinance needs to be more clearly defined regarding some items that are found in yards such as unused appliances and junk furniture in order to be more successful in prosecuting such cases. He recommended separating the mowing ordinance with a new Section 10-306.1. Keeping property in non-agricultural districts mowed. Mr. Lyle noted the proposed

language was drafted by the Assistant Commonwealth's Attorney and reviewed by the Sheriff's Office as well.

Sec. 10-306. Keeping residential property clean.

It shall be the duty of each residential property owner and tenant to keep all exterior private property free of litter by removing from such property any and all trash, garbage, refuse, litter, scrap metal or wood, unused household appliances or junked furniture and any substance which might endanger the life, health or safety of any resident of the County. The property to be kept free of litter shall include, but not be restricted to, sidewalks, alleys and driveways; yards and grounds; fences, walls and property lines; and drainage ditches and catch basins.

The public hearing was open at 6:20 pm.

Ms. Jackie Hurd of the Ridgeway District spoke in favor of the amendments to the Residential Property Ordinance and also agreed with keeping the Mowing Ordinance separate. She stated she appreciated the work of the Board of Supervisors.

Mr. Doug Jackson of the Ridgeway District stated he believed that a man's property is his own property and is part of their constitutional right. He stated the County does not need to implement the law County wide but perhaps in areas in and around a lot of homes.

Mr. Tom Howell, Jr., of the Ridgeway District stated he was opposed to any changes to the Residential Property Ordinance. He said he felt there were enough restrictions in place now on homeowners.

Mr. Tommy Barker of the Iriswood District asked who is going to enforce the law, how is it going to be enforced, who is going to pay for it and how many people will it take to get rid of the refrigerators, stoves, etc. He stated the County already has a lot of laws and laws should not be made if they can't be enforced. He stated if it's going to be enforced in one area

then it needs to be enforced equally throughout the whole County.

Mr. Doug Jackson stated he wanted to make a comment regarding the mowing ordinance. He stated how you are going to enforce someone to mow their yard out in rural areas of the County when a hundred yards down the road the State hasn't even mowed along side of the roads.

There being no one else who wished to speak the public hearing was closed at 6:30 pm. Mr. Adams thanked everyone for their comments.

Following some discussion by the Board Mr. Vaughn moved that the Board approve the ordinance as written, second by Mr. McMillian and unanimously carried.

PUBLIC HEARING – CONSIDERATION OF CODE CHANGES FOR REAL ESTATE TAX RELIEF FOR ELDERLY AND DISABLED:

Mr. Summerlin stated the Board discussed this issue last month at the request of Supervisor Burnette. The current ordinance reflects that the household income limit for tax relief is \$16,000 a year. The Board asked staff to advertise for a public hearing that would insert another level of consideration from \$16,001 to \$17,000 a year, with a 10% tax exemption at that level.

The public hearing was open at 6:47 pm.

There being no one present who wished to speak the public hearing was closed at 6:47 pm.

Mrs. Burnette moved that the Board approve the changes to the Real Estate Tax Relief for Elderly and Disabled, second by Mrs. Buchanan and unanimously carried.

GENERAL HIGHWAY MATTERS:

Ms. Lisa Price-Hughes, Residency Administrator of the local VDOT Office, was present to discuss general highway matters. Ms. Hughes stated the 60 mph speed limit on Route 58 was completed today. She stated that Sowers Construction was the apparent low bidder on the 650 Project at \$3.3 million (from 697 past Irisburg School.) She stated the bids on the bridge in Ridgeway will be up next month. Ms. Hughes stated VDOT started its mowing today. Bids were put out to contract its mowing and they came back too high and were rejected and will be re-advertised. She stated VDOT will be mowing until they get a contract that is reasonable. Ms. Hughes stated VDOT is trying to get a contractor in the area to do line markings on as many roads as possible. She stated the Draft Six Year Plan has been prepared with a 44% cut.

