

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

October 28, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on October 28, 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 Finance; Darrell Jones, Assistant Director of Finance; and Susan Reynolds, Director of Human Resources.

Sheriff Lane Perry, Major Steve Eanes, and Sergeant Eric Hairston were present from the Sheriff's Office. Mickey Powell of the Martinsville Bulletin and Ron Morris of B99 Radio Station were present.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Tim Hall gave the invocation and Jim McMillian 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) September 23, 2008 – 3:00 pm

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

Mrs. Burnette moved to Approve Items of Consent as presented, second by Mrs. Buchanan and unanimously carried.

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.

Mike Seidle of the Reed Creek District came before the Board to discuss several issues. He stated he read in the local newspaper last month of the Board's discussion regarding convenience center regulations pertaining to disposal of mobile home trash. He stated he has been a mobile home park owner

for the past 19 years and he hauls his tenant's garbage off from the park each week. He said there are three reasons why he hauls the trash off himself. One, he wanted to keep his park clean, second, if he hauls it off himself and if something blows off the truck he stops and picks it up, and third, it was mentioned that a mobile home park owner could put a green box on site. He stated this bothers him because it creates problems with rats and stray animals. He said the people that live in his mobile home park are not second class citizens and he did not agree with having to get a permit to haul the garbage to the transfer station. He suggested that the Board take another look at this situation.

Mr. Seidle stated regarding economic development when Southern Virginia Economic Development Partnership and the Patrick Henry Development Council were active they were not very productive. He stated the same thing was happening at the local EDC Office. The only employees being picked up and brought into the County by EDC is the 13 working in the office. He suggested when budget discussions come up that the Board look at taking some of these positions out of the budget or bringing someone in where the County will know what's going on. Mr. Seidle thanked the Board for listening to his comments.

**PRESENTATION BY COMMISSIONER OF THE REVENUE
LINDA LOVE ON THE REASSESSMENT PROCESS:**

Mrs. Buchanan stated she appreciated Ms. Love providing the Board with additional information regarding the recent reassessment. She stated she realizes the reassessment is based on the 2005-2006 market sales; however, with the calls most of the Board is receiving there are concerns with the amount of increase on properties, the growing strain on the economy and with the real estate market being soft people are concerned about losing their homes especially those who have lost their jobs or senior citizens. Mrs. Buchanan asked Ms. Love to briefly discuss the reassessment process.

Ms. Love stated the reassessment is mandated by state law in the Code of Virginia. She stated Henry County has a reassessment every four years. The reassessment takes approximately two years to complete and started the beginning of 2007. At that time it was based on sales and market for 2005-2006, which were two good years. She stated once you start the reassessment you have to complete it within the time frame set by the State. Once that is completed the Commissioner's Office sends out reassessment notices advising the public of what their previous value was and what their new reassessment will be. Once this goes out a person can call the Assessor's Office to set up an appointment to discuss their new reassessment. If a person is not completely satisfied with the explanation they receive from the Assessor's Office, the next option is to go before the Board of Equalization. There are three members of the Board of Equalization appointed by the Judge that will meet in February. It would then be up to the Board of Equalization to leave alone, lower, or raise an assessment. If you are still not satisfied with the results of the Board of Equalization a person can file an appeal with higher court. She stated the last reassessment was in 2005 and within that four-year time frame there have been no increases in a reassessment unless something had been added to a property or something had been taken away.

Following was some further discussion with Ms. Love and Ralph Stone in the Assessor's Office regarding some of the following issues:

- Individual complaints the Board received regarding reassessments being too high – Ms. Love noted she would be happy to pull the sales books and discuss each individual's case with them.
- Use of floodplain maps – Mr. Stone noted the Assessor's Office did not use floodplain maps.
- GIS Map Updates – Mr. Summerlin noted perhaps that could be added to the County's website.

- Customers complaining about rudeness of employees in the Commissioner of Revenue's Office when inquiring about their bill – Ms. Love noted her office tries to respond as best as they can; however, she would be happy to sit down and discuss the issue with that individual and the employees in her office.
- Representing someone else's property in a reassessment hearing and viewing values of adjoining properties – Ms. Love noted that is public information and will also be available on the website once it is updated.
- How new homes under construction are assessed. Mr. Stone noted that any new construction completed before July 1 is already included in the figures that were just sent out. He said new construction was based on the 2007 rates.

Mr. Adams thanked Ms. Love and Mr. Stone for their comments.

Mr. Vaughn stated the Board can look at the tax rate and revenues during its budget process and the Board can do whatever it can to try to soften the increases for the people; however that situation won't help individuals who are looking at 100% increases. He encouraged those people to go to the Commissioner's Office and file an appeal.

MATTERS PRESENTED BY THE PUBLIC CONTINUED:

Reverend Tyler Millner, Pastor of Morning Star Holy Church located in the Iriswood District came forward and discussed some of the following topics:

- Annual Citizens Awareness Blue Ribbon Campaign
- Historic visit of Presidential Candidate Senator Barack Obama on August 20, 2008 to the community
- November 4th Election Day regarding adequate preparation for election
- Economic Development – Outreach Church Initiative regarding partner for Community Caring and

Empowerment.

- Martin Luther King, Jr. Holiday – January 19, 2009
- Black History Month - February 2009
- Strategic Vision for Martinsville-Henry County regarding one consolidated school system
- Upcoming Utilities – preparing to help those in need

Mr. Adams thanked Reverend Millner for his comments.

Mr. Vaughn asked if the Local Composite Index (LCI) state aid received for the school systems is determined by real estate assessments as being part of the formula or real estate revenues.

Mr. Wright stated he thought it was real estate values.

Mr. Vaughn stated if the real estate values increase could that possibly decrease state aid for schools?

Mr. Wright stated that is possible.

Mr. Summerlin asked if the sales assessment ratio is used to equalize them state-wide.

Mr. Wright stated they probably equalize it some throughout the state and provide the property values. He stated this being the second year of the biennium it would probably be another year before the state changes the value.

Mr. Summerlin stated he did not know about the Local Composite Index, but the sales assessment ratio applied by the state for public service corporations such as railroads, telephone utilities, and pipelines, etc, are based on what the state thinks you're off on the market value.

There was no further discussion regarding the reassessment issue.

**DESIGNATION OF VOTING REPRESENTATIVE FOR THE
2008 VIRGINIA ASSOCIATION OF COUNTIES (VACo)
ANNUAL MEETING:**

Mr. Adams stated the County Administrator, Mrs. Burnette, Mr. Slaughter and himself are scheduled to attend the 2008 VACo Annual Meeting on November 9-11, 2008. Each County is asked to designate a member of its elected Board and an alternate to vote on the County's behalf on any issues that may arise.

Mr. Vaughn moved that the Board appoint Mrs. Burnette as the County's voting representative and Mr. Adams as the alternate voting representative, second by Mrs. Buchanan and unanimously carried.

**CONSIDERATION OF APPOINTMENTS TO THE HOUSING
REHABILITATION BOARD TO SERVE THE RIVERSIDE
NEIGHBORHOOD IMPROVEMENT PROJECT:**

Mr. Summerlin stated on June 25 Governor Tim Kaine announced the award of a Community Improvement Grant for the Riverside Drive Neighborhood Improvement Project. Through this grant, the County plans to accomplish the following activities: Rehabilitation of twenty-three low-to-moderate income residential units to include: twelve 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 LMI 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. Mr. Summerlin stated as part of this project, a Housing Rehabilitation Board must be created and

staff is requesting that the Board of Supervisors make the following appointments to that Board:

- Benny Summerlin, County Administrator
- Randolph Lester, Building Official
- Lee Clark, Director of Planning, Zoning and Inspection
- Jim Adams, Supervisor for the Blackberry District
- Pastor Isaac McDuffie, neighborhood representative

All members shall serve for the duration of the project. The purpose of the Housing Rehab Board is to implement the Riverside Drive Neighborhood Improvement Project under the guidelines of the Virginia Department of Housing and Community Development. The duties of the Housing Rehab Board shall include, at a minimum, the following:

1. Review and approval of housing applications based on family size, income and need.
2. Approval of contractors for bid list.
3. Review contractor's bids.
4. Make recommendations to the Board of Supervisors regarding contract awards.
5. Resolve complaints and problems.