Request for “Watch for Children” Signs on Penn Store Road in the Horsepasture District and Susan Drive in the Collinsville District

Mrs. Buchanan moved that the Board request VDOT install Watch for Children Signs on Penn Store Road in the Horsepasture District and Susan Drive in the Collinsville District, second by Mr. McMillian and unanimously carried.

The Board discussed several miscellaneous highway matters with Ms. Hughes.

Mr. Lyle stated he would like to comment on Ms. Sherry Vestal’s request made earlier. He stated he did not think it would be inappropriate for the Board to authorize the County to send a letter to the County’s insurance carrier to request that Ms. Vestal receive full consideration of her request.

Mr. Vaughn moved that the Board authorize the County to send a letter to the County’s insurance carrier requesting full consideration be given to Ms. Vestal’s request, second by Mrs. Burnette and unanimously carried.

DISCUSSION OF RESCUE SQUAD ISSUES:

Mr. McMillian requested that this item be placed on the Board's Agenda. He stated he would like to recognize all rescue members in attendance. Mr. McMillian stated he recently reviewed a presentation by Stuart Bowman, Captain of FC-Rescue Squad, and thought it would be good if the Board could see it also. He then turned the meeting over to Mr. Bowman.

Mr. Bowman came forward and gave a presentation called "EMS Professionals in Action - Making A Difference One Life At A Time."

Mr. Bowman stated the presentation is to provide information on the actions that have been taken by the squads and what they see as opportunities for improvement to the current system. The squads are very grateful for the assistance and support provided to them by other groups. He stated the intent is to provide information that will present a new perspective and foster continued improvement of the current system. Mr. Bowman stated the leaders from each squad met to address concerns presented in a newspaper article and listed the areas of concern, determined issues associated with each area of concern and developed a list of actions to address the issues. Mr. Bowman stated that based on the article, areas of concern identified were call coverage, response time and patient care. Mr. Bowman showed a detailed Powerpoint presentation outlining the three areas of concerns with suggested recommendations to the Board of Supervisors. Mr. Bowman concluded his presentation by answering questions of the Board of Supervisors. (A Copy of the Presentation is Included in the Board's File).

Issues Pertaining to Call Coverage:

- Number of Volunteers
- Disincentives to Mutual Aid
- Call Volume
- Non-Emergency Calls

- Time of Calls – Availability of Members and Other Resources

Issues pertaining to Response Time:

- Availability of Personnel
- Time of Call – Traffic
- Location – Distance to Call
- Size of Coverage Areas
- Call Assignment and Tracking of Data

Issues pertaining to Patient Care:

- Documentation – Not Documenting Actions Taken
- Documentation – Making sure the Patient is Receiving the Proper Care

Mr. Adams thanked Mr. Bowman for his presentation. He stated it seems the squads are trying to work together to resolve some of their problems. He asked if the presentation had been shared with Public Safety at this point.

Mr. Bowman stated this is the first time it had been shown other than with rescue squad leadership. He stated they wanted to present it to the Board of Supervisors first and make sure when it progresses they would be able to answer questions.

Following the Board had a comment and answer session with Mr. Bowman regarding his presentation. The Board requested Mr. Bowman to provide them with a copy of the presentation. It was the consensus of the Board that the rescue squad leaders need to get approval from the Rescue Squad Association combined with the Public Safety Office. The Board briefly discussed services of Stone Ambulance Service.

The Board heard a comment from Mr. David Mitchell who was in attendance. Mr. Mitchell stated the rescue squads need to be commended and they do a great job; however, it seems to him that after watching the presentation the

volunteers need some serious direction. He stated you have a Public Safety Director and he didn't see why the Board didn't give him the responsibility and let him direct the volunteers. He stated his area of the County is not served by a rescue squad and there are ways to work together effectively, economically and get the needed service out to the people. He stated the end goal should be patient care.

The Board thanked Mr. Bowman and all rescue squad leaders in their work on the presentation.

There being no further business to discuss Mr. McMillian moved to adjourn at 7:55 pm, second by Mrs. Buchanan and unanimously carried.

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