Mrs. Burnette moved that the Board approve the creation of the Riverside Drive Neighborhood Improvement Project's Housing Rehab Board with Board appointments as recommended, second by Mr. Vaughn and unanimously carried.

Mr. Adams stated he would like to thank Ms. Mary Ann Mason of the Planning Office for all of her hard work on this project and also commend Pastor Issac McDuffie for volunteering to serve on the rehab board.

FINANCIAL MATTERS:

Consideration of Resolutions Approving Applications to Literary Fund – School Board

Mr. Summerlin stated the School Board is asking the Board of Supervisors to approve resolutions for three applications to the Literary Loan Fund for capital improvement projects within the school system. Each project would be eligible for a Literary Loan interest rate of 2%. All payments would commence with the 2010-2011 academic year.

- The first request is for \$2.5 million for roof replacement at Fieldale-Collinsville Middle School. The project would have an annual debt payment of \$187,500 for 20 years.
- The second request is for \$3 million for roof replacement at Magna Vista High School. This project would have an annual debt payment of \$225,000 over 20 years.
- The third request is for \$4.2 million for replacing the HVAC system at Magna Vista. This project would have an annual debt payment of \$315,000 for 20 years.

Mr. Summerlin stated each project has a separate resolution that would need to be approved by the Board of Supervisors by a roll call vote.

Mr. Summerlin stated all three projects result in an annual debt service of \$727,500. School representatives Mr. W. C. Wingfield, Director of Facilities and Operations, Mr. DeWitt House, Assistant Superintendent of Instruction, and Ms. Dawn Lawson, Director of Business were present to answer any questions. Mr. Summerlin stated as far as staff recommendation there is no question that these projects are needed and he sees no significant change in economic conditions that will generate significant additional state or local revenue to pay the \$727,500 annual debt service. He stated given the projected \$1.5 billion Virginia deficit next year, there probably will be significant reductions in state aid for public education next year. He stated

if the Board wants to proceed with these projects the School Board should acknowledge if there is no additional revenue that significant reductions would have to be made in other programs in order to fund the debt service payment.

Mr. DeWitt House stated that the School Board must get these projects on the list in order to do these projects and the School Board is very aware of the financial situation and pending cuts that may be faced in education. He stated it is understood that if there are no additional revenues available that some tough decisions will have to be made within the school system budget in terms of the reallocation of resources or potential cuts in order to fund these essential projects. Mr. House stated once these projects are on the list and the loan is approved, the School Board would assess its financial situation at that time. If funds aren't available and the Board sees it can't cut or there are no additional revenues, a decision would then have to be made as to whether or not to accept the loan.

Mr. Summerlin noted once the Board approves the resolution the Board has no further say in whether the School Board accepts the loan or not.

Following some further general discussion the following action was taken.

Resolution of Fieldale-Collinsville Roof Project

Mrs. Burnette moved that the Board approve the resolution for application to the Literary Fund for the Fieldale-Collinsville Roof Project, with a note that a reduction in expenditures from the State may impact this project, second by Mr. Vaughn.

Mr. Summerlin took a roll call vote with the vote recorded as follows:

Vote

Adams Yes

Vaughn	Yes
Buchanan	Yes
Burnette	Yes
McMillian	No
Slaughter	Yes

The motion carried 5 to 1.

Resolution for Magna Vista High School Roof Project

Mrs. Burnette moved that the Board approve the resolution for application to the Literary Fund for the Magna Vista High School Roof Project, with a note that a reduction in expenditures from the State may impact this project, second by Mr. Vaughn.

Mr. Summerlin took a roll call vote with the vote recorded as follows:

Vote

Adams	Yes
Vaughn	Yes
Buchanan	Yes
Burnette	Yes
McMillian	No
Slaughter	Yes

The motion carried 5 to 1.

Resolution for Magna Vista High School HVAC Project

Mrs. Burnette moved that the Board approve the resolution for application to the Literary Fund for the Magna Vista High School HVAC Project, with a note that a reduction in expenditures from the State may impact this project, second by Mr. Vaughn.

Mr. Summerlin took a roll call vote with the vote recorded as follows:

Vote

Adams	Yes
Vaughn	Yes
Buchanan	Yes
Burnette	Yes
McMillian	No
Slaughter	Yes

The motion carried 5 to 1.

Additional Appropriation of Sales Tax Revenue – School Board

Mr. Summerlin stated the School Board is asking the Board of Supervisors to appropriate \$69,293.54 in additional sales tax revenue to the School Board. As indicated by the School Board the money would be used to replace cafeteria tables at Collinsville Primary, Rich Acres Elementary, and Stanleytown Elementary.

Mr. Summerlin stated staff recommends that the Board of Supervisors wait for the audited figures from the 2007-08 Henry County audit and a strategy be developed to address the Other Post Employment Benefits (OPEB) before committing to the appropriation as requested.

The Board requested Mr. House to bring this item back to the Board after the reports are received.

Additional Appropriation re: Fire Programs Fund – Department of Public Safety

Mr. Summerlin stated the Virginia General Assembly established the Fire Programs Fund in 1985. Its purpose is to provide financial assistance for the improvement of fire service

operations. Henry County has been allocated \$155,401 this year. Consistent with procedures adopted by the Board in 1988, staff recommends that the funds be divided equally among the eight volunteer fire departments that serve Henry County. This would provide each unit with \$19,425.12. The money would be available to each department upon its request of a purchase order being issued for equipment needed, or the submission of receipts for reimbursement up to the amount appropriated.

Mr. Vaughn moved that the Board award the additional appropriation of \$155,401, with each of the eight volunteer fire departments serving Henry County receiving \$19,425.12, second by Mr. McMillian and unanimously carried.

**Award of Contract re: Replacement Vehicle -
Department of Public Safety**

Mr. Summerlin stated Dale Wagoner, Director of the Department of Public Safety, is asking the Board to award a contract in the amount of \$25,798 to Crossroads Ford for the purchase of a 2009 Dodge Durango as a replacement vehicle for the Emergency Medical Services office. Crossroads Ford was the lower of two bidders on purchase. The vehicle will replace a 1999 Ford Explorer with 120,000 miles. Funds for the replacement vehicle are included in the FY 2009 Budget.

Mrs. Buchanan moved that the Board award the contract to Crossroads Ford in the amount of \$25,798 for the purchase of the 2009 Durango for the Emergency Medical Services office, second by Mr. Slaughter and unanimously carried.

**Award of Contract re: Replacement Vehicles -
Sheriff's Office**

Mr. Summerlin stated Sheriff Lane Perry is asking the Board to award the following contracts for the purchases of several replacement vehicles for his department. Funding for

these purchases is included in the FY 2009 Budget. A request for bids was extended, and five dealers responded.

- A contract in the amount of \$167,041 be awarded to Crossroads Ford of Petersburg for the purchase of seven Crown Victorias, at a per-vehicle cost of \$23,863.
- A contract in the amount of \$68,198.28 be awarded to Sheehy Ford of Richmond for the purchase of one Ford F-150 pickup (\$25,574.40); one Ford Expedition SSV (\$26,039.64); and one Ford Fusion (\$16,584.24).
- A contract be awarded to Jim Mills Nissan of Henry County in the amount of \$44,838 for the purchases of one Nissan Altima (\$22,600) and one Nissan Titan (\$22,238).
- A contract in the amount of \$39,990 be awarded to Metrolina Dodge of Charlotte, NC for the purchase of a prisoner transport van. This purchase was put out to bid, but no bids were received.

Mrs. Burnette moved that the Board award the contracts to Crossroads Ford, Sheehy Ford, Jim Mills Nissan, and Metrolina Dodge as outlined, second by Mr. McMillian and unanimously carried.

CONSIDERATION OF ISSUES REGARDING HENRY COUNTY NOISE ORDINANCE:

Mr. Summerlin stated the issue of chronically barking dogs was on the Board's September agenda at the request of Mr. Vaughn. During that discussion the Board directed staff to research how other communities handle this problem. The Board also asked the County Treasurer to tally how many dog kennel licenses have been issued to citizens. Mr. Summerlin noted that the total is 50, with 47 of the kennels with 20 or fewer dogs and 3 of them for kennels with more than 20 dogs.

Mr. Vaughn stated it appears that the Planning Commission felt it was more appropriate to amend the County's Noise Ordinance to have a mechanism to deal with individual nuisance cases, rather than amend the Zoning Ordinance and potentially impact a broad spectrum of kennel owners that are currently not a known problem. He stated he looked at some surrounding localities as to how they address this situation. He stated out of the ones he looked at he was most impressed with Campbell's County which is covered under its excessive noise and sound ordinance. Each Board member was provided a copy of Campbell County's ordinance. Mr. Vaughn then reviewed sections from page 12 (c)(1) and (c)(2) which reads:

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. Such noise shall be deemed to be in violation of this subsection when a sound level measurement, administered by the Sheriff or other law-enforcement officer at the property boundary of the receiving land, exceeds the maximum sound levels set forth in subsections (a) and (b) hereof. If administration of such sound level measurement is not practicable, then 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.

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.

Mr. Vaughn stated since the Board just received the ordinance he would like to put this issue off for another month to allow the Board and County Attorney to review it and possibly mingle that in with a proposed ordinance or the

existing ordinance the County has now and discuss it at the Board's November meeting.

Mr. Lyle stated it would be important to receive input from the Sheriff's Office and the Commonwealth Attorney since they will be the ones to enforce the ordinance. Mr. Lyle noted that since the Campbell County ordinance was printed out, staff contacted Campbell County and they are in the process of amending the ordinance in December. Mr. Lyle stated he has found the courts locally to be very reluctant to enforce high subjective ordinances. He stated that doesn't necessarily mean it should not be adopted; it just means there may be problems when you get to court.

Mr. Vaughn stated the Board has talked about enforceability and proof. He said a lot of these issues are handled by the Sheriff's Office and it never goes to court and the fact that you have an ordinance may take care of a lot of these cases and it not go to court. He said when you have an extreme situation that's when you go to court. However, each case may be different due to circumstances and that is what the court will decide.

Bob Bushnell, Commonwealth Attorney, stated he could imagine a lot of circumstances that it will not work. He said he did not think this ordinance was a real good idea for a number of reasons. First off you have to consider issues such as evidence and subjectivity. He stated criminal law is a sledgehammer of a solution and you have to prove elements beyond a reasonable doubt and words of the statute are going to be construed narrowly. If you're going to pass something it's got to be precise. He stated he did not like to have criminal laws on the books that probably may not ever work. In terms of the Sheriff's response he felt the Sheriff is doing an excellent job policing a large county with a lot of serious crimes with very few people on every shift. He stated routinely small cases are lost because an officer was not able to follow-up on an investigation. He stated the time an officer would spend counseling with people and threatening people with a statute

or ordinance that is not real effective is going to be time spent away from more serious matters.

Sheriff Perry agreed with Mr. Bushnell's comments. He said the Sheriff's Office has been keeping track of calls this year alone and they will probably break 45,000 calls. He stated he realizes how upsetting it is when someone is trying to sleep and you have to deal with loud barking dogs. However, on a day-to-day budget crunch the Sheriff's Office has to decide what their priorities are and what these types of calls would do to response time to more serious crimes.

Mr. Bushnell stated if an ordinance such as this is on the books citizens are going to reasonably expect when 911 is called for an officer to come out and enforce the law. He said if a deputy doesn't respond people are going to think that the law is not being enforced, which puts the Sheriff in a very bad situation. Mr. Bushnell said this is a legitimate problem but he did not think you can criminalize people for being bad neighbors.

Mr. Vaughn stated he disagreed. He said he appreciated every thing that the Sheriff and the Commonwealth Attorney do; however, the fact is the County has ordinances that pertain to the quality of life. He said certainly the County would want the Sheriff's Office to respond to a more serious crime before answering a call such as junk cars or trash problems. He said as far as economic constraints in the future the County would be limited but does that say you're going to ignore ordinances that might be necessary because of a little bit of a balancing problem.

Mr. Bushnell stated law enforcement is like government, it's a series of choices every day, you may catch one person violating a law and another gets away. He said it's a balancing act and it's tough. He stated the ordinance is not a bad idea and the Board might consider a civil remedy by County ordinance whereby it does not create expectation of the Sheriff or the Commonwealth Attorney.

Following some further discussion Mr. Vaughn requested the County Attorney to draft a civil ordinance regarding excessive noise for discussion at the Board's November meeting with assistance from the Sheriff and Commonwealth Attorney.

The Board thanked Mr. Bushnell and Sheriff for their input.

INFORMATIONAL ITEMS:

Mr. Summerlin stated nominations are out for the Jack Dalton Community Service Award. Nominations are due by November 17, 2008.

Mr. Summerlin stated Pittsylvania County has invited the Board to a ribbon cutting to celebrate Phase II of the Brosville Water Project at the Brosville Industrial Park on October 29 at 1:00 pm.

He stated as far as the local budget staff is continuing to monitor revenues and expenses and a staff meeting was held this morning and staff has been encouraged to carefully scrutinize spending. He stated at the end of the calendar year staff will look at the past six months and see if any mid course corrections need to be made.

Mr. Summerlin stated he polled the Board a few weeks ago regarding additional grading at the Patriot Centre. He stated everyone was in agreement and that project is moving along.

Mr. Summerlin stated the Board of Supervisors and City Council are invited to a tour of the new soccer complex on Wednesday, November 12, 2008 at 4:30 pm. He stated the architect will guide the tour and the Board would need to meet at the soccer complex on Urban Drive.

Mr. Summerlin stated bids are out on the recreational access road related to the soccer complex project and will be on the Board's November Agenda.

Mr. Summerlin stated Henry County and Patrick County have been approved by Congress to be included in the Appalachian Regional Commission. He stated this will open up new grant opportunities and staff met with the staff of the West Piedmont Planning District Commission which will be the local development district.

Comments from the Board

Mr. McMillian stated he would like to recognize Fieldale Collinsville Rescue Squad who answered 100% of its calls last month.

Mrs. Burnette stated earlier in the month she attended the Secure Commonwealth Panel Meeting and a brief discussion was held regarding Virginia Department of Emergency Management not sending their team for the October race or being ready to bill the County for their services. She stated they did come down this year and will bill the County next year. She stated her fear is that once you start paying you will always have to pay.

Mrs. Buchanan stated staff is doing a good job at the green box sites according to the numbers in recycling money. She stated there may be other recycling items being placed on the platform that go to the transfer station and could probably be salvaged by one of the County's non-profit groups. She stated the Board could discuss this issue at a later date.

Mr. Vaughn stated Mayo Missionary Baptist Church in the Horsepasture District will be hosting a 25th Annual State Ushers Convention beginning Thursday through Saturday, which will bring visitors into the community.

Mr. Adams stated the American Legion Homer Dillard Post is inviting the Board to its Annual Veteran's Day Banquet at the Horsepasture Fire Department on November 8, 2008 at 6:00 pm. Major General Dennis L. Via, Commanding General, U.S. Army, will be guest speaker.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 5:06 pm to discuss the following, second by Mr. McMillian and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Appointees to Anchor Commission, West Piedmont Planning District Commission Technical Advisory Committee, Fieldale Sanitary District Board, Ninth District Development Financing, Inc., and Focus on Youth.
- 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 6:00 pm on a motion by Mr. McMillian, second by Mrs. Buchanan 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.

Mrs. Burnette moved that the Board enter into a sales contract to purchase real property from Norfolk-Southern Corporation to wit 4.5 miles stretch of abandoned rail bed starting at business U.S. 220 and running east to Mulberry Creek in the amount of \$174,000, second by Mrs. Buchanan and unanimously carried.

Mr. Summerlin noted this purchase is all State and Federal money and no local funds are involved in the purchase and is related to the Rails to Trails Project.

Mr. Adams welcomed everyone present to the evening meeting. 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.

PUBLIC HEARING - SIX-YEAR SECONDARY ROAD PLAN, OPEN FORMAT, 6PM TO 7PM (MEETING ROOM #1 - RIGHT SIDE):

Mr. Adams noted that VDOT is now holding its public hearing on the Six-Year Secondary Road Plan from 6:00 pm until 7:00 pm in the right side meeting room.

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.

Mr. Sam Atkins a resident of the City of Martinsville, stated he owns S & L mobile home park in Henry County. He stated he received a letter from Mike Amos, Refuse Collection Department, stating he cannot deliver trash to the County convenience centers. Mr. Atkins stated the people who live in the mobile home are disabled and cannot take their own trash to the convenience centers. He stated he had taken their trash off for years and does not charge for this service. He stated he felt it was wrong for him to take the trash to the City when he was trying to do someone a favor.

Mr. Paul Rorrer of the Horsepasture District spoke on the recent reassessment. He stated his reassessment went up approximately 40% and he feels his property has decreased over 25% to 30%. He stated most people could go along with a reasonable increase and perhaps the Board should look at having a reassessment every two years.

Mr. Lee Hussey stated a large piece of property he owns in Henry County has increased over 71%. He stated his mother's property in the Ridgeway District went up over 52%, which is by far the largest increase since 1964.

Ms. Betty Jean Varotney who lives in Hillcrest Park in Bassett stated her house and lot went up \$36,000. She stated with the national housing market being down this reassessment is really bad especially being on a fixed income.

Mr. Summerlin briefly discussed the Board's comments on reassessment from its earlier meeting. He stated it is up to the Board of Supervisors to set the interval for the assessment whether its two years, four years or six years according to the

State Code. He stated the Assessors work for the Commissioner of Revenue and it takes them approximately two years to do the field work for the reassessment and this assessment was based on the 2005-2006 sales. He stated once the reassessment is complete there is an informal appeals process to meet with the assessors. He stated by February 1 of each year the Circuit Court appoints an Equalization Board consisting of three property owners in Henry County. They are required to take a training course provided by the Virginia Department of Taxation in order to be eligible to serve on the Board of Equalization. Those three members have been appointed (Marshall Stowe, Bob Petty, and Larry Roach) and they will hear appeals from the informal process. They will hold a hearing and will make a determination on the assessment and can increase or decrease assessments. If residents are not pleased with the result from the Board of Equalization they can appeal to the Henry County Circuit Court. Mr. Summerlin stated the values are very preliminary and subject to change. He stated the average assessment increases if you blend all the rates together, were 17.8% and some went up more than others. He stated the Code of Virginia requires the Board of Supervisors next year during the budget process and if it's a year where you've had a general reassessment of property you must roll the tax rate back to reflect no more than 1% of the greater amount of revenue than was brought in during the previous year. If revenue brought in is more than the 1%, you have to roll the rate back or declare a tax increase.

GENERAL HIGHWAY MATTERS:

Request for "Watch for Children" Sign on Hill Street, Fieldale

Mrs. Buchanan moved that the Board request VDOT to install a Watch for Children Sign on Hill Street in Fieldale, second by Mr. Vaughn and unanimously carried.

The Board recessed its meeting at 6:23 pm until VDOT completes its public hearing at 7:00 pm.

The Board reconvened at 6:55 pm.

Ms. Lisa Price-Hughes reviewed several projects with the Board. She stated the bridge over Leatherwood Creek on Route 650 should be finished up before year's end. VDOT has finished the turn lane on Barrow's Mill Road. She stated they plan to start on the Route 680 safety project soon.

Ms. Hughes stated as far as the Six-Year Plan Public Hearing comments she received tonight she will forward them to the Board for the November meeting. She suggested that the Board not make any changes or approve the plan until she receives allocations, which may be in December or January.

Following was some general discussion by the Board with Ms. Hughes regarding miscellaneous district issues.

Ms. Jeannie Frisco of Activate Martinsville-Henry County came forward and discussed the following roads for consideration in the Six-Year Plan which are included in the Regional Bike Plan (Urban Drive Pedestrian Crossing, Irisburg Road, Preston Road, Airport Road, Field Avenue Bridge, Lee Ford Camp Road, Morgan Ford Road and Spruce Street).

There being no further business to discuss Mr. McMillian moved to adjourn at 7:05 pm, second by Mrs. Buchanan and unanimously carried.